

Republic of the Philippines

# HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

## NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 4095

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Introduced by

**HON. CHRISTOPHERSON “COCO” M. YAP**

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AN ACT DECLARING THE PANAON ISLAND AND ITS SURROUNDING AREAS, SITUATED IN THE PROVINCE OF SOUTHERN LEYTE AS PROTECTED SEASCAPE, PURSUANT TO REPUBLIC ACT 11038, OTHERWISE KNOWN AS THE EXPANDED NATIONAL INTEGRATED PROTECTED SYSTEM (ENIPAS) ACT OF 2018

### EXPLANATORY NOTE

In accordance with the goal of protecting and maintaining the natural, biological, and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, and the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas, it is hereby declared as a policy of the State to secure the protection of the natural ecosystems of Panaon Island and its surrounding areas, particularly its seascape resources and diversity of its flora and fauna. Panaon Island is located at the southern tip of Southern Leyte, which boasts of coral reefs that are in good to excellent condition – a rarity in the country nowadays. Identified as part of the priority reefs<sup>1</sup> that will highly likely withstand the devastating impacts of climate change, the urgency to protect the reefs of Panaon Island is highly emphasized.

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<sup>1</sup> Hawthorne Beyer, Emma Kennedy, Maria Beger, Chaolun Allen Chen, Joshua Cinner, Emily Darling, C. Mark Eakin, Ruth Gates, Scott Heron, Nancy Knowlton, David Obura, Stephen Palumbi, Hugh Possingham, Marji Puotinen, Rebecca Runting, William Skirving, Mark Spalding, Kerrie Wilson, Sally Wood, John Veron, Ove Hoegh-Guldberg, Risk-sensitive planning for conserving coral reefs under rapid climate change, Conservation Letters June 5, 2018. e12587; <https://doi.org/10.1111/conl.12587>

This establishment of the Panaon Island Protected Seascape is pursuant to the declared policy of the State to advance and protect the constitutional right to a balanced and healthful ecology in accord with the rhythm and harmony of nature of all the Filipino people of present for future generations, and that shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens, the objectives of Republic Act 11038, otherwise known as the Expanded National Integrated Protected Areas System (ENIPAS) Act and the commitments under various international agreements to which the Philippines is a signatory.

Moreover, we need to have more marine protected areas, with our country having only 1.4% of our waters up to 200 nautical miles protected under the National Integrated Protected Areas system, as of 2020<sup>2</sup>. Marine protected areas play a pivotal role in rebuilding fisheries, fighting overfishing, promote food and nutritional security and strengthening climate mitigation and adaptation measures. With the Philippines considered among the most vulnerable to the impacts of climate change, the country needs more well-managed marine reserves that may "help marine ecosystems and people adapt to five prominent impacts of climate change: acidification, sea-level rise, intensification of storms, shifts in species distribution, and decreased productivity and oxygen availability, as well as their cumulative effects."<sup>3</sup>

Thus, approval of this proposed measure is earnestly requested.



CHRISTOPHERON "COCO" M. YAP  
Representative, Second District of Southern Leyte

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<sup>2</sup> Biodiversity Management Bureau – CMEMP Database.

<sup>3</sup>Callum M. Roberts, Bethan C. O'Leary, Douglas J. McCauley, Philippe Maurice Cury, Marine reserves can mitigate and promote adaptation to climate change, PNAS June 13, 2017. 114 (24): 6167-6175; first published June 5, 2017; <https://doi.org/10.1073/pnas.1701262114>



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# HON. CHRISTOPHERSON “COCO” M. YAP

## AN ACT

**DECLARING THE PANAON ISLAND AND ITS SURROUNDING AREAS,  
SITUATED IN THE PROVINCE OF SOUTHERN LEYTE AS PROTECTED  
SEASCAPE, PURSUANT TO REPUBLIC ACT 11038, OTHERWISE KNOWN  
AS THE EXPANDED NATIONAL INTEGRATED PROTECTED SYSTEM  
(ENIPAS) ACT OF 2018**

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

## Article I – General Provisions

**SECTION 1. Title.** – This Act shall be known as the PANAON ISLAND PROTECTED SEASCAPE ACT OF 2023.

**SECTION 2. Declaration of Policy.** – It shall be the declared policy of the State to ensure the protection and maintenance of the natural, biological, and physical diversities of the environment notably on areas with biologically unique features of Panaon Island to secure its perpetual existence for the present and future generations.

**SECTION 3. Establishment of the PANAON ISLAND PROTECTED SEASCAPE (PIPS).** - Pursuant to the above policy, the ENIPAS Act and as provided herein, Panaon Island and its surrounding areas with boundaries as described hereunder, is hereby declared and established as a protected area under the category of protected landscape and seascape to be known as the Panaon Island Protected Seascape (PIPS).

17           **SECTION 4. Definition of Terms.** - As used in this Act, the following terms and  
18           phrases shall mean, as follows:

19           (a) "Buffer Zone" refers to the identified area outside the boundaries of  
20           and immediately adjacent to PIPS that needs special development control in order  
21           to avoid or minimize harm to the protected area.

22           (b) "Conservation Fees" refer to fees collected from authorized users of  
23           the PIPS.

24           (c) "LGUs" refer to the local government units in PIPS.

25           (d) "Management Plan" refers to the fundamental management goals,  
26           strategies and activities which shall guide all activities relating to the PIPS in order  
27           to attain the objectives of this Act.

28           (e) "Multiple Use Zone" refers to the area where settlement, traditional  
29           and sustainable land use including agriculture, agroforestry, extraction activities,  
30           and income generating or livelihood activities, and may be allowed to the extent  
31           prescribed in the protected area management plan of the PIPS.

