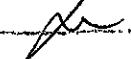


SENATE

RECEIVED BY: 

S. No. 2525

(In substitution of H. No. 4854)

Prepared jointly by the Committees on Natural Resources, Local Government, and Finance,
with Senator Cayetano and the members of the Committees as authors

AN ACT
DECLARING LAKES MANAPAO, KATUGDAY, MAYDANAO AND MAKUAO LOCATED
WITHIN THE MUNICIPALITY OF BUHI, CAMARINES SUR AS A PROTECTED AREA TO
BE KNOWN AS THE SINARAPAN SANCTUARY, PROVIDING FOR ITS MANAGEMENT
AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as “The Sinarapan Sanctuary Act of
2 2006”.

3 SEC. 2. *Establishment of the Sinarapan Sanctuary.* – There is hereby declared as part
4 of the National Integrated Protected Areas System (NIPAS), pursuant to Republic Act No.
5 7586, certain lakes near the area of Lake Buhi, located in the Municipality of Buhi, Province
6 of Camarines Sur, under the category of wildlife sanctuary, to be known as the Sinarapan
7 Sanctuary.

8 SEC. 3. *Land Classification.* – All lands of the public domain comprising the Sinarapan
9 Sanctuary shall fall under the classification of National Park as provided for in the Philippine
10 Constitution. *However,* Public Lands already classified as agricultural and alienable or
11 disposable prior to the passage of this Act shall remain as such and may be disposed of
12 pursuant to the provisions of Commonwealth Act No. 141 or the Public Land Act, as
13 amended.

14 SEC. 4. *Coverage.* – The Sinarapan Sanctuary covers the area of Lake Manapao and
15 Lake Makuao, both located in Barangay San Ramon; Lake Katugday, located between
16 Barangay San Ramon and Barangay De Lafe in the Municipality of Buhi, Camarines Sur;
17 and Lake Maydano, located in the boundary of Barangay Maydano, Municipality of
18 Polangui, Albay and the Municipality of Buhi, near Barangay Makaangay. The areas
19 covered by the Sinarapan Sanctuary are more particularly described as follows:

20 A. LAKE MANAPAO

21 Beginning at corner “2”, a point located S 75° 05' E, which is 712.296 meters from GPS
22 Control Point BUHI No. 2, to corner 1 with longitude 123° 28' 41.3” and latitude 13° 24'

1 53.55”;

2 thence N 76° 55' W 28.315 meters to point 2

3 thence N 08° 10' W 61.333 meters to point 3

4 thence N 47° 51' E 58.465 meters to point 4

5 thence N 63° 18' E 49.059 meters to point 5

6 thence N 35° 30' E 44.953 meters to point 6

7 thence S 74° 48' E 55.048 meters to point 7

8 thence S 60° 47' E 46.434 meters to point 8

9 thence S 49° 38' E 75.553 meters to point 9

10 thence S 10° 19' E 23.012 meters to point 10

11 thence S 34° 15' W 51.043 meters to point 11

12 thence S 86° 02' W 204.060 meters to point 1

13 B. LAKE MAKUAO

14 Beginning at corner “3”, a point located N 75° 08' W, about 138.333 meters from GPS

15 Control Point BUHI No. 3, to corner 1 and with longitude 123° 28' 49.23” and latitude 13° 25'

16 21.55”;

17 thence N 83° 51' W 35.727 meters to point 2

18 thence N 70° 28' W 59.038 meters to point 3

19 thence N 05° 03' E 63.316 meters to point 4

20 thence N 54° 31' E 61.480 meters to point 5

21 thence S 66° 34' E 46.288 meters to point 6

22 thence S 18° 27' E 56.832 meters to point 7

23 thence S 26° 32' W 55.808 meters to point 1

24 C. LAKE KATUGDAY

25 Beginning at corner “5”, a point located S 16° 15' W, which is about 533.870 meters

26 from GPS Control Point BUHI No. 5, to corner 1 and with longitude 123° 29' 19.76” and

