

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



23 MAY 23 A9:55

SENATE

RECEIVED BY: _____

S. No. 2225

Introduced by **SENATOR CYNTHIA A. VILLAR**

**AN ACT
ESTABLISHING PIGBUCAN POINT TO PARON POINT OF MANITO IN THE
PROVINCE OF ALBAY AS A PROTECTED AREA UNDER THE CATEGORY OF
PROTECTED SEASCAPE, PROVIDING FOR ITS PROTECTION,
CONSERVATION, PROPER MANAGEMENT, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Under the 1987 Philippine Constitution, it is a declared policy that the State "shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature"¹ In line with safeguarding a healthful ecology, the Constitution likewise provides that Congress shall determine the national parks, which shall be conserved and may not be increased nor diminished, except by law².

These constitutional obligations led to the establishment of the National Integrated Protected Areas System (NIPAS) under Republic Act (RA) No. 7586, which was later amended by RA No. 11038 or the "Expanded NIPAS Act of 2018". The NIPAS aims to safeguard the perpetual existence of all native plants and animals for current and future generations by creating a comprehensive system of protected

¹ Article II, Section 16, 1987 Philippine Constitution

² Article XII, Sec. 3, 1987 Philippine Constitution

areas that encapsulate rich, unique, and biologically significant regions, including habitats of endangered species and biogeographic zones.

As of May 2023, the Philippines has officially declared 114 protected areas through legislation. Despite this, based on data and various suitability assessments from the Biodiversity Management Bureau (BMB) of Department of Environment and Natural Resources (DENR), numerous potential sites in the country await legislative action to attain protected area status in order to facilitate their conservation.

This proposed bill seeks to declare the area extending from Pigbucan Point to Paron Point in the Province of Albay as a protected seascape under the NIPAS. This aligns with the strategic necessity of establishing protected areas to safeguard biodiversity, preserve vital habitats, and maintain ecological balance. Such initiatives also deliver multiple benefits, including resilience to climate change, global food security, water quality maintenance, natural resource conservation, economic development, prevention of diseases and pests, and numerous advantages to wildlife and human health³.

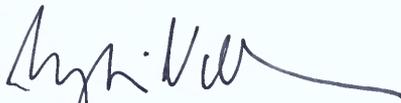
Pigbucan Point to Paron Point of Manito, Albay is among the areas included as part of our country's mangrove swamp forest reserves by virtue of Presidential Proclamation No. 2152, series of 1981, also known as the "Declaration of the Entire Province of Palawan and Certain Parcels of the Public Domain and/or Parts of the Country as Mangrove Swamp Forest Reserves". In 2020, a Protected Area Suitability Assessment (PASA) conducted by the Department of Environment and Natural Resources (DENR) found that the proposed Manito Protected Seascape (MPS) - which spans seven coastal barangays of Manito, specifically Tinapian, Manumbalay, Buyo, Itba, Cawit, Pawa, and Hologan and with a total area of 3,040.01 hectares - boasts a diverse range of marine habitats such as mangrove forests, seagrass beds, and coral reefs along its rich coastline, serving as home to various threatened flora and fauna.

³ Secretariat of the Convention on Biological Diversity, 2008

To support the preservation, conservation, and proper management of Manito's coastal and marine environment, this bill proposes to include the Manito Protected Seascape in the list of legislated protected areas under the National Integrated Protected Areas System.

Following the filing of House Bill No. 7129 by Representative Joey S. Salceda of the 2nd District of Albay, which seeks to establish Pigbucan Point to Paron Point of Manito in Albay as a protected area, I am encouraged to file a counterpart bill in the Senate and advocate for its passage.

Hence, I seek the swift approval of this bill.


CYNTHIA A. VILLAR

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

1 Sec. 1. *Title.* – This Act shall be known as the “Manito Protected Seascape
2 Act”.

3 Sec. 2. *Declaration of Policy.* – Cognizant of the profound impact of human
4 activities on all components of the natural environment, it is declared the policy of
5 the State to secure for the Filipino people of present and future generations, the
6 perpetual existence of all ecologically important flora and fauna through the
7 declaration of protected areas under the National Integrated Protected Area System
8 (NIPAS) within the classification of national park as provided for in the Constitution.

9 In recognition of the richness of the biological resources, both flora and fauna
10 of Pigbucan Point to Paron Point, as well as their aesthetic and ecological
11 importance, it is hereby declared as protected area with a category of protected
12 seascape and shall hereinafter be referred to as Manito Protected Seascape (MPS).
13 As such, the State shall ensure the conservation, protection, management and

1 rehabilitation of the area. It is likewise recognized that effective administration of
2 this area is possible only through cooperation among national government,
3 concerned local government unit (LGU), non-governmental organizations (NGOs),
4 private entities and local communities. The use and enjoyment of this area must be
5 consistent with the principles of biological diversity and sustainable development.

6 In doing so, the State shall ensure the full implementation of this Act, the
7 mobilization of resources for the institutional mechanisms herein established, and
8 the full scientific and technical support needed for the conservation of biodiversity
9 and the integrity of the ecosystems, socio-cultural practices.

10 *Sec. 3. Scope and Coverage.* – The boundaries of the Manito Protected
11 Seascape, which falls under the category of Protected Seascape as defined herein,
12 within the municipality of Manito, are as follows:

LINE	BEARING	DISTANCE (m.)
1 - 2	N41°30'W	134.98
2 - 3	N56°51'W	227.57
3 - 4	S70°43'W	151.40
4 - 5	S81°12'W	240.13
5 - 6	N46°41'W	152.76
6 - 7	S21°11'W	61.35
7 - 8	S40°38'W	60.54
8 - 9	S53°45'W	70.48
9 - 10	S68°06'W	89.61
10 - 11	N55°23'W	60.69
11 - 12	N20°55'W	68.33

12 - 13	N08°32'W	247.29
13 - 14	N00°38'W	231.66
14 - 15	N04°09'E	120.71
15 - 16	N34°40'E	96.86
16 - 17	S05°12'W	85.90
17 - 18	S22°18'E	163.92
18 - 19	S08°26'W	106.13
19 - 20	S56°40'E	176.87
20 - 21	S00°00'W	77.77
21 - 22	S55°00'W	47.46
22 - 23	S33°32'E	84.51
23 - 24	N71°58'E	59.82
24 - 25	S46°41'E	152.76
25 - 26	S21°42'W	118.65
26 - 27	S16°13'E	168.89
27 - 28	S34°35'E	128.44
28 - 29	S24°04'W	425.27
29 - 30	S00°00'W	52.76
30 - 31	S71°34'E	27.81
31 - 32	N35°00'E	53.67
32 - 33	N59°56'E	96.52
33 - 34	S48°01'E	59.15
34 - 35	S29°07'W	397.63
35 - 36	S56°17'W	215.88

