

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

8 JUN 11 15:05

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 75

Prepared jointly by the Committees on Environment and Natural Resources
and Finance on JUN 11 2008

Re: S.B. No. 2394

Recommending its approval in substitution of SBNos. 171 and 1985

Sponsor: Senator Pia S. Cayetano

MR. PRESIDENT:

^{cf} The Committees on Environment and Natural Resources and Finance,
^{to} which were referred Senate Bill No. 171 introduced by Senators M.A. Madrigal and
Loren Legarda entitled:

**“AN ACT ^{cf}
ESTABLISHING THE TUBBATAHA REEF NATIONAL MARINE PARK IN
THE PROVINCE OF PALAWAN AS A NATURAL PARK UNDER THE NIPAS
ACT (RA 7586) AND SEP LAW (RA 7611), PROVIDING FOR ITS
MANAGEMENT AND FOR OTHER PURPOSES.”**

And

Senate Bill No. 1985, introduced by Sen. Pia S. Cayetano, entitled:


**“AN ACT
ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK IN THE
PROVINCE OF PALAWAN UNDER THE NIPAS ACT (RA 7586) AND SEP
LAW (RA 7611) PROVIDING FOR ITS MANAGEMENT AND FOR OTHER
PURPOSES.”**

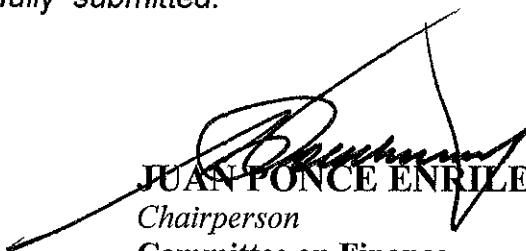
have considered the same and have the honor to report them back to the Senate
with the recommendation that the attached bill, Senate Bill No. 2394,
prepared by the Committees, entitled:

**“AN ACT
ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK IN THE
PROVINCE OF PALAWAN UNDER THE NIPAS ACT (RA 7586) AND SEP
LAW (RA 7611), PROVIDING FOR ITS MANAGEMENT AND FOR OTHER
PURPOSES.” ^{cf}**

be approved in substitution of SB Nos. 171 and 1985, with Senators M.A.
Madrigal, Loren Legarda and Pia S. Cayetano as authors thereof.

Respectfully submitted:

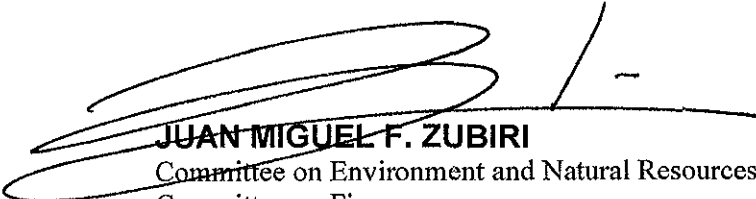

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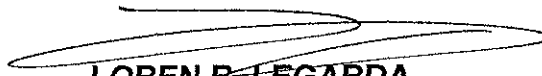
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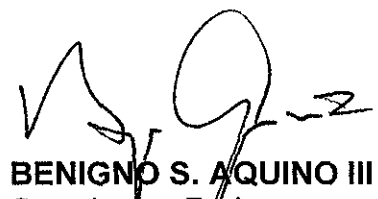

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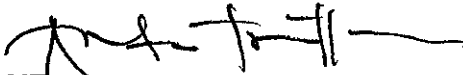

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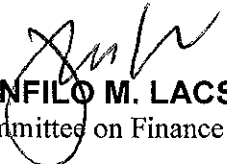
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FOURTEENTH CONGRESS OF THE)
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SENATE

S.B. No. 2394

(In substitution of Senate Bill Nos. 171 and 1985)

Prepared jointly by the Committees on Environment and Natural Resources and Finance with Senators Madrigal, Legarda, and Cayetano, P. as authors thereof

AN ACT

ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK IN THE PROVINCE OF PALAWAN UNDER THE NIPAS ACT (RA 7586) AND THE SEP LAW (RA 7611), PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

- 1 **SECTION 1. *Short Title.*** This Act shall be known and referred to as the
2 "Tubbataha Reefs Natural Park (TRNP) Act of 2008."
- 3 **SECTION 2. *Declaration of Policy.*** It shall be the declared policy of the State to
4 ensure the protection and conservation of the globally significant economic,
5 biological, socio-cultural, educational, and scientific values of the Tubbataha
6 Reefs into perpetuity for the enjoyment of present and future generations. These
7 shall be pursued through sustainable and participatory management, taking into
8 consideration all applicable laws and international conventions to which the
9 Philippines is a signatory.
- 10 **SECTION 3. *Definition of Terms.*** For purposes of this Act, the following terms
11 shall be defined as follows:
- 12 a. "Bioprospecting" shall refer to research, collection and utilization of biological
13 and genetic resources for purposes of applying the knowledge derived therefrom
14 solely for commercial purposes.

- 1 b. "Buffer Zone" is the identified area outside the boundaries of and immediately
2 adjacent to designated protected areas that need special development control in
3 order to avoid or minimize harm to the protected area.
- 4 c. "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.
- 6 d. "Conservation Fees" shall refer to fees collected from authorized users of the
7 TRNP.
- 8 e. "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
10 of corals, 1) those that produce a hard skeleton out of calcium carbonate such as
11 all scleractinian corals, the hydrozoan corals (firecorals), and the blue and red
12 corals under the genera *Heliopora* and *Tubipora*; 2) the antipatharian or black
13 corals with a rigid, chitinous skeleton; 3) the gorgonians with a horny and/or
14 calcareous axis; and 4) the soft bodied anthozoans such as sea anemones, and
15 the soft corals under the systematical group of *Alcyonaria* or *Octocorallia*.
- 16 f. "Exotic species" shall refer to species or subspecies that do not naturally occur
17 within the biogeographic region of the TRNP at present or in historical time.
- 18 g. "Explosives" shall refer to dynamite, other explosives or other chemical
19 compounds that contain combustible elements or ingredients which upon ignition
20 by friction, concussion, percussion or detonation of all or parts of the compound
21 will kill, stupefy, disable or render unconscious any species. It also refers to any
22 other substance and/or device, including blasting caps or any other component
23 or part of explosive devices, which causes an explosion that is capable of
24 producing the said harmful effects on any resources and capable of damaging
25 and altering the natural habitat.

