

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
First Regular Session

HOUSE BILL NO. **2359**

HOUSE OF REPRESENTATIVES	
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Introduced By Congresswoman MARIA VIDA ESPINOSA BRAVO

EXPLANATORY NOTE

This Bill seeks to establish the Islet of Minalayo, a Bird-Bat-Sea Snake Sanctuary as a Protected Area, according to the shared demands and desires of the Local Government Unit (LGU) of the Municipality of Batuan and the constituencies of the First (1st) District of Masbate.

According to the NIPAS law, "Protected Landscapes and Wildlife Sanctuaries" are defined as areas of national significance characterized by harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism, within the normal lifestyle and economic activity of the areas. Minalayo Islet is a protected area primarily due to its important bio-physical features, extensive expanse of mangrove forest which serves as a good habitat for the birds and bats; fringing coral reefs and numerous lagoons with unique faunal assemblage; endemic species of birds, bats and sea snakes flowering plants in the terrestrial ecosystem.

The varied habitat types and associated forms of the islet are significantly considered as its conservation importance and sustainability.

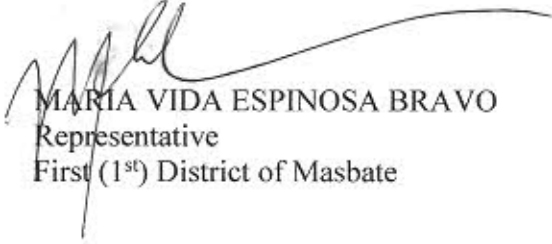
The mangrove seagrass and mudflats provide habitats and feeding ground to migratory waders, water birds and mangrove associated organisms. The coral reefs serves as spawning ground of reef associated fishes and sea snakes.

The islet endows natural and scenic attractions, hidden lagoons and enchanting caves and karst scenery.

Basing on the dominant features, Minalayo Islet favorably falls within the category under the said NIPAS Law.

This proposed measure, intends to protect, conserve and rehabilitate natural habitats and their associated biodiversity, resources and landscape values; organized and empower communities and enable them to participate actively in protected areas; develop, promote and manage sustainable alternative livelihood systems; inform, educate and raise the ecological consciousness of all stakeholders in the islet of Minalayo; and lastly, to ensure that the SIPLAS Laws and policies are effectively enforced.

In view of the foregoing, the immediate approval of this Bill is earnestly sought.



MARIA VIDA ESPINOSA BRAVO
Representative
First (1st) District of Masbate

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HOUSE BILL NO. **2359**

Introduced by Congresswoman MARIA VIDA ESPINOSA BRAVO

AN ACT
DECLARING THE ISLET OF MINALAYO AS A PROTECTED AREA UNDER THE
CATEGORY OF PROTECTED LANDSCAPES AND WILDLIFE SANCTUARY,
PROVIDING FOR MANAGEMENT AND FOR OTHER PURPOSES.

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

Article I.--- Preliminary Provisions

SECTION 1. Title---This Act shall be known and cited as the Minalayo Islet
Protected Landscapes and Wildlife Sanctuary Act of 2016.

SECTION 2. Declaration of Policy.---It is the policy of the State to ensure the
protection and conservation of Minalayo Islet, their endangered species, mangrove reserve,
biodiversity and the communities residing therein, including the people's culture and way of
life insofar as these are in harmony with nature.

Pursuant to this policy, the State shall preserve the ecosystems in their natural state
in the lowlands, forest, mangroves, lakes, coral reefs or seagrass beds; preserve and maintain
genetic resources and ecological diversity including, but not limited to salt water crocodile,
green sea turtle, tarsier, dolphin, sea cow, sea eagle, Brahminy kite and rufous hornbill;
provide education, research and environmental monitoring, recreation and tourism, and
alternative economic opportunities to optimize the use of resources on sustainable basis; and
foster partnership between and among NGO's and concerned private organizations.

SECTION 3. Definition of Terms.

