



HOUSE OF REPRESENTATIVES

H. No. 5991

BY REPRESENTATIVES ALVAREZ (A.), ARROYO (I.), CUA (J.), PANCRUDO,
OLAÑO, DOMOGAN, ANGARA, GOLEZ, MAGSAYSAY, TIENG, DIASNES,
PADILLA AND MANDANAS, PER COMMITTEE REPORT NO. 1799

AN ACT ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK IN THE PROVINCE OF PALAWAN, 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. *Short Title.* – This Act shall be known and cited as the
2 “Tubbataha Reefs Natural Park (TRNP) Act of 2009”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to ensure the protection and conservation of the globally significant
5 economic, biological, sociocultural, educational and scientific values of the
6 Tubbataha Reefs for the enjoyment of present and future generations. These
7 objectives shall be pursued through sustainable and participatory management,
8 taking into consideration all applicable laws and international conventions to
9 which the Philippines is a signatory.

10 SEC. 3. *Scope and Coverage.* – The Tubbataha Reefs, which shall
11 cover an approximate area of ninety-six thousand eight hundred twenty-eight
12 (96,828) hectares, including its islets, seabed and airspace, and include the
13 Tubbataha Reefs and the Jessie Beazley Reef in the Municipality of

1 Cagayancillo, Province of Palawan, is hereby declared a protected area under
 2 the category of natural park, in accordance with the National Integrated
 3 Protected Areas System (NIPAS) Act of 1992. The boundaries of the TRNP
 4 shall be as follows:

	Latitude	Longitude
5 From Point 1	9° 04' 52" N	119° 46' 10" E
6 to Point 2	9° 06' 05" N	119° 48' 22" E
7 to Point 3	8° 58' 09" N	120° 03' 12" E
8 to Point 4	8° 53' 29" N	120° 03' 30" E
9 to Point 5	8° 41' 33" N	119° 50' 41" E
10 to Point 6	8° 43' 09" N	119° 45' 46" E
11 to point 1, the point of beginning.		

12
 13 The technical descriptions provided in this Act shall be subject to actual
 14 survey or delineation and the metes and bounds shall be indicated on maps
 15 and/or nautical charts.

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

21 SEC. 4. *Land Classification.* – All lands of the public domain
 22 comprising the TRNP shall fall under the classification of national park as
 23 provided for in the Philippine Constitution.

24 SEC. 5. *Establishment of a Buffer Zone.* – There shall also be
 25 established a ten (10)-nautical mile buffer zone from the TRNP, with the
 26 following coordinates:

	Corner	Latitude	Longitude
1			
2	1	9° 17' 49" N	119° 47' 42" E
3	2	9° 04' 48" N	120° 12' 40" E
4	3	8° 49' 42" N	120° 13' 54" E
5	4	8° 29' 42" N	119° 53' 04" E
6	5	8° 36' 13" N	119° 35' 22" E
7	6	9° 11' 08" N	119° 36' 35" E
8	7	9° 17' 49" N	119° 47' 42" E

9 to corner 1, the point of beginning.

10 SEC. 6. *Definition of Terms.* – For purposes of this Act, the following
11 terms shall be defined as follows:

12 (a) “Bioprospecting” shall refer to research, collection and utilization
13 of biological and genetic resources for purposes of applying the knowledge
14 derived from these resources solely for commercial purposes.

15 (b) “Buffer zone” shall refer to the identified area outside the
16 boundaries of and immediately adjacent to the protected area that needs special
17 development control in order to avoid or minimize harm to the protected area.

18 (c) “Commercial fishers/fisherfolk” shall refer to persons who catch
19 fish and other fishery products using fishing vessels of more than three (3)
20 gross tons.

21 (d) “Conservation fees” shall refer to fees collected from authorized
22 users of the TRNP.

23 (e) “Coral” shall refer to all bottom dwelling animals under the *phylum*
24 *Cnidaria*, which are a major part of the reef community. This definition
25 includes four (4) types of corals: (1) those that produce a hard skeleton out of
26 calcium carbonate such as all scleractinian corals, the hydrozoan corals
27 (firecorals) and the blue and red corals under the genera *Heliopora* and
28 *Tubipora*; (2) the antipatharian or black corals with a rigid, chitinous skeleton;

1 (3) the gorgonians with a horny and/or calcareous axis; and (4) the soft bodied
2 anthozoans such as sea anemones and the soft corals under the systematical
3 group of *Alcyonaria* or *Octocorallia*.

4 (f) “Exotic species” shall refer to species or subspecies that do not
5 naturally occur within the biogeographic region of the TRNP at present or in
6 historical time.

7 (g) “Explosives” shall refer to dynamite, other explosives or other
8 chemical compounds that contain combustible elements or ingredients which,
9 upon ignition by friction, concussion, percussion or detonation of all or parts of
10 the compound, will kill, stupefy, disable or render unconscious any species. It
11 shall also refer to any other substance and/or device, including blasting caps or
12 any other component or part of explosive devices, which causes an explosion
13 that is capable of producing harmful effects on any resources and capable of
14 damaging and altering the natural habitat.

15 (h) “Gear” shall refer to any instrument or device and its accessories,
16 which is utilized in taking, catching, gathering, killing, hunting, destroying,
17 disturbing, removing or possessing resources within the TRNP.

