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Department of Environment and Natural Resources
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MAY 30 2019

DENR Administrative Order
No. 2019 - 05

SUBJECT : IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 7586, OR THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992, AS AMENDED BY REPUBLIC ACT NO. 11038, OR THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (ENIPAS) ACT OF 2018

Pursuant to Section 32 of the ENIPAS Act, the following rules and regulations, incorporating and integrating all existing regulations relevant thereto, are hereby promulgated:

Section 1. Title. – This Act shall be known and referred to as the "National Integrated Protected Areas System Act of 1992".

Rule 1.1 This Administrative Order shall be known as the Implementing Rules and Regulations of the NIPAS Act, as amended by R.A. 11038¹ or the ENIPAS Act of 2018.

Rule 1.2 This Order applies to the following:

1. The remaining initial components of the NIPAS;
2. Protected areas established by Congressional legislation;
3. Protected areas proclaimed by the President under the NIPAS; and
4. Areas covered by Presidential Proclamation or Executive Order and recommended by the Secretary for inclusion into the System.

Section 2. Declaration of Policy. – Cognizant of the profound impact of human activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement, and recognizing the critical importance of protecting and maintaining the natural, biological, and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, it is hereby declared the policy of the State to secure for the Filipino people of present and for future generations, the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.

¹ RA No. 11038 entitled "An Act Declaring Protected Areas and Providing for Their Management, Amending for this Purpose RA No. 7586, Otherwise Known as the "National Integrated Protected Areas System (NIPAS) Act of 1992", and for Other Purposes" or known as the "Expanded National Integrated Protected Areas System Act of 2018" (22 June 2018). Legend: (a) – amended; (n) – new section/paragraph; (number [letter]) – former section number and/or item. For example: "4" means this was Section 4 of the old law; "(10[d])" means this was Section 10 item d of the old law; "(20[c]a)" means that this was Section 20 item c of the old law and was amended. No end notation means the section number and text are unchanged.

It is hereby recognized that these areas, although distinct in features, possess common ecological values that may be incorporated into a holistic plan to conserve and protect our natural heritage; that effective administration of these areas is possible only through cooperation among the national government, local governments, concerned nongovernment organizations, private organizations, and local communities; that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development. (a)

To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass ecologically rich and unique areas and biologically important public lands that are habitats of rare and 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'. The System shall recognize conservation areas and the management regimes being implemented by local government units (LGUs), local communities and indigenous peoples (IPs). (a)

The State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, culture and indigenous practices. (n)

Rule 2.1 The specific policies governing the establishment and management of the NIPAS shall be as follows:

- a. The protected areas and their immediate vicinities shall be contiguous to ensure their integrity. Police power and eminent domain may be exercised to achieve this policy.
- b. Protected areas should complement each other in terms of taxonomic representation, species migration patterns, maintenance of essential ecological processes and life support systems, and efficiency in conservation costs.
- c. The management plan of protected areas shall be harmonized in consonance with the principles of biological diversity and sustainable development.
- d. The management of the NIPAS shall contribute to the significant reduction of biodiversity loss. It shall consider the ability of ecosystems to adapt to the impacts of rapid climate change, reduce disaster risks, and mitigate anthropogenic greenhouse gas emissions.

Rule 2.2 In order to achieve the aforementioned policies of the NIPAS, the following strategies shall be adopted:

- a. In selecting areas for inclusion in the NIPAS, the conservation priority areas in each of the identified biogeographic zones, in both aquatic and terrestrial environments, shall be primarily considered.
- b. The NIPAS should complement the designation, creation or establishment of similar conservation areas under other domestic laws, and the management regimes of LGUs, local communities, and indigenous cultural communities/indigenous peoples (ICCs/IPs). This must likewise be consistent with, and supportive of the obligations of the Philippines under treaties and international laws. For this purpose, the metes and bounds of these areas may be necessary.
- c. The sustainability of the NIPAS depends on the collaboration of all stakeholders through

a functional, transparent, accountable, and participatory governance mechanism; the judicious use of the Integrated Protected Area Fund; fair and equitable benefit-sharing mechanisms; and the development of other means for the sustainable management of protected areas prescribed under the NIPAS Act, as amended.

Section 3. Categories. – *The following categories of protected areas are hereby established:*

- a. *Strict nature reserve;*
- b. *Natural park;*
- c. *Natural monument;*
- d. *Wildlife sanctuary;*
- e. *Protected landscapes and seascapes;*
- f. *Resource reserve;*
- g. *Natural biotic areas; and,*
- h. *Other categories established by law, conventions or international agreements which the Philippine Government is a signatory.*

Rule 3.1 The determination of the category of the proposed protected area shall be consistent with the Protected Area Category Matrix prescribed by the DENR.

Rule 3.2 Other criteria used in determining categories not listed in the NIPAS Act, the ENIPAS Act, or in this Order, but are prescribed by law, or by conventions or international agreements to which the Philippine Government is a signatory, may be considered in the establishment of protected areas. *Provided*, that such criteria support biodiversity conservation and sustainable development.

