

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

HOUSE OF REPRESENTATIVES  
H. No. 1130



Introduced by **Representative Raul "Boboy" C. Tupas**

#### EXPLANATORY NOTE

### **AN ACT DECLARING TWO PARCELS OF FORESTLAND LOCATED IN SICOGON ISLAND, MUNICIPALITY OF CARLES, PROVINCE OF ILOILO AS A PROTECTED AREA UNDER THE CATEGORY OF WILDLIFE SANCTUARY, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES**

Section 4, Article XII of the 1987 Constitution states that "forest lands and national parks shall be conserved and may not be increased nor diminished, except by law." Moreover, the Department of Environment and Natural Resources (DENR) – Region VI has already expressed its strong proposition to delineate the specific protected areas in Western Visayas.

Western Visayas region which includes Panay and Negros Islands is recognized as "one of the world's highest conservation priority areas, both in terms of number of endemic species and degrees of threat" according to the study made by the Philippine Biodiversity Conservation Foundation, Inc. Based on the said study, more than half of the critically endangered species listed in the Philippines can be found in Western Visayas and that it is undoubtedly the most threatened of the six main faunal regions of the Philippines, since it has the least remaining forest cover and the highest numbers of severely threatened endemic species and subspecies.

Sicogon Island is one of the smaller islands in the northeastern tip of the Province of Iloilo. It has an estimated area of 1,160 hectares and politically located in the Municipality of Carles. The island has three barangays, namely, Alipata, Buaya, and San Fernando with an estimated population of 5,238.

Sicogon Island is characterized by a moderately rolling terrain with the highest elevation of about 300 meters above sea level. The vegetation on the western part of the island is composed of mixed grassland and agricultural areas, while the eastern part is forested and mostly classified as timberlands.<sup>1</sup> Situated in the island are two parcels of timberland areas covering 249.289 hectares in the eastern part and 33.578 hectares in the southern part with a total of 282.867 hectares.

<sup>1</sup> Alcala, E.L., Aversa, L.T., Bicol, A.A. and Cordova, L. 2010. The Vertebrate Biodiversity of the Gigantes and Sicogon Islands, Iloilo, Province, Philippines. Silliman Journal. 512(2). Retrieved June 2015 from <http://v3.su.edu.ph/resources/silimanjournal/issues/vol51no2/SJ512.pdf>.



The island has twelve fresh water springs which are the source of drinking and day to day use of residents in the island.

In 2006, preliminary baseline data on the island's biodiversity has been conducted by Flora and Fauna International (FFI)<sup>2</sup>. The results of the study shows the following results:

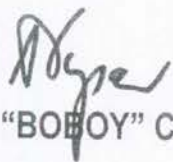
Flora Species	<p>318 species recorded  252 are tree species (32 species are endemic to Panay)  14 shrubs  9 herbs  7 vines  12 ferns</p> <p>Common families are <i>Moraceae</i>, <i>Rubiaceae</i>, <i>Anacardiaceae</i>, <i>Euphorbiaceae</i>, <i>Meliaceae</i>, <i>Fabaceae</i> and <i>Clusiaceae</i></p>
Herpetofauna	<p>7 families  21 species, 9 are endemic species  6 species of frogs  4 species of skinks  1 species of varanid  3 species of snakes</p> <p>A forest frog, <i>Platymantis</i> sp., and a dwarf gecko, <i>Hemiphyllodactylus</i> sp., are possibly new species</p>
Birds	<p>62 species recorded  12 endemic species including:  Philippine Hawk Owl (<i>Ninox philippensis</i>)  Bicolored Flowerpecker (<i>Dicaeum bicolor</i>)  Philippine Tailorbird (<i>Orthotomus castaneiceps</i>)  Balicassiao (<i>Dicrurus balicassius</i>)</p>
Mammals	<p>14 species recorded  2 species of flying foxes  Common Island Flying Fox (<i>Pteropus hypomelanus</i>)  Little Golden-mantled Flying fox (<i>Pteropus pumilus</i>)</p> <p>Other species:  Critically endangered-Visayan Warty Pig (<i>Sus cebifrons</i>)  Visayan Leopard cat (<i>Prionailurus bengalensis ssp. rabori</i>)</p>

<sup>2</sup> Flora Fauna International. 2006, An Assessment of Native Flora and Fauna of Sokaogon Island, Panay, Philippines: A Consolidated Report

The interesting biodiversity of Sicogon Islands calls a need to declare the 282.867 hectares remaining forestland of the island as protected area and made it a candidate for the West Visayan Threatened Endemic Species Reintroduction Programme which addresses the alarming conservation status of the Negros-Panay endemic species.<sup>3</sup>

Pursuant to the National Integrated Protected Areas System (NIPAS) Act, this bill aims to declare a tract of land of the public domain situated within Sicogon Island, Carles, Iloilo, as a protected area under the category of a wildlife sanctuary. This will ensure the protection, conservation, and management of the natural biodiversity of Sicogon Island.

