



## HOUSE OF REPRESENTATIVES

H. No. 5796

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BY REPRESENTATIVES ALFELOR, ARROYO (I.), LAGMAN AND CUA (J.), PER  
COMMITTEE REPORT NO. 1675

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AN ACT DECLARING LAKES KATUGDAY, MAKUAO AND  
MANAPAO, LOCATED IN THE MUNICIPALITY OF BUHI,  
PROVINCE OF CAMARINES SUR, AND LAKE MAYDANAO,  
LOCATED IN THE BOUNDARY OF THE MUNICIPALITY OF BUHI  
AND THE MUNICIPALITY OF POLANGUI, PROVINCE OF 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  
2 Sanctuary Act”.

3           SEC. 2 *Declaration of Policy.* – Considering the unique biological  
4 resources and the aesthetic and ecological importance of Lake Manapao,  
5 Lake Makuao, Lake Katugday and Lake Maydanoa, which are the habitats of  
6 the world’s smallest edible fish, the “Sinarapan” (*Mystiches luzunensis*  
7 *philippinensis*), also known in the Bicol Region as “Tabios”. The State shall  
8 undertake steps to protect and conserve these ecosystems, including the  
9 cultural and economic interests of their surrounding communities.

10          SEC. 3. *Establishment of the Sinarapan Sanctuary.* – There is hereby  
11 declared as part of the National Integrated Protected Areas System (NIPAS),  
12 established pursuant to Republic Act No. 7586, certain lakes near the area of

Lake Buhi in the Province of Camarines Sur, under the category of wildlife sanctuary, to be known as the Sinarapan Sanctuary Protected Area (SSPA).

*SEC. 4. Scope and Coverage.* – The SSPA covers the area of Lake Manapao and Lake Makuaao, both located in Barangay San Ramon, and the area of Lake Katugday, located between Barangay San Ramon and Barangay De Lafe, all within the territorial jurisdiction of the Municipality of Buhi, Province of Camarines Sur, and the area of Lake Maydanao, located in the boundary of Barangay Maydanao, Municipality of Polangui, Province of Albay, and Barangay Makaangay, Municipality of Buhi. The entire area is more particularly described as follows:

(a) Lake Manapao. – Beginning at corner “2”, a point located S. 75° 05’ E., which is 712.296 meters from GPS Control Point BUHI No. 2, to corner “1” and with longitude 123° 28’ 41.3” and latitude 13° 24’ 53.55”;

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

(b) Lake Makuaao. – Beginning at corner “3”, a point located N. 75° 08’ W., about 138.333 meters from GPS Control Point BUHI No. 3, to corner “1” and with longitude 123° 28’ 49.23” and latitude 13° 25’ 21.55”;

Thence	N. 83° 51’ W.	35.727 meters	to point 2
Thence	N. 70° 28’ W.	59.038 meters	to point 3

1	Thence	N. 05° 03' E.	63.316 meters	to point 4
2	Thence	N. 54° 31' E.	61.480 meters	to point 5
3	Thence	S. 66° 34' E.	46.288 meters	to point 6
4	Thence	S. 18° 27' E.	56.832 meters	to point 7
5	Thence	S. 26° 32' W.	55.808 meters	to point 1

6 (c) Lake Katugday. – Beginning at corner “5”, a point located  
 7 S. 16° 15' W., which is about 533.870 meters from GPS Control Point BUHI  
 8 No. 5, to corner “1” and with longitude 123° 29' 19.76” and latitude  
 9 13° 25' 19.47”;

10	Thence	S. 45° 52' E.	49.234 meters	to point 2
11	Thence	S. 20° 11' E.	49.104 meters	to point 3
12	Thence	S. 26° 28' W.	83.419 meters	to point 4
13	Thence	S. 26° 58' W.	42.951 meters	to point 5
14	Thence	S. 28° 44' W.	157.389 meters	to point 6
15	Thence	S. 27° 10' W.	50.100 meters	to point 7
16	Thence	N. 66° 11' W.	19.709 meters	to point 8
17	Thence	N. 02° 04' E.	105.608 meters	to point 9
18	Thence	N. 24° 03' E.	287.369 meters	to point 1

19 (d) Lake Maydanao. – Beginning at corner “20”, a point located  
 20 S. 32° 12' E., about 906.042 meters from MBM No. 20, Cad – 249 Malinao,  
 21 Albay, to corner “1” and with longitude 123° 50' 0.68” and latitude  
 22 13° 25' 59.70”;

