


FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

10 JUL 27 P3:56

SENATE

Senate Bill No. **2146** RECEIVED BY 

Introduced by **SENATOR PIA S. CAYETANO**

EXPLANATORY NOTE

This bill seeks to declare the Malampaya Sound Protected Land and Seascape (MSPLS) in Palawan as a protected area.

The MSPLS, which covers 200,115 hectares, is an important area for conservation of biological diversity being rated as Extremely High urgent (EHu) for conservation priority area. The Malampaya Sound or the "Fish Bowl of the Philippines" contains a vast number of aquatic life forms, including rare and threatened species like the Irrawaddy Dolphins and Fineless Porpoise. MSPLS serves as a home to a number of wildlife which includes the Palawan Bear Cat, the Palawan Porcupine, the Civet Cat, the Scaly Anteater, the Palawan Stink Badger, the Palawan Tree Shrew and the Philippine Macaque. At least seven endemic bird species have also been observed in the area. MSPLS bears a significant forest cover characterized primarily of dipterocarp forest.

Recognizing the value of the area, it was established as Malampaya Sound Protected Land and Seascape by virtue of Presidential Proclamation No. 342, dated July 12, 2000.

This bill, therefore, seeks to declare the Malampaya Sound Protected Land and Seascape as protected in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance.

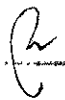
Given the importance of biodiversity, it is deemed crucial that we act on this now to ensure that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

In view of the foregoing, the passage of this measure is earnestly urged.


SENATOR PIA S. CAYETANO

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SENATE
S. No. 2146

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Introduced by Senator Pia S. Cayetano

**AN ACT
TO ESTABLISHING THE MALAMPAYA SOUND SITUATED IN THE MUNICIPALITIES
OF TAYTAY AND SAN VICENTE, PROVINCE OF PALAWAN, AS A PROTECTED
AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE AND SEASCAPE
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:

1 **SECTION 1.** Title. - This Act shall be known as the "Malampaya Sound Protected
2 Landscape and Seascape (MSPLAS) Act of 2010".

3 **SEC. 2.** *Land Classification.* - All lands of the public domain comprising the
4 Malampaya Sound Protected Landscape and Seascape shall fall under the classification
5 of National Park as provided for in the Philippine Constitution.

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

7 (a) "Ancestral Domain" refers to all areas generally belonging to ICCs/IPs comprising
8 lands, inland waters, coastal areas, and natural resources therein, held under a claim of
9 ownership, occupied or possessed by the ICCs/IPs, by themselves or thru their
10 ancestors, communally or individually since time immemorial, continuously to the present
11 except if interrupted by war, *force majeure* or displacement by force, deceit, stealth or as
12 a consequence of government projects or any other voluntary dealings entered into by
13 government or public individuals/corporations, and which are necessary to ensure their
14 economic, social and cultural welfare. It shall include ancestral lands, forests, pasture,
15 residential, agricultural, and other lands individually owned whether alienable and
16 disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water,
17 mineral and other natural resources, and lands which may no longer be exclusively
18 occupied by ICCs/IPs but from which they traditionally had access to for their subsistence
19 and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic
20 and/or shifting cultivators".

1 (b) "Biodiversity" refers to the variety and variability among all living organisms
2 and the ecological complex in which they are found; refers to variety and variability
3 among living organisms and the ecological complexes in which said organisms occur.

4
5 (c) "Biological resources" includes genetic resources, organisms or parts thereof,
6 population, or any other biotic component of ecosystems with actual or potential use or
7 value for humanity.

8 (d) "Bioprospecting" refers to the research, collection and utilization of biological
9 and genetic resources for the purpose of applying the knowledge derived therefrom to
10 make or modify products or processes and their derivatives for scientific, agricultural,
11 industrial and other applications; means the research, collection and utilization of
12 biological and genetic resources for purposes of applying the knowledge derived
13 therefrom solely for commercial purposes.

14 (e) "Buffer Zone" is the identified area outside the boundaries of and immediately
15 adjacent to designated protected areas that need special development control in order to
16 avoid or minimize harm to the protected area.

17 (f) "By-product" refers to any part taken from wild species such as, but not
18 limited to, hides, antlers, feathers, fur, teeth, claws, internal organs, eggs, guano, root,
19 trunk, branches, leaves, stems, flowers, and any other item produced out of utilizing
20 wildlife or any of its parts; means any part taken or substance extracted from wildlife, in
21 raw or in processed form. This includes stuffed animals and herbarium specimens.

22 (g) "Collection or collecting" is the act of gathering or harvesting wildlife, its by-
23 products or derivatives.

24 (h) "Conservation" means preservation and sustainable utilization of wildlife, and/or
25 maintenance, restoration and enhancement of the habitat.

