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SENATE

S. No. 2538

(In substitution of H. No. 5370)

RECEIVED BY: [Signature]

Prepared by the Committee on Environment and Natural Resources with Sen. Cayetano and the members of the Committee as authors

**AN ACT
DECLARING THE TACDOGAN REEF IN THE MIDDLE OF TICAO PASS, LOCATED IN
THE WATERS BETWEEN THE PROVINCES OF SORSOGON AND MASBATE, A
NATIONAL PARK TO BE KNOWN AS THE TACDOGAN REEF NATIONAL MARINE
PARK**

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

1 **SEC. 1.** The Tacdogan Reef in the middle of Ticao Pass, located in the
2 waters between the Provinces of Sorsogon and Masbate, is hereby declared a
3 national park to be known as the Tacdogan Reef National Marine Park.

4 **SEC. 2.** – There shall be a PAMB which shall have sole jurisdiction, power
5 and authority such as, but not limited to, policy-making and permit granting over the
6 PA for all matters that may affect biodiversity conservation, protection and sustainable
7 development. It shall be composed of:

8 (1) the Regional Executive Director (RED) of the DENR Region V, as Chairman;

9 (2) the City Mayor of Butuan City and the Provincial Governors of Sorsogon and
10 Masbate, or their duly designated representatives, as members;

11 (3) maximum of three representatives from POs and NGOs, as members;

12 (4) representatives from government agencies involved in the PA management
13 as may be determined by the DENR, as members;

14 (5) the PASu, as *ex officio* member; and

15 (6) representatives from the water districts of the LGUs concerned, as members;

16 Every member of the PAMB shall serve for a term of five years and shall be
17 considered to represent his or her sector and deemed to carry the vote of such sector
18 in all matters. In the case of members who are government officials, the term of office
19 shall be attached to the office held.

20 In the selection of the representatives of POs and NGOs, preference shall be
21 accorded to those organizations that are involved in the conservation, protection and
22 development of the PA. Representation shall be by institution and shall aim to
23 achieve balance in representation by geographic location or areas.

24 The representatives from the LGUs and national agencies in the PAMB shall

1 include among their duty to appraise their respective constituents, office or sector, to
2 ensure that the provisions of this Act is consistent with the

3 Local Government Code of 1991 (R. A. No. 7160), other relevant statutes and
4 ordinances, and local and national development plans and projects. Failure to comply
5 with the foregoing shall subject such representative to disciplinary action as the PAMB
6 may provide.

7 **SEC. 3.**– The PAMB of the Tacdogan Reef Natural Marine Park shall have
8 the following powers and functions:

9 (a) Issue rules and regulations to prohibit acts that may be prejudicial to the PA
10 and to the declaration of policy set forth under the NIPAS;

11 (b) Issue rules and regulations for the resolution of conflicts through appropriate
12 and effective means;

13 (c) Adopt rules and procedures in the conduct of business, including the creation
14 of committees to which its powers may be delegated;

15 (d) Approve the management plan and oversee the office of the PASu;

16 (e) Establish criteria and set fees for the issuance of permits for activities
17 regulated by this Act or the management plan;

18 (f) Deputize appropriate individuals for the enforcement of the laws, rules and
19 regulations governing the conduct or management of the PA; and

20 (g) Approve proposals for funding, budget allocations and exercise responsibility
21 over all funds that may accrue to the Tacdogan Reef Natural Marine Park.

22 The DENR, through the Regional Executive Director (RED), shall exercise the
23 authority to oversee the PAMB to ensure that it is acting within the scope of its powers
24 and functions. In case of conflict between Administrative Orders issued by the DENR
25 pursuant to the NIPAS Act and other laws and resolutions issued by the PAMB, such
26 conflict shall be referred by PAMB to the Secretary of the DENR who shall decide
27 whether to apply the rule or withdraw its application. The decision of the DENR
28 Secretary shall be guided by specific policies adopted by the PAMB and shall be
29 appealed to the Regional Trial Court that has jurisdiction over the PA.

