

Seventeenth Congress
First Regular Session
HOUSE BILL NO. 3439

FRANZ E. ALVAREZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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Introduced by Representative **FRANZ E. ALVAREZ**

AN ACT
FORMALLY INCORPORATING THE EL NIDO MANAGED RESOURCE PROTECTED AREA
SITUATED IN THE MUNICIPALITIES OF EL NIDO AND TAYTAY, PROVINCE OF PALAWAN
WITHIN THE ENVIRONMENTALLY CRITICAL AREAS NETWORK SYSTEM OF PALAWAN
AND THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM,
PROVIDING FOR ITS MANAGEMENT AND APPROPRIATING FUNDS THEREFORE

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

CHAPTER I
INTRODUCTORY PROVISIONS

SECTION 1. Title. – This Act shall be known as the “El Nido-Taytay Protected Area Act of 2016”.

SECTION 2. Declaration of Policy. – The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

It shall recognize the critical importance of protecting and maintaining the natural, biological, and physical diversities of the environment notably areas with biologically unique features indispensable in sustaining human, animal and plant life and supporting human development, vis-a-vis the impact on the natural environment of increasing population, resource exploitation and industrial advancement.

It shall support and promote the sustainable development goals of provinces through proper conservation, utilization and development of natural resources to provide optimum yields on a continuing basis. With specific reference to forest resources, the State shall pursue and implement forest conservation and protection through the imposition of a total commercial logging ban within protected areas.

The State shall preserve physically unique and biologically significant public lands that serve as habitat of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine. It shall secure for the Filipino people and for future generations, the perpetuation of the said plants and animals species and ecosystems through its incorporation within the comprehensive system of integrated protected areas established by law.

As a habitat for endemic, endangered and unique flora and fauna species and an ecotourism zone, the State hereby preserves El Nido and Taytay for future Filipino generations.

SECTION 3. Scope. – The El Nido-Taytay Protected Area (ENTPA) shall include areas within the original 89,134.76 hectares designated as protected area under Presidential Proclamation No. 32 series of 1998 (PP 32-98) that was specifically and formally classified by the Palawan Council for Sustainable Development (PCSD) through its ECAN zonation system as core zone extending up to the outer boundary of the buffer zones; the geohazard areas assessed by the Department of Natural Resources (DENR) as unfit for any human activity; and, all areas in El Nido and Taytay delineated as forestland pursuant to the mandate of DENR Department Administrative Order No. 2008-24 but are actually situated outside the original coverage of PP 32-98 area.

Any modification of this Act due to factors such as changing ecological situations, new scientific, archeological findings or discovery of traditional boundaries not previously taken into account shall be made through an Act of Congress passed after full consultation with the affected public and concerned government agencies.

Any valid contract, permit or license for the extraction or utilization of natural resources therein already existing prior to this Act shall, subject to the national interest and existing laws, rules and regulations, be respected until its expiration. Areas covered by such contracts, permits or licenses which are found not viable for development after assessment and/or exploration shall automatically form part of the ENTPA. Likewise, all property and private rights within the ENTPA already existing and/or vested prior to this Act shall be respected in accordance with the existing laws.

SECTION 4. Land Classification. – All lands and waters of the public domain comprising the ECAN system core zone within the ENTPA shall fall under the classification of a national park and are inalienable under the 1987 Philippine Constitution.

SECTION 5. Definition of Terms. For purposes of this Act:

- (1) **Ancestral Domains** refers to all areas generally belonging to ICCs/IPs, subject to property rights within ancestral domains already existing and/or vested upon the effectivity of the Act, comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present, except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects or any voluntary dealings entered into by the government and private individuals/ corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise; hunting grounds; burial grounds; worship areas; bodies of water; mineral and other natural resources; and lands which may no longer be exclusively occupied by ICCs/IPs, but from which they traditionally had access to, for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.
- (2) **Ancestral Lands** refers to land, subject to property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/ IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots.
- (3) **Biodiversity** short for biological diversity, means the diversity of life in all its forms—the diversity of species, of genetic variations within one species, and of ecosystems.
- (4) **Biological Resources** refers to generic resources, organisms or part thereof, population or any other biotic components of the ecosystems with actual or potential use or value for humanity.
- (5) **Bioprospecting** refers to the research, collection and utilization of biological and genetic resources for the purpose of applying the knowledge derived there from to make or modify products or processes and their derivatives for scientific, agricultural, industrial and other applications.
- (6) **Buffer Zone** refers to the identified area outside the boundaries of an immediately adjacent to designated protected areas pursuant to Section 8 of the National Integrated

Protected Areas System (NIPAS Act) that needs special development control in order to avoid and minimize harm to the protected area.

