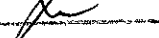


FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

7 JUL -4 P2 2013

SENATE

RECEIVED BY: 

Senate Bill No. 1068

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Introduced by SENATOR COMPAÑERA PIA S. CAYETANO

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**EXPLANATORY NOTE**

This bill seeks to declare the Apo Reef Natural Park in the Municipality of Sablayan, in Occidental Mindoro, as a protected area.

The Apo Reef Natural Park (ARNP), which covers 15,792 hectares with a buffer zone of 11,677 hectares of marine area, is the largest coral atoll-like reef in the Philippines. ARNP is one of the ten (10) Priority Sites under the Conservation of Priority Protected Area Project (CPPAP), a project funded under the World Bank. ARNP is also included in the Philippines' Tentative List of World Cultural and Natural Heritage Sites which was submitted to the UNESCO-National Commission of the Philippines.

The ARNP hosts to a variety of flora and fauna. Found in this area are 46 species of terrestrial flora, seven species of seagrass and 26 species of algae. ARNP also consists of 47 species of birds, six species of reptiles and seven species of mammals.

Recognizing the value of the area, the Apo Reef Natural Park was established under the National Integrated Protected Areas System (NIPAS) by virtue of Presidential Proclamation No. 868, dated September 6, 1996.

This bill, therefore, seeks to declare the Apo Reef Natural Park as protected in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance.

Given the importance of biodiversity, it is deemed crucial that we act on this now to ensure that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

In view of the foregoing, the passage of this measure is earnestly urged.

  
SENATOR COMPAÑERA PIA S. CAYETANO

7 JUL -4 2007

FOURTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
First Regular Session }

RECEIVED BY: 

SENATE

S. No. 1068

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Introduced by Senator Pia S. Cayetano

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AN ACT

**ESTABLISHING THE APO REEF IN SABLAYAN, OCCIDENTAL MINDORO AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES**

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

1           **SECTION 1. Title.** - This Act shall be known as the "Apo Reef Natural Park  
2 (ARNP) Act of 2007".

3           **SEC. 2. Land Classification.** - All lands of the public domain comprising the  
4 Apo Reef Natural Park shall fall under the classification of National Park as provided  
5 for in the Philippine Constitution.

6           **SEC. 3. Scope and Coverage.** - The boundaries of the Apo Reef Natural Park  
7 (ARNP), situated in the Municipality of Sablayan, Province of Occidental Mindoro,  
8 containing an approximate area of fifteen thousand seven hundred ninety-two  
9 (15,792) hectares, are as follows:

Control Points	CM ( )	Latitude (° ' ")	Longitude (° ' ")	Northings (Meters)	Eastings (Meters)
12 1	123	12-44-47	120-27-22	1410356.242	223773.809
13 2	123	12-41-11	120-33-44	1403605.487	235240.033
14 3	123	12-35-47	120-29-57	1393709.839	228292.637
15 4	123	12-39-18	120-23-46	1400336.616	2217153.893

16           Any modification of this Act due to factors such as changing ecological  
17 situations, new scientific or archaeological findings, or discovery of traditional  
18 boundaries not previously taken into account shall be made through an Act passed by  
19 Congress after full consultation with the affected public and concerned government  
20 agencies.

21           **SEC. 4. Buffer Zones.** - Buffer Zones surrounding the ARNP, containing an  
22 approximate area of eleven thousand six hundred seventy-seven (11,677) hectares,  
23 are hereby established with the following boundaries:

Control Points	CM	Latitude	Longitude	Northings (Meters)	Eastings (Meters)
1	123	12°46'14"	120°27'00"	1413043.227	223151.990
2	123	12°41'32"	120°35'19"	1404229.656	238121.888
3	123	12°34'20"	123°30'16"	1391042.803	228863.890
4	123	12°38'57"	120°22'12"	1399689.788	214329.441

**SEC. 5. Definition of Terms.** – The following terms are hereby defined for the purposes of this Act:

a) "Biodiversity" shall refer to variety and variability among living organisms and the ecological complexes in which said organisms occur.

b) "Buffer Zones" are the identified areas outside the boundaries of and immediately adjacent to the designated ARNP that need special development control in order to avoid or minimize harm to the ARNP.

c) "Collection or collecting" is the act of gathering or harvesting wildlife, its by-products or derivatives.

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

e) "Conservation" shall mean the sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.

f) "Ecosystem" shall mean the dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

g) "Electro-fishing" shall refer to the use of electricity generated by batteries, electric generator and other source of electric power to kill, stupefy, disable or render unconscious aquatic organisms, whether or not the same are subsequently recovered.

h) "Endangered species" shall refer to species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.

i) "Exotic species" shall refer to species or subspecies of flora or fauna that do not naturally occur within the ARNP at present or in historical time.

j) "Fishers/Fisherfolk" shall refer to people directly or personally engaged in taking and/or culturing and processing fishery and/or aquatic resources. They shall also include traditional fishers who are solely dependent on fishing in ARNP for sustenance and livelihood.