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

  
RAUL "BOBOY" C. TUPAS

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<sup>3</sup> PBCFI, Mari-it Wildlife Conservation Park and Sicogon Development Corporation. June 2009. Sicogon Island Reintroduction Project: West Visayan Threatened Endemic Species Reintroduction Programme.



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

**ARTICLE I**

**SECTION 1. Short Title.** – This Act shall be known as the “Sicogon Island Wildlife Sanctuary (SIWS) Act”.

**SECTION 2. Declaration of Policy.** – In recognition of the richness of the biological resources, both flora and fauna, that are native and distinct to the two forestland areas situated in Sicogon Island, as well as their aesthetic and ecological importance, it is hereby declared the policy of the State to ensure the conservation, protection, management and rehabilitation of these areas.

The conservation and protection of biological and physical diversities to sustain human, plant and animal life shall be pursued through sustainable and participatory management among the national government, through the Department of Environment and Natural Resources (DENR), local government unit (LGU) through the Provincial Government of Iloilo and Municipality of Carles, the non-governmental organizations (NGOs), people’s organizations (POs), and local stakeholders.

**SECTION 3. Declaration as Protected Area.** – Pursuant to and in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992 (NIPAS Act), two parcels of forestland of the public domain situated within Sicogon Island, Municipality of Carles, Province of Iloilo are hereby declared a protected area under the category of a wildlife sanctuary.

**SECTION 4. Scope and Coverage.** – The SIWS shall cover two parcels of land located in Sicogon Island, Municipality of Carles, Province of Iloilo. The boundaries are more particularly described as follows:

1			
2	<b>CORNER</b>	<b>EASTING</b>	<b>NORTHING</b>
3	1	527987.000	1266131.000
4	2	528519.000	1266161.000
5	3	529155.000	1265940.000
6	4	529523.000	1265892.000
7	5	529699.000	1265850.000
8	6	529844.611	1265871.264
9	7	529845.929	1265869.334
10	8	529994.989	1265595.617
11	9	530039.439	1265519.417
12	10	530112.464	1265473.909
13	11	530059.547	1265430.517
14	12	530069.072	1265394.534
15	13	530032.030	1265361.725
16	14	529959.005	1265362.784
17	15	529839.413	1265308.809
18	16	529822.480	1265265.417
19	17	529774.855	1265202.975
20	18	529763.213	1265131.008
21	19	529634.000	1265234.000
22	20	529200.000	1265297.000
23	21	528959.000	1265313.000
24	22	528815.000	1265248.000
25	23	528821.529	1264834.000
26	24	528687.000	1264606.000
27	25	528620.000	1264713.000
28	26	528456.000	1264634.000
29	27	528137.000	1264642.000
30	28	528076.000	1264997.000
31	29	527858.000	1265199.000
32	30	527685.000	1265138.000
33	31	527323.000	1265566.000
34	32	527444.000	1266269.000

containing an approximate area of two hundred forty nine and two hundred eighty ninth thousandth (249.289) hectares, more or less, subject to actual ground survey.

#### BLOCK F

	<b>CORNER</b>	<b>EASTING</b>	<b>NORTHING</b>
43	1	528737.000	1263604.000
44	2	528730.000	1263440.000
45	3	528430.000	1263080.000
46	4	528261.000	1263124.000
47	5	528242.000	1263480.000
48	6	528281.000	1263699.000



1	7	528334.000	1263868.000
2	8	528634.000	1264033.000

3  
4 containing an approximate area of thirty three and five hundred seventy eight  
5 thousandth (33.578)hectares, more or less, subject to actual ground survey.

6  
7 Any modification of the coverage of this Act due to such factors as changing  
8 ecological situations or new scientific or archaeological findings not previously taken  
9 into account shall be made through an act of Congress, after consultation with the  
10 affected public and concerned government agencies.

11  
12 **SECTION 5. *Land Classification.*** – All lands of the public domain within the coverage  
13 and scope of this Act shall fall under the classification of wildlife sanctuary as provided  
14 for in the NIPAS Act.

15  
16 **SECTION 6. *Establishment of Buffer Zones.*** – Buffer zones shall be established along  
17 and adjacent to the peripheral boundaries to serve as protective layer to the area and  
18 its resources. The buffer zones shall also serve as a social fence against the entry of  
19 intruders that bring destruction or conduct activities detrimental to the park.  
20 Prescriptions for the management of buffer zones shall be included as components of  
21 the protected area management plan. The DENR shall exercise the same authority  
22 over buffer zones in the same manner as protected areas. Provided, however, That  
23 there shall be consultation with the affected communities.

24  
25 The buffer zones shall be established by the DENR, in consultation with the  
26 affected communities, after conducting a thorough study on their implications to the  
27 development of the wildlife sanctuary and the surrounding communities.

