



HOUSE OF REPRESENTATIVES

H. No. 6475

BY REPRESENTATIVES CALIMBAS-VILLAROSA, MATUGAS, ABAYA AND
UNGAB, PER COMMITTEE REPORT NO. 2340

AN ACT ESTABLISHING THE APO REEF LOCATED IN SABLAYAN,
OCCIDENTAL MINDORO AS PROTECTED AREA UNDER THE
CATEGORY OF NATURAL PARK AND ITS PERIPHERAL
WATERS AS BUFFER ZONE, PROVIDING FOR ITS
MANAGEMENT AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. *Title.* – This Act shall be known as the Apo Reef Natural
2 Park (ARNP) Act.

3 SEC. 2. *Declaration of Policy.* – Considering the rich biodiversity of
4 the Apo Reef and its vital role in the fishery and ecotourism industries in the
5 country, it is hereby declared the policy of the State to ensure its protection and
6 conservation, including its associated waters and islands. The State shall
7 therefore ensure the mobilization of resources for the operation of the
8 institutional mechanism established for the protection of the Apo Reef and the
9 provision of scientific and technical support needed for the conservation of the
10 biodiversity and integrity of its ecosystems.

1 SEC. 3. *Scope and Coverage.* – The ARNP which is located in the
2 Municipality of Sablayan, Province of Occidental Mindoro shall contain an
3 area of fifteen thousand seven hundred ninety-two (15,792) hectares, and is
4 more particularly described as follows:

5	Control				Northings	Eastings
6	Points	Cm.	(°)Latitude	(°)Longitude	(Meters)	(Meters)
7	1	123	12° 44' 47"	120° 27' 22"	1,410,356.242	223,773.809
8	2	123	12° 41' 11"	121° 33' 44"	1,403,229.656	238,121.888
9	3	123	12° 35' 47"	120° 29' 57"	1,393,709.839	228,292.637
10	4	123	12° 39' 18"	120° 23' 46"	1,400,336.616	217,153.893

11 Any modification of the coverage and scope of this Act due to factors
12 such as changing ecological conditions, new scientific or archaeological
13 findings, or discovery of traditional boundaries not previously taken into
14 account shall be made through an act of Congress after full consultation with
15 the affected public and concerned government agencies.

16 All lands and waters of the public domain within the coverage and
17 scope of this Act, inclusive of the protected area and its buffer zones described
18 in Section 4, shall fall under the classification of national park pursuant to the
19 1987 Philippine Constitution.

20 SEC. 4. *Buffer Zones.* – Buffer zones surrounding the ARNP,
21 containing an area of eleven thousand six hundred seventy-seven (11,677)
22 hectares, are likewise hereby established with the following boundaries:

23	Control				Northings	Eastings
24	Points	Cm.	(°)Latitude	(°)Longitude	(Meters)	(Meters)
25	1	123	12° 46' 14"	120° 27' 22"	1,413,043.227	23,151.990
26	2	123	12° 41' 32"	120° 35' 19"	1,404,229.656	238,121.888
27	3	123	12° 34' 20"	120° 30' 16"	1,391,042.803	228,863.890
28	4	123	12° 38' 57"	120° 22' 12"	1,399,689.788	214,329.441

1 The buffer zones are established for the purpose of forming an extra
2 layer of protection from users of nearby sea-lanes and other threats to the
3 protected area.

4 SEC. 5. *Definition of Terms.* – The following terms are hereby defined
5 for the purpose of this Act:

6 (a) *Biodiversity* shall refer to variety and variability among living
7 organisms and the ecological complexes in which said organisms occur.

8 (b) *Buffer zones* shall refer to the areas identified and established
9 outside the boundaries of and immediately adjacent to the designated ARNP
10 for the purpose of forming an extra layer of protection from users of nearby
11 sea-lanes and other threats to the protected area and which also need special
12 development control in order to avoid or minimize harm to the protected area.

13 (c) *Collection or collecting* shall refer to the act of gathering or
14 harvesting wildlife and its by-products or derivatives.

15 (d) *Commercial fishers/fisherfolks* shall refer to persons who catch fish
16 and other fishery products using fishing vessels of more than three (3) gross
17 tons.

18 (e) *Conservation* shall refer to the sustainable utilization of wildlife
19 and/or maintenance, restoration and enhancement of the habitat.

20 (f) *Ecosystem* shall refer to the dynamic complex of plant, animal and
21 microorganism communities and their nonliving environment interacting as a
22 functional unit.

23 (g) *Endangered species* shall refer to species or subspecies that are not
24 critically endangered but whose survival in the wild are unlikely if the causal
25 factors continue operating.

26 (h) *Exotic species* shall refer to species or subspecies of flora or fauna
27 that do not naturally occur within the biogeographic region of the ARNP at
28 present or in historical time.

1 (i) *Fishers/fisherfolks* shall refer to people directly or personally
2 engaged in taking and/or culturing and processing fishery and/or aquatic
3 resources. They shall also include traditional fishers who are solely dependent
4 on fishing in the ARNP for sustenance and livelihood.

5 (j) *Fishing gear* shall refer to any instrument or device and its
6 accessories utilized in taking, catching, gathering, killing, hunting, destroying,
7 disturbing, removing or possessing resources within the ARNP.

