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S. NO. 2540

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(In substitution of S. No. 2045 and H. No. 4421)

Prepared jointly by the Committees on Environment and Natural Resources, Justice and Human Rights and Finance, with Senator Cayetano and the members of the Committees as authors

AN ACT
TO ESTABLISH THE SIARGAO GROUP OF ISLANDS AS A PROTECTED AREA
PURSUANT TO REPUBLIC ACT NO. 7586 (NIPAS ACT OF 1992) 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 SEC. 1. *Title.* – This Act shall be known and cited as the “Siargao Islands
2 Protected Landscapes and Seascapes (SIPLAS) Act”.

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

9 SEC. 3. *Declaration of Protected Area (PA); Scope and Boundaries.* – The Siargao
10 Islands Protected Landscapes and Seascapes (SIPLAS) shall cover the municipalities
11 of Burgos, Dapa, Del Carmen, General Luna, Pilar, San Benito, San Isidro, Sta. Monica
12 and Socorro located in the islands of Siargao and Bucas Grande in the Province of
13 Surigao del Norte and all the lands and waters within the following boundaries:

14 Tie Point: BLLM No. 1, Cad-789-D with geographic position of latitude
15 9^o47'00.058" and longitude 126^o09'23.669" situated at General Luna and Pilar, Siargao
16 Island, Surigao del Norte, to wit:

STATION	BEARING	DISTANCE
TP- 1	N 54 ^o 00' 00.01" E	16,700.00 m
1 - 2	S 04 ^o 59' 59.98" E	30,900.00 m
2 - 3	S 41 ^o 59' 59.90" W	19,100.00 m
3 - 4	N 69 ^o 00' 00.00" W	20,900.00 m

1	4 - 5	N 82 ⁰ 59' 59.90" W	14,800.00 m
2	5 - 6	N 37 ⁰ 00' 00.01" W	16,700.00 m
3	6 - 7	N 28 ⁰ 00' 00.02" E	16,600.00 m
4	7 - 8	N 38 ⁰ 00' 00.02" W	21,800.00 m
5	8 - 9	N 54 ⁰ 00' 00.04" E	22,800.00 m
6	9 -10	N 46 ⁰ 00' 00.04" E	23,000.00 m
7	10 -11	S 58 ⁰ 00' 00.02" E	16,300.00 m
8	11 -12	21 ⁰ 00' 00.02" E	31,600.00 m

9 The foregoing boundaries, which cover an approximate area of two hundred
10 seventy-eight thousand nine hundred fourteen point one hundred thirty-one
11 (278,914.131) hectares, shall only be modified through an Act of Congress after
12 consultation with the Protected Area Management Board (PAMB), affected
13 communities, local government units (LGUs) and concerned government agencies.

14 **SEC. 4. *Definition of Terms.*** – For purposes of this Act, the following terms shall be
15 defined as follows:

16 (a) "Biodiversity" refers to the variety and variability among all living organisms and
17 the ecological complex in which they occur.

18 (b) "By-product" refers to any part taken or substance extracted from wildlife, in raw
19 or in processed form, and includes stuffed animals and herbarium specimens.

20 (c) "Commercial" refers to market sale in volume or value in excess of that required
21 to maintain basic subsistence for workers and their dependents.

22 (d) "Conservation" refers to the preservation and sustainable utilization of
23 wildlife, and/or maintenance, restoration, and enhancement of the habitat.

24 (e) "Department" refers to the Department of Environment and Natural
25 Resources (DENR).

26 (f) "Endangered species" refer to a species or subspecies that is not critically
27 endangered but whose survival in the wild is unlikely if the causal factors for their
28 depletion continue operating. The term includes other species as may be covered by
29 Appendix I and II of the *Convention on International Trade of Endangered Species*
30 (CITES) and as may be provided by law, international treaties, administrative orders,
31 and rules and regulations or issuance of a concerned government agency.

32 (g) "Forest products" refers to timber, pulpwood, firewood, bark, tree top, resin
33 gum, wood, lumber, oil, honey, beeswax, nipa, rattan or other forest growth such as
34 grass, shrub, and flowering plant, the associated water, fish, game, scenic, historical,
35 recreational and geologic resources in forest lands.