28  
29 **SECTION 7. *Definition of Terms.*** – For purposes of this Act, the following terms shall  
30 be defined as follows:

- 31  
32 a) *Bioprospecting* shall refer to any research activity or collection and utilization of  
33 biological and genetic resources for purposes of applying the knowledge  
34 derived therefrom solely for commercial purposes;  
35  
36 b) *Buffer zones* shall refer to areas that are outside the boundaries of and  
37 immediately adjacent to designated protected areas, pursuant to Section 6 of  
38 this Act, that need special development control in order to avoid or minimize  
39 encroachment and harm to the protected area;  
40  
41 c) *By-products or derivatives* shall refer to any part taken or substance extracted  
42 from wildlife, in raw or processed form, which include stuffed animals and  
43 herbarium specimens;  
44  
45 d) *Cave* shall refer to any naturally occurring void, cavity, recess or system of  
46 interconnected passages beneath the surface of the earth or within a cliff or  
47 ledge and which is large enough to permit an individual to enter, whether or not  
48 the entrance, located either on private or public land, is naturally formed or



1 man-made. It shall include any natural pit, sinkhole or other feature which is an  
2 extension of the entrance. The term also includes cave resources but not any  
3 vug, mine tunnel, aqueduct or other man-made excavation;  
4

5 e) *Collection or collecting* shall refer to the act of gathering or harvesting wildlife,  
6 its by-products or derivatives;  
7

8 f) *Conservation* shall refer to any act or acts of preservation and sustainable  
9 utilization of wildlife and/or maintenance, restoration and enhancement of  
10 habitat;  
11

12 g) *DENR* shall refer to the Department of Environment and Natural Resources, a  
13 national government agency created under Executive Order No. 192 with  
14 jurisdiction over forestlands and protected areas;  
15

16 h) *GMPS* shall refer to the General Management Planning Strategy, which is a  
17 document that serves as a guide in the formulation of site-specific development  
18 plans, including plans for the buffer zone;  
19

20 i) *IPAF* shall refer to the Integrated Protected Areas Fund, a special account in  
21 the National Treasury established for the purpose of promoting the sustained  
22 financing for the operations of the NIPAS. The IPAF may receive revenues  
23 generated within the protected area or through donor support and such other  
24 funds provided by law;  
25

26 j) *LGU* shall refer to any local government unit, a political body created under  
27 Republic Act No. 7160, otherwise known as the "Local Government Code of  
28 1991", a body politic and corporate endowed with powers to be exercised by it  
29 in conformity with law, and exercising powers as a political subdivision of the  
30 national government and as a corporate entity representing the inhabitants of  
31 the territory;  
32

33 k) *NIPAS Act* shall refer to Republic Act No. 7586, entitled "An Act Providing for  
34 the Establishment and Management of National Integrated Protected Areas  
35 System, Defining its Scope and Coverage, and for Other Purposes", which  
36 mandates the classification and administration of all designated protected  
37 areas in order to maintain ecological processes and life support systems, to  
38 preserve genetic diversity, to ensure sustainable use of resources found within  
39 the protected areas and to maintain their natural conditions to the greatest  
40 extent possible;  
41

42 l) *NGO* shall refer to any non-governmental organization or any civic,  
43 developmental, environmental or philanthropic non-stock, non-profit  
44 organization;  
45

46 m) *PAMB* shall refer to the Protected Area Management Board, a governing body  
47 created for each protected area pursuant to the NIPAS Act, and tasked to  
48 oversee all activities inside the protected area and its buffer zone;



- 1 n) *PASu* shall refer to the Protected Area Superintendent, the chief operating  
2 officer of the DENR who is directly responsible to the PAMB and the concerned  
3 DENR Regional Executive Director;  
4  
5 o) *People's Organization* shall refer to any group of people formed to advance the  
6 interests of the sector they represent;  
7  
8 p) *Protected Area* shall refer to any identified portion of land and water set aside  
9 by reason of their unique physical and biological significance, managed to  
10 enhance biological diversity and protected against destructive human  
11 exploitation;  
12  
13 q) *Secretary* shall refer to the Secretary of the DENR;  
14  
15 r) *Tenured migrant* shall refer to any person who has actually and continuously  
16 occupied an area for five (5) years prior to its designation as part of a protected  
17 area and is usually dependent on that area for subsistence;  
18  
19 s) *Wildlife Sanctuary* comprises an area which assures the natural conditions  
20 necessary to protect endemic, indigenous or migratory species, group of  
21 species, biotic communities or physical features of the environment where  
22 these may require specific human manipulation for their perpetuation.  
23

## 24 **ARTICLE II** 25 **MANAGEMENT, MANAGEMENT PLAN AND ZONING** 26

27 **SECTION 8.** *Management of the Sicogon Island Wildlife Sanctuary* – The  
28 management and administration of the SIWS shall be vested in the PAMB: *Provided,*  
29 That the processes and procedures in the management of zones to be established in  
30 the area shall be consultative and participatory.  
31

