

THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }

5 JUN -8 P3:24

SENATE

RECEIVED BY: 

S.B. NO. 2044

Introduced by Senator Compañera Pia S. Cayetano

EXPLANATORY NOTE

The *Malampaya Sound Protected Landscape and Seascape (MSPLAS)* is located in the northwestern part of Palawan, covering eighteen (18) barangays in the Municipality of Taytay and four (4) barangays in the Municipality of San Vicente. The protected area is bounded in the north by the Municipality of El Nido, in the south by the municipalities of Roxas, San Vicente and Dumarán, in the west by the South China Sea, and in the east by barangays Pamantolon, Poblacion, Calauag in the Municipality of Taytay, and the proposed Lake Danao Protected Area.

Malampaya Sound is considered not only one of the richest fishing grounds but also one of the largest undisturbed mangrove forest areas in the Philippines. It is home to a variety of fish species, mollusks, shells and other aquatic animals. Some of them, like the sea cow (*Dugong dugon*), are considered endemic and threatened species. It is also the only known habitat of the Irrawaddy Dolphin (*Orcaella brevirostris*) in the country. The adjacent old-growth forests are important watersheds and serve as the habitat of unique wildlife such as the Palawan Hornbill, the Bear Cat, the Peacock Peasant and other endemic bird species.

The increasing number of people fishing, gathering and harvesting the natural resources of the sound as well as the highly modernized fishing technology being used have contributed to the drastic decline of the abundance and diversity of fish species and other marine resources in the sound. Forest clearings have also become a common sight in the area, making way for settlements and for various agricultural activities.

This proposed legislation seeks to ensure the protection, conservation and preservation of Malampaya Sound for various reasons -- it is important to Palawan's economy and the country's fishing industry; it is home to several endemic and endangered terrestrial and aquatic species; and it is endowed with a number of diverse habitats and ecosystems such as tropical lowland forests, old-growth mangroves, coral reefs, seagrass beds and coastal beaches.

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


COMPANERA PIA S. CAYETANO
Senator

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AN ACT
TO ESTABLISH THE MALAMPAYA SOUND SITUATED IN THE MUNICIPALITIES
OF TAYTAY AND SAN VICENTE, PROVINCE OF PALAWAN, AS A PROTECTED
AREA PURSUANT TO REPUBLIC ACT NO. 7586 (NIPAS ACT OF 1992)
PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

ARTICLE I

TITLE, POLICIES AND OBJECTIVES

SECTION 1. Title. - This Act shall be known as the "Malampaya Protected
Landscape and Seascape Act".

SEC. 2. Declaration of Policy. - It is the policy of the State to ensure the
protection, preservation and rehabilitation of Malampaya Sound, the communities
therein, their culture and way of life, insofar as they are in harmony with nature and do
not alter the ecological systems and the magnitude of biological diversity of the area. As
a habitat for endemic, endangered and unique flora and fauna species and an eco-
tourism zone, the State shall undertake steps to preserve its integrity for future Filipino
generations. It shall ensure the protection and conservation of biodiversity of
Malampaya Sound through sustainable and participatory development, and advance
and protect the interests of its legitimate inhabitants and honor customary laws in
accordance with Republic Act No. 7586 (or the "National Integrated Protected Areas
System Act of 1992"), Republic Act No. 8371 (or the "Indigenous Peoples Rights Act of
1997"), other pertinent laws, and applicable international conventions to which the
Philippines is a signatory.

SEC. 3. Definition of Terms. - For purposes of this Act:

1 (a) "*Biodiversity*" shall refer to the variety and variability among all living
2 organisms and the ecological complex in which they are found;

3 (b) "*Bioprospecting*" shall refer to the research, collection and utilization of
4 biological and genetic resources for the purpose of applying the knowledge derived
5 therefrom to make or modify products or processes and their derivatives for scientific,
6 agricultural, industrial and other applications;

7 (c) "*By-product*" shall refer to any part taken from wild species such as, but not
8 limited to, hides, antlers, feathers, fur, teeth, claws, internal organs, eggs, guano, root,
9 trunk, branches, leaves, stems, flowers, and any other item produced out of utilizing
10 wildlife or any of its parts;

11 (d) "*CITES*" shall refer to the Convention on International Trade of Endangered
12 Species of wild flora and fauna including all its appendices referring to the lists of
13 species differentially regulated therein;

14 (e) "*Derivatives*" shall refer to anything extracted from wild species such as, but
15 not limited to, blood, oils, saliva, musk, resin, gum, seeds, spores, pollen and the like;

16 (f) "*Endangered species*" shall refer to species or subspecies whose population
17 is in danger of extinction and whose survival is unlikely if the causal factors continue
18 operating;

19 (g) "*Endemic species*" shall refer to species or subspecies often within the
20 geographical limits of the State which has limited distribution;

21 (h) "*Exotic species*" shall refer to species or subspecies which is not naturally
22 found within the biogeographic region of the MSPLAS;

23 (i) "*Exploration*" shall refer to searching or prospecting for mineral resources,
24 as defined by law, by geological, geochemical or geophysical surveys, remote sensing,
25 test pitting, trenching, drilling, shaft sinking, tunneling or any other means for the
26 purpose of determining the existence, extent, quantity and quality thereof and the
27 feasibility of mining them for profit;

1 (j) *Exploitation*” shall refer to any mode of use, extraction, development,
2 utilization or disposition of resources, for whatever purpose, whether commercial or
3 otherwise;

4 (k) *Habitat*” shall refer to an area inhabited by wildlife in the natural state;

5 (l) *Indigenous cultural communities or indigenous peoples*” shall refer to
6 Indigenous cultural communities or indigenous peoples as defined in Republic Act No.
7 8371 within the MSPLAS;

