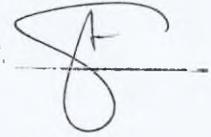


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**SENATE**

S. No. 518

RECEIVED BY.



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Introduced by **SENATOR CYNTHIA A. VILLAR**

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**AN ACT**

**DECLARING THE VERDE ISLAND PASSAGE IN THE PROVINCES OF BATANGAS, MARINDUQUE, OCCIDENTAL MINDORO, ORIENTAL MINDORO, ROMBLON AND QUEZON, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED SEASCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE VERDE ISLAND PASSAGE PROTECTED SEASCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

Under the 1987 Philippine Constitution, it is a declared policy that the State "shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."<sup>1</sup> In line with safeguarding a healthful ecology, the Constitution likewise provides that Congress shall determine the national parks, which shall be conserved and may not be increased nor diminished, except by law.<sup>2</sup>

Pursuant to the said constitutional provisions, the National Integrated Protected Areas System (NIPAS) was established by virtue of Republic Act (RA) No. 7586, as amended by RA No. 11038, otherwise known as the "Expanded NIPAS Act of 2018". Cognizant of the exacting impact of diverse human activities on all components of the natural environment, the NIPAS Act declared it the policy of the State "to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a

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<sup>1</sup> Article II, Section 16, 1987 Philippine Constitution

<sup>2</sup> Article XII, Sec. 3, 1987 Philippine Constitution

comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.” The system shall encompass ecologically rich, unique and biologically important areas that are habitats of threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as 'protected areas'.<sup>3</sup>

Presently, there are already 113 protected areas in the Philippines that have been so declared through legislation. And yet, based on the records and various suitability assessments by the Biodiversity Management Bureau (BMB) of the Department of Environment and Natural Resources (DENR), there are still numerous sites in the country that have to be given 'protected area' status, by legislative action, in order to ensure its conservation. One of these sites is the Verde Island Passage.

Verde Island Passage is recognized globally as the center of the center of marine shorefish biodiversity. It is surrounded by 5 provinces, namely - Batangas, Mindoro Occidental, Mindoro Oriental, and Marinduque. In 2016, a connectivity study by Villanoy, C.L., et. al. establishes Verde Island Passage (VIP) as a source and sink of fish and coral larvae important in providing fish to local communities and seeding other areas of the country. Aside from this, Verde Island Passage (VIP) is one of the busiest sea lanes in the country because it is the main shipping route between the Port of Manila and the Visayas and Mindanao in the south and connects the surrounding provinces of Batangas, Marinduque, Occidental Mindoro, Oriental Mindoro and Romblon.

Policies, plans, and programs were previously launched previously in order to protect and conserve Verde Island Passage. These include the adoption of Executive Order No. 578 in 2006 that establishes a national policy on biological biodiversity and its implementation throughout the country, particularly including Verde Island Passage as well as the Verde Island Passage Framework Plan that identifies the extent of the Verde Passage corridor wherein 1.4 million hectares of coasts and

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<sup>3</sup> Section 2, RA No. 7586, as amended by RA 11038

waters are appropriately managed.

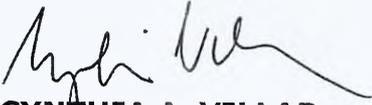
As one of the busiest shipping corridors and with the increasing number of industries surrounding this body of water, the Verde Island Passage is increasingly under threat from the encroachment of human activities such as fishing, tourism, and navigation. Marine life is suffering from habitat destruction, marine, and land-based pollution, unsustainable fishing, and climate change.

This proposed measure seeks to declare the Verde Island Passage with the inclusion of a portion of Quezon province, due to its extensive mangrove area, 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 protection of Verde Island Passage protection shall contribute to the well-being, livelihood, and food security of two (2) million Filipinos and ensures that Verde Island Passage remains the backbone of the local economy on coastal tourism, fisheries, and shipping routes to international ports of Batangas Bay, Manila Bay, and Subic Bay.

The legislation of the Verde Island Passage will not only institutionalize and provide funds for its management, but will also draw collective efforts from various agencies involved, such as the DENR, DA-BFAR, enforcement agencies, non-government organizations, the private sector, and the academe, and mobilize their respective resources. With the wide wealth of experience in managing nationally managed protected areas, its institutionalization can make the PA earn and pay for its management costs over the long term from environmental user fees, licenses, permits, and other fees, regulate activities inside PAs addressing problems in overfishing, implement the Go and No Go areas for development, and implement management strategies.

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

  
**CYNTHIA A. VILLAR**

**SENATE**

S. No. 518

RECEIVED BY 

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Introduced by **SENATOR CYNTHIA A. VILLAR**

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**AN ACT**  
**DECLARING THE VERDE ISLAND PASSAGE IN THE PROVINCES OF**  
**BATANGAS, MARINDUQUE, OCCIDENTAL MINDORO, ORIENTAL MINDORO,**  
**ROMBLON AND QUEZON, A PROTECTED AREA WITH THE CATEGORY OF**  
**PROTECTED SEASCAPE UNDER THE NATIONAL INTEGRATED PROTECTED**  
**AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE VERDE ISLAND**  
**PASSAGE PROTECTED SEASCAPE, 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**

1 Section 1. *Short Title.* – This Bill shall be known and referred to as the  
2 “Verde Island Passage Protected Seascape (VIPPS) Bill of 2022”.

