



# COMPLIANCE AND ENFORCEMENT PLAN 2024

Photo by Jon Cabiles

## Table of Contents

I.	BACKGROUND.....	1
II.	INTRODUCTION .....	2
III.	GOALS AND OBJECTIVES .....	5
IV.	STAKEHOLDER INVOLVEMENT .....	6
V.	ENFORCEMENT RESOURCES .....	7
VI.	RISK ASSESSMENT AND PRIORITIZATION.....	8
VII.	ENFORCEMENT STRATEGIES.....	14
VIII.	COMPLIANCE ASSISTANCE.....	15
IX.	MONITORING AND DATA COLLECTION .....	16
X.	REPORTING AND DOCUMENTATION .....	16
XI.	ENFORCEMENT PROCEDURES .....	17
XII.	COMMUNICATION AND PUBLIC RELATIONS .....	21
XIII.	EVALUATION, MONITORING, AND REVIEW .....	21
XIV.	CONCLUSION.....	22



## List of Acronyms

AIS	Automatic Identification System
ATBA	Area To Be Avoided
CEPA	Communication, education, and public awareness
DA-BFAR	Department of Agriculture - Bureau of Fisheries and Aquatic Resources
DAR	Daily Accomplishment Report
DENR	Department of Environment and Natural Resources
EPIRB	Emergency Position Indicating Radio Beacon
GIS	Geographic Information System
GPS	Global Positioning System
IMO	International Maritime Organization
IRR	Implementing Rules and Regulations
LGU	Local Government Unit
MPA	Marine Protected Area
MPRs	Marine park rangers
PASu	Protected Area Superintendent
PCG	Philippine Coast Guard
PCSD	Palawan Council for Sustainable Development
PN	Philippine Navy
POIC	Petty Officer In Charge
PSSA	Particularly Sensitive Sea Area
RA	Republic Act
SSB	Single-sideband
TAB	Tubbataha Adjudication Board
TMO	Tubbataha Management Office
TPAMB	Tubbataha Protected Area Management Board
TRNP	Tubbataha Reefs Natural Park
UNESCO	United Nations Educational, Scientific and Cultural Organization

# COMPLIANCE AND ENFORCEMENT PLAN 2024

## I. BACKGROUND

Tubbataha Reefs Natural Park (TRNP) is the Philippines' largest no-take marine protected area (MPA). It is located in the middle of the Sulu Sea, formerly under the political jurisdiction of the Municipality of Cagayancillo, Palawan. The park encompasses the Tubbataha atolls and Jessie Beazley Reefs and is renowned for its extraordinary biodiversity and vibrant marine life.

In the 1980s, the exceptional beauty and ecological significance of TRNP began to gain attention, particularly among divers and conservationists. UNESCO inscribed Tubbataha as a World Heritage Site in 1993, recognizing its outstanding universal value and highlighting its importance as a marine biodiversity hotspot. Tubbataha became a national marine park in 1988, becoming the Philippines' first and largest marine protected area, marking a pivotal juncture in the country's marine conservation efforts.

The Philippine government enacted Republic Act 10067, otherwise known as the TRNP Act of 2009, further strengthening the legal framework for protecting and managing TRNP. The Act established the Tubbataha Protected Area Management Board (TPAMB) for policy formulation and the Tubbataha Management Office (TMO) for operational management.

TRNP faces significant challenges and threats that require effective compliance and enforcement measures. Illegal fishing activities pose a serious threat to the park's biodiversity. These activities can result in the depletion of fish stocks, damage coral reefs, and disrupt the overall ecosystem balance. Additionally, marine debris, including plastics and other pollutants, can harm marine species, causing entanglement, ingestion, fatalities, and habitat degradation. The impacts of climate change, such as rising sea temperatures and ocean acidification, further exacerbate these threats, leading to coral bleaching and reduced coral growth and reproduction. Without proper enforcement, these challenges can have long-lasting and irreversible effects on the ecological integrity of TRNP.



*Fishing boat apprehended in TRNP in 2023.*

TRNP has experienced various violations, highlighting the need for a robust compliance and enforcement plan. For instance, illegal fishing activities have been detected within the park, resulting in the arrest and prosecution of illegal fishers. These violators faced incarceration and penalties, including confiscation of their fishing equipment. Another

example is the case of dive boat operators operating without the necessary permits and violating park regulations. A notice of violation and penalties for non-compliance were levied. These examples demonstrate the consequences of non-compliance with TRNP regulations and the importance of effective enforcement in maintaining the park's integrity.

TRNP is a national treasure and a critical component of the Coral Triangle, the global center of marine biodiversity. The park contributes significantly to the study of coral reef ecosystems and serves as a vital breeding ground for various marine species. A robust enforcement plan is therefore critical to maintain the integrity of the park.

## **II. INTRODUCTION**

### **1. Purpose of the Compliance and Enforcement Plan**

To establish a comprehensive framework to ensure the effective protection and sustainable management of the Tubbataha Reefs Natural Park (TRNP). Specifically, the plan aims to:

- Provide clear guidelines and procedures that are fair and reduce the risk of arbitrary decisions;
- Encourage compliance by making expectations transparent and explaining the consequences of non-compliance;
- Provide a structured framework for handling violations;
- Establish accountability for enforcers and the regulated community.

The above will lead to a more efficient and timely resolution of issues. Consistently applying penalties or consequences serves as a deterrent, discouraging park users from violating rules or regulations. Transparent and accountable enforcement procedures can build trust in park authorities. Consistent and fairly enforced rules encourage trust in the system and foster voluntary compliance. This plan will help ensure compliance with legal requirements and due process rights, reducing the risk of legal challenges.

### **2. Scope and Applicability**

This plan's geographic scope comprises the entire Tubbataha Reefs and its buffer zone. It applies to all entities and individuals operating inside TRNP, the jurisdiction of the TPAMB, and the Tubbataha Management Office (TMO), regardless of ownership or legal status, such as dive boat operators, visitors, researchers, and other TRNP users.

This plan is effective as of January 2024 and will remain in effect until modified, revoked, or revised with the authority of the TPAMB.

### 3. Legal and Regulatory Framework

The legal and regulatory framework of Tubbataha Reefs Natural Park (TRNP) provides a robust foundation for effective law enforcement and environmental protection. Central to this framework is Republic Act 10067<sup>1</sup>, otherwise known as the TRNP Act of 2009, which legally establishes the park's boundaries and mandates the creation of the Tubbataha Protected Area Management Board (TPAMB) and the Tubbataha Management Office (TMO). The TPAMB is responsible for policy formulation, while the TMO handles the day-to-day operations, including law enforcement activities.