36 - 37	S06°20'E	154.38
37 - 38	S07°38'W	265.38
38 - 39	S43°40'W	401.14
39 - 40	S35°00'W	161.00
40 - 41	S10°18'E	147.46
41 - 42	S35°06'W	198.81
42 - 43	S83°48'W	203.43
43 - 44	N49°09'W	215.07
44 - 45	N50°11'W	156.70
45 - 46	N87°25'W	172.34
46 - 47	N39°48'W	67.92
47 - 48	N74°41'W	119.63
48 - 49	N45°29'W	209.94
49 - 50	N64°21'W	177.93
50 - 51	N83°46'W	287.24
51 - 52	N58°10'W	171.52
52 - 53	N79°58'W	248.84
53 - 54	S63°21'W	304.73
54 - 55	S25°32'W	207.89
55 - 56	S09°41'E	579.21
56 - 57	S32°21'W	179.93
57 - 58	S68°59'W	79.95
58 - 59	S00°01'E	160.72
59 - 60	S40°07'E	160.50

60 - 61	S40°03'W	283.25
61 - 62	N82°31'W	183.07
62 - 63	N66°20'W	1957.32
63 - 64	N32°53'E	6751.24
64 - 65	N89°57'E	7375.25
65 - 66	S00°07'W	2896.16
66 - 67	S70°01'W	1332.56
67 - 68	N38°09'W	177.91
68 - 69	N16°25'W	167.50
69 - 70	N14°09'E	141.63
70 - 71	N03°54'W	254.02
71 - 72	N07°42'E	340.44
72 - 73	N09°10'W	195.40
73 - 74	N02°39'E	105.94
74 - 75	N24°02'E	96.91
75 - 76	N37°07'W	189.03
76 - 77	N47°45'W	239.46
77 - 78	S78°00'W	142.25
78 - 79	N79°58'W	130.80
79 - 80	N51°55'W	108.83
80 - 81	S25°13'W	139.04
81 - 82	S58°26'W	308.33
82 - 83	S80°04'W	137.72
83 - 84	N40°45'W	122.41

84 - 85	N53°57'W	156.34
85 - 86	N81°09'W	107.23
86 - 87	S87°52'W	241.19
87 - 88	N69°03'W	269.12
88 - 89	N80°04'W	165.23
89 - 90	N72°05'W	295.48
90 - 91	N85°46'W	75.12
91 - 92	S38°30'W	36.50
92 - 93	S14°37'W	93.81
93 - 94	S32°01'E	58.83
94 - 95	S85°40'W	32.26
95 - 96	S79°12'W	82.14
96 - 97	N78°44'W	342.08
97 - 98	S89°15'W	120.53
98 - 99	N41°36'W	193.76
99 - 100	N85°50'W	30.51
100 - 101	S65°52'W	96.02
101 - 102	S54°02'W	214.87
102 - 103	S44°14'W	95.27
103 - 104	S65°07'W	137.80
104 - 105	S79°37'W	161.10
105 - 106	S55°33'W	76.44
106 - 107	S31°25'W	58.03
107 - 108	S06°27'E	177.50

108 - 109	S30°07'E	197.06
109 - 110	S01°58'E	112.83
110 - 111	S15°57'W	113.23
111 - 112	N30°15'W	108.04
112 - 113	N39°35'W	112.26
113 - 114	S89°32'W	119.02
114 - 115	S84°48'W	128.85
115 - 116	S11°30'W	234.12
116 - 117	S52°49'W	141.54
117 - 118	S41°11'E	41.33
118 - 119	N63°26'E	121.73
119 - 120	S12°13'E	385.92
120 - 121	S44°17'E	249.05
121 - 122	S67°59'E	104.62
122 - 1	S36°08'W	274.71

1 The Department of Environment and Natural Resources (DENR), with the
2 assistance from other government agencies, if necessary, shall delineate and
3 demarcate on the ground the boundaries of the protected area. Any modification of
4 the coverage of this Act due to such factors as changing ecological situations, new
5 scientific or archeological findings, or discovery of traditional boundaries not
6 previously considered shall be made through an act of Congress, after consultation
7 with the affected public and concerned government agencies.

8 Sec. 4. *Definition of Terms.* – For purposes of this Act, the following terms
9 shall be defined as follows:

10 a) *Biological diversity or biodiversity* refers to the variability among living

1 organisms from all sources including, inter alia, terrestrial, marine and
2 other aquatic ecosystems and the ecological complexes of which they
3 are part; this includes diversity within species, between species and of
4 ecosystems;

5 b) *Bioprospecting* refers to the research, collection, and utilization of
6 biological and genetic resources for purposes of applying the
7 knowledge derived therefrom solely for commercial purposes;

8 c) *Buffer zones* refer to identified areas outside the boundaries of and
9 immediately adjacent to designated protected areas that need special
10 development control in order to avoid or minimize harm to the
11 protected area;

12 d) *By-products or Derivatives* refer to parts taken, or substances extracted
13 from wildlife, in raw or in processed form;

14 e) *Collecting* refers to the act of gathering or harvesting wildlife and its
15 by-products or derivatives;

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

20 g) *Delineation* refers to the actual ground survey of the boundaries of
21 protected areas and their buffer zones and management and
22 management zones using the global positioning system (GPS) or other
23 applicable survey instruments and technologies, with the intention of
24 producing a map of the area;

25 h) *Demarcation* refers to the establishment of the boundaries of protected
26 areas and their buffer zones using visible markers, monuments, buoys
27 in case of marine areas, and known natural features and landmarks,