27 latitude 13° 25' 19.47”;

28 thence S 45° 52' E 49.234 meters to point 2

29 thence S 20° 11' E 49.104 meters to point 3

30 thence S 26° 28' W 83.419 meters to point 4

31 thence S 26° 58' W 42.951 meters to point 5

32 thence S 28° 44' W 157.389 meters to point 6

33 thence S 27° 10' W 50.100 meters to point 7

34 thence N 66° 11' W 19.709 meters to point 8

35 thence N 02° 04' E 105.608 meters to point 9

36 thence N 24° 03' E 287.369 meters to point 1

1 D. LAKE MAYDANAO

2 Beginning at corner "20", a point located S 32° 12' E, about 906.042 meters from MBM
3 No. 20, Cad – 249 Malinao, Albay, to corner 1 and with longitude 123° 50' 0.68" and latitude
4 13° 25' 59.70";

5 thence S 72° 42' E 95.790 meters to point 2
6 thence S 72° 17' E 49.700 meters to point 3
7 thence S 49° 04' E 73.090 meters to point 4
8 thence S 15° 26' E 72.930 meters to point 5
9 thence S 04° 19' W 58.235 meters to point 6
10 thence S 15° 21' W 140.892 meters to point 7
11 thence S 57° 05' W 36.858 meters to point 8
12 thence N 85° 27' W 33.806 meters to point 9
13 thence N 54° 18' W 27.816 meters to point 10
14 thence N 23° 22' W 89.264 meters to point 11
15 thence N 62° 02' W 29.337 meters to point 12
16 thence S 48° 19' W 30.556 meters to point 13
17 thence N 88° 25' W 134.701 meters to point 14
18 thence N 69° 39' W 22.540 meters to point 15
19 thence N 20° 34' W 67.440 meters to point 16
20 thence N 01° 17' W 121.160 meters to point 17
21 thence N 45° 16' E 75.590 meters to point 18
22 thence N 70° 43' E 59.760 meters to point 19
23 thence N 82° 56' E 39.210 meters to point 20
24 thence N 76° 28' E 67.440 meters to point 1

25 Within six months following the effectivity of this Act, the Department of Environment
26 and Natural Resources (DENR) shall mark the boundaries of the Sinarapan Sanctuary with
27 visible and permanent markers and shall thereafter see to it that the same are maintained.

28 **SEC. 5. Definition of Terms.** – For purposes of this Act, the following terms are defined
29 as follows:

30 (a) "Buffer zones" refers to identified areas outside the boundaries of and immediately
31 adjacent to the Sinarapan Sanctuary that need special development and control in order to
32 avoid or minimize harm to the sanctuary.

33 (b) "Fish production" refers to the capacity of the species found within the Sinarapan
34 Sanctuary to multiply to achieve a certain density of fish population.

35 (c) "Management manual" refers to the manual relating to the management of the
36 Sinarapan Sanctuary described in Section 8 hereof.

37 (d) "Maximum sustainable yield" refers to the greatest amount of fish and fish products
38 taken or harvested from within the Sinarapan Sanctuary without affecting sustainability.

1 (e) "Multiple-use zones" refers to areas where settlement, traditional or sustainable
2 activities, and other income-generating or livelihood activities may be allowed to the extent
3 prescribed in the management plan.

4 (f) "Nongovernment organization (NGO)" refers to any civic development or
5 philanthropic organization which is multi-sectoral in character.

6 (g) "Protected species" refers to any individual species of plants and animals that are or
7 shall be declared as protected under Philippine laws, and rules and regulations issued by the
8 DENR.

9 (h) "Secretary" refers to the Secretary of the DENR.

10 (i) "Small fisherfolk inhabitant" refers to any person who has actually and continuously
11 lived within the Sinarapan Sanctuary for a period of five years before the passage of this Act
12 and is solely dependent on fishing for sustenance and livelihood.

