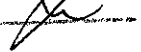


FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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7 JUL -4 P2:40

SENATE

RECEIVED BY: 

Senate Bill No. 1078

Introduced by SENATOR COMPAÑERA PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Turtle Islands Wildlife Sanctuary in the Province of Tawi- Tawi as a protected area.

The Turtle Islands Wildlife Sanctuary, which covers 242,967.72 hectares, is comprised of six major turtle nesting islands. These islands serve as a nesting ground of the endangered species of marine turtles. Aside from three other islands in Malaysia, the Turtle Islands Wildlife Sanctuary is considered the only remaining major nesting ground of the Green Turtles in the ASEAN Region. Also found in this area are diverse marine resources ranging from marine vertebrates and invertebrates, to seaweeds and corals. The Turtle Islands Wildlife Sanctuary is among the ten priority protected areas in the country under the Conservation of Priority Protected Areas Project.

Recognizing the value of this area, the Turtle Islands Wildlife Sanctuary was established by virtue of Presidential Proclamation No. 171, dated August 26, 1999.

This bill, therefore, seeks to declare the Turtle Islands Wildlife Sanctuary as protected in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance and preserve its source of water supply.


Given the importance of biodiversity, it is deemed crucial that we act on these 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

FOURTEENTH CONGRESS OF THE }
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7 JUL -4 P2:40

RECEIVED BY: 

SENATE

S. No. 1078

Introduced by Senator Pia S. Cayetano

AN ACT ESTABLISHING TURTLE ISLANDS WILDLIFE SANCTUARY IN THE PROVINCE OF TAWI-TAWI AS PROTECTED AREA, 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 “Turtle Islands Wildlife
2 Sanctuary Act of 2007”.

3 SEC. 2. *Land Classification.* – All lands of the public domain comprising the Turtle
4 Islands Wildlife Sanctuary Protected Area shall fall under the classification of National
5 Park as provided for in the Philippine Constitution.

6 SEC. 3. *Scope and Coverage.* – The Turtle Islands Protected Area hereby known
7 as Turtle Islands Wildlife Sanctuary (TIWS) shall cover the islands of Taganak,
8 Langaan, Boan, Lihiman, Great Bakkungan, Baguan Island and Sibaung within the
9 Municipality of Turtle Islands in the Province of Tawi–Tawi, including the municipal
10 waters thereof pursuant to the law on territorial waters, containing a total area of more
11 or less TWO HUNDRED FORTY-TWO THOUSAND NINE HUNDRED SIXTY SEVEN
12 (242,967) hectares, THREE HUNDRED EIGHTEEN (318) hectares of which constitute
13 the aggregate land portion of the six islands while the remaining TWO HUNDRED
14 FORTY TWO THOUSAND, SIX HUNDRED FORTY NINE (242, 649) hectares
15 constitute the marine portion.

16 The Turtle Islands Wildlife Sanctuary begins at a point marked “1” on the map
17 which is to identical to corner 1 of the existing International treaty limits with coordinates

1 06°00'00" latitude and 118°37'47.83" longitude based from NAMRIA Map of Balabac
2 Strait No. 4720, Cybersoft Inc.;

3	Thence Due West	32, 349.00 meters	to corner 2;
4	Thence N 52° 00'00" W	51, 840.00 meters	to corner 3;
5	Thence Due North	21,035.15 meters	to corner 4;
6	Thence Due East	14, 400.00 meters	to corner 5;
7	Thence S 53° 27'49.5" E	17,394.45 meters	to corner 6;
8	Thence S 85° 24'07.9"E	17, 921.65 meters	to corner 7;
9	Thence S 71° 26'46.2"E	8, 518.67 meters	to corner 8;
10	Thence S 52° 27'48.2" E	20, 990.33 meters	to corner 9;
11	Thence S 15° 20'38.4" E	8, 461.24 meters	to corner 10;
12	Thence Due South	17, 500.00 meters	to corner 1

13 A 15-Kilometer distance reckoned from the shoreline of each of the islands is
14 extended to form the protected area boundary within the Philippine waters.

