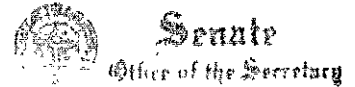


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



JUL -3 12:22

SENATE
S. No. 323

BY: *PIA*

Introduced by SENATOR PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Siargao Group of Islands in the Municipalities of Burgos, Dapa, Del Carmen, Gen. Luna, Pilar, San Benito, San Isidro, Sta. Monica and' Socorro, Surgao del Norte as a protected area.

Siargao Group of Islands provides a verdant abode for a number of the country's endangered species. Inhabiting in these islands are the dinagat gymnure, the golden crown flying fox, the hawksbill turtle, the green turtle and the olive ridley turtle, the species classified under endangered. Also among its primary dwellers is the Philippine Cuckatoo, along with 25 other bird species, nine amphibians, and 21 mammals. Notably, the Philippine Cuckatoo is listed as one of the critical species in the area. This 278,914 hectare of land boasts of having the largest continuous mangrove stand in the Philippines. It is likewise known as one of the best snorkeling, diving and surfing destinations in the country.

It is deemed crucial that we act on these now to ensure that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

This bill, therefore, seeks to declare the Siargao Group of Islands as protected in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance and preserve its source of water supply.

In view of the foregoing, the passage of this measure is earnestly urged.


SENATOR PIA S. CAYETANO



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

'13 JUL -3 P12:22

SENATE
S. No. 323

RECEIVED BY: Jan

Introduced by SENATOR PIA S. CAYETANO

AN ACT
ESTABLISHING THE SIARGAO GROUP OF ISLANDS IN THE MUNICIPALITIES OF BURGOS, DAPA, DEL CARMEN, GEN. LUNA, PILAR, SAN BENITO, SAN ISIDRO, STA. MONICA AND SOCORRO, PROVINCE OF SURIGAO DEL NORTE AS A PROTECTED LANDSCAPE AND SEASCAPE PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES PURSUANT TO R.A. 7586

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

2 SECTION. 1. *Title.* – This Act shall be known as the "Siargao Islands Protected
3 Landscape and Seascape (SIPLAS) Act of 2013".

4 SEC. 2. *Land Classification.* → All lands of the public domain comprising the
5 Siargao Islands Protected Landscapes and Seascapes (SIPLAS) shall fall under the
6 classification of National Park as provided for in the Philippine Constitution.

7 SEC. 3. *Scope and Coverage.* – The Siargao Islands Protected Landscapes and
8 Seascapes (SIPLAS) shall cover the municipalities of Burgos, Dapa, Del Carmen,
9 General Luna, Pilar, San Benito, San Isidro, Sta. Monica and Socorro located in the
10 islands of Siargao and Bucas Grande in the Province of Surigao del Norte and all the
11 lands and waters within the following boundaries:

12 Tie Point: BLLM No. 1, Cad-789-D with geographic position of latitude
13 9°47'00.058" and longitude 126°09'23.669" situated at General Luna and Pilar, Siargao
14 Island, Surigao del Norte, to wit:

STATION	BEARING	DISTANCE
16 TP- 1	N 54° 00' 00.01" E	16,700.00 m
17 1 - 2	S 04° 59' 59.98" E	30,900.00 m
18 2 - 3	S 41° 59' 59.90" W	19,100.00 m
19 3 - 4	N 69° 00' 00.00" W	20,900.00 m
20 4 - 5	N 82° 59' 59.90" W	14,800.00 m
21 5 - 6	N 37° 00' 00.01" W	16,700.00 m

1	6 - 7	N 28 ⁰ 00' 00.02" E	16,600.00 m
2	7 - 8	N 38 ⁰ 00' 00.02" W	21,800.00 m
3	8 - 9	N 54 ⁰ 00' 00.04" E	22,800.00 m
4	9 -10	N 46 ⁰ 00' 00.04" E	23,000.00 m
5	10 -11	S 58 ⁰ 00' 00.02" E	16,300.00 m
6	11 -12	21 ⁰ 00' 00.02" E	31,600.00 m

7 The foregoing boundaries, which cover an approximate area of two hundred
8 seventy-eight thousand nine hundred fourteen point one hundred thirty-one
9 (278,914.131) hectares, shall only be modified through an Act of Congress after
10 consultation with the Protected Area Management Board (PAMB), affected
11 communities, local government units (LGUs) and concerned government agencies.