A comprehensive Implementing Rules and Regulations (IRR), Administrative Order No. 01 Series of 2024<sup>2</sup> that specify specific enforcement procedures, fines for violations, and the responsibilities of various stakeholders support this legislation. Other TPAMB issuances, such as the Rules of Procedure for Adjudicating Administrative Cases before the Tubbataha Adjudication Board (TAB Rules of Procedure)<sup>3</sup>, TRNP Tourism Guidelines<sup>4</sup>, and TPAMB Resolutions guide the conduct of activities in TRNP.

### 4. Authority and Jurisdiction

Pursuant to RA 10067 (Section 10), the TPAMB is the sole policy-making and permit-granting body of the TRNP. It is charged with decision-making on budget allocations and disbursements, promulgating rules and imposition of penalties, monitoring and evaluation, managing the TRNP Trust Fund, and exercising quasi-judicial functions.

The TMO, represented by the PASu, is fully responsible for protecting resources within TRNP. Section 14(g) of RA 10067 assigns the PASu to 'enforce the laws, rules, and regulations, and TPAMB resolutions relevant to TRNP, file complaints, and assist in the prosecution of offenses.'

The Tubbataha Adjudication Board (TAB), a quasi-judicial body of the TPAMB established in accordance with Section 13(I) of RA 10067, is tasked with hearing and resolving administrative cases.

The Philippine Navy, Philippine Coast Guard, and the Municipality of Cagayancillo assign personnel to TRNP on secondment to conduct law enforcement pursuant to Section 35 of RA 10067. The PASu supervises these personnel, a composite team of law enforcers called marine park rangers. They enforce the provisions of RA 10067, its IRR, and other park policies in accordance with the Compliance and Enforcement Plan.

---

<sup>1</sup> Republic Act 10067. <https://www.officialgazette.gov.ph/2010/04/06/republic-act-no-10067/>

<sup>2</sup> TPAMB Administrative Order No. 01 series of 2024 or the Revised Implementing Rules and Regulations of Republic Act 10067

<sup>3</sup> Revised Rules of Procedure for the Adjudication of Cases Before the Tubbataha Adjudication Board (TAB)

<sup>4</sup> TRNP Tourism Rules and Regulations

## 5. Enforcement Powers

The TMO and its marine park rangers have the power to:

- Enforce TRNP laws, rules, and regulations, and TPAMB resolutions and issuances;
- Conduct regular patrols to monitor activities and ensure compliance with regulations;
- Inspect any vessel within TRNP;
- Conduct searches and seize equipment or items used in the commission of a violation;
- Issue notices of violation and citations;
- Make arrests for violations of relevant laws;
- File criminal and/or administrative cases against violators;
- Require corrective actions to mitigate environmental harm.

## 6. Due process and legal safeguards

All enforcement actions conducted by TMO and its marine park rangers shall adhere to the principles of due process, ensuring that individuals and entities subject to enforcement could:

- Be informed of their Miranda rights;
- Present evidence and arguments;
- Receive a fair and impartial hearing;
- Appeal enforcement decisions through established procedures.

When environmental issues involve multiple regulatory authorities (e.g., TPAMB, national agencies, and local government units), the TMO and said agencies shall collaborate and coordinate efforts to achieve effective and consistent enforcement.

The legal and regulatory framework may change due to legislative updates or revisions in TPAMB policies and/or environmental laws and regulations. The TMO shall periodically review and amend this enforcement plan to align with evolving legal requirements.

### III. GOALS AND OBJECTIVES

This plan aims to contribute to achieving the TPAMB vision through compliance and enforcement. It provides guidance on the enforcement functions of marine park rangers (MPRs) and TMO staff, determines resource requirements for effective enforcement, and provides protocols for performing these functions.

**Vision: A World Heritage Site that is effectively conserved to maintain ecological integrity, contributing to the equitable distribution of benefits, and sustained socio-economic development of present and future generations.**

This document was prepared with an iterative and incremental approach to planning in mind because the TRNP compliance and enforcement strategy cannot identify, anticipate, and correct every violation.

<b>Goal 1: Ensure compliance with TRNP rules and regulations</b>
Conduct regular patrols and inspections to verify compliance with park regulations.
Promote voluntary compliance by encouraging park users to adopt environmentally friendly practices and technologies to reduce environmental impacts.
Raise awareness through public outreach and distribution of information materials to educate industries, businesses, and the public about park regulations and the importance of compliance.
<b>Goal 2: Conduct timely and effective enforcement actions</b>
Investigate violations promptly to determine the extent of non-compliance.
Issue notices to non-compliant entities, clearly stating the nature of the violation and the required corrective actions. (Refer to TAB Rules of Procedure)
Enforce penalties and fines on entities for violations within the specified timeframes in consonance with the TAB Rules of Procedure.
<b>Goal 3: Maintain or improve ecosystem health</b>
Improve detection of illegal users through regular patrols, use of enforcement technology, and reporting by park users;
Reduce violations by collaborating with park users to develop and implement plans and formulating new guidelines, where necessary;
Engage the regulated community through meetings, forums, and feedback sessions to gather input and address concerns.



## **IV. STAKEHOLDER INVOLVEMENT**

### **1. Stakeholders affected by or involved in enforcement**

Numerous stakeholders—individuals, groups, and entities—are either interested in, affected by, or involved in the enforcement of TRNP. Effective communication, coordination, and stakeholder engagement are crucial for successful enforcement efforts.

- Park Authorities, including the TPAMB, TMO, and marine park rangers (MPR). The TPAMB is responsible for creating policies, the TMO is responsible for implementing and overseeing the enforcement of these policies, and the MPRs are the frontline enforcers in the park.
- Enforcement Officers from other agencies, pursuant to RA 10067 Section 35, include the Armed Forces of the Philippines through the Philippine Navy, the Philippine National Police, the Philippine Coast Guard, the law enforcement officers of the DENR and the DA-BFAR, PCSD officials and staff, local government unit (LGU) officials, law enforcement officers of LGUs, and other deputized environment and natural resources officers. Any of the above persons and entities are authorized to file administrative cases before the proper agencies and bodies or initiate criminal proceedings per the Rules of Court for offenses committed within the TRNP.
- Legal counsel are the attorneys or legal teams representing the TRNP (prosecution) and the accused (defense) in enforcement proceedings. The court and judges are also stakeholders that ensure that laws and regulations in TRNP are enforced while upholding due process and legal rights and are responsible for hearing and resolving enforcement cases when they escalate to the legal system.
- The public, including community members, the media, and the press, can report violations, provide input, and cover enforcement actions, bringing public attention to violations and their consequences.

### **2. Methods for engaging stakeholders in the enforcement process**

TMO shall engage stakeholders in the enforcement process to engender transparency, fairness, and trust, thereby enhancing compliance. These shall be achieved through public consultations, focus group discussions, seminars, workshops, webinars, Communication, education, and public awareness (CEPA), participatory decision-making, and social media and online engagement.

