

1 (b) Preserve and maintain genetic resources and ecological diversity
 2 including, but not limited to, salt water crocodile, green sea turtle, tarsier,
 3 dolphin, *dugong-dugong* (sea cow), sea eagle, brahminy kite and rufous
 4 hornbill;

5 (c) Provide education, research and environmental monitoring,
 6 recreation and tourism, and alternative economic opportunities to optimize the
 7 use of resources on a sustainable basis; and

8 (d) Foster partnership between and among government, nongovernment
 9 organizations (NGOs), local community organizations, and concerned private
 10 organizations.

11 SEC. 3. *Scope.* – The Siargao Islands Protected Landscapes and
 12 Seascapes shall cover the municipalities of Burgos, Dapa, Del Carmen,
 13 General Luna, Pilar, San Benito, San Isidro, Sta. Monica and Socorro located
 14 in the islands of Siargao and Bucas Grande and all the lands and waters within
 15 the following boundaries:

16 Tie Point: BLLM No. 1, Cad-789-D with geographic position of
 17 latitude $9^{\circ}47'00.058''$ and longitude $126^{\circ}09'23.669''$ situated at General Luna
 18 and Pilar, Siargao Island, Surigao del Norte, to wit:

19	STATION	BEARING	DISTANCE
20	TP- 1	N $54^{\circ}00'00.01''$ E	16,700.00 m
21	1 - 2	S $04^{\circ}59'59.98''$ E	30,900.00 m
22	2 - 3	S $41^{\circ}59'59.90''$ W	19,100.00 m
23	3 - 4	N $69^{\circ}00'00.00''$ W	20,900.00 m
24	4 - 5	N $82^{\circ}59'59.90''$ W	14,800.00 m
25	5 - 6	N $37^{\circ}00'00.01''$ W	16,700.00 m
26	6 - 7	N $28^{\circ}00'00.02''$ E	16,600.00 m
27	7 - 8	N $38^{\circ}00'00.02''$ W	21,800.00 m
28	8 - 9	N $54^{\circ}00'00.04''$ E	22,800.00 m

1	9 -10	N 46 ⁰ 00' 00.04" E	23,000.00 m
2	10 -11	S 58 ⁰ 00' 00.02" E	16,300.00 m
3	11 -1	S 21 ⁰ 00' 00.02" E	31,600.00 m

4 The foregoing boundaries, which cover an approximate area of two
5 hundred seventy-eight thousand nine hundred fourteen point one hundred
6 thirty-one (278,914.131) hectares, shall only be modified through an Act of
7 Congress after consultation with the Protected Area Management Board
8 (PAMB), affected communities, local government units (LGUs) and concerned
9 government agencies.

10 SEC. 4. *Definition of Terms.* –

11 (a) “Biodiversity” refers to the variety and variability among all living
12 organisms and the ecological complex in which they occur.

13 (b) “By-product” refers to any part taken or substance extracted from
14 wildlife, in raw or in processed form, and includes stuffed animals and
15 herbarium specimens.

16 (c) “Biodegradable materials” refers to objects which are capable of
17 being degraded or decomposed by microbiological organisms or enzymes.

18 (d) “Collection or collecting” refers to the act of gathering or
19 harvesting wild flora and fauna species and its by-products or derivatives.

20 (e) “Commercial” refers to market sale in volume or value in excess of
21 that required to maintain basic subsistence for workers and their dependents.

22 (f) “Commercial fishing” refers to fishing by passive or active gear for
23 trade, business or profit beyond subsistence, utilizing fishing vessels of more
24 than three gross tons.

25 (g) “Conservation” refers to the preservation and sustainable utilization
26 of wildlife, and/or maintenance, restoration, and enhancement of the habitat.

27 (h) “Critically endangered species” refer to species or subspecies that
28 are facing extremely high risk of extinction in the wild in the immediate future.

1 (i) "Department" refers to the Department of Environment and Natural
2 Resources (DENR).

3 (j) "Ecosystem" refers to the community of plants and animals, their
4 physical environment, and the interactions among them.

5 (k) "Ecotourism" refers to a low-impact, environmentally-sound, and
6 community-participating tourism activity in a given natural environment that
7 enhances the conservation of biophysical and cultural diversity, promotes
8 environmental understanding and education, and yields socioeconomic benefits
9 to the concerned community.

10 (l) "Endangered species" refer to a species or subspecies that is not
11 critically endangered but whose survival in the wild is unlikely if the causal
12 factors for their depletion continue operating, including, but not limited to, the
13 following:

14 *Fauna:* crocodile, green sea turtle, Philippine tarsier, monitor lizard,
15 dolphin, sea cow, wattled broadbill, rahminy kite, sea eagle, rufous hornbill,
16 katujo.

