



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

Isidro
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19 July 2018

CUSTOMS MEMORANDUM CIRCULAR
NO. 142-2018

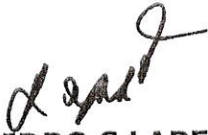

To: All Deputy Commissioners
All Directors and Division Chiefs
All District/Port Collectors
And Others Concerned

Subject: RA 11038/National Integrated Protected Areas

Attached is a copy of Republic Act No. 11038 approved on 22 June 2018 entitled: **"AN ACT DECLARING PROTECTED AREAS AND PROVIDING FOR THEIR MANAGEMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS THE "NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992", AND FOR OTHER PURPOSES."**

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.

Isidro


Bureau of Customs
ISIDRO S. LAPEÑA
Commissioner
18-12464
ISIDRO S LAPEÑA, PhD, CSEE
Commissioner
JUL 23 2018

**Office of the President
of the Philippines
Malacañang**



DEPARTMENT OF FINANCE
Republic of the Philippines



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Time: 11:30

Manila, July 4, 2018

SECRETARY CARLOS G. DOMINGUEZ III
Department of Finance
Manila

*Mr. Usas/Ases
Items of RA*

Sir:

I have the honor to transmit for your information and guidance, a certified copy of Republic Act No. 11038 which was approved on June 22, 2018 entitled **"AN ACT DECLARING PROTECTED AREAS AND PROVIDING FOR THEIR MANAGEMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS THE "NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992", AND FOR OTHER PURPOSES"**.

Thank you.

Very truly yours,

ATTY. CONCEPCION ZENY E. FERROLINO-ENAD
Director IV

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DENNIS 10:28am
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S. No. 1444
H. No. 6772

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand seventeen.

— ■ —
[REPUBLIC ACT NO. 11038]

AN ACT DECLARING PROTECTED AREAS AND PROVIDING FOR THEIR MANAGEMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS THE "NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992", AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* – This Act shall be known and referred to as the "Expanded National Integrated Protected Areas System Act of 2018".

SEC. 2. Section 2 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 2. *Declaration of Policy.* – Cognizant of the profound impact of human activities on all components of the natural environment particularly

the effect of increasing population, resource exploitation and industrial advancement, and recognizing the critical importance of protecting and maintaining the natural, biological, and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, it is hereby declared the policy of the State to secure for the Filipino people of present and for future generations, the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.

"It is hereby recognized that these areas, although distinct in features, possess common ecological values that may be incorporated into a holistic plan to conserve and protect our natural heritage; that effective administration of these areas is possible only through cooperation among the national government, local governments, concerned nongovernment organizations, private organizations, and local communities; that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development.

"To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass ecologically rich and unique areas and biologically important public lands that are habitats of rare and threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as 'protected areas'. The System shall recognize conservation areas and the management regimes being implemented by local government units (LGUs), local communities and indigenous peoples (IPs).

"The State shall ensure the full implementation of this Act, the mobilization of resources for the

institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, culture and indigenous practices."

SEC. 3. Section 4 of Republic Act No. 7586 is hereby amended to read as follows:

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

"(a) *Biological diversity or biodiversity* refers to the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

"(b) *Bioprospecting* refers to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;

"(c) *Buffer zones* refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area;

"(d) *By-products or Derivatives* refer to parts taken or substances extracted from wildlife, in raw or in processed form;

"(e) *Collecting* refers to the act of gathering or harvesting wildlife and its by-products or derivatives;

"(f) *Conveyance* refers to every kind of vessel, including motorized or nonmotorized vehicles, nondisplacement crafts and seaplanes that are used or may be used as a means of transportation on land or water. It shall include everything found therein, except personal effects;

"(g) *Delineation* refers to the actual ground survey of the boundaries of protected areas and their buffer zones and management and management zones using the global positioning system (GPS) or other applicable survey instruments and technologies, with the intention of producing a map of the area;

"(h) *Demarcation* refers to the establishment of the boundaries of protected areas and their buffer zones using visible markers, monuments, buoys in case of marine areas, and known natural features and landmarks, among others, as a result of the actual ground delineation;

"(i) *Ecosystem goods and services* refer to the multitude of material and nonmaterial provisions and benefits from healthy ecosystems necessary for human sustenance, well-being, and survival including support processes, provisioning and environment regulating services, and cultural resource preservation services;

"(j) *Endemic species* refer to the species or subspecies of flora and fauna which are naturally occurring and found within specific areas in the country;

"(k) *Exotic species* refer to the species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time;

"(l) *Exploration* refers to the act of searching or prospecting for mineral resources, as defined by law, by geological, geochemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means, for the purpose of determining the existence, extent, quantity, and quality of resources in an area, and the feasibility of utilizing these resources for profit;

"(m) *Gear* refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing, or possessing resources within the protected area;

"(n) *Genetically modified organism (GMO)* refers to any living organism that possesses a novel combination of genetic material through the use of modern biotechnology;

"(o) *Hunting* refers to the killing or catching of wild fauna for food and recreational purposes, with the use of weapons such as guns, bow and arrow, spears, traps and snares, and the like;

"(p) *Indigenous Cultural Community (ICC)/ Indigenous People (IP)* refers to a group of people sharing common bonds of language, customs, traditions, and other distinctive cultural traits, and who have, since time immemorial occupied, possessed and utilized a territory;

"(q) *Integrated Protected Area Fund (IPAF)* refers to the special account established for the purpose of financing projects of the NIPAS and individual protected areas;

"(r) *Invasive alien species* refer to species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete native species, and take over the new environment;

"(s) *Kaingin* refers to the slash-and-burn cultivation of vegetated land in a protected area, whether occupied or not, shifting and permanent with little or no provision to prevent soil erosion;

"(t) *Multiple-use zone* refers to the area where settlement, traditional and sustainable land use

including agriculture, agroforestry, extraction activities, and income generating or livelihood activities may be allowed to the extent prescribed in the protected area management plan;

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

"(v) *National park* refers to the lands of the public domain classified as such in the Constitution which include all areas under the NIPAS pursuant to this Act, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity;

"(w) *Natural biotic area* refers to an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;

"(x) *Natural monument* refers to a relatively small area focused on the protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics;

"(y) *Natural park* refers to a relatively large area not materially altered by human activity where extractive resource uses are not allowed and is maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational, and recreational use;

"(z) *Occupying* refers to a continuous stay of individuals or groups within a protected area.

whether residing or engaging in the cultivation of land or fishing for more than twenty-four (24) hours;

"(aa) *Poaching* refers to gathering, collecting, or possessing products or natural resources from the protected area by any individual person, corporation or entity whether local or foreign; in the case of marine protected areas, operating any foreign fishing vessels by any person, corporation, or entity without a permit;