## V. ENFORCEMENT RESOURCES

### 1. Personnel and staffing requirements

The PASu supervises and oversees enforcement activities, organizes teams, and ensures compliance with policies and procedures. TMO's skeletal marine park ranger complement is augmented by personnel from the Philippine Navy, the Philippine Coast Guard, and the Municipality of Cagayancillo. They are assigned to TRNP to enforce laws, rules, and regulations. A legal counsel is engaged to provide legal guidance, interpret regulations, prepare enforcement actions, and represent the TMO in legal proceedings.

Administrative staff assists in maintaining records, processing paperwork and documentation, and managing administrative tasks related to enforcement. Technical specialists with expertise in relevant fields, e.g., environmental science, mapping, and enforcement, are sometimes required to assess compliance and provide technical guidance. CEPA personnel help educate the public and stakeholders about regulations, compliance requirements, and enforcement actions.

### 2. Budget and funding considerations

The table below shows the five-year projection of the budgetary requirements to conduct the same enforcement effort from 2024 to 2028. A (5%) increment compounded annually was factored into the computation. For 2024, the enforcement budget comprises 28% of the annual cost of managing Tubbataha. This budget does not include compliance activities such as CEPA, networking, and collaboration, which have a separate budget.

Table 1. Projected 5-year enforcement budget, 2024-2028

	2024	2025	2026	2027	2028	TOTAL
TMO MPR salaries and allowances	2,209,780	2,320,269	2,436,282	2,558,096	2,686,001	12,210,428
PN/PCG, Cagayancillo allowances	574,103	602,808	632,949	664,596	697,826	3,172,283
Legal counsel	198,450	208,373	218,791	229,731	241,217	1,096,562
Patrol costs (fuel, oil, and lubricants)	529,200	555,660	583,443	612,615	643,246	2,924,164
Repair and maintenance of field equipment	165,375	173,644	182,326	191,442	201,014	913,801
Field supplies and materials	365,148	383,405	402,576	422,704	443,840	2,017,673
Ranger station maintenance costs	110,250	115,763	121,551	127,628	134,010	609,201
Relieving trip costs	2,915,451	3,061,224	3,214,285	3,374,999	3,543,749	16,109,707
Cost of persecution	551,250	578,813	607,753	638,141	670,048	3,046,004
Disaster risk reduction related expenditures	771,750	810,338	850,854	893,397	938,067	4,264,406
Field equipment (patrol boat, surveillance, communication)	220,500	3,777,631	1,215,506	1,850,608	2,630,956	9,695,202

TOTAL	8,611,257	12,587,926	10,466,316	11,563,958	12,829,974	56,059,431
-------	-----------	------------	------------	------------	------------	------------

### 3. Equipment and technology needs

Due to TRNP's isolation, communication and data management technology such as computers and laptops, internet access, marine band radio, SSB radio, and mobile devices are crucial for maintaining constant contact with field staff. Digital cameras, GPS devices, radars, the Automatic Identification System, sensors and monitoring equipment (EPIRB), and GIS software are also critical.

Patrol boats with dependable engines are the lifeblood of marine law enforcement. Regular maintenance and updates are necessary to ensure the utility and dependability of these tools, equipment, and technologies.

### 4. Building capacity to enforce

It is necessary to maintain the skills of the MPRs in conducting investigations, collecting evidence, and preparing documents for prosecution for a robust enforcement system. TMO staff also needs training in compiling the necessary documents for filing cases in Court and improving its performance as the secretariat of the TAB.

## VI. RISK ASSESSMENT AND PRIORITIZATION

This section assesses and prioritizes the risks that threaten the park, its visitors, and the marine park rangers (Annex 1). Effective strategies and measures to mitigate and manage these risks can be developed by identifying and understanding them. The risks to Tubbataha have been divided into five (5) categories: ecological integrity, environment, operations, socio-political factors, and health and safety.

### RISK ASSESSMENT

#### 1. Potential violations and risks to Ecological Integrity

These risks all pose significant threats to the ecological integrity of TRNP.

- **Illegal Fishing:** Illegal fishing is one of the most significant risks. Although now largely abated, the potential for illegal fishers to encroach into the park is high as fisheries productivity continues to decrease elsewhere. This includes collecting or harvesting any species within Tubbataha, as the park is a no-take zone. Illegal fishing will not only have detrimental effects on the ecological state of the park, but it will also erode public trust in the park administration's capacity to safeguard Tubbataha, thereby negatively affecting compliance.
- **Ship Groundings:** Due to its location on a busy shipping lane and the frequency of visits by dive boats during the tourism season, the risk of ship groundings is significant. Despite modern maritime technology and regulations significantly

reducing such incidents, human error, unpredictable weather conditions, and the sheer volume of marine traffic can still pose a substantial risk. An oil spill from a ship grounding can have devastating environmental and economic consequences. Its impact on marine life can be long-lasting and difficult to mitigate. The cost of cleanups can be incredibly high, often reaching millions or even billions of pesos.

- **Pollution and Marine Debris:** Pollution from ships, including oil spills and marine debris like plastic waste, can lead to the destruction of coral reefs, negatively impacting the biodiversity and ecological balance of the marine ecosystem. Tourists and boats may contribute to littering and pollution problems, with improper waste disposal leading to pollution and harm to marine life.
- **Unregulated Tourism Activities:** The park receives thousands of visitors, and unregulated tourism activities, such as irresponsible diving practices, can damage coral reefs and disturb marine habitats. TMO relies on scuba diving operators and professionals to strictly enforce rules; thereby, close collaboration with this sector is crucial to preventing harm from tourism.
- **Violation of Park Rules and Regulations** includes entering restricted zones, entering the park without a permit, and other activities contravening park regulations. The inability to enforce park rules will have an impact on compliance as violators will think they can contravene rules without consequences.

## 2. Environmental risks

- **Harsh Weather Conditions:** The enforcement personnel often work in challenging weather conditions, such as strong winds, heavy rain, thunderstorms, and rough seas. These conditions can make their work more dangerous and increase the likelihood of accidents or injuries.
- **Remote Location:** In an emergency, the remote location of TRNP can hinder the timely arrival of rescue teams and necessary equipment or evacuation of personnel. The long distances and limited transportation options, especially in rough sea conditions, make it challenging to quickly reach the site, potentially putting lives at risk and exacerbating the consequences of the emergency.
- **Interaction with Marine Wildlife:** Law enforcement personnel at TRNP have encountered various marine wildlife that pose risks to their safety. A fish bite severely injured one MPR, necessitating an immediate hospital evacuation to Puerto Princesa. After being stung by a sting ray, another MPR experienced excruciating pain for several days and was put on medication at the ranger station. Additionally, jellyfish stings are common, causing severe pain and sometimes allergic reactions that require medication.

