

SENATE

10 JUL 27 P 4:03

Senate Bill No. **2155**

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Introduced by SENATOR PIA S. CAYETANO

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### EXPLANATORY NOTE

This bill seeks to declare certain lakes near the area of Lake Buhi in Camarines Sur as a protected area.

The Sinarapan Sanctuary, which covers a total aggregate area of 16,805 hectares, is home to the smallest fish in the world, the "Sinarapan". Notably, the Sinarapan is declared by the Bureau of Fisheries and Aquatic Resources (BFAR) as Protected Species.

This bill, therefore, seeks to declare the Sinarapan Sanctuary as a protected area 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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S. No. 2155

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Introduced by SENATOR PIA S. CAYETANO

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**AN ACT  
ESTABLISHING LAKES MANAPAO, KATUGDAY, DANAO AND MAKUAO LOCATED  
WITHIN THE MUNICIPALITY OF BUHI, CAMARINES SUR AND THE MUNICIPALITIES OF  
POLANGUI AND MALINAO, ALBAY AS A PROTECTED AREA TO BE KNOWN AS THE  
SINARAPAN SANCTUARY, 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. *Title.* – This Act shall be known as “The Sinarapan Sanctuary (SS) Act of  
2 2010”.

3 SEC. 2. *Establishment of the Sinarapan Sanctuary.* – There is hereby declared as part  
4 of the National Integrated Protected Areas System (NIPAS), pursuant to Republic Act No.  
5 7586, certain lakes near the area of Lake Buhi, located in the Municipality of Buhi, Province  
6 of Camarines Sur, under the category of wildlife sanctuary, to be known as the Sinarapan  
7 Sanctuary.

8 SEC. 3. *Land Classification.* – All lands and bodies of water of the public domain  
9 comprising the Sinarapan Sanctuary shall fall under the classification of National Park as  
10 provided for in the Philippine Constitution.

11 SEC. 4. *Scope and Coverage.* – The Sinarapan Sanctuary covers the area of Lake  
12 Manapao and Lake Makuao, both located in Barangay San Ramon; Lake Katugday, located  
13 between Barangay San Ramon and Barangay De Lafe in the Municipality of Buhi, Camarines  
14 Sur; and Lake Danao, located in the boundary of Barangay Danao, Municipality of Polangui,  
15 Albay and the Municipality of Buhi, near Barangay Makaangay. The areas covered by the  
16 Sinarapan Sanctuary are more particularly described as follows:

17 A. LAKE MANAPAO

18 Beginning at corner “2”, a point located S 75° 05' E, which is 712.296 meters from GPS  
19 Control Point BUHI No. 2, to corner 1 with longitude 123° 28' 41.3” and latitude 13° 24'  
20 53.55”;

1           thence    N 76° 55' W   28.315 meters   to point 2  
2           thence    N 08° 10' W   61.333 meters   to point 3  
3           thence    N 47° 51' E    58.465 meters   to point 4  
4           thence    N 63° 18' E    49.059 meters   to point 5  
5           thence    N 35° 30' E    44.953 meters   to point 6  
6           thence    S 74° 48' E    55.048 meters   to point 7  
7           thence    S 60° 47' E    46.434 meters   to point 8  
8           thence    S 49° 38' E    75.553 meters   to point 9  
9           thence    S 10° 19' E    23.012 meters   to point 10  
10          thence    S 34° 15' W   51.043 meters   to point 11  
11          thence    S 86° 02' W   204.060 meters   to point 1

12    B.     LAKE MAKUAO

13           Beginning at corner "3", a point located N 75° 08' W, about 138.333 meters from GPS  
14    Control Point BUHI No. 3, to corner 1 and with longitude 123° 28' 49.23" and latitude 13° 25'  
15    21.55";

