



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 5687

EXPLANATORY NOTE

This proposed measure seeks to declare a portion of the Philippine Rise as a protected area under the National Integrated Protected Area System, and at the same time establish a mechanism that would ensure that measures towards this objective are enforced and implemented.

The Philippine Rise is a vast seamount found in the Eastern Seaboard of the Philippines. While it is, on average, 3,000-3,500 meters beneath the ocean's surface, it *rises* a good 2,000 meters above the rest of the ocean floor. On the Philippine Rise, there exists a number of other seamounts that further "rise up" to 1,000-2,000 meters. The tallest or *shallowest seamount* is the Benham Bank that lies just 48-70 meters beneath sea surface. In 2014, an all-Filipino Scientists Research Expedition discovered pristine coral reefs and associated habitats at depths up to 55 meters in several of their survey stations, at the summit of the Benham Bank Seamount. Alongside the discovery of these habitats are the discovery of diverse fish communities and apex predators, schools of sharks - indicative of a healthy ecosystem in the Benham Bank.¹

The majority of the Philippine Rise, including the Benham Bank Seamount, has always been within the Philippine Exclusive Economic Zone (EEZ). However, the United Nations Commission on the Limits of the Continental Shelf (UN CLCS) adopted the recommendation of the Philippines on the limits of our Continental Shelf, granting us an additional of 13.5M Hectares- Extended Continental Shelf (ECS) in the Philippine Rise extending beyond the EEZ.

Following the discoveries in the Benham Bank, four (4) more research expeditions were conducted in 2016, 2018, 2019, and 2022 to further assess the biodiversity and extent of habitats therein. The data and information obtained from past expeditions supported a number of pronouncements, from the recognition of the Philippine Rise as an Ecologically and Biologically Significant Marine Area (EBSA) under the United Nations Convention on Biological Diversity (UN-CBD), proposal for it to become a Marine Protected Area in 2016, the signing of Presidential Proclamation No. 489 declaring a portion of the *Philippine Rise*, namely the Benham Bank and its surrounding waters, as a *Marine Resource Reserve* under the National Integrated Protected Area System in 2018, and the development and finalization of its Management Plan.

The proclamation of the portion of the Philippine Rise as a marine protected area in 2018 however, was just an initial step towards fulfilling the requirements for a full-fledged protected area to be finally declared as part of the ENIPAS of 2018.

As the PRMRR is the first MPA in the Philippine EEZ, wherein fisheries operations are regular, the state of the habitats and biodiversity in the Benham Bank must be closely monitored to ensure the sustainability of the resources therein. Ecosystem degradation is a precursor of reduced ecosystem services. Regular expeditions to the area must be conducted in order to establish long-term trends in ecological integrity and biodiversity of the Benham Bank, vis-a-vis fisheries productivity data, courtesy of the DA BFAR, in order for us to appropriately craft, revise and implement sustainable utilization guidelines.

Monitoring and maintaining the high biodiversity and near pristine habitats in the PRMRR will contribute to sustainable fisheries productivity and ecosystem services for present and future generations. The law enforcement agencies (BFAR, Armed Forces of the Philippines, Philippine Coast Guard, and PNP Maritime Group) are involved in maritime

patrolling, maritime safety for Filipino fishers, and enforcement of fisheries and conservation laws.

Legislation of the PRMRR not only institutionalizes and provides funds for its management across the various agencies involved, from the DENR, to the DA BFAR, to security and enforcement agencies like the Philippine Coast Guard, the Armed Forces of the Philippines, and the Philippine National Police Maritime Group, among others, but is an exercise of Philippine sovereignty over our waters and the resources therein, for the benefit of present and future generations of Filipinos.

In view of the foregoing, immediate passage of this bill is earnestly sought.



RUFUS B. RODRIGUEZ

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AN ACT

DECLARING A PORTION OF THE PHILIPPINE RISE SITUATED WITHIN THE EXCLUSIVE ECONOMIC ZONE OF THE PHILIPPINE SEA AS A PROTECTED AREA WITH THE CATEGORY OF MARINE RESOURCE RESERVE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE PHILIPPINE RISE MARINE RESOURCE RESERVE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

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

CHAPTER I

DECLARATION OF POLICY AND SCOPE OF APPLICATION

SECTION 1. Title – This Act shall be known as the “Philippine Rise Marine Resource Reserve (PRMRR) Act”.