15 The technical descriptions of the Turtle Islands Wildlife Sanctuary shall be subject
16 to actual ground survey using the Global Positioning System (GPS). Marine buoys shall
17 be established on the corners as protected area boundary markers.

18 The technical descriptions provided in this Act will be subject to ground survey and
19 verification to be conducted by the Department of Environment and Natural Resources.
20 Any modification of the coverage of this Act due to such factors as changing ecological
21 situations, new scientific or archeological findings, or discovery of traditional boundaries
22 not previously taken into account shall be made through an act of Congress, after
23 consultation with the affected public and concerned government agencies.

24 SEC. 4. *Definition of Terms.* – For purposes of this Act, the following terms are
25 defined as follows:

26 a) "Ancestral domain" refers to all areas generally belonging to ICCs/IPs
27 comprising lands, inland waters, coastal areas, and natural resources therein, held
28 under a claim of ownership, occupied or possessed by the ICCs/IPs, by themselves or
29 thru their ancestors, communally or individually since time immemorial, continuously to
30 the present except if interrupted by war, *force majeure* or displacement by force, deceit,
31 stealth or as a consequence of government projects or any other voluntary dealings
32 entered into by government or public individuals/corporations, and which are necessary
33 to ensure their economic, social and cultural welfare. It shall include ancestral lands,
34 forests, pasture, residential, agricultural, and other lands individually owned whether

1 alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas,
2 bodies of water, mineral and other natural resources, and lands which may no longer be
3 exclusively occupied by ICCs/IPs but from which they traditionally had access to for
4 their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who
5 are still nomadic and/or shifting cultivators.

6 b) "Biodiversity" refers to variety and variability among living organisms and the
7 ecological complexes in which said organisms occur.

8 c) "Biological resources" includes genetic resources, organisms or parts thereof,
9 population, or any other biotic component of ecosystems with actual or potential use or
10 value for humanity.

11 d) "Bioprospecting" means the research, collection and utilization of biological and
12 genetic resources for purposes of applying the knowledge derived therefrom solely for
13 commercial purposes.

14 e) "Buffer Zone" refers to an identified area outside the boundaries of an
15 immediately adjacent to designated areas pursuant to Section 8 of NIPAS Act of 1992
16 that need special development control in order to avoid or minimize harm to the
17 protected area.

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

20 g) "Conservation" means preservation and sustainable utilization of wildlife, and/or
21 maintenance, restoration and enhancement of the habitat.

22 h) "Endangered species" refers to species or subspecies of flora and fauna that is
23 not critically endangered but whose survival in the wild is unlikely if the causal factors
24 continue operating.

25 i) "Endemic species" means species or subspecies of flora and fauna which is
26 naturally occurring and found only within specific areas in the country.

27 j) "Exotic species" means species or subspecies of flora and fauna which do not
28 naturally occur within the protected area at present or in historical time.

29 k) "Habitat" means a place or type of environment where a species or subspecies
30 naturally occurs or has naturally established its population.

31

32 l) "Hunting" refers to collection of wild fauna for food and/or recreational purposes
33 with the use of weapons such as guns, bow and arrow, spear and the like.

34 m) "Indigenous Cultural Communities or Indigenous People (ICC/ IPs)" refers to a

1 group of people or homogenous societies identified by self-ascription and ascription by
2 others, who have continuously lived as organized community on communally bounded
3 and defined territory, and who have, under claims of ownership since time immemorial,
4 occupied, possessed and utilized such territories, sharing common bonds of language,
5 customs, traditions and other distinctive cultural traits, or who have, through resistance
6 to political, social and cultural inroads of colonization, non-indigenous religions and
7 cultures, became historically differentiated from the majority of Filipinos. IPs shall
8 likewise include peoples who are regarded as indigenous on account of their descent
9 from the populations which inhabited the Country, at the time of conquest or
10 colonization, or at the time of inroads of non-indigenous religions and cultures, or the
11 establishment of present state boundaries, who retain some or all of their own social,
12 economic, cultural and political institutions, but who may have been displaced from their
13 traditional domains or who may have resettled outside their ancestral domains.

14 n) "Management plan" refers to the fundamental plan, strategy and/or scheme
15 which shall guide all activities relating to the Turtle Islands Wildlife Sanctuary in order to
16 attain the objectives of this Act.

