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SENATE  
Senate Bill No. 1407

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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### EXPLANATORY NOTE

Article II, Section 16 of the Philippine Constitution states that "*the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.*"

This bill seeks to provide for the management, protection, sustainable development and rehabilitation of the **Siargao Islands Protected Landscape and Seascape (SIPLAS)**. This shall be established within the framework of the National Integrated Protected Area System, (NIPAS) Act, or Republic Act No. 7586, while considering the welfare and recognizing the rights of all the communities living therein especially the indigenous people.

SIPLAS shall be composed of the islands of Siargao and Bucas Grande, with the surrounding islets, located in the Province of Surigao del Norte northeastern Mindanao, CARAGA Region. It is bounded on the north by Surigao Strait, on the south by the mainland part of the Province of Surigao del Norte, on the east by Philippine Sea, and on the west by Hinatuan Passage.

The SIPLAS boasts of having the largest contiguous mangrove stand in the Philippines with an area of approximately 4,000 hectares. The overall mangrove cover is approximately 8,600 hectares. The vastness of the mangrove cover provides for a good habitat for the crocodile of the species *Crocodylus Porosus*, which still exists in adequate number compared to other places in the country. The most striking physiographic feature of SIPLAS is the limestone areas which display a typical karst terrain of haystack hills similar to the Chocolate Hills of Bohol and El Nido in Palawan,

SIPLAS also serves as sanctuary to several rare and endangered wildlife. There are eighty-five (85) bird species at sixty-five percent (65%) endemism, nine (9) amphibians, and twenty-one (21) mammals. One species of birds, the Philippine Cockatoo, is listed as critical while five (5) fauna species, which are the green sea turtle (*Chelonia Mydas*), hawksbill turtle (*Eretmochelys Imbricata*), Dinagat Gymnure, golden crown flying fox and olive ridley turtle are listed endangered. Dugong (*Dugong Dugong*), a globally endangered species, is also present within the area. SIPLAS forest is home to the important and rare Philippine ironwood or "mancono" (*Xanthosthemum Vergugonianum*) which is the hardest known species of wood.

Almost half of the plants found in SIPLAS are found only in the Philippines. Due to its biodiversity and ecological significance, SIPLAS was declared a protected area on 10 October 1996 through Presidential Proclamation No. 902.

In view of the foregoing, passage of this bill is earnestly sought.



**JINGGOY EJERCITO ESTRADA**  
Senator



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SENATE  
Senate Bill No. 1407

RECEIVED BY: ji

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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AN ACT  
DECLARING THE ISLANDS OF SIARGAO AND BUCAS GRANDE AS A  
PROTECTED AREA UNDER THE CATEGORY OF PROTECTED  
LANDSCAPES AND SEASCAPES

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

CHAPTER I  
PRELIMINARY PROVISIONS

**SECTION 1. Title** – This Act shall be known and cited as the “*Siargao Islands Protected Landscapes and Seascapes Act of 2013*”.

**SEC. 2. Declaration of Policy** – It is the policy of the State to ensure the protection and conservation of Siargao Islands and Bucas Grande, their endangered species, mangrove reserve, biodiversity and the communities residing therein, including the people’s culture and way of life insofar as these areas are in harmony with nature.

Pursuant to this policy, the State shall:

- (a) Preserve the ecosystems in their natural state in the lowlands, forest, mangrove, lakes, coral reefs or seagrass beds;
- (b) Preserve and maintain genetic resources and ecological diversity including, but not limited to, salt water crocodile, green sea turtle, tarsier, dolphin, dugong-dugong (sea cow), sea eagle, and hornbill;
- (c) Provide education, research and environmental monitoring, recreation and tourism, and alternative economic opportunities to optimize the use of resources on a sustainable basis; and
- (d) Foster partnership between and among government, non-government organizations (NGOs), local community organizations, and concerned private organization

**SEC. 3. Scope.** – The Siargao Islands Protected Landscapes and Seascapes shall cover the municipalities of Burgos, Dapa, Del Carmen, General

Luna, Pilar, San Benito, San Isidro, Sta. Monica and Socorro located in the islands of Siargao and Bucas Grande and all the lands and waters within the following boundaries:

The Point: BLLM No. 1, Cad-789-D, with geographic position of latitude 9°47'00.58" and longitude 126°09'23.669" situated at General Luna and Pilar, Siargao Island, Surigao del Norte, to wit:

<u>STATION</u>	<u>BEARING</u>	<u>DISTANCE</u>
TP-1	N54°00'00.01" E	16,700.00 m
1-2	S 04°59' 59.98" E	30,900.00 m
2-3	S 41°59' 59.90" W	19,100.00 m
3-4	N 69°00' 00.00" W	20,900.00 m
4-5	N 82°59' 59.90" W	14,800.00 m
5-6	N 37°00' 00.01" W	16,700.00 m
6-7	N 28°00' 00.02" E	16,600.00 m
7-8	N 38° 00' 00.02" W	22,800.00 m
9-10	N 46° 00'00.04' E	23, 000.00 m
10-11	S 58° 00'00.02" E	16,300.00 m
11-1	S 21°00' 00.0" E	31,600.00 m

The foregoing boundaries, which cover an approximate area of two hundred seventy-eight thousand nine hundred fourteen point one hundred thirty-one (278,914.131) hectares, shall only be modified through an Act of Congress after consultation with the Protected Area Management Board (PAMB), affected communities, local government units (LGUs) and concerned government agencies.

**SEC. 4. Definition of Terms. –**

- (a) **"Biodiversity"** refers to the variety and variability among all living organisms and the ecological complex in which they occur.
- (b) **"By-product"** refers to any party taken or substance extracted from wildlife, in raw or in processed form, and includes stuffed animals and herbarium specimens.
- (c) **"Biodegradable Materials"** refers to objects which are capable of being degraded or decomposed by microbiological or enzymes.
- (d) **"Collection or collecting"** refers to the act of gathering or harvesting wild flora and fauna species and its by-products or derivatives.
- (e) **"Commercial"** refers to market sale in volume or value in excess of that required to maintain basic subsistence for workers and their dependents.
- (f) **"Commercial Fishing"** refers to fishing by passive or active gear for trade, business or profit beyond subsistence, utilizing fishing vessels of more than three gross tons;
- (g) **"Conservation"** refers to the preservation and sustainable utilization of wildlife, and/or maintenance, restoration, and enhancement of the habitat.

- (h) **"Critically Endangered Species"** refer to species or subspecies that are facing extremely high risk or extinction in the wild in the immediate future.
- (i) **"Department"** refers to the Department of Environment and Natural Resources (DENR).
- (j) **"Ecosystem"** refers to the community of plants and animals, their physical environment, and the interactions among them.
- (k) **"Ecotourism"** refers to a low impact, environmentally-sound and community-participating tourism activity in a given natural environment that enhances the conservation of a biophysical and cultural diversity, promotes environmental understanding and education, and yields socioeconomic benefits to the concerned community.
- (l) **"Endangered Species"** refer to a species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the casual factors for the their depletion continue operating, including, but not limited to, the following:
  - Fauna:** crocodile, green sea turtle, Philippine tarsier, monitor lizard, dolphin, sea cow, wattled broadbill, rahminy kite, sea eagle, rufuous hornbill, katujo.
  - Flora:** dipterocarp species, mancuno (iron wood), fire orchids, itcher plant, maribojoc pine.
- (m) **"Fish and Fishery/Aquatic Products"** refers to all fish and other aquatic animals such as mollusks, crustaceans, echinoderm, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
- (n) **"Fishing"** refers to the act of taking fish, aquatic products or any aquatic flora and fauna from their wild state of habitat, with or without the use of fishing vessels.
- (o) **"Fishing vessels"** refers to any boat, ship or other watercraft equipped to be used for fishing or aiding or assisting one or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.
- (p) **"Forest Products"** refers to timber, pulpwood, firewood, bark, tree top, resin gum, wood, lumber, oil, honey, beeswax, nipa, rattan or other forest growth such as grass, shrub, and flowering plant, the associated water, fish, game, scenic, historical, recreational and geologic resources in forest lands.
- (q) **"Liba-Liba"** refers to a fishing gear or any variation thereof, consisting of a conical shaped net with a pair of wings, the ends of which are connected to two ropes with bur, plastic strips or any similar material to serve as scaring or herding device with hauling ropes passing through a metallic ring permanently attached to a

tom weight (linggote) when hauled into a fishing boat. Also known as hulbot-hulbot or bira-bira in other vernaculars.

