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DENR Administrative Order
No. 2022-_____

SUBJECT: GUIDELINES ON THE IMPOSITION OF ADMINISTRATIVE FINES AND PENALTIES FOR VIOLATIONS OF THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT, AS AMENDED, INCLUDING THE ASSESSMENT OF COMPENSATION FOR DAMAGES

Pursuant to RA No. 7586 or the National Integrated Protected Areas System (NIPAS) Act, as amended by RA No. 11038 or the Expanded NIPAS Act and its Implementing Rules and Regulations, mandating the Secretary to issue a system-wide schedule of administrative fines and penalties for the violations under the NIPAS Act, as amended, this guidelines is hereby prescribed.

Section 1. Basic Policy. It is the policy of the State to conserve the country's biodiversity and sustainably manage protected areas to maintain essential ecological processes and life-support systems.

Section 2. Objectives. This Order aims to provide a standard system-wide schedule of administrative fines and penalties for acts committed in violation of the NIPAS Act, as amended, and its Implementing Rules and Regulations (IRR) as an instrument for deterring violations to enhance environmental protection and conservation of protected areas. It also aims to prescribe the general considerations in the assessment for compensation for damages in filing for damages in court.

Section 3. Scope and Coverage. This Order shall cover violations under Section 20 and other relevant provisions of the NIPAS Act, as amended, and its Implementing Rules and Regulations for acts committed within legislated and proclaimed protected areas, including initial components of the NIPAS.

Section 4. Definition of Terms. For purposes of this Order the following terms shall mean as follows:

4.1 Compensation for Damage - refers to the monetary penalty to be charged against the violator based on the extent and degree of violation committed. This shall be treated as a separate penalty from the imposition of administrative fines exclusive of the set range of administrative fines (Php 50,000-Php 5,000,000) pursuant to Section 21 (e) of the NIPAS Act, as amended.

4.2 Continuous Violation - the act of committing violation repeatedly despite being issued with a Notice of Violation.

4.3 Damage - refers to the degradation of the ecological integrity and quality of the protected area and/or the reduction in the magnitude of ecosystem goods and services being provided by the protected area.

4.4 Large-scale quarrying - refers to quarrying operations in areas of more than 5 hectares.

Section 5. Prohibited Acts. Violations of the NIPAS Act, as amended, including any agreement reached with the PAMB, shall be governed by Section 20 of the said Act with administrative fines and penalties of not less than Fifty thousand pesos (P50,000), but not exceeding Five million pesos (P5,000,000) imposed by the DENR Secretary: 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 Integrated Protected Area Fund (IPAF).

Section 6. Fines and Penalties. The following acts as provided in the NIPAS Act, as amended, shall be considered violations subject to corresponding fines as follows:

Prohibited Act	Schedule of Fines and Penalties	
	Terrestrial	Coastal and Marine
a) Poaching, killing, destroying, disturbing of any wildlife including in private lands within the protected area	<p>Critically endangered: 2,000,000 or twice the market value whichever is higher</p> <p>Endangered: 600,000 or twice the market value whichever is higher</p> <p>Vulnerable: 300,000 or twice the market value whichever is higher</p> <p>Other Threatened Species: 200,000 or twice the market value whichever is higher</p> <p>Other Protected Species: 100,000 or twice the market value whichever is higher</p>	<p>Critically endangered: 2,000,000 or twice the market value whichever is higher</p> <p>Endangered: 600,000 or twice the market value whichever is higher</p> <p>Vulnerable: 300,000 or twice the market value whichever is higher</p> <p>Other Threatened Species: 200,000 or twice the market value whichever is higher</p> <p>Other Protected Species: 100,000 or twice the market value whichever is higher</p>