16          thence    N 83° 51' W   35.727 meters   to point 2  
17          thence    N 70° 28' W   59.038 meters   to point 3  
18          thence    N 05° 03' E   63.316 meters   to point 4  
19          thence    N 54° 31' E   61.480 meters   to point 5  
20          thence    S 66° 34' E   46.288 meters   to point 6  
21          thence    S 18° 27' E   56.832 meters   to point 7  
22          thence    S 26° 32' W   55.808 meters   to point 1

23    C.     LAKE KATUGDAY

24           Beginning at corner "5", a point located S 16° 15' W, which is about 533.870 meters  
25    from GPS Control Point BUHI No. 5, to corner 1 and with longitude 123° 29' 19.76" and  
26    latitude 13° 25' 19.47";

27          thence    S 45° 52' E   49.234 meters   to point 2  
28          thence    S 20° 11' E   49.104 meters   to point 3  
29          thence    S 26° 28' W   83.419 meters   to point 4  
30          thence    S 26° 58' W   42.951 meters   to point 5  
31          thence    S 28° 44' W   157.389 meters   to point 6  
32          thence    S 27° 10' W   50.100 meters   to point 7  
33          thence    N 66° 11' W   19.709 meters   to point 8  
34          thence    N 02° 04' E   105.608 meters   to point 9  
35          thence    N 24° 03' E   287.369 meters   to point 1

1 D. LAKE DANA0

2 Beginning at corner "20", a point located S 32° 12' E, about 906.042 meters from MBM  
3 No. 20, Cad – 249 Malinao, Albay, to corner 1 and with longitude 123° 50' 0.68" and latitude  
4 13° 25' 59.70";

5 thence S 72° 42' E 95.790 meters to point 2  
6 thence S 72° 17' E 49.700 meters to point 3  
7 thence S 49° 04' E 73.090 meters to point 4  
8 thence S 15° 26' E 72.930 meters to point 5  
9 thence S 04° 19' W 58.235 meters to point 6  
10 thence S 15° 21' W 140.892 meters to point 7  
11 thence S 57° 05' W 36.858 meters to point 8  
12 thence N 85° 27' W 33.806 meters to point 9  
13 thence N 54° 18' W 27.816 meters to point 10  
14 thence N 23° 22' W 89.264 meters to point 11  
15 thence N 62° 02' W 29.337 meters to point 12  
16 thence S 48° 19' W 30.556 meters to point 13  
17 thence N 88° 25' W 134.701 meters to point 14  
18 thence N 69° 39' W 22.540 meters to point 15  
19 thence N 20° 34' W 67.440 meters to point 16  
20 thence N 01° 17' W 121.160 meters to point 17  
21 thence N 45° 16' E 75.590 meters to point 18  
22 thence N 70° 43' E 59.760 meters to point 19  
23 thence N 82° 56' E 39.210 meters to point 20  
24 thence N 76° 28' E 67.440 meters to point 1

25 Within six months following the effectivity of this Act, the Department of Environment  
26 and Natural Resources (DENR) shall mark the boundaries of the Sinarapan Sanctuary with  
27 visible and permanent markers and shall thereafter see to it that the same are maintained.

28 The technical descriptions provided in this Act will be subject to ground survey and  
29 verification to be conducted by the Department of Environment and Natural Resources.

30 Any modification of the coverage of this Act due to such factors as changing ecological  
31 situations, new scientific or archeological findings, or discovery of traditional boundaries not  
32 previously taken into account shall be made through an act of Congress, after consultation  
33 with the affected public and concerned government agencies.

34 SEC. 5. *Definition of Terms.* – For purposes of this Act, the following terms are defined  
35 as follows:

36 (a) "Ancestral domain" refers to all areas generally belonging to Indigenous Cultural  
37 Communities or Indigenous People (ICCs/IPs) comprising lands, inland waters, coastal  
38 areas, and natural resources therein, held under a claim of ownership, occupied or

1 possessed by the ICCs/IPs, by themselves or thru their ancestors, communally or individually  
2 since time immemorial, continuously to the present except if interrupted by war, *force*  
3 *majeure* or displacement by force, deceit, stealth or as a consequence of government  
4 projects or any other voluntary dealings entered into by government or public  
5 individuals/corporations, and which are necessary to ensure their economic, social and  
6 cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and  
7 other lands individually owned whether alienable and disposable or otherwise, hunting  
8 grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources,  
9 and lands which may no longer be exclusively occupied by ICCs/IPs but from which they  
10 traditionally had access to for their subsistence and traditional activities, particularly the home  
11 ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.