1 (h) "Management Plan" subject to Section 9 hereof, refers to the fundamental
2 plan, strategy and/or scheme which shall guide all activities relating to the Siargao
3 Protected Landscapes and Seascapes.

4 (i) "Nongovernment organizations (NGOs)" refers to nonstock, nonprofit
5 organizations with qualifications, expertise and objectivity in undertaking activities
6 concerning community organizing and development, resource and environmental
7 conservation or management and protection related to the protected area (PA).

8 (j) "Nonrenewable resources" refers to resources found within the PA, the natural
9 replenishment rate of which is either not known or takes more than twenty-five (25)
10 years.

11 (k) "People's organization (PO)" refers to a group of people, which may be an
12 association, cooperative, federation, or aggrupation of individuals or groups, with an
13 identifiable structure of decision-making and accountability, established to undertake
14 collective action to address community concerns and needs in relation to the PA.

15 (l) "Protected Area Management Board (PAMB)" refers to the site-based decision-
16 making body responsible in the planning, resource protection and general
17 administration of the area in accordance with the approved management plan.

18 (m) "Secretary" refers to the Secretary of the DENR:

19 (n) "Threatened species" refers to species or subspecies considered as critically
20 endangered, endangered, vulnerable or other accepted categories of wildlife whose
21 population is at risk of extinction.

22 (o) "Timber" refers to wood having an average diameter of at least fifteen (15)
23 centimeters and a length of at least one point five meters in its unaltered state, or wood,
24 regardless of size sawn or hewn on two or more sides usually referred to as flitch and
25 all mangrove species regardless of size.

26 (p) "Vulnerable species" refers to species or subspecies that are not critically
27 endangered nor endangered but are under threat from adverse factors throughout their
28 range and are likely to move to the endangered category in the near future.

29 (q) "Wildlife" refers to wild forms and varieties of flora and fauna in all
30 developmental stages including those which are in captivity or are being bred or
31 propagated.

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

36 (a) The Regional Executive Director (RED) for the Caraga Region of the DENR
37 Chairperson:

1 (b) The mayors of each municipality within the PA and the Provincial Governor of
2 Surigao del Norte or his/her duly designated representative who must be an official of
3 the same municipality;

4 (c) Maximum of three representatives from POs and NGOs, as members;

5 (d) The Provincial Planning and Development Officer or an officer of the provincial
6 planning and development office, as may otherwise be designated by the provincial
7 governor;

8 (e) The Provincial Tourism Officer or an officer of the provincial tourism office, as
9 may otherwise be designated by the provincial governor; and

10 (f) Representatives from government agencies involved in the PA management as
11 may be determined by the DENR, as members;

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

16 In the selection of local community and NGO representatives, preference shall be
17 accorded to organizations involved in the conservation and protection of the PA and in
18 development work. The representation of nongovernment and local community
19 organizations shall be institutional and shall endeavor to achieve geographic balance.

20 The representatives from the LGUs and national agencies in the PAMB shall
21 include among their duty to appraise their respective constituents, office or sector, to
22 ensure that the provisions of this Act is consistent with the Local Government Code of
23 1991 (R. A. No. 7160), other relevant statutes and ordinances, and local and national
24 development plans and projects. Failure to comply with the foregoing shall subject such
25 representative to disciplinary action as the PAMB may provide.

26 SEC. 6. *Powers and Functions of the PAMB.* – The PAMB of the Siargao Islands
27 Protected Landscapes and Seascapes (SIPLAS) shall have the following powers and
28 functions:

29 (a) Issue all rules and regulations in accordance with this Act and the management
30 plan;

31 (b) Establish criteria for permits and set fees for regulated activities;

32 (c) Adopt rules of procedure for the conduct of business, roles and responsibilities,
33 and discipline of the PAMB and PA personnel, including the creation of committees to
34 whom its powers may be delegated;

35 (d) Approve, revise or modify the management and action plans;

1 (e) Issue certifications for both terrestrial and aquatic resource use: *Provided*, That
2 the DENR and the LGUs shall issue permits only upon submission of the PAMB
3 certification;

4 (f) Recommend to the DENR for approval the deputation of interested, capable
5 and responsible individuals for the enforcement of the laws, rules and regulations
6 governing conduct in the PA for areas and species falling under the Department's
7 jurisdiction: *Provided*, That for areas and species under the jurisdiction of the Bureau of
8 Fisheries and Aquatic Resources-Department of Agriculture, deputation shall be
9 pursuant to Republic Act No. 8550;