3 Sec. 2. *Declaration of Policy.* – It shall be the declared policy of the State to  
4 secure for the Filipino people of present and future generations, the perpetual  
5 existence of all plants and animals through the declaration of protected areas under  
6 the National Integrated Protected Areas System (NIPAS) within the classification of  
7 protected landscape/seascape as provided for in the Constitution.

8 In acknowledgement of the global recognition of the area as the “center of  
9 the center of marine shore fish biodiversity” and cognizant of the profound impact of  
10 human activities on all components of the natural environment, the Verde Island

1 Passage in the Provinces of Batangas, Occidental Mindoro, Oriental Mindoro,  
2 Marinduque, Romblon and Quezon is hereby declared a protected area with the  
3 category of Protected Seascape and shall hereinafter be referred to as the Verde  
4 Island Passage Protected Seascape. As such, the State shall ensure the  
5 conservation, protection, management and rehabilitation of this globally significant  
6 area. It is likewise recognized that effective administration of this area is possible  
7 only through cooperation and collaboration among national government agencies,  
8 local government units (LGUs), concerned non-government organizations (NGOs),  
9 private entities and local communities. The use and enjoyment of this area must be  
10 consistent with the principles of biological diversity and sustainable development  
11 taking into consideration all applicable laws and international conventions to which  
12 the Philippines is a signatory.

13 Towards this end, the State shall promote the Verde Island Passage fostering  
14 widespread awareness and concern for the marine environment, and engaging  
15 Filipinos in conservation for the same. As such, the State shall undertake  
16 comprehensive and holistic capacity building, and communication, education, and  
17 public awareness campaigns for the benefit of the general public, pursuant of the  
18 duty of the State to protect, conserve, and promote the biodiversity, ecosystems,  
19 and resources therein.

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

- 22 a) *Conservation* refers to any act or acts of preservation and sustainable  
23 utilization of wildlife or maintenance, restoration and enhancement of  
24 habitats;
- 25 b) *Ecosystems* refers to dynamic complex of plant, animal and micro-  
26 organism communities, and their non-living environment, interacting as  
27 a functional unit;
- 28 c) *Buffer Zone* refers to the identified area outside the boundaries of and  
29 immediately adjacent to the VIPPS that needs special development  
30 control in order to avoid or minimize harm to the protected area;

- 1 d) *Collecting* refers to the act of gathering or harvesting wildlife and its  
2 by-products or derivatives;
- 3 e) *Conveyance* refers to every kind of vessel, including motorized or non-  
4 motorized vehicles, non-displacement crafts and seaplanes that are  
5 used or may be used as a means of transportation on land or water. It  
6 shall include everything found therein, except personal effects;
- 7 f) *Commercial Fishers* refers to persons who catch fish and other fisheries  
8 products using fishing vessels of more than three (3) gross tons;
- 9 g) *Coral* refers to either of the following:
- 10 i. the sessile marine invertebrates under Class Anthozoa of Phylum  
11 Cnidaria, whose individual units are called polyps. This includes  
12 stony or hard corals, and soft corals; or
- 13 ii. the hard calcareous substance made up of the skeleton of  
14 marine anthozoan polyps which compose reefs, shelves and  
15 atolls, or any of the other stony masses formed by the skeletons  
16 of colonies of polyps. This includes: (a) skeletons of anthozoans  
17 characterized as having a rigid axis of compact calcareous or  
18 horny spicules, belonging to the genus *Corallium* as represented  
19 by the red, pink and white corals which are considered precious  
20 corals; (b) skeletons of anthozoans characterized by thorny,  
21 horny axis such as the antipatharians represented by the black  
22 corals which are considered semi-precious corals; and (c)  
23 ordinary corals which are any kind of corals that are not  
24 precious nor semi-precious.
- 25 h) *Coral Reef* refers to a natural aggregation of coral skeleton, with or  
26 without living coral polyps, occurring in intertidal, subtidal marine  
27 waters, or mesophotic zones;
- 28 i) *Delineation* refers to the actual ground survey of the boundaries of the  
29 protected area, its buffer zones, and management zones using the

- 1 global positioning system (GPS) or other applicable survey instruments  
2 and technologies, with the intention of producing a map of the area;
- 3 j) *Demarcation* refers to the establishment of the boundaries of protected  
4 areas and their buffer zones using visible markers, monuments, buoys,  
5 or GPS markers, as a result of actual ground delineation;
- 6 k) *Ecosystems goods and services* refer to the multitude of material and  
7 nonmaterial provisions and benefits from healthy ecosystems  
8 necessary for human sustenance, well-being, and survival including  
9 support processes, provisioning and environment regulating services,  
10 and cultural resource preservation services;
- 11 l) *Exploration* refers to the act of searching or prospecting for mineral or  
12 energy resources, as defined by law, by geological, geochemical or  
13 geophysical surveys, remote sensing, test pitting, trenching, drilling,  
14 shaft sinking, tunneling or any other means, for the purpose of  
15 determining the existence, extent, quantity, and quality of resources in  
16 an area, and the feasibility of utilizing these resources for profit;
- 17 m) *Fishery/Fisheries Management Area* refers to a bay, gulf, lake or any  
18 other fishery area which may be delineated for fishery resource  
19 management purposes, as defined in Republic Act No. 10654 amending  
20 Republic Act No. 8550;
- 21 n) *Gear* refers to any instrument or device and its accessories utilized in  
22 taking, catching, gathering, killing, hunting, destroying, disturbing,  
23 removing, or possessing resources within the protected area;
- 24 o) *Genetically Modified Organism (GMO)* refers to any living organism that  
25 possesses a novel combination of genetic material through the use of  
26 modern biotechnology;
- 27 p) *Hunting* refers to the killing or catching of wild fauna for food and  
28 recreational purposes, with the use of weapons such as guns, bow and  
29 arrow, spears, traps and snares, and the like;

