

S. No. 2394

H. No. 5991

Republic of the Philippines
Congress of the Philippines

Metro Manila

Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.



[REPUBLIC ACT NO. 100671

AN ACT ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK IN THE PROVINCE OF PALAWAN AS A PROTECTED AREA UNDER THE NIPAS ACT (R.A. 7586) AND THE STRATEGIC ENVIRONMENTAL PLAN (SEP) FOR PALAWAN ACT (R.A. 7611), PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known and referred to as the “Tubbataha Reefs Natural Park (TRNP) Act of 2009”.

SEC. 2. *Declaration of Policy.* – It shall be the declared policy of the State to ensure the protection and conservation of the globally significant economic, biological, sociocultural, educational, and scientific values of the Tubbataha Reefs into perpetuity for the enjoyment of present and future generations.

These shall be pursued by managing the TRNP under a "no-take" policy and through a sustainable and participatory management, taking into consideration all applicable laws and international conventions to which the Philippines is a signatory.

It shall further be the policy of the State to promote the Tubbataha Reefs, with the end in view of fostering widespread awareness and concern for the same. Towards this end, the State shall undertake to carry out comprehensive and holistic promotions, training and information campaign programs for the benefit of the general public, in pursuance of the duty of the State to uphold the primacy of protecting, preserving and promoting these resources.

Finally, it shall be the policy of the State to encourage the participation of the private sector and the local government units in the protection, preservation and promotion of the Tubbataha Reefs.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall be 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) "Commercial Fishers/Fisherfolk" refers to persons who catch fish and other fishery products using fishing vessels of more than three (3) gross tons.

(d) "Conservation Fees" refer to fees collected from authorized users of the TRNP.

(e) "Corals" refers to all bottom dwelling animals under the phylum *Cnidaria*, which are a major part of the reef community. The definition includes four (4) 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*.

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

(g) "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 damaging and altering the natural habitat.

(h) "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.

(i) "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.

(j) "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.

(k) "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 this Act.

(l) "Municipal Fishers/Fisherfolk" refers to 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.

(m) "Muro-ami" refers to the method used in reef fishing consisting of a 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 the 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.

(n) "Nongovernment 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.

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

(p) "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.

(q) "PASu" refers to the Protected Area Superintendent of the TRNP.

(r) "PCSD" refers to the Palawan Council for Sustainable Development as created under Republic Act No. 7611, otherwise known as the Strategic Environmental Plan for Palawan Act.

(s) "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.

(t) "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.

(u) "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.

(v) "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 Tubataha Protected Area Management Board (TPAMB) or any government agency may deem necessary for conservation and preservation in the TRNP.

(w) "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.

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

(y) "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.

(z) "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.

(aa) "TRNP" refers to the Tubbataha Reefs Natural Park.

(bb) "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.

(cc) "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.

SEC. 4. *Scope and Coverage.* – The Tubbataha Reefs Natural Park (TRNP), which shall cover an approximate area of ninety-seven thousand thirty (97,030) hectares, including its islets, seabed and airspace, and which shall include the Tubbataha Reefs and the Jessie Beazley Reef in the Municipality of Cagayancillo in the Province of Palawan, is hereby declared as a protected area. Its boundaries shall be as follows:

	Latitude	Longitude
From Pt. 1	9° 04' 52" N	119° 46' 10" E
to Pt. 2	9° 06' 05" N	119° 48' 22" E
to Pt. 3	8° 58' 09" N	120° 03' 12" E
to Pt. 4	8° 53' 29" N	120° 03' 30" E
to Pt. 5	8° 41' 33" N	119° 50' 41" E
to Pt. 6	8° 43' 09" N	119° 45' 46" E

to point 1, the point of beginning per the Philippine Reference System (PRS) 92 datum.

The Department of Environment and Natural Resources (DENR)-National Mapping and Resource Information Authority (NAMRIA) shall validate the technical descriptions provided in this Act through actual survey/demarcation.

The metes and bounds of the TRNP shall be indicated on maps and/or nautical charts. Any modification of the coverage of this Act due to such factors as changing ecological situation, new scientific or archeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the concerned government agencies.

