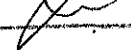


THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Third Regular Session }

6 NOV 24 1956

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 188

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

Re : Senate Bill No. 2533

Recommending its approval in substitution of Senate Bill No. 2047.

Sponsors : Senators Cayetano and Drilon.

MR. PRESIDENT:

The Committees on Environment and Natural Resources and Finance to which was referred Senate Bill No. 2047, introduced by Senator Cayetano, entitled:

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

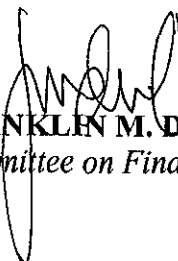
have considered the same and have the honor to report it back to the Senate with the recommendation that the attached bill, Senate Bill No. 2533, prepared by the Committees, entitled:


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

be approved in substitution of Senate Bill No. 2047, with Senator Cayetano and the members of the Committees as authors thereof.

Respectfully submitted:

Chairpersons:

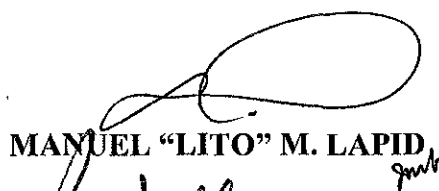

FRANKLIN M. DRILON
Committee on Finance


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

Members:

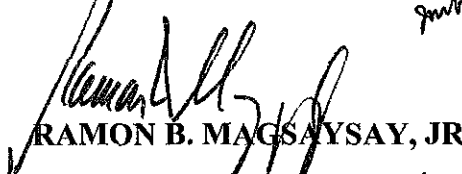


RAMON "BONG" REVILLA, JR.

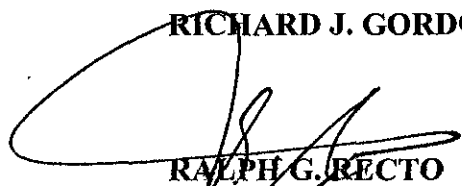


MANUEL "LITO" M. LAPID

RICHARD J. GORDON



RAMON B. MAGSAYSAY, JR.



RALPH G. RECTO



MAR ROXAS



RODOLFO G. BIAZON



JUAN PONCE ENRILE



MIRIAM DEFENSOR SANTIAGO



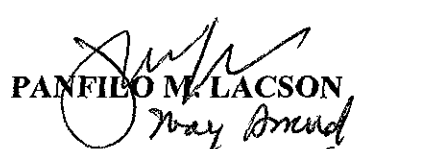
JOKER P. ARROYO



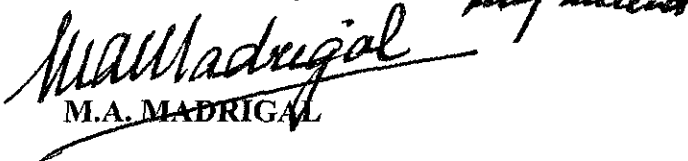
EDGARDO J. ANGARA



LUISA "LOI" P. EJERCITO-ESTRADA



PANFILO M. LACSON



M.A. MADRIGAL

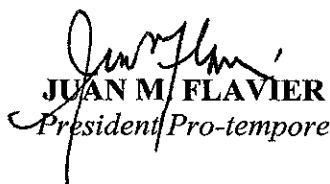


SERGIO OSMEÑA III



ALFREDO S. LIM

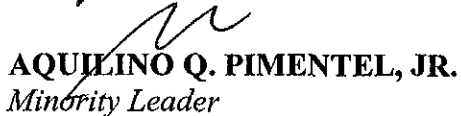
Ex-Officio members:



JUAN M. FLAVIER

President Pro-tempore

may succeed:



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 }

6 NOV 24 A9 56

SENATE

RECEIVED BY: 

S. No. **2533**

(In substitution of S. No. 2047)

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
ESTABLISHING THE TUBBATAHA REEF NATIONAL MARINE PARK IN THE
PROVINCE OF PALAWAN AS A PROTECTED AREA, 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 "Tubbataha Reef Natural Park 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. Declaration and Scope. - The Tubbataha Reef National Marine Park (TRNMP), which shall cover an approximate area of 87,654,967 hectares and which shall include the Tubbataha Reefs and Jessie Beazley Reef in the Province of Palawan is hereby declared as a protected area. Its boundaries shall be as follows:

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

SEC. 4. Definition of Terms. -For purposes of this Act, the following terms shall be defined as follows:

- 1. "BFAR" shall refer to the Bureau of Fisheries and Aquatic Resource of the Department of Agriculture.