1 k) "Fishing Gear" shall refer to any instrument or device and its accessories  
2 utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing  
3 or possessing resources within the ARNP.

4 l) "Habitat" shall mean a place or type of environment where a species or  
5 subspecies naturally occurs or has naturally established its population.

6 m) "Hunting" shall refer to collection of wild fauna for food and/or recreational  
7 purposes with the use of weapons such as guns, bow and arrow, spear and the like.

8 n) "Introduction" shall mean bringing species into the wild that is outside its  
9 natural habitat.

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

14 p) "Litter or Littering" shall refer to the disposal of small amount of non-  
15 biodegradable solid waste materials, such as cigarette butts, candy wrappers, plastic  
16 bags, bottles, glasses, in the ARNP which may cause or contribute to the deterioration  
17 of the resources or habitats in the ARNP.

18 q) "Management plan" shall refer to the fundamental plan, strategy and/or  
19 scheme which shall guide all activities relating to the ARNP in order to attain the  
20 objectives of this Act;

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

24 s) "Muro-ami" shall refer to the method used in reef fishing consisting of a  
25 movable bagnet, detachable wings and scarelines having plastic strips  
26 and/iron/steel/stone weights, effecting fish capture by spreading the net in an arc  
27 around reefs or shoals and; with the use of the scarelines, a cordon of people drive  
28 the fish towards the waiting net while pounding the corals by means of heavy weights  
29 like iron/steel/stone or rock making it destructive to corals.

30 t) "National Integrated Protected Areas System (NIPAS)" shall refer to the  
31 classification and administration of all designated protected areas to maintain  
32 essential ecological processes and life-support systems, to preserve genetic diversity,  
33 to ensure sustainable use of resources found therein, and to maintain their natural  
34 conditions to the greatest extent possible.

35 u) "Natural Park" shall refer to a relatively large area not materially altered by  
36 human activity where extractive resource uses are not allowed and maintained to  
37 protect outstanding natural and scenic areas of national or international significance  
38 for scientific, education and recreational use.

1 v) "Non-Government Organization (NGO)" shall refer to an agency, institution, a  
2 foundation or a group of persons whose purpose is to assist peoples  
3 organizations/associations in various ways including, but not limited to, organizing,  
4 education, training, research and/or resource accessing.

5 w) "Non-Renewable Resources" shall refer to those resources found within the  
6 ARNP, the natural replenishment rate of which is not known;

7 x) "People's Organization" shall mean a group of organized migrant  
8 communities and or interested indigenous peoples which may be an association,  
9 cooperative, federation, or other legal entity, established to undertake collective action  
10 to address community concerns and needs, and mutually share the benefits of the  
11 endeavor.

12 y) "Protected Area" shall refer to the identified portions of land and/or water set  
13 aside by reason of their unique physical and biological significance, managed to  
14 enhance biological diversity and protected against destructive human exploitation.

15 z) "Protected Area Management Board (PAMB)" shall refer to a multi-sectoral  
16 policy-making body for protected areas created in accordance with RA 7586 or the  
17 NIPAS Act of 1992.

18 aa) "Protected Species" shall refer to any plant or animal declared protected  
19 under Philippine laws, rules, and regulations. These shall include all species listed  
20 under the Convention on International Trade in Endangered Species of Wild Fauna and  
21 Flora (CITES) and all its Appendices, the Bonn Convention on Migratory Species,  
22 those specified under the red-list categories of the International Union for the  
23 Conservation of Nature and Natural Resources (IUCN), or any plant or animal which  
24 any government agency and/or the ARNP may deem necessary for conservation and  
25 preservation in the ARNP.

26 bb) "Purse Seine" shall refer to the gear characterized by encircling net having  
27 a line at the bottom passing through rings attached to the net, which can be drawn or  
28 pursued. In general, the net is set from a boat or boats around the school of aquatic  
29 resources. The bottom of the net is pulled closed with a purse line. The net is then  
30 pulled aboard the boat or boats until the resources are concentrated in the bunt or  
31 bag.

32 cc) "Resources" shall refer to all natural endowments, whether aquatic or  
33 terrestrial, living or non-living, found in ARNP.

34 dd) "Vessel" includes every description of watercraft, including non-  
35 displacement crafts and seaplanes, used or capable of being used as a means of  
36 transportation on water. It shall include everything found therein, except personal  
37 effects.

1 ee) "Waste" shall refer to discarded items of solid, liquid, contained gaseous or  
2 semisolid from, and from whatever source, which may cause or contribute to the  
3 deterioration of the resources or habitats in the ARNP.