Section 4. Definition of Terms. – *For purposes of this Act, the following terms shall be defined as follows:*

- (a) *Biological diversity or biodiversity refers to the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems; (n)*
- (b) *Bioprospecting refers to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes; (n)*
- (c) *Buffer zones refers to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area; (4[c]a)*
- (d) *By-products or Derivatives refer to parts taken or substances extracted from wildlife, in raw or in processed form; (n)*
- (e) *Collecting refers to the act of gathering or harvesting wildlife and its by-products or derivatives; (n)*
- (f) *Conveyance refers to every kind of vessel, including motorized or nonmotorized vehicles, nondisplacement 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; (n)*

- (g) *Delineation refers to the actual ground survey of the boundaries of protected areas and their 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; (n)*
- (h) *Demarcation refers to the establishment of the boundaries of protected areas and their buffer zones using visible markers, monuments, buoys in case of marine areas, and known natural features and landmarks, among others, as a result of the actual ground delineation; (n)*
- (i) *Ecosystem 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; (n)*
- (j) *Endemic species refers to the species or subspecies of flora and fauna which are naturally occurring and found within specific areas in the country; (n)*
- (k) *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; (n)*
- (l) *Exploration refers to the act of searching or prospecting for mineral 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)*
- (m) *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; (n)*
- (n) *Genetically modified organism (GMO) refers to any living organism that possesses a novel combination of genetic material through the use of modern biotechnology; (n)*
- (o) *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; (n)*
- (p) *Indigenous Cultural Community (ICC)/Indigenous People (IP) refers to a group of people sharing common bonds of language, customs, traditions, and other distinctive cultural traits, and who have, since time immemorial occupied, possessed and utilized a territory; (n)*
- (q) *Integrated Protected Area Fund (IPAF) refers to the special account established for the purpose of financing projects of the NIPAS and individual protected areas; (n)*
- (r) *Invasive alien species refers to species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete native species, and take over the new environment; (n)*

- (s) *Kaingin refers to the slash-and-burn cultivation of vegetated land in a protected area, whether occupied or not, shifting and permanent with little or no provision to prevent soil erosion; (n)*
- (t) *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; (n)*
- (u) *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, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible; (4[a])*
- (v) *National park refers to the lands of the public domain classified as such in the Constitution which include all areas under the NIPAS pursuant to this Act, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity; (4[e]a)*
- (w) *Natural biotic area refers to an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace; (4[g])*
- (x) *Natural monument refers to a relatively small area focused on the protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics; (4[ff])*
- (y) *Natural park refers to a relatively large area not materially altered by human activity where extractive resource uses are not allowed and is maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational, and recreational use; (4[h]a)*
- (z) *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; (n)*
- (aa) *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; (n)*
- (bb) *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; (4[b]a)*
- (cc) *Protected area occupants refers to persons who are residing, utilizing, and cultivating areas within the protected area. These include private owners, IPs, tenured migrants and informal settlers; (n)*
- (dd) *Protected Area Retained Income Account 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; (n)

- (ee) Protected landscapes and/or seascapes refers to areas of national significance which are characterized by the harmonious interaction of man and land and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities; (4[i]a)*
- (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; (n)*
- (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; (n)*
- (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; 4([j]a)*
- (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; (n)*
- (jj) Strict nature reserve refers to an area possessing some outstanding ecosystem, features, and species of flora and fauna of national scientific importance that should be maintained to protect and preserve nature in its undisturbed state and to preserve ecologically representative examples of the natural environment to ensure their availability for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state; (4[k]a)*
- (kk) Tenured migrants refers to protected area occupants who have been actually, continuously and presently occupying a portion of the protected area for five (5) years before the proclamation or law establishing the same as a protected area, and are solely dependent therein for subsistence; (4[l]a)*
- (ll) Threatened species refers to species or subspecies considered critically endangered, vulnerable, or other accepted categories of wildlife whose population is at risk of extinction; (n)*
- (mm) Wetlands refers to a wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no*

deeper than six (6) meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies and wastewater treatment ponds and lagoons; (n)

(nn) 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; (n) and

(oo) Wildlife Sanctuary refers to an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment which may require specific human manipulations for the perpetuation. (4[m]n)

Rule 4.1 As used in this Order, the following terms are defined as follows:

- a. *Areas of anthropological significance* refers to places that are of outstanding cultural value from the archaeological, historical, ethnological, and aesthetic points of view such as contiguous areas with relatively preserved fossil and artifact evidences of early human habitation, burial caves and prehistoric cemeteries, ruins or remains of pre-colonial settlements and fortification, places and monuments, sacred grounds of IPs, places with preserved indigenous architecture, scenic landscapes and places with surviving traditional arts and crafts;
- b. *BMB* refers to the Biodiversity Management Bureau of the DENR;
- c. *Department or DENR* refers to the Department of Environment and Natural Resources;
- d. *Ecosystem* refers to dynamic complex of plant, animal, and micro-organism communities, and their non-living environment, interacting as a functional unit;
- e. *IPRA* refers to Republic Act No. 8371, or the “Indigenous Peoples’ Rights Act of 1997”;
- f. *PAMB* refers to the Protected Area Management Board;
- g. *PAMP* refers to the Protected Area Management Plan;
- h. *Physical features* refers to the geological and hydrologic features present in an area of high biological diversity and that are essential in maintaining the biodiversity, the ecosystem/s and ecosystem services;
- i. *Protected Area Suitability Assessment (PASA)* refers to a rapid screening and evaluation of protected areas, to determine their suitability for retention, establishment, or disestablishment as protected areas, the modification of their boundaries, or the inclusion of proposed additional areas in the System;
- j. *Regional Executive Director* refers to the DENR Regional Director as provided in R.A. 11038;
- k. *Secretary* refers to the Secretary of the Department of Environment and Natural Resources;

- l. *Special Uses* refers to activities and/or development interventions that may be allowed in designated portions of protected areas subject to the payment of user fee. This may include but not be limited to: hotels, resorts and other tourism facilities, communication facilities and transmission lines, large scale power generation projects, and large scale agriculture and aquaculture projects. Excluded from the coverage are activities and development interventions in titled properties, areas already covered by foreshore and miscellaneous leases as well as Forest Land Use Agreements/Forest Land Use Agreements for Tourism issued by the DENR, and other regular uses of protected areas as indicated in the protected area management plan;
- m. *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 NIPAS Act, as amended;
- n. *Strict Protection Zones* 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; and
- o. *Systematic Adjudication* refers to government-initiated process of adjudicating land rights on a locality basis, progressing barangay by barangay and aiming to register all untitled lands in the locality.