17 o) "Mineral" refers to all naturally occurring inorganic substance in solid, gas, liquid,
18 or any intermediate state including energy materials such as coal, petroleum, natural
19 gas, radioactive materials, and geothermal energy.

20 p) "Multiple-Use Zone" refers to area where settlement, traditional and/or
21 sustainable land use, including agriculture, agro-forestry, extraction activities and other
22 income generating or livelihood activities, may be allowed to the extent prescribed in the
23 management plan.

24 q) "National Integrated Protected Areas System (NIPAS)" is the classification and
25 administration of all designated protected areas to maintain essential ecological
26 processes and life-support systems, to preserve genetic diversity, to ensure sustainable
27 use of resource found therein, and maintain their natural conditions to the greatest
28 extent possible.

29 r) "National Park" refers to a forest reservation essentially of natural wilderness
30 character which has been withdrawn from settlement, occupancy or any form of
31 exploitation except in conformity with approved management plan and set aside as such
32 exclusively to conserve the area or preserve the scenery, the natural and historic
33 objects, wild animals and plants therein and to provide enjoyment of these features in
34 such areas.

1 s) "Non-governmental organization (NGO)" refers to an agency, institution,
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 t) "People's Organization" refers to a group of organized migrant communities and
6 or interested indigenous peoples which may be an association, cooperative, federation,
7 or other legal entity, established to undertake collective action to address community
8 concerns and needs, and mutually share the benefits of the endeavor.

9 u) "Protected Area" refers to identified portions of land and water set aside by
10 reason of their unique physical and biological significance, managed to enhance
11 biological diversity and protected against destructive human exploitation.

12 v) "Protected Area Management Board" refers to a multi-sectoral policy-making
13 body for protected areas created in accordance with RA 7586 or the NIPAS Act of 1992;

14 w) "Special use zone" is an area containing existing installations of national
15 significance, such as telecommunication facilities, irrigation canals or electric power
16 lines.

17 x) "Sustainable use" means the use of components of biological diversity in a way
18 and rate that does not lead to the long-term decline of biological diversity, thereby
19 maintaining its potential to meet the needs and aspirations of present and future
20 generations.

21 y) "Tenured Migrants" refers to forest occupants who have actually and
22 continuously occupied a portion of the Turtle Islands Wildlife Sanctuary and is solely
23 dependent therein for subsistence. A Turtle Islands Wildlife Sanctuary occupant is
24 understood to be "solely dependent for subsistence" when everything indispensable for
25 survival for the household, including food, clothing, shelter and health, comes only from
26 the utilization of resources from the Turtle Islands Wildlife Sanctuary.

27 z) "Trawl" refers to an active fishing gear consisting of a bag shaped net with or
28 without otter boards to open its opening which is dragged or towed along the bottom or
29 through the water columns to take fishery species by straining them from the water,
30 including all variations and modifications of trawls (bottom, mid-water, and baby trawls)
31 and tow nets.

32 aa) "Wildlife" means wild forms and varieties of flora and fauna, in all
33 developmental stages, including those which are in captivity or are being bred or
34 propagated.

1 bb) "Wildlife Sanctuary" means an area which assures the natural conditions
2 necessary to protect nationally significant species, group of species, biotic communities
3 or physical feature of the environment where these may require specific human
4 manipulation for their perpetuation.

5 SEC.5. *The Turtle Island Wildlife Sanctuary Protected Area Management Board.*
6 – A Protected Area Management Board (PAMB) for Turtle Islands Wildlife Sanctuary
7 shall be created to be composed of the following:

- 8 (1) The Regional Executive Director (RED) of the DENR ARMM, as Chairperson;
9 (2) Provincial Planning and Development Officers of the Province of Tawi- Tawi;
10 (3) The Mayors of the Municipality of Turtle Islands in the Province of Tawi–Tawi,
11 or their duly designated representatives;
12 (4) One representative from each barangay covering the Turtle Islands Wildlife
13 Sanctuary Protected Area;
14 (5) At least two (2) representatives from local POs with stakes in the Turtle
15 Islands Wildlife Sanctuary Protected Area, chosen from among themselves;
16 (6) At least three (3) representatives from the local NGOs with stakes in the Turtle
17 Islands Wildlife Sanctuary Protected Area, chosen from among themselves;
18 (7) One representative from government agencies involved in the Turtle Islands
19 Wildlife Sanctuary Protected Area management; and
20 (8) One representative from each tribal community residing within the Turtle
21 Islands Wildlife Sanctuary Protected Area;

