



HOUSE OF REPRESENTATIVES

H. No. 6718

BY REPRESENTATIVES ALMARIO, ARROYO (I.), CUA (J.), AQUINO, UNGAB,
FUA, ZAMORA (M.), MATUGAS, GARAY AND JAAFAR, PER COMMITTEE
REPORT NO. 2294

AN ACT DECLARING A PORTION OF THE COASTAL AND MARINE
AREAS IN THE MUNICIPALITY OF SAN ISIDRO, PROVINCE OF
DAVAO ORIENTAL AS A PROTECTED AREA AND ITS
PERIPHERAL AREAS AS BUFFER ZONE, PROVIDING FOR ITS
MANAGEMENT AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “San Isidro
2 Protected Seascape (SIPS) Act of 2009”.

3 SEC. 2. *Declaration of Policy.* – Cognizant of the profound impact of
4 man’s activities on all components of the natural environment, particularly the
5 effect of increasing population, resource exploitation and industrial
6 advancement and considering the aesthetic, economic and ecological
7 importance and unique biological resources of certain coastal and marine areas
8 in the Municipality of San Isidro, Province of Davao Oriental, it is hereby
9 declared the policy of the State to secure the protection and conservation of
10 these coastal and marine areas, including the communities of people therein.

1 SEC. 3. *Coverage and Scope.* – Certain parcels of land and water
2 situated in the Municipality of San Isidro, Province of Davao Oriental, Island
3 of Mindanao are hereby constituted into a protected area, as a permanent
4 component of the National Integrated Protected Areas System (NIPAS), to be
5 known as the SIPS, with its immediate peripheral areas as buffer zone.

6 The boundaries of the SIPS, containing an approximate area of eighteen
7 thousand six hundred thirty and point eighty-eight hectares (18,630.88 has.)
8 are as follows:

9 Beginning from corner 1 which is located at the mouth of
10 Sumlog/Cuabo rivers, thence;

11 12	COR	LINE	BEARING / DISTANCE	CORNER MONUMENT	REFERENCE OR LOCATION
13 14 15 16	1	1 2	Following the shoreline to a point located S 31°08' E about 1,402.00 meters,	Stake	A point at the mouth of Sumlog/Cuabo rivers, Common boundary with the Municipality of Lupon;
17 18	2	2 3	thence following the shoreline to a point located N 81°52' E about 353.55 meters	Stake	A point along the shoreline;
19 20	3	3 4	thence following the shoreline to a point located S 03°11' W about 450.69 meters	Stake	A point along the shoreline,
21 22	4	4 5	thence following the shoreline to a point located S 49°24' E about 230.49 meters	Stake	A point along the shoreline,
23 24	5	5 6	thence following the shoreline to a point located S 08°22' E about 859 14 meters	Stake	A point along the shoreline,
25 26	6	6 7	thence following the shoreline to a point located S 45°00' W about 282.84 meters	Stake	A point along the shoreline;
27 28	7	7 8	thence following the shoreline to a point located S 07°01' W about 654.90 meters	Stake	A point along the shoreline;
29 30	8	8 9	thence following the shoreline to a point located S 26°47' W about 1,176 18 meters	Stake	A point along the shoreline;
31 32	9	9 10	thence following the shoreline to a point located N 61°29' E about 523.55 meters	Stake	A point at Batobato point;

1 2	10 10	10 11	thence following the shoreline to a point located N 48°30' E about 867.33 meters	Stake	A point along the shoreline;
3 4 5	11 11 12	11 11 12	thence following the shoreline to a point located S 08°15' E about 1,743.02 meters	Stake	A point at the mouth of Batobato creek,
6 7	12 12	12 13	thence following the shoreline to a point located S 11°30' W about 3,010.40 meters	Stake	A point along the shoreline;
8 9	13 13	13 14	thence following the shoreline to a point located S 55°11' W about 700.45 meters	Stake	A point along the shoreline,
10 11 12	14 14 15	14 14 15	thence following the shoreline to a point located S 15°31' E about 467.04 meters	Stake	A point at the mouth of Bitaogan river,
13 14	15 15	15 16	thence following the shoreline to a point located S 10°37' W about 406.97 meters	Stake	A point along the shoreline;
15 16	16 16	16 17	thence following the shoreline to a point located S 11°46' E about 612.88 meters	Stake	A point along the shoreline,
17 18	17 17	17 18	thence following the shoreline to a point located S 26°33' E about 614.92 meters	Stake	A point along the shoreline,
19 20	18 18	18 19	thence following the shoreline to a point located S 45°00' W about 247.49 meters	Stake	A point along the shoreline;
21 22	19 19	19 20	thence following the shoreline to a point located S 43°36' E about 725.00 meters	Stake	A point along the shoreline,
23 24	20 20	20 21	thence following the shoreline to a point located N 79°23' E about 406.97 meters	Stake	A point along the shoreline,
25 26	21 21	21 22	thence following the shoreline to a point located S 66°02' E about 492.44 meters	Stake	A point along the shoreline,
27 28	22 22	22 23	thence following the shoreline to a point located S 30°58' E about 874.64 meters	Stake	A point along the shoreline;
29 30 31	23 23 24	23 23 24	thence following the shoreline to a point located S 33°41' E about 630.97 meters	Stake	A point at the mouth of an unnamed creek,
32 33 34	24 24 25	24 24 25	thence following the shoreline to a point located S 45°00' W about 212.53 meters	Stake	A point at the mouth of an unnamed creek;
35 36	25 25	25 26	thence following the shoreline to a point located S 02°33' W about 450.44 meters	Stake	A point along the shoreline;
37 38	26 26	26 27	thence following the shoreline to a point located N 90°00' W about 730.00 meters	Stake	A point along the shoreline;