8 (m) *Indigenous species*” shall refer to native Philippine species or subspecies
9 with an existing or historical natural occurrence and distribution within the MSPLAS;

10 (n) *Large-scale infrastructure projects*” shall refer to major port facilities, major
11 highways, tall edifices, major dams and the like;

12 (o) *Multiple-use zones*” shall refer to areas where settlement, traditional or
13 sustainable land use, including agriculture, agroforestry, extraction activities and other
14 income generating or livelihood activities, may be allowed to the extent prescribed in the
15 Management Plan;

16 (p) *Protected area*” shall refer to identified portions of land and water set aside
17 by reason of their unique physical and biological significance, managed to enhance
18 biological diversity and protected against destructive human exploitation. Unless
19 otherwise provided, it shall refer to the MSPLAS;

20 (q) *Protected landscape/seascape*” shall refer to an area of national
21 significance which is characterized by the harmonious interaction of man and land while
22 providing opportunities for public enjoyment through recreation and tourism within the
23 normal lifestyle and economic activity of the area;

24 (r) *Protected species*” shall refer to any plant or animal declared protected
25 under Philippine laws, rules and regulations. This shall also include plants and animals
26 under CITES, the Bonn Convention on Migratory Species, species under the red-list
27 categories of the International Union for the Conservation of Nature, and species which

1 may not be considered threatened elsewhere but are in danger of extinction within the
2 MSPLAS as determined by the Protected Area Management Board (PAMB);

3 (s) "*Quarrying*" shall refer to the process of extracting, removing and disposing
4 quarry resources, as defined by law, found on or underneath the surface of private or
5 public land;

6 (t) "*Recreational zones*" shall refer to areas of high recreational, tourism,
7 educational or environmental awareness values where sustainable eco-tourism,
8 recreational, conservation education or public awareness activities may be allowed as
9 prescribed in the Management Plan;

10 (u) "*Secretary*" shall refer to the Secretary of the Department of Environment
11 and Natural Resources;

12 (v) "*Special use zones*" shall refer to areas containing existing installations of
13 national significance such as telecommunication facilities, irrigation canals or electric
14 power lines;

15 (w) "*Sustainable*" shall refer to the use of components of biological diversity in a
16 manner and at a rate that does not lead to the decline of the species used nor cause
17 permanent or long-term diminishment or qualitative degradation of biological species,
18 ecological functions or of other resources extracted or disturbed. It shall not pertain to
19 the exploitation of non-renewable resources in commercial quantities which will
20 significantly alter the ecosystem or contribute to the extinction of species;

21 (x) "*Strict protection zones*" shall refer to areas with high biodiversity value
22 which shall be closed to all human activity except for scientific studies;

23 (y) "*Tenured migrants*" shall refer to individuals and households within the
24 MSPLAS who have actually and continuously occupied such areas on or before July 12,
25 1995 and are substantially dependent therein for subsistence;

26 (z) "*Wildlife*" shall refer to wild forms and varieties of flora and fauna, including
27 captive-bred or propagated individuals, parts, derivatives and by-products thereof; and

(aa) "Management zones" shall refer to the divisions within the MSPLAS into levels of protection and permitted use of natural resources, such as strict protection zone, sustainable use zone, restoration zone, habitat management zone, multiple-use zone, cultural zone, recreational zone and special use zone, as provided under existing rules and regulations.

SEC. 4. Declaration and Scope. - Pursuant to and in accordance with Republic Act No. 7586, the Malampaya Sound situated in the municipalities of Taytay and San Vicente, Province of Palawan, is hereby declared and established as a protected area and part of the National Integrated Protected Area System under the category of Protected Landscape and Seascape as defined herein. It shall be referred to as the Malampaya Sound Protected Landscape and Seascape (or MSPLAS) and its boundaries shall be as follows:

Beginning at point marked "1" on DENR NIPAS Map No. _____ at S 7°33'4.11", E 3058.150 meters more or less, from BLLM No. 2 at 10°49'46.616" latitude and 119°31'0.383" longitude, Taytay Cadastre, Province of Palawan thence;

	S	0°	48'	55.11"	W	2,922.33 m	Meters to point 2
thence	S	1°	26'	52.55"	E	1,283.91 m	Meters to point 3
thence	S	23°	47'	14.00"	E	958.93 m	Meters to point 4
thence	S	26°	4'	33.51"	W	1,595.34 m	Meters to point 5
thence	S	9°	51'	17.19"	W	1,709.81 m	Meters to point 6
thence	S	25°	25'	52.50"	W	14,086.64 m	Meters to point 7
thence	S	69°	32'	46.33"	W	4,112.73 m	Meters to point 8
thence	S	12°	54'	59.36"	W	5,346.46 m	Meters to point 9
thence	N	67°	1'	45.59"	W	12,303.31 m	Meters to point 10
thence	S	75°	22'	37.21"	W	3,839.52 m	Meters to point 11
thence	S	83°	36'	35.47"	W	2,774.01 m	Meters to point 12
thence	N	35°	52'	23.26"	W	2,322.42 m	Meters to point 13
thence	S	88°	52'	25.40"	W	13,499.17 m	Meters to point 14
thence	N	45°	2'	13.84"	W	16,060.90 m	Meters to point 15
thence	N	1°	7'	46.58"	W	45,652.49 m	Meters to point 16
thence	N	88°	48'	28.94"	W	8,174.64 m	Meters to point 17

