

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



Senate
Office of the Secretary

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SENATE
S. No. 1045

RECEIVED BY: *ja*

Introduced by SENATOR PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Turtle Islands Wildlife Sanctuary in the Province of Tawi- Tawi as a protected area.

The Turtle Islands Wildlife Sanctuary, which covers 242,967.72 hectares, is comprised of six major turtle nesting islands. These islands serve as a nesting ground of the endangered species of marine turtles. Aside from three other islands in Malaysia, the Turtle Islands Wildlife Sanctuary is considered the only remaining major nesting ground of the Green Turtles in the ASEAN Region. Also found in this area are diverse marine resources ranging from marine vertebrates and invertebrates, to seaweeds and corals. The Turtle Islands Wildlife Sanctuary is among the ten priority protected areas in the country under the Conservation of Priority Protected Areas Project.

Recognizing the value of this area, the Turtle Islands Wildlife Sanctuary was established by virtue of Presidential Proclamation No. 171, dated August 26, 1999.

This bill, therefore, seeks to declare the Turtle Islands Wildlife Sanctuary 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.

Given the importance of biodiversity, 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.

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

Pia S. Cayetano
PIA S. CAYETANO
Senator

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SENATE
S. No. 1045

Introduced by Senator Pia S. Cayetano

AN ACT ESTABLISHING TURTLE ISLANDS WILDLIFE SANCTUARY IN THE PROVINCE OF TAWI-TAWI AS PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “Turtle Islands Wildlife
2 Sanctuary Act of 2013”.

3 SEC. 2. *Land Classification.* – All lands of the public domain comprising the Turtle
4 Islands Wildlife Sanctuary Protected Area shall fall under the classification of National
5 Park as provided for in the Philippine Constitution.

6 SEC. 3. *Scope and Coverage.* – The Turtle Islands Protected Area hereby known
7 as Turtle Islands Wildlife Sanctuary (TIWS) shall cover the islands of Taganak,
8 Langaan, Boan, Lihiman, Great Bakkungan, Baguan Island and Sibaung within the
9 Municipality of Turtle Islands in the Province of Tawi-Tawi, including the municipal
10 waters thereof pursuant to the law on territorial waters, containing a total area of more
11 or less TWO HUNDRED FORTY-TWO THOUSAND NINE HUNDRED SIXTY SEVEN
12 (242,967) hectares, THREE HUNDRED EIGHTEEN (318) hectares of which constitute
13 the aggregate land portion of the six islands while the remaining TWO HUNDRED
14 FORTY TWO THOUSAND, SIX HUNDRED FORTY NINE (242, 649) hectares
15 constitute the marine portion.

16 The Turtle Islands Wildlife Sanctuary begins at a point marked “1” on the map
17 which is to identical to corner 1 of the existing International treaty limits with coordinates
18 06°00’00” latitude and 118°37’47.83” longitude based from NAMRIA Map of Balabac

1	Strait No. 4720, Cybersoft Inc.;		
2	Thence Due West	32, 349.00 meters	to corner 2;
3	Thence N 52° 00'00" W	51, 840.00 meters	to corner 3;
4	Thence Due North	21,035.15 meters	to corner 4;
5	Thence Due East	14, 400.00 meters	to corner 5;
6	Thence S 53° 27'49.5" E	17,394.45 meters	to corner 6;
7	Thence S 85° 24'07.9"E	17, 921.65 meters	to corner 7;
8	Thence S 71° 26'46.2"E	8, 518.67 meters	to corner 8;
9	Thence S 52° 27'48.2" E	20, 990.33 meters	to corner 9;
10	Thence S 15° 20'38.4" E	8, 461.24 meters	to corner 10;
11	Thence Due South	17, 500.00 meters	to corner 1

12 A 15-Kilometer distance reckoned from the shoreline of each of the islands is
 13 extended to form the protected area boundary within the Philippine waters.

14 The technical descriptions of the Turtle Islands Wildlife Sanctuary shall be subject
 15 to actual ground survey using the Global Positioning System (GPS). Marine buoys shall
 16 be established on the corners as protected area boundary markers.

