

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



'22 JUL 13 P2:54

SENATE

S. No. 519

RECEIVED BY:

Introduced by **SENATOR CYNTHIA A. VILLAR**

**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

This proposed measure seeks to declare a portion of the Philippine Rise as a protected area under the National Integrated Protected Area System (NIPAS), and at the same time establish a mechanism that would ensure that measures towards this objective are enforced and implemented.

The Philippine Rise is a vast seamount found in the Eastern Seaboard of the Philippines. While it is, on average, 3,000-3,500 meters beneath the ocean's surface, it rises a good 2,000 meters above the rest of the ocean floor. On the Philippine Rise, there exists a number of other seamounts that further "rise up" to 1,000-2,000 meters. The tallest or *shallowest seamount* is the Benham Bank that lies just 48-70 meters beneath sea surface. In 2014, an all-Filipino Scientists Research Expedition discovered pristine coral reefs and associated habitats at depths up to 55 meters in several of their survey stations at the summit of the Benham Bank Seamount. Alongside the discovery of these habitats are the discovery of diverse fish communities and apex predators, schools of sharks - indicative of a

healthy ecosystem in the Benham Bank.¹

The majority of the Philippine Rise, including the Benham Bank Seamount, has always been within the Philippine Exclusive Economic Zone (EEZ). However, the United Nations Commission on the Limits of the Continental Shelf (UN CLCS) adopted the recommendation of the Philippines on the limits of our Continental Shelf, granting us an additional of 13.5M Hectares- Extended Continental Shelf (ECS) in the Philippine Rise extending beyond the EEZ.

Following the discoveries in the Benham Bank, four (4) more research expeditions were conducted in 2016, 2018, 2019, and 2022 to further assess the biodiversity and extent of habitats therein. The data and information obtained from past expeditions supported the recognition of the Philippine Rise as an Ecologically and Biologically Significant Marine Area (EBSA) under the United Nations Convention on Biological Diversity (UN-CBD) and the subsequent declaration of a portion of the Philippine Rise, namely the Benham Bank and its surrounding waters, as a Marine Resource Reserve under the National Integrated Protected Area System in 2018 by virtue of Presidential Proclamation No. 489.

The proclamation of the portion of the Philippine Rise as a marine protected area in 2018 was just an initial step towards fulfilling the requirements for a full-fledged protected area to be finally declared as part of the ENIPAS of 2018. Its protection regime must be fully sealed by an act of Congress.

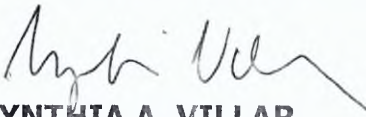
As the PRMRR is the first MPA in the Philippine EEZ, wherein fisheries operations are regular, the state of the habitats and biodiversity in the Benham Bank must be closely monitored to ensure the sustainability of the resources therein. Ecosystem degradation is a precursor of reduced ecosystem services. Regular expeditions to the area must be conducted in order to establish long-term trends in ecological integrity and biodiversity of the Benham Bank, vis-a-vis fisheries productivity data, courtesy of the DA BFAR, in order for us to appropriately craft, revise and implement sustainable utilization guidelines.

¹ Nacorda, H.M., Dizon, R.M., Meñez, L.A., Nañola, C.L., Jr., Roa-Chio, P.B.L, De Jesus, D.O. ... & Villanoy, C.L. (2017). Beneath 50 m of NW Pacific Water: Coral Reefs on the Benham Bank Seamount off the Philippine Sea. *Journal of Environmental Science and Management*. 20. 110-121.

Monitoring and maintaining the high biodiversity and near pristine habitats in the PRMRR will contribute to sustainable fisheries productivity and ecosystem services for present and future generations. The law enforcement agencies (BFAR, Armed Forces of the Philippines, Philippine Coast Guard, and PNP Maritime Group) are involved in maritime patrolling, maritime safety for Filipino fishers, and enforcement of fisheries and conservation laws.

Legislation of the PRMRR will not only institutionalize and provide funds for its management across the various agencies involved, from the DENR, to the DA BFAR, to security and enforcement agencies like the Philippine Coast Guard, the Armed Forces of the Philippines, and the Philippine National Police Maritime Group, among others, but will also be in keeping with our exercise of Philippine sovereignty over our waters and the resources therein, for the benefit of present and future generations of Filipinos.