The environmental risks faced by enforcement personnel at TRNP can have serious consequences. Injuries or accidents resulting from harsh weather conditions or encounters with marine wildlife can lead to physical harm, medical emergencies, or even the loss of life. These risks impact the personnel involved



and the overall effectiveness and efficiency of law enforcement operations at the park.

### 3. Operational Risks

- **Resource Limitations:** Limited resources in terms of workforce, equipment, and boats can hinder effective patrolling and enforcement activities. For example, with a limited number of law enforcers, it is difficult to cover a large area, increasing the risk of undetected fishing and other illegal activities.
- **Navigational Hazards:** The complex underwater topography of Tubbataha poses navigational hazards, increasing the risk of boat accidents. Moreover, the currents and sea conditions in and around Tubbataha can be unpredictable and can vary significantly with weather changes, adding to the navigational risks. Unfavorable weather conditions, such as storms or high winds, can exacerbate these challenges, making it difficult for vessels to maneuver safely.
- **Equipment Failure:** Dependence on equipment such as boats, communication devices, and surveillance technology means that any failure can severely impair enforcement operations.
- **Risk of Confrontation:** Encounters with illegal fishers or other violators can lead to confrontations, potentially escalating into dangerous situations.

### 4. Socio-political Risks

This type of risk is related to the impact of political and social factors on the operations of TMO. These factors may include changes in government policies, social unrest, political instability, and other external factors that can affect the ability of MPRs to perform their functions effectively.

- **Resistance from Regulated Communities:** Enforcement actions can sometimes face resistance from regulated communities, especially if they feel their livelihoods are threatened. Illegal fishers have been known to attempt to elude arrest, requiring additional effort and risk in the arrest process.
- **Political Pressure:** Enforcement officers may face pressure, especially in cases involving high-profile violators or politically sensitive issues.
- **Corruption Risks:** There is always a risk of corruption in law enforcement. This may involve bribery, extortion, misuse of authority, falsification of records, collusion with dive operators or fishers, and impeding investigations. Corruption erodes public trust, which is critical for compliance.

### 5. Health and Safety Risks

- **Physical Strain and Mental Stress:** The demanding nature of the job, including long hours and exposure to the elements, can lead to physical and mental health

issues. This can result in increased absenteeism, decreased productivity, and even burnout among enforcement officers.

- **Accidents and Injuries:** The risk of accidents and injuries is inherent in marine law enforcement due to boarding vessels, skin, and scuba diving, and navigating rough waters.

## **RISK PRIORITY BASED ON SEVERITY AND IMPACT**

Each risk factor is evaluated based on three criteria:

- **Impact (1-5):** This rates the severity of the impact of the risk factor, where 1 is the lowest impact and 5 is the highest.
- **Likelihood (1-5):** This rates the probability of the risk factor occurring, where 1 is the least likely and 5 is the most likely.
- **Level of Control (1-3):** This assesses the level of control over the risk factor, where 1 is the least and 3 is the most control.

For the Level of Control, (Low) Level 1 rating means there is little or no control over the risk, often external or inherent, requiring significant effort to develop effective controls, e.g., typhoons.

Level 2 (Moderate) rating means there is some control over the risk, but it is not fully managed. Existing measures may reduce the risk somewhat, but improvement is still needed. These are risks with established but potentially incomplete mitigation strategies, such as operational risks with partial safety protocols.

Level 3 (High Control) are those where effective measures and strategies have been implemented to manage risk, resulting in a significant reduction in its likelihood and/or impact. This means that TMO has put in place strong and effective controls that are working as intended. A well-enforced workplace safety policy that effectively reduces the risk of accidents is an example of a risk with a high level of control.

The 'Risk Score' was calculated by multiplying the Impact and Likelihood ratings to prioritize the risks. A higher Risk Score indicates a higher priority risk. The Level of Control is used as an additional factor to determine how much attention and resources should be allocated to mitigate each risk.

Each category lists the risks in descending order of priority based on their Risk Scores. The prioritized risks within each category are as follows:

## 1. Ecological Integrity

Pollution and Marine Debris ranked the highest because of their widespread impact on wildlife through ingestion and entanglement, indicating a significant ecological threat.

Damages to the Reefs. Recovery from the impacts of reef damage takes many years despite the size of the area damaged, hence the second highest risk score in this category.

Risk	Impact	Likelihood	Risk Score
Pollution and Marine Debris	4	4	16
Damages to the Reefs	4	2.5	10
Fishing	3	3	9
Oil Spill	5	1.5	7.5
Violation of TRNP Tourism Guidelines	3	2.5	7.5

Fishing. The decline in biomass due to fishing is not immediate but will follow. The likelihood is also quite high as fisheries are in decline, but the risk is somewhat mitigated by enforcement capabilities.

Oil Spill is recognized as having the highest impact because it can cover a large area and significantly impact wildlife. The likelihood is lower because the park is a PSSA and an Area to be Avoided by international ships. The level of control is also low (1.5) despite the regulations that are in place.

Violation of TRNP Tourism Guidelines. The impact is lower due to the low number of tourists, the limited tourism window, and the regulated tourism activities.

## 2. Environmental Risks

Remote Location also poses a threat to life, property, and enforcement effectiveness, e.g., during medical emergencies, equipment derangement, and timely transport of violators to the mainland for prosecution, emphasizing its critical nature.

Harsh Weather Conditions can directly threaten life, making it a high priority due to its severe impact on safety. Due to climate change, the likelihood of harsh weather conditions is increasing while the level of control over these conditions is low.

Risk	Impact	Likelihood	Risk Score
Remote Location	4.5	5	22.5
Harsh Weather Conditions	5	3	15
Interaction with Marine Wildlife	1.5	2	3

Interaction with Marine Wildlife has the lowest risk score because these are isolated cases, and there are few potential victims. The level of control can be moderated by the observance of protocols and the use of proper equipment.

### 3. Operational Risks

Equipment Failure, especially in the case of the patrol boat, while navigating outside the park has a high impact on safety. The likelihood of it happening is moderate because of regular maintenance and the level of control is also high by ensuring regular servicing and replacement of necessary parts.

Navigational Hazards, like floating debris, can cause equipment malfunction, leading to significant operational risks.

Piracy and Terrorism can have a very high impact not because it is a threat to life, but also because it can cause significant harm to the image of the park among tourists and cause visitations to plummet. The likelihood is low because the Armed Forces of the Philippines has established 'choke points' in the Sulu Sea that serve as points of control and bottleneck for the movement of forces by perpetrators.

Resource Limitations can hinder enforcement and conservation efforts, but the likelihood is low because, so far, financial resources have been replenished before they are depleted. The level of control is moderated by the availability of funds and support from various sources.