12 (b) "Biodiversity" refers to variety and variability among living organisms and the  
13 ecological complexes in which said organisms occur.

14 (c) "Bioprospecting" means the research, collection and utilization of biological and  
15 genetic resources for purposes of applying the knowledge derived therefrom solely for  
16 commercial purposes.

17 (d) "Buffer Zone" is the identified area outside the boundaries of and immediately  
18 adjacent to designated Sinarapan Sanctuary that need special development control in order  
19 to avoid or minimize harm to the Sinarapan Sanctuary.

20 (e) "By-product or derivatives" means any part taken or substance extracted from  
21 wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens.

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

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

26 (g) "Endangered species" means species or subspecies of flora and fauna which is not  
27 critically endangered but whose survival in the wild is unlikely if the causal factors continue  
28 operating.

29 (h) "Endemic Species" means species or subspecies of flora and fauna which is  
30 naturally occurring and found only within specific areas in the country.

31 (i) "Exotic Species" means species or subspecies of flora and fauna which do not  
32 naturally occur within the protected area at present or in historical time.

33 (j) "Habitat" means a place or type of environment where a species or subspecies  
34 naturally occurs or has naturally established its population.

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

37 (l) "Indigenous Cultural Communities or Indigenous People (ICC/ IPs)" refers to a group  
38 of people or homogenous societies identified by self-ascription and ascription by others, who

1 have continuously lived as organized community on communally bounded and defined  
2 territory, and who have, under claims of ownership since time immemorial, occupied,  
3 possessed and utilized such territories, sharing common bonds of language, customs,  
4 traditions and other distinctive cultural traits, or who have, through resistance to political,  
5 social and cultural inroads of colonization, non-indigenous religions and cultures, became  
6 historically differentiated from the majority of Filipinos. IPs shall likewise include peoples who  
7 are regarded as indigenous on account of their descent from the populations which inhabited  
8 the Country, at the time of conquest or colonization, or at the time of inroads of non-  
9 indigenous religions and cultures, or the establishment of present state boundaries, who  
10 retain some or all of their own social, economic, cultural and political institutions, but who may  
11 have been displaced from their traditional domains or who may have resettled outside their  
12 ancestral domains.

13 (m) "Management plan" refers to the fundamental plan, strategy and/or scheme which  
14 shall guide all activities relating to the Sinarapan Sanctuary in order to attain the objectives of  
15 this Act.

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

19 (o) "Multiple-use zones" refers to areas where settlement, traditional and/or sustainable  
20 land use, including agriculture, agro-forestry, extraction activities, and other income-  
21 generating or livelihood activities may be allowed to the extent prescribed in the management  
22 plan.

23 (p) "National Integrated Protected Areas System (NIPAS)" is the classification and  
24 administration of all designated protected areas to maintain essential ecological processes  
25 and life-support systems, to preserve genetic diversity, to ensure sustainable use of  
26 resources found therein, and to maintain their natural conditions to the greatest extent  
27 possible.

28 (q) "NIPAS Act" refers to the National Integrated Protected Areas System Act (NIPAS) of  
29 1992 or Republic Act No. 7586, and its implementing rules and regulations.

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

34 (s) "Non-governmental organization (NGO)" refers to an agency, institution, foundation  
35 or a group of persons whose purpose is to assist peoples organizations/associations in  
36 various ways including, but not limited to, organizing, education, training, research and/or  
37 resource accessing.

