

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

Tubbataha Protected Area Management Board
Administrative Order No. 01
Series of 2017

**REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 10067
OTHERWISE KNOWN AS AN ACT ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK
(TRNP) IN THE PROVINCE OF PALAWAN AS A PROTECTED AREA UNDER THE NIPAS ACT
(RA 7586) AND THE STRATEGIC ENVIRONMENTAL PLAN (SEP) FOR PALAWAN ACT (RA
7611), PROVIDING FOR ITS MANAGEMENT
AND FOR OTHER PURPOSES**

Pursuant to Section 13 (a), (e) and (l) of Republic Act No. 10067 or the TRNP Act of 2009 and consistent with other environmental laws relevant to the TRNP, the Implementing Rules and Regulations for TRNP issued through TPAMB Resolution 10-004 dated 26 October 2010 is hereby revised incorporating and integrating all existing regulations relevant thereto.

Chapter 1 – GENERAL PROVISIONS AND APPLICATION

Rule 1. Title. This Order shall be known as the Revised Implementing Rules and Regulations of Republic Act No. 10067, otherwise known as the Tubbataha Reefs Natural Park (TRNP) Act of 2009.

Rule 2. Declaration of Policy. It shall be the policy of the TPAMB to protect and conserve the globally significant economic, biological and socio-cultural values of the Tubbataha Reefs Natural Park into perpetuity for the enjoyment of present and future generations. This shall be pursued by prohibiting all extractive and destructive activities within the park. Participatory and collaborative management shall be pursued and public awareness and concern for TRNP heightened through education and information activities.

Rule 3. Definition of Terms. For purposes of this Rule, the terms below are defined as follows:

- a. "Bioprospecting" refers to research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes.
- b. "Buffer Zone" refers to the identified area outside the boundaries of and immediately adjacent to TRNP that needs special development control in order to avoid or minimize harm to the protected area;
- c. "Boat Operator/Owner" shall refer to a person, either natural or juridical, who owns, charters, or rents out a vessel and conducts tourism or other activities within TRNP;
- d. "Boat Manager" shall refer to a person who is in charge of overseeing the activities of visitors on a vessel while inside the Park;
- e. "Commercial Fishers/Fisherfolk" refers to persons who catch fish and other fishery products using fishing vessels of more than three (3) gross tons;
- f. "Commercial tourism operations" refers to operations involving delivery of tourism services to either local or foreign tourists for profit;
- g. "Commercial filming and photography" refers to digital or film recording of images or sound, or to the use of photographic equipment by a person, business, or entity to capture images for a market audience, for products such as, but not limited to, a documentary, television or feature film, advertisement, or similar projects;
- h. "Dumping" act of disposing solid or liquid waste in TRNP;
- i. "Conservation Fees" refer to fees collected by the TPAMB from authorized users of the TRNP;
- j. "Corals" refers to all bottom dwelling animals under the phylum Cnidaria, which are a major part of the reef community. The definition includes four types of corals: 1) those that produce a hard skeleton out of calcium carbonate such as all scleractinian corals, the hydrozoan corals (firecorals), and the blue and red corals under the genera *Heliopora* and *Tubipora*; 2) the antipatharian or black corals with a rigid, chitinous skeleton; 3) the gorgonians with a horny and/or calcareous axis; and 4) the soft bodied anthozoans such as sea anemones, and the soft corals under the systematical group of Alcyonaria or Octocorallia;
- k. "Emergency" refers to an event or situation which threatens serious damage to human welfare, property, or the environment;
- l. "Entrants" shall refer to any person, either natural or juridical, or vessel entering TRNP, with or without a permit, further classified as follows:

i. "Visitors" shall refer to any person entering TRNP for purposes of tourism, research, or other activities allowed by the TPAMB;

ii. "Crew" shall refer to all employees of the boat who man the vessel;

iii. "Dive masters" shall refer to a scuba diving professional, with at least a Divemaster or equivalent rating from a bona fide scuba diving training agency, hired by a boat operator/owner to lead diving activities.

m. "Exotic Species" refer to species or subspecies that do not naturally occur within the biogeographic region of TRNP at present or in historical time;

n. "Explosives" refer to dynamite or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound will kill, stupefy, disable or render unconscious any species.

It also refers to any other substance and/or device, including blasting caps or any other component or part of explosive devices, which causes an explosion that is capable of producing the said harmful effects on any resources and capable of producing the said harmful effects on any resources and of damaging and altering the natural habitat;

o. "Fishing" means the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels. The mere casting or deployment of fishing gear consummates "fishing," whether or not any fishery species are actually caught;

p. "Gear" refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing or possessing resources within the TRNP;

q. "Holding Tank" refers to a sealed container on board a vessel for temporarily storing sewage/toilet waste matter for treatment or discharge;

r. "Kayakas" refers to the fishing method known as the local version of the muro-ami but smaller in size, using bamboo or trunk trees as scaring devices aside from coconut or other leaves or materials to drive the fishes and other marine resources out of the coral reefs, at the same time pounding the corals;

s. "Littering" refers to the disposal of small amounts of non-biodegradable solid waste materials, such as, but not limited to, cigarette butts, candy wrappers, plastic materials, bottles and glasses in the TRNP;

t. "Management Plan" refers to the fundamental strategy and/or scheme which shall guide all activities relating to the TRNP in order to attain the objectives of RA 10067;

u. "Monitoring" shall refer to activities aimed at examining the progress of ongoing management interventions vis a vis pre-determined objectives and performance targets for the TRNP.