SEC. 5. *Establishment of a Buffer Zone.* – There shall also be established a ten (10)-nautical mile buffer zone from the TRNP, with the following coordinates:

Corner	Latitude	Longitude
1	9° 17' 49" N	119° 47' 42" E
2	9° 04' 48" N	120° 12' 40" E
3	8° 49' 42" N	120° 13' 54" E
4	8° 29' 42" N	119° 53' 04" E
5	8° 36' 13" N	119° 35' 22" E
6	9° 11' 08" N	119° 36' 35" E

to point 1, the point of beginning per the Philippine Reference System (PRS) 92 datum.

SEC. 6. *Management of the TRNP.* – The management and administration of the TRNP shall be vested with the TPAMB, as herein provided, and shall be consultative and participatory.

SEC. 7. *Management Plan.* – Within one (1) year from the effectivity of this Act, there shall be an initial management plan to be prepared by the Tubbataha Management Office (TMO) in coordination with the local community and various stakeholders, the Palawan Council for Sustainable Development (PCSD), the Municipal Government of Cagayancillo, the Provincial Government of Palawan, with the assistance from the Department of Environment and Natural Resources (DENR) and the Bureau of Fisheries and Aquatic Resources (BFAR). The management plan shall contain, among others:

(a) a period of applicability for ten (10) years subject to periodic review every three (3) years;

(b) goals and objectives of management in support of Section 2 hereof;

(c) key management issues such as, but not limited to, issuance, screening and approval of all development and resource-use activities within the TRNP and adequate protection and restoration of endangered species and fragile ecosystems;

(d) site management strategy including, but not limited to, establishment of clear and simplified guidelines on the activities that can be allowed within the zones, including the buffer zones;

(e) major management activities such as, but not limited to, enforcement of laws, habitats and wildlife management, sustainable-use management, infrastructure development and maintenance, fire prevention, pest and disease control, and disaster management;

(f) mechanism for the protection, regulation and prohibition of those within the TRNP, in accordance with their rights; and

(g) mechanisms to ensure consultative and participatory decision-making processes. The management plan shall be consistent with the nature of the TRNP as a protected area. It shall be reviewed and approved by the TPAMB, and submitted to the PCSD and the DENR.

SEC. 8. *Zoning.* – A zoning plan shall be adopted within the TRNP, giving primary consideration to the protection and conservation of all life forms in accordance with applicable laws, rules and regulations. Zoning shall also take into consideration the effective protection of habitats, fragile ecosystems and unique areas. The establishment and management of zones shall involve the concerned stakeholders by undertaking such steps as dialogue and community and resource-use mapping. The metes and bounds of each zone shall be indicated on maps and nautical charts.

SEC. 9. *Successor Plan.* – Before the expiration of the initial management plan, there shall be a successor plan to be prepared by the Office of the PASu in the same manner as the procedure and principles herein set forth. Two (2) years before the expiration of the initial management plan, the PASu shall cause the publication of notices for comments and

suggestions on the successor plan using all available media or at least in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three (3) other conspicuous areas frequented by the public. The successor plan shall be made available to the public for perusal at the office and sub-offices of the PASu and the PCSD.

SEC. 10. *Creation and Composition of the TPAMB.* – There shall be a TPAMB, which shall be the sole policy-making and permit-granting body of the TRNP. It shall be composed of:

(a) the Regional Executive Director (RED) of Region IV-B of the DENR, to serve as co-chairperson or his/her representative;

(b) the chairperson of the PCSD or his/her representative, to serve as co-chairperson;

(c) the members of the House of Representatives who represent the congressional districts of Palawan or their representatives;

(d) the governor of the Province of Palawan or his/her representative;

(e) the mayor of the Municipality of Cagayancillo or his/her representative;

(f) the chairperson of the Environment and Natural Resources Committee of the Sangguniang Bayan of Cagayancillo;

(g) the chairperson of the Environment and Natural Resources Committee of the Sangguniang Panlalawigan of Palawan;

(h) the chairperson of the Appropriations Committee of the Sangguniang Panlalawigan of Palawan;

