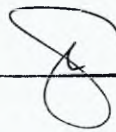


**NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*First Regular Session*



'22 JUL -7 P3:18

**SENATE**  
**S.B. No. 146**

RECEIVED BY: 

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**INTRODUCED BY SENATOR RISA HONTIVEROS**

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**AN ACT  
DECLARING A PORTION OF THE PHILIPPINE RISE SITUATED WITHIN THE  
EXCLUSIVE ECONOMIC ZONE OF THE PHILIPPINE SEA AS A PROTECTED AREA  
WITH THE CATEGORY OF MARINE RESOURCE RESERVE UNDER THE NATIONAL  
INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS  
THE PHILIPPINE RISE MARINE RESOURCE RESERVE, PROVIDING FOR ITS  
MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

The Benham Rise, officially renamed as Philippine Rise by virtue of Executive Order No. 25, is vast seamount found in the Eastern Philippine Seaboard facing the Pacific Ocean<sup>1</sup>. The majority of Philippine Rise has always been within the Philippine Economic Exclusive Zone (PEEZ). However, on April 2012, the United Nations Commission on the Limits of the Continental Shelf (UN CLCS) adopted the recommendation granting an additional 13 million hectares as part of the country's territory.

Presidential Proclamation No. 489 declared a portion of the Philippine Rise as protected area under the category Resource Reserve as defined under R.A. 7586 to be known as the Philippine Rise Marine Resource Reserve (PRMRR)<sup>2</sup>. This is to prohibit and penalize the destruction or disturbance of the marine ecosystems and any other marine life in the area. According to Filipino marine scientists and experts, pristine coral reefs and associated habitats are situated at the Benham Bank Seamount, the shallowest seamount in Philippine Rise. The Philippine Rise is also termed as a natural submarine prolongation, rich of marine resources, including 200 fish species and tuna species<sup>3</sup>.

This bill seeks to provide an added layer of protection for the pristine habitats of

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<sup>1</sup> Presentation of the DENR-Biodiversity Management Bureau on the House Committee on Natural Resources Hearing

<sup>2</sup> Proclamation No. 489 of the President of the Philippines

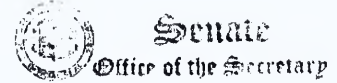
<sup>3</sup> <https://www.pna.gov.ph/articles/1034670>

the Philippine Rise and establish the Philippine Rise Marine Resource Reserve Management Board which will oversee the management of the protected area. It will also prohibit the destruction and hunting of any wildlife. This will be a part of the campaign to utilize and conserve the integrity of the Philippine marine ecosystem.

The approval of this bill is respectfully and earnestly sought.

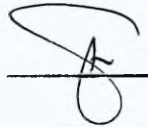
  
**RISA HONTIVEROS**  
**Senator**

**NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
First Regular Session** )  
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'22 JUL -7 P 3 :19

**SENATE**  
**S.B. No. 146**

RECEIVED BY: 

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**INTRODUCED BY SENATOR RISA HONTIVEROS**

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**AN ACT  
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THE PHILIPPINE RISE MARINE RESOURCE RESERVE, PROVIDING FOR ITS  
MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR**

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

**CHAPTER I**

**DECLARATION OF POLICY AND SCOPE OF APPLICATION**

SECTION 1. *Title* – This Act shall be known as the “Philippine Rise Marine Resource  
Reserve (PRMRR) Act”.

Sec. 2. *Declaration of Policy.* – It shall be the policy of the State to ensure the  
protection and conservation of the globally significant economic, biological, sociocultural,  
educational, and scientific values of the Philippine Rise and the Benham Bank into  
perpetuity for the enjoyment of present and future generations. In the pursuit of this  
policy, it shall protect portions of the Philippine Rise region, namely the Benham Bank  
and its surrounding waters, through sustainable and participatory management, taking  
into consideration all applicable laws and international conventions to which the  
Philippines is a signatory.

It shall likewise be the policy of the State to promote the Philippine Rise region, with the  
end in view of fostering widespread awareness and concern for the marine environment,  
and engaging Filipinos in conservation for the same. Towards this end, the State shall  
undertake comprehensive and holistic capacity building, and communication, education,  
and public awareness campaigns for the benefit of the general public, pursuant of the  
duty of the State to protect, conserve, and promote the biodiversity, ecosystems, and  
resources therein. The State shall encourage the participation of the fisheries sector in  
the protection, conservation, and promotion of the PRMRR.



1            *Sec. 3. Definition of Terms.* – For purposes of this Act, the following terms shall  
2 be defined as follow:

3 (a) Bioprospecting refers to research, collection and utilization of biological and  
4 genetic resources for purposes of applying the knowledge derived therefrom solely for  
5 commercial purposes.

6 (b) Buffer zone refers to the identified area outside the boundaries of and immediately  
7 adjacent to the PRMRR that needs special development control in order to avoid or  
8 minimize harm to the protected area.

9 (c) By-products or derivatives refer to parts taken or substances extracted from  
10 wildlife, in raw or in processed form.

11 (d) Collecting refers to the act of gathering or harvesting wildlife and its by-products  
12 or derivatives.

13 (e) Conveyance refers to every kind of vessel, including motorized or non-motorized  
14 vehicles, non-displacement crafts and seaplanes that are used or may be used as a means  
15 of transportation on land or water. It shall include everything found therein, except  
16 personal effects.

17 (f) Commercial fishers refer to persons who catch fish and other fisheries products  
18 using fishing vessels of more than three (3) gross tons.