4 **SEC. 6. Creation and Composition of the Apo Reef Natural Park**  
5 **Management Board** - Pursuant to Section 11 of RA 7586 or the NIPAS Act of 1992,  
6 there shall be a PAMB which shall have jurisdiction, power and authority over the  
7 ARNP for all matters that may affect biodiversity conservation, protection and  
8 sustainable development. It shall be composed of:

- 9 1. The Regional Executive Director, DENR Region 4B as Chair Chairperson;
- 10 2. The Provincial Planning and Development Officer/Coordinator;
- 11 3. The Mayor of the Municipality of Sablayan or his duly designated  
12 representative;
- 13 4. One representative each from the Barangays having jurisdiction over ARNP;
- 14 5. One (1) representative from each department or national government agency  
15 directly involved in the ARNP or with long term projects or permanent facility located  
16 therein;
- 17 6. At least three (3) representatives from accredited NGOs operating within  
18 Sablayan chosen among themselves in a meeting duly called for the purpose;
- 19 7. At least Two (2) representatives from accredited POs operating within  
20 Sablayan chosen among themselves in a meeting duly called for the purpose;

21 Every member of the PAMB shall serve for a term of five (5) years and shall be  
22 considered to represent his or her sector and deemed to carry the vote of such sector  
23 in all matters. In case of members who are government official, the membership shall  
24 be attached to the office held.

25 Each member of the ARNP shall serve for a term of five (5) years and shall be  
26 considered to represent his or her sector and deemed to carry the vote of such sector  
27 in all matters. In the case of members who are government officials, the term of office  
28 shall be attached to the office held.

29 The members of the PAMB shall be appointed by the Secretary in conformity  
30 with the provisions of the NIPAS Act. As a transitory provision, the initial members of  
31 the PAMB shall be nominated from the current members of the interim PAMB. Their  
32 nominations shall be conducted in a joint meeting of the current members of the  
33 interim PAMB duly called for the purpose: *Provided, further,* That at least one third of  
34 the members thereof shall be women.

35 In the selection of the representatives of POs and NGOs, preference shall be  
36 accorded to those organizations that are involved in the conservation, protection and  
37 development of the ARNP. Representation shall be by institution and shall aim to  
38 achieve balance in representation by geographic location or areas.

1 The representatives from the local government units (LGUs) and national  
2 agencies in the PAMB shall include among their duty, to inform their respective  
3 constituents, office or sector, of PAMB approved or other relevant policies, rules,  
4 regulations, programs and projects and ensure that the provisions of this Act are  
5 observed, complied with and used as reference and framework in their respective  
6 plans, policies, programs and projects. Failure to comply with the foregoing shall  
7 subject such representative to disciplinary action as the PAMB may provide.

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

12 **SEC. 7. Incentives of PAMB members** - In addition to actual and necessary  
13 traveling and subsistence expenses incurred in the performance of their duties, PAMB  
14 members may be granted allowances and insurance coverage in attending Board  
15 meetings. These expenses may be included in the budget for the ARNP.

16 **SEC. 8. Rules of Procedures.** - The PAMB shall determine by appropriate  
17 resolution its procedural rules, which shall include discipline and removal of its officers  
18 and members.

19 **SEC. 9. Powers and Functions of the PAMB.** – The PAMB shall have the  
20 following powers and functions in addition to those provided under the NIPAS Act of  
21 1992 and its Implementing Rules and Regulations:

22 a. Issue rules and regulations to prohibit acts that may be prejudicial to the  
23 ARNP and to the declaration of policy set forth under the NIPAS Act;

24 b. Issue rules and regulations for the resolution of conflicts through appropriate  
25 and effective means;

26 c. Adopt rules and procedures in the conduct of business, including the creation  
27 of committees to which its powers may be delegated;

28 d. Approve the management plan and oversee the office of the Protected Area  
29 Superintendent (PASu);

30 e. Establish criteria and set fees for the issuance of permits for activities  
31 regulated by this Act or the management plan;

32 f. Recommend the deputization of appropriate individuals for the enforcement  
33 of the laws, rules and regulations governing the conduct or management of the ARNP;

34 g. Approve fees and charges in accordance with DAO 51, Series of 2000 and  
35 raise funds for the ARNP;

36 h. Manage the allocation of the ARNP, and other funds for the ARNP, ensure  
37 their proper administration and render accounting; and

1 i. Recommend appropriate policy changes to the DENR and other government  
2 authorities.

3 The DENR, through the Regional Executive Director (RED), shall ensure that  
4 the PAMB acts within the scope of its powers and functions. In case of a conflict  
5 between administrative orders issued by the DENR pursuant to the NIPAS Act and the  
6 issued by PAMB, the Secretary of the DENR shall decide whether to apply the rule or  
7 withdraw its application from the ARNP.

