

(AS AMENDED BY THE SENATE)

CONGRESS OF THE PHILIPPINES
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}

HOUSE OF REPRESENTATIVES

H. No. 9328

BY REPRESENTATIVES TUPAS, BARZAGA AND YAP (E.), PER COMMITTEE REPORT NO. 951

“AN ACT

DECLARING TWO PARCELS OF LAND SITUATED WITHIN SICOOGON ISLAND, MUNICIPALITY OF CARLES, IN THE PROVINCE OF ILOILO, A PROTECTED AREA WITH THE CATEGORY OF WILDLIFE SANCTUARY UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE SICOOGON ISLAND WILDLIFE SANCTUARY, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR”

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. Title. – This Act shall be known as the “Sicogon Island Wildlife Sanctuary Act”.

SEC. 2. Declaration of Policy. – Cognizant of the profound impact of human activities on all components of the natural environment, it is hereby declared the policy of the State to secure for the Filipino people of present and future generations, the perpetual existence of all native plants and animals through the declaration of protected areas under the National Integrated Protected Areas System (NIPAS) within the classification of national park as provided for in the Constitution.

In recognition of the richness of the biological resources, both flora and fauna, that are native and distinct to Sicogon Island, as well as their aesthetic and

1 ecological importance, two parcels of land situated in Sicogon Island, Municipality
2 of Carles, in the Province of Iloilo, is hereby declared a protected area with the
3 category of wildlife sanctuary, and shall hereinafter be referred to as the Sicogon
4 Island Wildlife Sanctuary (SIWS). As such, the State shall ensure the
5 conservation, protection, management and rehabilitation of the area. It is likewise
6 recognized that effective administration of this area is possible only through
7 cooperation among national government, local government units (LGUs),
8 concerned nongovernmental organizations (NGOs), private entities and local
9 communities. The use and enjoyment of this area must be consistent with the
10 principles of biological diversity and sustainable development.

11 Towards this end, the State shall ensure the full implementation of this Act,
12 the mobilization of resources for the institutional mechanisms herein established,
13 and the full scientific and technical support needed for the conservation of
14 biodiversity and the integrity of the ecosystems, culture and indigenous practices.

15 **SEC. 3. Definition of Terms.** – As used in this Act:

- 16 a. *Bufferzones* refer to identified areas outside the boundaries of and
17 immediately adjacent to designated protected areas that need special
18 development control in order to avoid or minimize harm to the protected
19 area;
- 20 b. *Conservation* refers to any act or acts of preservation and sustainable
21 utilization of wildlife or maintenance, restoration and enhancement of
22 habitats;
- 23 c. *Indigenous cultural communities (ICCs)/Indigenous peoples (IPs)* refer to
24 groups of people sharing common bonds of language, customs, traditions,
25 and other distinctive cultural traits, and who have, since time immemorial
26 occupied, possessed and utilized a territory;
- 27 d. *National park* refers to land of the public domain classified as such in the
28 Constitution which includes all areas under the NIPAS, primarily
29 designated for the conservation of native plants and animals, their
30 associated habitats and cultural diversity;
- 31 e. *Protected area* refers to an identified portion of land and water set aside by
32 reason of its unique physical and biological significance, managed to

enhance biological diversity and protected against destructive human exploitation;

f. *Tenured migrants* refer to protected area occupants who have been actually, continuously and presently occupying a portion of the protected area for five (5) years before the proclamation or law establishing the same as a protected area, and are solely dependent therein for subsistence; and

g. *Wildlife Sanctuary* refers to an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment which may require specific human manipulations for their perpetuation.

SEC. 4. Classification as a National Park. – The SIWS is comprised of two (2) parcels of land of the public domain situated within Sicogon Island, Municipality of Carles, Province of Iloilo. All lands of the public domain within the coverage and scope of the SIWS shall fall under the classification of national park as provided for in Article XII, Section 3 of the Constitution.