(i) the commander of the Western Command (WESCOM) or his/her representative;

(j) the commander of the Naval Forces West (NAVFORWEST) or his/her representative;

(k) the district commander of the Coast Guard District, Palawan;

(l) a representative of the Department of Tourism;

(m) the provincial fishery officer of the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR) in Palawan or his/her representative;

(n) two (2) representatives from the academe;

(o) three (3) representatives from NGOs involved in the conservation and management of the TRNP; and

(p) two (2) representatives from POs based in the Municipality of Cagayancillo, Province of Palawan and engaged in the conservation and management of the TRNP.

Each member of the TPAMB shall serve for a term of five (5) years: *Provided*, That he/she remains connected with the sector or office being represented. Whenever a vacancy occurs during the term of a member who does not represent the government, a new member shall be chosen in the same manner as the original selection process, to serve the remaining term of his/her predecessor. In the case of members who are elective officials, their appointment shall be coterminus with their term of office. In the case of appointive government officials who are reassigned to stations or offices outside the Province of Palawan, the successor, without need of appointment, shall assume the seat of the reassigned official in the TPAMB.

The TPAMB *en banc* shall hold regular meetings at least once every quarter. It may, however, meet on a more regular basis to discuss day-to-day affairs and other matters.

SEC. 11. *Executive and Other Committees of the TPAMB.*
 – There shall be an Executive Committee (ExeCom) to which the TPAMB may delegate some of its powers and functions. Its members shall be chosen by the TPAMB from among themselves.

The TPAMB may create other committees as it may deem necessary.

SEC. 12. *Incentives of TPAMB Members.* – In addition to actual and necessary traveling and subsistence expenses incurred in the performance of their duties, the TPAMB members may be granted *honoraria* and insurance coverage in attending the TPAMB or other TPAMB committee meetings. These expenses may be included in the budget for the TRNP.

SEC. 13. *Powers and Functions of the TPAMB.* – The TPAMB shall have the following powers and functions:

(a) Decide matters relating to planning, resource use and protection, and general administration of the area in accordance with the management plan;

(b) Approve budget allocations, proposals, work plans, action plans, guidelines for management of the TRNP in accordance with the management plan and its policies;

(c) Establish productive partnership, with national and local agencies, local government units, local communities, the academe, nongovernmental organizations, and such other institutions to ensure the conservation and management of the TRNP; coordinate and implement;

(d) Initiate the implementation of the delineation of the boundaries of the TRNP;

(e) Promulgate rules and regulations and impose penalties for violations thereof;

(f) Ensure the implementation and enforcement of laws, rules and regulations, policies, programs and projects within the TRNP;

(g) Control and regulate construction, operation and maintenance of structure and utilities within the TRNP;

(h) Monitor and evaluate the performance of the TMO and all those implementing activities and projects in the TRNP;

(i) Appoint the TRNP PASu, and, upon recommendation of the PASu, appoint management personnel based on internal selection criteria and decide on their compensation and benefits;

(j) Generate funds and accept donations, grants; appropriate and disburse the same, and exercise accountability over all funds that may accrue to the TRNP;

(k) Manage the TRNP Trust Fund, as herein provided;

(l) Exercise quasi-judicial functions for adjudicating cases of violations of this Act and impose penalties for violations of guidelines, rules and regulations within the TRNP;

(m) Deputize individuals for the enforcement of laws, rules and regulations governing conduct within the TRNP, and prescribe the necessary qualifications therefore;

(n) Retain legal counsel to defend cases against the TPAMB and the Office of the PASu whenever they are sued in connection with the performance of their duties under this Act, guidelines, and rules and regulations pertaining to the TRNP;

(o) Provide adequate measures to ensure consultation and participation of stakeholders;

(p) Possess authority to issue permits and conditions thereto, and determine and collect fees, for the utilization and enjoyment of the TRNP and the resources therein: *Provided*, That the TPAMB may delegate to the PASu the authority to issue permits and collect fees for temporary access to the TRNP such as, visiting or diving, subject to the limits as may be determined by the TPAMB: *Provided, however*, That entry into the TRNP for emergency reasons shall not be subject to permit and users' fees;

(q) Determine, based on existing scientific evidence, laws, rules and regulations, international instruments, traditional resource utilization, management modalities in the area, carrying capacity, and observing precautionary principle, the modes of utilization of the TRNP and all the resources found therein. Permits shall only be issued for such modes of utilization and enjoyment as the TPAMB and this Act shall allow; and

(r) Perform such other functions necessary for the fulfillment of the provisions of this Act and other applicable laws, rules and regulations, and as may be required.

