



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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 212

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Introduced by:
REP. FRANCISCO JOSE F. MATUGAS II
1ST District, Surigao del Norte (*Siargao Island*)

EXPLANATORY NOTE

This bill seeks to establish the Islands of Siargao and Bucas Grande as a protected area, according to the shared demands and desires of the local government unit officials and constituencies of the First District of Surigao del Norte. This bill was approved in the House of Representatives and transmitted to the Senate of the 13TH, 14TH and 15TH Congress and now re-filed in the present Congress with the updated technical description provided by the National Mapping and Resource Information Authority (NAMRIA).

Siargao Island in the First Legislative District of Surigao del Norte, is one of the ten (10) selected sites under the Conservation of Priority Protected Area Project (CPPAP), an implementation of Republic Act 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Law," aimed at biodiversity conservation and sustainable development.

Siargao Island, which includes the Bucas Grande Island, was proclaimed as a protected area on 10 October 1996 by virtue of Presidential Proclamation 902 and was designated as Siargao Island Protected Landscapes and Seascapes (SIPLAS). It covers a landscape and seascapes with an approximate area of two hundred eighty three thousand nine hundred seventy four and seventy seven (283,974.77) hectares.

Siargao Island was chosen as one of the priority protected areas primarily due to its important bio-physical features including: (1) extensive expanse of mangrove forest which serves as a good habitat for the crocodile of the species *Crocodylus Porosus*; (2) fringing coral reefs and numerous lagoons with unique faunal assemblage; and (3) endemic species of birds, mammals, and flowering plants in the

terrestrial ecosystem. Its forest land consists of mixed Dipterocarp forest which serves as home to hundreds of wildlife species such as the Philippine Tarsier, Philippine Cockatoo, Flying Lemur and a variety of avian species. Dipterocarp species of white lauan and yakal dominates in the upland. Siargao also takes pride in being one of the habitats of ironwood "Mancono" (*Xanthosthedium verdigonianus*) in the Philippines.

The mangrove seagrass and mudflats provide habitats and feeding ground to migratory waders, waterbirds and mangrove-associated organisms. The coral reef serves as spawning ground of reef-associated fishes.

The island is also endowed with natural and scenic attractions. It is an area of white sand beaches, hidden lagoons, enchanting caves, karst scenery and magnificent rock formations.

Unfortunately, based on a 2006 study by Conservation International, DENR-PAWB and Haribon Foundation, the area is threatened by collection of timber and non-timber forest products, wildlife hunting and illegal fishing.

This proposed measure, therefore, intends to: (1) protect, conserve and rehabilitate natural habitats and their associated biodiversity, resources and landscape values; (2) organize and empower communities and enable them to participate actively in Protected Areas management, (3) develop, promote and manage sustainable alternative livelihood systems; (4) inform, educate and raise the ecological consciousness of all stakeholders in the island; and (5) ensure that SIPLAS laws and policies are effectively enforced.

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

FRANCISCO JOSE F. MATUGAS II



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HOUSE BILL NO. 212

Introduced by
Representative Francisco Jose F. Matugas II
1st District, Surigao del Norte

AN ACT

DECLARING THE ISLANDS OF SIARGAO AND BUCAS GRANDE AS
A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED
LANDSCAPE AND SEASCAPE AND PROVIDING FOR ITS
MANAGEMENT

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

CHAPTER I
PRELIMINARY PROVISIONS

1 **SECTION 1. Title.** – This Act shall be known and cited as the “Siargao Islands
2 Protected Landscape and Seascapes (SIPLAS) Act”.

3 **SECTION 2. Declaration of Policy.** – It is the policy of the State to ensure the
4 protection and conservation of Siargao Islands, their endangered species, mangrove
5 reserve, biodiversity and the communities residing therein, including the people’s
6 culture and way of life insofar as these are in harmony with nature.