12 The technical descriptions provided in this Act will be subject to ground survey and
13 verification to be conducted by the Department of Environment and Natural Resources.

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

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

21 (a) "Ancestral domain" refers to all areas generally belonging to Indigenous
22 Cultural Communities or Indigenous People (ICCs/IPs) comprising lands, inland waters,
23 coastal areas, and natural resources therein, held under a claim of ownership, occupied
24 or possessed by the ICCs/IPs, by themselves or thru their ancestors, communally or
25 individually since time immemorial, continuously to the present except if interrupted by
26 war, *force majeure* or displacement by force, deceit, stealth or as a consequence of
27 government projects or any other voluntary dealings entered into by government or
28 public individuals/corporations, and which are necessary to ensure their economic,
29 social and cultural welfare. It shall include ancestral lands, forests, pasture, residential,
30 agricultural, and other lands individually owned whether alienable and disposable or
31 otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and
32 other natural resources, and lands which may no longer be exclusively occupied by
33 ICCs/IPs but from which they traditionally had access to for their subsistence and
34 traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic
35 and/or shifting cultivators.

36 (b) "Biodiversity" refers to the variety and variability among all living organisms and
37 the ecological complex in which they occur.

1 (c) "Bioprospecting" is the research, collection and utilization of biological and
2 genetic resources for purposes of applying the knowledge derived therefrom solely for
3 commercial purposes.

4 (d) "Buffer Zone" is the identified area outside the boundaries of and immediately
5 adjacent to designated SIPLAS that need special development control in order to avoid
6 or minimize harm to the SIPLAS.

7 (e) "By-product or derivatives" refers to any part taken or substance extracted from
8 wildlife, in raw or in processed form, and includes stuffed animals and herbarium
9 specimens.

10 (f) "Collection or collecting" is the act of gathering or harvesting wildlife, its by-
11 products or derivatives.

12 (g) "Commercial" refers to market sale in volume or value in excess of that required
13 to maintain basic subsistence for workers and their dependents.

14 (h) "Conservation" refers to the preservation and sustainable utilization of wildlife,
15 and/or maintenance, restoration, and enhancement of the habitat.

16 (i) "Department" refers to the Department of Environment and Natural Resources
17 (DENR).

18 (j) "Endangered species" refers to a species or subspecies that is not critically
19 endangered but whose survival in the wild is unlikely if the causal factors for their
20 depletion continue operating.

21 (k) "Endemic species" means species or subspecies of flora and fauna which is
22 naturally occurring and found only within specific areas in the country.

23 (l) "Exotic species" means species or subspecies of flora and fauna which do not
24 naturally occur within the protected area at present or in historical time.

25 (m) "Habitat" means a place or type of environment where a species or subspecies
26 naturally occurs or has naturally established its population.

27 (n) "Hunting" refers to collection of wild fauna for food and/or recreational purposes
28 with the use of weapons such as guns, bow and arrow, spear and the like.

29 (o) "Indigenous Cultural Communities or Indigenous People (ICC/IPs)" refers to a
30 group of people or homogenous societies identified by self-ascription and ascription by
31 others, who have continuously lived as organized community on communally bounded
32 and defined territory, and who have, under claims of ownership since time immemorial,
33 occupied, possessed and utilized such territories, sharing common bonds of language,
34 customs, traditions and other distinctive cultural traits, or who have, through resistance
35 to political, social and cultural inroads of colonization, non-indigenous religions and
36 cultures, became historically differentiated from the majority of Filipinos. IPs shall
37 likewise include peoples who are regarded as indigenous on account of their descent
38 from the populations which inhabited the Country, at the time of conquest or

1 colonization, or at the time of inroads of non-indigenous religions and cultures, or the
2 establishment of present state boundaries, who retain some or all of their own social,
3 economic, cultural and political institutions, but who may have been displaced from their
4 traditional domains or who may have resettled outside their ancestral domains.

5 (p) "Management plan" refers to the fundamental plan, strategy and/or scheme
6 which shall guide all activities relating to the SIPLAS in order to attain the objectives of
7 this Act.