18 (i) “Kayakas” shall refer to the fishing method known as the local
19 version of the *muro ami* but smaller in size, using bamboo or trunk of trees as
20 scaring devices aside from coconut or other leaves or materials to drive the
21 fishes and other marine resources out of the coral reefs while at the same time
22 pounding the corals.

23 (j) “Littering” shall refer to the disposal of small amount of non-
24 biodegradable solid waste materials such as, but not limited to, cigarette butts,
25 candy wrappers, plastic materials bottles or glasses in the TRNP.

26 (k) “Municipal fishers/fisherfolk” shall refer to persons who catch fish
27 and other fishery products using fishing vessels of three (3) gross tons or less,
28 or whose fishing methods do not require the use of fishing vessels.

1 (l) "*Muro Ami*" shall refer to the method used in reef fishing
2 consisting of a movable bag net, detachable wings and scare lines having
3 plastic strips and iron/steel/stone weights effecting fish capture by spreading
4 the net in an arc around reefs or shoals and, with the use of the scare lines, a
5 cordon of people drive the fish towards the waiting net while pounding the
6 corals by means of heavy weights like iron/steel/stone or rock making it
7 destructive to corals.

8 (m) "Nongovernmental organization (NGO)" shall refer to any civic,
9 developmental, environmental or philanthropic nonstock, nonprofit
10 organization, duly registered, having bylaws, democratically-elected
11 representatives, with qualifications, expertise and objectivity in activities
12 concerning community organizing and development, or resource and
13 environmental conservation, management and protection.

14 (n) "Nonrenewable resources" shall refer to those resources that
15 cannot be remade, regrown or regenerated on a scale comparative to its
16 consumption.

17 (o) "Noxious or poisonous substances" shall refer to any substance,
18 plant extract or juice, sodium cyanide and/or cyanide compounds or other
19 chemicals either in raw or processed form, harmful or harmless to human
20 beings, which will kill, stupefy, disable or render unconscious any marine
21 organism and are capable of damaging and altering the natural habitat.

22 (p) "PCSD" shall refer to the Palawan Council for Sustainable
23 Development as created under Republic Act No. 7611, otherwise known as the
24 "Strategic Environmental Plan for Palawan Act".

25 (q) "People's organization (PO)" shall refer to a group of people
26 which may be an association, cooperative, federation, aggrupation of
27 individuals or groups with an identifiable structure of decision-making and

1 accountability, established to undertake collective action to address community
2 concerns and needs in relation to the protected area.

3 (r) “PASu” shall refer to the park superintendent of the TRNP.

4 (s) “Poaching” shall refer to fishing or operating any fishing vessel,
5 gathering and/or purchase or possession of any fishery products within
6 Philippine waters by any foreign person, corporation or entity.

7 (t) “Protected area” shall refer to identified portions of land and water,
8 set aside by reason of their unique physical and biological significance,
9 managed to enhance biological diversity and protected against destructive
10 human exploitation.

11 (u) “Protected species” shall refer to any plant or animal, which has
12 been declared protected under Philippine laws, rules and regulations. Protected
13 species include all species listed under the Convention on International Trade
14 in Endangered Species of wild fauna and flora (CITES) and all its Annexes,
15 the Bonn Convention on Migratory Species (CMS), those specified under the
16 red-list categories of the International Union for Conservation of Nature
17 (IUCN), or any plant or animal which the Tubbataha Protected Area
18 Management Board (TPAMB) or any government agency may deem necessary
19 for conservation and preservation in the TRNP.

20 (v) “Purse seine” shall refer to the gear characterized by encircling net
21 having a line at the bottom passing through rings attached to the net, which can
22 be drawn or pursed. In general, the net is set from a boat or boats around the
23 school of aquatic resources, the bottom of the net is pulled closed with the
24 purse line and the net is then pulled aboard the boat or boats until the resources
25 are concentrated in the bunt or bag.

26 (w) “Resources” shall refer to all natural endowments, whether aquatic
27 or terrestrial, living or non-living, found in the TRNP.

1 (x) "Stakeholders" shall refer to individuals, communities, agencies,
2 institutions, organizations, aggregation of specific interests or sectors which
3 have particular interest in the achievement of the objectives of this Act, and/or
4 enjoyment or utilization in any form of the resources within the TRNP.

5 (y) "Trawl" shall refer to the gear consisting of a bag-shaped net which
6 is dragged or towed along the bottom or through the water column to take
7 aquatic resources by straining them from the water, including all variations and
8 modifications of trawls in bottom, mid-water, baby trawls and tow nets.

9 (z) "Vessel" shall refer to any watercraft, including non-displacement
10 crafts and seaplanes, used or capable of being used as a means of
11 transportation on water. It shall include everything found therein, except
12 personal effects.

13 (aa) "Waste" shall refer to discarded items of solid, liquid, contained
14 gas or in semi-solid form and, from whatever source, which may cause or
15 contribute to the deterioration of the resources or habitats in the TRNP.

16 *SEC. 7. Management of the Tubbataha Reefs Natural Park (TRNP).* –
17 The management and administration of the TRNP shall be vested with the
18 TPAMB, as herein provided, and shall be consultative and participatory.