1 2. "Bioprospecting" shall refer to research, collection and utilization of biological
2 and genetic resources for purposes of applying the knowledge derived there from solely
3 for commercial purposes.

4 3. "Commercial fishers/fisherfolk" shall refer to persons who catch fish and other
5 fishery products using fishing vessels of more than three (3) gross tons. However, the
6 Executive Committee, as provided herein, may meet on a more regular basis to discuss
7 regular day-to-day affairs and other matters delegated by the TMB.

8 4. "Coral" shall refer to all bottom dwelling animals under the phylum Cnidaria,
9 which are a major part of the reef community. The definition includes four types of corals,
10 (1) those that produce a hard skeleton out of calcium carbonate such as all scleractinian
11 corals, the hydrozoan corals (firecorals), and the blue and red corals under the genera
12 *Heliopora* and *Tubipora*; (2) the antipatharian or black corals with a rigid, chitinous
13 skeleton; (3) the gorgomans with a horny and/or Calcareous axis; and (4) the soft bodied
14 anthozoans such as sea anemones, and the soft corals under the systematical group of
15 Alcyonaria or Octocorallia.

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

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

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

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

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

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

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

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

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

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

8 15. "Muro-ami" shall refer to the method used in reef fishing consisting of a
9 movable bagnet, detachable wings and scarelines having plastic strips
10 and/iron/steel/stone weights, effecting fish capture by spreading the net in an arc around
11 reefs or shoals and; with the use of the scarelines, a cordon of people drive the fish
12 towards the waiting net while pounding the corals by means of heavy weights like
13 iron/steel/stone or rock making it destructive to corals.

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

20 17. "Noxious or Poisonous Substances" shall refer to any substance, plant extracts
21 or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in
22 raw or processed form, harmful or harmless to human beings, which will kill, stupefy,
23 disable or render unconscious any marine organism and capable and altering the natural
24 habitat.

25 18. "Protected Area" shall refer to identified portions of land and water set aside by
26 reason of their unique physical and biological significance, managed to enhance
27 biological diversity and protected against destructive human exploitation.

28 19. "PAMB" shall refer to the Protected Area Management Board as provided for in
29 Republic Act 7586, otherwise known as the National Integrated Protected Areas System
30 Act.

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

34 21. "People's Organization (PO)" shall refer to a group of people which may be an
35 association, cooperative, federation, aggrupation of individuals or groups with 4
36 identifiable structure of decision-making and accountability, established to undertake
37 collective action to address community concerns and needs in relation to the protected
38 area.

1 22. "PM" shall refer to the Park Manager of the TRNMP.

2 23. "Protected species" shall refer to any plant or animal declared protected under
3 Philippine laws, rules and regulations. These shall include all species listed under the
4 Convention of International Trade of Endangered Species (CITES) and all its Annexes,
5 the B o 4 Convention on Migratory Animals, those specified under the red-list categories
6 of the /International Conservation of Nature (IUCN), or any plant or animal which the TMB
7 or and government agency may deem necessary for conservation and preservation in the
8 TRNMP.

9 24. "Purse Seine" shall refer to the gear characterized by encircling net at the
10 bottom passing through rings attached to the net, which can be drawn or pursued. In
11 general, the net is set from a boat or boats around the school of aquatic resources. The
12 bottom of the net is pulled closed with the purse line. The net is then pulled aboard the
13 boat or boats until the resources are concentrated in the bunt or bag.

14 25. "Resources" shall refer to all natural endowments, whether aquatic or
15 terrestrial, living or non-living, found in TRNMP.

16 26. "Stakeholders" shall refer to any individuals, communities, agencies,
17 institutions, organizations, aggrupations of specific interests or sectors which have
18 particular interest in the achievement of the objectives of this Act, and/or enjoyment or
19 utilization in any form of the resources within the TRNMP.

20 27. "TMO" shall refer to the Tubbataha Management Office.

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

25 29. "TMB" shall refer to the Tubbataha Management Board.

26 30. "TRNMP" shall refer to the Tubbataha Reef National Marine Park.

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

30 32. "Waste" shall refer to discarded items of solid, liquid, contained gaseous or
31 semisolid from, and from whatever source, which may cause or contribute to the
32 deterioration of the resources or habitats in the TRNMP.