SEC. 14. *Tubbataha Management Office (TMO)*. – There shall be a TMO to be headed by the TRNP PASu who shall serve as the chief operating officer of the entire TRNP. The TPAMB will determine the staffing pattern, qualification standards and hiring procedures for the TMO. The PASu and his/her staff shall hold office in a place to be designated by the TPAMB: *Provided*, That the TPAMB may authorize the establishment of sub-offices for purposes of convenience, safety, accessibility, economy and such other justifiable reasons: *Provided, further*, That at least a sub-office shall be established within the TRNP.

The PASu shall have full responsibility for the protection of resources within the TRNP. As such, he/she shall have the following duties and responsibilities in addition to those provided under existing laws and regulations:

(a) Prepare the management plan and its successor plans as herein provided;

(b) Serve as Secretary to the TPAMB with the duty to provide the TPAMB with all the information necessary to make appropriate decisions for the implementation of this Act;

(c) Hire non-management personnel of the TRNP, and recommend management personnel to the TPAMB;

(d) Supervise the TRNP personnel in the performance of their duties and functions;

(e) Coordinate and implement with national and local agencies, local government units, local communities, the academe, nongovernmental organizations, and such other institutions to ensure the conservation and management of the TRNP;

(f) Develop and implement park information, interpretation, education and other visitor programs;

(g) Enforce the laws, rules and regulations and the TPAMB resolutions relevant to the TRNP, file complaints and assist in the prosecution of offenses;

(h) Monitor all activities within the TRNP in conformity with the management plan;

(i) Ensure that consultative and participatory mechanisms are maximized in decision-making; and

(j) Perform such other functions as the TPAMB may assign.

SEC. 15. *Role of Local Government Units.* – Local government units of Palawan and Cagayancillo shall participate in the management of the TRNP through their representation in the TPAMB. The provisions of this Act shall be incorporated into the municipal and provincial development plans of Cagayancillo and Palawan, respectively, and the Regional Development Plan as part of the environmental concerns of the province and the region. The national and local government units shall likewise ensure that local ordinances pertaining to the environment are consistent with this Act and the management plan, as herein provided.

SEC. 16. *Role of the DENR and the PCSD.* – The DENR and the PCSD shall coordinate closely to ensure the sound management and conservation of the TRNP, provide technical and financial assistance to the TRNP as may be needed.

SEC. 17. *The TRNP Trust Fund.* – There is hereby established a trust fund to be known as the TRNP Trust Fund for purposes of financing projects of the TRNP. All income generated from the operation of the TRNP or management of wild flora and fauna therein shall accrue to said fund. This income shall be derived from visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources from the TRNP, proceeds from registration and lease of multiple-use areas, including tourism concessions, contributions from industries and facilities directly benefiting from the TRNP; and such other fees and income derived from the operation of the TRNP.

The TRNP Trust Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That the entire amount shall be set aside and retained by the TPAMB of the TRNP, which shall appropriate the same exclusively for the management and operation of the TRNP. The TPAMB shall have the sole power to decide on the use of its funds from whatever source.

Donations, grants and endowments to the TRNP shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor.

SEC. 18. *Energy and Non-Renewable Resources.* – Any exploration, exploitation or utilization of non-renewable resources such as, but not limited to, minerals, gas and oil within the TRNP shall not be allowed. Energy projects shall be allowed only through an act of Congress.

SEC. 19. *Unauthorized Entry, Enjoyment or Use.* – No person or entity shall enter, enjoy or utilize any portion of the TRNP and the resources therein for whatever purpose without prior permission from the TPAMB as herein provided.

