



HOUSE OF REPRESENTATIVES

H. No. 4854

BY REPRESENTATIVES ALFELOR, BANAAG AND ANDAYA, PER COMMITTEE
REPORT NO. 1163

AN ACT DECLARING LAKES MANAPAO, KATUGDAY, MAYDANAO
AND MAKUAO LOCATED WITHIN THE MUNICIPALITY OF
BUHI, CAMARINES SUR AS A PROTECTED AREA TO BE
KNOWN AS THE SINARAPAN SANCTUARY, 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 Sinarapan
2 Sanctuary Act of 2005”.

3 SEC. 2. *Declaration of Policy.* – Considering the unique biological
4 resources and the aesthetic and ecological importance of Lake Manapao, Lake
5 Makuao, Lake Katugday and Lake Maydanoa, which are the habitats of the
6 world’s smallest edible fish, the “Sinarapan” (*mystiches luzunensis*
7 *philippinensis*), also known in the Bicol Region as the “tabios”, the State shall
8 hereby undertake steps to protect and conserve their ecosystems and promote
9 the interests of their surrounding communities.

1 SEC. 3. *Establishment of the Sinarapan Sanctuary.* – There is hereby
 2 declared as part of the National Integrated Protected Areas System (NIPAS),
 3 pursuant to Republic Act No. 7586, certain lakes near the area of Lake Buhi,
 4 located in the Municipality of Buhi, Province of Camarines Sur, under the
 5 category of wildlife sanctuary, to be known as the Sinarapan Sanctuary.

6 SEC. 4. *Coverage.* – The Sinarapan Sanctuary covers the area of Lake
 7 Manapao and Lake Makua, both located in Barangay San Ramon; Lake
 8 Katugday, located between Barangay San Ramon and Barangay De Lafe in the
 9 Municipality of Buhi, Camarines Sur; and Lake Maydano, located in the
 10 boundary of Barangay Maydano, Municipality of Polangui, Albay and the
 11 Municipality of Buhi, near Barangay Makaangay. The areas covered by the
 12 Sinarapan Sanctuary are more particularly described as follows:

13 A. LAKE MANAPAO

14 Beginning at corner "2", a point located S 75° 05' E, which is 712.296
 15 meters from GPS Control Point BUHI No. 2, to corner 1 with longitude 123°
 16 28' 41.3" and latitude 13° 24' 53.55";

17	thence	N 76° 55' W	28.315 meters	to point 2
18	thence	N 08° 10' W	61.333 meters	to point 3
19	thence	N 47° 51' E	58.465 meters	to point 4
20	thence	N 63° 18' E	49.059 meters	to point 5
21	thence	N 35° 30' E	44.953 meters	to point 6
22	thence	S 74° 48' E	55.048 meters	to point 7
23	thence	S 60° 47' E	46.434 meters	to point 8
24	thence	S 49° 38' E	75.553 meters	to point 9
25	thence	S 10° 19' E	23.012 meters	to point 10
26	thence	S 34° 15' W	51.043 meters	to point 11
27	thence	S 86° 02' W	204.060 meters	to point 1

1 B. LAKE MAKUAO

2 Beginning at corner "3", a point located N 75° 08' W, about 138.333
 3 meters from GPS Control Point BUHI No. 3, to corner 1 and with longitude
 4 123° 28' 49.23" and latitude 13° 25' 21.55";

5	thence	N 83° 51' W	35.727 meters	to point 2
6	thence	N 70° 28' W	59.038 meters	to point 3
7	thence	N 05° 03' E	63.316 meters	to point 4
8	thence	N 54° 31' E	61.480 meters	to point 5
9	thence	S 66° 34' E	46.288 meters	to point 6
10	thence	S 18° 27' E	56.832 meters	to point 7
11	thence	S 26° 32' W	55.808 meters	to point 1

12 C. LAKE KATUGDAY

13 Beginning at corner "5", a point located S 16° 15' W, which is about
 14 533.870 meters from GPS Control Point BUHI No. 5, to corner 1 and with
 15 longitude 123° 29' 19.76" and latitude 13° 25' 19.47";