1 2	27 28	27 28	thence following the shoreline to a point located S 25°55' E about 910.01 meters		Stake	A point along the shoreline;
3 4	28 29	28 29	thence following the shoreline to a point located S 41°59' W about 336.34 meters		Stake	A point along the shoreline;
5 6	29 30	29 30	thence following the shoreline to a point located S 15°57' W about 1,456.02 meters		Stake	A point along the shoreline,
7 8	30 31	30 31	thence following the shoreline to a point located S 06°01' W about 477.62 meters		Stake	A point along the shoreline,
9 10	31 32	31 32	thence following the shoreline to a point located S 07°05' W about 811.19 meters		Stake	A point along the shoreline,
11 12 13	32 33	32 33	thence following the shoreline to a point located S 43°45' E about 650.69 meters		Stake	A point at the mouth of Mabua river;
14 15 16 17 18	33 34	33 34	DUE WEST 1,000.00 meters		Stake	A point at the mouth of Pinalagan river, common boundary with the Municipality of Governor Generoso,
19 20 21	34 35	34 35	DUE WEST 1,000.00 meters		A point	Along the southern boundary of the municipal water rights of San Isidro,
22 23 24	35 36	35 36	DUE WEST 1,000.00 meters		A point	Along the southern boundary of the municipal water rights of San Isidro,
25 26 27	36 37	36 37	DUE WEST 1,000.00 meters		A point	Along the southern boundary of the municipal water rights of San Isidro;
28 29 30	37 38	37 38	DUE WEST 1,000.00 meters		A point	Along the southern boundary of the municipal water rights of San Isidro;
31 32 33	38 39	38 39	DUE WEST 1,000.00 meters		A point	Along the southern boundary of the municipal water rights of San Isidro;
34 35 36	39 40	39 40	DUE WEST 1,000.00 meters		A point	Along the southern boundary of the municipal water rights of San Isidro,
37 38 39	40 41	40 41	DUE WEST 1,000.00 meters		A point	Along the southern boundary of the municipal water rights of San Isidro,
40 41 42	41 42	41 42	DUE WEST 1,000.00 meters		A point	Along the southern boundary of the municipal water rights of San Isidro;

1 2 3	42	42 43	DUE WEST	1,000.00 meters	A point	Along the southern boundary of the municipal water rights of San Isidro;
4 5 6	43	43 44	DUE WEST	1,000.00 meters	A point	Along the southern boundary of the municipal water rights of San Isidro;
7 8 9	44	44	DUE WEST	1,000.00 meters	A point	Along the southern boundary of the municipal water rights of San Isidro;
10 11 12	45	45 46	DUE WEST	1,000.00 meters	A point	Along the southern boundary of the municipal water rights of San Isidro;
13 14 15	46	46 47	DUE WEST	1,000.00 meters	A point	Along the southern boundary of the municipal water rights of San Isidro;
16 17 18	47	47 48	DUE WEST	1,000.00 meters	A point	Along the southern boundary of the municipal water rights of San Isidro;
19 20 21	48	48 49	N 10°00' E	1,000.00 meters	A point	Along the western boundary of the municipal water rights of San Isidro;
22 23 24	49	49 50	N 10°00' E	1,000.00 meters	A point	Along the western boundary of the municipal water rights of San Isidro;
25 26 27	50	50 51	N 10°00' E	1,000.00 meters	A point	Along the western boundary of the municipal water rights of San Isidro;
28 29 30	51	51 52	N 10°00' E	1,000.00 meters	A point	Along the western boundary of the municipal water rights of San Isidro;
31 32 33	52	52 53	N 10°00' E	1,000.00 meters	A point	Along the western boundary of the municipal water rights of San Isidro;
34 35 36	53	53 54	N 10°00' E	1,000.00 meters	A point	Along the western boundary of the municipal water rights of San Isidro;
37 38 39	54	54 55	N 10°00' E	1,000.00 meters	A point	Along the western boundary of the municipal water rights of San Isidro;
40 41 42	55	55 56	N 10°00' E	800.00 meters	A point	Along the western boundary of the municipal water rights of San Isidro;
43 44 45	56	56 57	N 45°35' E	957.23 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro;

1 2 3	57	57 58	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro,
4 5 6	58	58 59	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro;
7 8 9	59	59 60	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro;
10 11 12	60	60 61	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro,
13 14 15	61	61 62	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro,
16 17 18	62	62 63	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal waters of San Isidro,
19 20 21	63	63 64	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro,
22 23 24	64	64 65	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro,
25 26 27	65	65 66	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro;
28 29 30	66	66 67	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro,
31 32 33	67	67 68	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro;
34 35 36	68	68 69	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro;
37 38 39	69	69 70	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro,
40 41 42	70	70 71	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro,
43 44 45	71	71 01	N 45°35' E	1,000.00 meters	A point	Along the northwestern boundary of the municipal water rights of San Isidro

1 The metes and bounds of the SIPS shall be indicated on maps and
2 nautical charts. Any modification of the coverage of this Act due to such
3 factors as changing ecological situations, new scientific or archaeological
4 findings not previously taken into account shall be made through an act of
5 Congress, after consultation with the affected public and concerned
6 government agencies.

7 SEC. 4. *Land Classification.* – All lands and waters comprising the
8 SIPS shall fall under the classification of national park as provided for in the
9 Philippine Constitution.

10 SEC. 5. *Definition of Terms.* – The following terms are hereby defined
11 for the purpose of this Act:

12 (a) “Biodiversity” shall refer to the variety of life in all its forms found
13 on earth.

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

17 (c) “Buffer zone” shall refer to identified areas outside the boundaries
18 of and immediately adjacent to designated protected areas that need special
19 development control in order to avoid or minimize harm to the protected area.

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

23 (e) “Conservation fees” shall refer to fees collected from authorized
24 users of the SIPS.

25 (f) “Corals” shall refer to all bottom dwelling animals under the
26 phylum Cnidaria, which are a major part of the reef community. This
27 definition includes four (4) types of corals: (1) those that produce a hard
28 skeleton out of calcium carbonate such as all scleractinian corals, the
29 hydrozoan corals (firecorals), and the blue and red corals under the genera
30 *Heliopora* and *Tubipora*; (2) the antipatharian or black corals with a rigid,
31 chitinous skeleton; (3) the gorgonians with a horny and/or calcareous axis; and

1 (4) the soft bodied anthozoans, such as sea anemones, and the soft corals
2 under the systematical group of *Alcyonaria* or *Octocorallia*.

3 (g) "Exotic species" shall refer to species or subspecies that do not
4 naturally occur within the biogeographic region of the SIPS at present or in
5 historical time.

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

14 (i) "Gear" shall refer to any instrument or device and its accessories
15 which is utilized in taking, catching, gathering, killing, hunting, destroying,
16 disturbing, removing or possessing resources within the SIPS.

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

22 (k) "Littering" shall refer to the disposal of small amount of
23 nonbiodegradable solid waste materials such as, but not limited to, cigarette
24 butts, candy wrappers, plastic materials, bottles or glasses in the SIPS.

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

28 (m) "Muro-ami" shall refer to the method used in reef fishing
29 consisting of a movable bag net, detachable wings and scare lines having
30 plastic strips and iron/steel/stone weights effecting fish capture by spreading
31 the net in an arc around reefs or shoals and, with the use of the scare lines, a

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

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

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

15 (p) "Non-renewable resources" shall refer to those resources that
16 cannot be re-made, re-grown or regenerated on a scale comparative to its
17 consumption.