Prohibited Act	Schedule of Fines and Penalties	
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b) Hunting, taking, collecting, or possessing of any wildlife, or by-products derived therefrom, including in private lands 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 (Wildlife Resources, Conservation and Protection Act) or harvests of non protected species in multiple-use zones by tenured migrants and IPs	<p>Critically endangered: 2,000,000 or twice the market value whichever is higher</p> <p>Endangered: 600,000 or twice the market value whichever is higher</p> <p>Vulnerable: 300,000 or twice the market value whichever is higher</p> <p>Other Threatened Species: 200,000 or twice the market value whichever is higher</p> <p>Other Protected Species: 100,000 or twice the market value whichever is higher</p>	Php 500,000 – Php 5,000,000 (coral reefs, BFAR RA 10654)
c) 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 such as for culling exotic species; except, however, when such acts are done in accordance with the duly recognized practices of the IPs/ICCs for subsistence purposes	Updated market price per unit of affected species based on annual Philippine Forestry Statistics published by the Forest Management Bureau multiplied by its volume	Updated average market price per unit of affected species based on annual Philippine Forestry Statistics published by the Forest Management Bureau multiplied by its volume
d) Possessing or transporting outside the protected area any timber, forest products, wildlife, or by-products, derived	<p>For wildlife resources:</p> <p>Critically endangered: 2,000,000 or twice the</p>	

Prohibited Act	Schedule of Fines and Penalties	
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therefrom which are ascertained to have been taken from the protected area other than exotic species, the culling of which has been authorized under an appropriate permit	<p>market value whichever is higher</p> <p>Endangered: 600,000 or twice the market value whichever is higher</p> <p>Vulnerable: 300,000 or twice the market value whichever is higher</p> <p>Other Threatened Species: 200,000 or twice the market value whichever is higher</p> <p>Other Protected Species: 200,000 or twice the market value whichever is higher</p> <p><i>*Based on the proposed amendments to RA 9147</i></p> <p>For timber and other forest products:</p> <p>Updated market price per unit of affected species based on annual Philippine Forestry Statistics published by the Forest Management Bureau multiplied by its volume</p>	
e) Using any fishing or harvesting gear and practices or any of their variations that destroys coral reefs, seagrass beds or other marine life and their associated habitats or	N/A	<p>Php 29,000 multiplied by the damaged area in square meter</p> <p>Additional fine for continuous violation:</p>

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	Terrestrial	Coastal and Marine
terrestrial habitat as may be determined by the DA or DENR: Provided, That mere possession of such gears within the protected areas shall be prima facie evidence of their use		<p>Less than 1 sq. m -Php 120,000 daily; 1 sq. m-1,000 sq. m - Php 240,000 daily; More than 1,000 sq. m - Php 480,000 daily</p> <p><i>*Based on World Bank funded project "Sustainable Financing of Protected Areas Project" Final Report, 2014</i></p>
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 nonbiodegradable 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 1990' detrimental to the protected area, or to the plants and animals or inhabitants therein	<p>*Php 36 multiplied by the damaged area in square meter.</p> <p>Additional fine for continuous violation: Less than 1 sq. m -Php 120,000 daily; 1 sq. m-1,000 sq. m -Php 240,000 daily; More than 1,000 sq. m - Php 480,000 daily</p> <p>Costs of clean---up of the oil spill or other pollutants, liability for health, livelihood, other damages, including the dismantling of structures and rehabilitation/restoration shall be borne by the violator</p> <p><i>*Based on World Bank funded project "Sustainable Financing of Protected Areas Project" Final Report, 2014</i></p>	<p>Php 29,000 multiplied by the damaged area in square meter.</p> <p>Additional fine for continuous violation: Less than 1 sq. m -Php 120,000 daily; 1 sq. m-1,000 sq. m - Php 240,000 daily; More than 1,000 sq. m - Php 480,000 daily *from the time of the issuance of NOV</p> <p>Costs of clean---up of the oil spill or other pollutants, liability for health, livelihood, other damages, including the dismantling of structures and rehabilitation/restoration shall be borne by the violator</p> <p><i>*Based on World Bank funded project "Sustainable Financing of Protected Areas Project" Final Report, 2014</i></p>

