

**Excerpts from the Minutes of the 77<sup>th</sup> TPAMB Meeting**  
Governor's Conference Room, Provincial Capitol, Puerto Princesa City  
28 February 2019

Present:

1.	Zanie Seracarpio, 3rd District	Presiding Officer
2.	Atty. Ariel Abis, Office of the Governor	Member
3.	COMMO Dorvin Legazpi, WESCOM	Member
4.	CAPT Carlos Sabarre, NFW	Member
5.	Ms. Marilyn Cruz, SP Appropriations	Member
6.	ENS Margareth Torreon, PCG	Member
7.	Ms. Marivel Dygico, WWF-Phils	Member
8.	Mr. Enrique Nuñez, CI-Phils	Member
9.	Ms. Jean Jontilla, WPU	Member
10.	Dr. Ronald Edilberto Ona, PSU	Member
11.	Ms. Elena Basaya, BFAR Palawan	Member
12.	Ptr. Jehu Cayaon, Tambuli ta mga Kagayanen	Member
13.	Mr. Romel Carbonell, Saguda Palawan	Member

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**TPAMB Resolution No. 19-04**

**'Approving Administrative Order No. 3, Series of 2019:  
TRNP Research Policy and Permitting Procedures'**

**WHEREAS**, the Tubbataha Reefs Natural Park Act of 2009, also known as Republic Act (RA) No. 10067, which took effect on April 24, 2010, aims to ensure the protection of the globally significant economic and other values of the Tubbataha Reefs;

**WHEREAS**, the Tubbataha Protected Area Management Board (TPAMB) was established pursuant to Section 10 of R.A. No. 10067 to be the sole policy-making and permit-granting body for the Tubbataha Reefs;

**WHEREAS**, research is essential in assessing the biophysical condition and trends in Tubbataha, in preparing effective information and education messages, and in providing the evidence base for sound decision-making. It informs policy and action, and is thereby an indispensable tool for ensuring effective park management;

**WHEREAS**, Ecosystem Research and Monitoring is one of the four programs in the management of Tubbataha;

**WHEREAS**, the TRNP Management Plan stipulates that external research institutions should be encouraged to participate in or guide crucial studies to generate robust data and build research capacity among TMO staff and marine park rangers;

**WHEREAS**, it is vital to establish a research policy and permitting procedure to reinforce and clarify TPAMB standards, provide a mechanism to control and regulate research activities, assign accountability, and provide step-by-step directions for granting research permits to ensure consistency;

**NOW THEREFORE**, be it resolved as it is hereby resolved, that the TPAMB approves, as it is hereby approved, Administrative Order No. 3, Series of 2019: TRNP Research Policy and Permitting Procedures, a copy of which is an integral part of the Resolution hereto attached as Annex A;

**RESOLVED FURTHER,** Administrative Order No. 3, Series of 2019 be published in the Official Gazette through the Office of the National Administrative Register or in a newspaper of national circulation.

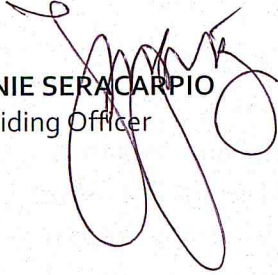
**ADOPTED AND APPROVED** this 28<sup>th</sup> day of February 2019 at Puerto Princesa City.

I hereby certify to the correctness and accuracy of the above – quoted resolution.

Prepared by:

  
**ANGELIQUE M. SONGCO**  
Secretary

Attested by:

  
**MR. ZANIE SERACARPIO**  
Presiding Officer

Republic of the Philippines  
TUBBATAHA PROTECTED AREA MANAGEMENT BOARD  
Puerto Princesa City, Palawan

**TPAMB ADMINISTRATIVE ORDER NO. 03, SERIES OF 2019**

Subject: TRNP Research Policy and Permitting Procedures

Pursuant to Section 13 (a) of RA No. 10076 (TRNP Act of 2009) and Chapter III Rule 15 of Administrative Order No. 1, as amended

**CHAPTER I**

**PRELIMINARY PROVISIONS**

**Section 1. Scope of Application.** This order applies to all persons and institutions, whether externally-funded and led or collaboratively undertaken with park authorities. It is applicable for all research activities apart from the annual monitoring conducted by TMO.