Rule 4.2 Item (l) of Section 4 is further clarified that for the exploration of Renewable Energy resources, this is equivalent to the preliminary assessment and feasibility studies for geothermal resources, hydro power and ocean resources, and potential wind sites.

Section 5. Establishment and Extent of the System. – *The establishment and operationalization of the System shall involve the following:*

- (a) *All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as old growth forests identified before the effectivity of this Act or still to be identified, are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act; (a)*
 - (a.1) *Establishment as Protected Area.* – *Aside from the areas already declared as protected areas through acts of Congress, the following parcels of land and/or bodies of water are hereby established as protected areas within the classification of national park pursuant to the Philippine Constitution: (n)*

Region		Protected Area	Province	Area (Has.)
1	1	Kalbario-Patapat Natural Park	Ilocos Norte	3,903.19
	2	Libunao Protected Landscape	Ilocos Norte	47.15
	3	Bessang Pass Natural Monument/Landmark	Ilocos Sur	581.05
	4	Bigbiba Protected Landscape	Ilocos Sur	142.87
	5	Lidlidda Banayoyo Protected Landscape	Ilocos Sur	1,042.29
	6	Salcedo Protected Landscape (formerly Sta. Lucia Protected Landscape)	Ilocos Sur	196.33
	7	Agoo Damortis Protected Landscape and Seascape	La Union	10,774.68
	8	Manlehuag Spring Protected Landscape	Pangasinan	1,938.83
2	9	Palaui Island Protected Landscape and Seascape	Cagayan	8,048.57
	10	Peñablanca Protected Landscape and Seascape	Cagayan	118,653.67
	11	Tumauini Watershed Natural Park	Isabela	6,509.38
	12	Salinas Natural Monument	Nueva Vizcaya	5,966.05
	13	Casecnan Protected Landscape	Quirino, Nueva Vizcaya, and Aurora	86,246.77
3	14	Anro River Protected Landscape	Aurora	6,431.30
	15	Dinadiawan River Protected Landscape	Aurora	3,366.54
	16	Simbahan Talagas Protected Landscape	Aurora	2,284.30
	17	Talaytay Protected Landscape	Aurora	3,598.31
	18	Bataan Natural Park	Bataan	20,004.17
	19	Roosevelt Protected Landscape	Bataan	950.43
NCR	20	Masinloc and Oyon Bay Protected Landscape and Seascape	Zambales	7,558.00
	21	Las Piñas-Parañaque Critical Habitat and Ecotourism Area (LPPCHEA), also known as Las Piñas-Parañaque Wetland	Las Piñas City and Parañaque City	181.63
4A	22	Ninoy Aquino Parks and Wildlife Center	Quezon City	23.85
	23	Mts. Palay-Palay-Mataas-na-Gulod Protected Landscape	Batangas and Cavite	3,972.70
	24	Taal Volcano Protected Landscape	Batangas and Cavite	62,292.16
	25	Buenavista Protected Landscape	Quezon	287.24
	26	Maulawin Spring Protected Landscape	Quezon	183.15
	27	Quezon Protected Landscape	Quezon	1,042.85
	28	Hinulugang Taktak Protected Landscape	Rizal	3.58
	29	Pamitinan Protected Landscape	Rizal	609.15
4B	30	Upper Marikina River Basin Protected Landscape	Rizal	26,125.64
	31	Marinduque Wildlife Sanctuary	Marinduque	9,758.71
	32	Apo Reef Natural Park	Occidental Mindoro	15,799.23
	33	Mt. Calavite Wildlife Sanctuary	Occidental Mindoro	18,172.69
	34	Mts. Iglit-Baco Natural Park	Occidental and Oriental Mindoro	106,655.62
	35	Mt. Guiting-Guiting Natural Park	Romblon	15,515.22