- 1 q) *Integrated Protected Area Fund (IPAF)* refers to the special account  
2 established for the purpose of financing projects of the NIPAS and  
3 individual protected areas;
- 4 r) *Invasive Alien Species (IAS)* refers to species introduced deliberately or  
5 unintentionally outside their natural habitats where they have the  
6 ability to establish themselves, invade, outcompete native species, and  
7 take over the new environment;
- 8 s) *Littering* refers to the disposal of small amounts of non-biodegradable  
9 solid waste materials such as, but not limited to, cigarette butts, candy  
10 wrappers, plastic materials, bottles and glasses;
- 11 t) *Multiple-use Zone (MUZ)* refers to the area where settlement,  
12 traditional and sustainable land use including agriculture, agroforestry,  
13 extraction activities, and income generating or livelihood activities may  
14 be allowed to the extent prescribed in the protected area management  
15 plan;
- 16 u) *Municipal Fishers/Fisherfolk* refers to persons who catch fish and other  
17 fisheries products using fishing vessels of three (3) gross tons or less,  
18 or whose fishing does not require the use of fishing vessels;
- 19 v) *National Integrated Protected Areas System (NIPAS)* refers to  
20 classification and administration of all designated protected areas to  
21 maintain essential ecological processes and life-support systems,  
22 preserve genetic diversity, to ensure sustainable use of resources  
23 found therein, and to maintain their natural conditions to the greatest  
24 extent possible;
- 25 w) *Non-government Organization (NGO)* refers to any civic,  
26 developmental, environmental or philanthropic non-stock, non-profit  
27 organization, duly registered, having bylaws, democratically-elected  
28 representatives, with qualifications, expertise and objectivity in  
29 activities concerning community organizing and development, or

- 1 resource and environmental conservation, management and protection  
2 related to the protected area;
- 3 x) *Non-renewable Resources* refer to those resources that cannot be  
4 remade, regrown or regenerated on a scale comparative to its  
5 consumption;
- 6 y) *Noxious or Poisonous Substances* refers to any substance, plant  
7 extracts or juice thereof, sodium cyanide and/or cyanide compounds  
8 or, other chemicals either in raw or processed form, harmful or  
9 harmless to human beings, which will kill, stupefy, disable or render  
10 unconscious any marine organism and capable of damaging or altering  
11 the natural habitat;
- 12 z) *Occupying* refers to a continuous stay of individuals or groups within a  
13 protected area, whether residing or engaging in the cultivation of land  
14 or fishing for more than twenty-four (24) hours;
- 15 aa) *People's Organization (PO)* refers to a group of people which may be  
16 an association, cooperative, federation, aggrupation of individuals or  
17 groups with an identifiable structure of decision-making and  
18 accountability, established to undertake collective action to address  
19 community concerns and needs in relation to the protected area;
- 20 bb) *Poaching* refers to gathering, collecting, or possessing products or  
21 natural resources from the protected area by any individual person,  
22 corporation or entity whether local or foreign; in the case of marine  
23 protected areas, operating any foreign fishing vessels by any person,  
24 corporation, or entity without a permit;
- 25 cc) *VIPPS* refers to the Verde Island Passage Protected Seascape;
- 26 dd) *VIPPS PAMB* refers to the VIPPS Protected Area Management Board;
- 27 ee) *Protected Area* refers to identified portions of land and/or water set  
28 aside by reason of their unique physical and biological significance,  
29 managed to enhance biological diversity and protected against  
30 destructive human exploitation;

- 1 ff) *Protected landscapes and/or seascapes* refers to areas of national  
2 significance which are characterized by the harmonious interaction of  
3 man and land and water while providing opportunities for public  
4 enjoyment through recreation, tourism and other economic activities;
- 5 gg) "*Protected Area Retained Income Account (PA-RIA)*" refers to the trust  
6 fund maintained by any protected area and administered by the  
7 respective Protected Area Management Boards (PAMB) created  
8 pursuant to this Act representing the seventy-five percent (75%) of  
9 revenues generated from the protected area to support its operation  
10 and management;
- 11 hh) *Protected Species* refers to plants or animals declared protected under  
12 Philippine laws, rules, and regulations. These shall include all species  
13 listed under the Convention on International Trade in Endangered  
14 Species of Wild Fauna and Flora and all its Annexes, the Convention of  
15 Migratory Species (CMS), those specified under the red-list categories  
16 of the International Union for Conservation of Nature and Natural  
17 Resources (IUCN), or any plant or animal which the Department of  
18 Environment and Natural Resources (DENR), PAMB or any government  
19 agency may deem necessary for conservation and preservation in the  
20 protected area;
- 21 ii) *Quarrying* refers to the process of extracting, removing, and disposing  
22 sand, gravel, guano, limestone, and all other resources used as  
23 building and construction materials that are found within the protected  
24 area;
- 25 jj) *Special Account in the General Fund (SAGF)* refers to the trust fund  
26 deposited in the national treasury representing the twenty-five percent  
27 (25%) of the revenues generated from the operation of individual  
28 protected area and earmarked to support the NIPAS;
- 29 kk) *Fisheries Management Area (FMA)* refers to any Fishery/Fisheries  
30 Management Area, as defined in RA No. 10654 amending RA No. 8550,