16	thence	S 45° 52' E	49.234 meters	to point 2
17	thence	S 20° 11' E	49.104 meters	to point 3
18	thence	S 26° 28' W	83.419 meters	to point 4
19	thence	S 26° 58' W	42.951 meters	to point 5
20	thence	S 28° 44' W	157.389 meters	to point 6
21	thence	S 27° 10' W	50.100 meters	to point 7
22	thence	N 66° 11' W	19.709 meters	to point 8
23	thence	N 02° 04' E	105.608 meters	to point 9
24	thence	N 24° 03' E	287.369 meters	to point 1

25 D. LAKE MAYDANAO

26 Beginning at corner "20", a point located S 32° 12' E, about 906.042
 27 meters from MBM No. 20, Cad - 249 Malinao, Albay, to corner 1 and with
 28 longitude 123° 50' 0.68" and latitude 13° 25' 59.70";

29	thence	S 72° 42' E	95.790 meters	to point 2
----	--------	-------------	---------------	------------

1	thence	S 72° 17' E	49.700 meters	to point 3
2	thence	S 49° 04' E	73.090 meters	to point 4
3	thence	S 15° 26' E	72.930 meters	to point 5
4	thence	S 04° 19' W	58.235 meters	to point 6
5	thence	S 15° 21' W	140.892 meters	to point 7
6	thence	S 57° 05' W	36.858 meters	to point 8
7	thence	N 85° 27' W	33.806 meters	to point 9
8	thence	N 54° 18' W	27.816 meters	to point 10
9	thence	N 23° 22' W	89.264 meters	to point 11
10	thence	N 62° 02' W	29.337 meters	to point 12
11	thence	S 48° 19' W	30.556 meters	to point 13
12	thence	N 88° 25' W	134.701 meters	to point 14
13	thence	N 69° 39' W	22.540 meters	to point 15
14	thence	N 20° 34' W	67.440 meters	to point 16
15	thence	N 01° 17' W	121.160 meters	to point 17
16	thence	N 45° 16' E	75.590 meters	to point 18
17	thence	N 70° 43' E	59.760 meters	to point 19
18	thence	N 82° 56' E	39.210 meters	to point 20
19	thence	N 76° 28' E	67.440 meters	to point 1

20 Within six months following the effectivity of this Act, the Department
 21 of Environment and Natural Resources (DENR) shall mark the boundaries of
 22 the Sinarapan Sanctuary with visible and permanent markers and shall
 23 thereafter see to it that the same are maintained.

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

26 (a) “Buffer zones” refers to identified areas outside the boundaries of
 27 and immediately adjacent to the Sinarapan Sanctuary that need special
 28 development and control in order to avoid or minimize harm to the sanctuary.

1 (b) "Ecotourism" refers to a type of tourism wherein no damage to the
2 ecology is sustained by the influx of visitors to the tourism site.

3 (c) "Fish production" refers to the capacity of the species found within
4 the Sinarapan Sanctuary to multiply to achieve a certain density of fish
5 population.

6 (d) "Management manual" refers to the manual relating to the
7 management of the Sinarapan Sanctuary described in Section 8 hereof.

8 (e) "Maximum sustainable yield" refers to the greatest amount of fish
9 and fish products taken or harvested from within the Sinarapan Sanctuary
10 without affecting sustainability.

11 (f) "Multiple-use zones" refers to areas where settlement, traditional
12 or sustainable activities, and other income-generating or livelihood activities
13 may be allowed to the extent prescribed in the management plan.

14 (g) "Protected species" refers to any individual species of plants and
15 animals that are or shall be declared as protected under Philippine laws, and
16 rules and regulations issued by the DENR.

17 (h) "Secretary" refers to the Secretary of the DENR.

18 (i) "Small fisherfolk inhabitant" refers to any person who has actually
19 and continuously lived within the Sinarapan Sanctuary for a period of five
20 years before the passage of this Act and is solely dependent on fishing for
21 sustenance and livelihood.

