

Thirteenth Congress of the)
Republic of the Philippines)
First Regular Session)

5 JUN -8 P4:54

SENATE

RECEIVED BY: _____

Senate Bill No. 2050

Introduced by SENATOR COMPAÑERA PIA S. CAYETANO

EXPLANATORY NOTE

Turtle Islands which straddle the Malaysian state of Sabah and the Philippines, comprise nine islands of which three are on the Philippine side, sic on the Malaysian side. They has a marine ecosystem of over 136, 000 hectares and serve as major nesting site of the endangered green sea turtle (*Chelonia mydas*). Their fish and coral assemblage has the highest diversity compared to all other protected marine areas surveyed in the Philippines.

On May 31, 1996, all Turtle Island of both Sabah and the Philippines were designated as Turtle Island Heritage Protected Area, the first Transborder Park for marine turtles in the world managed jointly by both countries.

The future recovery of the declining Green Turtle population would spell the future of this species as the Turtle Island among the only 10 breeding grounds for geen sea turtles in the world.

Recognizing their value are these islands, were established as Marine Sanctuary by virtue of Manila Administrative Order No. 8, Series of 1992, and later affirmed through Presidential Proclamation No. 171 on August 26, 1999.

This protected area law will operationalize the Constitution providing that " The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its enjoyment exclusively to Filipino citizens (Art. XII, Sec. 2) and Republic Act No. 7586, otherwise known as the National Protected Areas System (NIPAS) Act which likewise provides that it is "the policy of the State to secure for the Filipino people of present and future generations the perpetual existence of all native plants and areas.

In view of all these considerations, the immediate approval of this proposed legislation is earnestly sought.

Pia S. Cayetano
SENATOR COMPAÑERA PIA S. CAYETANO

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AN ACT

DECLARING TURTLE ISLANDS AS PROTECTED AREA AND THEIR PERIPHERAL AREAS AS BUFFER ZONES, PROVIDING FOR THEIR MANAGEMENT AND FOR OTHER PURPOSES

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

1 **SECTION 1. Title.-** This Act shall be known as the "Turtle Islands Protected Area Act
2 of 2005".

3 **SEC. 2. Declaration of Policy.** – Pursuant to Republic Act No. 7586, it is hereby
4 declared the policy of the State to regulate the utilization of fishery and marine resources,
5 aggregates, wild flora and fauna, culture and indigenous knowledge, historical artifacts and sites,
6 ensure the continuity of endangered, threatened and rare species towards the end of conserving,
7 protecting and preserving the scenic, cultural historical and archaeological features of the Turtle
8 Islands including the diverse terrestrial and marine ecosystem thereof the benefit of its people
9 and mankind.

10 **SEC. 3. Scope.** – The Turtle Islands Wildlife Sanctuary (TIWS) shall cover the islands
11 of Taganak, Langaan, Boan, Lihiman, Great Bakkungan and Sibaung within the municipality of
12 Turtle Islands province of Tawi – Tawi including the municipal waters thereof pursuant to the
13 law of territorial waters containing a total area of more or less TWO HUNDRED FORTY TWO
14 THOUSAND NINE HUNDRED SIXTY SEVEN (245, 967) hectares, THREE HUNDRED
15 EIGHTEEN (318) hectares of which constitute the aggregate land portion of the six islands while
16 the remaining TWO HUNDRED FORTY NINE (242, 649) hectares constitute the marine
17 portion and to include a total area of SIXTY EIGHT THOUSAND SEVEN HUNDRED FORTY
18 SEVEN AND POINT EIGHTY THREE (68, 747. 83) hectares marine portion as buffer zones.

19 The Turtle Islands Wildlife Sanctuary begins at a point marked "1" on the map which is
20 to identical to corner 2 of the existing International treaty limits with coordinates 06°00'00"
21 latitude and 118°20'23" longitude based from NAMRIA Map of Balabac Strait No. 4720,
22 Cybersoft Inc.;

23	Thence Due West	32, 349.05 meters	to corner 2;
24	Thence N 52° 00'00" W	51, 840.00 meters	to corner 3;
25	Thence Due North	21, 840.00 meters	to corner 4;

1	Thence Due East	14, 400.00 meters	to corner 5;
2	Thence S 53° 27'49.5" E	17,394.45 meters	to corner 6;
3	Thence S 85° 24'07.9"E	7, 921.65 meters	to corner 7;
4	Thence S 71° 26'46.2"E	8, 518.67 meters	to corner 8;
5	Thence S 52° 27'48.2" E	20, 990.33 meters	to corner 9;
6	Thence S 15° 20'38.4" E	8, 461.24 meters	to corner 10;
7	Thence Due South	17, 500.00 meters	to corner 1

8 A 15-Kilometer distance reckoned from the shoreline of each of the islands is extended to
9 form the protected area boundary within the Philippine waters.