- a.) Alienable and Disposable Lands refers to those of public domain which have been subject of the present system of classification and certifies as not needed for forestry purposes;
- b.) Biodiversity refers to the variety and variability among all living organisms and the ecological complex in which they occur;
- c.) By product refers to any part taken or substance extracted from wildlife, in raw or in processed form, includes stuffed animals and herbarium specimens;
- d.) Biodegradable materials refers to objects which are capable of being degraded or decomposed by microbiological organisms or enzymes;
- e.) Collection or collecting refers to the act of gathering or harvesting wild flora and fauna species and its byproducts or derivatives;
- f.) Commercial refers to market sale in volume or value in excess of that required to maintain basic subsistence for workers and their dependents;
- g.) Commercial fishing refers to fishing by passive or active gear for trade, business or profit beyond subsistence, utilizing fishing vessels of more than three gross tons;
- h.) Conservation refers to the preservation and sustainable utilization of wildlife and or maintenance, restoration and enhancement of habitat;
- i.) Critically endangered species refers to the species or subspecies that are facing extremely high risk of extinction in the wild in the immediate future;
- j.) Department refers to the Department of Environment and Natural Resources (DENR);
- k.) Ecosystem refers to the Community of plants and animals, their physical environment and their interactions among them;
- l.) Ecotourism refers to the low impact, environmentally sound and community participating tourism activity in a given natural environment that enhances the conservation of biophysical and the cultural diversity, promotes environmental understanding and education and yields socioeconomic benefits to the concerned community;
- m.) Endangered species refers to a specie or subspecies that are not critically endangered but whose survival in the wild is unlikely if not causal factors for their depletion continue operating, including, but not limited to the following; fauna and flora;
- n.) Fish and fishery/aquatic products refer to all fish and other aquatic animals such as mollusks, crustaceans, echinoderm, marine mammals and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form;
- o.) Fishing refers to the act of taking fish, aquatic products or any aquatic flora and fauna from their wild state or habitat, with or without the use of fishing vessels;

- p.) Fishing vessel refers to any boat or ship or any other watercraft equipped to be used for fishing or aiding one or more vessels in the performance of any activity relating to fishing including but not limited to preservation, supply, storage preservation, refrigeration, transportation and or processing;
- q.) Forest Products refers to the timber, pulpwood, bark tree top, resin gum, wood, lumber, oil, honey, bee-wax, nipa, rattan or other forest growth, such as grass, shrub, and flowering plant, the associated water, fish, game, scenic, historical, recreational, geological resources in the forest lands;
- r.) Liba-liba refers to the fishing gear or any variation thereof, consisting of a conical shaped net with a of wings, the ends of which are connected to two ropes with buri, plastic strips or any similar material to serve as scaring or herding device with hauling ropes passing through a metallic ring permanently attached to a ton weight (linggote) when hauled into the fishing boat. Also known as hulbot hulbot or bira bira in other vernaculars;
- s.) Management Plan subject to Section 9 hereof refers to the fundamental plan, strategy and or scheme which shall guide all activities relating to the Minalayo Protected Landscapes and Wildlife Sanctuaries, in order to attain the objectives of this Act as stated in Section 2 and shall include all successor plans;
- t.) Marginal Fisher folk refers to fisher folk who engage in fishing with or without the use of fishing vessels or non-motorized or motorized fishing vessels powered by a single engine (16) hp or less;
- u.) Muro Ami refers to fishing gear used in reef fishing which consists of movable bag net and two detachable wings effecting the capture of fish by spreading the net in arch form from around the reefs or shoals and with the aid of scaring devices a cordon of fishermen drive the fish from the reefs toward the bag portion of the whole net;
- v.) Nongovernmental Organization (NGO) refers to nonstock nonprofit organizations with qualifications, expertise and objectivity in undertaking activities concerning community organizing and development, resource and environmental conservation or management and protection related to the Protected Areas (PA);
- w.) Nonrenewable resources refers to resources found within the Protected Area, the natural replenishment rate of which either not known or takes more than (25) years;
- x.) Peoples Organization (PO) refers to a group of people which may be an association, cooperative, federation, aggrupation or individuals or groups with identifiable structure of decision-making and accountability, established to undertake collective action to address community concerns and needs in relation to the Protected Area;
- y.) Protected Area Permit/License Authority refers to a limited term privilege or authority duly granted by the PAMB, Protected Area Superintendent (PASu) or any entity duly authorized to grant the same to a natural or