SEC. 5. Scope and Coverage. – The boundaries of the SIWS are more particularly described as follows:

a. Parcel I pertains to the area beginning at a point marked “1” on the map, which is N 87° 57’ 08” E, 277.937 meters from PRS Control Monument “Sicogon” with coordinates 1266121.06 N and 527709.24 E located at Barangay Buaya, Sicogon Island, Municipality of Carles, Province of Iloilo,

thence	N86-46-21E	532.845	meters to corner 2;
thence	S70-50-18E	673.303	meters to corner 3;
thence	S82-34-7E	371.117	meters to corner 4;
thence	S76-34-41E	180.942	meters to corner 5;
thence	N81-41-30E	147.156	meters to corner 6;
thence	S34-19-49E	2.337	meters to corner 7;
thence	S28-34-18E	311.672	meters to corner 8;
thence	S30-15-23E	88.217	meters to corner 9;
thence	S58-4-10E	86.045	meters to corner 10;
thence	S50-38-54W	68.433	meters to corner 11;
thence	S14-49-35E	37.223	meters to corner 12;

1	thence	S48-28-6W	49.482	meters to corner 13;
2	thence	N89-10-11W	73.033	meters to corner 14;
3	thence	S65-42-33W	131.208	meters to corner 15;
4	thence	S21-19-4W	46.579	meters to corner 16;
5	thence	S37-20-0W	78.531	meters to corner 17;
6	thence	S9-11-20W	72.902	meters to corner 18;
7	thence	N51-26-34W	165.237	meters to corner 19;
8	thence	N81-44-26W	438.549	meters to corner 20;
9	thence	N86-12-6W	241.531	meters to corner 21;
10	thence	S65-42-22W	157.991	meters to corner 22;
11	thence	S0-49-49E	414.043	meters to corner 23;
12	thence	S30-26-37W	264.462	meters to corner 24;
13	thence	N32-3-13W	126.246	meters to corner 25;
14	thence	S64-16-46W	182.036	meters to corner 26;
15	thence	N88-33-48W	319.100	meters to corner 27;
16	thence	N9-45-0W	360.203	meters to corner 28;
17	thence	N47-10-54W	297.200	meters to corner 29;
18	thence	S70-34-38W	183.439	meters to corner 30;
19	thence	N40-13-28W	560.560	meters to corner 31;
20	thence	N9-45-58E	713.337	meters to corner 32;
21	thence	S75-44-26E	560.262	meters to corner 1,

22 and comprises two hundred fifty-one (251) hectares, more or less.

23 b. Parcel II pertains to the area beginning at a point marked "1" on the
24 map, which is S23° 53' 15" E. 2283.684 meters from PRS Control Monument
25 "Sicogon" with coordinates 1266121.06 N and 527709.24 E located at Barangay
26 Buaya, Sicogon Island, Municipality of Carles, Province of Iloilo.

27	thence	S13-30-3E	441.192	meters to corner 2;
28	thence	S2-26-39W	164.149	meters to corner 3;
29	thence	S39-48-20W	468.615	meters to corner 4;
30	thence	N75-24-24W	174.634	meters to corner 5;
31	thence	N3-3-18W	356.507	meters to corner 6;
32	thence	N10-5-51E	222.445	meters to corner 7;

1 Development Authority (NEDA), the Department of Science and
2 Technology (DOST), the Philippine National Police (PNP), [and] the
3 Department of National Defense (DND), AND THE DEPARTMENT OF
4 TOURISM (DOT);

- 5 h. Three (3) representatives from NGOs or people's organizations (POs)
6 based in the Province of Iloilo, duly accredited both by the DENR and
7 the provincial government. The NGOs or POs represented should have
8 been in existence for at least five (5) years and must have a record of
9 accomplishments in the field of protected area management;
- 10 i. At least one (1) but not more than three (3) representatives from all the
11 ICCs/IPs present in the area and recognized by the National
12 Commission on Indigenous Peoples (NCIP);
- 13 j. One (1) representative from an academic institution, preferably from a
14 university or college in the Province of Iloilo, with a record of
15 accomplishments in or related to protected area management; and
- 16 k. One (1) representative from the private sector, preferably a resident of
17 the Province of Iloilo, who is distinguished in a profession or field of
18 interest relevant to the protected area management.

19 The terms of office of members of the PAMB, as well as the grounds for
20 their removal shall be in accordance with the provisions of Republic Act No. 7586,
21 otherwise known as the "National Integrated Protected Areas System Act of 1992".
22 as amended by Republic Act No. 11038, otherwise known as the "Expanded
23 National Integrated Protected Areas System Act of 2018".