**CHAPTER II**

**DEFINITION OF TERMS**

**Section 2. Definition of Terms.** For purposes of this Administrative Order, the following terms shall have the following meaning:

- a. Bioprospecting – means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;
- b. By-products – refers to any part taken from wildlife species such as meat, hides, antlers, feathers, internal organs, bones, roots, trunks, barks, petioles, leaf fibers, branches, leaves, stems, flowers, scales, scutes, shells, coral parts, carapace and the like, or whole dead body of wildlife in its preserved/stuffed state, including compounds indirectly produced in a bio-chemical process or cycle;
- c. Collection or collecting – is the act of gathering or harvesting wildlife, its by-products or derivatives;
- d. Commercial purposes – activities undertaken to obtain economic benefit, including profit (whether in cash or in kind) and is directed toward resale, exchange, provision of a service or other form of economic use or benefit;
- e. Conservation Fees – refer to fees collected by the TPAMB from authorized users of the TRNP;
- f. Derivatives – refers to a substance/material extracted or taken from wildlife such as but not limited to blood, saliva, oils, genes, and the like; a compound directly or indirectly produced from wildlife and/or products produced from wildlife and wildlife products;

- g. Intellectual Property Rights – refers to those defined under Republic Act 8293 or the Intellectual Property Code of the Philippines, such as copyright and related rights, trademarks and service marks, geographic indications, protection of undisclosed information, etc.;
- h. PASu – refers to the Protected Area Superintendent of the TRNP;
- i. PCSD – refers to Palawan Council for Sustainable Development as created under Republic Act No. 7611 (the Strategic Environmental Plan for Palawan Act);
- j. Research – includes both primary and secondary data collection and applies to highly technical biophysical, social and policy research.
- k. Resources – refer to all natural endowments, whether aquatic or terrestrial, living or non-living, found in the TRNP.
- l. TRNP – refers to the Tubbataha Reefs Natural Park;
- m. Wildlife – refers to wild forms and varieties/strains of flora and fauna, in all developmental stages, such as but not limited to eggs, pupae, seedlings.

### CHAPTER III

#### COLLABORATION MODALITIES AND DATA OWNERSHIP

**Section 3. TPAMB-funded researches.** These are studies fully funded through the TPAMB, including professional fees, travel costs and research materials. The raw data collected from this study shall be the property of TMO, which shall have sole authority over the use of the same.

In case the project was funded by an external donor, a copy of the technical report will also be provided to the donor.

**Section 4. Jointly-funded/collaborative researches.** These are studies which are funded both by the TPAMB and external research entities. These may include studies mostly funded by the TPAMB where counterpart funds are provided or professional services are rendered *pro bono*.

Raw data collected from these studies shall be the property of TMO and the external researcher/ collaborator. The use of the data for purposes other than the preparation of a technical report to TMO and the external researcher/collaborator's mother unit shall first be approved by both parties.

**Section 5. Externally-funded researches.** These are studies fully funded by an external research entity. The raw data obtained from these studies shall be the property of the proponent of the study. A copy of all raw data collected from these studies shall be submitted to TMO, which may be used for internal purposes. However, TMO shall not share the data with a third party or use the same for scientific publication without prior approval from the proponent of the study.

**Section 6. Research using secondary data.** Secondary data acquired from TMO and other owners of the data shall be the property of TMO and the external researchers who collected the data. The use of these secondary data shall be upon the approval of the owner/s of the same.

**Section 7. Research reports, authorship and acknowledgements.** Research results shall be submitted to the TPAMB not later than one year after the conduct of field work so that research results may serve as input to decision-making in a timely manner. Research entities that fail to

submit research results from a previous study shall be barred from conducting further research in TRNP until such time as results are formally submitted to the TPAMB.

Authorship shall be granted to all who substantially contributed to the conceptualization, data collection, analysis and composition of the research report. All authors involved in the publication of the paper shall be given opportunity to comment and approve the paper before submission for publication or use in a presentation.