- juridical person or group of persons to utilize an allowed resource or undertake an allowed activity within the Protected Area (PA);
- z.) Protected Area Landscapes and Wildlife Sanctuaries refers to areas of national significance characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas;

SECTION 4. Scope.---The Minalayo Islet Protected Landscape and Wildlife Sanctuaries shall cover all the lands and waters in the Municipality of Batuan, Masbate.

SECTION 5. Land Classification.---All lands of public domain that fall within the scope shall be classified as a Protected Area. However, all public lands already classified as alienable and disposable lands, shall remain as such and may be disposed of pursuant to the provisions of Commonwealth Act 141 or the Public Land Act, as amended.

Chapter II Protected Area Management

Article I---Institutional Mechanism

SECTION 6. Creation and Composition of the Protected Area Management Board (PAMB).---There is hereby created a PAMB which shall have the jurisdiction, power and authority, including but not limited to policy making and granting permits over PA for all matters that may affect biodiversity conservation and sustainable development.

The (PAMB) shall composed of the Regional Executive Director (RED) of the DENR Region V or his or her duly designated representative as chairperson and the following as members:

- a.) The Mayors of each municipality with the Protected Area or his or her duly authorized designated representative who must be an official of the same municipality;
- b.) The presiding officer of the Sangguniang Bayan of each municipality, or any other member thereof as may otherwise be designated by the Sangguniang Bayan;
- c.) The President of the Liga ng mga Barangay of each Municipality;
- d.) A minimum of three (3) representatives selected from among NGO's operating in the Protected Area through a process designated by themselves;
- e.) A minimum of three (3) representatives selected from all local community organizations through a process designed by themselves;
- f.) The provincial planning and development officer or an officer of the provincial planning and development office, as may otherwise be designated by the provincial governor;

- g.) The provincial tourism officer or an officer of the provincial tourism office, as may otherwise be designated by the provincial governor;
- h.) One representative from each government agency operating within the Protected Area as may be appointed by the above-listed members of the PAMB based on the relevance and potential contribution to the Protected Area management;
- i.) One representative from the Office of the Congresswoman of the First (1st) District of Masbate;

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

SECTION 7. Term of Office.---Every member of the PAMB shall serve for a term of five (5) years, subject, however, to the elected office held, government employment, and or official designation in the local government unit (LGU), national agency, People's Organization (PO), or National Government Organization (NGO). Representation in the PAMB shall, as much as practicable, ensure sufficient representation of all stakeholders.

SECTION 8. Powers and Functions of the Protected Area Management Board.---The PAMB shall have the following powers and functions.

- a.) Issue all rules and regulations in accordance with this Act and the management plan;
- b.) Each criteria for permits and set fees for regulated activities;
- c.) Adopt rules of procedure for the conduct of business, roles and responsibilities, and discipline of the PAMB and Protected Area personnel, including the creation of committee to whom its powers may be delegated;
- d.) Approve, revise or modify the management action plans;
- e.) Issue certifications for both terrestrial and aquatic resource use. Provided, that the DENR and the LGU's shall issue permits only upon submission of the PAMB certification;
- f.) Recommend to the DENR for the approval the deputation of interested, capable and responsible individuals for the enforcement of the laws, rules and regulations governing the governing conduct in the Protected Area for areas and species falling under the DENR's jurisdiction of the Bureau of Fisheries and Aquatic Resources-Department of Agriculture, deputation shall be pursuant to the Republic Act No. 8550;
- g.) Oversee and evaluate the Protected Area Superintendent's Office created under Section 8 hereof.;
- h.) Identify, verify, and review all tenurial instruments and land claims within the Protected Area;
- i.) Recommend land reclassification and proper use of resources found therein consistent with the zoning provided in the management or action plans;

