

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

5 JUN -8 P3:25

SENATE

RECEIVED BY: 

S.B. NO. 2045

Introduced by Senator Compañera Pia S. Cayetano

EXPLANATORY NOTE

Siargao Islands Protected Landscape and Seascape (SIPLAS) comprise the islands of Siargao and Bucas Grande and the surrounding islets. The SIPLAS is one of the three priority protected areas in the Mindanao Biogeographic Zone (MBZ). These islands are located in the Province of Surigao del Norte, northeastern Mindanao, CARAGA Region, bounded on the north by Surigao Strait, on the south by the mainland part of Surigao del Norte province, on the east by Philippine Sea, and on the west by Hinatuan Passage.

The most striking physiographic feature of SIPLAS is the limestone areas, which display a typical karst terrain of haystack hills similar to the Chocolate Hills of Bohol and El Nido in Palawan. The presence of lagoons and ponds amid the hills and beaches make them rather unique.


It also boasts of having the largest contiguous mangrove stand in the Philippines which is approximately 4,000 hectares. The overall mangrove cover of Siargao group of islands is approximately 8,600 hectares. The vastness of the mangrove cover provides a good habitat for the crocodile of the species *Crocodylus porosus*, which still exists in adequate number compared to other places in the country.

SIPLAS serves as sanctuary to several rare and endangered wildlife. One species of birds, the Philippine Cockatoo, is listed as critical while 5 fauna species, which are the green sea turtle (*Chelonia mydas*), hawksbill turtle (*Eretmochelys imbricata*), Dinagat gymnure, golden crown flying fox and olive ridley turtle, are listed endangered. Dugong (*Dugong dugon*), a globally endangered species, is also present in the area. SIPLAS forest is home to the important and rare Philippine ironwood or "mancono" (*Xanthosthemum verdugonianum*), which is the hardest known species of wood.

The importance of Siargao group of islands was acknowledged on October 10, 1996 through Presidential Proclamation No. 902 which declared the islands as a Protected Area under the category of "Protected Landscape and Seascape".

To ensure SIPLAS' protection and conservation and to provide continuity and permanence to the initial conservation and management efforts in the areas, it is incumbent upon Congress to enact a law to address the local realities and concerns within the framework of the National Integrated Protected Area System (NIPAS) Act.

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


COMPAÑERA PIA S. CAYETANO
Senator

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**AN ACT
TO ESTABLISH THE SIARGAO GROUP OF ISLANDS 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 "Siargao Islands Protected Landscape and Seascape Act of 2005".

SEC. 2. Declaration of Policy. - It is the policy of the State to ensure the protection, preservation and rehabilitation of Siargao Group of Islands, 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 endangered species, a mangrove reserve 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 Siargao islands through sustainable and participatory development, and advance and protect the interests of its legitimate inhabitants in accordance with Republic Act No. 7586 (or the "*National Integrated Protected Areas System Act of 1992*"), other pertinent laws, and applicable international conventions to which the Philippines is a signatory.

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

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

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

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

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

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

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

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

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

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

26 (j) "*Exploitation*" shall refer to any mode of use, extraction, development,
27 utilization or disposition of resources, for whatever purpose, whether commercial or
28 otherwise;

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

2 (l) "*Indigenous species*" shall refer to native Philippine species or subspecies
3 with an existing or historical natural occurrence and distribution within the SIPLAS;

4 (m) "*Large-scale infrastructure projects*" shall refer to major port facilities, major
5 highways, tall edifices, major dams and the like;

6 (n) "*Multiple-use zones*" shall refer to areas where settlement, traditional or
7 sustainable land use, including agriculture, agroforestry, extraction activities and other
8 income generating or livelihood activities, may be allowed to the extent prescribed in the
9 Management Plan;

10 (o) "*Protected area*" shall refer to identified portions of land and water set aside
11 by reason of their unique physical and biological significance, managed to enhance
12 biological diversity and protected against destructive human exploitation. Unless
13 otherwise provided, it shall refer to the SIPLAS;

14 (p) "*Protected landscape/seascape*" shall refer to an area of national
15 significance which is characterized by the harmonious interaction of man and land while
16 providing opportunities for public enjoyment through recreation and tourism within the
17 normal lifestyle and economic activity of the area;

18 (q) "*Protected species*" shall refer to any plant or animal declared protected
19 under Philippine laws, rules and regulations. This shall also include plants and animals
20 under CITES, the Bonn Convention on Migratory Species, species under the red-list
21 categories of the International Union for the Conservation of Nature, and species which
22 may not be considered threatened elsewhere but are in danger of extinction within the
23 SIPLAS as determined by the Protected Area Management Board (PAMB);

