

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

5 JUN -8 P4:06

SENATE 2017

RECEIVED BY: _____

Senate Bill No. _____

Introduced by Senator Companera Pia S. Cayetano

EXPLANATORY NOTE

Eighty six percent (86%) of the total coral species in the Philippines are found in Tubbataha. The fish biomass of Tubbataha reefs, as of 2001, is 101 mt/sq.km compared to 20-30mt/sq.km for an averagely healthy reef. It is the rookery of 23 species of migratory and resident sea birds, some of which are globally threatened. It is a nesting ground for two species of endangered marine turtles. It harbors a good number of marine mammals and mega-fauna. This rich biodiversity is believed to supply the greater Sulu Sea area with fish and coral larvae ensuring food security and livelihood for millions of Filipinos.

The exceptional biodiversity of this reef complex attracts world class divers and tourists, earning for the country an estimated Thirty Million Pesos (P30,000,000.00) a year. It is considered by many experts as one of the best dive sites in the world.

The Philippine Constitution of 1987 in Article II, Section 16 provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The National Integrated Protected Areas System Act (NIPAS) Act (RA 7586) provides that the State shall "secure for the Filipino people of present and future generations the perpetual existence of all native plant and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution". The Strategic Environmental Plan (SEP) Law (RA 7611) provides for the adoption of a comprehensive framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the Province of Palawan.

The concurrence of laws concerning Tubbataha, in particular, and the natural resources of Palawan, in general, necessitates harmonization of these laws and the definition of the parameters, mechanisms and structures of the management of Tubbataha Reef National Marine Park (TRNMP).

The TRNMP was established in August 11, 1988 upon the request of the Provincial Board of Palawan through Resolution No. 244 in 1987. The World Heritage Convention inscribed it in the World Heritage List in December 11, 1993 because of its outstanding cultural and natural heritage. It is the first natural World Heritage Site in the Philippines and one of only 12 marine sites in the world. In November 12, 1999, it was inscribed in the Ramsar List of Wetlands of International Importance because of its significance to the conservation of biological diversity.

The global significance of the attributes of the Tubbataha Reefs and its importance to the country's food security makes protection an imperative. Protection is not the responsibility of government alone. It is the duty of every citizen to contribute to

the maintenance of the natural ecological processes of the Philippines only National Marine Park.

As marine resources dwindle and populations increase globally, threats to the integrity of marine protected areas intensify. Marine protected areas management experience worldwide, has established that an active public constituency is essential to ensure success in the management of protected areas.

The Bill is a product of public consultations with open stakeholders conducted in the island municipality of Cagayancillo and Puerto Princesa City in Palawan and involved various sectors on many separate occasions. Among others, this Bill provides for the following:

- Metes and bounds of TRNMP which ensures the conservation of the Tubbataha Reefs and the Nearby Jessie Beazley Reef;
- The institutional mechanisms for the management of TRNMP with emphasis on the precedence of local management institutions;
- Processes for participatory decision-making concerning the conservation management of TRNMP.

It therefore represents the aspirations and vies of Palawenos and their exemplary concern for this unique marine resource.


SENATOR COMPANERA PIA S. CAYETANO

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Senate Bill No. 2047

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AN ACT
ESTABLISHING THE TUBBATAHA REEF NATIONAL MARINE PARK IN THE
PROVINCE OF PALAWAN AS PROTECTED AREA, PROVIDING FOR ITS
MANAGEMENT AND FOR OTHER PURPOSES

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

ARTICLE I
TITLE, POLICIES AND OBJECTIVES

1 **SECTION 1. *Short Title.*** — This Act shall be known and referred to as the “Tubbataha
2 Reef National Marine Park Act of 2005”.

3 **SECTION 2. *Declaration of Policy.*** — It shall be the declared policy of the State to
4 ensure the protection and conservation of the globally significant economic, biological, socio-
5 cultural, educational, and scientific values of the Tubbataha Reefs into perpetuity for the
6 enjoyment of present and future generations. These shall be pursued through sustainable and
7 participatory management, taking into consideration all applicable laws and international
8 conventions to which the Philippines is a signatory.

9 **SECTION 3. *Definition of Terms.*** — For purposes of this Act, the following terms shall
10 be defined as follows:

11 1. “BFAR” shall refer to the Bureau of Fisheries and Aquatic Resource of the
12 Department of Agriculture.

13 2. “Bioprospecting” shall refer to research, collection and utilization of biological
14 and genetic resources for purposes of applying the knowledge derived there from solely for
15 commercial purposes.

16 3. “Commercial fishers/fisherfolk” shall refer to persons who catch fish and other
17 fishery products using fishing vessels of more than three (3) gross tons.

18 However, the Executive Committee, as provided herein, may meet on a more regular
19 basis to discuss regular day-to-day affairs and other matters delegated by the TMB.

20 4. “Coral” shall refer to all bottom dwelling animals under the phylum Cnidaria,
21 which are a major part of the reef community. The definition includes four types of corals, (1)
22 those that produce a hard skeleton out of calcium carbonate such as all scleractinian corals, the

1 hydrozoan corals (firecorals), and the blue and red corals under the genera *Heliopora* and
2 *Tubipora*; (2) the antipatharian or black corals with a rigid, chitinous skeleton; (3) the
3 gorgomans with a horny and/or Calcareous axis; and (4) the soft bodied anthozoans such as sea
4 anemones, and the soft corals under the systematical group of Alcyonaria or Octocorallia.

5 5. "DA" shall refer to the Department of Agriculture.

6 6. "DENR" shall refer to the Department of Natural Resources.

7 7. "DOJ" shall refer to the Department of Justice.

8 8. "Electro-fishing" shall refer to the use of electricity generated by batteries,
9 electric generator and other source of electric power to kill, stupefy, disable or render
10 unconscious aquatic organisms, whether or not the same are subsequently recovered.

11 9. "Exotic species" shall refer to species or subspecies that do not naturally occur
12 within the biogeographic region of the TRNMP at present or in historical time.