5	36	<i>Mt. Mayon Natural Park</i>	<i>Albay</i>	5,327.15
	37	<i>Ticao Burias Pass Protected Seascape</i>	<i>Albay, Masbate and Sorsogon</i>	414,244.00
	38	<i>Abasig-Matogdon-Mananap Natural Biotic Area</i>	<i>Camarines Norte</i>	5,918.31
	39	<i>Bicol Natural Park</i>	<i>Camarines Sur</i>	5,466.35
	40	<i>Buhi Wildlife Sanctuary</i>	<i>Camarines Sur</i>	1,620.65
	41	<i>Lagonoy Natural Biotic Area</i>	<i>Camarines Sur</i>	443.63
	42	<i>Malabungot Protected Landscape</i>	<i>Camarines Sur</i>	147.71
	43	<i>Mt. Isarog Natural Park</i>	<i>Camarines Sur</i>	10,090.89
	44	<i>Catanduanes Natural Park</i>	<i>Catanduanes</i>	48,924.09
	45	<i>Bongsanglay Natural Park</i>	<i>Masbate</i>	518.90
	46	<i>Bulusan Volcano Natural Park</i>	<i>Sorsogon</i>	3,641.57
6	47	<i>Northwest Panay Peninsula Natural Park</i>	<i>Aklan and Antique</i>	12,009.29
	48	<i>Sibalom Natural Park</i>	<i>Antique</i>	6,778.44
	49	<i>Northern Negros Natural Park</i>	<i>Negros Occidental</i>	70,826.16
7	50	<i>Alburquerque-Loay-Loboc Protected Landscape and Seascape</i>	<i>Bohol</i>	1,165.51
	51	<i>Chocolate Hills Natural Monument</i>	<i>Bohol</i>	13,994.95
	52	<i>Panglao Island Protected Seascape</i>	<i>Bohol</i>	2,445.08
	53	<i>Rajah Sikatuna Protected Landscape</i>	<i>Bohol</i>	10,964.64
	54	<i>Talibon Group of Islands Protected Landscape and Seascape</i>	<i>Bohol</i>	6,446.31
	55	<i>Camotes Island Protected Landscape and Seascape</i>	<i>Cebu</i>	1,436.98
	56	<i>Olango Island Wildlife Sanctuary</i>	<i>Cebu</i>	1,382.29
	57	<i>Tañon Strait Protected Seascape</i>	<i>Cebu, Negros Occidental and Oriental</i>	534,589.05
	58	<i>Apo Island Protected Landscape and Seascape</i>	<i>Negros Oriental</i>	691.40
59	<i>Balinsasayao Twin Lakes Natural Park</i>	<i>Negros Oriental</i>	8,016.05	

8	60	<i>Cuatro Islas Protected Landscape and Seascape</i>	<i>Leyte</i>	<i>11,407.46</i>
	61	<i>Lake Danao Natural Park</i>	<i>Leyte</i>	<i>2,244.16</i>
	62	<i>Mahagnao Volcano Natural Park</i>	<i>Leyte</i>	<i>340.82</i>
	63	<i>Guiuan Marine Resource Protected Landscape and Seascape</i>	<i>Eastern Samar</i>	<i>66,725.26</i>
	64	<i>Biri Larosa Protected Landscape and Seascape</i>	<i>Northern Samar</i>	<i>32,284.14</i>
	65	<i>Calbayog Pan-as Hayiban Protected Landscape</i>	<i>Samar</i>	<i>5,067.93</i>
	66	<i>Samar Island Natural Park</i>	<i>Samar, Eastern Samar and Northern Samar</i>	<i>335,105.57</i>
9	67	<i>Basilan Natural Biotic Area</i>	<i>Basilan</i>	<i>4,545.99</i>
	68	<i>Aliguay Island Protected Landscape and Seascape</i>	<i>Zamboanga del Norte</i>	<i>1,188.36</i>
	69	<i>Turtle Islands Wildlife Sanctuary</i>	<i>Tawi-Tawi</i>	<i>242,958.29</i>
	70	<i>Great and Little Sta. Cruz Islands Protected Landscape and Seascape</i>	<i>Zamboanga City</i>	<i>1,827.16</i>
	71	<i>Pasonanca Natural Park</i>	<i>Zamboanga City</i>	<i>12,102.08</i>
	72	<i>Jose Rizal Memorial Protected Landscape</i>	<i>Zamboanga del Norte</i>	<i>474.82</i>
	73	<i>Murcielagos Protected Landscape and Seascape</i>	<i>Zamboanga del Norte</i>	<i>100.40</i>
	74	<i>Selinog Island Protected Landscape and Seascape</i>	<i>Zamboanga del Norte</i>	<i>959.41</i>
	75	<i>Siocon Resource Reserve</i>	<i>Zamboanga del Norte</i>	<i>855.59</i>
	76	<i>Dumanquillas Bay Protected Landscape and Seascape</i>	<i>Zamboanga del Sur</i>	<i>26,112.21</i>
	77	<i>Mt. Timolan Protected Landscape</i>	<i>Zamboanga del Sur</i>	<i>2,244.54</i>
78	<i>Buug Natural Biotic Area</i>	<i>Zamboanga Sibugay</i>	<i>1,261.46</i>	
10	79	<i>Mt. Kalatungan Range Natural Park</i>	<i>Bukidnon</i>	<i>22,225.11</i>
	80	<i>Mt. Timpoong Hibok-Hibok Natural Monument</i>	<i>Camiguin</i>	<i>2,203.39</i>
	81	<i>Mt. Inayawan Range Natural Park</i>	<i>Lanao del Norte</i>	<i>4,236.18</i>

	82	<i>Baliangao Protected Landscape and Seascape</i>	<i>Misamis Occidental</i>	315.50
	83	<i>Initao-Libertad Protected Landscape and Seascape</i>	<i>Misamis Oriental</i>	921.02
	84	<i>Mt. Balatukan Range Natural Park</i>	<i>Misamis Oriental</i>	8,437.86
11	85	<i>Mabini Protected Landscape and Seascape</i>	<i>Compostela Valley</i>	7,292.62
	86	<i>Mainit Hot Springs Protected Landscape</i>	<i>Compostela Valley</i>	1,422.63
	87	<i>Aliwagwag Protected Landscape</i>	<i>Davao Oriental and Compostela Valley</i>	10,261.06
	88	<i>Mati Protected Landscape</i>	<i>Davao Oriental</i>	884.46
	89	<i>Pujada Bay Protected Landscape and Seascape</i>	<i>Davao Oriental</i>	20,873.43
12	90	<i>Sarangani Bay Protected Seascape</i>	<i>General Santos City and Sarangani</i>	210,887.69
	91	<i>Mt. Matutum Protected Landscape</i>	<i>South Cotabato and Sarangani</i>	13,947.00
13	92	<i>Agusan Marsh Wildlife Sanctuary</i>	<i>Agusan del Sur</i>	40,940.96
	93	<i>Siargao Island Protected Landscape and Seascape</i>	<i>Surigao del Norte</i>	283,974.77
	94	<i>Timuy-An Falls Protected Landscape</i>	<i>Surigao del Sur</i>	4,321.75