23	Thence	S. 72° 42' E.	95.790 meters	to point 2
24	Thence	S. 72° 17' E.	49.700 meters	to point 3
25	Thence	S. 49° 04' E.	73.090 meters	to point 4
26	Thence	S. 15° 26' E.	72.930 meters	to point 5
27	Thence	S. 04° 19' W.	58.235 meters	to point 6
28	Thence	S. 15° 21' W.	140.892 meters	to point 7
29	Thence	S. 57° 05' W.	36.858 meters	to point 8

1	Thence	N. 85° 27' W.	33.806 meters	to point 9
2	Thence	N. 54° 18' W.	27.816 meters	to point 10
3	Thence	N. 23° 22' W.	89.264 meters	to point 11
4	Thence	N. 62° 02' W.	29.337 meters	to point 12
5	Thence	S. 48° 19' W.	30.556 meters	to point 13
6	Thence	N. 88° 25' W.	134.701 meters	to point 14
7	Thence	N. 69° 39' W.	22.540 meters	to point 15
8	Thence	N. 20° 34' W.	67.440 meters	to point 16
9	Thence	N. 01° 17' W.	121.160 meters	to point 17
10	Thence	N. 45° 16' E.	75.590 meters	to point 18
11	Thence	N. 70° 43' E.	59.760 meters	to point 19
12	Thence	N. 82° 56' E.	39.210 meters	to point 20
13	Thence	N. 76° 28' E.	67.440 meters	to point 1

14        Within six (6) months following the effectivity of this Act, the  
 15 Department of Environment and Natural Resources (DENR) shall mark the  
 16 boundaries of the SSPA with visible and permanent markers and shall  
 17 thereafter see to it that the same are maintained.

18        SEC. 5. *Land Classification.* – All lands and water bodies within the  
 19 coverage and scope of this Act, as described in Section 4, shall fall under the  
 20 classification of national park, excluding those lands therein that were already  
 21 declared as agricultural land or classified as alienable or disposable according  
 22 to law and have been awarded to the private sector prior to the passage of this  
 23 Act.

24        SEC. 6. *Definition of Terms.* – For purposes of this Act, the following  
 25 terms are defined as follows:

26        (a) “Buffer zones” refers to identified areas outside the boundaries of  
 27 and immediately adjacent to the SSPA that need special development  
 28 intervention and control in order to avoid or minimize harm to the area.

1 (b) "Eco-tourism" refers to a type of tourism wherein no damage to the  
2 ecology is sustained by the influx of visitors to the tourism site.

3 (c) "Fish production" refers to the capacity of the species found within  
4 the SSPA to multiply to achieve a certain density of fish population.

5 (d) "Management manual" refers to the procedural manual relating to  
6 the preparation of the management plan for the SSPA as described in Section  
7 10 hereof.

8 (e) "Maximum sustainable yield" refers to the greatest amount of fish  
9 and fish products taken or harvested from within the SSPA without affecting  
10 sustainability.

11 (f) "Multiple-use zones" refers to areas where settlement, traditional or  
12 sustainable activities and other income-generating or livelihood activities may  
13 be allowed to the extent prescribed in the management plan.

14 (g) "Protected species" refers to any individual species of plants and  
15 animals which was or shall be declared as protected under Philippine laws and  
16 rules and regulations issued by the DENR.

17 (h) "Secretary" refers to the Secretary of the DENR.

18 (i) "Small fisherfolk inhabitant" refers to any person who has actually  
19 and continuously lived within the SSPA for a period of five (5) years before  
20 the passage of this Act and is principally dependent on fishing for sustenance  
21 and livelihood.

22 (j) "Wildlife sanctuary" refers to an area possessed with natural  
23 conditions necessary to protect nationally significant species, groups of species  
24 or biotic communities, or has certain physical features that may require specific  
25 human manipulation for the perpetuation of such significant species or groups  
26 of species.

27 SEC. 7. *Creation of the Protected Area Management Board.* – There is  
28 hereby created a Protected Area Management Board (PAMB) for the SSPA

1 which shall be the sole policy-making and permit-granting body for the area  
2 and its buffer zones.