1 designated through a Presidential Proclamation or any other form of  
2 policy issuance;

3 II) *Special Use Agreement in Protected Areas (SAPA)* refers to a binding  
4 instrument between the DENR, as the first party, and the project  
5 proponent as the second party, relating to the use and/or development  
6 of land, resources or facilities within protected areas, pursuant to the  
7 ENIPAS Act;

8 mm) *Strict Protection Zone (SPZ)* refers to portions within protected areas  
9 that are closed to human activities by virtue of their significant  
10 biodiversity value, high susceptibility to geo-hazard, and identification  
11 as permanently dangerous. These areas may also include habitats of  
12 threatened species, or degraded areas that are designated for  
13 restoration and subsequent protection, regardless of their stages of  
14 regeneration;

15 nn) *Special Uses* refers to activities or development interventions that may  
16 be allowed in designated portions of protected areas subject to the  
17 payment of user fee. This may include but not limited to: hotels,  
18 resorts and other tourism facilities, communication facilities and  
19 transmission lines, large scale power generation lines, large scale  
20 power generation projects, large scale agriculture and aquaculture  
21 projects. Excluded from the coverage are activities and development  
22 interventions in titled properties, areas already covered by foreshore  
23 and miscellaneous leases as well as Forest Land Use  
24 Agreements/Forestland Use Agreements for Tourism issued by the  
25 DENR, and other regular uses of protected areas as indicated in the  
26 protected area management plan;

27 oo) *Special Use Agreement in Protected Areas (SAPA)* refers to a binding  
28 instrument between the DENR, as the first party, and the project  
29 proponent as the second party, relating to the use and/or development  
30 of land, resources or facilities within protected areas, pursuant to the  
31 NIPAS Act as amended;

1 pp) *Wildlife* refers to the wild forms and varieties of flora and fauna, in all  
2 developmental stages, including those which are in captivity or are  
3 being bred, fed, or propagated.

4 Sec. 4. *Scope and Coverage.* – The boundary of the Verde Island Passage  
5 Protected Seascape are more particularly described as the area beginning at a point  
6 marked "1" on the map being N 65-28-19 W ,2247.547 meters from PRS'92  
7 Control Monument "MRW-46" with geographic coordinates of 13-53-28.86533" N,  
8 120-2-47.07852" E, located at Brgy. Cabra (Cabra Island), Lubang, Occidental  
9 Mindoro.

10 the point of beginning containing an area of one million seven hundred  
11 thousand one hundred eighty (1,700,180) hectares more or less.

12 Sec. 5. *Management Zoning.* – The DENR Secretary, upon the  
13 recommendation of the PAMB, shall designate Strict Protection Zones (SPZ) within  
14 the VIPPS in areas with significant biodiversity values or habitats of threatened  
15 species, based on a comprehensive biodiversity inventory and assessments.

16 The areas outside of the strict protection zone but within the VIPPS shall  
17 automatically be designated as the Multiple-Use Zone and will be managed in close  
18 coordination with the Fisheries Management Area No. 12, pursuant to Republic Act  
19 No. 11038, or the "Expanded NIPAS Act of 2018", amending Republic Act No. 7586,  
20 and Republic Act No. 10654 amending Republic osAct No. 8550, or the "Philippine  
21 Fisheries Code of 1998."

22 The DENR Secretary, also upon recommendation of the PAMB, may designate  
23 areas surrounding the VIPPS as Buffer Zones for the purpose of providing extra layer  
24 of protection where restrictions may be applied: Provided, That, in cases where the  
25 designated buffer zone would cover private lands, he owners thereof shall be  
26 required to design their development with due consideration to the protected area  
27 management plan

1 Pursuant to the ENIPAS Act of 2018, the DENR, with the assistance of other  
2 government agencies, shall delineate and demarcate the VIPPS and its management  
3 zones.

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

11  
12 The updating of the Management Plan shall be as prescribed in the ENIPAS  
13 Act.