10 The technical descriptions of the Turtle Islands Wildlife Sanctuary shall be subject to
11 actual ground survey using the Global Positioning System (FGPS). Marine buoys shall be
12 established on the corners as protected area boundary markers.

13 **SEC. 4. Definition of terms.**— For purposes of this Act, the following terms are defined
14 as follows:

- 15 a. Protected Area – refers to identified portions of land and water set aside by reason
16 of their unique physical and biological significance, managed to enhance
17 biological diversity and protected against destructive human exploitation;
- 18 b. Buffer Zone – identified area outside the boundaries of an immediately adjacent
19 to designated protected areas pursuant to section 8 of NIPAS Act of 1992 that
20 need special development control in order to avoid or minimize harm to the
21 protected area;
- 22 c. Wildlife Sanctuary – an area which assures the natural conditions necessary to
23 protect nationally significant species, group of species, biotic communities or
24 physical feature of the environment where these may require specific human
25 manipulation for the perpetuation;
- 26 d. Tenured Migrant Communities – are communities within protected areas which
27 have actually and continuously occupied such areas for five (5) years before the
28 designation of the same as protected areas in accordance with the NIPAS Act and
29 are solely dependent therein for subsistence;
- 30 e. National Integrated Protected Areas System (NIPAS) – is the classification and
31 administration of all designated protected areas to maintain essential ecological
32 processes and life-support systems, to preserve genetic diversity, to ensure
33 sustainable use of resource found therein, and maintain their natural conditions to
34 the greatest extent possible;
- 35 f. National Park – refers to a forest reservation essentially of natural wilderness
36 character which has been withdrawn from settlement, occupancy or any form of

1 exploitation except in conformity with approved management plan and set aside
2 as such exclusively to conserve the area or preserve the scenery, the natural and
3 historic objects, wild animals and plants therein and to provide enjoyment of these
4 features in such areas;

5 g. Natural Monument – is a relatively small area focused on protection of small
6 features to protect or preserve nationally significant natural features on account of
7 their special interest or unique characteristics;

8 h. Natural Biotic Area - is an area set aside to allow the way of life of societies
9 living in harmony with the environment to adapt to modern technology at their
10 pace;

11 i. Natural Park – is a relatively large area not materially altered by human activity
12 where extractive resource uses are not allowed and maintained to protect
13 outstanding natural scenic areas of national or international significance for
14 scientific, educational and recreational use;

15 j. Resource Reserve – is an extensive and relatively isolated and uninhabited area
16 normally with difficult access designated as such to protect natural resources of
17 the area's future use and prevent or contain development activities that could
18 affect the resource pending the establishment of objectives which are base upon
19 appropriate knowledge and planning;

20 k. Strict Nature Reserve – is an area possessing some outstanding ecosystem,
21 features and/or species or flora and fauna of national scientific importance
22 maintained to protect nature and maintain processes in an undisturbed stated in
23 order to have ecologically available for scientific study, environmental
24 monitoring, education, and for the maintenance of genetic resources in a dynamic
25 and evolutionary state;

26 **SEC. 5. *Administrative and Management System*** – The Turtle Islands Wildlife
27 Sanctuary is hereby placed under the control and administration of the DENR. To carry out the
28 mandate of this Act, the DENR Secretary is empowered to perform any and all of the following
29 acts:

30 a) To conduct studies on various characteristics, features and conditions of the
31 different protected area, using commonalities in their characteristics, classify
32 and define them into categories and prescribe permissible or prohibit human
33 activities in each category in the System;

34 b) To adopt and enforce a land-use scheme and zoning plan in adjoining areas
35 for the preservation and control of activities that may threaten the ecological
36 balance in the protected area;