19 (g) Coral refers to either of the following:

- 20 • the sessile marine invertebrates under Class Anthozoa of Phylum Cnidaria, whose  
21 individual units are called polyps. This includes stony or hard corals, and soft corals; or
- 22 • the hard calcareous substance made up of the skeleton of marine anthozoan  
23 polyps which compose reefs, shelves and atolls, or any of the other stony masses formed  
24 by the skeletons of colonies of polyps. This includes: (a) skeletons of anthozoans  
25 characterized as having a rigid axis of compact calcareous or horny spicules, belonging  
26 to the genus *Corallium* as represented by the red, pink and white corals which are  
27 considered precious corals; (b) skeletons of anthozoans characterized by thorny, horny  
28 axis such as the antipatharians represented by the black corals which are considered  
29 semi-precious corals; and (c) ordinary corals which are any kind of corals that are not  
30 precious nor semi-precious.

31 (h) Coral reef refers to a natural aggregation of coral skeleton, with or without living  
32 coral polyps, occurring in intertidal, subtidal marine waters, or mesophotic zones.

33 (i) Delineation refers to the actual ground survey of the boundaries of the protected  
34 area, its buffer zones, and management zones using the global positioning system (GPS)  
35 or other applicable survey instruments and technologies, with the intention of producing  
36 a map of the area;

- 1 (j) Demarcation refers to the establishment of the boundaries of protected areas and  
2 their buffer zones using visible markers, monuments, buoys, or GPS markers, as a result  
3 of actual ground delineation;
- 4 (k) Ecosystems goods and services refer to the multitude of material and nonmaterial  
5 provisions and benefits from healthy ecosystems necessary for human sustenance, well-  
6 being, and survival including support processes, provisioning and environment regulating  
7 services, and cultural resource preservation services;
- 8 (l) Exotic species refers to the species or subspecies of flora and fauna which do not  
9 naturally occur within the protected area at present or in historical time.
- 10 (m) Exploration refers to the act of searching or prospecting for mineral or energy  
11 resources, as defined by law, by geological, geochemical or geophysical surveys, remote  
12 sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means, for  
13 the purpose of determining the existence, extent, quantity, and quality of resources in an  
14 area, and the feasibility of utilizing these resources for profit.
- 15 (n) Fishery or Fisheries management area refers to a bay, gulf, lake or any other  
16 fishery area which may be delineated for fishery resource management purposes, as  
17 defined in Republic Act No. 10654, amending Republic Act No. 8550 Otherwise known as  
18 the Philippine Fisheries Code of 1998.
- 19 (o) Gear refers to any instrument or device and its accessories utilized in taking,  
20 catching, gathering, killing, hunting, destroying, disturbing, removing, or possessing  
21 resources within the protected area.
- 22 (p) Genetically modified organism (GMO) refers to any living organism that possesses  
23 a novel combination of genetic material through the use of modern biotechnology.
- 24 (q) Hunting refers to the killing or catching of wild fauna for food and recreational  
25 purposes, with the use of weapons such as guns, bow and arrow, spears, traps and  
26 snares, and the like.
- 27 (r) Integrated Protected Area Fund (IPAF) refers to the special account established  
28 for the purpose of financing projects of the NIPAS and individual protected areas.
- 29 (s) Invasive alien species refers to species introduced deliberately or unintentionally  
30 outside their natural habitats where they have the ability to establish themselves, invade,  
31 out-compete native species, and take over the new environment.
- 32 (t) Littering refers to the disposal of small amounts of non-biodegradable solid waste  
33 materials such as, but not limited to, cigarette butts, candy wrappers, plastic materials,  
34 bottles and glasses.
- 35 (u) Multiple-use zone refers to the area where settlement, traditional and sustainable  
36 land use including agriculture, agroforestry, extraction activities, and income generating

1 or livelihood activities may be allowed to the extent prescribed in the protected area  
2 management plan.

3 (v) Municipal fishers or fisherfolk refer to persons who catch fish and other fisheries  
4 products using fishing vessels of three (3) gross tons or less, or whose fishing does not  
5 require the use of fishing vessels.

6 (w) National Integrated Protected Areas System (NIPAS) refers to the classification  
7 and administration of all designated protected areas to maintain essential ecological  
8 processes and life-support systems, preserve genetic diversity, to ensure sustainable use  
9 of resources found therein, and to maintain their natural conditions to the greatest extent  
10 possible.

11 (x) Non-government organization (NGO) refers to any civic, developmental,  
12 environmental or philanthropic non-stock, non-profit organization, duly registered, having  
13 by-laws, democratically-elected representatives, with qualifications, expertise and  
14 objectivity in activities concerning community organizing and development, or resource  
15 and environmental conservation, management and protection related to the protected  
16 area.

17 (y) Non-renewable resources refer to those resources that cannot be remade, regrown  
18 or regenerated on a scale comparative to its consumption.

19 (z) Noxious or poisonous substances refer to any substance, plant extracts or juice  
20 thereof, sodium cyanide and/or cyanide compounds or, other chemicals either in raw or  
21 processed form, harmful or harmless to human beings, which will kill, stupefy, disable or  
22 render unconscious any marine organism and capable of damaging or altering the natural  
23 habitat.

24 (aa) Occupying refers to a continuous stay of individuals or groups within a protected  
25 area, whether residing or engaging in the cultivation of land or fishing for more than  
26 twenty-four (24) hours.

27 (bb) People's organization (PO) refers to a group of people which may be an  
28 association, cooperative, federation, aggrupation of individuals or groups with an  
29 identifiable structure of decision-making and accountability, established to undertake  
30 collective action to address community concerns and needs in relation to the protected  
31 area.

32 (cc) Poaching refers to gathering, collecting, or possessing products or natural  
33 resources from the protected area by any individual person, corporation or entity whether  
34 local or foreign; in the case of marine protected areas, operating any foreign fishing  
35 vessels by any person, corporation, or entity without a permit.