- 1 among others, as a result of the actual ground delineation;
- 2 i) *Ecosystem goods and services* refer to the multitude of material and
3 nonmaterial provisions and benefits from healthy ecosystems necessary
4 for human sustenance, well-being, and survival including support
5 processes, provisioning and environment regulating services, and
6 cultural resource preservation services;
- 7 j) *Endemic species* refer to the species or subspecies of flora and fauna
8 which are naturally occurring and found within specific areas in the
9 country;
- 10 k) *Exotic species* refer to the species or subspecies of flora and fauna
11 which do not naturally occur within the protected area at present or in
12 historical time;
- 13 l) *Exploration* refers to the act of searching or prospecting for mineral
14 resources, as defined by law, by geological, geochemical or geophysical
15 surveys, remote sensing, test pitting, trenching, drilling, shaft sinking,
16 tunneling or any other means, for the purpose of determining the
17 existence, extent, quantity, and quality of resources in an area, and the
18 feasibility of utilizing these resources for profit;
- 19 m) *Gear* refers to any instrument or device and its accessories utilized in
20 taking, catching, gathering, killing, hunting, destroying, disturbing,
21 removing, or possessing resources within the protected area;
- 22 n) *Genetically modified organism (GMO)* refers to any living organism that
23 possesses a novel combination of genetic material through the use of
24 modern biotechnology;
- 25 o) *Hunting* refers to the killing or catching of wild fauna for food and
26 recreational purposes, with the use of weapons such as guns, bow and
27 arrow, spears, traps and snares, and the like;

- 1 p) *Integrated Protected Area Fund (IPAF)* refers to the special account
2 established for the purpose of financing projects of the NIPAS and
3 individual protected areas;
- 4 q) *Invasive alien species* refer to species introduced deliberately or
5 unintentionally outside their natural habitats where they have the
6 ability to establish themselves, invade, outcompete native species, and
7 take over the new environment;
- 8 r) *Kaingin* refers to the slash-and-burn cultivation of vegetated land in a
9 protected area, whether occupied or not, shifting and permanent with
10 little or no provision to prevent soil erosion;
- 11 s) *Multiple-use zone* refers to the area where settlement, traditional and
12 sustainable land use including agriculture, agroforestry, extraction
13 activities, and income generating, or livelihood activities may be
14 allowed to the extent prescribed in the protected area management
15 plan;
- 16 t) *National Integrated Protected Areas System (NIPAS)* refers to the
17 classification and administration of all designated protected areas to
18 maintain essential ecological processes and life-support systems, to
19 preserve genetic diversity, to ensure sustainable use of resources found
20 therein, and to maintain their natural conditions to the greatest extent
21 possible;
- 22 u) *National park* refers to the lands of the public domain classified as such
23 in the Constitution which include all areas under the NIPAS pursuant to
24 this Act, primarily designated for the conservation of native plants and
25 animals, their associated habitats and cultural diversity;
- 26 v) *Occupying* refers to a continuous stay of individuals or groups within a
27 protected area, whether residing or engaging in the cultivation of land

1 or fishing for more than twenty-four (24) hours;

2 w) *Poaching* refers to gathering, collecting, or possessing products or
3 natural resources from the protected area by any individual person,
4 corporation or entity whether local or foreign; in the case of marine
5 protected areas, operating any foreign fishing vessels by any person,
6 corporation, or entity without a permit;

7 x) *Protected area* refers to identified portions of land and/or water set
8 aside by reason of their unique physical and biological significance,
9 managed to enhance biological diversity and protected against
10 destructive human exploitation;

11 y) *Protected area occupants* refer to persons who are residing, utilizing,
12 and cultivating areas within the protected area. These include private
13 owners, IPs, tenured migrants and informal settlers;

14 z) *Protected Area Retained Income Account* refers to the trust fund
15 maintained by any protected area and administered by the respective
16 Protected Area Management Boards (PAMB) created pursuant to this
17 Act representing the seventy-five percent (75%) of revenues generated
18 from the protected area to support its operation and management;

19 aa) *Protected landscape and/or seascapes* refer to areas of national
20 significances which are characterized by the harmonious interaction of
21 man and land and water while providing opportunities for public
22 enjoyment through recreation, tourism, and other economic activities;

23 bb) *Protected species* refer to plants or animals declared protected under
24 Philippines laws, rules, and regulations. These shall include all species
25 listed under the Convention on International Trade in Endangered
26 Species of Wild Fauna and Flora and all its Annexes, the Convention on
27 the Conservation of Migratory Species (CMS), those specified under the

1 red-list categories of the International Union for Conservation of Nature
2 and Natural Resources (IUCN), or any plant or animal which the
3 Department of Environment and Natural Resources (DENR), PAMB or
4 any government agency may deem necessary for conservation and
5 preservation in the protected area;

6 cc) *Quarrying* refers to the process of extracting, removing, and disposing
7 sand, gravel, guano, limestone, and all other resources used as
8 building and construction materials that are found within the protected
9 area;

10 dd) *Resource reserve* refers to an extensive, relatively isolated, and
11 uninhabited area which is difficult to access and is designated to
12 protect the natural resources of the area for future use and prevent or
13 contain development activities that could affect the resources, pending
14 the establishment of sustainable resource utilization goals which are
15 based upon appropriate information and planning;

16 ee) *Special Account in the General Fund (SAGF)* refers to the trust fund
17 deposited in the national treasury representing the twenty-five percent
18 (25%) of the revenues generated from the operation of individual
19 protected area and earmarked to support the NIPAS;

20 ff) *Strict Protection zone* refers to an area possessing some outstanding
21 ecosystem, features, and species of flora and fauna of national
22 scientific importance that should be maintained to protect and preserve
23 nature in its undisturbed state and to preserve ecologically
24 representative examples of the natural environment to ensure their
25 availability, or degraded areas that have been designated for
26 restoration and subsequent protection, even if these areas are still in
27 various stages of regeneration; and shall be closed to all human
28 activity except for scientific studies, environmental monitoring,
29 education, and for the maintenance of genetic resources in a dynamic

1 and evolutionary state may include habitats of threatened species;

2 gg) *Tenured migrants* refer to protected area occupants who have been
3 actually, continuously and presently occupying a portion of the
4 protected area for five (5) years before the proclamation or law
5 establishing the same as a protected area, and are solely dependent
6 therein for subsistence;

7 hh) *Threatened species* refer to species or subspecies considered critically
8 endangered, vulnerable, or other accepted categories of wildlife whose
9 population is at risk of extinction;

10 ii) *Wetlands* refer to a wide variety of inland habitats such as marshes,
11 peatlands, floodplains, rivers and lakes, and coastal areas such as
12 saltmarshes, mangroves, intertidal mudflats and seagrass beds, and
13 also coral reefs and other marine areas no deeper than six (6) meters
14 at low tide, as well as human-made wetlands such as dams, reservoirs,
15 rice paddies and wastewater treatment ponds and lagoons; and

16 jj) *Wildlife* refers to the wild forms and varieties of flora and fauna, in all
17 developmental stages, including those which are in captivity or are
18 being bred, fed, or propagated.