8 **SEC. 10. Protected Area Superintendent (PASu) Office.** –There is hereby  
9 established a PASu Office in charge of the implementation of the projects, programs  
10 and policies for the management, protection and administration of the ARNP. It will be  
11 headed by a Protected Area Superintendent (PASu) and shall be supported by the  
12 existing personnel of the DENR. The PASu shall be Chief Operating Officer of the  
13 ARNP and shall be accountable to the RED of the DENR and the PAMB. The PASu  
14 shall have the following duties and responsibilities in addition to those provided under  
15 existing laws and regulations:

16 a. Establish, operate and maintain a database management system as decision  
17 support tool;

18 b. Prepare and execute the management plan for the ARNP;

19 c. Provide a secretariat for the ARNP and supply the PAMB with all the  
20 information necessary to make appropriate decisions for the implementation of this  
21 Act;

22 d. Enforce the laws, rules and regulations relevant to the ARNP and assist in  
23 the prosecution of offenses;

24 e. Supervise all activities within the ARNP to ensure its conformity with the  
25 management plan;

26 f. Ensure the integration of the ARNP management policies, regulations,  
27 programs and projects at all the concerned national and local government unit levels;

28 g. Recommend to the DENR the issuance of permits based on terms,  
29 conditions and criteria established by the PAMB; and

30 h. Perform other functions as the PAMB may delegate.

31 The PASu shall be supported by a sufficient number of personnel who shall be  
32 performing day to day management, protection and administration of the ARNP. All  
33 position titles and items of the DENR employees detailed with the ARNP at the time of  
34 the effectivity of this Act shall be transferred to form part of the PASu Office.

35 **SEC. 11. Seasonal Fishing Rights.** - Fishers who migrate to ARNP  
36 seasonally for traditional fishing and other activities that have benign impact on the  
37 sustainability and biodiversity of the reef shall be allowed to continue such activities



1 provided that commission of any of the prohibited acts herein or failure to report such  
2 acts when observed shall cause the cancellation of such rights.

3 **SEC. 12. *Unauthorized Entry, Enjoyment or Use.*** - The ARNP shall be off  
4 limits to navigation, except for tourism and research activities that are sanctioned by  
5 the PAMB. Except in emergency situations, it shall be unlawful to enter the ARNP  
6 without prior permission from the PAMB or the PASu, as herein provided. It shall also  
7 be unlawful to enter or use for any purpose any management zone beyond which the  
8 activity being undertaken is permitted. This rule shall similarly apply to the use of  
9 vehicles, vessels, gears and equipment in management zones where such are not  
10 allowed.

11 Violation of this Section shall subject the responsible person or entity to an  
12 administrative fine of Fifty Thousand Pesos (P50,000.00) to One Hundred Thousand  
13 Pesos (P100,000.00), as may be determined by the PAMB.

14 **SEC. 13. *Non-payment of Users' Fees.*** - It shall be unlawful for any person or  
15 entity to enjoy or utilize the ARNP and the resources therein without payment of users'  
16 fees as may be imposed by the PAMB. Violation of this Section shall be penalized  
17 with an administrative fine of double the amount set by the PAMB for the activity  
18 undertaken.

19 **SEC. 14. *Unauthorized Anchorage.*** - Except in emergency situations, it shall be  
20 unlawful for any person or entity to anchor outside the designated areas determined  
21 by the PAMB.

22 Violation of this Section shall be penalized with an administrative fine of not less  
23 than Ten Thousand Pesos (P10,000.00) and not more than Fifty Thousand Pesos  
24 (P50,000.00).

25 **SEC. 15. *Dumping of Waste and Littering.*** - It shall be unlawful for any person  
26 or entity to dump waste inside the ARNP. It shall likewise be unlawful to clean and  
27 change oil of vessels within the ARNP.

28 Violation of this provision shall be punished with imprisonment of six (6) months  
29 to one (1) year, and fine of not less than Five Thousand Pesos (P5,000.00) and not  
30 more than Fifteen Thousand Pesos (P15,000.00). The PAMB shall impose an  
31 administrative fine of not less than Fifty Thousand Pesos (P50,000.00) and not more  
32 than One Hundred Thousand Pesos (P100,000.00), and order the violator to clean up  
33 the waste or pay the clean-up thereof.

34 It shall likewise be unlawful to litter within the ARNP.

35 Violation of this provision shall be punished by the PAMB with administrative fine  
36 of Five Thousand Pesos (P5,000.00) to Ten Thousand Pesos (P10,000.00).

1           **SEC. 16. *Bioprospecting Without the Necessary Permit.*** - It shall be  
2 unlawful to conduct bioprospecting within the ARNP without prior consent from the  
3 PAMB and the necessary permit from the DENR.

