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Metro Manila

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[REPUBLIC ACT NO. 11038]

AN ACT DECLARING PROTECTED AREAS AND PROVIDING FOR THEIR MANAGEMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS THE "NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992", AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* – This Act shall be known and referred to as the "Expanded National Integrated Protected Areas System Act of 2018".

SEC. 2. Section 2 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 2. *Declaration of Policy.* – Cognizant of the profound impact of human activities on all components of the natural environment particularly

the effect of increasing population, resource exploitation and industrial advancement, and recognizing the critical importance of protecting and maintaining the natural, biological, and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, it is hereby declared the policy of the State to secure for the Filipino people of present and for future generations, the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.

“It is hereby recognized that these areas, although distinct in features, possess common ecological values that may be incorporated into a holistic plan to conserve and protect our natural heritage; that effective administration of these areas is possible only through cooperation among the national government, local governments, concerned nongovernment organizations, private organizations, and local communities; that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development.

“To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass ecologically rich and unique areas and biologically important public lands that are habitats of rare and threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as ‘protected areas’. The System shall recognize conservation areas and the management regimes being implemented by local government units (LGUs), local communities and indigenous peoples (IPs).

“The State shall ensure the full implementation of this Act, the mobilization of resources for the

institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, culture and indigenous practices.”

SEC. 3. Section 4 of Republic Act No. 7586 is hereby amended to read as follows:

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

“(a) *Biological diversity* or *biodiversity* refers to the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

“(b) *Bioprospecting* refers to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;

“(c) *Buffer zones* refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area;

“(d) *By-products* or *Derivatives* refer to parts taken or substances extracted from wildlife, in raw or in processed form;

“(e) *Collecting* refers to the act of gathering or harvesting wildlife and its by-products or derivatives;

“(f) *Conveyance* refers to every kind of vessel, including motorized or nonmotorized vehicles, nondisplacement crafts and seaplanes that are used or may be used as a means of transportation on land or water. It shall include everything found therein, except personal effects;

“(g) *Delineation* refers to the actual ground survey of the boundaries of protected areas and their buffer zones and management and management zones using the global positioning system (GPS) or other applicable survey instruments and technologies, with the intention of producing a map of the area;

“(h) *Demarcation* refers to the establishment of the boundaries of protected areas and their buffer zones using visible markers, monuments, buoys in case of marine areas, and known natural features and landmarks, among others, as a result of the actual ground delineation;

“(i) *Ecosystem goods and services* refer to the multitude of material and nonmaterial provisions and benefits from healthy ecosystems necessary for human sustenance, well-being, and survival including support processes, provisioning and environment regulating services, and cultural resource preservation services;

“(j) *Endemic species* refer to the species or subspecies of flora and fauna which are naturally occurring and found within specific areas in the country;

“(k) *Exotic species* refer to the species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time;

“(l) *Exploration* refers to the act of searching or prospecting for mineral resources, as defined by law, by geological, geochemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means, for the purpose of determining the existence, extent, quantity, and quality of resources in an area, and the feasibility of utilizing these resources for profit;

“(m) *Gear* refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing, or possessing resources within the protected area;

“(n) *Genetically modified organism (GMO)* refers to any living organism that possesses a novel combination of genetic material through the use of modern biotechnology;

“(o) *Hunting* refers to the killing or catching of wild fauna for food and recreational purposes, with the use of weapons such as guns, bow and arrow, spears, traps and snares, and the like;

“(p) *Indigenous Cultural Community (ICC)/ Indigenous People (IP)* refers to a group of people sharing common bonds of language, customs, traditions, and other distinctive cultural traits, and who have, since time immemorial occupied, possessed and utilized a territory;

“(q) *Integrated Protected Area Fund (IPAF)* refers to the special account established for the purpose of financing projects of the NIPAS and individual protected areas;

“(r) *Invasive alien species* refer to species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete native species, and take over the new environment;

“(s) *Kaingin* refers to the slash-and-burn cultivation of vegetated land in a protected area, whether occupied or not, shifting and permanent with little or no provision to prevent soil erosion;

“(t) *Multiple-use zone* refers to the area where settlement, traditional and sustainable land use

including agriculture, agroforestry, extraction activities, and income generating or livelihood activities may be allowed to the extent prescribed in the protected area management plan;

“(u) *National Integrated Protected Areas System (NIPAS)* refers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;

“(v) *National park* refers to the lands of the public domain classified as such in the Constitution which include all areas under the NIPAS pursuant to this Act, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity;