7 Pursuant to this policy, the State shall:

- 8 (a) preserve the ecosystems in their natural state in the lowlands, forest,
9 mangrove, lakes, coral reefs or seagrass beds;
- 10 (b) preserve and maintain genetic resources and ecological diversity, including
11 salt water crocodile, green sea turtle, tarsier, dolphin, *dugong-dugong* (sea
12 cow), sea eagle, brahminy kite and rufous hornbill;
- 13 (c) provide education, research and environmental monitoring, recreation and
14 tourism, and alternative economic opportunities to optimize the use of
15 resources on a sustainable basis; and

- (d) foster partnership between and among government, nongovernment organizations (NGOs), local community organizations, and concerned private organizations.

SEC. 3. *Definition of Terms.* - As used in this Act:

- 5 a) *Alienable and Disposable Lands* refer to those of the public domain which
6 have been the subject of the present system of classification and certified as
7 not needed for forestry purposes.

8 b) *Biodiversity* refers to the variety and variability among all living organisms
9 and the ecological complex in which they occur.

10 c) *By-product* refers to any part taken or substance extracted from wildlife, in raw
11 or in processed form, and includes stuffed animals and herbarium specimens.

12 d) *Biodegradable materials* refer to objects which are capable of being degraded
13 or decomposed by microbiological organisms or enzymes.

14 e) *Commercial fishing* refers to fishing by passive or active gear for trade,
15 business or profit beyond subsistence, utilizing fishing vessels of more than
16 three gross tons.

17 f) *Critically endangered species* refer to species or subspecies that are facing
18 extremely high risk of extinction in the wild in the immediate future.

19 g) *Endangered species* refer to species or subspecies that are not critically
20 endangered but whose survival in the wild is unlikely if the causal factors for
21 their depletion continue operating, including, but not limited to, the following:
22 1)*Fauna*: crocodile, green sea turtle, Philippine tarsier, monitor lizard,
23 dolphin, sea cow, wattled broadbill, brahminy kite, sea eagle, rufous
24 hornbill, katujo.
25 2)*Flora*: dipterocarp species, mancuno (iron wood), fire orchids,
26 pitcher plant, maribojoc pine.
27 The term also includes other species as may be covered by Appendices I and
28 II of the Convention on International Trade of Endangered Species (CITES)
29 and as may be provided by law, international treaties, administrative orders,
30 and rules and regulations or issuance of a concerned government agency.

31 h) *Fish and fishery/aquatic products* refer to all fish and other aquatic animals
32 such as mollusks, crustaceans, echinoderm, marine mammals, and all other
33 species of aquatic flora and fauna and all other products of aquatic living
34 resources in any form.

- i) *Fishing vessel* refers to any boat, ship or other watercraft equipped to be used for fishing or aiding or assisting one or more vessels in the performance of any activity relating to fishing, including, preservation, storage, refrigeration, transportation, and processing.
- j) *Forest products* refer to timber, pulpwood, firewood, bark, tree top, resin gum, wood, lumber, oil, honey, beeswax, nipa, rattan or other forest growth such as grass, shrub and flowering plant, the associated water, fish, game and the scenic, historical, recreational and geologic resources in forest lands.
- k) *Liba-Liba* refers to a fishing gear or any variation thereof, consisting of a conical shaped net with a pair 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 tom weight (*linggote*) when hauled into a fishing boat. Also known as *hulbot-hulbot* or *bira-bira* in other vernaculars.
- l) *Marginal Fisherfolk* refers to fisherfolk who engage in fishing with or without the use of fishing vessels or nonmotorized or motorized fishing vessels powered by a single engine sixteen (16) horsepower or less.
- m) *Muro Ami* refers to a fishing gear used in reef fishing which consists of a movable bag net and two detachable wings effecting the capture of fish by spreading the net in arch form around reefs or shoals and with the aid of scaring devices and where a cordon of fishermen drive the fish from the reefs toward the bag portion of the whole net.
- n) *Nonrenewable resources* refer to resources found within the Protected Area, the natural replenishment rate of which is either not known or takes more than twenty-five (25) years.
- o) *Protected Area Permit/License Authority* refers to a limited term privilege or authority duly granted by the Protected Area Management Board (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 PA.
- p) *Protected landscapes/seascapes* refer 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.

