


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

6 NOV 24 2006

SENATE

APPROVED BY: 

COMMITTEE REPORT NO. 182

Submitted jointly by the Committees on Environment and Natural Resources and Finance on
24 NOV 2006.

Re : Senate Bill No. 2527

Recommending its approval in substitution of Senate Bill No. 2044.

Sponsors : Senators Cayetano and Drilon.

MR. PRESIDENT:

The Committees on Environment and Natural Resources and Finance to which was referred Senate Bill No. 2044, introduced by Senator Cayetano, entitled:

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

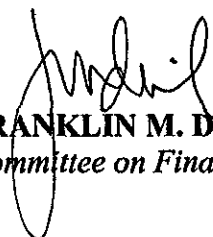
have considered the same and have the honor to report it back to the Senate with the recommendation that the attached bill, Senate Bill No. 2527, prepared by the Committees, entitled:


**“AN ACT
TO ESTABLISH THE MALAMPAYA SOUND SITUATED IN THE MUNICIPALITIES OF
TAYTAY AND SAN VICENTE, PROVINCE OF PALAWAN, AS A PROTECTED AREA
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MANAGEMENT AND FOR OTHER PURPOSES”**

be approved in substitution of Senate Bill No. 2044, with Senator Cayetano and the members of the Committees as authors thereof.

Respectfully submitted:

Chairpersons:

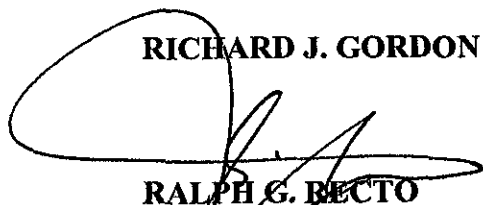

FRANKLIN M. DRILON
Committee on Finance


“COMPAÑERA” PIA S. CAYETANO
*Committee on Environment
and Natural Resources*

Members:


RAMON "BONG" REVILLA, JR.


MANUEL "LITO" M. LAPID


RICHARD J. GORDON


RAMON B. MAGSAYSAY, JR.


RALPH G. RECTO


MAR ROXAS



RODOLFO G. BIAZON


JUAN PONCE ENRILE


MIRIAM DEFENSOR SANTIAGO


JOKER P. ARROYO


EDGARDO J. ANGARA


LUISA "LOI" P. EJERCITO-ESTRADA


PANFILO M. LACSON

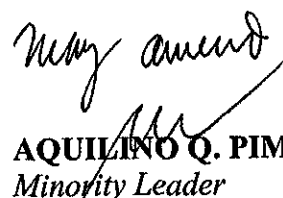

M.A. MADRIGAL

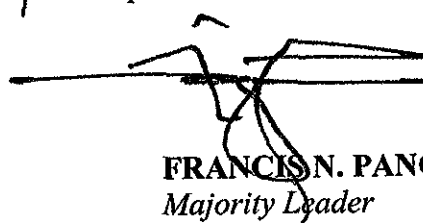

SERGIO OSMEÑA III


ALFREDO S. LIM

Ex-Officio members:


JUAN M. FLAVIER
President Pro-tempore


AQUILINO Q. PIMENTEL, JR.
Minority Leader


FRANCIS N. PANGILINAN
Majority Leader

HON. MANNY VILLAR
Senate President
Pasay City

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

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SENATE

RECEIVED BY: *[Signature]*

S. No. 2527
(In substitution of S. No. 2044)

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

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

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

ARTICLE I

TITLE, POLICIES AND OBJECTIVES

SECTION 1. Title. - This Act shall be known as the "Malampaya Sound Protected Landscape and Seascape Act of 2006".

SEC. 2. Land Classification. - All lands of the public domain comprising the Malampaya Sound Protected Landscape and Seascape shall fall under the classification of National Park as provided for in the Philippine Constitution. *However*, public lands already classified as agricultural and alienable or disposable prior to the passage of this Act shall remain as such and may be disposed of pursuant to the provisions of Commonwealth Act No. 141 or the Public Land Act, as amended.