17 The technical descriptions provided in this Act will be subject to ground survey and
 18 verification to be conducted by the Department of Environment and Natural Resources.
 19 Any modification of the coverage of this Act due to such factors as changing ecological
 20 situations, new scientific or archeological findings, or discovery of traditional boundaries
 21 not previously taken into account shall be made through an act of Congress, after
 22 consultation with the affected public and concerned government agencies.

23 SEC. 4. *Definition of Terms.* – For purposes of this Act, the following terms are
 24 defined as follows:

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

1 their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who
2 are still nomadic and/or shifting cultivators.

3 b) "Biodiversity" refers to variety and variability among living organisms and the
4 ecological complexes in which said organisms occur.

5 c) "Biological resources" includes genetic resources, organisms or parts thereof,
6 population, or any other biotic component of ecosystems with actual or potential use or
7 value for humanity.

8 d) "Bioprospecting" means the research, collection and utilization of biological and
9 genetic resources for purposes of applying the knowledge derived therefrom solely for
10 commercial purposes.

11 e) "Buffer Zone" refers to an identified area outside the boundaries of an
12 immediately adjacent to designated areas pursuant to Section 8 of NIPAS Act of 1992
13 that need special development control in order to avoid or minimize harm to the
14 protected area.

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

17 g) "Conservation" means preservation and sustainable utilization of wildlife, and/or
18 maintenance, restoration and enhancement of the habitat.

19 h) "Endangered species" refers to species or subspecies of flora and fauna that is
20 not critically endangered but whose survival in the wild is unlikely if the causal factors
21 continue operating.

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

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

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

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

31 m) "Indigenous Cultural Communities or Indigenous People (ICC/ IPs)" refers to a
32 group of people or homogenous societies identified by self-ascription and ascription by
33 others, who have continuously lived as organized community on communally bounded
34 and defined territory, and who have, under claims of ownership since time immemorial,
35 occupied, possessed and utilized such territories, sharing common bonds of language,
36 customs, traditions and other distinctive cultural traits, or who have, through resistance

1 to political, social and cultural inroads of colonization, non-indigenous religions and
2 cultures, became historically differentiated from the majority of Filipinos. IPs shall
3 likewise include peoples who are regarded as indigenous on account of their descent
4 from the populations which inhabited the Country, at the time of conquest or
5 colonization, or at the time of inroads of non-indigenous religions and cultures, or the
6 establishment of present state boundaries, who retain some or all of their own social,
7 economic, cultural and political institutions, but who may have been displaced from their
8 traditional domains or who may have resettled outside their ancestral domains.

9 n) "Management plan" refers to the fundamental plan, strategy and/or scheme
10 which shall guide all activities relating to the Turtle Islands Wildlife Sanctuary in order to
11 attain the objectives of this Act.

12 o) "Mineral" refers to all naturally occurring inorganic substance in solid, gas, liquid,
13 or any intermediate state including energy materials such as coal, petroleum, natural
14 gas, radioactive materials, and geothermal energy.

15 p) "Multiple-Use Zone" refers to area where settlement, traditional and/or
16 sustainable land use, including agriculture, agro-forestry, extraction activities and other
17 income generating or livelihood activities, may be allowed to the extent prescribed in the
18 management plan.

19 q) "National Integrated Protected Areas System (NIPAS)" is the classification and
20 administration of all designated protected areas to maintain essential ecological
21 processes and life-support systems, to preserve genetic diversity, to ensure sustainable
22 use of resource found therein, and maintain their natural conditions to the greatest
23 extent possible.

24 r) "National Park" refers to a forest reservation essentially of natural wilderness
25 character which has been withdrawn from settlement, occupancy or any form of
26 exploitation except in conformity with approved management plan and set aside as such
27 exclusively to conserve the area or preserve the scenery, the natural and historic
28 objects, wild animals and plants therein and to provide enjoyment of these features in
29 such areas.

30 s) "Non-governmental organization (NGO)" refers to an agency, institution,
31 foundation or a group of persons whose purpose is to assist peoples
32 organizations/associations in various ways including, but not limited to, organizing,
33 education, training, research and/or resource accessing.

34 t) "People's Organization" refers to a group of organized migrant communities and
35 or interested indigenous peoples which may be an association, cooperative, federation,
36 or other legal entity, established to undertake collective action to address community

1 concerns and needs, and mutually share the benefits of the endeavor.