19 Sec. 5. *Buffer Zone*. – When necessary, the DENR Secretary, upon the
20 recommendation of the PAMB, may designate areas surrounding the protected areas
21 as buffer zones for the purpose of providing extra layer of protection where
22 restrictions may be applied: *Provided*, that, in cases where the designated buffer
23 zone would cover private lands, the owners thereof shall be required to design their
24 development with due consideration to the protected area management plan.

25 Sec. 6. *Management Plan*. – Within one (1) year from the establishment of
26 the protected area, there shall be a management plan formulated for each protected
27 area that shall serve as the basic long-term framework plan for the management of

1 the protected area and guide in the preparation of its annual operations plan and
2 budget.

3 The management plan shall, at the minimum, promote the adoption and
4 implementation of innovative management techniques including, when necessary,
5 zoning, buffer zone management, habitat conservation and rehabilitation, diversity
6 management, community organizing and development, socioeconomic and scientific
7 researches, site-specific policy development, climate change adaptation and
8 mitigation, disaster risk reduction and management, waste sewerage and septic
9 management, and gender and development, among others.

10 *Sec. 7. Management of the Manito Protected Seascape.* – The management
11 and administration of the protected area shall be vested with the Protected Area
12 Management Board (PAMB): and placed under the control and administration of the
13 DENR through the Biodiversity Management Bureau (BMB) through National
14 Integrated Protected Areas System (NIPAS).

15 *Sec. 8. Protected Area Management Board (PAMB).* – Within three (3) months
16 after the effectivity of this Act, a PAMB shall be created for each of the protected
17 areas designated as initial component, established by presidential proclamation, and
18 declared by law. The Board shall be composed of the following:

- 19 a) DENR Regional Director under whose jurisdiction the protected area is
20 located, as Chairperson;
- 21 b) Governor/s of the province/s where the protected area is located or
22 their duly designated representative/s;
- 23 c) A Senator of the Republic of the Philippines who is duly registered
24 resident of the city or province where the protected area is located or a
25 duly authorized representative, unless the Senator declines
26 membership in the PAMB;
- 27 d) District Representative/s of the Congressional district/s where the

- 1 protected area is located or their duly designated representatives,
2 unless the District Representative declines membership in the PAMB;
- 3 e) Mayor/s of the city/cities or municipality/municipalities where the
4 protected area is located or their duly designated representative/s;
- 5 f) Chairperson/s of the barangay/s where the protected area is located;
- 6 g) Regional Directors of the following government agencies, namely: The
7 Department of Agriculture (DA), the National Economic and
8 Development Authority (NEDA), the Department of Science and
9 Technology (DOST), the Philippine National Police (PNP), and the
10 Department of National Defense (DND);
- 11 h) Three (3) representatives from either an NGO or PO, duly accredited
12 both by the DENR and the provincial government. The NGO or PO
13 represented should have been in existence for at least five (5) years
14 and with track record in or related to the protected area management;
- 15 i) At least one (1) but not more than three (3) representatives from all
16 the IPs/ICCs present in the area and recognized by the National
17 Commission on Indigenous Peoples (NCIP);
- 18 j) One (1) representative from an academic institution, preferably from a
19 university or college in the province where the protected area is
20 located, with proven track record in or related to the protected area
21 management;
- 22 k) One (1) representative from the private sector, preferably a resident of
23 the province where the protected area is located, who is distinguished
24 in a profession or field of interest relevant to the protected area
25 management;
- 26 l) Ex officio members or members of the PAMB by virtue of their elective

1 or appointive government positions as specified in the immediately
2 preceding subparagraphs (a), (b), (c), (d), (e), (f) and (g), shall serve
3 for the duration of their respective terms of office in their respective
4 elective or appointive government positions;

5 m) On the other hand, the members of the PAMB specified under
6 subparagraphs (h), (i), (j), and (k) of this section shall be appointed by
7 the DENR Secretary after the conduct of a transparent and fair
8 selection process. They shall each serve a term of three (3) years and
9 may be reappointed for another term;

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

19 o) The PAMB members duly appointed prior to the effectivity of this Act
20 shall continue their term until the expiration of their appointment.
21 Thereafter, members of the management board shall be appointed in
22 accordance with the provisions of this Act: *Provided*, That the Regional
23 Director of the DENR shall ensure that the relevant members of the
24 PAMB are duly appointed by the DENR Secretary: *Provided, further*,
25 That at least forty percent (40%) of the PAMB members shall be
26 women, pursuant to Republic Act No. 9710 or 'The Magna Carta of
27 Women';

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

- 1 a) More than three (3) consecutive unexcused absences from regular
2 meetings of the management board;
- 3 b) Commission of acts prejudicial to the management of protected areas
4 as embodied in Section 20 hereof and/or other existing rules and
5 regulations governing protected areas;
- 6 c) Disassociation from the office or organization being represented;
- 7 d) Termination of relationship with the office or organization being
8 represented; or
- 9 e) Conviction by final judgment of any criminal act.

10 Sec. 9-A. *Powers and Functions of the PAMB.* — The PAMB shall have the
11 following powers and functions:

- 12 a) Oversee the management of the protected area;
- 13 b) Approve policies, plans and programs, proposals, agreements and other
14 related documents for the management of the protected areas;
- 15 c) Approve the management plan of the protected area and ensure its
16 harmonization and integration with the ADSDPP, land use plan and
17 other development plan, public or private, and its implementation;
- 18 d) Adopt a manual of operations to include rules of procedures in the
19 conduct of business and the creation of committees and their respective
20 terms of reference;
- 21 e) Recommend the deputation of appropriate agencies and individuals for
22 the enforcement of the laws, rules and regulations governing the
23 management of the protected area;
- 24 f) Allocate financial resources for the implementation of the management
25 plan and manage the Protected Area Retention Income Account and

1 other funds in accordance with the accounting and budgeting rules and
2 regulations;

3 g) Set fees and charges in accordance with existing guidelines;

4 h) Issue rules and regulations for the resolution of conflicts through
5 appropriate and effective means;

6 i) Recommend appropriate policy changes to the DENR and other
7 government authorities;

8 j) Monitor and assess the performance of the Protected Area
9 Superintendent (PASU) and other protected area personnel and
10 compliance of partners with the terms and conditions of any
11 undertaking, contract or agreement;

12 k) Recommend from among a shortlist of qualified candidates, the
13 designation or appointment of the PASU; and

14 l) Assess the effectiveness of the management of the protected area:
15 *Provided,* That the members of the management board representing
16 the LGUs and national agencies in the PAMB shall inform their
17 respective constituents, offices or sectors, of PAMB-approved or other
18 relevant policies, rules, regulations, programs, and projects and shall
19 ensure that the provisions of this Act and its implementing rules and
20 regulations are complied with, and used as reference and framework in
21 their respective plans, policies, programs, and projects. Failure to
22 comply with the foregoing shall be the basis for disciplinary action
23 against such member according to administrative rules and regulations
24 and such penalties as the PAMB may provide: *Provided, further,* That
25 the DENR, through the Regional Director, shall ensure that the PAMB
26 acts within the scope of its powers and functions. In case of conflict

1 between the resolutions issued by the PAMB and the existing
2 administrative orders of national application, the latter shall prevail.