Risk of Confrontation with tourists or fishers can be a threat to life, but the likelihood is low because there are limited encounters with violators of park rules. The level of control is moderate because of the presence of armed personnel from the Philippine Navy and the Philippine Coast Guard.

Risk	Impact	Likelihood	Risk Score
Equipment Failure	4.5	2.5	11.25
Navigational Hazards	3.5	2.5	8.75
Piracy and Terrorism	5	1.5	7.5
Resource Limitations	4	1.5	6
Risk of Confrontation	4	1.5	6

### 4. Socio-Political Risks

Risk	Impact	Likelihood	Risk Score
Resistance from Regulated Community	3	2.5	7.5
Corruption Risks	3.5	2	7
Political Pressure	2.5	1.5	3.75

Resistance from Regulated Communities in terms of compliance with regulations may not directly threaten life but can significantly disrupt operations. The level of control is somewhat high (2.5) because of the amicable relations of park authorities

with the diving community.

Corruption Risks can erode the trust of partners and donors, thereby affecting funding from external sources. Its impact on organizational integrity can, therefore, affect operations. The level of control is quite high (2.5) as processes are transparent and ranger morale is high.



Political Pressure is minimized, but not totally eliminated, by virtue of PAMB's multisectoral setup, indicating lower impact. However, the level of control over this risk is low.

## 5. Health and Safety Risks

Due to the remote location of Tubbataha, accidents and injuries can be extremely dangerous and life-threatening. The absence of a well-equipped medical facility in the area further emphasizes the critical nature

of any medical emergency. However, the likelihood of such emergencies is relatively low as tourists, boat operators, and marine park rangers are careful and cautious knowing the vast distance to the nearest medical facility.

Risk	Impact	Likelihood	Risk Score
Physical Strain and Mental Stress	3	4	12
Accidents and Injuries	4	3	12

Working outdoors in rough sea conditions can result in physical strain and mental stress for MPRs. While physical injuries are a common risk for MPRs, mental stress is also likely due to long periods of isolation from family and friends, as well as the spartan living conditions and very limited diet during duty. Although physical strain and mental stress may have a slightly lower impact than other risks, they are more likely to occur as a result of the demanding work environment.

## VII. ENFORCEMENT STRATEGIES

### 1. Overview of enforcement approaches and philosophies

These principles guide the enforcement of rules, regulations, laws, or policies in TRNP. They help ensure enforcement actions are consistent, fair, effective, and serve the public interest.

- **Preventive enforcement:** The primary enforcement strategy in TRNP is to prevent environmental harm before it occurs. Precautionary measures will be taken to protect the park, acknowledging that uncertainties are inevitable in conservation and that harm should be prevented rather than waiting for conclusive evidence of harm. TMO will proactively work to prevent violations through education, outreach, and compliance assistance. Enforcement actions should deter future violations, discouraging individuals and entities from engaging in unlawful behavior.
- **Proportionality:** Enforcement actions should be proportionate to the severity of the violation. Graduated responses, starting with warnings or corrective actions and escalating as necessary, are articulated in the TAB Rules of Procedure and the Implementing Rules and Regulations of RA No. 10067.

- **Transparency:** Enforcement processes and decisions should be transparent and open to scrutiny. Affected parties should be informed about the basis for enforcement actions.
- **Accountability:** Law enforcers shall be accountable for their actions and decisions. Mechanisms for reviewing and appealing enforcement actions are articulated in the TAB Rules of Procedure.

## 2. Use of warnings, fines, penalties, and other enforcement mechanisms

- **Use of Warnings:** For first-time offenders, the PASu may issue a warning to the individual or entity, requiring immediate corrective actions.
- **Fines and Penalties:** Heavy fines may be imposed on individuals or entities that violate park rules and regulations after being issued a warning for whatever offense, with penalties increasing for repeated offenses.
- **Other Enforcement Mechanisms:** The TPAMB may ban individuals or entities for violations, mainly where aggravating circumstances apply, as other TPAMB issuances provide. Section 13: Tourism Guidelines - In determining imposable fines within a given range, the maximum fine shall be imposed as may be applicable under the following circumstances:
  - i. Multiple or successful violations
  - ii. Recidivism
  - iii. Attempt to conceal a violation
  - iv. Possession of unlicensed firearms
  - v. Use of force or intimidation against marine park rangers

## VIII. COMPLIANCE ASSISTANCE

### 1. Communication, Education, and Public Awareness (CEPA) for promoting compliance

Visitors and stakeholders within the TRNP must adhere to sustainable tourism and marine conservation regulations. CEPA will be the primary tool for creating a culture of compliance and responsible behavior. Educational activities will include briefings before departure for the park, focusing on rules and regulations. Social media will also be used. Fliers and brochures will be created and distributed as needed, and trainings and workshops for dive operators and professionals will be conducted.

Feedback channels for visitors will be established to allow them to report violations or provide suggestions. Feedback will identify areas for improvement in park management, enforcement, and communication and education strategies.

## **2. Provide resources and guidance to help individuals or organizations meet requirements**

To support park users and facilitate compliance with regulations and standards, TMO shall provide updated information materials and digital resources that clearly outline requirements and expectations.

For better understanding, TMO will create infographics and easy-to-understand flow charts of key compliance aspects. Stakeholders will be informed about changes in regulations or standards through various means of communication. All necessary documentation, guidelines, and resources will be easily accessible and available in multiple formats for diverse audiences.

TMO shall facilitate stakeholder collaboration by organizing forums, roundtable discussions, or networking events where experiences and insights can be shared. The TMO Tourism Officer shall serve as the point of contact for assistance with compliance-related inquiries and feedback from stakeholders for continuous improvement.

## **IX. MONITORING AND DATA COLLECTION**

### **Establish systems for monitoring compliance and violations**

Regular vessel inspections will be conducted to assess compliance with park rules, such as permitting, waste disposal practices, and habitat protection measures. Remote sensing technologies, such as radar, AIS, and the like, will be employed to monitor the presence and location of dive boats.

An effective mechanism will be implemented to enable authorized users to report incidents or suspected violations promptly. All users are encouraged to monitor activities through citizen science initiatives to ensure a broad network of observers.

The TMO shall foster collaboration with environmental regulatory agencies, law enforcement, and relevant authorities to coordinate compliance monitoring.

## **X. REPORTING AND DOCUMENTATION**

TMO shall implement robust record-keeping and reporting procedures to maintain transparency, accountability, and continuous improvement in its compliance and enforcement efforts. To this end, it shall:

- Maintain a secure and centralized database system to store records, accessible only to authorized personnel. Develop clear and detailed procedures for recording and documenting all compliance and enforcement activities, including violations and actions taken.

- Regular Reporting on Enforcement Activities and Outcomes. MPR teams must report their enforcement activities after every two-month tour of duty. Reports shall include details on the number and types of violations identified and enforcement actions taken.