1 (t) "People's Organization (PO)" refers to a group of organized migrant communities and  
2 or interested indigenous peoples which may be an association, cooperative, federation, or  
3 other legal entity, established to undertake collective action to address community concerns  
4 and needs, and mutually share the benefits of the endeavor.

5 (u) "Protected Area (PA)" refers to the identified portions of land and/or water set aside  
6 by reason of their unique physical and biological significance, managed to enhance biological  
7 diversity and protected against destructive human exploitation.

8 (v) "Protected Area Management Board (PAMB)" refers to a multi-sectoral policy-making  
9 body for Sinarapan Sanctuary created in accordance with RA 7586 or the NIPAS Act of 1992.

10 (w) "Protected Landscape/Seascape" refers to an area of national significance which  
11 are characterized by the harmonious interaction of man and land while providing  
12 opportunities for public enjoyment through recreation and tourism within the normal lifestyle  
13 and economic activity of these areas.

14 (x) "Quarrying" means the process of extracting, removing and disposing quarry  
15 resources found on or underneath the surface of private or public land.

16 (y) "Strict protection zone" is a natural area with high biodiversity value which shall be  
17 closed to all human activity except for scientific studies and/or ceremonial or religious use by  
18 the indigenous cultural communities/indigenous peoples; may include habitats of threatened  
19 species, or degraded areas that have been designated for restoration and subsequent  
20 protection, even if these areas are still in various stages of regeneration.

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

24 (aa) "Tenured Migrants" refers to occupants who have actually and continuously  
25 occupied a portion of the protected area and is solely dependent therein for subsistence. A  
26 protected area occupant is understood to be "solely dependent for subsistence" when  
27 everything indispensable for survival for the household, including food, clothing, shelter and  
28 health, comes only from the utilization of resources from the protected area.

29 (bb) "Wildlife" means wild forms and varieties of flora and fauna, in all developmental  
30 stages, including those which are in captivity or are being bred or propagated.

31 (cc) "Wildlife sanctuary" refers to an area which assures the natural conditions  
32 necessary to protect nationally significant species, groups of species, biotic communities or  
33 physical features of the environment where these may require specific human manipulation  
34 for the perpetuation of such species or groups of species.

35 SEC. 6. *The Protected Area Management Board (PAMB) for Sinarapan Sanctuary.* –  
36 There is hereby created a Protected Area Management Board for the Sinarapan Sanctuary  
37 (PAMB-SS) which shall have the sole jurisdiction, power and authority over the Sinarapan

1 Sanctuary for all matters that may affect biodiversity conservation, protection and sustainable  
2 development.

3 In addition to the duties and functions enumerated in the implementing rules and  
4 regulations of Act No. 7586, the NIPAS ACT, the PAMB-SS, which shall decide by  
5 consensus or majority vote, shall have the following powers and functions:

6 (a) Issue rules and regulations to prohibit acts that may be prejudicial to the Sinarapan  
7 Sanctuary and to the declaration of policy set forth under the NIPAS;

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

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

12 (d) Approve the management plan and oversee the office of the Protected Area  
13 Superintendent (PASu);

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

16 (f) Recommend the deputization of appropriate individuals, including local community  
17 leaders, for the enforcement of the laws, rules and regulations governing the conduct or  
18 management of the Sinarapan Sanctuary;

19 (g) Approve fees and charges in accordance with DAO 51, Series of 2000 and raise  
20 funds for the Sinarapan Sanctuary;

21 (h) Manage the allocation of the Sinarapan Sanctuary Protected Landscape Fund, and  
22 other funds for the Sinarapan Sanctuary, ensure their proper administration and render  
23 accounting; and

24 (i) Recommend appropriate policy changes to the DENR and other government  
25 authorities.

26 The DENR, through the Regional Executive Director (RED), shall ensure that the  
27 PAMB-SS shall act within the scope of its powers and functions. In case of conflict between  
28 administrative orders issued by the DENR pursuant to Republic Act No. 7586 and the  
29 resolutions issued by the PAMB-SS, the Secretary shall decide whether to apply the rule or  
30 withdraw its application in the Sinarapan Sanctuary.

