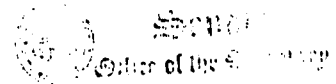


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'21 JUN -3 A11 :39

SENATE

RECEIVED BY

S. No. 2277

Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT
DECLARING TWO PARCELS OF LAND SITUATED WITHIN SICOGON
ISLAND, MUNICIPALITY OF CARLES, IN THE PROVINCE OF ILOILO, A
PROTECTED AREA WITH THE CATEGORY OF WILDLIFE SANCTUARY
UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS),
TO BE REFERRED TO AS THE SICOGON ISLAND WILDLIFE SANCTUARY,
PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS
THEREFOR

EXPLANATORY NOTE

Under the 1987 Philippine Constitution, it is a declared state policy that the State ¹ shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." In line with safeguarding a healthful ecology, the Constitution likewise provides that Congress shall determine the national parks, which shall be conserved and may not be increased nor diminished, except by law.²

Pursuant to the said constitutional provisions, the National Integrated Protected Areas System (NIPAS) was established by virtue of Republic Act (RA) No. 7586, as amended by RA No. 11038, otherwise known as the "Expanded NIPAS Act of 2018". Cognizant of the exacting impact of diverse human activities on all

¹ Article II, Section 16, 1987 Philippine Constitution

² Article XII, Sec. 3, 1987 Philippine Constitution

components of the natural environment, the NIPAS Act declared it the policy of the State "to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution." The system shall encompass ecologically rich, unique and biologically important areas that are habitats of threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as 'protected areas'.³

Presently, there are already 107 protected areas in the Philippines that have been so declared through legislation. And yet, based on the records and various suitability assessments by the Biodiversity Management Bureau (BMB) of the Department of Environment and Natural Resources (DENR), there are still numerous sites in the country that have to be given 'protected area' status, by legislative action, in order to ensure its conservation.

Western Visayas region which includes Panay and Negros Islands is recognized as "one of the world's highest conservation priority areas, both in terms of number of endemic species and degrees of threat" according to the study made by the Philippine Biodiversity Conservation Foundation, Inc. Based on the said study, more than half of the critically endangered species listed in the Philippines can be found in Western Visayas and that it is undoubtedly the most threatened of the six main faunal regions of the Philippines, since it has the least remaining forest cover and the highest numbers of severely threatened endemic species and subspecies.

Sicogon Island is one of the smaller islands in the northeastern tip of the Province of Iloilo. It has an estimated area of 1,160 hectares and politically located in the Municipality of Caries. The island has three barangays, namely, Alipata, Buaya, and San Fernando with an estimated population of 5,238. Sicogon Island is characterized by a moderately rolling terrain with the highest elevation of about 300

³ Section 2, RA No. 7586, as amended by RA 11038

meters above sea level. The vegetation on the western part of the island is composed of mixed grassland and agricultural areas, while the eastern part is forested and mostly classified as timberlands.⁴ Situated in the island are two parcels of timberland areas covering 249.289 hectares in the eastern part and 33.578 hectares in the southern part with a total of 282.867 hectares. The island has twelve fresh water springs which are the source of drinking and day to day use of residents in the island.

In 2006, preliminary baseline data on the island's biodiversity has been conducted by Flora and Fauna International (FFI).⁵ The result of the study shows the following results:

Flora Species	<p>318 species recorded 252 are tree species (32 species are endemic to Panay) 14 shrubs 9 herbs 7 vines 12 ferns</p> <p>Common families are <i>Moraceae</i>, <i>Rubiaceae</i>, <i>Anacardiaceae</i>, <i>Euphorbiaceae</i>, <i>Meliaceae</i>, <i>Fabaceae</i> and <i>Clusiaceae</i></p>
Herpetofauna	<p>7 families 21 species, 9 are endemic species 6 species of frogs 4 species of skinks 1 species of varanid 3 species of snakes</p> <p>A forest frog, <i>Platymantis</i> sp., and a dwarf gecko, <i>Hemiphyllodactylus</i> sp., are possibly new species</p>

⁴ Alcalá, E.L., Aversa, L.T., Bicol, A.A. and Cordova, L, 2010, The Vertebrate Biodiversity of the Gigantes and Sicogon islands, Iloilo, Province. Philippines. Silliman Journal. 512(2). Retrieved June 2015 from <http://v3.su.edu.ph/resources/silimanjourbnat/issues/v0151n02/SJ512.pdf>.