"(bb) *Protected area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

"(cc) *Protected area occupants* refer to persons who are residing, utilizing, and cultivating areas within the protected area. These include private owners, IP's, tenured migrants and informal settlers;

"(dd) *Protected Area Retained Income Account* refers to the trust fund maintained by any protected area and administered by the respective Protected Area Management Boards (PAMB) created pursuant to this Act representing the seventy-five percent (75%) of revenues generated from the protected area to support its operation and management;

"(ee) *Protected landscapes and/or seascapes* refer to areas of national significance which are characterized by the harmonious interaction of man and land and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities;

"(ff) *Protected species* refer to plants or animals declared protected under Philippine laws, rules, and regulations. These shall include all species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and all

its Annexes, the Convention on the Conservation of Migratory Species (CMS), those specified under the red-list categories of the International Union for Conservation of Nature and Natural Resources (IUCN), or any plant or animal which the Department of Environment and Natural Resources (DENR), PAMB or any government agency may deem necessary for conservation and preservation in the protected area:

"(gg) *Quarrying* refers to the process of extracting, removing, and disposing sand, gravel, guano, limestone, and all other resources used as building and construction materials that are found within the protected area;

"(hh) *Resource reserve* refers to an extensive, relatively isolated, and uninhabited area which is difficult to access and is designated to protect the natural resources of the area for future use and prevent or contain development activities that could affect the resources, pending the establishment of sustainable resource utilization goals which are based upon appropriate information and planning;

"(ii) *Special Account in the General Fund (SAGF)* refers to the trust fund deposited in the national treasury representing the twenty-five percent (25%) of the revenues generated from the operation of individual protected area and earmarked to support the NIPAS;

"(j) *Strict nature reserve* refers to an area possessing some outstanding ecosystem, features, and species of flora and fauna of national scientific importance that should be maintained to protect and preserve nature in its undisturbed state and to preserve ecologically representative examples of the natural environment to ensure their availability for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;

"(kk) *Tenured migrants* refer to protected area occupants who have been actually, continuously and presently occupying a portion of the protected area for five (5) years before the proclamation or law establishing the same as a protected area, and are solely dependent therein for subsistence;

"(ll) *Threatened species* refer to species or subspecies considered critically endangered, vulnerable, or other accepted categories of wildlife whose population is at risk of extinction;

"(mm) *Wetlands* refer to a wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no deeper than six (6) meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies and wastewater treatment ponds and lagoons;

"(nn) *Wildlife* refers to the wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred, fed, or propagated; and

"(oo) *Wildlife Sanctuary* refers to an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment which may require specific human manipulations for their perpetuation."

SEC. 4. Section 5 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 5. *Establishment and Extent of the System.* - The establishment and operationalization of the System shall involve the following:

"(a) All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a

law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as old growth forests identified before the effectivity of this Act or still to be identified, are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act.

"(a.1.) Establishment as Protected Areas. – Aside from the areas already declared as protected areas through acts of Congress, the following parcels of land and/or bodies of water are hereby established as protected areas within the classification of national park pursuant to the Philippine Constitution:

Region	Protected Area	Province	Area (Has.)
1	Kalibato-Palapat Natural Park	Ilocos Norte	3,903.19
2	Libanan Protected Landscape	Ilocos Norte	47.15
3	Bessang Pass Natural Monument/Landmark	Ilocos Sur	53,105
4	Bigbiga Protected Landscape	Ilocos Sur	142.37
5	Liribada Banayoyo Protected Landscape	Ilocos Sur	1,042.29
6	Salecho Protected Landscape (formerly Sta. Lucia Protected Landscape)	Ilocos Sur	196.33
7	Agoo Damortis Protected Landscape and Seascape	La Union	10,774.68
8	Mandelug Spring Protected Landscape	Pangasinan	1,933.83

9	Falau Island Protected Landscape and Seascape	Agawan	8,048.57
10	Penablanca Protected Landscape and Seascape	Agawan	118,653.67
11	Tumamini Watershed Natural Park	Isabela	6,508.38
12	Salinas Natural Monument	Ipsica Vizcaya	5,966.05
13	Cascanan Protected Landscape	Quirino, Nueva Vizcaya and Aurora	86,246.77
14	Amro River Protected Landscape	Aurora	6,431.30
15	Dinadawan River Protected Landscape	Aurora	3,266.54
16	Simbahan Talagas Protected Landscape	Aurora	2,234.30
17	Talaytay Protected Landscape	Aurora	3,598.31
18	Bataan Natural Park	Bataan	20,004.17
19	Roosevelt Protected Landscape	Bataan	950.43
20	Maslotoc and Oyon Bay Protected Landscape and Seascape	Zambales	7,555.66
21	Las Pinas-Paranaque Critical Habitat and Ecotourism Area (LPPCHEA), also known as Las Pinas-Paranaque Wetland Park	Las Pinas City and Paranaque City	181.62
22	Binoy Aquino Parks and Wildlife Center	Quezon City	23.55
23	Mrs. Palay-Palay-Matasna-Gulod Protected Landscape	Batangas and Cavite	3,972.70
24	Taal Volcano Protected Landscape	Batangas and Cavite	62,292.46
25	Euenavista Protected Landscape	Quezon	287.21
26	Maulawin Spring Protected Landscape	Quezon	182.15
27	Quezon Protected Landscape	Quezon	1,042.85
28	Himulugang Tablak Protected Landscape	Rizal	3.58
29	Pamitinan Protected Landscape	Rizal	600.15
30	Upper Marikina River Basin Protected Landscape	Rizal	26,125.64
31	Marinduque Wildlife Sanctuary	Marinduque	9,753.71
32	Apo Reef Natural Park	Occidental Mindoro	15,789.23
33	Mt. Calarite Wildlife Sanctuary	Occidental Mindoro	18,172.69
34	Mis Igit-Baro Natural Park	Occidental and Oriental Mindoro	106,655.62
35	Mt. Guiting-Guting Natural Park	Romblon	15,515.22
36	Mt. Mayon Natural Park	Albay	5,227.15
37	Ticao Bunas Pass Protected Seascape	Albay, Masbate and Sorsogon	414,244.00
38	Abasig-Matogdon-Mananap Natural Biotic Area	Camarines Norte	5,918.31