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

23 (r) "People's organization (PO)" shall refer to a group of people which
24 may be an association, cooperative, federation, aggrupation of individuals or
25 groups with an identifiable structure of decision-making and accountability,
26 established to undertake collective action to address community concerns and
27 needs in relation to the protected area.

28 (s) "Poaching" shall refer to fishing or operating any fishing vessel,
29 gathering and/or purchase or possession of any fishery products within
30 Philippine waters by any foreign person, corporation or entity.

1 (t) "Private rights" shall refer to the right of individual persons to own
2 under existing laws, and in the case of indigenous cultural communities, rights
3 of possession since time immemorial, which possession may include places of
4 abode and worship, burial grounds and well-defined territories.

5 (u) "Protected area" shall refer to identified portions of land and water,
6 set aside by reason of their unique physical and biological significance,
7 managed to enhance biological diversity and protected against destructive
8 human exploitation.

9 (v) "Protected landscapes/seascapes" shall refer to areas of national
10 significance which are characterized by the harmonious interaction of man and
11 land while providing opportunities for public enjoyment through recreation
12 and tourism within the normal lifestyle and economic activity of these areas.

13 (w) "Protected species" shall refer to any plant or animal which has
14 been declared protected under Philippine laws, rules and regulations.
15 Protected species include all species listed under the Convention on
16 International Trade in Endangered Species of Wild Fauna and Flora (CITES)
17 and all its annexes, the Bonn Convention on Migratory Species (CMS), those
18 specified under the red-list categories of the International Union for
19 Conservation of Nature (IUCN), or any plant or animal which the Tubbataha
20 Protected Area Management Board (TPAMB) or any government agency may
21 deem necessary for the conservation and preservation in the SIPS.

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

28 (y) "Resources" shall refer to all natural endowments, whether aquatic
29 or terrestrial, living or nonliving, found in the SIPS.

30 (z) "Stakeholders" shall refer to individuals, communities, agencies,
31 institutions, organizations, aggrupation of specific interests or sectors which

1 have particular interest in the achievement of the objectives of this Act, and/or
2 enjoyment or utilization in any form of the resources within the SIPS.

3 (aa) "Tenured migrants" shall refer to the occupants within the
4 protected area who have actually and continuously occupied such area for five
5 (5) years before its designation as a protected area and are solely dependent
6 therein for subsistence.

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

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

16 (dd) "Waste" shall refer to discarded items of solid, liquid, contained
17 gas or in semi-solid form, and from whatever source, which may cause or
18 contribute to the deterioration of the resources or habitats in the SIPS.

19 *SEC. 6. Management Plan.* – A management plan and a management
20 manual shall be prepared by the Department of Environment and Natural
21 Resources (DENR) in coordination with the Protected Area Management
22 Board (PAMB) of the SIPS, concerned local government units (LGUs) and
23 other affected sectors which shall serve as basis for the protection and
24 conservation of the biodiversity of the protected area.

25 *SEC. 7. Administration and Management.* – The SIPS shall be under
26 the administrative jurisdiction of the DENR through the PAMB. Pursuant
27 hereto, the following institutional arrangement is hereby adopted:

28 (a) The Secretary of the DENR shall have supervision over the
29 management of the SIPS and is empowered to perform any and all of the
30 following acts:

1 (1) Conduct studies on various characteristic features and conditions of
2 the area and, using commonalities in their characteristics, classify and define
3 into categories and prescribe permissible or prohibited human activities in
4 each category;

5 (2) Adopt and enforce land-use scheme and zoning plan in adjoining
6 areas for the preservation and control of activities that may threaten the
7 ecological balance in the SIPS;

8 (3) Cause the preparation of and exercise the power to review all plans
9 and proposals for the management of the area;

10 (4) Promulgate rules and regulations necessary to carry out the
11 provisions of this Act;

12 (5) Deputize field officers and delegate any of his/her powers under
13 this Act and other laws to expedite its implementation and enforcement;

14 (6) Fix and prescribe reasonable NIPAS fees to be collected from
15 government agencies or any person, firm or corporation deriving benefits from
16 the area;

17 (7) Exact administrative fees and fines as authorized hereof for
18 violations of guidelines, rules and regulations of this Act as would endanger
19 the viability of the area;

20 (8) Enter into contracts and/or agreements with private entities or
21 public agencies as may be necessary to carry out the purposes of this Act;

22 (9) Accept, in the name of the Philippine government and in behalf of
23 the NIPAS, funds, gifts or bequests of money for immediate disbursements or
24 other property in the interest of the NIPAS, its activities or its services;

25 (10) Call on any agency or instrumentality of the government as well
26 as academic institutions, nongovernment organizations and the private sector
27 as may be necessary to accomplish the objectives and activities of this Act;

28 (11) Submit an annual report to the President of the Philippines and to
29 Congress on the status of the SIPS;

1 (12) Determine the specification of the class, type and style of
2 buildings and other structures to be constructed in the area and the materials to
3 be used;

4 (13) Control the construction, operation and maintenance of roads,
5 trails, waterworks, sewerage, fire protection and sanitation systems and other
6 public utilities within the SIPS;

7 (14) Control occupancy of suitable portions and resettle, outside of
8 said area, forest occupants therein, with the exception of the members of
9 indigenous communities; and

10 (15) Perform such other functions as may be directed by the President
11 of the Philippines, and to do such acts as may be necessary or incidental to the
12 accomplishment of the purposes and objectives of this Act.

13 (b) Creation and Composition of the Protected Area Management
14 Board (PAMB). – There shall be a PAMB for the SIPS which shall serve as
15 the highest policy-making body for the management of the area. The PAMB
16 shall be composed of the following:

17 (1) Regional Executive Director (RED) of the DENR, Region XI who
18 shall act as PAMB Chairman;

19 (2) Provincial Governor of Davao Oriental or his/her authorized
20 representative;

21 (3) Provincial Planning and Development Officer or his/her authorized
22 representative;

23 (4) Municipal mayor of San Isidro or his authorized representative;

24 (5) All barangay captains within the SIPS;

25 (6) Three (3) representatives from people's organizations and NGOs
26 from the Municipality of San Isidro;

27 (7) A representative from other national government agencies
28 operating within the protected area; and

29 (8) Other stakeholders who can potentially contribute in the protection,
30 preservation and conservation of SIPS.