- (r) **"Management Plan"** subject to Section 9 hereof, refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the Siargao Protected Landscapes and Seascapes in order to attain the objectives of this Act as stated in Section 2 and shall include all successor plans.
- (s) **"Marginal Fisherfolk"** refers to fisherfolk who engage in fishing with or without the use of fishing vessels or non-motorized or motorized fishing vessels powered by a single engine sixteen (16) horsepower or less.
- (t) **"Muro Ami"** refers to a fishing gear used in reef fishing which consists of a movable bag net and two detachable wings effecting the capture of fish by spreading the net in arch form around reefs or shoals and with the aid of scaring devices a cordon of fishermen drive the fish from the reefs toward the bag portion of the whole net.
- (u) **"Non-government Organizations (NGOs)"** refers to nonstock, nonprofit organizations with qualifications, expertise and objectivity in undertaking activities concerning community organizing and development, resource and environmental conservation or management and protection related to the protected area (PA).
- (v) **"Nonrenewable Resources"** refers to resources found within the PA, the natural replenishment rate of which is either not known or takes more than twenty-five (25) years.
- (w) **"People's Organizations (POs)"** refers to a group of people which may be an association, cooperative, federation, aggrupation or individuals or groups with an identifiable structure of decision-making and accountability, established to undertake collective action to address community concerns and needs in relation to the PA.
- (x) **"Protected Area Permit/License Authority"** refers to a limited term privilege or authority duly granted by the PAMB, Protected Area Superintendent (PASu), or any entity duly authorized to grant the same to a natural or juridical person, or group of persons to utilize an allowed activity within the PA.
- (y) **"Protected Landscapes /Seascapes"** refers to areas of national significance characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the areas.
- (z) **"Secretary"** refers to the Secretary of the DENR
- (aa) **"Superlight"** also refers to a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.

- (bb) **“Sustainability or sustainable”** refers to the use of components of biological diversity in a way and at a rate that does not lead to the decline of the species used, thereby maintaining its potential to meet the needs and aspirations of the present and the future Filipino generations.
- (cc) **“Threatened Species”** refers to species or subspecies considered as critically endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction.
- (dd) **“Timber”** refers to wood having an average diameter of at least fifteen (15) centimeters and a length of at least one point five meters in its unaltered state, or wood regardless of size.
- (ee) **“Vulnerable species”** refers to species or subspecies that are not critically endangered nor endangered but are under threat from adverse factors throughout their range and are likely to move to the endangered category in the near future.
- (ff) **“Wildlife”** refers to wild forms and varieties of flora and fauna in all developmental stages including those which are in captivity or are being bred or propagated.

**CHAPTER II  
PROTECTED AREA MANAGEMENT  
Article 1**

**Institutional Mechanism**

**SEC. 5. Creation and Composition of Protected Area Management Board (PAMB).** – There is hereby created a PAMB which shall have the jurisdiction, power and authority, including, but not limited to, policy making and granting permits over the PA for all matters that may affect biodiversity, conservation, protection and sustainable development.

The PAMB shall be composed of the Regional Executive Director (RED) for the CARAGA Region of the DENR or his/her duly designated representative as chairperson and the following as members:

- (a) The mayors of each municipality within the PA or his duly designated representative who must be an official of the same municipality.
- (b) The presiding officer of the Sangguniang Bayan of each municipality, or any member thereof as may otherwise be designated by the Sangguniang Bayan.
- (c) The president of the Liga ng mga Barangay of each municipality.
- (d) A minimum of three representatives selected from all local community organizations through a process designed by themselves.
- (e) A minimum of three representatives selected from among NGOs operating in the PA through a process designed by themselves.