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39	Bicol Natural Park	Camarines Sur	5,466.35
40	Bubi Wildlife Sanctuary	Camarines Sur	1,620.65
41	Lagonoy Natural Biotic Area	Camarines Sur	443.63
42	Malabongot Protected Landscape	Camarines Sur	147.71
43	Mt. Isarog Natural Park	Camarines Sur	10,090.89
44	Catanduanes Natural Park	Catanduanes	48,924.09
45	Bongasagar Natural Park	Marikina	518.90
46	Bulusan Volcano Natural Park	Sorsogon	3,641.57
47	Northwest Panay Peninsula Natural Park	Aklan and Antique	12,009.29
48	Sibalom Natural Park	Antique	6,778.44
49	Northern Negros Natural Park	Negros Occidental	70,826.16
50	Albuerqueque Lopy-Loboc Protected Landscape and Seascape	Bohol	1,055.51
51	Chocolate Hills Natural Monument	Bohol	13,894.95
52	Panglao Island Protected Seascape	Bohol	2,445.08
53	Rajah Sikatuna Protected Landscape	Bohol	10,954.64
54	Talibon Group of Island Protected Landscape and Seascape	Bohol	6,146.31
55	Camotes Island Protected Landscape and Seascape	Cebu	1,436.98
56	Chango Island Wildlife Sanctuary	Cebu	1,382.29
57	Tan-on Strait Protected Seascape	Cebu Negros Occidental and Oriental	534,530.05
58	Apo Island Protected Landscape and Seascape	Negros Oriental	691.40
59	Balsasavao Twin Lakes Natural Park	Negros Oriental	3,016.05
60	Cuatro Islas Protected Landscape and Seascape	LeYTE	11,407.46
61	Lake Lapog Natural Park	LeYTE	2,244.16
62	Mahagnac Volcano Natural Park	LeYTE	340.82
63	Guuan Marine Resource Protected Landscape and Seascape	Eastern Samar	66,725.26
64	Biri Latoro Protected Landscape and Seascape	Northern Samar	32,354.14
65	Calbayog Pan-as Iyavian Protected Landscape	Samar	5,067.93
66	Samar Island Laurel Park	Samar Eastern Samar and Northern Samar	335,105.57

67	Basilan Natural Biotic Area	Basilan	1,515.99
68	Aliguay Island Protected Landscape and Seascape	Isabela City	1,188.36
69	Tortile Islands Wildlife Sanctuary	Tawi-Tawi	242,953.29
70	Great and Little Sula Cruz Islands Protected Landscape and Seascape	Zamboanga City	1,827.16
71	Pasampana Natural Park	Zamboanga City	12,102.09
72	Jose Rizal Memorial Protected Landscape	Zamboanga del Norte	17,182
73	Murciabagos Protected Landscape and Seascape	Zamboanga del Norte	100.40
74	Selmono Island Protected Landscape and Seascape	Zamboanga del Norte	954.41
75	Soccon Resource Reserve	Zamboanga del Norte	855.59
76	Dumanquillas Bay Protected Landscape and Seascape	Zamboanga del Norte	26,112.21
77	Mt. Timolan Protected Landscape	Zamboanga del Sur	2,244.54
78	Engg Natural Biotic Area	Zamboanga Sibuyan	1,261.46
79	Mt. Kalatungan Range Natural Park	Bulidnon	22,223.11
80	Mt. Timpong Hibok-Hibok Natural Monument	Comogin	2,303.39
81	Mt. Inayawan Range Natural Park	Lanao del Norte	4,236.18
82	Bahangao Protected Landscape and Seascape	Misamis Occidental	315.50
83	Inipac-Libertad Protected Landscape and Seascape	Misamis Oriental	921.02
84	Mt. Balatukan Range Natural Park	Misamis Oriental	8,437.86
85	Mahuni Protected Landscape and Seascape	Compostela Valley	7,292.82
86	Manur Hot Springs Protected Landscape	Compostela Valley	1,422.63
87	Abagwag Protected Landscape	Davao Oriental and Compostela Valley	10,351.06
88	Mati Protected Landscape	Davao Oriental	884.46
89	Puada Bay Protected Landscape and Seascape	Davao Oriental	20,873.43
90	Sarangani Bay Protected Seascape	General Santos City and Sarangani	210,887.69
91	Mt. Matutum Protected Landscape	Sarangani South Cotabato	13,917.00
92	Agusan Marsh Wildlife Sanctuary	Agusan del Sur	40,940.96
93	Siangao Island Protected Landscape and Seascape	Sungao del Norte	283,971.77
94	Tinuy-An Falls Protected Landscape	Sungao del Sur	4,321.75

The boundaries and technical descriptions of each protected area as described in the attached Annex, which are duly certified accurate on every page thereof by the National Mapping and Resource Information Authority (NAMRIA) are hereby adopted and made an integral part hereof.

The DENR, with the assistance of other government agencies, if necessary, shall delineate and demarcate on the ground the boundaries of each protected area which shall not be modified except by an act of Congress.

(a.2.) The Remaining Initial Components. - Within three (3) years from the effectivity of this Act, the DENR shall undertake the following activities in preparation for the establishment of the remaining initial components as protected areas through an act of Congress:

- (1) Provide maps and technical descriptions of the areas;
- (2) Conduct suitability assessment of the areas;
- (3) Conduct public consultations.

Any initial component that does not satisfy the abovementioned requirements shall be disestablished pursuant to Section 7 of this Act.

(b) All DENR records pertaining to said protected areas, including maps and technical descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community

Environment and Natural Resources Offices (CENROs) and Protected Area Management Offices (PAMOs) where protected areas are located:

(c) The DENR shall conduct a suitability assessment for each of the proposed protected area. If found suitable for inclusion in the System according to the categories established in Section 3 hereof, a report containing the following items shall be submitted to the president as soon as the study is completed, to wit:

- (1) A protected area occupants survey;
- (2) An ethnographic study;
- (3) A protected area resource profiles;
- (4) Land and water use plans; and
- (5) Other background studies.

(d) In the conduct of public consultation, the DENR shall:

- (1) Notify the public of proposed action through publication in a newspaper of general circulation and such other means including notices to the stakeholders that will likely be affected within the respective localities, thirty (30) days prior to the public consultation;
- (2) Conduct public consultation at locations near the proposed protected area;
- (3) Invite all local government units (LGUs) in the affected areas, national agencies concerned, people's organizations (POs) and nongovernment organizations (NGOs) and request for corresponding position papers; and
- (4) Prepare recommendations based on the views and comments gathered from the public consultation;

(e) Upon receipt of the recommendations of the DENR, the President shall issue a proclamation establishing the proposed protected areas and providing for measures for their protection until the time when Congress shall have enacted a law finally declaring the recommended areas as part of the System; and

(f) Upon completion of the appropriate review, the President shall recommend to the Senate and the House of Representatives the designations of protected areas or reclassification of each area."

SEC. 5. Section 6 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 6. *Additional Areas to be Included into the System.* - Upon the recommendation of the DENR, additional areas with unique physical features, anthropological significance and high biological diversity may be proposed for inclusion as part of the System. Such areas shall undergo the same procedure as the remaining initial components for legislative enactment."

