



## HOUSE OF REPRESENTATIVES

H. No. 5907

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BY REPRESENTATIVES VILLAROSA, BANAAG, SALCEDA, MALANYAON,  
DEFENSOR (M.), FIGUEROA, GULLAS, VILLAFUERTE, REMULLA (G.),  
REMULLA (J.C.) AND ACOSTA, PER COMMITTEE REPORT NO. 2045

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AN ACT DECLARING THE APO REEF LOCATED IN THE  
MUNICIPALITY OF SABLAYAN, PROVINCE OF OCCIDENTAL  
MINDORO AS A PROTECTED AREA UNDER THE  
CLASSIFICATION OF NATURAL PARK AND ITS PERIPHERAL  
WATERS AS BUFFER ZONES, PROVIDING FOR ITS  
MANAGEMENT AND FOR OTHER PURPOSES

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

1           SECTION 1. *Title.* – This Act shall be known as the “Apo Reef Natural  
2 Park Act of 2006”.

3           SEC. 2. *Declaration of Policy.* – Considering the rich biodiversity of  
4 the Apo Reef, which is located in the Municipality of Sablayan, Province of  
5 Occidental Mindoro, and its vital role in the fishery and eco-tourism industries  
6 in the country, it is hereby declared the policy of the State to ensure the reef’s  
7 protection and conservation including its associated waters and islands. As

1 such, the State shall ensure the mobilization of resources for the operation of  
 2 the institutional mechanism herein established and the provision of scientific  
 3 and technical support needed for the conservation of the biodiversity and the  
 4 integrity of the reef's ecosystems.

5 SEC. 3. *Scope.* – The boundaries of the Apo Reef Natural Park,  
 6 containing an area of fifteen thousand seven hundred ninety-two (15,792)  
 7 hectares, are as follows:

8	CONTROL			NORTHINGS	EASTINGS
9	POINTS	CM (°)	LATITUDE	LONGITUDE	(METERS) (METERS)
10	1	123	12° 44' 47"	120° 27' 22"	1,410,356.242 223,773 809
11	2	123	12° 41' 11"	120° 33' 44"	1,403,605 487 235,240 033
12	3	123	12° 35' 47"	120° 29' 57"	1,393,709.839 228,292.637
13	4	123	12° 39' 18"	120° 23' 46"	1,400,336.616 217,153 893

14  
 15 Any modification of this Act due to factors such as changing ecological  
 16 conditions, new scientific or archaeological findings, or discovery of  
 17 traditional boundaries not previously taken into account shall be made through  
 18 an act of Congress after full consultation with the affected public and  
 19 concerned government agencies.

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

CONTROL				NORTHINGS	EASTINGS
POINTS	CM (°)	LATITUDE	LONGITUDE	(METERS)	(METERS)
1	123	12° 46' 14"	120° 27' 00"	1,413,043.227	223,151.990
2	123	12° 41' 32"	120° 35' 19"	1,404,229.656	238,121.888
3	123	12° 34' 20"	120° 30' 16"	1,391,042.803	228,863.890
4	123	12° 38' 57"	120° 22' 12"	1,399,689.788	214,329.441

Such buffer zones are established for the purpose of forming an extra layer of protection from users of nearby sea-lanes in which communities can assist in repelling threats to the protected area.

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

(a) “Accredited NGOs/POs” shall refer to nongovernment organizations (NGOs) and people’s organizations (POs) that satisfactorily comply with the accreditation process for NGOs and POs by the Sangguniang Bayan of Sablayan, pursuant to Republic Act No. 7160 or the Local Government Code of 1991.

(b) “Department” shall refer to the Department of Environment and Natural Resources (DENR).

(c) “Nonrenewable resources” shall refer to those resources found within the protected area and its buffer zones, the natural replenishment rate of which is either not known or takes more than twenty-five (25) years.

1 (d) "Passive fishing gear" shall refer to any means of catching,  
2 gathering or collecting fish or aquatic products that does not alter the capacity  
3 of the ecosystem to replenish itself nor harm any protected species or the  
4 young of any marine species.

5 (e) "Plan" shall refer to the management plan for the protection and  
6 conservation of the Apo Reef Natural Park.