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

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

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

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

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

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

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

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

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

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

18 (j) "Exploitation" shall refer to any mode of use, extraction, development,
19 utilization or disposition of resources, for whatever purpose, whether commercial or
20 otherwise;

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

22 (l) "Indigenous cultural communities or indigenous peoples" shall refer to
23 Indigenous cultural communities or indigenous peoples as defined in Republic Act No.
24 8371 within the MSPLAS;

25 (m) "Indigenous species" shall refer to native Philippine species or subspecies
26 with an existing or historical natural occurrence and distribution within the MSPLAS;

27 (n) "Large-scale infrastructure projects" shall refer to major port facilities, major
28 highways, tall edifices, major dams and the like;

29 (o) "Multiple-use zones" shall refer to areas where settlement, traditional or
30 sustainable land use, including agriculture, agro-forestry, extraction activities and
31 other income generating or livelihood activities, may be allowed to the extent
32 prescribed in the Management Plan;

33 (p) "Protected area" shall refer to identified portions of land and water set aside
34 by reason of their unique physical and biological significance, managed to enhance
35 biological diversity and protected against destructive human exploitation. Unless
36 otherwise provided, it shall refer to the MSPLAS;

1 (q) "Protected landscape/seascape" shall refer to an area of national
2 significance which is characterized by the harmonious interaction of man and land
3 while providing opportunities for public enjoyment through recreation and tourism
4 within the normal lifestyle and economic activity of the area;

5 (r) "Protected species" shall refer to any plant or animal declared protected
6 under Philippine laws, rules and regulations. This shall also include plants and
7 animals under CITES, the Bonn Convention on Migratory Species, species under the
8 red-list categories of the International Union for the Conservation of Nature, and
9 species which may not be considered threatened elsewhere but are in danger of
10 extinction within the MSPLAS as determined by the Protected Area Management
11 Board (PAMB);

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

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

19 (u) "Secretary" shall refer to the Secretary of the Department of Environment
20 and Natural Resources;

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

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

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

32 (y) "Tenured migrants" shall refer to individuals and households within the
33 MSPLAS who have actually and continuously occupied such areas on or before July
34 12, 1995 and are substantially dependent therein for subsistence;

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

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

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

16 Beginning at point marked "1" on DENR NIPAS Map No. - at S 7'33'4.11, E
17 3058.150 meters more or less, from BLLM No. 2 at 10°49'46.616 latitude and
18 119'31'0.383" longitude, Taytay Cadastre, Province of Palawan thence:

19		S	0 degrees	48'	55.11"	W	2,922.33 m	Meters to point 2
20	thence	S	1 degrees	26'	52.55"	E	1,283.91 m	Meters to point 3
21	thence	S	23 degrees	47'	14.00"	E	958.93 m	Meters to point 4
22	thence	S	26 degrees	4'	33.51"	W	1,595.34 m	Meters to point 5
23	thence	S	9 degrees	51'	17.19"	W	1,709.81 m	Meters to point 6
24	thence	S	25 degrees	25'	52.50"	W	14,086.64 m	Meters to point 7
25	thence	S	69 degrees	32'	46.33"	W	4,112.73 m	Meters to point 8
26	thence	S	12 degrees	54'	59.36"	W	5,346.46 m	Meters to point 9
27	thence	N	67 degrees	1'	45.59"	W	12,303.31 m	Meters to point 10
28	thence	S	75 degrees	22'	37.21"	W	3,839.52 m	Meters to point 11
29	thence	S	83 degrees	36'	35.47"	W	2,774.01 m	Meters to point 12
30	thence	N	35 degrees	52'	23.26"	W	2,322.42 m	Meters to point 13
31	thence	S	88 degrees	52'	25.40"	W	13,499.17 m	Meters to point 14
32	thence	N	45 degrees	2'	13.84"	W	16,060.90 m	Meters to point 15
33	thence	N	1 degrees	7'	46.58"	W	45,652.49 m	Meters to point 16
34	thence	N	88 degrees	48'	28.94"	W	8,174.64 m	Meters to point 17
35	thence	S	40 degrees	24'	25.31"	E	765.31 m	Meters to point 18
36	thence	S	54 degrees	2'	2.16"	E	9,789.75 m	Meters to point 19
37	thence	S	54 degrees	8'	3.55"	E	4,204.90 m	Meters to point 20
38	thence	S	88 degrees	13'	28.37"	E	1,621.76 m	Meters to point 21
39	thence	S	25 degrees	50'	12.73"	E	4,691.18 m	Meters to point 22
40	thence	S	69 degrees	32'	7.71"	W	290.91 m	Meters to point 23
41	thence	S	1 degrees	25'	16.98"	E	641.88 m	Meters to point 24
42	thence	S	25 degrees	49'	11.92"	E	306.17 m	Meters to point 25

