


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

6 NOV 2006

SENATE

RECEIVED BY: 

**COMMITTEE REPORT NO. 193**

Submitted 24 NOV 2006 by the Committee on Environment and Natural Resources on

Re : Senate Bill No. 2538

Recommending its approval in substitution of House Bill No. 5370.

Sponsor: : Senator Cayetano.

MR. PRESIDENT:

The Committee on Environment and Natural Resources to which was referred House Bill No. 5370, introduced by Representatives Solis, Banaag, Mitra, Mercado, Lagbas, Olano and Mandanas, entitled:

**“AN ACT DECLARING THE TACDOGAN REEF IN THE MIDDLE OF TICA0 PASS, LOCATED IN THE WATERS BETWEEN THE PROVINCES OF SORSOGON AND MASBATE, A NATIONAL PARK TO BE KNOWN AS THE TACDOGAN REEF NATIONAL MARINE PARK”**

has <sup>mike</sup> considered the same and has the honor to report it back to the Senate with the recommendation that the attached bill, Senate Bill No. 2538, prepared by the Committee, entitled:

**“AN ACT DECLARING THE TACDOGAN REEF IN THE MIDDLE OF TICA0 PASS, LOCATED IN THE WATERS BETWEEN THE PROVINCES OF SORSOGON AND MASBATE, A NATIONAL PARK TO BE KNOWN AS THE TACDOGAN REEF NATIONAL MARINE PARK”**

be approved in substitution of House Bill No. 5370 with Senator Cayetano and the members of the Committee as authors.

Respectfully submitted:

Chairman:

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

Members:

RAMON "BONG" REVILLA, JR.

MANUEL "LITO" M. LAPID

RICHARD J. GORDON

RAMON B. MACSAYSAY, JR.

RALPH G. RECTO

MAR ROXAS

  
RODOLFO G. BIAZON

JUAN PONCE ENRILE

JOKER P. ARROYO

MIRIAM DEFENSOR SANTIAGO

EDGARDO J. ANGARA

LUISA "LOI" P. EJERCITO-ESTRADA

PANFILO M. LACSON

M.A. MADRIGAL

SERGIO OSMEÑA III

ALFREDO S. LIM

FRANKLIN M. DRILON

*Ex-Officio members:*

JUAN M. FLAVIER  
*President Pro-tempore*

*May amend:*

AQUILINO Q. PIMENTEL, JR.  
*Minority Leader*

FRANCIS N. BANGILINAN  
*Majority Leader*

HON. MANNY VILLAR  
*Senate President*  
Pasay City

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

6 NOV 28 2013

SENATE

S. No. 2538

(In substitution of H. No. 5370)

RECEIVED BY: [Signature]

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Prepared by the Committee on Environment and Natural Resources with Sen. Cayetano and the members of the Committee as authors

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**AN ACT**  
**DECLARING THE TACDOGAN REEF IN THE MIDDLE OF TICAO PASS, LOCATED IN THE WATERS BETWEEN THE PROVINCES OF SORSOGON AND MASBATE, A NATIONAL PARK TO BE KNOWN AS THE TACDOGAN REEF NATIONAL MARINE PARK**

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

1           **SEC. 1.** The Tacdogan Reef in the middle of Ticao Pass, located in the  
2 waters between the Provinces of Sorsogon and Masbate, is hereby declared a  
3 national park to be known as the Tacdogan Reef National Marine Park.

4           **SEC. 2.** – There shall be a PAMB which shall have sole jurisdiction, power  
5 and authority such as, but not limited to, policy-making and permit granting over the  
6 PA for all matters that may affect biodiversity conservation, protection and sustainable  
7 development. It shall be composed of:

- 8           (1) the Regional Executive Director (RED) of the DENR Region V, as Chairman;
- 9           (2) the City Mayor of Butuan City and the Provincial Governors of Sorsogon and  
10 Masbate, or their duly designated representatives, as members;
- 11           (3) maximum of three representatives from POs and NGOs, as members;
- 12           (4) representatives from government agencies involved in the PA management  
13 as may be determined by the DENR, as members;
- 14           (5) the PASu, as *ex officio* member; and
- 15           (6) representatives from the water districts of the LGUs concerned, as members;

16           Every member of the PAMB shall serve for a term of five years and shall be  
17 considered to represent his or her sector and deemed to carry the vote of such sector  
18 in all matters. In the case of members who are government officials, the term of office  
19 shall be attached to the office held.

20           In the selection of the representatives of POs and NGOs, preference shall be  
21 accorded to those organizations that are involved in the conservation, protection and  
22 development of the PA. Representation shall be by institution and shall aim to  
23 achieve balance in representation by geographic location or areas.

24           The representatives from the LGUs and national agencies in the PAMB shall

1 include among their duty to appraise their respective constituents, office or sector, to  
2 ensure that the provisions of this Act is consistent with the

3 Local Government Code of 1991 (R. A. No. 7160), other relevant statutes and  
4 ordinances, and local and national development plans and projects. Failure to comply  
5 with the foregoing shall subject such representative to disciplinary action as the PAMB  
6 may provide.