26 (i) "Ecosystem" means the dynamic complex of plant, animal and micro-organism
27 communities and their non-living environment interacting as a functional unit.

28 (j) "Endangered species" refers to species or subspecies of flora and fauna that is
29 not critically endangered but whose survival in the wild is unlikely if the causal factors
30 continue operating.

31 (k) "Endemic species" means species or subspecies of flora and fauna which is
32 naturally occurring and found only within specific areas in the country.

33 (l) "Exotic species" means species or subspecies of flora and fauna which do not
34 naturally occur within the protected area at present or in historical time.

35 (m) "Exploration" refers to searching or prospecting for mineral resources, as
36 defined by law, by geological, geochemical or geophysical surveys, remote sensing,
37 test pitting, trenching, drilling, shaft sinking, tunneling or any other means for the

1 purpose of determining the existence, extent, quantity and quality thereof and the
2 feasibility of mining them for profit.

3 (n) "Exploitation" refers to any mode of use, extraction, development, utilization
4 or disposition of resources, for whatever purpose, whether commercial or otherwise.

5 (o) "Habitat" refers to an area inhabited by wildlife in the natural state; means a
6 place or type of environment where a species or subspecies naturally occurs or has
7 naturally established its population.

8 (p) "Hunting" refers to collection of wild fauna for food and/or recreational purposes
9 with the use of weapons such as guns, bow and arrow, spear and the like.

10 (q) "Indigenous Cultural Communities or Indigenous people (ICCs/IPs)" refers to a
11 group of people or homogenous societies identified by self-ascription and ascription by
12 others, who have continuously lived as organized community on communally bounded
13 and defined territory, and who have, under claims of ownership since time immemorial,
14 occupied, possessed and utilized such territories, sharing common bonds of language,
15 customs, traditions and other distinctive cultural traits, or who have, through resistance to
16 political, social and cultural inroads of colonization, non-indigenous religions and cultures,
17 became historically differentiated from the majority of Filipinos. IPs shall likewise include
18 peoples who are regarded as indigenous on account of their descent from the populations
19 which inhabited the Country, at the time of conquest or colonization, or at the time of
20 inroads of non-indigenous religions and cultures, or the establishment of present state
21 boundaries, who retain some or all of their own social, economic, cultural and political
22 institutions, but who may have been displaced from their traditional domains or who may
23 have resettled outside their ancestral domains.

24 (r) "Large-scale infrastructure projects" refers to major port facilities, major
25 highways, tall edifices, major dams and the like.

26 (s) "Management plan" refers to the fundamental plan, strategy and/or scheme
27 which shall guide all activities relating to the MSPLS in order to attain the objectives of
28 this Act.

29 (t) "Mineral" refers to all naturally occurring inorganic substance in solid, gas,
30 liquid, or any intermediate state including energy materials such as coal, petroleum,
31 natural gas, radioactive materials, and geothermal energy.

32 (u) "Multiple-Use Zone" refers to areas where settlement, traditional and/or
33 sustainable land use, including agriculture, agro-forestry, extraction activities and other
34 income generating or livelihood activities, may be allowed to the extent prescribed in the
35 Protected Area Management Plan as provided for in the NIPAS Act.

36 (v) "National Integrated Protected Areas System (NIPAS)" is the classification and
37 administration of all designated protected areas to maintain essential ecological
38 processes and life-support systems, to preserve genetic diversity, to ensure sustainable

1 use of resources found therein, and to maintain their natural conditions to the greatest
2 extent possible.

3 (w) "National Park" refers to the land of the public domain classified as such in the
4 1987 Constitution which include all areas under the National Integrated Protected Areas
5 System (NIPAS) pursuant to R.A. 7586 primarily designated for the conservation of native
6 plants and animals, their associated habitats and cultural diversity.

7 (x) "Non-Governmental Organization (NGO)" refers to an agency, institution,
8 foundation or a group of persons whose purpose is to assist peoples
9 organizations/associations in various ways including, but not limited to, organizing,
10 education, training, research and/or resource accessing.

11 (z) "People's Organization" means a group of organized migrant communities and
12 or interested indigenous peoples which may be an association, cooperative, federation, or
13 other legal entity, established to undertake collective action to address community
14 concerns and needs, and mutually share the benefits of the endeavor.

15 (aa) "Protected area" refers to identified portions of land and water set aside by
16 reason of their unique physical and biological significance, managed to enhance
17 biological diversity and protected against destructive human exploitation. Unless
18 otherwise provided, it shall refer to the MSPLAS.

19 (bb) "Protected landscape/seascape" refers to an area of national significance
20 which is characterized by the harmonious interaction of man and land while providing
21 opportunities for public enjoyment through recreation and tourism within the normal
22 lifestyle and economic activity of the area.