(n)

The boundaries and technical descriptions of each protected area as described in the attached Annex, which are duly certified accurate on every page thereof by the National Mapping and Resource Information Authority (NAMRIA) are hereby adopted and made an integral part of hereof. (n)

The DENR, with the assistance of other government agencies, if necessary, shall delineate and demarcate on the ground the boundaries of each protected area which shall not be modified except by an act of Congress. (n)

(a.2) The Remaining Initial Components. – Within three (3) years from the effectivity of this Act, the DENR shall undertake the following activities in preparation for the establishment of the remaining initial components as protected areas through an act of Congress:

- (1) Provide maps and technical descriptions of the areas;*
- (2) Conduct suitability assessment of the areas; and*
- (3) Conduct public consultations.*

Any initial component that does not satisfy the abovementioned requirements shall be disestablished pursuant to Section 7 of this Act. (n)

(b) All DENR records pertaining to said protected areas, including maps and technical descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) and Protected Area Management Offices (PAMOs) where protected areas are

located; (5[c]a)

- (c) *The DENR shall conduct a suitability assessment for each of the proposed protected area. If found suitable for inclusion in the System according to the categories established in Section 3 hereof, a report containing the following items shall be submitted to the president as soon as the study is completed, to wit:*
- (1) *A protected area occupants survey;*
 - (2) *An ethnographic study;*
 - (3) *A protected area resource profile;*
 - (4) *Land and water use plans; and*
 - (5) *Other background studies (5[d]a)*
- (d) *In the conduct of public consultation, the DENR shall:*
- (1) *Notify the public of proposed action through publication in a newspaper of general circulation and such other means including notices to the stakeholders that will likely be affected within the respective localities, thirty (30) days prior to the public consultation;*
 - (2) *Conduct public consultation at locations near the proposed protected area;*
 - (3) *Invite all local government units (LGUs) in the affected areas, national agencies concerned, people's organizations (POs) and nongovernment organizations (NGOs) and request for corresponding position papers; and*
 - (4) *Prepare recommendations based on views and comments gathered from the public consultation; (5[d]a)*
- (e) *Upon receipt of the recommendations of the DENR, the President shall issue a proclamation establishing the proposed protected areas and providing for measures for their protection until the time when Congress shall have enacted a law finally declaring the recommended areas as part of the Systems; and (5[e]a)*
- (f) *Upon completion of the appropriate review, the President shall recommend to the Senate and the House of Representatives the designations of protected areas or reclassification of each area. (5[f]a)*

Rule 5.1 Watershed as referred herein shall cover watershed forest reserves/reservations proclaimed prior to the effectivity of the NIPAS Act of 1992.

Rule 5.2 The Regional Executive Director shall facilitate the activities in preparation for the establishment of remaining initial components.

Rule 5.3 The maps and technical descriptions of the said areas shall be certified by the National Mapping and Resource Information Authority (NAMRIA).

Rule 5.4 The DENR shall ensure public access to records pertaining to the proposed protected areas.

Rule 5.5 The DENR, through its Regional Offices, shall conduct a protected area suitability assessment of every protected area to determine its suitability for retention in the NIPAS,

establishment or disestablishment as a protected area, modification of its boundaries, or the inclusion of additional areas in the System, pursuant to Section 6 and Rules 6.1 to 6.2 hereof.

Rule 5.6 The rich biodiversity of the area shall be the main consideration in the determination of areas for inclusion in the NIPAS. These areas must have the following characteristics:

1. Irreplaceability (presence of restricted range and congregatory species);
2. Vulnerability (presence of globally threatened and endemic species);
3. Naturalness of the area (intact natural cover such as forest, mangroves, seagrass beds and corals, etc.);
4. Abundance and diversity of species of flora and fauna (high concentration of species of flora and fauna);
5. Unique or outstanding cultural, geological and aesthetic features that support biodiversity and sustain ecological processes and functions; and
6. Value of ecosystem services (value in terms of recreational, educational, traditional use, heritage and other sustainable uses).

Rule 5.7 If found suitable for retention or inclusion in the System, according to the categories established in Section 3 of the NIPAS Act, as amended, the DENR Regional Office shall prepare a report which includes:

1. A protected area occupants survey;
2. An ethnographic study;
3. Protected area resource profile;
4. Land and water use plans; and
5. Other background studies

Rule 5.8 The DENR Regional Office shall, through the BMB, submit the PASA Report with the recommended appropriate category to the Secretary. This report shall form part of the supporting documents for proclamation by the President or establishment by Congress of the protected area, as the case may be. *Provided*, that any modification of the category of the protected area shall be based on the results of the PASA and shall require amendment of the Presidential Proclamation or Congressional legislation, as the case may be.

Rule 5.9 All PASA undertaken before the effectivity of the ENIPAS Act and this Order shall be updated based on the requirements provided herein and the guidelines issued by the DENR.