13 10. "Explosives" shall refer to dynamite, other explosives or other chemical
14 compounds that contain combustible elements or ingredients which upon ignition by friction,
15 concussion, percussion or detonation of all or parts of the compound will kill, stupefy, or disable
16 or render unconscious any species. It also refers to the any other substance and/or device,
17 including blasting caps or any other component or part of explosive devices, which causes an
18 explosion that is capable of producing the said harmful effects on any resources and capable of
19 damaging and altering the natural habitat.

20 11. "Gear" shall refer to any instrument or device and its accessories utilized in
21 taking, catching, gathering, killing, hunting, destroying, disturbing, removing or possessing
22 resources within the TRNMP.

23 12. "Kayakas" shall refer to the fishing method known as the local version of the
24 muro-ami but smaller in size, using bamboo or trunk trees as scaring devices aside from coconut
25 or other leaves or materials to drive the fishes and other marine resources out of the coral reefs
26 while at the same time pounding the corals.

27 13. "Litter or Littering" shall refer to the disposal of small amount of non-
28 biodegradable solid waste materials, such as cigarette butts, candy wrappers, plastic bags,
29 bottles, glasses, in the TRNMP which may cause or contribute to the deterioration of the
30 resources or habitats in the TRNMP.

31 14. "Municipal fishers/fisherfolk" shall refer to persons who catch fish and other
32 fishery products using fishing vessels of three (3) gross tons or less, or whose fishing does not
33 require the use of fishing vessels.

34 15. "Muro-ami" shall refer to the method used in reef fishing consisting of a movable
35 bagnet, detachable wings and scarelines having plastic strips and/iron/steel/stone weights,
36 effecting fish capture by spreading the net in an arc around reefs or shoals and, with the use of

1 the scarelines, a cordon of people drive the fish towards the waiting net while pounding the
2 corals by means of heavy weights like iron/steel/stone or rock making it destructive to corals.

3 16. "Non-Government Organization (NGO)" shall refer to any civic, developmental,
4 environmental or philanthropic non-stock, non-profit organization, duly registered, having by-
5 laws, democratically-elected representatives, with qualifications, expertise and objectivity in
6 activities concerning community organizing and development, or resource and environmental
7 conservation, management and protection related to the protected area.

8 17. "Non-renewable Resources" shall refer to those resources found within the
9 TRNMP, the natural replenishment rate of which is not known.

10 18. "Noxious or Poisonous Substances" shall refer to any substance, plant extracts or
11 juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in raw or
12 processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render
13 unconscious any marine organism and capable of altering the natural habitat.

14 19. "Protected Area" shall refer to identified portions of land and water set aside by
15 reason of their unique physical and biological significance, managed to enhance biological
16 diversity and protected against destructive human exploitation.

17 20. "PAMB" shall refer to the Protected Area Management Board as provided for in
18 Republic Act 7586, otherwise known as the National Integrated Protected Areas System Act.

19 21. "PCSD" shall refer to the Palawan Council for Sustainable Development as
20 created under Republic Act 7611, otherwise known as the Strategic Environmental Plan for
21 Palawan Act.

22 22. "People's Organization (PO)" shall refer to a group of people which may be an
23 association, cooperative, federation, aggrupation of individuals or groups with an identifiable
24 structure of decision-making and accountability, established to undertake collective action to
25 address community concerns and needs in relation to the protected area.

26 23. "PM" shall refer to the Park Manager of the TRNMP.

27 24. "Protected species" shall refer to any plant or animal declared protected under
28 Philippine laws, rules and regulations. These shall include all species listed under the Convention
29 of International Trade of Endangered Species (CITES) and all its Annexes, the Bonn Convention
30 on Migratory Animals, those specified under the red-list categories of the International
31 Conservation of Nature (IUCN), or any plant or animal which the TMB or any government
32 agency may deem necessary for conservation and preservation in the TRNMP.

33 25. "Purse Seine" shall refer to the gear characterized by encircling net having a line
34 at the bottom passing through rings attached to the net, which can be drawn or pursued. In
35 general, the net is set from a boat or boats around the school of aquatic resources. The bottom of

1 the net is pulled closed with the purse line. The net is then pulled aboard the boat or boats until
2 the resources are concentrated in the bunt or bag.

3 26. "Resources" shall refer to all natural endowments, whether aquatic or terrestrial,
4 living or non-living, found in TRNMP.

5 27. "Stakeholders" shall refer to any individuals, communities, agencies, institutions,
6 organizations, aggrupations of specific interests or sectors which have particular interest in the
7 achievement of the objectives of this Act, and/or enjoyment or utilization in any form of the
8 resources within the TRNMP.

9 28. "TMO" shall refer to the Tubbataha Management Office.

10 29. "Trawl" shall refer to the gear consisting of a bag-shaped net which is dragged or
11 towed along the bottom or through the water column to take aquatic resources by straining them
12 from the water, including all variations and modifications of trawls in bottom, mid-water, baby
13 trawls and tow nets.

14 30. "TMB" shall refer to the Tubbataha Management Board.

15 31. "TRNMP" shall refer to the Tubbataha Reef National Marine Park.

16 32. "Vessel" includes every description of watercraft, including non-displacement
17 crafts and seaplanes, used or capable o being used as a means of transportation on water. It shall
18 include everything found therein, except personal effects.

19 33. "Waste" shall refer to discarded items of solid, liquid, contained gaseous or semi-
20 solid from, and from whatever source, which may cause or contribute to the deterioration of the
21 resources or habitats in the TRNMP.