⁵ Flora Fauna International, 2006, An Assessment of Native Flora and Fauna of Sokaogan Island, Panay, Philippines: A Consolidated Report

Birds	62 species recorded 12 endemic species including: Philippine Hawk Owl (<i>Ninox philippensis</i>) Bicolored Flowerpecker (<i>Dicaeum bicolor</i>) Philippine Tailorbird (<i>Orthotomus castaneiceps</i>) Balicassiao (<i>Dicrurus balicassius</i>)
Mammals	14 species recorded 2 species of flying foxes Common Island Flying Fox (<i>Pteropus hypomelanus</i>) Little Golden-mantled Flying fox (<i>Pteropus pumilus</i>) Other species: Critically endangered-Visayan Warty Pig (<i>Sus cebifrons</i>) Visayan Leopard cat (<i>Prionailurus bengalensis ssp. rabori</i>)

The interesting biodiversity of Sicogon Islands calls a need to declare the 282.867 hectares remaining forestland of the island as protected area and made it a candidate for the West Visayan Threatened Endemic Species Reintroduction Programme which addresses the alarming conservation status of the Negros-Panay endemic species.

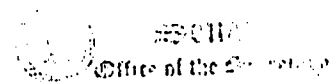
Pursuant to the National Integrated Protected Areas System (NIPAS) Act, this bill aims to declare a tract of land of the public domain situated within Sicogon Island, Carles, Iloilo, as a protected area under the category of a wildlife sanctuary. This will ensure the protection, conservation, and management of the natural biodiversity of Sicogon Island.

This is the Senate counterpart measure of HB 9328 principally authored by Hon. Raul "Boboy" C. Tupas, the Representative of the Fifth District of Iloilo.

In view of the foregoing, I recommend the approval of this measure.


CYNTHIA A. VILLAR

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'21 JUN -3 A11 39

SENATE

RECEIVED BY

S. No. 2277

Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT

DECLARING TWO PARCELS OF LAND SITUATED WITHIN SICOGON ISLAND, MUNICIPALITY OF CARLES, IN THE PROVINCE OF ILOILO, A PROTECTED AREA WITH THE CATEGORY OF WILDLIFE SANCTUARY UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE SICOGON ISLAND WILDLIFE SANCTUARY, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

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

1 Section 1. *Short Title.* – This Act shall be known as the "Sicogon Island
2 Wildlife Sanctuary Act".

3 Sec. 2. *Declaration of Policy.* – Cognizant of the profound impact of human
4 activities on all components of the natural environment, it is hereby declared the
5 policy of the State to secure for the Filipino people of present and future
6 generations, the perpetual existence of all native plants and animals through the
7 declaration of protected areas under the National Integrated Protected Areas System
8 (NIPAS) within the classification of national park as provided for in the Constitution.

9 In recognition of the richness of the biological resources, both flora and
10 fauna, that are native and distinct to Sicogon Island, as well as their aesthetic and

1 ecological importance, two parcels of land situated in Sicogon Island, Municipality of
2 Carles, in the Province of Iloilo, is hereby declared a protected area with the
3 category of wildlife sanctuary, and shall hereinafter be referred to as the Sicogon
4 Island Wildlife Sanctuary (SIWS). As such, the State shall ensure the conservation,
5 protection, management and rehabilitation of the area. It is likewise recognized that
6 effective administration of this area is possible only through cooperation among
7 national government, local government units (LGUs), concerned nongovernmental
8 organizations (NGOs), private entities and local communities. The use and
9 enjoyment of this area must be consistent with the principles of biological diversity
10 and sustainable development.

11 Towards this end, the State shall ensure the full implementation of this Act,
12 the mobilization of resources for the institutional mechanisms herein established,
13 and the full scientific and technical support needed for the conservation of
14 biodiversity and the integrity of the ecosystems, culture and indigenous practices.