8 (k) *Habitat* shall refer to the place or type of environment where a
9 species or subspecies naturally occur or has naturally established its
10 population.

11 (l) *Hunting* shall refer to collection of wild fauna for food and/or
12 recreational purposes with the use of weapons such as guns, bow and arrow,
13 spear and the like.

14 (m) *Introduction* shall refer to the bringing of species into the wild that
15 is outside its natural habitat.

16 (n) *Kayakas* shall refer to the fishing method known as the local
17 version of the *muro-ami* but smaller in size, using bamboo or trunk trees as
18 scaring devices aside from coconut or other leaves or materials to drive the
19 fishes and other marine resources out of the coral reefs while at the same time
20 pounding the corals.

21 (o) *Litter or littering* shall refer to the disposal of small amounts of
22 nonbiodegradable solid waste materials, such as cigarette butts, candy
23 wrappers, plastic bags, bottles and glasses, in the ARNP which may cause or
24 contribute to the deterioration of the resources or habitats in the ARNP.

25 (p) *Management Plan* shall refer to the fundamental plan, strategy
26 and/or scheme which shall guide all activities relating to the ARNP in order to
27 attain the objectives of this Act.

1 (q) *Municipal fisherfolks* shall refer to persons who catch fish and other
2 fishery products using fishing vessels of three (3) gross tons or less, or whose
3 fishing does not require the use of fishing vessels.

4 (r) *Muro-ami* shall refer to the method used in reef fishing consisting
5 of a movable bag net, detachable wings and scarelines having plastic strips and
6 iron/steel/stone weights, effecting fish capture by spreading the net in an arc
7 around reefs or shoals and with the use of the scarelines, with a cordon of
8 people driving the fish towards the waiting net while pounding the corals by
9 means of heavy weights like iron/steel/stone or rock, making it destructive to
10 corals.

11 (s) *National Integrated Protected Areas System (NIPAS)* shall refer to
12 the classification and administration of all designated protected areas to
13 maintain essential ecological processes and life-support systems, to preserve
14 genetic diversity, to ensure sustainable use of resources found therein and to
15 maintain their natural conditions to the greatest extent possible.

16 (t) *Natural park* shall refer to a relatively large area not materially
17 altered by human activity where extractive resource uses are not allowed and
18 maintained to protect outstanding natural and scenic areas of national or
19 international significance for scientific, education and recreational use.

20 (u) *Nongovernment organization (NGO)* shall refer to an agency,
21 institution, foundation or a group of persons whose purpose is to assist
22 people's organizations/associations in various ways including, but not limited
23 to, organizing, education, training, research and/or resource accessing.

24 (v) *Nonrenewable resources* shall refer to those resources that cannot
25 be remade, regrown or regenerated on a scale comparative to their
26 consumption.

27 (w) *Peoples' organization (PO)* shall refer to a group of organized
28 migrant communities and/or interested indigenous peoples which may be an

1 association, cooperative, federation or other legal entity, established to
2 undertake collective action to address community concerns and needs, and
3 mutually share the benefits of the endeavor.

4 (x) *Poaching* shall refer to fishing or operating any fishing vessel,
5 gathering and/or purchase or possession of any fishery product within the
6 ARNP by any foreign person, corporation or entity.

7 (y) *Protected area* shall refer to the identified portions of land and/or
8 water set aside by reason of their unique physical and biological significance,
9 managed to enhance biological diversity and protected against destructive
10 human exploitation.

11 (z) *Protected species* shall refer to plants or animals declared protected
12 under Philippine laws, rules and regulations. These shall include all species
13 listed under the *Convention on International Trade in Endangered Species*
14 (CITES) of Wild Fauna and Flora and all its Appendices, the Bonn Convention
15 on Migratory Species, those specified under the red-list categories of the
16 International Union for the Conservation of Nature and Natural Resources
17 (IUCN), or plants or animals which any government agency and/or the ARNP
18 may deem necessary for conservation and preservation in the ARNP.

19 (aa) *Purse seine* shall refer to the gear characterized by encircling net
20 having a line at the bottom passing through rings attached to the net, which can
21 be drawn or pursed. In general, the net is set from a boat or boats around the
22 school of aquatic resources. The bottom of the net is pulled closed with a
23 purse line. The net is then pulled aboard the boat or boats until the resources
24 are concentrated in the bunt or bag.

25 (bb) *Resources* shall refer to all natural endowments, whether aquatic
26 or terrestrial, living or nonliving, found in the ARNP.

27 (cc) *Vessel* shall refer to every description of watercraft, including
28 nondisplacement crafts and seaplanes, used or capable of being used as a

1 means of transportation on water. It shall include everything found therein,
2 except personal effects.

3 (dd) *Waste* shall refer to discarded items of solid, liquid, contained
4 gaseous or semisolid from whatever source, which may cause or contribute to
5 the deterioration of the resources or habitats in the ARNP.

