

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



Senate
Office of the Secretary

13 JUL 23 A9:10

SENATE

S. No. 1049

RECEIVED BY: ja

Introduced by SENATOR PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Apo Reef Natural Park in the Municipality of Sablayan, in Occidental Mindoro, as a protected area.

The Apo Reef Natural Park (ARNP), which covers 15,792 hectares with a buffer zone of 11,677 hectares of marine area, is the largest coral atoll-like reef in the Philippines. ARNP is one of the ten (10) Priority Sites under the Conservation of Priority Protected Area Project (CPPAP), a project funded under the World Bank. ARNP is also included in the Philippines' Tentative List of World Cultural and Natural Heritage Sites which was submitted to the UNESCO-National Commission of the Philippines.

The ARNP hosts to a variety of flora and fauna. Found in this area are 46 species of terrestrial flora, seven species of seagrass and 26 species of algae. ARNP also consists of 47 species of birds, six species of reptiles and seven species of mammals.

Recognizing the value of the area, the Apo Reef Natural Park was established under the National Integrated Protected Areas System (NIPAS) by virtue of Presidential Proclamation No. 868, dated September 6, 1996.

This bill, therefore, seeks to declare the Apo Reef Natural Park as protected in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance.

Given the importance of biodiversity, it is deemed crucial that we act on this 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.

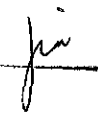
In view of the foregoing, the passage of this measure is earnestly urged.


PIA S. CAYETANO
Senator

SENATE

'13 JUL 23 19:10

Senate Bill No. **1049**

RECEIVED BY: 

Introduced by SENATOR PIA S. CAYETANO

AN ACT ESTABLISHING THE APO REEF IN SABLAYAN, OCCIDENTAL MINDORO AS PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS PERIPHERAL WATERS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “Apo Reef Natural Park
2 (ARNP) Act of 2013.”

3 SEC. 2. *Declaration of Policy.* – In view of the importance of Apo Reef in
4 Sablayan, Occidental Mindoro, its biodiversity and role in the fisheries of the region, it
5 is hereby declared the policy of the State to ensure the protection and conservation of
6 Apo Reef, its associated waters, biodiversity and islands. Pursuant thereto, the State
7 shall ensure the full implementation of this Act, mobilize resources in order to put into
8 operation institutional mechanisms and full scientific and technical support for the
9 conservation of biodiversity and the integrity of the ecosystems in Apo Reef.

10 It shall further be the policy of the State to promote the Apo Reef, with the end
11 in view of fostering widespread awareness and concern for the same. Towards this
12 end, the State shall undertake to carry out comprehensive and holistic promotions,
13 training and information campaign programs for the benefit of the general public, in
14 pursuance of the duty of the State to uphold the primacy of protecting, preserving and
15 promoting these resources.

16 Finally, it shall be the policy of the State to encourage the participation of the
17 private sector and the local government units in the protection, preservation and
18 promotion of the Apo Reef.

1 SEC. 3. *Scope and Coverage.* – The boundaries of the Apo Reef Natural Park
2 (ARNP), situated in the Municipality of Sablayan, Province of Occidental Mindoro,
3 containing an approximate area of fifteen thousand seven hundred ninety-two (15,792)
4 hectares, are as follows:

5 Control	CM	Latitude	Longitude	Northings	Eastings
6 Points		("'")	("'")	(Meters)	(Meters)
7 1	123	12-44-47	120-27-22	1410356.242	223773.809
8 2	123	12-41-11	120-33-44	1403605.487	235240.033
9 3	123	12-35-47	120-29-57	1393709.839	228292.637
10 4	123	12-39-18	120-23-46	1400336.616	217153.893

11 to point 1, the point of beginning.

12 The DENR-National Mapping and Resource Information Authority (NAMRIA)
13 shall validate the technical descriptions provided in this Act through actual
14 survey/demarcation. The metes and bounds of the ARNP shall be indicated on the
15 map and/or nautical chart.

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

21 SEC. 4. *Buffer Zones.* – Buffer Zones surrounding the ARNP, containing an
22 approximate area of eleven thousand six hundred seventy-seven (11,677) hectares,
23 are hereby established with the following boundaries:

24 Control	CM	Latitude	Longitude	Northings	Eastings
25 Points		("'")	("'")	(Meters)	(Meters)
26 1	123	12-46-14	120-27-00	1413043.227	223151.990
27 2	123	12-41-32	120-35-19	1404229.656	238121.888
28 3	123	12-34-20	123-30-16	1391042.803	214329.440
29 4	123	12-38-57	120-22-12	1399689.788	214329.441

30 to point 1, the point of beginning.

1 SEC. 5. *Land Classification.* – All lands of the public domain comprising the
2 Apo Reef Natural Park shall fall under the classification of National Park as provided
3 for in the Philippine Constitution

4 SEC. 6. *Definition of Terms.* – The following terms are hereby defined for the
5 purposes of this Act:

6 (a) “ARNP” refers to the Apo Reef Natural Park.

7 (b) “ARNP Revolving Fund” refers to the revolving fund to be established for
8 the purpose of financing projects in the ARNP.