SEC. 2. Declaration of Policy. – It shall be the policy of the State to ensure the protection and conservation of the globally significant economic, biological, sociocultural, educational, and scientific values of the Philippine Rise and the *Benham Bank* into perpetuity for the enjoyment of present and future generations. In the pursuit of this policy, it shall protect portions of the Philippine Rise region, namely the *Benham Bank* and its surrounding waters, through sustainable and participatory management, taking into consideration all applicable laws and international conventions to which the Philippines is a signatory.

It shall likewise be the policy of the State to promote the Philippine Rise region, with the end in view of fostering widespread awareness and concern for the marine environment, and engaging Filipinos in conservation for the same. Towards this end, the State shall undertake comprehensive and holistic capacity building, and communication, education, and public awareness campaigns for the benefit of the general public, pursuant of the duty of the State to protect, conserve, and promote the biodiversity, ecosystems, and resources therein. The State shall encourage the participation of the fisheries sector in the protection, conservation, and promotion of the PRMRR.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follow:

- (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 the PRMRR that needs special development control in order to avoid or minimize harm to the protected area.
- (c) *By-products or derivatives* refer to parts taken or substances extracted from wildlife, in raw or in processed form.

- (d) *Collecting* refers to the act of gathering or harvesting wildlife and its by-products or derivatives.
- (e) *Conveyance* refers to every kind of vessel, including motorized or non-motorized vehicles, non-displacement crafts and seaplanes that are used or may be used as a means of transportation on land or water. It shall include everything found therein, except personal effects.
- (f) *Commercial fishers* refer to persons who catch fish and other fisheries products using fishing vessels of more than three (3) gross tons.
- (g) *Coral* refers to either of the following:
- the sessile marine invertebrates under Class Anthozoa of Phylum Cnidaria, whose individual units are called polyps. This includes stony or hard corals, and soft corals; or
 - the hard calcareous substance made up of the skeleton of marine anthozoan polyps which compose reefs, shelves and atolls, or any of the other stony masses formed by the skeletons of colonies of polyps. This includes: (a) skeletons of anthozoans characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus *Corallium* as represented by the red, pink and white corals which are considered precious corals; (b) skeletons of anthozoans characterized by thorny, horny axis such as the antipatharians represented by the black corals which are considered semi-precious corals; and (c) ordinary corals which are any kind of corals that are not precious nor semi-precious.
- (h) *Coral reef* refers to a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal, subtidal marine waters, or mesophotic zones.
- (i) *Delineation* refers to the actual ground survey of the boundaries of the protected area, its buffer zones, and management zones using the global positioning system (GPS) or other applicable survey instruments and technologies, with the intention of producing a map of the area;
- (j) *Demarcation* refers to the establishment of the boundaries of protected areas and their buffer zones using visible markers, monuments, buoys, or GPS markers, as a result of actual ground delineation;
- (k) *Ecosystems goods and services* refer to the multitude of material and nonmaterial provisions and benefits from healthy ecosystems necessary for human sustenance, well-being, and survival including support processes, provisioning and environment regulating services, and cultural resource preservation services;
- (l) *Exotic species* refers to the species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time.
- (m) *Exploration* refers to the act of searching or prospecting for mineral or energy resources, as defined by law, by geological, geochemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means, for the purpose of determining the existence, extent, quantity, and quality of resources in an area, and the feasibility of utilizing these resources for profit.
- (n) *Fishery or Fisheries management area* refers to a bay, gulf, lake or any other fishery area which may be delineated for fishery resource management purposes, as defined in Republic Act No. 10654, amending Republic Act No. 8550 Otherwise known as the Philippine Fisheries Code of 1998.
- (o) *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 protected area.
- (p) *Genetically modified organism (GMO)* refers to any living organism that possesses a novel combination of genetic material through the use of modern biotechnology.
- (q) *Hunting* refers to the killing or catching of wild fauna for food and recreational purposes, with the use of weapons such as guns, bow and arrow, spears, traps and snares, and the like.