7 **SEC. 3.**– The PAMB of the Tacdogan Reef Natural Marine Park shall have  
8 the following powers and functions:

9 (a) Issue rules and regulations to prohibit acts that may be prejudicial to the PA  
10 and to the declaration of policy set forth under the NIPAS;

11 (b) Issue rules and regulations for the resolution of conflicts through appropriate  
12 and effective means;

13 (c) Adopt rules and procedures in the conduct of business, including the creation  
14 of committees to which its powers may be delegated;

15 (d) Approve the management plan and oversee the office of the PASu;

16 (e) Establish criteria and set fees for the issuance of permits for activities  
17 regulated by this Act or the management plan;

18 (f) Deputize appropriate individuals for the enforcement of the laws, rules and  
19 regulations governing the conduct or management of the PA; and

20 (g) Approve proposals for funding, budget allocations and exercise responsibility  
21 over all funds that may accrue to the Tacdogan Reef Natural Marine Park.

22 The DENR, through the Regional Executive Director (RED), shall exercise the  
23 authority to oversee the PAMB to ensure that it is acting within the scope of its powers  
24 and functions. In case of conflict between Administrative Orders issued by the DENR  
25 pursuant to the NIPAS Act and other laws and resolutions issued by the PAMB, such  
26 conflict shall be referred by PAMB to the Secretary of the DENR who shall decide  
27 whether to apply the rule or withdraw its application. The decision of the DENR  
28 Secretary shall be guided by specific policies adopted by the PAMB and shall be  
29 appealed to the Regional Trial Court that has jurisdiction over the PA.

30 **SEC. 4.**– There is hereby established a PASu office in charge of the  
31 management, protection and administration of the PA. The PASu shall be supported  
32 by the existing personnel of the DENR. The head of office shall be the Chief  
33 Operating Officer of the Tacdogan Reef Natural Marine Park and shall be accountable  
34 to the RED of the DENR-Reg.V and the PAMB. The PASu shall have the following  
35 powers and functions:

36 (1) Prepare the management and successor plans as herein defined;

37 (2) Provide a secretariat for the PAMB which shall have the duty to supply the  
38 PAMB with all the necessary information for appropriate action;

1 (3) Establish a productive partnership with the local community, including groups  
2 interested in the achievement of the goals and objectives of the PA, and in the  
3 planning, protection and management thereof;

4 (4) Develop and implement a park information, education and visitor program;

5 (5) Enforce the laws, rules and regulations relevant to the PA, institute and file  
6 legal action independently or in collaboration with other government agencies or  
7 organizations and assist in the prosecution of offenses committed in violation of this  
8 Act;

9 (6) Monitor all activities within the PA regarding its conformity with the  
10 management plan;

11 (7) Issue PA permits based on terms, conditions and criteria established by the  
12 PAMB; and

13 (8) Perform such other functions as the PAMB may delegate.

14 **SEC. 5.** To ensure the conservation and preservation of the natural resources  
15 and marine biodiversity in the area, the following acts are prohibited within the  
16 Tacdogan Reef National Marine Park:

17 (a) Hunting, destroying, disturbing or mere possession of any marine  
18 resources or products derived therefrom without a permit;

19 (b) Dumping or otherwise disposing of any waste product detrimental to the  
20 area or to plants, animals or inhabitants therein;

21 (c) Use of any motorized equipment therein without a permit;

22 (d) Mutilating, defacing or destroying objects of natural beauty or ecological  
23 importance;

24 (e) Mineral or energy exploration or any entry into the area which has a  
25 tendency to damage its ecological balance;

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

28 (g) Altering, removing, destroying or defacing boundary marks of buoys; and

29 (h) Performing any other act analogous to the foregoing.

30 **SEC. 6.** Any person found guilty of any of the offenses enumerated above  
31 shall be punished with a fine of not less than Five thousand pesos (P5,000.00) but not  
32 more than Five hundred thousand pesos (P500,000.00) exclusive of the value of the  
33 things or objects damaged, or imprisonment of not less than one (1) year and not  
34 more than six (6) years, or both fine and imprisonment, as determined by the Court:  
35 *Provided*, That the prohibited acts mentioned in paragraph (a) of Section 2 hereof  
36 shall be punished with the penalties imposed under Article 309 and Article 310 of the  
37 Revised Penal Code: *Provided, moreover*, That if any area within the Tacdogan Reef  
38 National Marine Park shall require rehabilitation and restoration as determined the

1 Court, the offender shall be required to restore or compensate for the restoration of  
2 the damage. The Court shall likewise order the forfeiture of all mineral, flora, or fauna  
3 collected or removed, including all equipment, vessel, devices, and firearms used in  
4 connection therewith, and any construction or improvement made thereon by the  
5 offender. If the offender is an association or corporation, the president or manager  
6 shall be responsible for the act of his/her employees and laborers.

7 **SEC. 7.** The Department of Environment and Natural Resources (DENR), in  
8 coordination with the Department of Agriculture, Provincial Government of Masbate,  
9 Provincial Government of Sorsogon, Municipal Government of San Jacinto, Masbate,  
10 and other concerned government agencies, shall establish the boundaries of the  
11 marine park whose technical description shall be incorporated in the rules and  
12 regulations of this Act.

13 **SEC. 8.** Within six (6) months following the effectivity of this Act, the Secretary  
14 of the DENR shall promulgate the implementing rules and regulations for the effective  
15 implementation of this Act.

16 **SEC. 9.** The provisions of this Act shall be construed liberally in favor of  
17 achieving  
18 biodiversity conservation, protection and sustainable development Provisions of  
19 Republic Act No. 7586, otherwise known as the National Integrated Protected Areas  
20 Management Act of 1992 and existing forestry laws, and their corresponding rules and  
21 regulations not inconsistent hereto shall have the suppletory effect in the  
22 implementation of this Act.

23 **SEC. 10.** This Act shall take effect upon its approval

24 Approved,