22 **SECTION 4. Declaration of Scope.** — The Tubbataha Reef National Marine Park
23 (TRNMP), which shall cover an approximate area of 87,654,967 hectares and which shall
24 include the Tubbataha Reefs and Jessie Beazley Reef in the Province of Palawan is hereby
25 declared as a protected area. Its boundaries shall be as follows:

26 From Pt. 1 119°46'10" latitude 9°04'52" longitude
27 to Pt. 2 119°48'22" latitude 9°06'05" longitude
28 to Pt. 3 120°03'12" latitude 8°58'09" longitude
29 to Pt. 4 120°03'30" latitude 8°53'29" longitude
30 to Pt. 5 119°50'41" latitude 8°41'33" longitude
31 to Pt. 6 119°45'46" latitude 8°43'09" longitude

32 **ARTICLE II**

33 **MANAGEMENT, MANAGEMENT PLAN AND ZONING**

34 **SECTION 5. Management of the TRNMP.** — The management and administration of
35 the TRNMP shall be vested with the Tubbataha Management Board (TMB), as herein provided.

1 Management of zones to be established within the TRNMP shall be consultative and
2 participatory.

3 **SECTION 6. Zoning.** — Zones shall be established within the TRNMP giving primary
4 consideration to the preservation and conservation of all life forms, in accordance with
5 applicable laws, rules and regulations. Zoning shall also take into consideration the efficient
6 protection of habitats, fragile ecosystems and unique areas.

7 The establishment and management of zones shall involve the concerned stakeholders by
8 undertaking such steps as dialogue, and community and resource-use mapping.

9 The metes and bounds of each zone shall be indicated on maps and/or nautical charts.

10 **SECTION 7. Management Plan.** — Within one (1) year from the effectivity of this
11 Act, there shall be a Management Plan to be prepared by the TMO in coordination with the local
12 community and various stakeholders, the PCSD, the Municipal Government of Cagayancillo, the
13 Provincial Government of Palawan, and with assistance from the DENR and the BFAR. The
14 Management Plan shall contain, among others:

- 15 a. a period of applicability for twenty-five (25) years subject to periodic review
16 every five (5) years;
- 17 b. goals and objectives of management in support of Section 2 hereof;
- 18 c. key management issues, such as, but not limited to, issuance, screening and
19 approval of all development and resource-use activities within the
20 TRNMP; adequate protection and restoration of endangered species and fragile
21 ecosystems;
- 22 d. site management strategy including, but not limited to, establishment of clear
23 and simplified guidelines on the activities that can be allowed within the zones,
24 including the buffer zones;
- 25 e. major management activities, such as, but not limited to, enforcement of laws,
26 habitats and wildlife management, sustainable use management, infrastructure
27 development and maintenance, fire prevention, pest and disease control, and
28 disaster management;
- 29 f. zoning in accordance with Section 6 hereof;
- 30 g. mechanism for the protection, regulation and prohibition of those within the
31 TRNMP, in accordance with their rights;
- 32 h. mechanisms to ensure consultative and participatory decision-making processes.

33 The Management Plan shall be consistent with the nature of the TRNMP as a protected
34 area. It shall be reviewed and approved by the TMB, and submitted to the PCSD and the DENR.

35 **SECTION 8. Successor Plan.** — Before the expiration of the initial Management Plan,
36 there shall be a successor plan to be prepared by the TMO in the same manner as the procedure

1 and principles herein set forth. Two years before the expiration of the Management Plan, the PM
2 shall cause the publication of notices for comments and suggestions on the successor plan using
3 all available media, but at least in a newspaper of local circulation, and the posting of such
4 notices in the provincial, municipal and barangay halls and in three (3) other conspicuous areas
5 frequented by the public. The successor plan to the Management Plan shall be made available to
6 the public for perusal at the office and sub-offices of the PM and the PCSD.

7 ARTICLE III

8 INSTITUTIONAL MECHANISMS, ROLES AND FUNCTIONS

9 SECTION 9. *Creation and Composition of the Tubbataha Management Board*
10 *(TMB)*. — There shall be a TMB which shall be the sole policy-making and permit-granting
11 body of the TRNMP. It shall be composed of:

- 12 a. A representative of the PCSD as Chair;
- 13 b. The governor of the Province of Palawan as Co-Chair;
- 14 c. The Provincial Environment and Natural Resources Officer (PENRO) of
15 Palawan;
- 16 d. The Environment and Natural Resources Officer of the Province of Palawan;
- 17 e. The Mayor of the Municipality of Cagayancillo;
- 18 f. The Chair of the Environment and Natural Resources Committee of the
19 Sangguniang Bayan of Cagayancillo;
- 20 g. The Commander of the Western Command (WESCOM);
- 21 h. The Commander of the Naval Forces West (NAVFORWEST);
- 22 i. The District Commander of the Philippine Coast Guard — District of Palawan;
- 23 j. A representative of the Department of Tourism;
- 24 k. The provincial officer of the DA-BFAR in Palawan;
- 25 l. A representative from the academe;
- 26 m. At least three (3) representatives from NGO's involved in the conservation and
27 management of the TRNMP, to be chosen from among themselves;
- 28 n. At least two (2) representatives from people's organizations (PO) based in the
29 Municipality of Cagayancillo, Palawan, and concerned with the conservation and
30 management of the TRNMP, to be chosen from among themselves;

31 Except for government officials who shall serve *ex-officio*, every TMB member shall
32 serve for a term of two (2) years: *Provided, That*, he/she remains connected with the sector
33 he/she represents. Whenever a vacancy occurs during the term of a member who does not
34 represent the government, a new member shall be chosen in the same manner as the original
35 process to serve the remaining term of his/her predecessor.

1 The TMB *en banc* shall hold regular meetings at least once every quarter. However, the
2 Executive Committee, as provided herein, may meet on amore regular basis to discuss regular
3 day-to-day affairs and other matters delegated by the TMB.

4 **SECTION 10. *Executive and Other Committee of the TMB.*** — There shall be an
5 Executive Committee (EXECOM) to be headed by the TMB Chairperson, to which the TMB
6 may delegate some of its powers and functions. Its members shall be chosen by the TMB from
7 among themselves.

8 The TMB may create other committees as it may deem necessary.

9 **SECTION 11. *Incentives of TMB Members.*** — In addition to actual and necessary
10 traveling and subsistence expenses incurred in the performance of their duties, TMB members
11 may be granted honoraria and insurance coverage in attending TMB or other TMB committee
12 meetings, These expenses may be included in the budget for the TRNMP.