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

26 The members of the PAMB shall be appointed by the Secretary of the DENR in
27 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
28 members of the PAMB shall be nominated from the current members of the interim
29 PAMBs of the five (5) component areas of the Turtle Islands Wildlife Sanctuary
30 Protected Area. Their nominations shall be conducted in a joint meeting of the current
31 members of the interim PAMBs duly called for the purpose: *Provided, further*, that at
32 least one-third (1/3) of the members shall be women.

33 In the selection of the representatives of POs and NGOs, preference shall be
34 accorded to those organizations that are involved in the conservation, protection and

1 development of the Turtle Islands Wildlife Sanctuary Protected Area. Representation
2 shall be by institution and shall aim to achieve balance in representation by geographic
3 location or areas.

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

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

15 *SEC. 6. Powers and Functions of the PAMB.* - The PAMB of the Turtle Islands
16 Wildlife Sanctuary Protected Area, which shall decide by consensus or majority vote,
17 shall have the following duties and functions, in addition to the duties and functions
18 enumerated in the implementing rules and regulations of the NIPAS Act:

19 (1) Issue rules and regulations to prohibit acts that may be prejudicial to the Turtle
20 Islands Wildlife Sanctuary Protected Area and to the declaration of policy set forth under
21 the NIPAS;

22 (2) Issue rules and regulations for the resolution of conflicts through appropriate
23 and effective means;

24 (3) Adopt rules and procedures in the conduct of business, including the creation of
25 committees to which its powers may be delegated;

26 (4) Approve the management plan and oversee the office of the PASu;

27 (5) Establish criteria and set fees for the issuance of permits for activities regulated
28 by this Act or the management plan;

29 (6) Recommend the deputation of appropriate individuals, including local
30 community leaders, for the enforcement of the laws, rules and regulations governing the
31 conduct or management of the Turtle Islands Wildlife Sanctuary Protected Area;

1 (7) Approve fees and charges in accordance with DAO 51, Series of 2000 and
2 raise funds for the Turtle Islands Wildlife Sanctuary Protected Area;

3 (8) Manage the allocation of the Turtle Islands Wildlife Sanctuary Protected Area
4 Fund ,and other funds for the Turtle Islands Wildlife Sanctuary Protected Area, ensure
5 their proper administration and render accounting; and

6 (9) Recommend appropriate policy changes to the DENR and other government
7 authorities.

8 The DENR, through the Regional Executive Director (RED), shall ensure that the
9 PAMB acts within the scope of its powers and functions. In case of conflict between
10 administrative orders issued by the DENR pursuant to the NIPAS Act and the
11 resolutions issued by the PAMB, such conflict shall be referred by PAMB to the DENR
12 Secretary who shall decide whether to apply the rule or withdraw its application from
13 the Turtle Islands Wildlife Sanctuary Protected Area.

14 *SEC. 7. Protected Area Superintendent (PASu) Office.* – The Protected Area
15 Superintendent (PASu) Office is hereby created within the DENR Regional office to be
16 headed by the PASu who shall serve as the Chief Operating DENR Officer of the entire
17 Turtle Islands Wildlife Sanctuary Protected Area. The PASu shall report directly to the
18 RED of the DENR-Region ARMM and shall be accountable to the PAMB. The PASu
19 and the PASu staff shall reside within the Turtle Islands Wildlife Sanctuary Protected
20 Area and establish an office in order to implement this Act.