23 (cc) "Protected species" refers to any plant or animal declared protected under
24 Philippine laws, rules and regulations. This shall also include plants and animals
25 under CITES, the Bonn Convention on Migratory Species, species under the red-list
26 categories of the International Union for the Conservation of Nature, and species
27 which may not be considered threatened elsewhere but are in danger of extinction
28 within the MSPLAS as determined by the Protected Area Management Board
29 (PAMB).

30 (dd) "Quarrying" refers to the process of extracting, removing and disposing
31 quarry resources, as defined by law, found on or underneath the surface of private or
32 public land.

33 (ee) "Special use zones" refers to areas containing existing installations of
34 national significance such as telecommunication facilities, irrigation canals or electric
35 power lines.

36 (ff) "Strict protection zone" is a natural area with high biodiversity value which shall
37 be closed to all human activity except for scientific studies and/or ceremonial or religious

1 use by the indigenous cultural communities/indigenous peoples; may include habitats of
2 threatened species, or degraded areas that have been designated for restoration and
3 subsequent protection, even if these areas are still in various stages of regeneration.

4 (gg) "Sustainable use" means the use of components of biological diversity in a
5 way and rate that does not lead to the long-term decline of biological diversity, thereby
6 maintaining its potential to meet the needs and aspirations of present and future
7 generations.

8 (hh) "Tenured Migrants" refers to occupants who have actually and continuously
9 occupied a portion of the protected area and is solely dependent therein for subsistence.
10 A protected area occupant is understood to be "solely dependent for subsistence" when
11 everything indispensable for survival for the household, including food, clothing, shelter
12 and health, comes only from the utilization of resources from the protected area.

13 (ii) "Wildlife" refers to wild forms and varieties of flora and fauna, including
14 captive-bred or propagated individuals, parts, derivatives and by-products thereof.

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

22 Beginning at point marked "1" on DENR NIPAS Map No. - at S 7°33'4.11, E
23 3058.150 meters more or less, from BLLM No. 2 at 10°49'46.616 latitude and
24 119°31'0.383" longitude, Taytay Cadastre, Province of Palawan thence:

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

1	thence	S	54 degrees	2'	2.16"	E	9,789.75 m	to point 19
2	thence	S	54 degrees	8'	3.55"	E	4,204.90 m	to point 20
3	thence	S	80 degrees	13'	28.37"	E	1,621.76 m	to point 21
4	thence	S	25 degrees	50'	12.73"	E	4,691.18 m	to point 22
5	thence	S	69 degrees	32'	7.71"	W	290.91 m	to point 23
6	thence	S	1 degrees	25'	16.98"	E	641.88 m	to point 24
7	thence	S	25 degrees	49'	11.92"	E	306.17 m	to point 25
8	thence	S	5 degrees	35'	53.02"	W	311.56 m	to point 26
9	thence	S	19 degrees	3'	43.32"	E	513.75 m	to point 27
10	thence	N	83 degrees	14'	10.37"	E	617.19 m	to point 28
11	thence	N	36 degrees	50'	12.20"	E	848.35 m	to point 29
12	thence	N	32 degrees	55'	37.15"	E	238.51 m	to point 30
13	thence	N	13 degrees	6'	17.79"	W	249.50 m	to point 31
14	thence	N	12 degrees	23'	49.11"	W	737.71 m	to point 32
15	thence	N	4 degrees	18'	9.19"	W	487.98 m	to point 33
16	thence	S	88 degrees	2'	2.45"	E	262.63 m	to point 34
17	thence	S	63 degrees	36'	28.80"	E	220.56 m	to point 35
18	thence	S	45 degrees	6'	20.49"	E	248.89 m	to point 36
19	thence	S	10 degrees	56'	43.56"	E	360.12 m	to point 37
20	thence	S	8 degrees	54'	8.28"	W	336.43 m	to point 38
21	thence	S	63 degrees	36'	32.46"	W	196.06 m	to point 39
22	thence	S	40 degrees	16'	5.54"	E	461.01 m	to point 40
23	thence	N	88 degrees	10'	9.62"	E	459.36 m	to point 41
24	thence	N	53 degrees	16'	49.29"	E	542.45 m	to point 42
25	thence	S	75 degrees	20'	55.87"	E	339.75 m	to point 43
26	thence	S	50 degrees	56'	33.58"	E	382.64 m	to point 44
27	thence	N	87 degrees	7'	57.28"	E	262.65 m	to point 45
28	thence	N	54 degrees	53'	46.89"	E	544.95 m	to point 46
29	thence	N	40 degrees	44'	13.81"	E	514.67 m	to point 47
30	thence	N	89 degrees	32'	41.50"	E	524.82 m	to point 48
31	thence	S	40 degrees	8'	57.14"	E	1,438.08 m	to point 49
32	thence	S	87 degrees	33'	39.53"	E	1,094.83 m	to point 50
33	thence	S	88 degrees	15'	33.54"	E	1,728.93 m	to point 51
34	thence	N	68 degrees	3'	15.86"	E	1,269.10 m	to point 52
35	thence	S	4 degrees	13'	57.98"	E	166.35 m	to point 53
36	thence	S	38 degrees	0'	27.16"	E	125.61 m	to point 54
37	thence	N	89 degrees	32'	9.31"	E	131.21 m	to point 55
38	thence	S	35 degrees	40'	43.60"	E	189.63 m	to point 56
39	thence	S	58 degrees	9'	2.50"	E	103.51 m	to point 57
40	thence	S	22 degrees	1'	51.31"	E	59.50 m	to point 58
41	thence	S	37 degrees	51'	43.59"	E	70.53 m	to point 59
42	thence	S	0 degrees	27'	51.60"	E	55.33 m	to point 60
43	thence	S	22 degrees	1'	51.18"	E	59.50 m	to point 61
44	thence	S	49 degrees	31'	29.86"	E	101.33 m	to point 62
45	thence	S	5 degrees	10'	18.64"	E	133.24 m	to point 63
46	thence	S	30 degrees	37'	56.25"	E	217.59 m	to point 64