- 1 q) *Superlight* also referred to as “magic light,” refers to a type of light using
2 halogen or metal halide bulb which may be located above the sea surface or
3 submerged in the water. It consists of a ballast, regulator, electric cable and
4 socket. The source of energy comes from a generator, battery or dynamo
5 coupled with the main engine.
- 6 r) *Threatened species* refer to species or subspecies considered as critically
7 endangered, endangered, vulnerable or other accepted categories of wildlife
8 whose population are at risk of extinction.
- 9 s) *Timber* refers to wood having an average diameter of at least fifteen (15)
10 centimeters and a length of at least one point five meters in its unaltered state,
11 or wood regardless of size sawn or hewn on two or more sides usually referred
12 to as flitch and all mangrove species regardless of size.
- 13 t) *Vulnerable species* refer to species or subspecies that are not critically
14 endangered or endangered but are under threat from adverse factors
15 throughout their range and are likely to move to the endangered category in
16 the near future.
- 17 u) *Wildlife* refers to wild forms and varieties of flora and fauna in all
18 developmental stages including those which are in captivity or are being bred
19 or propagated.

20 **SEC. 4. Establishment of the Siargao Islands Protected Landscape and Seascapes.**

21 – The municipalities of Burgos, Dapa, Del Carmen, General Luna, Pilar, San
22 Benito, San Isidro, Sta. Monica and Socorro located in the islands of Siargao and
23 Bucas Grande are hereby declared protected area under the category of protected
24 landscape and seascapes. It shall collectively be called Surigao Island protected
25 Landscape and Seascapes (SIPLAS), and is more particularly described as follows:

26 Beginning at a point marked “1” on the map being N59°07'04"E, 19,535.337
27 meters from BLLM No.1, Poblacion, Municipality of General Luna, Province of
28 Surigao del Norte with geographic coordinates of 09°47'01.49605581" Lat. and
29 126°09'21.39676345" Long.

30	LINE	BEARING	DISTANCE (meters)
31	1-2	S05°46'57"E	25210.78
32	2-3	S57°35'36"W	21623.825
33	3-4	S86°24'47"W	17101.833
34	4-5	N82°59'59"W	11621.604

1	5-6	N30°22'40" W	14227.523
2	6-7	N18°41'42" E	16591.654
3	7-8	N41°47'37" W	19091.062
4	8-9	N54°7'16" E	22168.238
5	9-10	N48°24'56" E	18670.857
6	10-11	S63°52'51" E	12823.495
7	11-1	S31°7'12" E	29948.052

The foregoing technical description, which covers a landscape and seascapes with an approximate area of two hundred eighty three thousand nine hundred seventy four and seventy seven (283,974.77) hectares, shall only be modified through an Act of Congress after consultation with the Protected Area Management Board (PAMB), affected communities, local government units (LGUs) and concerned government agencies.

14 All lands of public domain comprising the SIPLAS shall fall under the
15 classification of national park as provided for in the Constitution.: *Provided*, That all
16 public lands already classified as agricultural and alienable or disposable land shall
17 remain as such and may be disposed of pursuant to the provisions of Commonwealth
18 Act No. 141 or the Public Land Act, as amended.

CHAPTER II

PROTECTED AREA MANAGEMENT

Article 1

Institutional Mechanism

23 **SEC. 5. The Protected Area Management Board (PAMB).** – There is hereby
24 created a PAMB which shall have the jurisdiction, power, and authority, including,
25 but not limited to, policy making and granting permits over the SIPLAS for all
26 matters that may affect biodiversity conservation, protection and sustainable
27 development.