21 The PASu shall have full responsibility for the protection of land, water, wildlife and
22 other natural physical and biological resources within the Turtle Islands Wildlife
23 Sanctuary Protected Area. As such, the PASu shall have the following powers and
24 functions in addition to those provided under the NIPAS and its implementing rules and
25 regulations:

26 Establish, operate, and maintain a database management system as a decision
27 support tool;

28 (2) Prepare the management plan as herein defined;

29 (3) Provide a secretariat for the PAMB and supply the PAMB with all the necessary
30 information to make appropriate decisions for the implementation of this Act;

31 (4) Enforce the laws, rules and regulations relevant to the Turtle Islands Wildlife
32 Sanctuary Protected Area, institute and file legal action independently or in collaboration
33 with other government agencies or organizations and assist in the prosecution of
34 offenses committed in violation of this Act;

1 (5) Monitor all activities within the Turtle Islands Wildlife Sanctuary Protected Area
2 to ensure its conformity with the management plan;

3 (6) Ensure the integration of the Turtle Islands Wildlife Sanctuary Protected Area
4 management policies, regulations, programs and projects in all concerned national and
5 local government unit levels;

6 (7) Recommend the issuance of permits based on terms, conditions and criteria
7 established by the PAMB; and

8 (8) Perform such other powers and duties as may from time to time be prescribed
9 by the PAMB and higher authorities.

10 SEC. 8. *Indigenous People's Rights.* – Ancestral domain and other customary
11 rights and interests of indigenous communities within the Turtle Islands Wildlife
12 Sanctuary Protected Area shall be accorded due recognition. The preservation of
13 ancestral domain and customary rights shall be considered as one of the management
14 objectives. The maintenance, management and development of ancestral domains
15 which are found to be necessary for Turtle Islands Wildlife Sanctuary Protected Area
16 will be pursuant to Section 58 of Republic Act No. 8371, otherwise known as the “The
17 Indigenous Peoples Rights Act of 1997 (IPRA)”.

18 The identification, delineation and recognition of ancestral domain claims within the
19 Turtle Islands Wildlife Sanctuary Protected Area shall be conducted by the National
20 Commission on Indigenous Peoples (NCIP) pursuant to the provisions the IPRA, and its
21 implementing rules and regulations, in coordination with the PAMB.

22 SEC. 9. *Tenured Migrants and Other Turtle Islands Wildlife Sanctuary Protected*
23 *Area Occupants.* –Tenured migrants shall be eligible become stewards of portions of
24 lands within allowable zones. The PAMB shall identify, verify and review all tenurial
25 instruments, land claims, and issuances of permits for resource use within the Turtle
26 Islands Wildlife Sanctuary Protected Area and recommend the issuance of the
27 appropriate tenurial instrument consistent with the zoning provided in the management
28 plan.

29 Should areas occupied by tenured migrants be designated as zones in which no
30 occupation or other activities are allowed pursuant to the attainment of sustainable
31 development, provision for the transfer of said tenured migrants to multiple-use zones or
32 buffer zones shall be accomplished through just and humane means.

33 In the event of termination of a tenurial instrument for cause or by voluntary

1 surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order
2 to return it to its natural state prior to the cultivation or other act by the tenured migrant.

3 Other Turtle Islands Wildlife Sanctuary Protected Area occupants who do not
4 qualify as tenured migrants shall be resettled outside the Turtle Islands Wildlife
5 Sanctuary Protected Area as determined by the PAMB. The PAMB shall determine,
6 plan and implement a definite schedule for resettling them outside of the Turtle Islands
7 Wildlife Sanctuary Protected Area following the procedures set forth by existing law.

8 SEC. 10. *Prohibited Acts and Penalties.* – The following shall be the
9 prohibitions and penalties applicable to the Turtle Islands Wildlife Sanctuary Protected
10 Area, in addition to the prohibited acts as provided in the NIPAS Act and its pertinent
11 rules and regulations:

12 (A) The penalties provided for in Articles 309 and 310 of the Revised Penal
13 Code, depending on the value of the resources taken, damaged or destroyed, shall be
14 imposed upon any person who:

15 Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic
16 plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within
17 particularly identified regulated or prohibited areas zones in the Turtle Islands Wildlife
18 Sanctuary Protected Area including private lands without the necessary permit,
19 authorization or exemption: *Provided*, That hunting of animals shall be absolutely
20 prohibited except for scientific research and for traditional hunting by the IPs/ICCs;