3 In addition to the powers of a PAMB enumerated in the NIPAS Act, the  
4 PAMB for the SSPA shall have the following powers and functions:

5 (a) Formulate the management plan and management manual of the  
6 SSPA, as provided in Section 10 hereof;

7 (b) Decide on matters relating to planning, peripheral protection and  
8 general administration of the SSPA, in accordance with the management plan;

9 (c) Plan the proper utilization of the annual budget and the proper  
10 disposition of fees and other funds generated or held for the SSPA;

11 (d) Control and supervise the Protected Area Superintendent's (PASu)  
12 office, created pursuant to Section 11;

13 (e) Delineate and demarcate management zones such as strict  
14 protection zones, multiple-use zones and buffer zones;

15 (f) Promulgate rules and regulations to promote development programs  
16 and projects on biodiversity conservation and sustainable development  
17 consistent with the management manual;

18 (g) Control and regulate the construction, operation and maintenance of  
19 buildings, roads, trails, waterworks, sewerage, fire protection and sanitation  
20 systems and other public utilities within the sanctuary;

21 (h) Fix and prescribe fees to be collected from other government  
22 agencies or from any person, firm or corporation deriving benefits from the  
23 SSPA and exact administrative fees or fines for violation of the provisions of  
24 this Act;

25 (i) Grant permits to eco-tourists, campers, research groups or  
26 individuals and visitors;

27 (j) Grant permits for sustainable utilization of lake resources in  
28 accordance with existing rules and regulations governing the same;

(k) Enter into contracts and agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;

(l) Accept funds, gifts or donations for the SSPA;

(m) Call on any agency or instrumentality of the government as well as academic institutions, nongovernment organizations (NGOs) and other sectors as may be necessary to accomplish the objectives of this Act;

(n) Conduct studies on various characteristics, features and conditions of the SSPA;

(o) Adopt and enforce plans or schemes for the control of activities that may threaten the ecological balance of the SSPA, in consultation with the local government units (LGUs) in the area and other government agencies and instrumentalities; and

(p) Retain legal counsel to defend cases against the PAMB and the office of the PASu whenever they are sued in connection with the performance of their duties under this Act.

The DENR, through its Regional Executive Director (RED) for Region V, shall ensure that the PAMB shall act within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR, pursuant to the NIPAS Act and the resolutions issued by the PAMB, the Secretary shall decide whether to apply the rule or withdraw its application in the SSPA.

SEC. 8. *Composition of the PAMB.* – The PAMB for the SSPA shall be composed of the following:

(a) The RED of the DENR-Region V, as chairman;

(b) The provincial planning and development officer of Camarines Sur;

(c) The Municipal Mayor of Buhi or his/her authorized representative;

(d) The Chairman of the Committee on Natural Resources of the Sangguniang Panlungsod of Buhi;

(e) The Chief of Police of the Municipality of Buhi;

1 (f) The punong barangays of barangays San Ramon, De Lave and  
2 Makaangay, all in the Municipality of Buhi, Camarines Sur, and the punong  
3 barangay of Barangay Maydano, Polangui, Albay;

4 (g) Five (5) representatives from NGOs, who shall be elected by the  
5 respective members of their organizations, which are based in the Municipality  
6 of Buhi, Camarines Sur and have established and recognized interest in the  
7 protected areas. These representatives shall include two (2) representatives  
8 from the fisherfolk organizations, one (1) representative from duly registered  
9 commercial fishing associations, one (1) representative from the youth sector  
10 and one (1) representative from civic-oriented organizations; and

11 (h) A representative of the Department of Agriculture (DA) who shall  
12 be appointed by its Regional Director for Region V.

13 The members of the PAMB shall choose from among themselves their  
14 vice chairperson.

15 Each member of the PAMB shall serve for a term of five (5) years and  
16 shall be considered to represent and carry the vote of such sector in all matters  
17 affecting the SSPA. In case of members who are government officials, their  
18 membership shall be coterminus with their term of office. Whenever a  
19 vacancy occurs during the term of a member, a new member shall be appointed  
20 in the same manner as the original appointment in order to complete such  
21 unfinished term.

22 The members of the PAMB shall not receive any compensation but shall  
23 be entitled to reasonable *per diem* in accordance with existing accounting and  
24 auditing rules and regulations.

25 SEC. 9. *Removal from Office.* – A member of the PAMB may be  
26 removed for cause upon a majority vote of all the members of the PAMB on  
27 the following grounds:



(a) More than three (3) consecutive unexcused absences in regular PAMB meetings;

(b) Commission of any of the prohibited acts provided in this Act, Republic Act No. 7586 or other rules and regulations governing protected areas and protected species;

(c) Graft and corruption; and

(c) Conviction of any criminal offense.

SEC. 10. *Management Plan and Manual.* – Within one (1) year from the effectivity of this Act, a management manual, which contains the sanctuary management plan and supporting data, shall be prepared in accordance with the General Management Planning Strategy, as provided in Republic Act No. 7586. The management manual shall serve as the basic long-term framework plan in the management of the SSPA and guide in the preparation of the annual operations plan and budget. The management manual shall be drafted with the assistance from experts in such fields as socioeconomic planning, ecology and wildlife sanctuary management, reviewed and endorsed by the PAMB, and approved by the Secretary.