32           (f) "PAMO" refers to the Protected Area Management Office of the PIPS.

33           (g) "PASu" refers to the Protected Area Superintendent of the PIPS.

34           (h) "PIPS" refers to Panaon Island Protected Seascape.

35           (i) "Protected Area" refers to identified portions of land and water set  
36           aside by reason of their unique physical and biological significance, managed to  
37           enhance biological diversity and protected against destructive human  
38           exploitation.

39           (j) "Strict Protection Zone" refers to the area declared within the PIPS  
40           according to the protected area management plan which possess some  
41           outstanding ecosystem, features, and species of flora and fauna of national  
42           scientific importance that should be maintained to protect and to preserve nature  
43           in its undisturbed state and to preserve ecologically representative examples of  
44           the natural environment to ensure their availability for scientific study,  
45           environmental to ensure their availability for scientific study, environmental  
46           monitoring, education, and for the maintenance of genetic resources in a dynamic  
47           and evolutionary state.

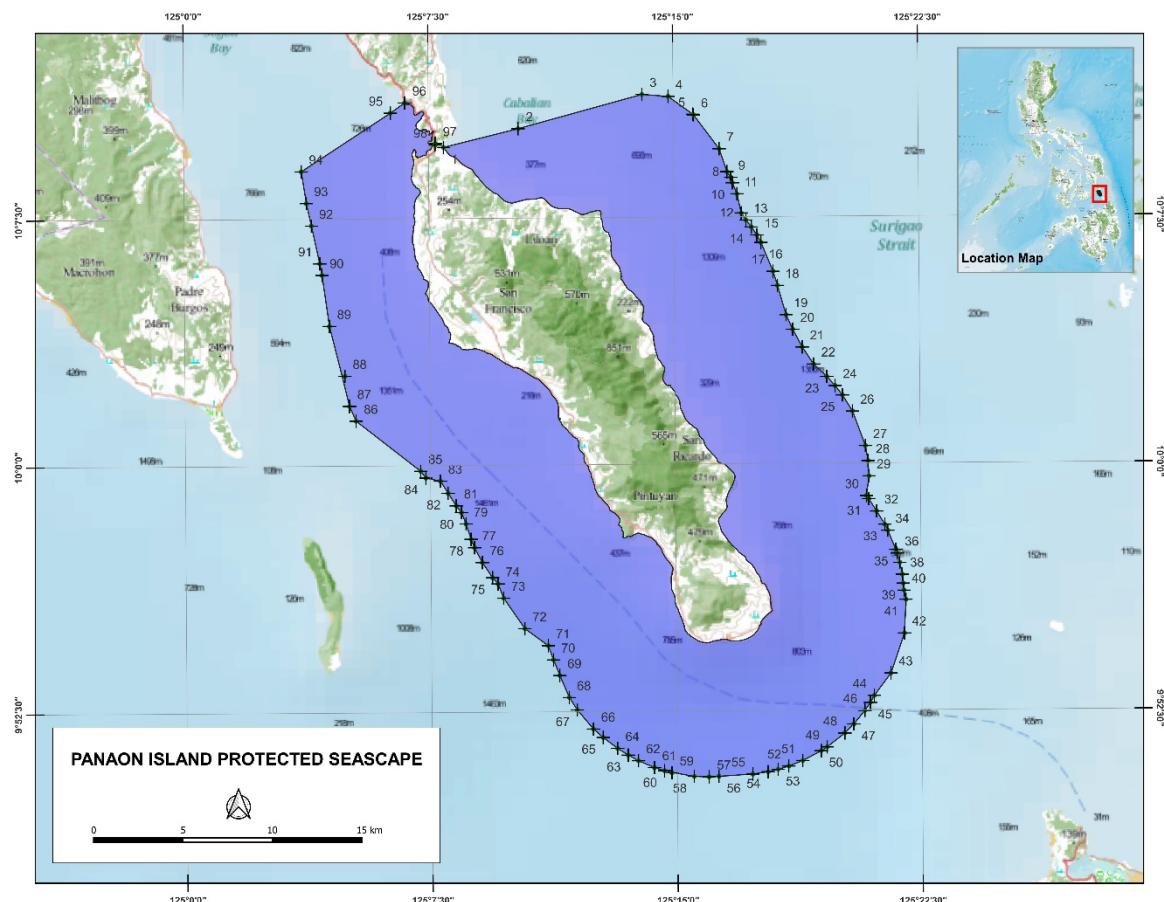
48  
49           **SECTION 5. Scope and Coverage.** – The Panaon Island Protected Seascape (PIPS)  
50           shall cover the Municipalities of Liloan, San Francisco, Pintuyan, and San Ricard,  
51           containing an area of 62,478.50 hectares subject to delineation and demarcation on the  
52           ground with the following boundaries and technical description:

POINTS	WGS 84 DATUM		Remarks
	Latitude	Longitude	
Beginning at 1	10° 9' 39.79" N	125° 7' 57.57" E	Cabalian Bay
thence 2	10° 10' 13.0" N	125° 10' 15.04" E	Cabalian Bay
thence 3	10° 11' 13.97" N	125° 14' 3.0" E	Cabalian Bay
thence 4	10° 11' 10.05" N	125° 14' 50.97" E	Cabalian Bay
thence 5	10° 10' 37.35" N	125° 15' 36.28" E	Surigao Strait
thence 6	10° 10' 36.16" N	125° 15' 37.52" E	Surigao Strait
thence 7	10° 9' 34.01" N	125° 16' 24.31" E	Surigao Strait
thence 8	10° 8' 52.23" N	125° 16' 38.37" E	Surigao Strait