15 **Sec. 3. *Definition of Terms.* – As used in this Act:**

- 16 a) *Buffer zones* refer to identified areas outside the boundaries of and
17 immediately adjacent to designated protected areas that need special
18 development control in order to avoid or minimize harm to the
19 protected area;
- 20 b) *Conservation* refers to any act or acts of preservation and sustainable
21 utilization of wildlife or maintenance, restoration and enhancement of
22 habitats;
- 23 c) *Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs)*
24 refer to groups of people sharing common bonds of language,
25 customs, traditions, and other distinctive cultural traits, and who have,
26 since time immemorial occupied, possessed and utilized a territory;
- 27 d) *National park* refers to land of the public domain classified as such in
28 the Constitution which includes all areas under the NIPAS, primarily

designated for the conservation of native plants and animals, their associated habitats and cultural diversity;

e) *Protected area* refers to an identified portion of land and water set aside by reason of its unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

f) *Tenured migrants* refer to protected area occupants who have been actually, continuously and presently occupying a portion of the protected area for five (5) years before the proclamation or law establishing the same as a protected area, and are solely dependent therein for subsistence.

g) *Wildlife Sanctuary* refers to an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment which may require specific human manipulations for their perpetuation.

Sec. 4. *Classification as a National Park.* – The SIWS is comprised of two (2) parcels of land of the public domain situated within Sicogon Island, Municipality of Carles, Province of Iloilo. All lands of the public domain within the coverage and scope of the SIWS shall fall under the classification of national park as provided for in Article XII, Section 3 of the Constitution.

Sec. 5. *Scope and Coverage.* – The boundaries of the SIWS are more particularly described as follows:

a) Parcel I pertains to the area beginning at a point marked "1" on the map, which is N 87° 57' 08" E, 277.937 meters from PRS Control Monument "Sicogon" with coordinates 1266121.06 N and 527709.24 E located at Barangay Buaya, Sicogon Island, Municipality of Carles, Province of Iloilo,

thence N 86-46-21 E 532.845 meters to corner 2;

1	thence	S70-50-18 E	673.303	meters to corner 3;
2	thence	S 82-34-7 E	371.117	meters to corner 4;
3	thence	S 76-34-41 E	180.942	meters to corner 5;
4	thence	N 81-41-30 E	147.156	meters to corner 6;
5	thence	S 34-19-49 E	2.337	meters to corner 7;
6	thence	S 28-34-18 E	311.672	meters to corner 8;
7	thence	S 30-15-23 E	88.217	meters to corner 9;
8	thence	S 58-4-10 E	86.045	meters to corner 10;
9	thence	S 50-38-54 W	68.433	meters to corner 11;
10	thence	S 14-49-35 E	37.223	meters to corner 12;
11	thence	S 48-28-6 W	49.482	meters to corner 13;
12	thence	N 89-10-11 W	73.033	meters to corner 14;
13	thence	S 65-42-33 W	131.208	meters to corner 15;
14	thence	S 21-19-4 W	46.579	meters to corner 16;
15	thence	S 37-20-0 W	78.531	meters to corner 17;
16	thence	S 9-11-20 W	72.902	meters to corner 18;
17	thence	N 51-26-34 W	165.237	meters to corner 19;
18	thence	N 81-44-26 W	438.549	meters to corner 20;
19	thence	N 86-12-6 W	241.531	meters to corner 21;
20	thence	S 65-42-22 W	157.991	meters to corner 22;
21	thence	S 0-49-49 E	414.043	meters to corner 23;
22	thence	S 30-26-37 W	264.462	meters to corner 24;
23	thence	N 32-3-13 W	126.246	meters to corner 25;
24	thence	S 64-16-46 W	182.036	meters to corner 26;
25	thence	N 88-33-48 W	319.100	meters to corner 27;
26	thence	N 9-45-0 W	360.203	meters to corner 28;
27	thence	N 47-10-54 W	297.200	meters to corner 29;
28	thence	S 70-34-38 W	183.439	meters to corner 30;

1 created to oversee the management of the SIWS. The PAMB shall be composed of
2 the following:

- 3 a) DENR Regional Director for Region I, as Chairperson;
- 4 b) Governor of the Province of Iloilo or a duly authorized representative;
- 5 c) Senators of the Republic of the Philippines who are duly registered
6 residents of Iloilo, or their duly designated representatives, unless the
7 Senators decline the membership in the PAMB;
- 8 d) District Representatives of the Congressional Districts where the SIWS
9 is located, or their duly designated representatives, unless the District
10 Representatives decline the membership in the PAMB;
- 11 e) Mayor of the Municipality of Carles, in the Province of Iloilo or a duly
12 authorized representative;
- 13 f) Chairpersons of the all the *barangays* with territorial jurisdiction over
14 the SIWS;
- 15 g) Regional Directors of the following government agencies, namely: the
16 Department of Agriculture (DA), the National Economic and
17 Development Authority (NEDA), the Department of Science and
18 Technology (DOST), the Philippine National Police (PNP), and the
19 Department of National Defense (DND);
- 20 h) Three (3) representatives from NGOs or people's organizations (POs)
21 based in the Province of Iloilo, duly accredited both by the DENR and
22 the provincial government. The NGOs or POs represented should have
23 been in existence for at least five (5) years and must have a record of
24 accomplishments in the field of protected area management;
- 25 i) At least one (1) but not more than three (3) representatives from all
26 the ICCs/IPs present in the area and recognized by the National
27 Commission on Indigenous Peoples (NCIP);