33 **ARTICLE II**

34 **MANAGEMENT, MANAGEMENT PLAN AND ZONING**

35 **SEC. 5.** *Management of the TRMP.* --The management and administration of the
36 TRNMP shall be vested with the Tubbataha Management Board (TMB), as herein
37 provided Management of zones to be established within the TRNMP shall be consultative
38 and participatory.

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

4 **SEC. 8. Executive and Other Committee of the TMB.** - There shall be an Executive
5 Committee (EXECOM) to be headed by the TMB Chairperson, to which the TMB may
6 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 **SEC. 9. Incentives of TMB Members.** - In addition to actual and necessary
10 traveling and subsistence expenses incurred in the performance of their duties, TMB
11 members may be granted honoraria and insurance coverage in attending TMB or other
12 TMB committee meetings, These expenses may be included in the budget for the
13 TRNMP.

14 **SEC. 10. Rules of Procedures.** - The TMB shall determine by appropriate
15 resolution its procedural rules, which shall include discipline and removal of its officers
16 and members

17 **SEC. 11. Powers and Functions of the TMB.** - The TMB shall have the following
18 powers and functions;

19 a. Decide matters relating to planning, resource use and protection, general
20 administration of the area in accordance with the Management Plan;

21 b. Approve budget allocations, proposals, work plans, action plans, guidelines for
22 management of the TRNMP in accordance with the Management Plan and its policies;

23 c. Coordinate with national and local agencies, local government units, local
24 communities, the academe, non-governmental organizations, and such other institutions
25 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
28 projects 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;

36 i. Appoint the TRNMP Park Manager, and upon recommendation of the PM,
37 appoint TRNMP management personnel based on internal selection criteria;

1 j. Generate funds and accept donations, grants, and exercise accountability over
2 all funds that may accrue to the TRNMP;

3 k. Manage the TRNMP Fund, as herein provided;

4 l. Exact fines and fees for violations of this Act, guidelines, rules and regulations
5 within the TRNMP;

6 m. Deputize individuals for the enforcement of laws, rules and regulation governing
7 conduct within the TRNMP, and prescribe the necessary qualifications therefore;

8 n. Designate collecting officers for funds generated by the TFGVMP, and formulate
9 procedure for the disbursement thereof in accordance with sound accounting and auditing
10 standards;

11 o. Retain legal counsel to defend cases against the TMB and the Office of the PM
12 whenever they are sued in connection with the performance of their duties under this Act,
13 guidelines, and rules and regulations pertaining to the TRNMP;

14 p. Provide adequate measures to ensure consultation and participation of
15 stakeholders;

16 q. Perform such other functions necessary for the fulfillment of the provision of this
17 Act and other applicable laws, rules and regulations, and as may be asked by the PCSD.

18 **SEC. 12. Tubbataha Management Office (TMO).** - There shall be a TMO to be
19 headed by the TRNMP Park Manager (PM) who shall serve as the Chief Operating
20 Officer of the entire TRNMP. The PM and his/her staff shall hold office in a place to be
21 designated by the TMB: Provided, That, the TMB may authorize the establishment of sub-
22 offices for purposes of convenience, safety, accessibility, economy, and such other
23 justifiable reasons: Provided, Further, That, at least sub-office shall be established within
24 the TRNMP.

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

28 a. Prepare the Management Plan and its successor plans as herein provided;

29 b. Serve as Secretary to the TMB with the duty to provide the TMB with all the
30 information necessary to make appropriate decisions for the implementation of this Act;

31 c. Hire non-management personnel of the TRNMP, and recommend management
32 personnel to the TMB;

33 d. Supervise TRNMP personnel in the performance of their duties and functions;

34 e. Establish productive partnership with national and local agencies, local
35 government units, local communities, the academe, non-governmental organizations, and
36 such other institutions to ensure the conservation and management of the TRNMP;

37 f. Develop and implement park information, interpretation, education and other
38 visitor programs;

1 g. Enforce the laws, rules and regulations and TMB resolutions relevant to the
2 TRNMP, and assist in the prosecution of offenses;

3 h. Monitor all activities within the TRNMP in conformity with the Management
4 Plan;

5 i. Ensure that consultative and participatory mechanisms are maximized in
6 decision-making;

7 j. Perform such other functions as the TMB may assign.