In view of the foregoing, immediate passage of this bill is earnestly sought.


CYNTHIA A. VILLAR

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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

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

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

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

11 It shall likewise be the policy of the State to promote the Philippine Rise
12 region, with the end in view of fostering widespread awareness and concern for the
13 marine environment, and engaging Filipinos in conservation for the same. Towards

1 this end, the State shall undertake comprehensive and holistic capacity building, and
2 communication, education, and public awareness campaigns for the benefit of the
3 general public, pursuant of the duty of the State to protect, conserve, and promote
4 the biodiversity, ecosystems, and resources therein. The State shall encourage the
5 participation of the fisheries sector in the protection, conservation, and promotion of
6 the PRMRR.

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

9 a) *Bioprospecting* refers to research, collection and utilization of biological
10 and genetic resources for purposes of applying the knowledge derived
11 therefrom solely for commercial purposes.

12 b) *Buffer zone* refers to the identified area outside the boundaries of and
13 immediately adjacent to the PRMRR that needs special development
14 control in order to avoid or minimize harm to the protected area.

15 c) *By-products or derivatives* refer to parts taken or substances extracted
16 from wildlife, in raw or in processed form.

17 d) *Collecting* refers to the act of gathering or harvesting wildlife and its
18 by-products or derivatives.

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

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

25 g) *Coral* refers to either of the following:
26 (i) the sessile marine invertebrates under Class Anthozoa of Phylum
27 Cnidaria, whose individual units are called polyps. This includes
28 stony or hard corals, and soft corals; or

1 (ii) the hard calcareous substance made up of the skeleton of
2 marine anthozoan polyps which compose reefs, shelves and
3 atolls, or any of the other stony masses formed by the skeletons
4 of colonies of polyps. This includes: (a) skeletons of anthozoans
5 characterized as having a rigid axis of compact calcareous or
6 horny spicules, belonging to the genus *Corallium* as represented
7 by the red, pink and white corals which are considered precious
8 corals; (b) skeletons of anthozoans characterized by thorny,
9 horny axis such as the antipatharians represented by the black
10 corals which are considered semi-precious corals; and (c)
11 ordinary corals which are any kind of corals that are not
12 precious nor semi-precious.

13 h) *Coral reef* refers to a natural aggregation of coral skeleton, with or
14 without living coral polyps, occurring in intertidal, subtidal marine
15 waters, or mesophotic zones.

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

20 j) *Demarcation* refers to the establishment of the boundaries of protected
21 areas and their buffer zones using visible markers, monuments, buoys,
22 or GPS markers, as a result of actual ground delineation;

23 k) *Ecosystems goods and services* refer to the multitude of material and
24 nonmaterial provisions and benefits from healthy ecosystems
25 necessary for human sustenance, well-being, and survival including
26 support processes, provisioning and environment regulating services,
27 and cultural resource preservation services;

- 1 l) *Exotic species* refers to the species or subspecies of flora and fauna
2 which do not naturally occur within the protected area at present or in
3 historical time.
- 4 m) *Exploration* refers to the act of searching or prospecting for mineral or
5 energy resources, as defined by law, by geological, geochemical or
6 geophysical surveys, remote sensing, test pitting, trenching, drilling,
7 shaft sinking, tunneling or any other means, for the purpose of
8 determining the existence, extent, quantity, and quality of resources in
9 an area, and the feasibility of utilizing these resources for profit.
- 10 n) *Fishery or Fisheries management area* refers to a bay, gulf, lake or any
11 other fishery area which may be delineated for fishery resource
12 management purposes, as defined in Republic Act No. 10654,
13 amending Republic Act No. 8550 Otherwise known as the Philippine
14 Fisheries Code of 1998.
- 15 o) *Gear* refers to any instrument or device and its accessories utilized in
16 taking, catching, gathering, killing, hunting, destroying, disturbing,
17 removing, or possessing resources within the protected area.
- 18 p) *Genetically modified organism (GMO)* refers to any living organism that
19 possesses a novel combination of genetic material through the use of
20 modern biotechnology.
- 21 q) *Hunting* refers to the killing or catching of wild fauna for food and
22 recreational purposes, with the use of weapons such as guns, bow and
23 arrow, spears, traps and snares, and the like.
- 24 r) *Integrated Protected Area Fund (IPAF)* refers to the special account
25 established for the purpose of financing projects of the NIPAS and
26 individual protected areas.
- 27 s) *Invasive alien species* refers to species introduced deliberately or
28 unintentionally outside their natural habitats where they have the