SEC. 6. Section 8 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 8. *Buffer Zones.* - When necessary, the DENR Secretary, upon the recommendation of the PAMB, may designate areas surrounding the protected areas as buffer zones for the purpose of providing extra layer of protection where restrictions may be applied. *Provided,* That, in cases where the designated buffer zone would cover private lands, the owners thereof shall be required to design their development with due consideration to the protected area management plan."

SEC. 7. Section 9 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 9. *Management Plan.* - Within one (1) year from the establishment of the protected area, there shall be a management plan formulated for each protected area that shall serve as the basic long-term framework plan for the management of the protected area and guide in the preparation of its annual operations plan and budget.

"The management plan shall, at the minimum, promote the adoption and implementation of innovative management techniques including, when necessary, zoning, buffer zone management, habitat conservation and rehabilitation, diversity management, community organizing and development, socioeconomic and scientific researches, site-specific policy development, climate change adaptation and mitigation, disaster risk reduction and management, waste sewerage and septic management, and gender and development, among others.

"The plan shall be harmonized with the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) required under Republic Act No. 8371, or 'The Indigenous Peoples Rights Act of 1997', the respective Comprehensive Land Use Plans (CLUPs) of local governments required under Republic Act No. 7160 or the 'Local Government Code of 1991' and other local plans."

SEC. 8. Section 10 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 10. *Administration and Management of the System.* - The National Integrated Protected Areas System (NIPAS) is hereby placed under the control and administration of the DENR through the Biodiversity Management Bureau (BMB).

To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform the following acts:

"(a) Issue a system-wide set of rules and regulations to implement the provisions of this Act;

"(b) Set standards, procedures, and protocols for the establishment and management of protected areas and the System, such as, but not limited to, conduct of study, zoning, review of plans and project proposals, specifications and types of buildings and other structures, and installation of uniform markers and symbols;

"(c) Deputize field officers and other technical and support personnel;

"(d) Determine a system-wide set of fees and charges to ensure sustainable financing of protected areas and the System;

"(e) Impose administrative fines and penalties;

"(f) Report on the status of the Integrated Protected Area Fund (IPAF), its collection of fees, and disbursements from the IPAF;

"(g) Designate the appropriate Chairperson of each PAMB;

"(h) Enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the objectives of the System;

"(i) Accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursements or other property in the interest of the NIPAS, its activities or its services;

"(j) Call on any agency or instrumentality of the Government as well as academic institutions, NGOs and the private sector as may be necessary

to accomplish the objectives and activities of the System:

"(k) Submit an annual report to the President of the Republic of the Philippines and to Congress on the status of protected areas in the country;

"(l) Oversee and set guidelines in the construction, operation and maintenance of roads, trails, waterworks, sewerage systems, fire protection, and sanitation systems and other public utilities within the protected area;

"(m) Within the limits allowed by existing laws, rules, and regulations, ensure that settlement areas inside the protected area shall not be expanded and that coverage shall only be limited to the original area/s occupied by tenured migrants and indigenous communities; and

"(n) Perform such other functions as may be directed by the President of the Republic of the Philippines, and to do such acts as may be necessary to the accomplishment of the purposes and objectives of the System."

SEC. 9. Section 11 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 11. *Protected Area Management Board (PAMB).* - Within three (3) months after the effectivity of this Act, a PAMB shall be created for each of the protected areas designated as initial component, established by presidential proclamation, and declared by law. The Board shall be composed of the following:

"(a) DENR Regional Director under whose jurisdiction the protected area is located, as Chairperson;

(b) Governor/s of the province/s where the protected area is located or their duly designated representative/s;

(c) A Senator of the Republic of the Philippines who is a duly registered resident of the city or province where the protected area is located or a duly authorized representative, unless the Senator declines membership in the PAMB;

(d) District Representatives of the Congressional district/s where the protected area is located or their duly designated representatives, unless the District Representative declines membership in the PAMB;

(e) Mayor/s of the city/cities or municipality/ municipalities where the protected area is located or their duly designated representative/s;

(f) Chairperson/s of the barangay/s where the protected area is located;

(g) Regional Directors of the following government agencies, namely: the Department of Agriculture (DA), the National Economic and Development Authority (NEDA), the Department of Science and Technology (DOST), the Philippine National Police (PNP), and the Department of National Defense (DND);

(h) Three (3) representatives from either an NGO or PO, duly accredited both by the DENR and the provincial government. The NGO or PO represented should have been in existence for at least five (5) years and with track record in or related to protected area management;

(i) At least one (1) but not more than three (3) representatives from all the IPs/IGCs present in the area and recognized by the National Commission on Indigenous Peoples (NCIP);

(j) One (1) representative from an academic institution, preferably from a university or college in the province where the protected area is located, with proven track record in or related to the protected area management; and

(k) One (1) representative from the private sector, preferably a resident of the province where the protected area is located, who is distinguished in a profession or field of interest relevant to the protected area management.

Ex officio members or members of the PAMB by virtue of their elective or appointive government positions as specified in the immediately preceding subparagraphs (a), (b), (c), (d), (e), (f), and (g), shall serve for the duration of their respective terms of office in their respective elective or appointive government positions.

On the other hand, the members of the PAMB specified under subparagraphs (h), (i), (j), and (k) of this section shall be appointed by the DENR Secretary after the conduct of a transparent and fair selection process. They shall each serve a term of three (3) years and may be reappointed for another term.

The members of the PAMB shall serve without compensation, except for the actual and necessary traveling and subsistence expenses incurred in the performance of their duties, either in their attendance in meetings of the PAMB or in connection with other official business authorized through a resolution of the PAMB, subject to existing rules and regulations. Each member shall have the full capacity and accountability for decisions binding to the member's sector.

The PAMB members duly appointed prior to the effectivity of this Act shall continue their term until the expiration of their appointment. Thereafter,

members of the management board shall be appointed in accordance with the provisions of this Act: *Provided*, That the Regional Director of the DENR shall ensure that the relevant members of the PAMB are duly appointed by the DENR Secretary: *Provided, further*, That at least forty percent (40%) of the PAMB members shall be women, pursuant to Republic Act No. 9710 or "The Magna Carta of Women".

"A member of the PAMB may be removed for any of the following grounds:

- "(1) More than three (3) consecutive unexcused absences from regular meetings of the management board;
- "(2) Commission of acts prejudicial to the management of protected areas as embodied in Section 20 hereof and/or other existing rules and regulations governing protected areas;
- "(3) Disassociation from the office or organization being represented;
- "(4) Termination of relationship with the office or organization being represented; or
- "(5) Conviction by final judgment of any criminal act."