28 The PAMB shall be composed of the Regional Executive Director (RED) of
29 DENR CARAGA Region as chairperson, and the following as members:

- 30 (a) The mayors of each municipality within the SIPLAS or any duly designated
31 representative who must be an official of the same municipality;
32 (b) The presiding officer of the sangguniang bayan of each municipality, or any
33 member thereof as may otherwise be designated by the sangguniang bayan;
34 (c) The president of the liga ng mga barangay of each municipality;

- (d) A minimum of three representatives selected from all local community organizations through a process designed by themselves;
 - (e) A minimum of three representatives selected from among NGOs operating in the PA 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 PA as may be appointed by the above-listed members of the PAMB based on their relevance and potential contribution to PA management; and
 - (i) One representative from the Office of the Representatives of the First Congressional District of the Province of Surigao del Norte.

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

SEC. 6. *Term of Office.* – Every member of the PAMB shall serve for a term of five (5) years: *Provided*, That the person remains connected with the institution being represented. In the case of elective officials, their membership in the PAMB shall be coterminous with their term of office. Representation in the PAMB shall, as much as practicable, ensure sufficient representation of all stakeholders.

The members of the board shall not receive any compensation but shall be entitled to reasonable *per diem* in accordance with existing accounting and auditing rules and regulations.

SEC. 7. *Powers and Functions of the Protected Area Management Board.* –

- (a) Issue all rules and regulations in accordance with this Act and the management plan;
 - (b) Establish 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 SIPLAS personnel, including the creation of committees to whom its powers may be delegated;

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

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

(f) Recommend to the DENR for approval the deputation of interested, capable and responsible individuals for the enforcement of the laws, rules and regulations governing conduct in the SIPLAS for areas and species falling under the Department's jurisdiction: *Provided*, That for areas and species under the jurisdiction of the Bureau of Fisheries and Aquatic Resources-Department of Agriculture, deputation shall be pursuant to Republic Act No. 8550 or The Philippine Fisheries Code of 1988;

(g) Oversee the performance of the Protected Area Superintendent as mandated herein;

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

(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 projects or activities, including research and development on the natural resources to be undertaken within the PA, 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 the discharge of wastes or refuse which may impact on the PA; and

(l) Participate in all stages of the Environmental Impact Assessment (EIA) process for projects that may affect the protected area and in the monitoring thereof.

1 administrative orders for national application issued by the DENR pursuant to the
2 National Integrated Protected Areas Systems (NIPAS) Act and the rules and
3 regulations issued by the PAMB, the DENR Secretary, in consultation with the
4 PAMB, shall resolve whether to apply the rule or withdraw its application for the site.
5 The decision of the DENR Secretary may be appealed to the Regional Trial Court
6 having jurisdiction over the SIPLAS.

SEC.8. Protected Area Superintendent (PASu). – There shall be a Protected Area Superintendent (PASu) appointed from the ranks of the DENR who shall provide general support and coordinative services such as preparation of preliminary management plan and action plans, inter-agency linkages, community partnership-building, park visitors' education and information programs, enforcement of park rule and regulations, processing of permits and monitoring of operations.

13 The PASu shall be the chief operating officer of the SIPLAS and shall be
14 accountable to the Regional Executive Director of the DENR-CARAGA and the
15 PAMB. The PASu shall be supported by DENR personnel designated therein. The
16 PASu shall serve for a minimum of five years and must possess competence and
17 experience in the field of environmental protection.

Article 2

Protected Area Management Plan

SEC. 9. Protected Area Management and Action Plans. – The PASu under the general supervision of the PAMB, shall, within six months from the effectivity of this Act, prepare the twenty-five (25) year management plan for the SIPLAS in consultation with the appropriate offices of the DENR, LGUs, local communities, concerned government agencies, and experts who may extend their services.

