

FOURTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

7 JUN 30 P2 55

SENATE
Senate Bill No. 171

RECEIVED BY: 

Introduced by Sen. M.A. Madrigal

EXPLANATORY NOTE

The Tubbataha Reef is located within Central Sulu Sea. It is part of the Sulu West Sea Marine Triangle under the jurisdiction of Cagayancillo, Palawan. It is made up of two atolls, the North Reef and South Reef.

The Tubbataha Reef is home to seven (7) species of seagrasses, which are food for the endangered marine turtle, and seventy-one (71) algae, and four hundred seventy-nine species of marine fishes.

Eighty-six percent (86%) of the total coral species in the Philippines are found in Tubbataha Reef area. The fish biomass in the Tubbataha Reef is more than average. It is the rookery of twenty-three species of migratory and resident sea birds, some of which is globally threatened. It is a nesting ground for two species of endangered marine turtles.

Due to its biodiversity and ecological significance, the Tubbataha Reef Natural Park was declared a protected sanctuary in August 2006 through Presidential Proclamation No. 1126.

In line with the State's policy of securing for the Filipino people of present and future generations the perpetual existence of all native plants and animals, it is incumbent upon the Congress to enact a law to provide for the management, protection, sustainable development and rehabilitation of the Tubattaha Reef Natural Park. This shall be established within the framework of the National Integrated Protected Area System (NIPAS) Act, or Republic Act of 7586, while considering the welfare and recognizing the rights of all the communities living therein especially the indigenous peoples.

Passage of this Bill is thus urgent before the treasures of Tubbataha Reef are lost to the Philippines and the world.


M.A. MADRIGAL

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9
10 AN ACT
11 ESTABLISHING THE TUBBATAHA REEF NATIONAL MARINE PARK IN
12 THE PROVINCE OF PALAWAN AS A NATURAL PARK UNDER THE
13 NIPAS ACT (R.A. 7586) AND SEP LAW (RA 7611), PROVIDING FOR ITS
14 MANAGEMENT AND FOR OTHER PURPOSES
15

16 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
17 *Congress assembled:*
18
19

20 ARTICLE I
21 TITLE, POLICIES AND OBJECTIVES
22
23

24 SECTION 1. *Short Title.* This Act shall be known and referred to as the
25 Tubbataha Reefs Natural Park Act of 2007.
26

27 SECTION 2. *Declaration of Policy.* It shall be the declared policy of the State to
28 ensure the protection and conservation of the globally significant economic,
29 biological, socio-cultural, educational, and scientific values of the Tubbataha
30 Reefs into perpetuity for the enjoyment of present and future generations. These
31 shall be pursued through sustainable and participatory management, taking into
32 consideration all applicable laws and international conventions to which the
33 Philippines is a signatory.
34

35 SECTION 3. *Definition of Terms.* For purposes of this Act, the following terms
36 shall be defined as follows:
37

38 a) "BFAR" shall refer to the Bureau of Fisheries and Aquatic Resource of
39 the Department of Agriculture.
40

41 b) "Bioprospecting" shall refer to research, collection and utilization of
42 biological and genetic resources for purposes of applying the knowledge derived
43 therefrom solely for commercial purposes.
44

45 c) "Commercial fishers/fisherfolk" shall refer to persons who catch fish
46 and other fishery products using fishing vessels of more than three (3) gross tons.
47

1 d) "Coral" shall refer to all bottom dwelling animals under the phylum
2 Cnidaria, which are a major part of the reef community. The definition includes
3 four types of corals, 1) those that produce a hard skeleton out of calcium
4 carbonate such as all scleractinian corals, the hydrozoan corals (firecorals), and
5 the blue and red corals under the genera *Heliopora* and *Tubipora*; 2) the
6 antipatharian or black corals with a rigid, chitinous skeleton; 3) the gorgonians
7 with a horny and/or calcareous axis; and 4) the soft bodied anthozoans such as
8 sea anemones, and the soft corals under the systematical group of Alcyonaria or
9 Octocorallia.

10
11 e) "DA" shall refer to the Department of Agriculture.

12
13 f) "DENR" shall refer to the Department of Environment and Natural
14 Resources.

15
16 g) "DOJ" shall refer to the Department of Justice.

17
18 h) "Electro-fishing" shall refer to the use of electricity generated by
19 batteries, electric generator and other source of electric power to kill, stupefy,
20 disable or render unconscious aquatic organisms, whether or not the same are
21 subsequently recovered. "Exotic species" shall refer to species or subspecies that
22 do not naturally occur within the biogeographic region of the TRNP at present or
23 in historical time.

24
25 i) "Explosives" shall refer to dynamite, other explosives or other chemical
26 compounds that contain combustible elements or ingredients which upon
27 ignition by friction, concussion, percussion or detonation of all or parts of the
28 compound will kill, stupefy, disable or render unconscious any species. It also
29 refers to any other substance and/or device, including blasting caps or any other
30 component or part of explosive devices, which causes an explosion that is
31 capable of producing the said harmful effects on any resources and capable of
32 damaging and altering the natural habitat.

33
34 j) "Gear" shall refer to any instrument or device and its accessories
35 utilized in taking, catching, gathering, killing, hunting, destroying, disturbing,
36 removing or possessing resources within the TRNP.

37
38 k) "Kayakas" shall refer to the fishing method known as the local version
39 of the muro-ami but smaller in size, using bamboo or trunk trees as scaring
40 devices aside from coconut or other leaves or materials to drive the fishes and
41 other marine resources out of the coral reefs while at the same time pounding the
42 corals.

43
44 l) "Litter" or "Littering" shall refer to the disposal of small amount of non-
45 biodegradable solid waste materials, such as, cigarette butts, candy wrappers,
46 plastic bags, bottles, glasses, in the TRNMP which may cause or contribute to the
47 deterioration of the resources or habitats in the TRNP.

48

1 m) "Municipal fishers/fisherfolk" shall refer to persons who catch fish and
2 other fishery products using fishing vessels of three (3) gross tons or less, or
3 whose fishing does not require the use of fishing vessels.