32 **SECTION 9.** *Local Government Units (LGUs).* – As member of the PAMB, the LGUs  
33 are mandated to participate in the affairs and support the programs and projects of the  
34 protected area. Specific co-management strategies, through the signing of  
35 memoranda of agreement, may be adopted, at the discretion of the PAMB, to  
36 strengthen and empower its partner LGUs, NGOs, and POs in all management  
37 schemes and undertakings on the SIWS.  
38

39 The respective LGUs shall ensure that local ordinances on environmental  
40 protection and conservation and the allocation of funds for environmental programs  
41 are consistent with this Act and the management plan.  
42

43 **SECTION 11.** *The General Management Planning Strategy (GMPS).* - The GMPS for  
44 the SINP shall be prepared to provide a long-term basic management framework,  
45 govern all activities and serve as guide in the preparation of annual operations and  
46 budgetary requirements.  
47



1       The GMPS shall identify the allowable uses for each zone. Its preparation shall  
2 be undertaken by the PAMB under the supervision of the DENR, in consultation with  
3 the different stakeholders. In addition to the contributions from various technical  
4 experts on biodiversity management, the PAMB shall solicit the assistance of NGOs  
5 and academic institutions in the preparation of the GMPS, particularly in the areas of  
6 community-based resource management. The plan must be consistent with the  
7 objectives of the SIWS.

8  
9       The GMPS shall contain information on the following:

10  
11       (a) The period of applicability which shall be twenty-five (25) years subject to  
12 review and modifications, whenever the PAMB deems it necessary;

13  
14       (b) Key management issues;

15  
16       (c) Goals and objectives of management in support of Section 8 of this Act;

17  
18       (d) Site management strategies;

19  
20       (e) Zoning, in accordance with Section 6 of this Act;

21  
22       (f) Management programs, to include the enforcement of laws, habitat and  
23 wildlife management, ecotourism, sustainable-use management, infrastructure  
24 development and maintenance, fire prevention and pest control;

25  
26       (g) Mechanisms for the protection of the identified core zone and tenured  
27 migrants;

28  
29       (h) Sustainable and non-destructive livelihood activities;

30  
31       (i) Regulations on the preservation and conservation of resources such as  
32 permits, resource-use restrictions and the like; and

33  
34       (j) Other information as may be deemed necessary.

35  
36       The GMPS shall be reviewed and adopted by the PAMB and certified to by the  
37 Secretary that it conforms to all laws, rules and regulations issued by the DENR. The  
38 revision or modification of the GMPS shall be undertaken after consultation with the  
39 approval by the PAMB.

40  
41 **SECTION 12. Management Zones.** - Management zones shall be established within  
42 the SIWS, giving primary consideration to its protection and conservation. Zoning shall  
43 take into account the tenorial and livelihood concerns of communities to ensure the  
44 efficient protection of habitats, fragile ecosystem and unique areas, without  
45 compromising the general welfare of the local inhabitants.

46  
47       The establishment and management of zones shall involve the communities  
48 concerned through dialogues, consultations and land resource-use mapping with the



aid of geographic information system and latest technologies. Such management zones shall be delineated and established on the ground with the participation of communities, LGUs and other stakeholders.

All zones that shall be established shall be indicated on maps for control point and management purposes.

### ARTICLE III INSTITUTIONAL MECHANISMS, ROLES AND FUNCTIONS OF MANAGEMENT

#### SECTION 13. *Institutional Mechanisms, Roles and Functions of Management.* :-

(a) The PAMB shall be the highest policy-making body of the SIWS. It shall be composed of the following:

(1) The DENR Regional Director (RD) for Region VI, as Chairperson and adviser on matters related to the technical aspects of protected area management;

(2) The Governor of the Province of Iloilo or his duly authorized representative, preferably the respective provincial planning and development officer (PPDO) or environment and natural resources officers;

(3) The Mayor of the Municipality of Carles, Province of Iloilo or his duly authorized representative;

(4) All punong barangays with territorial jurisdiction over the SIWS, or their duly authorized representatives;

(5) Two (2) representatives from the NGOs based in the Province of Iloilo and at least two (2) POs duly accredited by the DENR and LGUs with tangible projects within the SIWS at the time of their membership in the PAMB. In the absence of accredited NGOs, any environmental NGO may be appointed by the Secretary to nominate its representative as PAMB member;

(6) A representative each from other national government agencies involved in protected area management.

(b) There shall be an Executive Committee (ExeCom) within the PAMB to whom may be delegated some of its powers and functions, to be composed of the Regional Technical Director for Protected Areas, Wildlife Zones and Coastal Management Service as Chairperson, and at least one (1) representative each from the Province of Iloilo, Municipality of Carles, NGO, and PO. The PAMB shall determine the scope and extent of the authority to be delegated to the ExeCom.