8 (q) "Mineral" refers to all naturally occurring inorganic substance in solid, gas,
9 liquid, or any intermediate state including energy materials such as coal, petroleum,
10 natural gas, radioactive materials, and geothermal energy.

11 (r) "National Integrated Protected Areas System (NIPAS)" is the classification and
12 administration of all designated protected areas to maintain essential ecological
13 processes and life-support systems, to preserve genetic diversity, to ensure sustainable
14 use of resources found therein, and to maintain their natural conditions to the greatest
15 extent possible.

16 (s) "National Park" refers to the land of the public domain classified as such in the
17 1987 Constitution which include all areas under the National Integrated Protected Areas
18 System (NIPAS) pursuant to RA 7586 primarily designated for the conservation of
19 native plants and animals, their associated habitats and cultural diversity.

20 (t) "Nongovernment organizations (NGOs)" refers to an agency, institution,
21 foundation or a group of persons whose purpose is to assist people's
22 organizations/associations in various ways including, but not limited to, organizing,
23 education, training, research and/or resource accessing.

24 (u) "People's organization (PO)" refers to a group of organized migrant
25 communities and or interested indigenous peoples, which may be an association,
26 cooperative, federation, or other legal entity, established to undertake collective action
27 to address community concerns and needs, and mutually share the benefits of the
28 endeavor.

29 (v) "Protected Area (PA)" refers to the identified portions of land and/or water set
30 aside by reason of their unique physical and biological significance, managed to
31 enhance biological diversity and protected against destructive human exploitation.

32 (w) "Protected Area Management Board (PAMB)" refers a multi-sectoral policy-
33 making body for protected areas created in accordance with RA 7586 or the NIPAS Act
34 of 1992.

35 (x) "Protected Landscape/Seascape" refers to an area of national significance
36 which are characterized by the harmonious interaction of man while providing

1 opportunities for public enjoyment through recreation and tourism within the normal
2 lifestyle and economic activity of these areas.

3 (y) "Quarrying" means the process of extracting, removing and disposing quarry
4 resources found on or underneath the surface of private or public land.

5 (z) "Strict protection zone" is a natural area with high biodiversity value which shall
6 be closed to all human activity except for scientific studies and/or ceremonial or
7 religious use by the indigenous cultural communities/indigenous peoples; may include
8 habitats of threatened species, or degraded areas that have been designated for
9 restoration and subsequent protection, even if these areas are still in various stages of
10 regeneration.

11 (aa) "Sustainable use" means the use of components of biological diversity in a
12 way and rate that does not lead to the long-term decline of biological diversity, thereby
13 maintaining its potential to meet the needs and aspirations of present and future
14 generations.

15 (bb) "Tenured Migrants" refers to forest occupants who have actually and
16 continuously occupied a portion of the SIPLAS and is solely dependent therein for
17 subsistence. A protected area occupant is understood to be "solely dependent for
18 subsistence" when everything indispensable for survival for the household, including
19 food, clothing, shelter and health, comes only from the utilization of resources from the
20 SIPLAS.

21 (cc) "Threatened species" refers to species or subspecies considered as critically
22 endangered, endangered, vulnerable or other accepted categories of wildlife whose
23 population is at risk of extinction.

24 (dd) "Vulnerable species" refers to a species or subspecies that is not critically
25 endangered nor endangered but are under threat from adverse factors throughout their
26 range and are likely to move to the endangered category in the near future.

27 (ee) "Wildlife" refers to wild forms and varieties of flora and fauna in all
28 developmental stages including those which are in captivity or are being bred or
29 propagated.

30 SEC. 5 *Management of the Siargao Islands Protected Landscapes and*
31 *Seascapes (SIPLAS)* - There is hereby created a PAMB which shall have sole
32 jurisdiction, power and authority over the SIPLAS for all matters that may affect

33 It shall be composed of:

34 (a) The Regional Executive Director (RED) of DENR Region XIII, as Chairperson;

35 (b) The Mayors of the Municipalities of Burgos, Dapa, Del Carmen, Gen Luna,
36 Pilar, San Benito, San Isidro, Sta. Monica, and Socorro, Province of Surigao del Norte
37 or duly designated representatives;

1 (c) The Provincial Planning and Development Officer of the Province of Surigao
2 del Norte;

3 (d) One representative from each Barangay covering the SIPLAS;

4 (e) One representative from each tribal community residing within the SIPLAS;

5 (f) At least two (2) representatives from local POs with stakes in the SIPLAS,
6 chosen from among themselves;

7 (g) At least three (3) representatives from the local NGOs with stakes in the
8 SIPLAS, chosen from among themselves;

9 (h) One representative from government agencies involved in the SIPLAS
10 management;

11 Each member of the PAMB shall serve for a term of five (5) years and shall be
12 considered to represent his or her sector and deemed to carry the vote of such sector in
13 all matters. In the case of members who are government officials, the term of office shall
14 be attached to the office held.