2 u) "Protected Area" refers to identified portions of land and water set aside by
3 reason of their unique physical and biological significance, managed to enhance
4 biological diversity and protected against destructive human exploitation.

5 v) "Protected Area Management Board" refers to a multi-sectoral policy-making
6 body for protected areas created in accordance with RA 7586 or the NIPAS Act of 1992;

7 w) "Special use zone" is an area containing existing installations of national
8 significance, such as telecommunication facilities, irrigation canals or electric power
9 lines.

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

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

20 z) "Trawl" refers to an active fishing gear consisting of a bag shaped net with or
21 without otter boards to open its opening which is dragged or towed along the bottom or
22 through the water columns to take fishery species by straining them from the water,
23 including all variations and modifications of trawls (bottom, mid-water, and baby trawls)
24 and tow nets.

25 aa) "Wildlife" means wild forms and varieties of flora and fauna, in all
26 developmental stages, including those which are in captivity or are being bred or
27 propagated.

28 bb) "Wildlife Sanctuary" means an area which assures the natural conditions
29 necessary to protect nationally significant species, group of species, biotic communities
30 or physical feature of the environment where these may require specific human
31 manipulation for their perpetuation.

32 SEC.5. *The Turtle Island Wildlife Sanctuary Protected Area Management Board.*
33 – A Protected Area Management Board (PAMB) for Turtle Islands Wildlife Sanctuary
34 shall be created to be composed of the following:

35 (1) The Regional Executive Director (RED) of the DENR ARMM, as Chairperson;

36 (2) Provincial Planning and Development Officers of the Province of Tawi- Tawi;

1 (3) The Mayors of the Municipality of Turtle Islands in the Province of Tawi-Tawi,
2 or their duly designated representatives;

3 (4) One representative from each barangay covering the Turtle Islands Wildlife
4 Sanctuary Protected Area;

5 (5) At least two (2) representatives from local POs with stakes in the Turtle
6 Islands Wildlife Sanctuary Protected Area, chosen from among themselves;

7 (6) At least three (3) representatives from the local NGOs with stakes in the Turtle
8 Islands Wildlife Sanctuary Protected Area, chosen from among themselves;

9 (7) One representative from government agencies involved in the Turtle Islands
10 Wildlife Sanctuary Protected Area management; and

11 (8) One representative from each tribal community residing within the Turtle
12 Islands Wildlife Sanctuary Protected Area;

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

17 The members of the PAMB shall be appointed by the Secretary of the DENR in
18 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
19 members of the PAMB shall be nominated from the current members of the interim
20 PAMBs of the five (5) component areas of the Turtle Islands Wildlife Sanctuary
21 Protected Area. Their nominations shall be conducted in a joint meeting of the current
22 members of the interim PAMBs duly called for the purpose: *Provided, further*, that at
23 least one-third (1/3) of the members shall be women.

24 In the selection of the representatives of POs and NGOs, preference shall be
25 accorded to those organizations that are involved in the conservation, protection and
26 development of the Turtle Islands Wildlife Sanctuary Protected Area. Representation
27 shall be by institution and shall aim to achieve balance in representation by geographic
28 location or areas.

29 The representatives from the LGUs and national agencies in the PAMB shall
30 include among their duty to appraise their respective constituents, office or sector, of
31 PAMB approved or other relevant policies, rules, regulations, programs and projects
32 and to ensure that the provisions of this Act are observed, complied with, and used as
33 reference and framework in their respective plans, policies, programs and projects.
34 Failure to comply with the foregoing shall subject such representative to disciplinary
35 action as the PAMB may provide.

36 The members of the Board shall not receive any salary but shall be entitled to

1 reimbursements for actual and necessary expenses incurred, either in their attendance
2 in meeting of the Board or in connection with other official business authorized by a
3 resolution of the Board, subject to existing rules and regulations.