The TRNP shall be off-limits to navigation, except for activities that are sanctioned by the TPAMB such as, but not limited to, tourism and research. Except in emergency situations, it shall be unlawful to enter the TRNP without prior permission from the TPAMB or the PASu as herein provided. It shall also be unlawful to enter, enjoy or use for any purpose any prohibited management zone. This rule shall similarly apply to the use of vessels, gears and equipment in management zones where such are not allowed.

Violation of this section shall be subject to imprisonment of not less than six (6) months but not more than one (1) year imprisonment and a fine of One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00), as may be determined by the TPAMB. If the violator is a commercial fisher/fisherfolk, the penalty shall be imprisonment of not less than one (1) year but not more than three (3) years and a fine of Five hundred thousand pesos (P500,000.00).

SEC. 20. *Damages to the Reef.* – Damages to the reef shall subject the responsible person or entity to the payment of administrative fines set by the TPAMB based on current valuation standards and to the payment of the cost of restoration.

SEC. 21. *Non-payment of Conservation Fees.* – It shall be unlawful for any person or entity to enjoy or utilize the TRNP and the resources therein without payment of conservation fees as may be imposed by the TPAMB.

Violators of this section shall, in addition to the payment of the conservation fee, pay the administrative fine of double the amount of the conservation fee set by the TPAMB for the activity undertaken.

SEC. 22. *Anchoring.* – It shall be unlawful for any person or entity to hold fast or secure a vessel in place either by using an anchor or by tying on to any part of the reef. All vessels shall utilize the mooring buoys provided by the TRNP.

Violation of this section shall be penalized with an administrative fine of not less than Fifty thousand pesos (P50,000.00) and not more than One hundred thousand pesos (P100,000.00).

SEC. 23. *Dumping of Waste and Littering.* – It shall be unlawful for any person or entity to dump waste inside the TRNP. It shall likewise be unlawful to clean and change oil of vessels within the TRNP.

Violation of this provision shall be punishable by imprisonment of one (1) year to three (3) years, and fine of not less than Fifty thousand pesos (P50,000.00). The TPAMB shall impose an administrative fine of not less than One hundred thousand pesos (P100,000.00) and not more than Three hundred thousand pesos (P300,000.00), and order the violator to clean up the waste or pay for the clean-up thereof.

It shall likewise be unlawful to litter within the TRNP.

Violation of this provision shall be penalized by the TPAMB with administrative fine of from Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00).

SEC. 24. *Bioprospecting Without Permit.* – It shall be unlawful to conduct bioprospecting within the TRNP without prior permit from the TPAMB and other concerned agencies.

Violation of this section shall be punished with imprisonment of one (1) year to six (6) years; fine of Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00). The TPAMB shall also impose administrative fine ranging from Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

SEC. 25. *Introduction of Exotic Species.* – It shall be unlawful to introduce exotic species of plants or animals into the TRNP.

Violation of this section shall be punished with imprisonment of six (6) months to six (6) years; fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00); and forfeiture of the resources subject of the offense, equipment, gears and vessels. The TPAMB shall also impose administrative fine ranging from Two hundred thousand pesos (P200,000.00) to One million pesos (P1,000,000.00); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

SEC. 26. *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 section.

Violations of this section shall be punished as follows:

(a) Where the offender uses explosives, noxious or poisonous substances, the penalty shall be imprisonment ranging from six (6) years and one (1) day to twelve (12) years without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life; fine ranging from Three hundred thousand pesos

(P300,000.00) to Five hundred thousand pesos (P500,000.00). The TPAMB shall also impose administrative fine ranging from Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00); and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, in any vessel or in the possession of any person within the TRNP shall constitute *prima facie* evidence that the same was used in violation of this Act. The discovery of resources caught, taken, killed, removed, gathered or destroyed with the use of explosives, noxious or poisonous substances in any vessel or in the possession of any person within the TRNP shall constitute *prima facie* evidence of violation of this Act.