19 *SEC. 8. Zoning.* – A zoning plan shall be adopted within the TRNP,
20 giving primary consideration to the protection and conservation of all life
21 forms in accordance with applicable laws, rules and regulations. Zoning shall
22 also take into consideration the effective protection of habitats, fragile
23 ecosystems and unique areas. The establishment and management of zones
24 shall involve the concerned stakeholders by undertaking such steps as dialogue
25 and community and resource-use mapping. The metes and bounds of each zone
26 shall be indicated on maps and/or nautical charts.

27 *SEC. 9. Management Plan.* – Within one (1) year from the effectivity
28 of this Act, there shall be a management plan to be prepared by the Tubbataha

1 Management Office (TMO) in coordination with the local community and
2 various stakeholders, the PCSD, the municipal government of Cagayancillo,
3 the provincial government of Palawan and with assistance from the Department
4 of Environment and Natural Resources (DENR) and the Department of
5 Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR). The
6 management plan shall contain, among others:

7 (a) a period of applicability for ten (10) years subject to periodic
8 review every three (3) years;

9 (b) goals and objectives of management in support of Section 2;

10 (c) key management issues such as, but not limited to, issuance,
11 screening and approval of all development and resource-use activities within
12 the TRNP and adequate protection and restoration of endangered species and
13 fragile ecosystems;

14 (d) site management strategy including, but not limited to,
15 establishment of clear and simplified guidelines on the activities that can be
16 allowed within the zones, including the buffer zones;

17 (e) major management activities such as, but not limited to,
18 enforcement of laws, habitats and wildlife management, sustainable use
19 management, infrastructure development and maintenance, fire prevention,
20 pest and disease control, and disaster management;

21 (f) zoning in accordance with Section 8;

22 (g) mechanisms for protection, regulation and prohibitions; and

23 (h) mechanisms to ensure consultative and participatory decision-
24 making processes.

25 The management plan shall be consistent with the nature of the TRNP
26 as a protected area. It shall be reviewed and approved by the TPAMB and
27 submitted to the PCSD and the DENR.

1 SEC. 10. *Successor Plan.* – Before the expiration of the initial
2 management plan, there shall be a successor plan to be prepared by the Office
3 of the PASu in the same manner as the procedure and principles herein set
4 forth. Two (2) years before the expiration of the management plan, the PASu
5 shall cause the publication of notices for comments and suggestions on the
6 successor plan using all available media or at least in a newspaper of local
7 circulation and the posting of such notices in the provincial, municipal and
8 barangay halls and in three (3) other conspicuous areas frequented by the
9 public. The successor plan shall be made available to the public for perusal at
10 the office and suboffices of the PASu and the PCSD.

11 SEC. 11. *Creation and Composition of the Tubbataha Protected Area*
12 *Management Board.* – There shall be a Tubbataha Protected Area
13 *Management Board (TPAMB)*, which shall be the sole policy-making and
14 permit-granting body of the TRNP. It shall be composed of:

15 (a) the Regional Executive Director (RED) of Region IV-B of the
16 DENR, to serve as co-chairperson;

17 (b) the chairperson of the PCSD or his/her representative, to serve as
18 co-chairperson;

19 (c) the members of the House of Representatives who represent the
20 congressional districts of Palawan or their representatives;

21 (d) the governor of the Province of Palawan or his/her representative;

22 (e) the mayor of the Municipality of Cagayancillo or his/her
23 representative;

24 (f) the chairperson of the Environment and Natural Resources
25 Committee of the Sangguniang Bayan of Cagayancillo;

26 (g) the chairperson of the Environment and Natural Resources
27 Committee of the Sangguniang Panlalawigan of Palawan;

1 (h) the chairperson of the Appropriations Committee of the
2 Sangguniang Panlalawigan of Palawan;

3 (i) the commander of the Western Command (WESCOM) or his/her
4 representative;

5 (j) the commander of the Naval Forces West (NAVFORWEST) or
6 his/her representative;

7 (k) the district commander of the Coast Guard District Palawan;

8 (l) a representative of the Department of Tourism;

9 (m) the provincial fishery officer of the DA-BFAR in Palawan or
10 his/her representative;

11 (n) at least two (2) representatives from the academe;

12 (o) a staff of the PCSD;

13 (p) at least three (3) representatives from NGOs involved in the
14 conservation and management of the TRNP; and

15 (q) at least two (2) representatives from POs based in the Municipality
16 of Cagayancillo, Province of Palawan and engaged in the conservation and
17 management of the TRNP.

18 Each member of the TPAMB shall serve for a term of five (5) years:
19 *Provided, That he/she remains connected with the sector or office being*
20 *represented. Whenever a vacancy occurs during the term of a member who*
21 *does not represent the government, a new member shall be chosen in the same*
22 *manner as the original selection process, to serve the remaining term of his/her*
23 *predecessor. In the case of members who are elective officials, their*
24 *appointment shall be coterminus with their term of office. In the case of*
25 *appointive government officials who are reassigned to stations or offices*
26 *outside the Province of Palawan, the successor, without need of appointment,*
27 *shall assume the seat of the reassigned official in the TPAMB.*

1 The TPAMB *en banc* shall hold regular meetings at least once every
2 quarter. It may, however, meet on a more regular basis to discuss day-to-day
3 affairs and other matters.