9 (c) “Biodiversity” refers to variety and variability among living organisms and
10 the ecological complexes in which said organisms occur.

11 (d) “Buffer Zones” refer to the identified areas outside the boundaries of and
12 immediately adjacent to the designated ARNP that need special development control
13 in order to avoid or minimize harm to the ARNP.

14 (e) “Collection or Collecting” refers to the act of gathering or harvesting wildlife,
15 its by-products or derivatives.

16 (f) “Commercial Fishers/Fisherfolk” refers to persons who catch fish and other
17 fishery products using fishing vessels of more than three (3) gross tons.

18 (g) “Conservation” means the sustainable utilization of wildlife, and/or
19 maintenance, restoration and enhancement of the habitat.

20 (h) “Ecosystem” means the dynamic complex of plant, animal and micro-
21 organism communities and their non-living environment interacting as a functional
22 unit.

23 (i) “Endangered species” refer to species or subspecies that are not critically
24 endangered but whose survival in the wild is unlikely if the causal factors continue
25 operating.

26 (j) “Exotic species” refer to species or subspecies of flora or fauna that do not
27 naturally occur within the ARNP at present or in historical time.

28 (k) “Fishers/Fisherfolk” refers to people directly or personally engaged in taking
29 and/or culturing and processing fishery and/or aquatic resources. They shall also

1 include traditional fishers who are solely dependent on fishing in ARNP for sustenance
2 and livelihood.

3 (l) "Fishing Gear" refers to any instrument or device and its accessories utilized
4 in taking, catching, gathering, killing, hunting, destroying, disturbing, removing or
5 possessing resources within the ARNP.

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

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

10 (o) "Introduction" means bringing species into the wild that is outside its natural
11 habitat.

12 (p) "Kayakas" refers to the fishing method known as the local version of the
13 muro-ami but smaller in size, using bamboo or trunk trees as scaring devices aside
14 from coconut or other leaves or materials to drive the fishes and other marine
15 resources out of the coral reefs while at the same time pounding the corals.

16 (q) "Litter or Littering" refers to the disposal of small amount of non-
17 biodegradable solid waste materials, such as cigarette butts, candy wrappers, plastic
18 bags, bottles, and glasses in the ARNP which may cause or contribute to the
19 deterioration of the resources or habitats in the ARNP.

20 (r) "Management Board" refers to the Management Board of the ARNP.

21 (s) "Management Plan" refers to the fundamental plan, strategy and/or scheme
22 which shall guide all activities relating to the ARNP in order to attain the objectives of
23 this Act.

24 (t) "Municipal Fishers/Fisherfolk" refers to persons who catch fish and other
25 fishery products using fishing vessels of three (3) gross tons or less, or whose fishing
26 does not require the use of fishing vessels.

27 (u) "Muro-ami" refers to the method used in reef fishing consisting of a movable
28 bagnet, detachable wings and scarelines having plastic strips and iron/steel/stone
29 weights, effecting fish capture by spreading the net in an arc around reefs or shoals
30 and with the use of the scarelines, a cordon of people drive the fish towards the

1 waiting net while pounding the corals by means of heavy weights like iron/steel/stone
2 or rock making it destructive to corals.

3 (v) "National Integrated Protected Areas System (NIPAS)" refers to the
4 classification and administration of all designated protected areas to maintain essential
5 ecological processes and life-support systems, to preserve genetic diversity, to ensure
6 sustainable use of resources found therein, and to maintain their natural conditions to
7 the greatest extent possible.

8 (w) "Natural Park" refers to a relatively large area not materially altered by
9 human activity where extractive resource uses are not allowed and maintained to
10 protect outstanding natural and scenic areas of national or international significance
11 for scientific, education and recreational use.

12 (x) "Non-Government Organization (NGO)" refers to an agency, institution, a
13 foundation or a group of persons whose purpose is to assist peoples
14 organizations/associations in various ways including, but not limited to, organizing,
15 education, training, research and/or resource accessing.

16 (y) "Non-Renewable Resources" refer to those resources that cannot be re-
17 made, re-grown or regenerated on a scale comparative to its consumption.

18 (z) "People's Organization (PO)" means a group of organized migrant
19 communities and or interested indigenous peoples which may be an association,
20 cooperative, federation, or other legal entity, established to undertake collective action
21 to address community concerns and needs, and mutually share the benefits of the
22 endeavor.

23 (aa) "Poaching" refers to fishing or operating any fishing vessel, gathering
24 and/or purchase or possession of any fishery products within Philippine waters by any
25 foreign person, corporation or entity.

26 (bb) "Protected Area" refers to the identified portions of land and/or water set
27 aside by reason of their unique physical and biological significance, managed to
28 enhance biological diversity and protected against destructive human exploitation.

1 (cc) "Protected Area Management Board (PAMB)" refers to a multi-sectoral
2 policy-making body for protected areas created in accordance with Republic Act No.
3 7586 or the NIPAS Act of 1992.

4 (dd) "Protected Area Superintendent (PASu)" refers to the Chief Operating
5 Department of Environment and Natural Resources (DENR) officer of the ARNP.