31 *SEC. 7. Composition of the PAMB-SS.* – The PAMB-SS shall be composed of the  
32 following:

33 (a) The Regional Executive Director (RED) of the DENR-Region V, as chairperson;

34 (b) The Provincial Planning and Development Officers of the Provinces of Camarines  
35 Sur and Albay;

36 (c) The Municipal Mayors of Buhi, Camarines Sur and the Municipal Mayors of Polangui  
37 and Malinao, Province of Albay or their authorized representatives;

38 (d) One representative from each barangay covering the Sinarapan Sanctuary;



1 (e) One representative from each tribal community residing within the Sinarapan  
2 Sanctuary;

3 (f) At least two (2) representatives from local POs with stakes in the Sinarapan  
4 Sanctuary, chosen from among themselves;

5 (g) At least three (3) representatives from the local NGOs with stakes in the Sinarapan  
6 Sanctuary, chosen from among themselves; and

7 (h) One representative from government agencies involved in the Sinarapan Sanctuary  
8 management.

9 Each member of the PAMB-SS 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 all  
11 matters: In case of members who are government officials, the term of office shall be  
12 attached to the office held.

13 The members of the PAMB-SS 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 members  
15 of the PAMB-SS shall be nominated from the current members of the interim PAMBs of the  
16 five (5) component areas of the Sinarapan Sanctuary. Their nominations shall be conducted  
17 in a joint meeting of the current members of the interim PAMBs duly called for the purpose:  
18 *Provided, further,* that at least one-third (1/3) of the members shall be women.

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

23 The representatives from the local government units (LGUs) and national agencies in  
24 the PAMB-SS shall include among their duties the appraisal of their respective constituents,  
25 office or sector of PAMB-SS approved or other relevant policies, rules, regulations, programs  
26 and projects and ensuring that the provisions of this Act are observed, complied with, and  
27 used as reference and framework in their respective plans, policies, programs and projects.  
28 Failure to comply with the foregoing shall subject such representative to disciplinary action as  
29 the PAMB-SS may provide.

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

34 The Protected Area Superintendent (PASu) Office is hereby created within the DENR  
35 regional office to be headed by the PASu who shall serve as the chief operating DENR  
36 officer of the entire Sinarapan Sanctuary. The PASu shall report directly to the RED of the  
37 DENR-Region V and shall be accountable to the PAMB-SS. The PASu and the PASu staff

1 shall reside within the Sinarapan Sanctuary and establish an office and sub-offices within the  
2 Sinarapan Sanctuary in order to implement this Act.

3 The PASu shall have full responsibility for the protection of land, water, wildlife and  
4 other natural physical and biological resources with the Sinarapan Sanctuary. As such, the  
5 PASu shall have the following duties and responsibilities, in addition to those provided under  
6 RA 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

7 (a) Establish, operate and maintain a database management system as decision  
8 support tool;

9 (b) Prepare the management plans as herein defined;

10 (c) Provide a secretariat for the PAMB-SS and supply the PAMB-SS with all the  
11 information necessary to make appropriate decisions for the effective implementation of this  
12 Act;

13 (d) Enforce the laws, rules and regulations relevant to the Sinarapan Sanctuary, institute  
14 and file legal action independently or in collaboration with other government agencies or  
15 organizations and assist in the prosecution of offenses committed in violation of this Act;

16 (e) Monitor all activities within the Sinarapan Sanctuary in conformity with the  
17 management plan;

18 (f) Recommend the issuance of permits based on terms, conditions and criteria  
19 established by the PAMB-SS

20 (g) Ensure the integration of the Sinarapan Sanctuary management policies, regulations,  
21 programs and projects at all the concerned national and Local Government Unit levels; and

22 (h) Perform such other functions as the PAMB-SS may delegate.