- (r) *Integrated Protected Area Fund (IPAF)* refers to the special account established for the purpose of financing projects of the NIPAS and individual protected areas.
- (s) *Invasive alien species* refers to species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, out-compete native species, and take over the new environment.
- (t) *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.
- (u) *Multiple-use zone* refers to the area where settlement, traditional and sustainable land use including agriculture, agroforestry, extraction activities, and income generating or livelihood activities may be allowed to the extent prescribed in the protected area management plan.
- (v) *Municipal fishers or fisherfolk* refer to persons who catch fish and other fisheries products using fishing vessels of three (3) gross tons or less, or whose fishing does not require the use of fishing vessels.
- (w) *National Integrated Protected Areas System (NIPAS)* refers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.
- (x) *Non-government organization (NGO)* refers to any civic, developmental, environmental or philanthropic non-stock, non-profit organization, duly registered, having by-laws, 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.
- (y) *Non-renewable resources* refer to those resources that cannot be remade, regrown or regenerated on a scale comparative to its consumption.
- (z) *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 or altering the natural habitat.
- (aa) *Occupying* refers to a continuous stay of individuals or groups within a protected area, whether residing or engaging in the cultivation of land or fishing for more than twenty-four (24) hours.
- (bb) *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.
- (cc) *Poaching* refers to gathering, collecting, or possessing products or natural resources from the protected area by any individual person, corporation or entity whether local or foreign; in the case of marine protected areas, operating any foreign fishing vessels by any person, corporation, or entity without a permit.
- (dd) *Protected area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- (ee) *Protected Area Retained Income Account (PA-RIA)* refers to the trust fund maintained by any protected area and administered by the respective Protected Area Management Boards (PAMB) created pursuant to this Act representing the seventy-five percent (75%) of revenues generated from the protected area to support its operation and management.

- (ff) *Protected Species* refers to plants or animals 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 Fauna and Flora and all its Annexes, the Convention on the Conservation of Migratory Species (CMS), those specified under the red-list categories of the International Union for Conservation of Nature and Natural Resources (IUCN), or any plant or animal which the Department of Environment and Natural Resources (DENR), PAMB or any government agency may deem necessary for conservation and preservation in the protected area;
- (gg) *Quarrying* refers to the process of extracting, removing, and disposing sand, gravel, guano, limestone, and all other resources used as building and construction materials that are found within the protected area.
- (hh) *Resource reserve* refers to an extensive, relatively isolated, and uninhabited area which is difficult to access and is designated to protect the natural resources of the area for future use and prevent or contain development activities that could affect the resources, pending the establishment of sustainable resource utilization goals which are based upon appropriate information and planning.
- (ii) *Special Account in the General Fund (SAGF)* refers to the trust fund deposited in the national treasury representing the twenty-five percent (25%) of the revenues generated from the operation of individual protected area and earmarked to support the NIPAS.
- (jj) *Special Fisheries Management Area (SFMA)* refers to any Fishery/Fisheries Management Area, as defined in RA No. 10654 amending RA No. 8550, designated through a Presidential Proclamation or any other form policy issuance.
- (kk) *Special Use Agreement in Protected Areas (SAPA)* refers to a binding instrument between the DENR, as the first party, and the project proponent as the second party, relating to the use and/or development of land, resources or facilities within protected areas, pursuant to the ENIPAS Act;
- (ll) *Strict Protection Zone (SPZ)* refers to portions within protected areas that are closed to human activities by virtue of their significant biodiversity value, high susceptibility to geo-hazard, and identification as permanently dangerous. These areas may also include habitats of threatened species, or degraded areas that are designated for restoration and subsequent protection, regardless of their stages of regeneration;
- (mm) *Wildlife* refers to the wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred, fed, or propagated.

SEC. 4. Scope of Application– The Philippine Rise Marine Resource Reserve (PRMRR) shall cover the *Benham Bank* and its surrounding waters, more specifically described in Map No. PP-MPA-PR-01 within the following geographic coordinates:

BOUNDARY CORNER	LATITUDE	LONGITUDE
01	15° 32' 12" N	123° 58'56" E
02	15° 32' 12" N	124° 33' 03" E
03	16° 02' 47" N	124° 33' 03" E
04	16° 02' 47" N	123° 58'56" E,

under the World Geodetic System of 1984 (WGS84), containing an area of three hundred fifty-two thousand three hundred ninety (352,390.00) hectares.

SEC. 5. Management Zoning – When necessary, the DENR Secretary, upon the recommendation of the Philippine Rise Marine Resource Reserve Protected Area Management Board (PRMRR PAMB), may designate a Strict Protection Zone within the PRMRR in consideration of significant biodiversity value or habitats of threatened species, among other reasons as may be identified.

The areas outside of the strict protection zone but within the PRMRR shall automatically be designated as the Multiple-Use Zone and the Special Fisheries Management

Area, pursuant to Republic Act No. 11038, or the “ENIPAS Act of 2018”, amending Republic Act No. 7586, and Republic Act No. 10654 amending Republic Act No. 8550, or the “Philippine Fisheries Code of 1998.”