(b) Where the offender merely possesses explosive, noxious or poisonous substances within the TRNP, the punishment shall be imprisonment ranging from four (4) years and two (2) months and one (1) day to six (6) years; fine ranging from One hundred thousand pesos (P100,000.00) to Three hundred thousand pesos (P300,000.00). The TPAMB shall also impose administrative fine ranging from One hundred thousand pesos (P100,000.00) to Three hundred thousand pesos (P300,000.00); 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, the penalty shall be imprisonment ranging from six (6) years and one (1) day to twelve (12) years; fine ranging from One hundred thousand pesos (P100,000.00) to Two hundred fifty thousand pesos (P250,000.00). The TPAMB shall also impose administrative fine ranging from One hundred thousand pesos (P100,000.00) to Two hundred fifty thousand pesos (P250,000.00); and confiscation and forfeiture of the corals subject of the offense, equipment, gears and vessels.

(d) Where the offender uses any fishing gear or method that destroys coral reefs, seagrass beds or other marine life habitats as may be determined by this Act, the TPAMB, other laws, the Department of Agriculture, or the DENR, the

operator, boat captain, master fisherman, and recruiter or organizer of fishworkers involved shall suffer a penalty of six (6) years and one (1) day to twelve (12) years imprisonment; fine of not less than One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00); forfeiture of catch, fishing equipment, gears and vessels. The TPAMB shall also impose administrative fine ranging from Four hundred thousand pesos (P400,000.00) to One million pesos (P1,000,000.00); and confiscation and forfeiture of catch, fishing equipment, gears and vessels.

Muro-ami, pa-aling, all kinds of trawls (galadgad, Norway), purse seine (pangulong), Danish seine (hulbot-hulbot, pahulbot-hulbot, likisan, liba-liba, palisot, patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas, etc.), ring net (kubkob, pangulong, kalansisi), drive-in net (kayakas), round haul seine (sapyaw, lawag), motorized push net (sudsod), bagnet (basnig, saklit), or any of their variations, are hereby declared destructive fishing methods or gears under this provision.

(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, the penalty shall be six (6) years and one (1) day to twelve (12) years imprisonment; fine of not less than One hundred thousand pesos (P100,000.00) to Two hundred fifty thousand pesos (P250,000.00). The TPAMB shall also impose administrative fines ranging from One hundred thousand pesos (P100,000.00) to Seven hundred fifty thousand pesos (P750,000.00); and confiscation and forfeiture of the substance taken, and equipment and vessels used in the commission of the violation.

(f) Where the subject of the offense are protected species as defined in this Act, the penalty shall be imprisonment of twelve (12) years to twenty (20) years; fine of Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00) for every threatened or endangered organism subject of the offense; forfeiture of the catch, equipment, gears and vessels; and cancellation of fishing permit. The TPAMB shall also impose administrative fine ranging from Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00) for every threatened or endangered organism subject of the offense; and confiscation and forfeiture of catch, equipment, gears and vessels.

(g) Where the violations of this section are not covered by the preceding paragraphs, the penalty shall be imprisonment of three (3) years to six (6) years; fine of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00); and forfeiture of the catch, equipment, gears and vessels; and cancellation of permit that makes it possible for the offender to commit the offense. The TPAMB shall also impose administrative fine ranging from Three hundred thousand pesos (P300,000.00) to One million pesos (P1,000,000.00); and confiscation and forfeiture of catch, equipment, gears and vessels.

SEC. 27. *Poaching by Foreigners.* – It shall be unlawful for any foreign person, foreign corporation or foreign entity to fish, gather and/or purchase or possess any fishery products within the TRNP. It shall likewise be unlawful for any person, corporation or entity to operate any foreign fishing vessel within the TRNP. The entry of any foreign fishing vessel in the TRNP shall constitute *prima facie* evidence that the vessel is engaged in fishing in the area. The presence of any foreign national in a fishing vessel of either Philippine or foreign registry in the TRNP shall be conclusive evidence that the vessel is foreign.