17 *Flora:* dipterocarp species, mancuno (iron wood), fire orchids, pitcher
18 plant, maribojoc pine.

19 The term includes other species as may be covered by Appendix I and II
20 of the Convention on International Trade of Endangered Species (CITES) and
21 as may be provided by law, international treaties, administrative orders, and
22 rules and regulations or issuance of a concerned government agency.

23 (m) "Fish and fishery/aquatic products" refers to all fish and other
24 aquatic animals such as mollusks, crustaceans, echinoderm, marine mammals,
25 and all other species of aquatic flora and fauna and all other products of
26 aquatic living resources in any form.

1 (n) "Fishing" refers to the act of taking fish, aquatic products or any
2 aquatic flora and fauna from their wild state or habitat, with or without the use
3 of fishing vessels.

4 (o) "Fishing vessel" refers to any boat, ship or other watercraft
5 equipped to be used for fishing or aiding or assisting one or more vessels in the
6 performance of any activity relating to fishing, including, but not limited to,
7 preservation, supply, storage, refrigeration, transportation and/or processing.

8 (p) "Forest products" refers to timber, pulpwood, firewood, bark, tree
9 top, resin gum, wood, lumber, oil, honey, beeswax, nipa, rattan or other forest
10 growth such as grass, shrub, and flowering plant, the associated water, fish,
11 game, scenic, historical, recreational and geologic resources in forest lands.

12 (q) "*Liba-Liba*" refers to a fishing gear or any variation thereof,
13 consisting of a conical shaped net with a pair of wings, the ends of which are
14 connected to two ropes with buri, plastic strips or any similar material to serve
15 as scaring or herding device with hauling ropes passing through a metallic ring
16 permanently attached to a tom weight (*linggote*) when hauled into a fishing
17 boat. Also known as *hulbot-hulbot* or *bira-bira* in other vernaculars.

18 (r) "Management Plan" subject to Section 9 hereof, refers to the
19 fundamental plan, strategy and/or scheme which shall guide all activities
20 relating to the Siargao Protected Landscapes and Seascapes in order to attain
21 the objectives of this Act as stated in Section 2 and shall include all successor
22 plans.

23 (s) "Marginal Fisherfolk" refers to fisherfolk who engage in fishing
24 with or without the use of fishing vessels or nonmotorized or motorized fishing
25 vessels powered by a single engine sixteen (16) horsepower or less.

26 (t) "Muro Ami" refers to a fishing gear used in reef fishing which
27 consists of a movable bag net and two detachable wings effecting the capture
28 of fish by spreading the net in arch form around reefs or shoals and with the aid

1 of scaring devices a cordon of fishermen drive the fish from the reefs toward
2 the bag portion of the whole net.

3 (u) "Nongovernment organizations (NGOs)" refers to nonstock,
4 nonprofit organizations with qualifications, expertise and objectivity in
5 undertaking activities concerning community organizing and development,
6 resource and environmental conservation or management and protection
7 related to the protected area (PA).

8 (v) "Nonrenewable resources" refers to resources found within the PA,
9 the natural replenishment rate of which is either not known or takes more than
10 twenty-five (25) years.

11 (w) "People's organizations (POs) refers to a group of people which
12 may be an association, cooperative, federation, aggrupation or individuals or
13 groups with an identifiable structure of decision-making and accountability,
14 established to undertake collective action to address community concerns and
15 needs in relation to the PA.

16 (x) "Protected Area Permit/License Authority" refers to a limited term
17 privilege or authority duly granted by the PAMB, Protected Area
18 Superintendent (PASu), or any entity duly authorized to grant the same to a
19 natural or juridical person, or group of persons to utilize an allowed resource
20 or undertake an allowed activity within the PA.

21 (y) "Protected landscapes/seascapes" refers to areas of national
22 significance characterized by the harmonious interaction of man and land while
23 providing opportunities for public enjoyment through recreation and tourism
24 within the normal lifestyle and economic activity of these areas.

25 (z) "Secretary" refers to the Secretary of the DENR:

26 (aa) "Superlight" also referred to as "magic light," refers to a type of
27 light using halogen or metal halide bulb which may be located above the sea
28 surface or submerged in the water. It consists of a ballast, regulator, electric

1 cable and socket. The source of energy comes from a generator, battery or
2 dynamo coupled with the main engine.

3 (bb) "Sustainability or sustainable" refers to the use of components of
4 biological diversity in a way and at a rate that does not lead to the decline of
5 the species used, thereby maintaining its potential to meet the needs and
6 aspirations of the present and the future Filipino generations.

