

Excerpts from the Minutes of the 89th TPAMB Meeting

Zoom Conference Meeting ID No. 891 4204 0345

26 May 2022

Present:

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| 1. | Atty. Adelina B. Villena, PCSDS | Presiding Officer |
| 2. | Mr. Marco Angelo J. Ancheta, PCSSD, DOT | Member |
| 3. | Commo Rommel A Supangan, CGD-Pal | Member |
| 4. | Col. Gerald L Naldoza, Western Command | Member |
| 5. | Atty. Vicente V. Escala, Office of the Gov | Member |
| 6. | Capt Brendo J Casaclang PN (GSC), NFW | Member |
| 7. | Ptr. Jehu Cayaon, Tambuli ta mga Kagayanen | Member |
| 8. | Ms. Agnes Acosta- Magdaug, 3rd District | Member |
| 9. | Dr. Roger Dolorosa, Western Philippines University | Member |
| 10. | Ms. Jeanne G. Tabangay, CI-Phils | Member |
| 11. | Ms. Katherine Custodio, WWF-Phils | Member |
| 12. | Hon. Sergio S. Tapalla, LGU-Cagayancillo | Member |
| 13. | Ms. Elena Basaya, BFAR | Member |
| 14. | Mr. John Sebastian B. Fabello, 2nd District | Member |
| 15. | Ms. Marilyn Cruz, Committee on Appropriations | Member |
| 16. | Ms. Rhodora Ubani, DENR | Member |

TPAMB Resolution No. 22-06

'Ratifying Executive Committee Resolution No. 22-135, 'Prohibiting Uncertified Divers from Engaging in Scuba Diving Activities in TRNP and the Marine Park Rangers from Assisting in Such Activities' and Tasking the Executive Committee to Incorporate Penal Provisions in the Said Resolution'

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

WHEREAS, the Tubbataha Protected Area Management Board (TPAMB) was established pursuant to Section 10 of R.A. 10067 to be the sole policy making and permit-granting body for the Tubbataha;

WHEREAS, Section 11 of R.A. 10067 established the Executive Committee to which the TPAMB may delegate some of its powers and functions;

WHEREAS, scuba diving involves inherent risks, e.g., decompression sickness, arterial air embolism, drowning, among others, thereby, a certification course is required worldwide before engaging in the sport;

WHEREAS, introductory diving or try-scuba diving, where people without diver training or certification can experience scuba diving under the guidance of a

recreational diving instructor, likewise pose a threat to the reefs and to people, considering the treacherous environmental conditions in TRNP, with strong and variable currents, including down currents;

WHEREAS, the diving accident that occurred in M/Y Narayana on 22 May 2022 involving a Rescue Diver, underscores the need for stricter rules on scuba diving in Tubbataha;

WHEREAS, marine park rangers are not trained to guide or lead untrained and uncertified divers in scuba diving activities;

NOW THEREFORE, be it resolved as it is hereby resolved, that the TPAMB prohibits, as it is hereby prohibited, uncertified divers from engaging in scuba diving activities in TRNP;

RESOLVED FURTHER, that marine park rangers are prohibit from assisting in such activities, including the use of the Tubbataha patrol boat for scuba diving activities of uncertified divers;

RESOLVED FURTHER, that the conduct of introductory dives even under the supervision of trained scuba diving professionals is also prohibited.

RESOLVED FINALLY, that this Resolution shall be translated into TPAMB Administrative Order No. 05, Series of 2022 including the penal provisions which shall be determined by the Executive Committee.

ADOPTED AND APPROVED this 26th day of May 2022 at Puerto Princesa City.