24 (r) "*Quarrying*" shall refer to the process of extracting, removing and disposing
25 quarry resources, as defined by law, found on or underneath the surface of private or
26 public land;

27 (s) "*Recreational zones*" shall refer to areas of high recreational, tourism,
28 educational or environmental awareness values where sustainable eco-tourism,

1 recreational, conservation education or public awareness activities may be allowed as
2 prescribed in the Management Plan;

3 (t) "*Secretary*" shall refer to the Secretary of the Department of Environment
4 and Natural Resources;

5 (u) "*Special use zones*" shall refer to areas containing existing installations of
6 national significance such as telecommunication facilities, irrigation canals or electric
7 power lines;

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

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

16 (x) "*Tenured migrants*" shall refer to individuals and households within the
17 MSPLAS who have actually and continuously occupied such areas on or before July 12,
18 1995 and are substantially dependent therein for subsistence;

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

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

26 **SEC. 4. Declaration and Scope.** - Pursuant to and in accordance with Republic
27 Act No. 7586, the Siargao Group of Islands within the Province of Surigao del Norte,
28 composed of the islands of Siargao and Bucas Grande and the municipalities of Burgos,

1 Dapa, Del Carmen, General Luna, Pilar, San Benito, San Isidro, Sta. Monica and
2 Socorro, is hereby declared and established as a protected area and part of the
3 National Integrated Protected Area System under the category of Protected Landscape
4 and Seascape as defined herein. It shall be referred to as the Siargao Islands Protected
5 Landscape and Seascape (or SIPLAS) and its boundaries shall be as follows:

STATION	BEARING	DISTANCE	CONTROL
Tie Point	N 15° 00' 00" E	37,000.00 m	to corner
1 – 2	S 5° 29' 19" E	30,659.91 m	1
2 – 3	S 41° 23' 04" W	19,167.65 m	2
3 – 4	N 70° 10' 09" W	21,474.56 m	3
4 – 5	N 84° 14' 16" W	15,184.74 m	4
5 – 6	N 36° 59' 10" W	16,461.03 m	5
6 – 7	N 28° 40' 03" E	16,500.00 m	6
7 – 8	N 39° 02' 56" W	21,716.48 m	7
8 – 9	N 55° 10' 03" E	22,650.00 m	8
9 – 10	N 46° 50' 00" E	23,000.00 m	9
10 – 11	S 59° 20' 12" E	15,981.10 m	10
11 – 12	S 21° 47' 30" E	31,255.88 m	11

6 All existing land-use and resource-use permits within the SIPLAS shall be
7 reviewed and shall not be renewed upon their expiration unless consistent with the
8 Management Plan as provided herein and upon approval by the PAMB. Extractive
9 resource use within the SIPLAS shall not be deemed to include sustainable extraction
10 by tenured migrants.

11 ARTICLE II

12 MANAGEMENT, MANAGEMENT PLAN AND ZONING

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

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

12 The Management Manual shall include the following:

- 13 (A) Executive Summary
- 14 (B) Description of the Protected Area
- 15 (i) Historical Background
- 16 (ii) Biogeographic Setting
- 17 (iii) Regional and Local Setting
- 18 (iv) Topography, Geology and Soils
- 19 (v) Climate
- 20 (vi) Boundaries and Rationale for their Location
- 21 (vii) Flora and Fauna, Habitats and Ecosystems
- 22 (viii) Human Population and Current Land Use
- 23 (ix) Legal Status and Regulations
- 24 (x) Current Management Activities and Research
- 25 (xi) Initial Environmental Examination Report
- 26 (C) Issues
- 27 (i) Conservation Value
- 28 (ii) Biodiversity Concerns

- 1 (iii) Habitat Rehabilitation Needs
- 2 (iv) Management Constraints
- 3 (v) Local Interests, Rights and Concerns
- 4 (vi) Development Potential, including Tourism
- 5 (vii) Changes Required in Legal Status
- 6 (D) Management Plan
 - 7 (i) Goals
 - 8 (ii) Objectives
 - 9 (iii) Key Management Issues
 - 10 (iv) Site Management Strategy
 - 11 (v) Management Activities
 - 12 (a) community organization
 - 13 (b) tenure for tenured protected area residents
 - 14 (c) boundary demarcation
 - 15 (d) management zone boundaries and the rationale for each
 - 16 (e) protection program
 - 17 by wardens
 - 18 by the community
 - 19 (f) habitat rehabilitation
 - 20 (g) habitat management
 - 21 (h) sustainable use
 - 22 (i) infrastructure, including maintenance
 - 23 (j) visitor program and accommodations
 - 24 (k) specific management plans for each management zone
- 25 (E) Bio-inventory and Research Program
- 26 (F) Special Studies
- 27 (G) Monitoring and Evaluation
- 28 (H) Management Information Data Base Development