7 (cc) "Threatened species" refers to species or subspecies considered
8 as critically endangered, endangered, vulnerable or other accepted categories
9 of wildlife whose population is at risk of extinction.

10 (dd) "Timber" refers to wood having an average diameter of at least
11 fifteen (15) centimeters and a length of at least one point five meters in its
12 unaltered state, or wood regardless of size sawn or hewn on two or more sides
13 usually referred to as flitch and all mangrove species regardless of size.

14 (ee) "Vulnerable species" refers to species or subspecies that are not
15 critically endangered nor endangered but are under threat from adverse factors
16 throughout their range and are likely to move to the endangered category in the
17 near future.

18 (ff) "Wildlife" refers to wild forms and varieties of flora and fauna in
19 all developmental stages including those which are in captivity or are being
20 bred or propagated.

21 CHAPTER II

22 PROTECTED AREA MANAGEMENT

23 Article I

24 Institutional Mechanism

25 *SEC. 5. Creation and Composition of the Protected Area Management*
26 *Board (PAMB).* – There is hereby created a PAMB which shall have the
27 jurisdiction, power, and authority, including, but not limited to, policy making

1 and granting permits over the PA for all matters that may affect biodiversity
2 conservation, protection and sustainable development.

3 The PAMB shall be composed of the Regional Executive Director
4 (RED) for the Caraga Region of the DENR or his/her duly designated
5 representative as chairperson, and the following as members:

6 (a) The mayors of each municipality within the PA or his/her duly
7 designated representative who must be an official of the same municipality;

8 (b) The presiding officer of the sangguniang bayan of each
9 municipality, or any member thereof as may otherwise be designated by the
10 sangguniang bayan;

11 (c) The president of the liga ng mga barangay of each municipality;

12 (d) A minimum of three representatives selected from all local
13 community organizations through a process designed by themselves;

14 (e) A minimum of three representatives selected from among NGOs
15 operating in the PA through a process designed by themselves;

16 (f) The provincial planning and development officer or an officer of
17 the provincial planning and development office, as may otherwise be
18 designated by the provincial governor;

19 (g) The provincial tourism officer or an officer of the provincial
20 tourism office, as may otherwise be designated by the provincial governor; and

21 (h) One representative from each government agency operating within
22 the PA as may be appointed by the above-listed members of the PAMB based
23 on their relevance and potential contribution to PA management.

24 In the selection of local community and NGO representatives,
25 preference shall be accorded to organizations involved in the conservation and
26 protection of the PA and in development work. The representation of
27 nongovernment and local community organizations shall be institutional and
28 shall endeavor to achieve geographic balance.

1 SEC. 6. *Term of Office.* – Every member of the PAMB shall serve for a
2 term of five years, subject however to the elected office held, government
3 employment, and/or official designation in the local government unit, national
4 agency, PO or NGO. Representation in the PAMB shall, as much as
5 practicable, ensure sufficient representation of all stakeholders.

6 SEC. 7. *Powers and Functions of the Protected Area Management*
7 *Board.* – The PAMB shall have the following powers and functions:

8 (a) Issue all rules and regulations in accordance with this Act and the
9 management plan;

10 (b) Establish criteria for permits and set fees for regulated activities;

11 (c) Adopt rules of procedure for the conduct of business, roles and
12 responsibilities, and discipline of the PAMB and PA personnel, including the
13 creation of committees to whom its powers may be delegated;

14 (d) Approve, revise or modify the management and action plans;

15 (e) Issue certifications for both terrestrial and aquatic resource use:
16 *Provided*, That the DENR and the LGUs shall issue permits only upon
17 submission of the PAMB certification;

18 (f) Recommend to the DENR for approval the deputation of interested,
19 capable and responsible individuals for the enforcement of the laws, rules and
20 regulations governing conduct in the PA for areas and species falling under the
21 Department's jurisdiction: *Provided*, That for areas and species under the
22 jurisdiction of the Bureau of Fisheries and Aquatic Resources-Department of
23 Agriculture, deputation shall be pursuant to Republic Act No. 8550;

24 (g) Oversee and evaluate the Protected Area Superintendent's Office
25 created under Section 8 hereof;

26 (h) Identify, verify and review all tenure instruments and land claims
27 within the PA;

1 (i) Recommend land reclassification and proper use of resources found
2 therein consistent with the zoning provided in the management or action plans;

3 (j) Accept, review and approve, after establishing criteria and rules and
4 procedures therefor, proposals for projects or activities, including research and
5 development on the natural resources, to be undertaken within the PA which
6 affect biodiversity conservation, protection and sustainable development;

7 (k) Initiate civil or administrative proceedings, file criminal complaints,
8 and take necessary legal action against individuals, associations, corporations,
9 or entities destroying or contributing to the destruction of the PA in whatever
10 degree, including, but not limited to, discharge of wastes or refuse which may
11 impact on the PA; and

12 (l) Participate in all stages of the Environmental Impact Assessment
13 (EIA) process for projects that may affect the protected area and in the
14 monitoring thereof. May also recommend that projects or activities previously
15 not covered by or exempted from the EIA System undergo the same.