13 **SECTION 12. *Rules of Procedures.*** — The TMB shall determine by appropriate
14 resolution its procedural rules, which shall include discipline and removal of its officers and
15 members.

16 **SECTION 13. *Powers and Functions of the TMB.*** — The TMB shall have the
17 following powers and functions:

- 18 a. Decide matters relating to planning, resource use and protection, general
19 administration of the area in accordance with the Management Plan;
- 20 b. Approve budget allocations, proposals, work plans, action plans, guidelines for
21 management of the TRNMP in accordance with the Management Plan and its
22 policies;
- 23 c. Coordinate with national and local agencies, local government units, local
24 communities, the academe, non-governmental organizations, and such other
25 institutions to ensure the conservation and management of the TRNMP;
- 26 d. Delineate the boundaries of the TRNMP;
- 27 e. Promulgate rules and regulations to promote development programs and projects
28 on biodiversity conservation and sustainable development within the TR~M.P and
29 consistent with the Management Plan;
- 30 f. Ensure the implementation and enforcement of laws, rules and regulations,
31 policies, programs and projects within the TRNMP;
- 32 g. Control and regulate construction, operation and maintenance of structure and
33 utilities within the TRNMP;
- 34 h. Monitor and evaluate the performance of the TMO and all those implementing
35 activities and projects in TRNMP;

1. Appoint the TRNMP Park Manager, and upon recommendation of the PM, appoint TRNMP management personnel based on internal selection criteria;
- j. Generate funds and accept donations, grants, and exercise accountability over all funds that may accrue to the TRNMP;
- k. Manage the TRNMP Fund, as herein provided;
- l. Exact fines and fees for violations of this Act, guidelines, rules and regulations within the TRNMP;
- m. Deputize individuals for the enforcement of laws, rules and regulations governing conduct within the TRNMP, and prescribe the necessary qualifications therefore;
- n. Designate collecting officers for funds generated by the TRNMP, and formulate procedure for the disbursement thereof in accordance with sound accounting and auditing standards;
- o. Retain legal counsel to defend cases against the TMB and the Office of the PM whenever they are sued in connection with the performance of their duties under this Act, guidelines, and rules and regulations pertaining to the TRNMP;
- p. Provide adequate measures to ensure consultation and participation of stakeholders;
- q. Perform such other functions necessary for the fulfillment of the provision of this Act and other applicable laws, rules and regulations, and as may be asked by the PCSD.

SECTION 14. *Tubbataha Management Office (TMO).* — There shall be a TMO to be headed by the TRNMP Park Manager (PM) who shall serve as the Chief Operating Officer of the entire TRNMP. The PM and his/her staff shall hold office in a place to be designated by the TMB: *Provided, That*, the TMB may authorize the establishment of sub-offices for purposes of convenience, safety, accessibility, economy, and such other justifiable reasons: *Provided, Further, That*, at least sub-office shall be established within the TRNMP.

The PM shall have full responsibility for the protection of resources within the TRNMP. As such, he/she shall have the following duties and responsibilities in addition to those provided under existing laws and regulations:

- a. Prepare the Management Plan and its successor plans as herein provided;
- b. Serve as Secretary to the TMB with the duty to provide the TMB with all the information necessary to make appropriate decisions for the implementation of this Act;
- c. Hire non-management personnel of the TRNMP, and recommend management personnel to the TMB;
- d. Supervise TRNMP personnel in the performance of their duties and functions;

- 1 e. Establish productive partnership with national and local agencies, local
- 2 government units, local communities, the academe, non-governmental
- 3 organizations, and such other institutions to ensure the conservation and
- 4 management of the TRNMP;
- 5 f. Develop and implement park information, interpretation, education and other
- 6 visitor programs;
- 7 g. Enforce the laws, rules and regulations and TMB resolutions relevant to the
- 8 TRNMP, and assist in the prosecution of offenses;
- 9 h. Monitor all activities within the TRNMP in conformity with the Management
- 10 Plan;
- 11 i. Ensure that consultative and participatory mechanisms are maximized in
- 12 decision-making;
- 13 j. Perform such other functions as the TMB may assign.

14 **SECTION 15. *Components of the TMO.*** — The PM, with the approval of the TMB,
15 shall ensure efficient and effective implementation of this Act through various components or
16 divisions that may be deemed necessary: Provided, That, the PM and the TMB shall ensure that
17 there are components in the TMO that shall ensure visitor management; research and planning;
18 information, education and communication; law enforcement and security; and, community
19 development.

20 **SECTION 16. *Rule of Local Government Units.*** — Local governments of Palawan
21 and Cagayancillo shall participate in the management of the TRNMP through their
22 representation in the TMB. The provisions of this Act shall be incorporated into the municipal
23 and provincial development plans of Cagayancillo and Palawan, respectively, and the Regional
24 Development Plan of Region IV as part of the environmental concerns of the province and the
25 region. Local government units shall likewise ensure that local ordinances pertaining to the
26 environment are consistent with this Act and the Management Plan, as herein provided.

27 **SECTION 17. *Supervision by the PCSD.*** — The PCSD shall exercise supervision over
28 the TMB. In this regard, the PCSD shall:

- 29 a. Appoint one of its members who shall sit as Chairperson of the TMB;
- 30 b. Include in the budget for the TRNMP in its annual budget;
- 31 c. Assist in accessing and generating funds, donations, property, revenues and
- 32 similar income for TRNMP.

33 **SECTION 18. *Role of the DENR.*** — The DENR shall coordinate closely with the
34 PCSD to ensure the sound management and conservation of the TRNMP, provide technical and
35 financial assistance to the TRNMP as may be needed, and be represented in the TMB by the
36 Provincial Environment and Natural Resources (PENRO).

1 the TMB: *Provided, However, That*, entry into the TRNMP for emergency reasons shall not be
2 subject to permit and users' fees.

3 **SECTION 24. *Energy and Non-Renewable Resources.*** — Any exploration,
4 exploitation or utilization of non-renewable resources, such as minerals and oil, within the
5 TRNMP shall not be allowed only through an act of Congress except energy from wind and sun
6 sources.