13 (j) "Wildlife sanctuary" refers to an area which assures the natural conditions
14 necessary to protect nationally significant species, groups of species, biotic communities or
15 physical features of the environment where these may require specific human manipulation
16 for the perpetuation of such species or groups of species.

17 **SEC. 6. *The Protected Area Management Board (PAMB) for Sinarapan Sanctuary.* –**

18 There is hereby created a Protected Area Management Board for the Sinarapan Sanctuary
19 (PAMB-SS) which shall be the sole policy-making and permit-granting body for the
20 Sinarapan Sanctuary and its buffer zones.

21 In addition to the powers of a PAMB of a protected area enumerated in Republic Act
22 No. 7586, the PAMB-SS shall have the following powers and functions:

23 (a) Formulate the management plan and management manual of the sanctuary as
24 provided;

25 (b) Decide on matters relating to planning, peripheral protection and general
26 administration of the Sinarapan Sanctuary in accordance with the management plan;

27 (c) Plan the proper utilization of the annual budget and the proper disposition of fees
28 and other funds generated or held by for the Sinarapan Sanctuary;

29 (d) Control and supervise the office of the Sinarapan Sanctuary superintendent created
30 pursuant to Section 9 hereof.

31 (e) Delineate and demarcate management zones such as strict protection zones,
32 multiple-use zones and buffer zones;

33 (f) Promulgate rules and regulations to promote development programs and projects on
34 biodiversity conservation and sustainable development consistent with the management
35 manual;

36 (g) Control and regulate the construction, operation and maintenance of buildings,
37 roads, trails, waterworks, sewerage, fire protection and sanitation systems and other public
38 utilities within the sanctuary;

1 (h) Fix and prescribe fees to be collected from other government agencies or from any
2 person, firm or corporation deriving benefits from the Sinarapan Sanctuary and exact
3 administrative fees or fines for violation of the provisions of this Act;

4 (i) Grant permits to eco-tourists, campers, research groups or individuals and visitors;

5 (j) Grant permits for sustainable utilization of lake resources in accordance with
6 existing rules and regulations governing the same;

7 (k) Enter into contracts and agreements with private entities or public agencies as may
8 be necessary to carry out the purposes of this Act;

9 (l) Accept funds, gifts or donations for the Sinarapan Sanctuary;

10 (m) Call on any agency or instrumentality of the government as well as academic
11 institutions, nongovernment organizations and other sectors as may be necessary to
12 accomplish the objectives of this Act;

13 (n) Conduct studies on various characteristics, features and conditions of the Sinarapan
14 Sanctuary;

15 (o) Adopt and enforce plans or schemes for the control of activities that may threaten
16 the ecological balance of the Sinarapan Sanctuary in consultation with the local government
17 units in the area and other government agencies and instrumentalities; and

18 (p) Retain legal counsel to defend cases against the PAMB-SS and the office of the
19 Sinarapan Sanctuary superintendent whenever they are sued in connection with the
20 performance of their duties under this Act.

21 The DENR, through the Regional Executive Director (RED), shall ensure that the
22 PAMB-SS shall act within the scope of its powers and functions. In case of conflict between
23 administrative orders issued by the DENR pursuant to Republic Act No. 7586 and the
24 resolutions issued by the PAMB-SS, the Secretary shall decide whether to apply the rule or
25 withdraw its application in the Sinarapan Sanctuary.

26 *SEC. 7. Composition of the PAMB-SS.* – The PAMB-SS shall be composed of the
27 following:

28 (a) The Regional Executive Director (RED) of the DENR-Region V, as chairman;

29 (b) The Provincial Planning and Development Officer;

30 (c) The municipal mayor of Buhi and the Provincial Governor of Camarines Sur or his
31 authorized representative;

32 (d) The chief of police of the Municipality of Buhi;

33 (e) Five representatives from nongovernment organizations (NGOs) who shall be
34 elected by the respective members of their organizations which are based in the Municipality
35 of Buhi, Camarines Sur, and have established and recognized interest in the protected
36 areas. These representatives shall include two representatives from the fisherfolk
37 organizations, one representative from duly registered commercial fishing associations, one

1 representative from the youth sector and one representative from civic-oriented
2 organizations; and

3 (f) A representative of the Department of Agriculture (DA) appointed by the regional
4 director for Region V-DA.