- j) One (1) representative from an academic institution, preferably from a university or college in the Province of Iloilo, with a record of accomplishments in or related to protected area management; and
- k) One (1) representative from the private sector, preferably a resident of the Province of Iloilo, who is distinguished in a profession or field of interest relevant to the protected area management.

The terms of office of members of the PAMB, as well as the grounds for their removal shall be in accordance with the provisions of Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992", as amended by Republic Act No. 11038, otherwise known as the "Expanded National Integrated Protected Areas System Act of 2018".

Sec. 8. *Functions of the PAMB.* – The PAMB shall have the following powers and functions:

- a) Oversee the management of the protected area;
- b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;
- c) Approve the management plan of the protected area and ensure its harmonization with and integration into the Ancestral Domain Sustainable Development and Protection Plan, land use plan and other development plans, public or private, and their implementation;
- d) Adopt a manual of operations to include rules of procedures in the conduct of business, and the creation of committees and their respective terms of reference;
- e) Recommend the deputation of appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the management of the protected area;
- f) Allocate financial resources for the implementation of the management plan and manage the Protected Area Retention Income Account and

1 other funds in accordance with government accounting, budgeting and
2 auditing rules and regulations;

3 g) Set fees and charges in accordance with existing guidelines;

4 h) Issue rules and regulations for the resolution of conflicts through
5 appropriate and effective means;

6 i) Recommend appropriate policy changes to the DENR and other
7 government authorities with respect to the management of the SIWS;

8 j) Monitor and assess the performance of the Protected Area
9 Superintendent (PASu) and other protected area personnel and
10 compliance of partners with the terms and conditions of any
11 undertaking, contract or agreement relative to any project or activity
12 within the SIWS;

13 k) Recommend from among a shortlist of qualified candidates, the
14 designation or appointment of the PASu; and

15 l) Assess the effectiveness of the management of the protected area:
16 *Provided*, That the members of the PAMB representing the LGUs and
17 national agencies shall inform their respective constituents, offices or
18 sectors, of PAMB-approved or other relevant policies, rules,
19 regulations, programs, and projects and shall ensure that the
20 provisions of this Act and the rules and regulations issued to
21 implement are complied with and used as reference and framework in
22 their respective plans, policies, programs, and projects. Failure to
23 comply with the foregoing shall be the basis for disciplinary action
24 against such member according to administrative rules and regulations
25 and such penalties as the PAMB may provide: *Provided, further*, That
26 the DENR, through the Regional Director, shall ensure that the PAMB
27 acts within the scope of its powers and functions. In case of conflict
28 between the resolutions issued by the PAMB and the existing
29 administrative orders of national application, the latter shall prevail.

1 Sec. 9. *The Protected Area Management Office (PAMO).* – There is hereby
2 established a Protected Area Management Office (PAMO) to be headed by a
3 Protected Area Superintendent (PASu) who shall supervise the day to day
4 management, protection, and administration of the SIWS. The PASu shall hold a
5 permanent plantilla position and shall be appointed by the DENR Secretary. A
6 sufficient number of support staff with permanent plantilla positions shall likewise be
7 appointed by the DENR Secretary to assist the PASu in the management of the
8 protected area.