4           Violation of this Section shall be punished with imprisonment of six (6) months  
5 to six (6) years; fine of Five Hundred Thousand Pesos (P500,000.00) to One Million  
6 Pesos (P1,000,000.00); and forfeiture of the resources subject of the offense,  
7 equipment, gears and vessels. The PAMB shall also impose administrative fine  
8 ranging from Five Hundred Thousand Pesos (P500,000.00) to One Million Pesos  
9 (P1,000,000.00); and forfeiture of the resources subject of the offense, equipment,  
10 gears and vessels.

11           **SEC. 17. *Introduction of Exotic Species.*** - It shall be unlawful to introduce  
12 exotic species of plants or animals into the ARNP.

13           Violation of this Section shall be punished with imprisonment of six (6) months  
14 to six (6) years; fine of One Hundred Thousand Pesos (P 100,000.00) to One Million  
15 Pesos (P1,000,000.00); and forfeiture of the resources subject of the offense,  
16 equipment, gears and vessels, The PAMB shall also impose administrative fine  
17 ranging from Two Hundred Thousand Pesos (P200,000.00) to One Million Pesos  
18 (P1,000,000.00); and forfeiture of the resources subject of the offense, equipment,  
19 gears and vessels.

20           **SEC. 18. *Hunting, catching, fishing, killing, taking, gathering, removing,***  
21 ***destroying, disturbing, or possessing resources.*** - Except in cases of emergency  
22 and safety, it shall be unlawful for any person to actually or attempt to hunt, catch,  
23 fish, kill, take, gather, remove, destroy, disturb, or possess any resource, whether  
24 living or non-living, or products derived therefrom, without such permits as may be  
25 required by law, rules and regulations. The unauthorized entry of a vessel in the  
26 ARNP shall be *prima facie* evidence of violation of this Section.

27           Violation of this Section shall be punished as follows:

28           (1) Where the offender uses explosives, noxious or poisonous substances, or  
29 electricity, the penalty shall be imprisonment ranging from six (6) years and one (1)  
30 day to twelve (12) years without prejudice to the filing of separate criminal cases when  
31 the use of the same result to physical injury or loss of human life; fine ranging from  
32 One Hundred Thousand Pesos (P100,000.00) to Three Hundred Thousand Pesos  
33 (P300,000.00); forfeiture of the resources subject of the offense, equipment, gears  
34 and vessels. The PAMB shall also impose an administrative fine ranging from Forty  
35 Thousand Pesos (P40,000.00) to One Hundred Fifty Thousand Pesos (P150,000.00);  
36 forfeiture of the resources subject of the offense, equipment, gears and vessels.

37           The discovery of dynamite, other explosives and chemical compounds which  
38 contain combustible elements, or noxious or poisonous substances, or equipment or

1 device for Electro-fishing in any vessel or in the possession of any person within the  
2 ARNP shall constitute *prima facie* evidence that the same was used in violation of this  
3 Act. The discovery in any vessel or in the possession of any person within the ARNP  
4 of resources caught, taken, killed, removed, gathered or, destroyed with the use of  
5 explosives, noxious or poisonous substances or by electricity shall constitute *prima*  
6 *facie* evidence of violation of this Act.

7 (2) Where the offender merely possesses explosives, noxious or poisonous  
8 substances, or Electro-fishing devices within the ARNP, the punishment shall be  
9 imprisonment ranging from six (6) months to two (2) years; fine ranging from Ten  
10 Thousand Pesos (P10,000.00) to Fifteen Thousand Pesos (P15,000.00); forfeiture of  
11 fish catch, fishing equipment and vessels. The PAMB, shall also impose an  
12 administrative fine ranging from Ten Thousand Pesos (P10,000.00) to Twenty-Five  
13 Thousand Pesos (P25,000.00); and confiscation and forfeiture of the resources  
14 subject of the offense, equipment, gears and vessels.

15 (3) Where the offender takes, removes, fishes, gathers, kills, destroys, or  
16 possesses corals, except for scientific or research purposes authorized by the PAMB,  
17 the penalty shall be imprisonment ranging from three (3) years to six (6) years; fine  
18 ranging from Twenty Thousand Pesos (P20,000.00) to Eighty Thousand Pesos  
19 (P80,000.00); forfeiture of the corals, equipment, gears and vessels. The PAMB shall  
20 also impose administrative fine ranging from Thirty Thousand Pesos (P30,000.00) to  
21 One Hundred Thousand Pesos (P100,000.00); and confiscation and forfeiture of corals  
22 subject of the offense, equipment, gears and vessels.

23 (4) Where the offender is engaged in fishing without permit, the operator, owner  
24 and three (3) highest officers of a commercial fishing boat or enterprise engaged  
25 therein shall be punished by a fine equivalent to the value of the catch or Fifty  
26 Thousand Pesos (P50,000.00), whichever is higher; imprisonment of two (2) years;  
27 confiscation of catch and fishing gears, equipment and vessels; and automatic  
28 revocation of license.

29 When the offender is a municipal fisher, he/she shall be punished by a fine  
30 equivalent to the value of catch or Five Thousand Pesos (P5,000.00), whichever is  
31 higher; imprisonment of three (3) months; and confiscation of catch.

