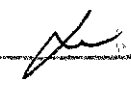


THIRTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
Third Regular Session }

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**SENATE**

RECEIVED BY: 

**S. No. 2534**

*(In substitution of S. No. 2050)*

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*Prepared jointly by the Committees on Environment and Natural Resources, and Finance, with Senator Cayetano and members of the Committees as authors*  
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**AN ACT**  
**DECLARING TURTLE ISLANDS IN THE MUNICIPALITY OF TURTLE ISLANDS, PROVINCE OF TAWI-TAWI AS PROTECTED AREA AND THEIR PERIPHERAL AREAS AS BUFFER ZONES, PROVIDING FOR THEIR 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 Protected Area Act of 2006”.

3       SEC. 2. *Land Classification.* – All lands of the public domain comprising the  
4 Turtle Islands Protected Area shall fall under the classification of National Park as  
5 provided for in the Philippine Constitution. However, public lands already classified as  
6 agricultural and alienable or disposable prior to the passage of this Act shall remain as  
7 such and may be disposed of pursuant to the provisions of Commonwealth Act No. 141  
8 or the Public Land Act, as amended.

9       SEC. 3. *Scope.* – The Turtle Islands Protected Area hereby known as Turtle  
10 Islands Wildlife Sanctuary (TIWS) shall cover the islands of Taganak, Langaan, Boan,  
11 Lihiman, Great Bakkungan, Baguan Island and Sibaung within the Municipality of Turtle  
12 Islands in the Province of Tawi-Tawi, including the municipal waters thereof pursuant to  
13 the law on territorial waters, containing a total area of more or less two hundred forty-  
14 two thousand nine hundred sixty-seven (242,967) hectares, three hundred eighteen  
15 (318) hectares of which constitute the aggregate land portion of the six islands while the  
16 remaining two hundred forty two thousand six hundred forty-nine (242, 649) hectares  
17 constitute the marine portion and to include a total area of sixty eight thousand seven  
18 hundred forty seven and point eighty three (968, 747. 83) hectares marine portion as  
19 buffer zones.

20       The Turtle Islands Wildlife Sanctuary begins at a point marked “1” on the map  
21 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, 840.00 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 to  
16 actual ground survey using the Global Positioning System (GPS). Marine buoys shall be  
17 established on the corners as protected area boundary markers.

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

20 a) "Protected Area" – refers to identified portions of land and water set aside by  
21 reason of their unique physical and biological significance, managed to enhance  
22 biological diversity and protected against destructive human exploitation;

23 b) "Buffer Zone" – identified area outside the boundaries of an immediately  
24 adjacent to designated protected areas pursuant to Section 8 of NIPAS Act of 1992 that  
25 need special development control in order to avoid or minimize harm to the protected  
26 area;

27 c) "Wildlife Sanctuary" – an area which assures the natural conditions necessary  
28 to protect nationally significant species, group of species, biotic communities or physical  
29 feature of the environment where these may require specific human manipulation for  
30 their perpetuation;

31 d) "National Integrated Protected Areas System (NIPAS)" – is the classification  
32 and administration of all designated protected areas to maintain essential ecological  
33 processes and life-support systems, to preserve genetic diversity, to ensure sustainable  
34 use of resource found therein, and maintain their natural conditions to the greatest

1 extent possible”; and

2 e) “National Park” – refers to a forest reservation essentially of natural wilderness  
3 character which has been withdrawn from settlement, occupancy or any form of  
4 exploitation except in conformity with approved management plan and set aside as such  
5 exclusively to conserve the area or preserve the scenery, the natural and historic  
6 objects, wild animals and plants therein and to provide enjoyment of these features in  
7 such areas.

8 SEC. 5. *Administrative and Management System* – The Turtle Islands Wildlife  
9 Sanctuary is hereby placed under the control and administration of the DENR. To carry  
10 out the mandate of this Act, the DENR Secretary is empowered to perform any and all  
11 of the following acts:

12 a) To conduct studies on various characteristics, features and conditions of the  
13 different protected area, using commonalities in their characteristics, classify and define  
14 them into categories and prescribe permissible or prohibit human activities in each  
15 category in the System;

16 b) To adopt and enforce a land-use scheme and zoning plan in adjoining areas  
17 for the preservation and control of activities that may threaten the ecological balance in  
18 the protected area;

19 c) To cause the preparation of and exercise the power to review all plans and  
20 proposals for the management of protected areas;