7 (f) "Protected species" shall refer to any species of plants, animals or  
8 microorganisms declared as protected under Philippine laws, rules and  
9 regulations or international agreements/conventions where the Philippines is a  
10 signatory thereof, or as provided in the management plan pursuant to this Act.

11 (g) "Secretary" shall refer to the Secretary of the DENR.

12 SEC. 6. *Administration and Management.* – The Apo Reef Natural  
13 Park is hereby placed under the control and administration of the DENR  
14 through the Protected Area Management Board or the PAMB. There is  
15 likewise hereby created a Protected Area Superintendent's Office which shall  
16 be equipped with necessary personnel and shall be headed by a protected area  
17 superintendent (PASu).

18 SEC. 7. *Institutional Mechanisms.* – The following administrative and  
19 policy-making mechanisms are hereby adopted:

1 (a) The Protected Area Management Board (PAMB) -- There is  
2 hereby established a PAMB which shall be the policy-making body for the  
3 protected area. It shall be composed of:

4 (1) The *Regional Executive Director (RED)* of the Department as  
5 chair;

6 (2) The representative of the Lone District of *Occidental Mindoro*;

7 (3) ~~The~~ provincial planning and development officer (PPDO);

8 (4) The representative of the Office of the Mayor of Sablayan;

9 (5) The president of the *liga ng mga barangay* chosen by and from  
10 among the barangay captains of the ten (10) coastal barangays of Sablayan;

11 (6) The municipal agriculturist of Sablayan, *Occidental Mindoro*;

12 (7) The municipal environment and natural resources officer of  
13 Sablayan, *Occidental Mindoro*;

14 (8) At least two representatives from accredited environmental NGOs  
15 operating within Sablayan chosen from among themselves in a meeting duly  
16 called for the purpose;

17 (9) At least two representatives from accredited POs from the  
18 fisherfolks sector operating within Sablayan chosen from among themselves in  
19 a meeting duly called for the purpose; and

1 (10) One representative from the Municipal Fisheries and Aquatic  
2 Resources Management Council (MFARMC) of Sablayan chosen from among  
3 themselves in a meeting duly called for the purpose.

4 Each member of the PAMB shall serve for a term of three years and  
5 shall be considered to represent his or her sector and deemed to carry the vote  
6 of such sector in all matters. In the case of the PAMB members who are  
7 government officials, the term of their membership shall be attached to the  
8 office held.

9 (b) Powers and Functions of the PAMB – The PAMB shall exercise the  
10 following powers and functions:

11 (1) Decide on matters relating to planning, resource protection and  
12 general administration of the area in accordance with the approved  
13 management plan;

14 (2) Approve proposals, work plans, action plans and guidelines for the  
15 management of the protected area in accordance with the approved  
16 management plan;

17 (3) Delineate and demarcate protected area boundaries and buffer  
18 zones;

19 (4) Promulgate rules and regulations to promote development programs  
20 and projects on biodiversity conservation and sustainable development  
21 consistent with the management plan of the protected area;

1           (5) Ensure the implementation of programs as prescribed in the  
2 management plan in order to provide employment to the people dwelling in  
3 and around the protected area;

4           (6) Control and regulate the construction, operation and maintenance of  
5 infrastructures within the protected area;

6           (7) Monitor and evaluate the performance of protected area personnel,  
7 the NGOs and the communities, and report their assessments to the NIPAS  
8 Policy and Program Steering Committee (NPPSC); and

9           (8) Issue rules and regulations to prohibit and regulate acts that may be  
10 prejudicial to the protected area and the policy declaration herein set forth.

11           The DENR, through the RED, shall exercise authority to oversee the  
12 PAMB to ensure that it is acting within the scope of its powers and functions.  
13 In case of conflict between administrative orders issued by the DENR pursuant  
14 to the National Integrated Protected Areas System (NIPAS) Act for national  
15 application and the rules and regulations issued by the PAMB, the PAMB shall  
16 notify the Secretary who shall decide whether to apply the rule or withdraw its  
17 application to the site.