32 In any case, the PAMB may impose administrative fine of no more than Five  
33 Thousand Pesos (P5,000.00) against erring Commercial fishers, and no more than  
34 Ten Thousand Pesos (P10,000.00) against erring municipal fishers; and confiscation  
35 of catch, fishing gears, equipment and vessels.

36 (5) Where the offender uses any fishing gear or method that destroys coral  
37 reefs, sea grass beds, or other marine life habitats as may be determined by this Act,  
38 the PAMB, Department of Agriculture, or the DENR, the operator, boat captain,

1 master fisherman, recruiter and/or organizer of fish workers involved shall suffer a  
2 penalty of six (6) and one (1) day years to twelve (12) years imprisonment; fine of not  
3 less than One Hundred Thousand Pesos (P 100,000.00) to Five Hundred Thousand  
4 Pesos (P500,000.00); forfeiture of catch, fishing equipment, gears and vessels. The  
5 PAMB shall also impose administrative fine ranging from Four Hundred Thousand  
6 Pesos (P400,000.00) to One Million Pesos (P1,000,000.00); and confiscation and  
7 forfeiture of catch, fishing equipment, gears and vessels.

8 When the offender is a municipal fisher, he or she shall be punished by a fine  
9 ranging from Twenty Thousand Pesos (P20,000.00) to Forty Thousand Pesos  
10 (P40,000.00); imprisonment of six (6) months to two (2) years; and forfeiture of fish  
11 catch, fishing equipment, gears and vessels.

12 The PAMB shall also impose administrative fine ranging from Twenty  
13 Thousand Pesos (P20,000.00) to One Hundred Thousand Pesos (P100,000.00); and  
14 confiscation and forfeiture of catch, fishing equipment, gears and vessels.

15 Muro-Ami, pa-aling, all kinds of trawls (*galadgad, Noway*), purse seine  
16 (*pangdong*), Danish seine (*hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot,*  
17 *patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas, etc.*) ring net (*kubkob,*  
18 *panguloing, kalansisi*), drive-in net (*kayakas*), round haul seine (*sapyaw, lawag*),  
19 motorized push net (*sudsod*), bagnet (*basing, saklit*), or any of their variations, are  
20 hereby declared destructive fishing methods or gears under this provision.

21 (6) Where the offender gathers or removes pebbles, stones, rocks; sand or  
22 other materials that form part of the habitat, or otherwise engages in the quarrying or  
23 dredging of any portion of the ARNP, the penalty shall be six (6) months to ten (10)  
24 years imprisonment; fine of not less than Ten Thousand Pesos (P10,000.00) to Five  
25 Hundred Thousand Pesos (P500,000.00); and forfeiture of the substance taken from  
26 the habitat, and the equipment and vessels used to commit such violation. The PAMB  
27 shall also impose administrative fine ranging from Thirty Thousand Pesos  
28 (P30,000.00) to Seven Hundred Thousand Pesos (P700,000.00); and confiscation  
29 and forfeiture of the substance taken, and equipment and vessels used in the  
30 commission of the violation.

31 (7) Where the subject of the offense are protected species as defined in this  
32 Act, the penalty shall be imprisonment of twelve, (12) years to twenty (20) years; fine  
33 of One Hundred Twenty Thousand Pesos (P120,000.00) to One Million Pesos  
34 (P1,000,000.00) for every threatened or endangered species subject of the offense;  
35 forfeiture of the catch, equipment, gears and vessels; and cancellation of fishing  
36 permit. The PAMB shall also impose administrative fine ranging from One Hundred  
37 Fifty Thousand Pesos (P150,000.00) to One Million Pesos (P1,000,000.00) for every

1 threatened or endangered species subject of the offense; and confiscation and  
2 forfeiture of catch, equipment, gears and vessels.

3 (8) Where the violations of this Section are not covered by the preceding  
4 paragraphs, the penalty shall be imprisonment of one (1) year to three (3) years; fine  
5 of not less than Ten Thousand Pesos (P 10,000.00) but not more than One Hundred  
6 Thousand Pesos (P100,000.00); forfeiture of the catch, equipment, gears and vessels;  
7 and cancellation of permit that makes it possible for the offender to commit the  
8 offense. The PAMB shall also impose administrative fine ranging from Fifteen  
9 Thousand Pesos (P15,000.00) to One Million Pesos (P 1,000,000.00); and  
10 confiscation and forfeiture of catch, equipment, gears and vessels.

11 **SEC. 19. Poaching.** - It shall be unlawful for any person, corporation or entity  
12 to fish or operate any fishing vessel in the ARNP. The entry of any vessel in the ARNP  
13 shall constitute *prima facie* evidence that the vessel is engaged in fishing in the area.