6 (ee) "Protected Species" refers to any plant or animal declared protected under
7 Philippine laws, rules, and regulations. These shall include all species listed under the
8 Convention on International Trade in Endangered Species of Wild Fauna and Flora
9 (CITES) and all its Appendices, the Bonn Convention on Migratory Species, those
10 specified under the red-list categories of the International Union for the Conservation
11 of Nature and Natural Resources (IUCN), or any plant or animal which any
12 government agency and/or the ARNP may deem necessary for conservation and
13 preservation in the ARNP.

14 (ff) "Purse Seine" refers to the gear characterized by encircling net having a line
15 at the bottom passing through rings attached to the net, which can be drawn or
16 pursed. In general, the net is set from a boat or boats around the school of aquatic
17 resources. The bottom of the net is pulled closed with a purse line. The net is then
18 pulled aboard the boat or boats until the resources are concentrated in the bunt or
19 bag.

20 (gg) "Resources" refers to all natural endowments, whether aquatic or
21 terrestrial, living or non-living, found in ARNP.

22 (hh) "Vessel" includes every description of watercraft, including non-
23 displacement crafts and seaplanes, used or capable of being used as a means of
24 transportation on water. It shall include everything found therein, except personal
25 effects.

26 (ii) "Waste" refers to discarded items of solid, liquid, contained gaseous or
27 semisolid form, and from whatever source, which may cause or contribute to the
28 deterioration of the resources or habitats in the ARNP.

29 SEC. 7. *Management Plan.* – There shall be a management plan promulgated
30 for the ARNP that shall serve as the basic long-term framework plan in the

1 management of the protected area and guide in the preparation of its annual
2 operations plan and budget.

3 Within one (1) year from the effectivity of this Act, the management plan shall
4 have been put into effect following the general management planning strategy
5 provided for under the NIPAS Act and according to the procedure herein set forth. It
6 shall contain, among others, the following:

7 (a) The category of the protected area;

8 (b) Period of applicability of the plan;

9 (c) Key management issues;

10 (d) Goals and objectives of management in support of Section 2 hereof;

11 (e) Site management strategy;

12 (f) Major management activities, such as, but not limited to enforcement of
13 laws, habitat and wildlife management, sustainable use management, infrastructure
14 development and maintenance, and fire and pest control;

15 (g) Zoning; and

16 (h) Visitor management programs.

17 The management plan shall be prepared by the Protected Area Superintendent
18 (PASu) in coordination with the appropriate offices of the department, local
19 communities and the NGOs. It shall be reviewed and approved by the Management
20 Board and certified by the Secretary of the Department. Such certification shall be
21 mandatory to ensure that the plan conforms to all laws and the applicable rules and
22 regulations issued by the Department: *Provided, however,* That the Secretary may
23 revise and modify the protection and conservation plan, after consultation with
24 Management Board, prior to certification to ensure conformity with applicable laws,
25 rules and regulations.

26 A year before the expiration of the period of the applicability of the plan in
27 effect, the PASu shall cause publication of notices for comments and suggestions on
28 the successor plan in a newspaper of general circulation in the concerned
29 municipalities. Notices shall also be posted in the respective provincial and municipal
30 halls of the concerned provinces and municipalities as well as in the barangay halls

1 bounding or immediately adjacent to the protected landscape. The proposed plan
2 shall be made available to the public during the period for comment and a final plan
3 shall likewise be made available for public perusal at the Office of the PASu upon the
4 approval of the Management Board: *Provided*, That the plans shall be plainly written
5 in a language understandable in the area.

6 SEC. 8. *Management of the Apo Reef Natural Park.* – Pursuant to Section 11
7 of Republic Act No. 7586 or the NIPAS Act of 1992, there shall be a Management
8 Board which shall have jurisdiction, power and authority over the ARNP for all matters
9 that may affect biodiversity conservation, protection and sustainable development. It
10 shall be composed of:

- 11 (1) The Regional Executive Director, DENR Region 4B as Chairperson;
- 12 (2) The Provincial Planning and Development Officer/Coordinator;
- 13 (3) The Mayor of the Municipality of Sablayan or his duly designated
14 representative;
- 15 (4) One (1) representative chosen from among the coastal barangays in the
16 municipality of Sablayan;
- 17 (5) One (1) representative from each department or national government
18 agency directly involved in the ARNP or with long term projects or permanent facility
19 located therein;
- 20 (6) At least three (3) representatives from accredited NGOs operating within
21 Sablayan chosen from among themselves in a meeting duly called for the purpose;
22 and
- 23 (7) At least two (2) representatives from accredited POs operating within
24 Sablayan chosen from among themselves in a meeting duly called for the purpose.

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

29 The members of the Management Board shall be appointed by the Secretary of
30 the DENR in conformity with the provisions of the NIPAS Act. As a transitory provision,

1 the initial members of the Management Board shall be nominated from the current
2 members of the interim Management Board: *Provided*, That at least one-third (1/3) of
3 the members thereof shall be women.