- 1 ability to establish themselves, invade, out-compete native species,
2 and take over the new environment.
- 3 t) *Littering* refers to the disposal of small amounts of non-biodegradable
4 solid waste materials such as, but not limited to, cigarette butts, candy
5 wrappers, plastic materials, bottles and glasses.
- 6 u) *Multiple-use zone* refers to the area where settlement, traditional and
7 sustainable land use including agriculture, agroforestry, extraction
8 activities, and income generating or livelihood activities may be allowed
9 to the extent prescribed in the protected area management plan.
- 10 v) *Municipal fishers or fisherfolk* refer to persons who catch fish and other
11 fisheries products using fishing vessels of three (3) gross tons or less,
12 or whose fishing does not require the use of fishing vessels.
- 13 w) *National Integrated Protected Areas System (NIPAS)* refers to the
14 classification and administration of all designated protected areas to
15 maintain essential ecological processes and life-support systems,
16 preserve genetic diversity, to ensure sustainable use of resources
17 found therein, and to maintain their natural conditions to the greatest
18 extent possible.
- 19 x) *Non-government organization (NGO)* refers to any civic,
20 developmental, environmental or philanthropic non-stock, non-profit
21 organization, duly registered, having by-laws, democratically-elected
22 representatives, with qualifications, expertise and objectivity in
23 activities concerning community organizing and development, or
24 resource and environmental conservation, management and protection
25 related to the protected area.
- 26 y) *Non-renewable resources* refer to those resources that cannot be
27 remade, regrown or regenerated on a scale comparative to its
28 consumption.

- 1 z) *Noxious or poisonous substances* refer to any substance, plant extracts
2 or juice thereof, sodium cyanide and/or cyanide compounds or, other
3 chemicals either in raw or processed form, harmful or harmless to
4 human beings, which will kill, stupefy, disable or render unconscious
5 any marine organism and capable of damaging or altering the natural
6 habitat.
- 7 aa) *Occupying* refers to a continuous stay of individuals or groups within a
8 protected area, whether residing or engaging in the cultivation of land
9 or fishing for more than twenty-four (24) hours.
- 10 bb) *People's organization (PO)* refers to a group of people which may be
11 an association, cooperative, federation, aggrupation of individuals or
12 groups with an identifiable structure of decision-making and
13 accountability, established to undertake collective action to address
14 community concerns and needs in relation to the protected area.
- 15 cc) *Poaching* refers to gathering, collecting, or possessing products or
16 natural resources from the protected area by any individual person,
17 corporation or entity whether local or foreign; in the case of marine
18 protected areas, operating any foreign fishing vessels by any person,
19 corporation, or entity without a permit.
- 20 dd) *Protected area* refers to identified portions of land and/or water set
21 aside by reason of their unique physical and biological significance,
22 managed to enhance biological diversity and protected against
23 destructive human exploitation.
- 24 ee) *Protected Area Retained Income Account (PA-RIA)* refers to the trust
25 fund maintained by any protected area and administered by the
26 respective Protected Area Management Boards (PAMB) created
27 pursuant to this Act representing the seventy-five percent (75%) of
28 revenues generated from the protected area to support its operation
29 and management.