1 (c) Powers and Functions of the Protected Area Management Board
2 (PAMB). – The PAMB shall exercise the following powers and functions:

3 (1) Decide matters relating to planning, resource protection and
4 general administrative of the area in accordance with the General Management
5 Planning Strategy (GMPS);

6 (2) Approve proposals, work plans, action plans, guidelines, for
7 management of the protected area in accordance with the approved
8 management plan;

9 (3) Delineate and demarcate protected area boundaries, buffer zones
10 and ancestral domains and recognize the rights and privileges of indigenous
11 communities under the provisions of this Act;

12 (4) Promulgate rules and regulations to promote development
13 programs and projects on biodiversity conservation and sustainable
14 development consistent with the management manual;

15 (5) Ensure the implementation of programs as prescribed in the
16 management plan in order to provide employment to the people dwelling in
17 and around the SIPS;

18 (6) Control and regulate the construction, operation and maintenance
19 of roads, trails, waterworks, sewerage, fire protection and sanitation systems
20 and other public utilities within the SIPS; and

21 (7) Monitor and evaluate the performance of protected area personnel,
22 NGOs and the communities in providing for biodiversity conservation and
23 sociocultural and economic development and report their assessments to the
24 NIPAS Policy and Program Steering Committee (NPPSC) and the Integrated
25 Protected Areas Fund (IPAF) Governing Board.

26 (d) Powers and Functions of the Regional Executive Director (RED)
27 DENR, Region XI. – As Chairperson of the PAMB, the RED shall:

28 (1) Enforce policies, rules and regulations adopted by the DENR and
29 the PAMB; and

1 (2) Represent the interests and concerns of local and indigenous
2 communities and insure that the DENR central office addresses these issues
3 accordingly.

4 (e) San Isidro Protected Area Superintendent's (PASu) Office. – There
5 is hereby established a protected area superintendent's office in charge of the
6 management, protection and administration of the SIPS. The PASu shall be
7 supported by the existing personnel of the DENR. The head of office shall be
8 the chief operating officer of the SIPS and shall be accountable to the DENR
9 RED for Region XI and the PAMB.

10 The PASu shall have the following duties and responsibilities:

11 (1) Serve as chief administrative officer of the protected area for the
12 purpose of implementing the management plan as detailed in the annual work
13 program;

14 (2) Establish a productive partnership with the local community,
15 including groups, in the planning, protection and management of the protected
16 area;

17 (3) Promote the performance and morale of his/her staff;

18 (4) Ensure the proper utilization of annual budget allocations and the
19 proper disposition of fees and other funds generated within the protected area;

20 (5) Develop and implement a park information, education and visitor
21 program;

22 (6) Develop and implement a natural history documentation program
23 and oversee any research that may be conducted in the area;

24 (7) Integrate roles of NGOs and DENR staff in the operation of the
25 area;

26 (8) Document the processes involved in the establishment and
27 management of the protected area, with particular reference to the
28 development of relationships with cultural communities, tenured migrants,
29 buffer zone residents and others in establishing effective protection of the
30 area;

1 (9) Act as peace officer; exercise police supervision therein; and arrest
2 or cause the arrest of any person found in any place within the protected area
3 who is committing, has committed, or is about to commit an offense against
4 the provisions of this Act;

5 (10) Enforce the rules and regulations promulgated pursuant to the
6 NIPAS Act of 1992 and this Act and protect the SIPS area from trespass,
7 damage, injury and illegal occupancy;

8 (11) Require, when necessary, from any person entering or passing
9 across, through or any part of the protected area, the following information:
10 name, address, proposed duration of stay inside the SIPS and the particular
11 area to visit or has visited and such other information of a similar nature;

12 (12) Summarily remove or eject from the SIPS persons who have
13 rendered themselves obnoxious by disorderly conduct or bad behavior or who
14 have violated any of the regulations for the protected area;

15 (13) Require persons cutting and/or gathering forest products or
16 hunting or fishing within the protected area to produce, upon demand, the
17 authority or permit to do so;

18 (14) Seize and confiscate timber or other forest products, game birds,
19 animals and fish including instruments, tools and conveyances used by
20 unlicensed persons, or if licensed, in violation of protected area laws, rules and
21 regulations and to submit a report in accordance with the present rules,
22 regulations and guidelines issued by the DENR Secretary concerning
23 confiscation, seizure and disposition of illegally cut, gathered and transported
24 forest products, and other natural resources and confiscated wildlife; and

25 (15) Perform such other powers and duties as may from time to time be
26 prescribed by higher authorities.

27 SEC. 8. *Existing Facilities.* – Existing facilities within the SIPS prior
28 to the enactment of this Act shall be subjected to inventory and assessment by
29 the PAMB, using its own criteria, which shall consider the impact of said
30 facilities on biodiversity conservation and possible conflicts with this Act and
31 the interest of stakeholders.

1 The PAMB, through the PASu, shall monitor the operations of said
2 facilities and shall recommend appropriate actions or measures if the
3 continued operations of existing facilities are not in harmony with the purpose
4 of this Act. The PAMB shall also impose royalties or administrative fees or
5 adopt a profit sharing scheme from said facilities, subject to negotiations with
6 concerned operators/proponents.

7 SEC. 9. *Ancestral Lands and Rights Over Them.* – Ancestral lands and
8 domain within the SIPS shall be recognized and managed pursuant to Republic
9 Act No. 8371, otherwise known as “The Indigenous People’s Rights Act of
10 1997”.

11 SEC. 10. *Tenured Migrants.* – Tenured migrants shall be eligible to
12 become stewards of portions of land within production zones as may be
13 designated by the PAMB and from which tenured migrants may derive
14 subsistence. The PAMB shall develop an appropriate tenurial instrument for
15 these inhabitants within the SIPS.

16 Tenured migrants shall be considered and treated individually or per
17 household on the basis of heads of families with legitimate dependents.

18 Tenured migrants occupying portions of ancestral domain shall be
19 treated separately. The PAMB shall develop appropriate mechanisms to
20 resolve any dispute arising therein. Absentee or transient migrants in the SIPS
21 who do not qualify as tenured migrants shall not be eligible to become
22 stewards of portions of land within multiple-use and sustainable zones.

23 SEC 11. *Other Activities Within the SIPS.* – Proposals for activities
24 like construction of dams, irrigation canals, transmission lines, access
25 roads/trails and buildings which are outside the scope of the management plan
26 may be allowed by the PAMB, subject to an environmental impact assessment
27 as required by law and the results thereof taken into consideration in the
28 decision-making process. No actual implementation of such activities shall be
29 allowed without the required environmental compliance certificate (ECC)
30 under the Philippine Environmental Impact Assessment (EIA) System. Where
31 such activities are allowed to be undertaken, the proponent shall plan and

1 carry them out in such a manner as will minimize their adverse effects and take
2 preventive and remedial action when appropriate. The proponent shall be
3 liable for damages due to lack of caution or indiscretion.

4 The PAMB shall determine what activities for the essential use of the
5 communities shall be allowed, consistent with the management plan, and based
6 on biodiversity criteria and management zoning plan.