- j.) Accept review and approve, after establishing criteria and rules and procedures, therefor, proposals for the projects or activities, including research and development on the natural resources, to be undertaken within the protected area which affect biodiversity conservation, protection and sustainable development;
- k.) Initiate civil or administrative proceedings, file criminal complaints and take necessary legal action against individuals associations, corporations or entities destroying or contributing to the destruction of the PA in whatever degree, including but not limited to, discharge of wastes or refuse which may impact on the PA;
- l.) Participate in all stages of the Environmental Impact Assessment (EIA) process for the projects that may affect the protected area and in the monitoring thereof. May also recommend that projects from the EIA system undergo the same;

The DENR shall exercise general authority over the PAMB to ensure that the acts within the scope of its powers and functions. In case of conflict between administrative orders for national application issued by the DENR pursuant to the NIPAS Act and the rules and regulations issued by the PAMB, the Secretary, in consultation with the PAMB, shall resolve whether to apply the rule or withdraw its application for the site. The decision of the Secretary may be appealed to the Regional Trial Court (RTC) having jurisdiction over the Protected Area.

SECTION 9. Protected Area Superintendent Office—There shall be a PASu office within the DENR for the Minalayo Islet Protected Landscapes and Wildlife Sanctuaries that shall provide general support and coordinative services such as preparation of preliminary management plan and action plans, interagency linkages, community partnership building, park visitors education and information programs enforcement of park rules and regulations, processing of permits and monitoring of operations.

The PASu as head of office shall be the chief operating officer of the Protected Area and shall be accountable to the Regional Executive Director (RED) of the DENR Regional V and the PAMB. The PASu shall be supported by the DENR personnel designated therein. The PASu shall serve for a minimum of five (5) years and must have competence and experience in the field of environmental protection.

Article 2 Protected Area Management Plan

SECTION 10. Protected Area Management and Action Plans---The PASu office, under the general supervision of the PAMB, shall be within six (6) months from the effectivity of this Act, prepare the (25) year management plan for the Minalayo Islet Protected Landscape and Wildlife Sanctuaries in consultation with appropriate offices of the DENR, LGU's local communities, concerned government agencies and experts who may extend their services.

The management plan shall be reviewed, approved and adopted by the PAMB, which shall also verify that it conforms to all laws and rules regulations issued by the DENR, and certified to by the DENR Secretary within the sixty (60) calendar days from submission thereof.

The management plan shall serve as guide to all activities relating to Minalayo Islet Protected Landscapes and Wildlife Sanctuaries, including its development as an ecotourism destination, in order attain the objectives stated in Section 2 hereof. Within one (1) year from the effectivity of this Act, the management planning shall be formulated in accordance with the general management planning strategy provided for under the NIPAS Act of 1992 and its implementing rules and regulations and administrative orders. The management plan shall contain, among others, the following:

- a.) The goals and objectives pursuant to Section 2 hereof;
- b.) The protected nature of the areas covered;
- c.) The period of applicability of the plan;
- d.) Key management issues and activities such as habitat;
- e.) Establish zoning and activity regulations;
- f.) Establishment of visitor management program;
- g.) Establishment of sustainable livelihood and investment programs;

Revisions or modifications of the management plan may be initiated by the PASu or any PAMB member and shall be reviewed, approved and adopted by the PAMB and certified to by the Secretary.

After its approval, adoption and certification, the plan shall be translated in the local vernacular and shall be made readily available for the perusal by the general public.

Six (6) months after the formulation of the management plan, the PASu, in consultation with the appropriate offices of the DENR, LGU's, local communities, concerned government agencies, shall prepare a five (5) year action plan, subject to review and approval by the PAMB.