3 Sec. 9-B. *The Protected Area Management Office (PAMO)*. – There is hereby
4 established a Protected Area Management Office (PAMO) to be headed by a
5 Protected Area Superintendent (PASU) with a permanent plantilla (Salary Grade 24)
6 position who shall supervise the day-to-day management, protection and
7 administration of the protected area. A sufficient number of support staff with
8 permanent plantilla position shall be appointed by the DENR to assist the PASU in
9 the management of the protected area.

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

- 13 a) Prepare the management plan, in consultation with the stakeholders,
14 including the annual work and financial plans and ensure its
15 implementation;
- 16 b) Ensure the integration of the protected area management plans,
17 programs, projects, and policies with relevant national and LGUs' plans
18 and programs;
- 19 c) Provide secretariat services to the PAMB and its committees and ensure
20 the availability of relevant and timely information for decision-making;
- 21 d) Formulate and recommend to the PAMB proposed policies, rules,
22 regulations and programs;
- 23 e) Establish, operate, and maintain database management system which
24 shall be an important basis for decision-making;
- 25 f) Enforce the laws, rules and regulations relevant to the protected area,
26 commence and institute administrative and legal actions in

- 1 collaboration with other government agencies or organizations, and
2 assist in the prosecution of offenses committed in violation of this Act;
- 3 g) Monitor, evaluate, and report the implementation of management
4 activities of the protected area;
- 5 h) Request for and receive any technical assistance, support or advice
6 from any agency or instrumentality of the government as well as
7 academic institutions, NGOs, and the private sector, as may be
8 necessary for the effective management, protection and administration
9 of the protected area;
- 10 i) Issue permits and clearances for activities that implement the
11 management plan and other permitted activities in accordance with
12 terms, conditions, and criteria established by the PAMB: *Provided*, That
13 all permits for extraction activities, including collection for research
14 purposes, shall also continue to be issued by relevant authorities,
15 subject to prior clearance from the PAMB, through the PASU, in
16 accordance with the specific acts to be covered;
- 17 j) Collect and/or receive pertinent fees, charges, donations, and other
18 income for the protected area: *Provided*, that such fees, charges,
19 donations, and other income collected/received shall be reported
20 regularly to the PAMB and the DENR in accordance with existing
21 guidelines;
- 22 k) Prepare and recommend to the PAMB, approval of the annual work and
23 financial plans of the protected area based on the management plan;
- 24 l) Perform such other functions as the PAMB and the DENR may assign;
25 and
- 26 m) The PAMO may be augmented by the deputized local environment and
27 natural resources officers upon the recommendation of the PAMB and

1 approval of the DENR.

2 Sec. 10. *Environmental Impact Assessment (EIA)*. – Considering that
3 protected areas are environmentally critical areas, the proponent of development
4 projects and activities with potentially significant adverse impacts as determined by
5 the Environmental Management Bureau (EMB), whether or not these projects or
6 activities are included in the management plan, shall secure an Environmental
7 Compliance Certificate (ECC) in accordance with the Philippine Environment Impact
8 Statement (EIS) System: *Provided*, That for development projects and activities that
9 are not environmentally critical, an initial environmental examination (IEE) shall be
10 undertaken instead of a full-blown EIA. No project or activity may be undertaken by
11 any project proponent without prior clearance from the PAMB. The DENR shall
12 require the submission of the PAMB clearance, among others, before issuing an ECC
13 to a project proponent.

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

18 Sec. 11. *Energy Resources*. – Consistent with the policies declared in Section
19 2 hereof, the exploration for energy resources may be allowed in protected areas
20 only for the purpose of gathering data and information and only if such activity is
21 carried out with the least damage to surrounding areas.

22 Surveys for nonrenewable energy projects shall be conducted only in
23 accordance with a program approved by the DENR, and the result of such surveys
24 shall be made available to the public and submitted to the President who shall make
25 the appropriate recommendations to Congress. The development and operation of
26 nonrenewable energy projects are prohibited in strict protection zone.

27 Renewable energy projects may be allowed within the protected area by the
28 PAMB with the concurrence of the DENR Secretary: *Provided*, that renewable energy

1 projects, which shall be located outside the strict protection zones, shall undergo the
2 EIA as provided by law, and shall adopt reduced impact technologies so as not to be
3 detrimental to ecosystem functions, biodiversity, cultural practices and traditions:
4 Provided, that sufficient bond shall be remitted by the proponent to the DENR. The
5 amount of which will be based on damage estimation upon decommissioning and
6 projected cause of rehabilitation. It shall be released to the depositor upon the
7 satisfactory decommissioning of all equipment, structures and improvements and the
8 rehabilitation of the site according to the zones and objectives of the management
9 plan as attended to by the PAMB.

10 Sec. 12. *Areas Under the Management of Other Departments and*
11 *Government Instrumentalities.* – Should there be protected areas, or portions
12 thereof, under the jurisdiction of government instrumentalities other than DENR,
13 such jurisdiction shall remain in the said department or government instrumentality:
14 Provided, That the DENR shall retain its oversight function over such protected
15 areas, and the concerned agency shall provide annual reports on the management
16 of said areas focusing on the conservation of the biodiversity therein.

17 Sec. 13. *Integrated Protected Area Fund (IPAF).* – There is hereby
18 established a trust fund to be known as Integrated Protected Area Fund (IPAF) for
19 purposes of financing the projects and sustaining the operation of protected areas
20 and the System. Income generated from the operation and management of the
21 protected area shall accrue to the IPAF. The income shall be derived from fees and
22 charges from the use of resources and facilities of protected areas; contributions
23 from industries and facilities directly benefiting from the protected area: and such
24 other fees and income derived from the operation of the protected area.