21 d) To promulgate rules and regulations necessary to carry out the provisions of  
22 this Act;

23 e) To deputize field officers and delegate any of his powers under this Act and  
24 other laws to expedite its implementation and enforcement;

25 f) To enter into contract and/or agreements with private entities or public  
26 agencies as may be necessary to carry out the purposes of this Act upon the  
27 recommendation of the Protected Area Management Board (PAMB);

28 g) To approve administrative fees and fines as recommended by PAMB pursuant  
29 to Section 21 of the NIPAS Act for violations of guidelines, rules and regulations of this  
30 Act as would endanger the viability of protected areas;

31 h) To accept in the name of this Philippine Government and in behalf of NIPAS  
32 funds, gifts or bequests of money for immediate disbursements or other property in the  
33 interest of NIPAS, its activities, or its services;

34 i) To call on any agency or instrumentality of the Government as well as

1 academic institutions, non-government organizations and the private sector as may be  
2 necessary to accomplish the objectives and activities of the system;

3 j) To submit an annual report to the President of the Philippines and to Congress  
4 on the states of the protected areas;

5 k) To establish a uniform marker for the system, including an appropriate and  
6 distinctive symbol for each category in the system, in consultation with appropriate  
7 government agencies in public and private organizations;

8 l) To approve the specification of the class, type and style of building and other  
9 structure to be constricted on protected areas and the materials to be used upon  
10 PAMB's recommendation; and

11 m) To perform such other functions as may be directed by the President of the  
12 Philippines, and to do such acts may be necessary or incidental to the accomplishment  
13 of the purpose and objectives of the system.

14 *Sec. 6. The Turtle Island Wildlife Sanctuary Protected Area Management Board.*

15 – A Protected Area Management Board (PAMB) for Turtle Islands Wildlife Sanctuary  
16 shall be created to be composed of the following:

17 Regional Executive Director (RED) as Chairman;

18 One (1) representative from the DENR – Autonomous Region in Muslim  
19 Mindanao as Vice-chairman;

20 Provincial Planning and development Office (PPDO) – member;

21 One (1) representative from Municipal Government – member;

22 Representative from NGO selected among themselves – members;

23 Representatives from People's Organizations (PO) selected among themselves –  
24 members;

25 One (1) representative from each tribal community – member;

26 One (1) representative fro other government agencies, if necessary – member;

27 One (1) representative from the academe if necessary – member;

28 The RED may delegate the chairmanship to the Regional Technical Director  
29 (RTD).

30 The Board shall, by a majority vote, approve or take necessary action to:

31 a) Decide allocation for budget

32 b) Approve proposals for funding

33 b.1) Detailed proposals for livelihood programs not exceeding 100, 000 would be  
34 prepared by NGO field staff beginning in the first year of implementation, screened by

1 loan officer in Land Bank of the Philippines (LBP), and approved by PAMB. The basis  
2 for the approval is the subject guidelines to be approved by the IAPF Governing Board;

3 b.2) Proposal either for livelihood subgrant or subloan, shall endorsed by the  
4 PAMB to the Integrated Protected Area Fund (IPAF) Governing Board for prioritization  
5 and approval; and

6 b.3) Development of alternative livelihood activities by NGOs should be under the  
7 guidance of the PAMB.

8 c) Decide matters relating to planning, peripheral or resource protection and  
9 general administration of the area in accordance with the General Management  
10 Planning Strategy (GMPS); and

11 c.1) Approve the delineation and demarcation of the protected area boundaries,  
12 buffer zone, ancestral domains and recognize the right and privileges of indigenous  
13 communities under the provision of this Act.

14 c.1.1) The PAMB and the PASU shall exercise authority over the buffer zones in  
15 behalf of the DENR in cooperation with NGOs and other government agencies.  
16 Management and land use practices for buffer zones shall be prescribed with the  
17 PAMB.

18 c.1.2) When claim of ancestral domain is established following the procedures  
19 identified in Section 46 of DAO No. 25, the Secretary shall direct the delineation and  
20 demarcation of the same by concerned DENR offices in coordination with PAMB

21 c.1.3) The evaluation of ancestral domain claims shall follow the procedures set  
22 forth in DAO 2, S 1993. The PAMB, in coordination with Indigenous community Affairs  
23 Division (ICAD) of the DENR and other concerned groups, shall undertake this  
24 evaluation.