- 1 (dd) Protected area refers to identified portions of land and/or water set aside by reason  
2 of their unique physical and biological significance, managed to enhance biological  
3 diversity and protected against destructive human exploitation.
- 4 (ee) Protected Area Retained Income Account (PA-RIA) refers to the trust fund  
5 maintained by any protected area and administered by the respective Protected Area  
6 Management Boards (PAMB) created pursuant to this Act representing the seventy-five  
7 percent (75%) of revenues generated from the protected area to support its operation  
8 and management.
- 9 (ff) Protected Species refers to plants or animals declared protected under Philippine  
10 laws, rules, and regulations. These shall include all species listed under the Convention  
11 on International Trade in Endangered Species of Wild Fauna and Flora and all its Annexes,  
12 the Convention on the Conservation of Migratory Species (CMS), those specified under  
13 the red-list categories of the International Union for Conservation of Nature and Natural  
14 Resources (IUCN), or any plant or animal which the Department of Environment and  
15 Natural Resources (DENR), PAMB or any government agency may deem necessary for  
16 conservation and preservation in the protected area;
- 17 (gg) Quarrying refers to the process of extracting, removing, and disposing sand,  
18 gravel, guano, limestone, and all other resources used as building and construction  
19 materials that are found within the protected area.
- 20 (hh) Resource reserve refers to an extensive, relatively isolated, and uninhabited area  
21 which is difficult to access and is designated to protect the natural resources of the area  
22 for future use and prevent or contain development activities that could affect the  
23 resources, pending the establishment of sustainable resource utilization goals which are  
24 based upon appropriate information and planning.
- 25 (ii) Special Account in the General Fund (SAGF) refers to the trust fund deposited in  
26 the national treasury representing the twenty-five percent (25%) of the revenues  
27 generated from the operation of individual protected area and earmarked to support the  
28 NIPAS.
- 29 (jj) Special Fisheries Management Area (SFMA) refers to any Fishery/Fisheries  
30 Management Area, as defined in RA No. 10654 amending RA No. 8550, designated  
31 through a Presidential Proclamation or any other form policy issuance.
- 32 (kk) Special Use Agreement in Protected Areas (SAPA) refers to a binding instrument  
33 between the DENR, as the first party, and the project proponent as the second party,  
34 relating to the use and/or development of land, resources or facilities within protected  
35 areas, pursuant to the ENIPAS Act;

1 (II) Strict Protection Zone (SPZ) refers to portions within protected areas that are  
2 closed to human activities by virtue of their significant biodiversity value, high  
3 susceptibility to geo-hazard, and identification as permanently dangerous. These areas  
4 may also include habitats of threatened species, or degraded areas that are designated  
5 for restoration and subsequent protection, regardless of their stages of regeneration;  
6 (mm) Wildlife refers to the wild forms and varieties of flora and fauna, in all  
7 developmental stages, including those which are in captivity or are being bred, fed, or  
8 propagated.

9 Sec. 4. *Scope of Application* – The Philippine Rise Marine Resource Reserve  
10 (PRMRR) shall cover the Benham Bank and its surrounding waters, more specifically  
11 described in Map No. PP-MPA-PR-01 within the following geographic coordinates:

12	BOUNDARY CORNER	LATITUDE	LONGITUDE
13	01	15° 32' 12" N	123° 58'56" E
14	02	15° 32' 12" N	124° 33' 03" E
15	03	16° 02' 47" N	124° 33' 03" E
16	04	16° 02' 47" N	123° 58'56" E,

17 under the World Geodetic System of 1984 (WGS84), containing an area of three hundred  
18 fifty-two thousand three hundred ninety (352,390.00) hectares.

19 Sec. 5. *Management Zoning* – When necessary, the DENR Secretary, upon the  
20 recommendation of the Philippine Rise Marine Resource Reserve Protected Area  
21 Management Board (PRMRR PAMB), may designate a Strict Protection Zone within the  
22 PRMRR in consideration of significant biodiversity value or habitats of threatened species,  
23 among other reasons as may be identified.

24 The areas outside of the strict protection zone but within the PRMRR shall automatically  
25 be designated as the Multiple-Use Zone and the Special Fisheries Management Area,  
26 pursuant to Republic Act No. 11038, or the "ENIPAS Act of 2018", amending Republic Act  
27 No. 7586, and Republic Act No. 10654 amending Republic Act No. 8550, or the "Philippine  
28 Fisheries Code of 1998."

29 The DENR Secretary, upon recommendation of the PAMB, may designate areas  
30 surrounding the PRMRR as buffer zones for the purpose of providing extra layer of  
31 protection where restrictions may be applied.

32 Pursuant to the "ENIPAS Act of 2018", the DENR, with the assistance of other government  
33 agencies, shall delineate and demarcate the PRMRR and its management zones.

34 Sec. 6. *Management Plan*. – The management plan shall, at the minimum, promote  
35 the adoption and implementation of innovative management techniques including, when  
36 necessary, zoning, buffer zone management, habitat conservation and rehabilitation,



1 diversity management, community organizing and development, socioeconomic and  
2 scientific researches, site-specific policy development, climate change adaptation and  
3 mitigation, disaster risk reduction and management, and gender and development,  
4 among others.