- 1 h. "Gear" shall refer to any instrument or device and its accessories utilized in
2 taking, catching, gathering, killing, hunting, destroying, disturbing, removing or
3 possessing resources within the TRNP.
- 4 i. "Kayakas" shall refer to the fishing method known as the local version of the
5 muro-ami but smaller in size, using bamboo or trunk trees as scaring devices
6 aside from coconut or other leaves or materials to drive the fishes and other
7 marine resources out of the coral reefs while at the same time pounding the
8 corals.
- 9 j. "Littering" shall refer to the disposal of small amount of non-biodegradable solid
10 waste materials, such as, but not limited to, cigarette butts, candy wrappers,
11 plastic materials, bottles, glasses, in the TRNP.
- 12 k. "Municipal fishers/fisherfolk" shall refer to persons who catch fish and other
13 fishery products using fishing vessels of three (3) gross tons or less, or whose
14 fishing does not require the use of fishing vessels.
- 15 l. "Muro-ami" shall refer to the method used in reef fishing consisting of a
16 movable bagnet, detachable wings and scarelines having plastic strips and
17 iron/steel/stone weights, effecting fish capture by spreading the net in an arc
18 around reefs or shoals and, with the use of the scarelines, a cordon of people
19 drive the fish towards the waiting net while pounding the corals by means of
20 heavy weights like iron/steel/stone or rock making it destructive to corals.
- 21 m. "Non-Government Organization (NGO)" shall refer to any civic,
22 developmental, environmental or philanthropic non-stock, non-profit organization,
23 duly registered, having by-laws, democratically-elected representatives, with
24 qualifications, expertise and objectivity in activities concerning community
25 organizing and development, or resource and environmental conservation,
26 management and protection related to the protected area.

- 1 n. "Non-renewable Resources" shall refer to those resources that cannot be re-
2 made, re-grown or regenerated on a scale comparative to its consumption.
- 3 o. "Noxious or Poisonous Substances" shall refer to any substance, plant
4 extracts or juice thereof, sodium cyanide and/or cyanide compounds or , other
5 chemicals either in raw or processed form, harmful or harmless to human beings,
6 which will kill, stupefy, disable or render unconscious any marine organism and
7 capable of damaging and altering the natural habitat.
- 8 p. "PCSD" shall refer to the Palawan Council for Sustainable Development as
9 created under Republic Act 7611, otherwise known as the Strategic
10 Environmental Plan for Palawan Act.
- 11 q. "People's Organization (PO)" shall refer to a group of people which may be an
12 association, cooperative, federation, aggrupation of individuals or groups with an
13 identifiable structure of decision-making and accountability, established to
14 undertake collective action to address community concerns and needs in relation
15 to the protected area.
- 16 r. "PaSu" shall refer to the Park Superintendent of the TRNP.
- 17 s. "Poaching" shall refer to fishing or operating any fishing vessel, gathering
18 *and/or purchase or possession of any fishery products within Philippine waters*
19 *by any foreign person, corporation or entity.*
- 20 t. "Protected Area" shall refer to identified portions of land and water set aside by
21 reason of their unique physical and biological significance, managed to enhance
22 biological diversity and protected against destructive human exploitation.
- 23 u. "Protected species" shall refer to any plant or animal declared protected under
24 Philippine laws, rules and regulations. These shall include all species listed under
25 the Convention of International Trade of Endangered Species (CITES) and all its
26 Annexes, the Bonn Convention on Migratory Animals, those specified under the
27 red-list categories of the International Conservation of Nature (IUCN), or any

1 plant or animal which the TPAMB or any government agency may deem
2 necessary for conservation and preservation in the TRNP.

3 v. "Purse Seine" shall refer to the gear characterized by encircling net having a
4 line at the bottom passing through rings attached to the net, which can be drawn
5 or pursed. In general, the net is set from a boat or boats around the school of
6 aquatic resources. The bottom of the net is pulled closed with the purse line. The
7 net is then pulled aboard the boat or boats until the resources are concentrated
8 in the bunt or bag.

9 w. "Resources" shall refer to all natural endowments, whether aquatic or
10 terrestrial, living or non-living, found in TRNP.

11 x. "Stakeholders" shall refer to any individuals, communities, agencies,
12 institutions, organizations, aggrupations of specific interests or sectors which
13 have particular interest in the achievement of the objectives of this Act, and/or
14 enjoyment or utilization in any form of the resources within the TRNP.

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

19 z. "Vessel" includes every description of watercraft, including non-displacement
20 crafts and seaplanes, used or capable of being used as a means of
21 transportation on water. It shall include everything found therein, except personal
22 effects.

23 aa. "Waste" shall refer to discarded items of solid, liquid, contained gaseous or
24 semi-solid form, and from whatever source, which may cause or contribute to the
25 deterioration of the resources or habitats in the TRNP.

26 **SECTION 4. Scope and Coverage.** The Tubbataha Reefs Natural Park (TRNP),
27 which shall cover an approximate area of NINETY SIX THOUSAND EIGHT

1 HUNDRED TWENTY EIGHT (96,828) HECTARES, including its islets, seabed
2 and airspace, and which shall include the Tubbataha Reefs and the Jessie
3 Beazley Reef in the Municipality of Cagayancillo, in the Province of Palawan, is
4 hereby declared as a protected area. Its boundaries shall be as follows:

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

12 to point 1, the point of beginning.

13 All lands of the public domain comprising the TRNP shall fall under the
14 classification of national park as provided for in the Philippine constitution. The
15 technical descriptions provided in this Act will be subject to actual
16 survey/delineation.

17 The metes and bounds of the TRNP shall be indicated on maps and/ or
18 nautical charts. Any modification of the coverage of this Act due to such factors
19 as changing ecological situation, new scientific or archeological findings, or
20 discovery of traditional boundaries not previously taken into account shall be
21 made through an Act of Congress, after consultation with the concerned
22 government agencies.