Rule 5.10 In the conduct of public consultation, the DENR shall:

- a. Within thirty (30) calendar days prior to the consultation, notify the public of the proposed action, through publication in a newspaper of general or local circulation, and such other means that may include notices to stakeholders who will likely be affected by the proposed action;
- b. Conduct public consultation in locations near the proposed protected area;
- c. Invite and request for the respective position papers of all concerned LGUs, relevant national agencies, and stakeholders, including civil society organizations (CSOs), non-government organizations (NGOs), people's organizations (POs), and ICCs/IPs. In all cases, consultations with affected local communities and ICCs/IPs shall be conducted in a language understandable and accessible to them, and through participative and

transparent processes that are consistent with their customs and traditions.

- d. Prepare recommendations based on the views and comments gathered from the public consultations.

Rule 5.11 Upon receipt of the recommendations of the DENR with supporting documents, the President shall thereafter issue a proclamation establishing the proposed protected area, and providing for measures for its protection, including delineation of its boundaries, until the time Congress shall have enacted a law finally establishing the same;

Rule 5.12 Upon completion of the appropriate review, the President shall recommend to Congress, the establishment, or as appropriate, the reclassification of the area.

Rule 5.13 Upon enactment of the law establishing the protected area, its boundaries shall be demarcated on the ground with concrete monuments, or other prominent physical landmarks or features. Appropriate markers shall be used where the boundary of the protected area lies in the water.

Section 6. Additional Areas to be Included into the System. – Upon the recommendation of the DENR, additional areas with unique physical features, anthropological significance and high biological diversity may be proposed for inclusion as part of the System. Such areas shall undergo the same procedure as the remaining initial components for legislative enactment. (a)

Rule 6.1 The designation of additional areas for inclusion in the System shall follow the same procedure for the establishment of the remaining initial components as protected areas through Congressional legislation, and shall be based on the results of the PASA and public consultations in accordance with existing guidelines and pursuant to Section 5 of the ENIPAS Act.

Rule 6.2 The designation of additional areas shall not impair prior and subsisting private rights arising from, or as a consequence of, land and resource use instruments issued by the DENR and other appropriate government agencies over portions thereof.

Section 7. Disestablishment as Protected Area. – When in the opinion of the DENR a certain protected area should be withdrawn or disestablished, or its boundaries modified as warranted by a study and sanctioned by the majority of the members of the respective boards for the protected area as herein established in Section 11, it shall, in turn, advise Congress. Disestablishment of a protected area under the System or modification of its boundary shall take effect pursuant to an act of Congress. Thereafter, said area shall revert to the category of public forest unless otherwise classified by Congress: Provided, however, That after disestablishment by Congress, the Secretary may recommend the transfer of such disestablished area to other government agencies to serve other priority programs of national interest.

Rule 7.1 Any protected area that does not satisfy the criteria and requirements under Rules 3.1 to 3.2 and the corresponding procedures thereof, shall be disestablished from the System. Disestablished areas shall revert to its original classification unless otherwise reclassified by Congress.

Rule 7.2 The modification of boundaries of a protected area shall also follow the requirements and procedures under Section 5 of the ENIPAS Act.

Rule 7.3 The disestablishment of a protected area or the modification of its boundaries shall require a resolution signifying the vote of the majority of the members of the management board present in a meeting at which quorum is present and called for such purpose.

Rule 7.4 The DENR, through the Secretary, shall recommend the disestablishment of a protected area or modification of its boundaries to the President. The Secretary shall submit the DENR's recommendation, together with the resolution of the management board, the technical descriptions of boundaries as certified by NAMRIA, the PASA Report, and the results of the public consultations.

Rule 7.5 Upon completion of the appropriate review, the President shall recommend to Congress, the disestablishment of a protected area, or the modification of its boundaries.

Section 8. Buffer Zones. - When necessary, the DENR Secretary, upon the recommendation of the PAMB, may designate areas surrounding the protected areas as buffer zones for the purpose of providing extra layer of protection where restrictions may be applied: Provided, That, in cases where the designated buffer zone would cover private lands, the owners thereof shall be required to design their development with due consideration to the protected area management plan. (a)

Rule 8.1 Buffer zones may be designated when, based on the PASA and socio-economic studies, the ecological integrity of the protected area is threatened by circumstances, such as, but not limited to, the presence of actual and potential sources of pollution, invasive alien species, or encroachment of adjacent communities. Other considerations may include, among others, the presence of natural and semi-natural corridors for faunal movements and/or interchange of species, and geological hazards.

Rule 8.2 One (1) or more of the following criteria may be used in the identification and designation of a buffer zone:

- a. Ecological criteria - the capability of the site to serve as an additional layer of protection, by extending habitats or corridors for wildlife, and other ecological services.
- b. Economic criteria - the capacity of the site to host enterprises or provide gainful employment, and sustainable sources of livelihood for local communities, to deflect pressure away from the protected area.
- c. Social criteria - the capacity of the site to provide a social fence, against the threat of encroachment by communities residing near or adjacent to the protected area.

Rule 8.3 The duly constituted protected area management board (PAMB) shall exercise management authority over buffer zones. It shall ensure the implementation of development control in the buffer zones, and facilitate participatory management, together with other government agencies, LGUs, NGOs, POs and other stakeholders.

Rule 8.4 Buffer zones already established before the effectivity of the ENIPAS Act, and this Order, shall likewise be recognized and protected.

Rule 8.5 In cases where there are private lands within the declared buffer zones, the owner/s in consultation with the PAMB shall prepare a design of their development in accordance with the PAMP.