4
5 n) "Muro-ami" shall refer to the method used in reef fishing consisting of
6 a movable bagnet, detachable wings and scarelines having plastic strips and
7 iron/steel/stone weights, effecting fish capture by spreading the net in an arc
8 around reefs or shoals and, with the use of the scarelines, a cordon of people
9 drive the fish towards the waiting net while pounding the corals by means of
10 heavy weights like iron/steel/stone or rock making it destructive to corals.

11
12 o) "Non-Government Organization (NGO)" shall refer to any civic,
13 developmental, environmental or philanthropic non-stock, non-profit
14 organization, duly registered, having by-laws, democratically-elected
15 representatives, with qualifications, expertise and objectivity in activities
16 concerning community organizing and development, or resource and
17 environmental conservation, management and protection related to the protected
18 area.

19
20 p) "Non-renewable Resources" shall refer to those resources found within
21 the TRNMP, the natural replenishment rate of which is not known.

22
23 q) "Noxious or Poisonous Substances" shall refer to any substance, plant
24 extracts or juice thereof, sodium cyanide and/or cyanide compounds or other
25 chemicals either in raw or processed form, harmful or harmless to human beings,
26 which will kill, stupefy, disable or render unconscious any marine organism and
27 capable of damaging and altering the natural habitat.

28
29 r) "PAMB" shall refer to the Protected Area Management Board as
30 provided for in Republic Act 7586, otherwise known as the National Integrated
31 Protected Areas System Act.

32
33 s) "PCSD" shall refer to the Palawan Council for Sustainable Development
34 as created under Republic Act 7611, otherwise known as the Strategic
35 Environmental Plan for Palawan Act.

36
37 t) "People's Organization (PO)" shall refer to a group of people which
38 may be an association, cooperative, federation, aggrupation of individuals or
39 groups with an identifiable structure of decision-making and accountability,
40 established to undertake collective action to address community concerns and
41 needs in relation to the protected area.

42
43 u) "PaSu" shall refer to the Park Superintendent of the TRNP.

44
45 v) "Poaching" shall refer to fishing or operating any fishing vessel,
46 gathering and/or purchase of any fishery products within Philippine waters by
47 any foreign person, corporation or entity.

48

1 w) "Protected Area" shall refer to identified portions of land and water set
2 aside by reason of their unique physical and biological significance, managed to
3 enhance biological diversity and protected against destructive human
4 exploitation.

5
6 x) "Protected species" shall refer to any plant or animal declared protected
7 under Philippine laws, rules and regulations. These shall include all species
8 listed under the Convention of International Trade of Endangered Species
9 (CITES) and all its Annexes, the Bonn Convention on Migratory Animals, those
10 specified under the red-list categories of the International Conservation of
11 Nature (IUCN), or any plant or animal which the TMB or any government
12 agency may deem necessary for conservation and preservation in the TRNP.

13
14 y) "Purse Seine" shall refer to the gear characterized by encircling net
15 having a line at the bottom passing through rings attached to the net, which can
16 be drawn or pursed. In general, the net is set from a boat or boats around the
17 school of aquatic resources. The bottom of the net is pulled closed with the purse
18 line. The net is then pulled aboard the boat or boats until the resources are
19 concentrated in the bunt or bag.

20
21 z) "Resources" shall refer to all natural endowments, whether aquatic or
22 terrestrial, living or non-living, found in TRNP.

23
24 aa) "Stakeholders" shall refer to any individuals, communities, agencies,
25 institutions, organizations, aggrupations of specific interests or sectors which
26 have particular interest in the achievement of the objectives of this Act, and/or
27 enjoyment or utilization in any form of the resources within the TRNP.

28
29 bb) "TMO" shall refer to the Tubbataha Management Office.

30
31 cc) "Trawl" shall refer to the gear consisting of a bag-shaped net which is
32 dragged or towed along the bottom or through the water column to take aquatic
33 resources by straining them from the water, including all variations and
34 modifications of trawls in bottom, mid-water, baby trawls, and tow nets.

35
36 dd) "TPAMB" shall refer to the Tubbataha Protected Area Management
37 Board.

38
39 ee) "TRNP" shall refer to the Tubbataha Reefs Natural Park & World
40 Heritage Site.

41
42 ff) "Vessel" includes every description of watercraft, including non-
43 displacement crafts and seaplanes, used or capable of being used as a means of
44 transportation on water. It shall include everything found therein, except
45 personal effects.

46

1 gg) "Waste" shall refer to discarded items of solid, liquid, contained
2 gaseous or semi-solid form, and from whatever source, which may cause or
3 contribute to the deterioration of the resources or habitats in the TRNP.
4

5 **SECTION 4. Declaration of Scope.** The Tubbataha Reef Natural Park (TRNP),
6 which shall cover an approximate area of **NINE SIX THOUSAND EIGHT**
7 **HUNDRED TWENTY EIGHT (96,828) HECTARES**, including its seabed and
8 airspace, and which shall include the Tubbataha Reefs and the Jessie Beazley
9 Reef in the Province of Palawan is hereby declared as a protected area. Its
10 boundaries shall be as follows:

	Longitude	Latitude
11		
12		
13	From Pt. 1	119°46' 10" N 9°04' 52" E
14	to Pt. 2	119°48' 22" N 9°06' 05" E
15	to Pt. 3	120°03' 12" N 8°58' 09" E
16	to Pt. 4	120°03' 30" N 8°53' 29" E
17	to Pt. 5	119°50' 41" N 8°41' 33" E
18	to Pt. 6	119°45' 46" N 8°43' 09" E
19		
20		

21 **ARTICLE II**
22 **MANAGEMENT, MANAGEMENT PLAN AND ZONING**

23
24 **SECTION 5. Management of the TRNP.** The management and
25 administration of the TRNP shall be vested with the Tubbataha Protected Area
26 Management Board (TPAMB), as herein provided. Management of zones to be
27 established within the TRNP shall be consultative and participatory.
28

29 **SECTION 6. Zoning.** Zones shall be established within the TRNP giving
30 primary consideration to the preservation and conservation of all life forms, in
31 accordance with applicable laws, rules and regulations. Zoning shall also take
32 into consideration the efficient protection of habitats, fragile ecosystems and
33 unique areas.
34

35 The establishment and management of zones shall involve the concerned
36 stakeholders by undertaking such steps as dialogue, and community and
37 resource-use mapping.
38