POINTS	WGS 84 DATUM		Remarks
	Latitude	Longitude	
thence 9	10° 8' 42.07" N	125° 16' 45.15" E	Surigao Strait
thence 10	10° 8' 31.85" N	125° 16' 48.23" E	Surigao Strait
thence 11	10° 8' 11.85" N	125° 16' 56.4" E	Surigao Strait
thence 12	10° 7' 36.98" N	125° 17' 4.09" E	Surigao Strait
thence 13	10° 7' 23.82" N	125° 17' 12.63" E	Surigao Strait
thence 14	10° 7' 11.32" N	125° 17' 22.51" E	Surigao Strait
thence 15	10° 6' 56.55" N	125° 17' 32.54" E	Surigao Strait
thence 16	10° 6' 42.93" N	125° 17' 39.95" E	Surigao Strait
thence 17	10° 5' 50.18" N	125° 18' 1.84" E	Surigao Strait
thence 18	10° 5' 24.35" N	125° 18' 9.82" E	Surigao Strait
thence 19	10° 4' 31.04" N	125° 18' 25.08" E	Surigao Strait
thence 20	10° 4' 4.46" N	125° 18' 37.12" E	Surigao Strait
thence 21	10° 3' 31.92" N	125° 18' 54.48" E	Surigao Strait
thence 22	10° 3' 0.81" N	125° 19' 15.04" E	Surigao Strait
thence 23	10° 2' 37.97" N	125° 19' 39.07" E	Surigao Strait
thence 24	10° 2' 21.17" N	125° 19' 54.43" E	Surigao Strait
thence 25	10° 2' 4.04" N	125° 20' 7.68" E	Surigao Strait
thence 26	10° 1' 34.63" N	125° 20' 25.97" E	Surigao Strait
thence 27	10° 0' 31.63" N	125° 20' 49.29" E	Surigao Strait
thence 28	10° 0' 4.07" N	125° 20' 53.85" E	Surigao Strait
thence 29	9° 59' 36.44" N	125° 20' 55.42" E	Surigao Strait
thence 30	9° 59' 0.51" N	125° 20' 50.51" E	Surigao Strait
thence 31	9° 58' 54.83" N	125° 20' 54.74" E	Surigao Strait
thence 32	9° 58' 32.14" N	125° 21' 8.98" E	Surigao Strait
thence 33	9° 58' 8.05" N	125° 21' 23.97" E	Surigao Strait
thence 34	9° 57' 56.99" N	125° 21' 29.27" E	Surigao Strait
thence 35	9° 57' 22.31" N	125° 21' 43.76" E	Surigao Strait
thence 36	9° 57' 15.33" N	125° 21' 46.11" E	Surigao Strait
thence 37	9° 56' 58.43" N	125° 21' 50.97" E	Surigao Strait
thence 38	9° 56' 36.74" N	125° 21' 55.5" E	Surigao Strait
thence 39	9° 56' 20.59" N	125° 21' 56.92" E	Surigao Strait
thence 40	9° 56' 7.68" N	125° 21' 58.45" E	Surigao Strait
thence 41	9° 55' 51.08" N	125° 22' 1.83" E	Surigao Strait
thence 42	9° 54' 49.78" N	125° 21' 58.67" E	Surigao Strait
thence 43	9° 53' 37.15" N	125° 21' 33.48" E	Surigao Strait
thence 44	9° 52' 56.5" N	125° 21' 2.48" E	Surigao Strait
thence 45	9° 52' 43.59" N	125° 20' 55.24" E	Surigao Strait
thence 46	9° 52' 29.27" N	125° 20' 45.13" E	Surigao Strait
thence 47	9° 52' 4.56" N	125° 20' 24.44" E	Surigao Strait
thence 48	9° 51' 48.24" N	125° 20' 7.97" E	Surigao Strait
thence 49	9° 51' 23.13" N	125° 19' 35.24" E	Surigao Strait
thence 50	9° 51' 16.29" N	125° 19' 24.52" E	Surigao Strait