(c) Except for government officials who shall serve as *ex officio*, each PAMB member shall serve for a term of five (5) years without compensation: *Provided, That* such government official remains connected with the office or agency being



1 represented. The term of office of the NGO and the PO representatives in, the PAMB  
2 shall be coterminous with the duration and existence of the organizations' projects in  
3 the protected area. Whenever a seat allotted for the NGOs becomes vacant, a new  
4 member shall be chosen in the same manner as the original selection process:  
5 *Provided, further,* That the substitute shall only serve for the remaining term of the  
6 predecessor. In the case of elective government officials, their membership in the  
7 PAMB shall be coterminous with their respective terms of office.  
8

9 (d) The PAMB *en banc* shall hold a regular meeting at least twice a year and  
10 the ExeCom shall hold regular meetings at least once every four (4) months. For both  
11 bodies, a quorum shall consist of a simple majority of the members. The Chairperson  
12 may call for a special meeting as deemed necessary.  
13

14 (e) The members of the PAMB shall be entitled to reimbursement of actual  
15 traveling and subsistence expenses incurred in attending the meetings of the PAMB or  
16 its committees, subject to existing accounting and budgeting rules and regulations.  
17 These expenses shall be included in the annual budgetary allocation for the SIWS.  
18

19 **SECTION 14. Functions of the PAMB.** -- The PAMB shall decide by a majority vote  
20 and shall have the following powers and functions:  
21

22 (a) Formulate rules and regulations pertaining to activities that are prejudicial to  
23 the SIWS;  
24

25 (b) Issue necessary permits for all activities in accordance with the  
26 management plan and pertinent laws and regulations on forest resources and  
27 environmental protection;  
28

29 (c) Decide on matters relating to planning, resource protection and general  
30 administration in accordance with the GMPS;  
31

32 (d) Approve proposals, work plans, action plans and guidelines for  
33 management in accordance with the approved management plan;  
34

35 (e) Promulgate rules and regulations to promote development programs and  
36 projects on biodiversity conservation and sustainable development consistent with the  
37 management manual;  
38

39 (f) Ensure the implementation of programs, as prescribed in the management  
40 plan, in order to provide employment to the people dwelling in and around the SIWS;  
41

42 (g) Control and regulate the construction, operation and maintenance of roads,  
43 waterworks, sewerage, fire protection and sanitation systems and other public utilities;  
44

45 (h) Monitor and evaluate the performance of personnel, NGOs and the  
46 communities in contributing to biodiversity conservation and socio-cultural and  
47 economic development, and report its assessment to the NIPAS Policy and Program  
48 Steering Committee and the IPAF governing board;



1 (i) Deputize, through the PASu, interested individuals for the enforcement of  
2 laws, rules and regulations and prescribe the necessary qualification standards for  
3 individuals or groups applying for deputation;

4  
5 (j) Accept donations, approve proposals for funding and budget allocation, and  
6 exercise accountability over all funds that may accrue to the SIWS; and

7  
8 (k) Create committees that may be needed for the effective implementation of  
9 programs and projects.

10  
11 The DENR, through the RD for Region VI, shall ensure that the PAMB  
12 exercises authority within the scope of its powers and functions. In case of conflict  
13 between issuances of the DENR pursuant to the NIPAS Act and the rules and  
14 regulations or resolutions of the PAMB, the Secretary shall decide whether to apply  
15 the rule or withdraw its application in the SINP.

16  
17 **SECTION 15.** *The Protected Area Superintendent (PASu) Office.* - There is hereby  
18 established a PASu office in charge of the management, protection and administration  
19 of the SIWS. The PASu shall be supported by the existing personnel of the DENR.  
20 The PASu shall be the Chief Operating Officer of the SIWS and shall be accountable  
21 to the RD of the DENR VI and the PAMB. The PASu shall have the following powers  
22 and functions:

23  
24 (a) Prepare and recommend to the PAMB the approval of the annual work and  
25 financial plans;

26  
27 (b) Develop a management information system to ensure that relevant and  
28 updated information are available for planning, monitoring and decision-making;

29  
30 (c) Collect and/or receive pertinent fees, donations and other income for the  
31 protected area;

32  
33 (d) Hire and supervise the necessary personnel to support operations which  
34 shall be included in the annual budget of the DENR;

35  
36 (d) Initiate the preparation of the GMPS in coordination with other government  
37 offices and sectors;

38  
39 (e) Serve as head of the secretariat for the PAMB;

40  
41 (f) Establish a productive partnership with the local community and  
42 stakeholders, including groups who are interested in attaining the goals and objectives  
43 of the SIWS;

44  
45 (g) Formulate and implement park information, education, communication and  
46 visitor programs;