14 Violation of the above shall be punished by imprisonment of six (6) years and  
15 one day to twelve (12) years and a fine of Five Hundred Thousand Pesos  
16 (P500,000.00), in addition to the forfeiture of its catch, fishing equipment and fishing  
17 vessel: *Provided*, That in case of non-payment of fine, a subsidiary imprisonment shall  
18 be imposed; *Provided, further*, that the PAMB is empowered to impose an  
19 administrative fine of not less than Two Hundred Thousand Pesos (P 200,000.00) but  
20 not more than One Million Pesos (P1,000,000.00), in addition to the confiscation and  
21 forfeiture of the fish catch, fishing equipment and fishing vessel.

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

25 **SEC. 20. Violation of Environmental Impact Assessment (EIA) System.** -  
26 The PAMB shall prosecute violations of laws and rules on Environmental Impact  
27 Assessment (EIA) System. Such violations shall be punished by imprisonment of  
28 three (3) years to five (5) years; fine of One Hundred Thousand Pesos (P100,000.00)  
29 for every day each violation subsists; rehabilitation of the affected area or the amount  
30 equivalent thereto; and forfeiture of the vessels, structures, effects, materials and  
31 equipment used, and the products of such violation. If the offender is a corporation,  
32 the directors and officers who allowed such violation shall suffer the imprisonment.

33 The PAMB shall also impose administrative fine of One Hundred Thousand  
34 Pesos (P100,000.00) for every day each violation subsists; rehabilitation of the  
35 affected area or the amount equivalent thereto; and confiscation and forfeiture of the  
36 vessels, structures, effects, materials and equipment used, and the products of such  
37 violation.

1           **SEC. 21. Violation of Standards.** -The owner, operator and top three (3)  
2 officers of any vessel violating the standards set by the PAMB, such as safety and  
3 sanitary standards, shall suffer administrative penalty of fine ranging from Twenty  
4 Thousand Pesos (P20,000.00) to Fifty Thousand Pesos (P50,000.00) for every day  
5 each violation subsists, and from suspension of three (3) months to cancellation of  
6 permit to operate in ARNP.

7           **SEC. 22. Obstruction to Law Enforcement Officer** -The boat owner, master,  
8 operator, officer, or any person acting on his/her behalf, of any vessel who evades,  
9 obstructs or hinders any law enforcement officer in the ARNP from performing his/her  
10 duty, shall be fined Twenty Thousand Pesos (P20,000.00). In addition, the  
11 registration, permit and/or license of the vessel including the license of the officers  
12 thereof shall be cancelled.

13           **SEC. 23. Subsidiary Imprisonment.** - Non-payment of judicial fines imposed  
14 under this Act shall be subject to subsidiary imprisonment as provided for by existing  
15 laws.

16           **SEC. 24. Promulgation of Rules and Regulations.** - The PAMB may issue  
17 rules and regulations, including the imposition of penalties, in pursuit of the  
18 conservation, preservation, management and sustainable development of the ARNP.

19           **SEC. 25. Fines and Forfeitures.** - All criminal fines and forfeitures that may be  
20 imposed by the courts, and the administrative fines and forfeitures imposed by the  
21 PAMB under this Act, and the rules and regulations that may be promulgated in  
22 pursuit of the goals and objectives of this Act shall be given to the PAMB and shall  
23 form part of the funds and assets of the ARNP.

24           In case of administrative confiscation or forfeiture of vessels, structures, effects,  
25 materials and equipment and the same is not necessary for the proper prosecution of  
26 the offense charged, the PAMB may sell the forfeited vessels, structures, effects,  
27 materials and equipment in a public auction. Proceeds of the said sale shall accrue to  
28 the ARNP created under this Act.

29           In case the confiscated vessels, structures, effects, materials and equipment  
30 are in *custodia legis*, the PAMB or its counsel, after administrative confiscation and  
31 forfeiture proceedings, may move for the sale of the confiscated or forfeited vessels,  
32 structures, effects, materials and equipment *pendente lite*; *Provided that* the said  
33 vessels, structures, effects, materials and equipment are no longer necessary for the  
34 proper prosecution of the offense or if the same is necessary but substitute evidence  
35 is accepted by the court. The proceeds of the said sale shall likewise accrue to the  
36 ARNP Fund created under this Act.

1           **SEC. 26. Violation of Other Laws** – Prosecution for violation of this Act shall  
2 be without prejudice to the prosecution of the offender for violation of other laws, rules  
3 and regulations.