- (f) The provincial planning and development officer or an officer of the provincial planning and development office, as may otherwise be designed by the provincial governor.
- (g) The provincial tourism or an officer of the provincial tourism office, as may otherwise be designated by the provincial governor; and
- (h) One representative from each government agency operating within the PA as may be appointed by the above-listed members of the PAMB based on their relevance and potential contribution to PA management.

In the selection of local community and NGO representatives, preference shall be accorded to organizations involved in the conservation and protection of the PA and in development work. The representation of non-government and local community organizations shall be institutional and shall endeavor to achieve geographic balance.

**SEC. 6. Term of Office** - Every member of the PAMB shall serve for a term of five years, subject however to the elected office held, government employment, and/or official designation in the local government unit, national agency, PO or NGO. Representation in the PAMB shall, as much as practicable, ensure sufficient representation of all stakeholders.

**SEC. 7. - Power and Functions of the Protected Area Management Board.** – The PAMB shall have the following powers and functions:

- (a) Issue all rules and regulations in accordance with this Act and the management plan;
- (b) Establish criteria for permits and set fees for regulated activities;
- (c) Adopt rules of procedure for the conduct of business, roles and responsibilities, and discipline of the PAMB and PA personnel, including the creation of committees to whom its powers may be delegated;
- (d) Approve, revise or modify the management and action plans;
- (e) Issue certification for terrestrial aquatic resource use: *Provided*, That the DENR and the LGUs shall issue permits only upon submission of the PAMB certification;
- (f) Recommend to the DENR for approval the deputation of interested, capable and responsible individuals for the enforcement of the laws, rules and regulations governing conduct in the PA for areas and species falling under the Department's jurisdiction: *Provided*, That for areas and species under the jurisdiction of the Bureau of Fisheries and Aquatic Resources-Department of Agriculture, deputation shall be pursuant to Republic Act No. 8550;
- (g) Oversee and evaluate the Protected Area Superintendent's Office created under Section 8 hereof;



- (h) Identify, verify and review all tenure instruments and land claims within the PA;
- (i) Recommend land classification and proper use of resources found therein consistent with the zoning provided in the management or action plans;
- (j) Accept, review and approve, after establishing criteria and rules and procedures, therefore, proposals for projects or activities, including research and development on the natural resources, to be undertaken within the PA which affect biodiversity conservation, protection and sustainable development;
- (k) Initiate civil or administrative proceedings, file criminal complaints, and take necessary legal action against individuals, associations, corporations, or entities destroying or contributing to the destruction of the PA in whatever degree, including, but not limited to, discharge of wastes or refuse which may impact on the PA; and
- (l) Participate in all stages of the Environmental Impact Assessment (EIA) process for projects that may affect the protected area and in the monitoring thereof. May also recommend that projects or activities previously not covered by or exempted from the EIA System undergo the same.

The DENR shall exercise general authority over the PAMB to ensure that it acts within the scope of its powers and functions. In case of conflict between administrative orders for national application issued by the DENR pursuant to the National Integrated Protected Areas Systems (NIPAS) Act and the rules and regulations issued by the PAMB, the Secretary, in consultation with the PAMB, shall resolve whether to apply the rule or withdraw its application for the site. The decision of the Secretary may be appealed to the regional trial court having jurisdiction over the PA.

**SEC. 8. Protected Area Superintendent (PASu) Office.** - There shall be a Protected Area Superintendent (PASu) Office within the DENR for the Siargao Islands Protected Landscapes and Seascapes that will provide general support and coordinative services such as preparation of Preliminary management plan and action plans, inter-agency linkages, community partnership-building, park visitors' education and information programs, enforcement of park rules and regulations, processing of permits and monitoring of operations.

The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the PA and shall be accountable to the RED of the DENR-Caraga and the PAMB. The PASu shall serve for a minimum of five years and must have competence and experience in the field of environmental protection.

## **ARTICLE 2**

### **Protected Area Management Plan**

**SEC. 9. Protected Area Management and Action Plans.** -The PASu office, under the general supervision of the PAMB, shall, within six months from

the effectivity of this Act, prepare the twenty-five (25) year management plan for the Siargao Islands Protected Landscapes and Seascapes in consultation with the appropriate offices of the DENR, LGUs, local communities, concerned government agencies and experts who may extend their services.