4 SEC. 6. *Powers and Functions of the PAMB.* - The PAMB of the Turtle Islands
5 Wildlife Sanctuary Protected Area, which shall decide by consensus or majority vote,
6 shall have the following duties and functions, in addition to the duties and functions
7 enumerated in the implementing rules and regulations of the NIPAS Act:

8 (1) Issue rules and regulations to prohibit acts that may be prejudicial to the Turtle
9 Islands Wildlife Sanctuary Protected Area and to the declaration of policy set forth under
10 the NIPAS;

11 (2) Issue rules and regulations for the resolution of conflicts through appropriate
12 and effective means;

13 (3) Adopt rules and procedures in the conduct of business, including the creation of
14 committees to which its powers may be delegated;

15 (4) Approve the management plan and oversee the office of the PASu;

16 (5) Establish criteria and set fees for the issuance of permits for activities regulated
17 by this Act or the management plan;

18 (6) Recommend the deputization of appropriate individuals, including local
19 community leaders, for the enforcement of the laws, rules and regulations governing the
20 conduct or management of the Turtle Islands Wildlife Sanctuary Protected Area;

21 (7) Approve fees and charges in accordance with DAO 51, Series of 2000 and
22 raise funds for the Turtle Islands Wildlife Sanctuary Protected Area;

23 (8) Manage the allocation of the Turtle Islands Wildlife Sanctuary Protected Area
24 Fund ,and other funds for the Turtle Islands Wildlife Sanctuary Protected Area, ensure
25 their proper administration and render accounting; and

26 (9) Recommend appropriate policy changes to the DENR and other government
27 authorities.

28 The DENR, through the Regional Executive Director (RED), shall ensure that the
29 PAMB acts within the scope of its powers and functions. In case of conflict between
30 administrative orders issued by the DENR pursuant to the NIPAS Act and the
31 resolutions issued by the PAMB, such conflict shall be referred by PAMB to the DENR
32 Secretary who shall decide whether to apply the rule or withdraw its application from
33 the Turtle Islands Wildlife Sanctuary Protected Area.

34 SEC. 7. *Protected Area Superintendent (PASu) Office.* - The Protected Area

1 Superintendent (PASu) Office is hereby created within the DENR Regional office to be
2 headed by the PASu who shall serve as the Chief Operating DENR Officer of the entire
3 Turtle Islands Wildlife Sanctuary Protected Area. The PASu shall report directly to the
4 RED of the DENR-Region ARMM and shall be accountable to the PAMB. The PASu
5 and the PASu staff shall reside within the Turtle Islands Wildlife Sanctuary Protected
6 Area and establish an office in order to implement this Act.

7 The PASu shall have full responsibility for the protection of land, water, wildlife and
8 other natural physical and biological resources within the Turtle Islands Wildlife
9 Sanctuary Protected Area. As such, the PASu shall have the following powers and
10 functions in addition to those provided under the NIPAS and its implementing rules and
11 regulations:

12 Establish, operate, and maintain a database management system as a decision
13 support tool;

14 (2) Prepare the management plan as herein defined;

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

17 (4) Enforce the laws, rules and regulations relevant to the Turtle Islands Wildlife
18 Sanctuary Protected Area, institute and file legal action independently or in collaboration
19 with other government agencies or organizations and assist in the prosecution of
20 offenses committed in violation of this Act;

21 (5) Monitor all activities within the Turtle Islands Wildlife Sanctuary Protected Area
22 to ensure its conformity with the management plan;

23 (6) Ensure the integration of the Turtle Islands Wildlife Sanctuary Protected Area
24 management policies, regulations, programs and projects in all concerned national and
25 local government unit levels;

26 (7) Recommend the issuance of permits based on terms, conditions and criteria
27 established by the PAMB; and

28 (8) Perform such other powers and duties as may from time to time be prescribed
29 by the PAMB and higher authorities.

30 *SEC. 8. Indigenous People's Rights.* – Ancestral domain and other customary
31 rights and interests of indigenous communities within the Turtle Islands Wildlife
32 Sanctuary Protected Area shall be accorded due recognition. The preservation of
33 ancestral domain and customary rights shall be considered as one of the management
34 objectives. The maintenance, management and development of ancestral domains
35 which are found to be necessary for Turtle Islands Wildlife Sanctuary Protected Area
36 will be pursuant to Section 58 of Republic Act No. 8371, otherwise known as the "The

1 Indigenous Peoples Rights Act of 1997 (IPRA)".

2 The identification, delineation and recognition of ancestral domain claims within the
3 Turtle Islands Wildlife Sanctuary Protected Area shall be conducted by the National
4 Commission on Indigenous Peoples (NCIP) pursuant to the provisions the IPRA, and its
5 implementing rules and regulations, in coordination with the PAMB.