14 CHAPTER II  
15 THE VERDE ISLAND PASSAGE PROTECTED SEASCAPE MANAGEMENT BOARD  
16 (VIPPS PAMB)

17 *Sec. 7. Creation and Composition of the Verde Island Passage Protected*  
18 *Seascape Management Board.* -- There shall be a Verde Island Passage Protected  
19 Seascape Management Board (VIPPS PAMB), which shall be the sole policy-making  
20 body of the VIPPS. The management and administration of the VIPPS shall be  
21 vested in the VIPPS PAMB, as herein provided, and shall be consultative and  
22 participatory. It shall be composed of, with reference to the ENIPAS Act, the  
23 following:

- 24 a) DENR Regional Executive Director for Region 4B, to serve as  
25 Chairperson;
- 26 b) DENR Regional Executive Director for Region 4A;
- 27 c) The Governors of Provinces of Batangas, Marinduque, Occidental  
28 Mindoro, Oriental Mindoro, Romblon and Quezon or their duly  
29 authorized representative;

- 1           d)     Senators of the Republic of the Philippines who are duly registered  
2           residents of the Provinces of Batangas, Marinduque, Occidental  
3           Mindoro, Oriental Mindoro, Romblon and Quezon or their duly  
4           authorized representative, unless the Senators decline the membership  
5           in the PAMB;
- 6           e)     District Representatives of the Congressional District of the Provinces  
7           of the VIPPS unless the District Representative/s decline the  
8           membership in the PAMB;
- 9           f)     Mayors of the Municipality/ies/City/es with territorial jurisdiction over  
10          VIPPS or their duly representative/s;
- 11          g)     Chairpersons of all the barangays with territorial jurisdiction over VIPPS  
12          or their duly representative/s;
- 13          h)     Regional Executive Directors of Department of Agriculture Bureau of  
14          Fisheries and Aquatic Resources (DA BFAR), the Department of Science  
15          and Technology (DOST), the Department of National Defense (DND),  
16          the Philippine National Police – Maritime Group, the Department of  
17          Tourism (DOT), Department of Energy (DOE), the Department of  
18          Communication and and technology (DICT), representatives from the  
19          National Economic Development Authority (NEDA) and the Philippine  
20          Coast Guard (PCG);
- 21          i)     Four (4) representatives from NGOs or POs duly accredited by the  
22          DENR. The NGOs or POs should have been in existence for at least five  
23          (5) years and with track record in or related to protected area  
24          management;
- 25          j)     Up to four (4) Representatives from Academic Institutions, preferably  
26          from universities or colleges with proven track records in protected  
27          area management and research;
- 28          k)     One (1) representative from the private sector, preferably from the  
29          commercial fishing sector and a member of the National Fisheries and  
30          Aquatic Resources Management Council.

1 Ex officio members or members of the PAMB by virtue of their elective or  
2 appointive government positions as specified in the immediately preceding  
3 subparagraphs (a), (b), (c), and (d) shall serve for the duration of their respective  
4 terms of office in their respective elective or appointive government positions.

5 On the other hand, the members of the PAMB specified under subparagraphs  
6 (e), (f), and (g) of this section shall be appointed by the DENR Secretary after the  
7 conduct of a transparent and fair selection process. They shall each serve a term of  
8 three (3) years and may be reappointed for another term.

9 The members of the PAMB shall serve without compensation, except for the  
10 actual and necessary traveling and subsistence expenses incurred in the  
11 performance of their duties, either in their attendance in meetings of the PAMB or in  
12 connection with other official business authorized, through a resolution, by the  
13 PAMB, subject to existing rules and regulations. Each member shall have the full  
14 capacity and accountability for decisions binding to the member's sector.

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

22 A member of the PAMB may be removed for any of the following grounds:

- 23 a) More than three (3) consecutive unexcused absences from regular  
24 meetings of the management board;
- 25 b) Commission of acts prejudicial to the management of protected areas  
26 as embodied in Section 20 hereof and/or other existing rules and  
27 regulations governing protected areas;
- 28 c) Disassociation from the office or organization being represented;

- 1 d) Termination of relationship with the office or organization being
- 2 represented; or
- 3 e) Conviction by final judgment of any criminal act.

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

7 *Sec. 7-A. Powers and Functions of the VIPPS PAMB.* – The VIPPS PAMB shall  
8 have the same powers and functions as defined in Section 11-A. Powers and  
9 Functions of the PAMB of the ENIPAS Act of 2018, as follow:

- 10 a) Oversee the management of the protected area;
- 11 b) Approve policies, plans and programs, proposals, agreements, and
- 12 other related documents for the management of the protected areas;
- 13 c) Approve the management plan of the protected area and ensure its
- 14 harmonization and integration with national and other development
- 15 plans, such as the FMA plan, public or private, and its implementation;
- 16 d) Adopt a manual of operations to include rules of procedures in the
- 17 conduct of business, and the creation of committees and their
- 18 respective terms of reference;
- 19 e) Recommend the deputation of appropriate agencies and individuals for
- 20 the enforcement of the laws, rules and regulations governing the
- 21 management of the protected area;
- 22 f) Allocate financial resources for the implementation of the management
- 23 plan and manage the Protected Area Retention Income Account and
- 24 other funds in accordance with the accounting and budgeting rules and
- 25 regulations;
- 26 g) Set fees and charges in accordance with existing guidelines;
- 27 h) Issue rules and regulations for the resolution of conflicts through
- 28 appropriate and effective means;

- 1 i) Recommend appropriate policy changes to the DENR and other  
2 government authorities;
- 3 j) Monitor and assess the performance of the Protected Area  
4 Superintendent (PASu) and other protected area personnel and  
5 compliance of partners with the terms and conditions of any  
6 undertaking, contract or agreement;
- 7 k) Recommend from among a shortlist of qualified candidates, the  
8 designation or appointment of the PASu; and
- 9 l) Assess the effectiveness of the management of the protected area.