4 In the selection of the representatives of POs and NGOs, preference shall be
5 accorded to those organizations that are involved in the conservation, protection and
6 development of the ARNP.

7 Representation shall be by institution and shall aim to achieve balance in
8 representation by geographic location or areas.

9 The representatives from the local government units (LGUs) and national
10 agencies in the Management Board shall include among their duties, the duty to inform
11 their respective constituents, office or sector, of Management Board-approved or other
12 relevant policies, rules, regulations, programs and projects and ensure that the
13 provisions of this Act, the NIPAS Act and its implementing rules and regulations are
14 observed, complied with and used as reference and framework in their respective
15 plans, policies, programs and projects. Failure to comply with the foregoing shall
16 subject such representative to disciplinary action as the Management Board may
17 provide.

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

22 **SEC. 9. Powers and Functions of the Management Board.** – The Management
23 Board shall have the following powers and functions in addition to those provided
24 under the NIPAS Act of 1992 and its Implementing Rules and Regulations:

25 (a) Issue rules and regulations to prohibit acts that may be prejudicial to the
26 ARNP and to the declaration of policy set forth under the NIPAS Act;

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

29 (c) Issue rules and regulations for the discipline and removal of its officers and
30 members;

1 (d) Adopt rules and procedures in the conduct of business, including the
2 creation of committees to which its powers may be delegated;

3 (e) Approve the management plan and oversee the office of the Protected Area
4 Superintendent (PASu);

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

7 (g) Recommend the deputization of appropriate individuals for the enforcement
8 of the laws, rules and regulations governing the conduct or management of the ARNP;

9 (h) Approve fees and charges in accordance with existing guidelines/policies
10 and raise funds for the ARNP;

11 (i) Report to the DENR, on a quarterly basis, the status of the implementation
12 of this Act, with emphasis on the disbursement of funds appropriated for the execution
13 of the various policies and programs hereunder, and on the status of cases for the
14 prosecution of violations of this Act;

15 (j) Formulate programs for the promotion, training and information
16 dissemination pertaining to the Apo Reef and its significance as a vital natural
17 resource of the country;

18 (k) Manage the allocation of the ARNP and other funds for the ARNP, ensure
19 their proper administration, and render accounting; and

20 (l) Recommend appropriate policy changes to the DENR and other government
21 authorities.

22 The DENR, through the Regional Executive Director (RED), shall ensure that
23 the Management Board acts within the scope of its powers and functions. In case of a
24 conflict between administrative orders issued by the DENR pursuant to the NIPAS Act
25 and the rules issued by Management Board, the Secretary of the DENR shall decide
26 whether to apply the rule or withdraw its application.

27 SEC. 10. *Incentives of Management Board Members.* – In addition to actual
28 and necessary traveling and subsistence expenses incurred in the performance of
29 their duties, Management Board members may be granted allowances and insurance

1 coverage in attending Board meetings. These expenses may be included in the budget
2 for the ARNP.

3 SEC. 11. *Protected Area Superintendent (PASu) Office.* – There is hereby
4 established a PASu Office in charge of the implementation of the projects, programs
5 and policies for the management, protection and administration of the ARNP. It will be
6 headed by a Protected Area Superintendent (PASu) and shall be supported by the
7 existing personnel of the DENR. The PASu shall be the Chief Operating Officer of the
8 ARNP and shall be accountable to the RED of the DENR and the Management Board.
9 The PASu shall have the following duties and responsibilities in addition to those
10 provided under existing laws and regulations:

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

13 (b) Prepare and execute the management plan for the ARNP;

14 (c) Provide a secretariat for the ARNP and supply the Management Board with
15 all the information necessary to make appropriate decisions for the implementation
16 of this Act;

17 (d) Enforce the laws, rules and regulations relevant to the ARNP and assist in
18 the prosecution of offenses;

19 (e) Supervise all activities within the ARNP to ensure its conformity with the
20 management plan;

21 (f) Ensure the integration of the ARNP management policies, regulations,
22 programs and projects at all the concerned national and local government unit
23 levels;

24 (g) Implement the promotion, training and information campaign programs as
25 formulated by the Management Board;

26 (h) Report to the Management Board, on a quarterly basis, the status of the
27 implementation of the various programs under this Act, such as, but not limited to,
28 the database management system, the management plan of the ARNP, and the
29 enforcement of the laws, rules and regulations relevant to the ARNP and the
30 prosecution of the violations thereof;

1 (i) Recommend to the DENR the issuance of permits based on terms,
2 conditions and criteria established by the Management Board; and

3 (j) Perform other functions as the Management Board may delegate.

4 The PASu shall be supported by a sufficient number of personnel who shall be
5 performing day to day management, protection and administration of the ARNP. All
6 position titles and items of the DENR employees detailed with the ARNP at the time of
7 the effectivity of this Act shall be transferred to form part of the PASu Office.

8 *SEC. 12. Seasonal Fishing Privileges.* – Fishers who migrate to ARNP
9 seasonally for traditional fishing and other activities that have benign impact on the
10 sustainability and biodiversity of the reef shall be allowed to continue such activities:
11 *Provided,* That commission of any of the prohibited acts herein or failure to report such
12 acts when observed shall cause the cancellation of such rights.