23 The PASU shall be supported by sufficient number of personnel who shall be  
24 performing day to day management, protection and administration of the Sinarapan  
25 Sanctuary. Upon the recommendation of the PAMB-SS, the DENR Regional Director shall  
26 deputize local community leaders and environment and natural resource officers.

27 *SEC. 9. Tenured Migrants and Other Sinarapan Sanctuary Occupants.* – Tenured  
28 migrants shall be eligible to become stewards of portions of lands within allowable zones.  
29 The PAMB-SS shall identify, verify and review all tenorial instruments, land claims, and  
30 issuances of permits for resource use within the Sinarapan Sanctuary and recommend the  
31 issuance of the appropriate tenure instrument consistent with the zoning provided in the  
32 management plan and its successor plans.

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

37 In the event of termination of a tenorial instrument for cause or by voluntary surrender of  
38 rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its

1 natural state prior to the cultivation or other act by the tenured migrant.

2 Other Sinarapan Sanctuary occupants who do not qualify as tenured migrants shall be  
3 resettled outside the Sinarapan Sanctuary as determined by the PAMB-SS. The PAMB-SS  
4 shall determine, plan and implement a definite schedule for resettling them outside of the  
5 Sinarapan Sanctuary following the procedures set forth by existing law.

6 SEC. 10. *Indigenous People's Rights.* – Ancestral domain and other customary rights  
7 and interests of indigenous communities within the Sinarapan Sanctuary shall be accorded  
8 due recognition. The preservation of ancestral domain and customary rights shall be  
9 considered as one of the management objectives. The maintenance, management and  
10 development of ancestral domains which are found to be necessary for Sinarapan Sanctuary  
11 will be pursuant to Section 58 of Republic Act No. 8371, otherwise known as the "The  
12 Indigenous Peoples Rights Act of 1997 (IPRA)".

13 The identification, delineation and recognition of ancestral domain claims within the  
14 Sinarapan Sanctuary shall be conducted by the National Commission on Indigenous Peoples  
15 (NCIP) pursuant to the provisions the IPRA, and its implementing rules and regulations, in  
16 coordination with the PAMB-SS.

17 SEC 11. *Utilization of Resources.* – Any exploitation of or utilization of nonrenewable  
18 resources within the Sinarapan Sanctuary shall not be allowed. Energy projects within the  
19 Sinarapan Sanctuary shall be allowed only through an act of Congress except energy from  
20 wind, sun and water sources of not more than one (1) megawatt capacity for mini-hydro  
21 power: *Provided,* That these renewable energy projects are established outside the strict  
22 protection zone, adopt reduced impact technologies and undergo the Environmental Impact  
23 Assessment (EIA) system as provided by law and: *Provided, Further,* that the PAMB-SS  
24 endorsement has been obtained.

25 SEC. 12. *Existing Facilities Within the Sinarapan Sanctuary.* – Within sixty (60) days  
26 from the effectivity of this Act, major existing facilities such as roads, buildings, water  
27 systems, transmission lines, communication facilities, heavy equipment, and irrigation  
28 facilities existing within the boundaries of the Sinarapan Sanctuary shall submit project  
29 description to the PAMB-SS through the PASu.

30 The PAMB-SS, with the assistance of the DENR, shall determine whether the existence  
31 of such facility and its future plan and operations will be detrimental to the Sinarapan  
32 Sanctuary or whether conditions for its operation shall be imposed. If any such conditions are  
33 violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos  
34 (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand pesos  
35 (P500,000.00), the PAMB-SS through the PASu and deputizing other government entities,  
36 shall cause the cessation and demolition of the facility at the cost of its owner.