10 *Provided,* That the members of the management board representing national  
11 agencies in the PAMB shall inform their respective constituents, offices or sectors, of  
12 PAMB-approved or other relevant policies, rules, regulations, programs, and projects  
13 and shall ensure that the provisions of this Act and its implementing rules and  
14 regulations are complied with, and used as reference and framework in their  
15 respective plans, policies, programs, and projects. Failure to comply with the  
16 foregoing shall be the basis for disciplinary action against such member according to  
17 administrative rules and regulations and such penalties as the PAMB may provide:  
18 *Provided, further,* That the DENR, through the Undersecretary, shall ensure that the  
19 PAMB acts within the scope of its powers and functions. In case of conflict between  
20 the resolutions issued by the PAMB and the existing administrative orders of national  
21 application, the latter shall prevail.

22 *Sec. 7-B. The Protected Area Management Office (PAMO).* – With reference  
23 and pursuant to the ENIPAS Act of 2018, there is hereby established a VIPPS  
24 Protected Area Management Office (PAMO) to be headed by a Protected Area  
25 Superintendent (PASu) with a permanent plantilla position who shall supervise the  
26 day-to-day management, protection, and administration of the VIPPS. A sufficient  
27 number of support staff with permanent plantilla position shall be appointed by the  
28 DENR to assist the PASu in the management of the VIPPS.

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

- 4 a) Prepare the management plan, in consultation with the stakeholders,  
5 including the annual work and financial plans and ensure its  
6 implementation;
- 7 b) Ensure the integration of the protected area management plans,  
8 programs, projects, and policies with relevant national plans and  
9 programs;
- 10 c) Provide secretariat services to the PAMB and its committees and  
11 ensure the availability of relevant and timely information for decision-  
12 making;
- 13 d) Formulate and recommend to the PAMB proposed policies, rules,  
14 regulations, and programs;
- 15 e) Establish, operate, and maintain a database management system  
16 which shall be an important basis for decision-making;
- 17 f) Enforce the laws, rules and regulations relevant to the protected area,  
18 commence and institute administrative and legal actions in  
19 collaboration with other government agencies or organizations, and  
20 assist in the prosecution of offenses committed in violation of this Act;
- 21 g) Monitor, evaluate, and report the implementation of management  
22 activities of the protected area;
- 23 h) Request for and receive any technical assistance, support or advice  
24 from any agency or instrumentality of the government as well as  
25 academic institutions, NGOs, and the private sector, as may be  
26 necessary for the effective management, protection and administration  
27 of the protected area;
- 28 i) Issue permits and clearances for activities that implement the  
29 management plan and other permitted activities in accordance with

1 terms, conditions, and criteria established by the PAMB: Provided,  
2 That, all permits for extraction activities, including collection for  
3 research purposes. shall also continue to be issued by relevant  
4 authorities, subject to prior clearance from the PAMB, through the  
5 PASu, in accordance with the specific acts to be covered;

6 j) Collect and/or receive pertinent fees, charges, donations, and other  
7 income for the protected area: Provided, That, such fees, charges,  
8 donations, and other income collected/received shall be reported  
9 regularly to the PAMB and the DENR in accordance with existing  
10 guidelines;

11 k) Prepare and recommend to the PAMB approval of the annual work and  
12 financial plans of the protected area based on the management plan;

13 l) Directly report to the DENR Regional Executive Director; and

14 m) Perform such other functions as the PAMB and the DENR may assign.

15 Sec. 8. *Role of the DENR.* – The DENR shall perform all the functions as  
16 stipulated in the ENIPAS Act of 2018, as well as coordinate and collaborate closely  
17 with other concerned government agencies to ensure the sound management and  
18 conservation of the VIPPS. It shall also provide technical and financial assistance to  
19 the VIPPS as may be needed.

20 Sec. 9. *Reporting Responsibility.* – Pursuant to the ENIPAS Act of 2018, the  
21 PASu, through the PAMB, shall submit an annual accomplishment report of the  
22 protected area to the Secretary of the DENR through the BMB. A report on the  
23 conditions and benefits of the biological resources and ecosystem services of the  
24 protected area shall also be submitted by the PASu, through channels, to the  
25 Secretary of the DENR every five (5) years. Further, the PASu shall coordinate with  
26 and provide the necessary documents needed by the BMB for the preparation of the  
27 National State of Protected Areas (NSPAs) report every five (5) years, to be  
28 submitted to the President, the Senate and the House of Representatives.

1  
2 CHAPTER III  
3 DEVELOPMENT, FISHING, EXPLORATION, AND RESEARCH ACTIVITIES AT THE  
4 VIPPS

5 Sec. 10. *Environmental Impact Assessment (EIA)*. – Considering that  
6 protected areas are environmentally critical areas, the proponent of development  
7 projects and activities with potentially significant adverse impacts as determined by  
8 the Environmental Management Bureau (EMB), whether or not these projects or  
9 activities are included in the management plan, shall secure an Environmental  
10 Compliance Certificate (ECC) in accordance with the Philippine Environment Impact  
11 Statement (EIS) System: Provided, That, for development projects and activities that  
12 are not environmentally critical, an initial environmental examination (IEE) shall be  
13 undertaken instead of a full-blown EIA. No project or activity may be undertaken by  
14 any project proponent without prior clearance from the PAMB. The DENR shall  
15 require the submission of the PAMB clearance, among others, before issuing an ECC  
16 to a project proponent.