24 **SEC. 8. *POWERS AND Functions of the PAMB.*** – The PAMB shall have the
25 following powers and functions:

- 26 a. Oversee the management of the protected area;
- 27 b. Approve policies, plans and programs, proposals, agreements, and other
28 related documents for the management of the protected areas;
- 29 c. Approve the management plan of the protected area and ensure its
30 harmonization with and integration into the Ancestral Domain Sustainable
31 Development and Protection Plan, land use plan and other development
32 plans, public or private, and their implementation;

- 1 d. Adopt a manual of operations to include rules of procedures in the conduct
- 2 of business. and the creation of committees and their respective terms of
- 3 reference;
- 4 e. Recommend the deputation of appropriate agencies and individuals for the
- 5 enforcement of the laws, rules and regulations governing the management
- 6 of the protected area;
- 7 f. Allocate financial resources for the implementation of the management plan
- 8 and manage the Protected Area Retention Income Account and other funds
- 9 in accordance with government accounting, budgeting and auditing rules
- 10 and regulations;
- 11 g. Set fees and charges in accordance with existing guidelines;
- 12 h. Issue rules and regulations for the resolution of conflicts through
- 13 appropriate and effective means;
- 14 i. Recommend appropriate policy changes to the DENR and other government
- 15 authorities with respect to the management of the SIWS;
- 16 j. Monitor and assess the performance of the Protected Area Superintendent
- 17 (PASu) and other protected area personnel and compliance of partners with
- 18 the terms and conditions of any undertaking, contract or agreement relative
- 19 to any project or activity within the SIWS;
- 20 k. Recommend from among a shortlist of qualified candidates, the designation
- 21 or appointment of the PASu; and
- 22 l. Assess the effectiveness of the management of the protected area: *Provided,*
- 23 That the members of the PAMB representing the LGUs and national
- 24 agencies shall inform their respective constituents, offices or sectors, of
- 25 PAMB-approved or other relevant policies, rules, regulations, programs,
- 26 and projects and shall ensure that the provisions of this Act and the rules
- 27 and regulations issued to implement are complied with and used as
- 28 reference and framework in their respective plans, policies, programs, and
- 29 projects. Failure to comply with the foregoing shall be the basis for
- 30 disciplinary action against such member according to administrative rules
- 31 and regulations and such penalties as the PAMB may provide: *Provided,*
- 32 *further,* That the DENR, through the Regional Director, shall ensure that

1 the PAMB acts within the scope of its powers and functions. In case of
2 conflict between the resolutions issued by the PAMB and the existing
3 administrative orders of national application, the latter shall prevail.

4 **SEC. 9. *The Protected Area Management Office (PAMO).*** – There is
5 hereby established a Protected Area Management Office (PAMO) to be headed by
6 a Protected Area Superintendent (PASu) who shall supervise the day to day
7 management, protection, and administration of the SIWS. The PASu shall hold a
8 permanent plantilla position and shall be appointed by the DENR Secretary. A
9 sufficient number of support staff with permanent plantilla positions shall
10 likewise be appointed by the DENR Secretary to assist the PASu in the
11 management of the protected area.

12 The PASu shall be primarily accountable to the PAMB and the DENR for
13 the management and operations of the SIWS. Pursuant thereto, the PASu shall
14 have the following duties and responsibilities:

- 15 a. Prepare the management plan, in consultation with the stakeholders,
16 including the annual work and financial plan and ensure its
17 implementation;
- 18 b. Ensure the integration of the protected area management plans, programs,
19 projects, and policies with relevant national and LGUs' plans and programs;
- 20 c. Provide secretariat services to the PAMB and its committees and ensure the
21 availability of relevant and timely information for decision-making;
- 22 d. Formulate and recommend to the PAMB proposed policies, rules,
23 regulations, and programs;
- 24 e. Establish, operate, and maintain a database management system which
25 shall be an important basis for decision-making;
- 26 f. Enforce the laws, rules and regulations relevant to the protected area,
27 commence and institute administrative and legal actions in collaboration
28 with other government agencies or organizations, and assist in the
29 prosecution of offenses committed in violation of the provisions of this Act;
- 30 g. Monitor, evaluate, and report the implementation of management activities
31 of the protected area;

- 1 h. Request for and receive any technical assistance, support or advice from any
2 agency or instrumentality of the government as well as academic
3 institutions, NGOs, and the private sector, as may be necessary for the
4 effective management, protection and administration of the protected area;
- 5 i. Issue permits and clearances for activities that implement the management
6 plan and other permitted activities in accordance with terms, conditions,
7 and criteria established by the PAMB: *Provided*, That all permits for
8 extraction of natural resources, including collection of wildlife, and its by-
9 products or derivatives for research purposes, shall continue to be issued by
10 relevant authorities, subject to prior clearance from the PAMB, through the
11 PASu, in accordance with the specific acts to be covered;
- 12 j. Collect and receive pertinent fees, charges, donations, and other income for
13 the protected area: *Provided*, That such fees, charges, donations, and other
14 income collected and received shall be reported regularly to the PAMB and
15 the DENR in accordance with existing guidelines;
- 16 k. Prepare and recommend to the PAMB, approval of the annual work and
17 financial plans of the protected area based on the management plan; and
- 18 l. Perform such other functions as the PAMB and the DENR may assign.