6 *SEC. 9. Tenured Migrants and Other Turtle Islands Wildlife Sanctuary Protected*
7 *Area Occupants.* –Tenured migrants shall be eligible become stewards of portions of
8 lands within allowable zones. The PAMB shall identify, verify and review all tenurial
9 instruments, land claims, and issuances of permits for resource use within the Turtle
10 Islands Wildlife Sanctuary Protected Area and recommend the issuance of the
11 appropriate tenurial instrument consistent with the zoning provided in the management
12 plan.

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

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

20 Other Turtle Islands Wildlife Sanctuary Protected Area occupants who do not
21 qualify as tenured migrants shall be resettled outside the Turtle Islands Wildlife
22 Sanctuary Protected Area as determined by the PAMB. The PAMB shall determine,
23 plan and implement a definite schedule for resettling them outside of the Turtle Islands
24 Wildlife Sanctuary Protected Area following the procedures set forth by existing law.

25 *SEC. 10. Prohibited Acts and Penalties.* – The following shall be the
26 prohibitions and penalties applicable to the Turtle Islands Wildlife Sanctuary Protected
27 Area, in addition to the prohibited acts as provided in the NIPAS Act and its pertinent
28 rules and regulations:

29 (A) The penalties provided for in Articles 309 and 310 of the Revised Penal
30 Code, depending on the value of the resources taken, damaged or destroyed, shall be
31 imposed upon any person who:

32 Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic
33 plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within
34 particularly identified regulated or prohibited areas zones in the Turtle Islands Wildlife
35 Sanctuary Protected Area including private lands without the necessary permit,

1 authorization or exemption: *Provided*, That hunting of animals shall be absolutely
2 prohibited except for scientific research and for traditional hunting by the IPs/ICCs;

3 (2) Cuts, gathers, removes or collects timber or any forest products, within
4 particularly identified regulated or prohibited areas or zones in the Turtle Islands Wildlife
5 Sanctuary Protected Area including private lands without the necessary permit,
6 authorization or exemption;

7 (3) Possesses or transports, within or outside the Turtle Islands Wildlife Sanctuary
8 Protected Area any timber, forest products, wild terrestrial or aquatic plants, animals,
9 flora or fauna, or by-product derived therefrom which is ascertained to have been taken
10 from the Turtle Islands Wildlife Sanctuary Protected Area;

11 (4) Undertakes mineral exploration or extraction within the Turtle Islands Wildlife
12 Sanctuary Protected Area;

13 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within
14 the Turtle Islands Wildlife Sanctuary Protected Area;

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

18 (7) Conducts bioprospecting within the Turtle Islands Wildlife Sanctuary Protected
19 Area without prior PAMB approval in accordance with existing guidelines; or

20 (8) Establishes or introduces exotic species within the Turtle Islands Wildlife
21 Sanctuary Protected Area which are detrimental to endemic species or without prior
22 PAMB approval.

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

26 Violates any rules and regulations in the management plan or by the PAMB or
27 agreements reached before the PAMB in the exercise of adjudicative functions;

28 Erects any structure on land or on water for any purposes outside the management
29 plan: *Provided*, That large-scale private infrastructure and other projects such as
30 medium to high density residential subdivisions, medium to large commercial and
31 industrial establishments, golf-courses, heavily mechanized commercial and non-
32 traditional farming, and other activities that cause increased in-migration, pollution and
33 resource degradation are absolutely prohibited;

34 Possesses a chainsaw, hacksaw and other mechanized equipment within the
35 Turtle Islands Wildlife Sanctuary Protected Area without a permit;

36 Throws, dumps or causes to be dumped into the Turtle Islands Wildlife Sanctuary

1 Protected Area any non-biodegradable material or waste whether liquid, solid or gas;
2 Uses, dumps, places or causes to be placed into the Turtle Islands Wildlife
3 Sanctuary Protected Area toxic chemicals, including pesticides and other hazardous
4 substances, unless the same is expressly allowed in the management plan;