6 SEC. 6. *Creation of the Apo Reef Natural Park Management Board*
7 *(ARNP-MB)*. — Pursuant to Section 11 of Republic Act No. 7586 or the
8 NIPAS Act of 1992, there shall be created an ARNP-MB which shall have
9 jurisdiction, power and authority over the ARNP for all matters that may affect
10 biodiversity conservation, protection and sustainable development. It shall be
11 composed of:

12 (a) The Regional Executive Director, Department of Environment and
13 Natural Resources (DENR) Region 4-B as Chairperson;

14 (b) The Provincial Planning and Development Officer/Coordinator;

15 (c) The Mayor of the Municipality of Sablayan or duly designated
16 representative;

17 (d) One (1) representative chosen from among the coastal barangays in
18 the Municipality of Sablayan;

19 (e) One (1) representative from each department or national
20 government agency directly involved in the ARNP or with long-term projects
21 or permanent facility located therein;

22 (f) At least three (3) representatives from accredited NGOs operating
23 within the Municipality of Sablayan chosen from among themselves in a
24 meeting duly called for the purpose; and

25 (g) At least two (2) representatives from accredited POs operating
26 within the Municipality of Sablayan chosen from among themselves in a
27 meeting duly called for the purpose.

1 The ARNP-MB shall serve for a term of five (5) years without
2 compensation, except for actual and necessary traveling and subsistence
3 expenses incurred in the performance of their duties.

4 Whenever a vacancy occurs during the term of a member, a new
5 member shall be appointed in the same manner as the original appointment in
6 order to complete the unfinished term of the said vacancy. In case of elective
7 officials, the term of office as Management Board member shall be
8 coterminous: *Provided*, That the incoming elective official may opt to allow
9 continuity of representation by the previous elective official through a
10 Sanggunian Resolution which shall be communicated officially to the ARNP-
11 MB.

12 The members of the ARNP-MB shall be appointed by the Secretary of
13 the DENR in conformity with the provisions of the NIPAS Act of 1992. The
14 initial members of the ARNP-MB shall be nominated from the current
15 members of the interim ARNP-MB. Their nominations shall be conducted in a
16 joint meeting of the current members of the interim ARNP-MB duly called for
17 the purpose: *Provided*, That at least one-third (1/3) of the members thereof
18 shall be women.

19 Representatives of POs and NGOs shall be endorsed by their respective
20 heads of the organizations. Should there be NGO/PO consortia in the area,
21 each consortium shall be entitled to one (1) representative to the Management
22 Board: *Provided*, That the total NGO/PO representation to the Management
23 Board shall not exceed twenty-five percent (25%) of the total membership of
24 the ARNP-MB: *Provided, further*, That the qualified NGOs/POs shall choose
25 from among themselves their representative to the ARNP-MB. Hence,
26 NGO/PO consortium members shall no longer be eligible for representation to
27 the Management Board.

1 Such NGO, PO and/or consortia must be: (1) known to be with interest,
2 integrity and commitment to the conservation of natural resources; and
3 (2) locally-based and legally existing continuously for at least three (3) years
4 prior to the proposed appointment to the ARNP-MB.

5 Representatives from the local government units (LGUs) and national
6 agencies in the ARNP-MB shall, among other duties, inform their respective
7 constituencies, office or sector of the ARNP-MB approved or other relevant
8 policies, rules, regulations, programs and projects and ensure that the
9 provisions of this Act are observed, complied with and used as reference and
10 framework in their respective plans, policies, programs and projects. Failure to
11 comply with the foregoing shall subject such representative to disciplinary
12 action as the ARNP-MB may provide.

13 *SEC. 7. Powers and Functions of the Apo Reef Natural Park*
14 *Management Board.* – The ARNP-MB shall have the following powers and
15 functions in addition to those provided for under the NIPAS Act of 1992 and
16 its implementing rules and regulations:

17 (a) Issue rules and regulations to prohibit acts that may be prejudicial
18 to the ARNP and to the declaration of policy set forth under the NIPAS Act of
19 1992;

20 (b) Issue rules and regulations for the resolution of conflicts through
21 appropriate and effective means;

22 (c) Issue rules and regulations for the discipline and removal of its
23 officers and members;

24 (d) Adopt rules and procedures in the conduct of business, including
25 the creation of committees to which their powers may be delegated;

26 (e) Approve the Management Plan and oversee the Office of the
27 Protected Area Superintendent (PASu);

1 (f) Establish criteria and set fees for the issuance of permits for
2 activities regulated by this Act or the Management Plan;

3 (g) Recommend the deputization of appropriate individuals for the
4 enforcement of the laws, rules and regulations governing the conduct or
5 management of the ARNP;

6 (h) Approve fees and charges in accordance with existing
7 guidelines/policies and raise funds for the ARNP;

8 (i) Manage the allocation of the ARNP and other funds for the ARNP,
9 ensure their proper administration and render an accounting thereof; and

10 (j) Recommend appropriate policy changes to the DENR and other
11 government authorities.

12 The DENR, through its Regional Executive Director (RED), shall
13 ensure that the ARNP-MB acts within the scope of its powers and functions.
14 In case of a conflict between administrative orders issued by the DENR
15 pursuant to the NIPAS Act of 1992 and those issued by the ARNP-MB, the
16 Secretary of the DENR shall decide whether to apply the rule or withdraw their
17 application.