v. "Mooring" refers to fixtures installed at the sea bottom to provide vessels with a steady position on which to tie in order to avoid damaging corals and drifting. "Mooring" shall include ropes, chains, buoys, and all other attendant components attached to the concrete blocks or drilled pins necessarily used by the boats for tying;

w. "Municipal Fishers/Fisherfolks" refers to the persons who catch fish and other fishery products using fishing vessels of three (3) gross tons or less, or whose fishing does not require the use of fishing vessels;

x. "Muro-ami" refers to the method used in reef fishing consisting of movable bagnet, detachable wings and scarelines having plastic strips and iron/steel/stone weights, effecting fish capture by spreading the net in an arc around reefs or shoals and, with the use of scarelines, a cordon of people drive the fish towards the waiting net while pounding the corals by means of heavy weights like iron/steel/stone or rock making it destructive to corals;

y. "Non-government Organization (NGO)" refers to any civic, developmental, environmental or philanthropic nonstock, nonprofit organization, duly registered, having bylaws, democratically-elected representatives, with qualifications, expertise and objectivity in activities concerning community organizing and development, or resource and environmental conservation, management and protection related to the protected area;

z. "Non-Renewable Resources" refer to those resources that cannot be remade, regrown or regenerated on a scale comparative to its consumption;

aa. "Noxious or poisonous Substances" refer to any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or, other chemicals either in raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any marine organism and capable of damaging and altering the natural habitat;

bb. "PASu" refers to the Protected Area Superintendent of the TRNP;

cc. "PCSD" refers to the Palawan Council for Sustainable Development as created under Republic Act No. 7611, otherwise known as the Strategic Environment Plan for Palawan Act;

dd. "People's Organization (PO)" refers to a group of people which may be an association, cooperative, federation, aggrupation of individuals or groups with an identifiable structure of decision-making and accountability, established to undertake collective action to address community concerns and needs in relation to the protected area;

ee. "Poaching" refers to fishing, gathering and/or purchase or possession of any fishery products within the TRNP by any foreign person, foreign corporation or foreign entity or operating any foreign fishing vessel by any person, corporation or entity within the TRNP;

ff. "Protected Area" refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

gg. "Protected Species" refer to any plant or animal declared protected under Philippine laws, rules and regulations. These shall include all species listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna and all its Annexes, the Convention on the Conservation of Migratory Species, those specified under the red-list categories of the International Union for the Conservation of Nature and Natural Resources, or any plant or animal which the Tubbataha Protected Area Management Board (TPAMB) or any

hh. "Purse Seine" refers to the gear characterized by encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or boats around the school of aquatic resources. The bottom of the net is pulled close with the purse line. The net is then pulled aboard the boat or boats until the resources are concentrated in the bunt or bag;

ii. "Repeat Offender" shall refer to a person, either natural or juridical, who has previously violated this Rule, or has a pending case with, or has been finally sanctioned, adjudicated or penalized by the TPAMB, TMO, or by a court of law for any violation involving this Rule, TRNP Act or other pertinent laws, committed within TRNP;

jj. "Research" refers to any gathering of data, information or facts for the advancement of knowledge with or without the intent of publishing its results.

kk. "Resources" refer to all natural endowments, whether aquatic or terrestrial, living or non-living, found in the TRNP;

ll. "Resource Provider" refers to the party that provides the resource, in this case, the TPAMB;

mm. "Resource User" refers to the local or foreign individual, company, organization, institution, or entity, either public or private that will utilize biological resources in TRNP for bioprospecting purposes on the basis of a Bioprospecting Undertaking entered into with the TPAMB;

nn. "Service Boats" refers to smaller vessels such as, dinghies, zodiacs, rubber boats and the like, used to transport passengers from the main vessel to other locations in the park, e.g., dive sites.

oo. "Stakeholders" refer to individuals, communities, agencies, institutions, organizations, aggrupations of specific interests or sectors which have particular interest in the achievement of the objectives of this Act, and/or enjoyment or utilization in any form of the resources within the TRNP;

pp. "Superlight" refers to a type of light using halogen or metal halide bulbs which may be located above the sea surface or submerged in the water. It may consist of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine of the watercraft.

qq. "Trawl" refers to the gear consisting of a bag-shaped net which is dragged or towed along the bottom or through the water column to take aquatic resources by straining them from the water, including all variations and modifications of trawls in bottom, mid-water, baby trawls and tow nets;

rr. "TRNP" refers to the Tubbataha Reefs Natural Park;

ss. "Vessel" includes every description of watercraft, including non-displacement crafts and seaplanes, used or capable of being used as a means of transportation on water. It shall include everything found therein, except personal effects;

tt. "Waste" refers to discarded items of solid, liquid, contained gaseous or semi-solid form, from whatever source, which may cause or contribute to the deterioration of the resources or habitats in the TRNP.