1 (h) Enforce laws, rules and regulations pursuant to existing environmental laws  
2 and DENR orders to protect and preserve the SIWS from trespass, damage, injury  
3 and illegal occupancy;

4  
5 (i) Certify whether a proposed activity or project is allowable or not within the  
6 management zones;

7  
8 (j) Issue cutting permit for planted trees for a volume of up to five (5) cubic  
9 meters per applicant per year for traditional and subsistence livelihood of and tenured  
10 migrants only: *Provided, That Protected Area Community-Based Resource*  
11 *Management Agreement (PACBRMA) holders with affirmed community resource*  
12 *management plans shall no longer be issued cutting permits: Provided. Further, That*  
13 *the total volume of extraction does not exceed the limit set by the PAMB and the*  
14 *location of extraction is within the appropriate site within the multiple-use zone;*

15  
16 (k) Issue certificates of origin and transport permits for natural resources and  
17 other products collected or gathered from the SIWS in accordance with the resource-  
18 use instruments or agreements or gratuitous permits issued by the PAMB and/or the  
19 DENR;

20  
21 (l) Monitor all activities within the SIWS and its buffer zones; and

22  
23 (m) Perform such other functions as the PAMB or the RD may assign.  
24

## 25 ARTICLE IV 26 TENURED MIGRANTS 27

28 **SECTION 16. *Tenured Migrants.*** - Tenured migrants are households that have  
29 actually and continuously occupied the SIWS before April 25, 1997 and are solely  
30 dependent on the area for their livelihood. A tenured migrant shall be issued a tenurial  
31 instrument on the areas they have been occupying or cultivating, to exceed a  
32 maximum of three (3) hectares per household. In consideration of current practices in  
33 areas occupied by tenured migrants, especially in strict protection zones where no  
34 occupation or other activities are allowed, a provision for their transfer to sustainable-  
35 use zones shall be accomplished through just and humane means.  
36

37 To effectively provide a social fence to the SIWS, a tenurial instrument to be  
38 issued pursuant to this Act must be limited solely to the sustainable-use zones in  
39 accordance with the general management plans and strategies. The tenurial  
40 instruments or the rights and interests arising out of such instruments shall not be  
41 transferred, sold, leased or used as collateral for a loan, otherwise it shall be void. The  
42 said rights can be transferred only to direct descendants.  
43

44 A tenurial instrument shall cover a period of twenty-five (25) years, renewable  
45 for another twenty-five (25) years based on the performance evaluation and  
46 compliance with the terms and conditions stipulated in the said instrument.  
47



1 Any violation of the terms and conditions the tenurial instrument or any  
2 provision of this Act or abandonment by a tenured migrant shall constitute a sufficient  
3 ground for the cancellation of the tenurial instrument.  
4

5 Upon cancellation of a tenured migrant instrument for cause or by voluntary  
6 surrender of rights, the PAMB shall take immediate steps or strategies to develop,  
7 rehabilitate and maintain the area for protection, conservation and sustainable use.  
8

## 9 ARTICLE V 10 ILLEGAL ACTS 11

12 **SECTION 17. *Prohibited Acts.*** - The following shall be the prohibitions and penalties  
13 within the SIWS:  
14

15 (a) A fine of not less than Ten Thousand Pesos (Php 10,000.00) but not more  
16 than Five Hundred Thousand Pesos (Php 500,000.00) or imprisonment of not less  
17 than six (6) months and one (1) day but not more than six (6) years, or both, at the  
18 discretion of the court shall be imposed upon any person who:  
19

20 (1) Hunts, collects, destroys, traps, disturbs or possesses anywhere  
21 within the SIWS any wild plant or animal or product derived therefrom without  
22 prior PAMB permit;  
23

24 (2) Possesses, without a permit from the PAMB, any wild plant or  
25 animal or product derived from such wild plant or animal within the SIWS or in  
26 any of its management zones where the species is not endemic;  
27

28 (3) Cuts, gathers, collects or removes timber other forest products, as  
29 well as undertakes any activity not compatible with the use of the respective  
30 zones within the SIWS without prior PAMB permit: Provided, That any permit  
31 issued shall be valid for only one (1) month from the date of issue either to  
32 tenured migrants within sustainable, monitored and controlled quotas or for  
33 scientific purposes in accordance with existing guidelines and outside the strict  
34 protection zones;  
35

36 (4) Establishes or introduces exotic species that have allelopathic or  
37 detrimental effect to endemic species without prior PAMB permit;  
38

39 (5) Engages in *kaingin* or slash-and-bum farming or any activity that  
40 causes forest fire; or  
41

42 (6) Dumps, burns or otherwise disposes of any substance deleterious to  
43 the ecosystem, plants and animals or human inhabitants or committing the  
44 same in the buffer and multiple-use "areas without appropriate authority or  
45 permit.  
46