9 The PASu shall be primarily accountable to the PAMB and the DENR for the
10 management and operations of the SIWS. Pursuant thereto, the PASu shall have
11 the following duties and responsibilities:

- 12 a) Prepare the management plan, in consultation with the stakeholders,
13 including the annual work and financial plan and ensure its
14 implementation;
- 15 b) Ensure the integration of the protected area management plans,
16 programs, projects, and policies with relevant national and LGUs' plans
17 and programs;
- 18 c) Provide secretariat services to the PAMB and its committees and
19 ensure the availability of relevant and timely information for decision-
20 making;
- 21 d) Formulate and recommend to the PAMB proposed policies, rules,
22 regulations, and programs;
- 23 e) Establish, operate, and maintain a database management system
24 which shall be an important basis for decision-making;
- 25 f) Enforce the laws, rules and regulations relevant to the protected area,
26 commence and institute administrative and legal actions in
27 collaboration with other government agencies or organizations, and
28 assist in the prosecution of offenses committed in violation of the
29 provisions of this Act;

- 1 g) Monitor, evaluate, and report the implementation of management
2 activities of the protected area;
- 3 h) Request for and receive any technical assistance, support or advice
4 from any agency or instrumentality of the government as well as
5 academic institutions, NGOs, and the private sector, as may be
6 necessary for the effective management, protection and administration
7 of the protected area;
- 8 i) Issue permits and clearances for activities that implement the
9 management plan and other permitted activities in accordance with
10 terms, conditions, and criteria established by the PAMB: *Provided*, That
11 all permits for extraction of natural resources, including collection of
12 wildlife, and its by-products or derivatives for research purposes, shall
13 continue to be issued by relevant authorities, subject to prior clearance
14 from the PAMB, through the PASu, in accordance with the specific acts
15 to be covered;
- 16 j) Collect and receive pertinent fees, charges, donations, and other
17 income for the protected area: *Provided*, That such fees, charges,
18 donations, and other income collected and received shall be reported
19 regularly to the PAMB and the DENR in accordance with existing
20 guidelines;
- 21 k) Prepare and recommend to the PAMB, approval of the annual work
22 and financial plans of the protected area based on the management
23 plan; and
- 24 l) Perform such other functions as the PAMB and the DENR may assign.

25 The PAMO may be augmented by the deputized local environment and
26 natural resources officers upon the recommendation of the PAMB and approval of
27 the DENR.

ARTICLE III
PROCEEDS AND FEES

Sec. 10. *The Sicogon Island Wildlife Sanctuary Fund.* – There is hereby established a trust fund to be known as the Sicogon Island Wildlife Sanctuary Fund for purposes of financing projects of the SIWS and the NIPAS. All income generated from the operation and management of wild flora and fauna in the SIWS shall accrue to the fund. The income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the SIWS, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the SIWS, and such other fees and income derived from the operation of the SIWS.

The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited in the Protected Area-Retained Income Account (PA-RIA) in any authorized government depository bank within the locality: *Provided,* That disbursements out of such deposits shall be used solely for the protection, maintenance, administration, and management of the protected area and implementation of duly approved projects of the PAMB. The remaining twenty-five percent (25%) of revenues shall be deposited as a special account in the general fund in the National Treasury for purposes of financing the programs and projects of the NIPAS.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign: *Provided,* That the fund shall be deposited in full as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration, and management of the NIPAS and duly approved projects endorsed by the PAMB in accordance with existing accounting, budgeting, and auditing 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 LGUs' facilities.

1 **ARTICLE IV**
2 **TRANSITORY AND MISCELLANEOUS PROVISIONS**

3 Sec. 11. *Appropriations.* – The Secretary of the DENR shall immediately
4 include in the Department's Program the implementation of this Act, the funding of
5 which shall be included in the annual General Appropriations Act.

6 Sec. 12. *Suppletory Application of the NIPAS Law.* – The provisions of
7 Republic Act No. 7586, as amended by Republic Act No. 11038, shall have
8 suppletory application to this Act.

9 Sec. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from
10 the effectivity of this Act, the Secretary of the DENR shall, in consultation with the
11 local government of the Municipality of Carles, the provincial government of Iloilo,
12 and concerned national government agencies, issue the corresponding rules and
13 regulations for the effective implementation of this Act.

14 Sec. 14. *Separability Clause.* – If any section or provision of this Act is held
15 unconstitutional or invalid, the remaining sections or provisions with the provisions
16 not affected thereby shall continue to be in full force and effect.

17 Sec. 15. *Repealing Clause.* – All laws, decrees, letters of instruction, executive
18 orders, rules and regulations and other issuances or parts thereof inconsistent with
19 this Act are hereby repealed or modified accordingly.

20 Sec. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
21 its publication in the *Official Gazette* or in a national newspaper of general
22 circulation.

Approved,