The DENR Secretary, upon recommendation of the PAMB, may designate areas surrounding the PRMRR as buffer zones for the purpose of providing extra layer of protection where restrictions may be applied.

Pursuant to the “ENIPAS Act of 2018”, the DENR, with the assistance of other government agencies, shall delineate and demarcate the PRMRR and its management zones.

SEC. 6. *Management Plan.* – The management plan shall, at the minimum, promote the adoption and implementation of innovative management techniques including, when necessary, zoning, buffer zone management, habitat conservation and rehabilitation, diversity management, community organizing and development, socioeconomic and scientific researches, site-specific policy development, climate change adaptation and mitigation, disaster risk reduction and management, and gender and development, among others.

The Management Plan shall be updated pursuant to the ENIPAS Act.

CHAPTER II

THE PHILIPPINE RISE MARINE RESOURCE RESERVE PROTECTED AREA MANAGEMENT BOARD (PRMRR PAMB)

SEC. 7. *Creation and Composition of the Philippine Rise Marine Resource Reserve Management Board.* – There shall be a Philippine Rise Marine Resource Reserve Protected Area Management Board (PRMRR PAMB), which shall be the sole policy-making body of the PRMRR. The management and administration of the PRMRR shall be vested with the PRMRR PAMB, as herein provided, and shall be consultative and participatory. It shall be composed of:

- (a) Secretary of the DENR, as Chairperson;
- (b) Chairperson of the House of Representatives Committee on Natural Resources Chairperson;
- (c) Chairperson of the Senate Committee on Environment, Natural Resources and Climate Change Chairperson;
- (d) Designated representatives of the Department of Agriculture Bureau of Fisheries and Aquatic Resources (DA BFAR), National Economic Development Authority (NEDA), Department of Science and Technology (DOST), Department of National Defense Office of Civil Defense (DND OCD), Philippine National Police – Maritime Group, the National Security Council (NSC), National Coast Watch Council Secretariat (NCWCS), Department of Foreign Affairs Maritime and Ocean Affairs Office (DFA MOAO), Armed Forces of the Philippines (AFP), and the Philippine Coast Guard (PCG);
- (e) Four (4) representatives from NGOs or POs duly accredited by the DENR. The NGOs or POs represented should have been in existence for at least five (5) years and must have a record of accomplishments in the field of protected area management;
- (f) Up to four (4) representatives from academic institutions, preferably from universities or colleges with proven track records in protected area management and research; and
- (g) One (1) representative from the private sector, preferably from the commercial fishing sector and a member of the National Fisheries and Aquatic Resources Management Council.

Ex-officio members or members of the PAMB by virtue of their elective or appointive government positions as specified in the immediately preceding sub-paragraphs (a), (b), (c), and (d) 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 sub-paragraphs (e), (f), and (g) 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 members of the PAMB shall serve without compensation, except for the actual and necessary travel and subsistence expenses incurred in the performance of their duties, either in their attendance in PAMB meetings or in connection with other official business authorized through a resolution by the PAMB, subject to existing rules and regulations. Each member shall have the full capacity and accountability for decisions binding to the member's sector.

The Interim PAMB members duly appointed prior to the effectivity of this Act shall continue to exercise their function until such time that a new set of PAMB members shall have been constituted.

Thereafter, the members of the management board shall be appointed in accordance with the provisions of this Act: *Provided, 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'.

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 18 hereof and 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.

The processes for facilitating applications, appointments, and creation of committees of the PRMRR PAMB and its members, as well as the resolution of issues, shall be pursuant to the ENIPAS Act of 2018.

SEC. 8. Powers and Functions of the PRMRR PAMB. – The PRMRR PAMB shall have the following powers and functions:

- (a) Oversee the management of the protected area;
- (b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;
- (c) Approve the management plan of the protected area and ensure its harmonization with and integration into national and other development plans, such as the FMA plan, public or private, and its implementation;
- (d) Adopt a manual of operations to include rules of procedures in the conduct of business, and the creation of committees and their respective terms of reference;
- (e) Recommend the deputation of appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the management of the protected area;
- (f) Allocate financial resources for the implementation of the management plan and manage the Protected Area Retention Income Account and other funds in accordance with the accounting and budgeting rules and regulations;
- (g) Set fees and charges in accordance with existing guidelines;
- (h) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- (i) Recommend appropriate policy changes to the DENR and other government authorities;
- (j) Monitor and assess the performance of the Protected Area Superintendent (PASU) and other protected area personnel and compliance of partners with the terms and conditions of any undertaking, contract or agreement;
- (k) Recommend from among a shortlist of qualified candidates, the designation or appointment of the PASU; and
- (l) Assess the effectiveness of the management of the protected area:

Provided, That the members of the management board representing national agencies 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. Failure to comply with the foregoing shall be the basis for disciplinary action against such member according to administrative rules and regulations and such penalties as the PAMB may provide: *Provided, further, That* the DENR, 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.