POINTS	WGS 84 DATUM		Remarks
	Latitude	Longitude	
thence 51	9° 50' 58.64" N	125° 18' 50.38" E	Surigao Strait
thence 52	9° 50' 48.7" N	125° 18' 24.59" E	Surigao Strait
thence 53	9° 50' 42.85" N	125° 18' 4.94" E	Surigao Strait
thence 54	9° 50' 38.63" N	125° 17' 46.53" E	Surigao Strait
thence 55	9° 50' 34.54" N	125° 17' 18.59" E	Surigao Strait
thence 56	9° 50' 30.83" N	125° 16' 16.19" E	Surigao Strait
thence 57	9° 50' 29.96" N	125° 15' 58.23" E	Surigao Strait
thence 58	9° 50' 30.95" N	125° 15' 30.87" E	Surigao Strait
thence 59	9° 50' 37.84" N	125° 14' 49.97" E	Surigao Strait
thence 60	9° 50' 41.7" N	125° 14' 36.45" E	Surigao Strait
thence 61	9° 50' 47.46" N	125° 14' 17.98" E	Surigao Strait
thence 62	9° 51' 0.15" N	125° 13' 48.66" E	Surigao Strait
thence 63	9° 51' 10.56" N	125° 13' 29.97" E	Surigao Strait
thence 64	9° 51' 22.86" N	125° 13' 10.55" E	Surigao Strait
thence 65	9° 51' 42.97" N	125° 12' 44.02" E	Surigao Strait
thence 66	9° 51' 58.54" N	125° 12' 26.28" E	Surigao Strait
thence 67	9° 52' 33.36" N	125° 11' 56.96" E	Surigao Strait
thence 68	9° 52' 56.15" N	125° 11' 42.35" E	Surigao Strait
thence 69	9° 53' 36.36" N	125° 11' 25.24" E	Surigao Strait
thence 70	9° 54' 4.92" N	125° 11' 13.82" E	Surigao Strait
thence 71	9° 54' 30.83" N	125° 11' 4.29" E	Sogod Bay
thence 72	9° 55' 2.16" N	125° 10' 21.62" E	Sogod Bay
thence 73	9° 55' 57.86" N	125° 9' 43.0" E	Sogod Bay
thence 74	9° 56' 24.06" N	125° 9' 32.84" E	Sogod Bay
thence 75	9° 56' 35.3" N	125° 9' 22.92" E	Sogod Bay
thence 76	9° 57' 3.03" N	125° 9' 4.17" E	Sogod Bay
thence 77	9° 57' 30.12" N	125° 8' 50.11" E	Sogod Bay
thence 78	9° 57' 45.51" N	125° 8' 43.79" E	Sogod Bay
thence 79	9° 58' 13.52" N	125° 8' 34.69" E	Sogod Bay
thence 80	9° 58' 34.22" N	125° 8' 26.45" E	Sogod Bay
thence 81	9° 58' 46.65" N	125° 8' 16.85" E	Sogod Bay
thence 82	9° 59' 9.8" N	125° 8' 2.15" E	Sogod Bay
thence 83	9° 59' 31.75" N	125° 7' 48.22" E	Sogod Bay
thence 84	9° 59' 37.63" N	125° 7' 21.44" E	Sogod Bay
thence 85	9° 59' 50.0" N	125° 7' 12.0" E	Sogod Bay
thence 86	10° 1' 22.0" N	125° 5' 14.0" E	Sogod Bay
thence 87	10° 1' 49.0" N	125° 5' 2.0" E	Sogod Bay
thence 88	10° 2' 44.0" N	125° 4' 54.0" E	Sogod Bay
thence 89	10° 4' 15.0" N	125° 4' 26.0" E	Sogod Bay
thence 90	10° 5' 48.0" N	125° 4' 13.0" E	Sogod Bay
thence 91	10° 6' 9.0" N	125° 4' 9.0" E	Sogod Bay
thence 92	10° 7' 18.0" N	125° 3' 54.0" E	Sogod Bay

POINTS	WGS 84 DATUM		Remarks
	Latitude	Longitude	
thence 93	10° 7' 59.0" N	125° 3' 45.0" E	Sogod Bay
thence 94	10° 8' 57.0" N	125° 3' 36.0" E	Sogod Bay
thence 95	10° 10' 42.84" N	125° 6' 20.55" E	Sogod Bay
thence 96	10° 11' 1.43" N	125° 6' 46.75" E	Sogod Bay
thence 97	10° 9' 46.97" N	125° 7' 42.47" E	Sogod Bay
thence following the Liloan Bridge to point 98			
thence 98	10° 9' 44.09" N	125° 7' 42.11" E	Sogod Bay
thence following the coastline of Liloan Bay to Liloan Point			
thence following the coastline to Sonok Point			
thence following the coastline to Bolobolo Point			
thence following the coastline to Calapian Point			
thence following the coastline to Point 1			
<b>Total Area: 62,478.50 hectares</b>			



54 Any modification of the scope and coverage of the PIPS in this Act shall be made  
 55 through an act of Congress, after consultation with the concerned government agencies  
 56 and stakeholders.

57  
58

## Article II – Administration and Management

59

60       **SECTION 6. Management of the PIPS.** – The PIPS shall be administered and  
61 managed by the Panaon Island Protected Area Management Board (PAMB), as herein  
62 provided, and shall be inclusive and science-based. The Panaon Island PAMB shall be  
63 responsible for the planning, resource protection, and general administration of the PIPS  
64 in accordance with the approved PIPS Management Plan.

65

66       **SECTION 7. PIPS Management Plan.** – Within six (6) months from the effectivity  
67 of this Act, there shall be a management plan which shall serve as the basic long-term  
68 framework plan for the management of the protected area and guide in the preparation  
69 of its annual operations plan and budget. The management plan shall be prepared by  
70 the PIPS Protected Area Management Office (PAMO) in coordination with the local  
71 community and various stakeholders, municipal and provincial governments, with the  
72 assistance from the Department of Environment and Natural Resources (DENR) and  
73 the Bureau of Fisheries and Aquatic Resources (BFAR).

74       The management plan shall contain, among others:

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

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

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

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

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

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

91           (g) mechanisms to ensure consultative and participatory decision-making  
92 processes. The management plan shall be consistent with the nature of the PIPS  
93 as a protected area. It shall be reviewed and approved by the Panaon Island  
94 PAMB and submitted to the DENR.

95

96       The management plan shall, at the minimum, promote the adoption and  
97 implementation of innovative management techniques including, when necessary,  
98 zoning, buffer zone management, habitat conservation and rehabilitation, diversity  
99 management, community organizing and development, socioeconomic and scientific  
100 researches, site-specific policy development, climate change adaptation and mitigation,  
101 disaster risk reduction and management, waste sewerage and septic management, and  
102 gender and development, among others.

103

104       The management plan shall be harmonized with the Ancestral Domain  
105 Sustainable Development and Protection Plan (ADSDPP) required under Republic Act  
106 No. 8371, or "The Indigenous People's Right Act of 1997", the respective

107 Comprehensive Land Use Plans (CLUPs) of local governments required under Republic  
108 Act No. 7160 or the 'Local Government Code of 1991' and other local plans.