thence	S	40°	24'	25.31"	E	765.31 m	Meters to point 18
thence	S	54°	2'	2.16"	E	9,789.75 m	Meters to point 19
thence	S	54°	8'	3.55"	E	4,204.90 m	Meters to point 20
thence	S	88°	13'	28.37"	E	1,621.76 m	Meters to point 21
thence	S	25°	50'	12.73"	E	4,691.18 m	Meters to point 22
thence	S	69°	32'	7.71"	W	290.91 m	Meters to point 23
thence	S	1°	25'	16.98"	E	641.88 m	Meters to point 24
thence	S	25°	49'	11.92"	E	306.17 m	Meters to point 25
thence	S	5°	35'	53.02"	W	311.56 m	Meters to point 26
thence	S	19°	3'	43.32"	E	513.75 m	Meters to point 27
thence	N	83°	14'	10.37"	E	617.19 m	Meters to point 28
thence	N	36°	50'	12.20"	E	848.35 m	Meters to point 29
thence	N	32°	55'	37.15"	E	238.51 m	Meters to point 30
thence	N	13°	6'	17.79"	W	249.50 m	Meters to point 31
thence	N	12°	23'	49.11"	W	737.71 m	Meters to point 32
thence	N	4°	18'	9.19"	W	487.98 m	Meters to point 33
thence	S	88°	2'	2.45"	E	262.63 m	Meters to point 34
thence	S	63°	36'	28.80"	E	220.56 m	Meters to point 35
thence	S	45°	6'	20.49"	E	248.89 m	Meters to point 36
thence	S	10°	56'	43.56"	E	360.12 m	Meters to point 37
thence	S	8°	54'	8.28"	W	336.43 m	Meters to point 38
thence	S	63°	36'	32.46"	W	196.06 m	Meters to point 39
thence	S	40°	16'	5.54"	E	461.01 m	Meters to point 40
thence	N	88°	10'	9.62"	E	459.36 m	Meters to point 41
thence	N	53°	16'	49.29"	E	542.45 m	Meters to point 42
thence	S	75°	20'	55.87"	E	339.75 m	Meters to point 43
thence	S	50°	56'	33.58"	E	382.64 m	Meters to point 44
thence	N	87°	7'	57.28"	E	262.65 m	Meters to point 45
thence	N	54°	53'	46.89"	E	544.95 m	Meters to point 46
thence	N	40°	44'	13.81"	E	514.67 m	Meters to point 47
thence	N	89°	32'	41.50"	E	524.82 m	Meters to point 48
thence	S	40°	8'	57.14"	E	1,438.08 m	Meters to point 49
thence	S	87°	33'	39.53"	E	1,094.83 m	Meters to point 50
thence	S	88°	15'	33.54"	E	1,728.93 m	Meters to point 51
thence	N	68°	3'	15.86"	E	1,269.10 m	Meters to point 52
thence	S	4°	13'	57.98"	E	166.35 m	Meters to point 53

thence	S	38°	0'	27.16"	E	125.61 m	Meters to point 54
thence	N	89°	32'	9.31"	E	131.21 m	Meters to point 55
thence	S	35°	40'	43.60"	E	189.63 m	Meters to point 56
thence	S	58°	9'	2.50"	E	103.51 m	Meters to point 57
thence	S	22°	1'	51.31"	E	59.50 m	Meters to point 58
thence	S	37°	51'	43.59"	E	70.53 m	Meters to point 59
thence	S	0°	27'	51.60"	E	55.33 m	Meters to point 60
thence	S	22°	1'	51.18"	E	59.50 m	Meters to point 61
thence	S	49°	31'	29.86"	E	101.33 m	Meters to point 62
thence	S	5°	10'	18.64"	E	133.24 m	Meters to point 63
thence	S	30°	37'	56.25"	E	217.59 m	Meters to point 64
thence	S	22°	1'	53.24"	E	59.50 m	Meters to point 65
thence	S	45°	7'	23.35"	E	155.57 m	Meters to point 66
thence	S	22°	1'	54.27"	E	118.99 m	Meters to point 67
thence	S	45°	7'	24.61"	E	62.23 m	Meters to point 68
thence	S	27°	51'	35.06"	E	138.28 m	Meters to point 69
thence	S	4°	14'	34.38"	W	133.24 m	Meters to point 70
thence	S	24°	17'	31.44"	W	182.79 m	Meters to point 71
thence	S	0°	27'	51.72"	E	165.99 m	Meters to point 72
thence	S	30°	11'	58.69"	E	64.32 m	Meters to point 73
thence	S	37°	51'	49.26"	E	70.53 m	Meters to point 74
thence	S	15°	18'	7.82"	W	80.49 m	Meters to point 75
thence	S	9°	6'	30.45"	E	145.51 m	Meters to point 76
thence	S	22°	29'	20.77"	E	168.25 m	Meters to point 77
thence	S	0°	27'	49.87"	E	88.53 m	Meters to point 78
thence	S	15°	48'	48.35"	E	206.56 m	Meters to point 79
thence	S	45°	7'	26.05"	E	155.58 m	Meters to point 80
thence	S	17°	50'	26.72"	E	695.72 m	Meters to point 81
thence	S	15°	22'	54.42"	E	3,950.97 m	Meters to point 82
thence	S	24°	46'	24.44"	E	4,517.09 m	Meters to point 83
thence	S	37°	27'	1.79"	E	581.85 m	Meters to point 84
thence	S	34°	51'	6.56"	E	348.64 m	Meters to point 85
thence	S	52°	50'	33.88"	E	290.04 m	Meters to point 86
thence	S	67°	23'	43.82"	E	225.91 m	Meters to point 87
thence	S	50°	31'	51.87"	E	413.73 m	Meters to point 88
thence	S	45°	8'	12.72"	E	326.77 m	Meters to point 89

thence	S	48°	0'	4.47"	E	311.42 m	Meters to point 90
thence	S	46°	24'	40.23"	E	350.11 m	Meters to point 91
thence	S	33°	26'	28.33"	E	422.11 m	Meters to point 92
thence	S	28°	29'	57.05"	E	7,660.05 m	Meters to point 1

containing an approximate area of two hundred thousand one hundred fifty-five (200,155) hectares, subject to actual ground survey.