The management plan shall be reviewed, approved and adopted by the PAMB; which shall also verify that it conforms to all laws and rules and regulations issued by the DENR, and certified to the DENR Secretary within sixty (60) calendar days from submission thereof.

The management plan shall serve as guide to all activities relating to the Siargao Protected Landscapes and Seascapes, including its development as an ecotourism destination, in order to attain the objectives stated in Section 2 hereof. Within one year from the effectivity of this Act. The management plan shall be formulated in accordance with the General Management Planning Strategy provided for under the NIPAS Act of 1992 and its implementing rules, regulations and administrative orders. The management plan shall contain, among others, the following:

- a) the goals and objectives pursuant to Section 2 hereof;
- b) protected nature of the areas covered;
- c) the period of applicability of the plan;
- e) key management issues and activities such as habitat and wildlife conservation, sustainable use of land and marine resources and infrastructure development regulation;
- f) establishment of zoning and activity regulations;
- g) establishment of sustainable livelihood and investment programs;

Revisions or modifications of the management plan may be initiated by the PASu or any PAMB member and shall be reviewed, approved and adopted by the PAMB and certified to the Secretary.

After its approval, adoption and certification, the plan shall be translated in the local vernacular and shall be made readily available for perusal by the general public.

Six months after the formulation of the management plan, the PASu, in consultation with the appropriate offices of the DENR, LGUs, local communities, concerned government agencies and experts who may extend their services, shall prepare a five-year action plan, subject to review and approval of the PAMB

Before the expiration of said five-year action plan, the PASu shall, within a year, cause the publication of notices on the formulation of the succeeding action plan through broadcast and print media and posting of notices in conspicuous places within the provincial, municipal and barangay halls in order to solicit opinions on how to improve it.

The PAMB may conduct a public hearing or series of public hearings on the action plan upon the written request of any interested party.

In the event that no action plan is approved and adopted upon the expiration of the existing plan, the latter shall continue to be effective subject to modifications as may be adopted by the PAMB. The same procedure shall be followed in the case of the management plan.

**SEC. 10. *Integrated Management Plan into Local Government Development Plans.*** - The LGUs, through their representation in the PAMB, shall participate in the management of the Siargao Islands Protected Landscapes and Seascapes and its buffer zones. To ensure that the future development of the Province of Surigao and the Caraga Region takes place in accordance with this Act, the provisions herein shall be incorporated into the barangay, municipal and provincial development plans of Surigao and the regional development plan of the Caraga Region as part of the environmental concerns of the province and the region. LGUs shall likewise ensure that their ordinances pertaining to the environment are consistent with this Act and the management plan, as herein provided.

### CHAPTER III TENURE MIGRANTS AND PRIVATE RIGHTS

**SEC. 11. *Tenure Migrants and Private Rights.*** - Tenured migrants are individuals and households who have actually and continuously occupied since October 10, 1991 or earlier public lands within the PA for their alienable and disposable and are substantially dependent on the PA for their livelihood. Whenever practicable, tenured migrant communities of more than five households occupying contiguous lots shall be provided tenurial rights over their current habitation sites. However, if these areas are subsequently identified as crucial for conservation, said tenured migrants shall, after due consultation, be offered alternative sites within the appropriate zones or buffer zones with preference over non-tenured migrants: Provided, That provisions for their transfer shall be undertaken using humanitarian considerations including payment of compensation, providing security of tenure to alternative land, provision of facilities of equivalent standard and similar measures.

In all other cases, the grant of tenurial rights must take into account the need to promote clustering and to avoid unnecessary displacement. In areas where tenurial instruments are granted, appropriate use zones shall be established for the purpose of maintaining noncommercial livelihood activities.

Lands used as home lots or farm lots shall preferably be held by individual household. Lands currently used on a communal basis shall not be held individually.