SEC. 10. Insert two (2) new sections after Section 11 of Republic Act No. 7586 to read as follows:

"SEC. 11-A. *Powers and Functions of the PAMB.* - The PAMB shall have the following powers and functions:

"(a) Oversee the management of the protected area;

"(b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;

"(c) Approve the management plan of the protected area and ensure its harmonization and integration with the ADSDPP, land use plan and other development plan, public or private, and its implementation;

"(d) Adopt a manual of operations to include rules of procedures in the conduct of business, and the creation of committees and their respective terms of reference;

"(e) Recommend the deputation of appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the management of the protected area;

"(f) Allocate financial resources for the implementation of the management plan and manage the Protected Area Retention Income Account and other funds in accordance with the accounting and budgeting rules and regulations;

"(g) Set fees and charges in accordance with existing guidelines;

"(h) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;

"(i) Recommend appropriate policy changes to the DENR and other government authorities;

"(j) Monitor and assess the performance of the Protected Area Superintendent (PASU) and other protected area personnel and compliance of partners with the terms and conditions of any undertaking, contract or agreement;

(k) Recommend from among a shortlist of qualified candidates, the designation or appointment of the PASU; and

(l) Assess the effectiveness of the management of the protected area: *Provided*, That the members of the management board representing the LGUs and national agencies in the PAMB shall inform their respective constituents, offices or sectors, of PAMB-approved or other relevant policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and its implementing rules and regulations are complied with, and used as reference and framework in their respective plans, policies, programs, and projects. Failure to comply with the foregoing shall be the basis for disciplinary action against such member according to administrative rules and regulations and such penalties as the PAMB may provide: *Provided, further*, That the DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail.

SEC. 11-B. *The Protected Area Management Office (PAMO).* - There is hereby established a Protected Area Management Office (PAMO) to be headed by a Protected Area Superintendent (PASU) with a permanent plantilla position who shall supervise the day to day management, protection and administration of the protected area. A sufficient number of support staff with permanent plantilla position shall be appointed by the DENR to assist the PASU in the management of the protected area.

The PASU shall be primarily accountable to the PAMB and the DENR for the management and operations of the protected area. Pursuant thereto, the PASU shall have the following duties and responsibilities:

(a) Prepare the management plan, in consultation with the stakeholders, including the annual work and financial plans and ensure its implementation;

(b) Ensure the integration of the protected area management plans, programs, projects, and policies with relevant national and LGUs' plans and programs;

(c) Provide secretariat services to the PAMB and its committees and ensure the availability of relevant and timely information for decision-making;

(d) Formulate and recommend to the PAMB proposed policies, rules, regulations, and programs;

(e) Establish, operate, and maintain a database management system which shall be an important basis for decision-making;

(f) Enforce the laws, rules and regulations relevant to the protected area, commence and institute administrative and legal actions in collaboration with other government agencies or organizations, and assist in the prosecution of offenses committed in violation of this Act;

(g) Monitor, evaluate, and report the implementation of management activities of the protected area;

(h) Request for and receive any technical assistance, support or advice from any agency or instrumentality of the government as well as academic institutions, NGOs, and the private sector, as may be necessary for the effective management, protection and administration of the protected area;

(i) Issue permits and clearances for activities that implement the management plan and other

permitted activities in accordance with terms, conditions, and criteria established by the PAMB: *Provided*, That all permits for extraction activities, including collection for research purposes, shall also continue to be issued by relevant authorities, subject to prior clearance from the PAMB, through the PASU, in accordance with the specific acts to be covered:

"(j) Collect and/or receive pertinent fees, charges, donations, and other income for the protected area: *Provided*, That such fees, charges, donations, and other income collected/received shall be reported regularly to the PAMB and the DENR in accordance with existing guidelines;

"(k) Prepare and recommend to the PAMB, approval of the annual work and financial plans of the protected area based on the management plan; and

"(l) Perform such other functions as the PAMB and the DENR may assign.

"The PAMO may be augmented by the deputized local environment and natural resources officers upon the recommendation of the PAMB and approval of the DENR."

SEC. 11. Section 12 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 12. *Environmental Impact Assessment (EIA)*. - Considering that protected areas are environmentally critical areas, the proponent of development projects and activities with potentially significant adverse impacts as determined by the Environmental Management Bureau (EMB), whether or not these projects or activities are included in the management plan, shall secure an Environmental Compliance Certificate (ECC) in accordance with the Philippine Environment Impact Statement (EIS)

System: *Provided*, That for development projects and activities that are not environmentally critical, an initial environmental examination (IEE) shall be undertaken instead of a full-blown EIA. No project or activity may be undertaken by any project proponent without prior clearance from the PAMB. The DENR shall require the submission of the PAMB clearance, among others, before issuing an ECC to a project proponent.

"No actual implementation of such activities shall be allowed without the required ECC under the Philippine EIA System. Violations of environmental laws, rules and regulations, including those under the EIA System, shall be penalized accordingly."

SEC. 12. Section 13 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 13. *Ancestral Domains and Customary Rights*. - Ancestral domains and customary rights shall be accorded due recognition.

"As part of heritage preservation and pursuant to the need to conserve biologically significant areas, the territories and areas occupied and conserved for and by IPs and communities shall be recognized, respected, developed, and promoted.

"The ICCs and IPs concerned shall have the responsibility to govern, maintain, develop, protect, and conserve such areas, in accordance with their indigenous knowledge systems and practices and customary law, with full and effective assistance from the NCIP, DENR and other concerned government agencies.

"A mechanism for coordination and complementation between the indigenous traditional leadership and governance structures and the NCIP, DENR, government agencies, concerned LGUs and civil society organizations shall be created."

SEC. 13. Section 14 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 14. *Energy Resources* – Consistent with the policies declared in Section 2 hereof, the exploration for energy resources may be allowed in protected areas only for the purpose of gathering data and information and only if such activity is carried out with the least damage to surrounding areas.

"Surveys for nonrenewable energy projects shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President who shall make the appropriate recommendations to Congress. The development and operation of nonrenewable energy projects are prohibited in areas categorized as strict nature reserves and natural parks.

"Renewable energy projects may be allowed within the protected area by the PAMB with the concurrence of the DENR Secretary. *Provided*, That renewable energy projects, which shall be located outside the strict protection zones, shall undergo the EIA as provided by law, and shall adopt reduced impact technologies so as not to be detrimental to ecosystem functions, biodiversity, cultural practices and traditions; *Provided*, That sufficient bond shall be remitted by the proponent to the DENR. The amount of which will be based on damage estimation upon decommissioning and projected cost of rehabilitation. It shall be released to the depositor upon the satisfactory decommissioning of all equipment, structures and improvements and the rehabilitation of the site according to the zones and objectives of the management plan as attested to by the PAMB."