Section 9. Management Plan. - Within one (1) year from the establishment of the protected

area, there shall be a management plan formulated for each protected area that shall serve as the basic long-term framework plan for the management of the protected area and guide in the preparation of its annual operations plan and budget.

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, waste sewerage and septic management, and gender and development, among others.

The plan shall be harmonized with the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) required under Republic Act No. 8371, or 'The Indigenous People's Rights Act of 1997', the respective Comprehensive Land Use Plans (CLUPs) of local governments required under Republic Act No. 7160 or the 'Local Government Code of 1991' and other local plans.(a)

Rule 9.1 The management plan shall, as far as practicable, consist of the following:

1. Executive Summary;
2. Description of the protected area;
3. Map information;
4. Situational analysis;
5. Vision, goals and objectives;
6. Management strategies, interventions and activities;
7. Human resources and institutional arrangement;
8. Financial plan; and
9. Performance indicators for monitoring and evaluation.

Rule 9.2 The time frame for the PAMP shall be ten (10) years. The crafting of the PAMP shall engender an inclusive and participative approach that involves local stakeholders in the planning process. The PAMB, thru the PASu, may create a technical working group composed of relevant government agencies at the regional or provincial level, NGOs, LGUs, and stakeholders, including ICCs/IPs, local communities, CSOs, and the private sector. The DENR Regional Office shall support the PASu in formulating, updating and implementing the PAMP.

Rule 9.3 At the minimum, areas of stakeholder consultation shall include, but not be limited to, ground validation of appropriate landscape and seascape uses, actual uses, determination of issues and concerns, determination of zoning regime, and development of management prescriptions in specific zones, enforcement planning, monitoring, and evaluation. The rights, obligations and responsibilities of the stakeholders shall be determined and presented in the management strategies, standards and guidelines.

Rule 9.4 The DENR, the regional offices of the national government agencies, and LGUs represented in the PAMB, shall contribute to the collective fund for the crafting of the PAMP.

Rule 9.5 Zoning shall be implemented in all protected areas as a strategy to effectively manage the ecosystems and landscapes/seascapes therein, in accordance with the objectives and principles of biodiversity conservation and sustainable development. The protected area shall be divided into Strict Protection Zones and Multiple Use Zones as follows:

- a. Strict Protection Zones which shall consist of one (1) or more of the following:
 1. Natural vegetation or representative of any of the ecosystem types;
 2. Habitats of endemic and threatened species, and biologically important areas, including sites for seasonal feeding, foraging, roosting, nesting, and breeding of wild fauna;
 3. Areas prone to natural and man-made hazards;
 4. Areas set aside as permanent danger zones;
 5. Easements of inland wetlands such as lakes, rivers, creeks, etc.;
 6. Class I caves and unclassified caves;
 7. Sacred grounds or areas used by ICCs/IPs; and
 8. Areas that require immediate rehabilitation to restore the vegetative cover to its original state.

- b. Areas intended as a Multiple Use Zone shall take into account the location of the following:
 1. Areas where traditional or sustainable land and water use, including agriculture, agroforestry, aquaculture, the Indigenous Knowledge Systems and Practices (IKSP) as determined by the IPs/ICCs, and other biodiversity-friendly livelihood activities of local communities and ICCs/IPs;
 2. Areas of high environmental awareness, and recreational/ecotourism or educational values;
 3. Areas of existing and proposed facilities/structures of national significance, such as rights of way, waterways, ports, navigational lanes, telecommunications, energy generation, and transmission lines; and
 4. Existing settlements, community centers, and LGUs

Rule 9.6 The PAMP shall include provisions on benefit-sharing schemes/mechanisms. The PAMB shall identify and through the DENR, enter into an agreement with the stakeholders, investors, and contributors, who are entitled to receive a fair and equitable share in the income and other benefits derived from the management and operations of the protected area, which stakeholders, investors, and contributors include but are not limited to, the ICCs/IPs, if present in the protected area, and the concerned LGU.

Rule 9.7 The PASu shall submit the proposed PAMP to the PAMB for consideration and endorsement to the concerned Community Environment and Natural Resources Officer (CENR Officer), Provincial Environment and Natural Resources Officer (PENR Officer), and DENR Regional Executive Director through a resolution concurred in by the majority of the members. The RED shall then endorse the same for affirmation by the DENR Undersecretary for Policy, Planning and International Affairs through the BMB who shall act within 60 days upon receipt thereof. Otherwise, the same shall be deemed affirmed.

Rule 9.8 The PAMB and the PASu, as the Chief Operating Officer of the protected area, shall be responsible for the effective implementation of the PAMP. The BMB and the DENR Regional Office, through the Assistant Regional Director for Technical Services, shall provide overall guidance, technical assistance, and promote best practices in the implementation of the PAMP.

Rule 9.9 Monitoring and evaluation of the implementation of the PAMP shall be regularly conducted by the PAMB to document the achievement of its objectives, and the challenges

encountered, and to measure the PAMB's overall performance, using indicators prescribed in the PAMP.

Rule 9.10 The PAMB shall review, update, and if necessary, modify the PAMP, at least every three (3) years, in accordance with scientific studies, sound resources assessments, and surveys, as well as relevant developments in biodiversity conservation, and the social dynamics in the protected area. If applicable, the PAMB may also update and modify the PAMP after the occurrence of calamities that may have an adverse impact on the protected area.