23 **SECTION 5. Establishment of a Buffer Zone.** There shall also be established a
24 10-nautical mile buffer zone from the TRNP, with the following coordinates:

Corner	Latitude	Longitude
25		
26 1	9°17' 49" N	119°47' 42" E
27 2	9°04' 48" N	120°12' 40" E

1	3	8°49' 42" N	120°13' 54" E
2	4	8°29' 42" N	119°53' 04" E
3	5	8°36' 13" N	119°35' 22" E
4	6	9°11' 08" N	119°36' 35" E
5	7	9°17' 49" N	119°47' 42" E

6 to point 1, the point of beginning.

7 **SECTION 6. *Management of the TRNP.*** The management and administration of
8 the TRNP shall be vested with the Tubbataha Protected Area Management
9 Board (TPAMB), as herein provided. Management of zones to be established
10 within the TRNP shall be consultative and participatory.

11 **SECTION 7. *Zoning.*** A zoning plan shall be established within the TRNP giving
12 primary consideration to the protection and conservation of all life forms, in
13 accordance with applicable laws, rules and regulations. Zoning shall also take
14 into consideration the efficient protection of habitats, fragile ecosystems and
15 unique areas. The establishment and management of zones shall involve the
16 *concerned stakeholders by undertaking such steps as dialogue, and community*
17 *and resource-use mapping.* The metes and bounds of each zone shall be
18 indicated on maps and/or nautical charts. Management of zones to be
19 established within the TRNP shall be consultative and participatory.

20 **SECTION 8. *Management Plan.*** Within one (1) year from the effectivity of this
21 Act, there shall be a Management Plan to be prepared by the Tubbataha
22 Management Office (TMO) in coordination with the local community and various
23 stakeholders, the Palawan Council for Sustainable Development (PCSD), the
24 Municipal Government of Cagayancillo, the Provincial Government of Palawan,
25 and with assistance from the Department of Environment and Natural Resources
26 (DENR) and the Bureau of Fisheries and Aquatic Resources (BFAR). The
27 Management Plan shall contain, among others:

- 1 a. a period of applicability for ten (10) years subject to periodic review every three
- 2 (3) years;
- 3 b. goals and objectives of management in support of Section 2 hereof;
- 4 c. key management issues, such as, but not limited to, issuance, screening and
- 5 approval of all development and resource-use activities within the TRNP and
- 6 adequate protection and restoration of endangered species and fragile
- 7 ecosystems;
- 8 d. site management strategy including, but not limited to, establishment of clear
- 9 and simplified guidelines on the activities that can be allowed within the zones,
- 10 including the buffer zones;
- 11 e. major management activities, such as, but not limited to, enforcement of laws,
- 12 *habitats and wildlife management, sustainable use management, infrastructure*
- 13 *development and maintenance, fire prevention, pest and disease control, and*
- 14 *disaster management;*
- 15 f. zoning in accordance with Section 7 hereof;
- 16 g. mechanism for the protection, regulation and prohibition of those within the
- 17 TRNP, in accordance with their rights;
- 18 h. mechanisms to ensure consultative and participatory decision-making
- 19 processes. The Management Plan shall be consistent with the nature of the
- 20 TRNP as a protected area. It shall be reviewed and approved by the TPAMB,
- 21 and submitted to the PCSD and the DENR.

22 **SECTION 9. *Successor Plan.*** Before the expiration of the initial Management
23 Plan, there shall be a successor plan to be prepared by the TMO in the same
24 manner as the procedure and principles herein set forth. Two years before the
25 expiration of the Management Plan, the Park Superintendent (PaSu) shall cause
26 the publication of notices for comments and suggestions on the successor plan
27 using all available media, but at least in a newspaper of local circulation, and the

1 posting of such notices in the provincial, municipal and barangay halls and in
2 three (3) other conspicuous areas frequented by the public. The successor plan
3 to the Management Plan shall be made available to the public for perusal at the
4 office and sub-offices of the PaSu and the PCSD.

5 **SECTION 10. *Creation and Composition of the Tubbataha Protected Area***
6 ***Management Board (TPAMB).*** There shall be a Tubbataha Protected Area
7 Management Board (TPAMB), which shall be the sole policy-making and permit-
8 granting body of the TRNP. It shall be composed of:

- 9 a. The Regional Executive Director of Region IV-B of the DENR to serve as Co-
10 Chairperson;
- 11 b. The Chairperson of the Palawan Council for Sustainable Development, or
12 higher representative, to serve as Co-Chairperson;
- 13 c. The Representatives of the Congressional Districts in Palawan, or their
14 representatives;
- 15 d. The Governor of the Province of Palawan or his/her representative;
- 16 e. The Mayor of the Municipality of Cagayancillo or his/her representative;
- 17 f. The Chairperson of the Environment and Natural Resources Committee of the
18 Sangguniang Bayan of Cagayancillo;
- 19 g. The Chairperson of the Environment and Natural Resources Committee of the
20 Sangguniang Panlalawigan of Palawan;
- 21 h. The Chairperson of the Appropriations Committee of the Sangguniang
22 Panlalawigan of Palawan;
- 23 i. The Commander of the Western Command (WESCOM) or his/her
24 representative;
- 25 j. The Commander of the Naval Forces West (NAVFORWEST) or his/her
26 representative;

- 1 k. The District Commander of the Coast Guard District -Palawan (CGD-
2 Palawan);
- 3 l. A representative of the Department of Tourism;
- 4 m. The Provincial Fishery Officer of the DA-BFAR in Palawan, or his/her
5 representative;
- 6 n. At least two (2) representatives from the academe;
- 7 o. A representative of the Palawan Council for Sustainable Development staff;
- 8 p. At least three (3) representatives from NGOs involved in the conservation and
9 management of the TRNP;
- 10 q. At least two (2) representatives from people's organizations (PO) based in the
11 Municipality of Cagayancillo, Palawan, and concerned with the conservation and
12 management of the TRNP.

13 Every TPAMB member shall serve for a term of five (5) years: Provided,
14 that he/she remains connected with the sector or office he/she represents.
15 Whenever a vacancy occurs during the term of a member who does not
16 represent the government, a new member shall be chosen in the same manner
17 as the original process to serve the remaining term of his/her predecessor.