18 *SEC. 8. Incentives of the ARNP-MB Members.* – In addition to actual
19 and necessary traveling and subsistence expenses incurred in the performance
20 of their duties, the ARNP-MP members may be granted honoraria and
21 insurance coverage in attending Management Board meetings. These expenses
22 may be included in the budget for the ARNP.

23 *SEC. 9. Protected Area Superintendent (PASu) Office.* – There is
24 hereby established a PASu Office in charge of the implementation of the
25 projects, programs and policies for the management, protection and
26 administration of the ARNP. It will be headed by a Protected Area
27 Superintendent (PASu) and shall be supported by the existing personnel of the
28 DENR. The PASu shall be the Chief Operating Officer of the ARNP and shall

1 be accountable to the RED of the DENR and the ARNP-MB. The PASu shall
2 have the following duties and responsibilities in addition to those specifically
3 provided for under existing laws and regulations:

4 (a) Establish, operate and maintain a database management system as
5 decision support tool;

6 (b) Prepare and execute the management plan for the ARNP;

7 (c) Provide a secretariat for the ARNP-MB and supply the ARNP-MB
8 with all the information necessary to make appropriate decisions for the
9 implementation of this Act;

10 (d) Enforce the laws, rules and regulations relevant to the ARNP and
11 assist in the prosecution of offenses;

12 (e) Supervise all activities within the ARNP to ensure their conformity
13 with the Management Plan;

14 (f) Ensure the integration of the ARNP management policies,
15 regulations, programs and projects at all the concerned national and local
16 government unit levels;

17 (g) Recommend to the DENR the issuance of permits based on terms,
18 conditions and criteria established by the ARNP-MB; and

19 (h) Perform such other functions as the ARNP-MB may delegate.

20 The PASu shall be supported by a sufficient number of personnel who
21 shall be performing day-to-day management, protection and administration of
22 the ARNP. All position items of DENR employees detailed to the ARNP at
23 the time of the effectivity of this Act shall be transferred to form part of the
24 PASu Office.

25 SEC. 10. *Management Plan.* – The PASu shall take the lead in the
26 preparation of the Management Plan in coordination with the appropriate
27 offices of the Department, local communities, NGOs and POs and all successor
28 plans, which shall be approved by the majority of the ARNP-MB and endorsed

1 to the Secretary through the Protected Areas and Wildlife Bureau (PAWB).
2 The Management Plan is deemed accepted unless a formal written disapproval
3 from the Secretary is received by the ARNP-MB on the ground of
4 inconsistency with existing laws and related rules and regulations.

5 Within one (1) year from the effectivity of this Act, the Management
6 Plan shall have been put into effect following the General Planning Strategy
7 provided for under the NIPAS Act and according to procedure set forth in this
8 Act. The Management Plan shall have the following minimum contents:

- 9 (a) Description of the protected area;
- 10 (b) Situational analysis including key management issues and concerns;
- 11 (c) Goals and objectives;
- 12 (d) Management strategies/interventions;
- 13 (e) Description of management zones as well as major activities
14 allowed/prohibited therein;
- 15 (f) Five (5)-year Work and Financial Plan for the implementation of
16 the Management Plan; and
- 17 (g) Monitoring and evaluation mechanisms.

18 The ARNP-MB shall review and update the Management Plan at least
19 every five (5) years. Any modification or revision of the Management Plan
20 shall follow the requirements pursuant to the NIPAS Act of 1992 and its
21 revised implementing rules and regulations: *Provided*, That the revised
22 Management Plan shall be approved and endorsed in accordance with this Act.

23 The ARNP-MB shall likewise ensure that the Management Plan is
24 integrated into the comprehensive land-sea use plan of the local government of
25 Sablayan, Province of Occidental Mindoro including the complementation of
26 activities.

27 SEC. 11. *Seasonal Fishing Privileges.* — Fishers who migrate to the
28 ARNP seasonally for traditional fishing and other activities that have benign

1 impact on the sustainability and biodiversity of the reef shall be allowed to
2 continue such activities: *Provided*, That the commission of any of the acts
3 described herein or failure to report such acts when observed shall cause the
4 cancellation of such rights.

5 The ARNP-MB may retain the services of a competent lawyer to
6 prosecute and/or assist in the prosecution of cases under the direct control and
7 supervision of the regular or special prosecutor and to defend the members of
8 the ARNP-MB, the PASu or persons assisting in the protection, conservation
9 and sustainable development of the ARNP against any legal action related to
10 the performance of their duties, functions and responsibilities as provided in
11 this Act or as delegated or authorized by the ARNP-MB.

12 SEC. 12. *Unauthorized Entry, Enjoyment or Use.* – No person or
13 entity shall enter, enjoy or utilize any portion of the ARNP and the resources
14 therein for whatever purpose without prior permission from the ARNP-MB as
15 herein provided.

16 The ARNP shall not be open to navigation, except for activities that are
17 sanctioned by the ARNP-MB such as, but not limited to, tourism and research.
18 Except in emergency situations, it shall be unlawful to enter the ARNP without
19 prior permission from the ARNP-MB or the PASu as herein provided. It shall
20 also be unlawful to enter, enjoy or use for any purpose any prohibited
21 management zone. This rule shall similarly apply to the use of any vessel, gear
22 and equipment in management zones where such is not allowed.