37 Existing facilities allowed to remain within the Sinarapan Sanctuary may be charged a  
38 reasonable royalty by the DENR. All income from such royalty shall accrue to the Sinarapan

1 Sanctuary Fund.

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

13 SEC. 14. *Sinarapan Sanctuary Fund.* – There is hereby established a trust fund to be  
14 known as the Sinarapan Sanctuary Fund for purposes of financing projects of the Sinarapan  
15 Sanctuary. Seventy-five percent (75%) of the income generated from the operation of the  
16 Sinarapan Sanctuary or management of wild flora and fauna in the Sinarapan Sanctuary  
17 shall accrue to the fund. The remaining twenty-five percent (25%) shall go to the Integrated  
18 Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

19 Income shall be derived from visitors/tourists fee, fees from permitted sale and export  
20 of flora and fauna and other resources from the Sinarapan Sanctuary, proceeds from the  
21 registration and lease of multiple-use areas, including tourism concessions, fees,  
22 proceeds, and contributions from industries and facilities directly benefiting from the  
23 Sinarapan Sanctuary and such other fees and income derived from the operation of the  
24 Sinarapan Sanctuary.

25 The PAMB- SS may impose and charge reasonable fees, such as but not limited to  
26 water users fee for water extracted by commercial water extractors/distributors sourced and  
27 generated from the protected area. Such fee structure may change as the PAMB- SS may  
28 see fit.

29 The Sinarapan Sanctuary fund may be augmented by grants, donations, endowment  
30 from various sources, domestic or foreign, for purposes related to their functions:  
31 *Provided, That* disbursements therefrom shall be made solely for the protection,  
32 maintenance, administration and management of the system, and duly approved projects  
33 endorsed by the PAMB-SS in accordance with existing accounting and budgeting rules  
34 and regulations: *Provided, further, That* the fund shall not be used to cover personal  
35 services expenditures.

36 The LGUs shall continue to impose and collect all other fees not enumerated herein  
37 which they have traditionally collected, such as *business permits, and rentals of LGUs'*  
38 *facilities: Provided, That* the LGUs shall not impose property tax and issue tax declaration

1 for areas or properties located in timberland areas or areas previously classified as  
2 national parks. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB-SS:  
3 *Provided*, That such add-ons shall be determined based on the contribution of the LGUs in  
4 the maintenance and protection of the Sinarapan Sanctuary.

5 SEC.15. *Prohibited Acts and Penalties* . – The following are the prohibitions and  
6 penalties applicable to the Sinarapan Sanctuary, in addition to the prohibited acts as  
7 provided in the NIPAS Act and its pertinent rules and regulations:

8 (A) The penalties in Articles 309 and 310 of the Revised Penal Code, depending on the  
9 value of the resources involved in connection with the prohibited act, shall be imposed upon  
10 any person who:

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

17 (2) Cuts, gathers, removes or collects timber or any forest products, within particularly  
18 identified regulated or prohibited areas or zones in the Sinarapan Sanctuary including private  
19 lands without the necessary permit, authorization or exemption;

20 (3) Possesses or transports, within or outside the Sinarapan Sanctuary any timber,  
21 forest products, wild terrestrial or aquatic plants, animals, flora or fauna, or by-product  
22 derived therefrom which is ascertained to have been taken from the Sinarapan Sanctuary;

23 (4) Undertakes mineral exploration or extraction within the Sinarapan Sanctuary;

24 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within the  
25 Sinarapan Sanctuary;

26 (6) Hunts, collects, removes or destroys any endangered or protected species, except  
27 when collection or removal is for scientific research and exempted from the prohibition by the  
28 PAMB-SS;

29 (7) Conducts bioprospecting within the Sinarapan Sanctuary without prior PAMB-SS  
30 approval in accordance with existing guidelines; or

31 (8) Establishes or introduces exotic species within the Sinarapan Sanctuary which are  
32 detrimental to endemic species or without prior PAMB-SS approval.