Rule 4. Management of Buffer Zone. The Tubbataha Protected Area Management Board (TPAMB), shall exercise authority over the buffer zone, which shall include management prescriptions pertaining to the buffer zone in its management plan. The TRNP buffer zone is established to protect the Park from direct or indirect impacts resulting from the conduct of activities in its periphery, such as, but not limited to, energy exploration and navigation. The TPAMB shall indicate the allowable uses within the buffer zone in the TRNP Buffer Zone Management Plan. The same shall be communicated to relevant agencies, such as, but not limited to, the NAMRIA, MARINA, DOE, DFA, etc.

Rule 5. Other Management Zones. Aside from the buffer zone, other management zones and their uses which may be established by the TPAMB shall form an integral part of the TRNP Management Plan.

Rule 6. Scope and Coverage. This Order shall cover all acts of persons or entities within the TRNP and/or all other matters over which the TPAMB has jurisdiction.

Rule 7. Jurisdiction. The TPAMB shall have original and exclusive jurisdiction over all administrative complaints pertaining to violations of this Rule and other policies of the TPAMB. It shall exercise quasi-judicial power in adjudicating administrative cases as provided for under Section 13 (l) of RA 10067 (TRNP Act of 2009).

Chapter 2 - MANAGEMENT OF THE TRNP

Rule 8. The Tubbataha Protected Area Management Board (TPAMB)

Rule 8.1. Designation of Regular Members. Each member organization/agency as enumerated under Section 10 of the TRNP Act shall designate a duly authorized representative who shall sit in person as regular member of the TPAMB.

Rule 8.2. Permanent Alternate. A permanent alternate may be designated by a regular member to sit in the TPAMB in the absence of the latter. The permanent alternate shall have the authority to bind the regular member and the agency represented.

Rule 8.3. NGO Representation. There shall be one (1) representative each from three (3) NGOs that are involved in the conservation and management of TRNP, preferably locally-organized groups. Interested NGOs shall forward to the TMO a letter of interest to join the TPAMB as a member. The Executive Committee shall screen the applicants and endorse the most qualified, based on the above criteria, to the TPAMB. Should there be more than three (3) qualified NGOs, the ExeCom shall convene a meeting of the NGOs to select who to endorse to the TPAMB. The representatives of an NGO chosen as a member shall be endorsed by the head of the organization.

Rule 8.4. People' s Organization (PO) Representation. There shall be one (1) representative PO based in the municipality of Cagayancillo that is engaged in the conservation and management of TRNP. Should there be more than one (1) qualified PO, the same procedure in Rule 8.3 shall apply.

Rule 8.5. Representation of Academic Institutions. There shall be one (1) representative each from two (2) academic institutions based in the Province of Palawan that offer courses on natural resources management. Should there be more than two (2) such academic institutions, the same procedure in Rule 8.3 shall apply.

Rule 8.6. Entry into Office. Each member shall take an oath of office before any public officer authorized to administer oath prior to entry into office.

Rule 8.7. Meetings. Written notices to regular meetings shall be provided by the PASu at least seven (7) days before the scheduled meeting. It shall include the agenda, time and venue of the meeting. When necessary, the TPAMB may hold more than one (1) regular meeting in one quarter. In case of urgency, the PASu may initiate a special meeting with the approval of any of the Chairs. Notices shall be served at least one day before the scheduled meeting indicating the agenda, time, date and venue, and may be in any form, e.g., text, telephone, e-mail, or other expeditious means.

The Presiding Officer shall be the signatory of minutes of meetings, resolutions and decisions.

Rule 8.8. Quorum. A simple majority shall constitute a quorum for the TPAMB and the ExeCom to conduct business.

Rule 8.9. Disciplinary Measures. Habitual absences in regular TPAMB meetings constitute negligence of duty pursuant to the Uniform Rules on Administrative Cases in the Civil Service. Three (3) absences in a year constitute habitual absenteeism. The TPAMB shall call the attention of habitual absentee members and the agency or organization they represent in the form of a resolution without prejudice to the filing of appropriate administrative cases.

Rule 8.10. Removal from the TPAMB. The following grounds shall be cause for removal of representatives from the TPAMB and its committees:

- a. More than three (3) absences during scheduled meetings of the TPAMB
- b. Commission of acts prejudicial to the management of protected areas
- c. Dissolution of the agency or organization being represented
- d. Transfer or removal from agency being represented

The concerned agency shall replace its representative not later than the succeeding TPAMB meeting.

Rule 9. The Executive Committee (ExeCom). There shall be an Executive Committee to which the TPAMB may delegate some of its powers and functions to the Executive Committee.