- 1 c) To cause the preparation of and exercise the power to review all plans and
- 2 proposals for the management of protected areas;
- 3 d) To promulgate rules and regulations necessary to carry out the provisions of
- 4 this Act;
- 5 e) To deputize field officers and delegate any of his powers under this Act and
- 6 other laws to expedite its implementation and enforcement;
- 7 f) To enter into contract and/or agreements with private entities or public
- 8 agencies as may be necessary to carry out the purposes of this Act upon the
- 9 recommendation of the Protected Area Management Board (PAMB)
- 10 g) To approve administrative fees and fines as recommended by PAMB
- 11 pursuant to Section 21 of the NIPAS Act for violations of guidelines, rules
- 12 and regulations of this Act as would endanger the viability of protected areas;
- 13 h) To accept in the name of this Philippine Government and in behalf of NIPAS
- 14 funds, gifts or bequests of money for immediate disbursements or other
- 15 property in the interest of NIPAS, its activities, or its services;
- 16 i) To call on any agency or instrumentality of the Government as well as
- 17 academic institutions, non-government organizations and the private sector as
- 18 may be necessary to accomplish the objectives and activities of the system;
- 19 j) To submit an annual report to the President of the Philippines and to Congress
- 20 on the states of the protected areas;
- 21 k) To establish a uniform marker for the system, including an appropriate and
- 22 distinctive symbol for each category in the system, in consultation with
- 23 appropriate government agencies in public and private organizations;
- 24 l) To approve the specification of the class, type and style of building and other
- 25 structure to be constricted on protected areas and the materials to be used
- 26 upon PAMB's recommendation;
- 27 m) To perform such other functions as may be directed by the President of the
- 28 Philippines, and to do such acts may be necessary or incidental to the
- 29 accomplishment of the purpose and objectives of the system.

30 **Sec. 6. *The Turtle Island Wildlife Sanctuary Protected Area Management Board.*** – A
31 Protected Area Management Board (PAMB) for Turtle Islands Wildlife Sanctuary shall be
32 created to be composed of the following:

- 33 1. Regional Executive Director (RED) as Chairman;
- 34 2. One (1) representative from the DENR – Autonomous Region in Muslim
- 35 Mindanao as Vice-chairman;
- 36 3. Provincial Environment and Natural Resources Officer (PENRO) – member;
- 37 4. Protected Area and Wildlife Department (PAWD) – member;
- 38 5. Protected Area Superintendent (PASu) – member;

6. Provincial Planning and development Office (PPDO) – member;
7. One (1) representative from Municipal Government – member;
8. One (1) representative from each barangay of each municipality – member;
9. Representative from NGO selected among themselves – members;
10. Representatives from People’s Organizations (PO) selected among themselves – members;
11. One (1) representative from each tribal community – member;
12. One (1) representative from other government agencies, if necessary – member;
13. One (1) representative from the academe if necessary – member;

The RED may delegate the chairmanship to the Regional Technical Director (RTD)

The Board shall, by a majority vote, approve or take necessary action to:

1. Decide allocation for budget
2. Approve proposals for funding
 - a) Detailed proposals for livelihood programs not exceeding 100, 000 would be prepared by NGO field staff beginning in the first year of implementation, screened by loan officer in Land Bank of the Philippines (LBP), and approved by PAMB. The basis for the approval is the subject guidelines to be approved by the IAPF Governing Board.
 - b) Proposal either for livelihood subgrant or subloan shall endorsed by the PAMB to the Integrated Protected Area Fund (IPAF) Governing Board for prioritization and approval;
 - c) Development of alternative livelihood activities by NGOs should be under the guidance of the PAMB.
3. Decide matters relating to planning, peripheral or resource protection and general administration of the area in accordance with the General Management Planning Strategy (GMPS)
 - a) Approve the delineation and demarcation of the protected area boundaries, buffer zone, ancestral domains and recognize the right and privileges of indigenous communities under the provision of this ACT.

a.1. The PAMB and the PASU shall exercise authority over the buffer zones in behalf of the DENR in cooperation with NGOs and other government agencies. Management and land use practices for buffer zones shall be prescribed with the PAMB.

a.2. When claim of ancestral domain is established following the procedures identified in Section 46 of DAO No. 25, the Secretary shall direct the delineation and demarcation of the same by concerned DENR offices in coordination with PAMB

a.3. The evaluation of ancestral domain claims shall follow the procedures set forth in DAO 2, S 1993. The PAMB, in coordination with Indigenous community Affairs Division (ICAD) of the DENR and other concerned groups, shall undertake this evaluation.