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

36 (1) Violates any rules and regulations in the management plan or by the PAMB-SS or  
37 agreements reached before the PAMB-SS in the exercise of adjudicative functions;

1 (2) Erects any structure on land or on water for any purposes outside the management  
2 plan: *Provided*, That large-scale private infrastructure and other projects such as medium to  
3 high density residential subdivisions, medium to large commercial and industrial  
4 establishments, golf-courses, heavily mechanized commercial and non-traditional farming,  
5 and other activities that cause increased in-migration, pollution and resource degradation are  
6 absolutely prohibited;

7 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the  
8 Sinarapan Sanctuary without a permit;

9 (4) Throws, dumps or causes to be dumped into the Sinarapan Sanctuary any non-  
10 biodegradable material or waste whether liquid, solid or gas;

11 (5) Uses, dumps, places or causes to be placed into the Sinarapan Sanctuary toxic  
12 chemicals, including pesticides and other hazardous substances, unless the same is  
13 expressly allowed in the management plan;

14 (6) Prospects, hunts or otherwise locates hidden treasures within the Sinarapan  
15 Sanctuary;

16 (7) Informally occupies or dwells in any land within the Sinarapan Sanctuary without  
17 clearance from the PAMB-SS;

18 (8) Posseses or uses blasting caps or explosives anywhere within the Sinarapan  
19 Sanctuary;

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

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

24 (11) Engages in kaingin, or, in any manner, causing forest fires inside the Sinarapan  
25 Sanctuary; or

26 (12) Purchases, or sells, mortgages or leases lands or other portions of the Sinarapan  
27 Sanctuary which are covered by any tenurial instrument.

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

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

35 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools and  
36 similar devices shall be subject to immediate and administrative confiscation, independent of  
37 the judicial proceedings by the PASu Office upon apprehension, subject however to due  
38 process and substantial evidence requirements. When legal action is however filed in the

1 regular courts, the said conveyances, vessels, equipments, paraphernalia, implements,  
2 gears, tools and similar devices, independent of the administrative proceedings, shall not be  
3 released until after judgment has been rendered. Proceeds of the sale of all objects  
4 administratively or judicially confiscated pursuant hereto shall accrue to the Sinarapan  
5 Sanctuary Fund. Procedure for the sale thereof shall be promulgated by the PAMB-SS.  
6 However, in no case shall any confiscated or rescued protected animal species be sold or in  
7 any manner disposed of but shall be immediately turned over to the PASu Office for release  
8 in its natural habitat, subject to existing regulations.

9 The penalties specified in this Section will be in addition to the penalties contained in RA  
10 9072 (National Caves and Cave Resources Management and Protection Act), RA 9147  
11 (Wildlife Resources Conservation and Protection Act), and other related laws.

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

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

17 *SEC. 17. Appropriations.* – The Secretary of the DENR shall immediately include the  
18 Department's program the implementation of this Act, the funding of which shall be included  
19 in the annual General Appropriations Act.

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

26 *SEC. 19. Transitory Provision.* – In order to ensure the recovery and restoration of  
27 biological diversity and to develop sustainable livelihood opportunities for tenured migrants,  
28 the DENR shall henceforth cease to issue concessions, licenses, permits, clearances,  
29 compliance documents or any other instrument that allows exploitation and utilization of  
30 resources within the Sinarapan Sanctuary until the management plan shall have been put  
31 into effect.

32 All existing land use and resource use permits within the Sinarapan Sanctuary shall be  
33 reviewed and shall not be renewed upon their expiration unless consistent with the  
34 management plan and approved by the PAMB-SS.

35 *SEC. 20. Separability Clause.* – If, for any reason, any part of this Act shall be declared  
36 unconstitutional or invalid, such other parts not affected thereby shall remain in full force and  
37 effect.

1           SEC. 21. *Repealing Clause.* – All laws, decrees, proclamations, and rules and  
2 regulations inconsistent with the provisions of this Act shall be deemed repealed or modified  
3 accordingly.

4           SEC. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete  
5 publication in the *Official Gazette* or in a national newspaper of general circulation available  
6 in the Sinarapan Sanctuary.

7           Approved,