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

29 The management plan shall serve as guide to all activities relating to the
30 SIPLAS, including its development as an ecotourism destination, in order to attain the
31 objectives stated in Section 2 hereof. Within one year from the effectivity of this Act,
32 the management plan shall be formulated in accordance with the General
33 Management Planning Strategy provided for under Republic Act No. 7586, otherwise
34 known as the NIPAS Act of 1992, and its implementing rules, regulations, and related

1 administrative orders. The management plan shall contain, among others, the
2 following:

- 3 (a) the goals and objectives pursuant to Section 2 hereof;
- 4 (b) the protected nature of the areas covered;
- 5 (c) the period of applicability of the plan;
- 6 (d) key management issues and activities such as habitat and wildlife
7 conservation, sustainable use of land and marine resources and infrastructure
8 development regulation;
- 9 (e) establishment of zoning and activity regulations;
- 10 (f) establishment of a visitor management program; and
- 11 (g) establishment of sustainable livelihood and investment programs.

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

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

17 Six months after the formulation of the management plan, the PASu, in
18 consultation with the appropriate offices of the DENR, LGUs, local communities,
19 concerned government agencies and experts who may extend their services, shall
20 prepare a five-year action plan, subject to review and approval of the PAMB.

21 Before the expiration of said five-year action plan, the PASu shall, within a
22 year, cause the publication of notices on the formulation of the subsequent action plan
23 through broadcast and print media and posting of notices in conspicuous places within
24 the provincial, municipal and barangay halls in order to solicit opinions on how to
25 improve it.

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

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

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

32 **SEC.10. Integration of the Management Plan into Local Government**
33 **Development Plans.** – Local Government Units, through their representation in the
34 PAMB, shall participate in the management of the SIPLAS and its buffer zones. To

1 ensure that the future development of the Province of Surigao del Norte and the
2 CARAGA Region takes place in accordance with this Act, the provisions herein shall
3 be incorporated into the barangay, municipal and provincial development plans of
4 Surigao and the regional development plan of the CARAGA Region as part of the
5 environmental concerns of the province and the region. The concerned LGUs shall
6 likewise ensure that the ordinances in force, pertaining to the environment, are
7 consistent with this Act and the management plan, as herein provided.

8 CHAPTER III

9 PROTECTED AREA FUND

10 **SEC. 11. SIPLAS Fund.** – There is hereby established a trust fund to be known
11 as the Fund for purposes of financing projects of the protected area. All income
12 generated from the operation or management of wild flora and fauna in the protected
13 area shall accrue to the Fund. These income shall be derived from permitted sale and
14 export of flora and fauna and other resources from the protected area; proceeds from
15 lease of multiple-use areas; contributions from industries and facilities directly
16 benefiting from the protected area; and such other fees and income derived from the
17 operation of the protected area.

18 The Fund may be augmented by grants, donations, endowment from various
19 sources, domestic or foreign. Any donation or bequest made to the fund shall be
20 exempt from donor's tax and the same shall be considered as allowable deduction
21 from the gross income of the donor, in accordance with the provisions of the National
22 Internal Revenue Code of 1997, as amended.

23 The PAMB shall retain seventy-five percent (75%) of all revenues raised, to be
24 deposited in any government bank within the locality. Disbursements shall be made
25 solely for the protection, maintenance, administration, and management of the area
26 and implementation of duly approved projects endorsed by the PAMB in accordance
27 with existing accounting, budgeting and auditing rules and regulations: *Provided,*
28 That the Fund shall not be used to cover personal services expenditures.

29 The remaining 25% of the revenues shall be deposited as a special account in
30 the National Treasury as share to the Integrated Protected Area Fund (IPAF) created
31 pursuant to R. A. 7586.

32 The (LGUs) shall continue to impose and collect all other fees not enumerated
33 herein which they have traditionally collected, such as business permits, property tax,
34 and rentals of LGUs' facilities. The LGUs may charge add-ons to fees imposed by the

1 PAMB: *Provided*, That add-ons shall be determined based on the contribution of the
2 LGUs in the maintenance and protection of the protected area.