Before the expiration of the said five (5) year action plan, the PASu shall within a year, cause the publication of notices on the formulation of the succeeding action plan through broadcast and print media and posting of notices in conspicuous places within the provincial, municipal and barangay halls in order to solicit opinions on how to improve it.

The PAMB may conduct a public hearing or series of public hearings on the action plan upon written request of any interested party.

In the event that no action plan is approved and adopted upon the expiration of the existing plan, the latter shall continue to be effective subject to modifications as may be adopted by the PAMB.

The same procedure shall be followed in the case of the management plan.

SECTION 11. Integration of the Management Plan into Local Government Development Plans.---LGU's through their representation in the PAMB, shall participate in the management of the Minalayo Islet Protected Landscapes and Wildlife Sanctuaries and its buffer zones. To ensure that the future development of the Province of Masbate and Bicol Region takes place in accordance with this Act, the provisions herein shall be incorporated into the barangay, municipal and provincial development plans of Masbate and the Regional Development Plan (RDP) of Bicol Region as part of the environmental concerns of the province and the region. LGU's shall likewise ensure that their ordinances pertaining to the environment are consistent with this Act and the management plan, as herein provided.

Chapter III Tenured Migrants and Private Rights

SECTION 12. Tenured Migrants and Private Rights.---Tenured migrants are individuals and households who have actually and continuously occupied areas not classified as alienable and disposable within the Protected Area and chiefly derived their livelihood therein since October 10, 1991 or earlier. Whenever practicable, tenured migrant communities of more than five households occupying contiguous lots shall be provided with tenurial rights over their current habitation sites and shall be offered alternative sites preferably within the buffer zones whenever said area is crucial for conservation. Provided, that provisions for their transfer shall be undertaken using humanitarian considerations and shall be provided with security of tenure over their given relocations and such other support deemed appropriate.

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

The land areas used as home lots or farm lots shall be held by individual household. Land areas used for the communal basis shall not be held individually.

Tenurial instruments shall not be used solely on the basis of documents but must be supported by indisputable evidence of permanent land utilization for five (5) years before October 10, 1991, by the following circumstances, such as:

- a.) Cultivated trees at their fruit bearing stage;
- b.) Physical structures in the area indicating prolonged occupancy;
- c.) Certification from the barangay captain or any two (2) respected members of the nearest community attesting to occupancy;
- d.) Other relevant data (e.g. previous census reports) that may be accepted by the PAMB;

Existing land title instruments shall be reviewed by the PASu and endorsed by the PAMB to the DENR Regional Office for validation and reversion. The PAMB shall recommend the issuance of the appropriate tenure instrument consistent with land classification and allow the use of resources found therein.

Persons who fail to qualify as tenurial migrants including transient farmers shall be allowed to gather and collect whatever they have planted within five (5) years from effectivity of this Act. The transfer of non-tenured migrants from the Minalayo Islet Protected Landscape and Wildlife Sanctuaries shall be undertaken using humanitarian considerations.

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

Chapter IV SPECIAL AREAS OF CONCERN

SECTION 13. Existing Commercial Facilities within the Protected Area.---Within ninety (90) days from effectivity of this Act, all existing commercial facilities within the boundaries of the Protected Area or its buffer zones with a total capitalization in excess of Fifty Thousand Pesos (P50,000.00) shall be submitted to the PAMB through the PASu, the following information:

- a.) Potential for disturbance of protected area species and their habitat, reproductive cycle, nesting and feeding grounds, and migratory paths;
- b.) Noise levels at all stages of operation;
- c.) Requirements of water supply and sources of water;
- d.) Energy requirements and sources of energy;

Thereafter, the PAMB, with the assistance of the DENR, shall determine whether the existence of a facility and its future plans and operations will be detrimental to the Protected Areas and its buffer zones.

Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe further conditions for the operation of the facility to ensure that it is not in conflict with the management objectives of the protected area. If any such conditions are violated, a fine of (P5,000.00) Five Thousand Pesos for everyday of violation shall be imposed upon the owners of the said facility, but not to exceed a total of four hundred fifty thousand pesos (P450,000.00). Whenever necessary, the PAMB through the PASu or other government entities shall cause the cessation and demolition of the facility at the cost of the owners.