15 The members of the PAMB shall be appointed by the Secretary of the DENR in
16 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
17 members of the PAMB shall be nominated from the current members of the interim
18 PAMB of the SIPLAS. Their nominations shall be conducted in a joint meeting of the
19 current members of the interim PAMB duly called for the purpose: Provided, That at
20 least one-third (1/3) of the members shall include women.

21 In the selection of the representatives of POs and NGOs, preference shall be
22 accorded to those organizations that are involved in the conservation, protection and
23 development of the SIPLAS. Representation shall be by institution and shall aim to
24 achieve balance in representation by geographic location or areas.

25 The representatives from the local government units (LGUs) and national agencies
26 in the PAMB shall include among their duties the appraisal of their respective
27 constituents, office or sector of PAMB approved or other relevant policies, rules,
28 regulations, programs and projects and ensuring that the provisions of this Act are
29 observed, complied with, and used as reference and framework in their respective
30 plans, policies, programs and projects. Failure to comply with the foregoing shall subject
31 such representative to disciplinary action as the PAMB may provide.

32 The members of the Board shall not receive any salary but shall be entitled to
33 reimbursements for actual and necessary expenses incurred, either in their attendance
34 in meetings of the Board or in connection with other official business authorized by a
35 resolution of the Board, subject to existing rules and regulations.

36 SEC. 6. *Powers and Functions of the PAMB.* – The PAMB, which shall decide by
37 consensus or majority vote, shall have the following powers and functions in addition to
38 those provided under the NIPAS Act and its implementing rules and regulations:

1 (a) Issue rules and regulations to prohibit acts that may be prejudicial to the
2 SIPLAS and to the declaration of policy set forth under the NIPAS;

3 (b) Issue rules and regulations for the resolution of conflicts through appropriate
4 and effective means;

5 (c) Adopt rules and procedures in the conduct of business, including the creation of
6 committees to which its powers may be delegated;

7 (d) Approve the management plan and oversee the office of the PASu;

8 (e) Establish criteria and set fees for the issuance of permits for activities regulated
9 by this Act or the management plan;

10 (f) Recommend the deputization of appropriate individuals, including local
11 community leaders, for the enforcement of the laws, rules and regulations governing the
12 conduct or management of the SIPLAS;

13 (g) Approve fees and charges in accordance with DAO 51, Series of 2000 and
14 raise funds for the SIPLAS;

15 (h) Manage the allocation of the Siargao Islands Protected Landscapes and
16 Seascapes Fund, and other funds for the SIPLAS, and ensure their proper
17 administration and render accounting; and

18 (i) Recommend appropriate policy changes to the DENR and other government
19 authorities.

20 The DENR through the Regional Executive Director (RED), shall ensure that the
21 PAMB acts within the scope of its powers and functions. In case of conflict between
22 administrative orders issued by the DENR pursuant to the NIPAS Act and the
23 resolutions issued by the PAMB, such conflict shall be referred by PAMB to the DENR
24 Secretary who shall decide whether to apply the rule or withdraw its applications from
25 the SIPLAS.

26 *SEC. 7. Protected Area Superintendent (PASu) Office.* – The Protected Area
27 Superintendent (PASu) Office is hereby created within the DENR regional office to be
28 headed by the PASu who shall serve as the chief operating DENR officer of the entire
29 SIPLAS. The PASu shall report directly to the RED of the DENR-Region XIII and shall
30 be accountable to the PAMB. The PASu and the PASu staff shall reside within the
31 SIPLAS and establish an office and sub-offices within the SIPLAS in order to implement
32 this Act.