25 c.1.4) The PAMB shall evaluate the evidences in support of tenured migrants  
26 status for the granting of tenurial instruments.

27 c.2) Promulgate rules and regulations to promote development programs and  
28 projects on biodiversity conservation and sustainable development consistent with the  
29 management manual of the protected area, ensuring that the management plan  
30 provides livelihood benefits for local residents.

31 c.3) Control and regulate the construction and maintenance of roads, trails,  
32 waterworks, sewerage, fire protection and sanitation system and other public utilities  
33 within protected area.

34 c.4) Ensure the implementation of programs as prescribed in the management

1 plan in order to provide employment to the people dwelling in and around the protected  
2 area.

3 c.4.1) The Management manual shall be drafted with assistance of the experts in  
4 such fields as socio-economic planning, ecology and protected area management,  
5 reviewed and endorsed by the PAMB, approved by the Secretary.

6 c.5) Resolve with oversight by DENR the assistance from NGOs, conflicts  
7 between livelihood and protection needs of the communities and protected area,  
8 respectively. Thus, zoning and regulatory approach would be applied within the framework  
9 of negotiations among all parties, to rapidly curtail and phase out livelihood activities  
10 which are not compatible with the management objectives.

11 c.6) Monitor and evaluate the performance of the protected area personnel,  
12 NGOs and the communities in providing for biodiversity conservation and socio-cultural  
13 and economic development and report their assessment to the NPSC and IPAF  
14 Governing Board.

15 c.6.1) PASu shall submit statement of amounts collected during the preceding  
16 quarter within the first 15 days of each quarter to the PAMB, who in turn shall submit  
17 the same to the NPSC thru the PAWB, with an extra copy for the Secretary.

18 c.7) Exercise regulatory functions for prohibited acts inside the protected area.

19 An Executive Committee (Execom) shall be created for the PAMB to be  
20 composed of the following:

21 RTD R-9 of Tawi-Tawi as chairman

22 Provincial Planning and Development officer (PPDO) and or authorized  
23 representative – member

24 One (1) representative from other government agency – member

25 CENRO Mapun, Tawi-Tawi – member

26 One (1) NGO Representative – member

27 Protected Areas Superintendent Officer (PASO)

28 *Sec. 7. Protected Area Office (PAO).* – There shall be a protected Area Office  
29 which shall be situated within the Protected Area.

30 The Protected Area Superintendent shall be the Chief of DENR Operation Officer  
31 at the protected area with the following additional staff:

32 One (1) Senior Marine Biologist

33 One (1) Junior Marine Biologist

34 One (1) Fishery Officer

- 1 Fifteen (15) Game Wardens
- 2 Two (2) Utility Workers
- 3 One (1) Patron (Boat crew)
- 4 One (1) Engineman
- 5 One (1) Terrestrial Flora and Fauna Specialist
- 6 One (1) Forester
- 7 One (1) Civil Engineer
- 8 One (1) Marine Researcher
- 9 One (1) Administrative Officer
- 10 One (1) Accountant
- 11 One (1) Radio Operator
- 12 One (1) Geodetic Engineer

13 All development activities initiated by the host – NGO in connection with the  
14 Turtle Islands Wildlife Sanctuary projects such as *Community Organization* shall be  
15 maintained by the PAMB/DENR after project phase-out by the Host-NGO fulfillment of  
16 its objectives.

17 The DENR shall endeavor to upgrade capabilities in the protection, management  
18 and development of the protected area with the use of modern equipment and  
19 technologies.

20 SEC. 8. *Tenured Migrants.* – Any person who has actually and continuously  
21 occupied an area for five (5) years prior to its designation as part of a protected area in  
22 accordance with the Section 5 (a) of the NIPAS Act and is solely dependent on that  
23 area for subsistence shall be considered a *tenure migrant*. As a *tenured migrant* he  
24 shall be eligible to become a steward of a portion of land within the multiple use  
25 management or buffer zone of the protected area, and from which he may derive  
26 subsistence. Provided, however, that those migrants who would not qualify for the  
27 category for *tenure* shall be resettled in any appropriate multiple zone of the protected  
28 area.