10 (g) Oversee and evaluate the Protected Area Superintendent's Office created
11 under Section 8 hereof;

12 (h) Identify, verify and review all tenure instruments and land claims within the PA;

13 (i) Recommend land reclassification and proper use of resources found therein
14 consistent with the zoning provided in the management or action plans;

15 (j) Accept, review and approve, after establishing criteria and rules and
16 procedures therefor, proposals for projects or activities, including research and
17 development on the natural resources, to be undertaken within the PA which affect
18 biodiversity conservation, protection and sustainable development;

19 (k) Initiate civil or administrative proceedings, file criminal complaints, and take
20 necessary legal action against individuals, associations, corporations, or entities
21 destroying or contributing to the destruction of the PA in whatever degree, including, but
22 not limited to, discharge of wastes or refuse which may impact on the PA; and

23 (l) Participate in all stages of the Environmental Impact Assessment (EIA) process
24 for projects that may affect the protected area and in the monitoring thereof. May also
25 recommend that projects or activities previously not covered by or exempted from the
26 EIA System undergo the same.

27 The DENR shall exercise general authority over the PAMB to ensure that it acts
28 within the scope of its powers and functions. In case of conflict between administrative
29 orders for national application issued by the DENR pursuant to the National Integrated
30 Protected Areas Systems (NIPAS) Act and the rules and regulations issued by the
31 PAMB, the Secretary, in consultation with the PAMB, shall resolve whether to apply the
32 rule or withdraw its application for the site. The decision of the Secretary may be
33 appealed to the regional trial court having jurisdiction over the PA.

34 *SEC. 7. Protected Area Superintendent (PASu) Office.* – There shall be a
35 Protected Area Superintendent (PASu) Office within the DENR for the Siargao Islands
36 Protected Landscapes and Seascapes that will provide general support and
37 coordinative services such as preparation of preliminary management plan and action

1 plans, inter-agency linkages, community partnership-building, park visitors' education
2 and information programs, enforcement of park rules and regulations, processing of
3 permits and monitoring of operations.

4 The PASu shall be supported by the existing personnel of the DENR. The head of
5 office shall be the chief operating officer of the PA and shall be accountable to the RED
6 of the DENR-Caraga and the PAMB. The PASu shall serve for a minimum of five years
7 and must have competence and experience in the field of environmental protection.

8 **SEC. 8. Siargao Islands Protected Landscapes and Seascapes (SIPLAS) Fund. –**

9 There is hereby established a trust fund to be known as the Siargao Islands Protected
10 Landscapes and Seascapes (SIPLAS) Fund for purposes of financing projects of the
11 system. All income generated from the operation of the system or management of wild
12 flora and fauna in the PA shall accrue to the Fund. These income shall be derived from
13 fees from permitted sale and export of flora and fauna and other resources from the PA,
14 proceeds from lease of multiple-use areas, contributions from industries and facilities
15 directly benefiting from the PA, and such other fees and income derived from the
16 operation of the PA.

17 The Fund maybe augmented by grants, donations, endowment from various
18 sources, domestic or foreign for purposes related to their functions: *Provided*, That the
19 Fund shall be deposited as a special account in the National Treasury and
20 disbursements therefrom shall be made solely for the system, and duly approved
21 projects endorsed by the PAMB in accordance with existing accounting and budgeting
22 rules and regulations: *Provided, further*, That the Fund shall not be used to cover
23 personal services expenditures.

24 The LGUs shall continue to impose and collect all other fees not enumerated
25 herein which they have traditionally collected, such as business permits, property tax
26 and rentals of local government units' facilities. Furthermore, LGUs may charge add-ons
27 to fees imposed by the PAMB provided that such add-ons shall be determined based on
28 the contribution of the LGUs in the maintenance and protection of the PA.