7 Fisherfolks engaged in traditional fishing and other activities in the
8 SIPS that have a benign impact on the sustainability and biodiversity of the
9 reefs and the marine portion in general shall be allowed by the PAMB to
10 continue with such activities: *Provided*, That the commission of any of the
11 prohibited acts or their failure to report the commission of such acts shall
12 serve as basis for the cancellation of their rights.

13 Areas under the management of other agencies of the government shall
14 be integrated in the overall management plan of the SIPS.

15 SEC. 12. *Local Government Units (LGUs)*. – The LGUs with
16 jurisdiction over the SIPS shall be bound to follow the management plan and
17 adopt it once approved. The LGUs shall not pass ordinances to amend the
18 management plan nor shall the management plan be overturned by an
19 ordinance.

20 Segregation of portions of the SIPS for LGU use such as for tourism
21 and industrial estates shall be assessed based on the biodiversity criteria and
22 consistent with the management plan.

23 Any project of the LGUs within the SIPS shall, prior to implementation,
24 be reviewed, evaluated and approved by the PAMB.

25 SEC. 13. *Integrated Protected Area Fund (IPAF)*. – There is hereby
26 established a trust fund to be known as the Integrated Protected Areas Fund
27 (IPAF) for the purpose of financing projects of the SIPS. All incomes
28 generated from the operation of the system or management of wild flora and
29 fauna in the SIPS shall accrue to the Fund. These incomes shall be derived
30 from fees from permitted sale and export of flora and fauna and other
31 resources from the SIPS, proceeds from lease of multiple-use areas,

1 contributions from industries and facilities directly benefiting from the SIPS;
2 and such other fees and incomes derived from the operation of the protected
3 area.

4 The Fund may be augmented by grants, donations, endowment from
5 various sources, domestic or foreign, for purposes related to their functions:
6 *Provided*, That the Fund shall be deposited as a special account in the National
7 Treasury and disbursements therefrom shall be made solely for the protection,
8 maintenance, administration and management of the SIPS, and duly approved
9 projects endorsed by the PAMB in accordance with existing accounting and
10 budgeting rules and regulations: *Provided, further*, That no amount shall be
11 disbursed for the operating expenses of the Department and other concerned
12 agencies: *Provided, furthermore*, That the Fund shall not be used to cover
13 personal services expenditures.

14 The LGUs shall continue to impose and collect all other fees not
15 enumerated herein which they have traditionally collected, such as business
16 permits, property tax, and rentals of LGU facilities. Furthermore, LGUs may
17 charge add-ons to fees imposed by the PAMB provided that such add-ons shall
18 be determined based on the contribution of the LGUs in the maintenance and
19 protection of the SIPS.

20 All donations, grants or endowments shall be exempted from the
21 donor's tax and all other taxes, charges and fees imposed by the government.

22 SEC. 14. *Violation of Forestry Laws and Penalties.* – The following
23 acts are prohibited within the SIPS:

24 (a) Cutting, gathering or collecting timber or other forest products
25 without license. Any person who shall cut, gather, collect, remove timber or
26 other forest products from any forestland within the SIPS without authority
27 under a license or permit, or possesses timber or other forest products without
28 the legal documents as required under existing forestry laws and regulations
29 shall be guilty of qualified theft as defined and punishable under Articles 309
30 and 310 of the Revised Penal Code.

1 (b) Squatting. – Any person who, with the use of force, intimidation or
2 threat, or taking advantage of the absence or tolerance of the
3 landowner/claimant, succeeds in occupying or possessing the property/claim
4 of the latter, against his/her will, for residential, commercial or any other
5 purposes, shall be punished by imprisonment ranging from six (6) months to
6 one (1) year or a fine of not less than One thousand pesos (P1,000.00) nor
7 more than Five thousand pesos (P5,000.00) at the discretion of the court, with
8 subsidiary imprisonment in case of insolvency.

9 If the offender is a corporation or association, the maximum penalty of
10 five (5) years imprisonment and a fine of Five thousand pesos (P5,000.00)
11 shall be imposed upon the president, director, manager or managing partners
12 thereof.

13 (c) Unlawful occupation or destruction of forestland. – Any person
14 who enters and occupies or possesses or engages in slash-and-burn for his/her
15 own private use or for others any land within the SIPS without any authority or
16 permit from the PAMB or in any manner destroys such land or part thereof or
17 causes any damage to the timber stand and other forest products and forest
18 growth found therein shall be punishable by the penalties provided in Section
19 15 hereof.

20 (d) Except as may be allowed by the nature of their categories and
21 pursuant to the rules and regulations governing the same, the following acts
22 committed in the coastal areas of the SIPS, unless specifically provided in this
23 Act, are prohibited and shall subject those found guilty of the penalties
24 provided for in Section 15 hereof:

25 (1) Hunting, destroying, disturbing, or mere possession of any plant or
26 animal or products derived therefrom without a permit from concerned
27 authorities;

28 (2) Dumping of any waste products detrimental to the area or to the
29 plants and animals or inhabitants therein;

30 (3) Using any motorized equipment without permit from the PAMB;

1 (4) Mutilating, defacing or destroying objects of natural beauty, or
2 objects of interest to cultural communities;

3 (5) Damaging and leaving roads and trails in a damaged condition;

4 (6) Mineral exploration and survey of energy resources;

5 (7) Constructing or maintaining any kind of structure, fence or
6 enclosures, and conducting any business enterprise without a permit;

7 (8) Leaving in exposed or unsanitary condition refuse or debris, or
8 depositing such in the grounds or in bodies of water;

9 (9) Altering, removing, destroying or defacing boundary markers,
10 monuments or interpretative signs;

11 (10) Entry without permit of the following: mountain climbers;
12 campers; study/research groups/individuals; and visitors;

13 (11) Mining, sand and gravel quarrying/extraction; and

14 (12) Buying, selling or transferring of rights over any land within the
15 SIPS.

16 SEC. 15. *Penalties for Prohibitions in the Coastal Areas.* – Whoever is
17 found guilty by a competent court of justice of any of the offenses in the
18 preceding section shall be penalized with a fine of not less than Five thousand
19 pesos (P5,000.00) nor more than Five hundred thousand pesos (P500,000.00),
20 exclusive of the value of the thing damaged, or imprisonment for not less than
21 one (1) year but not more than six (6) years, or both, as determined by the
22 court: *Provided*, That the offender shall also be required to restore or
23 compensate for the restoration to the damage: *Provided, further*, That the
24 court shall order the eviction of the offender from the land and the forfeiture in
25 favor of the government of all minerals, timber or any species collected or
26 removed including all equipment, devices and firearms used in connection
27 therewith, or any construction or improvements made thereon by the offender.
28 If the offender is an association or corporation, the president or manager shall
29 be directly responsible for the act of his/her employees and laborers: *Provided*,
30 *finally*, That the DENR shall impose administrative fines and penalties it may
31 deem fit and consistent with this Act.