18 The TPAMB en banc shall hold regular meetings at least once every
19 quarter. However, the Executive Committee, as provided herein, may meet on a
20 more regular basis to discuss regular day-to-day affairs and other matters
21 delegated by the TPAMB.

22 **SECTION 11. *Executive and Other Committees of the TPAMB.*** There shall be
23 an Executive Committee (ExeCom) to which the TPAMB may delegate some of
24 its powers and functions. Its members shall be chosen by the TPAMB from
25 among themselves.

26 The TPAMB may create other committees as it may deem necessary.

1 **SECTION 12. *Incentives of TPAMB Members.*** In addition to actual and
2 necessary traveling and subsistence expenses incurred in the performance of
3 their duties, TPAMB members may be granted honoraria and insurance
4 coverage in attending TPAMB or other TPAMB committee meetings. These
5 expenses may be included in the budget for TRNP.

6 **SECTION 13. *Powers and Functions of the TPAMB.*** The TPAMB shall have
7 the following powers and functions:

- 8 a. Decide matters relating to planning, resource use and protection, and general
9 administration of the area in accordance with the Management Plan;
- 10 b. Approve budget allocations, proposals, work plans, action plans, guidelines for
11 management of the TRNP in accordance with the Management Plan and its
12 policies;
- 13 c. Establish productive partnership, with national and local agencies, local
14 government units, local communities, the academe, non-governmental
15 organizations, and such other institutions to ensure the conservation and
16 management of the TRNP; coordinate and implement;
- 17 d. Initiate the implementation of the delineation of the boundaries of the TRNP;
- 18 e. Issue rules and regulations, including the imposition of penalties, in pursuit of
19 the conservation, preservation, management and sustainable use of the TRNP;
- 20 f. Ensure the implementation and enforcement of laws, rules and regulations,
21 policies, programs and projects within the TRNP;
- 22 g. Control and regulate construction, operation and maintenance of structure and
23 utilities within the TRNP;
- 24 h. Monitor and evaluate the performance of the TMO and all those implementing
25 activities and projects in TRNP;

- 1 i. Appoint the TRNP PaSu, and, upon recommendation of the PaSu, appoint
2 management personnel based on internal selection criteria and decide on their
3 compensation and benefits;
- 4 j. Generate funds and accept donations, grants, appropriate and disburse the
5 same, and exercise accountability over all funds that may accrue to the TRNP;
- 6 k. Manage the TRNP Trust Fund, as herein provided;
- 7 l. Exercise quasi-judicial functions for adjudicating cases of violations of this Act
8 and impose fines and fees for violations of guidelines, rules and regulations
9 within the TRNP;
- 10 m. Deputize individuals for the enforcement of laws, rules and regulations
11 governing conduct within the TRNP, and prescribe the necessary qualifications
12 therefore;
- 13 n. Designate collecting officers for funds generated by the TRNP, and formulate
14 procedure for the disbursement thereof in accordance with accounting and
15 auditing rules and regulations;
- 16 o. Retain legal counsel to defend cases against the TPAMB and the Office of the
17 PaSu whenever they are sued in connection with the performance of their duties
18 under this Act, guidelines, and rules and regulations pertaining to the TRNP;
- 19 p. Provide adequate measures to ensure consultation and participation of
20 stakeholders;
- 21 q. Determine, based on existing scientific evidence, laws, rules and regulations,
22 international instruments, traditional resource utilization, management modalities
23 in the area, carrying capacity, and observing precautionary principle, the modes
24 of utilization of the TRNP and all the resources found therein;
- 25 r. Possess authority to issue permits and conditions thereto, and determine and
26 collect fees, for the utilization and enjoyment of the TRNP and the resources
27 therein: Provided, That the TPAMB may delegate to the PaSu the authority to

1 issue permits, and collect fees for temporary access to the TRNP such as,
2 visiting or diving, subject to the limits as may be determined by the TPAMB:
3 Provided, however, That entry into the TRNP for emergency reasons shall not be
4 subject to permit and users' fees;

5 s. Determine, based on existing scientific evidence, laws, rules and regulation,
6 international instruments, traditional resource utilization, management modalities
7 in the area, carrying capacity, and observing precautionary principle, the modes
8 of utilization of the TRNP and all the resources found therein. Permits shall only
9 be issued for such modes of utilization and enjoyment as the TPAMB and this
10 Act shall allow;

11 t. Perform such other functions necessary for the fulfillment of the provisions of
12 this Act and other applicable laws, rules and regulations, and as may be
13 required.

14 **SECTION 14. *Tubbataha Management Office (TMO)*.** There shall be a
15 Tubbataha Management Office (TMO) to be headed by the TRNP PaSu who
16 shall serve as the Chief Operating Officer of the entire TRNP. The TPAMB will
17 determine the staffing pattern, qualification standards and hiring procedures for
18 the TMO. The PaSu and his/her staff shall hold office in a place to be designated
19 by the TPAMB: Provided, That the TPAMB may authorize the establishment of
20 sub-offices for purposes of convenience, safety, accessibility, economy, and
21 such other justifiable reasons: Provided, further, That at least a sub-office shall
22 be established within the TRNP.

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

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

- 1 b. Serve as Secretary to the TPAMB with the duty to provide the TPAMB with all
- 2 the information necessary to make appropriate decisions for the implementation
- 3 of this Act;
- 4 c. Hire non-management personnel of the TRNP, and recommend management
- 5 personnel to the TPAMB;
- 6 d. Supervise TRNP personnel in the performance of their duties and functions;
- 7 e. Coordinate and implement with national and local agencies, local government
- 8 units, local communities, the academe, non-governmental organizations, and
- 9 such other institutions to ensure the conservation and management of the TRNP;
- 10 f. Develop and implement park information, interpretation, education and other
- 11 visitor programs;
- 12 g. Enforce the laws, rules and regulations and TPAMB resolutions relevant to the
- 13 TRNP, file complaints, and assist in the prosecution of offenses;
- 14 h. Monitor all activities within the TRNP in conformity with the Management Plan;
- 15 i. Ensure that consultative and participatory mechanisms are maximized in
- 16 decision-making;
- 17 j. Perform such other functions as the TPAMB may assign.