5 The Management Plan shall be updated pursuant to the ENIPAS Act.

6

7

## CHAPTER II

8

### THE PHILIPPINE RISE MARINE RESOURCE RESERVE PROTECTED AREA

9

#### MANAGEMENT BOARD (PRMRR PAMB)

10 *Sec. 7. Creation and Composition of the Philippine Rise Marine Resource Reserve*  
11 *Management Board.* – There shall be a Philippine Rise Marine Resource Reserve Protected  
12 Area Management Board (PRMRR PAMB), which shall be the sole policy-making body of  
13 the PRMRR. The management and administration of the PRMRR shall be vested with the  
14 PRMRR PAMB, as herein provided, and shall be consultative and participatory. It shall be  
15 composed of:

16 (a) Secretary of the DENR, as Chairperson;

17 (b) Chairperson of the House of Representatives Committee on Natural Resources  
18 Chairperson;

19 (c) Chairperson of the Senate Committee on Environment, Natural Resources and  
20 Climate Change Chairperson;

21 (d) Designated representatives of the Department of Agriculture Bureau of Fisheries  
22 and Aquatic Resources (DA BFAR), National Economic Development Authority (NEDA),  
23 Department of Science and Technology (DOST), Department of National Defense Office  
24 of Civil Defense (DND OCD), Philippine National Police – Maritime Group, the National  
25 Security Council (NSC), National Coast Watch Council Secretariat (NCWCS), Department  
26 of Foreign Affairs Maritime and Ocean Affairs Office (DFA MOAO), Armed Forces of the  
27 Philippines (AFP), and the Philippine Coast Guard (PCG);

28 (e) Four (4) representatives from NGOs or POs duly accredited by the DENR. The  
29 NGOs or POs represented should have been in existence for at least five (5) years and  
30 must have a record of accomplishments in the field of protected area management;

31 (f) Up to four (4) representatives from academic institutions, preferably from  
32 universities or colleges with proven track records in protected area management and  
33 research; and

34 (g) One (1) representative from the private sector, preferably from the commercial  
35 fishing sector and a member of the National Fisheries and Aquatic Resources  
36 Management Council.

1 Ex-officio members or members of the PAMB by virtue of their elective or appointive  
2 government positions as specified in the immediately preceding sub-paragraphs (a), (b),  
3 (c), and (d) shall serve for the duration of their respective terms of office in their  
4 respective elective or appointive government positions.

5 On the other hand, the members of the PAMB specified under sub-paragraphs (e), (f),  
6 and (g) of this section shall be appointed by the DENR Secretary after the conduct of a  
7 transparent and fair selection process. They shall each serve a term of three (3) years  
8 and may be reappointed for another term.

9 The members of the PAMB shall serve without compensation, except for the actual and  
10 necessary travel and subsistence expenses incurred in the performance of their duties,  
11 either in their attendance in PAMB meetings or in connection with other official business  
12 authorized through a resolution by the PAMB, subject to existing rules and regulations.  
13 Each member shall have the full capacity and accountability for decisions binding to the  
14 member's sector.

15 The Interim PAMB members duly appointed prior to the effectivity of this Act shall  
16 continue to exercise their function until such time that a new set of PAMB members shall  
17 have been constituted.

18 Thereafter, the members of the management board shall be appointed in accordance  
19 with the provisions of this Act: Provided, That at least forty percent (40%) of the PAMB  
20 members shall be women pursuant to Republic Act No. 9710 or 'The Magna Carta of  
21 Women'.

22 A member of the PAMB may be removed for any of the following grounds:

- 23 (1) More than three (3) consecutive unexcused absences from regular meetings of the  
24 management board;
- 25 (2) Commission of acts prejudicial to the management of protected areas as embodied  
26 in Section 18 hereof and other existing rules and regulations governing protected areas;
- 27 (3) Disassociation from the office or organization being represented;
- 28 (4) Termination of relationship with the office or organization being represented; or
- 29 (5) Conviction by final judgment of any criminal act.

30 The processes for facilitating applications, appointments, and creation of committees of  
31 the PRMRR PAMB and its members, as well as the resolution of issues, shall be pursuant  
32 to the ENIPAS Act of 2018.

33 *Sec. 8. Powers and Functions of the PRMRR PAMB.* – The PRMRR PAMB shall have  
34 the following powers and functions:

- 35 (a) Oversee the management of the protected area;

- 1 (b) Approve policies, plans and programs, proposals, agreements, and other related  
2 documents for the management of the protected areas;
- 3 (c) Approve the management plan of the protected area and ensure its harmonization  
4 with and integration into national and other development plans, such as the FMA plan,  
5 public or private, and its implementation;
- 6 (d) Adopt a manual of operations to include rules of procedures in the conduct of  
7 business, and the creation of committees and their respective terms of reference;
- 8 (e) Recommend the deputation of appropriate agencies and individuals for the  
9 enforcement of the laws, rules and regulations governing the management of the  
10 protected area;
- 11 (f) Allocate financial resources for the implementation of the management plan and  
12 manage the Protected Area Retention Income Account and other funds in accordance  
13 with the accounting and budgeting rules and regulations;
- 14 (g) Set fees and charges in accordance with existing guidelines;
- 15 (h) Issue rules and regulations for the resolution of conflicts through appropriate and  
16 effective means;
- 17 (i) Recommend appropriate policy changes to the DENR and other government  
18 authorities;
- 19 (j) Monitor and assess the performance of the Protected Area Superintendent (PASU)  
20 and other protected area personnel and compliance of partners with the terms and  
21 conditions of any undertaking, contract or agreement;
- 22 (k) Recommend from among a shortlist of qualified candidates, the designation or  
23 appointment of the PASU; and
- 24 (l) Assess the effectiveness of the management of the protected area:  
25 Provided, That the members of the management board representing national agencies  
26 shall inform their respective constituents, offices or sectors, of PAMB-approved or other  
27 relevant policies, rules, regulations, programs, and projects and shall ensure that the  
28 provisions of this Act and its implementing rules and regulations are complied with, and  
29 used as reference and framework in their respective plans, policies, programs, and  
30 projects. Failure to comply with the foregoing shall be the basis for disciplinary action  
31 against such member according to administrative rules and regulations and such penalties  
32 as the PAMB may provide: Provided, further, That the DENR, shall ensure that the PAMB  
33 acts within the scope of its powers and functions. In case of conflict between the  
34 resolutions issued by the PAMB and the existing administrative orders of national  
35 application, the latter shall prevail.