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

26 *SEC. 14. Unauthorized Entry, Enjoyment or Use.* – No person or entity shall
27 enter, enjoy or utilize any portion of the ARNP and the resources therein for whatever
28 purpose without prior permission from the Management Board as herein provided.

29 The ARNP shall be off limits to navigation, except for activities that are
30 sanctioned by the Management Board such as, but not limited to, tourism and

1 research. Except in emergency situations, it shall be unlawful to enter ARNP without
2 prior permission from the Management Board or the PASu as herein provided. It shall
3 also be unlawful to enter, enjoy or use for any purpose any prohibited management
4 zone. This rule shall similarly apply to the use of vessels, gears and equipment in
5 management zones where such are not allowed.

6 Violation of this Section shall subject the responsible person or entity to an
7 administrative fine of not less than Twenty thousand pesos (P20,000.00) and not more
8 than One hundred thousand pesos (P100,000.00), as may be determined by the
9 Management Board. If the violator is a commercial fisher/fisherfolk, the fine shall be
10 Five hundred thousand pesos (P500,000.00).

11 SEC. 15. *Damages to the Reef.* – Damages to the reef shall subject the
12 responsible person or entity to the payment of administrative fines set by the
13 Management Board based on current valuation standards and to the payment of the
14 cost of restoration.

15 SEC. 16. *Non-payment of Users' Fees.* – It shall be unlawful for any person or
16 entity to enjoy or utilize the ARNP and the resources therein without payment of
17 conservation fees as may be imposed by the Management Board.

18 Violators of this Section shall, in addition to the payment of the conservation
19 fee, pay the administrative fine of double the amount of the conservation fee set by the
20 Management Board for the activity undertaken.

21 SEC. 17. *Anchoring.* – It shall be unlawful for any person or entity to hold fast or
22 secure a vessel in place either by using an anchor or by tying on to any part of the
23 reef. All vessels shall utilize the mooring buoys provided by the ARNP. Violation of this
24 Section shall be penalized with an administrative fine of not less than Ten thousand
25 pesos (P10,000.00) and not more than Fifty thousand pesos (P50,000.00).

26 SEC. 18. *Dumping of Waste and Littering.* – It shall be unlawful for any person
27 or entity to dump waste inside the ARNP. It shall likewise be unlawful to clean and
28 change the oil of vessels within the ARNP.

29 Violation of this provision shall be punishable by imprisonment of six (6) years
30 and one (1) day to twelve (12) years and/or fine of One hundred thousand pesos

1 (P100,000.00) plus an additional fine of Twenty thousand pesos (P20,000.00) to Fifty
2 thousand pesos (P50,000.00) for every day that each violation subsists. The
3 Management Board shall impose an administrative fine of not less than Fifty thousand
4 pesos (P50,000.00) and not more than One hundred thousand pesos (P100,000.00),
5 and order the violator to clean up the waste or pay for the clean-up thereof.

6 It shall likewise be unlawful to litter within the ARNP.

7 Violation of this provision shall be penalized by the Management Board with
8 administrative fine ranging from Five thousand pesos (P5,000.00) to Ten thousand
9 pesos (P10,000.00).

10 SEC. 19. *Bioprospecting without Permit.* – It shall be unlawful to conduct
11 bioprospecting within the ARNP without prior permit from the Management Board and
12 other concerned agencies.

13 Violation of this Section shall be punished with imprisonment of six (6) months
14 to six (6) years; fine of Five hundred thousand pesos (P500,000.00) to One million
15 pesos (P1,000,000.00); and forfeiture of the resources subject of the offense,
16 equipment, gears and vessels. The Management Board shall also impose
17 administrative fine ranging from Five hundred thousand pesos (P500,000.00) to One
18 million pesos (P1,000,000.00); and confiscation and forfeiture of the resources subject
19 of the offense, equipment, gears and vessels.

20 SEC. 20. *Introduction of Exotic Species.* – It shall be unlawful to introduce
21 exotic species of plants or animals into the ARNP.

22 Violation of this Section shall be punished with imprisonment of six (6) months
23 to six (6) years; fine of One hundred thousand pesos (P100,000.00) to One million
24 pesos (P1,000,000.00); and forfeiture of the resources subject of the offense,
25 equipment, gears and vessels. The Management Board shall also impose
26 administrative fine ranging from Two hundred thousand pesos (P200,000.00) to One
27 million pesos (P1,000,000.00); and confiscation and forfeiture of the resources subject
28 of the offense, equipment, gears and vessels.

29 SEC. 21. *Hunting, Catching, Fishing, Killing, Taking, Gathering, Removing,*
30 *Destroying, Disturbing, or Possessing Resources.* – Except in cases of emergency

1 and safety, it shall be unlawful for any person to actually or attempt to hunt, catch, fish,
2 kill, take, gather, remove, destroy, disturb, or possess any resource, whether living or
3 non-living, or products derived therefrom, without a permit from the Management
4 Board and such other permits as may be required by law, rules and regulations. The
5 unauthorized entry of a vessel in the ARNP shall be *prima facie* evidence of violation
6 of this Section.