- 1 (I) Administration
- 2 (i) Staffing
- 3 (ii) Work Program
- 4 (iii) Budget
- 5 (J) Annexes
- 6 (i) Maps (1:50,000), pictures, aerial photographs
- 7 (ii) Species lists
- 8 (iii) References

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

15 **SEC. 7. *Integration of the Management Plan into Local Development Plans.*** -
16 Local government units shall participate in the management of the SIPLAS through their
17 representation in the PAMB. The provisions herein shall be incorporated into the
18 barangay, municipal and provincial development plans of Surigao del Norte and the
19 Regional Development Plan of Region XIII as part of their environmental concerns in
20 order to ensure that the future development of the province and the region is in
21 accordance with this Act. Local government units shall likewise ensure that local
22 ordinances pertaining to the environment are consistent with this Act and the
23 Management Plan, as herein provided.

24 **SEC. 8. *Zoning.*** - Zones shall be established within the SIPLAS giving primary
25 consideration to the preservation and conservation of all life forms. Zoning shall also
26 take into account the tenurial and livelihood concerns of other communities and must
27 ensure the efficient protection of habitats, fragile ecosystems and unique areas.

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

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

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

13 ARTICLE III

14 THE PROTECTED AREA MANAGEMENT BOARD

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

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

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

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

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

27 (d) Ensure the implementation of projects and programs as prescribed in the
28 Management Plan;

1 (e) Control and regulate the construction, operation and maintenance of roads,
2 trails, waterworks, sewerage, fire protection and sanitation systems and other public
3 utilities within the SIPLAS;

4 (f) Issue land and resource-use permits and all the necessary permits within
5 the SIPLAS in accordance with the Management Plan and consistent with the nature of
6 the SIPLAS;

7 (g) Recommend criteria and set fees for the issuance of permits for the
8 activities regulated by this Act or the Management Plan. The PAMB shall only issue
9 permits taking into consideration ecological and sustainability factors based on the
10 policies provided in Section 2 and 8 of this Act;

11 (h) Adopt rules and procedure for the conduct of business, including the
12 creation of committees to which the PAMB powers may be delegated;

13 (i) Control and supervise the Office of the Protected Area Superintendent
14 (PASu);

15 (j) Deputize, through the Protected Area Superintendent, individuals for the
16 enforcement of the laws, rules and regulations governing conduct within the SIPLAS,
17 and prescribe the necessary qualifications therefore;

18 (k) Accept donations, approve proposals for funding, budget allocations and
19 exercise accountability over all funds that may accrue to the SIPLAS;

20 (l) Coordinate with the appropriate agencies of the government; and

21 (m) Retain legal counsel to defend cases against the PAMB and the Office of
22 the Protected Area Superintendent whenever they are sued in connection with the
23 performance of their duties under this Act.

24 The Department of Environment and Natural Resources, through the Regional
25 Executive Director, shall ensure that the PAMB acts within the scope of its powers and
26 functions. In case of conflict between administrative orders issued by the Department of
27 Environment and Natural Resources pursuant to Republic Act No. 7586 and resolutions

1 issued by the PAMB, the Secretary shall decide whether to apply the rule or withdraw its
2 application to the SIPLAS.

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

4 (a) The Regional Executive Director (RED) of DENR-Region XIII, as
5 chairperson;

6 (b) The mayors of the municipalities of Burgos, Dapa, Del Carmen, General
7 Luna, Pilar, San Benito, San Isidro, Sta. Monica and Socorro, as members. Each mayor
8 may appoint a regular duly authorized representative whenever he/she cannot
9 personally attend any of the PAMB meetings;

10 (c) The presiding officer of the Sangguniang Bayan of each municipality, as
11 member;

12 (d) The president of the Liga ng mga Barangay of each municipality, as
13 member;

14 (e) The Provincial Planning and Development Officer of Surigao del Norte as
15 member;

16 (f) The Provincial Tourism Officer of Surigao del Norte as member;

17 (g) One (1) representative from the Sangguniang Kabataan (SK) to be chosen
18 from among the SK chairpersons of the municipalities comprising the SIPLAS, as
19 member;

20 (h) Three (3) representatives from the non-governmental organizations
21 operating within the SIPLAS, chosen from among themselves, as members;

22 (i) Three (3) representatives from the people's organizations within the
23 SIPLAS, chosen from among themselves, as members;

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

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

27 In the selection of peoples' and non-government organizations' representatives,
28 preference shall be accorded to those organizations involved in the conservation and

1 protection of the SIPLAS and engaged in the field of developmental work. The
2 representation of peoples and non-government organizations shall be institutional and
3 shall endeavor to achieve geographic balance.