1 SEC. 16. *Unauthorized Entry, Enjoyment or Use.* – No person or
2 entity except those authorized in Section 31 of this Act and undertaking their
3 lawful functions, shall enter, enjoy or use any portion of the SIPS and its
4 resources for whatever purpose without prior permission from the PAMB as
5 herein provided.

6 The SIPS marine areas shall be off limits to navigation, except for
7 activities that are sanctioned by the PAMB such as, but not limited to, tourism
8 and research. Except in emergency situations, it shall be unlawful to enter the
9 SIPS without prior permission from the PAMB or the PASu as herein
10 provided. It shall also be unlawful to enter, enjoy or use for any purpose any
11 prohibited management zone. This rule shall similarly apply to the use of
12 vessels, gears and equipment in management zones where such are not
13 allowed.

14 Violation of this section shall subject the responsible person or entity to
15 an administrative fine from Fifty thousand pesos (P50,000.00) to One hundred
16 thousand pesos (P100,000.00), as may be determined by the PAMB. If the
17 violator is a commercial fisher/fisherfolk, the fine shall be Five hundred
18 thousand pesos (P500,000.00).

19 SEC 17. *Damage to the Reef.* – Damages to the reef shall subject the
20 responsible person or entity to the payment of administrative fines set by the
21 PAMB based on current valuation standards and to the payment of the cost of
22 restoration.

23 SEC. 18. *Nonpayment of Conservation Fees.* – It shall be unlawful for
24 any person or entity to enjoy or utilize the SIPS and the resources therein
25 without payment of conservation fees as may be imposed by the PAMB.

26 Violators of this section shall, in addition to the payment of the
27 conservation fee, pay the administrative fine of double the amount of the
28 conservation fee set by the PAMB for the activity undertaken.

29 SEC. 19. *Anchoring.* – It shall be unlawful for any person or entity to
30 hold fast or secure a vessel in place either by using an anchor or by tying on to
31 any part of the reefs in the strict protection zone to be established by the

1 PAMB. Violation of this section shall be penalized with an administrative fine
2 of not less than Ten thousand pesos (P10,000.00) and not more than Fifty
3 thousand pesos (P50,000.00).

4 SEC 20. *Dumping or Discharging of Waste and Littering.* – It shall
5 be unlawful for any person or entity to dump or discharge waste which
6 includes, but is not limited to, any spilling, leaking, pumping, pouring,
7 emitting, emptying or dumping, inside the SIPS. It shall likewise be unlawful
8 to clean and change oil of vessels within the SIPS.

9 Violation of this provision shall be punishable by imprisonment of six
10 (6) months to one (1) year, and a fine of not less than Five thousand pesos
11 (P5,000.00). The PAMB shall impose an administrative fine of not less than
12 Fifty thousand pesos (P50,000.00) and not more than One hundred thousand
13 pesos (P100,000.00), and order the violator to clean-up the waste or pay for the
14 clean-up.

15 It shall likewise be unlawful to litter within the SIPS. Violation of this
16 provision shall be penalized by the PAMB with an administrative fine from
17 Five thousand pesos (P5,000.00) to Ten thousand pesos (P10,000.00).

18 SEC 21. *Bioprospecting Without a Permit.* – It shall be unlawful to
19 conduct bioprospecting within the SIPS without prior permit from the PAMB
20 and other concerned agencies.

21 Violation of this section shall be punished with imprisonment of six (6)
22 months to six (6) years; a fine of Five hundred thousand pesos (P500,000.00)
23 to One million pesos (P1,000,000.00); and forfeiture of the resources subject
24 of the offense and the equipment, gears and vessels used. The PAMB shall
25 also impose an administrative fine ranging from Five hundred thousand pesos
26 (P500,000.00) to One million pesos (P1,000,000.00); and confiscation and
27 forfeiture of the resources subject of the offense and the equipment, gears and
28 vessels used.

1 SEC. 22. *Introduction of Exotic Species.* – It shall be unlawful to
2 introduce exotic species of plants or animals into the SIPS, including
3 discharging of ballast water or water taken in or discharged by vessels to
4 increase stability and maneuverability.

5 Violation of this section shall be punished with imprisonment of six (6)
6 months to six (6) years; a fine of One hundred thousand pesos (P100,000.00)
7 to One million pesos (P1,000,000.00); and forfeiture of the resources subject
8 of the offense, equipment, gears and vessels used. The PAMB shall also
9 impose an administrative fine ranging from Two hundred thousand pesos
10 (P200,000.00) to One million pesos (P1,000,000.00); and confiscation and
11 forfeiture of the resources subject of the offense and the equipment, gears and
12 vessels.

13 SEC. 23. *Hunting, Catching, Fishing, Killing, Taking, Gathering,*
14 *Removing, Destroying, Disturbing or Possessing resources.* – It shall be
15 unlawful for any person to actually or attempt to hunt, catch, fish, kill, take,
16 gather, remove, destroy, disturb or possess any resource, whether living or
17 nonliving, or products derived therefrom. The unauthorized entry of a vessel
18 in the SIPS shall be *prima facie* evidence of violation of this section.

19 Violations of this section shall be punished as follows:

20 (a) Where the offender uses explosives, noxious or poisonous
21 substances, the penalty shall be imprisonment ranging from six (6) years and
22 one (1) day to twelve (12) years without prejudice to the filing of separate
23 criminal cases when the use of the same result in physical injury or loss of
24 human life; a fine ranging from One hundred thousand pesos (P100,000.00) to
25 Three hundred thousand pesos (P300,000.00); and forfeiture of the resources
26 subject of the offense and the equipment, gears and vessels used. The PAMB
27 shall also impose administrative fine ranging from Forty thousand pesos
28 (P40,000.00) to One hundred fifty thousand pesos (P150,000.00); and
29 confiscation and forfeiture of the resources subject of the offense and the
30 equipment, gears and vessels used.

1 The discovery of dynamite, other explosives and chemical compounds
2 which contain combustible elements, or noxious or poisonous substances, in
3 any vessel or in the possession of any person within the SIPS shall constitute
4 *prima facie* evidence that the same was used in violation of this Act. The
5 discovery of resources caught, taken, killed, removed, gathered or destroyed
6 with the use of explosives, noxious or poisonous substances in any vessel or in
7 the possession of any person within the SIPS shall constitute *prima facie*
8 evidence of violation of this Act.