1           Sec. 9. *The Protected Area Management Office (PAMO)*. – Pursuant to the ENIPAS  
2 Act of 2018, there is hereby established a PRMRR Protected Area Management Office  
3 (PAMO) to be headed by a Protected Area Superintendent (PASU) with a permanent  
4 plantilla position who shall supervise the day-to-day management, protection, and  
5 administration of the PRMRR. A sufficient number of support staff with permanent  
6 plantilla position shall be appointed by the DENR to assist the PASU in the management  
7 of the PRMRR.

8 The PASU shall be primarily accountable to the PAMB and the DENR for the management  
9 and operations of the protected area. Pursuant thereto, the PASU shall have the following  
10 duties and responsibilities:

11 (a) Prepare the management plan, in consultation with the stakeholders, including the  
12 annual work and financial plans and ensure its implementation;

13 (b) Ensure the integration of the protected area management plans, programs,  
14 projects, and policies with relevant national plans and programs;

15 (c) Provide secretariat services to the PAMB and its committees and ensure the  
16 availability of relevant and timely information for decision-making;

17 (d) Formulate and recommend to the PAMB proposed policies, rules, regulations, and  
18 programs;

19 (e) Establish, operate, and maintain a database management system which shall be  
20 an important basis for decision-making;

21 (f) Enforce the laws, rules and regulations relevant to the protected area, commence  
22 and institute administrative and legal actions in collaboration with other government  
23 agencies or organizations, and assist in the prosecution of offenses committed in violation  
24 of this Act;

25 (g) Monitor, evaluate, and report the implementation of management activities of the  
26 protected area;

27 (h) Request for and receive any technical assistance, support or advice from any  
28 agency or instrumentality of the government as well as academic institutions, NGOs, and  
29 the private sector, as may be necessary for the effective management, protection and  
30 administration of the protected area;

31 (i) Issue permits and clearances for activities that implement the management plan  
32 and other permitted activities in accordance with terms, conditions, and criteria  
33 established by the PAMB: Provided, That all permits for extraction activities, including  
34 collection for research purposes, shall also continue to be issued by relevant authorities,  
35 subject to prior clearance from the PAMB, through the PASU, in accordance with the  
36 specific acts to be covered;

- 1 (j) Collect and receive pertinent fees, charges, donations, and other income for the  
2 protected area: Provided, That such fees, charges, donations, and other income  
3 collected/received shall be reported regularly to the PAMB and the DENR in accordance  
4 with existing guidelines;
- 5 (k) Prepare and recommend to the PAMB approval of the annual work and financial  
6 plans of the protected area based on the management plan;
- 7 (l) Directly report to the DENR Undersecretary for Field Operations through the  
8 Director of the Biodiversity Management Bureau; and
- 9 (m) Perform such other functions as the PAMB and the DENR may assign.

10 **Sec. 10. *Role of the DENR.*** – The DENR shall perform all the functions as stipulated  
11 in the ENIPAS Act of 2018, as well as coordinate closely with other government agencies  
12 concerned to ensure the sound management and conservation of the PRMRR. It shall  
13 also provide technical and financial assistance to the PRMRR as may be needed.

14 **Sec. 11. *Reporting Responsibility.*** – Pursuant to the ENIPAS Act of 2018, the PASU,  
15 through the PAMB, shall submit an annual accomplishment report of the protected area  
16 to the Secretary of the DENR through the Biodiversity Management Bureau (BMB). A  
17 report on the conditions and benefits of the biological resources and ecosystem services  
18 of the protected area shall also be submitted by the PASU, through channels, to the  
19 Secretary of the DENR every five (5) years. Further, the PASU shall coordinate with and  
20 provide the necessary documents needed by the BMB for the preparation of the National  
21 State of Protected Areas (NSPAs) report every five (5) years, to be submitted to the  
22 President, the Senate and the House of Representatives.

23

24

### **CHAPTER III**

25

### **DEVELOPMENT, FISHING, EXPLORATION, AND RESEARCH ACTIVITIES AT**

26

### **THE PRMRR**

27

**Sec. 12. *Management of the Special Fisheries Management Area of the PRMRR.*** –  
28 There shall be a Special Fisheries Management Area (SFMA) within the PRMRR under the  
29 jurisdiction of the DA BFAR, that covers the Multiple-Use Zone of the PRMRR. The DA  
30 BFAR shall monitor all the fishing activities within the SFMA, advise the PASU on fisheries  
31 management, ensure coordination and harmonization of the PRMRR Management Plan  
32 with the FMA framework, and provide other technical and financial assistance as may be  
33 necessary.

34

**SEC. 13. *Environmental Impact Assessment (EIA)*** – Considering that protected  
35 areas are environmentally critical areas, the proponent of development projects and  
36 activities with potentially significant adverse impacts as determined by the Environmental

1 Management Bureau (EMB), whether or not these projects or activities are included in  
2 the management plan, shall secure an Environmental Compliance Certificate (ECC) in  
3 accordance with the Philippine Environment Impact Statement (EIS) System: Provided,  
4 That for development projects and activities that are not environmentally critical, an initial  
5 environmental examination (IEE) shall be undertaken instead of a full-blown EIA. No  
6 project or activity may be undertaken by any project proponent without prior clearance  
7 from the PAMB. The DENR shall require the submission of the PAMB clearance, among  
8 others, before issuing an ECC to a project proponent.