- (7) **By-Product** shall refer to any part taken from wild species such as, but not limited to, hides, antlers, feathers, fur, teeth, claws, internal organs, eggs, guano, root, trunk, branches, leaves, stems, flowers, and any other item produced out of utilizing wildlife or any of its parts.
- (8) **CITES** shall refer to the Convention on International Trade of Endangered Species of wild Flora and Fauna including all its appendices referring to the lists of species differentially regulated therein.
- (9) **Collection or Collecting** is the act of gathering or harvesting wildlife, its by-products or derivatives.
- (10) **Conservation** means preservation and sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.
- (11) **Core Zone** refers to the area of maximum protection as defined under R. A. No. 7611 or its implementing rules and regulations.
- (12) **Derivatives** refers to anything extracted from wild species such as, but not limited to, blood, oils, saliva, musk, resin, gum, seeds, spores, pollen and the like.
- (13) **ECAN Board** refers to the multi-sectoral, coordinative and advisory body to the local government unit, purposely to assist in: the development of plans and programs to implement ECAN at the municipal level; protection and management of the environment in the local areas; the promotion of sustainable utilization of natural resources; the monitoring of development projects to ensure their compatibility with ECAN zones and local environmental conditions; and the facilitation of the flow of activities, documents and decision-making processes related to the efficient and effective implementation of ECAN.
- (14) **Endangered Species** refers to species or subspecies whose population is in danger of extinction and whose survival is unlikely if the causal factors continue operating. A technical definition used for classification referring to a species that is in danger of extinction throughout all or a significant portion of its range. IUCN The World Conservation Union defines species as endangered if the factors causing their vulnerability or decline continue to operate.
- (15) **Endemic Species** refers to species or subspecies often within the geographical limits of the State which has limited distribution;
- (16) **Exotic Species** refers to species or subspecies which is not naturally found within the biogeographic region of ENTPA;
- (17) **Exploitation** refers to any mode of use, extraction, development, utilization or disposition of resources, for whatever purpose, whether commercial or otherwise;
- (18) **General Management Plan** refers to the basic long term framework plan in the management of the protected area and serves as guide in the preparation of the annual operations plan and budget;
- (19) **Habitat** refers to an area inhabited by wildlife in the natural state;
- (20) **Hunting** refers to collection of wild fauna for food and/or recreational purposes with the use of weapons such as guns, bow and arrow, spear and the like;
- (21) **Indigenous Cultural Communities or Indigenous People (ICC/IPs)** refers to a group of people or homogenous societies identified by self – ascription and ascription by

others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall, likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization or at the time of inroads of non-indigenous religions and cultures or the establishment of present state boundaries who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

- (22) **Management Manual** refers to the individual management plan for the protected area containing basic background information, field inventory of the resources, assessment of assets and limitations, regional interrelationships, particular objectives for managing, appropriate division into management zones, review of the boundaries and design of the management programs.
- (23) **Mineral** refers to all naturally occurring inorganic substance in solid, gas, liquid, or any Intermediate state including energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy.
- (24) **Multiple-Use Zones** refer to areas where settlement, traditional or sustainable land use, including agriculture, agro forestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the Management Plan, and consistent with the R. A. No. 7611.
- (25) **National Integrated Protected Areas System (NIPAS)** refers to the classification and administration of all designated protected areas for the purpose of maintaining essential ecological processes and life-support systems, preserving genetic diversity, ensuring sustainable use of resources found thereon, and maintaining their natural conditions to the greatest extent possible.
- (26) **National Park** refers to the land of the public domain classified as such in the 1987 Constitution. Under NIPAS, refers to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas.
- (27) **Palawan Council for Sustainable Development (PCSD)** refers to the multi-sectoral and inter-disciplinary body, which under the law is charged with the governance, implementation and policy direction of the Strategic Environmental Plan for Palawan Act.
- (28) **Palawan Council for Sustainable Development Staff (PCSDS)** the regular professional support staff of the PCSD that provides the machinery to coordinate the policy and functions, implement programs, and organize such services as may be required by the PCSD in the exercise of its functions.
- (29) **Protected Area** refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation. Unless otherwise provided, it shall refer to ENTPA.
- (30) **Protected Species** refer to any plant or animal 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 Flora and Fauna (CITES) 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 the Conservation of Nature and Natural Resources (IUCN), or any plant or animal which the DENR, PAMB or any government agency may deem necessary for conservation and preservation in the protected area.