39 The metes and bounds of each zone shall be indicated on maps and/or
40 nautical charts.
41

42
43 **SECTION 7. Management Plan.** Within one (1) year from the effectivity of this
44 Act, there shall be a Management Plan to be prepared by the Tubbataha
45 Management Office in coordination with the local community and various
46 stakeholders, the Palawan Council for Sustainable Development (PCSD), the
47 Municipal Government of Cagayancillo, the Provincial Government of Palawan,
48 and with assistance from the Department of Environment and Natural Resources

1 and the Bureau of Fisheries and Aquatic Resources. The Management Plan shall
2 contain, among others:

- 3
- 4 a. a period of applicability for ten (10) years subject to periodic review
5 every three (3) years;
- 6
- 7 b. goals and objectives of management in support of Section 2 hereof;
- 8
- 9 c. key management issues, such as, but not limited to, issuance,
10 screening and approval of all development and resource-use
11 activities within the TRNP; adequate protection and restoration of
12 endangered species and fragile ecosystems;
- 13
- 14 d. site management strategy including, but not limited to,
15 establishment of clear and simplified guidelines on the activities
16 that can be allowed within the zones, including the buffer zones;
- 17
- 18 e. major management activities, such as, but not limited to,
19 enforcement of laws, habitats and wildlife management,
20 sustainable use management, infrastructure development and
21 maintenance, fire prevention, pest and disease control, and disaster
22 management;
- 23
- 24 f. zoning in accordance with Section 6 hereof;
- 25
- 26 g. mechanism for the protection, regulation and prohibition of those
27 within the TRNP, in accordance with their rights;
- 28
- 29 h. mechanisms to ensure consultative and participatory decision-
30 making processes.
- 31

32 The Management Plan shall be consistent with the nature of the TRNP as a
33 protected area. It shall be reviewed and approved by the TPAMB, and submitted
34 to the PCSD and the DENR.

35

36

37 **SECTION 8. *Successor Plan.*** Before the expiration of the initial
38 Management Plan, there shall be a successor plan to be prepared by the TMO in
39 the same manner as the procedure and principles herein set forth. Two years
40 before the expiration of the Management Plan, the PM shall cause the publication
41 of notices for comments and suggestions on the successor plan using all available
42 media, but at least in a newspaper of local circulation, and the posting of such
43 notices in the provincial, municipal and barangay halls and in three (3) other
44 conspicuous areas frequented by the public. The successor plan to the
45 Management Plan shall be made available to the public for perusal at the office
46 and sub-offices of the PM and the PCSD.

47
48

1 n At least two (2) representatives from people's organizations (PO)
2 based in the Municipality of Cagayancillo, Palawan, and concerned
3 with the conservation and management of the TRNP, to be chosen
4 from among themselves;

5
6 o. The Park Superintendent as *ex officio* member.
7

8 Except for government officials who shall serve *ex-officio*, every TPAMB
9 member shall serve for a term of three (3) years: *Provided, That*, he/she remains
10 connected with the sector he/she represents. Whenever a vacancy occurs during
11 the term of a member who does not represent the government, a new member
12 shall be chosen in the same manner as the original process to serve the remaining
13 term of his/her predecessor.
14

15 The TPAMB *en banc* shall hold regular meetings at least once every
16 quarter. However, the Executive Committee, as provided herein, may meet on
17 a more regular basis to discuss regular day-to-day affairs and other matters
18 delegated by the TPAMB.
19

20
21 **SECTION 10. *Executive and Other Committees of the TPAMB.*** There shall be an
22 Executive Committee (ExeCom), to be headed by a TPAMB Chairperson, to
23 which the TPAMB may delegate some of its powers and functions. Its members
24 shall be chosen by the TPAMB from among themselves.
25

26 The TPAMB may create other committees as it may deem necessary.
27
28

29 **SECTION 11. *Incentives of TPAMB Members.*** In addition to actual and
30 necessary traveling and subsistence expenses incurred in the performance of
31 their duties, TPAMB members may be granted honoraria and insurance coverage
32 in attending TPAMB or other TPAMB committee meetings. These expenses may
33 be included in the budget for TRNP.
34
35

36 **SECTION 12. *Rules of Procedure.*** The TPAMB shall determine by appropriate
37 resolution its procedural rules, which shall include discipline and removal of its
38 officers and members.
39

40 **SECTION 13. *Powers and Functions of the TPAMB.*** The TPAMB shall have the
41 following powers and functions:
42

43 a. Decide matters relating to planning, resource use and protection,
44 and general administration of the area in accordance with the
45 Management Plan;
46

- 1 b. Approve budget allocations, proposals, work plans, action plans,
2 guidelines for management of the TRNP in accordance with the
3 Management Plan and its policies;
4
- 5 c. Coordinate with national and local agencies, local government
6 units, local communities, the academe, non-governmental
7 organizations, and such other institutions to ensure the
8 conservation and management of the TRNP;
9
- 10 d. Initiate the implementation of the delineation of the boundaries of
11 the TRNP;
12
- 13 e. Promulgate rules and regulations to promote development
14 programs and projects on biodiversity conservation and sustainable
15 development within the TRNP and consistent with the
16 Management Plan;
17
- 18 f. Ensure the implementation and enforcement of laws, rules and
19 regulations, policies, programs and projects within the TRNP;
20
- 21 g. Control and regulate construction, operation and maintenance of
22 structure and utilities within the TRNP;
23
- 24 h. Monitor and evaluate the performance of the TMO and all those
25 implementing activities and projects in TRNP;
26
- 27 i. Appoint the TRNP Park Superintendent, and, upon
28 recommendation of the PaSu, appoint management personnel
29 based on internal selection criteria and decide on their
30 compensation and benefits;
31
- 32 j. Generate funds and accept donations, grants, and exercise
33 accountability over all funds that may accrue to the TRNP;
34
- 35 k. Manage the TRNP Trust Fund, as herein provided;
36
- 37 l. Exercise quasi-judicial functions for adjudicating cases of violations
38 of this Act and exact fines and fees for violations of guidelines,
39 rules and regulations within the TRNP;
40
- 41 m. Deputize individuals for the enforcement of laws, rules and
42 regulations governing conduct within the TRNP, and prescribe the
43 necessary qualifications therefore;
44
- 45 n. Designate collecting officers for funds generated by the TRNP, and
46 formulate procedure for the disbursement thereof in accordance
47 with sound accounting and auditing standards;
48