3 CHAPTER IV

4 TENURED MIGRANTS AND PRIVATE RIGHTS

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

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

19 Land areas used as homelots or farmlots shall be held by individual household.
20 Land areas used for communal basis shall not be held individually.

21 Tenure instruments shall not be issued solely on the basis of documents but must
22 be supported by indisputable evidence of permanent land-utilization for five years
23 before October 10, 1991, such as the following circumstances:

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

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

1 Persons who fail to qualify as tenured migrants including transient farmers shall
2 be allowed to gather and collect whatever they have planted within five years from the
3 effectivity of this Act. The transfer of non tenured migrants from the Siargao Islands
4 Protected Landscapes and Seascapes shall be undertaken, with utmost care and
5 consideration of their human rights.

In the event of termination of tenure 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 V

SPECIAL AREAS OF CONCERN

11 **SEC. 13. Existing Commercial Facilities within the Protected Area.** – Within
12 ninety (90) days from the effectivity of this Act, all existing commercial facilities
13 within the boundaries of the SIPLAS or its buffer zones with a total capitalization in
14 excess of Fifty thousand pesos (P50,000.00) shall submit to the PAMB through the
15 PASu, the following information:

- 16 (a) potential for disturbance of protected species and their habitat, reproductive
17 cycle, nesting and feeding grounds, and migratory paths;

18 (b) noise levels at all stages of operation;

19 (c) requirements of water supply and sources of water; and

20 (d) energy requirements and sources of energy.

21 Thereafter, the PAMB, with the assistance of the DENR, shall determine
22 whether the existence of a facility and its future plans and operations will be
23 detrimental to the PA 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 SIPLAS. If any of such conditions are violated, a fine of Five thousand pesos (P5,000.00) for everyday of violation shall be imposed upon the owners of 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 to be charged to the cost of the owners.

32 Existing facilities allowed to remain within the SIPLAS or its buffer zones shall
33 be charged a fee by the PAMB, which shall not be more than two percent of the
34 annual gross income of the facility: *Provided*, That existing commercial facilities

whose operations and purpose are considered contradictory to SIPLAS management objectives shall be ordered by the PAMB to vacate the SIPLAS within such time as the PAMB may provide.

SEC. 14. *Utilization of Resources.* – Livelihood activities requiring the use of natural resources derived from the PA 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 seasons and other restrictions on the use of resources within the SIPLAS and its buffer zones to ensure the sustainability of species and ecosystems.

Any exploitation or utilization of nonrenewable resources within the SIPLAS
for commercial purposes or by non-tenured migrants shall not be allowed.

13 Energy projects, whether renewable or otherwise, within the SIPLAS shall be
14 allowed only through an Act of Congress except energy from wind, sun, waves and
15 water sources: *Provided*, That in all instances, the primary beneficiaries shall be
16 residents of the SIPLAS and its buffer zones: *Provided, further*, That all energy
17 projects shall undergo the Environmental Impact Statement (EIS) System as provided
18 by law: *Provided, finally*, That the PAMB has endorsed the project.

Commercial exploitation of water resources within the SIPLAS shall require prior PAMB approval, in accordance with the management and action plans, and should undergo the EIS system.

CHAPTER VI

PENAL PROVISIONS

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

- 27 1. Killing and destroying wildlife species, except in the following instances:

28 (a) when it is done as part of the religious rituals of established tribal

29 groups or indigenous cultural communities;

30 (b) when the wildlife is afflicted with an incurable communicable disease;

31 (c) when it is necessary to put an end to the misery suffered by wildlife;

32 (d) when it is done to prevent an imminent danger to the life or limb of a

33 human being; and

SEC 16. Fines and Penalties. – Any person who undertakes illegal acts under Section 15, paragraph (1) of this Act shall be penalized as follows:

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

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

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

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

For illegal acts under Section 15, paragraph (2), the following penalties and/or fines shall be imposed:

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

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

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

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

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

For illegal acts under Section 15, paragraphs (3) and (4), an imprisonment of one month to eight years and/or fine of Five thousand pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.