The existing facilities allowed to remain within the protected area or its buffer zones shall be charge a fee by the PAMB, which shall not be more than two (2%) percent of the annual gross income of the facility. Provided, that existing commercial facilities whose operations and or purpose are considered contradictory to protected area management objectives shall be ordered by the PAMB to vacate the protected area with such time as the PAMB may provide.

SECTION 14. Utilization of Resources.---Livelihood activities requiring the use of natural resources derived from the protected area shall be allowed only when sustainable , consistent with the management and action plans, and after prior PAMB approval.

The PAMB is authorized to impose regulatory measures such as hunting moratoriums, closed hunting season and other restrictions on the use of resources within the protected area and its buffer zone to ensure the sustainability of the species and the ecosystem.

Any exploitation or utilization of non-renewable regulatory measures within the protected area for commercial purposes or by non-tenured migrants shall not be allowed.

Energy projects, whether renewal or otherwise, within the protected area shall only be allowed through an Act of Congress except energy from wind, sun, waves and water resources: Provided, that in all instances, the primary beneficiaries shall be residents of the protected area and its buffer zones. Provided, further, that all energy projects shall undergo the EIA system as provided by law: Provided finally, that the PAMB has endorsed the project.

Commercial exploitation of water resources within the protected area shall require prior PAMB approval, in accordance with the management and action plans and should undergo EIA system

CHAPTER V PENAL PROVISIONS

SECTION 15. Prohibited Acts.---It shall be unlawful for any person to willfully and knowingly exploit wildlife resources and habitat and undertake the following acts, without the necessary permit issued in accordance with this Act:

- 1.) Killing and destroying wildlife species, except in the following instances:
 - a.) When it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
 - b.) When wildlife is afflicted with an incurable communicable disease;
 - c.) When necessary to put to an end to the misery suffered by the wildlife;

- d.) When it is done to prevent an imminent danger to the life or limb of a human being;
 - e.) When wildlife is killed or destroyed after it has been used in authorized research or experiments;
- 2.) Inflicting injury which cripples and or impairs the reproductive system of wildlife species;
- 3.) Effecting any of the following acts in critical habitats;
 - a.) Dumping of waste products detrimental to wildlife;
 - b.) Burning;
 - c.) Logging;
 - d.) Quarrying of sand, gravel, guano, limestone or any material;
- 4.) Introduction and reintroduction or restocking of wildlife resources;
- 5.) Trading of wildlife;
- 6.) Collecting, hunting or possessing wildlife, their by-products and derivatives;
- 7.) Gathering, or destroying of active nests, nest trees, hosts plants and the like;
- 8.) Maltreating and or inflicting other injuries not covered by the preceding paragraph;
- 9.) Transporting of wildlife;
- 0.) Cutting, gathering, removing or collecting timber or any forest-products within the identified prohibited areas or zones of protected areas, including private lands, without the necessary Protected Area Permit, authorization or exemption as issued or promulgated by the PAMB;

SECTION 16. Fines and Penalties.---To any person who undertakes illegal acts under SECTION 15, PARAGRAPH (1) to any species as may be categorized pursuant to this Act, the following penalties and or fines shall be imposed.

- a.) Imprisonment of minimum of six (6) years and one (1) day to twelve (12) years and or fine of One Hundred Thousand Pesos (P100,000.00 to One Million Pesos (P1,000,000.00), if inflicted or undertaken against species listed as critical;
- b.) Imprisonment of four (4) years and one (1) day to six (6) years and or fine of Fifty Thousand Pesos (P50,000.00) to Five Hundred Thousand Pesos (P500,000.00), if inflicted or undertaken against endangered species;
- c.) Imprisonment of Two (2) years and one (1) day to four (4) years and or fine of Thirty Thousand Pesos (P30,000.00) to Three Hundred Thousand Pesos (P300,000.00), if inflicted or undertaken against vulnerable species;
- d.) Imprisonment of one (1) year and one (1) day to two (2) years and or fine of Twenty Thousand Pesos (P20,000.00) to Two Hundred Thousand Pesos (P200,000.00), if inflicted or undertaken against other threatened species;
- e.) Imprisonment of one (1) month to six (6) months and or fine of Five Thousand Pesos to Twenty Thousand Pesos (P20,000.00) if inflicted or taken against other wildlife species;