1	thence	S	22 degrees	1'	53.24"	E	59.50 m	to point 65
2	thence	S	45 degrees	7'	23.35"	E	155.57 m	to point 66
3	thence	S	22 degrees	1'	54.27"	E	118.99 m	to point 67
4	thence	S	45 degrees	7'	24.61"	E	62.23 m	to point 68
5	thence	S	27 degrees	51'	35.06"	E	138.28 m	to point 69
6	thence	S	4 degrees	14'	34.38"	W	133.24 m	to point 70
7	thence	S	24 degrees	17'	31.44"	W	182.79 m	to point 71
8	thence	S	0 degrees	27'	51.72"	E	165.99 m	to point 72
9	thence	S	30 degrees	11'	58.69"	E	64.32 m	to point 73
10	thence	S	37 degrees	51'	49.26"	E	70.53 m	to point 74
11	thence	S	15 degrees	18'	7.82"	W	80.49 m	to point 75
12	thence	S	9 degrees	6'	30.45"	E	145.51 m	to point 76
13	thence	S	22 degrees	29'	20.77"	E	168.25 m	to point 77
14	thence	S	0 degrees	27'	49.87"	E	88.53 m	to point 78
15	thence	S	15 degrees	48'	48.35"	E	206.56 m	to point 79
16	thence	S	45 degrees	7'	26.05"	E	155.58 m	to point 80
17	thence	S	17 degrees	50'	26.72"	E	695.72 m	to point 81
18	thence	S	15 degrees	22'	54.42"	E	3,950.97 m	to point 82
19	thence	S	24 degrees	46'	24.44"	E	4,517.09 m	to point 83
20	thence	S	37 degrees	27'	1.79"	E	581.85 m	to point 84
21	thence	S	34 degrees	51'	6.56"	E	348.64 m	to point 85
22	thence	S	52 degrees	50'	33.88"	E	290.04 m	to point 86
23	thence	S	67 degrees	23'	43.82"	E	225.91 m	to point 87
24	thence	S	50 degrees	31'	51.87"	E	413.73 m	to point 88
25	thence	S	45 degrees	8'	12.72"	E	326.77 m	to point 89
26	thence	S	48 degrees	0'	4.47"	E	311.42 m	to point 90
27	thence	S	46 degrees	24'	40.23"	E	350.11 m	to point 91
28	thence	S	33 degrees	26'	28.33"	E	422.11 m	to point 92
29	thence	S	28 degrees	29'	57.05"	E	7,660.05 m	to point 1

30 containing an approximate area of Two Hundred Thousand and One Hundred Fifteen
31 (200,115) hectares, subject to actual ground survey.

32 The technical descriptions provided in this Act will be subject to ground survey and
33 verification to be conducted by the Department of Environment and Natural Resources.
34 Any modification of the coverage of this Act due to such factors as changing ecological
35 situations, new scientific or archeological findings, or discovery of traditional boundaries
36 not previously taken into account shall be made through an act of Congress, after
37 consultation with the affected public and concerned government agencies.