Violation of the above shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years and a fine of One hundred thousand U.S. dollars (US\$100,000.00), in addition to the forfeiture of its catch, fishing equipment and fishing vessel: *Provided*, That in case of non-payment of fine, subsidiary imprisonment shall be imposed: *Provided, further*, That the TPAMB is empowered to impose an administrative fine of not less than Fifty thousand U.S. dollars (US\$50,000.00), but not more than Two hundred thousand U.S. dollar (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: *Provided, finally*, That a bond may be posted for the vessels which shall not be less than One hundred thousand U.S. dollars (US\$100,000.00). A Hold Departure Order shall be issued as a condition for the grant of bail to any foreign offender. All passports and documents which may be used by the accused to flee the country must be surrendered to the court.

SEC. 28. *Violation of Environmental Impact Assessment System.* – The TPAMB shall prosecute violations of laws and rules on Environmental Impact Assessment System. Such violations shall be punished by imprisonment of three (3) years to five (5) years; fine of One hundred thousand pesos (P100,000.00) for every day each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and forfeiture of the vessels, structures, effects, materials and equipment used, and the products of such violation. If the offender is a corporation, the directors and officers shall suffer the imprisonment. The TPAMB shall also impose administrative fine of One hundred thousand pesos (P100,000.00) for every day each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and confiscation and forfeiture of the vessels, structures, effects, materials and equipment used and the products of such violation.

SEC. 29. *Violation of Standards.* – The owner, operator and top three (3) officers of any vessel violating the standards set by the TPAMB such as, but not limited to, safety and sanitation standards shall suffer administrative penalty of a fine ranging from Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00) for every day each violation subsists, and from suspension of three (3) months to cancellation of permit to operate in the TRNP.

SEC. 30. *Obstruction to 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 (P50,000.00). In addition, the registration, permit and/or license of the vessel including the license of the officers thereof shall be cancelled.

SEC. 31. *Common Penal Provision.* – (a) In case the vessel used in violation is owned by a corporation or entity, the fine shall be twice the maximum amount imposed for the offense.

(b) In case the vessel used in violation of this Act is foreign owned, the fine shall be thrice the maximum amount imposed for the offense committed without prejudice to the provision of Section 27 hereof.

(c) The captain of the vessel shall suffer the maximum duration of the imprisonment for the offense committed.

SEC. 32. *Subsidiary Imprisonment.* – Non-payment of fines imposed under this Act shall be subject to subsidiary imprisonment as provided for by existing laws.

SEC. 33. *Fines and Forfeitures.* – All administrative fines and forfeitures that may be imposed by the TPAMB under this Act, and the rules and regulations that may be promulgated in pursuit of the goals and objectives of this Act shall form part of the funds and assets of the TRNP.

In case of administrative confiscation or forfeiture of vessels, structures, effects, materials and equipment and the same is not necessary for the proper prosecution of the offense charged, the TPAMB may sell the forfeited vessels, structures, effects, materials and equipment in a public auction. Proceeds of the said sale shall accrue to the TRNP created under this Act. In case the confiscated vessels, structures, effects, materials and equipment are in *custodia legis*, the TPAMB or its counsel, after proper proceedings may move for the sale of the confiscated or forfeited vessels, structures, effects, materials and equipment *pendente lite*: *Provided*, That the said vessels, structures, effects, materials and equipment is no longer necessary for the proper prosecution of the offense or if the same is necessary but substitute evidence is accepted by the court. The proceeds of the said sale shall likewise accrue to the TRNP Trust Fund created under this Act.

SEC. 34. *Violation of Other Laws.* – Prosecution for violation of this Act shall be without prejudice to the prosecution of the offender for violation of other laws, rules and regulations.

SEC. 35. *Enforcement of this Act, Other Laws, Rules and Regulations Within the TRNP.* – 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, PCSO officials and staff, local government unit (LGU) officials, law enforcement officers of LGUs, members and officers of the TPAMB, the PASu and his/her staff, and other deputized environment and natural resource officers, are hereby

authorized and shall cooperate in the enforcement of this Act, other laws, rules and regulations within the TRNP.

Any one of the above persons and entities is authorized to file administrative cases before the proper agencies and bodies, or initiate criminal proceedings in accordance with the Rules of Court, for offenses committed within the TRNP.