16 The DENR shall exercise general authority over the PAMB to ensure
17 that it acts within the scope of its powers and functions. In case of conflict
18 between administrative orders for national application issued by the DENR
19 pursuant to the National Integrated Protected Areas Systems (NIPAS) Act and
20 the rules and regulations issued by the PAMB, the Secretary, in consultation
21 with the PAMB, shall resolve whether to apply the rule or withdraw its
22 application for the site. The decision of the Secretary may be appealed to the
23 regional trial court having jurisdiction over the PA.

24 SEC. 8. *Protected Area Superintendent (PASu) Office.* – There shall be
25 a Protected Area Superintendent (PASu) Office within the DENR for the
26 Siargao Islands Protected Landscapes and Seascapes that will provide general
27 support and coordinative services such as preparation of preliminary
28 management plan and action plans, inter-agency linkages, community

1 partnership-building, park visitors' education and information programs,
2 enforcement of park rule and regulations, processing of permits and monitoring
3 of operations.

4 The PASu shall be supported by the existing personnel of the DENR.
5 The head of office shall be the chief operating officer of the PA and shall be
6 accountable to the RED of the DENR-Caraga and the PAMB. The PASu shall
7 serve for a minimum of five years and must have competence and experience
8 in the field of environmental protection.

9 Article 2

10 Protected Area Management Plan

11 SEC. 9. *Protected Area Management and Action Plans.* – The PASu
12 office, under the general supervision of the PAMB, shall, within six months
13 from the effectivity of this Act, prepare the twenty-five (25) year management
14 plan for the Siargao Islands Protected Landscapes and Seascapes in
15 consultation with the appropriate offices of the DENR, LGUs, local
16 communities, concerned government agencies and experts who may extend
17 their services.

18 The management plan shall be reviewed, approved and adopted by the
19 PAMB, which shall also verify that it conforms to all laws and rules and
20 regulations issued by the DENR, and certified to by the DENR Secretary
21 within sixty (60) calendar days from submission thereof.

22 The management plan shall serve as guide to all activities relating to the
23 Siargao Protected Landscapes and Seascapes, including its development as an
24 ecotourism destination, in order to attain the objectives stated in Section 2
25 hereof. Within one year from the effectivity of this Act, the management plan
26 shall be formulated in accordance with the General Management Planning
27 Strategy provided for under the NIPAS Act of 1992 and its implementing

1 rules, regulations and administrative orders. The management plan shall
2 contain, among others, the following:

3 (a) the goals and objectives pursuant to Section 2 hereof;

4 (b) the protected nature of the areas covered;

5 (c) the period of applicability of the plan;

6 (d) key management issues and activities such as habitat and wildlife
7 conservation, sustainable use of land and marine resources and infrastructure
8 development regulation;

9 (e) establishment of zoning and activity regulations;

10 (f) establishment of a visitor management program; and

11 (g) establishment of sustainable livelihood and investment programs.

12 Revisions or modifications of the management plan may be initiated by
13 the PASu or any PAMB member and shall be reviewed, approved and adopted
14 by the PAMB and certified to by the Secretary.

15 After its approval, adoption and certification, the plan shall be translated
16 in the local vernacular and shall be made readily available for perusal by the
17 general public.

18 Six months after the formulation of the management plan, the PASu, in
19 consultation with the appropriate offices of the DENR, LGUs, local
20 communities, concerned government agencies and experts who may extend
21 their services, shall prepare a five-year action plan, subject to review and
22 approval of the PAMB.

23 Before the expiration of said five-year action plan, the PASu shall,
24 within a year, cause the publication of notices on the formulation of the
25 succeeding action plan through broadcast and print media and posting of
26 notices in conspicuous places within the provincial, municipal and barangay
27 halls in order to solicit opinions on how to improve it.

1 consultation, be offered alternative sites within the appropriate zones or buffer
2 zones with preference over nontenured migrants: *Provided*, That provisions for
3 their transfer shall be undertaken using humanitarian considerations including
4 payment of compensation, providing security of tenure to alternative land,
5 provision of facilities of equivalent standard and similar measures.