5 The members shall choose from among themselves the vice chairperson of the PAMB-
6 SS.

7 The members of the PAMB-SS shall serve for a term of five years: *Provided, however,*
8 That the term of office of the representatives of government agencies shall be coterminous
9 with their positions. They shall not receive compensation but shall be entitled to reasonable
10 *per diem* incurred in the performance of their duties, in accordance with existing budgeting
11 and auditing rules and regulations.

12 **SEC. 8. Removal from Office.** – A PAMB member may be removed for cause and upon
13 majority vote of the members of the PAMB-SS on the following grounds:

14 (a) More than three consecutive unexcused absences in regular PAMB meetings;

15 (b) Commission of any of the prohibited acts provided in this Act, Republic Act No.
16 7586, or other rules and regulations governing protected areas and protected species;

17 (c) Graft and corruption; and

18 (d) Conviction of any criminal offense.

19 The members of the PAMB-SS shall serve for a term of five years.

20 **SEC. 9. Protected Area Superintendent (PASu) Office.** – There is hereby established a
21 Protected Area Superintendent's office in charge of the management, protection and
22 administration of the protected area (PA). The PASu shall be supported by the existing
23 personnel of the DENR. The head of office shall be the chief operating officer of the
24 Sinarapan Sanctuary Protected Area or PA and shall be accountable to the Regional
25 Executive Director of the DENR-Region V and the PAMB. The PASu shall have the
26 following powers and functions:

27 (a) Serve as head of the secretariat to the PAMB-SS with the duty to provide it with all
28 the information necessary to make appropriate decisions for the effective implementation of
29 this Act;

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

32 (c) Develop and implement sanctuary information, education and visitor programs;

33 (d) Enforce the laws, rules and regulations and the PAMB-SS resolutions relevant to the
34 Sinarapan Sanctuary and its buffer zones, and assist in the prosecution of offenses;

35 (e) Monitor all activities within the Sinarapan Sanctuary and its buffer zones in
36 conformity with the management plan; and

37 (f) Perform such other functions as the PAMB-SS may assign.

1 SEC. 10. *Small Fisherfolk Inhabitants.* – Small fisherfolk inhabitants shall be
2 allowed to fish within the Sinarapan Sanctuary, subject to the rules and regulations
3 promulgated by the PAMB-SS.

4 SEC. 11. *Other Activities within the Sinarapan Sanctuary.* – Proposals for
5 activities which are outside the scope of the management plan shall be subject to an
6 Environmental Impact Assessment (EIA) as required by existing laws, rules and regulations.
7 The results thereof shall be taken into consideration in the decision-making process of the
8 PAMB-SS. No actual implementation of such activities shall be allowed without the required
9 Environmental Compliance Certificate (ECC) under the Philippine Environmental Impact
10 Assessment System and PAMB-SS approval. For purposes of this Act, the following policies
11 are provided:

12 (a) Existing Infrastructure – Existing infrastructure established within the Sinarapan
13 Sanctuary by government and nongovernment institutions shall be subject to inventory and
14 evaluation, as to whether it conforms to the management plan and assessed in terms of their
15 significance to the public interest and impact on the sanctuary. In case these are found
16 significant to public interest, but with no adverse impact to the sanctuary, a contract or
17 agreement may be entered into by the PAMB-SS including negotiations for payment of fees
18 based on profit-sharing agreement in accordance with law: *Provided*, That infrastructure
19 which do not conform to the management plan shall not be allowed to be repaired,
20 renovated or improved until they are naturally destroyed and vacated. Repairs, renovation
21 and improvement of the existing infrastructure allowed by the PAMB-SS within the sanctuary
22 shall be in conformity with the management plan and duly approved by the PAMB-SS.