SEC. 9. The Protected Area Management Office (PAMO). – Pursuant to the ENIPAS Act of 2018, there is hereby established a PRMRR 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 PRMRR. 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 PRMRR.

The PASU shall be primarily accountable to the PAMB and the DENR for the management and operations of the protected area. Pursuant thereto, the PASU shall have the following duties and responsibilities:

- (a) Prepare the management plan, in consultation with the stakeholders, including the annual work and financial plans and ensure its implementation;
- (b) Ensure the integration of the protected area management plans, programs, projects, and policies with relevant national plans and programs;
- (c) Provide secretariat services to the PAMB and its committees and ensure the availability of relevant and timely information for 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) Enforce the laws, rules and regulations relevant to the protected area, commence and institute administrative and legal actions in collaboration with other government agencies or organizations, and assist in the prosecution of offenses committed in violation of this Act;
- (g) Monitor, evaluate, and report the implementation of management activities of the protected area;
- (h) Request for and receive any technical assistance, support or advice from any agency or instrumentality of the government as well as academic institutions, NGOs, and the private sector, as may be necessary for the effective management, protection and administration of the protected area;
- (i) Issue permits and clearances for activities that implement the management plan and other permitted activities in accordance with terms, conditions, and criteria established by the PAMB: *Provided, That* all permits for extraction activities, including collection for research purposes, shall also continue to be issued by relevant authorities, subject to prior clearance from the PAMB, through the PASU, in accordance with the specific acts to be covered;
- (j) Collect and receive pertinent fees, charges, donations, and other income for the protected area: *Provided, That* such fees, charges, donations, and other income collected/received shall be reported regularly to the PAMB and the DENR in accordance with existing guidelines;
- (k) Prepare and recommend to the PAMB approval of the annual work and financial plans of the protected area based on the management plan;
- (l) Directly report to the DENR Undersecretary for Field Operations through the Director of the Biodiversity Management Bureau; and
- (m) Perform such other functions as the PAMB and the DENR may assign.

SEC. 10. Role of the DENR. – The DENR shall perform all the functions as stipulated in the ENIPAS Act of 2018, as well as coordinate closely with other government agencies concerned to ensure the sound management and conservation of the PRMRR. It shall also provide technical and financial assistance to the PRMRR as may be needed.

SEC. 11. Reporting Responsibility – Pursuant to the ENIPAS Act of 2018, the PASU, through the PAMB, shall submit an annual accomplishment report of the protected area to the Secretary of the DENR through the Biodiversity Management Bureau (BMB). A report on the conditions and benefits of the biological resources and ecosystem services of the protected area shall also be submitted by the PASU, through channels, to the Secretary of the DENR every five (5) years. Further, the PASU shall coordinate with and provide the necessary documents needed by the BMB for the preparation of the National State of Protected Areas (NSPAs) report every five (5) years, to be submitted to the President, the Senate and the House of Representatives.

CHAPTER III

DEVELOPMENT, FISHING, EXPLORATION, AND RESEARCH ACTIVITIES AT THE PRMRR

SEC. 12. Management of the Special Fisheries Management Area of the PRMRR. – There shall be a Special Fisheries Management Area (SFMA) within the PRMRR under the jurisdiction of the DA BFAR, that covers the Multiple-Use Zone of the PRMRR. The DA BFAR shall monitor all the fishing activities within the SFMA, advise the PASU on fisheries management, ensure coordination and harmonization of the PRMRR Management Plan with the FMA framework, and provide other technical and financial assistance as may be necessary.

SEC. 13. Environmental Impact Assessment (EIA)– Considering that protected areas are environmentally critical areas, the proponent of development projects and activities with potentially significant adverse impacts as determined by the Environmental Management Bureau (EMB), whether or not these projects or activities are included in the management plan, shall secure an Environmental Compliance Certificate (ECC) in accordance with the Philippine Environment Impact Statement (EIS) System: Provided, That for development projects and activities that are not environmentally critical, an initial environmental examination (IEE) shall be undertaken instead of a full-blown EIA. No project or activity may be undertaken by any project proponent without prior clearance from the PAMB. The DENR shall require the submission of the PAMB clearance, among others, before issuing an ECC to a project proponent.