7 **ARTICLE V**

8 **PROHIBITED ACTS AND PENALTIES**

9 **SECTION 25. *Unauthorized Entry, Enjoyment or Use.*** — Except in emergency
10 situations, it shall be unlawful to enter TRNMP without prior permission from the TMB or the
11 PM as herein provided. It shall also be unlawful to enter, enjoy or use for any purpose any
12 management zone beyond which the activity being undertaken is permitted. This rule shall
13 similarly apply to the use of vehicles, vessels, gears and equipment in management zones where
14 such are not allowed.

15 Violation of this Section shall subject the responsible person or entity to an
16 administrative fine of from One Thousand Pesos (P1,000.00) to Thirty Thousand Pesos
17 (P30,000.00), as may be determined by the TMB.

18 **SECTION 26. *Non-payment of Users' Fees.*** — It shall be unlawful for any person or
19 entity to enjoy or utilize the TRNMP and the resources therein without payment of users' fees as
20 may be imposed by the TMB.

21 Violation of this Section shall be penalized with an administrative fine of double the
22 amount set by the TMB for the activity undertaken.

23 **SECTION 27. *Unauthorized Anchorage.*** — Except in emergency situations, it shall be
24 unlawful for any person or entity to anchor outside the designated areas determined by the TMB.

25 Violation of this Section shall be penalized with an administrative fine of not less than
26 Two Thousand Pesos (P2,000.00) and not more than Five Thousand Pesos (P5,000.00).

27 **SECTION 28. *Dumping of Waste and Littering.*** — It shall be unlawful for any person
28 or entity to dump waste inside the TRNMP. It shall likewise be unlawful to clean and change oil
29 of vessels within the TRNMP.

30 Violation of this provision shall be punished with imprisonment of six (6) months to one
31 (1) year, and fine of not less than Five Thousand Pesos (P5,000.00) and not more than Fifteen
32 Thousand Pesos (P 15,000.00). The TMB shall impose an administrative fine of not less than
33 Ten Thousand Pesos (P10,000.00) and not more than Thirty Thousand Pesos (P30,000.00), and
34 order the violator to clean up the waste or pay the Clean-up thereof.

35 It shall likewise be unlawful to litter within the TRNMP.

1 Violation of this provision shall be punished by the TMB with administrative fine of
2 from Three Thousand Pesos (P3,000.00) to Five Thousand Pesos (P5,000.00).

3 **SECTION 29. *Dumping of Waste Permit.*** — It shall be unlawful to conduct
4 bioprospecting within the TRNMP without prior permit from the TMB.

5 Violation of this Section shall be punished with imprisonment of six (6) months to six (6)
6 years; fine of Two Hundred Thousand Pesos (P200,000.00) to One Million Pesos (P
7 1,000,000.00); and forfeiture of the resources subject of the offense, equipment, gears and
8 vessels. The TMB shall also impose administrative fine ranging from Two Hundred Thousand
9 Pesos (P200,000.00) to One Million Pesos (P1,000,000.00); and forfeiture of the resources
10 subject of the offense, equipment, gears and vessels.

11 **SECTION 30. *Introduction of Exotic Species.*** — It shall be unlawful to introduce
12 exotic species of plants or animals into the TRNMP.

13 Violation of this Section shall be punished with imprisonment of six (6) months to six (6)
14 years; fine of One Hundred Thousand Pesos (P 100,000.00) to One Million Pesos (P
15 1,000,000.00); and forfeiture of the resources subject of the offense, equipment, gears and
16 vessels. The TMB shall also impose administrative fine ranging from Two Hundred Thousand
17 Pesos (P200,000.00) to One Million Pesos (P1,000,000.00); and forfeiture of the resources
18 subject of the offense, equipment, gears and vessels.

19 **SECTION 31. *Hunting, catching, fishing, killing, taking, gathering, removing,***
20 ***destroying, disturbing, or possessing resources.*** — Except in cases of emergency and safety, it
21 shall be unlawful for any person to actually or attempt to hunt, catch, fish, kill, take, gather,
22 remove, destroy, disturb, or possess any resource, whether living or non-living, or products
23 derived therefrom, without a permit from the TMB and such other permits as may be required by
24 law, rules and regulations. The unauthorized entry of a vessel in the TRNMP shall *be prima facie*
25 evidence of violation of this Section.

26 Violation of this Section shall be punished as follows:

27 (1) Where the offender uses explosives, noxious or poisonous substances, or electricity,
28 the penalty shall be imprisonment ranging from five (5) years to ten (10) years without prejudice
29 to the filing of separate criminal cases when the use of the same result to physical injury or loss
30 of human life; fine ranging from Thirty Thousand Pesos (P30,000.00) to One Hundred Thousand
31 Pesos (P 100,000.00); forfeiture of the resources subject of the offense, equipment, gears and
32 vessels. The TMB shall also impose an administrative fine ranging from Forty Thousand Pesos
33 (P40,000.00) to One Hundred Fifty Thousand Pesos (P 150,000.00); forfeiture of the resources
34 subject of the offense, equipment, gears and vessels.

35 The discovery of dynamite, other explosives and chemical compounds which contain
36 combustible elements, or noxious or poisonous substances, or equipment or device for electro-

1 fishing in any vessel or in the possession of any person within the TRNMP shall constitute *prima*
2 *facie* evidence that the same was used in violation of this Act. The discovery in any vessel or in
3 the possession of any person within the TRNMP of resources caught, taken, killed, removed,
4 gathered or destroyed with the use of explosives, noxious or poisonous substances or by
5 electricity shall constitute *prima facie* evidence of violation of this Act.

6 (2) Where the offender merely possesses explosives, noxious or poisonous substances, or
7 electro-fishing devices within the TRNMP, the punishment shall be imprisonment ranging from
8 six (6) months to two (2) years; fine ranging from Ten Thousand Pesos (P 10,000.00) to Fifteen
9 Thousand Pesos (P15,000.00); forfeiture of fish catch, fishing equipment and vessels. The TMB
10 shall also impose an administrative fine ranging from Ten Thousand Pesos (P 10,000.00) to
11 Twenty-Five Thousand Pesos (P25,000.00); and confiscation and forfeiture of the resources
12 subject of the offense, equipment, gears and vessels.