1 a.4. The PAMB shall evaluate the evidences in support of tenured
2 migrants status for the granting of tenurial instruments.

3 b) Promulgate rules and regulations to promote development programs and
4 projects on biodiversity conservation and sustainable development consistent
5 with the management manual of the protected area, ensuring that the
6 management plan provides livelihood benefits for local residents.

7 c) Control and regulate the construction and maintenance of roads, trails,
8 waterworks, sewerage, fire protection and sanitation system and other public
9 utilities within protected area.

10 d) Ensure the implementation of programs as prescribed in the management plan
11 in order to proved employment to the people dwelling in and around the
12 protected area.

13 d.1. The Management manual shall be drafted with assistance of the
14 experts in such fields as socio-economic planning, ecology and protected area management,
15 reviewed and endorsed by the PAMB, approved by the Secretary.

16 e) Resolve with oversight by DENR the assistance from NGOs, conflicts
17 between livelihood and protection needs of the communities and protected
18 area, respectively.

19 Thus, zoning and regulatory approach would applied within the framework of
20 negotiations among all parties, to rapidly curtail and phase out livelihood activities which are not
21 compatible with the management objectives.

22 f) Monitor and evaluate the performance of the protected area personnel, NGOs
23 and the communities in providing for biodiversity conservation and socio-
24 cultural and economic development and report their assessment to the NPSC
25 and IPAF Governing Board.

26 f.1. PASu shall submit statement of amounts collected during the
27 preceding quarter within the first 15 days of each quarter to the PAMB, who in
28 turn shall submit the same NPPSC thru the PAWB, with an extra copu for the
29 Secretary.

30 g) Exercise regulatory functions for prohibited acts inside the protected area.

31 An Executive Committee (Execom) shall be created for the PAMB to be composed of the
32 following:

- 33 1. RTD R-9/PENRO of Tawi-Tawi as chairman
- 34 2. Provincial Planning and Development officer (PPDO) and or authorized
35 representative-member
- 36 3. *Municipal Planning and Development Coordinator (MPDC) – member*
- 37 4. One (1) representative from other government agency – member
- 38 5. CENRO Mapun, Tawi-Tawi – member

6. One (1) NGO Representative – member
7. Protected Areas Superintendent Officer (PASO)

Sec. 7. Protected Area Office (PAO). – There shall be a protected Area Office which shall be situated within the Protected Area.

The Protected Area Superintendent shall be the Chief of DENR Operation Officer at the protected area with the following additional staff:

1. One (1) Senior Marine Biologist
2. One (1) Junior Marine Biologist
3. One (1) Fishery Officer
4. Fifteen (15) Game Wardens
5. Two (2) Utility Workers
6. One (1) Patron (Boat crew)
7. One (1) Engineman
8. One (1) Terrestrial Flora and Fauna Specialist
9. One (1) Forester
10. One (1) Civil Engineer
11. One (1) Marine Researcher
12. One (1) Administrative Officer
13. One (1) Accountant
14. One (1) Radio Operator
15. One (1) Geodetic Engineer

All development activities initiated by the Host – NGO in connection with the Turtle Islands Wildlife Sanctuary projects such as Community Organization shall be maintained by the PAMB/DENR after project phase-out by the Host-NGO fulfillment of its objectives.

The DENR shall endeavor to upgrade capabilities in the protection, management and development of the protected area with the use of modern equipment and technologies.

SEC. 8. Tenured Migrants. – Any person who has actually and continuously occupied an area for five (5) years prior to its designation as part of a protected area in accordance with the Section 5 (a) of the NIPAS Act and is solely dependent on that area for subsistence shall be considered a tenure migrant. As a tenured migrant he shall be eligible to become a steward of a portion of land within the multiple use management or buffer zone of the protected area, and from which he may derive subsistence. Provided, however, that those migrants who would not qualify for the category for tenure shall be resettled in any appropriate multiple zone of the protected area.