- 1 o. Retain legal counsel to defend cases against the TPAMB and the
2 Office of the PM whenever they are sued in connection with the
3 performance of their duties under this Act, guidelines, and rules
4 and regulations pertaining to the TRNP;
5
- 6 p. Provide adequate measures to ensure consultation and
7 participation of stakeholders;
8
- 9 q. Perform such other functions necessary for the fulfillment of the
10 provisions of this Act and other applicable laws, rules and
11 regulations, and as may be required;
12

13 **SECTION 14. *Tubbataha Management Office (TMO).*** There shall be a
14 Tubbataha Management Office (TMO) to be headed by the TRNP Park
15 Superintendent (PaSu) who shall serve as the Chief Operating Officer of the
16 entire TRNP. The TPAMB will determine the staffing and hiring arrangements
17 for the TMO. The PaSu and his/her staff shall hold office in a place to be
18 designated by the TPAMB: *Provided, That,* the TPAMB may authorize the
19 establishment of sub-offices for purposes of convenience, safety, accessibility,
20 economy, and such other justifiable reasons: *Provided, Further, That,* at least a sub-
21 office shall be established within the TRNP.
22

23 The PaSu shall have full responsibility for the protection of resources
24 within the TRNP. As such, he/she shall have the following duties and
25 responsibilities in addition to those provided under existing laws and
26 regulations:
27

- 28 a. Prepare the Management Plan and its successor plans as herein
29 provided;
30
- 31 b. Serve as Secretary to the TPAMB with the duty to provide the
32 TPAMB with all the information necessary to make appropriate
33 decisions for the implementation of this Act;
34
- 35 c. Hire non-management personnel of the TRNP, and recommend
36 management personnel to the TPAMB;
37
- 38 d. Supervise TRNMP personnel in the performance of their duties and
39 functions;
40
- 41 e. Establish productive partnership with national and local agencies,
42 local government units, local communities, the academe, non-
43 governmental organizations, and such other institutions to ensure
44 the conservation and management of the TRNP;
45
- 46 f. Develop and implement park information, interpretation,
47 education and other visitor programs;
48

- 1 g. Enforce the laws, rules and regulations and TPAMB resolutions
2 relevant to the TRNP, file complaints, and assist in the prosecution
3 of offenses;
4
- 5 h. Monitor all activities within the TRNP in conformity with the
6 Management Plan;
7
- 8 i. Ensure that consultative and participatory mechanisms are
9 maximized in decision-making;
10
- 11 j. Perform such other functions as the TPAMB may assign.
12
13

14 **SECTION 15. *Components of the TMO.*** The PaSu, with the approval of
15 the TPAMB, shall ensure efficient and effective implementation of this Act
16 through various components or divisions that may be deemed necessary:
17 *Provided, That,* the PaSu and the TPAMB shall ensure that there are components
18 in the TMO that shall ensure conservation management; research and
19 monitoring; conservation awareness; and community development assistance to
20 the Municipality of Cagayancillo.
21
22

23 **SECTION 16. *Role of Local Government Units.*** Local governments of Palawan
24 and Cagayancillo shall participate in the management of the TRNP through their
25 representation in the TPAMB. The provisions of this Act shall be incorporated
26 into the municipal and provincial development plans of Cagayancillo and
27 Palawan, respectively, and the Regional Development Plan of Region IV as part
28 of the environmental concerns of the province and the region. The national and
29 local government units shall likewise ensure that local ordinances pertaining to
30 the environment are consistent with this Act and the Management Plan, as herein
31 provided.
32
33

34 **SECTION 17. *Role of DENR and PCSD.*** The DENR and PCSD shall coordinate
35 closely to ensure the sound management and conservation of the TRNP, provide
36 technical and financial assistance to the TRNP as may be needed, and appoint
37 representatives to the TPAMB.
38
39

40 **SECTION 18. *Fiscal Matters.*** The TRNP shall enjoy fiscal autonomy. It shall
41 have the sole power to decide on the use of its funds from whatever source:
42 *Provided, That,* the Municipality of Cagayancillo, Palawan shall have a share of at
43 least ten percent (10%) of the conservaton fees paid to TRNMP.
44

45 The TRNP shall not be required to contribute to the Integrated Protected
46 Area Fund (IPAF) provided under Republic Act No. 7586.
47
48

1 **SECTION 19. *The TRNMP Fund.*** There is hereby created a special trust
2 account to be known as Tubbataha Trust Fund. All the fees, penalties, donations,
3 grants, endowments, revenues and any other income pertaining to the TRNP
4 shall automatically accrue to this fund. The fund shall be used for the purpose
5 of financing projects and activities in the TRNP to attain the objectives of this
6 Act.

7
8 All funds pertaining to the TRNP shall be exempt from whatever tax,
9 charges or fees: *Provided, That,* the TPAMB shall apportion the funds in
10 accordance with the provisions of Section 18 of this Act.

11
12
13
14 **ARTICLE IV**
15 **UTILIZATION OF RESOURCES**

16
17 **SECTION 20. *Who Many Utilize TRNP and its Resources.*** No person or entity
18 shall enter, enjoy or utilize any portion of the TRNP and the resources therein for
19 whatever purpose without prior permission from the TPAMB or the PaSu as
20 herein provided.

21
22 **SECTION 21. *Modes of Utilization.*** The TPAMB shall determine, based on
23 existing scientific evidence, laws, rules and regulation, international instruments,
24 traditional resource utilization, management modalities in the area, carrying
25 capacity, and observing precautionary principle, the modes of utilization of the
26 TRNP and all the resources found therein. Permits shall only be issued for such
27 modes of utilization and enjoyment as the TPAMB and this Act shall allow.

28
29 **SECTION 22. *Utilization Permits and Users' Fees.*** The TPAMB shall have the
30 exclusive authority to issue permits and conditions thereto, and determine and
31 collect fees, for the utilization and enjoyment of the TRNP and the resources
32 therein: *Provided, That,* the TPAMB may delegate to the PaSu the authority to
33 issue permits, and collect fees for temporary access to the TRNP such as, visiting
34 or diving, subject to the limits as may be determined by the TPAMB: *Provided,*
35 *However, That,* entry into the TRNP for emergency reasons shall not be subject to
36 permit and users' fees.