33 The PASu shall have full responsibility for the protection of land, water, wildlife and
34 other natural physical and biological resources within the SIPLAS. As such, the PASu
35 shall have the following duties and responsibilities in addition to those provided under
36 the NIPAS and its implementing rules and regulations:

1 (1) Establish, operate and maintain a database management system as decision
2 support tool;

3 (2) Prepare the management plans as herein defined;

4 (3) Provide a secretariat for the PAMB and supply the PAMB with all the necessary
5 information to make appropriate decisions for the implementation of this Act;

6 (4) Enforce the laws, rules and regulations relevant to the SIPLAS, institute and
7 file legal action independently or in collaboration with other government agencies or
8 organizations and assist in the prosecution of offenses committed in violation of this Act;

9 (5) Monitor all activities within the SIPLAS to ensure its conformity with the
10 management plan;

11 (6) Recommend the issuance of permits based on terms, conditions and criteria
12 established by the PAMB;

13 (7) Ensure the integration of the SIPLAS management policies, regulations,
14 programs and projects at all the concerned national and Local Government Unit levels;
15 and

16 (8) Perform such other functions as the PAMB may delegate.

17 The PASu shall be supported by sufficient number of personnel who shall be
18 performing day to day management, protection and administration of the SIPLAS. Upon
19 the recommendation of the PAMB, the DENR Regional Director shall deputize local
20 community leaders and environment and natural resource officers.

21 **SEC. 8. Siargao Islands Protected Landscapes and Seascapes (SIPLAS) Fund. –**

22 There is hereby established a trust fund to be known as the Siargao Islands Protected
23 Landscapes and Seascapes (SIPLAS) Fund for purposes of financing projects of the
24 SIPLAS. Seventy-five percent (75%) income generated from the operation of the
25 SIPLAS or management of wild flora and fauna in the SIPLAS shall accrue to the fund.
26 The remaining twenty-five percent (25%) shall go to the Integrated Protected Areas
27 Fund (IPAF) as established in the NIPAS Act of 1992.

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

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

37 The SIPLAS Fund maybe augmented by grants, donations, endowment from
38 various sources, domestic or foreign for purposes related to their functions: *Provided,*

1 That disbursements therefrom shall be made solely for the system, and duly approved
2 projects endorsed by the PAMB in accordance with existing accounting and budgeting
3 rules and regulations: *Provided, further,* That the Fund shall not be used to cover
4 personal services expenditures.

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

10 **SEC 9. Tenured Migrants and Other SIPLAS Occupants.**— Tenured migrants shall
11 be eligible to become stewards of portions of lands within allowable zones. The PAMB
12 shall identify, verify and review all tenurial instruments, land claims, and issuances of
13 permits for resource use within the SIPLAS and recommend the issuance of the
14 appropriate tenurial instrument consistent with the zoning provided in the management
15 plan and its successor plans.

16 Should areas occupied by tenured migrants be designated as zones in which no
17 occupation or other activities are allowed pursuant to the attainment of sustainable
18 development, provision for the transfer of said tenured migrants to multiple-use zones or
19 buffer zones shall be accomplished through just and humane means.

20 In the event of termination of a tenurial instrument for cause or by voluntary
21 surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order
22 to return it to its natural state prior to the cultivation or other act by the tenured migrant.

23 Other SIPLAS occupants who do not qualify as tenured migrants shall be resettled
24 outside the SIPLAS as determined by the PAMB. The PAMB shall determine, plan and
25 implement a definite schedule for resettling them outside of the SIPLAS following the
26 procedures set forth by existing law.

27 **SEC. 10. Indigenous People's Rights.** — Ancestral domain and other customary
28 rights and interests of indigenous communities within the SIPLAS shall be accorded due
29 recognition. The preservation of ancestral domain and customary rights shall be
30 considered as one of the management objectives. The maintenance, management and
31 development of ancestral domains which are found to be necessary for protected areas
32 will be pursuant to Section 58 of Republic Act No. 8371, otherwise known as the "The
33 Indigenous Peoples Rights Act of 1997 (IPRA)".

34 The identification, delineation and recognition of ancestral domain claims within the
35 SIPLAS shall be conducted by the National Commission on Indigenous Peoples (NCIP)
36 pursuant to its provisions, the IPRA, and its implementing rules and regulations, in
37 coordination with the PAMB.