- (31) **Quarrying** refers to the process of extracting from, transporting, removing and disposing out of the protected area sand, gravel, guano, limestone or any material resources found within the protected area. This shall also include any common rock or other mineral substances as the Director of the Mines and Geosciences Bureau may declare as quarry resources such as andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic cinders, and volcanic glass.
- (32) **Recreational Zones** refers to areas of high recreational, tourism, educational or environmental awareness values where sustainable ecotourism, recreational, conservation education or public awareness activities may be allowed as prescribed in the Management Plan.
- (33) **Special Use Zones** refers to areas containing existing installations of national significance such as telecommunication facilities, irrigation canals or electric power lines.
- (34) **Strategic Environmental Plan (SEP)** refers to the comprehensive framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the province is hereby adopted.
- (35) **Sustainable Use** refers to the use of components of biological diversity in a manner and at a rate that does not lead to the decline of the species used nor cause permanent or long-term diminishment or qualitative degradation of biological species, ecological functions or of other resources extracted or disturbed. It shall not pertain to the exploitation of non-renewable resources in commercial quantities which will significantly alter the ecosystem or contribute to the extinction of species.
- (36) **Strict Protection Zones** refers to areas with high biodiversity value which shall be closed to all human activity except for scientific studies.
- (37) **Tenured Migrants** refers to individuals and households within the ENTPA who have actually and continuously occupied such areas on or before July 12, 1995 and are substantially dependent therein for subsistence.
- (38) **Wildlife** refers to wild forms and varieties of flora and fauna, including captive bred or propagated individuals, parts, derivatives and by – products thereof.

CHAPTER II MANAGEMENT, MANAGEMENT PLAN

SECTION 6. Management of ENTPA. — The management and administration of ENTPA and its buffer zones shall be vested with the PCSD, the ECAN Boards of El Nido and Taytay, and the ENTPA Management Office (PAMO). The management and administration of the ENTPA shall be consultative and participatory.

SECTION 7. Management Plan. — Within one (1) year from the effectivity of this Act, a Management Plan shall be prepared by the PCSDS in consultation with the ECAN Boards of El Nido and Taytay in accordance with Republic Act No. 7586 and Republic Act No. 7611. The Management Plan shall serve as the basic long-term framework plan in the management of ENTPA and guide in the preparation of the annual operations plan and budget. The Management Plan shall be drafted with the assistance of experts in such fields as socioeconomic planning, environment and protected area management, reviewed and approved by the PCSD.

The Management Plan shall include the following:

- I. Executive Summary
- II. Description of the Protected Area
 - A. Historical Background
 - B. Biogeographic Setting
 - C. Regional and Local Setting
 - D. Topography, Geology and Soils
 - E. Climate
 - F. Boundaries and Rationale for their Location
 - G. Flora and Fauna, Habitats and Ecosystems
 - H. Human Population and Current Land Use
 - I. Legal Status and Regulations
 - J. Current Management Activities and Research
- III. Issues
 - A. Conservation Value
 - B. Biodiversity Concerns
 - C. Habitat Rehabilitation Needs
 - D. Management Constraints
 - E. Local Interests, Rights and Concerns
 - F. Development Potential, including Tourism
 - G. Changes Required in Legal Status
- IV. Management Plan
 - A. Goals
 - B. Objectives
 - C. Key Management Issues
 - D. Site Management Strategy
 - E. Management Activities
 1. community organization
 2. ancestral domain and rights
 3. tenure for tenured protected area residents
 4. boundary demarcation
 5. management zone boundaries and the rationale for each
 6. protection program by wardens and by the community
 7. habitat rehabilitation
 8. habitat management
 9. sustainable use
 10. infrastructure, including maintenance
 11. visitor program and accommodations
 12. specific management plans for each management zone
- V. Bio-inventory and Research Program
- VI. Special Studies
- VII. Monitoring and Evaluation
- VIII. Management Information Data Base Development