21 (2) Cuts, gathers, removes or collects timber or any forest products, within
22 particularly identified regulated or prohibited areas or zones in the Turtle Islands Wildlife
23 Sanctuary Protected Area including private lands without the necessary permit,
24 authorization or exemption;

25 (3) Possesses or transports, within or outside the Turtle Islands Wildlife Sanctuary
26 Protected Area any timber, forest products, wild terrestrial or aquatic plants, animals,
27 flora or fauna, or by-product derived therefrom which is ascertained to have been taken
28 from the Turtle Islands Wildlife Sanctuary Protected Area;

29 (4) Undertakes mineral exploration or extraction within the Turtle Islands Wildlife
30 Sanctuary Protected Area;

31 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within
32 the Turtle Islands Wildlife Sanctuary Protected Area;

33 (6) Hunts, collects, removes or destroys any endangered or protected species,

1 except when collection or removal is for scientific research and exempted from the
2 prohibition by the PAMB;

3 (7) Conducts bioprospecting within the Turtle Islands Wildlife Sanctuary Protected
4 Area without prior PAMB approval in accordance with existing guidelines; or

5 (8) Establishes or introduces exotic species within the Turtle Islands Wildlife
6 Sanctuary Protected Area which are detrimental to endemic species or without prior
7 PAMB approval.

8 (B) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five
9 hundred thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not
10 more than six (6) years shall be imposed upon any person who:

11 Violates any rules and regulations in the management plan or by the PAMB or
12 agreements reached before the PAMB in the exercise of adjudicative functions;

13 Erects any structure on land or on water for any purposes outside the management
14 plan: *Provided*, That large-scale private infrastructure and other projects such as
15 medium to high density residential subdivisions, medium to large commercial and
16 industrial establishments, golf-courses, heavily mechanized commercial and non-
17 traditional farming, and other activities that cause increased in-migration, pollution and
18 resource degradation are absolutely prohibited;

19 Possesses a chainsaw, hacksaw and other mechanized equipment within the
20 Turtle Islands Wildlife Sanctuary Protected Area without a permit;

21 Throws, dumps or causes to be dumped into the Turtle Islands Wildlife Sanctuary
22 Protected Area any non-biodegradable material or waste whether liquid, solid or gas;

23 Uses, dumps, places or causes to be placed into the Turtle Islands Wildlife
24 Sanctuary Protected Area toxic chemicals, including pesticides and other hazardous
25 substances, unless the same is expressly allowed in the management plan;

26 Prospects, hunts or otherwise locates hidden treasures within the Turtle Islands
27 Wildlife Sanctuary Protected Area;

28 (7) Informally occupies or dwells in any land within the Turtle Islands Wildlife
29 Sanctuary Protected Area without clearance from the PAMB;

30 (8) Posseses or uses blasting caps or explosives anywhere within the Turtle
31 Islands Wildlife Sanctuary Protected Area;

32 (9) Destroys, excavates, vandalizes or, in any manner, damages any natural
33 formation on land, religious, spiritual, historical sites, artifacts and other objects of
34 natural or scenic value;

1 (10) Alters, removes or destroys boundary marks or signs;

2 (11) Engages in kaingin, or, in any manner, causing forest fires inside the Turtle
3 Islands Wildlife Sanctuary Protected Area; or

4 (12) Purchases, or sells, mortgages or leases lands or other portions of the Turtle
5 Islands Wildlife Sanctuary Protected Area which are covered by any tenurial instrument.

6 Valuation of the damage for this Act shall take into account biodiversity and
7 conservation considerations as well as aesthetic and scenic value. Valuation assessed
8 by the DENR or the concerned government agency shall be presumed correct unless
9 otherwise proven by preponderant evidence.