13 (3) Where the offender takes, removes, fishes, gathers, kills, destroys, or possesses
14 corals, except for scientific or research purposes authorized by the TMB, the penalty shall be
15 imprisonment ranging from three (3) years to six (6) years; fine ranging from Twenty Thousand
16 Pesos (P20,000.00) to Eighty Thousand Pesos (P80,000.00); forfeiture of the corals, equipment,
17 gears and vessels. The TMB shall also impose administrative fine ranging from Thirty Thousand
18 Pesos (P30,000.00) to One Hundred Thousand Pesos (P100,000.00); and confiscation and
19 forfeiture of corals subject of the offense, equipment, gears and vessels.

20 (4) Where the offender is engaged in fishing without permit from the TMB or the PM as
21 herein provided, the operator, owner and three (3) highest officers of a commercial fishing boat
22 or enterprise engaged therein shall be punished by a fine equivalent to the value of catch or Fifty
23 Thousand Pesos (P50,000.00), whichever is higher; imprisonment of two (2) years; confiscation
24 of catch and fishing gears, equipment and vessels; and automatic revocation of license.

25 When the offender is a municipal fisher, he/she shall be punished by a fine equivalent to
26 the value of catch or Five Thousand Pesos (P5,000.00), whichever is higher; imprisonment of
27 three (3) months; and confiscation of catch.

28 In any case, the TMB may impose administrative fine of no more than Fifty Thousand
29 Pesos (P5,000.00) against erring commercial fishers, and no more than Ten Thousand Pesos (P
30 10,000.00) against erring municipal fishers; and confiscation of catch, fishing gears, equipment
31 and vessels.

32 (5) Where the offender uses a fly fishing gear or method that destroys coral reefs, sea
33 grass beds, or other marine life habitats as may be determined by this Act, the TMB, other laws,
34 the DA, or the DENR, the operator, boat captain, master fisherman, recruiter or organizer of fish
35 workers involved shall suffer a penalty of three (3) years to ten (10) years imprisonment; fine of
36 not less than One Hundred Thousand Pesos (P 100,000.00) to Five Hundred Thousand Pesos

1 (P500,000.00); forfeiture of catch, fishing equipment, gears and vessels. The TMB shall also
2 impose administrative fine ranging from Four Hundred Thousand Pesos (P400,000.00) to One
3 Million Pesos (P1,000,000.00); and confiscation and forfeiture of catch, fishing equipment, gears
4 and vessels.

5 When the offender is a municipal fisher, he/she shall be punished by a fine ranging from
6 Twenty Thousand Pesos (P20,000.00) to Forty Thousand Pesos (P40,000.00); imprisonment of
7 six (6) months to two (2) years; and forfeiture of fish catch, fishing equipment, gears and vessels.
8 The TMB shall also impose administrative fine ranging from Twenty Thousand Pesos
9 (P20,000.00) to One Hundred Thousand Pesos (P100,000.00); and confiscation and forfeiture of
10 catch, fishing equipment, gears and vessels.

11 Muro-Ami, pa-aling, all kinds of trawls (*galadgad, Norway*), purse seine (*pangulong*),
12 Danish seine (*hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot, patangko, bira-bira,*
13 *buli-buli, hulahoop, zipper, lampornas, etc.*) ring net (*kubkob, panguloing, kalansisi*), drive-in
14 net (*kayakas*), round haul seine (*sapyaw, lawag*), motorized push net (*sudsod*), bagnet (*basing,*
15 *saklit*), or any of their variations, are hereby declared destructive fishing methods or gears under
16 this provision.

17 (6) Where the offender gathers or removes pebbles, stones, rocks; sand or other materials
18 that form part of the habitat, or otherwise engages in the quarrying or dredging of any portion of
19 the TRNMP, the penalty shall be six (6) months to ten (10) years imprisonment; fine of not less
20 than Ten Thousand Pesos (P10,000.00) to Fifty Thousand Pesos (P50,000.00); and forfeiture of
21 the substance taken from the habitat, and the equipment and vessels used to commit such
22 violation. The TMB shall also impose administrative fine ranging from Thirty Thousand Pesos
23 (P30,000.00) to Seven Hundred Thousand Pesos (P700,000.00); and confiscation and forfeiture
24 of the substance taken, and equipment and vessels used in the commission of the violation.

25 (7) Where the subject of the offense are protected species as defined in this Act, the
26 penalty shall be imprisonment of twelve (12) years to twenty (20) years; fine of One Hundred
27 Twenty Thousand Pesos (P 120,000.00) to One Million Pesos (P1,000,000.00) for every
28 threatened or endangered organism subject of the offense; forfeiture of the catch, equipment,
29 gears and vessels; and cancellation of fishing permit. The TMB shall also impose administrative
30 fine ranging from One Hundred Fifty Thousand Pesos (P150,000.00) to One Million Pesos
31 (P1,000,000.00) for every threatened or endangered organism subject of the offense; and
32 confiscation and forfeiture of catch, equipment, gears and vessels.

33 (8) Where the violations of this Section are not covered by the preceding paragraphs,
34 the penalty shall be imprisonment of one (1) year to three (3) years; fine of not less than Ten
35 Thousand Pesos (P 10,000.00); forfeiture of the catch, equipment, gears and vessels; and
36 cancellation of permit that makes it possible for the offender to commit the offense. The TMB

1 shall also impose administrative fine ranging from Fifteen Thousand Pesos (P15,000.00) to One
2 Million Pesos (P1,000,000.00); and confiscation and forfeiture of catch, equipment, gears and
3 vessels.