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

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

11 (a) The Regional Executive director as chairperson;

12 (b) One (1) mayor to be chosen from among the mayors of the municipalities
13 comprising the SIPLAS, as member;

14 (c) One (1) Sangguniang Bayan member to be chosen from among the
15 presiding officers of the Sangguniang Bayan of the municipalities comprising the
16 SIPLAS, as members;

17 (d) One (1) Barangay Captain to be chosen from among the presidents of the
18 Liga ng mga Barangay of the municipalities comprising the SIPLAS, as member;

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

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

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

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

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

27 The PAMB may create other committees within the Board.

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

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

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

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

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

16 (c) Graft and corruption; and

17 (d) Conviction of any criminal offense.

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

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

28 (a) Prepare the Management Plan as herein provided;

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

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

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

8 (e) Develop and implement a SIPLAS information, education and visitor
9 programs;

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

12 (g) Monitor all activities within the SIPLAS in conformity with the Management
13 Plan; and

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

15 **ARTICLE IV**

16 **TENURED MIGRANTS**

17 **SEC. 15. Tenured Migrants.** - Whenever practicable, tenured migrants shall be
18 provided tenurial rights over their current habitation sites. However, if these areas are
19 subsequently identified as crucial for conservation, tenured migrants shall, after due
20 consultation, be offered by the Department alternative sites within the appropriate zones
21 with preference over non-tenured migrants. Provisions for their transfer shall be
22 undertaken by the Department in coordination with PAMB and relevant government
23 agencies using humanitarian considerations including payment of compensation,
24 providing tenure to alternative land and facilities of equivalent standard, and other
25 measures to reach agreement with the affected tenured migrants.

26 The grant of tenurial rights must take into account the need to promote clustering
27 and to avoid unnecessary displacement. In areas where tenurial instruments are

1 granted, appropriate use zones shall be established for the purpose of maintaining non-
2 commercial livelihood activities.

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

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

8 (a) Cultivated trees at their fruit-bearing stage;

9 (b) Physical structure in the area indicating prolonged occupancy;

10 (c) Certification from the Barangay Captain or any two (2) respected members
11 of the nearest community attesting to occupancy; and

12 (d) Other relevant data (e.g. previous census reports) that may be accepted by
13 the PAMB.

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

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

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

25 **SEC. 16.** *Contract Involving Lands Within the SIPLAS.* - Any purchase,
26 sale, encumbrance, mortgage, usufruct, or any form of disposition, alienation or transfer
27 of rights involving lands within the SIPLAS shall be restricted among tenured migrants;
28 otherwise, it shall be null and void *ab initio*.

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

6 **ARTICLE V**

7 **UTILIZATION OF RESOURCES AND FACILITIES**

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

14 The PAMB is authorize to impose regulatory measures such as hunting
15 moratoria, closed hunting seasons and other restrictions on the use of resources within
16 the SIPLAS to ensure the sustainability of species and ecosystems: *Provided*, That
17 these will not pose a threat to the food security of the tenured migrants directly
18 dependent therein for their subsistence: *Provided, further*, That these restrictions shall
19 be made upon due consultation with the tenured migrants.

20 Any exploration, exploitation or utilization of non-renewable resources within the
21 SIPLAS for commercial purposes or by those who are not tenured migrants shall not be
22 allowed.

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

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

4 **SEC. 18. Existing Facilities Within the SIPLAS.** - Within ninety (90) days from
5 the effectivity of this Act, all existing commercial facilities within the SIPLAS with a total
6 capitalization in excess of Fifty thousand pesos (P50,000.00) shall submit to the PAMB
7 through the Protected Area Superintendent the following information:

8 (a) Potential for disturbance of protected species and their habitat, reproductive
9 cycle, nesting and feeding grounds and migratory paths;

10 (b) Noise levels at all stages of operation;

11 (c) Emissions and effluent at all stage of operation;

12 (d) Energy requirements and sources of energy; and

13 (e) Requirements of water supply and resources of water.