38 **SEC. 5. Management of the MSPLAS.** – There is hereby created a PAMB which
39 shall have sole jurisdiction, power and authority over the MSPLAS for all matters that may
40 affect biodiversity conservation, protection and sustainable development. It shall be
41 composed of:

- 42 (a) The Regional Executive Director (RED) of DENR-Region IV, as chairperson;
- 43 (b) Provincial Planning and Development Officers of the Province of Palawan;

1 (c) The Mayors of the Municipalities of Taytay and San Vicente of the Province of
2 Palawan, or their duly designated representatives;

3 (d) One representative from each barangay covering the MSPLAS;

4 (e) At least two (2) representatives from local POs with stakes in the MSPLAS,
5 chosen from among themselves;

6 (f) At least three (3) representatives from the local NGOs with stakes in the
7 MSPLAS, chosen from among themselves; and

8 (g) One representative from each tribal community residing within the MSPLAS;

9 Each member of the PAMB shall serve for a term of five (5) years and shall be
10 considered to represent his or her sector and deemed to carry the vote of such sector in
11 all matters. In the case of members who are government officials, the term of office shall
12 be attached to the office held.

13 The members of the PAMB shall be appointed by the Secretary of the DENR in
14 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
15 members of the PAMB shall be nominated from the current members of the interim
16 PAMBs of the five (5) component areas of the MSPLAS. Their nominations shall be
17 conducted in a joint meeting of the current members of the interim PAMBs duly called for
18 the purpose: *Provided, further,* that at least one-third (1/3) of the members shall be
19 women.

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 MSPLAS. 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
25 include among their duty to appraise their respective constituents, office or sector, of
26 PAMB approved or other relevant policies, rules, regulations, programs and projects and
27 to ensure that the provisions of this Act are observed, complied with, and used as
28 reference and framework in their respective plans, policies, programs and projects.
29 Failure to comply with the foregoing shall subject such representative to disciplinary
30 action as the PAMB may provide.

31 The members of the Board shall not receive any salary but shall be entitled to
32 reimbursements for actual and necessary expenses incurred, either in their attendance in
33 meeting of the Board or in connection with other official business authorized by a
34 resolution of the Board, subject to existing rules and regulations.

35 **SEC. 6.** *Powers and Functions of the PAMB.* - The PAMB of the MSPLAS,
36 which shall decide by consensus or majority vote, shall have the following duties and
37 functions, in addition to the duties and functions enumerated in the implementing rules
38 and regulations of the NIPAS Act:

1 (1) Issue rules and regulations to prohibit acts that may be prejudicial to the
2 MSPLAS and to the declaration of policy set forth under the NIPAS;

3 (2) Issue rules and regulations for the resolution of conflicts through appropriate and
4 effective means;

5 (3) Adopt rules and procedures in the conduct of business, including the creation of
6 committees to which its powers may be delegated;

7 (4) Approve the management plan and oversee the office of the PASu;

8 (5) Establish criteria and set fees for the issuance of permits for activities regulated
9 by this Act or the management plan;

10 (6) Recommend the deputization of appropriate individuals, including local
11 community leaders, for the enforcement of the laws, rules and regulations governing the
12 conduct or management of the MSPLAS;

13 (7) Approve fees and charges in accordance with DAO 51, Series of 2000 and raise
14 funds for the MSPLAS;

15 (8) Manage the allocation of the MSPLAS Fund ,and other funds for the MSPLAS,
16 ensure their proper administration and render accounting; and

17 (9) Recommend appropriate policy changes to the DENR and other government
18 authorities.

19 The DENR, through the Regional Executive Director (RED), shall ensure that the
20 PAMB acts within the scope of its powers and functions. In case of conflict between
21 administrative orders issued by the DENR pursuant to the NIPAS Act and the resolutions
22 issued by the PAMB, such conflict shall be referred by PAMB to the DENR Secretary
23 who shall decide whether to apply the rule or withdraw its application from the MSPLAS.

24 **SEC. 7.** *Protected Area Superintendent (PASu) Office.* – The Protected Area
25 Superintendent (PASu) Office is hereby created within the DENR Regional office to be
26 headed by the PASu who shall serve as the Chief Operating DENR Officer of the entire
27 MSPLAS. The PASu shall report directly to the RED of the DENR-Region IV and shall be
28 accountable to the PAMB. The PASu and the PASu staff shall reside within the MSPLAS
29 and establish an office in order to implement this Act.