- 1 ff) *Protected Species* refers to plants or animals declared protected under
2 Philippine laws, rules, and regulations. These shall include all species
3 listed under the Convention on International Trade in Endangered
4 Species of Wild Fauna and Flora and all its Annexes, the Convention on
5 the Conservation of Migratory Species (CMS), those specified under the
6 red-list categories of the International Union for Conservation of Nature
7 and Natural Resources (IUCN), or any plant or animal which the
8 Department of Environment and Natural Resources (DENR), PAMB or
9 any government agency may deem necessary for conservation and
10 preservation in the protected area;
- 11 gg) *Quarrying* refers to the process of extracting, removing, and disposing
12 sand, gravel, guano, limestone, and all other resources used as
13 building and construction materials that are found within the protected
14 area.
- 15 hh) *Resource reserve* refers to an extensive, relatively isolated, and
16 uninhabited area which is difficult to access and is designated to
17 protect the natural resources of the area for future use and prevent or
18 contain development activities that could affect the resources, pending
19 the establishment of sustainable resource utilization goals which are
20 based upon appropriate information and planning.
- 21 ii) *Special Account in the General Fund (SAGF)* refers to the trust fund
22 deposited in the national treasury representing the twenty-five percent
23 (25%) of the revenues generated from the operation of individual
24 protected area and earmarked to support the NIPAS.
25
- 26 jj) *Special Fisheries Management Area (SFMA)* refers to any
27 Fishery/Fisheries Management Area, as defined in RA No. 10654
28 amending RA No. 8550, designated through a Presidential
29 Proclamation or any other form policy issuance.

1 kk) *Special Use Agreement in Protected Areas (SAPA)* refers to a binding
2 instrument between the DENR, as the first party, and the project
3 proponent as the second party, relating to the use and/or development
4 of land, resources or facilities within protected areas, pursuant to the
5 ENIPAS Act;

6 ll) *Strict Protection Zone (SPZ)* refers to portions within protected areas
7 that are closed to human activities by virtue of their significant
8 biodiversity value, high susceptibility to geo-hazard, and identification
9 as permanently dangerous. These areas may also include habitats of
10 threatened species, or degraded areas that are designated for
11 restoration and subsequent protection, regardless of their stages of
12 regeneration;

13 mm) *Wildlife* refers to the wild forms and varieties of flora and fauna, in all
14 developmental stages, including those which are in captivity or are
15 being bred, fed, or propagated.

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

19	Boundary Corner	Latitude	Longitude
20	01	15° 32' 12" N	123° 58' 56" E
21	02	15° 32' 12" N	124° 33' 03" E
22	03	16° 02' 47" N	124° 33' 03" E
23	04	16° 02' 47" N	123° 58' 56" E

24 under the World Geodetic System of 1984 (WGS84), containing an area of
25 three hundred forty-three thousand five hundred seventeen (343,517) hectares,
26 more or less.

27 Sec. 5. *Management Zoning.* – When necessary, the DENR Secretary, upon
28 the recommendation of the Philippine Rise Marine Resource Reserve Protected Area
29 Management Board (PRMRR PAMB), may designate a Strict Protection Zone within

1 the PRMRR in consideration of significant biodiversity value or habitats of threatened
2 species, among other reasons as may be identified.

3 The areas outside of the strict protection zone but within the PRMRR shall
4 automatically be designated as the Multiple-Use Zone and the Special Fisheries
5 Management Area, pursuant to Republic Act No. 11038, or the "ENIPAS Act of
6 2018", amending Republic Act No. 7586, and Republic Act No. 10654 amending
7 Republic Act No. 8550, or the "Philippine Fisheries Code of 1998."

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

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

14 *Sec. 6. Management Plan.* – The management plan shall, at the minimum,
15 promote the adoption and implementation of innovative management techniques
16 including, when necessary, zoning, buffer zone management, habitat conservation
17 and rehabilitation, diversity management, community organizing and development,
18 socioeconomic and scientific researches, site-specific policy development, climate
19 change adaptation and mitigation, disaster risk reduction and management, and
20 gender and development, among others.

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

22 **CHAPTER II**
23 **THE PHILIPPINE RISE MARINE RESOURCE RESERVE PROTECTED AREA**
24 **MANAGEMENT BOARD (PRMRR PAMB)**

25 *Sec. 7. Creation and Composition of the Philippine Rise Marine Resource*
26 *Reserve Management Board.* – There shall be a Philippine Rise Marine Resource
27 Reserve Protected Area Management Board (PRMRR PAMB), which shall be the sole
28 policy-making body of the PRMRR. The management and administration of the

1 PRMRR shall be vested with the PRMRR PAMB, as herein provided, and shall be
2 consultative and participatory. It shall be composed of:

- 3 a) Secretary of the DENR, as Chairperson;
- 4 b) Chairperson of the House of Representatives Committee on Natural
5 Resources Chairperson;
- 6 c) Chairperson of the Senate Committee on Environment, Natural
7 Resources and Climate Change Chairperson;
- 8 d) Designated representatives of the Department of Agriculture Bureau of
9 Fisheries and Aquatic Resources (DA BFAR), National Economic
10 Development Authority (NEDA), Department of Science and
11 Technology (DOST), Department of National Defense Office of Civil
12 Defense (DND OCD), Philippine National Police – Maritime Group, the
13 National Security Council (NSC), National Coast Watch Council
14 Secretariat (NCWCS), Department of Foreign Affairs Maritime and
15 Ocean Affairs Office (DFA MOAO), Armed Forces of the Philippines
16 (AFP), and the Philippine Coast Guard (PCG);
- 17 e) Four (4) representatives from NGOs or POs duly accredited by the
18 DENR. The NGOs or POs represented should have been in existence for
19 at least five (5) years and must have a record of accomplishments in
20 the field of protected area management;
- 21 f) Up to four (4) representatives from academic institutions, preferably
22 from universities or colleges with proven track records in protected
23 area management and research; and
- 24 g) One (1) representative from the private sector, preferably from the
25 commercial fishing sector and a member of the National Fisheries and
26 Aquatic Resources Management Council.

27 Ex-officio members or members of the PAMB by virtue of their elective or
28 appointive government positions as specified in the immediately preceding sub-

1 paragraphs (a), (b), (c), and (d) shall serve for the duration of their respective terms
2 of office in their respective elective or appointive government positions.

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

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

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

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

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

- 21 1) More than three (3) consecutive unexcused absences from regular
22 meetings of the management board;
- 23 2) Commission of acts prejudicial to the management of protected areas
24 as embodied in Section 18 hereof and other existing rules and
25 regulations governing protected areas;
- 26 3) Disassociation from the office or organization being represented;

- 1 4) Termination of relationship with the office or organization being
2 represented; or
- 3 5) Conviction by final judgment of any criminal act.

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

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

- 9 a) Oversee the management of the protected area;
- 10 b) Approve policies, plans and programs, proposals, agreements, and
11 other related documents for the management of the protected areas;
- 12 c) Approve the management plan of the protected area and ensure its
13 harmonization with and integration into national and other
14 development plans, such as the FMA plan, public or private, and its
15 implementation;
- 16 d) Adopt a manual of operations to include rules of procedures in the
17 conduct of business, and the creation of committees and their
18 respective terms of reference;
- 19 e) Recommend the deputation of appropriate agencies and individuals for
20 the enforcement of the laws, rules and regulations governing the
21 management of the protected area;
- 22 f) Allocate financial resources for the implementation of the management
23 plan and manage the Protected Area Retention Income Account and
24 other funds in accordance with the accounting and budgeting rules and
25 regulations;
- 26 g) Set fees and charges in accordance with existing guidelines;

- 1 h) Issue rules and regulations for the resolution of conflicts through
2 appropriate and effective means;
- 3 i) Recommend appropriate policy changes to the DENR and other
4 government authorities;
- 5 j) Monitor and assess the performance of the Protected Area
6 Superintendent (PASU) and other protected area personnel and
7 compliance of partners with the terms and conditions of any
8 undertaking, contract or agreement;
- 9 k) Recommend from among a shortlist of qualified candidates, the
10 designation or appointment of the PASU; and
- 11 l) Assess the effectiveness of the management of the protected area:

12 *Provided,* That the members of the management board representing national
13 agencies shall inform their respective constituents, offices or sectors, of PAMB-
14 approved or other relevant policies, rules, regulations, programs, and projects and
15 shall ensure that the provisions of this Act and its implementing rules and
16 regulations are complied with, and used as reference and framework in their
17 respective plans, policies, programs, and projects. Failure to comply with the
18 foregoing shall be the basis for disciplinary action against such member according to
19 administrative rules and regulations and such penalties as the PAMB may provide:
20 *Provided, further,* That the DENR, shall ensure that the PAMB acts within the scope
21 of its powers and functions. In case of conflict between the resolutions issued by the
22 PAMB and the existing administrative orders of national application, the latter shall
23 prevail.