The PAMB shall consider the following as evidence in support of tenured migrant status:

- (a) Cultivated trees at their fruit-bearing stage;
- (b) Physical structures in the area indicating prolonged occupancy;
- (c) Tax declaration receipts;
- (d) Certification from the Barangay Captain or any two members of the nearest community attesting to occupancy; and
- (e) Other relevant data (e.g. previous census reports) that may be accepted by the PAMB.

1 The DENR shall develop a tenurial instrument consistent with the conservation goal of
2 IPAS. Such instrument shall be prepared within 12 months from effectivity of the Act.

3 The rights, interest and activities of tenured migrants within protected area and their
4 adjoining buffer zones shall be governed by the principles of biodiversity
5 protection/conservation and sustainable development and by the guidelines prescribed in the
6 General Management Planning Strategy (GMPS) as well as the prohibitions set out in Section 20
7 of the NIPAS Act. Provided, that all plans, policies and guidelines affecting tenured migrants
8 shall be developed and implemented in partnership with them.

9 **Sec. 9. Other Activities Within the Protected Areas. –**

10 A. Environment impact Assessment – Proposals for activities which are outside the
11 scope of the GMPS for protected areas shall be subject to an environmental impact assessment as
12 required by law and upon recommendation by the PAMB before they are adopted, and the results
13 thereof shall be taken into consideration in the decision making process. No actual
14 implementation of such activities shall be allowed without the required Environmental
15 Compliance Certificate (ECC) under the Philippine Environmental Impact Assessment (EIA)
16 System. In addition to the requirements needed in obtaining ECC within the protected area a
17 PAMB clearance must be secured. Likewise, all existing proponent in the area shall furnish
18 PAMB a copy of their ECC's for monitoring purposes within 30 days upon approval of this Act.
19 In instances where such activities are allowed to be undertaken, the proponent shall plan and
20 carry them out in such manner will minimize any adverse affects and take preventive and
21 remedial action when to lack caution and indiscretion. Therefore, proponent activities will also
22 be recommended by PAMB for stoppage/closure.

23 B. All developments, eco-tourism, and other economic activities within the alienable
24 and disposable areas shall be determined and/or subject for review by PAMB in consonance with
25 the stated objectives of the Conservation of the Priority Protected Area Project (CPPAP) and
26 should only be allowed as a concessionaire under the PASU.

27 C. Survey for Energy and Mineral Resources – The Energy and Mineral Resources of the
28 Turtle Islands Wildlife Sanctuary may be subjected to exploration only for the purpose of
29 gathering information on energy and mineral resources. Surveys shall be conducted only in
30 accordance with a program approved by the DENR, and the result of such surveys shall be made
31 available to the public. For the purpose of study and research. But still activities should be within
32 available to the public. For the purpose of study and research. But still, activities should be
33 within the framework of the GMPS, hence, environmental clearance should be sought.

34 D. Areas under the Management of other Department and Government Instrumentalities
35 – should there be protected areas, or portions thereof, or activities under the jurisdiction of
36 government instrumentalities other than the PAMB/DENR, such jurisdictions shall, prior to the

1 passage of this Act, remain in the said department or government instrumentality exercising
2 administrative jurisdiction over said protected area or a portion thereof shall coordinate with the
3 DENR in the preparation of it's management plans, upon the effectivity of this Act.

4 **SEC. 10. *Income Derived from the Turtle Islands Wildlife Sanctuary.* –**

5 A. Turtle Islands Wildlife Sanctuary Fund – There is hereby establishes a trust fund
6 to be known as Turtle Islands Wildlife Sanctuary fund for purposes of financing projects of
7 Turtle Islands. The Turtle Islands Wildlife Sanctuary may solicit and receive donations,
8 endowments, and grants in the form of contributions, and such endowments, and grants in the
9 form of contributions, and such endowments shall be exempted from income or gift taxes and all
10 other taxes, charges or fees imposed by the Government or any political subdivision or
11 instrumentality thereof.

12 All incomes generated from the operation of Turtle Islands Wildlife Sanctuary,
13 management of wild flora and fauna shall accrue to the fund may be utilized directly by the
14 DENR for the above purpose. These incomes shall be derived from:

- 15 a) Proceeds from lease of multiple-use areas;
16 b) Contributions from industries and facilities directly benefiting from the
17 Turtle Islands area; and
18 c) Such other fees and incomes derived from the operation of the
19 protected area.