Rule 9.1. Composition. TPAMB members or their permanent alternates shall compose the Executive Committee. The following shall constitute the Executive Committee of the TPAMB:

- a. Philippine Navy
- b. Philippine Coast Guard
- c. Western Command
- d. DENR
- e. PCSD
- f. Mayor of Cagayancillo or his/her representative
- g. At least two (2) NGO representatives
- h. Governor of the Province of Palawan or his/her representative

Rule 9.2. Meetings. Written notices to regular meetings shall be provided by the PASu at least seven (7) days before the scheduled meeting. The ExeCom shall meet once a month or as often as may be necessary. Regular members shall attend the ExeCom meetings. In the absence of the regular member, the designated permanent alternate may attend the ExeCom meetings.

During meetings, the body shall choose a presiding officer from among themselves. The Presiding Officer shall be the signatory of minutes of meetings, resolutions and decisions.

Rule 9.3. Powers and Functions. The following powers and functions are delegated to the ExeCom:

- a. Review all proposals and plans emanating from the TMO prior to endorsement to the TPAMB;
- b. Approve the disbursement of restricted funds in accordance with the provisions of grant agreements;
- b. Authorize bridge financing from the Trust Fund not exceeding One Million Pesos (PhP1M);
- c. Exercise supervision over the TMO;
- d. Evaluate the administrative and financial performance of the TMO annually;
- e. Exercise supervision over the TMO;
- f. Evaluate the administrative and financial performance of the TMO annually;
- g. Perform other powers and functions as the TPAMB may delegate from time to time.

Rule 9.4. Disciplinary Measures. Habitual absences in regular Executive Committee meetings constitute negligence of duty pursuant to the Uniform Rules on Administrative Cases in the Civil Service. Three (3) consecutive absences in a year constitute habitual absenteeism. The ExeCom shall call the attention of habitual absentee members and the agency or organization they represent in the form of a resolution without prejudice to the filing of appropriate administrative cases.

Rule 10. Incentives of TPAMB and Executive Committee Members. Regular TPAMB and Executive Committee members or their designated permanent alternate are entitled to honoraria, the amount of which is to be decided by the TPAMB through a resolution. Only regular members or their permanent alternate are entitled to honoraria.

Rule 11. The Tubbataha Adjudication Board (TAB). The TAB is hereby established pursuant to Section 13 (l) of the TRNP Act. It shall be charged with accepting and investigating all administrative cases in TRNP. Its composition and the procedural guidelines for its operation are contained in the TIC Rules of Procedure for Administrative Adjudication.

Chapter 3 - ALLOWABLE ACTIVITIES

Rule 12. Conduct of Activities. Only non-extractive and non-destructive activities allowed by the TPAMB, shall be conducted inside the Park.

Rule 13. Tourism. Tourism activities such as scuba diving, snorkeling, kayaking, bird watching, and the like may be allowed in TRNP. Entry and conduct of tourism activities shall be allowed only upon issuance of the necessary permit by the Tubbataha Management Office (TMO), subject to the requirements and procedures set forth in the following sub-rules.

Rule 13.1. Commercial Tourism Operations. Any person or entity who shall conduct commercial tour operations in TRNP should secure a Permit to Operate (PO) from the TMO at least two (2) months prior to the first scheduled entry.

Rule 13.1.1. Requirements. The following shall be submitted to TMO for the issuance of a PO:

- a. Completed Application Form
- b. Vessel/s Profile
 - i. Certificate of Vessel Registry
 - ii. Passenger Ship Safety Certificate
 - iii. Minimum Safe Manning Certificate
- c. Accreditation from the Philippine Commission on Sports Scuba Diving

Rule 13.1.2. Procedure.

- a. Submit a completed application form and a copy of all requirements to TMO;
- b. TMO shall process applications with complete documentary requirements within five (5) business days;

Permits may be issued in person or online.

Rule 13.1.3. Validity. The Permit to Operate shall be valid within the year of its issuance.

Rule 13.2. Non-commercial tourism activities. Any person or entity entering TRNP for the conduct of non-commercial tourism activities shall secure an entry permit from the TMO prior to such entry subject to the compliance of the requirements set in Rule 13.3 herein.

Rule 13.3. Issuance of Entry Permit. All entrants must secure a Vessel Entry Permit and/or Visitor Entry Permit before entering TRNP. Failure to secure the necessary permit shall constitute a violation of this Rule and of the TRNP Act of 2009.

Rule 13.3.1. Requirements for Issuance of Vessel Entry Permit

- a. Vessels of Local Registry:
 - i. Fully accomplished Vessel Entry Form

- ii. Certificate of Vessel Registry
 - iii. Passenger Ship Safety Certificate
 - iv. Minimum Safe Manning Certificate
 - v. Payment of Fees
- b. Vessels of Foreign Registry:
- i. Fully accomplished Vessel Entry Form
 - ii. Boat Registration
 - iii. Last Port Clearance, if originated from foreign country
 - iv. Crew list
 - v. Record of Vessel Boarded /Custom Clearance issued by Bureau of Customs
 - vi. Payment of Fees

Rule 13.3.2. Requirements for Issuance of Visitor Entry Permit

- a. Fully accomplished Visitor Entry Form
- b. List of boat crew and dive masters employed, as certified by the boat owner or boat operator
- c. Photocopy of valid diving certification of all divemasters
- b. Special Working Permit (SWP) or Alien Employment Card (AEC) for foreign crew and dive masters employed by boat operators or boat owner
- c. Payment of Fees

Rule 13.3.3. Procedure.