For illegal acts under Section 15, paragraph (5), the following penalties and/or fines shall be imposed:

(a) Imprisonment of two years and one day to four years and/or fine of Five thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00),

(b) Imprisonment of one year and one day to two years and/or fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00),

- (c) Imprisonment of six months and one day to one 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 month and one day to six months and/or fine of Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species; and
 - (e) Imprisonment of ten (10) days to one 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, paragraphs (6) and (7), the following penalties
and/or fines shall be imposed:

- (a) Imprisonment of two years and one day to four years and/or fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;
 - (b) Imprisonment of one year and one day to two 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 months and one day to one year and/or fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;
 - (d) Imprisonment of one month and one day to six months and a fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species; and
 - (e) Imprisonment of ten (10) days to one month and/or fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against other wildlife species.

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

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

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

- (c) Imprisonment of one month and one day to three months and a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against vulnerable species;
 - (d) Imprisonment of ten (10) days to one month and a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other threatened species; and
 - (e) Imprisonment of five days to ten (10) days and a fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other wildlife species.

Illegal acts under Section 15, paragraph (10), shall be penalized under existing forestry laws.

12 All wildlife, its derivatives or by-products, and all paraphernalia, tools and
13 conveyances used in connection with violations of this Act, shall be *ipso facto*
14 forfeited in favor of the government: *Provided*, That where the ownership of the
15 aforesaid conveyances belong to third persons who have no participation in or
16 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.

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

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

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

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 the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices shall, independent of administrative proceedings, not be released until after judgment. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the PA Fund. Procedures for the sale thereof shall be promulgated by the PAMB.

SEC. 17. *Special Prosecutor.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a Special Prosecutor to whom all cases of violation of laws, rules and regulations in the PA 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.

SEC. 18. *Special Counsel.* – The PAMB may retain the services of a 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 PA against any legal action related to their powers, functions and duties as provided in this Act or as delegated by the PAMB.

CHAPTER VII

FINAL PROVISIONS

SEC. 19. *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.

1 **SEC. 20. *Interpretation.*** – The provisions of this Act shall be construed liberally
2 in favor of achieving biodiversity conservation, protection and sustainable
3 development. The provisions of Republic Act No. 7586, otherwise known as the
4 NIPAS Act, and Republic Act No. 8550, otherwise known as the Philippine Fisheries
5 Code of 1998, and existing forestry laws, and their corresponding rules and
6 regulations not inconsistent herewith shall have supplementary application in the
7 implementation of this Act.

8 **SEC. 21. *Implementing Rules and Regulation.*** – Ninety (90) days after the
9 effectivity of this Act, the DENR, in consultation with the PAMB and concerned
10 NGOs shall promulgate the implementing rules and regulations necessary to
11 effectively implement the provisions of this Act.

12 **SEC. 22. *Separability Clause.*** – If any part or section of this Act is declared by
13 the courts as unconstitutional, such declaration shall not affect the other parts or
14 sections hereof which shall continue to have full force and effect.

15 **SEC. 23. *Repealing Clause.*** – All other laws, rules and regulations inconsistent
16 with this Act or any provision hereof are hereby repealed or are modified accordingly.

17 **SEC. 24. *Effectivity.*** – This Act shall take effect fifteen (15) days
18 after its publication in the *Official Gazette* or in a newspapers of general circulation
19 readily available in and around the scope specified herein. It shall likewise be posted
20 in a conspicuous place at the municipal halls of Burgos, Dapa, Del Carmen, General
21 Luna, Pilar, San Benito, San Isidro, Sta. Monica and Socorro, located in the islands of
22 Siargao and Bucas Grande and in the barangay halls concerned where the protected
23 area is located and in other places frequented by the public.

24 Approved,