“(w) *Natural biotic area* refers to an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;

“(x) *Natural monument* refers to a relatively small area focused on the protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics;

“(y) *Natural park* refers to a relatively large area not materially altered by human activity where extractive resource uses are not allowed and is maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational, and recreational use;

“(z) *Occupying* refers to a continuous stay of individuals or groups within a protected area,

whether residing or engaging in the cultivation of land or fishing for more than twenty-four (24) hours;

“(aa) *Poaching* refers to gathering, collecting, or possessing products or natural resources from the protected area by any individual person, corporation or entity whether local or foreign; in the case of marine protected areas, operating any foreign fishing vessels by any person, corporation, or entity without a permit;

“(bb) *Protected area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

“(cc) *Protected area occupants* refer to persons who are residing, utilizing, and cultivating areas within the protected area. These include private owners, IPs, tenured migrants and informal settlers;

“(dd) *Protected Area Retained Income Account* refers to the trust fund maintained by any protected area and administered by the respective Protected Area Management Boards (PAMB) created pursuant to this Act representing the seventy-five percent (75%) of revenues generated from the protected area to support its operation and management;

“(ee) *Protected landscapes and/or seascapes* refer to areas of national significance which are characterized by the harmonious interaction of man and land and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities;

“(ff) *Protected species* refer to plants or animals declared protected under Philippine laws, rules, and regulations. These shall include all species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and all

its Annexes, the Convention on the Conservation of Migratory Species (CMS), those specified under the red-list categories of the International Union for Conservation of Nature and Natural Resources (IUCN), or any plant or animal which the Department of Environment and Natural Resources (DENR), PAMB or any government agency may deem necessary for conservation and preservation in the protected area;

“(gg) *Quarrying* refers to the process of extracting, removing, and disposing sand, gravel, guano, limestone, and all other resources used as building and construction materials that are found within the protected area;

“(hh) *Resource reserve* refers to an extensive, relatively isolated, and uninhabited area which is difficult to access and is designated to protect the natural resources of the area for future use and prevent or contain development activities that could affect the resources, pending the establishment of sustainable resource utilization goals which are based upon appropriate information and planning;

“(ii) *Special Account in the General Fund (SAGF)* refers to the trust fund deposited in the national treasury representing the twenty-five percent (25%) of the revenues generated from the operation of individual protected area and earmarked to support the NIPAS;

“(jj) *Strict nature reserve* refers to an area possessing some outstanding ecosystem, features, and species of flora and fauna of national scientific importance that should be maintained to protect and preserve nature in its undisturbed state and to preserve ecologically representative examples of the natural environment to ensure their availability for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;

“(kk) *Tenured migrants* refer to protected area occupants who have been actually, continuously and presently occupying a portion of the protected area for five (5) years before the proclamation or law establishing the same as a protected area, and are solely dependent therein for subsistence;

“(ll) *Threatened species* refer to species or subspecies considered critically endangered, vulnerable, or other accepted categories of wildlife whose population is at risk of extinction;

“(mm) *Wetlands* refer to a wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no deeper than six (6) meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies and wastewater treatment ponds and lagoons;

“(nn) *Wildlife* refers to the wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred, fed, or propagated; and

“(oo) *Wildlife Sanctuary* refers to an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment which may require specific human manipulations for their perpetuation.”

SEC. 4. Section 5 of Republic Act No. 7586 is hereby amended to read as follows:

“SEC. 5. *Establishment and Extent of the System.* – The establishment and operationalization of the System shall involve the following:

“(a) All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a

law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as old growth forests identified before the effectivity of this Act or still to be identified, are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act.

“(a.1.) Establishment as Protected Areas. – Aside from the areas already declared as protected areas through acts of Congress, the following parcels of land and/or bodies of water are hereby established as protected areas within the classification of national park pursuant to the Philippine Constitution:

Region		Protected Area	Province	Area (Has.)
1	1	Kalbario- Patapat Natural Park	Ilocos Norte	3,903.19
	2	Libunao Protected Landscape	Ilocos Norte	47.15
	3	Bessang Pass Natural Monument/ Landmark	Ilocos Sur	581.05
	4	Bigbiga Protected Landscape	Ilocos Sur	142.87
	5	Lidlidda Banayoyo Protected Landscape	Ilocos Sur	1,042.29
	6	Salcedo Protected Landscape (formerly Sta. Lucia Protected Landscape)	Ilocos Sur	196.33
	7	Agoo Damortis Protected Landscape and Seascape	La Union	10,774.68
	8	Manleluag Spring Protected Landscape	Pangasinan	1,938.83