6 In all other cases, the grant of tenurial rights must take into account the
7 need to promote clustering and to avoid unnecessary displacement. In areas
8 where tenurial instruments are granted, appropriate use zones shall be
9 established for the purpose of maintaining noncommercial livelihood activities.

10 Lands used as homelots or farmlots shall preferably be held by
11 individual household. Lands currently used on a communal basis shall not be
12 held individually.

13 Tenurial instruments shall not be issued solely on the basis of tax
14 declaration receipts but must be supported by indisputable evidence of
15 permanent land-use from five years before October 10, 1991, such as:

- 16 (a) cultivated trees at their fruit-bearing stage;
- 17 (b) physical structures in the area indicating prolonged occupancy;
- 18 (c) certification from the barangay captain or any two respected
19 members of the nearest community attesting to occupancy; and
- 20 (d) other relevant data (e.g. previous census reports) that may be
21 accepted by the PAMB.

22 Existing land title instruments shall be reviewed by the PASu and
23 endorsed by the PAMB to the DENR regional office for validation or
24 reversion. The PAMB shall recommend the issuance of the appropriate tenure
25 instrument consistent with the land classification and allow the use of resources
26 found therein.

27 Persons who fail to qualify as tenured migrants including transient
28 farmers shall be allowed to gather and collect whatever they have planted

1 within five years from the effectivity of this Act. The transfer of nontenured
2 migrants from the Siargao Islands Protected Landscapes and Seascapes shall
3 be undertaken using humanitarian considerations.

4 In the event of termination of a tenure instrument for cause or by
5 voluntary surrender of rights, the PASu shall take immediate steps to
6 rehabilitate the area and restore it to its natural state.

7 CHAPTER IV

8 SPECIAL AREAS OF CONCERN

9 SEC. 12. *Existing Commercial Facilities within the Protected Area.* –

10 Within ninety (90) days from the effectivity of this Act, all existing commercial
11 facilities within the boundaries of the PA or its buffer zones with a total
12 capitalization in excess of Fifty thousand pesos (P50,000.00) shall submit to
13 the PAMB through the PASu, the following information:

14 (a) potential for disturbance of protected species and their habitat,
15 reproductive cycle, nesting and feeding grounds, and migratory paths;

16 (b) noise levels at all stages of operation;

17 (c) requirements of water supply and sources of water; and

18 (d) energy requirements and sources of energy.

19 Thereafter, the PAMB, with the assistance of the DENR, shall
20 determine whether the existence of a facility and its future plans and operations
21 will be detrimental to the PA and its buffer zones.

22 Failure to submit the required information shall constitute a violation of
23 this Act. The PAMB may prescribe further conditions for the operation of the
24 facility to ensure that it is not in conflict with the management objectives of the
25 PA. If any of such conditions are violated, a fine of Five thousand pesos
26 (P5,000.00) for everyday of violation shall be imposed upon the owners of said
27 facility, but not to exceed a total of Four hundred fifty thousand pesos
28 (P450,000.00). Whenever necessary, the PAMB through the PASu or other

1 government entities shall cause the cessation and demolition of the facility at
2 the cost of the owners.

3 Existing facilities allowed to remain within the PA or its buffer zones
4 shall be charged a fee by the PAMB, which shall not be more than two percent
5 of the annual gross income of the facility: *Provided, That existing commercial*
6 *facilities whose operations and/or purpose are considered contradictory to PA*
7 *management objectives shall be ordered by the PAMB to vacate the PA within*
8 *such time as the PAMB may provide.*

9 SEC. 13. *Utilization of Resources.* – Livelihood activities requiring the
10 use of natural resources derived from the PA shall be allowed only when
11 sustainable, consistent with the management and action plans, and after prior
12 PAMB approval.

13 The PAMB is authorized to impose regulatory measures such as hunting
14 moratoriums, closed hunting seasons and other restrictions on the use of
15 resources within the PA and its buffer zones to ensure the sustainability of
16 species and ecosystems.

17 Any exploitation or utilization of nonrenewable resources within the PA
18 for commercial purposes or by nontenured migrants shall not be allowed.

19 Energy projects, whether renewable or otherwise, within the PA shall be
20 allowed only through an Act of Congress except energy from wind, sun, waves
21 and water sources: *Provided, That in all instances, the primary beneficiaries*
22 *shall be residents of the PA and its buffer zones: Provided, further, That all*
23 *energy projects shall undergo the EIA System as provided by law: Provided,*
24 *finally, That the PAMB has endorsed the project.*

25 Commercial exploitation of water resources within the PA shall require
26 prior PAMB approval, in accordance with the management and action plans,
27 and should undergo the EIA system.