9 No actual implementation of such activities shall be allowed without the required ECC  
10 under the Philippine EIA System. Violations of environmental laws, rules and regulations,  
11 including those under the EIA System, shall be penalized accordingly.

12 *Sec. 14. Energy Resource Projects* – Consistent with Section 14 of the ENIPAS Act  
13 of 2018, the exploration for energy resources may be allowed in protected areas only for  
14 the purpose of gathering data and information and only if such activity is carried out with  
15 the least damage to surrounding areas.

16 Surveys for non-renewable energy projects shall be conducted only in accordance with a  
17 program approved by the DENR, and the result of such surveys shall be made available  
18 to the public and submitted to the President who shall make the appropriate  
19 recommendations to Congress.

20 Renewable energy projects may be allowed within the protected area by the PAMB with  
21 the concurrence of the DENR Secretary: Provided, That renewable energy projects, which  
22 shall be located outside the strict protection zones, shall undergo the EIA as provided by  
23 law, and shall adopt reduced impact technologies so as not to be detrimental to  
24 ecosystem functions, biodiversity, cultural practices and traditions: Provided, further,  
25 That sufficient bond shall be remitted by the proponent to the DENR, the amount of  
26 which will be based on damage estimation upon decommissioning and projected cost of  
27 rehabilitation. It shall be released to the depositor upon the satisfactory decommissioning  
28 of all equipment, structures and improvements and the rehabilitation of the site according  
29 to the zones and objectives of the management plan as attested to by the PAMB.

30 *Sec. 15. Special Uses Within Protected Areas.* – Consistent with Section 25 of the  
31 ENIPAS Act of 2018, special uses may be allowed within the PRMRR except in the strict  
32 protection zone.

33 A sufficient bond shall be remitted by the proponent to the DENR to be released to the  
34 depository bank in the event of damage by or closure of the establishment after  
35 satisfactory rehabilitation according to the zones and objectives of the management plan  
36 as attested to by the PAMB.



1  
2 **CHAPTER IV**

3 **ENFORCEMENT, PROHIBITED ACTS AND PENALTIES**

4 Sec. 16. *Persons and Deputies Authorized to Enforce this Act and Other*  
5 *Environmental Rules and Regulations.* –The law enforcement officers of the Department  
6 of Environment and Natural Resources (DENR) as well as the Department of Agriculture  
7 (DA), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Philippine  
8 National Police – Maritime Group (PNP MG) are hereby authorized to enforce this Act and  
9 other marine environmental laws, rules and regulations. Further, the PAMO may also be  
10 augmented by the deputized environment and natural resources, law enforcement  
11 officers upon the recommendation of the PAMB and approval of the DENR.

12 Nothing herein mentioned shall be construed as preventing regular enforcers and police  
13 officers from arresting any person in the act of violating said laws and regulations.

14 Sec. 17. *Prohibited Acts.* – The following acts are prohibited within the PRMRR:

- 15 (a) Poaching, killing, destroying, disturbing of any wildlife within the protected area;  
16 (b) Hunting, taking, collecting, gathering or possessing of any wildlife or by-products  
17 derived therefrom, or resources, whether living or nonliving within the protected area  
18 without the necessary permit, authorization or exemption: Provided, That the PASU as  
19 authorized by the PAMB shall issue a permit, authorization or exemption only for culling,  
20 scientific research, the exceptions provided under Section 27(a) of Republic Act No. 9147,  
21 or the “Wildlife Resources Conservation and Protection Act”, or harvests of non-protected  
22 species in multiple-use zones by fishers who are traditionally operating in the area as may  
23 be determined by BFAR;
- 24 (c) Possessing or transporting outside the protected area any wildlife, or by-products  
25 derived therefrom, which are ascertained to have been taken from the protected area,  
26 except as may be allowed by this Act and authorized through obtaining of the appropriate  
27 permit;
- 28 (d) Using any fishing or harvesting gear or employing any practices, or any of their  
29 variations, that is unsustainable, that are unsustainable, or detrimental to coral reefs,  
30 seagrass or seaweed beds or other marine life and their associated habitats: Provided,  
31 That mere possession of such gears within the protected area shall be prima facie  
32 evidence of their use;
- 33 (e) Holding fast or securing a vessel in place either by using an anchor or tying onto  
34 any part of the reef: Provided, That all vessels permitted to enter shall utilize the mooring  
35 buoys provided by the PRMRR;