37
38 **SECTION 23. *Energy and Non-Renewable Resources.*** Any exploration,
39 exploitation or utilization of non-renewable resources, such as minerals and oil,
40 within the TRNP shall not be allowed. Energy projects shall be allowed only
41 through an act of Congress.

42
43
44 **ARTICLE V**
45 **PROHIBITED ACTS AND PENALTIES**

46
47 **SECTION 24. *Unauthorized Entry, Enjoyment or Use.*** The TRNP shall be off
48 limits to navigation, except for tourism and research activities that are sanctioned

1 by the TPAMB. Except in emergency situations, it shall be unlawful to enter
2 TRNP without prior permission from the TPAMB or the PaSu as herein
3 provided. It shall also be unlawful to enter, enjoy or use for any purpose any
4 prohibited management zone. This rule shall similarly apply to the use of
5 vessels, gears and equipment in management zones where such are not allowed.
6

7 Violation of this Section shall subject the responsible person or entity to an
8 administrative fine of from Fifty Thousand Pesos (P50,000.00) to One Hundred
9 Thousand Pesos (P100,000), as may be determined by the TPAMB. If the
10 violator is a commercial fishing operation, the fine shall be Five Hundred
11 Thousand Pesos (P500,000.00).
12

13
14 **SECTION 25. *Damages to the Reef.*** Damages to the reef shall subject the
15 responsible person or entity to the payment of administrative fines based on
16 current valuation standards and to the payment of the cost of restoration.
17

18
19 **SECTION 26. *Non-payment of Users' Fees.*** It shall be unlawful for any person
20 or entity to enjoy or utilize the TRNP and the resources therein without payment
21 of conservation fees as may be imposed by the TPAMB.
22

23 Violation of this Section shall be penalized with an administrative fine of
24 double the amount set by the TPAMB for the activity undertaken.
25

26
27 **SECTION 27. *Unauthorized Anchorage.*** Except in emergency situations, it shall
28 be unlawful for any person or entity to anchor outside the designated areas
29 determined by the TPAMB.
30

31 Violation of this Section shall be penalized with an administrative fine of
32 not less than Ten Thousand Pesos (P10,000.00) and not more than Fifty Thousand
33 Pesos (P50,000.00).
34

35
36 **SECTION 28. *Dumping of Waste and Littering.*** It shall be unlawful for any
37 person or entity to dump waste inside the TRNP. It shall likewise be unlawful to
38 clean and change oil of vessels within the TRNP.
39

40 Violation of this provision shall be punishable by imprisonment of six (6)
41 months to one (1) year, and fine of not less than Five Thousand Pesos (P5,000.00).
42 The TPAMB shall impose an administrative fine of not less than Fifty Thousand
43 Pesos (P50,000.00) and not more than One Hundred Thousand Pesos
44 (P100,000.00), and order the violator to clean up the waste or pay for the clean-up
45 thereof.
46

47 It shall likewise be unlawful to litter within the TRNP.
48

1 Violation of this provision shall be penalized by the TPAMB with
2 administrative fine of from Five Thousand Pesos (P5,000.00) to Ten Thousand
3 Pesos (P10,000.00).
4
5

6 **SECTION 29. *Bioprospecting without Permit.*** It shall be unlawful to conduct
7 bioprospecting within the TRNP.
8

9 Violation of this Section shall be punished with imprisonment of six (6)
10 months to six (6) years; fine of Five Hundred Thousand Pesos (P500,000.00) to
11 One Million Pesos (P1,000,000.00); and forfeiture of the resources subject of the
12 offense, equipment, gears and vessels. The TPAMB shall also impose
13 administrative fine ranging from Five Hundred Thousand Pesos (P500,000.00) to
14 One Million Pesos (P1,000,000.00); and confiscation and forfeiture of the
15 resources subject of the offense, equipment, gears and vessels.
16
17

18 **SECTION 30. *Introduction of Exotic Species.*** It shall be unlawful to introduce
19 exotic species of plants or animals into the TRNMP.
20

21 Violation of this Section shall be punished with imprisonment of six (6)
22 months to six (6) years; fine of One Hundred Thousand Pesos (P100,000.00) to
23 One Million Pesos (P1,000,000.00); and forfeiture of forfeiture of the resources
24 subject of the offense, equipment, gears and vessels. The TPAMB shall also
25 impose administrative fine ranging from Two Hundred Thousand Pesos
26 (P200,000.00) to One Million Pesos (P1,000,000.00); and confiscation and
27 forfeiture of the resources subject of the offense, equipment, gears and vessels.
28
29

30 **SECTION 31. *Hunting, catching, fishing, killing, taking, gathering, removing,***
31 ***destroying, disturbing, or possessing resources.*** Except in cases of emergency and
32 safety, it shall be unlawful for any person to actually or attempt to hunt, catch,
33 fish, kill, take gather, remove, destroy, disturb, or possess any resource, whether
34 living or non-living, or products derived therefrom, without a permit from the
35 TPAMB and such other permits as may be required by law, rules and
36 regulations. The unauthorized entry of a vessel in the TRNP shall be *prima facie*
37 evidence of violation of this Section.
38

39 Violation of this Section shall be punished as follows:
40

41 (1) Where the offender uses explosives, noxious or poisonous
42 substances, or electricity, the penalty shall be imprisonment ranging from six (6)
43 years and one day to twelve (12) years without prejudice to the filing of separate
44 criminal cases when the use of the same result to physical injury or loss of
45 human life; fine ranging from One Hundred Thousand Pesos (P100,000.00) to
46 Three Hundred Thousand Pesos (P300,000.00); forfeiture of the resources subject
47 of the offense, equipment, gears and vessels. The TPAMB shall also impose
48 administrative fine ranging from Forty Thousand Pesos (P40,000.00) to One

1 Hundred Fifty Thousand Pesos (P150,000.00); and confiscation and forfeiture of
2 the resources subject of the offense, equipment, gears and vessels.

3
4 The discovery of dynamite, other explosives and chemical compounds
5 which contain combustible elements, or noxious or poisonous substances, or
6 equipment or device for electro-fishing in any vessel or in the possession of any
7 person within the TRNP shall constitute *prima facie* evidence that the same was
8 used in violation of this Act. The discovery in any vessel or in the possession of
9 any person within the TRNP of resources caught, taken, killed, removed,
10 gathered or destroyed with the use of explosives, noxious or poisonous
11 substances or by electricity shall constitute *prima facie* evidence of violation of this
12 Act.