- IX. Administration
 - A. Staffing
 - B. Work Program
 - C. Budget
- X. Annexes
 - A. Maps, pictures, aerial photographs
 - B. Species lists
 - C. References

The Management Plan shall be consistent with the nature of the ENTPA and shall be reviewed and updated on a regular basis, at least once every three (3) years by the ECAN Boards of El Nido and Taytay (ECAN Boards) with the technical assistance of the PCSDS. However, in cases where significant physical development occur within the protected area or critical resources constraints prevent implementation of important programs or projects, the Plan or some components thereof may be revised or modified upon the recommendation of the ECAN Boards or PCSDS, and approved by the PCSD.

SECTION 8. Integration of the Management Plan into Local Development Plans. – Local government units shall participate in the management of the ENTPA through their representation in the ECAN Boards. The Management Plan of the ENTPA shall be incorporated into the development plans of the barangays within the ENTPA, the municipalities of El Nido and Taytay, the Provincial Government of Palawan, and the Regional Development Council of MIMAROPA as part of their environmental concerns in order to ensure that the future development of Palawan and the region is in accordance with this Act. Local government units shall likewise ensure that local ordinances pertaining to the environment are consistent with this Act and the Management Plan.

SECTION 9. Management of the ENTPA. – The management of the ENTPA shall be directly vested with the ECAN Boards which shall be under the control and supervision of the PCSD. The jurisdiction of the ECAN Boards shall be limited to the areas of the ENTPA within their respective territorial boundaries.

The ECAN Boards shall have jurisdiction, power and authority over the ENTPA on matters that generally relates to biodiversity conservation, protection and sustainable development, without prejudice to the implementation of special laws, including but not limited to SEP Law, Wildlife Act, Chainsaw Act, Caves Act, Fisheries Code, etc., by other government charged with the implementation of said laws.

SECTION 10. Administrative Supervision of the ENTPA. – The PCSD shall exercise administrative supervision over the ENTPA and provide continuous technical support and financial assistance to the ECAN Boards and the ENTPA Management Office (PAMO) to ensure the sound management and conservation of the protected area.

SECTION 11. ECAN Board. – The ECAN Board shall be the same collegial body created by the relevant PCSD administrative orders in all municipalities and is composed of the following:

1. Local Chief Executive as chair
2. DENR Community Environment and Natural Resources Officer as co-chair
3. Municipal Vice Mayor
4. Sangguniang Bayan Environment Committee Chairperson
5. President of the Liga ng mga Barangay (LNB)
6. Municipal Environment and Natural Resources Officer
7. Municipal Planning and Development Coordinator
8. Municipal Tourism Officer
9. PCSDS District Manager
10. Representative of the Provincial Government of Palawan
11. Representative of an accredited civil society organization (CSO) involved in the conservation of the ENTPA
12. Representatives from each NCIP-recognized ICC/IP group actually residing within the ENTPA
13. Representatives from each barangay within the ENTPA;
14. Tenured science professor of a state university
15. ENTPA Superintendent (PASU)

SECTION 12. Executive Committee. – There shall be an Executive Committee to which powers and functions of the ECAN Board may be delegated. Additional committees may be created by the ECAN Boards as it may deem fit. The Executive Committee shall be composed of:

1. DENR Community Environment and Natural Resources Officer
2. PCSDS District Manager
3. ENTPA Superintendent (PASU)
4. Any of the appointive Municipal officials
5. LNB President or any of the barangay representatives
6. Representative of the CSO
7. One of the ICC/IP group representatives
8. Representative of the Provincial Government of Palawan

SECTION 13. Term of Office. – Elected or appointive public officials serve as ex-officio members of the of the ECAN Board. The other members of the ECAN Board shall serve for a term of no more than three years and shall be considered to represent his or her sector and deemed to carry the vote of such sector in all matters. Membership in the Executive Committee shall be coterminous with the membership in the ECAN Board.