- 1 (f) Dumping, throwing, using, or causing to be dumped into or placed in the protected  
2 area of any toxic chemical, noxious or poisonous substance or non-biodegradable  
3 material, untreated sewage or animal waste products or products whether in liquid, solid  
4 or gas state, including pesticides and other hazardous substances as defined under  
5 Republic Act No. 6969, otherwise known as the "Toxic Substances and Hazardous and  
6 Nuclear Wastes Control Act of 1990" detrimental to the protected area, or to the plants,  
7 animals, inhabitants or habitats therein;
- 8 (g) Operating any motorized conveyance within the protected area without permit  
9 from the PAMB;
- 10 (h) Altering, removing, destroying or defacing boundary marks, buoys, or signs;
- 11 (i) Mutilating, defacing, destroying, excavating, vandalizing or, in any manner,  
12 damaging any natural formation, religious, spiritual, historical sites, artifacts and other  
13 objects of natural beauty, scenic value or objects of interest;
- 14 (j) Littering or depositing refuse or debris within the protected area;
- 15 (k) Possessing or using blasting caps or explosives anywhere within the protected  
16 area;
- 17 (l) Occupying or dwelling within the protected area without clearance from the PAMB;
- 18 (m) Entering, enjoying or utilizing any portion of the PRMRR and the resources therein,  
19 for whatever purpose without the prior permission from the PRMRR-PAMB; and
- 20 (n) Obstructing, evading, or hindering Law Enforcement Officers from performing their  
21 duties within the Protected Area.
- 22 (o) Constructing, erecting, or maintaining any kind of structure, fence or enclosures,  
23 conducting any business enterprise within the protected area without prior clearance from  
24 the PAMB and permit from the DENR, or conducting these activities in a manner that is  
25 inconsistent with the management plan duly approved by the PAMB;
- 26 (p) Undertaking mineral exploration or extraction within the protected area, pursuant  
27 to Republic Act No. 7942, or the "Philippine Mining Act of 1995";
- 28 (q) Engaging in commercial or large-scale quarrying within the protected area;
- 29 (r) Establishing or introducing exotic species, including GMOs or invasive alien species  
30 within the protected area;
- 31 (s) Conducting bioprospecting activities within the protected area without prior PAMB  
32 clearance in accordance with existing guidelines: Provided, That in addition to the penalty  
33 provided herein, any commercial use of any substance derived from non-permitted  
34 bioprospecting activities shall not be allowed and all revenue earned from illegal  
35 commercialization thereof shall be forfeited and deposited as part of the IPAF;

1 (t) Prospecting, hunting or otherwise locating hidden treasures within the protected  
2 area;

3 *Sec. 18. Penalties.* – Violations under this Act shall be subject to the following  
4 penalties:

5 (a) A fine of not less than Two hundred thousand pesos (P200,000) but not more than  
6 One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six  
7 (6) years, or both, plus damages of triple the value of the said resources, or both, shall  
8 be imposed upon any person who violates paragraphs (a) to (e) of Section 17 herein;

9 (b) A fine of not less than Two hundred thousand pesos (P200,000) but not more than  
10 One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six  
11 (6) years, or both, shall be imposed upon any person who violates paragraphs (f) to (n)  
12 of Section 17 herein;

13 (c) A fine of not less than One million pesos (P1,000,000) but not more than Five  
14 million pesos (P5,000,000) or imprisonment from six (6) years but not more than twelve  
15 (12) years, or both, shall be imposed upon any person who violates paragraphs (o) to (t)  
16 of Section 17 herein;

17 (d) Administrative fines of not less than Fifty thousand pesos (P50,000), but not  
18 exceeding Five million pesos (P5,000,000), shall be imposed by the DENR Secretary for  
19 the violation of any rule, regulation, or provision of any agreement reached with the  
20 PAMB: Provided, That if an area which has sustained damage from any activity conducted  
21 therein requires rehabilitation or restoration as determined by the court, the offender  
22 shall be required to restore or pay compensation for such damages, which payment shall  
23 accrue to the IPAF.

24 On the basis of a court order, the DENR shall cause the eviction of an offender from the  
25 protected area: Provided, that in cases of emergency, the DENR Secretary may order the  
26 immediate exit or departure of the offender from the protected area. The DENR Secretary  
27 may call on other enforcement agencies to assist in executing the order to vacate.

28 An emergency occurs when there is a demonstrated impending threat to human life and  
29 biodiversity or to species found within the ecosystem of the protected area.

30 All minerals, wildlife, or other resources, whether living or nonliving, illegally collected or  
31 removed from the protected area, including all equipment, devices, conveyances, and  
32 firearms used in connection therewith, shall be forfeited in favor of the government, and  
33 any construction or improvement made thereon by the offender shall be subject to  
34 confiscation by the PAMO, subject to the application of due process.

35 The conveyances, vessels, equipment, paraphernalia, implements, gears, tools, and  
36 similar devices used in the commission of the crime shall be dealt with in accordance with



1 Part 4, Rule 12 (Custody and Disposition of Seized Items, Equipment, Paraphernalia,  
2 Conveyances and Instruments) of Administrative Matter No. 09-6-8-SC (Rules of  
3 Procedure for Environmental Cases) issued by the Supreme Court. However, in no case  
4 shall any confiscated or rescued protected animal species be sold or in any manner  
5 disposed of but shall be immediately turned over to the PAMO for rehabilitation and  
6 release to its natural habitat, subject to existing regulations.

7 Valuation of the damage shall take into account biodiversity and conservation  
8 considerations as well as aesthetic and scenic value. The valuation and assessment by  
9 the DENR, in coordination with other concerned government agencies, shall be presumed  
10 regular, unless otherwise proven by preponderance of evidence.

11 If the offender is an association or corporation, the president or manager, who is proven  
12 to have participated in or have actual knowledge of any violation against the provisions  
13 of this Act shall be directly liable for the act of the employees and laborers: Provided,  
14 finally, That the DENR may impose administrative fines and penalties consistent with this  
15 Act.

16 Any person who shall induce another or conspire to commit any of the acts prohibited in  
17 this Act, or force their workers to commit any of the same, shall be liable as principal.

18 The penalties specified in this section shall be in addition to the penalties provided in the  
19 ENIPAS Act, the Wildlife Resources Conservation and Protection Act, Republic Act No.  
20 10654 amending the Philippine Fisheries Code of 1998, and other related laws.

21 The conviction of a public officer or officer of the law whether from any LGU or any  
22 national government agency for any violation of the provisions of this Act shall carry the  
23 accessory penalty of perpetual disqualification from public office.