109  
110 **SECTION 8. Environmental Impact Assessment.** – Any proposal for activities  
111 which are outside the scope of the PIPS management plan shall be subject to an  
112 environmental impact assessment as required by law before they are adopted, and the  
113 results thereof shall be taken into consideration in the decision-making process.

114  
115 No actual implementation of such activities shall be allowed without the required  
116 Environmental Compliance Certificate (ECC) under the Philippine Environmental  
117 Impact Assessment (EIA) system. In instances where such activities are allowed to be  
118 undertaken, the proponent shall plan and carry them out in such manner as will  
119 minimize any adverse effects and take preventive and remedial action when appropriate.  
120 The proponent shall be liable for any damage as may be provided under existing  
121 environmental laws.

122  
123 **SECTION 9. Zoning.** – There shall be established Strict Protection Zones and  
124 Multiple Use Zones within the PIPS. The establishment and management of zones shall  
125 involve the concerned stakeholders by undertaking such steps as dialogue and  
126 community and resource-use mapping. Each zone shall be indicated on maps and  
127 nautical charts. Buffer zones shall also be established within the peripheral areas of the  
128 PIPS in accordance with the management plan.

129  
130 **Article III – Institutional Mechanism, Roles and Functions**

131  
132 **SECTION 10. Protected Area Management Board (PAMB): Composition and**  
133 **Term of Office.** – Within three (3) months after the effectivity of this Act, the Panaon  
134 Island PAMB shall be created as the sole policy-making body of the PIPS. It shall be  
135 composed of:

136 (a) DENR Regional Director under whose jurisdiction the protected area  
137 is located, as Chairperson;

138 (b) Governor/s of the province/s where the protected area is located or  
139 their duly designated representative/s;

140 (c) A Senator of the Republic of the Philippines who is a duly registered  
141 resident of the city or province where the protected area is located or a duly  
142 authorized representative, unless the Senator declines membership in the PAMB;

143 (d) District Representative/s of the Congressional district/s where the  
144 protected area is located or their duly designated representatives, unless the  
145 District Representative declines membership in the PAMB;

146 (e) Mayor/s of the city/cities or municipality/municipalities where the  
147 protected area is located or their duly designated representative/s;

148 (f) Chairperson/s of the barangay/s where the protected area is located;

149 (g) Regional Directors of the following government agencies, namely: the  
150 Department of Agriculture (DA), the National Economic and Development  
151 Authority (NEDA), the Department of Science and Technology (DOST), the  
152 Philippine National Police (PNP), and the Department of National Defense  
153 (DND);

(h) Three (3) representatives from either an NGO or PO, duly accredited both by the DENR and the provincial government. The NGO or PO represented should have been in existence for at least five (5) years and with track record in or related to protected area management;

(i) At least one (1) but not more than three (3) representatives from all the IPs/ICCIs if present in the area and recognized by the National Commission on Indigenous Peoples (NCIP);

(j) One (1) representative from an academic institution, preferably from a university or college in the province where the protected area is located, with proven track record in or related to the protected area management; and

(k) One (1) representative from the private sector, preferably a resident of the province where the protected area is located, who is distinguished in a profession or field of interest relevant to the protected area management.

*Ex officio* members or members of the PAMB by virtue of their elective or appointive government positions as specified in the immediately preceding subparagraphs (a), (b), (c), (d), (e), (f), and (g), shall serve for the duration of their respective terms of office in their respective elective or appointive government positions. On the other hand, the members of the PAMB specified under subparagraphs (h), (i), (j), and (k) of this section shall be appointed by the DENR Secretary after the conduct of a transparent and fair selection process. They shall each serve a term of three (3) years and may be reappointed for another term.

The PAMB members duly appointed prior to the effectivity of this Act shall continue their term until the expiration of their appointment. Thereafter, members of the management board shall be appointed in accordance with the provisions of this Act: Provided, That the Regional Director of the DENR shall ensure that the relevant members of the PAMB are duly appointed by the DENR Secretary: Provided, further, That at least forty percent (40%) of the PAMB members shall be women, pursuant to Republic Act No. 9710 or 'The Magna Carta of Women'.

**SECTION 11. Grounds for Removal of PAMB members.** - A member of the PAMB may be removed for any of the following grounds:

- (1) More than three (3) consecutive unexcused absences from regular meetings of the management board;
  - (2) Commission of acts prejudicial to the management of protected areas as embodied in Section 20 hereof and/or other existing rules and regulations governing protected areas;
  - (3) Disassociation from the office or organization being represented;
  - (4) Termination of relationship with the office or organization being represented; or
  - (5) Conviction by final judgment of any criminal act.

**SECTION 12. Meetings of the PAMB.** - The Panaon Island PAMB 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.

202           **SECTION 13. Executive and Other Committees of the PAMB.** - There shall be  
203       an Executive Committee (ExeCom) to which the Panaon Island PAMB may delegate  
204       some of its powers and functions. Its members shall be chosen by the PAMB from among  
205       themselves. The PAMB may create other committees as it may deem necessary.  
206

207           **SECTION 14. Compensation and Incentives of PAMB members.** - The members  
208       of the Panaon Island PAMB shall serve without compensation, except for the actual and  
209       necessary traveling and subsistence expenses incurred in the performance of their duties,  
210       either in their attendance in meetings of the PAMB or in connection with other official  
211       business authorized through a resolution of the PAMB, subject to existing rules and  
212       regulations. Each member shall have the full capacity and accountability for decisions  
213       binding to the member's sector.  
214

215           **SECTION 15. Powers and Functions of the PAMB.** – The Panaon Island PAMB  
216       shall have the following powers and functions:

- 217           (a) Oversee the management of the protected area;
- 218           (b) Approve policies, plans and programs, proposals, agreements, and  
219       other related documents for the management of the protected area;
- 220           (c) Approve the management plan of the protected area and ensure its  
221       harmonization and integration with the ADSDPP (whenever appropriate), land  
222       use plan and other development plan public or private, and its implementation;
- 223           (d) Adopt a manual of operations to include rules of procedures in the  
224       conduct of business, and the creation of committees and their respective terms of  
225       reference;
- 226           (e) Recommend the deputation of appropriate agencies and individuals for  
227       the enforcement of the laws, rules and regulations governing the management of  
228       protected area;
- 229           (f) Allocate financial resources for the implementation of the management  
230       plan and manage the Protected Area Retention Income Account and other funds  
231       in accordance with the accounting and budgeting rules and regulations;
- 232           (g) Set fees and charges in accordance with the existing guidelines;
- 233           (h) Issue rules and regulations for the resolution of conflicts through  
234       appropriate and effective means;
- 235           (i) Recommend appropriate policy changes to the DENR and other  
236       governing authorities;
- 237           (j) Monitor and assess the performance of the protected area personnel  
238       assigned in the PAMO and all those implementing activities and projects in the  
239       PIPS;
- 240           (k) Establish partnerships with national and local agencies, local  
241       government units, local communities, the academe, nongovernmental  
242       organizations, and such other institutions to ensure the conservation and  
243       management of the PIPS, and monitor compliance of partners with the terms and  
244       conditions of any undertaking, contract or agreement;  
245
- 246           (l) Recommend from among a shortlist of qualified candidates, the  
247       designation or appointment of the PASu and, upon recommendation of the PASu,  
248       recommend for appointment by the DENR support staff to assist in the  
249       management of PIPS;

- (m) Assess the effectiveness of the management of the protected area;
  - (n) Provide adequate measures to ensure consultation and participation of stakeholders; and
  - (o) 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.

The members of the management board representing the LGUs and national agencies in the PAMB shall inform their respective constituents, offices or sectors, of PAMB-approved or other relevant policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and its implementing rules and regulations are complied with, and used as reference and framework in their respective plans, policies, programs, and projects.

The DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail.

**SECTION 16. Protected Area Management Office (PAMO).** – There is hereby established a Protected Area Management Office (PAMO) to be headed by a Protected Area Superintendent (PASU) with a permanent plantilla position who shall supervise the day-to-day management, protection and administration of the protected area. A sufficient number of support staff with permanent plantilla position shall be appointed by the DENR to assist the PASU in the management of the protected area.

The PAsu shall have full responsibility for the protection of resources within the PIPS. 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, in consultation with the stakeholders, including the annual work and financial plans and ensure their implementation;
  - (b) Ensure the integration of the protected area management plans, programs, projects, and policies with relevant national and LGUs' plans and programs;
  - (c) Act as secretariat to the Panaon Island PAMB with the duty to provide all relevant and timely information necessary for appropriate decision-making;
  - (d) Formulate and recommend to the PAMB proposed policies, rules, regulations, and programs;
  - (e) Establish, operate, and maintain a database management system which shall be an important basis for decision-making;
  - (f) Recommend support staff to assist in the management of the PIPS;
  - (g) Supervise the PAMO personnel in the performance of their duties and functions;
  - (h) Coordinate and implement with national and local agencies, local government units, local communities, the academe, nongovernmental

297 organizations, and such other institutions to ensure the conservation and  
298 management of the PIPS;

299 (i) Develop and implement park information, interpretation, education  
300 and other visitor programs;

301 (j) Enforce the laws, rules and regulations and the PAMB resolutions  
302 relevant to the PIPS, file administrative and criminal legal actions in collaboration  
303 with other government agencies or organizations, and assist in the prosecution of  
304 offenses;

305 (k) Monitor all activities within the PIPS in conformity with the  
306 management plan;

307 (l) Ensure that consultative and participatory mechanisms are maximized  
308 in decision-making;

309 (m) Issue permits and clearances for activities that implement the  
310 management plan and other permitted activities in accordance with terms,  
311 conditions, and criteria established by the PAMS: *Provided*, That all permits for  
312 extraction activities, including collection for research purposes, shall also  
313 continue to be issued by relevant authorities, subject to prior clearance from the  
314 PAMB, through the PASU, in accordance with the specific acts to be covered;

315 (n) Collect and/or receive pertinent fees, charges, donations, and other  
316 income for the protected area: *Provided*, That such fees, charges, donations, and  
317 other income collected /received shall be reported regularly to the PAMB and the  
318 DENR in accordance with existing guidelines; and

319 (o) Perform such other functions as the PAMB may assign.

320  
321 **SECTION 17. Role of Local Government Units (LGUs).** – Local government  
322 units shall participate in the management of the PIPS through their representation in the  
323 PAMB. Said LGUs may appropriate portions of their share from the annual internal  
324 revenue allotment and other income for use of the protected area, which shall be  
325 exempted form twenty-five percent (25%) remittance requirement for the IPA.

326  
327 LGUs with territory inside protected areas shall align their CLUPs, local  
328 development plans, climate change plans, disaster risk reduction management plans and  
329 other required plans according to the objectives specified herein and in the protected  
330 area management plans. The national and local government units shall likewise ensure  
331 that local ordinances pertaining to the environment are consistent with the management  
332 plan.

333 The LGUs shall continue to impose and collect other fees which they have  
334 traditionally collected, such as business permits and rentals of LGU facilities: *Provided*,  
335 That the LGUs shall not impose property tax on properties owned by the government  
336 nor issue any tax declarations for areas covered by the protected area. Furthermore,  
337 LGUs may charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons  
338 shall be based on the contribution of the LGUs in the maintenance and protection of the  
339 protected area.