The lead researcher shall provide TMO with a copy of articles, presentations, including images that may emanate from research conducted in TRNP. The TPAMB and other data owners shall be acknowledged in all research products resulting from all studies in TRNP.

**Section 8. Knowledge transfer.** TMO reserves the right to assign a representative/s to participate in the activities of researchers within TRNP to ensure utmost protection of the park from potential impacts of activities and to facilitate the transfer of knowledge, skills and technology for the benefit of management. The form of involvement of the TMO representative/s in the research shall be agreed upon by both parties.

## CHAPTER IV

### SCIENTIFIC ADVISORY GROUP

**Section 9. TRNP Scientific Advisory Group.** The TPAMB shall create a TRNP Scientific Advisory Group, to be known as the 'Fellowship of the Reefs', which will assist the TMO research unit in reviewing proposals and recommend action to the PASu and the TPAMB. Specifically, the functions of the Scientific Advisory Group are:

- a. Provide scientific and research advice to the TPAMB in the formulation of the TRNP Research and Monitoring Plan and its implementation;
- b. Assist the TMO research unit in reviewing proposals and recommend action to the PASu and the TPAMB;
- c. Identify and discuss significant emerging regulatory, research and scientific issues and trends and their potential impacts on the TRNP;
- d. Evaluate and reassess the TRNP Research and Monitoring Plan and the performance of the TMO in accordance with the plan, at least once in three years, and submit any recommendations for improvement to the TPAMB for its consideration and approval;
- e. Have authority to engage any outside advisor or consultant of its selection, should the Group deem it necessary or appropriate to do so.

## CHAPTER V

### RESEARCH PERMITTING PROCEDURES

**Section 10. Research Contract.** This section shall be applicable to TPAMB-funded and jointly-funded/collaborative researches under Sections 4 and 5 of this order.

- 10.1 A Concept Note shall be prepared by the TMO research unit and/or the collaborator and submitted to the PASu for approval;

- 10.2 A Research Contract stating the terms of the research activity (including duration of the study, submission of technical report, authorship, data ownership and compensation/professional fee, if any, and all other terms agreed upon by both parties) shall be signed by the PASu and the collaborators and/or consultants;
- 10.3 The PASu may waive the conservation fees during the conduct of the research;
- 10.4. The PASu shall inform the Executive Committee and the TPAMB of the approved researches.

**Section 11. Application for a research permit.** This Section shall be applicable to all externally-funded researches in TRNP, as stipulated in Section 6 of this order. The application for a research permit shall be submitted to TMO at least three (3) months prior to the conduct of any research activity in TRNP. However, if the research involves collection of resources, its parts and derivatives, application for a research permit shall be submitted at least six (6) months prior to the conduct of the research.

**Section 11.1. Requirements.**

11.1.1.1. For Filipino researchers without foreign affiliation:

- a. Letter of Intent;
- b. Research Permit Application Form;
- c. Personal Profile/Resume;
- d. Research/Project proposal;
- e. Endorsement letter from University/research institution/government agency where the applicant is affiliated or for an individual researcher, endorsement from a recognized expert of a research or academic institution or conservation organization; and letter of support from sponsor.

11.1.1.2 For foreign person/entity with/without foreign affiliation or a Filipino citizen affiliated with a foreign institution:

- a. Letter of Intent;
- b. Research Permit Application Form;
- c. Personal and/or Institution's Profile/Resume;
- d. Research/Project proposal;
- e. Endorsement letter from University/research institution/government agency where the applicant is affiliated or for an individual researcher, endorsement from a recognized expert of a research or academic institution or conservation organization; and letter of support from sponsor;
- f. Letter of Consent of the Head of local institution identified as research collaborator/counterpart.

11.1.1.3 Additional requirements for students conducting thesis and dissertation:

- a. Certified true copy of the approved thesis proposal;
- b. Endorsement letter from the Dean and thesis adviser.

11.1.1.4 For government initiated or implemented research or scientific projects, regardless of funding:

- a. Letter of Intent;
- b. Research Permit Application Form;
- c. Research/Project proposal;
- d. Grant or other agreement covering the funding for the research;

e. Memorandum of Agreement, as may be deemed necessary by the TMO.