24 *Sec. 19. Enforcement of laws within PRMRR Areas in the Exclusive Economic Zone.*

25 –The penalties under this Act shall be enforced according to the following norms:

26 (a) Foreign nationals who are arrested and prosecuted for violations of this Act  
27 committed in the Exclusive Economic Zone of the Philippines shall be subject to  
28 imprisonment or other form of corporal punishment pursuant to an agreement between  
29 the Philippines and the relevant foreign states allowing the imposition of these penalties;

30 (b) Foreign vessels and their crew arrested or detained for violation of this Act  
31 committed in the Exclusive Economic Zone of the Philippines shall be promptly released  
32 upon the posting of reasonable bond or other financial security set by the competent  
33 Philippine court. In case a dispute settlement proceeding has been initiated by the flag  
34 state of a detained foreign vessel before the relevant international court or tribunal under  
35 Article 292 of the 1982 Law of the Sea Convention, the competent Philippine court shall

1 promptly order the release of the detained foreign vessel and its crew upon payment of  
2 the bond or other financial security set by the said relevant international court or tribunal;  
3 (c) In case a foreign vessel is arrested or detained for violation of this Act committed  
4 in the Exclusive Economic Zone of the Philippines, the competent Philippine court shall  
5 promptly direct the Department of Foreign Affairs to notify the flag State of that vessel  
6 of the action taken and of any penalties subsequently imposed.

## 8 CHAPTER V

### 9 INTEGRATED PROTECTED AREA FUND

10 Sec. 20. *The Integrated Protected Area Fund (IPAF).* – Pursuant to the ENIPAS Act  
11 of 2018, income generated from the operation and management of the PRMRR shall  
12 accrue to the Integrated Protected Area Fund (IPAF). The income shall be derived from  
13 fees and charges from the use of resources and facilities of the PRMRR; contributions  
14 from industries and facilities directly benefitting from the protected area; and such other  
15 fees and income derived from the operation of the PRMRR.

16 The PAMB shall retain seventy-five percent (75%) of all revenues raised through the  
17 above means, which shall be deposited in the Protected Area-Retained Income Account  
18 (PA-RIA) in any authorized government depository bank within the locality: Provided,  
19 That disbursements out of such deposits shall be used solely for the protection,  
20 maintenance, administration, and management of the protected area and implementation  
21 of duly approved projects of the PAMB.

22 Grants, donations and endowments from various sources, domestic or foreign, shall be  
23 deposited in full in a special account in the National Treasury to be used for the purpose  
24 specified in the deeds and instruments covering them.

25 Voluntary or legislated payments for ecosystem goods and services, including fines,  
26 penalties, and compensation for damages from protected area offenses shall accrue fully  
27 to the PA-RIA and shall be managed by the PAMB.

28 The remaining twenty-five percent (25%) of revenues shall be deposited as a special  
29 account in the General Fund in the National Treasury for purposes of financing the  
30 projects of the System.

31 The use of the IPAF shall be in accordance with existing accounting, budgeting, and  
32 auditing rules and regulations: Provided, further, That the IPAF shall not be used to cover  
33 personal services expenditures.

34 The DENR shall submit to the Department of Budget and Management (DBM) and the  
35 Department of Finance (DOF) quarterly reports on the financial and physical  
36 accomplishments on the utilization of the IPAF and other documents as may be required



1 by the DBM, and shall furnish a copy of the same to the House Committee on  
2 Appropriations and the Senate Committee on Finance.

3       Sec. 21. *Tax Exemption.* – All grants, bequests, endowments, donations and  
4 contributions made to the protected area fund to be used actually, directly, and  
5 exclusively by the protected area, shall be exempted from donor’s tax and shall be  
6 considered as allowable deduction from the gross income of the donor for the purpose of  
7 computing the taxable income of the donor in accordance with the provisions of the  
8 National Internal Revenue Code of 1997, as amended. (n)

9       Sec. 22. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days  
10 from the effectivity of this Act, the Secretary of the DENR shall, in consultation with the  
11 concerned agencies and stakeholders most especially the fisheries sector, issue the  
12 corresponding rules and regulations for the effective implementation of this Act.

13       Sec. 23. *Appropriations.* – The Secretaries of the DENR and DA shall immediately  
14 include in their respective programs the implementation of this Act, the funding of which  
15 shall be included in the General Appropriations Act.

16       Sec. 24. *Transitory Provision.* – Pursuant to the ENIPAS Act of 2018, in order to  
17 enhance biological diversity and to develop sustainable livelihood opportunities for  
18 tenured migrants, the DENR shall henceforth cease to issue concessions, licenses,  
19 permits, clearances, compliance documents or other instruments that allow utilization of  
20 resources within the protected area until the management plan shall have been put into  
21 effect. All existing resource use permits issued for purposes which are authorized within  
22 the protected area shall be reviewed and shall not be renewed upon their expiration  
23 unless consistent with the management plan and approved by the PAMB.

24 SEC. 25. *Construction and Suppletory Application of Existing Laws.* – The provisions of  
25 this Act shall be construed liberally in favor of achieving biodiversity conservation,  
26 protection and sustainable development. Provisions of the ENIPAS Act of 2018, Republic  
27 Act No. 10654 amending the Philippine Fisheries Code of 1998, the Wildlife Resources  
28 Conservation and Protection Act, and existing environmental laws and their corresponding  
29 rules and regulations not inconsistent hereto shall have suppletory effect in the  
30 implementation of this Act.

31       Sec. 26. *Separability Clause.* – If any provision of this Act is declared  
32 unconstitutional or invalid, other parts or provisions hereof not affected shall continue to  
33 be in full force and effect.

34       Sec.27. *Repealing Clause.* – All laws, ordinances, orders, rules, regulations and  
35 other issuances or parts thereof which are inconsistent with this Act are hereby repealed,  
36 amended or modified accordingly.



1           Sec. 28. *Effectivity.* - This Act shall take effect fifteen (15) days after publication  
2 in the Official Gazette or in a newspaper of general circulation.

*Approved,*