Tenurial instruments shall not be issued solely on the basis of tax declaration receipts but must be supported by indisputable evidence of permanent land-use for five years before October 10, 1991, such as ;

- (a) cultivated trees and their fruit-bearing stage;
- (b) physical structures in the area indicating prolonged occupancy;
- (c) certification from the barangay captain or any two respected members

- (d) other relevant data (e.g. previous census reports) that may be accepted by the PAMB.

Existing land title instruments shall be reviewed by the PASu and endorsed by the PAMB to the DENR regional office for validation or reversion. The PAMB shall recommend the issuance of the appropriate tenure instrument consistent with the land classification and allow the use of resources found therein.

Persons who fail to qualify as tenured migrants including transient farmers shall be allowed to gather and collect whatever they have planted within five years from the effectivity of this Act. The transfer of non-tenured migrants from the Siargao Islands Protected Landscapes and Seascapes shall be undertaken using humanitarian considerations.

In the event of termination of a tenure instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area and restore it to its natural state.

#### **CHAPTER IV SPECIAL AREAS OF CONCERN**

**SEC. 12. *Existing Commercial Facilities within the Protected Area.*** – Within ninety (90) days from the effectivity of this Act, all existing commercial facilities within the boundaries of the PA or its buffer zones, with a total capitalization in excess of Fifty thousand pesos (P50,000.00 shall submit to the PAMB through the PASu, the following information:

- (a) potential for disturbance of protected species and their habitat, reproductive cycle, nesting and feeding grounds, and migratory paths;
- (b) noise levels at all stages of operation;.
- (c) requirements of water supply and sources of water; and
- (d) energy requirements and sources of energy.

Thereafter, the PAMB, with the assistance of the DENR, shall determine whether the existence of a facility and its future plans and operations will be detrimental to the PA and its buffer zones.

Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe further conditions for the operation of the facility to ensure that it is not in conflict with the management objectives of the PA. If any of such conditions are violated, a fine of Five thousand pesos (P5,000.00) for everyday of violation shall be imposed upon the owners of said facility, but not to exceed a total of Four hundred fifty thousand pesos (P450,000.00) .Whenever necessary, the PAMB through the PASu or other government entities shall cause the cessation and demolition of the facility at the cost of the owners. Existing facilities allowed to remain within the PA or its buffer zones shall be charged a fee by the PAMB, which shall not be more than two percent. of the annual gross income of the facility: *Provided*, That existing commercial facilities whose operations and/or purpose are considered contradictory to PA management

objectives shall be ordered by the PAMB to vacate the PA within such time as the PAMB may provide.

**SEC. 13. Utilization of Resources.** - Livelihood activities requiring the use of natural resources derived from the PA shall be allowed only when sustainable, consistent with the management and action plans, and after prior PAMB approval.

The PAMB is authorized to propose regulatory measures such as hunting moratoriums, closed hunting seasons and other restrictions on the use of resources within the PA and its buffer zones to ensure the sustainability of species and ecosystems.

Any exploitation or utilization of nonrenewable resources within the PA for commercial purposes or by non-tenured migrants shall not be allowed

Energy projects, whether renewable or otherwise, within the PA shall be allowed only through an Act of Congress except energy from wind, sun, waves and water sources: *Provided*, That in all instances, the primary beneficiaries shall be residents of the PA and its buffer zones: *Provided further*, That all energy projects shall undergo the EIA System as provided by law: *Provided, Finally*, that the PAMB has endorsed the project.

Commercial exploitation of water resources within the PA shall require prior PAMB approval; in accordance with the management and action plans, and should undergo the EIA system.

## **CHAPTER V PENAL PROVISIONS**

**SEC. 14. Prohibited Acts.** - It shall be unlawful for any person to willfully and knowingly exploit wildlife resources and habitat or undertake the following acts without the necessary permit issued in accordance with this Act:

- (1) Killing and destroying wildlife species, except in the following instances:
  - (a) when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
  - (b) when the wildlife is afflicted with an incurable communicable diseases;
  - (c) when it is necessary to put an end to the misery suffered by wildlife;
  - (d) when it is done to prevent an imminent danger to the life or limb of a human being; and,
  - (e) when the wildlife is killed or destroyed after it has been used in authorized research-or-experiments,
- (2) Inflicting injury which cripples and/or impairs the reproductive system of wildlife species.