23 (b) Special-use Infrastructure – Special-use infrastructure such as power lines,
24 telecommunications equipment and military installations may be allowed in the Sinarapan
25 Sanctuary if such conform to the management plan: *Provided*, That construction of these
26 special-use infrastructures shall be subject to EIA and the issuance of ECC by the DENR
27 and approval of the PAMB-SS: *Provided, further*, That power lines and telecommunications
28 equipment must not traverse through strict-protection zones and preferably be constructed
29 within the multiple-use zones only. Military installations shall not be constructed of
30 permanent materials and must be covered by a memorandum of agreement with the PAMB-
31 SS providing for regulation of facilities.

32 (c) Livelihood and Other Economic Activities – Except as otherwise provided herein,
33 only small fisherfolk inhabitants shall be allowed within multiple-use or buffer zones of the
34 Sinarapan Sanctuary to engage in livelihood and economic activities, in conformity with the
35 management plan and subject to the terms and conditions imposed by the PAMB-SS.

36 The PAMB-SS, upon recommendation of the superintendent, when findings show that
37 *tabios* and other fish production exceeds the maximum sustainable yield, may open certain

1 portions of the multiple-use zones to economic activities which shall be in accordance with
2 the management plan and in all cases use ecologically sustainable methods.

3 (d) Energy and Mineral Use – Survey for energy and mineral resources within the
4 Sinarapan Sanctuary shall be allowed for the purpose of gathering information on energy
5 and mineral resources: *Provided*, That such activity is carried out without damage to the
6 area and conducted in accordance with a program approved by the PAMB-SS, which shall
7 submit such energy and mineral survey findings to the President of the Philippines for
8 recommendation to Congress. Any exploitation and utilization of energy and mineral
9 resources within the Sinarapan Sanctuary shall be allowed only upon the approval of the
10 PAMB-SS, compliance with the EIA system and other applicable laws, rules and regulations,
11 and through an act by Congress.

12 (e) Special Activities – All other activities such as eco-tourism and related activities,
13 scientific research, marine life rescue by other agencies, government programs affecting the
14 sanctuary and military activities shall be properly coordinated and approved by the PAMB-
15 SS.

16 SEC. 12. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days from
17 the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor
18 to whom all cases of violation of laws, rules and regulations in the PA shall be assigned.
19 Such Special Prosecutor shall coordinate with the PAMB-SS and the PASu in the
20 performance of his/her duties and assist in the training of wardens and rangers in arrest and
21 criminal procedures. The PAMB-SS may retain the services of a counsel to prosecute and/or
22 assist in the prosecution of cases under the direct control and supervision of the regular or
23 special prosecutor and to defend the members of the PAMB-SS, the PASu and the staff, or
24 any person assisting in the protection, conservation and sustainable development of the PA,
25 against any legal action related to their powers, functions and responsibilities as provided in
26 this Act or as delegated or tasked by the PAMB-SS.

27 SEC. 13. *Sinarapan Sanctuary Protected Areas Fund.* – There is hereby
28 established a trust fund to be known as the Sinarapan Santuary Protected Areas Fund for
29 purposes of financing projects of the system. All income generated from the operation of
30 the system or management of wild flora and fauna in the PA shall accrue to the fund.
31 These income shall be derived from visitors/tourists fee, fees from permitted sale and
32 export of flora and fauna and other resources from the PAs, proceeds from registration
33 and lease of multiple-use areas, including tourism concessions, contributions from
34 industries and facilities directly benefiting from the PA; and such other fees and income
35 derived from the operation of the PA.