29 The PAMB shall consider the following as evidence in support of *tenured migrant*  
30 status:

- 31 a) Cultivated trees at their fruit-bearing stage;
- 32 b) Physical structures in the area indicating prolonged occupancy;
- 33 c) Tax declaration receipts;
- 34 d) Certification from the Barangay Captain or any two members of the nearest

1 community attesting to occupancy; and

2 e) Other relevant data (e.g. previous census reports) that may be accepted by  
3 the PAMB.

4 The DENR shall develop a tenorial instrument consistent with the conservation  
5 goal of IPAS. Such instrument shall be prepared within 12 months from effectivity of the  
6 Act..

7 The rights, interest and activities of tenured migrants within protected area and  
8 their adjoining buffer zones shall be governed by the principles of biodiversity  
9 protection/conservation and sustainable development and by the guidelines prescribed  
10 in the General Management Planning Strategy (GMPS) as well as the prohibitions set  
11 out in Section 20 of the NIPAS Act. Provided, that all plans, policies and guidelines  
12 affecting tenured migrants shall be developed and implemented in partnership with  
13 them.

14 *Sec. 9 Phase Out Scheme of Turtle Egg Collections* – In consideration of the  
15 extraordinary circumstances in the Turtle Islands, Tawi-Tawi, marine turtles, particularly  
16 those found in the Turtle Islands, shall be excluded from the application of Republic Act  
17 No. 9147 or the Wildlife Conversation Act until such time that the DENR shall devise  
18 and set in place a feasible and implementable system of regulating the activities  
19 referred to in the Wildlife Act within the locality and have buy-in for such in the  
20 community. Furthermore, that DENR in partnership with the Municipal Government of  
21 Turtle Islands and the Provincial Governor of Tawi-Tawi to provide for a phase out  
22 scheme of the Permittee System and alternative mechanisms to replace this income  
23 loss towards the gradual implementation of the Wildlife Act.

24 *Sec.10. Existing Facilities Within the PA.* – Within sixty (60) days from the  
25 effectivity of this Act, major existing facilities such as roads, buildings, water systems,  
26 transmission lines, communication facilities, heavy equipment, and irrigation facilities  
27 existing within the boundaries of the PA shall submit project description to the PAMB  
28 through the PASu.

29 The PAMB, with the assistance of the DENR, shall determine whether the  
30 existence of such facility and its future plan and operations will be detrimental to the PA  
31 or whether conditions for its operation shall be imposed. If any such conditions are  
32 violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos  
33 (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand  
34 pesos (P500,000.00), the PAMB through the PASu and deputizing other government



1 entities, shall cause the cessation and demolition of the facility at the cost of its owner.

2 Existing facilities allowed to remain within the PA may be charged a reasonable  
3 royalty by the DENR. All income from such royalty shall accrue to the Mt. Hilong-Hilong,  
4 Protected Area Fund.

5 SEC. 11. *Income Derived from the Turtle Islands Wildlife Sanctuary.* –

6 a. Turtle Islands Wildlife Sanctuary Fund – There is hereby established a trust  
7 fund to be known as Turtle Islands Wildlife Sanctuary Fund for purposes of financing  
8 projects of the Protected Area. The Turtle Islands Wildlife Sanctuary may solicit and  
9 receive donations, endowments, and grants in the form of contributions, and such  
10 endowments, and grants in the form of contributions, and such endowments shall be  
11 exempted from income or gift taxes and all other taxes, charges or fees imposed by the  
12 Government or any political subdivision or instrumentality thereof.

13 All incomes generated from the operation of Turtle Islands Wildlife Sanctuary,  
14 management of wild flora and fauna shall accrue to the fund may be utilized directly by  
15 the DENR for the above purpose. These incomes shall be derived from:

16 Proceeds from lease of multiple-use areas;

17 Contributions from industries and facilities directly benefiting from the Turtle Islands  
18 area; and

19 Such other fees and incomes derived from the operation of the protected area.

20 Disbursements from the fund shall be made solely for the protection, maintenance,  
21 administration, and management of the Turtle Islands Wildlife Sanctuary, and duly  
22 approved projects endorsed by the PAMB.

23 b. Fund Administration – The PAMB shall promulgate guidelines in the  
24 administration of funds and approved by the DENR Secretary.

25 SEC. 12. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days  
26 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special  
27 prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall  
28 be assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu in  
29 the performance of his/her duties and assist in the training of wardens and rangers in  
30 arrest and criminal procedures. The PAMB may retain the services of a counsel to  
31 prosecute and/or assist in the prosecution of cases under the direct control and  
32 supervision of the regular or special prosecutor and to defend the members of the  
33 PAMB, the PASu and the staff, or any person assisting in the protection, conservation  
34 and sustainable development of the PA, against any legal action related to their powers,

1 functions and responsibilities as provided in this Act or as delegated or tasked by the  
2 PAMB.