For illegal acts under SECTION 15, PARAGRAPH (3) and (4), an imprisonment of one (1) month to eight (8) years and or fine of Five Thousand Pesos (P5,000.00) to Five Million Pesos (P5,000,000.00) shall be imposed.

For illegal act under SECTION 15, PARAGRAPH (5), the following penalties and or fines shall be imposed:

- a.) Imprisonment of two (2) years and one (1) day to four (4) years and or fine of Five Thousand Pesos (P5,000.00) to Three Hundred Thousand Pesos (P300,000.00), if inflicted or undertaken against endangered species;
- b.) Imprisonment of one (1) year and one (1) day to two (2) years and or fine of Two Thousand Pesos (P2,000.00) to Two Hundred Thousand Pesos (P200,000.00) if inflicted or undertaken against endangered species;
- c.) Imprisonment of six (6) months and one (1) day to one (1) year and or fine of One Thousand Pesos (P1,000.00) to One Hundred Thousand Pesos (P100,000.00) if inflicted or undertaken against vulnerable species;
- d.) Imprisonment of one (1) month and one (1) day to six (6) month and or fine of Five Hundred Pesos (P500.00) to Fifty Thousand Pesos (P50,000.00) if inflicted or undertaken against threatened species;
- e.) Imprisonment of Ten (10) days to one (1) month and or fine of Two Hundred Pesos (P200.00) to Twenty Thousand Pesos (P20,000.00) if inflicted or undertaken against other wildlife species;

For illegal acts under SECTION 15, PARAGRAPH (8) and (9), the following penalties and or fines shall be imposed:

- a.) Imprisonment of six (6) months to one (1) day to one year and a fine of Fifty Thousand Pesos (P50,000.00) to One Hundred Thousand Pesos (P100,000.00) if inflicted or undertaken against critical species;
- b.) Imprisonment of three (3) month and one (1) day to six (6) months and fine of Twenty Thousand Pesos (P20,000.00) to Fifty Thousand Pesos (P50,000.00) if inflicted or undertaken against endangered species;
- c.) Imprisonment of one (1) month and one (1) day to three (3) months and fine of Five Thousand Pesos (P5,000.00) to Twenty Thousand Pesos to if inflicted or undertaken against vulnerable species;
- d.) Imprisonment of ten (10) days to one (1) month and fine of Ten Thousand Pesos to One Hundred Thousand Pesos (P100,000.00) if inflicted or undertaken against other threatened species;
- e.) Imprisonment of five (5) days to ten (10) days and fine of Two Hundred Pesos (P200.00) to One Thousand Pesos (P1,000.00) if inflicted or undertaken against other wildlife species;

For illegal acts under SECTION 15, PARAGRAPH (10), shall be penalized under the existing forestry laws.

All wildlife, its derivatives or by-products, and all paraphernalia under existing forestry laws.

All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be ipso facto forfeited in favor of the Government; Provided, that where ownership of the aforesaid conveyances belong to third (3rd) persons who have no participation in or knowledge of the illegal acts, the same may be released to said owner.

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

A fine of not less than Five Thousand Pesos (P5,000.00) but not more than Two Hundred Fifty Thousand Pesos (P250,000.00) and or imprisonment of not less than one (1) year but not more than five (5) years and the restoration and rehabilitation of the damaged area or resource shall be imposed upon a person who shall commit, within the Protected Area, the prohibited acts under Section 86, 93 and 102 of Republic Act No. 8550. Otherwise known as the Philippine Fisheries Code of 1998.