4 **SECTION 32. *Poaching by Foreigners.*** — It shall be unlawful for any foreign person,
5 corporation or entity to fish or operate any fishing vessel in the TRNMP. The entry of any
6 foreign vessel in the TRNMP shall constitute *prima facie* evidence that the vessel is engaged in
7 fishing in the area.

8 Violation of the above shall be punished by imprisonment of six (6) years and one day to
9 twelve (12) years and a fine of One Hundred Thousand U.S. Dollars (US\$100,000.00), in
10 addition to the forfeiture of its catch, fishing equipment and fishing vessel: *Provided*, That in
11 case of non-payment of fine a subsidiary imprisonment shall be imposed; *Provided, further*, that
12 the TMB is empowered to impose an administrative fine of not less than Fifty Thousand U.S.
13 Dollars (US\$50,000.00), but not more than Two Hundred Thousand U.S. Dollars
14 (US\$200,000.00) or its equivalent in Philippine Currency, in addition to the confiscation and
15 forfeiture of the fish catch, fishing equipment and fishing vessel.

16 **SECTION 33. *Violation of Environmental Impact Assessment System.*** — The TMB
17 shall prosecute violations of laws and rules on Environmental Impact Assessment System. Such
18 violations shall be punished by imprisonment of three (3) years to five (5) years; fine of One
19 Hundred Thousand Pesos (P 100,000.00) for every day each violation subsists; rehabilitation of
20 the affected area or the amount equivalent thereto; and forfeiture of the vessels, structures,
21 effects, materials and equipment used, and the products of such violation. If the offender is a
22 corporation, the directors and officers who allowed such violation shall suffer the imprisonment.
23 The TMB shall also impose administrative fine of One Hundred Thousand Pesos (P100,000.00)
24 for every day each violation subsists; rehabilitation of the affected area or the amount equivalent
25 thereto; and confiscation and forfeiture of the vessels, structures, effects, materials and
26 equipment used, and the products of such violation.

27 **SECTION 34. *Violation of Standards.*** — The owner, operator and top three (3) officers
28 of any vessel violating the standards set by the TMB, such as safety and sanitary standards, shall
29 suffer administrative penalty of fine ranging from Twenty Thousand Pesos (P20,000.00) to Fifty
30 Thousand Pesos (P50,000.00) for every day each violation subsists, and from suspension of three
31 (3) months to cancellation of permit to operate in
32 TRNMP.

33 **SECTION 35. *Obstruction to Law Enforcement Officer*** — The boat owner, master,
34 operator, officer, or any person acting on his/her behalf, of any vessel who evades, obstructs or
35 hinders any law enforcement officer in the TRNMP to perform his/her duty, shall be fined

1 Twenty Thousand Pesos (P20,000.00). In addition, the registration, permit and/or license of the
2 vessel including the license of the officers thereof shall be cancelled.

3 **SECTION 36. *Subsidiary Imprisonment.*** — Non-payment of judicial fines imposed
4 under this Act shall be subject to subsidiary imprisonment as provided for by existing laws.

5 **SECTION 37. *Promulgation of Rules and Regulations.*** — The TMB may issue rules
6 and regulations, including the imposition of penalties, in pursuit of the conservation,
7 preservation, management and sustainable development of the TRNMP.

8 **SECTION 38. *Fines and Forfeitures.*** — All criminal fines and forfeitures that may be
9 imposed by the courts, and the administrative fines and forfeitures imposed by the TMB under
10 this Act, and the rules and regulations that may be promulgated in pursuit of the goals and
11 objectives of this Act shall be given to the TMB and shall form part of the funds and assets of the
12 TRNMP.

13 **ARTICLE VI**

14 **LAW ENFORCEMENT AND PROSECUTION**

15 **SECTION 39. *Who Shall Enforce this Act, Other Laws, Rules and Regulations***
16 ***Within TRNMP.*** — The Armed Forces of the Philippines, the Philippine National Police, the
17 Philippine Coast Guard, the law enforcement officers of the DENR and DA-BFAR, PCSD
18 officials and staff, LGU officials, law enforcement officers of LGUs, members and officers of
19 the TMB, the PM and his/her staff, and other government enforcement agencies, are hereby
20 authorized to enforce this Act, other laws, rules and regulations within the TRNMP.

21 The TMB may deputize in writing other persons to enforce the provisions of this Act,
22 other laws, rules and regulations within the TRNMP.

23 Any one of the above persons and entities is authorized to file administrative cases
24 before the proper agencies and bodies, or initiate criminal proceedings in accordance with the
25 Rules of Court, for offenses committed within the TRNMP.

26 **SECTION 40. *Inspection Powers.*** — The PM and law enforcers shall have the power to
27 stop, board and search and inspect all vessels within the TRNMP for the purpose of enforcing the
28 provisions of this Act, other laws, rules and regulations.

29 **SECTION 41. *Coordination Between TMB and PM, and Law Enforcement Agencies.***
30 — The TMB and the PM shall coordinate with law enforcement arms and agencies of the
31 government to ensure effective enforcement of the provisions of this Act and other applicable
32 laws, rules and regulations within the TRNMP. The Armed Forces of the Philippines, the
33 Philippine National Police, the PNP Maritime Command, Philippine Coast Guard, the law
34 enforcement officers of the DENR, DA-BFAR and concerned LGUs shall cooperate with the
35 TMB and the PM for this purpose.

1 **SECTION 42. *Special Prosecutors and Counsels.*** — The Department of Justice, upon
2 recommendation of the TMB, shall designate special prosecutors, either or both from among the
3 state and public prosecutors to do preliminary investigation and prosecute violations of this Act,
4 other laws, rules and regulations within the TRNMP. Such special prosecutors shall coordinate
5 with the TMB and the TMO in the performance of his/her duties and assist in the training of
6 wardens and rangers in arrest and criminal procedure. The TMB shall periodically submit an
7 evaluation of the performance of the designated special prosecutors to the DOJ.

8 The TMB may retain the services of a competent lawyer to prosecute and/or assist in the
9 prosecution of cases under the direct control and supervision of the regular or special prosecutor
10 and to defend the members of the TMB, the PM and TMO staff; or person assisting in the
11 protection, conservation and sustainable development of the TRNMP, against any legal action
12 related to their powers, functions and responsibilities as provided in this Act or as delegated or
13 tasked by the TMB.

