

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



Senate
Office of the Secretary

'14 MAY 26 P5:54

SENATE
S.B. NO. 2242

RECEIVED BY: *J*

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT EXPANDING THE LIST OF PROHIBITED ACTIVITIES IN PROTECTED AREAS, INCREASING THE PENALTY FOR VIOLATIONS THEREOF AND AMENDING FOR THESE PURPOSES REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS THE NATIONAL INTEGRATED PROTECTED AREAS ACT OF 1992 (NIPAS ACT OF 1992)


EXPLANATORY NOTE

Notwithstanding the enactment of the NIPAS Act of 1992, the Philippines remains a hot bed of illegal wild life trade, among other destructive activities in its protected areas. Foreigners and Filipinos alike have been found harvesting helpless creatures and critically endangered plants in protected areas.

With the advent of establishment of power plants, and other critical infrastructure or facilities that pass through protected areas, it is expected that more and more of these will affect protected areas.

To keep up with these developments and to ensure that private entities observe the sanctity of protected areas, it is necessary to strengthen existing environmental laws on protected areas.

For the above reasons, the passage of this bill is earnestly recommended.


MARIA LOURDES NANCY S. BINAY
Senator

'14 MAY 26 P5:54

SENATE
S.B. NO. 2242

RECEIVED BY: ji

Introduced by Senator Maria Lourdes Nancy S. Binay

1 AN ACT EXPANDING THE LIST OF PROHIBITED ACTIVITIES IN PROTECTED
2 AREAS, INCREASING THE PENALTY FOR VIOLATIONS THEREOF AND
3 AMENDING FOR THESE PURPOSES REPUBLIC ACT NO. 7586, OTHERWISE
4 KNOWN AS THE NATIONAL INTEGRATED PROTECTED AREAS ACT OF 1992
5 (NIPAS ACT OF 1992)
6

7 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
8 *assembled:*
9

10 **SECTION 1.** Section 20 of the NIPAS Act of 1992 is hereby amended to read as follows:
11

12 Section 20. Prohibited Acts. – Except as may be allowed by the nature of their
13 categories and pursuant to rules and regulations governing the same, the following
14 acts are prohibited within protected areas:
15

16 a. Hunting, destroying, disturbing, or mere possession of any plants or animals
17 or products derived therefrom without a permit from the Management Board;
18

19 b. Dumping of any waste products detrimental to the protected area, or to the
20 plants and animals or inhabitants therein;
21

22 c. Use of any motorized equipment without a permit from the Management
23 Board;
24

25 d. Mutilating, defacing or destroying objects of natural beauty, or objects of
26 interest to cultural communities (of scenic value);
27

28 e. Damaging and leaving roads and trails in a damaged condition;
29

30 f. Squatting, mineral locating, or otherwise occupying any land;
31

32 g. Constructing or maintaining any kind of structure, fence or enclosures,
33 conducting any business enterprise without a permit;
34

35 h. Leaving in exposed or unsanitary conditions refuse or debris, or depositing in
36 ground or in bodies of water; [and]
37

38 i. Altering, removing destroying or defacing boundary marks or signs [.] AND

1 j. INTENTIONAL OR UNINTENTIONAL DUMPING OF ANY TOXIC AND
2 HAZARDOUS SUBSTANCES AS DEFINED UNDER REPUBLIC ACT 6969;
3

4 **SECTION 2.** Section 21 of the NIPAS Act is hereby amended as follows:
5

6 Section 21. *Penalties.* – Whoever violates this Act or any rules and regulations issued
7 by the Department pursuant to this Act or whoever is found guilty by a competent
8 court of justice of any of the offenses in the preceding section shall be fined in the
9 amount of not less than [Five thousand pesos (P5,000)] ONE MILLION PESOS
10 (P1,000,000.00) nor more than [Five hundred thousand pesos (P500,000)] FIVE
11 MILLION PESOS (P5,000,000), exclusive of the value of the thing damaged or
12 imprisonment for not less than one (1) year but not more than six (6) years, or both,
13 as determined by the court: Provided, that, if the area requires rehabilitation or
14 restoration as determined by the court, the offender shall be required to FULLY
15 restore or compensate for the restoration to the damages: Provided, further, that court
16 shall order the eviction of the offender from the land and the forfeiture in favor of the
17 Government of all minerals, timber or any species collected or removed including all
18 equipment, devices and firearms used in connection therewith, and any construction
19 or improvement made thereon by the offender. If the offender is an association or
20 corporation, the president or manager shall be directly responsible for the act of his
21 employees and laborers: Provided, finally, that the DENR may impose administrative
22 fines and penalties consistent with this Act.
23

24 SECTION 20 (A) SHALL BE REGARDED AS A CONTINUING CRIME, SUCH
25 THAT ANY PERSON, CORPORATION, PARTNERSHIP OR ASSOCIATION
26 FOUND IN POSSESSION OF PLANTS AND ANIMALS HARVESTED FROM
27 PROTECTED AREAS WITHOUT LEGAL PERMIT/AUTHORITY, MAY BE
28 ARRESTED WITHOUT WARRANT UPON INTERDICTION IN ANY PART OF
29 THE PHILIPPINES.
30

31 Section 22. *Separability Clause.* If any part or section of this Act is declared unconstitutional,
32 such declaration shall not affect the other parts or sections of this Act.
33

34 Section 23. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and
35 regulations inconsistent with any provisions of this Act shall be deemed repealed or modified
36 accordingly.
37

38 Section 24. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete
39 publication in two (2) newspapers of general circulation.
40

41 Approved,