Enforcement reports from MPRs shall be disseminated to the Tubbataha Management Office, the Philippine Navy, the Philippine Coast Guard, and other relevant response and enforcement agencies through telephone and/or in writing.

The CEPA unit shall develop and implement a communication strategy to transparently convey enforcement activities and outcomes to external stakeholders.

## **XI. ENFORCEMENT PROCEDURES**

### **GENERAL PROTOCOLS AND STANDARDS**

- A composite team of MPRs shall conduct all patrols, inspections, arrests, and seizures in TRNP and serve as witnesses in the event of prosecution.
- All vessels entering TRNP shall be inspected to ensure compliance with regulations.
- MPRs shall always be professional and firm but courteous when dealing with all park users.
- MPRs shall be in proper TRNP uniform during enforcement and education activities. Complete agency uniforms may be worn during enforcement.
- During arrests, TMO, and Cagayancillo rangers are primarily charged with the use of GPS and cameras to establish coordinates and take photo documentation. PN and PCG rangers are tasked to secure the apprehended individuals and the enforcement team.
- A GPS, handheld marine band radio, and firearms are requisite equipment in the conduct of patrols, inspections, arrests, or while escorting the accused to Puerto Princesa.
- While rangers are provided with guidance as to their primary responsibilities during arrests, the team, headed by the POIC, may make judgment calls depending on his assessment of the situation and the individual capacities of his men.
- All violations and enforcement incidents shall be communicated to TMO promptly. Similar reports shall be sent to the PN, PCG, and the Western Command.
- The Daily Accomplishment Report (DAR) (Annex 3) shall be submitted to TMO after each tour of duty.



- Vessels approaching or that have entered the TRNP PSSA and Area to be Avoided (ATBA) shall be notified immediately (Annex 2). Evidence shall be gathered to support the possible launching of a formal complaint with the International Maritime Organization through the Department of Foreign Affairs.

**Personnel.** The minimum required MPR in TRNP is eight. This allows for the maintenance of a basic team of four at TRNP, even when four personnel are dispatched to Puerto Princesa to file cases in Court. However, more personnel are required during the scuba diving season due to the additional load attendant to visitor management.

**Trainings.** All personnel shall undergo the Comprehensive Training for Marine Park Rangers in TRNP (Annex 4) before assignment to TRNP to standardize the understanding of the MPRs of their role in the park. The comprehensive training shall be conducted once a year, if possible, to maintain the manpower pool of PN, PCG, and Cagayancillo personnel in response to attrition due to retirement, reassignment outside of Palawan, or separation from the agency. Periodic enforcement clinics need to be conducted to intensify lessons learned in actual enforcement situations.

**Equipment and Maintenance.** Two (2) is the minimum number of patrol boats in TRNP for efficient and safe enforcement. Redundant equipment is critical to ensuring the safety of personnel at sea. At least one patrol boat shall be powered by a twin engine.

Outboard engines are to be replaced every three (3) years to eliminate the possibility of equipment malfunction while on patrols. Regular maintenance of engines shall be conducted based on guidelines and schedules set in the engine user's manual. TMO personnel shall lead maintenance work. Regular maintenance of all boat hulls shall be performed, especially scraping hulls to avoid fouling.

In unavoidable circumstances, the twin-engine patrol boat may transport passengers or cargo to Puerto Princesa (PPC) if it has had no former derangements. At no instance shall a single-engine patrol boat be used to make the crossing to PPC. At no instance shall the crossing be made after 10 a.m. to ensure arrival at the destination before dark.

Radar is to be used for wider-scale surveillance and to reduce fuel and other costs for seaborne patrols. Surveillance through radar shall be done at least once every three (3) hours or as the power supply allows. A record of watercraft sighted within the range of the radar, including passing ships, shall be logged in the DAR. The radar shall be calibrated at least once every five (5) years.

An Automatic Identification System (AIS) shall be used to identify vessels and their position in or around TRNP. During the tourism season in TRNP, the AIS shall be kept on at all times.

Equipment such as single sideband, marine band, handheld radio, satellite phone, and Starlink system are provided to facilitate communication between the TMO, MPRs, partner agencies, and personal contacts of MPRs. Regular maintenance of wires and

cables, discs, and other paraphernalia is the task of TMO MPRs and shall be conducted regularly.

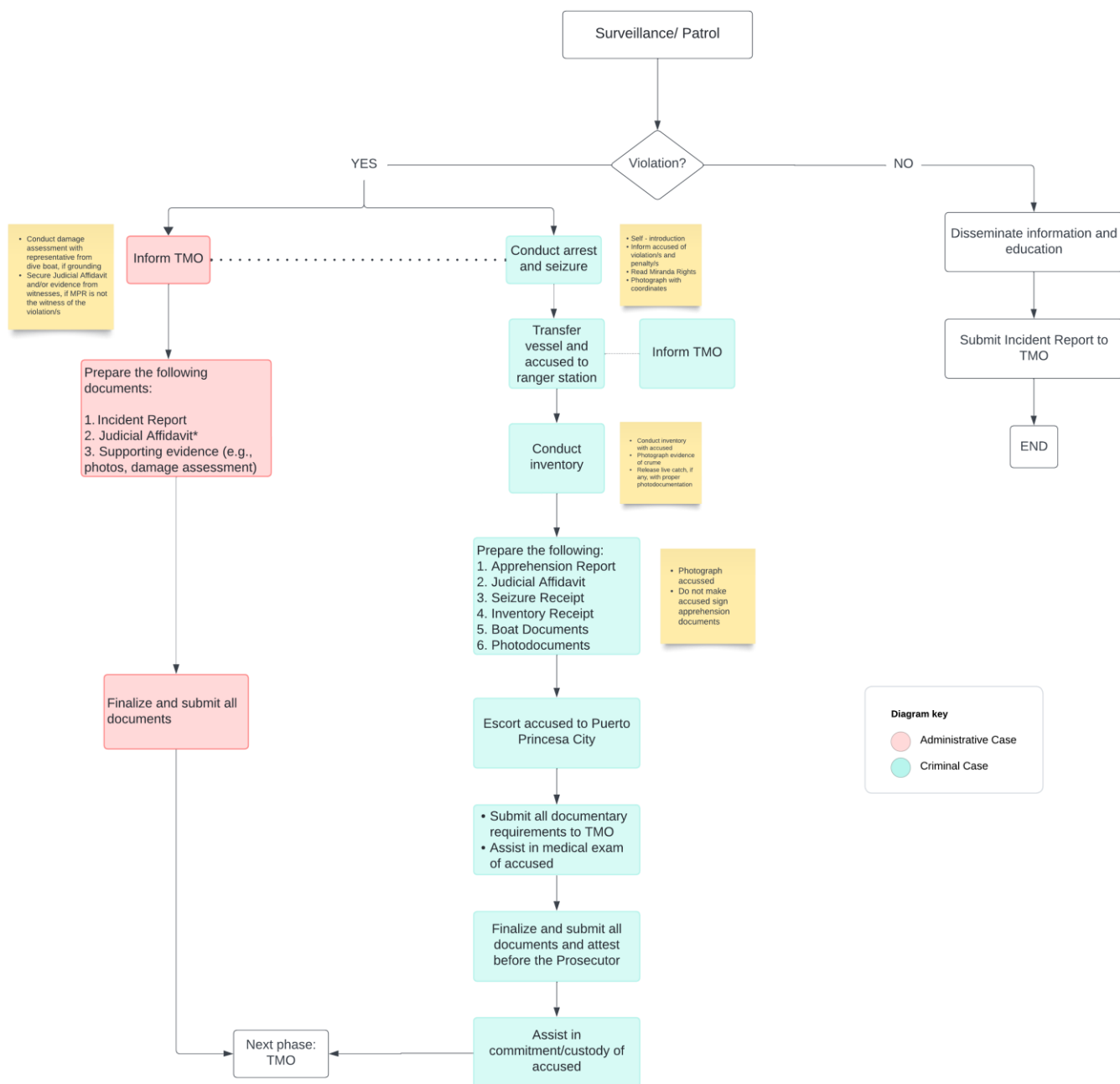
**Patrols and Surveillance.** The safety of life and property is paramount in conducting patrols and all other enforcement activities. The purpose of patrols is to increase the probability of detecting violators and halting environmental harm. When intelligence reports are received, targeted patrols shall be undertaken to validate reports and effect arrests when necessary. The minimum number of patrols is as follows: eight patrols per month to the South and North Atolls. Patrols to Jessie Beazley Reef (JBR) shall be conducted at least twice a month.