4 SEC. 12. *Incentives of the Tubbataha Protected Area Management*
5 *Board Members.* – The members of the Board shall not receive any salary but
6 shall be entitled to reimbursements for actual and necessary expenses incurred
7 in their attendance in meetings of the Board, subject to existing laws, rules and
8 regulations.

9 SEC. 13. *Rules of Procedure.* – The TPAMB shall determine by
10 appropriate resolution its procedural rules, which shall include discipline and
11 removal of its officers and members, among others.

12 SEC. 14. *Powers and Functions of the Tubbataha Protected Area*
13 *Management Board.* – The TPAMB shall have the following powers and
14 functions:

15 (a) Decide on matters relating to planning, resource use and protection
16 and general administration of the area, in accordance with the management
17 plan;

18 (b) Approve budget allocations, proposals, work plans, action plans
19 and guidelines for the management of the TRNP, in accordance with the
20 management plan and its policies;

21 (c) Initiate the implementation of the delineation of the boundaries of
22 the TRNP;

23 (d) Promulgate rules and regulations to promote development programs
24 and projects on biodiversity conservation and sustainable development within
25 the TRNP, consistent with the management plan;

26 (e) Establish productive partnership with national and local agencies,
27 local government units (LGUs), local communities, the academe, NGOs and

1 such other institutions to ensure the conservation and management of the
2 TRNP;

3 (f) Ensure the implementation and the enforcement of laws, rules and
4 regulations, policies, programs and projects within the TRNP;

5 (g) Control and regulate the construction, operation and maintenance of
6 structure and utilities within the TRNP;

7 (h) Monitor and evaluate the performance of the TMO and all
8 individuals or organizations implementing activities and projects in the TRNP;

9 (i) Generate funds and accept donations and grants; appropriate and
10 disburse the same; and exercise accountability over all funds that may accrue
11 to the TRNP;

12 (j) Manage the TRNP Fund, as herein provided;

13 (k) *Exercise quasi-judicial functions for adjudicating cases of*
14 *violations of this Act and impose fines and fees for violations of guidelines,*
15 *rules and regulations within the TRNP;*

16 (l) Deputize individuals for the enforcement of laws, rules and
17 regulations governing conduct within the TRNP, and prescribe the necessary
18 qualifications therefore;

19 (m) Designate collecting officers for funds generated by the TRNP and
20 formulate procedure for the disbursement thereof, in accordance with
21 accounting and auditing rules and regulations;

22 (n) Retain legal counsel to defend cases against the TPAMB and the
23 Office of the PASu whenever they are sued in connection with the performance
24 of their duties under this Act or the guidelines and rules and regulations
25 pertaining to the TRNP;

26 (o) Provide adequate measures to ensure consultation and participation
27 of stakeholders;

1 (p) Determine, based on existing scientific evidence, laws, rules and
2 regulations, international instruments, traditional resource utilization,
3 management modalities in the area, carrying capacity, and observing the
4 precautionary principle, the modes of utilization of the TRNP and all the
5 resources found therein;

6 (q) Possess authority to issue permits and conditions thereto and
7 determine and collect fees for the utilization and enjoyment of the TRNP and
8 the resources therein: *Provided*, That the TPAMB may delegate to the PASu
9 the authority to issue permits and collect fees for temporary access to the
10 TRNP such as visiting or diving, subject to the limits as may be determined by
11 the TPAMB: *Provided, however*, That entry into the TRNP for emergency
12 reasons shall not be subject to permit and user's fees; and

13 (r) Perform such other functions as may be necessary for the
14 fulfillment of the provisions of this Act and other applicable laws, rules and
15 regulations, and as may be required.

16 SEC. 15. *Tubbataha Protected Area Superintendent's (PASu) Office.* –

17 There is hereby established a protected area superintendent's office that shall
18 be supported by a sufficient number of personnel, in addition to the existing
19 personnel of the DENR, who shall perform day-to-day management, protection
20 and administration of the protected area. The head of office shall be the chief
21 operating officer of the TRNP and shall be accountable to the RED of the
22 DENR IV-B and the TPAMB.

23 The PASu and his/her staff shall hold office in a place to be designated
24 by the TPAMB: *Provided*, That the TPAMB may authorize the establishment
25 of suboffices for purposes of convenience, safety, accessibility, economy and
26 such other justifiable reasons: *Provided, further*, That at least a suboffice shall
27 be established within the TRNP.

1 The PASu shall have full responsibility for the protection of resources
2 within the TRNP. As such, he/she shall have the following duties and
3 responsibilities in addition to those provided under existing laws and
4 regulations:

5 (a) Prepare the management plan and successor plans as herein
6 provided;

7 (b) Serve as secretary to the TPAMB with the duty to provide the
8 TPAMB with all the information necessary to make appropriate decisions;

9 (c) Hire non-management personnel of the TRNP and recommend
10 management personnel to the TPAMB;

11 (d) Supervise TRNP personnel in the performance of their duties and
12 functions;

13 (e) *Coordinate and implement with national and local agencies, LGUs,*
14 *local communities, the academe, NGOs and such other institutions to ensure*
15 *the conservation and management of the TRNP;*

16 (f) Develop and implement park information, interpretation, education
17 and other visitor programs;

18 (g) Enforce the laws, rules and regulations and TPAMB resolutions
19 relevant to the TRNP; file complaints; and assist in the prosecution of offenses;

20 (h) Monitor all activities within the TRNP in conformity with the
21 management plan;

22 (i) *Ensure that consultative and participatory mechanisms are*
23 *maximized in decision-making; and*

24 (j) Perform such other functions as the TPAMB may assign.