5 Prospects, hunts or otherwise locates hidden treasures within the Turtle Islands
6 Wildlife Sanctuary Protected Area;

7 (7) Informally occupies or dwells in any land within the Turtle Islands Wildlife
8 Sanctuary Protected Area without clearance from the PAMB;

9 (8) Posseses or uses blasting caps or explosives anywhere within the Turtle
10 Islands Wildlife Sanctuary Protected Area;

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

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

15 (11) Engages in kaingin, or, in any manner, causing forest fires inside the Turtle
16 Islands Wildlife Sanctuary Protected Area; or

17 (12) Purchases, or sells, mortgages or leases lands or other portions of the Turtle
18 Islands Wildlife Sanctuary Protected Area which are covered by any tenurial instrument.

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

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

26 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools
27 and similar devices shall be subject to immediate and administrative confiscation,
28 independent of the judicial proceedings by the PASu Office upon apprehension, subject
29 however to due process and substantial evidence requirements. When legal action is
30 however filed in the regular courts, the said conveyances, vessels, equipments,
31 paraphernalia, implements, gears, tools and similar devices, independent of the
32 administrative proceedings, shall not be released until after judgment has been
33 rendered. Proceeds of the sale of all objects administratively or judicially confiscated
34 pursuant hereto shall accrue to the Turtle Islands Wildlife Sanctuary Protected Area

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

5 The penalties specified in this Section will be in addition to the penalties contained
6 in RA 9072 (National Caves and Cave Resources Management and Protection Act), RA
7 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

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

10 SEC. 11. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days
11 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
12 prosecutor to whom all cases of violation of laws, rules and regulations in the Turtle
13 Islands Wildlife Sanctuary Protected Area shall be assigned. Such Special Prosecutor
14 shall coordinate with the PAMB and the PASu in the performance of his/her duties and
15 assist in the training of wardens and rangers in arrest and criminal procedures. The
16 PAMB may retain the services of a counsel to prosecute and/or assist in the prosecution
17 of cases under the direct control and supervision of the regular or special prosecutor
18 and to defend the members of the PAMB, the PASu and the staff, or any person
19 assisting in the protection, conservation and sustainable development of the Turtle
20 Islands Wildlife Sanctuary Protected Area, against any legal action related to their
21 powers, functions and responsibilities as provided in this Act or as delegated or tasked
22 by the PAMB.

23 SEC. 12. *Turtle Islands Wildlife Sanctuary Protected Area Fund.* –There is
24 hereby established a trust fund to be known as the Turtle Islands Wildlife Sanctuary
25 Protected Area Fund for purposes of financing projects of the Turtle Islands Wildlife
26 Sanctuary Protected Area. Seventy-five percent (75%) income generated from the
27 operation of the Turtle Islands Wildlife Sanctuary Protected Area or management of wild
28 flora and fauna in the Turtle Islands Wildlife Sanctuary Protected Area shall accrue to
29 the fund. The remaining twenty-five percent (25%) shall go to the Integrated Protected
30 Areas Fund (IPAF) as established in the NIPAS Act of 1992.

31 Income shall be derived from visitors/tourists fee, fees from permitted sale and
32 export of flora and fauna and other resources from the Turtle Islands Wildlife Sanctuary
33 Protected Area, proceeds from the registration and lease of multiple-use areas,
34 including tourism concessions, fees, proceeds, and contributions from industries and
35 facilities directly benefiting from the Turtle Islands Wildlife Sanctuary Protected Area,

1 and such other fees and income derived from the operation of the Turtle Islands Wildlife
2 Sanctuary Protected Area.

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

7 The Fund may be augmented by grants, donations, endowment from various
8 sources, domestic or foreign, for purposes related to their functions: *Provided*,
9 disbursements therefrom shall be made solely for the protection, maintenance,
10 administration and management of the system, and duly approved projects endorsed by
11 the PAMB in accordance with existing accounting and budgeting rules and regulations:
12 *Provided, further*, That the Fund shall not be used to cover personal services
13 expenditures.