4           **SEC. 27. Special Prosecutor and Retained Counsel.** – Within thirty (30) days  
5 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special  
6 prosecutor to whom all cases of violation of laws, rules and regulations in the ARNP  
7 shall be assigned. Such Special Prosecutor shall coordinate with the PAMB and the  
8 PASu in the performance of his/her duties and assist in the training of wardens and  
9 rangers in arrest and criminal procedures. The PAMB may retain the services of a  
10 counsel to prosecute and/or assist in the prosecution of cases under the direct control  
11 and supervision of the regular or special prosecutor and to defend the members of the  
12 PAMB, the PASu and the staff, or any person assisting in the protection, conservation  
13 and sustainable development of the ARNP, against any legal action related to their  
14 powers, functions and responsibilities as provided in this Act or as delegated or tasked  
15 by the PAMB.

16           **SEC. 28. Apo Reef Natural Park Funds** . – There is hereby established a  
17 Trust Fund to be known as ARNP Fund for purposes of financing projects of the  
18 ARNP. Seventy-five percent (75%) income generated from the operation and/or  
19 management of the ARNP shall accrue to the Fund. The remaining twenty-five  
20 percent (25%) shall be deposited to the Integrated Protected Areas Fund (IPAF) as  
21 established in the NIPAS Act.

22           Income shall be derived from visitors fee, fees from permitted sale and export  
23 of flora and fauna and other resources from the ARNP, proceeds from the registration  
24 and lease of multiple-use zones including ecotourism concessions, fees, proceeds,  
25 and contributions from industries and facilities directly benefiting from the ARNP, and  
26 such other fees and income derived from the operation of the ARNP.

27           The ARNP Fund may be augmented by grants, donations, endowment from  
28 various sources, domestic or foreign for purposes related to their functions; *Provided*,  
29 that disbursements therefrom shall be solely for the protection, maintenance,  
30 administration and management of the System, and duly approved projects endorsed  
31 by the ARNP in accordance with existing accounting and budgeting rules and  
32 regulations; *Provided, further*, that the fund shall not be used to cover personal  
33 services expenditures.

34           The LGUs shall continue to impose and collect all other fees not enumerated  
35 herein which are traditionally collected, such as business permits, and rentals of  
36 LGUs' facilities; *Provided*, That the LGUs shall not impose property tax and issue tax  
37 declaration for areas or properties located in ARNP. Furthermore, LGUs may charge  
38 add-ons to fees imposed by the PAMB; *Provided*, That such add-ons shall be

1 determined based on the contribution of the LGUs in the maintenance and protection  
2 of the ARNP.

3 **Sec. 29 Utilization of Resources**— Any exploitation of or utilization of Non-  
4 renewable resources within the ARNP shall not be allowed. Energy projects within the  
5 ARNP shall be allowed only through an act of Congress, except energy from wind,  
6 sun, and water sources and not more than one (1) megawatt capacity for mini-hydro  
7 power: *Provided*, that these renewable energy projects are established outside the  
8 strict protection zone, adopt reduced impact technologies and undergo the  
9 Environmental Impact Assessment (EIA) system as provided by law: *Provided*,  
10 *Further*, That the endorsement of the PAMB has been obtained.

11 **SEC. 30. Reporting Responsibility.** – The PASu, through the PAMB, shall  
12 submit an annual accomplishment report to the Secretary of the DENR on the  
13 activities undertaken in the ARNP.

14 **SEC. 31. Appropriations.** – The Secretary of the DENR shall immediately  
15 include in the Department's program the implementation of this Act, the funding of  
16 which shall be included in the annual General Appropriations Act.

17 **SEC. 32. Construction and Suppletory Application of Existing Laws.** The  
18 provisions of this Act shall be construed liberally in favor of achieving biodiversity  
19 conservation, protection and sustainable development Provisions of Republic Act No.  
20 7586, otherwise known as the National Integrated Protected Areas Management Act  
21 of 1992 and existing forestry laws, and their corresponding rules and regulations not  
22 inconsistent hereto shall have the suppletory effect in the implementation of this Act.

23 **SEC. 33. Repealing Clause.** - For the purpose of this Act. Sections 11, 15, 20  
24 and 21 of Republic Act No. 7586 *are* hereby modified. All other laws, rules and  
25 regulations inconsistent with the act are hereby repealed or modified accordingly. The  
26 prohibition and penalties under Republic Act No. 7586 are hereby superseded for the  
27 entire area covered by this Act.

28 **SEC. 34. Separability Clause.** - The provisions of this Act are hereby declared  
29 to be separable, and in the event one or more of such provisions are held  
30 unconstitutional, the validity of other provisions shall not be affected thereby.

31 **SEC. 35. Effectivity Clause.** - This Act shall be translated in English and  
32 Filipino, within thirty (30) days from the date of approval hereof. It shall be published  
33 once a week for three (3) consecutive weeks in a newspaper of general circulation  
34 readily available in the areas in and around the score specified herein. It shall likewise  
35 be conspicuously posted simultaneously in the provincial, municipal and barangay  
36 halls within the area as well as in three (3) other places frequented by the public.  
37 Fifteen (15) days after the last publication and posting, this Act shall have full force  
38 and effect.



1 *Approved,*

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