18           (c) The Protected Area Superintendent (PASu) Office -- There is  
19 hereby established a PASu Office in charge of the management, protection and  
20 administration of the protected area. The PASu shall be supported by the  
21 existing personnel of the DENR. The head of office shall be the chief operating

1 officer of the Apo Reef Natural Park or the PA and shall be accountable to the  
2 RED of the DENR-IV-B and the PAMB. The PASu shall have the following  
3 powers and functions:

4 (1) Act as head of the secretariat for the PAMB;

5 (2) Establish partnership with the local community including groups  
6 interested in the achievement of the goals and objectives of the PA;

7 (3) Develop and implement a park information, education and visitor  
8 program;

9 (4) Enforce the laws, rules and regulations relevant to the PA and assist  
10 in the prosecution of offenses;

11 (5) Supervise all activities within the PA for conformity with the  
12 management plan;

13 (6) Accept in the name of the Apo Reef Natural Park funds, donations,  
14 gifts or bequests or property for the support of its programs and services; and

15 (7) Perform such other functions as the PAMB may assign.

16 SEC. 8. *Protection and Conservation Plan.* – The PASu shall take the  
17 lead in the preparation of the management plan and all successor plans in  
18 coordination with the appropriate offices of the DENR, the local communities  
19 and the NGOs which shall be reviewed and approved by the PAMB and  
20 certified by the Secretary: *Provided, however,* That the Secretary may revise  
21 and modify the management plan submitted for certification to make it



1 conform with the laws and applicable rules and regulations after consultation  
2 with the PAMB.

3         Within one year from the effectivity of this Act, the management plan  
4 shall have been put into effect following the General Management Planning  
5 Strategy (GMPS) as provided for under the NIPAS Act, and according to the  
6 procedure herein set forth. It shall contain, among others, the following:

7             (a) The category of the PA;

8             (b) Period of applicability of the plan;

9             (c) Key management issue;

10            (d) Goals and objectives of management in support of Section 2 hereof;

11            (e) Site management strategy; and

12            (f) Major management activities such as, but not limited to,  
13 *enforcement of laws, habitat and wildlife management, sustainable use*  
14 *management, eco-tourism development and maintenance, information,*  
15 *education and communication (IEC).*

16         One year before the expiration of the period of the applicability of the  
17 existing management plan, the PASu shall cause the publication of notices for  
18 comments and suggestions on the next successor plan in a newspaper of local  
19 circulation in the Municipality of Sablayan and the posting of such notices in  
20 the provincial, municipal and barangay halls, in three other areas frequented by

1 the public and on Apo Island. Public hearings may be conducted on the  
2 successor plan.

3 The zoning of the PA shall give primary consideration to the traditional  
4 zones that have been sustainably used by fishers for an appreciable length of  
5 time unless such uses are deemed detrimental to biodiversity and protection of  
6 the natural characteristics of the PA.

7 SEC. 9. *Prohibited Acts and Penalties.* – A fine of not less than Five  
8 thousand pesos (P5,000.00) nor more than Five hundred thousand pesos  
9 (P500,000.00) or an imprisonment of not less than one year nor more than six  
10 years, or both, as determined by the court, shall be imposed upon any person  
11 who:

12 (a) Hunts, destroys, collects, disturbs or possesses anywhere within the  
13 Apo Reef Natural Park and its adjoining buffer zone any plants or animals,  
14 sand, coral, rocks or products derived therefrom without a PA permit;

15 (b) Possesses outside the PA any wild plants or animals or products  
16 derived therefrom without a PA permit;

17 (c) Explores or extracts minerals within the PA and its adjacent buffer  
18 zone;

19 (d) Fishes within the PA through the use of explosives, noxious  
20 substances, electricity or nets below three centimeters in size from knot to knot

1 when stretched, or by any other destructive fishing method as may be  
2 determined by law, *regulations and ordinances*;

3 (e) Hunts, collects, removes or destroys any endangered or protected  
4 species;

5 (f) Drops anchor within the PA except in the designated sites or where  
6 there is a danger to life or property which necessitates such act;

7 (g) Throws, dumps or causes to be dumped into the sea within the PA  
8 and its buffer zone any nonbiodegradable material or other substance  
9 deleterious to marine life;

10 (h) Fishes in the PA and its adjoining buffer zone without a PA permit;

11 (i) Violates duly published rules and regulations issued by the PAMB  
12 for the protection and conservation of the PA;

13 (j) Erects any permanent structure on land or on water for any purpose  
14 outside the management plan: *Provided*, That permanent structures intended  
15 for marine safety and determined to be urgently necessary before the next  
16 management plan shall have taken effect shall be exempted from this  
17 prohibition; and

18 (k) Possesses or deals with explosives or noxious substances within the  
19 PA.