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

13 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools
14 and similar devices shall be subject to immediate and administrative confiscation,
15 independent of the judicial proceedings by the PASu Office upon apprehension, subject
16 however to due process and substantial evidence requirements. When legal action is
17 however filed in the regular courts, the said conveyances, vessels, equipments,
18 paraphernalia, implements, gears, tools and similar devices, independent of the
19 administrative proceedings, shall not be released until after judgment has been
20 rendered. Proceeds of the sale of all objects administratively or judicially confiscated
21 pursuant hereto shall accrue to the Turtle Islands Wildlife Sanctuary Protected Area
22 Fund. Procedure for the sale thereof shall be promulgated by the PAMB. However, in no
23 case shall any confiscated or rescued protected animal species be sold or in any
24 manner disposed of but shall be immediately turned over to the PASu office for release
25 in its natural habitat, subject to existing regulations.

26 The penalties specified in this Section will be in addition to the penalties contained
27 in RA 9072 (National Caves and Cave Resources Management and Protection Act), RA
28 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

29 Conviction for any offense under this Act, of a public officer or officer of the law
30 shall carry the accessory penalty of perpetual disqualification from public office.

31 SEC. 11. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days
32 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
33 prosecutor to whom all cases of violation of laws, rules and regulations in the Turtle

1 Islands Wildlife Sanctuary Protected Area shall be assigned. Such Special Prosecutor
2 shall coordinate with the PAMB and the PASu in the performance of his/her duties and
3 assist in the training of wardens and rangers in arrest and criminal procedures. The
4 PAMB may retain the services of a counsel to prosecute and/or assist in the prosecution
5 of cases under the *direct control and supervision of the regular or special prosecutor*
6 and to defend the members of the PAMB, the PASu and the staff, or any person
7 assisting in the protection, conservation and sustainable development of the Turtle
8 Islands Wildlife Sanctuary Protected Area, against any legal action related to their
9 powers, functions and responsibilities as provided in this Act or as delegated or tasked
10 by the PAMB.

11 SEC. 12. *Turtle Islands Wildlife Sanctuary Protected Area Fund.* –There is
12 hereby established a trust fund to be known as the Turtle Islands Wildlife Sanctuary
13 Protected Area Fund for purposes of financing projects of the Turtle Islands Wildlife
14 Sanctuary Protected Area. Seventy-five percent (75%) income generated from the
15 operation of the Turtle Islands Wildlife Sanctuary Protected Area or management of wild
16 flora and fauna in the Turtle Islands Wildlife Sanctuary Protected Area shall accrue to
17 the fund. The remaining twenty-five percent (25%) shall go to the Integrated Protected
18 Areas Fund (IPAF) as established in the NIPAS Act of 1992.

19 Income shall be derived from visitors/tourists fee, fees from permitted sale and
20 export of flora and fauna and other resources from the Turtle Islands Wildlife Sanctuary
21 Protected Area, proceeds from the registration and lease of multiple-use areas,
22 including tourism concessions, fees, proceeds, and contributions from industries and
23 facilities directly benefiting from the Turtle Islands Wildlife Sanctuary Protected Area,
24 and such other fees and income derived from the operation of the Turtle Islands Wildlife
25 Sanctuary Protected Area.

26 The PAMB may impose and charge reasonable fees, such as but not limited to
27 water users fee for water extracted by commercial water extractors/distributors sourced
28 and generated from the protected area. Such fee structure may change as the PAMB
29 may see fit.

30 The Fund may be augmented by grants, donations, endowment from various
31 sources, domestic or foreign, for purposes related to their functions: *Provided,*
32 disbursements therefrom shall be made solely for the protection, maintenance,
33 administration and management of the system, and duly approved projects endorsed by
34 the PAMB in accordance with existing accounting and budgeting rules and regulations:

1 *Provided, further,* That the Fund shall not be used to cover personal services
2 expenditures.

3 The LGUs shall continue to impose and collect all other fees not enumerated
4 herein which they have *traditionally collected*, such as *business permits*, property tax
5 and rentals of LGUs' facilities. *Provided*, LGUs may charge add-ons to fees imposed by
6 the PAMB: *Provided*, That such add-ons shall be determined based on the contribution
7 of the LGUs in the maintenance and protection of the Turtle Islands Wildlife Sanctuary
8 Protected Area.