18 **SECTION 15. *Role of Local Government Units.*** Local government units of
19 Palawan and Cagayancillo shall participate in the management of the TRNP
20 through their representation in the TPAMB. The provisions of this Act shall be
21 incorporated into the municipal and provincial development plans of Cagayancillo
22 and Palawan, respectively, and the Regional Development Plan as part of the
23 environmental concerns of the province and the region. The national and local
24 government units shall likewise ensure that local ordinances pertaining to the
25 environment are consistent with this Act and the Management Plan, as herein
26 provided.

1 **SECTION 16. *Hazardous/Hardship Duty Pay.*** Personnel assigned to the
2 TRNP sub-office shall be entitled to hazardous duty pay from their mother units
3 or agencies in accordance to existing rules and regulations.

4 **SECTION 17. *Role of DENR and PCSD.*** The DENR and PCSD shall coordinate
5 closely to ensure the sound management and conservation of the TRNP and
6 provide technical and financial assistance to the TRNP.

7 **SECTION 18. *Fiscal Matters.*** The TRNP shall exercise fiscal autonomy. The
8 TPAMB shall have the sole power to decide on the use of its funds from
9 whatever source: Provided, That the Municipality of Cagayancillo, Palawan shall
10 have a share of at least ten percent (10%) of the conservation fees paid to
11 TRNP.

12 **SECTION 19. *The TRNP Trust Fund.*** There is hereby established a trust fund to
13 be known as the TRNP Trust Fund for purposes of financing projects of the
14 TRNP. All income generated from the operation of the TRNP or management of
15 wild flora and fauna therein shall accrue to said fund. These income shall be
16 derived from visitor/tourist fees, fees from permitted sale and export of flora and
17 fauna and other resources from the TRNP, proceeds from registration and lease
18 of multiple-use areas, including tourism concessions, contributions from
19 industries and facilities directly benefiting from the TRNP; and such other fees
20 and income derived from the operation of the TRNP.

21 The TRNP Trust Fund may be augmented by grants, donations,
22 endowment from various sources, domestic or foreign, for purposes related to
23 their functions: Provided, That the entire amount shall be set aside and retained
24 by the TPAMB of TRNP, which shall appropriate the same exclusively for the
25 management and operation of the TRNP.

26 The TPAMB shall have the sole power to decide on the use of its funds
27 from whatever source.

1 Donations, grants and endowments to TRNP shall be exempt from the donor's
2 tax and the same shall be considered as allowable deductions from the gross
3 income in the computation of the income tax of the donor.

4 **SECTION 20. *Energy and Non-Renewable Resources.*** Any exploration,
5 exploitation or utilization of non-renewable resources, such as, but not limited to,
6 minerals and oil, within the TRNP shall not be allowed. Energy projects shall be
7 allowed only through an act of Congress.

8 **SECTION 21. *Unauthorized Entry, Enjoyment or Use.*** No person or entity
9 shall enter, enjoy or utilize any portion of the TRNP and the resources therein for
10 whatever purpose without prior permission from the TPAMB as herein provided.

11 The TRNP shall be off limits to navigation, except for activities that are
12 sanctioned by the TPAMB such as, but not limited to, tourism and research.
13 Except in emergency situations, it shall be unlawful to enter TRNP without prior
14 permission from the TPAMB or the PaSu as herein provided. It shall also be
15 unlawful to enter, enjoy or use for any purpose any prohibited management zone.
16 This rule shall similarly apply to the use of vessels, gears and equipment in
17 management zones where such are not allowed.

18 Violation of this Section shall subject the responsible person or entity to an
19 administrative fine of from Fifty Thousand Pesos (P50,000.00) to One Hundred
20 Thousand Pesos (P100,000), as may be determined by the TPAMB. If the
21 violator is a commercial fisher/fisherfolk, the fine shall be Five Hundred
22 Thousand Pesos (P500,000.00).

23 **SECTION 22. *Damages to the Reef.*** Damages to the reef shall subject the
24 responsible person or entity to the payment of administrative fines set by the
25 TPAMB based on current valuation standards and to the payment of the cost of
26 restoration.

1 **SECTION 23. *Non-payment of Conservation Fees.*** It shall be unlawful for any
2 person or entity to enjoy or utilize the TRNP and the resources therein without
3 payment of conservation fees as may be imposed by the TPAMB.

4 Violators of this Section shall, in addition to the payment of the
5 conservation fee, pay the administrative fine of double the amount of the
6 conservation fee set by the TPAMB for the activity undertaken.

7 **SECTION 24. *Anchoring.*** It shall be unlawful for any person or entity to hold fast
8 or secure a vessel in place either by using an anchor or by tying on to any part of
9 the reef. All vessels shall utilize the mooring buoys provided by the TRNP.
10 Violation of this Section shall be penalized with an administrative fine of not less
11 than Ten Thousand Pesos (P10,000.00) and not more than Fifty Thousand
12 Pesos (P50,000.00).

13 **SECTION 25. *Dumping of Waste and Littering.*** It shall be unlawful for any
14 person or entity to dump waste inside the TRNP. It shall likewise be unlawful to
15 clean and change oil of vessels within the TRNP.

16 Violation of this provision shall be punishable by imprisonment of six (6)
17 months to one (1) year, and fine of not less than Five Thousand Pesos
18 (P5,000.00). The TPAMB shall impose an administrative fine of not less than
19 Fifty Thousand Pesos (P50,000.00) and not more than One Hundred Thousand
20 Pesos (P100,000.00), and order the violator to clean up the waste or pay for the
21 clean-up thereof.

22 It shall likewise be unlawful to litter within the TRNP.

23 Violation of this provision shall be penalized by the TPAMB with
24 administrative fine of from Five Thousand Pesos (P5,000.00) to Ten Thousand
25 Pesos (P10,000.00).

1 **SECTION 26. *Bioprospecting without Permit.*** It shall be unlawful to conduct
2 bioprospecting within the TRNP without prior permit from the TPAMB and other
3 concerned agencies.