9 (b) Where the offender merely possesses explosives, noxious or
10 poisonous substances or electro-fishing devices within the SIPS, the
11 punishment shall be imprisonment ranging from four (4) years and two (2)
12 months and one (1) day to six (6) years; a fine ranging from Fifty thousand
13 pesos (P50,000.00) to One hundred thousand pesos (P100,000.00); and
14 forfeiture of fish catch and the fishing equipment and vessels used. The
15 PAMB shall also impose an administrative fine ranging from Forty thousand
16 pesos (P40,000.00) to One hundred fifty thousand pesos (P150,000.00); and
17 confiscation and forfeiture of the resources subject of the offense and the
18 equipment, gears and vessels used.

19 (c) Where the offender takes, removes, fishes, gathers, kills, destroys
20 or possesses corals, except for scientific or research purposes authorized by
21 the PAMB, the penalty shall be imprisonment ranging from six (6) years and
22 one (1) day to twelve (12) years; a fine ranging from Twenty thousand pesos
23 (P20,000.00) to Eighty thousand pesos (P80,000.00); and forfeiture of the
24 corals and the equipment, gears and vessels used. The PAMB shall also
25 impose an administrative fine ranging from Thirty thousand pesos
26 (P30,000.00) to One hundred thousand pesos (P100,000.00); and confiscation
27 and forfeiture of the corals subject of the offense and the equipment, gears and
28 vessels used.

29 (d) Where the offender is engaged in fishing without permit, the
30 operator, owner and three (3) highest officers of a commercial fishing boat or
31 enterprise engaged therein shall be punished by a fine equivalent to the value

1 of the catch of Fifty thousand pesos (P50,000.00), whichever is higher;
2 imprisonment of two (2) years; confiscation of catch and fishing gears,
3 equipment and vessels used; and automatic revocation of license.

4 Where the offender is a municipal fisher, he/she shall be punished by a
5 fine equivalent to the value of the catch of Five thousand pesos (P5,000.00),
6 whichever is higher; imprisonment of three (3) months; and confiscation of
7 catch.

8 In any case, the PAMB may impose an administrative fine of not more
9 than Five thousand pesos (P5,000.00) against erring commercial fishers, and
10 not more than Ten thousand pesos (P10,000.00) against erring municipal
11 fishers; and confiscation of catch, fishing gears, equipment and vessels used.

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

23 Where the offender is a municipal fisher, he/she shall be punished by a
24 fine ranging from Twenty thousand pesos (P20,000.00) to Forty thousand
25 pesos (P40,000.00); an imprisonment of six (6) months to two (2) years; and
26 forfeiture of fish catch, fishing equipment, gears and vessels used. The PAMB
27 shall also impose an administrative fine ranging from Twenty thousand pesos
28 (P20,000.00) to One hundred thousand pesos (P100,000.00); and confiscation
29 and forfeiture of catch, fishing equipment, gears and vessels used.

30 Muro-Ami; pa-aling; all kinds of trawls (galadgad, Norway); purse
31 seine (pangulong); Danish seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-

1 liba, palisot, patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas, etc.);
2 ring net (kubkob, pangulong, kalansisi); drive-in net (kayakas); round haul
3 seine (sapyaw, lawag); motorized push net (sudsod); bag net (basnig, saklit);
4 or any of their variations, are hereby declared destructive fishing methods or
5 gears under this provision.

6 (f) Where the offender gathers or removes pebbles, stones, rocks,
7 sand or other materials that form part of the habitat, or otherwise engages in
8 the quarrying or dredging of any portion of the SIPS, the penalty shall be six
9 (6) years and one (1) day to ten (10) years imprisonment; a fine of not less
10 than Ten thousand pesos (P10,000.00) to Five hundred thousand pesos
11 (P500,000.00); and forfeiture of the substance taken from the habitat, and the
12 equipment, gears and vessels used to commit such violation.

13 The PAMB shall also impose an administrative fines ranging from
14 Thirty thousand pesos (P30,000.00) to Seven hundred thousand pesos
15 (P700,000.00); and confiscation and forfeiture of the substance taken, and the
16 equipment, gears and vessels used in the commission of the violation.

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

27 (h) Where the violations of this section are not covered by the
28 preceding paragraphs, the penalty shall be imprisonment of one (1) year to
29 three (3) years; a fine of not less than Ten thousand pesos (P10,000.00) but
30 not more than One hundred thousand pesos (P100,000.00); forfeiture of the
31 catch, equipment, gears and vessels used; and cancellation of the permit that

1 enabled the offender to commit the offense. The PAMB shall also impose an
2 administrative fine ranging from Fifteen thousand pesos (P15,000.00) to One
3 million pesos (P1,000,000.00); and confiscation and forfeiture of the catch,
4 equipment, gears and vessels used.

5 SEC. 24. *Poaching.* – It shall be unlawful for any person, corporation
6 or entity to fish or operate any fishing vessel in the SIPS. The entry of any
7 foreign fishing vessel in the SIPS shall constitute *prima facie* evidence that the
8 vessel is engaged in fishing in the area.

9 Violation of the above shall be punished by imprisonment of six (6)
10 years and one (1) day to twelve (12) years and a fine of Five hundred thousand
11 pesos (P500,000.00), in addition to the forfeiture of its catch, fishing
12 equipment and fishing vessel used: *Provided*, That in case of nonpayment of
13 fine, subsidiary imprisonment shall be imposed: *Provided, further*, That the
14 PAMB is empowered to impose an administrative fine of not less than Two
15 hundred thousand pesos (P200,000.00), but not more than One million pesos
16 (P1,000,000.00), in addition to the confiscation and forfeiture of the fish
17 catch, fishing equipment, gears and fishing vessels used. A hold-departure
18 order shall be issued as a condition for the grant of bail to any foreign
19 offender. All passports and documents, which may be used by the accused to
20 flee the country, must be surrendered to the court.

21 SEC. 25. *Violation of Environmental Impact Assessment System.* – The
22 PAMB shall prosecute violations of laws and rules on the EIA System in the
23 SIPS. Such violations shall be punished by imprisonment of three (3) years to
24 five (5) years; a fine of One hundred thousand (P100,000.00) for every day
25 that each violation subsists; rehabilitation of the affected area or the amount
26 equivalent thereto; and forfeiture of the vessels, structures, effects, materials
27 and equipment used, and the products of such violation. If the offender is a
28 corporation, the directors and officers shall suffer the imprisonment. The
29 PAMB shall also impose an administrative fine of One hundred thousand
30 (P100,000.00) for every day that each violation subsists; rehabilitation of the
31 affected area or the amount equivalent thereto; and confiscation and forfeiture

1 of the vessels, structures, effects, materials and equipment used, and the
2 products of such violation.