8 **SEC. 13. Components of the TMO.** - The PM, with the approval of the TMB, shall
9 ensure efficient and effective implementation of this Act through various components or
10 divisions that may be deemed necessary: Provided, That, the PM and the TMB shall
11 ensure that there are components in the TMO that shall ensure visitor management;
12 research and planning; information, education and communication; law enforcement and
13 security; and, community development.

14 **SEC. 14. Rule of Local Government Units.** - Local governments of Palawan and
15 Cagayancillo shall participate in the management of the TRNMP through their
16 representation in the TMB. The provisions of this Act shall be incorporated into the
17 municipal and provincial development plans of Cagayancillo and Palawan, respectively,
18 and the Regional Development Plan of Region IV as part of the environmental concerns
19 of the province and the region. Local government units shall likewise ensure that local
20 ordinances pertaining to the environment are consistent with this Act and the
21 Management Plan, as herein provided.

22 **SEC. 15. Supervision by the PCSD.** - The PCSD shall exercise supervision over
23 the TMB. In this regard, the PCSD shall:

24 a. Appoint one of its members who shall sit as Chairperson of the TMB;

25 b. Include in the budget for the TRNMP in its annual budget; i

26 c. Assist in accessing and generating funds, donations, property, revenues and
27 similar income for TRNMP.

28 **SEC. 16. Role of the DENR.** - The DENR shall coordinate closely with the PCSD
29 to ensure the sound management and conservation of the TRNMP, provide technical and
30 financial assistance to the TRNMP as may be needed, and be represented in the TMB by
31 the Provincial Environment and Natural Resources (PENRO).

32 **SEC. 17. Fiscal Matters.** - The TRNMP shall enjoy fiscal autonomy. It shall
33 have the sole power to decide on the use of its funds from whatever source: Provided,
34 That, the Municipality of Cagayancillo, Palawan shall have a share of at least ten percent
35 (10%) of the user's fees paid to TRNMP.

36 The TRNMP shall not be required to contribute to the Integrated Protected Area
37 Fund (IPAF) provided under Republic Act No. 7586.

1 **SEC. 18. *The TRNMP Fund.*** - There is hereby created a TRNMP Fund which shall
2 consist of all the fees, penalties, donations, grants, endowments, revenues and any other
3 income pertaining to the TRNMP. The fund shall be for the purpose of financing projects
4 and activities iii the TRNMP to attain the objectives of this Act.

5 All proceeds and revenues pertaining to the TRNMP shall be exempt from
6 whatever tax, charges or fees: *Provided, That,* the TMB shall apportion the revenues in
7 accordance with the provisions of Section 19 of this Act.

8 **ARTICLE IV**

9 **UTILIZATION OF RESOURCES**

10 **SEC. 19. *Utilization of Resources.*** - Any exploitation of or utilization of
11 nonrenewable resources within the PA shall not be allowed. Energy projects, whether
12 renewable or otherwise, shall be permitted only through an Act of Congress, *Provided,*
13 that the exploitation of renewable energy up to three megawatts capacity shall be exempt
14 from such requirement.

15 **ARTICLE V**

16 **PROHIBITED ACTS AND PENALTIES**

17 **SEC. 20. *Unauthorized Entry, Enjoyment or Use.*** - Except in emergency situations, it
18 shall be unlawful to enter TRNMP without prior permission from the TMB or the PM as
19 herein provided. It shall also be unlawful to enter, enjoy or use for any purpose any
20 management zone beyond which the activity being undertaken is permitted. This rule
21 shall similarly apply to the use of vehicles, vessels, gears and equipment in management
22 zones where such are not allowed.

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

26 **SEC. 21. *Non-payment of Users' Fees.*** - It shall be unlawful for any person or entity
27 to enjoy or utilize the TRNMP and the resources therein without payment of users' fees
28 as may be imposed by the TMB. Violation of this Section shall be penalized with an
29 administrative fine of double the amount set by the TMB for the activity undertaken.

30 **SEC. 22. *Unauthorized Anchorage.*** - Except in emergency situations, it shall be
31 unlawful for any person or entity to anchor outside the designated areas determined by
32 the TMB.

33 Violation of this Section shall be penalized with an administrative fine of not less
34 than Two Thousand Pesos (P2000.00) and not more than Five Thousand Pesos
35 (P5,000.00).

36 **SEC. 23. *Dumping of Waste and Littering.*** - It shall be unlawful for any person or
37 entity to dump waste inside the TRNMP. It shall likewise be unlawful to clean and change
38 oil of vessels within the TRNMP.