No actual implementation of such activities shall be allowed without the required ECC under the Philippine EIA System. Violations of environmental laws, rules and regulations, including those under the EIA System, shall be penalized accordingly.

SEC. 14. Energy Resource Projects – Consistent with Section 14 of the ENIPAS Act of 2018, the exploration for energy resources may be allowed in protected areas only for the purpose of gathering data and information and only if such activity is carried out with the least damage to surrounding areas.

Surveys for non-renewable energy projects shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President who shall make the appropriate recommendations to Congress.

Renewable energy projects may be allowed within the protected area by the PAMB with the concurrence of the DENR Secretary: *Provided, That* renewable energy projects, which shall be located outside the strict protection zones, shall undergo the EIA as provided by law, and shall adopt reduced impact technologies so as not to be detrimental to ecosystem functions, biodiversity, cultural practices and traditions: *Provided, further, That* sufficient bond

shall be remitted by the proponent to the DENR, the amount of which will be based on damage estimation upon decommissioning and projected cost of rehabilitation. It shall be released to the depositor upon the satisfactory decommissioning of all equipment, structures and improvements and the rehabilitation of the site according to the zones and objectives of the management plan as attested to by the PAMB.

SEC. 15. *Special Uses Within Protected Areas.* – Consistent with Section 25 of the ENIPAS Act of 2018, special uses may be allowed within the PRMRR except in the strict protection zone.

A sufficient bond shall be remitted by the proponent to the DENR to be released to the depository bank in the event of damage by or closure of the establishment after satisfactory rehabilitation according to the zones and objectives of the management plan as attested to by the PAMB.

CHAPTER IV ENFORCEMENT, PROHIBITED ACTS AND PENALTIES

SEC. 16. *Persons and Deputies Authorized to Enforce this Act and Other Environmental Rules and Regulations.* –The law enforcement officers of the Department of Environment and Natural Resources (DENR) as well as the Department of Agriculture (DA), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Philippine National Police – Maritime Group (PNP MG) are hereby authorized to enforce this Act and other marine environmental laws, rules and regulations. Further, the PAMO may also be augmented by the deputized environment and natural resources, law enforcement officers upon the recommendation of the PAMB and approval of the DENR.

Nothing herein mentioned shall be construed as preventing regular enforcers and police officers from arresting any person in the act of violating said laws and regulations.

SEC. 17. *Prohibited Acts.* – The following acts are prohibited within the PRMRR:

- (a) Poaching, killing, destroying, disturbing of any wildlife within the protected area;
- (b) Hunting, taking, collecting, gathering or possessing of any wildlife or by-products derived therefrom, or resources, whether living or nonliving within the protected area without the necessary permit, authorization or exemption: *Provided, That* the PASU as authorized by the PAMB shall issue a permit, authorization or exemption only for culling, scientific research, the exceptions provided under Section 27(a) of Republic Act No. 9147, or the “Wildlife Resources Conservation and Protection Act”, or harvests of non-protected species in multiple-use zones by fishers who are traditionally operating in the area as may be determined by BFAR;
- (c) Possessing or transporting outside the protected area any wildlife, or by-products derived therefrom, which are ascertained to have been taken from the protected area, except as may be allowed by this Act and authorized through obtaining of the appropriate permit;
- (d) Using any fishing or harvesting gear or employing any practices, or any of their variations, that is unsustainable, that are unsustainable, or detrimental to coral reefs, seagrass or seaweed beds or other marine life and their associated habitats: *Provided, That* mere possession of such gears within the protected area shall be *prima facie* evidence of their use;
- (e) Holding fast or securing a vessel in place either by using an anchor or tying onto any part of the reef: *Provided, That* all vessels permitted to enter shall utilize the mooring buoys provided by the PRMRR;
- (f) Dumping, throwing, using, or causing to be dumped into or placed in the protected area of any toxic chemical, noxious or poisonous substance or non-biodegradable material, untreated sewage or animal waste products or products whether in liquid, solid or gas state, including pesticides and other hazardous substances as defined under Republic Act No. 6969, otherwise known as the ‘Toxic Substances and