47 (b) A fine of not less than Ten Thousand Pesos (Php 10,000.00) but not more  
48 than Two hundred Fifty Thousand pesos (Php 250,000.00) or imprisonment of not less



1 than six (6) months but not more than six (6) years, or both, at the discretion of the  
2 court, and the restoration and rehabilitation of the damage resulting from violations  
3 shall be imposed upon any person who:

4  
5 (1) Violates the management plan or any resolution issued by the  
6 PAMB;

7  
8 (2) Vandalizes, mutilates, transports, destroys, excavates or in any  
9 manner intentionally damages any natural formation or object of natural beauty  
10 inside the protected area;

11  
12 (3) Uses or possesses a motorized equipment anywhere within the strict  
13 protection zone without a prior permit from the PAMB;

14  
15 (4) Uses or possesses chainsaws and band saws without prior PAMB  
16 permit: *Provided, That* permits may only be issued for use within the multiple-  
17 use zones;

18  
19 (5) Engages in grazing or raising of poultry and other livestock for  
20 commercial purpose: *Provided, That* existing grazing or poultry and other  
21 livestock farms shall be phased out within five (5) years after the effectivity of  
22 this Act;

23  
24 (6) Causes damage or leaves roads and trails in damaged condition;

25  
26 (7) Occupies any tract of land without a prior PAMB permit. Any  
27 clearing, construction of residence or introduction of improvements shall  
28 constitute prima facie evidence of occupation or settlement;

29  
30 (8) Alters, removes, destroys or defaces boundaries, marks or signs;

31  
32 (9) Constructs and maintains a building, edifice or any kind of structure  
33 or conducts any business enterprise without a prior PAMB permit;

34  
35 (10) Enters the SIWS without a prior PAMB permit for purposes of bird  
36 watching, swimming, trekking, filming, camping, spelunking or caving and other  
37 similar activities;

38  
39 (11) Conducts bioprospecting, research work or any study without a  
40 prior PAMB permit or in violation of existing guidelines; or

41  
42 (12) Engages in treasure hunting;

43  
44 (c) A fine of not less than Fifty Thousand Pesos (Php 50,000.00) but not more  
45 than Five Hundred Thousand Pesos (Php 500,000.00) or imprisonment of not less  
46 than six (6) months but not more than six (6) years, or both, at the discretion of the  
47 court shall be imposed upon any public-officer or law enforcement officer, who, in  
48 dereliction of the duties of his office, shall maliciously refrain from instituting proper



1 action for the punishment of violators of the law or shall tolerate the commission of  
2 offenses. A conviction of this offense shall also carry the penalty of perpetual  
3 disqualification from public office;

4  
5 (d) Any citizen may institute the necessary charge against the offender for the  
6 commission of the acts enumerated under Section 17 (a) involving protected species;

7  
8 (e) A conviction under this section shall likewise carry the penalty of eviction  
9 from the SIWS, payment of damages for the rehabilitation and restoration and the  
10 forfeiture of all equipment, device and weapons used in the commission of the offense  
11 as well as the resources caught in the possession of the accused. In case the offender  
12 is not a citizen of the Philippines, he/she shall be immediately deported to his/her  
13 country of origin after service of his/her sentence. If the offender is an association or  
14 corporation, the president or manager shall be directly responsible for the act of the  
15 employees and laborers;

16  
17 (f) The PASu or the duly deputized personnel may arrest even without a  
18 warrant any person who has committed or is committing in one's presence any of the  
19 offenses defined in this section. The PASu may also seize and confiscate in favor of  
20 the government the tools and equipment used in committing the offenses and the  
21 resources caught in the possession of the offender and file the necessary charges  
22 therefore: Provided. That the DENR may impose administrative fines and penalties in  
23 accordance with law; and

24  
25 (g) In case of conviction, the penalty consisting of fines and damages shall  
26 directly accrue to the IPAF for the protected area.

27  
28 **SECTION 18. *Special Prosecutor.*** - Within thirty (30) days from the effectivity of this  
29 Act, the Department of Justice shall designate a special prosecutor to whom all cases  
30 of violation of laws, rules and regulations in the SIWS shall be assigned. Such special  
31 prosecutor shall coordinate with the PAMB and the PASu in the performance of one's  
32 duties and assist in the training of wardens and rangers in arrest and criminal  
33 procedures.

## 34 35 **ARTICLE VI** 36 **PROCEEDS AND FEES** 37

38 **SECTION 19. *The Sicogon Island Wildlife Sanctuary Fund.*** - There is hereby  
39 established a trust fund to be known as the Sicogon Island Wildlife Sanctuary Fund for  
40 purposes of financing projects of the system. All income generated from the operation  
41 of the system or the management of wild flora and fauna in the SIWS shall accrue to  
42 the fund. These income shall be derived from fees from permitted sale and export of  
43 flora and fauna and other resources from the SIWS, proceeds from lease of multiple-  
44 use areas, contributions from industries and facilities directly benefiting from the  
45 SIWS, and such other fees and income derived from the operation of the SIWS.