- a. Submit a completed application form and a copy of all requirements to TMO;
- b. The TMO shall process only applications with complete documentary requirements within five (5) business days;
- c. Payment of conservation fees.

Permits may be issued in person or online.

Rule 14. Payment of Conservation Fees. Applications for an entry permit must be accurately completed and Conservation Fees paid prior to the issuance of a permit to enter the Park. Fees must be paid in Philippine currency. The rates of Conservation Fees shall be as indicated below:

Rule 14.1. Vessel Entry. A Vessel Entry Permit must be secured by the boat owner/operator/captain or his/her representative prior to entry. Vessel entry fees are as follows:

- a. 100 gross tons and below P3,000.00
- b. 101-200 gross tons P4,500.00
- c. 201 gross tons and above P6,000.00

Rule 14.2. Visitor Entry. Entrants to the Park must secure a Visitor Entry Permit and pay the corresponding Conservation Fees before entering TRNP. Minors aged 12 years old and below are exempt from the payment of Conservation Fees. Visitors returning within the same year shall be entitled to a 50% discount. Visitor entry fees are as follows:

- a. Visitors P5,000.00/person
- b. Divemaster P250.00/person

Rule 14.3. Boat Crew and Boat Managers. Boat crew and boat managers are exempt from the payment of Conservation Fees.

Rule 14.4. Refundability. Conservation Fees paid by boat owners/operators or visitors for trips that have been aborted prior to entry into the Park may be reimbursed, provided that only 80% of the conservation fees may be refunded.

Rule 15. Research and Monitoring. Any person or entity who intends to conduct research and monitoring activities in TRNP shall secure a Research/Monitoring Permit from the TMO.

Rule 15.1. Requirements.

- a. A research or monitoring proposal specifying the following:
 - i. Summary of the research
 - ii. Objectives of the research
 - iii. Methodologies
 - iv. Institutions/researchers involved, including profile of principal researcher/s
 - v. Duration of study
 - vi. Study sites within TRNP
 - vii. Benefits of the research to the management of TRNP
 - viii. Timeline for submission of research reports
 - ix. Plan for communicating research results
- b. Both scientific and common names of all the organisms subject of the research shall be indicated in the proposal;
- c. If specimens will be collected, a TPAMB resolution endorsing the collection shall be secured. Further, a Gratuitous Permit shall be obtained from PCSD pursuant to RA 9147. The proposal must include the names of organisms or objects to be sampled, the quantity and specific collection sites of the specimens, including the final disposition of the same.

Rule 15.2. Procedure.

- a. Submit complete requirements to the TMO.
- b. The TMO shall initiate the assessment of the proposal based on the impact on the environment, e.g., introduction of alien species or use of chemicals;
- c. The TMO shall make the appropriate recommendations to the TPAMB Executive Committee. Research and monitoring proposals which contribute to evaluation of management effectiveness as indicated in the Management Plan may be approved at the level of the PASu.
- d. For specimen collection, the proponent shall secure a TPAMB endorsement for application of a Gratuitous Permit from the PCSDS;
- e. The implementation of approved proposals shall be properly coordinated with the TMO to ensure that the following measures are observed:
 - i. The proponent secures the necessary vessel and visitor entry permits prior to entry into the Park;
 - ii. The proponent informs the TMO of any changes in the research (i.e. sites, number of samples, methodology, etc.);
 - iii. The TMO assigns counterpart staff to form part of the research team to facilitate transfer of skills, technology and learning experiences to Park staff for the benefit of management;
- f. The proponent shall provide the TPAMB with a copy of any written or electronic materials and pictures that may emanate from the research conducted in TRNP;
- g. The proponent includes the TPAMB, people and institutions involved in the conduct of the research in the acknowledgements of the written materials.
- h. Research by foreign researchers on board their own vessels shall be granted a permit after securing relevant national government permits.

Rule 15.3. Suspension or Revocation of Permit. The TPAMB may withdraw, suspend or revoke a Research Permit in case of violation of this Rule, without prejudice to the filing of criminal and/or civil action/s, if deemed warranted.

Rule 16. Bioprospecting. Any commercial scientific researches to be conducted inside TRNP by any person or entity shall be governed by the provisions of DENR-DA-PCSD-NCIP Administrative Order No. 01. The TPAMB shall be the sole Resource Provider for any bioprospecting activities inside TRNP and from whom the Resource User shall secure a Prior Informed Consent (PIC) Certificate which shall constitute a permit from the TPAMB. As provided for in Section 21.1 of the said Order, mutually exclusive commitments entered into by the TPAMB and the Resource User shall be executed in a contract. Any infractions therein shall constitute a violation of this Rule without prejudice to the filing of criminal and/or civil actions.

Rule 17. Commercial Filming and Photography. All commercial filming and photography shall be covered by a Filming/Photography Permit. No commercial filming/photography may restrict or interfere with operations in the Park.