25 The PAMB shall retain seventy-five percent (75%) of all revenues raised
26 through the above means, which shall be deposited in the Protected Area-Retained
27 Income Account (PA-RIA) in any authorized government depository bank within the
28 locality: Provided, That disbursements out of such deposits shall be used solely for
29 the protection, maintenance, administration, and management of the protected area

1 and implementation of duly approved projects of the PAMB.

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

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

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

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

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

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

25 *Sec. 15. Field Officers.* – All officials, technical personnel and forest guards
26 employed in the integrated protected area service or all persons deputized by the
27 DENR, upon recommendation of the Management Board shall be considered as field

1 officers and shall have the authority to investigate and search premises and
2 buildings and make arrests in accordance with the rules on criminal procedure for
3 the violation of laws and regulations relating to protected areas. Persons arrested
4 shall be brought to the nearest police precinct for investigation.

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

8 *Sec. 16. Special Prosecutors and Retained Counsel.* – Within thirty (30) days
9 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint special
10 prosecutors to prosecute violations of laws, rules and regulations in protected areas.
11 The special prosecutor shall coordinate with the PAMB and the PASU in the
12 performance of duties and assist in the training of wardens and rangers in arrest and
13 criminal procedures. The PAMB may retain the services of counsel to prosecute and
14 assist in the prosecution of cases under the direct control and supervision of the
15 regular or special prosecutor. Said counsel shall also represent and defend the
16 members of the PAMB, PASU and the staff, or any DENR-deputized individual and
17 volunteer, against any legal action arising from the performance of their powers,
18 functions and responsibilities as provided in this Act.

19 *Sec. 17. Prohibited Acts.* – Except as may be allowed by the nature of their
20 categories and pursuant to rules and regulations governing the same, the following
21 acts are prohibited within protected areas:

- 22 a) Poaching, killing, destroying, disturbing of any wildlife including in
23 private lands within the protected areas;
- 24 b) Hunting, taking, collecting, or possessing of any wildlife, or by-products
25 derived therefrom, including in private lands within the protected area
26 without the necessary permit, authorization or exemption: Provided,
27 That the PASU as authorized by the PAMB shall issue a permit,
28 authorization or exemption only for culling, scientific research, the

1 exceptions provided under Section 27(a) of Republic Act No. 9147
2 (Wildlife Resources, Conservation and Protection Act) or harvests of
3 nonprotected species in multiple-use zones by tenured migrants and
4 IPs;

5 c) Cutting, gathering, removing or collecting timber within the protected
6 area including private lands therein, without the necessary permit,
7 authorization, certification of planted trees or exemption such as for
8 culling exotic species; except, however, when such acts are done in
9 accordance with the duly recognized practices of the IPs/ICCs for
10 subsistence purposes;

11 d) Possessing or transporting outside the protected area any timber,
12 forest products, wildlife, or by-products, derived therefrom which are
13 ascertained to have been taken from the protected area other than
14 exotic species, the culling of which has been authorized under an
15 appropriate permit;

16 e) Using any fishing or harvesting gear and practices or any of their
17 variations that destroys coral reefs, seagrass beds or other marine life
18 and their associated habitats or terrestrial habitat as may be
19 determined by the DA or the DENR: Provided, That mere possession of
20 such gears within the protected areas shall be prima facie evidence of
21 their use;

22 f) Dumping, throwing, using or causing to be dumped into or placed in
23 the protected area of any toxic chemical, noxious or poisonous
24 substance or nonbiodegradable material, untreated sewage or animal
25 waste products or products whether in liquid, solid or gas state,
26 including pesticides and other hazardous substances as defined under
27 Republic Act No. 6969, otherwise known as the 'Toxic Substances and
28 Hazardous and Nuclear Wastes Control Act of 1990' detrimental to the
29 protected area or to the plants and animals or inhabitants therein;

- 1 g) Operating any motorized conveyance within the protected area without
2 permit from the PAMB, except when the use of such motorized
3 conveyance is the only practical means of transportation of IPs/ICCs in
4 accessing their ancestral domain/land;
- 5 h) Altering, removing, destroying or defacing boundary marks or signs;
- 6 i) Engaging in 'kaingin' or in any manner, causing forest fires inside the
7 protected area;
- 8 j) Mutilating, defacing, destroying, excavating, vandalizing or, in any
9 manner, damaging any natural formation, religious, spiritual, historical
10 sites, artifacts and other objects of natural beauty, scenic value or
11 objects of interest to IPs/ICCs;
- 12 k) Damaging and leaving roads and trails in damaged condition;
- 13 l) Littering or depositing refuse or debris on the ground or in bodies of
14 water;
- 15 m) Possessing or using blasting caps or explosives anywhere within the
16 protected area;
- 17 n) Occupying or dwelling in any public land within the protected area
18 without clearance from the PAMB;
- 19 o) Constructing, erecting, or maintaining any kind of structure, fence or
20 enclosure, conducting any business enterprise within the protected
21 area without prior clearance from the PAMB and permit from the DENR,
22 or conducting these activities in a manner that is inconsistent with the
23 management plan duly approved by the PAMB;
- 24 p) Undertaking mineral exploration or extraction within the protected
25 area;

- 1 q) Engaging in commercial or large-scale quarrying within the protected
2 area;
- 3 r) Establishing or introducing exotic species, including GMOs or invasive
4 alien species within the protected area;
- 5 s) Conducting bioprospecting within the protected area without prior
6 PAMB clearance in accordance with existing guidelines: Provided, that
7 in addition to the penalty provided herein, any commercial use of any
8 substance derived from nonpermitted bioprospecting within a protected
9 area will not be allowed and all revenue earned from illegal
10 commercialization thereof shall be forfeited and deposited as part of
11 the IPAF;
- 12 t) Prospecting, hunting or otherwise locating hidden treasures within the
13 protected area;
- 14 u) Purchasing or selling, mortgaging or leasing lands or other portions of
15 the protected area which are covered by any tenurial instrument; and
- 16 v) Constructing any permanent structure within the forty (40)-meter
17 easement from the high-water mark of any natural body of water or
18 issuing a permit for such construction pursuant to Article 51 of
19 Presidential Decree No. 1067: *Provided*, that construction for common
20 usage wharves and shoreline protection shall be permitted by the
21 PAMB only after thorough EIA.