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

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

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

10 **SEC. 24. *Dumping of Waste Permit.*** - It shall be unlawful to conduct
11 bioprospecting within the TRNMP without prior permit from the TMB.

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

18 **SEC. 25. *Introduction of Exotic Species.*** - It shall be unlawful to introduce exotic
19 species of plants or animals into the TRNMP.

20 Violation of this Section shall be punished with imprisonment of six (6) months to
21 six (6) years; fine of One Hundred Thousand Pesos (P 100,000.00) to One Million Pesos
22 (P1,000,000.00); and forfeiture of the resources subject of the offense, equipment, gears
23 and vessels, The TMB shall also impose administrative fine ranging from Two Hundred
24 Thousand Pesos (P200,000.00) to One Million Pesos (P1,000,000.00); and forfeiture
25 of the resources subject of the offense, equipment, gears and vessels.

26 **SEC. 26. *Hunting, catching, fishing, killing, taking, gathering, removing,***
27 ***destroying, disturbing, or possessing resources.*** - Except in cases of emergency and
28 safety, it shall be unlawful for any person to actually or attempt to hunt, catch, fish, kill,
29 take, gather, remove, destroy, disturb, or possess any resource, whether living or non-
30 living, or products derived therefrom, without a permit from the TMB and such other
31 permits as may be required by
32 law, rules and regulations. The unauthorized entry of a vessel in the TRNMP shall
33 *bepriamafacie* evidence of violation of this Section.

34 Violation of this Section shall be punished as follows:

35 (1) Where the offender uses explosives, noxious or poisonous substances, or
36 electricity, the penalty shall be imprisonment ranging from five (5) years to ten (10) years
37 without prejudice to the filing of separate criminal cases when the use of the same result
38 to physical injury or loss of human life; fine ranging from Thirty Thousand Pesos
39 (P30,000.00) to One Hundred Thousand Pesos (P 100,000.00); forfeiture of the

1 resources subject of the offense, equipment, gears and vessels. The TMB shall also
2 impose an administrative fine ranging from Forty Thousand Pesos
3 (P40,000.00) to One Hundred Fifty Thousand Pesos (P 150,000.00); forfeiture of the
4 resources subject of the offense, equipment, gears and vessels.

5 The discovery of dynamite, other explosives and chemical compounds which
6 contain combustible elements, or noxious or poisonous substances, or equipment or
7 device for electro-fishing in any vessel or in the possession of any person within the
8 TRNMP shall constitute *prima facie* evidence that the same was used in violation of this
9 Act. The discovery in my vessel or in the possession of any person within the TRNMP of
10 resources caught, taken, killed, removed, gathered or, destroyed with the use of
11 explosives, noxious or poisonous substances or by electricity shall constitute *prima facie*
12 evidence of violation of this Act.

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

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

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

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

1 In any case, the TMB may impose administrative fine of no more than Fifty
2 Thousand Pesos (P5,000.00) against erring commercial fishers, and no more than Ten
3 Thousand Pesos (P10,000.00) against erring municipal fishers; and confiscation of catch,
4 fishing gears, equipment and vessels.

5 (5) Where the offender uses a fly fishing gear or method that destroys coral reefs,
6 sea grass beds, or other marine life habitats as may be determined by this Act, the TMB,
7 other laws, the DA, or the DENR, the operator, boat captain, master fisherman, recruiter
8 or organizer of fish workers involved shall suffer a penalty of three (3) years to ten (10)
9 years imprisonment; fine of not less than One Hundred Thousand Pesos (P 100,000.00)
10 to Five Hundred Thousand Pesos (P500,000.00); forfeiture of catch, fishing equipment,
11 gears and vessels. The TMB shall also impose administrative fine ranging from Four
12 Hundred Thousand Pesos (P400,000.00) to One Million Pesos (P1,000,000.00); and
13 confiscation and forfeiture of catch, fishing equipment, gears and vessels.

14 When the offender is a municipal fisher, he/she shall be punished by a fine ranging
15 from Twenty Thousand Pesos (P20,000.00) to Forty Thousand Pesos (P40,000.00);
16 imprisonment of six (6) months to two (2) years; and forfeiture of fish catch, fishing
17 equipment, gears and vessels.

18 The TMB shall also impose administrative fine ranging from Twenty Thousand
19 Pesos

20 (P20,000.00) to One Hundred Thousand Pesos (P100,000.00); and confiscation
21 and forfeiture of catch, fishing equipment, gears and vessels.