**Section 11.2. Procedure.**

- 11.2.1 All applications, together with the corresponding requirements shall be submitted to the TMO;
- 11.2.2 The TMO research unit shall, upon receipt, evaluate the submitted documents. If the requirements are not complete, the application shall be returned immediately informing the applicant of the deficiencies. If the requirements are complete, TMO research unit shall conduct the technical evaluation within twenty (20) working days from the receipt of the application. When necessary, TMO research unit shall consult the Scientific Advisory Group regarding the proposal;
- 11.2.3 The recommendation of the TMO research unit on the proposed research project, together with copies of the application and requirements, shall then be submitted to the TRNP Protected Area Superintendent for approval;
- 11.2.4 The PASu shall then approve the proposed research project, sign the Memorandum of Agreement (if required), and issue the corresponding Research Permit;
- 11.2.5 If the research involves collection of resources, its parts and derivatives, the PASu shall forward the proposal to the TPAMB for approval and issuance of a TPAMB endorsement, for application of a Gratuitous Permit from the PCSDS.

**Section 11.3. Research Permit.** The research permit shall contain the following minimum terms or to the following effect:

- 11.3.1 Duration of the study, submission of technical report, authorship and data ownership;
- 11.3.2 TMO shall be informed prior to any deviation in the research activity as indicated in the approved research proposal, e.g., sites, number of samples, methodology, etc.;
- 11.3.3 The proponent is obligated to submit a progress report of the activity one month after the fieldwork;
- 11.3.4 The proponent shall provide TPAMB with a copy of any written or electronic materials and pictures that emanate from the research conducted in TRNP;
- 11.3.5 The proponent includes the TPAMB, people and institutions involved in the conduct of the research in the acknowledgements of the written and electronic materials;
- 11.3.6 The proponent shall submit a technical report to the TPAMB as indicated in Item 18 of the Research Application Form;
- 11.3.7 Intellectual property rights over the results shall not be applied for without the prior approval of the TPAMB;

11.3.9 The Animal Welfare Protocol shall be observed.

11.3.10 Other conditions may be set by the PASu or the TPAMB as may be deemed necessary.

**Section 11. 4. Validity of research permit.** The research permit shall be valid for a period equivalent to the duration of the research unless extended by mutual agreement.

**Section 11. 5. Bioprospecting.** Commercial scientific researches shall continue to be governed by the provisions of Rule 16 of the TRNP Administrative Order 01, as amended, and of PCSD Administrative Order No. 12 Series of 2011.

**Section 12. Suspension or revocation of permit.** The PASu/TPAMB may withdraw, suspend or revoke the Research Permit in case of violation of the rules and regulations of TRNP pursuant to TPAMB Administrative Order No. 1, as amended, or violations of the provisions of this Administrative Order without prejudice to the filing of criminal and/or administrative case/s, should it be warranted.

**Section 13. Penalties.** Penalties for the violation of this Administrative Order shall be consistent with those set in RA 10067 and TPAMB Administrative Order No. 1, as amended.

## CHAPTER V

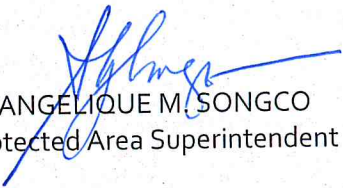
### FINAL PROVISIONS

**Section 13. Separability Clause.** If, for any reason, any part or provision of this Rule is declared as unconstitutional, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

**Section 14. Repealing Clause.** All orders, rules and regulations or parts thereof which are inconsistent with this order are hereby deemed repealed, amended or modified accordingly.

**Section 9. Effectivity.** This Order shall take effect fifteen (15) days after its complete publication in the Official Gazette through the Office of the National Administrative Register at the UP Law Center or in a newspaper of national circulation.

*I hereby certify that the above-quoted Administrative Order has been duly approved and adopted on 28 February 2019 through TPAMB Resolution No. 19-04 at Puerto Princesa City.*

  
ANGELIQUE M. SONGCO  
Protected Area Superintendent