SECTION 14. Removal from Office. – A non-ex-officio member of the ECAN Board may be removed for cause and upon majority vote all members on any the following grounds:

1. More than three (3) consecutive unexcused absences in regular or special ENTPA meeting;
2. Conviction of any of the prohibited acts a provided in this Act, Republic Act No. 7586 or other rules and regulations governing protected areas and protected species;
3. Graft and corruption; or
4. Conviction of any criminal offense.

SECTION. 15. Powers and Functions. – The ECAN Board shall be a policy making and permit-granting body of the ENTPA. The ECAN Board shall hold quarterly *en banc* meetings. However, the Executive Committee may meet on a regular basis to manage the day-to-day affairs and other matters delegated by the ECAN Board.

All existing permit/clearance system for the utilization of natural resources within the protected areas which are presently issued by other national government agencies and local government units, insofar as not inconsistent with this Act, shall continue to be implemented by such agencies.

The ECAN Board shall decide by a majority vote of members present in a meeting and shall have the following powers and functions which shall be immediately executory after publication, due notice and hearing, as may be applicable, unless otherwise nullified, repealed or invalidated by the PCSD:

1. Promulgate rules and regulations governing acts that may be prejudicial to the protected areas and the policy declaration herein set forth;
2. Establish criteria and set fees for the issuance of permits for the activities regulated by the Act or the Management Plan;
3. Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;
4. Conduct periodic review of the Management Plan;
5. Deputize agents including local community leaders for the enforcement of the laws, rules and regulations governing the management and administration of the ENTPA;
6. Accept donations, approve proposals for funding, budget allocations and exercise accountability over all funds that may accrue to the ENTPA;
7. Manage ENTPA funds subject to government accounting and auditing laws, rules and regulations;
8. Recommend appropriate policy changes to the PCSD, DENR and other concerned government authorities;
9. Retain legal counsel, either on a permanent or temporary basis, to defend cases against the ECAN Board and the PMO whenever they are sued in connection with the performance of their duties under this act;
10. Recommend the issuance of corresponding appropriate tenurial instruments; and

11. Exercise quasi-judicial functions to administratively adjudicate violations of the rules and regulations that it may issue.

SECTION 16. ENTPA Management Office (PAMO). – There shall be a single Protected Area Management Office (PAMO) under both ECAN Boards. The PAMO shall be headed by a Superintendent (PASU) jointly selected by the ECAN Boards and shall serve as its Chief Operating Officer. The PASU and PAMO staff shall reside within the protected area and establish office therein and shall have full responsibility and accountability over the protection of land, water, wildlife and other resources within the ENTPA.

The PASU shall have the following duties and responsibilities in addition to those provided under existing rules and regulations:

1. Serve as Secretariat to the ECAN Boards with the duty to provide the ECAN Boards with all the information necessary to make appropriate decisions for the implementation of this Act;
2. Hire and supervise, the necessary personnel to support operations as the budget may allow;
3. Establish a productive partnership with local communities including groups supporting the achievement of the goals and objectives of this Act;
4. Develop and implement an ENTPA information, education and visitor programs;
5. Enforce the laws, rules and regulations and ECAN Boards resolutions relevant to the ENTPA, and assist in the prosecution of offenses without prejudice to the enforcement of environmental laws by existing enforcement agencies in their areas of jurisdiction;
6. Monitor all activities within the ENTPA in conformity with the Management Plan;
7. Ensure the integration of the ENTPA management policies, regulations, programs and projects in all concerned national and local government unit levels;
8. Recommend the issuance of permits based on terms, conditions and criteria established by the ECAN Boards;
9. Implement the plans, programs and resolutions stated in the Management Plan or passed and approved by the PCSD or the ECAN Boards; and
10. Perform such other function as the ECAN Boards may assign.

SECTION 17. PAMO Staff. – The PAMO shall be supported by a professional staff that will be charged with the responsibility of performing duties and services as may be required by the PASU in the exercise of his/her functions.