25 SEC. 16. *Role of Local Government Units (LGUs).* – The LGUs of
26 Cagayancillo and Palawan shall participate in the management of the TRNP
27 through their representation in the TPAMB. The provisions of this Act shall be
28 incorporated into the municipal and provincial development plans of

1 Cagayancillo and Palawan, respectively, and the regional development plan as
2 part of the environmental concerns of the province and the region. The national
3 and local government units shall likewise ensure that local ordinances
4 pertaining to the environment are consistent with this Act and the management
5 plan as herein provided.

6 SEC. 17. *Role of the DENR and the PCSD.* – The DENR and the PCSD
7 shall coordinate closely to ensure the sound management and conservation of
8 the TRNP, provide technical and financial assistance to the TRNP as may be
9 needed and appoint representatives to the TPAMB.

10 SEC. 18. *The Tubbataha Reefs Natural Park Fund.* – There is hereby
11 created a special trust account to be known as the Tubbataha Trust Fund. All
12 the fees, penalties, donations, grants, endowments, revenues and any other
13 income pertaining to the TRNP shall automatically accrue to this fund. The
14 fund shall be used for the purpose of financing projects and activities in the
15 TRNP to attain the objectives of this Act.

16 The fund may be augmented by grants, donations, endowment from
17 various sources, domestic or foreign, for purposes related to their functions:
18 *Provided,* That the fund shall be deposited as a special account in the National
19 Treasury and disbursements therefrom shall be made solely for the protection,
20 maintenance, administration and management of the system, and duly approved
21 projects endorsed by the TPAMB in accordance with the existing accounting
22 and budgeting rules and regulations: *Provided, further,* That no amount shall
23 be disbursed for the operating expenses of the DENR and other concerned
24 agencies.

1 Donations, grants and endowments to the TRNP shall be exempt from
2 the donor's tax and the same shall be considered as allowable deduction from
3 the gross income in the computation of the income tax of the donor.

4 SEC. 19. *Energy and Nonrenewable Resources.* – Any exploration,
5 exploitation or utilization of nonrenewable resources such as, but not limited
6 to, minerals and oil within the TRNP shall not be allowed. Energy projects
7 shall be allowed only through an act of Congress.

8 SEC. 20. *Unauthorized Entry, Enjoyment or Use.* – No person or
9 entity, except those authorized in Section 35 and undertaking their lawful
10 functions, shall enter, enjoy or use any portion of the TRNP and its resources
11 for whatever purpose without prior permission from the TPAMB as herein
12 provided.

13 The TRNP shall be off limits to navigation, except for activities that are
14 sanctioned by the TPAMB such as, but not limited to, tourism and research.
15 Except in emergency situations, it shall be unlawful to enter the TRNP without
16 prior permission from the TPAMB or the PASu as herein provided. It shall
17 also be unlawful to enter, enjoy or use for any purpose any prohibited
18 management zone. This rule shall similarly apply to the use of vessels, gears
19 and equipment in management zones where such are not allowed.

20 Violation of this section shall subject the responsible person or entity to
21 an administrative fine of from Fifty thousand pesos (P50,000.00) to One
22 hundred thousand pesos (P100,000.00), as may be determined by the TPAMB.
23 If the violator is a commercial fisher/fisherfolk, the fine shall be Five hundred
24 thousand pesos (P500,000.00).

25 SEC. 21. *Damages to the Reef.* – Damages to the reef shall subject
26 the responsible person or entity to the payment of administrative fines set by
27 the TPAMB based on current valuation standards and to the payment of the
28 cost of restoration.

1 SEC. 22. *Nonpayment of Conservation Fees.* – It shall be unlawful for
2 any person or entity to enjoy or utilize the TRNP and the resources therein
3 without payment of conservation fees as may be imposed by the TPAMB.

4 Violators of this section shall, in addition to the payment of the
5 conservation fee, pay the administrative fine of double the amount of the
6 conservation fee set by the TPAMB for the activity undertaken.

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

13 SEC. 24. *Dumping or Discharging of Waste and Littering.* – It shall be
14 unlawful for any person or entity to dump or discharge waste, which includes,
15 but is not limited to, any spilling, leaking, pumping, pouring, emitting,
16 emptying or dumping inside the TRNP. It shall likewise be unlawful to clean
17 and change oil of vessels within the TRNP.

18 Violation of this provision shall be punishable by imprisonment of six
19 (6) months to one (1) year and fine of not less than Five thousand pesos
20 (P5,000.00). The TPAMB shall impose an administrative fine of not less than
21 Fifty thousand pesos (P50,000.00) and not more than One hundred thousand
22 pesos (P100,000.00), and order the violator to clean up the waste or pay for the
23 cleanup thereof.