CHAPTER V

PENAL PROVISIONS

1
2
3 SEC. 14. *Prohibited Acts.* – It shall be unlawful for any person to
4 willfully and knowingly exploit wildlife resources and habitat or undertake the
5 following acts without the necessary permit issued in accordance with this Act:

6 (1) Killing and destroying wildlife species, except in the following
7 instances:

8 (a) when it is done as part of the religious rituals of established tribal
9 groups or indigenous cultural communities;

10 (b) when the wildlife is afflicted with an incurable communicable
11 disease;

12 (c) when it is necessary to put an end to the misery suffered by wildlife;

13 (d) when it is done to prevent an imminent danger to the life or limb of
14 a human being; and

15 (e) when the wildlife is killed or destroyed after it has been used in
16 authorized research or experiments.

17 (2) *Inflicting injury which cripples and/or impairs the reproductive*
18 *system of wildlife species;*

19 (3) Effecting any of the following acts in critical habitat(s):

20 (a) dumping of waste products detrimental to wildlife;

21 (b) burning;

22 (c) logging; and

23 (d) quarrying of sand, gravel, guano, limestone or any material within
24 the PA without an *Environmental Clearance Certificate (ECC)* duly issued by
25 the DENR and authenticated by the PAMB.

26 (4) Introduction, reintroduction or restocking of wildlife resources;

27 (5) Trading of wildlife;

1 (6) Collecting, hunting or possessing wildlife, their by-products and
2 derivatives;

3 (7) Gathering or destroying of active nests, nest trees, host plants and
4 the like;

5 (8) Maltreating and/or inflicting other injuries not covered by the
6 preceding paragraph;

7 (9) Transporting of wildlife; and

8 (10) Cutting, gathering, removing or collecting timber or any forest
9 products within identified prohibited areas or zones in the PA, including
10 private lands, without the necessary PA permit, authorization or exemption as
11 issued or promulgated by the PAMB.

12 SEC. 15. *Fines and Penalties.* – To any person who undertakes illegal
13 acts under Section 14, paragraph (1) to any species as may be categorized
14 pursuant to this Act, the following penalties and/or fines shall be imposed:

15 (a) Imprisonment of a minimum of six years and one day to twelve (12)
16 years and/or fine of One hundred thousand pesos (P100,000.00) to One million
17 pesos (P1,000,000.00), if inflicted or undertaken against species listed as
18 critical;

19 (b) Imprisonment of four years and one day to six years and/or fine of
20 Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos
21 (P500,000.00), if inflicted or undertaken against endangered species;

22 (c) Imprisonment of two years and one day to four years and/or fine of
23 Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos
24 (P300,000.00), if inflicted or undertaken against vulnerable species;

25 (d) Imprisonment of one year and one day to two years and/or fine of
26 Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos
27 (P200,000.00), if inflicted or undertaken against other threatened species; and

1 (e) Imprisonment of six months and one day to one year and/or fine of
2 Ten thousand pesos (P10,000.00) to One hundred thousand pesos
3 (P100,000.00), if inflicted or undertaken against other wildlife species.

4 For illegal acts under Section 14, paragraph (2), the following penalties
5 and/or fines shall be imposed:

6 (a) Imprisonment of four years and one day to six years and/or fine of
7 Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos
8 (P500,000.00), if inflicted or undertaken against species listed as critical;

9 (b) Imprisonment of two years and one day to four years and/or fine of
10 Thirty thousand pesos (P30,000.00) to Two hundred thousand pesos
11 (P200,000.00), if inflicted or undertaken against endangered species;

12 (c) Imprisonment of one year and one day to two years and/or fine of
13 Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos
14 (P200,000.00), if inflicted or undertaken against vulnerable species;

15 (d) Imprisonment of six months and one day to one year and/or fine of
16 Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00), if
17 inflicted or undertaken against other threatened species; and

18 (e) Imprisonment of one month to six months and/or fine of Five
19 thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if
20 inflicted or undertaken against other wildlife species.

21 For illegal acts under Section 14, paragraphs (3) and (4), an
22 imprisonment of one month to eight years and/or fine of Five thousand pesos
23 (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.