14 The LGUs shall continue to impose and collect all other fees not enumerated
15 herein which they have traditionally collected, such as business permits, property tax
16 and rentals of LGUs' facilities. *Provided*, LGUs may charge add-ons to fees imposed by
17 the PAMB: *Provided*, That such add-ons shall be determined based on the contribution
18 of the LGUs in the maintenance and protection of the Turtle Islands Wildlife Sanctuary
19 Protected Area.

20 SEC. 13. *Existing Facilities Within the Turtle Islands Wildlife Sanctuary*
21 *Protected Area.* – Within sixty (60) days from the effectivity of this Act, major existing
22 facilities such as roads, buildings, water systems, transmission lines, communication
23 facilities, heavy equipment, and irrigation facilities existing within the boundaries of the
24 Turtle Islands Wildlife Sanctuary Protected Area shall submit project description to the
25 PAMB through the PASu.

26 The PAMB, with the assistance of the DENR, shall determine whether the
27 existence of such facility and its future plan and operations will be detrimental to the
28 Turtle Islands Wildlife Sanctuary Protected Area or whether conditions for its operation
29 shall be imposed. If any such conditions are violated, the owner of the facility shall be
30 liable to pay a fine of Five Thousand Pesos (P5,000.00) for every violation. Upon
31 reaching a total fine of Five Hundred Thousand Pesos (P500,000.00), the PAMB
32 through the PASu and deputizing other government entities, shall cause the cessation
33 and demolition of the facility at the cost of its owner.

34 Existing facilities allowed to remain within the Turtle Islands Wildlife Sanctuary
35 Protected Area may be charged a reasonable royalty by the DENR. All income from
36 such royalty shall accrue to the Turtle Islands Wildlife Sanctuary Protected Area Fund.

1 SEC. 14. *Utilization of Resources.* – Any exploitation of or utilization of
2 nonrenewable resources within the Turtle Islands Wildlife Sanctuary Protected Area
3 shall not be allowed. Energy projects—within the Turtle Islands Wildlife Sanctuary
4 Protected Area shall be allowed only through an act of Congress except energy from
5 wind, sun and water sources of not more than one (1) megawatt capacity for mini-hydro
6 power: *Provided*, That these renewable energy projects are established outside the
7 strict protection zone, adopt reduced impact technologies and undergo the
8 environmental impact assessment (EIA) system as provided by law and: *Provided*,
9 *Further*, that the PAMB endorsement has been obtained.

10 SEC. 15. *Appropriations.* – The Secretary of the DENR shall include in its
11 program the implementation of this Act, the funding of which shall be included in the
12 annual General Appropriations Act.

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

19 SEC. 17. *Transitory Provisions.* – In order to ensure the recovery and
20 restoration of biological diversity and to develop sustainable livelihood opportunities for
21 tenured migrants, the DENR shall henceforth cease to issue concessions, licenses,
22 permits, clearances, compliance documents or any other instrument that allows
23 exploitation and utilization of resources within the Turtle Islands Wildlife Sanctuary
24 Protected Area until the management plan shall have been put into effect.

25 All existing land use and resource use permits within the Turtle Islands Wildlife
26 Sanctuary Protected Area shall be reviewed and shall not be renewed upon their
27 expiration unless consistent with the management plan and approved by the PAMB.
28 Moreover, areas determined by wildlife habitat and potable water sources and
29 reservoirs shall be declared protected and special use zones, respectively, and their
30 management and uses shall be consistent with the provision of the respective executive
31 orders, presidential proclamations and amendments establishing them.

32 SEC. 18. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit
33 an annual accomplishment report to the Secretary of the DENR on the activities
34 undertaken in the Turtle Islands Wildlife Sanctuary Protected Area.

1 SEC. 19. *Separability Clause.* – If, for any reason, any part or section of this Act
2 is declared invalid or unconstitutional, such other parts not affected thereby shall
3 continue to be in full force and effect.

4 SEC. 20. *Repealing Clause.* –All laws, decrees, proclamations, rules and
5 regulations inconsistent with the provisions of this Act are hereby repealed or modified
6 accordingly.

7 SEC. 21. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
8 complete publication in the *Official Gazette* or in a national newspaper of general
9 circulation available in the Turtle Islands Wildlife Sanctuary Protected Area.

10 Approved.