340  
341 **Article IV – Utilization of Resources**

342  
343 **SECTION 15. Energy Resources.** – Any exploration, exploitation or utilization  
344 of non-renewable resources such as, but not limited to, minerals, gas and oil within the

345 PIPS shall not be allowed. Energy projects shall be allowed only through an act of  
346 Congress.

347

348 **SECTION 16. Areas under the Management of Other Departments and**  
349 **Government Instrumentalities.** – Should there be any portion of PIPS fall under the  
350 jurisdiction of government instrumentalities other than the DENR, such jurisdiction  
351 shall remain in the said department or government instrumentality: *Provided*, That the  
352 DENR shall retain its oversight function over such protected area, and the concerned  
353 agency shall provide annual reports on the management of said areas focusing on the  
354 conservation of the biodiversity therein.

355

## 356 Article V – Special Prosecutors and Retained Counsel

357

358 **SECTION 17. Special Prosecutors.** – There shall be special prosecutors appointed  
359 by the Department of Justice to prosecute violations of laws, rules and regulations in the  
360 protected area. The special prosecutors shall coordinate with the PAMB and the PASU  
361 in the performance of duties and assist in the training of wardens and rangers in arrest  
362 and criminal procedures.

363

364 **SECTION 18. Retained Counsels.** – The PAMB may retain the services of counsel  
365 to prosecute cases under the direct control and supervision of the regular or special  
366 prosecutor. Said counsel shall also represent and defend the members of the PAMB,  
367 PASU and the staff, or any DENR-deputized individual and volunteer, against any legal  
368 action arising from the performance of their powers, functions and responsibilities as  
369 provided in this Act.

370

## 371 Article VI – Proceeds and Fees

372

373 **SECTION 19. Panaon Island Protected Seascapes Fund (PIPSF).** – There is hereby  
374 established a Panaon Island Protected Seascapes Fund (PIPSF) for purpose of financing  
375 the projects and sustaining the operation of protected areas and the System. Income  
376 generated from the operation and management of protected area shall accrue to the  
377 PIPLF.

378

379 The income shall be derived from fees and charges from the use of resources and  
380 facilities of protected areas; contributions from industries and facilities directly  
381 benefiting from the protected area; and such other fees and income derived from the  
382 operation of the protected area.

383

384 The PAMB shall retain seventy-five percent (75%) of all revenues raised through  
385 the above means, which shall be deposited in the Protected Area-Retained Income  
386 Account (PA-RIA) in any authorized government depository bank within the locality:  
387 *Provided*, That disbursement out of such deposits shall be used solely for the protection,  
388 maintenance, administration, and management of the protected area and  
389 implementation of duly approved projects of the PAMB.

390

391 The remaining twenty-five percent (25%) of revenues shall be deposited as a  
392 special account in the General Fund in the National Treasury for purposes of financing  
393 the projects of the System.

394

395 The PIPLF may be augmented by grants, donations, endowment from various  
396 sources, domestic or foreign, for purposes related to their functions. These shall be  
397 deposited in full in a special account in the National Treasury to be used for the purpose  
398 specified in the deeds and instruments covering them. The PAMB shall have the sole  
399 power to decide on the use of its funds from whatever source.

400

Voluntary or legislated payments for ecosystem goods and services, including fines, penalties, and compensation for damages from protected area offenses shall accrue fully to the PA-RIA and shall be managed by the PAMB.

404

405 The use of the PIPLF shall be in accordance with existing accounting, budgeting,  
406 and auditing rules and regulations: *Provided, further,* That the PIPLF shall not be used  
407 to cover personal services expenditures.

408

**SECTION 20. Tax Exemption.** – All grants, bequests and endowments, donations and contributions made to the protected area fund to be used actually, directly, and exclusively by the protected area, shall be exempted from donor's tax and shall be considered as allowable deduction from the gross income of the donor for the purpose of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

415

## Article VII – Prohibited Acts and Penalties

## **SECTION 21. Prohibited Acts and Penalties –**

118

418                             (a) A fine of not less than Two hundred thousand pesos (P200,000) but  
419                             not more than One million pesos (P1,000,000) or imprisonment from one (1)  
420                             year but not more than six years, or both, plus damages of triple the value of the  
421                             said resources, or both, shall be imposed upon any person who commits the  
422                             following acts:

423

(1) Poaching, killing, destroying, disturbing of any wildlife including in private lands within the protected area;

425

products derived therefrom, including in private lands within the protected area without the necessary permit, authorization or exemption, except those authorized by the PASU for culling, scientific research, the exemptions provided under Section 27(a) of Republic Act No. 9147 (Wildlife Resources, Conservation and Protection Act) or harvests of nonprotected species in multiple-use zones by tenured migrants and IPs;

432

(3) Cutting, gathering, removing or collecting timber within the protected area including private lands therein, without the necessary permit, authorization, certification of planted trees or exemption as duly recognized practices of the JPs/JCCs for subsistence purposes;

136

(4) Possessing or transporting outside the protected area any timber, forest products, wildlife, or by-products derived therefrom which are ascertained to have been taken from the protected area other than

439 exotic species, the culling of which has been authorized under an  
440 appropriate permit; and

441 (5) Using any fishing or harvesting gear and practices or any of  
442 their variations that destroys coral reefs, seagrass beds or other marine life  
443 and their associated habitats or terrestrial habitat as may be determined  
444 by the DA or the DENR; *Provided*, That mere possession of such gears  
445 within the protected areas shall be *prima facie* evidence of their use.