4 Violation of this Section shall be punished with imprisonment of six (6)
5 months to six (6) years; fine of Five Hundred Thousand Pesos (P500,000.00) to
6 One Million Pesos (P1,000,000.00); and forfeiture of the resources subject of the
7 offense, equipment, gears and vessels. The TPAMB shall also impose
8 administrative fine ranging from Five Hundred Thousand Pesos (P500,000.00) to
9 One Million Pesos (P1,000,000.00); and confiscation and forfeiture of the
10 resources subject of the offense, equipment, gears and vessels.

11 **SECTION 27. *Introduction of Exotic Species.*** It shall be unlawful to introduce
12 exotic species of plants or animals into the TRNP.

13 Violation of this Section shall be punished with imprisonment of six (6)
14 months to six (6) years; fine of One Hundred Thousand Pesos (P100,000.00) to
15 One Million Pesos (P1,000,000.00); and forfeiture of forfeiture of the resources
16 subject of the offense, equipment, gears and vessels. The TPAMB shall also
17 impose administrative fine ranging from Two Hundred Thousand Pesos
18 (P200,000.00) to One Million Pesos (P1,000,000.00); and confiscation and
19 forfeiture of the resources subject of the offense, equipment, gears and vessels.

20 **SECTION 28. *Hunting, catching, fishing, killing, taking, gathering,***
21 ***removing, destroying, disturbing, or possessing resources.*** 'It shall be
22 unlawful for any person to actually or attempt to hunt, catch, fish, kill, take,
23 gather, remove, destroy, disturb, or possess any resource, whether living or non-
24 living, or products derived therefrom. The unauthorized entry of a vessel in the
25 TRNP shall be prima facie evidence of violation of this Section.

26 Violations of this Section shall be punished as follows:

1 (1) Where the offender uses explosives, noxious or poisonous substances, the
2 penalty shall be imprisonment ranging from six (6) years and one day to twelve
3 (12) years without prejudice to the filing of separate criminal cases when the use
4 of the same result to physical injury or loss of human life; fine ranging from One
5 Hundred Thousand Pesos (P100,000.00) to Three Hundred Thousand Pesos
6 (P300,000.00); forfeiture of the resources subject of the offense, equipment,
7 gears and vessels. The TPAMB shall also impose administrative fine ranging
8 from Forty Thousand Pesos (P40,000.00) to One Hundred Fifty Thousand Pesos
9 (P150,000.00); and confiscation and forfeiture of the resources subject of the
10 offense, equipment, gears and vessels.

11 The discovery of dynamite, other explosives and chemical compounds
12 which contain combustible elements, or noxious or poisonous substances, in any
13 vessel or in the possession of any person within the TRNP shall constitute prima
14 facie evidence that the same was used in violation of this Act. The discovery of
15 resources caught, taken, killed, removed, gathered or destroyed with the use of
16 explosives, noxious or poisonous substances in any vessel or in the possession
17 of any person within the TRNP shall constitute prima facie evidence of violation
18 of this Act.

19 (2) Where the offender merely possesses explosive, noxious or poisonous
20 substances, within the TRNP, the punishment shall be imprisonment ranging
21 from four (4) years and two months and one day to six (6) years; fine ranging
22 from Fifty Thousand Pesos (P50,000.00) to One Hundred Thousand Pesos
23 (P100,000.00); forfeiture of fish catch, fishing equipment and vessels. The
24 TPAMB shall also impose administrative fine ranging from Forty Thousand Pesos
25 (P40,000.00) to One Hundred Fifty Thousand Pesos (P150,000.00); and
26 confiscation and forfeiture of the resources subject of the offense, equipment,
27 gears and vessels.

1 (3) Where the offender takes, removes, fishes, gathers, kills, destroys or
2 possesses corals, except for scientific or research purposes authorized by the
3 TPAMB, the penalty shall be imprisonment ranging from six (6) years and one
4 day to twelve (12) years; fine ranging from Twenty Thousand Pesos
5 (P20,000.00) to Eighty Thousand Pesos (P80,000.00); forfeiture of the corals,
6 equipment, gears and vessels. The TPAMB shall also impose administrative fine
7 ranging from Thirty Thousand Pesos (P30,000.00) to One Hundred Thousand
8 Pesos (P100,000.00); and confiscation and forfeiture of the corals subject of the
9 offense, equipment, gears and vessels.

10 (4) Where the offender uses any fishing gear or method that destroys coral reefs,
11 seagrass beds, or other marine life habitats as may be determined by this Act,
12 the TPAMB, other laws, the Department of Agriculture, or the DENR, the
13 operator, boat captain, master fisherman, and recruiter or organizer of
14 fishworkers involved shall suffer a penalty of six (6) years and one day to twelve
15 (12) years imprisonment; fine of not less than One Hundred Thousand Pesos
16 (P100,000.00) to Five Hundred Thousand Pesos (P500,000.00); forfeiture of
17 catch, fishing equipment, gears and vessels. The TPAMB shall also impose
18 administrative fine ranging from Four Hundred Thousand Pesos (P400,000.00) to
19 One Million Pesos (P1,000,000.00); and confiscation and forfeiture of catch,
20 fishing equipment, gears and vessels.

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

1 (5) Where the offender gathers or removes pebbles, stones, rocks, sand or other
2 materials or otherwise engages in the quarrying or dredging of any portion of the
3 TRNP, the penalty shall be six (6) years and one day to twelve (12) years
4 imprisonment; fine of not less than Thirty Thousand Pesos (P30,000.00) to Five
5 Hundred Thousand Pesos (500,000.00); and forfeiture of the substance taken
6 from the habitat, and the equipment and vessels used to commit such violation.
7 The TPAMB shall also impose administrative fines ranging from Thirty Thousand
8 Pesos (P30,000.00) to Seven Hundred Thousand Pesos (P700,000.00); and
9 confiscation and forfeiture of the substance taken, and equipment and vessels
10 used in the commission of the violation

11 (6) Where the subject of the offense are protected species as defined in this Act,
12 the penalty shall be imprisonment of twelve (12) years to twenty (20) years; fine
13 of One Hundred Twenty Thousand Pesos (120,000.00) to One Million Pesos
14 (P1,000,000.00) for every threatened or endangered organism subject of the
15 offense; forfeiture of the catch, equipment, gears and vessels; and cancellation of
16 fishing permit. The TPAMB shall also impose administrative fine ranging from
17 One Hundred Fifty Thousand Pesos (P150,000.00) to One Million Pesos
18 (P1,000,000.00) for every threatened or endangered organism subject of the
19 offense; and confiscation and forfeiture of catch, equipment, gears and vessels.