2	9	Palaui Island Protected Landscape and Seascape	Cagayan	8,048.57
	10	Peñablanca Protected Landscape and Seascape	Cagayan	118,653.67
	11	Tumauini Watershed Natural Park	Isabela	6,509.38
	12	Salinas Natural Monument	Nueva Vizcaya	5,966.05
	13	Casecnan Protected Landscape	Quirino, Nueva Vizcaya, and Aurora	86,246.77
3	14	Amro River Protected Landscape	Aurora	6,431.30
	15	Dinadiawan River Protected Landscape	Aurora	3,366.54
	16	Simbahan Talagas Protected Landscape	Aurora	2,284.30
	17	Talaytay Protected Landscape	Aurora	3,598.31
	18	Bataan Natural Park	Bataan	20,004.17
	19	Roosevelt Protected Landscape	Bataan	950.43
NCR	20	Masinloc and Oyon Bay Protected Landscape and Seascape	Zambales	7,558.00
	21	Las Piñas-Parañaque Critical Habitat and Ecotourism Area (LPPCHEA), also known as Las Piñas-Parañaque Wetland Park	Las Piñas City and Parañaque City	181.63
4A	22	Ninoy Aquino Parks and Wildlife Center	Quezon City	23.85
	23	Mts. Palay-Palay-Mataas-na-Gulod Protected Landscape	Batangas and Cavite	3,972.70
	24	Taal Volcano Protected Landscape	Batangas and Cavite	62,292.16
	25	Buenavista Protected Landscape	Quezon	287.24
	26	Maulawin Spring Protected Landscape	Quezon	183.15
	27	Quezon Protected Landscape	Quezon	1,042.85
	28	Hinulugang Taktak Protected Landscape	Rizal	3.58
	29	Pamitinan Protected Landscape	Rizal	609.15
	30	Upper Marikina River Basin Protected Landscape	Rizal	26,125.64
	4B	31	Marinduque Wildlife Sanctuary	Marinduque
32		Apo Reef Natural Park	Occidental Mindoro	15,799.23
33		Mt. Calavite Wildlife Sanctuary	Occidental Mindoro	18,172.69
34		Mts. Iglit-Baco Natural Park	Occidental and Oriental Mindoro	106,656.62
35		Mt. Guiting-Guiting Natural Park	Romblon	15,515.22
5	36	Mt. Mayon Natural Park	Albay	5,327.15
	37	Ticao Buriás Pass Protected Seascape	Albay, Masbate and Sorsogon	414,244.00
	38	Abasig-Matogdon-Mananap Natural Biotic Area	Camarines Norte	5,918.31

5	39	Bicol Natural Park	Camarines Sur	5,466.35
	40	Buhi Wildlife Sanctuary	Camarines Sur	1,620.65
	41	Lagonoy Natural Biotic Area	Camarines Sur	443.63
	42	Malabugot Protected Landscape	Camarines Sur	147.71
	43	Mt. Isarog Natural Park	Camarines Sur	10,090.89
	44	Catanduanes Natural Park	Catanduanes	48,924.09
	45	Bongsanglay Natural Park	Masbate	518.90
	46	Bulusan Volcano Natural Park	Sorsogon	3,641.57
6	47	Northwest Panay Peninsula Natural Park	Aklan and Antique	12,009.29
	48	Sibalom Natural Park	Antique	6,778.44
	49	Northern Negros Natural Park	Negros Occidental	70,826.16
7	50	Alburquerque-Loay-Loboc Protected Landscape and Seascape	Bohol	1,165.51
	51	Chocolate Hills Natural Monument	Bohol	13,994.95
	52	Panglao Island Protected Seascape	Bohol	2,445.08
	53	Rajah Sikatuna Protected Landscape	Bohol	10,964.64
	54	Talibon Group of Island Protected Landscape and Seascape	Bohol	6,446.31
	55	Camotes Island Protected Landscape and Seascape	Cebu	1,436.98
	56	Olango Island Wildlife Sanctuary	Cebu	1,382.29
	57	Taifon Strait Protected Seascape	Cebu, Negros Occidental and Oriental	534,589.05
	58	Apo Island Protected Landscape and Seascape	Negros Oriental	691.40
8	59	Balinsasayao Twin Lakes Natural Park	Negros Oriental	8,016.05
	60	Cuatro Islas Protected Landscape and Seascape	Leyte	11,407.46
	61	Lake Danao Natural Park	Leyte	2,244.16
	62	Mahagnao Volcano Natural Park	Leyte	340.82
	63	Guiuan Marine Resource Protected Landscape and Seascape	Eastern Samar	66,725.26
	64	Biri Larosa Protected Landscape and Seascape	Northern Samar	32,284.14
	65	Calbayog Pan-as Hayiban Protected Landscape	Samar	5,067.93
	66	Samar Island Natural Park	Samar, Eastern Samar and Northern Samar	335,105.57