446  
447 (b) A fine of not less than Two hundred thousand pesos (200,000) but not  
448 more than One million pesos (P1,000,000) or imprisonment from one (1) year  
449 but not more than six years, or both, shall be imposed upon any person who  
450 commits the following acts:

451  
452 (1) Dumping, throwing, using, or causing to be dumped into or  
453 places in the protected area of any toxic chemical, noxious or poisonous  
454 substance or nonbiodegradable material, untreated sewage or animal  
455 waste or products whether in liquid, solid or gas state, including pesticides  
456 and other hazardous substances as defined under Republic Act No. 6969,  
457 otherwise known as the "Toxic Substances and Hazardous and Nuclear  
458 Waste Control Act of 1990" detrimental to the protected area, or to the  
459 plants and animals or inhabitants therein;

460 (2) Operating any motorized conveyance within the protected area  
461 without permit from the PAMB;

462 (3) Altering, removing, destroying or defacing boundary marks or  
463 signs;

464 (4) Engaging in 'kaingin' or, any manner, causing forest fires inside  
465 the protected area;

466 (5) Mutilating, defacing, destroying, excavating, vandalizing or, in  
467 any manner damaging any natural formation, religious, spiritual,  
468 historical sites, artifacts and other objects of natural beauty, scenic value  
469 or objects of interest to indigenous communities;

470 (6) Damaging and leaving roads and trails in damaged condition;

471 (7) Littering or depositing refuse or debris on the ground or in  
472 bodies of water;

473 (8) Possessing or using blasting caps or explosives anywhere within  
474 the protected area;

475 (9) Occupying or dwelling in any public land within the protected  
476 area without clearance from the PAMB; and

477 (10) Constructing, erecting, or maintaining any kind of structure,  
478 fence or enclosure, conducting any business enterprise within the  
479 protected area without prior clearance from the PAMB and permit from  
480 the DENR, or conducting these activities in a manner that is inconsistent  
481 with the management plan duly approved by the PAMB.

482 (11) Undertaking mineral exploration or extraction within the  
483 protected area

484  
485 (c) A fine of Fifty thousand pesos (P50,000) daily shall be imposed on the  
486 owner of existing facilities within a protected area if the existence of the same

487 and its future plans and operations will be detrimental to the protected area. For  
488 every continuing violation, or if the violation continues to be committed for thirty  
489 (30) days and upon reaching a total fine of Five hundred thousand pesos  
490 (P500,000), the PAMB through the PASU and other deputized government  
491 entities, shall cause the cessation of operation and either forfeit in favor of the  
492 PAMO or demolish the facility at the cost of its owner. If the facility is  
493 government-owned, the agency in charge shall submit a plan for a substitute  
494 facility that complies with the protected area standards and, within one (1) year,  
495 execute the approved protected area management plan.

496

497 (d) Administrative fines of not less than Fifty thousand pesos (P50,000),  
498 but not exceeding Five million pesos (P5,000,000), shall be imposed by the  
499 DENR Secretary for the violation of any rule, regulation, or provision of any  
500 agreement reached with the PAMB: *Provided*, That if an area which has sustained  
501 damage from any activity conducted therein requires rehabilitation or restoration  
502 as determined by the court, the offender shall be required to restore or pay  
503 compensation for damage, which payment shall accrue to the PIPSF.

504

505 (e) In any event, including those not expressly provided in this Act, the  
506 provisions of Republic Act 11038, otherwise known as the Expanded National  
507 Integrated Protected Areas System Act, will apply.

## 509 Article VIII – Miscellaneous Provisions

510

511 **SECTION 22. Reporting Responsibility.** – The PASU, through the Panaon Island  
512 PAMB, shall submit an annual accomplishment report of the protected area to the  
513 Secretary of DENR through the Biodiversity Management Bureau (BMB). A report on  
514 the conditions and benefits of the biological resources and ecosystem services of the  
515 protected area shall also be submitted by the PASU, through channels, to the Secretary  
516 of the DENR every five (5) years. Consequently, the BMB shall likewise prepare a  
517 National State of Protected Areas (NSPAs) report every five (5) years and shall submit  
518 the same to the President, the Senate and the House of Representatives.

519

520 **SECTION 23. Appropriations.** – In order to carry out the purposes of this Act,  
521 an annual aggregate amount of Fifty Million Pesos (P 50,000,000.00) shall be included  
522 in the annual General Appropriations Act and allocated for the use of PIPS. Thereafter,  
523 the Secretary of the DENR shall immediately include in the DENR's annual program of  
524 implementation of this ACT, the funding of which shall be included in the annual  
525 General Appropriations Act.

526

527 **SECTION 24. Construction and Interpretation.** - The provisions of this Act shall  
528 be construed liberally in favor of the protection and rehabilitation of the protected area  
529 and the conservation and restoration biological diversity taking into account the needs  
530 and interests of qualified tenured migrants, vested rights, IPs and local communities, and  
531 the benefits from ecosystem services and functions of protected areas, for present and  
532 future generations: *Provided*, That nothing in this Act shall be construed as a diminution  
533 of local autonomy or in derogation of ancestral domain rights under the Indigenous  
534 Peoples' Rights Act of 1997, whenever applicable.

535

536       **SECTION 25. Separability Clause.** – If any provision of this Act is declared  
537 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall  
538 continue to be in full force and effect.

539

540       **SECTION 26. Repealing Clause.** – All laws, decrees, executive orders, rules and  
541 regulations or parts thereof which are contrary to or inconsistent with this Act are  
542 hereby repealed, amended or modified accordingly.

543

544       **SECTION 27. Effectivity Clause.** – This Act shall take effect fifteen (15) days  
545 after its complete publication in the *Official Gazette* or in two (2) newspapers of general  
546 circulation.

547

548              Approved.

549

550