1	thence	S	5 degrees	35'	53.02"	W	311.56 m	Meters to point 26
2	thence	S	19 degrees	3'	43.32"	E	513.75 m	Meters to point 27
3	thence	N	83 degrees	14'	10.37"	E	617.19 m	Meters to point 28
4	thence	N	36 degrees	50'	12.20"	E	848.35 m	Meters to point 29
5	thence	N	32 degrees	55'	37.15"	E	238.51 m	Meters to point 30
6	thence	N	13 degrees	6'	17.79"	W	249.50 m	Meters to point 31
7	thence	N	12 degrees	23'	49.11"	W	737.71 m	Meters to point 32
8	thence	N	4 degrees	18'	9.19"	W	487.98 m	Meters to point 33
9	thence	S	88 degrees	2'	2.45"	E	262.63 m	Meters to point 34
10	thence	S	63 degrees	36'	28.80"	E	220.56 m	Meters to point 35
11	thence	S	45 degrees	6'	20.49"	E	248.89 m	Meters to point 36
12	thence	S	10 degrees	56'	43.56"	E	360.12 m	Meters to point 37
13	thence	S	8 degrees	54'	8.28"	W	336.43 m	Meters to point 38
14	thence	S	63 degrees	36'	32.46"	W	196.06 m	Meters to point 39
15	thence	S	40 degrees	16'	5.54"	E	461.01 m	Meters to point 40
16	thence	N	88 degrees	10'	9.62"	E	459.36 m	Meters to point 41
17	thence	N	53 degrees	16'	49.29"	E	542.45 m	Meters to point 42
18	thence	S	75 degrees	20'	55.87"	E	339.75 m	Meters to point 43
19	thence	S	50 degrees	56'	33.58"	E	382.64 m	Meters to point 44
20	thence	N	87 degrees	7'	57.28"	E	262.65 m	Meters to point 45
21	thence	N	54 degrees	53'	46.89"	E	544.95 m	Meters to point 46
22	thence	N	40 degrees	44'	13.81"	E	514.67 m	Meters to point 47
23	thence	N	89 degrees	32'	41.50"	E	524.82 m	Meters to point 48
24	thence	S	40 degrees	8'	57.14"	E	1,438.08 m	Meters to point 49
25	thence	S	87 degrees	33'	39.53"	E	1,094.83 m	Meters to point 50
26	thence	S	88 degrees	15'	33.54"	E	1,728.93 m	Meters to point 51
27	thence	N	68 degrees	3'	15.86"	E	1,269.10 m	Meters to point 52
28	thence	S	4 degrees	13'	57.98"	E	166.35 m	Meters to point 53
29	thence	S	38 degrees	0'	27.16"	E	125.61 m	Meters to point 54
30	thence	N	89 degrees	32'	9.31"	E	131.21 m	Meters to point 55
31	thence	S	35 degrees	40'	43.60"	E	189.63 m	Meters to point 56
32	thence	S	58 degrees	9'	2.50"	E	103.51 m	Meters to point 57
33	thence	S	22 degrees	1'	51.31"	E	59.50 m	Meters to point 58
34	thence	S	37 degrees	51'	43.59"	E	70.53 m	Meters to point 59
35	thence	S	0 degrees	27'	51.60"	E	55.33 m	Meters to point 60
36	thence	S	22 degrees	1'	51.18"	E	59.50 m	Meters to point 61
37	thence	S	49 degrees	31'	29.86"	E	101.33 m	Meters to point 62
38	thence	S	5 degrees	10'	18.64"	E	133.24 m	Meters to point 63
39	thence	S	30 degrees	37'	56.25"	E	217.59 m	Meters to point 64
40	thence	S	22 degrees	1'	53.24"	E	59.50 m	Meters to point 65
41	thence	S	45 degrees	7'	23.35"	E	155.57 m	Meters to point 66
42	thence	S	22 degrees	1'	54.27"	E	118.99 m	Meters to point 67
43	thence	S	45 degrees	7'	24.61"	E	62.23 m	Meters to point 68
44	thence	S	27 degrees	51'	35.06"	E	138.28 m	Meters to point 69
45	thence	S	4 degrees	14'	34.38"	W	133.24 m	Meters to point 70
46	thence	S	24 degrees	17'	31.44"	W	182.79 m	Meters to point 71