9	67	Basilan Natural Biotic Area	Basilan	4,545.99
	68	Aliquay Island Protected Landscape and Seascape	Isabela City	1,188.36
	69	Turtle Islands Wildlife Sanctuary	Tawi-Tawi	242,958.29
	70	Great and Little Sta. Cruz Islands Protected Landscape and Seascape	Zamboanga City	1,827.16
	71	Pasonanca Natural Park	Zamboanga City	12,102.08
	72	Jose Rizal Memorial Protected Landscape	Zamboanga del Norte	474.82
	73	Murcielagos Protected Landscape and Seascape	Zamboanga del Norte	100.40
	74	Selinog Island Protected Landscape and Seascape	Zamboanga del Norte	959.41
	75	Siocon Resource Reserve	Zamboanga del Norte	855.59
	76	Dumanquillas Bay Protected Landscape and Seascape	Zamboanga del Sur	26,112.21
77	Mt. Timolan Protected Landscape	Zamboanga del Sur	2,244.54	
78	Buug Natural Biotic Area	Zamboanga Sibugay	1,261.46	
10	79	Mt. Kalatungan Range Natural Park	Bukidnon	22,225.11
	80	Mt. Timpoong Hibok-Hibok Natural Monument	Camiguin	2,203.39
	81	Mt. Inayawan Range Natural Park	Lanao del Norte	4,236.18
	82	Baliangao Protected Landscape and Seascape	Misamis Occidental	315.50
	83	Initao-Libertad Protected Landscape and Seascape	Misamis Oriental	921.02
	84	Mt. Balatukan Range Natural Park	Misamis Oriental	8,437.86
11	85	Mabini Protected Landscape and Seascape	Compostela Valley	7,292.62
	86	Mainit Hot Springs Protected Landscape	Compostela Valley	1,422.63
	87	Ahiwagwag Protected Landscape	Davao Oriental and Compostela Valley	10,261.06
	88	Mati Protected Landscape	Davao Oriental	884.46
	89	Pujada Bay Protected Landscape and Seascape	Davao Oriental	20,873.43
12	90	Sarangani Bay Protected Seascape	General Santos City and Sarangani	210,887.69
	91	Mt. Matutum Protected Landscape	South Cotabato and Sarangani	13,947.00
13	92	Agusan Marsh Wildlife Sanctuary	Agusan del Sur	40,940.96
	93	Siargao Island Protected Landscape and Seascape	Surigao del Norte	283,974.77
	94	Tinuy-An Falls Protected Landscape	Surigao del Sur	4,321.75

"The boundaries and technical descriptions of each protected area as described in the attached Annex, which are duly certified accurate on every page thereof by the National Mapping and Resource Information Authority (NAMRIA) are hereby adopted and made an integral part hereof.

"The DENR, with the assistance of other government agencies, if necessary, shall delineate and demarcate on the ground the boundaries of each protected area which shall not be modified except by an act of Congress.

"(a.2.) The Remaining Initial Components. – Within three (3) years from the effectivity of this Act, the DENR shall undertake the following activities in preparation for the establishment of the remaining initial components as protected areas through an act of Congress:

"(1) Provide maps and technical descriptions of the areas;

"(2) Conduct suitability assessment of the areas;
and

"(3) Conduct public consultations.

"Any initial component that does not satisfy the abovementioned requirements shall be disestablished pursuant to Section 7 of this Act.

"(b) All DENR records pertaining to said protected areas, including maps and technical descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community

Environment and Natural Resources Offices (CENROs) and Protected Area Management Offices (PAMOs) where protected areas are located;

“(c) The DENR shall conduct a suitability assessment for each of the proposed protected area. If found suitable for inclusion in the System according to the categories established in Section 3 hereof, a report containing the following items shall be submitted to the president as soon as the study is completed, to wit:

“(1) A protected area occupants survey;

“(2) An ethnographic study;

“(3) A protected area resource profile;

“(4) Land and water use plans; and

“(5) Other background studies.