3 SEC. 26. *Violation of Standards.* – The owner, operator and top three
4 (3) officers of any vessel violating the standards set by the PAMB such as, but
5 not limited to, safety and sanitation, shall suffer an administrative penalty of a
6 fine ranging from Twenty thousand pesos (P20,000.00) to Fifty thousand
7 pesos (P50,000.00) for every day that each violation subsists, and from
8 suspension of three (3) months to cancellation of permit to operate in the
9 SIPS.

10 SEC. 27. *Obstruction to Law Enforcement Officer.* – The boat owner,
11 master, operator, officer, or any person acting on his/her behalf, of any vessel
12 who evades, obstructs or hinders any law enforcement officer in the SIPS to
13 perform his/her duty, shall be administratively fined Fifty thousand pesos
14 (P50,000.00). In addition, the registration, permit and/or license of the vessel
15 including the license of the officers thereof shall be canceled.

16 SEC. 28. *Subsidiary Imprisonment.* – Nonpayment of fines imposed
17 under this Act shall be subject to subsidiary imprisonment as provided for by
18 existing laws.

19 SEC. 29. *Fines and Forfeitures.* – All administrative fines and
20 forfeitures that may be imposed by the PAMB under this Act, and the rules
21 and regulations that may be promulgated in pursuit of the goals and objectives
22 of this Act shall form part of the funds and assets of the SIPS.

23 In case of administrative confiscation or forfeiture of vessels,
24 structures, effects, materials and equipment, which are not necessary for the
25 proper prosecution of the offense charged, the PAMB may sell the forfeited
26 vessels, structures, effects, materials and equipment in a public auction. The
27 proceeds of the said sale shall accrue to the SIPS Fund created under this Act.

28 In case the confiscated vessels, structures, effects, materials and
29 equipment are in *custodia legis*, the PAMB or its counsel, after proper
30 proceedings may move for the sale of the confiscated or forfeited vessels,
31 structures, effects, materials and equipment *pendente lite*: *Provided*, That the

1 said vessels, structures, effects, materials and equipment are no longer
2 necessary for the proper prosecution of the offense or if the same is necessary
3 but substitute evidence is accepted by the court. The proceeds of the said sale
4 shall likewise accrue to the SIPS Fund created under this Act.

5 SEC. 30. *Violation of Other Laws.* – Prosecution for violation of this
6 Act shall be without prejudice to the prosecution of the offender for violation
7 of other laws, rules and regulations.

8 SEC. 31. *Enforcement.* – The Armed Forces of the Philippines through
9 the Philippine Navy, the Philippine National Police, the Philippine Coast
10 Guard, the law enforcement officers of the DENR and DA-BFAR, LGU
11 officials, law enforcement officers of LGUs, members and officers of the
12 PAMB, the PASu office staff, and other deputized environment and natural
13 resource officers are hereby authorized and shall cooperate in the enforcement
14 of this Act, other laws, rules and regulations within the SIPS.

15 Any one of the above persons and entities is authorized to file
16 administrative cases before the proper agencies and bodies, or initiate criminal
17 proceedings in accordance with the Rules of Court, for offenses committed
18 within the SIPS: *Provided*, That the apprehending entities may turn over the
19 violators to the PASu office to ensure speedy prosecution of cases.

20 SEC. 32. *Inspection Powers.* – The PASu and his/her authorized
21 representative, including the authorities mentioned in Section 31 herein, shall
22 have the power to stop, board, search and inspect all vessels within the SIPS
23 for the purpose of enforcing the provisions of this Act, other laws, rules and
24 regulations.

25 SEC. 33. *Special Prosecutors and Counsels.* – The Department of
26 Justice (DOJ), upon recommendation of the PAMB, shall designate special
27 prosecutors from among state and public prosecutors to do preliminary
28 investigation and prosecute violations of this Act, other laws, rules and
29 regulations within the SIPS. Such special prosecutors shall coordinate with

1 the PAMB and the PASu in the performance of his/her duties and assist in the
2 training of wardens and rangers in arrest and criminal procedure. The PAMB
3 shall periodically submit an evaluation of the performance of the designated
4 special prosecutors to the DOJ.

5 The PAMB may retain the services of a competent lawyer to prosecute
6 and/or assist in the prosecution of cases under the direct control and
7 supervision of the regular or special prosecutor and to defend the members of
8 the PAMB, the PASu and staff of the PASu office, or any person assisting in
9 the protection, conservation and sustainable development of the SIPS against
10 any legal action related to their powers, functions and responsibilities as
11 provided in this Act or as delegated or tasked by the PAMB.

12 SEC. 34. *Appropriations.* – The Secretary of the DENR shall include
13 in its program the implementation of this Act, the funding of which shall be
14 charged against the IPAF constituted under this Act.

15 SEC. 35. *Transitory Provisions.* – All regular employees of the DENR
16 and other personnel assigned/detailed with the office of the San Isidro
17 Protected Seascape of the DENR, Region XI prior to the approval of this Act
18 shall form part of the SIPS regular staff.

19 Portions of the SIPS that are within the jurisdiction of the Provincial
20 Environment and Natural Resources Office and the Community Environment
21 and Natural Resources Office in Davao Oriental, as the case may be, shall be
22 transferred to the administrative jurisdiction of the SIPS.

23 SEC. 36. *Construction.* – The provisions of this Act shall be construed
24 liberally in favor of tenured migrants and fisherfolks, with due consideration to
25 the prior property rights of stakeholders, to sustainable development and the
26 conservation and protection of biodiversity. The provisions of Presidential
27 Decree No. 705, otherwise known as the Forestry Reform Code of the
28 Philippines, as amended; Republic Act No. 7586, otherwise known as the
29 NIPAS Act of 1992; Republic Act No. 8550, otherwise known as the

1 Philippine Fisheries Code of 1998; Republic Act No. 9147, otherwise known
2 as the Wildlife Resources Conservation Act; and Presidential Decree No. 979,
3 otherwise known as the Marine Pollution Decree of 1976, and their
4 corresponding rules and regulations not inconsistent hereto shall have
5 suppletory effect in the implementation of this Act.

6 SEC. 37. *Separability Clause.* – If any part or section of this Act is
7 declared unconstitutional, such declaration shall not affect in any manner the
8 other parts or sections of this Act.

9 SEC. 38. *Repealing Clause.* – All laws, presidential decrees, executive
10 orders, rules and regulations inconsistent with any provision of this Act shall
11 be deemed repealed or modified accordingly.

12 SEC. 39. *Effectivity Clause.* – This Act shall take effect fifteen (15)
13 days after its publication in two (2) newspapers of general circulation.

Approved,

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