1	thence	S	0 degrees	27'	51.72"	E	165.99 m	Meters to point 72
2	thence	S	30 degrees	11'	58.69"	E	64.32 m	Meters to point 73
3	thence	S	37 degrees	51'	49.26"	E	70.53 m	Meters to point 74
4	thence	S	15 degrees	18'	7.82"	W	80.49 m	Meters to point 75
5	thence	S	9 degrees	6'	30.45"	E	145.51 m	Meters to point 76
6	thence	S	22 degrees	29'	20.77"	E	168.25 m	Meters to point 77
7	thence	S	0 degrees	27'	49.87"	E	88.53 m	Meters to point 78
8	thence	S	15 degrees	48'	48.35"	E	206.56 m	Meters to point 79
9	thence	S	45 degrees	7'	26.05"	E	155.58 m	Meters to point 80
10	thence	S	17 degrees	50'	26.72"	E	695.72 m	Meters to point 81
11	thence	S	15 degrees	22'	54.42"	E	3,950.97 m	Meters to point 82
12	thence	S	24 degrees	46'	24.44"	E	4,517.09 m	Meters to point 83
13	thence	S	37 degrees	27'	1.79"	E	581.85 m	Meters to point 84
14	thence	S	34 degrees	51'	6.56"	E	348.64 m	Meters to point 85
15	thence	S	52 degrees	50'	33.88"	E	290.04 m	Meters to point 86
16	thence	S	67 degrees	23'	43.82"	E	225.91 m	Meters to point 87
17	thence	S	50 degrees	31'	51.87"	E	413.73 m	Meters to point 88
18	thence	S	45 degrees	8'	12.72"	E	326.77 m	Meters to point 89
19	thence	S	48 degrees	0'	4.47"	E	311.42 m	Meters to point 90
20	thence	S	46 degrees	24'	40.23"	E	350.11 m	Meters to point 91
21	thence	S	33 degrees	26'	28.33"	E	422.11 m	Meters to point 92
22	thence	S	28 degrees	29'	57.05"	E	7,660.05 m	Meters to point 1

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

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

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

33 **SEC. 6. Zoning.** - Zones shall be established within the MSPLAS giving primary
34 consideration to the preservation and conservation of all life forms while according
35 respect to the traditional areas used and recognized by the indigenous cultural
36 communities or indigenous peoples. Zoning shall also take into account the tenurial and
37 livelihood concerns of other communities and must ensure the efficient protection of
38 habitats, fragile ecosystems and unique areas.

39 All primary (old growth) forests within the MSPLAS, including portions which have
40 been previously declared as alienable and disposable, shall be classified as strict
41 protection zones and shall be free from all forms of logging or exploitation, whether
42 commercial or otherwise. However, portions of primary forests may be classified as

1 sustainable use zones. Strict protection zones shall also be established where necessary
2 for the preservation of biodiversity including, but not limited to, the survival of rare and
3 endangered species.

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

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

9 **ARTICLE II**

10 **THE PROTECTED AREA MANAGEMENT BOARD**

11 **SEC. 7. *The Protected Area Management Board.*** - There is hereby created a
12 Protected Area Management Board (PAMB) which shall be the sole policy-making and
13 permit-granting body of the MSPLAS.

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

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

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

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

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

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

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

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

34 (h) Recommend criteria and set fees for the issuance of permits for the activities
35 regulated by this Act or the Management Plan. The PAMB shall only issue permits taking
36 into consideration ecological and sustainability factors based on the policies provided in
37 this Act;

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

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

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

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

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

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

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

19 **SEC. 8. Composition.** - The Board shall be composed of:

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

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

23 (c) The mayors of the municipalities of Taytay and San Vicente as members.