All existing land-use and resource-use permits within the MSPLAS shall be reviewed and shall not be renewed upon their expiration unless consistent with the Management Plan as provided herein and upon approval by the PAMB. Extractive resource use within the MSPLAS shall not be deemed to include sustainable extraction by indigenous cultural communities or indigenous peoples and tenured migrants.

ARTICLE II

MANAGEMENT, MANAGEMENT PLAN AND ZONING

SEC. 5. *Management of the MSPLAS.* - The management and administration of the MSPLAS shall be vested with the PAMB. The management of zones to be established within the MSPLAS shall be consultative and participatory.

SEC. 6. *Management Plan.* - Within one (1) year from the effectivity of this Act, a Management Manual shall be prepared in accordance with the General Management Planning Strategy as provided in Republic Act No. 7586. The Management Plan shall serve as the basic long-term framework plan in the management of the MSPLAS and guide in the preparation of the annual operations plan and budget. The Management Manual shall be drafted with the assistance of experts in such fields as socioeconomic planning, ecology and protected area management, reviewed and endorsed by the PAMB, and approved by the Secretary.

The Management Manual shall include the following:

- (A) Executive Summary
- (B) Description of the Protected Area
 - (i) Historical Background

- (ii) Biogeographic Setting
- (iii) Regional and Local Setting
- (iv) Topography, Geology and Soils
- (v) Climate
- (vi) Boundaries and Rationale for their Location
- (vii) Flora and Fauna, Habitats and Ecosystems
- (viii) Human Population and Current Land Use
- (ix) Legal Status and Regulations
- (x) Current Management Activities and Research
- (xi) Initial Environmental Examination Report

(C) Issues

- (i) Conservation Value
- (ii) Biodiversity Concerns
- (iii) Habitat Rehabilitation Needs
- (iv) Management Constraints
- (v) Local Interests, Rights and Concerns
- (vi) Development Potential, including Tourism
- (vii) Changes Required in Legal Status

(D) Management Plan

- (i) Goals
- (ii) Objectives
- (iii) Key Management Issues
- (iv) Site Management Strategy
- (v) Management Activities
 - (a) community organization
 - (b) ancestral domain and rights
 - (c) tenure for tenured protected area residents
 - (d) boundary demarcation

- (e) management zone boundaries and the rationale for each
- (f) protection program
 - by wardens
 - by the community
- (g) habitat rehabilitation
- (h) habitat management
- (i) sustainable use
- (j) infrastructure, including maintenance
- (k) visitor program and accommodations
- (l) specific management plans for each management zone

(E) Bio-inventory and Research Program

(F) Special Studies

(G) Monitoring and Evaluation

(H) Management Information Data Base Development

(I) Administration

(i) Staffing

(ii) Work Program

(iii) Budget

(J) Annexes

(i) Maps (1:50,000), pictures, aerial photographs

(ii) Species lists

(iii) References

The Management Plan shall be consistent with the nature of the MSPLAS. It shall be reviewed and updated on a regular basis, at least once every three (3) years. However, in cases where significant physical development occur within the protected area or critical resources constraints prevent implementation of important programs or projects, the Plan or some components thereof may be revised or modified. Any modification or revision of the Plan shall be approved by a majority of PAMB members.

SEC. 7. *Integration of the Management Plan into Local Development Plans.* -

Local government units shall participate in the management of the MSPLAS through their representation in the PAMB. The provisions herein shall be incorporated into the barangay, municipal and provincial development plans of Palawan and the Regional Development Plan of Region IV as part of their environmental concerns in order to ensure that the future development of the province and the region is in accordance with this Act. Local government units shall likewise ensure that local ordinances pertaining to the environment are consistent with this Act and the Management Plan, as herein provided.

SEC. 8. *Zoning.* - Zones shall be established within the MSPLAS giving primary consideration to the preservation and conservation of all life forms while according respect to the traditional areas used and recognized by the indigenous cultural communities or indigenous peoples. Zoning shall also take into account the tenurial and livelihood concerns of other communities and must ensure the efficient protection of habitats, fragile ecosystems and unique areas.

All primary (old growth) forests within the MSPLAS, including portions which have been previously declared as alienable and disposable, shall be classified as strict protection zones and shall be free from all forms of logging or exploitation, whether commercial or otherwise. However, portions of primary forests may be classified as sustainable use zones. Strict protection zones shall also be established where necessary for the preservation of biodiversity including, but not limited to, the survival of rare and endangered species.

The establishment and management of zones must involve the community concerned by undertaking such steps as dialogue, community-based management approach, land and resource-use mapping.

Multiple-use zones shall be validated on the ground, demarcated on maps and monumented in the field with the assistance of communities and agencies concerned.

ARTICLE III

THE PROTECTED AREA MANAGEMENT BOARD

SEC. 9. *The Protected Area Management Board.* - There is hereby created a Protected Area Management Board (PAMB) which shall be the sole policy-making and permit-granting body of the MSPLAS.