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

- 24 a) A fine of not less than Two hundred thousand pesos (P200,000) but
25 not more than One million pesos (P1,000,000) or imprisonment from
26 one (1) year but not more than six (6) years, or both, plus damages of
27 triple the value of the said resources, or both, shall be imposed upon

1 any person who violates paragraphs (a) to (e) of Section 20 herein;

2 b) A fine of not less than Two hundred thousand pesos (P200,000) but
3 not more than One million pesos (P1,000,000) or imprisonment from
4 one (1) year but not more than six (6) years, or both, shall be imposed
5 upon any person who violates paragraphs (f) to (n) of Section 20
6 herein;

7 c) A fine of not less than One million pesos (P1,000,000) but not more
8 than Five million pesos (P5,000,000) or imprisonment from six (6)
9 years but not more than twelve (12) years, or both, shall be imposed
10 upon any person who violates paragraphs (o) to (v) of Section 20
11 herein;

12 d) A fine of Fifty thousand pesos (P50,000) daily shall be imposed on the
13 owner of existing facilities within a protected area under Section 24 of
14 this Act, if the existence of the same and its future plans and
15 operations will be detrimental to the protected area. For every
16 continuing violation, or if the violation continues to be committed for
17 thirty (30) days and upon reaching a total fine of Five hundred
18 thousand pesos (P500,000), the PAMB through the PASU and other
19 deputized government entities, shall cause the cessation of operation
20 and either forfeit in favor of the PAMO or demolish the facility at the
21 cost of its owner. If the facility is government-owned, the agency in
22 charge shall submit a plan for a substitute facility that complies with
23 the protected area standards and, within one (1) year, execute the
24 approved protected area management plan; and

25 e) 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 for
3 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, timber or species collected or removed from the protected area,
13 including all equipment, devices, conveyances, and firearms used in connection
14 therewith, shall be forfeited in favor of the government, and any construction or
15 improvement made thereon by the offender shall be subject to confiscation by the
16 PAMO, subject to the application of due process.

17 The conveyances, vessels, equipment, paraphernalia, implements, gears,
18 tools and similar devices used in the commission of the crime shall be dealt with in
19 accordance with Part 4, Rule 12 (Custody and Disposition of Seized Items,
20 Equipment, Paraphernalia, Conveyances and Instruments) of Administrative Matter
21 No. 09-6-8-SC (Rules of Procedure for Environmental Cases) issued by the Supreme
22 Court. However, in no case shall any confiscated or rescued protected animal species
23 be sold or in any manner disposed of but shall be immediately turned over to the
24 PAMO for rehabilitation and release to its natural habitat, subject to existing
25 regulations. Valuation of the damage shall take into account biodiversity and
26 conservation considerations as well as aesthetic and scenic value. The valuation and
27 assessment by the DENR, in coordination with other concerned government
28 agencies, shall be presumed regular, unless otherwise proven by preponderance of
29 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 Republic Act No. 9072 or the 'National Caves and Cave Resources
11 Management and Protection Act', Republic Act No. 9147 or the 'Wildlife Resources
12 Conservation and Protection Act', Republic Act No. 8550 or the 'Philippine Fisheries
13 Code of 1998' and other related laws.

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

17 *Sec. 19. Existing Rights.* – All property and private rights within the protected
18 area and its buffer zones already existing and/or vested upon the effectivity of this
19 Act shall be protected and respected in accordance with existing laws: *Provided,*
20 That the exercise of such property and private rights shall be harmonized, as far as
21 practicable, with the provisions of this Act. Notwithstanding this Act, all existing
22 contracts, or agreements entered into by government for the utilization of natural
23 resources within protected areas shall review, amended or terminated in order to
24 assure that it will be consistent with this Act.

25 The renewal of permits, contracts, and agreements shall be subject to the
26 provisions of this Act. If the permits, contracts, and agreements are not renewed,
27 such areas shall be rehabilitated or restored by the permit holders within the period
28 provided by the pertinent laws and shall revert to national parks classification. As

1 such, all holders of permits, contracts, and agreements are required to prepare and
2 submit a rehabilitation plan to the PAMB: Provided, that upon renewal, a sufficient
3 bond shall be remitted by the proponent to the DENR to be released to the
4 depository bank in the event of damage by or closure of the establishment after
5 satisfactory rehabilitation according to the zones and objectives of the management
6 plan as attested to by the PAMB.

7 The occupation of LGUs and communities within the protected area shall be
8 respected. Within ninety (90) days after the creation of the PAMB, the Board shall
9 assess the physical occupation of said LGUs and communities within protected areas
10 and recommend to proper authorities measures to ensure the protection of their
11 well-being. Municipalities and cities with existing townships and town centers within
12 the protected area shall continue to occupy such townships and town centers:
13 *Provided*, That in the development of their CLUPs and barangay development plans,
14 due consideration shall be given to the intended use for conservation and
15 biodiversity as well as the objectives for protected areas to keep human habitation
16 and environmental conservation in harmony.

17 *Sec. 20. Tenured Migrants and Other Protected Area Occupants.* – Tenured
18 migrants shall be eligible to become stewards of portions of lands within multiple-
19 use zones. The PAMB shall identify, verify and review all tenurial instruments, land
20 claims, and issuances of permits for resource use within the protected area and
21 recommend the issuance of the appropriate tenure instrument consistent with the
22 zoning provided in the management plan and the provisions of this Act.

23 Should areas occupied by tenured migrants be designated as zones in which
24 no occupation or other activities are allowed pursuant to the attainment of
25 sustainable development, the provision for the transfer of the tenured migrants to
26 multiple-use zones or buffer zones shall be accomplished through just and humane
27 means: *Provided*, that protected area occupants who are not qualified as tenured
28 migrants shall be resettled outside the protected area.

29 The rights of the tenured migrants may be transferred only to the spouse or

1 one of their direct descendants listed at the time of the survey.

2 In the event of termination of a tenurial instrument for cause or by voluntary
3 surrender of rights, the PASU shall take immediate steps to rehabilitate the area.

4 Following the protected area occupants survey required under Section 5(c)(1)
5 hereof, the DENR Regional Director shall submit to the BMB within two (2) years
6 from the passage of this Act, the final list of tenured migrants, which shall be the
7 basis for tenured migrant recognition and issuance of tenurial instruments. Within
8 the two (2)-year period, the DENR Regional Director shall submit accomplishment
9 report every six (6) months.

10 The DENR through the BMB shall issue guidelines for the determination of the
11 reckoning period for the recognition of the tenured migrants.