Rule 17.1. Requirements. Applicants must submit to the TMO a letter of intent specifying the following:

- a. Objectives
- b. Nature of activities
- c. Equipment to be used
- d. Schedule of activities
- e. Institution/s and persons involved

Rule 17.2. Procedure.

- a. Submit a Letter of Intent to TMO;
- b. Upon approval of the PASu, a Special Permit shall be issued and an agreement/contract executed;
- c. The applicants shall also comply with the requirements provided in Rule 13.2 herein.

Rule 18. Protocols and Standards. The following shall be observed while inside the Park:

- a. Upon entry in the Park, the captain or boat manager or his/her representative must register with the Ranger Station by radio.
- b. All vessels shall use mooring buoys provided within TRNP. No vessel shall be allowed to tie to a moored boat.
- c. Vessels 200 gross tons and above shall tie to mooring buoys at their own risk and are required to untie during rough weather. The TPAMB shall not be responsible for any loss or damage that may result in the use of mooring buoys. Users shall check all lines and accessories prior to use;
- d. The following shall constitute negligence on the part of the user:
 - i. Running over or dragging rope and marker buoy; and
 - ii. Other acts resulting to damage of corals, moorings, and/or its accessories.
- f. The Ranger Station shall be informed of the buoy used prior to mooring and upon disengaging. Data on buoys, the time and date of use shall be recorded on the vessel logbook;
- g. TMO representatives reserve the right to board and inspect vessels within TRNP at any time;
- h. All vessels must have the necessary first aid and emergency equipment, including but not limited to oxygen and Safety of Life and Property at Sea (SOLAS)

- i. Equipment and an emergency response plan, including trained and first aid personnel with current certification;
- j. There shall always be a divemaster to act as group leader during all dives. The diver-divemaster ratio shall be 8:1 at most;
- k. Vessels used for commercial tourism operations shall be at least 25 gross tons;
- l. By 2013, all vessels entering TRNP must have a holding tank. Disposal from the holding tank may be allowed beyond one (1) nautical mile distance away from the reefs, but not along the channel between the South and North Atolls. Disposal of shower discharge may be allowed within the Park, provided that biodegradable soap shall be used on board.
- m. All dive operators shall have an adequate number of service boats to transfer guests to and from the dive sites.

Rule 19. Liability of boat operators/owners and/or managers. The TPAMB and TMO shall not be liable for any accidents/incidents resulting from negligence in the conduct of diving operations. Boat operators/owners and/or managers shall be held solidarily liable for violations of the rules set herein committed by visitors and crew.

Rule 20. Limitations in the Conduct of Allowed Activities in the Park as Defined in Chapter III, Rules 12 to 17. The following acts are not allowed in the conduct of activities under this Chapter:

- a. Tying to a moored vessel. Service boats such as, dinghies, zodiacs, rubber boats and the like, used to transport divers, park personnel and guests may tie to moored vessels during the course of their operations. Boat owners/operators and boat managers of both vessels shall be liable.
- b. Not stowing fishing gear. All fishing gear, whether in their assembled form or separated into parts, shall be stowed in a locked container prior to entry to TRNP. Each fishing gear, component or accessory found not stowed shall constitute a distinct violation and shall be forfeited in favor of TRNP.
- c. Use of motorized sports equipment aside from service boats used to ferry passengers;
- d. Constructing or installing any kind of structure, fence or enclosure, except when authorized by the TPAMB;
- e. Cruising less than 100 meters around South or North Islets and without obtaining clearance from marine park rangers;
- f. Landing a boat or setting foot on the North Islet, South Islet or the emergent cay in Jessie Beazley, except when authorized by the TPAMB;

- g. Swimming, snorkeling or diving around North or South Islets or in the lagoons, except when authorized by the TPAMB;
- h. Use of gloves while diving;
- i. Operating unmanned aircraft (drones) without permission from TMO. Permits do not include flying over the South Islet, Bird Islet and the emergent cay in Jessie Beazley Reef;
- j. Use of implements that modify the behavior of marine animals or that harm corals, e.g., pointer rods or tank bangers;
- k. Vandalism in any form;
- l. Decompression dives without prior certification, training and equipment;
- m. Handling, touching, feeding, chasing any flora and fauna;
- n. Use of superlights;

Chapter 4 - PROHIBITED ACTS AND PENALTIES

Rule 21. Damage to the Reef. Damage to the reef shall subject the responsible person or entity to the payment of administrative fines set by the TPAMB based on the current valuation standards, which shall not be less than Twelve Thousand Pesos (PhP12,000.00) per square meter. The violators shall also be liable for the payment of the cost of restoration which shall not be less than Twelve Thousand Pesos (PhP12,000.00) per square meter, or as may be determined by the TPAMB.

Rule 22. Non-payment of Conservation Fees. Any person or entity who shall enjoy or utilize the TRNP and its resources without payment of the Conservation Fees shall, in addition to the payment of the Conservation fee, pay the administrative fine which shall be double the amount of the conservation fee set by the TPAMB for the activity undertaken.