23 Any person found to have violated this provision shall suffer the penalty
24 of imprisonment of not less than six (6) months but not more than one (1) year
25 and an administrative fine of One hundred thousand pesos (P100,000.00) but
26 not more than Three hundred thousand pesos (P300,000.00), as may be
27 determined by the ARNP-MB. If the violator is a commercial fisher or
28 common fisherfolk, the penalty shall be imprisonment of not less than one (1)

1 year but not more than three (3) years and a fine of Five hundred thousand
2 pesos (P500,000.00).

3 SEC. 13. *Damages to the Reef.* – Any person who inflicts to the reef
4 shall be fined by the ARNP-MB based on current valuation standards and shall
5 pay the cost of restoration.

6 SEC. 14. *Nonpayment of Users' Fees.* – It shall be unlawful for any
7 person or entity to enjoy or utilize the ARNP and the resources therein without
8 payment of conservation fees as may be imposed by the ARNP-MB. Any
9 person found to have violated this provision shall, in addition to the payment
10 of the conservation fee, pay an administrative fine of double the amount of the
11 conservation fee set by the ARNP-MB for the activity undertaken.

12 SEC. 15. *Anchoring.* – It shall be unlawful for any person or entity to
13 hold fast or secure a vessel in place, either by using an anchor or by tying on to
14 any part of the reef. All vessels shall utilize the mooring buoys provided by
15 the ARNP. Any person found to have violated this provision shall pay an
16 administrative fine of not less than Fifty thousand pesos (P50,000.00) and not
17 more than One hundred thousand pesos (P100,000.00).

18 SEC. 16. *Dumping of Waste and Littering.* – It shall be unlawful for
19 any person or entity to dump waste including used engine oil inside the ARNP.
20 Pursuant thereto, it shall be unlawful to clean a vessel within the ARNP.
21 Littering shall likewise be prohibited in the ARNP. Any person found to have
22 violated this provision shall suffer the penalty of imprisonment of one (1) year
23 to three (3) years and a fine of not less than Fifty thousand pesos (P50,000.00).
24 The ARNP-MB shall impose an administrative fine of not less than One
25 hundred thousand pesos (P100,000.00) and not more than Three hundred
26 thousand pesos (P300,000.00), and order the violator to clean up the waste or
27 pay for the clean-up thereof.

1 SEC. 17. *Bioprospecting Without Permit.* – It shall be unlawful to
2 conduct bioprospecting within the ARNP without prior permit from the
3 ARNP-MB and other concerned agencies. Any person found to have violated
4 this provision shall suffer the penalty of imprisonment of one (1) year to six (6)
5 years and a fine of Five hundred thousand pesos (P500,000.00) but not more
6 than One million pesos (P1,000,000.00). The ARNP-MB shall also impose an
7 administrative fine ranging from Five hundred thousand pesos (P500,000.00)
8 to One million pesos (P1,000,000.00) and shall confiscate the resources that
9 are subject of the offense, including all equipment, gear and vessels which
10 shall be forfeited in favor of the ARNP-MB.

11 SEC. 18. *Introduction of Exotic Species.* – It shall be unlawful to
12 introduce exotic species of plants or animals into the ARNP. Any person
13 found to have violated this provision shall suffer the penalty of imprisonment
14 of six (6) months to six (6) years; a fine of One hundred thousand pesos
15 (P100,000.00) to One million pesos (P1,000,000.00); and forfeiture of the
16 resources subject of the offense, equipment, gears and vessels. The
17 ARNP-MB shall also impose an administrative fine ranging from Two hundred
18 thousand pesos (P200,000.00) to One million pesos (P1,000,000.00); and
19 confiscation and forfeiture of the resources subject of the offense, equipment,
20 gears and vessels.

21 SEC. 19. *Destroying, Disturbing or Possessing Resources.* – Except
22 in cases of emergency and safety, it shall be unlawful for any person to actually
23 or attempt to hunt, catch, fish, kill, take, gather, remove, destroy, disturb or
24 possess any resource, whether living or nonliving, or products derived
25 therefrom, without a permit from the ARNP-MB and such other permits as
26 may be required by law, rules and regulations. The unauthorized entry of a
27 vessel in the ARNP shall be *prima facie* evidence of violation of this section.
28 Any person found to have violated this provision shall be penalized as follows:

1 (a) Where the offender uses explosives, noxious or poisonous
2 substances, the penalty shall be imprisonment ranging from six (6) years and
3 one (1) day to twelve (12) years without prejudice to the filing of separate
4 criminal cases when the use of the same result to physical injury or loss of
5 human life; a fine ranging from Three hundred thousand pesos (P300,000.00)
6 to Five hundred thousand pesos (P500,000.00); and forfeiture of the resources
7 subject of the offense, equipment, gears and vessels. The ARNP-MB shall also
8 impose an administrative fine ranging from Three hundred thousand pesos
9 (P300,000.00) to Five hundred thousand pesos (P500,000.00); and
10 confiscation and forfeiture of the resources subject of the offense, equipment,
11 gears and vessels.