9 SEC. 13. *Existing Facilities Within the Turtle Islands Wildlife Sanctuary*
10 Protected Area. – Within sixty (60) days from the effectivity of this Act, major existing
11 facilities such as roads, buildings, water systems, transmission lines, communication
12 facilities, heavy equipment, and irrigation facilities existing within the boundaries of the
13 Turtle Islands Wildlife Sanctuary Protected Area shall submit project description to the
14 PAMB through the PASu.

15 The PAMB, with the assistance of the DENR, shall determine whether the
16 existence of such facility and its future plan and operations will be detrimental to the
17 Turtle Islands Wildlife Sanctuary Protected Area or whether conditions for its operation
18 shall be imposed. If any such conditions are violated, the owner of the facility shall be
19 liable to pay a fine of Five Thousand Pesos (P5,000.00) for every violation. Upon
20 reaching a total fine of Five Hundred Thousand Pesos (P500,000.00), the PAMB
21 through the PASu and deputizing other government entities, shall cause the cessation
22 and demolition of the facility at the cost of its owner.

23 Existing facilities allowed to remain within the Turtle Islands Wildlife Sanctuary
24 Protected Area may be charged a reasonable royalty by the DENR. All income from
25 such royalty shall accrue to the Turtle Islands Wildlife Sanctuary Protected Area Fund.

26 SEC. 14. *Utilization of Resources.* – Any exploitation of or utilization of
27 nonrenewable resources within the Turtle Islands Wildlife Sanctuary Protected Area
28 shall not be allowed. Energy projects—within the Turtle Islands Wildlife Sanctuary
29 Protected Area shall be allowed only through an act of Congress except energy from
30 wind, sun and water sources of not more than one (1) megawatt capacity for mini-hydro
31 power: *Provided*, That these renewable energy projects are established outside the
32 strict protection zone, adopt reduced impact technologies and undergo the
33 environmental impact assessment (EIA) system as provided by law and: *Provided*,

1 *Further, that the PAMB endorsement has been obtained.*

2 SEC. 15. *Appropriations.* – The Secretary of the DENR shall include in its
3 program the implementation of this Act, the funding of which shall be included in the
4 annual General Appropriations Act.

5 SEC. 16. *Construction and Suppletory Application of Existing Laws.* The provisions
6 of this Act shall be construed liberally in favor of achieving biodiversity conservation,
7 protection and sustainable development Provisions of Republic Act No. 7586, otherwise
8 known as the National Integrated Protected Areas Management Act of 1992 and
9 existing forestry laws, and their corresponding rules and regulations not inconsistent
10 hereto shall have the suppletory effect in the implementation of this Act.

11 SEC. 17. *Transitory Provisions.* – In order to ensure the recovery and
12 restoration of biological diversity and to develop sustainable livelihood opportunities for
13 tenured migrants, the DENR shall henceforth cease to issue concessions, licenses,
14 permits, clearances, compliance documents or any other instrument that allows
15 exploitation and utilization of resources within the Turtle Islands Wildlife Sanctuary
16 Protected Area until the management plan shall have been put into effect.

17 All existing land use and resource use permits within the Turtle Islands Wildlife
18 Sanctuary Protected Area shall be reviewed and shall not be renewed upon their
19 expiration unless consistent with the management plan and approved by the PAMB.
20 Moreover, areas determined by wildlife habitat and potable water sources and
21 reservoirs shall be declared protected and special use zones, respectively, and their
22 management and uses shall be consistent with the provision of the respective executive
23 orders, presidential proclamations and amendments establishing them.

24 SEC. 18. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit
25 an annual accomplishment report to the Secretary of the DENR on the activities
26 undertaken in the Turtle Islands Wildlife Sanctuary Protected Area.

27 SEC. 19. *Separability Clause.* – If, for any reason, any part or section of this Act
28 is declared invalid or unconstitutional, such other parts not affected thereby shall
29 continue to be in full force and effect.

30 SEC. 20. *Repealing Clause.* –All laws, decrees, proclamations, rules and
31 regulations inconsistent with the provisions of this Act are hereby repealed or modified
32 accordingly.

33 SEC. 21. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
34 complete publication in the *Official Gazette* or in a national newspaper of general

- 1 circulation available in the Turtle Islands Wildlife Sanctuary Protected Area.
- 2 Approved.