22 (j) "Wildlife sanctuary" refers to an area which assures the natural
23 conditions necessary to protect nationally significant species, groups of
24 species, biotic communities or physical features of the environment where
25 these may require specific human manipulation for the perpetuation of such
26 species or groups of species.

27 SEC. 5. *The Protected Area Management Board (PAMB) for*
28 *Sinarapan Sanctuary.* – There is hereby created a Protected Area Management
29 Board for the Sinarapan Sanctuary (PAMB-SS) which shall be the sole policy-

1 making and permit-granting body for the Sinarapan Sanctuary and its buffer
2 zones.

3 In addition to the powers of a PAMB of a protected area enumerated in
4 Republic Act No. 7586, the PAMB-SS shall have the following powers and
5 functions:

6 (a) Formulate the management plan and management manual of the
7 sanctuary as provided in Section 8 hereof;

8 (b) Decide on matters relating to planning, peripheral protection and
9 general administration of the Sinarapan Sanctuary in accordance with the
10 management plan;

11 (c) Plan the proper utilization of the annual budget and the proper
12 disposition of fees and other funds generated or held by for the Sinarapan
13 Sanctuary;

14 (d) Control and supervise the office of the Sinarapan Sanctuary
15 superintendent created pursuant to Section 9 hereof.

16 (e) Delineate and demarcate management zones such as strict
17 protection zones, multiple-use zones and buffer zones;

18 (f) Promulgate rules and regulations to promote development
19 programs and projects on biodiversity conservation and sustainable
20 development consistent with the management manual;

21 (g) Control and regulate the construction, operation and maintenance
22 of buildings, roads, trails, waterworks, sewerage, fire protection and sanitation
23 systems and other public utilities within the sanctuary;

24 (h) Fix and prescribe fees to be collected from other government
25 agencies or from any person, firm or corporation deriving benefits from the
26 Sinarapan Sanctuary and exact administrative fees or fines for violation of the
27 provisions of this Act;

28 (i) Grant permits to eco-tourists, campers, research groups or
29 individuals and visitors;

1 (j) Grant permits for sustainable utilization of lake resources in
2 accordance with existing rules and regulations governing the same;

3 (k) Enter into contracts and agreements with private entities or public
4 agencies as may be necessary to carry out the purposes of this Act;

5 (l) Accept funds, gifts or donations for the Sinarapan Sanctuary;

6 (m) Call on any agency or instrumentality of the government as well as
7 academic institutions, nongovernment organizations and other sectors as may
8 be necessary to accomplish the objectives of this Act;

9 (n) Conduct studies on various characteristics, features and conditions
10 of the Sinarapan Sanctuary;

11 (o) Adopt and enforce plans or schemes for the control of activities
12 that may threaten the ecological balance of the Sinarapan Sanctuary in
13 consultation with the local government units in the area and other government
14 agencies and instrumentalities; and

15 (p) Retain legal counsel to defend cases against the PAMB-SS and the
16 office of the Sinarapan Sanctuary superintendent whenever they are sued in
17 connection with the performance of their duties under this Act.

18 The DENR, through the Regional Executive Director (RED), shall
19 ensure that the PAMB-SS shall act within the scope of its powers and
20 functions. In case of conflict between administrative orders issued by the
21 DENR pursuant to Republic Act No. 7586 and the resolutions issued by the
22 PAMB-SS, the Secretary shall decide whether to apply the rule or withdraw its
23 application in the Sinarapan Sanctuary.

24 SEC. 6. *Composition of the PAMB-SS.* – The PAMB-SS shall be
25 composed of the following:

26 (a) The Regional Executive Director (RED) of the DENR-Region V,
27 as chairman;

28 (b) The provincial planning and development officer;

29 (c) The municipal mayor of Buhi or his authorized representative;

1 (d) The chairman of the Committee on Natural Resources of the
2 sangguniang panlungsod of Buhi;

3 (e) The chief of police of the Municipality of Buhi;

4 (f) The punong barangays of barangays San Ramon, De Lafe and
5 Makaangay, all in the Municipality of Buhi, Camarines Sur and the punong
6 barangay of Barangay Maydanao, Polangui, Albay;

7 (g) Five representatives from nongovernment organizations who shall
8 be elected by the respective members of their organizations which are based in
9 the Municipality of Buhi, Camarines Sur, and have established and recognized
10 interest in the protected areas. These representatives shall include two
11 representatives from the fisherfolk organizations, one representative from duly
12 registered commercial fishing associations, one representative from the youth
13 sector and one representative from civic-oriented organizations; and

14 (h) A representative of the Department of Agriculture (DA) appointed
15 by the regional director for Region V-DA.