12 The discovery of dynamite, other explosives and chemical compounds
13 which contain combustible elements or noxious or poisonous substances in any
14 vessel or in the possession of any person within the ARNP shall constitute
15 *prima facie* evidence that the same was used in violation of this Act. The
16 discovery in any vessel or in the possession of any person within the ARNP of
17 resources caught, taken, killed, removed, gathered or destroyed with the use of
18 explosives, noxious or poisonous substances shall constitute *prima facie*
19 evidence of violation of this Act;

20 (b) Where the offender merely possesses explosives, noxious or
21 poisonous substances within the ARNP, the penalty shall be imprisonment
22 ranging from four (4) years and two (2) months and one (1) day to six (6) years;
23 a fine ranging from One hundred thousand pesos (P100,000.00) to Three
24 hundred thousand pesos (P300,000.00); and forfeiture of fish catch, fishing
25 equipment and vessels. The ARNP-MB shall also impose an administrative
26 fine ranging from One hundred thousand pesos (P100,000.00) to Three hundred
27 thousand pesos (P300,000.00); and shall confiscate the resources that are

1 subject of the offense, including all equipment, gears and vessels which are all
2 forfeited in favor of the ARNP;

3 (c) Where the offender takes, removes, gathers, kills, destroys or
4 possesses corals, except for scientific or research purposes authorized by the
5 ARNP-MB, the penalty shall be imprisonment ranging from six (6) years and
6 one (1) day to twelve (12) years; a fine ranging from One hundred thousand
7 pesos (P100,000.00) to Two hundred fifty thousand pesos (P250,000.00); and
8 forfeiture of the corals, equipment, gears and vessels. The ARNP-MB shall
9 also impose an administrative fine ranging from One hundred thousand pesos
10 (P100,000.00) to Two hundred fifty thousand pesos (P250,000.00); and shall
11 confiscate the corals that are subject of the offense, and all equipment, gears
12 and vessels used in the commission of the crime. The same shall be forfeited
13 in favor of the ARNP;

14 (d) Where the offender uses any fishing gear or method that destroys
15 coral reefs, seagrass beds or other marine life habitats, as may be determined
16 by this Act, the ARNP-MB, other laws, the Department of Agriculture (DA) or
17 the DENR, the penalty of imprisonment ranging from six (6) years and one (1)
18 day to twelve (12) years; a fine of not less than One hundred thousand pesos
19 (P100,000.00) to Five hundred thousand pesos (P500,000.00); and
20 confiscation of harvested resources, fishing equipment, gears and vessels shall
21 be imposed on the operator, boat captain, master fisherman and recruiter or
22 organizer of the fishworkers involved. The ARNP-MB shall also impose an
23 administrative fine ranging from Four hundred thousand pesos (P400,000.00)
24 to One million pesos (P1,000,000.00).

25 *Muro-ami*, pa-aling, all kinds of trawls (galadgad, Norway), purse seine
26 (pangulong), Danish seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba,
27 palisot, patungko, bira-biru, buli-buli, hulahoop, zipper, lampornas, etc.), ring
28 net (kubkob, pangulong, kalansisi), drive-in net (kayakas), round haul seine

1 (sapyaw, lawag), motorized push net (sudsad), bag net (basnig, saklit) or any of
2 their variations are hereby declared destructive fishing methods or gears under
3 this section;

4 (e) Where the offender gathers or removes pebbles, stones, rocks, sand
5 or other materials or otherwise engages in the quarrying or dredging of any
6 portion of the ARNP, the penalty shall be imprisonment of six (6) years and
7 one (1) day to twelve (12) years; a fine of not less than One hundred thousand
8 pesos (P100,000.00) to Two hundred fifty thousand pesos (P250,000.00); and
9 the substance taken from the habitat, and all equipment and vessels used to
10 commit such violation shall be confiscated and forfeited in favor of the
11 ARNP-MB. The ARNP-MB shall also impose administrative fines ranging
12 from One hundred thousand pesos (P100,000.00) to Seven hundred fifty
13 thousand pesos (P750,000.00);

14 (f) Where the subject of the offense are protected species as defined in
15 this Act, the penalty shall be imprisonment of twelve (12) years to twenty (20)
16 years; a fine of Five hundred thousand pesos (P500,000.00) to One million
17 pesos (P1,000,000.00) for every threatened or endangered organism subject of
18 the offense; and confiscation and forfeiture of the harvested species and all
19 equipment, gear and vessels hold in the commission of the crime. In addition,
20 the fishing permit of the offender shall be cancelled. The ARNP-MB shall also
21 impose an administrative fine ranging from Five hundred thousand pesos
22 (P500,000.00) to One million pesos (P1,000,000.00) for every threatened or
23 endangered organism that is the subject of the offense; and

24 (g) Where the violations of this section are not covered by the
25 preceding paragraphs, the penalty shall be imprisonment of three (3) years to
26 six (6) years; a fine of not less than One hundred thousand pesos
27 (P100,000.00) but not more than Three hundred thousand pesos
28 (P300,000.00); and all harvested resources, equipment, gear and vessels used

1 in the commission of the crime shall be confiscated and forfeited in favor of
2 the ARNP. In addition, the fishing permit of the offender shall be cancelled.
3 The ARNP-MB shall also impose an administrative fine ranging from Three
4 hundred thousand pesos (P300,000.00) to One million pesos (P1,000,000.00).