A fine of not less than Five Thousand Pesos (P5,000.00) but not more than Five Hundred Pesos (P500,000.00) and or imprisonment of not less than one (1) year but not more than five (5) years shall be imposed upon those persons who commit, within the Protected Area, the acts prohibited under Section 106 of Republic Act No. 8550.

The fines prescribed shall be increased by at least ten (10%) percent every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

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

All conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices used in violation of this Act shall be subject to immediate administrative confiscation, independent of the judicial proceedings by the PASu Office upon apprehension, subject, however, to due process and substantial evidence. When legal action is however filed in regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices shall, independent of administrative proceedings, not be released until after judgement. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the Protected Area Fund. Procedures for the sale thereof shall be promulgated by the PAMB.

CHAPTER VI MISCELLANEOUS PROVISIONS

SECTION 17. Special Prosecutor.---Within thirty days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a Special Prosecutor to whom all cases in violation of laws, rules and regulations in the Protected Area shall be assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in the arrest of offenders and in criminal procedure. The PAMB shall periodically submit to the DOJ an evaluation of the performance of the designated Special Prosecutor.

SECTION 18. Special Counsel.---The PAMB may retain the services of the competent lawyer to prosecute and or assist in the prosecution of cases under the direct control and supervision of the Special Prosecutor and to defend the members of the PAMB and the officers and the staff of the PASu Office, or any person assisting in the protection, conservation and sustainable development of the Protected Area against any illegal action related to their powers, functions and duties as provided in this Act or as delegated by the PAMB.

SECTION 19. Integrated Protected Areas Fund.---There is hereby established a trust fund to be known as the Integrated Protected Areas Fund for the purposes of financing projects of the system. All income generated from the operation of the system or management of wild flora and fauna in the Protected Area shall accrue to the fund. This income shall be derived from the fees from permitted sale and export of flora and fauna and other sources from the Protected Area proceeds from lease of multiple-use areas, contributions from the industries and facilities directly benefiting from the Protected Area, and such other fees and income derived from the operation of the Protected Area.

The fund may be augmented by grants, donations, endowment from various sources domestic and foreign for purposes related to their functions; Provided, that the fund shall be subject to the retention of the management board of the protected area, of seventy-five percent (75%) of all revenues raised therefrom and deposited in any government bank within the locality where the protected area is located; and that disbursements shall be made solely for the protection, maintenance, administration and management of the area and implementation of duly approved projects endorsed by the PAMB in accordance with the existing accounting, budgeting and auditing rules and regulations; Provided, further, that the twenty-five (25%) percent of the revenues shall be deposited as special account in the National treasury; Provided, finally, that fund shall not be used to cover personal services expenditures.

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

CHAPTER VII
FINAL PROVISIONS

SECTION 20. Appropriations.---The Secretary shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 21. Interpretation.---The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. The provisions of republic Act No #7586, otherwise known as the NIPAS Act, and republic Act No. #8550, otherwise known as the Philippine Fisheries Code of 1998, and existing forestry laws and their corresponding rules and regulations not consistent herewith shall be supplementary application in the implementation of this Act.

SECTION 22. Implementing Rules and Regulations.---Ninety (90) days after the effectivity of this Act, the DENR, in consultation with the PAMB and concerned NGO's shall promulgate the implementing rules and regulations necessary to effectively implement the provisions of this Act.

SECTION 23 Separability Clause.---If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof which shall continue to be in full force and effect.

SECTION 24 Repealing Clause.---All other laws, rules and regulations inconsistent with this Act or any provision hereof are hereby repealed or are modified accordingly.

SECTION 25. Effectivity Clause.---This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation readily available and in around the scope specified herein. It shall likewise be posted in a conspicuous place at the municipal halls of Batuan, San Fernando, San Jacinto, Monreal, Claveria and San Pascual, located in the Islands of Ticao and Burias and in the barangay halls concerned where the Protected Area is located and in other places frequented by the public.

Approved,