“(d) In the conduct of public consultation, the DENR shall:

“(1) Notify the public of proposed action through publication in a newspaper of general circulation and such other means including notices to the stakeholders that will likely be affected within the respective localities, thirty (30) days prior to the public consultation;

“(2) Conduct public consultation at locations near the proposed protected area;

“(3) Invite all local government units (LGUs) in the affected areas, national agencies concerned, people's organizations (POs) and nongovernment organizations (NGOs) and request for corresponding position papers; and

“(4) Prepare recommendations based on the views and comments gathered from the public consultation;

“(e) Upon receipt of the recommendations of the DENR, the President shall issue a proclamation establishing the proposed protected areas and providing for measures for their protection until the time when Congress shall have enacted a law finally declaring the recommended areas as part of the System; and

“(f) Upon completion of the appropriate review, the President shall recommend to the Senate and the House of Representatives the designations of protected areas or reclassification of each area.”

SEC. 5. Section 6 of Republic Act No. 7586 is hereby amended to read as follows:

“SEC. 6. *Additional Areas to be Included into the System.* – Upon the recommendation of the DENR, additional areas with unique physical features, anthropological significance and high biological diversity may be proposed for inclusion as part of the System. Such areas shall undergo the same procedure as the remaining initial components for legislative enactment.”

SEC. 6. Section 8 of Republic Act No. 7586 is hereby amended to read as follows:

“SEC. 8. *Buffer Zones.* – When necessary, the DENR Secretary, upon the recommendation of the PAMB, may designate areas surrounding the protected areas as buffer zones for the purpose of providing extra layer of protection where restrictions may be applied: *Provided, That,* in cases where the designated buffer zone would cover private lands, the owners thereof shall be required to design their development with due consideration to the protected area management plan.”

SEC. 7. Section 9 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 9. *Management Plan.* – Within one (1) year from the establishment of the protected area, there shall be a management plan formulated for each protected area that shall serve as the basic long-term framework plan for the management of the protected area and guide in the preparation of its annual operations plan and budget.

"The management plan shall, at the minimum, promote the adoption and implementation of innovative management techniques including, when necessary, zoning, buffer zone management, habitat conservation and rehabilitation, diversity management, community organizing and development, socioeconomic and scientific researches, site-specific policy development, climate change adaptation and mitigation, disaster risk reduction and management, waste sewerage and septic management, and gender and development, among others.

"The plan shall be harmonized with the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) required under Republic Act No. 8371, or 'The Indigenous People's Rights Act of 1997', the respective Comprehensive Land Use Plans (CLUPs) of local governments required under Republic Act No. 7160 or the 'Local Government Code of 1991' and other local plans."

SEC. 8. Section 10 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 10. *Administration and Management of the System.* – The National Integrated Protected Areas System (NIPAS) is hereby placed under the control and administration of the DENR through the Biodiversity Management Bureau (BMB).

"To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform the following acts:

“(a) Issue a system-wide set of rules and regulations to implement the provisions of this Act;

“(b) Set standards, procedures, and protocols for the establishment and management of protected areas and the System, such as, but not limited to, conduct of study, zoning, review of plans and project proposals, specifications and types of buildings and other structures, and installation of uniform markers and symbols;

“(c) Deputize field officers and other technical and support personnel;

“(d) Determine a system-wide set of fees and charges to ensure sustainable financing of protected areas and the System;

“(e) Impose administrative fines and penalties;

“(f) Report on the status of the Integrated Protected Area Fund (IPAF), its collection of fees, and disbursements from the IPAF;

“(g) Designate the appropriate Chairperson of each PAMB;

“(h) Enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the objectives of the System;

“(i) Accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursements or other property in the interest of the NIPAS, its activities or its services;

“(j) Call on any agency or instrumentality of the Government as well as academic institutions, NGOs and the private sector as may be necessary

to accomplish the objectives and activities of the System;

“(k) Submit an annual report to the President of the Republic of the Philippines and to Congress on the status of protected areas in the country;

“(l) Oversee and set guidelines in the construction, operation and maintenance of roads, trails, waterworks, sewerage systems, fire protection, and sanitation systems and other public utilities within the protected area;

“(m) Within the limits allowed by existing laws, rules, and regulations, ensure that settlement areas inside the protected area shall not be expanded and that coverage shall only be limited to the original area/s occupied by tenured migrants and indigenous communities; and

“(n) Perform such other functions as may be directed by the President of the Republic of the Philippines, and to do such acts as may be necessary to the accomplishment of the purposes and objectives of the System.”