24 For illegal acts under Section 14, paragraph (5), the following penalties
25 and/or fines shall be imposed:

26 (a) Imprisonment of two years and one day to four years and/or fine of
27 Five thousand pesos (P5,000.00) to Three hundred thousand pesos
28 (P300,000.00), if inflicted or undertaken against species listed as critical;

1 (b) Imprisonment of one year and one day to two years and/or fine of
2 Two thousand pesos (P2,000.00) to Two hundred thousand pesos
3 (P200,000.00), if inflicted or undertaken against endangered species;

4 (c) Imprisonment of six months and one day to one year and/or fine of
5 One thousand pesos (P1,000.00) to One hundred thousand pesos
6 (P100,000.00), if inflicted or undertaken against vulnerable species;

7 (d) Imprisonment of one month and one day to six months and/or fine
8 of Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if
9 inflicted or undertaken against other threatened species; and

10 (e) Imprisonment of ten (10) days to one month and/or fine of Two
11 hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted
12 or undertaken against other wildlife species.

13 For illegal acts under Section 14, paragraphs (6) and (7), the following
14 penalties and/or fines shall be imposed:

15 (a) Imprisonment of two years and one day to four years and/or fine of
16 Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos
17 (P300,000.00), if inflicted or undertaken against species listed as critical;

18 (b) Imprisonment of one year and one day to two years and/or fine of
19 Two thousand pesos (P2,000.00) to Two hundred thousand pesos
20 (P200,000.00), if inflicted or undertaken against endangered species;

21 (c) Imprisonment of six months and one day to one year and/or fine of
22 Ten thousand pesos (P10,000.00) to One hundred thousand pesos
23 (P100,000.00), if inflicted or undertaken against vulnerable species;

24 (d) Imprisonment of one month and one day to six months and a fine of
25 Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if
26 inflicted or undertaken against other threatened species; and

1 (e) Imprisonment of ten (10) days to one month and/or fine of One
2 thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or
3 undertaken against other wildlife species.

4 For illegal acts under Section 14, paragraphs (8) and (9), the following
5 penalties and/or fines shall be imposed:

6 (a) Imprisonment of six months and one day to one year and a fine of
7 Fifty thousand pesos (P50,000.00) to One hundred thousand pesos
8 (P100,000.00), if inflicted or undertaken against critical species;

9 (b) Imprisonment of three months and one day to six months and a fine
10 of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00),
11 if inflicted or undertaken against endangered species;

12 (c) Imprisonment of one month and one day to three months and a fine
13 of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if
14 inflicted or undertaken against vulnerable species;

15 (d) Imprisonment of ten (10) days to one month and a fine of Ten
16 thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if
17 inflicted or undertaken against other threatened species; and

18 (e) Imprisonment of five days to ten (10) days and a fine of Two
19 hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or
20 undertaken against other wildlife species.

21 Illegal acts under Section 14, paragraph (10), shall be penalized under
22 existing forestry laws.

23 All wildlife, its derivatives or by-products, and all paraphernalia, tools
24 and conveyances used in connection with violations of this Act, shall be *ipso*
25 *facto* forfeited in favor of the government: *Provided*, That where the
26 ownership of the aforesaid conveyances belong to third persons who have no
27 participation in or knowledge of the illegal acts, the same may be released to
28 said owner.

1 If the offender is an alien, he shall be deported after service of sentence
2 and payment of fines, without any further proceedings.

3 A fine of not less than Five thousand pesos (P5,000.00) but not more
4 than Two hundred fifty thousand pesos (P250,000.00) and/or imprisonment of
5 not less than one year but not more than five years and the restoration and
6 rehabilitation of the damaged area or resource shall be imposed upon a person
7 who shall commit, within the PA, the prohibited acts under Sections 86, 93 and
8 102 of Republic Act No. 8550, otherwise known as the Philippine Fisheries
9 Code of 1998.

10 A fine of not less than Two hundred fifty thousand pesos (P250,000.00)
11 but not more than Five hundred thousand pesos (P500,000.00) and/or
12 imprisonment of not less than five years but not more than twenty (20) years
13 and the restoration and rehabilitation of the damaged area or resource shall be
14 imposed upon any person who shall commit, within the PA, the acts prohibited
15 under Sections 88 and 92 of Republic Act No. 8550.

16 A fine of not less than Five thousand pesos (P5,000.00) but not more
17 than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not
18 less than one year but not more than five years shall be imposed upon those
19 persons who commit, within the PA, the act/s prohibited under Section 106 of
20 Republic Act No. 8550.

21 The fines prescribed shall be increased by at least ten percent (10%)
22 every three years to compensate for inflation and to maintain the deterrent
23 function of such fines.

24 Any person who shall induce another or conspire to commit any of the
25 illegal acts prohibited in this Act or order their workers to commit any of the
26 same shall be liable in the same manner as the one actually performing the act.