24 It shall likewise be unlawful to litter within the TRNP. Violation of this
25 provision shall be penalized by the TPAMB with an administrative fine of
26 from Five thousand pesos (P5,000.00) to Ten thousand pesos (P10,000.00).

1 SEC. 25. *Bioprospecting Without a Permit.* – It shall be unlawful to
2 conduct bioprospecting within the TRNP without prior permit from the
3 TPAMB and other concerned agencies.

4 Violation of this section shall be punished with imprisonment of six (6)
5 months to six (6) years; fine of Five hundred thousand pesos (P500,000.00) to
6 One million pesos (P1,000,000.00); and forfeiture of the resources subject of
7 the offense and the equipment, gears and vessels used. The TPAMB shall also
8 impose administrative fine ranging from Five hundred thousand pesos
9 (P500,000.00) to One million pesos (P1,000,000.00), and confiscation and
10 forfeiture of the resources subject of the offense and the equipment, gears and
11 vessels used.

12 SEC. 26. *Introduction of Exotic Species.* – It shall be unlawful to
13 introduce exotic species of plants or animals into the TRNP, including
14 discharging of ballast water or water taken in or discharged by vessels to
15 increase stability and maneuverability.

16 Violation of this section shall be punished with imprisonment of six (6)
17 months to six (6) years; fine of One hundred thousand pesos (P100,000.00) to
18 One million pesos (P1,000,000.00); and forfeiture of the resources subject of
19 the offense and the equipment, gears and vessels used. The TPAMB shall also
20 impose administrative fine ranging from Two hundred thousand pesos
21 (P200,000.00) to One million pesos (P1,000,000.00), and confiscation and
22 forfeiture of the resources subject of the offense and the equipment, gears and
23 vessels used.

24 SEC. 27. *Hunting, Catching, Fishing, Killing, Taking, Gathering,*
25 *Removing, Destroying, Disturbing or Possessing Resources.* – It shall be
26 unlawful for any person to actually or attempt to hunt, catch, fish, kill, take,
27 gather, remove, destroy, disturb or possess any resource, whether living or

1 non-living, or products derived therefrom. The unauthorized entry of a vessel
2 in the TRNP shall be *prima facie* evidence of violation of this section.

3 Violations of this section shall be punished as follows:

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

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

23 (b) Where the offender merely possesses explosives, noxious or
24 poisonous substances within the TRNP, the punishment shall be imprisonment
25 ranging from four (4) years and two (2) months and one (1) day to six (6)
26 years; fine ranging from Fifty thousand pesos (P50,000.00) to One hundred
27 thousand pesos (P100,000.00); and forfeiture of fish catch and the fishing
28 equipment and vessels used. The TPAMB shall also impose administrative fine

1 ranging from Forty thousand pesos (P40,000.00) to One hundred fifty thousand
2 pesos (P150,000.00), and confiscation and forfeiture of the resources subject
3 of the offense and the equipment, gears and vessels used.

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

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

24 *Muro Ami, pa-aling*, all kinds of trawls (*galadgad*, Norway), purse
25 seine (*pangulong*), Danish seine (*hulbot-hulbot, pahulbot-hulbot, likisan, liba-*
26 *liba, palisot, patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas,*
27 *etc.*), ring net (*kubkob, pangulong, kalansisi*), drive-in net (*kayakas*), round
28 haul seine (*sapyaw, lawag*), motorized push net (*sudsod*), bag net (*basnig*,

1 *saklit*) or any of their variations are hereby declared destructive fishing
2 methods or gears under this provision.

3 (e) Where the offender gathers or removes pebbles, stones, rocks, sand
4 or other materials or otherwise engages in the quarrying or dredging of any
5 portion of the TRNP, the penalty shall be six (6) years and one (1) day to
6 twelve (12) years imprisonment; fine of not less than Thirty thousand pesos
7 (P30,000.00) to Five hundred thousand pesos (P500,000.00); and forfeiture of
8 the substance taken from the habitat and the equipment and vessels used to
9 commit such violation. The TPAMB shall also impose *administrative fine*
10 ranging from Thirty thousand pesos (P30,000.00) to Seven hundred thousand
11 pesos (P700,000.00), and *confiscation* and forfeiture of the substance taken
12 and the equipment and vessels used in the commission of the violation.

13 (f) Where the subject of the offense are protected species as defined in
14 this Act, the penalty shall be imprisonment of twelve (12) years to twenty (20)
15 years; fine of One hundred twenty thousand pesos (P120,000.00) to One
16 million pesos (P1,000,000.00) for every threatened or endangered organism
17 subject of the offense; forfeiture of the catch, equipment, gears and vessels;
18 and cancellation of the fishing permit. The TPAMB shall also impose
19 administrative fine ranging from One hundred fifty thousand pesos
20 (P150,000.00) to One million pesos (P1,000,000.00) for every threatened or
21 endangered organism subject of the offense, and *confiscation* and forfeiture of
22 the *catch, equipment, gears and vessels*.