1 SEC. 11. *Existing Facilities Within the SIPLAS.* – Within sixty (60) days from the
2 effectivity of this Act, major existing facilities such as roads, buildings, water systems,
3 transmission lines, communication facilities, heavy equipment, and irrigation facilities
4 existing within the boundaries of the SIPLAS shall submit project description to the
5 PAMB through the PASu.

6 The PAMB, with the assistance of the DENR, shall determine whether the
7 existence of such facility and its future plan and operations will be detrimental to the
8 SIPLAS or whether conditions for its operation shall be imposed. If any such conditions
9 are violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos
10 (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand
11 pesos (P500,000.00), the PAMB through the PASu and deputizing other government
12 entities, shall cause the cessation and demolition of the facility at the cost of its owner.

13 Existing facilities allowed to remain within the SIPLAS may be charged a
14 reasonable royalty by the DENR. All income from such royalty shall accrue to the
15 SIPLAS Fund.

16 SEC. 12. *Utilization of Resources.* –Any exploitation of or utilization of
17 nonrenewable resources within the SIPLAS shall not be allowed. Energy projects within
18 the SIPLAS shall be allowed only through an act of Congress except energy from wind,
19 sun, and water sources and not more than one (1) megawatt capacity for mini-hydro
20 power. *Provided,* That these renewable energy projects are established outside the
21 strict protection zone, adopted reduced impact technologies and undergo the
22 Environmental Impact Assessment (EIA) system as provided by law; *Provided, further,*
23 that the PAMB has endorsed the project.

24 SEC. 13. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days from
25 the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
26 prosecutor to whom all cases of violation of laws, rules and regulations in the SIPLAS
27 shall be assigned. Such Special Prosecutor shall coordinate with the PAMB and the
28 PASu in the performance of his/her duties and assist in the training of wardens and
29 rangers in arrest and criminal procedures. The PAMB may retain the services of a
30 counsel to prosecute and/or assist in the prosecution of cases under the direct control
31 and supervision of the regular or special prosecutor and to defend the members of the
32 PAMB, the PASu and the staff, or any person assisting in the protection, conservation
33 and sustainable development of the SIPLAS, against any legal action related to their
34 powers, functions and responsibilities as provided in this Act or as delegated or tasked
35 by the PAMB.

1 SEC. 14. *Prohibited Acts and Penalties.* – The following shall be the prohibitions
2 and penalties applicable to the SIPLAS, in addition to the prohibited acts as provided in
3 the NIPAS Act and its pertinent rules and regulations;

4 (A) The penalties in Articles 309 and 310 of the Revised Penal Code, depending on
5 the value of the resources involved in connection with the prohibited act, shall be
6 imposed upon any person who:

7 (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic
8 plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within
9 particularly identified regulated or prohibited areas zones in the SIPLAS including
10 private lands without the necessary permit, authorization or exemption; Provided, That
11 hunting of animals shall be absolutely prohibited except for scientific research and for
12 traditional hunting by the IPs/ICCs;

13 (2) Cuts, gathers, removes or collects timber or any forest products, within
14 particularly identified regulated or prohibited areas or zones in the SIPLAS including
15 private lands without the necessary permit, authorization or exemption;

16 (3) Possesses or transports, within or outside the SIPLAS any timber, forest
17 products, wild terrestrial or aquatic plants, animals, flora or fauna, or by-product derived
18 therefrom which is ascertained to have been taken from the SIPLAS;

19 (4) Undertakes mineral exploration or extraction within the SIPLAS;

20 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within
21 the SIPLAS;

22 (6) Hunts, collects, removes or destroys any endangered or protected species,
23 except when collection or removal is for scientific research and exempted from the
24 prohibition by the PAMB;

25 (7) Conducts bioprospecting within the SIPLAS without prior PAMB approval in
26 accordance with existing guidelines; or

27 (8) Establishes or introduces any exotic species within the SIPLAS, which are
28 detrimental to endemic species or without prior PAMB approval.