In addition to the powers enumerated in Republic act No. 7586, the PAMB shall decide by a majority vote and shall have the following powers and functions:

(a) Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the Management Manual of the MSPLAS;

(b) Decide matters relating to planning, resource protection and general administration of the MSPLAS in accordance with the approved Management Plan;

(c) Approve proposals, work plans, action plans, and guidelines for management of the MSPLAS in accordance with the approved Management Plan;

(d) Delineate and demarcate MSPLAS boundaries and ancestral domains, and recognize the rights and privileges of indigenous cultural communities or indigenous peoples;

(e) Ensure the implementation of projects and programs as prescribed in the Management Plan;

(f) Control and regulate the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection and sanitation systems and other public utilities within the MSPLAS;

(g) Issue land and resource-use permits and all the necessary permits within the MSPLAS in accordance with the Management Plan and consistent with the nature of the MSPLAS;

(h) Recommend criteria and set fees for the issuance of permits for the activities regulated by this Act or the Management Plan. The PAMB shall only issue

1 permits taking into consideration ecological and sustainability factors based on the
2 policies provided in Section 2 and 8 of this Act;

3 (i) Adopt rules and procedure for the conduct of business, including the
4 creation of committees to which the PAMB powers may be delegated;

5 (j) Control and supervise the Office of the Protected Area Superintendent
6 (PASu);

7 (k) Deputize, through the Protected Area Superintendent, individuals for the
8 enforcement of the laws, rules and regulations governing conduct within the MSPLAS,
9 and prescribe the necessary qualifications therefore;

10 (l) Accept donations, approve proposals for funding, budget allocations and
11 exercise accountability over all funds that may accrue to the MSPLAS;

12 (m) Coordinate with the appropriate agencies of the government; and

13 (n) Retain legal counsel to defend cases against the PAMB and the Office of
14 the Protected Area Superintendent whenever they are sued in connection with the
15 performance of their duties under this Act.

16 The Department of Environment and Natural Resources, through the Regional
17 Executive Director, shall ensure that the PAMB acts within the scope of its powers and
18 functions. In case of conflict between administrative orders issued by the Department of
19 Environment and Natural Resources pursuant to Republic Act No. 7586 and resolutions
20 issued by the PAMB, the Secretary shall decide whether to apply the rule or withdraw its
21 application to the MSPLAS.

22 **SEC. 10. Composition.** - The Board shall be composed of:

23 (a) The Regional Executive Director (RED) of DENR-Region IV, as chairperson;

24 (b) One (1) representative from the Palawan Council for Sustainable
25 Development (PCSD) as member;

26 (c) The mayors of the municipalities of Taytay and San Vicente as members.
27 Each mayor may appoint a regular duly authorized representative whenever he/she
28 cannot personally attend any of the PAMB meetings;

(d) The Barangay Captains of barangays whose territory, in whole or in part, is within the boundaries of the MSPLAS as members.

(e) The Provincial Planning and Development Officer of Palawan as member;

(f) The Provincial Tourism Officer of Palawan as member;

(g) Three (3) representatives from the non-governmental organizations operating within the MSPLAS, chosen from among themselves as members;

(h) Three (3) representatives from the people's organizations within the MSPLAS, chosen from among themselves, as members;

(i) Three (3) representatives from the indigenous cultural communities or indigenous peoples residing within the MSPLAS as member; and

(j) The Protected Area Superintendent as *ex officio* member.

In the selection of peoples' and non-government organizations' representatives, preference shall be accorded to those organizations involved in the conservation and protection of the MSPLAS and engaged in the field of developmental work. The representation of peoples and non-government organizations shall be institutional and shall endeavor to achieve geographic balance.

In addition to actual and necessary traveling and subsistence expenses incurred in the performance of their duties, PAMB members shall be entitled to honorarium and insurance coverage in attending PAMB or other PAMB committee meetings. These expenses shall be included in the budget for the MSPLAS.

SEC. 11. The Executive Committee. - There shall be an Executive Committee within the PAMB to which the PAMB may delegate some of its powers and functions. It shall be composed of:

(a) The Regional Executive director as chairperson;

(b) The representative from the Palawan Council for Sustainable Development (PCSD) as member;

(c) One (1) mayor to be chosen from among the mayors of the municipalities comprising the MSPLAS as member;

(d) One (1) Barangay Captain to be chosen from among the barangay captains of barangays whose territory, in whole or in part, is within the boundaries of the MSPLAS, as member;

(e) Either one (1) between the Provincial Planning and Development Officer or the Provincial Tourism Officer as designated by the Provincial Governor, as member;

(f) One of the representatives from the peoples' organizations as member;

(g) One of the representatives from the non-governmental organizations as member;

(h) One representative from the indigenous cultural communities or indigenous peoples; and

(i) The Protected Area Superintendent as *ex officio* member.

Membership in the Executive Committee shall be co-terminous with membership in the PAMB.

The PAMB may create other committees within the Board.

The PAMB *en banc* shall hold meetings at least twice a year. However, the Executive Committee may meet on a regular basis to discuss day-to-day affairs and other matters delegated by the PAMB.

SEC. 12. Terms of Office. - Except for government officials who shall serve *ex officio*, PAMB members shall serve for a term of five (5) years: *Provided*, That they remain connected with the sector they represent. Whenever a vacancy occurs during the term of a member who does not represent the government, a new member shall be chosen who shall serve only the remaining term.

SEC. 13. Removal from Office. - A PAMB member may be removed for cause and upon majority vote on the following grounds:

(a) More than three (3) consecutive unexcused absences in regular PAMB *en banc* meetings;

(b) Commission of any of the prohibited acts as provided in this Act, Republic Act No. 7586 or other rules and regulations governing protected areas and protected species;

(c) Graft and corruption; and

(d) Conviction of any criminal offense.

SEC. 14. *The Protected Area Superintendent Office.* - There shall be a Protected Area Superintendent (PASu) Office within the Department of Environment and Natural Resources to be headed by the Protected Area Superintendent who shall serve as Chief Operating DENR Officer of the entire MSPLAS. The Protected Area Superintendent and his/her staff shall reside within the protected area and establish office therein.