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g) Operating any motorized conveyance within the protected area without permit from the PAMB, except when the use of such motorized conveyance is the only practical means of transportation of IPs/ICCs in accessing their ancestral domain/land	<p>Class A: Motorcycle and Tricycle -Php 100,000</p> <p>Class B: Vehicles up to 5,000 kgs, GVW/8 or more seats, Vehicles carrying goods ≤ 3,500 kgs GVW -Php 500,000</p> <p>Class C: Vehicles carrying goods >3,500 kgs GVW - Php 1,500,000</p> <p>Class D: Bus > 5,000 kgs GVW/9 or more seats, BE – Trailers ≤ 3,500 kgs - Php 3,000,000</p> <p>Class E: Articulated C > 3,500 kgs combined GVW -Php 5,000,000</p> <p><i>*Vehicle classification based on DOTr Supplemental Implementing Rules and Regulations of RA 10930</i></p>	<p>Municipal (3.1 gross tons and below)</p> <p>1st offense 50,000 2nd offense 150,000 Final offence 250,000</p> <p>Commercial (> 3.1 gross tons)</p> <p>1st offense 300,000 2nd offense 900,000 final offense 1,500,000</p>
h) Altering, removing destroying or defacing boundary marks or signs	<p>Replacement cost based on the relevant Unit of Work Measurement issued by the DENR through the Annual Planning Guidelines.</p> <p>e.g as of 2022, the unit cost per monument is Php 20,000</p>	<p>Replacement cost based on the relevant Unit of Work Measurement issued by the DENR through the Annual Planning Guidelines.</p> <p>e.g as of 2022, the unit cost per buoy is Php 250,000</p>
i) Engaging in 'kaingin' or, in any manner, causing forest fires inside the protected area	*Php 36 multiplied by the damaged area in square meter plus updated market price per unit of affected species based on annual Philippine	not applicable

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	<p>Forestry Statistics published by the Forest Management Bureau multiplied by its volume</p> <p>Cost of clean-up and rehabilitation/restoration shall be charged against the violator.</p> <p><i>*Based on World Bank funded project "Sustainable Financing of Protected Areas Project" Final Report, 2014</i></p>	
j) 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 to IPs/ICCs	<p>**Vandalism -Php 50,000 Mutilation -Php 100,000 Defacing -Php 200,000 Excavating -Php 500,000 Destroying -Php 1,000,000</p> <p>**scheme determined arbitrarily</p>	<p>**Vandalism -Php 50,000 Mutilation -Php 100,000 Defacing -Php 200,000 Excavating -Php 500,000 Destroying -Php 1,000,000</p> <p>**scheme determined arbitrarily</p>
k) Damaging and leaving roads and trails in a damaged condition	Replacement cost based on the updated/recent costing or actual costing for trail maintenance issued by the DPWH	Replacement cost based on the updated/recent costing or actual costing for trail maintenance issued by the DPWH
l) Littering or depositing refuse or debris on the ground or in bodies of water	<p><1 cubic meter – Php 1,000,000</p> <p>1-3.99 cubic meter – Php 2,000,000</p> <p>4-6.99 cubic meter – Php 3,000,000</p> <p>7-10 cubic meter – Php 4,000,000</p> <p>>10 cubic meter – Php 5,000,000</p>	<p>*Littering, throwing, dumping of solid waste within the protected area- Php 50,000 per violations</p> <p>*Dumping (10 - 16 cubic yards) in bulk of collected domestic, industrial, commercial and institutional wastes</p> <p>- Costs of clean---up of</p>