- Hazardous and Nuclear Wastes Control Act of 199” detrimental to the protected area, or to the plants, animals, inhabitants or habitats therein;
- (g) Operating any motorized conveyance within the protected area without permit from the PAMB;
 - (h) Altering, removing, destroying or defacing boundary marks, buoys, or signs;
 - (i) Mutilating, defacing, destroying, excavating, vandalizing or, in any manner, damaging any natural formation, religious, spiritual, historical sites, artifacts and other objects of natural beauty, scenic value or objects of interest;
 - (j) Littering or depositing refuse or debris within the protected area;
 - (k) Possessing or using blasting caps or explosives anywhere within the protected area;
 - (l) Occupying or dwelling within the protected area without clearance from the PAMB;
 - (m) Entering, enjoying or utilizing any portion of the PRMRR and the resources therein, for whatever purpose without the prior permission from the PRMRR-PAMB; and
 - (n) Obstructing, evading, or hindering Law Enforcement Officers from performing their duties within the Protected Area.
 - (o) Constructing, erecting, or maintaining any kind of structure, fence or enclosures, conducting any business enterprise within the protected area without prior clearance from the PAMB and permit from the DENR, or conducting these activities in a manner that is inconsistent with the management plan duly approved by the PAMB;
 - (p) Undertaking mineral exploration or extraction within the protected area, pursuant to Republic Act No. 7942, or the “Philippine Mining Act of 1995”;
 - (q) Engaging in commercial or large-scale quarrying within the protected area;
 - (r) Establishing or introducing exotic species, including GMOs or invasive alien species within the protected area;
 - (s) Conducting bioprospecting activities within the protected area without prior PAMB clearance in accordance with existing guidelines: *Provided, That* in addition to the penalty provided herein, any commercial use of any substance derived from non-permitted bioprospecting activities shall not be allowed and all revenue earned from illegal commercialization thereof shall be forfeited and deposited as part of the IPAF;
 - (t) Prospecting, hunting or otherwise locating hidden treasures within the protected area;

SEC. 18. Penalties. – Violations under this Act shall be subject to the following penalties:

- (a) A fine of not less than Two hundred thousand pesos (P200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six (6) years, or both, plus damages of triple the value of the said resources, or both, shall be imposed upon any person who violates paragraphs (a) to (e) of Section 17 herein;
- (b) A fine of not less than Two hundred thousand pesos (P200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six (6) years, or both, shall be imposed upon any person who violates paragraphs (f) to (n) of Section 17 herein;
- (c) A fine of not less than One million pesos (P1,000,000) but not more than Five million pesos (P5,000,000) or imprisonment from six (6) years but not more than twelve (12) years, or both, shall be imposed upon any person who violates paragraphs (o) to (t) of Section 17 herein;
- (d) Administrative fines of not less than Fifty thousand pesos (P50,000), but not exceeding Five million pesos (P5,000,000), shall be imposed by the DENR Secretary for the violation of any rule, regulation, or provision of any agreement reached with the PAMB: *Provided, That* if an area which has sustained damage from any activity conducted therein requires rehabilitation or restoration as determined by the court, the offender

shall be required to restore or pay compensation for such damages, which payment shall accrue to the IPAF.

On the basis of a court order, the DENR shall cause the eviction of an offender from the protected area: Provided, that in cases of emergency, the DENR Secretary may order the immediate exit or departure of the offender from the protected area. The DENR Secretary may call on other enforcement agencies to assist in executing the order to vacate.

An emergency occurs when there is a demonstrated impending threat to human life and biodiversity or to species found within the ecosystem of the protected area.

All minerals, wildlife, or other resources, whether living or nonliving, illegally collected or removed from the protected area, including all equipment, devices, conveyances, and firearms used in connection therewith, shall be forfeited in favor of the government, and any construction or improvement made thereon by the offender shall be subject to confiscation by the PAMO, subject to the application of due process.

The conveyances, vessels, equipment, paraphernalia, implements, gears, tools, and similar devices used in the commission of the crime shall be dealt with in accordance with Part 4, Rule 12 (Custody and Disposition of Seized Items, Equipment, Paraphernalia, Conveyances and Instruments) of Administrative Matter No. 09-6-8-SC (Rules of Procedure for Environmental Cases) issued by the Supreme Court. However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the PAMO for rehabilitation and release to its natural habitat, subject to existing regulations.

Valuation of the damage shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. The valuation and assessment by the DENR, in coordination with other concerned government agencies, shall be presumed regular, unless otherwise proven by preponderance of evidence.