20 (7) Where the violations of this Section are not covered by the preceding
21 paragraphs, the penalty shall be imprisonment of one (1) year to three (3) years;
22 fine of not less than Ten Thousand Pesos (P10,000) but not more than One
23 Hundred Thousand Pesos (P100,000); and forfeiture of the catch, equipment,
24 gears and vessels; and cancellation of permit that makes it possible for the
25 offender to commit the offense. The TPAMB shall also impose administrative fine
26 ranging from Fifteen Thousand Pesos (P15,000.00) to One Million Pesos

1 (P1,000,000.00); and confiscation and forfeiture of catch, equipment, gears and
2 vessels.

3 **SECTION 29. *Poaching by Foreigners.*** It shall be unlawful for any foreign
4 person, corporation or entity to fish or operate any fishing vessel in the TRNP.
5 The entry of any foreign fishing vessel in the TRNP shall constitute prima facie
6 evidence that the vessel is engaged in fishing in the area. The presence of any
7 foreign national in a fishing vessel of either *Philippine or foreign registry* in TRNP
8 shall be prima facie evidence that the vessel is engaged in fishing in the Park.

9 Violation of the above shall be punished by imprisonment of six years and
10 one day to twelve years (12) years and a fine of One Hundred Thousand U.S.
11 Dollars (US\$100,000.00), in addition to the forfeiture of its catch, fishing
12 equipment and fishing vessel: Provided, That in case of non-payment of fine,
13 subsidiary imprisonment shall be imposed: Provided, further, That the TPAMB is
14 empowered to impose an administrative fine of not less than Fifty Thousand U.S.
15 Dollars (US\$50,000.00), but not more than Two Hundred Thousand U.S. Dollar
16 (US\$200,000.00) or its equivalent in Philippine Currency, in addition to the
17 confiscation and forfeiture of the fish catch, fishing equipment and fishing vessel:
18 Provided, finally, That a bond may be posted for the vessels which shall not be
19 less than One Hundred Thousand Dollars (US\$100,000.00).

20 A Hold Departure Order shall be issued as a condition for the grant of bail
21 to any foreign offender. All passports and documents which may be used by the
22 accused to flee the country must be surrendered to the court.

23 **SECTION 30. *Violation of Environmental Impact Assessment System.*** The
24 TPAMB shall prosecute violations of laws and rules on Environmental Impact
25 Assessment System. Such violations shall be punished by imprisonment of three
26 (3) years to five (5) years; fine of One Hundred Thousand (P100,000.00) for
27 every day each violation subsists; rehabilitation of the affected area or the

1 amount equivalent thereto; and forfeiture of the vessels, structures, effects,
2 materials and equipment used, and the products of such violation. If the offender
3 is a corporation, the directors and officers shall suffer the imprisonment. The
4 TPAMB shall also impose administrative fine of One Hundred Thousand
5 (P100,000.00) for every day each violation subsists; rehabilitation of the affected
6 area or the amount equivalent thereto; and confiscation and forfeiture of the
7 vessels, structures, effects, materials and equipment used, and the products of
8 such violation.

9 **SECTION 31. *Violation of Standards.*** The owner, operator and top three (3)
10 officers of any vessel violating the standards set by the TPAMB, such as, but not
11 limited to, safety and sanitation standards, shall suffer administrative penalty of
12 fine ranging from Twenty Thousand Pesos (P20,000.00) to Fifty Thousand Pesos
13 (P50,000.00) for every day each violation subsists, and from suspension of three
14 (3) months to cancellation of permit to operate in TRNP.

15 **SECTION 32. *Obstruction to Law Enforcement Officer.*** The boat owner,
16 master, operator, officer, or any person acting on his/her behalf, of any vessel
17 who evades, obstructs or hinders any law enforcement officer in the TRNP to
18 perform his/her duty, shall be administratively fined Fifty Thousand Pesos
19 (P50,000.00). In addition, the registration, permit and/or license of the vessel
20 including the license of the officers thereof shall be canceled.

21 **SECTION 33. *Subsidiary Imprisonment.*** Non-payment of fines imposed under
22 this Act shall be subject to subsidiary imprisonment as provided for by existing
23 laws.

24 **SECTION 34. *Fines and Forfeitures.*** All administrative fines and forfeitures that
25 may be imposed by the TPAMB under this Act, and the rules and regulations that
26 may be promulgated in pursuit of the goals and objectives of this Act shall form
27 part of the funds and assets of TRNP.

1 In case of administrative confiscation or forfeiture of vessels, structures,
2 effects, materials and equipment and the same is not necessary for the proper
3 prosecution of the offense charged, the TPAMB may sell the forfeited vessels,
4 structures, effects, materials and equipment in a public auction. Proceeds of the
5 said sale shall accrue to the TRNP created under this Act.

6 In case the confiscated vessels, structures, effects, materials and
7 equipment are in custodia legis, the TPAMB or its counsel, after proper
8 proceedings may move for the sale of the confiscated or forfeited vessels,
9 structures, effects, materials and equipment pendente lite; Provided, That the
10 said vessels, structures, effects, materials and equipment is no longer necessary
11 for the proper prosecution of the offense or if the same is necessary but
12 substitute evidence is accepted by the court. The proceeds of the said sale shall
13 likewise accrue to the TRNP Trust Fund created under this Act.

14 **SECTION 35. *Violation of Other Laws.*** Prosecution for violation of this Act shall
15 be without prejudice to the prosecution of the offender for violation of other laws,
16 rule and regulations.

17 **SECTION 36. *Who Shall Enforce this Act, Other Laws, Rules and***
18 ***Regulations Within TRNP.*** The Armed Forces of the Philippines through the
19 Philippine Navy, the Philippine National Police, the Philippine Coast Guard, the
20 law enforcement officers of the DENR and DA-BFAR, PCSD officials and staff,
21 LGU officials, law enforcement officers of LGUs, members and officers of the
22 TPAMB, the PaSu and his/her staff, and other deputized environment and natural
23 resource officers, are hereby authorized and shall cooperate in the enforcement
24 of this Act, other laws, rules and regulations within the TRNP.