- (3) Effecting any of the following acts in critical habitat(s):
  - (a) dumping of waste products detrimental to wildlife;
  - (b) burning;
  - (c) logging; and,
  - (d) quarrying of sand, gravel, guano, limestone or any material within the PA without an Environmental Clearance Certificate (ECC) duly issued by the DENR and authenticated by the PAMB.
- (4) Introduction, reintroduction or restocking of wildlife resources;
- (5) Trading of wildlife;
- (6) Collecting, hunting or possessing wildlife, their by-products and derivatives
- (7) Gathering or destroying of active nests, nest trees, host plants and the like;
- (8) Maltreating and/or inflicting other injuries not covered by the preceding paragraph;
- (9) Transporting of wildlife; and
- (10) Cutting, gathering, removing or collecting timber or any forest products within identified prohibited areas or zones in the PA, including private lands, without the necessary PA permit, authorization or exemption as issued or promulgated by the PAMB

**SEC. 15. Fines and Penalties.** - To any person who undertakes illegal acts under Section 14, paragraph (1) to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed:

- (a) Imprisonment of a minimum of six years and one day to twelve (12) years and/or fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), inflicted or undertaken against species listed as critical;
- (b) Imprisonment of four years and one day to six years and/or fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against endangered species;
- (c) Imprisonment of two years and one day to four years and/or fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00) if inflicted or undertaken against vulnerable species;
- (d) Imprisonment of one year and one day to two years and/or fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against other threatened species;

- (e) Imprisonment of six months and one day to one year and/or fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under Section 14, paragraph (2), the following penalties and/or fines shall be imposed:

- (a) Imprisonment of four years and one day to six years and/or fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against species listed as critical;
- (b) Imprisonment of two years and one day to four years and/or fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against endangered species;
- (c) Imprisonment of one year and one day to two years and/or fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against vulnerable species;
- (d) Imprisonment of six months and one day to one year and/or fine of Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species; and
- (e) Imprisonment of one month to six months and/or fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under Section 14; paragraphs (3) and (4), an imprisonment of one month to eight years and/or fine of Five thousand pesos (P5,000.00) to Five million pesos (P5,000,000.00) pesos shall be imposed.

For illegal acts under Section, paragraph (5), the following penalties and/or fines shall be imposed:

- (a) Imprisonment of two years and one day to four years and/or fine of Five thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical
- (b) Imprisonment of one year and one day to two years and/or fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
- (c) Imprisonment of six months and one day to one year and/or fine of One thousand pesos (P1,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;

- (d) Imprisonment of one month and one day to six months and/or fine of Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species; and
- (e) Imprisonment of ten (10) days to one month and/or fine of Two hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species;

For illegal acts under Section 14, paragraphs (6) and (7), the following penalties and/or fines shall be imposed;

- (a) Imprisonment of two years and one day to four years and/or fine of Thirty thousand pesos (P30,000.00) to three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;
- (b) Imprisonment of one year and one day to two years and/or fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
- (c) Imprisonment of six months and one day to one year and/or fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against endangered species;
- (d) Imprisonment of one month and one day to six months and a fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species; and
- (e) Imprisonment of ten (10) days to one month and/or fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under Section 14, paragraphs (8) and (9), the following penalties and/or fines shall be imposed:

- (a) Imprisonment of six months and one day to one year and a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against critical species;
- (b) Imprisonment of three months and one day to six months and a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00) if inflicted or undertaken against endangered species;
- (c) Imprisonment of one month and one day to three months and a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against any vulnerable species;
- (d) Imprisonment of ten (10) days to one month and a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other threatened species; and



- (e) Imprisonment of five days to ten (10) days and a fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other wildlife species.

Illegal acts under Section 14, paragraph (10), shall be penalized under existing forestry laws.

All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this act, shall be ipso facto forfeited in favor of the government: Provided, That where the ownership of the aforesaid conveyances belong to third persons who have no participation in or knowledge of the illegal acts, the same may be released to said owner.