24 Each mayor may appoint a regular duly authorized representative whenever he/she
25 cannot personally attend any of the PAMB meetings;

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

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

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

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

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

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

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

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

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

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

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

11 (a) The Regional Executive director as chairperson;

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

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

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

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

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

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

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

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

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

29 The PAMB may create other committees within the Board.

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

33 **SEC. 10. *Terms of Office.*** - Every member of the PAMB shall serve for a term of
34 five years and shall be considered to represent his or her sector and deemed to carry the
35 vote of such sector in all matters. In the case of members who are government officials,
36 the term of office shall be attached to the office held.

1 consultation, be offered by the Department alternative sites within the appropriate zones
2 with preference over non-tenured migrants. Provisions for their transfer shall be
3 undertaken by the Department in coordination with PAMB and relevant government
4 agencies using humanitarian considerations including payment of compensation,
5 providing tenure to alternative land and facilities of equivalent standard, and other
6 measures to reach agreement with the affected tenured migrants.

7 The grant of tenurial rights must take into account the need to promote clustering
8 and to avoid unnecessary displacement. In areas where tenurial instruments are granted,
9 appropriate use zones shall be established for the purpose of maintaining noncommercial
10 livelihood activities.

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

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

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

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

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

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

33 **SEC. 14. Contract Involving Lands Within the MSPLAS.** - Any purchase, sale,
34 encumbrance, mortgage, usufruct, or any form of disposition, alienation or transfer of
35 rights involving lands within the MSPLAS shall be restricted among tenured migrants or
36 indigenous cultural communities or indigenous peoples, otherwise, it shall be null and
37 void *ab initio*.

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

6 ARTICLE IV

7 UTILIZATION OF RESOURCES AND FACILITIES

8 **SEC. 15. *Utilization of Resources.*** - Any exploitation of or utilization of nonrenewable
9 resources within the PA shall not be allowed. Energy projects, whether renewable or
10 otherwise, shall be permitted only through an Act of Congress, *Provided*, that the
11 exploitation of renewable energy up to three megawatts capacity shall be exempt from
12 such requirement.

13 **SEC. 16, *Existing Facilities Within the MSPLAS.*** - Within sixty (60) days from the
14 effectivity of this Act, major existing facilities such as roads, buildings, water systems,
15 transmission lines, communication facilities, heavy equipment, and irrigation facilities
16 existing within the boundaries of the PA shall submit project description to the PAMB
17 through the PASu.

18 The PAMB, with the assistance of the DENR, shall determine whether the existence
19 of such facility and its future plan and operations will be detrimental to the PA or whether
20 conditions for its operation shall be imposed. If any such conditions are violated, the
21 owner of the facility shall be liable to pay a fine of Five thousand pesos (P5,000.00) for
22 every violation. Upon reaching a total fine of Five hundred thousand pesos
23 (P500,000.00), the PAMB through the PASu and deputizing other government entities,
24 shall cause the cessation and demolition of the facility at the cost of its owner.

25 Existing facilities allowed to remain within the PA may be charged a reasonable
26 royalty by the DENR. All income from such royalty shall accrue to the Mt. Hilong-Hilong
27 Protected Area Fund.

28 ARTICLE V

29 PROHIBITED ACTS AND PENALTIES

30 **SEC. 17. *Prohibited Acts.*** - The following acts shall be prohibited within the
31 MSPLAS without prejudice to the application of pertinent laws and regulations:

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

35 (b) Hunting, collecting, catching, capturing, wounding, killing or destroying
36 anywhere within the MSPLAS any other species of plant and animal or their by-products
37 or derivatives the trade of which is regulated by the PAMB;
38