30 The PASu shall have full responsibility for the protection of land, water, wildlife and
31 other natural physical and biological resources within the MSPLAS. As such, the PASu
32 shall have the following powers and functions in addition to those provided under the
33 NIPAS and its implementing rules and regulations:

34 (1) Establish, operate, and maintain a database management system as a decision
35 support tool;

36 (2) Prepare the management plan as herein defined;

37 (3) Provide a secretariat for the PAMB and supply the PAMB with all the necessary
38 information to make appropriate decisions for the implementation of this Act;

1 (4) Enforce the laws, rules and regulations relevant to the MSPLAS, institute and file
2 legal action independently or in collaboration with other government agencies or
3 organizations and assist in the prosecution of offenses committed in violation of this Act;

4 (5) Monitor all activities within the MSPLAS to ensure its conformity with the
5 management plan;

6 (6) Ensure the integration of the MSPLAS management policies, regulations,
7 programs and projects in all concerned national and local government unit levels;

8 (7)-Recommend the issuance of permits based on terms, conditions and criteria
9 established by the PAMB; and

10 (8) Perform such other powers and duties as may from time to time be prescribed by
11 the PAMB and higher authorities.

12 **SEC. 8. *Indigenous People's Rights.*** – Ancestral domain and other customary
13 rights and interests of indigenous communities within the MSPLAS shall be accorded due
14 recognition. The preservation of ancestral domain and customary rights shall be
15 considered as one of the management objectives. The maintenance, management and
16 development of ancestral domains which are found to be necessary for MSPLAS will be
17 pursuant to Section 58 of Republic Act No. 8371, otherwise known as the “The
18 Indigenous Peoples Rights Act of 1997 (IPRA)”.

19 The identification, delineation and recognition of ancestral domain claims within the
20 MSPLAS shall be conducted by the National Commission on Indigenous Peoples (NCIP)
21 pursuant to the provisions the IPRA, and its implementing rules and regulations, in
22 coordination with the PAMB.

23 **SEC. 9. *Tenured Migrants and Other MSPLAS Occupants.*** –Tenured
24 migrants shall be eligible become stewards of portions of lands within allowable zones.
25 The PAMB shall identify, verify and review all tenurial instruments, land claims, and
26 issuances of permits for resource use within the MSPLAS and recommend the issuance
27 of the appropriate tenurial instrument consistent with the zoning provided in the
28 management plan.

29 Should areas occupied by tenured migrants be designated as zones in which no
30 occupation or other activities are allowed pursuant to the attainment of sustainable
31 development, provision for the transfer of said tenured migrants to multiple-use zones or
32 buffer zones shall be accomplished through just and humane means.

33 In the event of termination of a tenurial instrument for cause or by voluntary
34 surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order
35 to return it to its natural state prior to the cultivation or other act by the tenured migrant.

36 Other MSPLAS occupants who do not qualify as tenured migrants shall be
37 resettled outside the MSPLAS as determined by the PAMB. The PAMB shall determine,
38 plan and implement a definite schedule for resettling them outside of the MSPLAS

1 following the procedures set forth by existing law.

2 **SEC. 10. Prohibited Acts and Penalties.** – The following shall be the
3 prohibitions and penalties applicable to the MSPLAS, in addition to the prohibited acts as
4 provided in the NIPAS Act and its pertinent rules and regulations:

5 (A) The penalties provided for in Articles 309 and 310 of the Revised Penal Code,
6 depending on the value of the resources taken, damaged or destroyed, shall be imposed
7 upon any person who:

8 (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic
9 plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within
10 particularly identified regulated or prohibited areas zones in the MSPLAS including private
11 lands without the necessary permit, authorization or exemption: *Provided*, That hunting of
12 animals shall be absolutely prohibited except for scientific research and for traditional
13 hunting by the IPs/ICCs;

14 (2) Cuts, gathers, removes or collects timber or any forest products, within
15 particularly identified regulated or prohibited areas or zones in the MSPLAS including
16 private lands without the necessary permit, authorization or exemption;

17 (3) Possesses or transports, within or outside the MSPLAS any timber, forest
18 products, *wild terrestrial or aquatic plants, animals, flora or fauna, or by-product* derived
19 therefrom which is ascertained to have been taken from the MSPLAS;

20 (4) Undertakes mineral exploration or extraction within the MSPLAS;

21 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within the
22 MSPLAS;

23 (6) Hunts, collects, removes or destroys any endangered or protected species,
24 except when collection or removal is for scientific research and exempted from the
25 prohibition by the PAMB;

26 (7) Conducts bioprospecting within the MSPLAS without prior PAMB approval in
27 accordance with existing guidelines; or

28 (8) Establishes or introduces exotic species within the MSPLAS which are
29 detrimental to endemic species or without prior PAMB approval.