12 *Sec. 21. Existing Facilities Within the Protected Area.* – Within sixty (60) days
13 from the effectivity of this Act, an inventory of all existing facilities such as roads,
14 buildings and structures, water systems, transmission lines, communication facilities,
15 heavy equipment, and irrigation facilities, among others, within the protected area
16 shall be conducted.

17 The DENR Regional Director shall submit the inventory of facilities with
18 corresponding descriptions and an assessment report containing the appropriate
19 recommendations to the DENR Secretary through the BMB.

20 The PAMB, with the assistance of the DENR, may impose conditions for the
21 continuous operation of a facility found to be detrimental to the protected area until
22 its eventual relocation. If the conditions are violated, the owner of the facility shall
23 be made liable pursuant to Section 21 hereof.

24 Existing facilities allowed to remain within the protected area shall be charged
25 a reasonable fee by the PAMB based on existing guidelines. Structures found within
26 the forty (40)-meter easement shall be demolished unless proven necessary to
27 protect the shoreline and mitigate habitat destruction. The PAMB shall levy a

1 reasonable fee for the use of such easement for their continued operations. Wharves
2 shall be kept accessible to the public.

3 Sec. 22. *Special Uses Within Protected Areas.* – Consistent with Section 2
4 hereof, special uses may be allowed within protected areas except in strict
5 protection zones and strict nature reserves. The PAMB may recommend the issuance
6 of tenurial instrument subject to compliance to ECC and payment of corresponding
7 user fee equivalent to five percent (5%) of the zonal value of commercial land within
8 the nearest barangay or municipality where the project is located multiplied by the
9 area of development plus one percent (1%) value of improvement as premium:
10 Provided, That the activity shall not be detrimental to ecosystem functions and
11 biodiversity, and cultural practices and traditions.

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

16 Sec. 23. *Local Government Units (LGUs).* – The LGUs within the protected
17 area shall participate in its management through representation in the PAMB as
18 provided for in this Act. Said LGUs may appropriate portions of their share from the
19 annual internal revenue allotment and other income for use of the protected area:
20 Provided, that all funds directly coming from the LGUs shall be exempted from the
21 twenty-five percent (25%) remittance requirement for the IPAF.

22 The LGUs shall continue to impose and collect other fees not enumerated
23 under Section 16 hereof which they have traditionally collected, such as business
24 permits and rentals of LGU facilities: *Provided,* That the LGUs shall not impose
25 property tax on properties owned by the government nor issue any tax declaration
26 for areas covered by the protected area. Furthermore, LGUs may charge add-ons to
27 fees imposed by the PAMB: *Provided,* that such add-ons shall be based on the
28 contribution of the LGUs in the maintenance and protection of the protected area.

1 LGUs with territory inside protected areas shall align their CLUPs, local
2 development plans, disaster risk reduction management plans and other required
3 plans. Within six (6) months from the approval of the protected area management
4 plan, the PAMB and the PASU shall collaborate with the LGU concerned in the
5 formulation of the CLUP and other local plans and in the enforcement thereof. The
6 concerned LGU official shall be held administratively and criminally liable for failure
7 to enforce and/or implement the provisions of this Act.

8 *Sec. 24. Reporting Responsibility.* – The PASU, through the PAMB, shall
9 submit an annual accomplishment report of the protected area to the Secretary of
10 the DENR through the BMB. A report on the conditions and benefits of the biological
11 resources and ecosystem services of the protected area shall also be submitted by
12 the PASU, through channels, to the Secretary of the DENR every five (5) years.
13 Consequently, the BMB shall likewise prepare a National State of Protected Areas
14 (NSPAs) report every five (5) years and shall submit the same to the President, the
15 Senate and the House of Representatives.

16 *Sec. 25. Appropriations.* – The Secretary of the DENR shall immediately
17 include in the DENR's program the implementation of this Act, the funding of least
18 two (2) million pesos shall be included in the annual General Appropriations Act
19 annually.

20 *Sec. 26. Construction and Interpretation.* – The provisions of this Act shall be
21 construed liberally in favor of the protection and rehabilitation of the protected area
22 and the conservation and restoration of its biological diversity, taking into account
23 the needs and interests of qualified tenured migrants, vested rights, IPs and local
24 communities, and the benefits from ecosystem services and functions of protected
25 areas, for present and future generations: Provided, That nothing in this Act shall be
26 construed as a diminution of local autonomy or in derogation of ancestral domain
27 rights under the Indigenous Peoples' Rights Act of 1997.

28 *Sec. 27. Subsequent Site-Specific Legislation.* – Upon the generation of site-
29 specific requirements for new legislation, the PAMB, through the DENR, shall

1 endorse to Congress for its consideration and enactment site-specific proposals to
2 appropriately respond to the distinct and particular needs and conservation
3 requirements of the protected areas in each locality. Protected areas that may be
4 later established or declared pursuant to this Act shall likewise undergo the same
5 requirements of site-specific legislation.”

6 *Sec. 28. Implementing Rules and Regulations (IRR).* – Within sixty (60) days
7 from the effectivity of this Act, the DENR Secretary shall, in consultation with other
8 concerned government agencies, the industry representatives and nongovernment
9 organizations, promulgate the necessary rules and regulations for the effective
10 implementation of this Act.

11 *Sec. 29. Transitory Provision.* – In order to enhance biological diversity and to
12 develop sustainable livelihood opportunities for tenured migrants, the DENR shall
13 henceforth cease to issue concessions, licenses, permits, clearances, compliance
14 documents or other instruments that allow utilization of resources within the
15 protected area until the management plan shall have been put into effect.

16 All existing land use and resource use permits issued for purposes which are
17 authorized within the protected area shall be reviewed and shall not be renewed
18 upon their expiration unless consistent with the management plan and approved by
19 the PAMB.

20 *Sec. 30. Separability Clause.* – If any provision of this Act is held invalid or
21 unconstitutional, the other provisions not affected thereby shall remain in full force
22 and effect.

23 *Sec. 31. Repealing Clause.* – All laws, presidential decrees, executive orders,
24 rules and regulations and other issuances or parts thereof which are inconsistent
25 with the provisions of this Act are hereby repealed, amended or modified
26 accordingly.

27 *Sec. 32. Effectivity.* – This Act shall take effect fifteen (15) days after its

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- 1 publication in the Official Gazette or in at least two (2) newspapers of general
 - 2 circulation in the Philippines.

Approved,