23 (g) Where the violations of this section are not covered by the
24 preceding paragraphs, the penalty shall be imprisonment of one (1) year to
25 three (3) years; fine of not less than Ten thousand pesos (P10,000.00) but not
26 more than One hundred thousand pesos (P100,000.00); forfeiture of the catch,
27 equipment, gears and vessels; and cancellation of the permit that enabled the
28 offender to commit the offense. The TPAMB shall also impose administrative

1 fine ranging from Fifteen thousand pesos (P15,000.00) to One million pesos
2 (P1,000,000.00), and confiscation and forfeiture of the catch, equipment, gears
3 and vessels.

4 SEC. 28. *Poaching by Foreigners.* – It shall be unlawful for any foreign
5 person, corporation or entity to fish or operate any fishing vessel in the TRNP.
6 The entry of any foreign fishing vessel in the TRNP shall constitute *prima*
7 *facie* evidence that the vessel is engaged in fishing in the TRNP. The presence
8 of any foreign national in a fishing vessel of either Philippine or foreign
9 registry in the TRNP shall be *prima facie* evidence that the vessel is engaged in
10 fishing in the TRNP.

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

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

26 SEC. 29. *Violation of Environmental Impact Assessment System.* – The
27 TPAMB shall prosecute violations of laws and rules on the Environmental
28 Impact Assessment System. Such violations shall be punished by imprisonment

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

11 SEC. 30. *Violation of Standards.* – The owner, operator and top three
12 (3) officers of any vessel violating the standards set by the TPAMB such as,
13 but not limited to, safety and sanitation, shall suffer an administrative penalty
14 of a fine ranging from Twenty thousand pesos (P20,000.00) to Fifty thousand
15 pesos (P50,000.00) for every day that each violation subsists and from
16 suspension of three (3) months to cancellation of permit to operate in the
17 TRNP.

18 SEC. 31. *Obstruction to Law Enforcement Officer.* – The boat owner,
19 master, operator, officer or any person acting on his/her behalf, of any vessel
20 who evades, obstructs or hinders any law enforcement officer in the TRNP
21 to perform his/her duty, shall be administratively fined Fifty thousand pesos
22 (P50,000.00). In addition, the registration, permit and/or license of the vessel,
23 including the license of the officers thereof, shall be canceled.

24 SEC. 32. *Subsidiary Imprisonment.* – Nonpayment of fines imposed
25 under this Act shall be subject to subsidiary imprisonment as provided for by
26 existing laws.

27 SEC. 33. *Fines and Forfeitures.* – All administrative fines and
28 forfeitures that may be imposed by the TPAMB under this Act, and the rules

1 and regulations that may be promulgated in pursuit of the goals and objectives
2 of this Act shall form part of the funds and assets of the TRNP.

3 In case of administrative confiscation or forfeiture of vessels, structures,
4 effects, materials and equipment which are not necessary for the proper
5 prosecution of the offense charged, the TPAMB may sell the forfeited vessels,
6 structures, effects, materials and equipment in a public auction. The proceeds
7 of the said sale shall accrue to the TRNP fund created under this Act.

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

16 SEC. 34. *Violation of Other Laws.* – Prosecution for violation of this
17 Act shall be without prejudice to the prosecution of the offender for violation
18 of other laws, rules and regulations.

19 SEC. 35. *Who Shall Enforce this Act, Other Laws, Rules and*
20 *Regulations within the TRNP.* – The Armed Forces of the Philippines, through
21 the Philippine Navy, the Philippine National Police, the Philippine Coast
22 Guard, the law enforcement officers of the DENR and the DA-BFAR,
23 the PCSD officials and staff, LGU officials, law enforcement officers of LGUs,
24 members and officers of the TPAMB, the PASu and his/her staff, and other
25 deputized environment and natural resource officers are hereby authorized and
26 shall cooperate in the enforcement of this Act, other laws, rules and regulations
27 within the TRNP.

1 Any one of the above persons and entities is authorized to file
2 administrative cases before the proper agencies and bodies, or initiate criminal
3 proceedings in accordance with the Rules of Court, for offenses committed
4 within the TRNP: *Provided*, That the apprehending entities may turn over the
5 violators to the PASu to ensure speedy prosecution of cases.

6 SEC. 36. *Inspection Powers.* – The PASu and his/her authorized
7 representative, including the authorities mentioned in Section 35, shall have the
8 power to stop, board, search and inspect all vessels within the TRNP for the
9 purpose of enforcing the provisions of this Act, other laws, rules and
10 regulations.

11 SEC. 37. *Special Prosecutors and Counsels.* – The Department of
12 Justice (DOJ), upon recommendation of the TPAMB, shall designate special
13 prosecutors from among state and public prosecutors to do preliminary
14 investigation and prosecute violations of this Act, other laws, rules and
15 regulations within the TRNP. Such special prosecutors shall coordinate with
16 the TPAMB and the PASu in the performance of his/her duties and assist in the
17 training of wardens and rangers in arrest and criminal procedure. The TPAMB
18 shall periodically submit an evaluation of the performance of the designated
19 special prosecutors to the DOJ.