Rule 23. Anchoring. Any person or entity who shall hold fast or secure a vessel in place either by using an anchor or by tying on to any part of the reef shall be penalized with an administrative fine of not less than Fifty Thousand Pesos (PhP50,000.00) and not more than One Hundred Thousand Pesos (PhP100,000.00) without prejudice to the payment of the cost of the damage under Rule 21.

Rule 24. Dumping of Waste. An administrative fine of not less than One Hundred Thousand Pesos (PhP100,000.00) and not more than Three Hundred Thousand Pesos (PhP300,000.00), and an order to clean up the waste or to pay for the clean-up shall be imposed upon any

person or entity who shall be found liable for dumping of waste within TRNP. In determining the fine, the maximum amount shall be imposed whenever the following wastes are involved:

- a. Petroleum, Oil, Lubricants (POL) products
- b. All noxious substances
- c. Any other chemical substances

Rule 25. Littering. Any person or entity found liable for littering shall be penalized with an administrative fine of Fifty Thousand Pesos (PhP50,000.00) to One Hundred Thousand Pesos (PhP100,000.00). The maximum amount of fine to be imposed shall depend on the following:

- a. Volume
- b. Kind
- c. Repetition of offense

Rule 26. Bioprospecting without Permit. It shall be unlawful to conduct bioprospecting within the TRNP without a permit from the TPAMB and other concerned agencies. An administrative fine ranging from Five Hundred Thousand Pesos (PhP500,000.00) to One Million Pesos (PhP1,000,000.00), and confiscation or forfeiture of the resources subject of the offense, equipment, gears and vessels shall be imposed.

Rule 27. Introduction of Exotic Species. Any person or entity who shall introduce exotic species of plants or animals into the TRNP shall be penalized with an administrative fine of Two Hundred Thousand Pesos (PhP200,000.00) to One Million Pesos (PhP1,000,000.00); and confiscation or forfeiture of the resources subject of the offense, equipment, gears and vessels. Maximum penalty shall be imposed when:

- a. The act may result in the colonization or massive outbreak of the introduced species;
- b. The introduced species acts in competition with endemics resulting in scarcity or extirpation of the latter.

Rule 28. Hunting, Catching, Fishing, Killing, Taking, Gathering, Removing, Destroying, Disturbing or Possessing Resources. It shall be unlawful for any person to actually or attempt to hunt, catch, fish, kill, take, gather, remove, destroy, disturb, or possess any resource, whether living or nonliving, or products derived therefrom. The unauthorized entry of a vessel in the TRNP shall be prima facie evidence of violation of this Rule.

Violations of this Rule shall be punished as follows:

- a. Where the offender uses explosives, noxious or poisonous substances, the TPAMB shall impose an administrative fine ranging from Three Hundred Thousand Pesos (PhP300,000.00) to Five Hundred Thousand Pesos (PhP500,000.00), and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.
- b. Where the offender merely possesses explosive, noxious or poisonous substances, within the TRNP, the TPAMB shall impose an administrative fine ranging from One Hundred Thousand Pesos (PhP100,000.00) to Three Hundred Thousand Pesos (PhP300,000.00), and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.
- c. Where the offender takes, removes, fishes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the TPAMB, an administrative fine ranging from One Hundred Thousand Pesos (PhP100,000.00) to Two Hundred Fifty Thousand Pesos (PhP250,000.00) shall be imposed. In addition, the corals subject of the offense, equipment, gears and vessels shall be confiscated and forfeited in favor of the government.
- d. Where the offender uses any fishing gear or method that destroys coral reefs, seagrass beds, or other marine life habitats as determined under the TRNP Act, the operator, boat captain, master fisherman, and recruiter or organizer of fishworkers involved shall be administratively fined from Four Hundred Thousand Pesos (PhP400,000.00) to One Million Pesos (PhP1,000,000.00). Confiscation and forfeiture of catch, fishing equipment, gears and vessels shall also be imposed.
- e. Where the offender gathers or removes pebbles, stones, rocks, sand or other materials or otherwise engages in the quarrying or dredging of any portion of the TRNP, an administrative fine shall be imposed ranging from One Hundred Thousand Pesos (PhP100,000.00) to Seven Hundred Fifty Thousand Pesos (PhP750,000.00). The substance taken, and equipment and vessels used in the commission of the violation shall be confiscated and forfeited.
- f. Where the subject of the offense are protected species as defined in the TRNP Act, an administrative fine shall be imposed ranging from Five Hundred Thousand Pesos (PhP500,000.00) to One Million Pesos (PhP1,000,000.00) for every threatened or endangered organism subject of the offense. Confiscation and forfeiture of catch, equipment, gears and vessels shall also be imposed.

- g. Where the classification of the protected species subject of this offense is threatened under IUCN, or higher under the Philippine Wildlife Act or other government rules and regulations, the maximum fine shall be imposed.
- h. Where the violations of this Rule are not covered by the preceding paragraphs, an administrative fine ranging from Three Hundred Thousand Pesos (PhP300,000.00) to One Million Pesos (PhP1,000,000.00), and confiscation and forfeiture of catch, equipment, gears and vessels shall be imposed.