29 **SEC 9. Tenured Migrants and Private Rights. –** Tenured migrants are individuals
30 and households who have actually and continuously occupied since October 10, 1991
31 or earlier public lands within the PA which are not alienable and disposable and are
32 substantially dependent on the PA for their livelihood. Whenever practicable, tenured
33 migrant communities of more than five households occupying contiguous lots shall be
34 provided tenurial rights over their current habitation sites. However, if these areas are
35 subsequently identified as crucial for conservation, said tenured migrants shall, after
36 due consultation, be offered alternative sites within the appropriate zones or buffer
37 zones with preference over nontenured migrants: *Provided*, That provisions for their

1 transfer shall be undertaken using humanitarian considerations including payment of
2 compensation, providing security of tenure to alternative land, provision of facilities of
3 equivalent standard and similar measures.

4 In all other cases, the grant of tenurial rights must take into account the need to
5 promote clustering and to avoid unnecessary displacement. In areas where tenurial
6 instruments are granted, appropriate use zones shall be established for the purpose of
7 maintaining noncommercial livelihood activities.

8 Lands used as homelots or farmlots shall preferably be held by individual
9 household. Lands currently used on a communal basis shall not be held individually.

10 Tenurial instruments shall not be issued solely on the basis of tax declaration
11 receipts but must be supported by indisputable evidence of permanent land-use from
12 five years before October 10, 1991, such as:

- 13 (a) cultivated trees at their fruit-bearing stage;
- 14 (b) physical structures in the area indicating prolonged occupancy;
- 15 (c) certification from the barangay captain or any two respected members of the
16 nearest community attesting to occupancy; and
- 17 (d) other relevant data (e.g. previous census reports) that may be accepted by the
18 PAMB.

19 Existing land title instruments shall be reviewed by the PASu and endorsed by the
20 PAMB to the DENR regional office for validation or reversion. The PAMB shall
21 recommend the issuance of the appropriate tenure instrument consistent with the land
22 classification and allow the use of resources found therein.

23 Persons who fail to qualify as tenured migrants including transient farmers shall be
24 allowed to gather and collect whatever they have planted within five years from the
25 effectivity of this Act. The transfer of nontenured migrants from the Siargao Islands
26 Protected Landscapes and Seascapes shall be undertaken using humanitarian
27 considerations.

28 In the event of termination of a tenure instrument for cause or by voluntary
29 surrender of rights, the PASu shall take immediate steps to rehabilitate the area and
30 restore it to its natural state.

31 SEC. 10. *Existing Facilities Within the PA.* – Within sixty (60) days from the
32 effectivity of this Act, major existing facilities such as roads, buildings, water systems,
33 transmission lines, communication facilities, heavy equipment, and irrigation facilities
34 existing within the boundaries of the PA shall submit project description to the PAMB
35 through the PASu.

36 The PAMB, with the assistance of the DENR, shall determine whether the
37 existence of such facility and its future plan and operations will be detrimental to the PA

1 or whether conditions for its operation shall be imposed. If any such conditions are
2 violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos
3 (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand
4 pesos (P500,000.00), the PAMB through the PASu and deputizing other government
5 entities, shall cause the cessation and demolition of the facility at the cost of its owner.

6 Existing facilities allowed to remain within the PA may be charged a reasonable
7 royalty by the DENR. All income from such royalty shall accrue to the Integrated
8 Protected Area Fund (IPAF).

9 SEC. 11. *Utilization of Resources.* – Any exploitation of or utilization of
10 nonrenewable resources within the PA shall not be allowed. Energy projects, whether
11 renewable or otherwise, shall be permitted only through an Act of Congress, *Provided,*
12 that the exploitation of renewable energy up to three megawatts capacity shall be
13 exempt from such requirement.

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

26 SEC. 13. *Prohibited Acts.* – It shall be unlawful for any person to willfully and
27 knowingly exploit wildlife resources and habitat or undertake the following acts without
28 the necessary permit issued in accordance with this Act:

- 29 (1) Killing and destroying wildlife species, except in the following instances:
- 30 (a) when it is done as part of the religious rituals of established tribal groups or
31 indigenous cultural communities;
- 32 (b) when the wildlife is afflicted with an incurable communicable disease;
- 33 (c) when it is necessary to put an end to the misery suffered by wildlife;
- 34 (d) when it is done to prevent an imminent danger to the life or limb of a human
35 being; and
- 36 (e) when the wildlife is killed or destroyed after it has been used in authorized
37 research or experiments.