14 **SECTION 43. *Citizens Suit.*** — For the purposes of enforcing the provisions of this Act
15 or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or
16 administrative action in the proper courts/bodies against:

- 17 (a) Any person who violates or fails to comply with the provisions of this Act or its
18 implementing rules and regulations; or
19 (b) Those mandated to implement and enforce the provisions of this Act with respect
20 to orders, rules and regulations issued inconsistent with this Act; and/or
21 (c) Any public officer who willfully or grossly neglects the performance of an act
22 especially enjoined as a duty by this Act or its implementing rules and
23 regulations; or abuses his authority in the performance of his duties under this
24 Act or its implementing rules and regulations: *Provided, however, That,* no suit
25 can be filed until after thirty-day (30) notice has been given to the public officer
26 and the alleged violator concerned and no appropriate action has been taken
27 thereon.

28 The Court shall exempt such action from the payment of filing fees and statements
29 likewise, upon *prima facie* showing of the non-enforcement or violation complained of, exempt
30 the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

31 In the event that the citizen should prevail, the Court shall award reasonable attorney's
32 fees, moral damages and litigation costs as appropriate.

33 **SECTION 44. *Suits and Strategic Legal Action Against Public Participation (SLAPP)***
34 ***and the Enforcement of this Act.*** — Where a suit is brought against a person who filed an action
35 as provided in Section 40 of this Act, or against any person, institution or government agency
36 that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the

1 case may be, to immediately make a determination not exceeding thirty (30) days whether said
2 legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of
3 the person complaining of or enforcing the provisions of this Act. Upon determination thereof,
4 evidence warranting the same, the investigating prosecutor or the Court, as the case may be, shall
5 dismiss the complaint. In addition, the Court shall award the attorney's fees and double damages.

6 This provision shall also apply and benefit public officers who are sued for acts
7 committed in their official capacity, there being no grave abuse of authority, and done in the
8 course of enforcing this Act.

9 ARTICLE VII

10 TRANSITORY PROVISIONS

11 **SECTION 45. *Convening the TMB.*** — Within one (1) month upon effectivity of this
12 Act, the Chairpersons shall convene the *ex-officio* members of the TMB as provided for in
13 Section 9 hereof Within two (2) months thereafter, the TMB shall issue the guidelines for the
14 selection and appointment of the representatives from the academe, the NGOs and the POs. Such
15 guidelines shall be drawn upon consultation with the sectors from which the representatives shall
16 come. Within three (3) months thereafter, the aforecited representatives shall have been selected
17 and appointed by the TMB.

18 **SECTION 46. *Continuation of the TMO.*** — The present TRNMP TMO shall continue
19 to exist and function as such, subject to reorganization in accordance with Section 15 hereof.
20 Within three (3) months after the appointment of all its members, the TMB, upon
21 recommendation of the TMO, shall finalize a revitalization plan for the TMQ, and the criteria for
22 selection of personnel to fill-up the items. Within two (2) months thereafter, a Park Manager
23 shall be appointed by the TMB.

24 **SECTION 47. *Continuation of all Other Arrangements.*** — Except when otherwise
25 provided by this Act, all arrangements, commitments and agreements pertaining to the
26 management, utilization, conservation and protection of the TRNMP made and entered into by
27 government agencies, the present TRNMP-PAMB and the present TMO shall continue to subsist
28 until validly amended, revised, repealed or renewed.

29 **SECTION 48. *Implementing Rules and Regulations.*** — Within three (3) months upon
30 the appointment of all its members, the TMB shall prepare the Implementing Rules and
31 Regulations of this Act.

32 ARTICLE VIII

33 GENERAL PROVISIONS

34 **SECTION 49. *Allocation.*** — For the purpose of this Act, there is hereby appropriated
35 the amount of Twenty Million Pesos (P20,000,000.00), yearly for the first five (5) years of
36 operations, after which the TRNMP Fund should support the activities of the protected area

1 without prejudice to the possibility of annual appropriations as may be required and sourced
2 from the budget of the PCSD, DENR, the Provincial Government, or any other government
3 agency.

4 The budget of the TRNMP shall be included in the budget of the PCSD starting on the
5 general appropriations immediately following the effectivity of this Act. Upon receipt of its
6 funds, the PCSD shall release to the TMO the amount pertaining to
7 TRNMP.

8 **SECTION 50. *Construction and Suppletory Application of Existing Laws.*** — The
9 provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation,
10 protection and sustainable development. Provisions of Republic Act No. 7611, otherwise known
11 as the Strategic Environmental Plan (SEP) for Palawan Act, Republic Act No. 7586, otherwise
12 known as the National Integrated Protected Areas System Act, and Republic Act No. 8550,
13 otherwise known as The Philippine Fisheries Code of 1998, Republic Act No. 9147, otherwise
14 known as the Wildlife Resources Conservation Act, and existing forestry laws, and their
15 corresponding rules and regulations not inconsistent hereto shall have the suppletory effect in the
16 implementation of this Act.

17 **SECTION 51. *Separability Clause.*** — If any part or section of this Act is declared
18 unconstitutional or otherwise invalid, such declaration shall not affect the other parts or section
19 hereof.

20 **SECTION 52. *Repealing Clause.*** — All laws, presidential decrees, executive orders,
21 rules and regulations inconsistent with this Act shall be deemed repealed or modified
22 accordingly.

23 **SECTION 53. *Effectivity.*** — This Act shall be translated in English and Filipino. It
24 shall be published once every week for three consecutive weeks in a newspaper of general
25 circulation readily available in the areas in and around the scope specified herein. It shall
26 likewise be posted for the same three (3) weeks in the appropriate language in a conspicuous
27 place in the provincial, municipal and barangay halls within the area as well as in three other
28 places frequented by the public. Fifteen days after publication, this Act shall have full force and
29 effect.

Approved,