29 (B) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five
30 hundred thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not
31 more than six (6) years shall be imposed upon any person who:

32 (1) Violates any rules and regulations in the management plan or by the PAMB or
33 agreements reached before the PAMB in the exercise of adjudicative functions;

34 (2) Erects any structure on land or on water for any purposes outside the
35 management plan: *Provided*, That large-scale private infrastructure and other projects
36 such as medium to high density residential subdivisions, medium to large commercial
37 and industrial establishments, golf-courses, heavily mechanized commercial and non-

1 traditional farming, and other activities that cause increased in-migration and resource
2 degradation are absolutely prohibited;

3 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the
4 SIPLAS without a permit;

5 (4) Throws, dumps or causes to be dumped into the SIPLAS any non-
6 biodegradable material or waste whether liquid, solid or gas;

7 (5) Uses, dumps, places or causes to be placed into the SIPLAS toxic chemicals,
8 including pesticides and other hazardous substances, unless the same is expressly
9 allowed in the management plan;

10 (6) Prospects, hunts or otherwise locates hidden treasures within the SIPLAS;

11 (7) Informally occupies or dwells in any land within the SIPLAS without clearance
12 from the PAMB;

13 (8) Possesses or uses blasting caps or explosives anywhere within the SIPLAS;

14 (9) Destroys, excavates, vandalizes or, in any manner, damages any natural
15 formation on land, religious, spiritual, historical sites, artifacts and other objects of
16 natural or scenic value;

17 (10) Alters, removes or destroys boundary marks or signs; or

18 (11) Engages in kaingin, or, in any manner, causing forest fires inside the SIPLAS.

19 (12) Purchases, or sells, mortgages or leases lands or other portions of the
20 SIPLAS which are covered by any tenurial instrument.

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

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

28 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools
29 and similar devices shall be subject to immediate and administrative confiscation,
30 independent of the judicial proceedings by the PASu Office upon apprehension, subject
31 however to due process and substantial evidence requirements. When legal action is
32 however filed in the regular courts, the said conveyances, vessels, equipments,
33 paraphernalia, implements, gears, tools and similar devices, independent of the
34 administrative proceedings, shall not be released until after judgment has been
35 rendered. Proceeds of the sale of all objects administratively or judicially confiscated
36 pursuant hereto shall accrue to the SIPLAS Fund. Procedure for the sale thereof shall
37 be promulgated by the PAMB. However, in no case shall any confiscated or rescued
38 protected animal species be sold or, in any manner disposed of but shall be immediately

1 turned over to the PASu Office for release in its natural habitat, subject to existing
2 regulations.

3 The penalties specified in this Section will be in addition to the penalties contained
4 in RA 9072 (National Caves and Cave Resources Management and Protection Act), RA
5 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

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

8 SEC. 15. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit
9 an annual accomplishment report to the Secretary of the DENR on the activities
10 undertaken in the SIPLAS.

11 SEC. 16. *Appropriations.* – The Secretary shall immediately include in the
12 Department's program the implementation of this Act, the funding of which shall be
13 included in the annual General Appropriations Act.

14 SEC. 17. *Construction and Suppletory Application of Existing Laws.* The provisions
15 of this Act shall be construed liberally in favor of achieving biodiversity conservation,
16 protection and sustainable development Provisions of Republic Act No. 7586, otherwise
17 known as the National Integrated Protected Areas Management Act of 1992 and
18 existing forestry laws, and their corresponding rules and regulations not inconsistent
19 hereto shall have the suppletory effect in the implementation of this Act.

20 SEC. 18. *Transitory Provision.* – In order to ensure the recovery and restoration of
21 biological diversity and to develop sustainable livelihood opportunities for tenured
22 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,
23 clearances, compliance documents or any other instrument that allows exploitation and
24 utilization of resources within the SIPLAS until the management plan shall have been
25 put into effect.

26 All existing land use and resource use permits within the SIPLAS shall be reviewed
27 and shall not be renewed upon their expiration unless consistent with the management
28 plan and approved by the PAMB.

29 SEC. 19. *Separability Clause.* – If, for any reason, any part or section of this Act is
30 declared unconstitutional or invalid, such other parts not affected thereby shall continue
31 to have full force and effect.

32 SEC. 20. *Repealing Clause.* – All other laws, decrees, proclamations, rules and
33 regulations inconsistent with this Act or any provision hereof are hereby repealed or are
34 modified accordingly.

35 SEC. 21. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
36 complete publication in the *Official Gazette* or in a national newspaper of general
37 circulation available in the SIPLAS.

1 Approved.