The Protected Area Superintendent shall have full responsibility for the protection of land, water, wildlife and other resources within the MSPLAS. As such, he/she shall have the following duties and responsibilities in addition to those provided under existing rules and regulations:

(a) Prepare the Management Plan as herein provided;

(b) Serve as Secretariat to the PAMB with the duty to provide the PAMB with all the information necessary to make appropriate decisions for the implementation of this Act;

(c) Hire and supervise the necessary personnel to support operations as the budget may allow;

(d) Establish a productive partnership with local communities including groups supporting the achievement of the goals and objectives of this Act;

(e) Develop and implement a MSPLAS information, education and visitor programs;

(f) Enforce the laws, rules and regulations and PAMB resolutions relevant to the MSPLAS, and assist in the prosecution of offenses;

(g) Monitor all activities within the MSPLAS in conformity with the Management Plan; and

(h) Perform such other function as the PAMB may assign.

ARTICLE IV

ANCESTRAL LANDS AND DOMAINS AND TENURED MIGRANTS

SEC. 15. *Ancestral Lands and Domains.* - The rights of indigenous cultural communities or indigenous peoples in the MSPLAS to their ancestral lands and domains shall be fully recognized. Their traditional property regimes exercised in accordance with their customary laws shall govern the relationship of all individuals within their communities with respect to all land and resources found within the ancestral lands and domains traditionally used by them. They may apply for Certificates of Ancestral Domain Title (CADT) as provided for in Republic Act No. 8371.

The provisions of this Act shall be construed liberally in favor of the indigenous cultural communities or indigenous peoples in accordance with the preservation and conservation objectives of the MSPLAS and its resources.

Nothing herein shall be construed to impair or diminish prior and existing rights currently enjoyed by the indigenous cultural communities or indigenous peoples as provided for by existing laws.

SEC. 16. *Tenured Migrants.* - Whenever practicable, tenured migrants shall be provided tenurial rights over their current habitation sites. However, if these areas are subsequently identified as crucial for conservation, tenured migrants shall, after due consultation, be offered by the Department alternative sites within the appropriate zones with preference over non-tenured migrants. Provisions for their transfer shall be undertaken by the Department in coordination with PAMB and relevant government agencies using humanitarian considerations including payment of compensation, providing tenure to alternative land and facilities of equivalent standard, and other measures to reach agreement with the affected tenured migrants.

1 The grant of tenurial rights must take into account the need to promote clustering
2 and to avoid unnecessary displacement. In areas where tenurial instruments are
3 granted, appropriate use zones shall be established for the purpose of maintaining non-
4 commercial livelihood activities.

5 Lands used as homelots or farmlots shall preferably be held by individual
6 household. Lands currently used on a communal basis shall not be held individually.

7 Tenurial instruments shall not be issued solely on the basis of tax declaration
8 receipts. The PAMB shall consider the following as evidence in support of tenured
9 migrant status:

- 10 (a) Cultivated trees at their fruit-bearing stage;
- 11 (b) Physical structure in the area indicating prolonged occupancy;
- 12 (c) Certification from the Barangay Captain or any two (2) respected members
13 of the nearest community attesting to occupancy; and
- 14 (d) Other relevant data (e.g. previous census reports) that may be accepted by
15 the PAMB.

16 Existing land title instruments shall be reviewed by the Protected Area
17 Superintendent and endorsed by the PAMB to the DENR Regional Office for validation
18 or reversion.

19 All persons who fail to qualify as tenured migrants including transient farmers
20 shall be allowed to gather and collect whatever they have planted within five (5) years
21 from the effectivity of this Act. Any transfer of non-tenured migrants from the MSPLAS
22 shall be undertaken using humanitarian considerations.

23 In the event of termination of a tenure instrument for cause or by voluntary
24 surrender of rights, the Protected Area Superintendent shall take immediate steps to
25 rehabilitate the area in order to return it to its natural state prior to the cultivation or other
26 act by the tenured migrant.

27 **SEC. 17. Contract Involving Lands Within the MSPLAS.** - Any purchase,
28 sale, encumbrance, mortgage, usufruct, or any form of disposition, alienation or transfer

1 of rights involving lands within the MSPLAS shall be restricted among tenured migrants
2 or indigenous cultural communities or indigenous peoples, otherwise, it shall be null and
3 void *ab initio*.

4 Lease of lands to persons not otherwise qualified to hold lands within the
5 MSPLAS may only take place in Multiple Use, Recreation and Special Use Zones:
6 *Provided*, That the use thereof is consistent with Section 2 of this Act and in accordance
7 with the Management Plan: *Provided, further*, That persons not otherwise prohibited to
8 hold lands within the MSPLAS may enter into joint venture agreements with the
9 government.

10 ARTICLE V

11 UTILIZATION OF RESOURCES AND FACILITIES

12 **SEC. 18. Utilization of Resources.** - Except for protected species or whenever
13 detrimental to the ecosystem, use of resources derived from the MSPLAS by tenured
14 migrants and indigenous cultural communities or indigenous peoples for their domestic
15 needs or for their subsistence shall be permitted. Livelihood activities requiring the use
16 of these resources shall be allowed only when sustainable, consistent with the
17 Management Plan, and after prior PAMB approval. Only non-timber forest products can
18 be used for livelihood purposes.