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

21 Sec. 11. *Energy Resources*. – Consistent with Section 14 of the ENIPAS Act of  
22 2018, the exploration for energy resources may be allowed in protected areas only  
23 for the purpose of gathering data and information and only if such activity is carried  
24 out with the least damage to surrounding areas.

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

29 Renewable energy projects may be allowed within the protected area by the  
30 PAMB with the concurrence of the DENR Secretary: Provided, That, renewable  
energy projects, which shall be located outside the strict protection zones, shall



1           Sec. 14. *Prohibited Acts.* - Pursuant to rules and regulations governing the  
2 same and to Section 20 of the ENIPAS Act of 2018, the following acts are prohibited  
3 within the VIPPS:

- 4           a) Poaching, killing, destroying, disturbing of any wildlife within the  
5 protected area;
- 6           b) Hunting, taking, collecting, gathering or possessing of any wildlife or  
7 by-products derived therefrom, or resources, whether living or  
8 nonliving within the protected area without the necessary permit,  
9 authorization or exemption: Provided, That the PASu as authorized by  
10 the PAMB shall issue a permit, authorization or exemption only for  
11 culling, scientific research, the exceptions provided under Section 27(a)  
12 of Republic Act No. 9147, or the 'Wildlife Resources Conservation and  
13 Protection Act', or harvests of nonprotected species in multiple-use  
14 zones by fishers who are traditionally operating in the area as may be  
15 determined by BFAR;
- 16           c) Possessing or transporting outside the protected area any wildlife, or  
17 by-products derived therefrom, which are ascertained to have been  
18 taken from the protected area, except as may be allowed by this Act  
19 and authorized through obtaining of the appropriate permit/s;
- 20           d) Using any fishing or harvesting gear or employing any practices, or any  
21 of their variations, that is unsustainable, that are unsustainable, or  
22 detrimental to coral reefs, seagrass or seaweed beds or other marine  
23 life and their associated habitats: Provided, That, mere possession of  
24 such gears within the protected area shall be prima facie evidence of  
25 their use;
- 26           e) Holding fast or securing a vessel in place either by using an anchor or  
27 tying onto any part of the reef: Provided, That, all vessels permitted to  
28 enter shall utilize the mooring buoys provided by the VIPPS;
- 29           f) Dumping, throwing, using, or causing to be dumped into or placed in  
30 the protected area of any toxic chemical, noxious or poisonous

1 substance or non-biodegradable material, untreated sewage or animal  
2 waste products or products whether in liquid, solid or gas state,  
3 including pesticides and other hazardous substances as defined under  
4 Republic Act No. 6969, otherwise known as the 'Toxic Substances and  
5 Hazardous and Nuclear Wastes Control Act of 1990' detrimental to the  
6 protected area, or to the plants, animals, inhabitants or habitats  
7 therein;

8 g) Operating any motorized conveyance within the protected area without  
9 permit from the PAMB;

10 h) Altering, removing, destroying or defacing boundary marks, buoys, or  
11 signs;

12 i) Mutilating, defacing, destroying, excavating, vandalizing or, in any  
13 manner, damaging any natural formation, religious, spiritual, historical  
14 sites, artifacts and other objects of natural beauty, scenic value or  
15 objects of interest;

16 j) Littering or depositing refuse or debris within the protected area;

17 k) Possessing or using blasting caps or explosives anywhere within the  
18 protected area;

19 l) Occupying or dwelling within the protected area without clearance  
20 from the PAMB;

21 m) Entering, enjoying or utilizing any portion of the VIPPS and the  
22 resources therein, for whatever purpose without the prior permission  
23 from the VIPPS-PAMB;

24 n) Obstructing, evading, or hindering Law Enforcement Officers from  
25 performing their duties within the Protected Area;

26 o) Constructing, erecting, or maintaining any kind of structure, fence or  
27 enclosures, conducting any business enterprise within the protected  
28 area without prior clearance from the PAMB and permit from the

1 DENR, or conducting these activities in a manner that is inconsistent  
2 with the management plan duly approved by the PAMB;

3 p) Undertaking mineral exploration or extraction within the protected  
4 area, pursuant to Republic Act No. 7942, or the 'Philippine Mining Act  
5 of 1995';

6 q) Engaging in commercial or large-scale quarrying within the protected  
7 area;

8 r) Establishing or introducing exotic species, including GMOs or invasive  
9 alien species within the protected area;

10 s) Conducting bioprospecting within the protected area without prior  
11 PAMB clearance in accordance with existing guidelines: Provided, That  
12 in addition to the penalty provided herein, any commercial use of any  
13 substance derived from non-permitted bioprospecting within a  
14 protected area will not be allowed and all revenue earned from illegal  
15 commercialization thereof shall be forfeited and deposited as part of  
16 the IPAF;