7 Violation of this Section shall be punished as follows:

8 (1) Where the offender uses explosives, noxious or poisonous substances, the
9 penalty shall be imprisonment ranging from six (6) years and one (1) day to twelve
10 (12) years without prejudice to the filing of separate criminal cases when the use of the
11 same results in physical injury or loss of human life; fine ranging from One hundred
12 thousand pesos (P100,000.00) to Three hundred thousand pesos (P300,000.00); and
13 forfeiture of the resources subject of the offense, equipment, gears and vessels. The
14 Management Board shall also impose administrative fine ranging from Forty thousand
15 pesos (P40,000.00) to One hundred fifty thousand pesos (P150,000.00); and
16 confiscation and forfeiture of the resources subject of the offense, equipment, gears
17 and vessels.

18 The discovery of dynamite, other explosives and chemical compounds which
19 contain combustible elements, or noxious or poisonous substances in any vessel or in
20 the possession of any person within the ARNP shall constitute *prima facie* evidence
21 that the same was used in violation of this Act. The discovery in any vessel or in the
22 possession of any person within the ARNP of resources caught, taken, killed,
23 removed, gathered or destroyed with the use of explosives, noxious or poisonous
24 substances shall constitute *prima facie* evidence of violation of this Act;

25 (2) Where the offender merely possesses explosives, noxious or poisonous
26 substances, within the ARNP, the punishment shall be imprisonment ranging from six
27 (6) years and one (1) day to twelve (12) years; fine ranging from Fifty thousand pesos
28 (P50,000.00) to One hundred thousand pesos (P100,000.00); and forfeiture of fish
29 catch, fishing equipment and vessels. The Management Board shall also impose
30 administrative fine ranging from Forty thousand pesos (P40,000.00) to One hundred

1 fifty thousand pesos (P150,000.00); and confiscation and forfeiture of the resources
2 subject of the offense, equipment, gears and vessels;

3 (3) Where the offender takes, removes, fishes, gathers, kills, destroys or
4 possesses corals, except for scientific or research purposes authorized by the
5 Management Board, the penalty shall be imprisonment ranging from six (6) years and
6 one (1) day to twelve (12) years; fine ranging from Twenty thousand pesos
7 (P20,000.00) to Eighty thousand pesos (P80,000.00); and forfeiture of the corals,
8 equipment, gears and vessels. The Management Board shall also impose
9 administrative fine ranging from Thirty thousand pesos (P30,000.00) to One hundred
10 thousand pesos (P100,000.00); and confiscation and forfeiture of the corals subject of
11 the offense, equipment, gears and vessels;

12 (4) Where the offender uses any fishing gear or method that destroys coral
13 reefs, seagrass beds, or other marine life habitats as may be determined by this Act,
14 the Management Board, other laws, the Department of Agriculture, or the DENR, the
15 operator, boat captain, master fisherman, and recruiter or organizer of fishworkers
16 involved shall suffer a penalty of six (6) years and one (1) day to twelve (12) years
17 imprisonment; fine of not less than One hundred thousand pesos (P100,000.00) but
18 not more than Five hundred thousand pesos (P500,000.00); and forfeiture of catch,
19 fishing equipment, gears and vessels. The Management Board shall also impose
20 administrative fine ranging from Four hundred thousand pesos (P400,000.00) to One
21 million pesos (P1,000,000.00); and confiscation and forfeiture of catch, fishing
22 equipment, gears and vessels: *Provided*, That the offender acting upon the orders of
23 the operator, boat captain, master fisherman, and recruiter or organizer of fishworkers
24 shall suffer a penalty one degree lower; fine of not less than Fifty thousand pesos
25 (P50,000.00) and not more than One hundred thousand pesos (P100,000.00);

26 (5) Where the offender gathers or removes pebbles, stones, rocks, sand or
27 other materials or otherwise engages in the quarrying or dredging of any portion of the
28 ARNP, the penalty shall be six (6) years and one (1) day to twelve (12) years
29 imprisonment; fine of not less than Thirty thousand pesos (P30,000.00) but not more
30 than Five hundred thousand pesos (P500,000.00); and forfeiture of the substance

1 taken from the habitat, and the equipment and vessels used to commit such violation.
2 The Management Board shall also impose administrative fines ranging from Thirty
3 thousand pesos (P30,000.00) to Seven hundred thousand pesos (P700,000.00); and
4 confiscation and forfeiture of the substance taken, and equipment and vessels used in
5 the commission of the violation.