SEC. 14. Section 15 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 15. *Areas Under the Management of Other Departments and Government Instrumentalities*. – Should there be protected areas or portions thereof, under the jurisdiction of government instrumentalities other than the DENR, such jurisdiction shall remain in the said department or government instrumentality; *Provided*, That the DENR shall retain its oversight function over such protected areas, and the concerned agency shall provide annual reports on the management of said areas focusing on the conservation of the biodiversity therein."

SEC. 15. Section 16 of Republic Act No. 7586, as amended by Republic Act No. 10629, is hereby further amended to read as follows:

"SEC. 16. *Integrated Protected Area Fund (IPAF)*. – There is hereby established a trust fund to be known as Integrated Protected Area Fund (IPAF) for purposes of financing the projects and sustaining the operation of protected areas and the System. Income generated from the operation and management of the protected area shall accrue to the IPAF. The income shall be derived from fees and charges from the use of resources and facilities of protected areas; contributions from industries and facilities directly benefiting from the protected area; and such other fees and income derived from the operation of the protected area.

"The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited in the Protected Area-Retained Income Account (PA-RIA) in any authorized government depository bank within the locality; *Provided*, That disbursements out of such deposits shall be used solely for the protection, maintenance, administration, and management of the protected area and implementation of duly approved projects of the PAMB.

grants, donations, and endowments from various sources, domestic or foreign, shall be deposited in full in a special account in the National Treasury to be used for the purpose specified in the deeds and instruments covering them.

Voluntary or legislated payments for ecosystem goods and services, including fines, penalties, and compensation for damages from protected area offenses shall accrue fully to the PA-RIA and shall be managed by the PAMB.

The remaining twenty-five percent (25%) of revenues shall be deposited as a special account in the General Fund in the National Treasury for purposes of financing the projects of the System

The use of the IPAF shall be in accordance with existing accounting, budgeting, and auditing rules and regulations: *Provided, further*, That the IPAF shall not be used to cover personal services expenditures.

The DENR shall submit to the Department of Budget and Management (DBM) and the Department of Finance (DOF) quarterly reports on the financial and physical accomplishments on the utilization of the IPAF and other documents as may be required by the DBM, and shall furnish a copy of the same to the House Committee on Appropriations and the Senate Committee on Finance.

SEC. 16. A new Section 16-A of Republic Act No. 7586, as amended by Republic Act No. 10629, shall read as follows:

SEC. 16-A. *Tax Exemption.* All grants, bequests and endowments, donations and contributions made to the protected area fund to be used actually, directly, and exclusively by the protected area, shall be exempted from donor's tax and shall be considered as allowable deduction from the gross income of the donor for the purpose of

computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended"

SEC. 17. Section 19 of Republic Act No. 7586 is hereby amended to read as follows:

SEC. 19. *Special Prosecutions and Retained Counsel.* - Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint special prosecutors to prosecute violations of laws, rules and regulations in protected areas. The special prosecutor shall coordinate with the PAMB and the PASU in the performance of duties and assist in the training of wardens and rangers in arrest and criminal procedures. The PAMB may retain the services of counsel to prosecute and assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor. Said counsel shall also represent and defend the members of the PAMB, PASU and the staff or any DENR-deputized individual and volunteer, against any legal action arising from the performance of their powers, functions and responsibilities as provided in this Act."

SEC. 18. Section 20 of Republic Act No. 7586 is hereby amended to read as follows:

SEC. 20. *Prohibited Acts.* - Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

- (a) Poaching, killing, destroying, disturbing of any wildlife including in private lands within the protected area;
- (b) Hunting, taking, collecting or possessing of any wildlife, or by-products derived therefrom

including in private lands within the protected area without the necessary permit, authorization or exemption: *Provided*, That the PASU as authorized by the PAMB shall issue a permit, authorization or exemption only for culling, scientific research, the exceptions provided under Section 27(a) of Republic Act No. 9147 (Wildlife Resources, Conservation and Protection Act) or harvests of nonprotected species in multiple-use zones by tenured migrants and IPs;

"(c) Cutting, gathering, removing or collecting timber within the protected area including private lands therein, without the necessary permit, authorization, certification of planted trees or exemption such as for culling exotic species; except, however, when such acts are done in accordance with the duly recognized practices of the IPs/ICCs for subsistence purposes;

"(d) Possessing or transporting outside the protected area any timber, forest products, wildlife, or by-products derived therefrom which are ascertained to have been taken from the protected area other than exotic species, the culling of which has been authorized under an appropriate permit;

"(e) Using any fishing or harvesting gear and practices or any of their variations that destroys coral reefs, seagrass beds or other marine life and their associated habitats or terrestrial habitat as may be determined by the DA or the DENR; *Provided*, That mere possession of such gears within the protected areas shall be *prima facie* evidence of their use;

"(f) Dumping, throwing, using, or causing to be dumped into or placed in the protected area of any toxic chemical, noxious or poisonous substance or nonbiodegradable material, untreated sewage or animal waste or products whether in liquid, solid or gas state, including pesticides and other hazardous substances as defined under Republic Act No. 6969,

otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 detrimental to the protected area or to the plants and animals or inhabitants therein;

"(g) Operating any motorized conveyance within the protected area without permit from the PAMB, except when the use of such motorized conveyance is the only practical means of transportation of IPs/ICCs in accessing their ancestral domain/land;

"(h) Altering, removing, destroying or defacing boundary marks or signs;

"(i) Engaging in 'kangin' or, in any manner, causing forest fires inside the protected area;

"(j) Mutilating, defacing, destroying, excavating, vandalizing or, in any manner, damaging any natural formation, religious, spiritual, historical sites, artifacts and other objects of natural beauty, scenic value or objects of interest to IPs/ICCs;

"(k) Damaging and leaving roads and trails in damaged condition;

"(l) Littering or depositing refuse or debris on the ground or in bodies of water;

"(m) Possessing or using blasting caps or explosives anywhere within the protected area;

"(n) Occupying or dwelling in any public land within the protected area without clearance from the PAMB;

"(o) Constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within the protected area without prior clearance from the PAMB and permit from the DENR, or conducting these activities in a manner

that is inconsistent with the management plan duly approved by the PAMB;

"(p) Undertaking mineral exploration or extraction within the protected area;

"(q) Engaging in commercial or large-scale quarrying within the protected area;

"(r) Establishing or introducing exotic species, including GMOs or invasive alien species within the protected area;

"(s) Conducting bioprospecting within the protected area without prior PAMB clearance in accordance with existing guidelines: *Provided*, That in addition to the penalty provided herein, any commercial use of any substance derived from nonpermitted bioprospecting within a protected area will not be allowed and all revenue earned from illegal commercialization thereof shall be forfeited and deposited as part of the IPAF;

"(t) Prospecting, hunting or otherwise locating hidden treasures within the protected area;

"(u) Purchasing or selling, mortgaging or leasing lands or other portions of the protected area which are covered by any tenurial instrument; and

"(v) Constructing any permanent structure within the forty (40)-meter easement from the high water mark of any natural body of water or issuing a permit for such construction pursuant to Article 51 of Presidential Decree No. 1067: *Provided*, That construction for common usage wharves and shoreline protection shall be permitted by the PAMB only after thorough EIA."