30 (B) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five
31 hundred thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not
32 more than six (6) years shall be imposed upon any person who:

33 (1) Violates any rules and regulations in the management plan or by the PAMB or
34 agreements reached before the PAMB in the exercise of adjudicative functions;

35 (2) Erects any structure on land or on water for any purposes outside the
36 management plan: *Provided*, That large-scale private infrastructure and other projects
37 such as medium to high density residential subdivisions, medium to large commercial and
38 industrial establishments, golf-courses, heavily mechanized commercial and non-

1 traditional farming, and other activities that cause increased in-migration, pollution and
2 resource degradation are absolutely prohibited;

3 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the
4 MSPLAS without a permit;

5 (4) Throws, dumps or causes to be dumped into the MSPLAS any non-
6 biodegradable material or waste whether liquid, solid or gas;

7 (5) Uses, dumps, places or causes to be placed into the MSPLAS toxic chemicals,
8 including pesticides and other hazardous substances, unless the same is expressly
9 allowed in the management plan;

10 (6) Prospects, hunts or otherwise locates hidden treasures within the MSPLAS;

11 (7) Informally occupies or dwells in any land within the MSPLAS without clearance
12 from the PAMB;

13 (8) Posseses or uses blasting caps or explosives anywhere within the MSPLAS;

14 (9) Destroys, excavates, vandalizes or, in any manner, damages any natural
15 formation on land, religious, spiritual, historical sites, artifacts and other objects of natural
16 or scenic value;

17 (10) Alters, removes or destroys boundary marks or signs;

18 (11) Engages in kaingin, or, in any manner, causing forest fires inside the MSPLAS;

19 or

20 (12) Purchases, or sells, mortgages or leases lands or other portions of the MSPLAS
21 which are covered by any tenurial instrument.

22 Valuation of the damage for this Act shall take into account biodiversity and
23 conservation considerations as well as aesthetic and scenic value. Valuation assessed by
24 the DENR or the concerned government agency shall be presumed correct unless
25 otherwise proven by preponderant evidence.

26 Any person who shall induce another or conspire to commit any of the illegal acts
27 prohibited in this Act or suffer their workers to commit any of the same shall be liable in
28 the same manner as the one actually performing the act.

29 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools
30 and similar devices shall be subject to immediate and administrative confiscation,
31 independent of the judicial proceedings by the PASu Office upon apprehension, subject
32 however to due process and substantial evidence requirements. When legal action is
33 however filed in the regular courts, the said conveyances, vessels, equipments,
34 paraphernalia, implements, gears, tools and similar devices, independent of the
35 administrative proceedings, shall not be released until after judgment has been rendered.
36 Proceeds of the sale of all objects administratively or judicially confiscated pursuant
37 hereto shall accrue to the MSPLAS Fund. Procedure for the sale thereof shall be
38 promulgated by the PAMB. However, in no case shall any confiscated or rescued

1 protected animal species be sold or in any manner disposed of but shall be immediately
2 turned over to the PASu office for release in its natural habitat, subject to existing
3 regulations.

4 The penalties specified in this Section will be in addition to the penalties contained
5 in RA 9072 (National Caves and Cave Resources Management and Protection Act), RA
6 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

7 Conviction for any offense under this Act, of a public officer or officer of the law
8 shall carry the accessory penalty of perpetual disqualification from public office.

9 **SEC. 11.** *Existing Facilities Within the MSPLAS.* – Within sixty (60) days from
10 the effectivity of this Act, major existing facilities such as roads, buildings, water systems,
11 transmission lines, communication facilities, heavy equipment, and irrigation facilities
12 existing within the boundaries of the MSPLAS shall submit project description to the
13 PAMB through the PASu.

14 The PAMB, with the assistance of the DENR, shall determine whether the
15 existence of such facility and its future plan and operations will be detrimental to the
16 MSPLAS or whether conditions for its operation shall be imposed. If any such conditions
17 are violated, the owner of the facility shall be liable to pay a fine of Five Thousand Pesos
18 (P5,000.00) for every violation. Upon reaching a total fine of Five Hundred Thousand
19 Pesos (P500,000.00), the PAMB through the PASu and deputizing other government
20 entities, shall cause the cessation and demolition of the facility at the cost of its owner.

21 Existing facilities allowed to remain within the MSPLAS may be charged a
22 reasonable royalty by the DENR. All income from such royalty shall accrue to the
23 MSPLAS Fund.

24 **SEC. 12.** *Utilization of Resources.* – Any exploitation of or utilization of
25 nonrenewable resources within the MSPLAS shall not be allowed. Energy projects within
26 the MSPLAS shall be allowed only through an act of Congress except energy from wind,
27 sun and water sources of not more than one (1) megawatt capacity for mini-hydro power:
28 *Provided,* That these renewable energy projects are established outside the strict
29 protection zone, adopt reduced impact technologies and undergo the environmental
30 impact assessment (EIA) system as provided by law and: *Provided, Further,* that the
31 PAMB endorsement has been obtained.