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

Prepared by:


ANGELIQUE M. SONGCO
Secretary

Attested by:


ATTY. ADELINA BENAVENTE- VILLENA
Presiding Officer

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

TPAMB ADMINISTRATIVE ORDER NO. 05, SERIES of 2022

**AN ORDER PROHIBITING UNCERTIFIED DIVERS FROM ENGAGING
IN SCUBA DIVING ACTIVITIES IN TRNP**

WHEREAS, the Tubbataha Reefs Natural Park Act of 2009, also known as Republic Act (RA) No.10067 aims to ensure the protection of the globally significant economic and other values of the Tubbataha Reefs;

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

WHEREAS, Section 13 (e) of R.A. 10067 mandates the TPAMB to 'promulgate rules and regulations and impose penalties for violations thereof';

WHEREAS, scuba diving is a high-risk sport, thereby a certification course is required worldwide before engaging in the sport;

WHEREAS, the scuba diving conditions in Tubbataha are treacherous, with strong and variable currents, including down currents;

WHEREAS, introductory diving or try-scuba diving, where people without diver training or certification can experience scuba diving under the guidance of a recreational diving instructor, likewise pose a threat to the reefs and to people, considering the environmental conditions in TRNP;

WHEREAS, the diving accident that occurred in M/Y Narayana on 22 May 2022 involving a Rescue Diver, underscores the need for stricter rules on scuba diving in Tubbataha;

WHEREAS, in the interest of safety and to minimize the potential negative impacts of scuba diving on the Reefs, and 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, this Administrative Order is issued through TPAMB Resolution 22-06 dated 26 May 2022 and Executive Committee Resolution No. 22-139 dated 7 July 2022.

Section 1. Title. This Order shall be known as the 'Unlicensed Divers Rule.'

Section 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.

In line with this, it is the responsibility of the TPAMB to institute measures in the interest of public safety, to foster safe and efficient operation of vessels, and minimize the potential negative impacts of unnatural wave energy on the reefs and wildlife.

Section 3. Scope. This Order shall apply to everyone entering the Tubbataha Reefs Natural Park for whatever purpose.

Section 4. Definition of Terms

- a. *Diving instructor* – One who teaches people how to dive either for recreational or commercial purposes.
- b. *Introductory diving* – Scuba diving here people without diver training or certification can experience scuba diving under the guidance of a recreational diving instructor.
- c. *Scuba diving* - the sport of swimming underwater with special breathing equipment.
- d. *Uncertified diver* – A person who has no scuba diving training and certification.

Section 5. Prohibition. It shall be prohibited for uncertified divers to engage in scuba diving activities in TRNP.

Section 6. Compliance and Monitoring. Marine park rangers shall monitor compliance with this Order. Any person may file a report for the violation of this Order with TMO. Marine park rangers shall submit an Incident Report to TMO citing non-compliance with this Order by Park users for the filing of appropriate administrative/criminal charges.

Section 7. Penalties. Without prejudice to the filing of appropriate criminal cases, the concerned individuals/entities shall suffer administrative penalty for the violation of this Oder, stated as follows:

Classification of Offense	Particulars	Penalty
Light offense	Violation of Sec 5 of this AO that did not cause any damage or harm to anyone or the reefs	P5,000.00
Medium offense	Violation of Sec 5 of this AO that caused damage or harm	P10,000.00
Grave offense	Violation of Sec 5 of this AO that caused irreplaceable damage to people or the reefs	P30,000.00

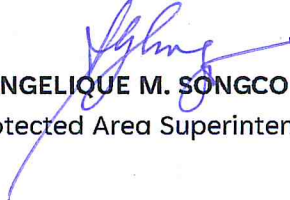
- First Offense – Imposition of penalty as provided
- Second Offense – A fine of twice the penalty
- Third Offense – Ban from entering TRNP for two (2) years effective immediately

Section 8. Repealing Clause. All orders, rules and regulations or parts thereof which are inconsistent with this order are hereby deemed repealed, amended, or modified accordingly.

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

IN WITNESS WHEREOF, I have hereunto set my hand this ____ of _____ 2022 at the City of Puerto Princesa, Philippines.

(I hereby certify that the above-quoted Administrative Order has been duly approved and adopted on _____ 2022 through TPAMB Resolution No. _____ at Puerto Princesa City.)


ANGELIQUE M. SONGCO
Protected Area Superintendent