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		<p>the oil spill or other pollutants, liability for health, livelihood, other damages, including the dismantling of structures and rehabilitation/restoration shall be borne by the violator</p> <p><i>*Based on Section 28 of RA 9275 or Philippine Clean Water Act of 2004 with inflationary adjustments</i></p>
m) Possessing or using blasting caps or explosives anywhere within the protected area	<p>1st violation: Php 50,000 2nd violation: Php 100,000 3rd violation: Php 150,000</p> <p><i>Scheme based on DAO 2000-98 or Mine Safety and Health Standards</i></p>	<p>1st violation: Php 50,000 2nd violation: Php 100,000 3rd violation: Php 150,000</p> <p><i>Scheme based on DAO 200-98 or Mine Safety and Health Standards</i></p>
n) Occupying or dwelling in any public land within the protected area without clearance from the PAMB	<p><10 sq. m. -Php 50,000 10-20 sq. m. -Php 100,000 >20 sq. m. -Php 250,000</p> <p>Additional 10% of the principal amount for continuous violation</p>	<p><10 sq. m. -Php 50,000 10-20 sq. m. -Php 100,000 >20 sq. m. -Php 250,000</p> <p>Additional 10% of the principal amount for continuous violation</p>
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	<p><10 sq. m. -Php 50,000 10-20 sq. m. – Php 150,000 >20-50 sq. m. – Php 500,000 >50-100 sq. m – Php 1,000,000 >100 sq. m – Php 5,000,000</p>	<p><10 sq. m. -Php 50,000 10-20 sq. m. – Php 150,000 >20-50 sq. m. – Php 500,000 >50-100 sq. m – Php 1,000,000 >100 sq. m – Php 5,000,000</p>

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management plan duly approved by the PAMB	Additional 10% of the principal amount for continuous violation	Additional 10% of the principal amount for continuous violation
p) Undertaking mineral exploration or extraction within the protected area	Php 5,000,000	Php 5,000,000
q) Engaging in commercial or large-scale quarrying within the protected area	Php 5,000,000	Php 5,000,000
r) Establishing or introducing exotic species, including GMOs or invasive alien species within the protected area	Php 5,000,000	Php 5,000,000
s) Conducting bioprospecting 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 within a protected area will not be allowed and all revenue earned from illegal commercialization thereof shall be forfeited and deposited as part of the IPAF	Php 5,000,000	Php 5,000,000
t) Prospecting, hunting or otherwise locating hidden treasures within the protected area	<p>Php 1,000,000 per violation</p> <p>Additional fine for continuous violation 120,000 per day.</p>	<p>Php 1,000,000 per violation</p> <p>Additional fine for continuous violation 120,000 per day.</p>
u) Purchasing or selling, mortgaging or leasing lands or other portions of the protected area which are covered by any tenurial instrument	100% of the actual selling, mortgaging or leasing price, based on the zonal value of the area. Provided that the total administrative fine	100% of the actual selling, mortgaging or leasing price, based on the zonal value of the area. Provided that the total administrative fine

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	shall not be less than Php 50,000.	shall not be less than Php 50,000.
v) Constructing any permanent structure within the forty (40)-meter easement from the high water mark of any natural body of water or issuing a permit for such construction pursuant to Article 51 of Presidential Decree No. 1067: Provided, That construction for common usage wharves and shoreline protection shall be permitted by the PAMB only after thorough EIA	<p><10 sq. m. -Php 1,000,000 10-20 sq. m. – Php 2,000,000 >20-50 sq. m. – Php 3,000,000 >50-100 sq. m – Php 4,000,000 >100 sq. m – Php 5,000,000</p> <p>Additional 10% of the principal amount for continuous violation</p>	<p><10 sq. m. -Php 1,000,000 10-20 sq. m. – Php 2,000,000 >20-50 sq. m. – Php 3,000,000 >50-100 sq. m – Php 4,000,000 >100 sq. m – Php 5,000,000</p> <p>Additional 10% of the principal amount for continuous violation</p>

Section 6.1. If the above-mentioned acts were committed within the Strict Protection Zone, 50% of the computed fines shall be added. And if the conservation status of the subject wildlife is considered threatened species, additional 50% of the computed fines shall be charged against the violator.