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

17 *Failure to submit the required information shall constitute a violation of this Act.*
18 *The PAMB may prescribe other conditions for the operation of the facility to ensure that*
19 *it does not contradict the management objectives of the SIPLAS. If any such conditions*
20 *are violated, a fine of Five thousand pesos (P5,000.00) for every day violation shall be*
21 *imposed upon the owners of said facility but not to exceed a total of Four hundred fifty*
22 *thousand pesos (P450,000.00). Whenever necessary, the PAMB through the Protected*
23 *Area Superintendent or other government entities shall cause the cessation and*
24 *demolition of the facility at any time at the cost of its owners.*

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

PROHIBITED ACTS AND PENALTIES

SEC. 19. *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 SIPLAS 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 SIPLAS 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 SIPLAS 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 SIPLAS;

(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 SIPLAS;

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

2 (k) Unauthorized use of motorized equipment anywhere within the Strict
3 Protection Zone of the SIPLAS;

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

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

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

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

13 (p) Unauthorized fishing anywhere within the SIPLAS;

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

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

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

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

25 **SEC. 20. Penalties.** - (a) For any violation of the provisions of Section 19
26 hereof, a fine of not less than Five thousand pesos (P5,000.00) but not more than Five
27 hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1)
28 year but not more than six (6) years shall be imposed.

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

9 (c) The commission of any of the foregoing acts shall likewise carry the
10 accessory penalties of eviction from the SIPLAS, payment of damages for rehabilitation
11 and restoration, and the forfeiture of all equipment, devices, weapons or any other
12 instrument or tool used in the commission of the offense. Any resource found in the
13 possession of the offender shall also be forfeited. Pending the outcome of the case, any
14 resource confiscated shall be immediately turned over to the PAMB for proper disposal
15 and the proceeds thereof deposited in a trust fund. In no case shall any confiscated or
16 rescued protected animal species be sold or in any manner disposed of but shall be
17 immediately turned over to the Protected Area Superintendent Office for release in its
18 natural habitat. Valuation of the damage to the SIPLAS shall take into account
19 biodiversity and conservation considerations as well as aesthetic, socio-economic
20 values and rehabilitation and restoration costs. Failure to comply with this provision
21 shall constitute an offense under this sub-section.

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

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

5 **ARTICLE VII**

6 **PROCEEDS, FEES AND APPROPRIATIONS**

7 **SEC. 21. *Integrated Protected Area Fund.*** - The Integrated Protected Area
8 Fund (IPAF) is hereby established for the purpose of promoting the sustained financing
9 the System. The fund may receive revenues generated within protected areas, donor
10 support and other funds as provided by law, and disburse the same to finance projects
11 of the National Integrated Protected Area System.

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

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

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

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

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

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

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

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

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

10 **SEC. 22. Appropriations.** - There is hereby appropriated the amount of Twenty
11 million pesos (P20,000,000.00) for the first five (5) years from the effectivity of this Act
12 to be included in the annual appropriations of the Department of Environment and
13 Natural Resources. Thereafter, such sums as may be necessary for the implementation
14 of this Act shall be sourced from the IPAF. It shall be included in the annual General
15 Appropriations Act if not sufficient.

16 ARTICLE VIII

17 TRANSITORY AND MISCELLANEOUS PROVISIONS

18 **SEC. 23. Construction.** - The provisions of this Act shall be construed liberally
19 in favor of tenured migrants and in harmony with the principles of protection and
20 conservation of biodiversity. Republic Act No. 7586 shall have suppletory effect in the
21 implementation of this Act.

22 **SEC. 24. Transitory Provisions.** - In order to ensure the sustainability and
23 recovery of biodiversity and to develop sustainable livelihood opportunities for tenured
24 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,
25 clearances, compliance documents or any other instrument that allows exploitation of
26 resources within the SIPLAS until the Management Plan shall have been put into effect.

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

4 **SEC. 25. Separability Clause.** - If any part or section of this Act is declared
5 unconstitutional or invalid, such other parts or sections not affected thereby shall remain
6 in full force and effect.

7 **SEC. 26. Repealing Clause.** - All laws, decrees, proclamations, executive
8 orders, rules and regulations inconsistent with any provisions of this Act shall be
9 deemed repealed or modified accordingly.

10 **SEC. 27. Effectivity Clause.** - This Act shall be translated in Filipino by the
11 Department of Environment and Natural Resources within thirty (30) days from the date
12 of approval hereof. It shall be published once a week for three (3) consecutive weeks in
13 a newspaper of general circulation readily available in the areas in and around the
14 SIPLAS. It shall likewise be conspicuously posted simultaneously in the provincial,
15 municipal and barangay halls within the SIPLAS as well as in three other places
16 frequented by the public. Fifteen (15) days after the last publication and posting, this Act
17 shall have full force and effect.

Approved,