SECTION 18. Ancestral Lands and Domains. – Ancestral domain and other customary rights and interests of indigenous communities within the ENTPA shall be accorded due recognition. The preservation of ancestral domain and customary rights shall be considered as one of the management objectives. The maintenance, management and development of ancestral domains which are found to be necessary for ENTPA will be pursuant to Section 58 of Republic Act No. 8371, otherwise known as the The Indigenous Peoples Rights Act of 1997 (IPRA). The identification, delineation and recognition of ancestral domain claims within the ENTPA shall be conducted by the National Commission on Indigenous Peoples (NCIP) pursuant to the provisions the IPRA, and its implementing rules and regulations, in coordination with the ECAN Boards.

Nothing herein shall be construed to impair or diminish prior and existing rights currently enjoyed by the indigenous cultural communities or indigenous peoples as provided for by existing laws.

SECTION 19. Tenured Migrants and Other ENTPA Occupants. – Tenured migrants shall be eligible to become stewards of portions of lands within allowable zones defined or provided under the SEP law. The ECAN Boards shall identify, verify and review all tenurial instruments, land claims, and issuances of permits for resource use within the ENTPA and recommend the issuance of the appropriate tenurial instrument consistent with the zoning provided in the management plan. In the event of termination of a tenurial instrument for cause or by voluntary surrender of rights, the PASU shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant.

Other ENTPA occupants who do not qualify as tenured migrants shall be resettled outside the ENTPA as determined by the ECAN Boards which shall determine, plan and implement a definite schedule for resettling the occupants outside the ENTPA following the procedures set forth by existing law.

SECTION 20. Cancellation of Tenured Migrants Instrument. – Tenured Migrants Instruments may be cancelled for:

1. Violation of the terms and conditions specified therein;
2. Repeated refusal of the holder of the tenure instrument to comply with the management plan for the ENTPA; or
3. Voluntary surrender of such rights

Upon cancellation of the tenured migrant instrument, the PASU, shall immediately undertake the necessary steps to rehabilitate the area in order to restore it to its natural state prior to the cultivation or similar acts by the transient or tenured migrants.

SECTION 21. Existing Rights. – All prior property and private rights within the protected area already existing or vested prior to the effectivity of this Act shall be protected and respected in accordance with existing laws. Consequently, all lands that were already classified as alienable and disposable or agricultural lands prior to the passage of this Act shall continue to be classified as such and shall be available for disposition and titling subject to existing rules and regulation.

SECTION 22. Contracts involving Lands within the ENTPA. – The purchase, sale, encumbrance, mortgage, usufruct or lease of lands within the ENTPA to persons outside the protected area shall be made in accordance with the existing laws, rules and regulations, subject to the approval of the PCSD.

Persons not otherwise prohibited to hold lands within the ENTPA may enter into joint venture agreements with the government.

CHAPTER III UTILIZATION OF RESOURCES

SECTION 23. Existing Facilities within the ENTPA. – Within ninety (90) days from the effectivity of this Act, major existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities existing within the boundaries of the ENTPA shall submit project descriptions to the ECAN Boards. The ECAN Boards, with the assistance of the PCSD, shall determine whether the existence of such facility and its future plan and operations will be detrimental to the ENTPA or whether conditions for its operation shall be imposed. If any such conditions are violated, the owner of the facility shall be liable to pay a fine of Five Thousand Pesos (P5,000.00) for every violation. Upon reaching a total fine of Five Hundred Thousand Pesos (P500,000.00), the ECAN Boards with the assistance of the municipal governments, shall cause the cessation and demolition of the facility at the cost of its owner. Existing facilities allowed to remain within the ENTPA may be charged a reasonable royalty by the PCSD. All income from such royalty shall accrue to the ENTPA Fund.

SECTION 24. Utilization of Resources. – Any exploitation of or utilization of nonrenewable resources within the core zone of the ENTPA shall not be allowed. Energy projects within the core zone of the ENTPA shall be allowed only through an act of Congress except energy from wind, sun and water sources of not more than one (1) megawatt capacity for mini – hydro power: Provided, That these renewable energy projects are established outside the strict protection zone, adopt reduced impact technologies and undergo the environmental Impact assessment (EIA) system as provided by law: Provided, that the ECAN Board endorsement has been obtained.