5 SEC. 20. *Poaching by Foreigners.* -- It shall be unlawful for any
6 foreigner, foreign corporation or entity to fish, gather and/or purchase or
7 possess any fishery product within the ARNP or to operate any foreign fishing
8 vessel in the ARNP. The entry of any foreign fishing vessel in the ARNP shall
9 constitute *prima facie* evidence that the vessel is engaged in fishing in the area.
10 The presence of any foreign national in a fishing vessel of either Philippine or
11 foreign registry in the ARNP shall be conclusive evidence that the vessel is
12 foreign. Any person found to have violated this provision shall suffer the
13 penalty of imprisonment of six (6) years and one (1) day to twelve years (12)
14 years and a fine of One hundred thousand U.S. dollars (US\$100,000.00), in
15 addition to the confiscation and forfeiture of the harvested resources, fishing
16 equipment and fishing vessel: *Provided*, That in case of nonpayment of fine,
17 subsidiary imprisonment shall be imposed: *Provided, further*, That the ARNP-
18 MB shall impose an administrative fine of not less than Fifty thousand U.S.
19 dollars (US\$50,000.00) but not more than Two hundred thousand U.S. dollars
20 (US\$200,000.00) or its equivalent in Philippine currency: *Provided, finally*,
21 That a bond may be posted for the vessels which shall not be less than One
22 hundred thousand U.S. dollars (US\$100,000.00). A Hold Departure Order
23 shall be issued as a condition for the grant of bail to any foreign offender. All
24 passports and documents which may be used by the accused to flee the country
25 must be surrendered to the court.

26 SEC. 21. *Violation of Environmental Impact Assessment System.* --
27 The ARNP-MB shall prosecute violations against the Environmental Impact
28 Assessment System. Such violations shall be punished by imprisonment of

1 three (3) years to five (5) years and a fine of One hundred thousand pesos
2 (P100,000.00) for every day each violation subsists. In addition, the offender
3 shall cause the immediate rehabilitation of the affected area or bear the cost of
4 the rehabilitation. The vessels, structures, effects, materials and equipment
5 used, and the products of such violations shall be confiscated and forfeited in
6 favor of the ARNP-MB. If the offender is a corporation, the directors and
7 officers thereof shall suffer the penalty as prescribed above. The ARNP-MB
8 shall also impose an administrative fine of One hundred thousand pesos
9 (P100,000.00) for every day each violation subsists.

10 . SEC. 22. *Violation of Standards.* – The owner, operator and top three
11 (3) officers of any vessel violating the standards set by the ARNP-MB such as,
12 but not limited to, safety and sanitation standards shall suffer administrative
13 penalty of fine ranging from Twenty thousand pesos (P20,000.00) to Fifty
14 thousand pesos (P50,000.00) for every day each violation subsists, and
15 suspension of three (3) months to cancellation of the permit to operate within
16 the ARNP.

17 SEC. 23. *Obstruction of Law Enforcement Officer.* – The boat owner,
18 master, operator, officer of any vessel or any person acting on their behalf who
19 evades, obstructs or hinders any law enforcement officer in the ARNP from
20 performing their duty shall be fined Fifty thousand pesos (P50,000.00). In
21 addition, the registration, permit and/or license of the vessel, including the
22 license of the officers thereof, shall be cancelled.

23 SEC. 24. *Common Penal Provision.* – (a) If the vessel used in the
24 commission of the violation is owned by a corporation or entity, the fine shall
25 be twice the maximum amount imposed for the offense.

26 (b) If the vessel used in violation of this Act is foreign-owned, the fine
27 shall be thrice the maximum amount imposed for the offense committed
28 without prejudice to the other penalties imposed in Section 21 hereof.

1 (c) The Captain of the vessel shall suffer the maximum duration of the
2 imprisonment for the offense committed.

3 SEC. 25. *Subsidiary Imprisonment.* -- Nonpayment of judicial fines
4 imposed under this Act shall be subject to subsidiary imprisonment as provided
5 for by existing laws.

6 SEC. 26. *Fines and Forfeitures.* -- All administrative fines and
7 forfeitures that may be imposed by the ARNP-MB under this Act and the rules
8 and regulations that may be promulgated in pursuit of the goals and objectives
9 of this Act shall form part of the funds and assets of the ARNP.

10 *Confiscated or forfeited vessels, structures, effects, materials and*
11 *equipment which are not necessary for the proper prosecution of the offense*
12 *charged may be sold by the ARNP-MB in a public auction. Proceeds of the*
13 *said sale shall accrue to the ARNP Trust Fund created under Section 29 of this*
14 *Act.*

15 In case the confiscated or forfeited vessels, structures, effects, materials
16 and equipment are in *custodia legis*, the ARNP-MB or its counsel, after proper
17 proceedings, may move for the sale of the confiscated or forfeited vessels,
18 structures, effects, materials and equipment *pendente lite*: *Provided*, That the
19 said vessels, structures, effects, materials and equipment is no longer
20 necessary for the proper prosecution of the offense or if the same are necessary
21 but substitute evidence is accepted by the court. The proceeds of the said sale
22 shall likewise accrue to the ARNP Trust Fund created under Section 29 of this
23 Act.