(a) The management plan shall promote the adoption and implementation of innovative management techniques, including:

(1) Buffer zone management;

(2) Habitat conservation and rehabilitation;

(3) Diversity management;

(4) Community organizing;

(5) Socioeconomic and scientific researches;

(6) Site-specific policy development; and

(7) Others as determined by the PAMB.

(b) The management manual shall include:

(1) Basic background information;

(2) Field inventory and other resources within the SSPA;

- (3) Assessment of assets and limitations;
- (4) Particular objectives for managing the SSPA;
- (5) Division of the SSPA into management zones;
- (6) Review of the boundaries of the SSPA; and
- (7) Design and management programs.

The management plan shall be reviewed and updated on a regular basis at least once every three (3) years. However, in cases where significant physical development occurs within the SSPA or critical resource constraints prevent the implementation of important programs or projects, the management plan or some components thereof may be revised or modified. Any modification or revision of the management plan shall be approved by a majority of the members of the PAMB.

SEC. 11. *Establishment of the PASu Office.* -- There is hereby established a PASu office in charge of the management, protection and administration of the protected area. The PASu office shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the SSPA and shall be accountable to the RED of the DENR-Region V and the PAMB.

SEC. 12. *Powers and Functions of the PASu Office.* -- The PASu office shall have full responsibility for the protection of the resources within the SSPA. As such, he/she shall have the following duties and responsibilities in addition to those provided under existing rules and regulations:

(a) Serve as secretariat to the PAMB with the duty to provide the latter with all the information necessary to make appropriate decisions for the effective implementation of this Act;

(b) Establish a productive partnership with local communities, including groups supporting the achievement of the goals and objectives of this Act;

1 (c) Develop and implement sanctuary information, education and  
2 visitor programs;

3 (d) Enforce the laws, rules and regulations and PAMB resolutions  
4 relevant to the SSPA and its buffer zones, and assist in the prosecution of  
5 offenses;

6 (e) Monitor all activities within the SSPA and its buffer zones in  
7 conformity with the management plan; and

8 (f) Perform such other functions as the PAMB may assign.

9 SEC. 13. *Small Fisherfolk Inhabitants.* – Small fisherfolk inhabitants  
10 shall be allowed to fish within the SSPA, subject to the rules and regulations to  
11 be promulgated by the PAMB.

12 SEC. 14. *Other Activities Within the SSPA.* – Proposals for activities  
13 which are outside the scope of the management plan shall be subject to an  
14 Environmental Impact Assessment (EIA) as required by existing laws, rules  
15 and regulations for environmentally critical areas. The results of the  
16 assessment shall be taken into consideration in the decision-making process of  
17 the PAMB. No actual implementation of such activities shall be allowed  
18 without the required Environmental Compliance Certificate (ECC) under the  
19 Philippine Environmental Impact Assessment System and PAMB approval.  
20 For purposes of this Act, the following policies are provided:

21 (a) *Existing Infrastructure.* – Existing infrastructure established within  
22 the SSPA by government and nongovernment institutions shall be subject to  
23 inventory and evaluation, as to whether it conforms to the management plan,  
24 and assessed in terms of their significance to public interest and impact on the  
25 sanctuary. In case they are found significant to public interest, but with no  
26 adverse impact to the SSPA, a contract or agreement may be entered into by  
27 the PAMB including negotiations for payment of fees based on profit-sharing  
28 agreement in accordance with law: *Provided,* That infrastructure which do not  
29 conform to the management plan shall not be allowed to be repaired, renovated

1 or improved until these are naturally destroyed and vacated. Repairs,  
2 renovation and improvement of the existing infrastructure allowed by the  
3 PAMB within the SSPA shall be in conformity with the management plan and  
4 duly approved by the PAMB;

5 (b) Special-use Infrastructure. – Special-use infrastructure such as  
6 power lines, telecommunications equipment and military installations may be  
7 allowed in the SSPA if these conform to the management plan: *Provided*, That  
8 construction of these special-use infrastructure shall be subject to EIA and the  
9 issuance of ECC by the DENR and approval of the PAMB: *Provided, further*,  
10 That power lines and telecommunications equipment must not traverse  
11 strict-protection zones and preferably be constructed within the multiple-use  
12 zones only. Military installations shall not be constructed of permanent  
13 materials and must be covered by a memorandum of agreement with the  
14 PAMB providing for regulation of facilities;

15 (c) Livelihood and Other Economic Activities. – Except as otherwise  
16 provided herein, only small fisherfolk inhabitants shall be allowed within  
17 multiple-use or buffer zones of the SSPA to engage in livelihood and  
18 economic activities, in conformity with the management plan and subject to the  
19 terms and conditions imposed by the PAMB.