27 All conveyances, vessels, equipment, paraphernalia, implements, gears,
28 tools and similar devices used in the violation of this Act shall be subject to

1 immediate administrative confiscation, independent of the judicial proceedings
2 by the PASu Office upon apprehension subject, however, to due process and
3 substantial evidence. When legal action is, however, filed in the regular
4 courts, the said conveyances, vessels, equipment, paraphernalia, implements,
5 gears, tools and similar devices shall, independent of administrative
6 proceedings, not be released until after judgment. Proceeds of the sale of all
7 objects administratively or judicially confiscated pursuant hereto shall accrue
8 to the PA Fund. Procedures for the sale thereof shall be promulgated by the
9 PAMB.

10 CHAPTER VI

11 MISCELLANEOUS PROVISIONS

12 SEC. 16. *Special Prosecutor.* – Within thirty (30) days from the
13 effectivity of this Act, the Department of Justice (DOJ) shall appoint a Special
14 Prosecutor to whom all cases of violation of laws, rules and regulations in the
15 PA shall be assigned. Such Special Prosecutor shall coordinate with the
16 PAMB and the PASu in the performance of his/her duties and assist in the
17 training of wardens and rangers in the arrest of offenders and in criminal
18 procedure. The PAMB shall periodically submit to the DOJ an evaluation of
19 the performance of the designated Special Prosecutor.

20 SEC. 17. *Special Counsel.* – The PAMB may retain the services of a
21 competent lawyer to prosecute and/or assist in the prosecution of cases under
22 the direct control and supervision of the Special Prosecutor and to defend the
23 members of the PAMB and the officers and the staff of the PASu Office, or
24 any person assisting in the protection, conservation and sustainable
25 development of the PA against any legal action related to their powers,
26 functions and duties as provided in this Act or as delegated by the PAMB.

27 SEC. 18. *Integrated Protected Areas Fund.* – There is hereby
28 established a trust fund to be known as the Integrated Protected Areas Fund for

1 purposes of financing projects of the system. All income generated from the
2 operation of the system or management of wild flora and fauna in the PA shall
3 accrue to the Fund. These income shall be derived from fees from permitted
4 sale and export of flora and fauna and other resources from the PA, proceeds
5 from lease of multiple-use areas, contributions from industries and facilities
6 directly benefiting from the PA, and such other fees and income derived from
7 the operation of the PA.

8 The Fund may be augmented by grants, donations, endowment from
9 various sources, domestic or foreign for purposes related to their functions:
10 *Provided*, That the Fund shall be deposited as a special account in the National
11 Treasury and disbursements therefrom shall be made solely for the system, and
12 duly approved projects endorsed by the PAMB in accordance with existing
13 accounting and budgeting rules and regulations: *Provided, further*, That the
14 Fund shall not be used to cover personal services expenditures.

15 The LGUs shall continue to impose and collect all other fees not
16 enumerated herein which they have traditionally collected, such as business
17 permits, property tax and rentals of local government units' facilities.
18 Furthermore, LGUs may charge add-ons to fees imposed by the PAMB
19 provided that such add-ons shall be determined based on the contribution of
20 the LGUs in the maintenance and protection of the PA.

21 CHAPTER VII

22 FINAL PROVISIONS

23 SEC. 19. *Appropriations*. – The Secretary shall immediately include in
24 the Department's program the implementation of this Act, the funding of which
25 shall be included in the annual General Appropriations Act.

26 SEC. 20. *Interpretation*. – The provisions of this Act shall be construed
27 liberally in favor of achieving biodiversity conservation, protection and
28 sustainable development. The provisions of Republic Act No. 7586, otherwise

1 known as the NIPAS Act, and Republic Act No. 8550, otherwise known as the
2 Philippine Fisheries Code of 1998, and existing forestry laws, and their
3 corresponding rules and regulations not inconsistent herewith shall have
4 suppletory application in the implementation of this Act.

5 SEC. 21. *Implementing Rules and Regulation.* – Ninety (90) days after
6 the effectivity of this Act, the DENR, in consultation with the PAMB and
7 concerned NGOs shall promulgate the implementing rules and regulations
8 necessary to effectively implement the provisions of this Act.

9 SEC. 22. *Separability Clause.* – If any part or section of this Act is
10 declared by the courts as unconstitutional, such declaration shall not affect the
11 other parts or sections hereof which shall continue to have full force and effect.

12 SEC. 23. *Repealing Clause.* – All other laws, rules and regulations
13 inconsistent with this Act or any provision hereof are hereby repealed or are
14 modified accordingly.

15 SEC. 24. *Effectivity Clause.* – This Act shall take effect immediately
16 after publication in the *Official Gazette* or in at least two national newspapers
17 of general circulation.

Approved,

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