22 Muro-Ami, pa-aling, all kinds of trawls (*galadgad, Noway*), purse seine (*pangdong*),
23 Danish seine (*hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot, patangko, bira-bira,*
24 *buli-buli, hulahoop, zipper, lampornas, etc.*) ring net (*kubkob, panguloing, kalansisi*),
25 drive-in net (*kayakas*), round haul seine (*sapyaw, lawag*), motorized push net (*sudsod*),
26 bagnet (*basing, saklit*), or any of their variations, are hereby declared destructive fishing
27 methods or gears under this provision.

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

37 (7) Where the subject of the offense are protected species as defined in this Act, the
38 penalty shall be imprisonment of twelve, (12) years to twenty (20) years; fine of One

1 Hundred Twenty Thousand Pesos (P 120,000.00) to One Million Pesos (P1,000,000.00)
2 for every threatened or endangered organism subject of the offense; forfeiture of the
3 catch, equipment, gears and vessels; and cancellation of fishing permit. The TMB shall
4 also impose administrative fine ranging from One Hundred Fifty Thousand Pesos
5 (P150,000.00) to One Million Pesos (P1,000,000.00) for every threatened or
6 endangered organism subject of the offense; and confiscation and forfeiture of catch,
7 equipment, gears and vessels.

8 (8) Where the violations of this Section are not covered by the preceding
9 paragraphs, the penalty shall be imprisonment of one (1) year to three (3) years; fine of
10 not less than Ten Thousand Pesos (P 10,000.00); forfeiture of the catch, equipment, gears
11 and vessels; and cancellation of permit that makes it possible for the offender to commit
12 the offense. The TMB shall also impose administrative fine ranging from Fifteen
13 Thousand Pesos (P15,000.00) to One Million Pesos (P 1,000,000.00); and confiscation
14 and forfeiture of catch, equipment, gears and vessels.

15 **SEC. 27. Poaching by Foreigners.** - It shall be unlawful for any foreign person,
16 corporation or entity to fish or operate any fishing vessel in the TRNMP. The entry of any
17 foreign vessel in the TRNMP shall constitute *prima facie* evidence that the vessel is
18 engaged in fishing in the area.

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

28 **SEC. 28. Violation of Environmental Impact Assessment System.** - The TMB
29 shall prosecute violations of laws and rules on Environmental Impact Assessment
30 System. Such violations shall be punished by imprisonment of three (3) years to five (5)
31 years; fine of One Hundred Thousand Pesos (P 100,000.00) for every day each violation
32 subsists; rehabilitation of the affected area or the amount equivalent thereto; and
33 forfeiture of the vessels, structures, effects, materials and equipment used, and the
34 products of such violation. If the offender is a corporation, the directors and officers who
35 allowed such violation shall suffer the imprisonment.

36 The TMB shall also impose administrative fine of One Hundred Thousand Pesos
37 (P100,000.00) for every day each violation subsists; rehabilitation of the affected area or

1 the amount equivalent thereto; and confiscation and forfeiture of the vessels, structures,
2 effects, materials and equipment used, and the products of such violation.

3 **SEC. 29. *Violation of Standards.*** -The owner, operator and top three (3) officers of
4 any vessel violating the standards set by the TMB, such as safety and sanitary standards,
5 shall suffer administrative penalty of fine ranging from Twenty Thousand Pesos
6 (P20,000.00) to Fifty Thousand Pesos (P50,000.00) for every day each violation
7 subsists, and from suspension of three (3) months to cancellation of permit to operate in
8 TRNMP.

9 **SEC. 30. *Obstruction to Law Enforcement Officer*** - The boat owner, master,
10 operator, officer, or any person acting on his/her behalf, of any vessel who evades,
11 obstructs or hinders any law enforcement officer in the TRNMP to perform his/her duty,
12 shall be fined Twenty Thousand Pesos (P20,000.00). In addition, the registration, permit
13 and/or license of the vessel including the license of the officers thereof shall be cancelled.

14 **SEC. 31. *Subsidiary Imprisonment.*** - Non-payment of judicial fines imposed under
15 this Act shall be subject to subsidiary imprisonment as provided for by existing laws. .

16 **SEC. 32. *Promulgation of Rules and Regulations.*** - The TMB may issue rules and
17 regulations, including the imposition of penalties, in pursuit of the conservation,
18 preservation, management and sustainable development of the TRNMP.