SECTION 25. Public Lands. – Public lands already classified as agricultural land that are alienable or disposable prior to the passage of this Act shall remain as such and may be disposed of pursuant to the provisions of Commonwealth Act No. 141 or the Public Land Act, as amended. Upon passage of this Act, no land within the core zone of the ENTPA shall be released from the public domain as alienable and disposable and any sale, transfer, alienation or disposition thereof shall be null and void.

CHAPTER IV PROHIBITED ACTS AND PENALTIES

SECTION 26. Prohibited Acts and Penalties. – The following shall be the prohibitions and penalties applicable to the ENTPA without prejudice to the application of pertinent laws and regulations:

1. The penalties provided for in Articles 309 and 310 of the Revised Penal Code, depending on the value of the resources taken, damaged or destroyed, shall be imposed upon any person who:
 - A. Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants or animals, flora or fauna, sand, rocks or by – products derived therefrom, within particularly identified regulated or prohibited areas zones in the ENTPA including private lands without the necessary permit, authorization or exemption: Provided, that hunting of animals shall be absolutely prohibited except for scientific research and for traditional hunting by the IPs/ICCs;
 - B. Cuts, gathers, removes or collects timber or any forest products, within particularly identified regulated or prohibited areas or zones in the ENTPA including private lands without the necessary permit, authorization or exemption;
 - C. Possesses or transports, within or outside the ENTPA any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna, or by – product derived therefrom which is ascertained to have been taken from the ENTPA;
 - D. Undertakes mineral exploration or extraction within the ENTPA;
 - E. Engages in quarrying of sand, gravel, guano, limestone or any material within the ENTPA;
 - F. Hunts, collects, removes or destroys any endangered or protected species, except when collection or removal is for scientific research and exempted from the prohibition by the ENTPA ;
 - G. Conducts bioprospecting within the ENTPA without prior ENTPA approval in accordance with existing guidelines; or
 - H. Establishes or introduces exotic species within the ENTPA which are detrimental to endemic species or without prior approval.
2. A fine of not less than Five thousand pesos (P5,000.00) nor more than Five hundred thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not more than six (6) years shall be imposed upon any person who:
 - A. Violates any rules and regulations in the management plan or by the ENTPA or agreements reached before the ECAN Boards in the exercise of adjudicative functions;
 - B. Erects any structure on land or on water for any purposes outside the management plan; Provided, That large – scale private infrastructure and other projects such as medium to high density residential subdivisions, medium to large commercial and industrial establishments, golf – courses, heavily mechanized commercial and non-traditional farming, and other activities that cause increased in-migration, pollution and resource degradation are absolutely prohibited;
 - C. Possesses a chainsaw, hacksaw and other mechanized equipment within the ENTPA without a permit from the PCSD;
 - D. Throws, dumps or causes to be dumped into the ENTPA any non-biodegradable material or waste whether liquid, solid or gas;
 - E. Uses, dumps, places or causes to be placed into the ENTPA toxic chemicals, including pesticides and other hazardous substances, unless the same is expressly allowed in the management plan;
 - F. Prospects, hunts or otherwise locates hidden treasures within the ENTPA;
 - G. Informally occupies or dwells in any land within the ENTPA without clearance from the ECAN Boards;
 - H. Possesses or uses blasting caps or explosives anywhere within the ENTPA;
 - I. Destroys, excavates, vandalizes or, in any manner, damages any natural formation on land, religious, spiritual, historical sites, artifacts and other objects of natural or scenic value;
 - J. Alters, removes or destroys boundary marks or signs;
 - K. Engages in kaingin, or, in any manner, causing forest fires inside the ENTPA; or
 - L. Purchases, or sells, mortgages or leases lands or other portions of the ENTPA which are covered by any tenurial Instrument.

Valuation of the damage for this Act shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation assessed by the DENR, PCSD or other concerned government agency shall be presumed correct unless otherwise proven by preponderant evidence.