36 The fund may be augmented by grants, donations, endowment from various sources,
37 domestic or foreign, for purposes related to their functions: *Provided*, That the fund shall
38 be deposited as a special account in the National Treasury and disbursements therefrom

1 shall be made solely for the protection, maintenance, administration and management of
 2 the system, and duly approved projects endorsed by the PAMB in accordance with
 3 existing accounting and budgeting rules and regulations: *Provided, further,* That the fund
 4 shall not be used to cover personal services expenditures.

5 The local government units (LGUs) shall continue to impose and collect all other fees
 6 not enumerated herein which they have traditionally collected, such as business permits,
 7 property tax and rentals of LGUs' facilities. Furthermore, LGUs may charge add-ons to
 8 fees imposed by the PAMB: *Provided,* That such add-ons shall be determined based on
 9 the contribution of the LGUs in the maintenance and protection of the PA.

10 SEC. 14. *Prohibited Acts.* – The following acts are prohibited within the Sinarapan
 11 Sanctuary:

12 (a) Hunting, destroying, disturbing or mere possession of any marine resources or
 13 products derived therefrom without a permit from the PAMB-SS;

14 (b) Dumping or otherwise disposing of any waste products detrimental to the Sinarapan
 15 Sanctuary or to plants, animals or inhabitants therein;

16 (c) Use of any motorized equipment without permit;

17 (d) Mutilating, defacing or destroying objects of natural beauty or ecological importance
 18 found within the sanctuary;

19 (e) Mineral or energy exploration or any entry into the sanctuary which has a tendency
 20 to damage its ecological balance;

21 (f) Constructing or maintaining any kind of structure, fence or enclosures and
 22 conducting any business enterprise without a permit; and

23 (g) Altering, removing, destroying or defacing boundary marks or buoys.

24 SEC. 15. *Penalties.* – Any person found guilty of any of the offenses enumerated
 25 above shall be punished with fine in an amount not less than Five thousand pesos
 26 (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00), exclusive of the
 27 value of the things damaged, or imprisonment of not less than one year but not more than
 28 six years, or both, as determined by the court.

29 If the Sinarapan Sanctuary requires rehabilitation and restoration as determined by the
 30 court, the offender shall be required to restore or compensate for the restoration of the
 31 damage. The court shall order the forfeiture of all mineral, flora or fauna collected or
 32 removed, including all equipment, devices and firearms used in connection therein, and any
 33 construction or improvements made thereon by the offender. If the offender is an
 34 association or corporation, the president or manager shall be responsible for the act of
 35 his/her employees and laborers.

36 SEC. 16. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit an
 37 annual accomplishment report to the Secretary of the DENR on the activities undertaken in
 38 the PA.

1 SEC. 17. *Appropriations.* – The Secretary of the DENR shall immediately include
2 the Department's program the implementation of this Act, the funding of which shall be
3 included in the annual General Appropriations Act.

4 SEC. 18. *Construction and Suppletory Application of Existing Laws.* - The provisions
5 of this Act shall be construed liberally in favor of achieving biodiversity, conservation,
6 protection and sustainable development. Provisions of Republic Act No. 7586, otherwise
7 known as the National Integrated Protected Areas Management Act of 1992, and existing
8 environmental and forestry laws not inconsistent with the provisions of this Act shall have
9 suppletory effect in the implementation of this Act.

10 SEC. 19. *Separability Clause.* – If any part of this Act shall be declared
11 unconstitutional, such declaration shall not affect the other parts or sections hereof.

12 SEC. 20. *Repealing Clause.* – All laws, presidential decrees, executive orders and
13 rules and regulations inconsistent with the provisions of this Act shall be deemed repealed or
14 modified accordingly.

15 SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete
16 publication in the *Official Gazette* or in a national newspaper of general circulation available
17 in the PA. This Act shall be translated in a dialect known in the PA by the DENR within thirty
18 (30) days from approval hereof and shall be posted for three consecutive weeks in
19 conspicuous place in the provincial, municipal and barangay halls within the PA as well as in
20 three other public places frequented by the public.

Approved,