If the offender is an association or corporation, the president or manager, who is proven to have participated in or have actual knowledge of any violation against the provisions of this Act shall be directly liable for the act of the employees and laborers: Provided, finally, That the DENR may impose administrative fines and penalties consistent with this Act.

Any person who shall induce another or conspire to commit any of the acts prohibited in this Act, or force their workers to commit any of the same, shall be liable as principal.

The penalties specified in this section shall be in addition to the penalties provided in the ENIPAS Act, the Wildlife Resources Conservation and Protection Act, Republic Act No. 10654 amending the Philippine Fisheries Code of 1998, and other related laws.

The conviction of a public officer or officer of the law whether from any LGU or any national government agency for any violation of the provisions of this Act shall carry the accessory penalty of perpetual disqualification from public office.

SEC. 19. Enforcement of laws within PRMRR Areas in the Exclusive Economic Zone. –

The penalties under this Act shall be enforced according to the following norms:

- (a) Foreign nationals who are arrested and prosecuted for violations of this Act committed in the Exclusive Economic Zone of the Philippines shall be subject to imprisonment or other form of corporal punishment pursuant to an agreement between the Philippines and the relevant foreign states allowing the imposition of these penalties;
- (b) Foreign vessels and their crew arrested or detained for violation of this Act committed in the Exclusive Economic Zone of the Philippines shall be promptly released upon the posting of reasonable bond or other financial security set by the competent Philippine court. In case a dispute settlement proceeding has been initiated by the flag state of a detained foreign vessel before the relevant international court or tribunal under Article 292 of the 1982 Law of the Sea Convention, the competent Philippine court shall promptly order the release of the detained foreign vessel and its crew upon payment of the bond or other financial security set by the said relevant international court or tribunal;
- (c) In case a foreign vessel is arrested or detained for violation of this Act committed in the Exclusive Economic Zone of the Philippines, the competent Philippine court shall

promptly direct the Department of Foreign Affairs to notify the flag State of that vessel of the action taken and of any penalties subsequently imposed.

CHAPTER V INTEGRATED PROTECTED AREA FUND

SEC. 20. *The Integrated Protected Area Fund (IPAF).* – Pursuant to the ENIPAS Act of 2018, income generated from the operation and management of the PRMRR shall accrue to the Integrated Protected Area Fund (IPAF). The income shall be derived from fees and charges from the use of resources and facilities of the PRMRR; contributions from industries and facilities directly benefitting from the protected area; and such other fees and income derived from the operation of the PRMRR.

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

Grants, donations and endowments from various sources, domestic or foreign, shall be deposited in full in a special account in the National Treasury to be used for the purpose specified in the deeds and instruments covering them.

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.

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

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

The DENR shall submit to the Department of Budget and Management (DBM) and the Department of Finance (DOF) quarterly reports on the financial and physical accomplishments on the utilization of the IPAF and other documents as may be required by the DBM, and shall furnish a copy of the same to the House Committee on Appropriations and the Senate Committee on Finance.

SEC. 21. *Tax Exemption.* – All grants, bequests, 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.
(n)

SEC. 22. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the effectivity of this Act, the Secretary of the DENR shall, in consultation with the concerned agencies and stakeholders most especially the fisheries sector, issue the corresponding rules and regulations for the effective implementation of this Act.

SEC. 23. *Appropriations.* – The Secretaries of the DENR and DA shall immediately include in their respective programs the implementation of this Act, the funding of which shall be included in the General Appropriations Act.

SEC. 24. *Transitory Provision.* – Pursuant to the ENIPAS Act of 2018, in order to enhance biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances,

compliance documents or other instruments that allow utilization of resources within the protected area until the management plan shall have been put into effect. All existing resource use permits issued for purposes which are authorized within the protected area shall be reviewed and shall not be renewed upon their expiration unless consistent with the management plan and approved by the PAMB.

SEC. 25. *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 the ENIPAS Act of 2018, Republic Act No. 10654 amending the Philippine Fisheries Code of 1998, the Wildlife Resources Conservation and Protection Act, and existing environmental laws and their corresponding rules and regulations not inconsistent hereto shall have suppletory effect in the implementation of this Act.

SEC. 26. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected shall continue to be in full force and effect.

SEC.27. *Repealing Clause.* – All laws, ordinances, orders, rules, regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 28. *Effectivity.* - This Act shall take effect fifteen (15) days after publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,