SEC. 36. Special Prosecutors and Counsels. – The Department of Justice, upon recommendation of the TPAMB, shall designate special prosecutors from among the state and public prosecutors to do preliminary investigation and prosecute violations of this Act, other laws, rules and regulations within the TRNP. Such special prosecutors shall coordinate with the TPAMB and the TMO in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The TPAMB shall periodically submit an evaluation of the performance of the designated special prosecutors to the Department of Justice (DOJ).

The TPAMB may retain the services of a competent lawyer to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the TPAMB, the PASu and the TMO staff, or person assisting in the protection, conservation and sustainable development of the TRNP, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the TPAMB.

SEC. 37. Citizen's Suits. – For the purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

(a) Any person who violates or fails to comply with the provisions of this Act its implementing rules and regulations;
or

(b) Those mandated to implement and enforce the provisions of this Act with respect to orders, rules and regulations issued inconsistent with this Act; and/or

(c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any manner improperly performs his duties under this Act or its implementing rules and regulations: *Provided, however, That*, no suit can be filed until after a thirty(30)-day notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon. The court shall exempt such action from the payment of filing fees, upon *prima facie* showing of the non-enforcement or violations complained of and exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

In the event that the citizen should prevail, the court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SEC. 38. *Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act.* – Where a suit is brought against a person who filed an action as provided in Section 37 of this Act, or against any person, institution or government agency that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the court, as the case may be, shall dismiss the complaint. In addition, the court shall award the attorney's fees and double the amount of damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

SEC. 39. *Convening the TPAMB.* – Within one (1) month upon the effectivity of this Act, the interim TPAMB shall convene to ensure that its composition and structure conform to the provisions of this Act.

SEC. 40. *Continuation of the TMO.* – The present TMO shall continue to exist and function as such, subject to reorganization, if necessary, in accordance with Section 14 hereof.

SEC. 41. *Continuation of all Other Arrangements.* – Except when otherwise provided by this Act, all arrangements, commitments and agreements pertaining to the management, utilization, conservation and protection of the TRNP made and entered into by government agencies, the present TPAMB and the TMO, and the active involvement of the Philippine Navy and the Philippine Coast Guard in law enforcement in the TRNP, shall continue to subsist until validly amended, revised, repealed or renewed.

SEC. 42. *Implementing Rules and Regulations.* – Within six (6) months upon the effectivity of this Act, the TPAMB shall prepare the implementing rules and regulations of this Act.

SEC. 43. *Appropriations.* – The DENR and the PCSD shall immediately include in the Department's and Council's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

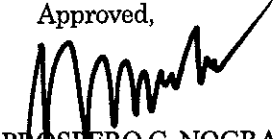
SEC. 44. *Construction and Suppletory Application of Existing Laws.* – The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. Provisions of Republic Act No. 7611, otherwise known as the "Strategic Environmental Plan (SEP) for Palawan Act"; Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of 1992"; Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998"; Republic Act No. 9147, otherwise known as the "Wildlife Resources Conservation and Protection Act"; and existing forestry laws, and their corresponding rules and regulations not inconsistent hereto shall have suppletory effect in the implementation of this Act.

SEC. 45. *Separability Clause.* – If any part or section of this Act is declared unconstitutional or otherwise invalid, such declaration shall not affect the other parts or sections hereof.

SEC. 46. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act shall be deemed repealed or modified accordingly.


SEC. 47. *Effectivity.* – This Act shall take effect immediately after its complete publication in two (2) newspapers of general circulation.


Approved,


ROSPERO C. NOGRALES
*Speaker of the House
of Representatives*



JUAN PONCE ENRILE
President of the Senate

This Act which is a consolidation of Senate Bill No. 2394 and House Bill No. 5991 was finally passed by the Senate and the House of Representatives on December 16, 2009 and January 18, 2010, respectively.


MARILYN B. BARUA YAP
*Secretary General
House of Representatives*


EMMA LIRIO REYES
Secretary of the Senate

Approved: APR 06 2010


GLORIA MACAPAGAL-ARROYO
President of the Philippines

O