16 The members shall choose from among themselves the vice chairperson
17 of the PAMB-SS.

18 The members of the PAMB-SS shall serve for a term of five years:
19 *Provided, however,* That the term of office of the representatives of
20 government agencies shall be coterminous with their positions. They shall not
21 receive compensation but shall be entitled to reasonable *per diem* incurred in
22 the performance of their duties, in accordance with existing budgeting and
23 auditing rules and regulations.

24 **SEC. 7. Removal from Office.** – A PAMB member may be removed for
25 cause and upon majority vote of the members of the PAMB-SS on the
26 following grounds:

27 (a) More than three consecutive unexcused absences in regular PAMB
28 meetings;

1 (b) Commission of any of the prohibited acts provided in this Act,
2 Republic Act No. 7586, or other rules and regulations governing protected
3 areas and protected species;

4 (c) Graft and corruption; and

5 (d) Conviction of any criminal offense.

6 The members of the PAMB-SS shall serve for a term of five years.

7 *SEC. 8. Management Plan and Manual.* – Within one year from the
8 effectivity of this Act, a management manual, which contains the sanctuary
9 management plan and supporting data, shall be prepared in accordance with
10 the General Management Planning Strategy as provided in Republic Act
11 No. 7586. The management plan shall serve as the basic long-term framework
12 plan in the management of the sanctuary and guide in the preparation of the
13 annual operation plan and budget. The management manual shall be drafted
14 with assistance from experts in such fields as socioeconomic planning, ecology
15 and sanctuary management, reviewed and endorsed by the PAMB-SS, and
16 approved by the Secretary.

17 (a) The management plan shall promote the adoption and
18 implementation of innovative management techniques, including:

19 (1) Buffer zone management;

20 (2) Habitat conservation and rehabilitation;

21 (3) Diversity management;

22 (4) Community organizing;

23 (5) Socioeconomic and scientific researches;

24 (6) Site-specific policy development; and

25 (7) Others as determined by the PAMB-SS.

26 (b) The management manual shall include:

27 (1) Basic background information;

28 (2) Field inventory and other resources within the sanctuary;

29 (3) Assessment of assets and limitations;

- 1 (4) Particular objectives for managing the sanctuary;
- 2 (5) Divisions of the sanctuary into management zones;
- 3 (6) Review of the boundaries of the sanctuary; and
- 4 (7) Design and management programs.

5 The management plan shall be reviewed and updated on a regular basis
6 at least once every three years. However, in cases where significant physical
7 development occurs within the Sinarapan Sanctuary or critical resource
8 constraints prevent the implementation of important programs or projects, the
9 management plan or some components thereof may be revised or modified.
10 Any modification or revision of the management plan shall be approved by a
11 majority of the PAMB-SS members.

12 SEC. 9. *Protected Area Superintendent (PASu) Office.* – There is
13 hereby established a Protected Area Superintendent's office in charge of the
14 management, protection and administration of the protected area (PA). The
15 PASu shall be supported by the existing personnel of the DENR. The head of
16 office shall be the chief operating officer of the Sinarapan Sanctuary Protected
17 Area or PA and shall be accountable to the Regional Executive Director of the
18 DENR-Region V and the PAMB. The PASu shall have the following powers
19 and functions:

20 (a) Serve as head of the secretariat to the PAMB-SS with the duty to
21 provide it with all the information necessary to make appropriate decisions for
22 the effective implementation of this Act;

23 (b) Establish a productive partnership with local communities,
24 including groups supporting the achievement of the goals and objectives of
25 this Act;

26 (c) Develop and implement sanctuary information, education and
27 visitor programs;

1 (d) Enforce the laws, rules and regulations and the PAMB-SS
2 resolutions relevant to the Sinarapan Sanctuary and its buffer zones, and assist
3 in the prosecution of offenses;

4 (e) Monitor all activities within the Sinarapan Sanctuary and its buffer
5 zones in conformity with the management plan; and

6 (f) Perform such other functions as the PAMB-SS may assign.