It is understandable that minimum patrol requirements may not be achieved in inclement weather conditions. However, when weather conditions permit, effort must be exerted to reach at least 20 patrols per tour of duty.

*Table 2. Schedule of Regular Enforcement Activities*

Activity	Frequency	Means of Verification
Patrols to North Atoll	8 x per tour of duty	DAR, photo documentation, Incident Report
Patrols to South Atoll	8 x per tour of duty	
Patrols to Jessie Beazley	4 x per tour of duty	
Radar surveillance	Every 3 hours	
AIS surveillance	24 hours	
Boarding of vessels	Every entry	
Notification to mariners	Violation of PSSA measures	

## General Enforcement Procedures (Marine Park Rangers)



\*Marine Park Rangers/Witness

**Chain of Command.** The composite team of marine park rangers in Tubbataha shall be primarily responsible for executing enforcement procedures. The POIC shall oversee all enforcement actions by assigning tasks and ensuring inclusive decision-making processes, taking into account the different levels of expertise of the composite team members.

The PASu shall determine the enforcement strategy with the POIC's inputs, the current situation, and the resources at hand and coordinate with pertinent enforcement bodies as required.

## **XII. COMMUNICATION AND PUBLIC RELATIONS**

### **1. Develop a communication strategy for enforcement actions**

Enforcement actions shall be clearly and accurately conveyed to the public through various channels to ensure transparency and to foster public understanding and support for conservation efforts.

### **2. Addressing Public Concerns and Inquiries**

A team headed by the PASu will be responsible for handling questions from the public and providing timely and accurate information. Regular updates will be organized to keep the community informed about ongoing enforcement activities, policy changes, and the impact of these actions on the preservation of Tubbataha to build and maintain trust with the public and ensure their active participation in conservation efforts.

## **XIII. EVALUATION, MONITORING, AND REVIEW**

This plan shall be evaluated, monitored, and revised to ensure that it remains effective and relevant. This will include actively soliciting feedback from a broad range of stakeholders. Additionally, insights from regulatory bodies will be sought to provide diverse perspectives on TMO's enforcement practices.

Periodic audits, reviews, and clinics of enforcement procedures and incidents shall be done to identify gaps or inefficiencies, both in successful and unsuccessful cases. Furthermore, there is an emphasis on the rigorous review of documentation related to enforcement actions to ensure accuracy, completeness, and adherence to established standards. This review process shall serve as a key resource for evaluating the effectiveness of each step in the enforcement process.

To facilitate continuous improvement, there shall be ongoing training for enforcement personnel, tailored to specific needs identified through the evaluation process. Collaboration with legal experts to stay informed about legal changes and improve enforcement performance through clinics and audits shall be conducted regularly and after major enforcement actions.

Finally, the Compliance and Enforcement Plan shall undergo a comprehensive review every five (5) years, or more frequently if necessary. The review shall be informed by data on enforcement outcomes, compliance trends, and stakeholder feedback.

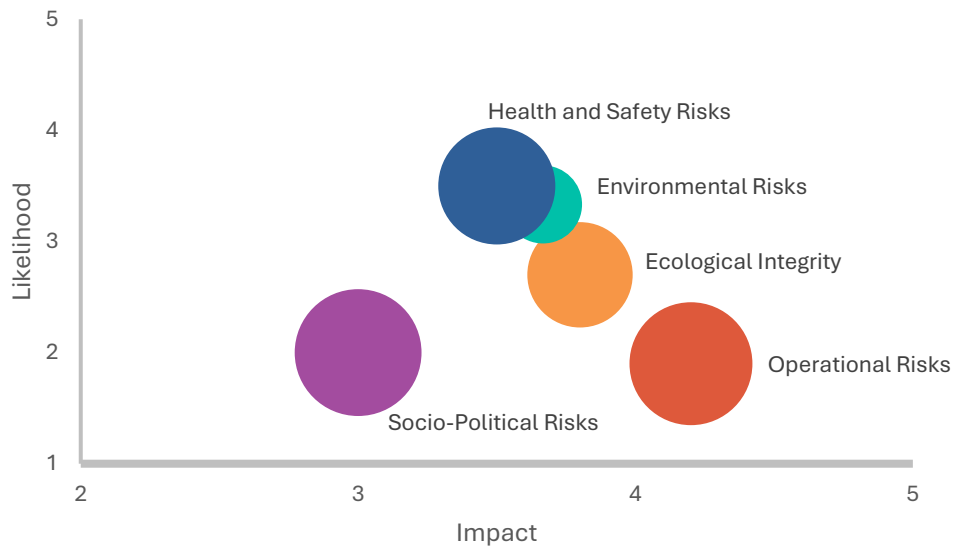


## **XIV. CONCLUSION**

In conclusion, the TRNP Compliance and Enforcement Plan for 2023 represents a comprehensive and robust approach to protecting the unique and invaluable ecosystem of the Tubbataha Reefs Natural Park. The plan, deeply rooted in a strong legal framework and a commitment to due process, ensures that all enforcement actions are fair, transparent, and legally sound. By establishing clear procedures for adjudication and emphasizing the importance of legal safeguards, the plan not only upholds the rights of individuals and organizations but also reinforces the authority and legitimacy of the park's management.