- 1 (2) Inflicting injury which cripples and/or impairs the reproductive system of wildlife
2 species;
- 3 (3) Effecting any of the following acts in critical habitat(s):
4 (a) dumping of waste products detrimental to wildlife;
5 (b) burning;
6 (c) logging; and
7 (d) quarrying of sand, gravel, guano, limestone or any material within the PA
8 without an Environmental Clearance Certificate (ECC) duly issued by the DENR and
9 authenticated by the PAMB.
- 10 (4) Introduction, reintroduction or restocking of wildlife resources;
11 (5) Trading of wildlife;
12 (6) Collecting, hunting or possessing wildlife, their by-products and derivatives;
13 (7) Gathering or destroying of active nests, nest trees, host plants and the like;
14 (8) Maltreating and/or inflicting other injuries not covered by the preceding
15 paragraph;
16 (9) Transporting of wildlife; and
17 (10) Cutting, gathering, removing or collecting timber or any forest products within
18 identified prohibited areas or zones in the PA, including private lands, without the
19 necessary PA permit, authorization or exemption as issued or promulgated by the
20 PAMB.

21 SEC. 14. *Fines and Penalties.* – To any person who undertakes illegal acts
22 under Section 14, paragraph (1) to any species as may be categorized pursuant to this
23 Act, the following penalties and/or fines shall be imposed:

24 (a) Imprisonment of a minimum of six years and one day to twelve (12) years
25 and/or fine of One hundred thousand pesos (P100,000.00) to One million pesos
26 (P1,000,000.00), if inflicted or undertaken against species listed as critical;

27 (b) Imprisonment of four years and one day to six years and/or fine of Fifty
28 thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if
29 inflicted or undertaken against endangered species;

30 (c) Imprisonment of two years and one day to four years and/or fine of Thirty
31 thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if
32 inflicted or undertaken against vulnerable species;

33 (d) Imprisonment of one year and one day to two years and/or fine of Twenty
34 thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if
35 inflicted or undertaken against other threatened species; and

1 (e) Imprisonment of six months and one day to one year and/or fine of Ten
2 thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if
3 inflicted or undertaken against other wildlife species.

4 For illegal acts under Section 14, paragraph (2), the following penalties and/or
5 fines shall be imposed:

6 (a) Imprisonment of four years and one day to six years and/or fine of Fifty
7 thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if
8 inflicted or undertaken against species listed as critical;

9 (b) Imprisonment of two years and one day to four years and/or fine of Thirty
10 thousand pesos (P30,000.00) to Two hundred thousand pesos (P200,000.00), if
11 inflicted or undertaken against endangered species;

12 (c) Imprisonment of one year and one day to two years and/or fine of Twenty
13 thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if
14 inflicted or undertaken against vulnerable species;

15 (d) Imprisonment of six months and one day to one year and/or fine of Ten
16 thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or
17 undertaken against other threatened species; and

18 (e) Imprisonment of one month to six months and/or fine of Five thousand pesos
19 (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against
20 other wildlife species.

21 For illegal acts under Section 14, paragraphs (3) and (4), an imprisonment of one
22 month to eight years and/or fine of Five thousand pesos (P5,000.00) to Five million
23 pesos (P5,000,000.00) shall be imposed.

24 For illegal acts under Section 14, paragraph (5), the following penalties and/or
25 fines shall be imposed:

26 (a) Imprisonment of two years and one day to four years and/or fine of Five
27 thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00), if
28 inflicted or undertaken against species listed as critical;

29 (b) Imprisonment of one year and one day to two years and/or fine of Two
30 thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if
31 inflicted or undertaken against endangered species;

32 (c) Imprisonment of six months and one day to one year and/or fine of One
33 thousand pesos (P1,000.00) to One hundred thousand pesos (P100,000.00), if inflicted
34 or undertaken against vulnerable species;

35 (d) Imprisonment of one month and one day to six months and/or fine of Five
36 hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if inflicted or
37 undertaken against other threatened species; and

1 (e) Imprisonment of ten (10) days to one month and/or fine of Two hundred pesos
2 (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against
3 other wildlife species.