24 *Sec. 9. The Protected Area Management Office (PAMO).* – Pursuant to the
25 ENIPAS Act of 2018, there is hereby established a PRMRR Protected Area
26 Management Office (PAMO) to be headed by a Protected Area Superintendent
27 (PASU) with a permanent plantilla position who shall supervise the day-to-day
28 management, protection, and administration of the PRMRR. A sufficient number of

1 support staff with permanent plantilla position shall be appointed by the DENR to
2 assist the PASU in the management of the PRMRR.

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

- 6 a) Prepare the management plan, in consultation with the stakeholders,
7 including the annual work and financial plans and ensure its
8 implementation;
- 9 b) Ensure the integration of the protected area management plans,
10 programs, projects, and policies with relevant national plans and
11 programs;
- 12 c) Provide secretariat services to the PAMB and its committees and
13 ensure the availability of relevant and timely information for decision-
14 making;
- 15 d) Formulate and recommend to the PAMB proposed policies, rules,
16 regulations, and programs;
- 17 e) Establish, operate, and maintain a database management system
18 which shall be an important basis for decision-making;
- 19 f) Enforce the laws, rules and regulations relevant to the protected area,
20 commence and institute administrative and legal actions in
21 collaboration with other government agencies or organizations, and
22 assist in the prosecution of offenses committed in violation of this Act;
- 23 g) Monitor, evaluate, and report the implementation of management
24 activities of the protected area;
- 25 h) Request for and receive any technical assistance, support or advice
26 from any agency or instrumentality of the government as well as
27 academic institutions, NGOs, and the private sector, as may be

1 necessary for the effective management, protection and administration
2 of the protected area;

3 i) Issue permits and clearances for activities that implement the
4 management plan and other permitted activities in accordance with
5 terms, conditions, and criteria established by the PAMB: Provided, That
6 all permits for extraction activities, including collection for research
7 purposes, shall also continue to be issued by relevant authorities,
8 subject to prior clearance from the PAMB, through the PASU, in
9 accordance with the specific acts to be covered;

10 j) Collect and receive pertinent fees, charges, donations, and other
11 income for the protected area: Provided, That such fees, charges,
12 donations, and other income collected/received shall be reported
13 regularly to the PAMB and the DENR in accordance with existing
14 guidelines;

15 k) Prepare and recommend to the PAMB approval of the annual work and
16 financial plans of the protected area based on the management plan;

17 l) Directly report to the DENR Undersecretary for Field Operations
18 through the Director of the Biodiversity Management Bureau; and

19 m) Perform such other functions as the PAMB and the DENR may assign.

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

25 Sec. 11. *Reporting Responsibility.* – Pursuant to the ENIPAS Act of 2018, the
26 PASU, through the PAMB, shall submit an annual accomplishment report of the
27 protected area to the Secretary of the DENR through the Biodiversity Management
28 Bureau (BMB). A report on the conditions and benefits of the biological resources

1 and ecosystem services of the protected area shall also be submitted by the PASU,
2 through channels, to the Secretary of the DENR every five (5) years. Further, the
3 PASU shall coordinate with and provide the necessary documents needed by the
4 BMB for the preparation of the National State of Protected Areas (NSPAs) report
5 every five (5) years, to be submitted to the President, the Senate and the House of
6 Representatives.

7 **CHAPTER III**
8 **DEVELOPMENT, FISHING, EXPLORATION, AND RESEARCH**
9 **ACTIVITIES AT THE PRMRR**

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

17 *Sec. 13. Environmental Impact Assessment (EIA).* – Considering that
18 protected areas are environmentally critical areas, the proponent of development
19 projects and activities with potentially significant adverse impacts as determined by
20 the Environmental Management Bureau (EMB), whether or not these projects or
21 activities are included in the management plan, shall secure an Environmental
22 Compliance Certificate (ECC) in accordance with the Philippine Environment Impact
23 Statement (EIS) System: Provided, That for development projects and activities that
24 are not environmentally critical, an initial environmental examination (IEE) shall be
25 undertaken instead of a full-blown EIA. No project or activity may be undertaken by
26 any project proponent without prior clearance from the PAMB. The DENR shall
27 require the submission of the PAMB clearance, among others, before issuing an ECC
28 to a project proponent.