13
14 (2) Where the offender merely possesses explosive, noxious or
15 poisonous substances, or electrofishing devices within the TRNP, the
16 punishment shall be imprisonment ranging from six (6) years and one day to
17 twelve (12) years; fine ranging from Fifty Thousand Pesos (P50,000.00) to One
18 Hundred Thousand Pesos (P100,000.00); forfeiture of fish catch, fishing
19 equipment and vessels. The TPAMB shall also impose administrative fine
20 ranging from Forty Thousand Pesos (P40,000.00) to One Hundred Fifty
21 Thousand Pesos (P150,000.00); and confiscation and forfeiture of the resources
22 subject of the offense, equipment, gears and vessels.

23
24 (3) Where the offender takes, removes, fishes, gathers, kills, destroys or
25 possesses corals, except for scientific or research purposes authorized by the
26 TPAMB, the penalty shall be imprisonment ranging from six (6) years and one
27 day to twelve (12) years; fine ranging from Twenty Thousand Pesos (P20,000.00)
28 to Eighty Thousand Pesos (P80,000.00); forfeiture of the corals, equipment, gears
29 and vessels. The TPAMB shall also impose administrative fine ranging from
30 Thirty Thousand Pesos (P30,000.00) to One Hundred Thousand Pesos
31 (P100,000.00); and confiscation and forfeiture of the corals subject of the offense,
32 equipment, gears and vessels.

33
34 (4) Where the offender uses any fishing gear or method that destroys
35 coral reefs, seagrass beds, or other marine life habitats as may be determined by
36 this Act, the TPAMB, other laws, the Department of Agriculture, or the DENR,
37 the operator, boat captain, master fisherman, and recruiter or organizer of
38 fishworkers involved shall suffer a penalty of six (6) years and one day to twelve
39 (12) years imprisonment; fine of not less than One Hundred Thousand Pesos
40 (P100,000.00) to Five Hundred Thousand Pesos (P500,000.00); forfeiture of catch,
41 fishing equipment, gears and vessels. The TMB shall also impose administrative
42 fine ranging from Four Hundred Thousand Pesos (P400,000.00) to One Million
43 Pesos (P1,000,000.00); and confiscation and forfeiture of catch, fishing equipment,
44 gears and vessels.

45
46 Muro-Ami, pa-aling, all kinds of trawls (*galadgad, Norway*), purse seine
47 (*pangulong*), Danish seine (*hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot,*
48 *patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas, etc.*), ring net (*kukob,*

1 pangulong, kalansisi), drive-in net (*kayakas*), round haul seine (*sapyaw, lawag*),
2 motorized push net (*sudsod*), bagnet (*basnig, saklit*), or any of their variations, are
3 hereby declared destructive fishing methods or gears under this provision.
4

5 (6) Where the offender gathers or removes pebbles, stones, rocks, sand
6 or other materials that form part of the habitat, or otherwise engages in the
7 quarrying or dredging of any portion of the TRNP, the penalty shall be six (6)
8 years and one day to twelve (12) years imprisonment; fine of not less than Thirty
9 Thousand Pesos (P30,000.00) to Five Hundred Thousand Pesos (500,000.00); and
10 forfeiture of the substance taken from the habitat, and the equipment and vessels
11 used to commit such violation. The TPAMB shall also impose administrative
12 fines ranging from Thirty Thousand Pesos (P30,000.00) to Seven Hundred
13 Thousand Pesos (P700,000.00); and confiscation and forfeiture of the substance
14 taken, and equipment and vessels used in the commission of the violation
15

16 (7) Where the subject of the offense are protected species as defined in
17 this Act, the penalty shall be imprisonment of twelve (12) years to twenty (20)
18 years; fine of One Hundred Twenty Thousand Pesos (120,000.00) to One Million
19 Pesos (P1,000,000.00) for every threatened or endangered organism subject of the
20 offense; forfeiture of the catch, equipment, gears and vessels; and cancellation of
21 fishing permit. The TPAMB shall also impose administrative fine ranging from
22 One Hundred Fifty Thousand Pesos (P150,000.00) to One Million Pesos
23 (P1,000,000.00) for every threatened or endangered organism subject of the
24 offense; and confiscation and forfeiture of catch, equipment, gears and vessels.
25

26 (8) Where the violations of this Section are not covered by the
27 preceding paragraphs, the penalty shall be imprisonment of one (1) year to three
28 (3) years; fine of not less than Ten Thousand Pesos (P10,000) but not more than
29 One Hundred Thousand Pesos (P100,000); and forfeiture of the catch, equipment,
30 gears and vessels; and cancellation of permit that makes it possible for the
31 offender to commit the offense. The TPAMB shall also impose administrative
32 fine ranging from Fifteen Thousand Pesos (P15,000.00) to One Million Pesos
33 (P1,000,000.00); and confiscation and forfeiture of catch, equipment, gears and
34 vessels.
35

36
37 **SECTION 32. Poaching by Foreigners** It shall be unlawful for any foreign
38 person, corporation or entity to fish or operate any fishing vessel in the TRNP.
39 The entry of any foreign fishing vessel in the TRNP shall constitute *prima facie*
40 evidence that the vessel is engaged in fishing in the area. The presence of any
41 foreign national in a fishing vessel of either Philippine or foreign registry in
42 TRNP shall be *prima facie* evidence that the vessel is engaged in fishing in the
43 Park.
44

45 Violation of the above shall be punished by imprisonment of six years
46 and one day to twelve years (12) years and a fine of One Hundred Thousand U.S.
47 Dollars (US\$100,000.00), in addition to the forfeiture of its catch, fishing
48 equipment and fishing vessel: *Provided*, That in case of non-payment of fine,

1 subsidiary imprisonment shall be imposed: *Provided*, further that the TPAMB is
2 empowered to impose an administrative fine of not less than Fifty Thousand U.S.
3 Dollars (US\$50,000.00), but not more than Two Hundred Thousand U.S. Dollar
4 (US\$200,000.00) or its equivalent in Philippine Currency, in addition to the
5 confiscation and forfeiture of the fish catch, fishing equipment and fishing vessel:
6 *Provided*, finally, that a bond may be posted for the vessels which shall not be less
7 than One Hundred Thousand Dollars (US\$100,000.00).