SEC. 19. Section 21 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 21. *Penalties.* - Violations under this Act shall be subject to the following penalties:

"(a) A fine of not less than Two hundred thousand pesos (P200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six (6) years, or both, plus damages of triple the value of the said resources, or both, shall be imposed upon any person who violates paragraphs (a) to (e) of Section 20 herein;

"(b) A fine of not less than Two hundred thousand pesos (P200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six (6) years, or both, shall be imposed upon any person who violates paragraphs (f) to (n) of Section 20 herein;

"(c) A fine of not less than One million pesos (P1,000,000) but not more than Five million pesos (P5,000,000) or imprisonment from six (6) years but not more than twelve (12) years, or both, shall be imposed upon any person who violates paragraphs (o) to (v) of Section 20 herein;

"(d) A fine of Fifty thousand pesos (P50,000) daily shall be imposed on the owner of existing facilities within a protected area under Section 24 of this Act, if the existence of the same and its future plans and operations will be detrimental to the protected area. For every continuing violation, or if the violation continues to be committed for thirty (30) days and upon reaching a total fine of Five hundred thousand pesos (P500,000), the PAMB through the PASU and other deputized government entities, shall cause the cessation of operation and either forfeit in favor of the PAMC or demolish the facility at the cost of its owner. If the facility is government-owned, the agency in charge shall submit a plan for a substitute facility that complies with the protected area standards and, within one (1) year,

execute the approved protected area management plan;

"(e) Administrative fines of not less than Fifty thousand pesos (P50,000), but not exceeding Five million pesos (P5,000,000), shall be imposed by the DENR Secretary for the violation of any rule, regulation, or provision of any agreement reached with the FAMB; *Provided*, That if an area which has sustained damage from any activity conducted therein requires rehabilitation or restoration as determined by the court, the offender shall be required to restore or pay compensation for such damages, which payment shall accrue to the IPAF.

"On the basis of a court order, the DENR shall cause the eviction of an offender from the protected area; *Provided*, That in cases of emergency, the DENR Secretary may order the immediate exit or departure of the offender from the protected area. The DENR Secretary may call on other enforcement agencies to assist in executing the order to vacate.

"An emergency occurs when there is a demonstrated impending threat to human life and biodiversity or to species found within the ecosystem of the protected area.

"All minerals, timber or species collected or removed from the protected area, including all equipment, devices, conveyances, and firearms used in connection therewith, shall be forfeited in favor of the government, and any construction or improvement made thereon by the offender shall be subject to confiscation by the PAMO, subject to the application of due process.

"The conveyances, vessels, equipment, paraphernalia, implements, gears, tools, and similar devices used in the commission of the crime shall be dealt with in accordance with Part 4, Rule 12 (Custody and Disposition of Seized Items, Equipment,

Paraphernalia, Conveyances and Instruments) of Administrative Matter No. 09-6-8-SC (Rules of Procedures for Environmental Cases) issued by the Supreme Court. However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the PAMO for rehabilitation and release to its natural habitat, subject to existing regulations. Valuation of the damage shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. The valuation and assessment by the DENR, in coordination with other concerned government agencies, shall be presumed regular, unless otherwise proven by preponderance of evidence

"If the offender is an association or corporation, the president or manager, who is proven to have participated in or have actual knowledge of any violation against the provisions of this Act shall be directly liable for the act of the employees and laborers; *Provided, finally*, That the DENR may impose administrative fines and penalties consistent with this Act.

"Any person who shall induce another or conspire to commit any of the acts prohibited in this Act, or force their workers to commit any of the same, shall be liable as principal.

"The penalties specified in this section shall be in addition to the penalties provided in Republic Act No. 9072 or the 'National Caves and Cave Resources Management and Protection Act', Republic Act No. 9147 or the 'Wildlife Resources Conservation and Protection Act', Republic Act No. 8550 or the 'Philippine Fisheries Code of 1998' and other related laws.

"The conviction of a public officer or officer of the law whether from the LGU or any national government agency for any violation of the provisions

of this Act shall carry the accessory penalty of perpetual disqualification from public office."

SEC. 20. Insert twelve (12) new sections after Section 21 of Republic Act No. 7586 to read as follows:

"SEC. 22. *Existing Rights.* - All property and private rights within the protected area and its buffer zones already existing and/or vested upon the effectivity of this Act shall be protected and respected in accordance with existing laws: *Provided*, That the exercise of such property and private rights shall be harmonized, as far as practicable, with the provisions of this Act. Notwithstanding this Act, all existing rights, contracts, or agreements entered into by government for the utilization of natural resources within protected areas shall continue to be recognized and governed by Philippine laws.

"The renewal of permits, contracts, and agreements shall be subject to the provisions of this Act. If the permits, contracts, and agreements are not renewed, such areas shall be rehabilitated or restored by the permit holders within the period provided by the pertinent laws and shall revert to national parks classification. As such, all holders of permits, contracts, and agreements are required to prepare and submit a rehabilitation plan to the PAMB: *Provided*, That upon renewal, a sufficient bond shall be remitted by the proponent to the DENR to be released to the depository bank in the event of damage by or closure of the establishment after satisfactory rehabilitation according to the zones and objectives of the management plan as attested to by the PAMB.

"The occupation of LGUs and communities within the protected area shall be respected. Within ninety (90) days after the creation of the PAMB, the Board shall assess the physical occupation of said LGUs and communities within protected areas and recommend to proper authorities measures to ensure the protection

of their well-being. Municipalities and cities with existing townships and town centers within the protected area shall continue to occupy such townships and town centers: *Provided*, That in the development of their CLUPs and barangay development plans, due consideration shall be given to the intended use for conservation and biodiversity as well as the objectives for protected areas to keep human habitation and environmental conservation in harmony."

"SEC. 23. *Tenured Migrants and Other Protected Area Occupants.* - Tenured migrants shall be eligible to become stewards of portions of lands within multiple-use zones. The PAMB shall identify, verify and review all tenurial instruments, land claims, and issuances of permits for resource use within the protected area and recommend the issuance of the appropriate tenure instrument consistent with the zoning provided in the management plan and the provisions of this Act.