7 SEC. 10. *Small Fisherfolk Inhabitants.* – Small fisherfolk inhabitants
8 shall be allowed to fish within the Sinarapan Sanctuary, subject to the rules
9 and regulations promulgated by the PAMB-SS.

10 SEC. 11. *Other Activities within the Sinarapan Sanctuary.* – Proposals
11 for activities which are outside the scope of the management plan shall be
12 subject to an Environmental Impact Assessment (EIA) as required by existing
13 laws, rules and regulations. The results thereof shall be taken into
14 consideration in the decision-making process of the PAMB-SS. No actual
15 implementation of such activities shall be allowed without the required
16 Environmental Compliance Certificate (ECC) under the Philippine
17 Environmental Impact Assessment System and PAMB-SS approval. For
18 purposes of this Act, the following policies are provided:

19 (a) Existing Infrastructure – Existing infrastructure established within
20 the Sinarapan Sanctuary by government and nongovernment institutions shall
21 be subject to inventory and evaluation, as to whether it conforms to the
22 management plan and assessed in terms of their significance to the public
23 interest and impact on the sanctuary. In case these are found significant to
24 public interest, but with no adverse impact to the sanctuary, a contract or
25 agreement may be entered into by the PAMB-SS including negotiations for
26 payment of fees based on profit-sharing agreement in accordance with law:
27 *Provided,* That infrastructure which do not conform to the management plan
28 shall not be allowed to be repaired, renovated or improved until they are
29 naturally destroyed and vacated. Repairs, renovation and improvement of the

1 existing infrastructure allowed by the PAMB-SS within the sanctuary shall be
2 in conformity with the management plan and duly approved by the PAMB-SS.

3 (b) Special-use Infrastructure – Special-use infrastructure such as
4 power lines, telecommunications equipment and military installations may be
5 allowed in the Sinarapan Sanctuary if such conform to the management plan:
6 *Provided*, That construction of these special-use infrastructures shall be
7 subject to EIA and the issuance of ECC by the DENR and approval of the
8 PAMB-SS: *Provided, further*, That power lines and telecommunications
9 equipment must not traverse through strict-protection zones and preferably be
10 constructed within the multiple-use zones only. Military installations shall not
11 be constructed of permanent materials and must be covered by a memorandum
12 of agreement with the PAMB-SS providing for regulation of facilities.

13 (c) Livelihood and Other Economic Activities – Except as otherwise
14 provided herein, only small fisherfolk inhabitants shall be allowed within
15 multiple-use or buffer zones of the Sinarapan Sanctuary to engage in
16 livelihood and economic activities, in conformity with the management plan
17 and subject to the terms and conditions imposed by the PAMB-SS.

18 The PAMB-SS, upon recommendation of the superintendent, when
19 findings show that *tabios* and other fish production exceeds the maximum
20 sustainable yield, may open certain portions of the multiple-use zones to
21 economic activities which shall be in accordance with the management plan
22 and in all cases use ecologically sustainable methods.

23 (d) Energy and Mineral Use – Survey for energy and mineral resources
24 within the Sinarapan Sanctuary shall be allowed for the purpose of gathering
25 information on energy and mineral resources: *Provided*, That such activity is
26 carried out without damage to the area and conducted in accordance with a
27 program approved by the PAMB-SS, which shall submit such energy and
28 mineral survey findings to the President of the Philippines for recommendation
29 to Congress. Any exploitation and utilization of energy and mineral resources

1 within the Sinarapan Sanctuary shall be allowed only upon the approval of the
2 PAMB-SS, compliance with the EIA system and other applicable laws, rules
3 and regulations, and through an act by Congress.