29 No actual implementation of such activities shall be allowed without the
30 required ECC under the Philippine EIA System. Violations of environmental laws,

1 rules and regulations, including those under the EIA System, shall be penalized
2 accordingly.

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

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

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

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

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

29

1 **CHAPTER IV**
2 **ENFORCEMENT, PROHIBITED ACTS AND PENALTIES**

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

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

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

- 17 a) Poaching, killing, destroying, disturbing of any wildlife within the
18 protected area;
- 19 b) Hunting, taking, collecting, gathering or possessing of any wildlife or
20 by-products derived therefrom, or resources, whether living or
21 nonliving within the protected area without the necessary permit,
22 authorization or exemption: Provided, That the PASU as authorized by
23 the PAMB shall issue a permit, authorization or exemption only for
24 culling, scientific research, the exceptions provided under Section 27(a)
25 of Republic Act No. 9147, or the “Wildlife Resources Conservation and
26 Protection Act”, or harvests of non-protected species in multiple-use
27 zones by fishers who are traditionally operating in the area as may be
28 determined by BFAR;

- 1 c) Possessing or transporting outside the protected area any wildlife, or
2 by-products derived therefrom, which are ascertained to have been
3 taken from the protected area, except as may be allowed by this Act
4 and authorized through obtaining of the appropriate permit;
- 5 d) Using any fishing or harvesting gear or employing any practices, or any
6 of their variations, that is unsustainable, that are unsustainable, or
7 detrimental to coral reefs, seagrass or seaweed beds or other marine
8 life and their associated habitats: Provided, That mere possession of
9 such gears within the protected area shall be prima facie evidence of
10 their use;
- 11 e) Holding fast or securing a vessel in place either by using an anchor or
12 tying onto any part of the reef: Provided, That all vessels permitted to
13 enter shall utilize the mooring buoys provided by the PRMRR;
- 14 f) Dumping, throwing, using, or causing to be dumped into or placed in
15 the protected area of any toxic chemical, noxious or poisonous
16 substance or non-biodegradable material, untreated sewage or animal
17 waste products or products whether in liquid, solid or gas state,
18 including pesticides and other hazardous substances as defined under
19 Republic Act No. 6969, otherwise known as the "Toxic Substances and
20 Hazardous and Nuclear Wastes Control Act of 1990" detrimental to the
21 protected area, or to the plants, animals, inhabitants or habitats
22 therein;
- 23 g) Operating any motorized conveyance within the protected area without
24 permit from the PAMB;
- 25 h) Altering, removing, destroying or defacing boundary marks, buoys, or
26 signs;
- 27 i) Mutilating, defacing, destroying, excavating, vandalizing or, in any
28 manner, damaging any natural formation, religious, spiritual, historical

- 1 sites, artifacts and other objects of natural beauty, scenic value or
2 objects of interest;
- 3 j) Littering or depositing refuse or debris within the protected area;
- 4 k) Possessing or using blasting caps or explosives anywhere within the
5 protected area;
- 6 l) Occupying or dwelling within the protected area without clearance
7 from the PAMB;
- 8 m) Entering, enjoying or utilizing any portion of the PRMRR and the
9 resources therein, for whatever purpose without the prior permission
10 from the PRMRR-PAMB; and
- 11 n) Obstructing, evading, or hindering Law Enforcement Officers from
12 performing their duties within the Protected Area.
- 13 o) Constructing, erecting, or maintaining any kind of structure, fence or
14 enclosures, conducting any business enterprise within the protected
15 area without prior clearance from the PAMB and permit from the
16 DENR, or conducting these activities in a manner that is inconsistent
17 with the management plan duly approved by the PAMB;
- 18 p) Undertaking mineral exploration or extraction within the protected
19 area, pursuant to Republic Act No. 7942, or the "Philippine Mining Act
20 of 1995";
- 21 q) Engaging in commercial or large-scale quarrying within the protected
22 area;
- 23 r) Establishing or introducing exotic species, including GMOs or invasive
24 alien species within the protected area;
- 25 s) Conducting bioprospecting activities within the protected area without
26 prior PAMB clearance in accordance with existing guidelines: Provided,