17 t) Prospecting, hunting or otherwise locating hidden treasures within the  
18 protected area;

19 Sec. 15. *Penalties.* – Pursuant to Section 21. Penalties of the ENIPAS Act of  
20 2018, violations under this Act shall be subject to the following penalties:

21 a) A fine of not less than Two hundred thousand pesos (P200,000) but  
22 not more than One million pesos (P1,000,000) or imprisonment from  
23 one (1) year but not more than six (6) years, or both, plus damages of  
24 triple the value of the said resources, or both, shall be imposed upon  
25 any person who violates paragraphs (a) to (e) of Section 13 herein;

26 b) A fine of not less than Two hundred thousand pesos (P200,000) but  
27 not more than One million pesos (P1,000,000) or imprisonment from  
28 one (1) year but not more than six (6) years, or both, shall be imposed

1 upon any person who violates paragraphs (f) to (n) of Section 13  
2 herein;

3 c) A fine of not less than One million pesos (P1,000,000) but not more  
4 than Five million pesos (P5,000,000) or imprisonment from six (6)  
5 years but not more than twelve (12) years, or both, shall be imposed  
6 upon any person who violates paragraphs (o) to (t) of Section 13  
7 herein;

8 d) Administrative fines of not less than Fifty thousand pesos (P50,000),  
9 but not exceeding Five million pesos (P5,000,000), shall be imposed by  
10 the DENR Secretary for the violation of any rule, regulation, or  
11 provision of any agreement reached with the PAMB: Provided, That if  
12 an area which has sustained damage from any activity conducted  
13 therein requires rehabilitation or restoration as determined by the  
14 court, the offender shall be required to restore or pay compensation  
15 for such damages, which payment shall accrue to the IPAF.

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

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

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

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

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

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

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

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

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

1 CHAPTER V  
2 INTEGRATED PROTECTED AREA FUND (IPAF)

3 Sec. 16. *Integrated Protected Area Fund (IPAF)*. – Pursuant to the ENIPAS Act  
4 of 2018, income generated from the operation and management of the VIPPS shall  
5 accrue to the Integrated Protected Area Fund (IPAF). The income shall be derived  
6 from fees and charges from the use of resources and facilities of the VIPPS;  
7 contributions from industries and facilities directly benefitting from the protected  
8 area; and such other fees and income derived from the operation of the VIPPS.

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

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

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

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

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

27 The DENR shall submit to the Department of Budget and Management (DBM)  
28 and the Department of Finance (DOF) quarterly reports on the financial and physical

1 accomplishments on the utilization of the IPAF and other documents as may be  
2 required by the DBM, and shall furnish a copy of the same to the House Committee  
3 on Appropriations and the Senate Committee on Finance.

4       Sec. 17. *Tax Exemption.* – All grants, bequests and endowments, donations  
5 and contributions made to the protected area fund to be used actually, directly, and  
6 exclusively by the protected area, shall be exempted from donor’s tax and shall be  
7 considered as allowable deduction from the gross income of the donor for the  
8 purpose of computing the taxable income of the donor in accordance with the  
9 provisions of the National Internal Revenue Code of 1997, as amended. (n)

10       Sec. 18. *Implementing Rules and Regulations (IRR).* – Within six (6) months  
11 from the effectivity of this Act, the DENR shall prepare the IRR of this Act.

12       Sec. 19. *Transitory Provision.* – Pursuant to the ENIPAS Act of 2018, in order  
13 to enhance biological diversity and to develop sustainable livelihood opportunities for  
14 tenured migrants, the DENR shall henceforth cease to issue concessions, licenses,  
15 permits, clearances, compliance documents or other instruments that allow  
16 utilization of resources within the protected area until the management plan shall  
17 have been put into effect. All existing resource use permits issued for purposes  
18 which are authorized within the protected area shall be reviewed and shall not be  
19 renewed upon their expiration unless consistent with the management plan and  
20 approved by the PAMB.

21       Sec. 20. *Appropriations.* – The Congress of the Philippines shall provide for  
22 the appropriations for the concerned government agencies implementing provisions  
23 of this Act for the succeeding years to be included in the annual General  
24 Appropriations Act (GAA).

25       Sec. 21. *Construction and Suppletory Application of Existing Laws.* – The  
26 provisions of this Act shall be construed liberally in favor of achieving biodiversity  
27 conservation, protection and sustainable development. Provisions of the ENIPAS Act  
28 of 2018, Republic Act No. 10654 amending the Philippine Fisheries Code of 1998, the  
29 Wildlife Resources Conservation and Protection Act, and existing environmental laws

1 and their corresponding rules and regulations not inconsistent hereto shall have  
2 suppletory effect in the implementation of this Act.

3       Sec. 22. *Separability Clause.* – If any provision of this Act is declared  
4 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall  
5 continue to be in full force and effect.

6       Sec. 23. *Repealing Clause.* – All laws, decrees, executive orders, rules and  
7 regulations or parts thereof which are contrary to or inconsistent with this Act are  
8 hereby repealed, amended or modified accordingly.

9       Sec. 24. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
10 its complete publication in the Official Gazette or in two (2) newspapers of general  
11 circulation.

Approved,