4 For illegal acts under Section 14, paragraphs (6) and (7), the following penalties
5 and/or fines shall be imposed:

6 (a) Imprisonment of two years and one day to four years and/or fine of Thirty
7 thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if
8 inflicted or undertaken against species listed as critical;

9 (b) Imprisonment of one year and one day to two years and/or fine of Two
10 thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted
11 or undertaken against endangered species;

12 (c) Imprisonment of six months and one day to one year and/or fine of Ten
13 thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if
14 inflicted or undertaken against vulnerable species;

15 (d) Imprisonment of one month and one day to six months and a fine of Five
16 thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or
17 undertaken against other threatened species; and

18 (e) Imprisonment of ten (10) days to one month and/or fine of One thousand pesos
19 (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against other
20 wildlife species.

21 For illegal acts under Section 14, paragraphs (8) and (9), the following penalties
22 and/or fines shall be imposed:

23 (a) Imprisonment of six months and one day to one year and a fine of Fifty
24 thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00), if
25 inflicted or undertaken against critical species;

26 (b) Imprisonment of three months and one day to six months and a fine of Twenty
27 thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or
28 undertaken against endangered species;

29 (c) Imprisonment of one month and one day to three months and a fine of Five
30 thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or
31 undertaken against vulnerable species;

32 (d) Imprisonment of ten (10) days to one month and a fine of Ten thousand pesos
33 (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken
34 against other threatened species; and

35 (e) Imprisonment of five days to ten (10) days and a fine of Two hundred pesos
36 (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other
37 wildlife species.

1 Illegal acts under Section 14, paragraph (10), shall be penalized under existing
2 forestry laws.

3 All wildlife, its derivatives or by-products, and all paraphernalia, tools and
4 conveyances used in connection with violations of this Act, shall be *ipso facto* forfeited
5 in favor of the government: *Provided*, That where the ownership of the aforesaid
6 conveyances belong to third persons who have no participation in or knowledge of the
7 illegal acts, the same may be released to said owner.

8 If the offender is an alien, he shall be deported after service of sentence and
9 payment of fines, without any further proceedings.

10 A fine of not less than Five thousand pesos (P5,000.00) but not more than Two
11 hundred fifty thousand pesos (P250,000.00) and/or imprisonment of not less than one
12 year but not more than five years and the restoration and rehabilitation of the damaged
13 area or resource shall be imposed upon a person who shall commit, within the PA, the
14 prohibited acts under Sections 86, 93 and 102 of Republic Act No. 8550, otherwise
15 known as the Philippine Fisheries Code of 1998.

16 A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not
17 more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less
18 than five years but not more than twenty (20) years and the restoration and
19 rehabilitation of the damaged area or resource shall be imposed upon any person who
20 shall commit, within the PA, the acts prohibited under Sections 88 and 92 of Republic
21 Act No. 8550.

22 A fine of not less than Five thousand pesos (P5,000.00) but not more than Five
23 hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one year
24 but not more than five years shall be imposed upon those persons who commit, within
25 the PA, the act/s prohibited under Section 106 of Republic Act No. 8550.

26 The fines prescribed shall be increased by at least ten percent (10%) every three
27 years to compensate for inflation and to maintain the deterrent function of such fines.

28 Any person who shall induce another or conspire to commit any of the illegal acts
29 prohibited in this Act or order their workers to commit any of the same shall be liable in
30 the same manner as the one actually performing the act.

31 All conveyances, vessels, equipment, paraphernalia, implements, gears, tools and
32 similar devices used in the violation of this Act shall be subject to immediate
33 administrative confiscation, independent of the judicial proceedings by the PASu Office
34 upon apprehension subject, however, to due process and substantial evidence. When
35 legal action is, however, filed in the regular courts, the said conveyances, vessels,
36 equipment, paraphernalia, implements, gears, tools and similar devices shall,
37 independent of administrative proceedings, not be released until after judgment.

1 Proceeds of the sale of all objects administratively or judicially confiscated pursuant
2 hereto shall accrue to the PA Fund. Procedures for the sale thereof shall be
3 promulgated by the PAMB.

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

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

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

16 SEC. 18. *Separability Clause.* – If any part or section of this Act is declared
17 by the courts as unconstitutional, such declaration shall not affect the other parts or
18 sections hereof which shall continue to have full force and effect.

19 SEC. 19. *Repealing Clause.* – All other laws, rules and regulations
20 inconsistent with this Act or any provision hereof are hereby repealed or are modified
21 accordingly.

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

Approved,