"Should areas occupied by tenured migrants be designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development, the provision for the transfer of the tenured migrants to multiple-use zones or buffer zones shall be accomplished through just and humane means: *Provided*, That protected area occupants who are not qualified as tenured migrants shall be resettled outside the protected area.

"The rights of the tenured migrants may be transferred only to the spouse or one of their direct descendants listed at the time of the survey.

"In the event of termination of a tenurial instrument for cause or by voluntary surrender of rights, the PASU shall take immediate steps to rehabilitate the area.

"Following the protected area occupants survey required under Section 5(c)(1) hereof, the DENR Regional Director shall submit to the BMB within two (2) years from the passage of this Act, the final list of tenured migrants, which shall be the basis for tenured migrant recognition and issuance of tenural instruments. Within the two (2)-year period, the DENR Regional Director shall submit accomplishment report every six (6) months.

"The DENR through the BMB shall issue guidelines for the determination of the reckoning period for the recognition of the tenured migrants."

"SEC. 21 *Existing Facilities Within the Protected Area.* - Within sixty (60) days from the effectivity of this Act, an inventory of all existing facilities such as roads, buildings and structures, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities, among others, within the protected area shall be conducted.

"The DENR Regional Director shall submit the inventory of facilities with corresponding descriptions and an assessment report containing the appropriate recommendations to the DENR Secretary through the BMB.

"The PAMB, with the assistance of the DENR, may impose conditions for the continuous operation of a facility found to be detrimental to the protected area until its eventual relocation. If the conditions are violated, the owner of the facility shall be made liable pursuant to Section 21(d) hereof.

"Existing facilities allowed to remain within the protected area shall be charged a reasonable fee by the PAMB based on existing guidelines. Structures found within the forty (40)-meter easement shall be demolished unless proven necessary to protect the

shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations. Wharves shall be kept accessible to the public."

"SEC. 25. *Special Uses Within Protected Areas.* - Consistent with Section 2 hereof, special uses may be allowed within protected areas except in strict protection zones and strict nature reserves. The PAMB may recommend the issuance of tenural instrument subject to compliance to ECC and payment of corresponding user fee equivalent to five percent (5%) of the zonal value of commercial land within the nearest barangay or municipality where the project is located multiplied by the area of development plus one percent (1%) value of improvement as premium; *Provided*, That the activity shall not be detrimental to ecosystem functions and biodiversity, and cultural practices and traditions.

"A sufficient bond shall be remitted by the proponent to the DENR to be released to the depository bank in the event of damage by or closure of the establishment after satisfactory rehabilitation according to the zones and objectives of the management plan as attested to by the PAMB."

"SEC. 26. *Local Government Units (LGUs).* - The LGUs within the protected area shall participate in its management through representation in the PAMB as provided for in this Act. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the protected area; *Provided*, That all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the IPAF under Section 16 hereof.

"The LGUs shall continue to impose and collect other fees not enumerated under Section 16 hereof which they have traditionally collected such as

business permits and rentals of LGU facilities: *Provided*, That the LGUs shall not impose property tax on properties owned by the government nor issue any tax declaration for areas covered by the protected area. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB; *Provided*, That such add-ons shall be based on the contribution of the LGUs in the maintenance and protection of the protected area.

"LGUs with territory inside protected areas shall align their CLUPs, local development plans, disaster risk reduction management plans and other required plans according to the objectives specified herein and in the protected area management plans. Within six (6) months from the approval of the protected area management plan, the PAMB and the PASU shall collaborate with the LGU concerned in the formulation of the CLUP and other local plans and in the enforcement thereof. The concerned LGU official shall be held administratively and criminally liable for failure to enforce and/or implement the provisions of this Act."

"SEC. 27. *Reporting Responsibility.* - The PASU, through the PAMB, shall submit an annual accomplishment report of the protected area to the Secretary of the DENR through the BMB. A report on the conditions and benefits of the biological resources and ecosystem services of the protected area shall also be submitted by the PASU, through channels, to the Secretary of the DENR every five (5) years. Consequently, the BMB shall likewise prepare a National State of Protected Areas (NSPAs) report every five (5) years and shall submit the same to the President, the Senate and the House of Representatives."

"SEC. 28. *Appropriations.* - The Secretary of the DENR shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act."

"SEC. 29. *Construction and Interpretation.* - The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the protected area and the conservation and restoration of its biological diversity, taking into account the needs and interests of qualified tenured migrants, vested rights, IPs and local communities, and the benefits from ecosystem services and functions of protected areas, for present and future generations; *Provided*, That nothing in this Act shall be construed as a diminution of local autonomy or in derogation of ancestral domain rights under the Indigenous Peoples' Rights Act of 1997."

"SEC. 30. *Subsequent Site-Specific Legislation.* - Upon the generation of site-specific requirements for new legislation, the PAMB, through the DENR, shall endorse to Congress for its consideration and enactment site-specific proposals to appropriately respond to the distinct and particular needs and conservation requirements of the protected areas in each locality. Protected areas that may be later established or declared pursuant to this Act shall likewise undergo the same requirements of site-specific legislation."

"SEC. 31. *Joint Congressional Oversight Committee.* - To monitor and oversee the implementation of this Act, a Joint Congressional Oversight Committee is hereby created. It shall be composed of the Chairpersons of the Senate Committee on Environment and Natural Resources and the House Committee on Natural Resources as Chairperson and Co-chairperson, respectively, five (5) members each from the Senate and the House of Representatives as members; *Provided*, That two (2) of the five (5) members are nominated by the respective minority leaders of the Senate and the House of Representatives."

"SEC. 32. *Implementing Rules and Regulations (IRR).* - Within six (6) months from the effectivity

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of this Act, the DENR shall prepare the IRR of this Act.

SEC. 33. *Transitory Provision.* - In order to enhance biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or other instruments that allow utilization of resources within the protected area until the management plan shall have been put into effect.

"All existing land use and resource use permits issued for purposes which are authorized within the protected area shall be reviewed and shall not be renewed upon their expiration unless consistent with the management plan and approved by the PAMB."

SEC. 21. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SEC. 22. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 23. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,


PANTALEON D. ALVAREZ
Speaker of the House of Representatives


AQUILINO "KOKO" PIMENTEL III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1444 and House Bill No. 6772 was passed by the Senate and the House of Representatives on March 21, 2018.



CESAR STRAIN PAREJA
Secretary General
House of Representatives



LUTGARDO B. BARBO
Secretary of the Senate

Approved: 



RODRIGO ROA DUTERTE
President of the Philippines