24 SEC. 27. *Violation of Other Laws.* -- Prosecution for violation of this
25 Act shall be without prejudice to the prosecution of the offender for violation
26 of other laws, rules and regulations.

27 SEC. 28. *Special Prosecutors and Counsels.* -- The Department of
28 Justice (DOJ), upon recommendation of the ARNP-MB, shall designate special

1 prosecutors to conduct the necessary preliminary investigation and to prosecute
2 violations of this Act, other laws, rules and regulations issued by the ARNP.
3 Such special prosecutors shall coordinate with the ARNP-MB and the
4 Protected Area Office in the performance of their duties and assist in the
5 training of wardens and rangers in arrest and criminal procedure. The ARNP-
6 MB shall periodically submit an evaluation of the performance of the
7 designated special prosecutors to the DOJ.

8 The ARNP-MB may retain the services of a competent lawyer to
9 prosecute and/or assist in the prosecution of cases under the direct control and
10 supervision of the regular or special prosecutor to defend the members of the
11 ARNP-MB, the PASu and the Protected Area Office staff or persons assisting
12 in the protection, conservation and sustainable development of the ARNP
13 against any legal action related to the performance of their duties and as
14 provided for in this Act or as delegated by the ARNP.

15 SEC. 29. *The Apo Reef Natural Park Trust Fund (ARNPTF)*. – There
16 is hereby established a trust fund to be known as the ARNPTF for purposes of
17 financing projects of the system. All income generated from the operation of
18 the system or management of wild flora and fauna therein shall accrue to the
19 said fund. These incomes shall be derived from fees from permitted sale and
20 export of flora and fauna and other resources from the ARNP; proceeds from
21 lease of multiple-use areas; contributions from industries and facilities directly
22 benefiting from the ARNP; and such other fees and income derived from the
23 operation of the protected area.

24 The fund may be augmented by grants, donations, endowment from
25 various sources, domestic or foreign, for purposes related to their functions:
26 *Provided*, That the fund shall be deposited as a special account in the National
27 Treasury and disbursements therefrom shall be made solely for the protection,
28 maintenance, administration and management of the system, and duly approved

1 projects endorsed by the PAMB in accordance with existing accounting and
2 budgeting rules and regulations: *Provided, further*, That the fund shall not be
3 used to cover personal services expenditures.

4 The LGUs shall continue to impose and collect all other fees not
5 enumerated herein which they have traditionally collected, such as business
6 permits, property tax and rentals of LGUs facilities. Furthermore, LGUs may
7 charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons
8 shall be determined based on the contribution of the LGUs in the maintenance
9 and protection of the protected area.

10 SEC. 30. *Tax Exemption.* – Any donation or bequest made to the
11 ARNP shall be exempt from donor’s tax and the same shall be considered as
12 allowable deduction from the gross income of the donor, in accordance with
13 the provisions of the National Revenue Code of 1997, as amended.

14 SEC. 31. *Utilization of Resources.* – The exploitation or utilization of
15 nonrenewable resources within the ARNP shall not be allowed. Energy
16 projects within the ARNP shall be allowed only through an act of Congress,
17 except energy from wind, sun and water sources and not more than one (1)
18 megawatt capacity for mini-hydro power: *Provided*, That these renewable
19 energy projects are established outside the strict protection zone, adopt
20 reduced impact technologies and undergo the Environmental Impact
21 Assessment (EIA) System as provided by law: *Provided, further*, That the
22 endorsement of the ARNP-MB has been obtained.

23 SEC. 32. *Appropriations.* – The Secretary of the DENR shall
24 immediately include in the Department’s program the implementation of this
25 Act, the funding of which shall be included in the annual General
26 Appropriations Act.

1 SEC. 33. *Construction and Suppletory Application of Existing Laws.* –

2 The provisions of this Act shall be construed liberally in favor of achieving
3 biodiversity conservation, protection and sustainable development. Provisions
4 of Republic Act No. 7586, otherwise known as the “National Integrated
5 Protected Areas System Act of 1992” and existing forestry laws and their
6 corresponding rules and regulations not inconsistent hereto shall have the
7 suppletory effect in the implementation of this Act.

8 SEC. 34. *Repealing Clause.* – For the purpose of this Act. Sections

9 11, 15, 16, 20 and 21 of the Republic Act No. 7586 are hereby modified. The
10 prohibition and penalties under Republic Act No. 7586 are hereby superseded
11 for the entire area covered by this Act. All other laws, rules and regulations
12 inconsistent with this Act are hereby repealed or modified accordingly.

13 SEC. 35. *Separability Clause.* – The provisions of this Act are hereby

14 declared to be separable and in the event one (1) or more of such provisions
15 are held unconstitutional, the validity of the other provisions shall not be
16 affected thereby.

17 SEC. 36. *Effectivity Clause.* – This Act shall take effect fifteen (15)

18 days after its publication in the *Official Gazette* or in two (2) newspapers of
19 general circulation.

 Approved,

 O