19 The PAMB is authorize to impose regulatory measures such as hunting
20 moratoria, closed hunting seasons and other restrictions on the use of resources within
21 the MSPLAS to ensure the sustainability of species and ecosystems: *Provided*, That
22 these will not pose a threat to the food security of the indigenous cultural communities
23 or indigenous peoples or tenured migrants directly dependent therein for their
24 subsistence: *Provided, further*, That these restrictions shall be made upon due
25 consultation with the indigenous cultural communities or indigenous peoples and
26 tenured migrants.

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Any exploration, exploitation or utilization of non-renewable resources within the MSPLAS for commercial purposes or by those who are not members of the indigenous cultural communities or indigenous peoples or tenured migrants shall not be allowed.

Energy projects within the MSPLAS shall be allowed only through an act of Congress except energy from wind, sun, waves and water resources: *Provided*, That in all instances, the primary beneficiaries shall be residents of MSPLAS: *Provided, further*, That it shall undergo the Environmental Impact Assessment System as provided by law: *Provided, finally*, That the PAMB has endorsed the project.

Commercial exploitation of water resources within the MSPLAS shall require prior PAMB approval, must be in accordance with the Management Plan and should undergo the Environmental Impact Assessment System.

SEC. 19. Existing Facilities Within the MSPLAS. - Within ninety (90) days from the effectivity of this Act, all existing commercial facilities within the MSPLAS with a total capitalization in excess of Fifty thousand pesos (P50,000.00) shall submit to the PAMB through the Protected Area Superintendent the following information:

- (a) Potential for disturbance of protected species and their habitat, reproductive cycle, nesting and feeding grounds and migratory paths;
- (b) Noise levels at all stages of operation;
- (c) Emissions and effluent at all stage of operation;
- (d) Energy requirements and sources of energy; and
- (e) Requirements of water supply and resources of water.

Based on these submissions, the PAMB, with the assistance of the DENR, shall determine whether the existence of such facilities and its future plans and operations will be detrimental to the MSPLAS.

Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe other conditions for the operation of the facility to ensure that it does not contradict the management objectives of the MSPLAS. If any such conditions are violated, a fine of Five thousand pesos (P5,000.00) for every day

violation shall be imposed upon the owners of said facility but not to exceed a total of Four hundred fifty thousand pesos (P450,000.00). Whenever necessary, the PAMB through the Protected Area Superintendent or other government entities shall cause the cessation and demolition of the facility at any time at the cost of its owners.

Existing facilities allowed to remain within the MSPLAS shall be charged a fee by the PAMB, which shall not be more than two percent (2%) of the annual gross income of the facility.

ARTICLE VI

PROHIBITED ACTS AND PENALTIES

SEC. 20. *Prohibited Acts.* - The following acts shall be prohibited within the MSPLAS without prejudice to the application of pertinent laws and regulations:

(a) Hunting, collecting, catching, capturing, wounding, killing, destroying or possessing anywhere within the MSPLAS any protected species of plant or animal or their by-products or derivatives without prior PAMB approval;

(b) Hunting, collecting, catching, capturing, wounding, killing or destroying anywhere within the MSPLAS any other species of plant and animal or their by-products or derivatives the trade of which is regulated by the PAMB;

(c) Bioprospecting without prior PAMB approval;

(d) The disturbance of protected species or their habitats, reproductive cycle, roosting and feeding grounds and migratory paths;

(e) Unauthorized cutting, gathering, collecting or removal of timber or other forest products: *Provided*, That any authorization issued shall only be valid for one (1) year at a time and given to (i) tenured migrants within sustainable, monitored and controlled quotas, and (ii) for scientific purposes necessary for protected area management in accordance with existing guidelines;

(f) Establishment or introduction of exotic species within the MSPLAS with allelopathic effect or those detrimental to endemic species, without prior PAMB approval;

(g) Exploration, exploitation or extraction, drilling or extracting for minerals or resources or engage in quarrying within the MSPLAS;

(h) Destroying, excavating, vandalizing or in any manner damaging any natural formation on land or sea, burial or religious/spiritual rites, artifacts, objects belonging to indigenous cultural communities or indigenous peoples and other objects of natural and scenic value;

(i) Unauthorized possession or use of blasting caps, explosives, or cyanide anywhere within the MSPLAS;

(j) Unauthorized possession or use of chain saws or band saws;

(k) Unauthorized use of motorized equipment anywhere within the Strict Protection Zone of the MSPLAS;

(l) Unauthorized construction or maintenance of any kind of road, edifice, facility or any infrastructure project within the MSPLAS;

(m) Unauthorized occupation of any portion of land inside the MSPLAS. Clearing, construction of residence or any introduction of improvements shall constitute *prima facie* evidence of occupation or settlement;

(n) Alteration, removal, willful destruction of boundary marks or interpretative signals;

(o) Engaging in *kaingin* or in any manner causing a forest fire inside the MSPLAS;

(p) Unauthorized fishing anywhere within the MSPLAS;

(q) Fishing within the MSPLAS using spear and submerged underwater breathing apparatus, trawling equipment or gillnets of more than 100 meters in total length or any other equipment prohibited under Republic Act No. 8550 or the Fisheries Code of 1998;

(r) Destruction or in any manner damaging coral reefs except in cases of emergency;

(s) Introduction, disposal, dumping or causing to be dumped in the MSPLAS any waste material, including but not limited to, non-biodegradable, toxic, nuclear, hazardous and other prohibited substances; and

(t) Violation of any rules and regulations provided in the Management Plan or any resolution reached by the PAMB in the exercise of its adjudicative functions.

SEC. 21. Penalties. - (a) For any violation of the provisions of Section 20 hereof, a fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year but not more than six (6) years shall be imposed.