Section 6.2. An assessment team composed of members from the PAMO, PAMB, and CDD, shall gather primary data on the extent of violations for purposes of this Order. Previous data gathered from the inventory of resources in the protected area shall be used to determine the ecosystems damaged and the biological and natural resources lost. Whenever feasible, biological resources should be identified to the species level. Spatial analysis and on-site assessment of the condition of biological and natural resources shall be employed.

Section 6.3. Pursuant to NIPAS Act, as amended, and this Order, the Regional Executive Director shall impose the actual administrative fines and penalties for the violation of rules and regulations, and of the conditions of clearances issued by the PAMB or the DENR.

Section 6.4. Pursuant to Section 1 (d) of the NIPAS Act, as amended, the owner of an existing facility whose existence and future operations were proven to be actually detrimental shall be imposed a fine of Fifty thousand pesos (P50,000) daily. For every continuing violation, or if the violation continues to be committed for thirty (30) days and upon reaching a total fine of Five hundred thousand pesos (P500,000), the PAMB through the PASU and other deputized government entities, shall cause the cessation of operation and either forfeit in favor of the

PAMO or demolish the facility at the cost of its owner. If the facility is government-owned, the agency in charge shall submit within six (6) months upon issuance of the Notice of Violation (NOV) a plan for the substitute facility that complies with the protected area standards and PA Management Plan and shall execute within one (1) year, upon approval of the PAMB.

Section 7. Compensation for Damages. The compensation for damages for areas that require rehabilitation or restoration can be determined by the court by adopting the schedule of fines and penalties in Section 6 hereof. In the case of damages within SAPA areas, the posted bond by the SAPA holder shall be forfeited in favor of the PAMB. Said amount shall be used for the rehabilitation/restoration of the affected area.

The compensation for damages, as computed under these guidelines, shall be the basis for a claim for damages in an appropriate action to be filed before the court, in accordance with Sec. 21 of the NIPAS Act, as amended.

Section 8. Imposition of Penalties based on Other Existing Laws. The penalties specified in this Order shall not prevent the imposition of penalties provided for in existing laws, rules and regulations such as, but not limited to: Republic Act No. 9072 or the 'National Caves and Cave Resources Management and Protection Act', Republic Act No. 9147 or the 'Wildlife Resources Conservation and Protection Act', Republic Act No. 8550 or the 'Philippine Fisheries Code of 1998', and PD 705 or the 'Revised Forestry Code of the Philippines', as amended.

Section 9. Reimbursement for Advances Made by Government Agencies – For damages that need immediate rehabilitation and restoration, the DENR, LGU, and/or other concerned government agencies shall undertake the necessary rehabilitation and restoration activities. The cost of rehabilitation and restoration shall be reimbursed by the person/entity responsible for the damage immediately or as may be agreed upon with the violator. The reimbursement of actual cost of rehabilitation/restoration shall be deducted from the compensation for damages assessed herein.

Section 10. Automatic Adjustment of Fines and Penalties. Administrative fines and penalties shall be increased to a maximum of 10% per year, Provided that the administrative fines shall not exceed Five Million Pesos (Php 5,000,000.00). The PAMB may recommend to the Secretary through a resolution an increase on the prescribed administrative fines and penalties herein.

Section 11. Accrual of Fines, Penalties and Compensation for Damages. Fines, penalties and compensation for damages shall accrue fully to the Protected Area-Retention Income Account (PA-RIA) of the protected area, and shall be managed by the PAMB pursuant to Section 16 of the NIPAS Act, as amended.

Section 12. Separate Criminal Liability. Payment of fines and penalties imposed in this Order shall not exempt the person responsible from criminal liability as may be provided in existing laws. Liability for damages does not require prior conviction of the violator. However, liability for fines and penalties in this Order requires sufficient evidence that the person is responsible for the activity that caused the damage.

Section 13. Separability Clause. If any provision of this Order shall be held invalid or unconstitutional, the other portions thereof which are not affected shall continue in full force and effect.

Section 14. Effectivity Clause. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the Office of the National Administration Registrar, University of the Philippines Law Center.

Secretary