1 That in addition to the penalty provided herein, any commercial use of
2 any substance derived from non-permitted bioprospecting activities
3 shall not be allowed and all revenue earned from illegal
4 commercialization thereof shall be forfeited and deposited as part of
5 the IPAF;

- 6 t) Prospecting, hunting or otherwise locating hidden treasures within the
7 protected area;

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

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

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

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

- 25 d) Administrative fines of not less than Fifty thousand pesos (P50,000),
26 but not exceeding Five million pesos (P5,000,000), shall be imposed by
27 the DENR Secretary for the violation of any rule, regulation, or
28 provision of any agreement reached with the PAMB: Provided, That if
29 an area which has sustained damage from any activity conducted

1 therein requires rehabilitation or restoration as determined by the
2 court, the offender shall be required to restore or pay compensation
3 for such damages, which payment shall accrue to the IPAF.

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

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

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

18 The conveyances, vessels, equipment, paraphernalia, implements, gears,
19 tools, and similar devices used in the commission of the crime shall be dealt with in
20 accordance with Part 4, Rule 12 (Custody and Disposition of Seized Items,
21 Equipment, Paraphernalia, Conveyances and Instruments) of Administrative Matter
22 No. 09-6-8-SC (Rules of Procedure for Environmental Cases) issued by the Supreme
23 Court. However, in no case shall any confiscated or rescued protected animal species
24 be sold or in any manner disposed of but shall be immediately turned over to the
25 PAMO for rehabilitation and release to its natural habitat, subject to existing
26 regulations.

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

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

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

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

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

16 *Sec. 19. Enforcement of laws within PRMRR Areas in the Exclusive Economic*
17 *Zone.* – The penalties under this Act shall be enforced according to the following
18 norms:

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

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

1 competent Philippine court shall promptly order the release of the
2 detained foreign vessel and its crew upon payment of the bond or
3 other financial security set by the said relevant international court or
4 tribunal;

- 5 c) In case a foreign vessel is arrested or detained for violation of this Act
6 committed in the Exclusive Economic Zone of the Philippines, the
7 competent Philippine court shall promptly direct the Department of
8 Foreign Affairs to notify the flag State of that vessel of the action taken
9 and of any penalties subsequently imposed.

10 **CHAPTER IV**
11 **ENFORCEMENT, PROHIBITED ACTS AND PENALTIES**

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

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

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

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

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

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

7 The DENR shall submit to the Department of Budget and Management (DBM)
8 and the Department of Finance (DOF) quarterly reports on the financial and physical
9 accomplishments on the utilization of the IPAF and other documents as may be
10 required by the DBM, and shall furnish a copy of the same to the House Committee
11 on Appropriations and the Senate Committee on Finance.

12 *Sec. 21. Tax Exemption.* – All grants, bequests, endowments, donations and
13 contributions made to the protected area fund to be used actually, directly, and
14 exclusively by the protected area, shall be exempted from donor’s tax and shall be
15 considered as allowable deduction from the gross income of the donor for the
16 purpose of computing the taxable income of the donor in accordance with the
17 provisions of the National Internal Revenue Code of 1997, as amended.

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

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

25 *Sec. 24. Transitory Provision.* – Pursuant to the ENIPAS Act of 2018, in order
26 to enhance biological diversity and to develop sustainable livelihood opportunities for
27 tenured migrants, the DENR shall henceforth cease to issue concessions, licenses,
28 permits, clearances, compliance documents or other instruments that allow
29 utilization of resources within the protected area until the management plan shall

1 have been put into effect. All existing resource use permits issued for purposes
2 which are authorized within the protected area shall be reviewed and shall not be
3 renewed upon their expiration unless consistent with the management plan and
4 approved by the PAMB.

5 Sec. 25. *Construction and Suppletory Application of Existing Laws.* – The
6 provisions of this Act shall be construed liberally in favor of achieving biodiversity
7 conservation, protection and sustainable development. Provisions of the ENIPAS Act
8 of 2018, Republic Act No. 10654 amending the Philippine Fisheries Code of 1998, the
9 Wildlife Resources Conservation and Protection Act, and existing environmental laws
10 and their corresponding rules and regulations not inconsistent hereto shall have
11 suppletory effect in the implementation of this Act.

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

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

18 Sec. 28. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
19 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,