19 **SEC. 33. *Fines and Forfeitures.*** - All criminal fines and forfeitures that may be
20 imposed by the courts, and the administrative fines and forfeitures imposed by the TMB
21 under this Act, and the rules and regulations that may be promulgated in pursuit of the
22 goals and objectives of this Act shall be given to the TMB and shall form part of the funds
23 and assets of the TRNMP.

24 **ARTICLE VI**

25 **LAW ENFORCEMENT AND PROSECUTION**

26 **SEC. 34. *Who Shall Enforce this Act, Other Laws, Rules and Regulations***
27 *Within TRAMP.* - The Armed Forces of the Philippines, the Philippine National Police, the
28 Philippine Coast Guard, the law enforcement officers of the DENR and DA-BFAR, PCSD
29 officials and staff; LGU officials, law enforcement officers of LGUs, members and officers
30 of the TMB, the PM and his/her staff, and other government enforcement agencies, are
31 hereby authorized to enforce this Act, other laws, rules and regulations within the
32 TRNMP.

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

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

1 **SEC. 35. *Inspection Powers.*** - The PM and law enforcers shall have the power to
2 stop, board and search and inspect all vessels within the TRNMP for the purpose of
3 enforcing the provisions of this Act, other laws, rules and regulations.

4 **SEC. 36. *Coordination Between TMB and PM, and Law Enforcement Agencies.***-
5 The TMB and the Pm shall coordinate with law enforcement arms and agencies of the
6 government to ensure effective enforcement of the provisions of this Act and other
7 applicable laws, rules and regulations within the TRNMP. The Armed Forces of the
8 Philippines, the Philippine National Police, the PNP Maritime Command, Philippine Coast
9 Guard, the law enforcement officers of the DENR, DA-BFAR and concerned LGUs shall
10 cooperate with the TMB and the PM for this purpose.

11 **SEC. 37. *Special Prosecutor and Retained Counsel.*** – Within thirty (30) days from
12 the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
13 prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall be
14 assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu in the
15 performance of his/her duties and assist in the training of wardens and rangers in arrest
16 and criminal procedures. The PAMB may retain the services of a counsel to prosecute
17 and/or assist in the prosecution of cases under the direct control and supervision of the
18 regular or special prosecutor and to defend the members of the PAMB, the PASu and the
19 staff, or any person assisting in the protection, conservation and sustainable
20 development of the PA, against any legal action related to their powers, functions and
21 responsibilities as provided in this Act or as delegated or tasked by the PAMB.

22 **ARTICLE VII**

23 **GENERAL PROVISIONS**

24 **SEC. 38. *Appropriations.*** – The Secretary of the DENR shall immediately include in
25 the Department's program the implementation of this Act, the funding of which shall be
26 included in the annual General Appropriations Act.

27 **SEC. 39. *Reporting Responsibility.*** – The PASu, through the PAMB, shall submit an
28 annual accomplishment report to the Secretary of the DENR on the activities undertaken
29 in the PA.

30 **SEC. 40. *Construction and Suppletory Application of Existing Laws.*** The provisions
31 of this Act shall be construed liberally in favor of achieving biodiversity conservation,
32 protection and sustainable development Provisions of Republic Act No. 7586, otherwise
33 known as the National Integrated Protected Areas Management Act of 1992 and existing
34 forestry laws, and their corresponding rules and regulations not inconsistent hereto shall
35 have the suppletory effect in the implementation of this Act.

36 **SEC. 41. *Separability Clause.*** – If any part or section of this Act is declared by the
37 court as unconstitutional, such declaration shall not affect the other parts or sections
38 hereof.

1 **SEC. 42. *Repealing Clause.*** – For the purpose of this Act, the provisions of the
2 NIPAS Act are hereby modified in accordance with the provisions herein. All other laws,
3 proclamations, rules and regulations inconsistent with this Act are hereby repealed or
4 modified accordingly.

5 **SEC. 43. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
6 complete publication in the *Official Gazette* or in a national newspaper of general
7 circulation available in the PA. This Act shall be translated in a dialect known in the PA by
8 the DENR within thirty (30) days from approval hereof and shall be posted for three
9 consecutive weeks in conspicuous place in the provincial, municipal and barangay halls
10 within the PA as well as in three other public places frequented by the public.

11 Approved,