46  
47 The fund may be augmented by grants, donations, endowment from various  
48 sources, domestic or foreign: *Provided, That* the fund shall be deposited as a special



1 account in the National Treasury and disbursements - therefrom shall be made solely  
2 for the protection, maintenance, administration and management of the system and  
3 duly approved projects endorsed by the PAMB in accordance with existing accounting  
4 and budgeting rules and regulations: *Provided, further*, That the fund shall not be used  
5 to cover personal services expenditures.

6  
7 The LGUs shall continue to impose and collect all other fees not enumerated  
8 herein which they have traditionally collected, such as business permits, property tax  
9 and rentals of LGUs' facilities. Furthermore, LGUs may charge add-ons to fees  
10 imposed by the PAMB: *Provided, That* such add-ons shall be determined based on  
11 the contribution of the LGUs in the maintenance and protection of the SIWS.

## 12 13 **ARTICLE VII** 14 **EXISTING FACILITIES**

15  
16 **SECTION 20. *Existing Facilities.*** - Within ninety (90) days from the effectivity of this  
17 Act, the PAMB shall be organized and a PASu shall be appointed who, within the  
18 same period, shall make an inventory of existing facilities within the boundaries of the  
19 SIWS and submit the said inventory to the PAMB through a sworn statement  
20 containing the following information:

21  
22 (a) List of infrastructure, machineries and facilities and their potential  
23 disturbances to protected species and their habitat, reproductive cycles, nesting and  
24 feeding grounds;

25  
26 (b) Noise levels at all stages of operation;

27  
28 (c) Energy requirements and sources of energy;

29  
30 (d) Water supply requirements and sources of water;

31  
32 (e) Volume of resources extracted from the protected area; and

33  
34 (f) Future plans for the next five (5) years.

35  
36 Based on the submitted documents, the PAMB, with technical assistance from  
37 the DENR, shall determine whether the existence and operation of said infrastructure,  
38 machineries and facilities and its future plans and operations would be detrimental to  
39 the SIWS.

40  
41 Existing laws, rules and regulations relating to the Environmental Impact  
42 Statement (EIS) System shall be applicable to projects and activities intended in the  
43 SIWS. The issuance by the DENR of an Environmental Compliance Certificate (ECC)  
44 or its exemption for any project or activity in the SIWS shall be coordinated with the  
45 PAMB.

## 46 47 **ARTICLE VIII** 48 **UTILIZATION OF RESOURCES**



**SECTION 21. *Utilization of Resources.*** - Livelihood activities requiring the use of resources derived from the SIWS shall be allowed only when it is found to be sustainable and consistent with the GMPS and only upon prior PAMB approval. Only non-timber products can, be utilized for livelihood purposes, except trees planted in tenured areas. No exploration, exploitation or utilization of nonrenewable resources for commercial purposes or by non-tenured migrants shall be allowed. Energy generation projects utilizing renewable resource such as, but not limited to, hydroelectric, wind or solar generators may be allowed at the discretion of the PAMB.

Commercial utilization of resources by tenured migrants shall be allowed only upon prior PAMB approval and in accordance with the GMPS. Commercial exploitation and utilization of water resources and other permitted resources and establishment or installation of infrastructure such as, but not limited to, access roads, telecommunication facilities, etc., within the SIWS shall require PAMB approval: *Provided, That* these are not in conflict with the GMPS and shall undergo the EIS System.

The utilization of non-tangible resources such as, but not limited to, aesthetic value, filming, camping and trekking areas, caving adventures, researches on flora and fauna, and other related activities shall require the approval of the PAMB pursuant to a corresponding permitting system to be adopted. The PAMB shall establish a mechanism that would streamline the processing of these permits in order to promote its viability to enhance collection.

A permanent office, strategically situated within the SIWS shall be established for this purpose, where the PASu or his duly authorized representative can judiciously act on requests from respective parties with authority from the PAMB.

## **ARTICLE IX TRANSITORY AND MISCELLANEOUS PROVISIONS**

**SECTION 22. *Appropriations.*** - The Secretary of the DENR 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 23. *Applicability.*** - The provisions of this Act shall be construed liberally in favor of tenured migrants with due consideration to the protection of biodiversity. The NIPAS Act shall supplement the implementation of this Act.

**SECTION 24. *Transitory Provisions.*** - A PAMB shall be convened and created within three (3) months from the effectivity of this Act. During the same period, the DENR, in coordination with the PAMB, the Provincial Government of Iloilo, the Municipality of Carles and the concerned Congressional District Representative shall undertake the preparation of the implementing rules and regulations of this Act.

**SECTION 25. *Separability Clause.*** - If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections hereof.



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**SECTION 26.** *Repealing Clause.* - All laws, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

**SECTION 27.** *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

*Approved,*