(b) Any provision to the contrary notwithstanding, the commission of any unlawful act as provided under the immediately preceding section shall carry the penalty of imprisonment of six (6) years and one (1) day to twelve (12) years, and a minimum fine of One million pesos (P1,000,000.00) in case the species involved is listed under CITES Appendix I, Seven hundred fifty thousand pesos (P750,000.00) for the species listed under CITES Appendix II, and Five hundred thousand pesos (P500,000.00) for all threatened species, in addition to the accessory penalties provided in the immediately succeeding paragraph.

(c) The commission of any of the foregoing acts shall likewise carry the accessory penalties of eviction from the MSPLAS, payment of damages for rehabilitation and restoration, and the forfeiture of all equipment, devices, weapons or any other instrument or tool used in the commission of the offense. Any resource found in the possession of the offender shall also be forfeited. Pending the outcome of the case, any resource confiscated shall be immediately turned over to the PAMB for proper disposal and the proceeds thereof deposited in a trust fund. In no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the Protected Area Superintendent Office for release in its natural habitat. Valuation of the damage to the MSPLAS shall take into account biodiversity and conservation considerations as well as aesthetic, socio-

economic values and rehabilitation and restoration costs. Failure to comply with this provision shall constitute an offense under this sub-section.

(d) A fine of not less than One hundred twenty thousand pesos (P120,000.00) but not more than Six hundred thousand pesos (P600,000.00) and/or imprisonment of not less than one (1) year but not more than six (6) years shall be imposed upon forest rangers or deputized personnel of the PAMB who shall unjustifiably refuse or refrain from instituting prosecution or shall tolerate the commission of the above mentioned offenses. Conviction of this offense shall carry penalty of perpetual disqualification from public office.

(e) A fine of not less than One hundred pesos (P100.00) but not more than One thousand pesos (P1,000.00), or community service from one (1) day to one (1) week, or both, shall be imposed on anyone who enters into the Strict Protection Zone of the MSPLAS without prior PAMB permit.

ARTICLE VII

PROCEEDS, FEES AND APPROPRIATIONS

SEC. 22. *Integrated Protected Area Fund.* - The Integrated Protected Area Fund (IPAF) is hereby established for the purpose of promoting the sustained financing the System. The fund may receive revenues generated within protected areas, donor support and other funds as provided by law, and disburse the same to finance projects of the National Integrated Protected Area System.

IPAF income shall, among others, be derived from the following sources:

(a) Fees or taxes derived from permitted collection of flora and fauna and other resources within the MSPLAS other than protected species as may be set by the DENR and the PAMB;

(b) Proceeds from the lease of land and foreshore areas within multiple-use and recreational zones and permitted resource utilizations including commercially operated facilities within the MSPLAS;

(c) Fees, royalties and contributions from industries and facilities directly benefiting from resources originating from the MSPLAS;

(d) Fines and fees, including protected area entry and visitor's fees, as may be collected from the operation of the MSPLAS and set by the PAMB;

(e) Donations, endowments, grants and other gratuitous sums received from legal sources for the purposes of the management and conservation of the MSPLAS: *Provided*, That lawful onerous conditions attached to the donations shall be respected: *Provided, further*, That these conditions shall be subject to review by the DENR Secretary; and

(f) Such other revenues as may be derived from the operation of the protected areas.

Current sources of revenue of the local government units shall be excluded from the IPAF.

The PAMB shall have the power to disburse the IPAF. Twenty-five percent (25%) of the IPAF shall be for the use of the National Government for the support of the National Integrated Protected Areas System: *Provided*, That twenty-five percent (25%) thereof, excluding item (e) above, shall be allocated to the local government units comprising the MSPLAS.

SEC. 23. Appropriations. - There is hereby appropriated the amount of Twenty million pesos (P20,000,000.00) for the first five (5) years from the effectivity of this Act to be included in the annual appropriations of the Department of Environment and Natural Resources. Thereafter, such sums as may be necessary for the implementation of this Act shall be sourced from the IPAF. It shall be included in the annual General Appropriations Act if not sufficient.

ARTICLE VIII

TRANSITORY AND MISCELLANEOUS PROVISIONS

SEC. 24. Construction. - The provisions of this Act shall be construed liberally in favor of indigenous cultural communities or indigenous peoples and tenured migrants

1 and in harmony with the principles of protection and conservation of biodiversity.
2 Republic Act No. 7586 shall have supplementary effect in the implementation of this Act.

3 **SEC. 25. *Transitory Provisions.*** - In order to ensure the sustainability and
4 recovery of biodiversity and to develop sustainable livelihood opportunities for tenured
5 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,
6 clearances, compliance documents or any other instrument that allows exploitation of
7 resources within the MSPLAS until the Management Plan shall have been put into
8 effect.

9 Pending the organization of a new PAMB in accordance with this Act, the
10 incumbent PAMB members shall continue to hold office until a new PAMB has been
11 convened.

12 **SEC. 26. *Separability Clause.*** - If any part or section of this Act is declared
13 unconstitutional or invalid, such other parts or sections not affected thereby shall remain
14 in full force and effect.

15 **SEC. 27. *Repealing Clause.*** - All laws, decrees, proclamations, executive
16 orders, rules and regulations inconsistent with any provisions of this Act shall be
17 deemed repealed or modified accordingly.

18 **SEC. 28. *Effectivity Clause.*** - This Act shall be translated in Filipino by the
19 Department of Environment and Natural Resources within thirty (30) days from the date
20 of approval hereof. It shall be published once a week for three (3) consecutive weeks in
21 a newspaper of general circulation readily available in the areas in and around the
22 MSPLAS. It shall likewise be conspicuously posted simultaneously in the provincial,
23 municipal and barangay halls within the MSPLAS as well as in three other places
24 frequented by the public. Fifteen (15) days after the last publication and posting, this Act
25 shall have full force and effect.

Approved,