SEC. 9. Section 11 of Republic Act No. 7586 is hereby amended to read as follows:

“SEC. 11. *Protected Area Management Board (PAMB)*. – Within three (3) months after the effectivity of this Act, a PAMB shall be created for each of the protected areas designated as initial component, established by presidential proclamation, and declared by law. The Board shall be composed of the following:

“(a) DENR Regional Director under whose jurisdiction the protected area is located, as Chairperson;

“(b) Governor/s of the province/s where the protected area is located or their duly designated representative/s;

“(c) A Senator of the Republic of the Philippines who is a duly registered resident of the city or province where the protected area is located or a duly authorized representative, unless the Senator declines membership in the PAMB;

“(d) District Representative/s of the Congressional district/s where the protected area is located or their duly designated representatives, unless the District Representative declines membership in the PAMB;

“(e) Mayor/s of the city/cities or municipality/municipalities where the protected area is located or their duly designated representative/s;

“(f) Chairperson/s of the barangay/s where the protected area is located;

“(g) Regional Directors of the following government agencies, namely: the Department of Agriculture (DA), the National Economic and Development Authority (NEDA), the Department of Science and Technology (DOST), the Philippine National Police (PNP), and the Department of National Defense (DND);

“(h) Three (3) representatives from either an NGO or PO, duly accredited both by the DENR and the provincial government. The NGO or PO represented should have been in existence for at least five (5) years and with track record in or related to protected area management;

“(i) At least one (1) but not more than three (3) representatives from all the IPs/ICCs present in the area and recognized by the National Commission on Indigenous Peoples (NCIP);

“(j) One (1) representative from an academic institution, preferably from a university or college in the province where the protected area is located, with proven track record in or related to the protected area management; and

“(k) One (1) representative from the private sector, preferably a resident of the province where the protected area is located, who is distinguished in a profession or field of interest relevant to the protected area management.

“*Ex officio* members or members of the PAMB by virtue of their elective or appointive government positions as specified in the immediately preceding subparagraphs (a), (b), (c), (d), (e), (f), and (g), shall serve for the duration of their respective terms of office in their respective elective or appointive government positions.

“On the other hand, the members of the PAMB specified under subparagraphs (h), (i), (j), and (k) of this section shall be appointed by the DENR Secretary after the conduct of a transparent and fair selection process. They shall each serve a term of three (3) years and may be reappointed for another term.

“The members of the PAMB shall serve without compensation, except for the actual and necessary traveling and subsistence expenses incurred in the performance of their duties, either in their attendance in meetings of the PAMB or in connection with other official business authorized through a resolution of the PAMB, subject to existing rules and regulations. Each member shall have the full capacity and accountability for decisions binding to the member's sector.

“The PAMB members duly appointed prior to the effectivity of this Act shall continue their term until the expiration of their appointment. Thereafter,

members of the management board shall be appointed in accordance with the provisions of this Act: *Provided*, That the Regional Director of the DENR shall ensure that the relevant members of the PAMB are duly appointed by the DENR Secretary: *Provided, further*, That at least forty percent (40%) of the PAMB members shall be women, pursuant to Republic Act No. 9710 or 'The Magna Carta of Women'.

"A member of the PAMB may be removed for any of the following grounds:

"(1) More than three (3) consecutive unexcused absences from regular meetings of the management board;

"(2) Commission of acts prejudicial to the management of protected areas as embodied in Section 20 hereof and/or other existing rules and regulations governing protected areas;

"(3) Disassociation from the office or organization being represented;

"(4) Termination of relationship with the office or organization being represented; or

"(5) Conviction by final judgment of any criminal act."

SEC. 10. Insert two (2) new sections after Section 11 of Republic Act No. 7586 to read as follows:

"SEC. 11-A. *Powers and Functions of the PAMB.* – The PAMB shall have the following powers and functions:

"(a) Oversee the management of the protected area;

“(b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;

“(c) Approve the management plan of the protected area and ensure its harmonization and integration with the ADSDPP, land use plan and other development plan, public or private, and its implementation;

“(d) Adopt a manual of operations to include rules of procedures in the conduct of business, and the creation of committees and their respective terms of reference;

“(e) Recommend the deputation of appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the management of the protected area;

“(f) Allocate financial resources for the implementation of the management plan and manage the Protected Area Retention Income Account and other funds in accordance with the accounting and budgeting rules and regulations;