25 Any one of the above persons and entities is authorized to file
26 administrative cases before the proper agencies and bodies, or initiate criminal

1 proceedings in accordance with the Rules of Court, for offenses committed within
2 the TRNP.

3 **SECTION 37. *Special Prosecutors and Counsels.*** The Department of Justice,
4 upon recommendation of the TPAMB, shall designate special prosecutors from
5 among state and public prosecutors to do preliminary investigation and prosecute
6 violations of this Act, other laws, rules and regulations within the TRNP. Such
7 special prosecutors shall coordinate with the TPAMB and the TMO in the
8 performance of his/her duties and assist in the training of wardens and rangers in
9 arrest and criminal procedure. The TPAMB shall periodically submit an
10 evaluation of the performance of the designated special prosecutors to the DOJ.

11 The TPAMB may retain the services of a competent lawyer to prosecute
12 and/or assist in the prosecution of cases under the direct control and supervision
13 of the regular or special prosecutor and to defend the members of the TPAMB,
14 the PaSu and TMO staff, or person assisting in the protection, conservation and
15 sustainable development of the TRNP, against any legal action related to their
16 powers, functions and responsibilities as provided in this Act or as delegated or
17 tasked by the TPAMB.

18 **SECTION 38. *Citizen's Suits.*** For the purposes of enforcing the provisions of
19 this Act or its implementing rules and regulations, any citizen may file an
20 appropriate civil, criminal or administrative action in the proper courts/bodies
21 against:

22 (a) Any person who violates or fails to comply with the provisions of this Act its
23 implementing rules and regulations; or

24 (b) Those mandated to implement and enforce the provisions of this Act with
25 respect to orders, rules and regulations issued inconsistent with this Act; and/or

26 (c) Any public officer who willfully or grossly neglects the performance of an act
27 specifically enjoined as a duty by this Act or its implementing rules and

1 regulations; or abuses his authority in the performance of his duty; or, in any
2 many improperly performs his duties under this Act or its implementing rules and
3 regulations; Provided, however, That, no suit can be filed until after thirty-day
4 (30) notice has been given to the public officer and the alleged violator
5 concerned and no appropriate action has been taken thereon.

6 The Court shall exempt such action from the payment of filing fees and
7 statements likewise, upon prima facie showing of the non-enforcement or
8 violation complained of, exempt the plaintiff from the filing of an injunction bond
9 for the issuance of preliminary injunction.

10 In the event that the citizen should prevail, the Court shall award
11 reasonable attorney's fees, moral damages and litigation costs as appropriate.

12 **SECTION 39. *Suits and Strategic Legal Action Against Public Participation***
13 ***(SLAPP) and the Enforcement of this Act.*** Where a suit is brought against a
14 person who filed an action as provided in Section 39 of this Act, or against any
15 person, institution or government agency that implements this Act, it shall be the
16 duty of the investigating prosecutor or the Court, as the case may be, to
17 immediately make a determination not exceeding thirty (30) days whether said
18 legal action has been filed to harass, vex, exert undue pressure or stifle such
19 legal recourses of the person complaining of or enforcing the provisions of this
20 Act. Upon determination thereof, evidence warranting the same, the investigating
21 prosecutor or the Court, as the case may be, shall dismiss the complaint. In
22 addition, the Court shall award the attorney's fees and double the amount of
23 damages.

24 This provision shall also apply and benefit public officers who are sued for
25 acts committed in their official capacity, there being no grave abuse of authority,
26 and done in the course of enforcing this Act.

1 **SECTION 40. *Convening the TPAMB.*** Within one (1) month upon effectively of
2 this Act, the interim TPAMB shall convene to ensure that its composition and
3 structure conform with the provisions of this Act.

4 **SECTION 41. *Continuation of the TMO.*** The present Tubbataha Management
5 Office (TMO) shall continue to exist and function as such, subject to
6 reorganization, if necessary, in accordance with Section 14 hereof.

7 **SECTION 42. *Continuation of all Other Arrangements.*** Except when
8 otherwise provided by this Act, all arrangements, commitments and agreements
9 pertaining to the management, utilization, conservation and protection of the
10 TRNP made and entered into by government agencies, the present TPAMB and
11 the TMO, and the active involvement of the Philippine Navy and the Philippine
12 Coast Guard in law enforcement in TRNP, shall continue to subsist until validly
13 amended, revised, repealed or renewed.

14 **SECTION 43. *Implementing Rules and Regulations.*** Within six (6) months
15 upon the effectivity of this Act, the TPAMB shall prepare the Implementing Rules
16 and Regulations of this Act.

17 **SECTION 44. *Appropriations.*** The DENR and the PCSD shall immediately
18 include in the Department's and Council's program the implementation of this
19 Act, the funding of which shall be included in the annual General Appropriations
20 Act.

21 **SECTION 45. *Construction and Suppletory Application of Existing Laws.***
22 The provisions of this Act shall be construed liberally in favor of achieving
23 biodiversity conservation, protection and sustainable development. Provisions of
24 Republic Act No. 7611, otherwise known as the Strategic Environmental Plan
25 (SEP) for Palawan Act, Republic Act No. 7586, otherwise known as the National
26 Integrated Protected Areas System Act, and Republic Act No. 8550, otherwise
27 known as The Philippine Fisheries Code of 1998, Republic Act No. 9147,

1 otherwise known as the Wildlife Resources Conservation Act, and existing
2 forestry laws, and their corresponding rules and regulations not inconsistent
3 hereto shall have supplementary effect in the implementation of this Act.

4 **SECTION 46. *Separability Clause.*** If any part or section of this Act is declared
5 unconstitutional or otherwise invalid, such declaration shall not affect the other
6 parts or sections hereof.

7 **SECTION 47. *Repealing Clause.*** All laws, presidential decrees, executive
8 orders, rules and regulations inconsistent with this Act shall be deemed repealed
9 or modified accordingly.

10 **SECTION 48. *Effectivity.*** This Act shall take effect immediately after its
11 complete publication in two (2) newspapers of general circulation.

12 Approved.