3 SEC. 13. *Prohibited Acts.* – The following acts are prohibited in Turtle Islands  
4 Wildlife Sanctuary:

5 a) Hunting, destroying, disturbing or mere possession of any plants or animals  
6 derived there from without a permit from the Management Board;

7 b) Dumping of any waste products detriment to the protected area, or to the  
8 plants and animals or inhabitants therein;

9 c) Use of any motorized equipment and vehicles within prohibited area without a  
10 permit from the Management Board;

11 d) Mutilating, defacing or destroying objects of natural beauty, or objects of  
12 interest to cultural communities (of scenic value);

13 e) Damaging and leaving roads and trails in a damaged condition;

14 f) Squatting, mineral locating, or otherwise occupying any land;

15 g) Constructing or maintaining any kind of structure, fence or enclosures,  
16 conducting any business enterprise without a permit;

17 h) Leaving in exposed or unsanitary conditions refuse or debris, or deposing in  
18 ground or in bodies of water;

19 i) Altering, removing, destroying or defacing boundary marks or signs;

20 j) Illegal fishing (e.g. use of trawl, electrical gadget, poison, dynamite, super light  
21 etc.);

22 k) Extraction of flora and fauna; and

23 l) Entry without permit for campers, divers, spelunkers, study/research  
24 groups/individuals, and visitors/tourists.

25 However, in order to punish destructive activities that have not been anticipated  
26 the PAMB shall authorized to impose corresponding administrative penalties.

27 SEC. 14. *Penalties.* – Any person who violates this Act or any rules and  
28 regulations issued by the department pursuant to this Act and found guilty by a  
29 competent court of any of the offenses in the preceding section shall be fined in the  
30 amount of not less than Ten Thousand Pesos (P10, 000) nor more than Five Hundred  
31 Thousand Pesos (P500, 000) exclusive of the values of the thing damaged or  
32 imprisonment for not less than one (1) year but not more than six (6) years, or both, as  
33 determined by the court: Provided, That the court shall order the eviction of the offender  
34 from the land and the forfeiture of the Government of all minerals, timber or any species

1 collected or removed including all equipment, devices and firearms used in connection  
2 therewith, and any construction or improvement made thereon by the offender. If the  
3 offender is an association or corporation, the president or manager shall be directly  
4 responsible for the act of his/her employees and laborers: Provided, finally, that the  
5 DENR may impose fines and penalties of violations not covered by existing regulations  
6 and subject for review by the DENR.

7       SEC. 15. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit  
8 an annual accomplishment report to the Secretary of the DENR on the activities  
9 undertaken in the PA.

10       SEC. 16. *Appropriations.* – The amount necessary for the implementation of this  
11 Act shall be included in the budget of the Department of Natural Resources in the  
12 annual General Appropriations Act.

13       SEC. 17. *Construction and Suppletory Application of Existing Laws.* The  
14 provisions of this Act shall be construed liberally in favor of achieving biodiversity  
15 conservation, protection and sustainable development Provisions of Republic Act No.  
16 7586, otherwise known as the National Integrated Protected Areas Management Act of  
17 1992 and existing forestry laws, and their corresponding rules and regulations not  
18 inconsistent hereto shall have the suppletory effect in the implementation of this Act..

19       SEC. 18. *Separability Clause.* – If any provision of this Act is declared  
20 unconstitutional, such declaration shall not affect the other parts or sections hereof.

21       SEC. 19. *Repealing Clause.* – All laws, presidential decrees, executive orders,  
22 rules and regulations inconsistent with any provisions of this Act shall be deemed  
23 repealed or modified accordingly.

24       SEC. 20. *Effectivity Clause.* This Act shall take effect fifteen (15) days after  
25 its complete publication in the *Official Gazette* or in a national newspaper of general  
26 circulation available in the PA. This Act shall be translated in a dialect known in the PA  
27 by the DENR within thirty (30) days from approval hereof and shall be posted for three  
28 consecutive weeks in conspicuous place in the provincial, municipal and barangay halls  
29 within the PA as well as in three other public places frequented by the public.

Approved,