8
9 A Hold Departure Order shall be issued as a condition for the grant of bail
10 to any foreign offender. All passports and documents which may be used by the
11 accused to flee the country must be surrendered to the court.

12
13
14 **SECTION 33. *Violation of Environmental Impact Assessment System.***
15 The TPAMB shall prosecute violations of laws and rules on Environmental
16 Impact Assessment System. Such violations shall be punished by imprisonment
17 of three (3) years to five (5) years; fine of One Hundred Thousand (P100,000.00)
18 for every day each violation subsists; rehabilitation of the affected area or the
19 amount equivalent thereto; and forfeiture of the vessels, structures, effects,
20 materials and equipment used, and the products of such violation. If the
21 offender is a corporation, the directors and officers shall suffer the imprisonment.
22 The TPAMB shall also impose administrative fine of One Hundred Thousand
23 (P100,000.00) for every day each violation subsists; rehabilitation of the affected
24 area or the amount equivalent thereto; and confiscation and forfeiture of the
25 vessels, structures, effects, materials and equipment used, and the products of
26 such violation.

27
28
29 **SECTION 34. *Violation of Standards.*** The owner, operator and top three (3)
30 officers of any vessel violating the standards set by the TPAMB, such as, but not
31 limited to, safety and sanitary standards, shall suffer administrative penalty of
32 fine ranging from Twenty Thousand Pesos (P20,000.00) to Fifty Thousand Pesos
33 (P50,000.00) for every day each violation subsists, and from suspension of three
34 (3) months to cancellation of permit to operate in TRNP.

35
36 **SECTION 35. *Obstruction to Law Enforcement Officer.*** The boat owner, master,
37 operator, officer, or any person acting on his/her behalf, of any vessel who
38 evades, obstructs or hinders any law enforcement officer in the TRNP to perform
39 his/her duty, shall be fined Fifty Thousand Pesos (P50,000.00). In addition, the
40 registration, permit and/or license of the vessel including the license of the
41 officers thereof shall be canceled.

42
43
44 **SECTION 36. *Promulgation of Rules and Regulations.*** The TPAMB may issue
45 rules and regulations, including the imposition of penalties, in pursuit of the
46 conservation, preservation, management and sustainable use of the TRNP.

47

1 **SEC. 37. *Subsidiary Imprisonment.*** - Non-payment of judicial and administrative
2 fines imposed under this Act shall be subject to subsidiary imprisonment as
3 provided for by existing laws.
4
5

6 **SECTION 37. *Fines and Forfeitures.*** All the criminal fines and forfeitures that
7 may be imposed by the courts, and the administrative fines and forfeitures that
8 may be imposed by the TPAMB under this Act, and the rules and regulations
9 that may be promulgated in pursuit of the goals and objectives of this Act shall
10 be given to the TPAMB and shall form part of the funds and assets of TRNP.
11

12 In case of administrative confiscation or forfeiture of vessels, structures,
13 effects, materials and equipment and the same is not necessary for the proper
14 prosecution of the offense charged, the TPAMB may sell the forfeited vessels,
15 structures, effects, materials and equipment in a public auction. Proceeds of the
16 said sale shall accrue to the TRNP created under this Act.
17

18 In case the confiscated vessels, structures, effects, materials and
19 equipment is in *custodia legis*, the TPAMB or its counsel, after administrative
20 confiscation and forfeiture proceedings, may move for the sale of the confiscated
21 or forfeited vessels, structures, effects, materials and equipment *pendente lite*;
22 *Provided that* the said vessels, structures, effects, materials and equipment is no
23 longer necessary for the proper prosecution of the offense or if the same is
24 necessary but substitute evidence is accepted by the court. The proceeds of the
25 said sale shall likewise accrue to the TRNP Fund created under this Act.
26

27 **SEC. 38. *Violation of Other Laws*** – Prosecution for violation of this Act shall
28 be without prejudice to the prosecution of the offender for violation of other
29 laws, rule and regulations.
30
31

32 ARTICLE VI 33 LAW ENFORCEMENT AND PROSECUTION 34 35

36 **SECTION 39. *Who Shall Enforce this Act, Other Laws, Rules and Regulations***
37 *Within TRNP.* The Armed Forces of the Philippines, the Philippine National
38 Police, the Philippine Coast Guard, the law enforcement officers of the DENR
39 and DA-BFAR, PCSD officials and staff, LGU officials, law enforcement officers
40 of LGUs, members and officers of the TPAMB, the PaSu and his/her staff, and
41 other government enforcement agencies, are hereby authorized to enforce this
42 Act, other laws, rules and regulations within the TRNP.
43

44 The TPAMB may deputize in writing other persons to enforce the
45 provisions of this Act, other laws, rules and regulations within the TRNP.
46

47 Any one of the above persons and entities is authorized to file
48 administrative cases before the proper agencies and bodies, or initiate criminal

1 proceedings in accordance with the Rules of Court, for offenses committed
2 within the TRNP.

3
4
5 **SECTION 40. *Inspection Powers.*** The PaSu and law enforcers shall have the
6 power to stop, board, search and inspect all vessels within the TRNP for the
7 purpose of enforcing the provisions of this Act, other laws, rules and regulations.

8
9
10 **SECTION 41. *Coordination Between TPAMB and PaSu, and Law Enforcement***
11 ***Agencies.*** The TPAMB and the PaSu shall coordinate with law enforcement arms
12 and agencies of government to ensure effective enforcement of the provisions of
13 this Act and other applicable laws, rules and regulations within the TRNP. The
14 Armed Forces of the Philippines, Philippine National Police, PNP-Maritime
15 Command, Philippine Coast Guard, law enforcement officers of the DENR, DA-
16 BFAR and concerned LGUs shall cooperate with the TPAMB and the PaSu for
17 this purpose.