20 The TPAMB may retain the services of a competent lawyer to prosecute
21 and/or assist in the prosecution of cases under the direct control and
22 supervision of the regular or special prosecutor and to defend the members of
23 the TPAMB, the PASu and PASu office staff, or any person assisting in the
24 protection, conservation and sustainable development of the TRNP, against
25 any legal action related to their powers, functions and responsibilities as
26 provided in this Act or as delegated or tasked by the TPAMB.

27 SEC. 38. *Citizen's Suits.* – For the purposes of enforcing the provisions
28 of this Act or its implementing rules and regulations, any citizen may file an

1 appropriate civil, criminal or administrative action in the proper courts/bodies
2 against:

3 (a) any person who violates or fails to comply with the provisions of
4 this Act or its implementing rules and regulations; or

5 (b) those mandated to implement and enforce the provisions of this Act
6 with respect to orders, rules and regulations issued inconsistent with this Act;
7 and/or

8 (c) any public officer who willfully or grossly neglects the performance
9 of an act specifically enjoined as a duty by this Act or its implementing rules
10 and regulations; or abuses his/her authority in the performance of his/her duty;
11 or, in any manner, improperly performs his/her duties under this Act or its
12 implementing rules and regulations: *Provided, however,* That no suit can be
13 filed until after a thirty (30)-day notice has been given to the public officer and
14 the alleged violator concerned and no appropriate action has been taken
15 thereon. The court shall exempt such action from the payment of filing fees
16 and statements likewise, upon *prima facie* showing of the non-enforcement or
17 violation complained of, exempt the plaintiff from the filing of an injunction
18 bond for the issuance of preliminary injunction.

19 In the event that the citizen should prevail, the court shall award
20 reasonable attorney's fees, moral damages and litigation costs as appropriate.

21 SEC. 39. *Suits and Strategic Legal Action Against Public Participation*
22 *(SLAPP) and the Enforcement of this Act.* – Where a suit is brought against a
23 person who filed an action as provided in Section 37, or against any person,
24 institution or government agency that implements this Act, it shall be the duty
25 of the investigating prosecutor or the court, as the case may be, to immediately
26 make a determination within a period not exceeding thirty (30) days whether
27 said legal action has been filed to harass, vex, exert undue pressure or stifle
28 such legal recourses of the person filing the complaint or enforcing the

1 provisions of this Act. Upon determination thereof, evidence warranting the
2 same, the investigating prosecutor or the court, as the case may be, shall
3 dismiss the complaint. In addition, the court shall award attorney's fees and
4 double the amount of damages.

5 This provision shall also apply and benefit public officers who are sued
6 for acts committed in their official capacity, there being no grave abuse of
7 authority, and done in the course of enforcing this Act.

8 SEC. 40. *Convening the Tubbataha Protected Area Management*
9 *Board.* – Within one (1) month upon the effectivity of this Act, the interim
10 TPAMB shall convene to ensure that its composition and structure conform
11 with the provisions of this Act.

12 SEC. 41. *Continuation of the Tubbataha Management Office.* –
13 The TMO shall continue to exist and function as such, subject to
14 reorganization if necessary, in accordance with Section 14.

15 SEC. 42. *Continuation of All Other Arrangements.* – Except when
16 otherwise provided by this Act, all arrangements, commitments and agreements
17 pertaining to the management, utilization, conservation and protection of the
18 TRNP made and entered into by government agencies, the present TPAMB
19 and the TMO, and the active involvement of the Philippine Navy and the
20 Philippine Coast Guard in law enforcement in the TRNP, shall continue to
21 subsist until validly amended, revised, repealed or renewed.

22 SEC. 43. *Implementing Rules and Regulations.* – Within six (6) months
23 upon the effectivity of this Act, the TPAMB shall prepare the implementing
24 rules and regulations of this Act.

25 SEC. 44. *Appropriations.* – The Secretary of the DENR shall
26 immediately include in the Department's program the implementation of this
27 Act, the funding of which shall be included in the annual General
28 Appropriations Act.

1 SEC. 45. *Construction and Suppletory Application of Existing Laws.* –

2 The provisions of this Act shall be construed liberally in favor of achieving
3 biodiversity conservation, protection and sustainable development. The
4 provisions of Republic Act No. 7611, otherwise known as the “Strategic
5 Environmental Plan (SEP) for Palawan Act”, Republic Act No. 7586,
6 otherwise known as the “National Integrated Protected Areas System Act of
7 1992”; Republic Act No. 8550, otherwise known as “The Philippine Fisheries
8 Code of 1998”; Republic Act No. 9147, otherwise known as the “Wildlife
9 Resources Conservation and Protection Act”; Presidential Decree No. 979,
10 otherwise known as the “Marine Pollution Decree of 1976”; and existing
11 forestry laws, and their corresponding rules and regulations not inconsistent
12 hereto, shall have suppletory effect in the implementation of this Act.

13 SEC. 46. *Separability Clause.* – If any part or section of this Act is
14 declared unconstitutional or otherwise invalid, such declaration shall not affect
15 the other parts or sections hereof.

16 SEC. 47. *Repealing Clause.* – All laws, presidential decrees, executive
17 orders, rules and regulations inconsistent with this Act shall be deemed
18 repealed or modified accordingly.

19 SEC. 48. *Effectivity.* – This Act shall take effect immediately after its
20 complete publication in two (2) newspapers of general circulation.

Approved,

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