20 Valuation of the damage shall take into account biodiversity and  
21 conservation considerations as well as aesthetic and scenic values.

1           SEC. 10. *Special Prosecutors.* – Within thirty (30) days from the  
2   effectivity of this Act, the Department of Justice shall appoint a special  
3   prosecutor to whom all cases for violation of laws, rules and regulations in the  
4   PA shall be assigned. The special prosecutor shall coordinate with the PAMB  
5   and the PASu in the performance of his/her duties and shall assist in the  
6   training of the Apo Reef Natural Park personnel in undertaking arrest and  
7   criminal procedures. Whenever resources of the PAMB would allow, special  
8   private prosecutors may be appointed to act under the control and supervision  
9   of the prosecutor.

10          SEC. 11. *Local Government Units.* – The Municipality of Sablayan, its  
11   coastal barangays and the provincial government of Occidental Mindoro shall  
12   participate in the management of the Apo Reef Protected Area through  
13   representation in the PAMB, as provided under Section 7 hereof.

14          SEC. 12. *The Apo Reef Protected Area Fund (ARPAF).* – There is  
15   hereby established a trust fund to be known as the Apo Reef Protected Area  
16   Fund for purposes of financing projects of the system. All income generated  
17   from the operation of the system or management of wild flora and fauna in the  
18   PA shall accrue to the fund. These income shall be derived from fees from  
19   permitted sale and export of flora and fauna and other resources from the PA,  
20   proceeds from lease of multiple-use areas, contributions from industries and

1 facilities directly benefiting from the PA, and such other fees and income  
2 derived from the operation of the PA.

3 The fund may be augmented by grants, donations and endowments from  
4 various sources, domestic or foreign, for purposes related to their functions:  
5 *Provided*, That the fund shall be deposited as a special account in the National  
6 Treasury, and disbursements therefrom shall be made solely for the protection,  
7 maintenance, administration and management of the system, and duly approved  
8 projects endorsed by the PAMB in accordance with existing accounting and  
9 budgeting rules and regulations: *Provided, further*, That the fund shall not be  
10 used to cover personal services expenditures.

11 The local government units (LGUs) shall continue to impose and collect  
12 all other fees not enumerated herein which they have traditionally collected,  
13 such as business permits, property tax and rentals of LGU facilities.  
14 Furthermore, LGUs may charge add-ons to fees imposed by the PAMB:  
15 *Provided*, That such add-ons shall be determined based on the contribution of  
16 the LGUs in the maintenance and protection of the PA.

17 SEC. 13. *Utilization of Nonrenewable Resources.* – Any exploration or  
18 utilization of nonrenewable resources within the PA shall not be allowed.  
19 Energy projects, whether renewable or otherwise, shall be permitted only  
20 through an act of Congress, provided the exploitation of renewable energy up  
21 to three megawatts capacity shall be exempt from such requirement.

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

5           SEC. 15. *Repealing Clause*. – All laws, rules and regulations  
6 inconsistent with this Act are hereby repealed or modified accordingly.

7           SEC. 16. *Separability Clause* – If any part or section of this Act is  
8 declared by the courts as unconstitutional, such declaration shall not affect the  
9 other parts or sections thereof.

10          SEC. 17. *Effectivity Clause* - This Act shall take effect fifteen (15)  
11 days after its publication in the *Official Gazette* or in a national newspaper of  
12 general circulation readily available in the area. It shall be translated in  
13 English and Filipino and shall likewise be posted for three weeks in the  
14 appropriate language in a conspicuous place in the provincial, municipal and  
15 barangay halls within the area as well as in three other places frequented by the  
16 public.

Approved,

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