18
19
20 **SECTION 42. *Special Prosecutors and Counsels.*** The Department of Justice,
21 upon recommendation of the TPAMB, shall designate special prosecutors, either
22 or both from among state and public prosecutors to do preliminary investigation
23 and prosecute violations of this Act, other laws, rules and regulations within the
24 TRNP. Such special prosecutors shall coordinate with the TPAMB and the TMO
25 in the performance of his/her duties and assist in the training of wardens and
26 rangers in arrest and criminal procedure. The TPAMB shall periodically submit
27 an evaluation of the performance of the designated special prosecutors to the
28 DOJ.

29
30 The TPAMB may retain the services of a competent lawyer to prosecute
31 and/or assist in the prosecution of cases and to defend the members of the
32 TPAMB, the PaSu and TMO staff, or person assisting in the protection,
33 conservation and sustainable development of the TRNP, against any legal action
34 related to their powers, functions and responsibilities as provided in this Act or
35 as delegated or tasked by the TPAMB.

36
37 The DOJ shall enter into a Memorandum of Agreement with the TPAMB
38 with regard to the designation of the TPAMB retained counsel as a special
39 prosecutor to prosecute any violation of this Act.

40
41
42 **SECTION 43. *Citizens Suits.*** For the purposes of enforcing the provisions of this
43 Act or its implementing rules and regulations, any citizen may file an
44 appropriate civil, criminal or administrative action in the proper courts/bodies
45 against:

46
47 (a) Any person who violates or fails to comply with the provisions of this
48 Act its implementing rules and regulations; or

1
2 (b) Those mandated to implement and enforce the provisions of this Act
3 with respect to orders, rules and regulations issued inconsistent with this Act;
4 and/or
5

6 (c) Any public officer who willfully or grossly neglects the performance of
7 an act specifically enjoined as a duty by this Act or its implementing rules and
8 regulations; or abuses his authority in the performance of his duty; or, in any
9 many improperly performs his duties under this Act or its implementing rules
10 and regulations; *Provided, however, That*, no suit can be filed until after thirty-day
11 (30) notice has been given to the public officer and the alleged violator concerned
12 and no appropriate action has been taken thereon.
13

14 The Court shall exempt such action from the payment of filing fees and
15 statements likewise, upon *prima facie* showing of the non-enforcement or
16 violation complained of, exempt the plaintiff from the filing of an injunction
17 bond for the issuance of preliminary injunction.
18

19 In the event that the citizen should prevail, the Court shall award
20 reasonable attorney's fees, moral damages and litigation costs as appropriate.
21
22

23 **SECTION 44. *Suits and Strategic Legal Action Against Public***
24 ***Participation (SLAPP) and the Enforcement of this Act.*** Where a suit is brought
25 against a person who filed an action as provided in Section 39 of this Act, or
26 against any person, institution or government agency that implements this Act, it
27 shall be the duty of the investigating prosecutor or the Court, as the case may be,
28 to immediately make a determination not exceeding thirty (30) days whether
29 said legal action has been filed to harass, vex, exert undue pressure or stifle such
30 legal recourses of the person complaining of or enforcing the provisions of this
31 Act. Upon determination thereof, evidence warranting the same, the
32 investigating prosecutor or the Court, as the case may be, shall dismiss the
33 complaint. In addition, the Court shall award the attorney's fees and double
34 damages.
35

36 This provision shall also apply and benefit public officers who are sued
37 for acts committed in their official capacity, there being no grave abuse of
38 authority, and done in the course of enforcing this Act.
39
40
41

42 **ARTICLE VII**
43 **TRANSITORY PROVISIONS**
44

45
46 **SECTION 45. *Convening the TPAMB.*** Within one (1) month upon effectivity of
47 this Act, the interim TPAMB shall convene to ensure that its composition and
48 structure conform with the provisions of this Act.

1
2 **SECTION 46. *Continuation of the TMO.*** The present Tubbataha Management
3 Office (TMO) shall continue to exist and function as such, subject to
4 reorganization, if necessary, in accordance with Section 14 hereof.
5

6
7 **SECTION 47. *Continuation of all Other Arrangements.*** Except when otherwise
8 provided by this Act, all arrangements, commitments and agreements pertaining
9 to the management, utilization, conservation and protection of the TRNP made
10 and entered into by government agencies, the present TPAMB and the TMO, and
11 the active involvement of the Philippine Navy and the Philippine Coast Guard in
12 law enforcement in TRNP, shall continue to subsist until validly amended,
13 revised, repealed or renewed.
14

15
16 **SECTION 48. *Implementing Rules and Regulations.*** Within six (6) months
17 upon convening, the TPAMB, pursuant to Sec 45 hereof, shall prepare the
18 Implementing Rules and Regulations of this Act.
19
20

21
22 **ARTICLE VIII**
23 **GENERAL PROVISIONS**
24

25
26 **SECTION 49. *Appropriations.*** The Secretary of the DENR and the Chairman of
27 the PCSD shall immediately include in the Department's and Council's program
28 the implementation of this Act, the funding of which shall be included in the
29 annual General Appropriations Act.
30

31 The budget of the TRNP shall be included in the budget of the TPAMB
32 starting on the general appropriations immediately following the effectivity of
33 this Act.
34

35
36 **SECTION 50. *Construction and Suppletory Application of Existing Laws.*** The
37 provisions of this Act shall be construed liberally in favor of achieving
38 biodiversity conservation, protection and sustainable development. Provisions
39 of Republic Act No. 7611, otherwise known as the Strategic Environmental Plan
40 (SEP) for Palawan Act, Republic Act No. 7586, otherwise known as the National
41 Integrated Protected Areas System Act, and Republic Act No. 8550, otherwise
42 known as The Philippine Fisheries Code of 1998, Republic Act No. 9147,
43 otherwise known as the Wildlife Resources Conservation Act, and existing
44 forestry laws, and their corresponding rules and regulations not inconsistent
45 hereto shall have suppletory effect in the implementation of this Act.
46
47

1 **SECTION 51. *Separability Clause.*** If any part or section of this Act is declared
2 unconstitutional or otherwise invalid, such declaration shall not affect the other
3 parts or sections hereof.

4

5

6 **SECTION 52. *Repealing Clause.*** All laws, presidential decrees, executive
7 orders, rules and regulations inconsistent with this Act shall be deemed repealed
8 or modified accordingly.

9

10

11 **SECTION 53. *Effectivity.*** This Act shall take effect immediately after its
12 complete publication in two (2) newspapers of general circulation.

13

14

15 Adopted.

16

17