If the offender is an alien, he shall be deported after service of sentence and payment of fines without any further proceedings.

A fine of not less than Five thousand pesos (P5,000.00) but not more than Two hundred fifty thousand pesos (250,000.00) and/or imprisonment of not less than one year but not more than five years and the restoration and rehabilitation of the damaged area or resource shall be imposed upon a person who shall commit, within the PA, the prohibited acts under Sections 86, 93 and 102 of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998.

A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than five years but not more than twenty (20) years and the restoration and rehabilitation of the damaged area or resources shall be imposed upon any person who shall commit, within the PA, the acts prohibited under Sections 88 and 92 of Republic Act No. 8550.

A fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one year but not more than five years shall be imposed upon those persons who commit, within the PA, the act/s prohibited under Section 106 of Republic Act No. 8550.

The fines prescribed shall be increased by at least ten percent (10%) every three years to compensate for inflation and to maintain the deterrent function of such fines.

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

All conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices used in the violation of this Act shall be subject to immediate administrative confiscation, independent of the judicial proceedings by the PASu Office upon apprehension subject, however, to due process and substantial evidence. When legal action is, however, filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices shall, independent of administrative proceedings, not be released until after final judgment. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the PA Fund: Procedures for the sale thereof shall be promulgated by the PAMB.

## CHAPTER VI MISCELLANEOUS PROVISIONS

**SEC. 16. *Special Prosecutor.*** -Within thirty (30) days from the effectivity of this Act, The Department of Justice (DOJ) shall appoint a Special Prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall be assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in the arrest of offenders and in criminal procedures. The PAMB shall periodically submit to the DOJ an evaluation of the performance of the designated Special Prosecutor.

**SEC. 17. *Special Counsel.*** - The PAMB may retain the services of a competent lawyer to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the Special Prosecutor and to defend the members of the PAMB and the officers and the staff of the PASu Office, or any person assisting in the protection, conservation and sustainable development of the PA against any legal action related to their powers, functions and duties as provided in this Act or as delegated by the PAMB.

**SEC. 18. *Integrated Protected Areas Fund.*** - There is hereby established a trust fund to be known as the Integrated Protected Areas Fund for purposes of financing projects of the system. All income generated from the operation of the system or management of wild flora and fauna in the PA shall accrue to the Fund. These incomes shall be derived from fees from permitted sale and export of flora and fauna and other resources from the PA, proceeds from lease of multiple-use areas, contributions for industries and facilities directly benefiting from the PA, and such other fees and income derived from the operation of the PA. The Fund maybe augmented by grants, donations, endowment from various sources, domestic or foreign for purposes related to their functions: Provided, That the Fund shall be deposited as a special account in the National Treasury and disbursement therefrom shall be made solely for the system, and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: Provided, further, That the Fund shall not be used to cover personal services expenditures. The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of local government units' 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 PA.

## CHAPTER VII FINAL PROVISIONS

**SEC. 19. *Appropriations.*** - The secretary shall immediately include in the Department's program the implementation of this Act, the funding for which shall be included in the annual General Appropriations Act.

**SEC. 20. Interpretation.** - The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and suitable development. The provisions of Republic Act No. 7586, otherwise known as the NIPAS Act, and Republic Act No. 8550, otherwise known as the Philippines Fisheries Code of 1998, and existing forestry laws, and their corresponding rules and regulations not inconsistent herewith shall have supplementary application in the Implementation of this Act.

**SEC. 21. Implementing Rules and Regulations.** - Ninety (90) days after the effectivity of this Act, the DENR, in consultation with the PAMB and concerned NGOs shall promulgate the implementing rules and regulations necessary to effectively implement the provision of this Act.

**SEC. 22. Separability Clause.** - If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof which shall continue to have full force and effect

**SEC. 23. Repealing Clause.** - All other laws, rules and regulations inconsistent with this Act or any provision thereof are hereby repealed or are modified accordingly.

**SEC. 24. Effectivity Clause.** - This Act shall take effect immediately after publication in the Official Gazette or in at least two national newspaper of general circulation.

*Approved,*