6 Muro-Ami, pa-aling, all kinds of trawls (galadgad, Norway), purse seine
7 (pangulong), Danish seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot,
8 patungko, bira-biru, buli-buli, hulahoop, zipper, lampornas, etc.), ring net (kubkob,
9 pangulong, kalansisi), drive-in net (kayakas), round haul seine (sapyaw, lawag),
10 motorized push net (sudsad), bagnet (basnig, saklit), or any of their variations, are
11 hereby declared destructive fishing methods or gears under this provision;

12 (6) Where the offender gathers or removes pebbles, stones, rocks, sand or
13 other materials that form part of the habitat, or otherwise engages in the quarrying or
14 dredging of any portion of the ARNP, the penalty shall be six (6) years and one (1) day
15 to twelve (12) years imprisonment; fine of not less than Thirty thousand pesos
16 (P30,000.00) but not more than Five hundred thousand pesos (P500,000.00); and
17 forfeiture of the substance taken from the habitat, and the equipment and vessels used
18 to commit such violation. The Management Board shall also impose administrative
19 fines ranging from Thirty thousand pesos (P30,000.00) to Seven hundred thousand
20 pesos (P700,000.00); and confiscation and forfeiture of the substance taken, and
21 equipment and vessels used in the commission of the violation;

22 (7) Where the subject of the offense are protected species as defined in this
23 Act, the penalty shall be imprisonment of twelve (12) years to twenty (20) years; fine of
24 not less than One hundred twenty thousand pesos (P120,000.00) and not more than
25 One million pesos (P1,000,000.00) for every threatened or endangered organism
26 subject of the offense; forfeiture of the catch, equipment, gears and vessels; and
27 cancellation of fishing permit. The Management Board shall also impose administrative
28 fine ranging from One hundred fifty thousand pesos (P150,000.00) to One million
29 pesos (P1,000,000.00) for every threatened or endangered organism subject of the
30 offense; and confiscation and forfeiture of catch, equipment, gears and vessels; and

1 (8) Where the violations of this Section are not covered by the preceding
2 paragraphs, the penalty shall be imprisonment of one (1) year to three (3) years; fine
3 of not less than Ten thousand pesos (P10,000.00) but not more than One hundred
4 thousand pesos (P100,000.00); and forfeiture of the catch, equipment, gears and
5 vessels; and cancellation of permit that makes it possible for the offender to commit
6 the offense. The Management Board shall also impose administrative fine ranging
7 from Fifteen thousand pesos (P15,000.00) to One million pesos (P1,000,000.00); and
8 confiscation and forfeiture of catch, equipment, gears and vessels.

9 SEC. 22. *Poaching by Foreigners.* – It shall be unlawful for any foreign person,
10 corporation or entity to fish or operate any fishing vessel in the ARNP. The entry of any
11 foreign fishing vessel in the ARNP shall constitute *prima facie* evidence that the vessel
12 is engaged in fishing in the area. The presence of any foreign national in a fishing
13 vessel of either Philippine or foreign registry in ARNP shall be *prima facie* evidence
14 that the vessel is engaged in fishing in the Park.

15 Violation of the above shall be punished by imprisonment of six (6) years and
16 one (1) day to twelve years (12) years and a fine of One hundred thousand US dollars
17 (US\$100,000.00), in addition to the forfeiture of its catch, fishing equipment and fishing
18 vessel: *Provided*, That in case of non-payment of fine, subsidiary imprisonment shall
19 be imposed: *Provided, further*, That the Management Board is empowered to impose
20 an administrative fine of not less than Fifty thousand US dollars (US\$50,000.00), but
21 not more than Two hundred thousand US dollars (US\$200,000.00) or its equivalent in
22 Philippine currency, in addition to the confiscation and forfeiture of the fish catch,
23 fishing equipment and fishing vessel: *Provided, finally*, That a bond may be posted for
24 the vessels which shall not be less than One hundred thousand US dollars
25 (US\$100,000.00).

26 A hold departure order shall be issued as a condition for the grant of bail to any
27 foreign offender. All passports and documents which may be used by the accused to
28 flee the country must be surrendered to the court.

29 SEC. 23. *Violation of Environmental Impact Assessment System.* – The
30 Management Board shall prosecute violations of laws and rules on Environmental

1 Impact Assessment System. Such violations shall be punished by imprisonment of
2 three (3) years to five (5) years; fine of One hundred thousand pesos (P100,000.00)
3 for every day each violation subsists; rehabilitation of the affected area or the amount
4 equivalent thereto; and forfeiture of the vessels, structures, effects, materials and
5 equipment used, and the products of such violation. If the offender is a corporation, the
6 directors and officers shall suffer the imprisonment. The Management Board shall also
7 impose administrative fine of One hundred thousand pesos (P100,000.00) for every
8 day each violation subsists; rehabilitation of the affected area or the amount equivalent
9 thereto; and confiscation and forfeiture of the vessels, structures, effects, materials
10 and equipment used, and the products of such violation.

11 SEC. 24. *Violation of Standards.* – The owner, operator and top three (3)
12 officers of any vessel violating the standards set by the Management Board, such as,
13 but not limited to, safety and sanitation standards, shall suffer administrative penalty of
14 fine ranging from Twenty thousand pesos (P20,000.00) to Fifty thousand pesos
15 (P50,000.00) for every day each violation subsists, and from suspension of three (3)
16 months to cancellation of permit to operate in ARNP.