Any person who shall induce another or conspire to commit any of the illegal acts prohibited in this Act or suffer 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, equipments, paraphernalia, implements, gears, tools and similar devices shall be subject to immediate and administrative confiscation, independent of the judicial proceedings by the PAMO upon apprehension subject however to due process and substantial evidence requirements. When legal action is however filed, in the regular courts, the said conveyances, vessels, equipments, paraphernalia, implements, gears, tools and similar devices, independent of the administrative proceedings, shall not be released until after judgment has been rendered. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the ENTPA Fund.

Procedure for the sale thereof shall be promulgated by the PCSD. However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the PASU office for release in its natural habitat, subject to existing regulations.

The penalties specified in this Section will be in addition to the penalties contained in RA 9072 (National Caves and Cave Resources Management and Protection Act), RA 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

Conviction for any offense under this Act, of a public officer or officer of the law shall carry the accessory penalty of perpetual disqualification from public office.

SECTION 27. Special Prosecutor. – Within thirty (30) days from the effectivity of this Act, the Department of Justice shall appoint a special prosecutor to whom all cases of violation of the laws and rules and regulations in the protected area shall be assigned. Such special prosecutor shall coordinate with the ECAN Boards and the PASU in the performance of his/her duties and assist in the training of rangers in apprehension and criminal procedures.

SECTION 28. Special Counsel. – The ECAN Boards may retain the services of a competent lawyer to prosecute and assist in the prosecution of cases to defend the members of the ECAN Boards, the PASU and PAMO staff or any person assisting in the protection, conservation and sustainable development of the protected area against any legal action that may be brought against them for acts performed pursuant to the discharge of their powers, functions and responsibilities as provided in this Act or as delegated by the ECAN Boards.

CHAPTER V PROCEEDS AND FEES

SECTION 29. El Nido Protected Area Fund. – There is hereby established a trust fund to be known as the El Nido Protected Area Fund for purposes of financing projects of the ENTPA. Seventy – five percent (75%) income generated from the operation of the ENTPA or management of wild flora and fauna in the ENTPA shall accrue to the fund, The remaining twenty – five percent (25%) shall go to the Integrated Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

Income shall be derived from visitors/tourists fee, fees from permitted sale and export of flora and fauna and other resources from the ENTPA, proceeds from the registration and lease of multiple – use areas, including tourism concessions, fees, proceeds, and contributions from industries and facilities directly benefiting from the ENTPA, and such other fees and income derived from the operation of the ENTPA.

The ECAN Boards may impose and charge reasonable fees, such as but not limited to water users fee for water extracted by commercial water extractors/distributors sourced and generated from the protected area. Such fee structure may change as the ECAN Boards may see fit.

The Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: provided, disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the ECAN Boards in accordance with existing accounting and budgeting rules and regulations: Provided, further, That the Fund shall not be used to cover personal services expenditures. The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of LGUs' facilities, Provided, LGUs may charge add-ons to fees imposed by the ECAN Boards : Provided, That such add-ons shall be determined based on the contribution of the LGUs In the maintenance and protection of the ENTPA.

SECTION 30. Appropriations. – The PCSD shall immediately include in the its program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

CHAPTER VI MISCELLANEOUS PROVISIONS

SECTION 31. Construction and Suppletory Application of Existing Laws. – The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development provisions of Republic Act No. 7586, or the NIPAS Act of 1992, Republic Act No. 7611 or the SEP Law, Republic Act No. 9147 or the Wildlife Act of 2001, Republic Act No. 9072 or the Caves Act and other existing laws, and their corresponding rules and regulations not inconsistent hereto shall have the suppletory effect in the implementation of this Act.

SECTION. 32. Transitory Provisions. – In order to ensure the sustainability and recovery of biodiversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows exploitation of resources within the ENTPA until the Management Plan shall have been put into effect. Pending the organization of new ECAN Boards in accordance with this Act, the incumbent ECAN Boards members shall continue to hold office until a new ECAN Boards has been convened.

SECTION 33. Separability Clause. – If any part or section of this Act is declared unconstitutional or invalid, such other parts or sections not affected thereby shall remain in full force and effect.

SECTION 34. Repealing Clause. – All laws, decrees, proclamations, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

SECTION 35. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) national newspapers of general circulation. It shall be translated in Filipino during local publication.

Approved.