20 *The PAMB, upon recommendation of the PASu office, when findings*  
21 *show that Sinarapan or Tabios and other fish production exceeds the maximum*  
22 *sustainable yield, may open certain portions of the multiple-use zones to*  
23 *economic activities which shall be in accordance with the management plan*  
24 *and, in all cases, use ecologically sustainable methods;*

25 (d) Energy and Mineral Use. – Survey for energy and mineral resources  
26 within the SSPA shall be allowed for the purpose of gathering information on  
27 energy and mineral resources: *Provided*, That such activity is carried out  
28 without damage to the area and conducted in accordance with a program  
29 approved by the PAMB, which shall submit such energy and mineral survey

1 findings to the President of the Philippines for recommendation to Congress.  
2 Any exploitation and utilization of energy and mineral resources within the  
3 SSPA shall be allowed only following approval of the PAMB, in compliance  
4 with the EIA system and other applicable laws, rules and regulations and  
5 through a law passed by Congress; and

6 (e) Special Activities. – All other activities such as eco-tourism and  
7 related activities, scientific research, marine life rescue by other agencies,  
8 government programs affecting the sanctuary and military activities shall be  
9 properly coordinated and approved by the PAMB.

10 SEC. 15. *The Sinarapan Sanctuary Protected Area Fund.* – There is  
11 hereby established a trust fund to be known as the SSPA Fund for purposes of  
12 financing projects of the SSPA. All income generated from the operation of  
13 the SSPA or management of wild flora and fauna therein shall accrue to the  
14 fund. *These income shall be derived from fees from permitted sale and export*  
15 *of flora and fauna and other resources from the protected area, proceeds from*  
16 *lease of multiple-use areas, contributions from industries and facilities directly*  
17 *benefiting from the protected area, and such other fees and income derived*  
18 *from the operation of the protected area.*

19 The fund may be augmented by grants, donations, endowment from  
20 various sources, domestic or foreign: *Provided*, That the fund shall be  
21 deposited as a special account in the National Treasury and disbursements  
22 therefrom shall be made solely for the protection, maintenance, administration  
23 and management of the SSPA, and duly approved projects endorsed by the  
24 PAMB in accordance with existing accounting and budgeting rules and  
25 regulations: *Provided, further*, That the fund shall not be used to cover  
26 personal services expenditures.

27 The LGUs shall continue to impose and collect all other fees not  
28 enumerated herein which they have traditionally collected, such as business  
29 permits, property tax and rentals of LGUs' facilities. Furthermore, LGUs may

charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons shall be determined based on the contribution of the LGUs in the maintenance and protection of the protected area.

SEC. 16. *Prohibited Acts.* – The following acts are prohibited within the SSPA:

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

(b) Dumping or otherwise disposing of any waste products detrimental to the SSPA or to plants, animals or inhabitants therein;

(c) Use of any motorized equipment without permit;

(d) Mutilating, defacing or destroying objects of natural beauty or ecological importance found within the sanctuary;

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

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

(g) Altering, removing, destroying or defacing boundary marks or buoys.

SEC. 17. *Penalties.* – Any person found guilty of any of the offenses enumerated above shall be punished with fine, in an amount not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00), exclusive of the value of the things damaged, or imprisonment of not less than one (1) year and not more than six (6) years, or both, as determined by the court.

If the SSPA requires rehabilitation and restoration as determined by the court, the offender shall be required to restore or compensate for the restoration of the damage. The court shall order the forfeiture of all mineral, flora or fauna collected or removed, including all equipment, devices and firearms used in connection therein, and any construction or improvements

1 made thereon by the offender. If the offender is an association or corporation,  
2 the president or manager shall be responsible for the act of his/her employees  
3 and laborers.

4 SEC. 18. *Appropriations.* – The Secretary of Environment and Natural  
5 Resources shall immediately include in the Department's program the  
6 implementation of this Act, the funding of which shall be included in the  
7 annual General Appropriations Act.

8 SEC. 19. *Separability Clause.* – If any part of this Act shall be declared  
9 unconstitutional, such declaration shall not affect the other parts or sections  
10 hereof.

11 SEC. 20. *Repealing Clause.* All laws, presidential decrees, executive  
12 orders and rules and regulations inconsistent with the provisions of this Act  
13 shall be deemed repealed or modified accordingly.

14 SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after  
15 its complete publication in two (2) newspapers of general circulation.

Approved,

**O**