30 **SEC. 4.**– There is hereby established a PASu office in charge of the
31 management, protection and administration of the PA. The PASu shall be supported
32 by the existing personnel of the DENR. The head of office shall be the Chief
33 Operating Officer of the Tacdogan Reef Natural Marine Park and shall be accountable
34 to the RED of the DENR-Reg.V and the PAMB. The PASu shall have the following
35 powers and functions:

36 (1) Prepare the management and successor plans as herein defined;

37 (2) Provide a secretariat for the PAMB which shall have the duty to supply the
38 PAMB with all the necessary information for appropriate action;

1 (3) Establish a productive partnership with the local community, including groups
2 interested in the achievement of the goals and objectives of the PA, and in the
3 planning, protection and management thereof;

4 (4) Develop and implement a park information, education and visitor program;

5 (5) Enforce the laws, rules and regulations relevant to the PA, institute and file
6 legal action independently or in collaboration with other government agencies or
7 organizations and assist in the prosecution of offenses committed in violation of this
8 Act;

9 (6) Monitor all activities within the PA regarding its conformity with the
10 management plan;

11 (7) Issue PA permits based on terms, conditions and criteria established by the
12 PAMB; and

13 (8) Perform such other functions as the PAMB may delegate.

14 **SEC. 5.** To ensure the conservation and preservation of the natural resources
15 and marine biodiversity in the area, the following acts are prohibited within the
16 Tacdogan Reef National Marine Park:

17 (a) Hunting, destroying, disturbing or mere possession of any marine
18 resources or products derived therefrom without a permit;

19 (b) Dumping or otherwise disposing of any waste product detrimental to the
20 area or to plants, animals or inhabitants therein;

21 (c) Use of any motorized equipment therein without a permit;

22 (d) Mutilating, defacing or destroying objects of natural beauty or ecological
23 importance;

24 (e) Mineral or energy exploration or any entry into the area which has a
25 tendency to damage its ecological balance;

26 (f) Constructing or maintaining any kind of structure, fence or enclosures
27 and conducting any business enterprise without a permit;

28 (g) Altering, removing, destroying or defacing boundary marks of buoys; and

29 (h) Performing any other act analogous to the foregoing.

30 **SEC. 6.** Any person found guilty of any of the offenses enumerated above
31 shall be punished with a fine of not less than Five thousand pesos (P5,000.00) but not
32 more than Five hundred thousand pesos (P500,000.00) exclusive of the value of the
33 things or objects damaged, or imprisonment of not less than one (1) year and not
34 more than six (6) years, or both fine and imprisonment, as determined by the Court:
35 *Provided*, That the prohibited acts mentioned in paragraph (a) of Section 2 hereof
36 shall be punished with the penalties imposed under Article 309 and Article 310 of the
37 Revised Penal Code: *Provided, moreover*, That if any area within the Tacdogan Reef
38 National Marine Park shall require rehabilitation and restoration as determined the

1 Court, the offender shall be required to restore or compensate for the restoration of
2 the damage. The Court shall likewise order the forfeiture of all mineral, flora, or fauna
3 collected or removed, including all equipment, vessel, devices, and firearms used in
4 connection therewith, and any construction or improvement made thereon by the
5 offender. If the offender is an association or corporation, the president or manager
6 shall be responsible for the act of his/her employees and laborers.

7 **SEC. 7.** The Department of Environment and Natural Resources (DENR), in
8 coordination with the Department of Agriculture, Provincial Government of Masbate,
9 Provincial Government of Sorsogon, Municipal Government of San Jacinto, Masbate,
10 and other concerned government agencies, shall establish the boundaries of the
11 marine park whose technical description shall be incorporated in the rules and
12 regulations of this Act.

13 **SEC. 8.** Within six (6) months following the effectivity of this Act, the Secretary
14 of the DENR shall promulgate the implementing rules and regulations for the effective
15 implementation of this Act.

16 **SEC. 9.** The provisions of this Act shall be construed liberally in favor of
17 achieving
18 biodiversity conservation, protection and sustainable development Provisions of
19 Republic Act No. 7586, otherwise known as the National Integrated Protected Areas
20 Management Act of 1992 and existing forestry laws, and their corresponding rules and
21 regulations not inconsistent hereto shall have the suppletory effect in the
22 implementation of this Act.

23 **SEC. 10.** This Act shall take effect upon its approval

24 Approved,