- 1 (c) Bioprospecting without prior PAM6 approval;
- 2 (d) The disturbance of protected species or their habitats, reproductive cycle,
3 roosting and feeding grounds and migratory paths;
- 4 (e) Unauthorized cutting, gathering, collecting or removal of timber or other forest
5 products: Provided, That any authorization issued shall only be valid for one (1) year at a
6 time and given to (i) tenured migrants within sustainable, monitored and controlled
7 quotas, and (ii) for scientific purposes necessary for protected area management in
8 accordance with existing guidelines;
- 9 (f) Establishment or introduction of exotic species within the MSPLAS with
10 allelopathic effect or those detrimental to endemic species, without prior PAMB approval;
- 11 (g) Exploration, exploitation or extraction, drilling or extracting for minerals or
12 resources or engage in quarrying within the MSPLAS;
- 13 (h) Destroying, excavating, vandalizing or in any manner damaging any natural
14 formation on land or sea, burial or religious/spiritual rites, artifacts, objects belonging to
15 indigenous cultural communities or indigenous peoples and other objects of natural and
16 scenic value;
- 17 (i) Unauthorized possession or use of blasting caps, explosives, or cyanide
18 anywhere within the MSPLAS;
- 19 (j) Unauthorized possession or use of chain saws or band saws;
- 20 (k) Unauthorized use of motorized equipment anywhere within the Strict Protection
21 Zone of the MSPLAS;
- 22 (l) Unauthorized construction or maintenance of any kind of road, edifice, facility or
23 any infrastructure project within the MSPLAS;
- 24 (m) Unauthorized occupation of any portion of land inside the MSPLAS.
25 Clearing, construction of residence or any introduction of improvements shall constitute
26 prima facie evidence of occupation or settlement;
- 27 (n) Alteration, removal, willful destruction of boundary marks or interpretative
28 signals;
- 29 (o) Engaging in *kaingin* or in any manner causing a forest fire inside the MSPLAS;
- 30 (p) Unauthorized fishing anywhere within the MSPLAS;
- 31 (q) Fishing within the MSPLAS using spear and submerged underwater breathing
32 apparatus, trawling equipment or gillnets of more than 100 meters in total length or any
33 other equipment prohibited under Republic Act No. 8550 or the Fisheries Code of 1998;
- 34 (r) Destruction or in any manner damaging coral reefs except in cases of
35 emergency
- 36 (s) Introduction, disposal, dumping or causing to be dumped in the MSPLAS any
37 waste material, including but not limited to, non-biodegradable, toxic, nuclear, hazardous
38 and other prohibited substances; and

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

3 **SEC. 18. Penalties.** - (a) For any violation of the provisions of Section 20 hereof, a
4 fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred
5 thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year but not
6 more than six (6) years shall be imposed.

7 (b) Any provision to the contrary notwithstanding, the commission of any unlawful
8 act as provided under the immediately preceding section shall carry the penalty of
9 imprisonment of six (6) years and one (1) day to twelve (12) years, and a minimum fine of
10 One million pesos (P1,000,000.00) in case the species involved is listed under CITES
11 Appendix I, Seven hundred fifty thousand pesos (P750,000.00) for the species listed
12 under CITES Appendix 11, and Five hundred thousand pesos (P500,000.00) for all
13 threatened species, in addition to the accessory penalties provided in the immediately
14 succeeding paragraph.

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

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

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

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

6 **SEC. 21 Appropriations.** - There is hereby appropriated the amount of Twenty
7 million pesos (P20,000,000.00) for the first five (5) years from the effectivity of this Act to
8 be included in the annual appropriations of the Department of Environment and Natural
9 Resources. Thereafter, such sums as may be necessary for the implementation of this
10 Act shall be sourced from the IPAF. It shall be included in the annual General
11 Appropriations Act if not sufficient.

12 **ARTICLE VII**

13 **TRANSITORY AND MISCELLANEOUS PROVISIONS**

14 **SEC. 22. Reporting Responsibility.** – The PASu, through the PAMB, shall submit an
15 annual accomplishment report to the Secretary of the DENR on the activities undertaken
16 in the PA.

17 **SEC. 23. Construction and Suppletory Application of Existing Laws.** - The provisions
18 of this Act shall be construed liberally in favor of achieving biodiversity conservation,
19 protection and sustainable development. Provisions of Republic Act No. 7586, otherwise
20 known as the National Integrated Protected Areas Management Act of 1992, and existing
21 forestry laws, and their corresponding rules and regulations not inconsistent hereto shall
22 have suppletory effect in the implementation of this Act.

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

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

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

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

37 **SEC. 27. Effectivity Clause.** - This Act: shall be translated in Filipino by the
38 Department of Environment and Natural Resources within thirty (30) days from the date

1 of approval hereof. It shall be published once a week for three (3) consecutive weeks in a
2 newspaper of general circulation readily available in the areas in and around the
3 MSPLAS. It shall likewise be conspicuously posted simultaneously in the provincial,
4 municipal and barangay halls within the MSPLAS as well as in three other places
5 frequented by the public. Fifteen (15) days after the last publication and posting, this Act
6 shall have full force and effect.

7 Approved,