17 SEC. 25. *Obstruction to Law Enforcement Officer.* – The boat owner, master,
18 operator, officer, or any person acting on his/her behalf, of any vessel who evades,
19 obstructs or hinders any law enforcement officer in the ARNP to perform his/her duty,
20 shall be administratively fined Fifty thousand pesos (P50,000.00). In addition, the
21 registration, permit and/or license of the vessel including the license of the officers
22 thereof shall be canceled.

23 SEC. 26. *Subsidiary Imprisonment.* – Non-payment of judicial fines imposed
24 under this Act shall be subject to subsidiary imprisonment as provided for by existing
25 laws.

26 SEC. 27. *Fines and Forfeitures.* – All administrative fines and forfeitures that
27 may be imposed by the Management Board under this Act, and the rules and
28 regulations that may be promulgated in pursuit of the goals and objectives of this Act
29 shall form part of the funds and assets of ARNP.

1 In case of administrative confiscation or forfeiture of vessels, structures, effects,
2 materials and equipment and the same is not necessary for the proper prosecution of
3 the offense charged, the Management Board may sell the forfeited vessels, structures,
4 effects, materials and equipment in a public auction. Proceeds of the said sale shall
5 accrue to the ARNP created under this Act.

6 In case the confiscated vessels, structures, effects, materials and equipment
7 are in *custodia legis*, the Management Board or its counsel, after proper proceedings
8 may move for the sale of the confiscated or forfeited vessels, structures, effects,
9 materials and equipment *pendente lite*: *Provided*, That the said vessels, structures,
10 effects, materials and equipment are no longer necessary for the proper prosecution of
11 the offense or if the same is necessary but substitute evidence is accepted by the
12 court. The proceeds of the said sale shall likewise accrue to the ARNP Fund created
13 under this Act.

14 SEC. 28. *Violation of Other Laws.* – Prosecution for violation of this Act shall be
15 without prejudice to the prosecution of the offender for violation of other laws, rules
16 and regulations.

17 SEC. 29. *The ARNP Revolving Fund.* – There is hereby established a
18 revolving fund to be known as ARNP Revolving Fund for purposes of financing
19 projects of the ARNP. All income generated from the operation of the ARNP or
20 management of wild flora and fauna therein shall accrue to said fund. These income
21 shall be derived from visitor/tourist fees, fees from permitted sale and export of flora
22 and fauna and other resources from the ARNP, proceeds from registration and lease
23 of multiple-use areas, including tourism concessions, contributions from industries and
24 facilities directly benefiting from the ARNP; and such other fees and income derived
25 from the operation of the ARNP.

26 The ARNP Revolving Fund may be augmented by grants, donations,
27 endowment from various sources, domestic or foreign, for purposes related to their
28 functions: *Provided*, That seventy-five percent (75%) of all such collections shall be set
29 aside and retained by the Management Board of ARNP, which shall appropriate the
30 same exclusively for the management and operation of the ARNP: *Provided, further*,

1 That the remaining twenty-five percent (25%) shall be remitted to the Integrated
2 Protected Areas Fund (IPAF).

3 The Management Board shall have the sole power to decide on the use of its
4 funds from whatever source.

5 Donations, grants and endowments to ARNP shall be exempt from donor's tax
6 and the same shall be considered as allowable deductions from the gross income in
7 the computation of the income tax of the donor.

8 SEC. 30. *Energy and Non-renewable Resources.* – Any exploitation or
9 utilization of non-renewable resources within the ARNP shall not be allowed.
10 Renewable energy projects within the ARNP shall be allowed only through an act of
11 Congress, except energy from wind, sun, and water sources and not more than one
12 (1) megawatt capacity for mini-hydro power: *Provided*, That these renewable energy
13 projects are established outside the strict protection zone, adopt reduced impact
14 technologies and undergo the Environmental Impact Assessment (EIA) system as
15 provided by law: *Provided, further*, That the endorsement of the Management Board
16 has been obtained.

17 SEC. 31. *Appropriations.* – The Secretary shall immediately include in the
18 DENR's program the implementation of this Act, the funding of which shall be included
19 in the annual General Appropriations Act.

20 SEC. 32. *Construction and Suppletory Application of Existing Laws.* – The
21 provisions of this Act shall be construed liberally in favor of achieving biodiversity
22 conservation, protection and sustainable development. Provisions of Republic Act No.
23 7586, otherwise known as the National Integrated Protected Areas Management Act of
24 1992 and existing forestry laws, and their corresponding rules and regulations not
25 inconsistent hereto shall have the suppletory effect in the implementation of this Act.

26 SEC. 33. *Repealing Clause.* – For the purpose of this Act, Sections 11, 15, 20
27 and 21 of Republic Act No. 7586 are hereby modified. All other laws, rules and
28 regulations inconsistent with the Act are hereby repealed or modified accordingly. The
29 prohibition and penalties under Republic Act No. 7586 are hereby superseded for the
30 entire area covered by this Act.

1 SEC. 34. *Separability Clause.* – The provisions of this Act are hereby declared
2 to be separable, and in the event one or more of such provisions are held
3 unconstitutional, the validity of other provisions shall not be affected thereby.

4 SEC. 35. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 complete publication in the *Official Gazette* or in a national newspaper of general
6 circulation available in the ARNP.

Approved,