32 **SEC. 13.** *Special Prosecutor and Retained Counsel.* – Within thirty (30) days
33 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
34 prosecutor to whom all cases of violation of laws, rules and regulations in the MSPLAS
35 shall be assigned. Such Special Prosecutor shall coordinate with the PAMB and the
36 PASu in the performance of his/her duties and assist in the training of wardens and
37 rangers in arrest and criminal procedures. The PAMB may retain the services of a
38 counsel to prosecute and/or assist in the prosecution of cases under the direct control

1 and supervision of the regular or special prosecutor and to defend the members of the
2 PAMB, the PASu and the staff, or any person assisting in the protection, conservation
3 and sustainable development of the MSPLAS, against any legal action related to their
4 powers, functions and responsibilities as provided in this Act or as delegated or tasked by
5 the MSPLAS PAMB.

6 **SEC. 14. *Malampaya Sound Protected Landscape and Seascape Fund.*** –

7 There is hereby established a trust fund to be known as the MSPLAS Fund for purposes
8 of financing projects of the MSPLAS. Seventy-five percent (75%) income generated from
9 the operation of the MSPLAS or management of wild flora and fauna in the MSPLAS shall
10 accrue to the fund. The remaining twenty-five percent (25%) shall go to the Integrated
11 Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

12 Income shall be derived from visitors/tourists fee, fees from permitted sale and
13 export of flora and fauna and other resources from the MSPLAS, proceeds from the
14 registration and lease of multiple-use areas, including tourism concessions, fees,
15 proceeds, and contributions from industries and facilities directly benefiting from the
16 MSPLAS, and such other fees and income derived from the operation of the MSPLAS.

17 The PAMB may impose and charge reasonable fees, such as but not limited to
18 water users fee for water extracted by commercial water extractors/distributors sourced
19 and generated from the protected area. Such fee structure may change as the PAMB
20 may see fit.

21 The Fund may be augmented by grants, donations, endowment from various
22 sources, domestic or foreign, for purposes related to their functions: *Provided,*
23 disbursements therefrom shall be made solely for the protection, maintenance,
24 administration and management of the system, and duly approved projects endorsed by
25 the PAMB in accordance with existing accounting and budgeting rules and regulations:
26 *Provided, further,* That the Fund shall not be used to cover personal services
27 expenditures.

28 The LGUs shall continue to impose and collect all other fees not enumerated
29 herein which they have traditionally collected, such as business permits, property tax and
30 rentals of LGUs' facilities. *Provided,* LGUs may charge add-ons to fees imposed by the
31 PAMB: *Provided,* That such add-ons shall be determined based on the contribution of
32 the LGUs in the maintenance and protection of the MSPLAS.

33 **SEC. 15. *Appropriations.*** – The Secretary of the DENR shall include in its
34 program the implementation of this Act, the funding of which shall be included in the
35 annual General Appropriations Act.

36 **SEC. 16. *Construction and Suppletory Application of Existing Laws.*** The provisions
37 of this Act shall be construed liberally in favor of achieving biodiversity conservation,
38 protection and sustainable development Provisions of Republic Act No. 7586, otherwise

1 known as the National Integrated Protected Areas Management Act of 1992 and existing
2 forestry laws, and their corresponding rules and regulations not inconsistent hereto shall
3 have the supplementary effect in the implementation of this Act.

4 SEC. 17. *Transitory Provisions.* – In order to ensure the recovery and
5 restoration of biological diversity and to develop sustainable livelihood opportunities for
6 tenured migrants, the DENR shall henceforth cease to issue concessions, licenses,
7 permits, clearances, compliance documents or any other instrument that allows
8 exploitation and utilization of resources within the MSPLAS until the management plan
9 shall have been put into effect.

10 All existing land use and resource use permits within the MSPLAS shall be
11 reviewed and shall not be renewed upon their expiration unless consistent with the
12 management plan and approved by the PAMB. Moreover, areas determined by wildlife
13 habitat and potable water sources and reservoirs shall be declared protected and special
14 use zones, respectively, and their management and uses shall be consistent with the
15 provision of the respective executive orders, presidential proclamations and amendments
16 establishing them.

17 SEC. 19. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit an
18 annual accomplishment report to the Secretary of the DENR on the activities undertaken
19 in the MSPLAS.

20 SEC. 20. *Separability Clause.* – If, for any reason, any part or section of this Act is
21 declared invalid or unconstitutional, such other parts not affected thereby shall continue
22 to be in full force and effect.

23 SEC. 21. *Repealing Clause.* –All laws, decrees, proclamations, rules and
24 regulations inconsistent with the provisions of this Act are hereby repealed or modified
25 accordingly.

26 SEC. 22. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
27 complete publication in the *Official Gazette* or in a national newspaper of general
28 circulation available in the MSPLAS.

29 Approved.