The plan's emphasis on regular reviews and stakeholder feedback and its adaptability to evolving legal and environmental landscapes signifies a dynamic and responsive approach to conservation challenges. This forward-thinking strategy, underpinned by a commitment to continuous improvement and stakeholder engagement, positions TRNP as a model for marine protected area management. It exemplifies a balanced approach to enforcing regulations while promoting conservation and sustainable use, ensuring that the Tubbataha Reefs continue to thrive for future generations.

## Annex 1. Risk Assessment



Note: Size of bubbles indicate level of control

### Risk Assessment Matrix Summary

Risk Category	Risk Factor	Impact	Likelihood	Level of Control	Risk Score
Ecological Integrity	Fishing	3	3	2	9
	Damages to the reefs	4	2.5	1.5	10
	Oil Spill	5	1.5	1.5	7.5
	Pollution and Marine Debris	4	4	2	16
	Violation of TRNP Tourism Guidelines	3	2.5	2	7.5
Environmental Risks	Harsh Weather Conditions	5	3	1	15
	Remote Location	4.5	5	1	22.5
	Interaction with Marine Wildlife	1.5	2	2	3
Operational Risks	Resource Limitations	4	1.5	2	6
	Navigational Hazards	3.5	2.5	2	8.75
	Equipment Failure	4.5	2.5	3	11.25
	Risk of Confrontation	4	1.5	2	6
	Piracy and terrorism	5	1.5	1.5	7.5
Socio-Political Risks	Resistance from Regulated Communities	3	2.5	2.5	7.5
	Political Pressure	2.5	1.5	1.5	3.75
	Corruption Risks	3.5	2	2.5	7
Health and Safety Risks	Physical Strain and Mental Stress	3	4	2.5	12
	Accidents and Injuries	4	3	1.5	12

Note: Workshop conducted with MPRs and TMO Staff on 16 January 2024

## **Annex 2. PSSA Notification**

### **TUBBATAHA MARINE PARK RANGERS NOTIFICATION BY RADIO TO INTERNATIONAL VESSELS APPROACHING OR HAVE ENTERED THE TRNP PSSA/ATBA**

The following radio notification shall be issued to vessels approaching or have entered the TRNP PSSA and are bound to violate or are in violation of the IMO protective measure for TRNP as an Area to be Avoided:

Approaching the ATBA:

State the name of the vessel, location, and identification.

BE ADVISED THAT YOU ARE ON COURSE TO ENTER THE TUBBATAHA REEFS NATURAL PARK AND WORLD HERITAGE SITE. THIS PARK IS DESIGNATED AS AN AREA TO BE AVOIDED UNDER IMO MEPC 71/WP 10. YOU ARE ADVISED TO CHANGE COURSE.

Entered the ATBA:

BE ADVISED THAT YOU HAVE ENTERED AN AREA TO BE AVOIDED. THIS IS A VIOLATION OF THE PROVISIONS OF IMO MEPC 71/WP 10 AND WILL BE REPORTED TO YOUR FLAG STATE AND TO THE IMO FOR PROPER SANCTIONS.

### Annex 3. Daily Accomplishment Report

#### ACCOMPLISHMENT REPORT Tubbataha Reefs Natural Park & World Heritage Site

Duration of TOD	From:	To:
-----------------	-------	-----

#### Law Enforcement (Patrols/Apprehensions)

Date	Location	Date	Location	Date	Location	Date	Location

Relieving Boat: \_\_\_\_\_ Total # of hrs: \_\_\_\_\_ Distance covered: \_\_\_\_\_ miles

#### List of Intruders

Boat name	Origin	#/gt of boats	Fishing type	Position	Date	Status/Remarks

#### Environmental Activities

##### COTs Removal

Date	Place	Quantity	Status/Remarks

##### Other Unusual Incidents Report (e.g. coral bleaching, etc.)

Date	Place	Details	Status/Remarks

### Equipment Derangement/Maintenance

Date	Equipment	Activity/Cause

### Materials / Equipment Transported

Date	Unit	Materials/Equipment	Description	From	To	c/o (Personnel Name)

### Fuel/Oil Inventory

	Gasoline (in Liters)	Oil (in Liters)
Beginning Balance		
In		
Total consumption		
Ending Balance		

### Remarks/Recommendations

### Marine Park Rangers on Duty

_____ POIC, TRNP MPR	_____ TRNP MPR	_____ TRNP MPR
_____ TRNP MPR	_____ TRNP MPR	_____ TRNP MPR
_____ TRNP MPR	_____ TRNP MPR	_____ TRNP MPR
_____ TRNP MPR	_____ TRNP MPR	_____ TRNP MPR

Date Submitted: \_\_\_\_\_

## Annex 4. Session Guide for the Comprehensive Training for Marine Park Rangers

### MARINE CONSERVATION EDUCATIONAL MODULE

#### **Session 1      The Ecosystems and their Interrelationships**

- Objectives: At the end of the session, participants will be able to:
- Describe the different ecosystems
  - Identify the relationships between the various ecosystems
  - Enumerate the 7 Environmental Principles

#### **Session 2      Biological Diversity and its Importance**

- Objectives: By the end of the session, participants will be able to:
- Explain the meaning of biological diversity
  - Enumerate the importance of biological diversity
  - Enumerate the impacts of biodiversity loss

#### **Session 3      The Marine Environment**

- Objectives: By the end of the session, participants will be able to:
- Enumerate general information about the marine environment (size, diff between sea and ocean, world's oceans, etc.)
  - Explain the various reef formations
  - Describe the components of the marine environment and their value
  - Identify tools for marine conservation

#### **Session 4      The Environmental Laws**

- Objectives: After the session, the participants will be able to:
- Describe the hierarchy of laws
  - Identify the laws promulgated to protect the environment

#### **Session 5      Marine Protected Area (MPA) as a Conservation Tool**

- Objectives: At the end of the session, participants will be able to:
- Explain the MPA management structure and their functions
  - Enumerate the strategies for the conservation of MPAs
  - Explain the role of marine park rangers in the field

#### **Session 6      The Tubbataha Reefs Natural Park**

- Objectives: At the end of this sessions, participants will be able to:
- Recount some general information (geography, size, etc.)
  - Enumerate the natural resources found in TRNP
  - Explain the values of TRNP
  - Identify threats
  - Enumerate how the public can help

---

Methodologies: Video: talking heads, animation, PowerPoint,

Evaluation Methods: Quizzes, games