“(g) Set fees and charges in accordance with existing guidelines;

“(h) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;

“(i) Recommend appropriate policy changes to the DENR and other government authorities;

“(j) Monitor and assess the performance of the Protected Area Superintendent (PASU) and other protected area personnel and compliance of partners with the terms and conditions of any undertaking, contract or agreement;

“(k) Recommend from among a shortlist of qualified candidates, the designation or appointment of the PASU; and

“(l) Assess the effectiveness of the management of the protected area: *Provided*, That the members of the management board representing the LGUs and national agencies in the PAMB shall inform their respective constituents, offices or sectors, of PAMB-approved or other relevant policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and its implementing rules and regulations are complied with, and used as reference and framework in their respective plans, policies, programs, and projects. Failure to comply with the foregoing shall be the basis for disciplinary action against such member according to administrative rules and regulations and such penalties as the PAMB may provide: *Provided, further*, That the DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail.”

“SEC. 11-B. *The Protected Area Management Office (PAMO)*. – There is hereby established a Protected Area Management Office (PAMO) to be headed by a Protected Area Superintendent (PASU) with a permanent plantilla position who shall supervise the day to day management, protection and administration of the protected area. A sufficient number of support staff with permanent plantilla position shall be appointed by the DENR to assist the PASU in the management of the protected area.

“The PASU shall be primarily accountable to the PAMB and the DENR for the management and operations of the protected area. Pursuant thereto, the PASU shall have the following duties and responsibilities:

“(a) Prepare the management plan, in consultation with the stakeholders, including the annual work and financial plans and ensure its implementation;

“(b) Ensure the integration of the protected area management plans, programs, projects, and policies with relevant national and LGUs’ plans and programs;

“(c) Provide secretariat services to the PAMB and its committees and ensure the availability of relevant and timely information for decision-making;

“(d) Formulate and recommend to the PAMB proposed policies, rules, regulations, and programs;

“(e) Establish, operate, and maintain a database management system which shall be an important basis for decision-making;

“(f) Enforce the laws, rules and regulations relevant to the protected area, commence and institute administrative and legal actions in collaboration with other government agencies or organizations, and assist in the prosecution of offenses committed in violation of this Act;

“(g) Monitor, evaluate, and report the implementation of management activities of the protected area;

“(h) Request for and receive any technical assistance, support or advice from any agency or instrumentality of the government as well as academic institutions, NGOs, and the private sector, as may be necessary for the effective management, protection and administration of the protected area;

“(i) Issue permits and clearances for activities that implement the management plan and other

permitted activities in accordance with terms, conditions, and criteria established by the PAMB: *Provided*, That all permits for extraction activities, including collection for research purposes, shall also continue to be issued by relevant authorities, subject to prior clearance from the PAMB, through the PASU, in accordance with the specific acts to be covered;

“(j) Collect and/or receive pertinent fees, charges, donations, and other income for the protected area: *Provided*, That such fees, charges, donations, and other income collected/received shall be reported regularly to the PAMB and the DENR in accordance with existing guidelines;

“(k) Prepare and recommend to the PAMB, approval of the annual work and financial plans of the protected area based on the management plan; and

“(l) Perform such other functions as the PAMB and the DENR may assign.

“The PAMO may be augmented by the deputized local environment and natural resources officers upon the recommendation of the PAMB and approval of the DENR.”

SEC. 11. Section 12 of Republic Act No. 7586 is hereby amended to read as follows:

“SEC. 12. *Environmental Impact Assessment (EIA)*. – Considering that protected areas are environmentally critical areas, the proponent of development projects and activities with potentially significant adverse impacts as determined by the Environmental Management Bureau (EMB), whether or not these projects or activities are included in the management plan, shall secure an Environmental Compliance Certificate (ECC) in accordance with the Philippine Environment Impact Statement (EIS)

System: *Provided*, That for development projects and activities that are not environmentally critical, an initial environmental examination (IEE) shall be undertaken instead of a full-blown EIA. No project or activity may be undertaken by any project proponent without prior clearance from the PAMB. The DENR shall require the submission of the PAMB clearance, among others, before issuing an ECC to a project proponent.

“No actual implementation of such activities shall be allowed without the required ECC under the Philippine EIA System. Violations of environmental laws, rules and regulations, including those under the EIA System, shall be penalized accordingly.”

SEC. 12. Section 13 of Republic Act No. 7586 is hereby amended to read as follows:

“SEC. 13. *Ancestral Domains and Customary Rights*. – Ancestral domains and customary rights shall be accorded due recognition.