20 Disbursements from the fund shall be made solely for the protection,
21 maintenance, administration, and management of the Turtle Islands Wildlife Sanctuary, and duly
22 approved projects endorsed by the PAMB.

23 B. Fund Administration – The PAMB shall promulgate guidelines in the
24 administration of funds and approved by the DENR Secretary.

25 **SEC. 11. *Special Prosecutors.* –** The Department of Justice shall assign or designated a
26 special prosecutor to solely prosecute violations of laws, rules and regulation in Turtle Islands
27 Wildlife Sanctuary within sixty (60) days from the enactment of this Act.

28 The special prosecutors shall hold office within the protected area and filling of cases for
29 violators shall be governed in accordance with the prescribed judicial process.

30 The PAMB may recommend immediate replacement of the special prosecutors if found
31 remiss in the performance of his/her duties and responsibilities.

32 **SEC. 12. *Prohibited Acts.* –** The following acts are prohibited in Turtle Islands Wildlife
33 Sanctuary:

- 34 (a) Hunting, destroying, disturbing or mere possession of any plants or animals derived
35 there from without a permit from the Management Board;
36 (b) Dumping of any waste products detriment to the protected area, or to the plants and
37 animals or inhabitants therein;

- 1 (c) Use of any motorized equipment and vehicles within prohibited area without a permit
2 from the Management Board;
- 3 (d) Mutilating, defacing or destroying objects of natural beauty, or objects of interest to
4 cultural communities (of scenic value);
- 5 (e) Damaging and leaving roads and trails in a damaged condition;
- 6 (f) Squatting, mineral locating, or otherwise occupying any land;
- 7 (g) Constructing or maintaining any kind of structure, fence or enclosures, conducting
8 any business enterprise without a permit;
- 9 (h) Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground
10 or in bodies of water;
- 11 (i) Altering, removing, destroying or defacing boundary marks or signs;
- 12 (j) Illegal fishing (e.g. use of trawl, electrical gadget, poison, dynamite, super light etc.);
- 13 (k) Extraction of flora and fauna;
- 14 (l) Entry without permit of the following:
- 15 1. Mountain climbers;
- 16 2. Campers;
- 17 3. Divers;
- 18 4. Spelunkers;
- 19 5. Study/research groups/individuals;
- 20 6. Visitors/Tourists

21 However, in order to punish destructive activities that have not been anticipated the
22 PAMB shall authorized to impose corresponding administrative penalties.

23 **SEC. 13. Penalties.** – Any person who violates this Act or any rules and regulations
24 issued by the department pursuant to this Act and found guilty by a competent court of any of the
25 offenses in the preceding section shall be fined in the amount of not less than Ten Thousand
26 Pesos (P10, 000) nor more than Five Hundred Thousand Pesos (P500, 000) exclusive of the
27 values of the thing damaged or imprisonment for not less than one (1) year but not more than six
28 (6) years, or both, as determined by the court: *Provided*, That the court shall order the eviction of
29 the offender from the land and the forfeiture of the Government of all minerals, timber or any
30 species collected or removed including all equipment, devices and firearms used in connection
31 therewith, and any construction or improvement made thereon by the offender. If the offender is
32 an association or corporation, the president or manager shall be directly responsible for the act of
33 his/her employees and laborers: *Provided, finally*, that the DENR may impose fines and penalties
34 of violations not covered by existing regulations and subject for review by the DENR.

35 **SEC. 14. Appropriations.** – The amount necessary for the implementation of this Act
36 shall be included in the budget of the Department of Natural Resources in the annual General
37 Appropriations Act.

1 **SEC. 15. *Separability Clause.*** – If any provision of this Act is declared unconstitutional,
2 such declaration shall not affect the other parts or sections hereof.

3 **SEC. 16. *Repealing Clause.*** – All laws, presidential decrees, executive orders, rules and
4 regulations inconsistent with any provisions of this Act shall be deemed repealed or modified
5 accordingly.

6 **SEC. 17. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
7 complete publication in two (2) newspapers of general circulation.

Approved,

1