4 (e) Special Activities – All other activities such as eco-tourism and
5 related activities, scientific research, marine life rescue by other agencies,
6 government programs affecting the sanctuary and military activities shall be
7 properly coordinated and approved by the PAMB-SS.

8 SEC. 12. *Sinarapan Sanctuary Protected Areas Fund.* – There is
9 hereby established a trust fund to be known as the Sinarapan Sanctuary
10 Protected Areas Fund for purposes of financing projects of the system. All
11 income generated from the operation of the system or management of wild
12 flora and fauna in the PA shall accrue to the fund. These income shall be
13 derived from visitors/tourists fee, fees from permitted sale and export of flora
14 and fauna and other resources from the PAs, proceeds from registration and
15 lease of multiple-use areas, including tourism concessions, contributions from
16 industries and facilities directly benefiting from the PA; and such other fees
17 and income derived from the operation of the PA.

18 The fund may be augmented by grants, donations, endowment from
19 various sources, domestic or foreign, for purposes related to their functions:
20 *Provided*, That the fund shall be deposited as a special account in the National
21 Treasury and disbursements therefrom shall be made solely for the protection,
22 maintenance, administration and management of the system, and duly
23 approved projects endorsed by the PAMB in accordance with existing
24 accounting and budgeting rules and regulations: *Provided, further*, That the
25 fund shall not be used to cover personal services expenditures.

26 The local government units (LGUs) shall continue to impose and
27 collect all other fees not enumerated herein which they have traditionally
28 collected, such as business permits, property tax and rentals of LGUs'
29 facilities. Furthermore, LGUs may charge add-ons to fees imposed by the

1 PAMB: *Provided*, That such add-ons shall be determined based on the
2 contribution of the LGUs in the maintenance and protection of the PA.

3 SEC. 13. *Prohibited Acts*. – The following acts are prohibited within
4 the Sinarapan Sanctuary:

5 (a) Hunting, destroying, disturbing or mere possession of any marine
6 resources or products derived therefrom without a permit from the PAMB-SS;

7 (b) Dumping or otherwise disposing of any waste products detrimental
8 to the Sinarapan Sanctuary or to plants, animals or inhabitants therein;

9 (c) Use of any motorized equipment without permit;

10 (d) Mutilating, defacing or destroying objects of natural beauty or
11 ecological importance found within the sanctuary;

12 (e) Mineral or energy exploration or any entry into the sanctuary which
13 has a tendency to damage its ecological balance;

14 (f) Constructing or maintaining any kind of structure, fence or
15 enclosures and conducting any business enterprise without a permit; and

16 (g) Altering, removing, destroying or defacing boundary marks or
17 buoys.

18 SEC. 14. *Penalties*. – Any person found guilty of any of the offenses
19 enumerated above shall be punished with fine in an amount not less than Five
20 thousand pesos (P5,000.00) but not more than Five hundred thousand pesos
21 (P500,000.00), exclusive of the value of the things damaged, or imprisonment
22 of not less than one year but not more than six years, or both, as determined by
23 the court.

24 If the Sinarapan Sanctuary requires rehabilitation and restoration as
25 determined by the court, the offender shall be required to restore or
26 compensate for the restoration of the damage. The court shall order the
27 forfeiture of all mineral, flora or fauna collected or removed, including all
28 equipment, devices and firearms used in connection therein, and any
29 construction or improvements made thereon by the offender. If the offender is

1 an association or corporation, the president or manager shall be responsible for
2 the act of his/her employees and laborers.

3 SEC. 15. *Appropriations.* – The Secretary of the DENR shall
4 immediately include the Department's program the implementation of this Act,
5 the funding of which shall be included in the annual General Appropriations
6 Act.

7 SEC. 16. *Separability Clause.* – If any part of this Act shall be declared
8 unconstitutional, such declaration shall not affect the other parts or sections
9 hereof.

10 SEC. 17. *Repealing Clause.* – All laws, presidential decrees, executive
11 orders and rules and regulations inconsistent with the provisions of this Act
12 shall be deemed repealed or modified accordingly.

13 SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after
14 its complete publication in two newspapers of general circulation.

Approved,

O