“As part of heritage preservation and pursuant to the need to conserve biologically significant areas, the territories and areas occupied and conserved for and by IPs and communities shall be recognized, respected, developed, and promoted.

“The ICCs and IPs concerned shall have the responsibility to govern, maintain, develop, protect, and conserve such areas, in accordance with their indigenous knowledge systems and practices and customary law, with full and effective assistance from the NCIP, DENR and other concerned government agencies.

“A mechanism for coordination and complementation between the indigenous traditional leadership and governance structures and the NCIP, DENR, government agencies, concerned LGUs and civil society organizations shall be created.”

SEC. 13. Section 14 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 14. *Energy Resources.* – Consistent with the policies declared in Section 2 hereof, the exploration for energy resources may be allowed in protected areas only for the purpose of gathering data and information and only if such activity is carried out with the least damage to surrounding areas.

"Surveys for nonrenewable energy projects shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President who shall make the appropriate recommendations to Congress. The development and operation of nonrenewable energy projects are prohibited in areas categorized as strict nature reserves and natural parks.

"Renewable energy projects may be allowed within the protected area by the PAMB with the concurrence of the DENR Secretary: *Provided*, That renewable energy projects, which shall be located outside the strict protection zones, shall undergo the EIA as provided by law, and shall adopt reduced impact technologies so as not to be detrimental to ecosystem functions, biodiversity, cultural practices and traditions: *Provided*, That sufficient bond shall be remitted by the proponent to the DENR. The amount of which will be based on damage estimation upon decommissioning and projected cost of rehabilitation. It shall be released to the depositor upon the satisfactory decommissioning of all equipment, structures and improvements and the rehabilitation of the site according to the zones and objectives of the management plan as attested to by the PAMB."

SEC. 14. Section 15 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 15. *Areas Under the Management of Other Departments and Government Instrumentalities.* – Should there be protected areas, or portions thereof, under the jurisdiction of government instrumentalities other than the DENR, such jurisdiction shall remain in the said department or government instrumentality: *Provided*, That the DENR shall retain its oversight function over such protected areas, and the concerned agency shall provide annual reports on the management of said areas focusing on the conservation of the biodiversity therein."

SEC. 15. Section 16 of Republic Act No. 7586, as amended by Republic Act No. 10629, is hereby further amended to read as follows:

"SEC. 16. *Integrated Protected Area Fund (IPAF).* – There is hereby established a trust fund to be known as Integrated Protected Area Fund (IPAF) for purposes of financing the projects and sustaining the operation of protected areas and the System. Income generated from the operation and management of the protected area shall accrue to the IPAF. The income shall be derived from fees and charges from the use of resources and facilities of protected areas; contributions from industries and facilities directly benefiting from the protected area; and such other fees and income derived from the operation of the protected area.

"The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited in the Protected Area-Retained Income Account (PA-RIA) in any authorized government depository bank within the locality: *Provided*, That disbursements out of such deposits shall be used solely for the protection, maintenance, administration, and management of the protected area and implementation of duly approved projects of the PAMB.

“Grants, donations, and endowments from various sources, domestic or foreign, shall be deposited in full in a special account in the National Treasury to be used for the purpose specified in the deeds and instruments covering them.

“Voluntary or legislated payments for ecosystem goods and services, including fines, penalties, and compensation for damages from protected area offenses shall accrue fully to the PA-RIA and shall be managed by the PAMB.

“The remaining twenty-five percent (25%) of revenues shall be deposited as a special account in the General Fund in the National Treasury for purposes of financing the projects of the System.

“The use of the IPAF shall be in accordance with existing accounting, budgeting, and auditing rules and regulations: *Provided, further,* That the IPAF shall not be used to cover personal services expenditures.

“The DENR shall submit to the Department of Budget and Management (DBM) and the Department of Finance (DOF) quarterly reports on the financial and physical accomplishments on the utilization of the IPAF and other documents as may be required by the DBM, and shall furnish a copy of the same to the House Committee on Appropriations and the Senate Committee on Finance.”

SEC. 16. A new Section 16-A of Republic Act No. 7586, as amended by Republic Act No. 10629, shall read as follows:

“SEC. 16-A. *Tax Exemption.* – All grants, bequests and endowments, donations and contributions made to the protected area fund to be used actually, directly, and exclusively by the protected area, shall be exempted from donor’s tax and shall be considered as allowable deduction from the gross income of the donor for the purpose of