19 The PAMO may be augmented by the deputized local environment and
20 natural resources officers upon the recommendation of the PAMB and approval of
21 the DENR.

22 ARTICLE III 23 PROCEEDS AND FEES

24 SEC. 10. *The Sicogon Island Wildlife Sanctuary INTEGRATED*
25 *PROTECTED AREA Fund*. – There is hereby established a trust fund to be
26 known as the Sicogon Island Wildlife Sanctuary INTEGRATED PROTECTED
27 AREA Fund (SIWS-IPAF) for purposes of financing projects of the SIWS and the
28 NIPAS. All income generated from the operation and management of wild flora
29 and fauna in the SIWS shall accrue to the ~~[fund]~~ SIWS-IPAF. The income shall be
30 derived from fees from permitted sale and export of flora and fauna and other
31 resources from the SIWS, proceeds from lease of multiple-use areas, contributions
32 from industries and facilities directly benefiting from the SIWS, and such other

1 fees and income derived from the operation of the SIWS.

2 The PAMB shall retain seventy-five percent (75%) of all revenues raised
3 through the above means, which shall be deposited in the Protected Area-Retained
4 Income Account (PA-RIA) in any authorized government depository bank within
5 the locality: *Provided*, That disbursements out of such deposits shall be used solely
6 for the protection, maintenance, administration, and management of the protected
7 area and implementation of duly approved projects of the PAMB. The remaining
8 twenty-five percent (25%) of revenues shall be deposited as a special account in
9 the general fund in the National Treasury for purposes of financing the programs
10 and projects of the NIPAS.

11 The fund may be augmented by grants, donations, endowment from various
12 sources, domestic or foreign: *Provided*, That the fund shall be deposited in full as a
13 special account in the National Treasury and disbursements therefrom shall be
14 made solely for the protection, maintenance, administration, and management of
15 the NIPAS and duly approved projects endorsed by the PAMB in accordance with
16 existing accounting, budgeting, and auditing rules and regulations: *Provided*,
17 *further*, That the fund shall not be used to cover personal services expenditures.

18 The LGUs shall continue to impose TAXES and collect all other fees not
19 enumerated herein which they have traditionally collected, such as FEES FOR
20 business permit[s] APPLICATIONS, property [~~tax~~] TAXES and rental[s] FEES of
21 LGUs' facilities.

22 ARTICLE IV

23 TRANSITORY AND MISCELLANEOUS PROVISIONS

24 **SEC. 11. Appropriations.** – The Secretary of the DENR shall immediately
25 include in the Department's program the implementation of this Act, the funding
26 of which shall be included in the annual General Appropriations Act.

27 **SEC. 12. Suppletory Application of the NIPAS Law.** – The provisions
28 of Republic Act No. 7586, as amended by Republic Act No. 11038, shall have
29 suppletory application to this Act.

30 **SEC. 13. Implementing Rules and Regulations.** – Within ninety (90)
31 days from the effectivity of this Act, the Secretary of the DENR shall, in
32 consultation with the local government of the Municipality of Carles, the

1 provincial government of Iloilo, and concerned national government agencies.
2 issue the corresponding rules and regulations for the effective implementation of
3 this Act.

4 **SEC. 14. *Separability Clause.*** – If any section or provision of this Act is
5 held unconstitutional or invalid, the remaining sections or provisions [~~with the~~
6 ~~provisions~~] not affected thereby shall continue to be in full force and effect.

7 **SEC. 15. *Repealing Clause.*** – All laws, decrees, letters of instruction,
8 executive orders, rules and regulations and other issuances or parts thereof
9 inconsistent with this Act are hereby repealed or modified accordingly.

10 **SEC. 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
11 publication in the *Official Gazette* or in a newspaper of general circulation

12 Approved.