Rule 29. Poaching by Foreigners. Any foreign person, foreign corporation or foreign entity who shall fish, gather and/or purchase or possess any fishery products within the TRNP, or operating any foreign fishing vessel therein shall be fined administratively of not less than Fifty Thousand US Dollars (US\$50,000.00), but not more than Two Hundred Thousand US Dollars (US\$200,000.00) or its equivalent in Philippine Currency, in addition to the confiscation and forfeiture of the fish catch, fishing equipment and fishing vessel. The violators may be may be required to post a bond for the vessel which shall not be less than one hundred thousand US Dollars (US\$100,000.00) to ensure appearance of the accused in court proceedings and presentation of the vessel upon order of the TPAMB. Failure to appear and present the vessel shall be grounds for forfeiture of the bond.

Rule 30. Violation of Environmental Impact Assessment System. The TPAMB shall adjudicate violations of laws and rules on Environmental Impact Assessment System. An administrative fine of One Hundred Thousand (PhP100,000.00) shall be imposed for every day each violation subsists. The TPAMB shall further order the violator to rehabilitate the affected area or to pay the amount equivalent thereto; and confiscate and forfeit the vessels, structures, effects, materials and equipment used, and the products of such violation.

Rule 31. Violation of Protocols and Standards Under Rule 18. The boat operators/owners and/or managers and top three (3) officers of any vessel violating protocols and standards as set forth under Rule 18, shall suffer administrative penalty of fine ranging from Twenty Thousand Pesos (PhP20,000.00) to Fifty Thousand Pesos (PhP50,000.00) for every day each violation subsists, or from suspension of three (3) months to non-issuance of Permit to Operate in the TRNP.

Rule 32. Obstruction of Law Enforcement Officer. The boat owner, master, operator, officer, or any person acting on his/her behalf, of any vessel who evades, obstructs or hinders any law enforcement officer in the TRNP to perform his/her duty, shall be administratively fined Fifty Thousand Pesos (PhP50,000.00). In addition, the TPAMB shall recommend the

cancellation by the issuing agency of the registration, permit and/or license of the vessel including the license of the officers thereof.

Rule 33. Unauthorized Entry, Enjoyment or Use. Any person or entity who shall enter, use or enjoy any portion of TRNP and the resources therein for whatever purposes without permission from the TPAMB as set herein shall be fined the amount of not less than One Hundred Thousand Pesos (PhP100,000.00) but not more than Three Hundred Thousand Pesos (PhP300,000.00).

Rule 34. Violation of the Limitations in Chapter 3. Any person or entity who violates the provisions under Rule 20 shall be fined the amount of not less than Ten Thousand Pesos (PhP10,000.00) but not more than One Hundred Thousand Pesos (PhP100,000.00) per violation, exclusive of the value of damage and required rehabilitation or restoration costs as determined by relevant provisions of this Rule. The maximum penalty shall be imposed if the violator is a recidivist.

Rule 35. Misrepresentation. Any person or entity who submits false statements or misrepresents his application for entry permit, submits fraudulent certificates or documents shall be fined in the amount of not less than Ten Thousand Pesos (PhP10,000.00) but not more than Fifty Thousand Pesos (PhP50,000.00) per violation.

Rule 36. Aggravating Circumstances. In determining imposable fines within a given range, the maximum fine shall be imposed as may be applicable under the following circumstances:

- a. Multiple violations resulting in the commission of an offense
- b. Recidivism
- c. Attempt to flee apprehension
- d. Possession of unlicensed firearms
- e. Use of force or intimidation against TRNP enforcement officers

Chapter 5 - COMMON PENAL PROVISIONS

Rule 37. Solidary Liability. Boat owners/operators/charterers and boat managers of the vessel shall all be solidary liable for the payment of fines.

Rule 38. Additional Penalties. The TPAMB may impose the following additional penalties as they may deem appropriate:

- a. Reprimand;
- b. Cancellation of permit to operate for commercial tourism operators;
- c. Prohibition from operating within TRNP for one (1) year from the date of the imposition of the penalty for repeated violations;
- d. Non-renewal of permit to commercial tourism operators with a record of violations in other marine parks/reserves, upon the endorsement of DENR or a resolution from marine park' s/reserve' s management board; and/or
- e. Banning of individuals for acts such as repeated violations, acts affecting endangered species, and/or willful disregard of TPAMB notices or orders.

Rule 39. Waiver of Proceedings Before the TPAMB. Violators of these rules and regulations may opt to immediately pay the administrative fine, which shall constitute a waiver of the proceedings before the TPAMB Adjudication Board.

Chapter 6 - FINAL PROVISION

Rule 40. 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.

Rule 41. Repealing Clause. All orders, rules and regulations or parts thereof which are inconsistent with this order are hereby deemed repealed, amended or modified accordingly.

Rule 42. Effectivity. This Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation. Copies of the same shall likewise be deposited at Office of the National Administrative Registrar at the UP-Law Center, Diliman, Quezon City.

I hereby certify that the above-quoted Resolution has been duly approved and adopted by the TPAMB on 30th day of May 2017 at Puerto Princesa City.

ANGELIQUE M. SONGCO
Protected Area Superintendent