Rule 9.11 Protected areas with a subsisting PAMP, and those established prior to the effectivity of the ENIPAS Act but are without a PAMP, shall have one (1) year from the effectivity of this Order, to update or formulate their PAMP in accordance with the Rules herein.

Rule 9.12 Within ninety (90) days from the effectivity of this Order, the DENR shall issue guidelines on the preparation, implementation, monitoring and evaluation of the PAMP.

Section 10. Administration and Management of the System. - *The National Integrated Protected Area System (NIPAS) is hereby placed under the control and administration of the DENR through the Biodiversity Management Bureau (BMB).(a)*

To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform the following acts:

- (a) Issue a system-wide set of rules and regulations to implement the provision of this Act; (10[d]a)*
- (b) Set standards, procedures, and protocols for the establishment and management of protected areas and the System, such as, but not limited to, conduct of study, zoning, review of plans and project proposals, specifications and types of buildings and other structures, and installation of uniform markers and symbols; (10[l] and [m]a)*
- (c) Deputize field officers and other technical and support personnel; (10[e]a)*
- (d) Determine a system-wide set of fees and charges to ensure sustainable financing of protected areas and the System;(10[f]a)*
- (e) Impose administrative fines and penalties; (10[g]a)*
- (f) Report on the status of the Integrated Protected Area Fund (IPAF), its collection of fees, and disbursements from the IPAF;(n)*
- (g) Designate the appropriate Chairperson of each PAMB;(n)*
- (h) Enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the objectives of the System;*
- (i) Accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursements or other property in the interest of the NIPAS, its activities or its services; (10[i])*
- (j) Call on any agency or instrumentality of the Government as well as academic*

institutions, NGOs and the private sector as may be necessary to accomplish the objectives and activities of the System;

- (k) Submit an annual report to the President of the Republic of the Philippines and to Congress on the status of protected areas in the country;*
- (l) Oversee and set guidelines in the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection, and sanitation systems and other public utilities within the protected area;(10[o]a)*
- (m) Within the limits allowed by existing laws, rules, and regulations, ensure that settlement areas inside the protected area shall not be expanded and that coverage shall only be limited to the original area/s occupied by tenured migrants and indigenous communities; and (10[p]a)*
- (n) Perform such other functions as may be directed by the President of the Republic of the Philippines, and to do such acts as may be necessary to the accomplishment of the purposes and objectives of the System. (10[q]a)*

Rule 10.1 The DENR Regional Executive Directors may also deputize field officers and other technical personnel including members of the local community and ICCs/IPs, for protection, conservation, intelligence-gathering, law enforcement, and other related tasks.

Rule 10.2 The Secretary shall, in accordance with Section 21 (d) of the NIPAS Act, as amended, issue a System-wide schedule of administrative fines and penalties for the violation of rules, regulations.

Rule 10.3 The Secretary shall designate the appropriate Chairperson of each PAMB in the event that a protected area straddles more than one (1) regional jurisdiction, taking into account the size of the areas concerned and the biodiversity requirements of each protected area. The Secretary shall also designate appropriate Chairperson of the PAMB in case where the protected area is in Philippine waters, including other waters over which the Philippines has sovereignty and jurisdiction.

Rule 10.4 The RED through the PAMB and the PASu, consistent with existing laws, rules, and regulations, shall ensure that settlement areas within the protected area shall not be expanded, and that coverage shall only be limited to the original area/s occupied by tenured migrants and ICCs/IPs taking into account their ancestral domain or ancestral land claim. In case of expansion, the same shall be reported to the Secretary through the Undersecretary for Field Operations.

Section 11. Protected Area Management Board (PAMB). – *Within three (3) months after the effectivity of this Act, a PAMB shall be created for each of the protected areas designated as initial component, established by presidential proclamation, and declared by law. The Board shall be composed of the following:*

- (a) DENR Regional Director under whose jurisdiction the protected area is located, as Chairperson; (a)*
- (b) Governor/s of the province/s where the protected area is located or their duly designated representative/s; (a)*

- (c) *A Senator of the Republic of the Philippines who is a duly registered resident of the city or province where the protected area is located or a duly authorized representative, unless the Senator declines membership in the PAMB; (n)*
- (d) *District Representative/s of the Congressional district/s where the protected area is located or their duly designated representatives, unless the District Representative declines membership in the PAMB;(n)*
- (e) *Mayor/s of the city/cities or municipality/municipalities where the protected area is located or their duly designated representative/s; (a)*
- (f) *Chairperson/s of the barangay/s where the protected area is located;(a)*
- (g) *Regional Directors of the following government agencies, namely: the Department of Agriculture (DA), the National Economic and Development Authority (NEDA), the Department of Science and Technology (DOST), the Philippine National Police (PNP), and the Department of National Defense (DND);(a)*
- (h) *Three (3) representatives from either an NGO or PO, duly accredited both by the DENR and the provincial government. The NGO or PO represented should have been in existence for at least five (5) years and with track record in or related to protected area management; (a)*
- (i) *At least one (1) but not more than three (3) representatives from all the IPs/ICCs present in the area and recognized by the National Commission on Indigenous Peoples (NCIP); (a)*
- (j) *One (1) representative from an academic institution, preferably from a university or college in the province where the protected area is located, with proven track record in or related to the protected area management; and (n)*
- (k) *One (1) representative from the private sector, preferably a resident of the province where the protected area is located, who is distinguished in a profession or field of interest relevant to the protected area management. (n)*

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

On the other hand, the members of the PAMB specified under subparagraphs (h), (i), (j), and (k) of this section shall be appointed by the DENR Secretary after the conduct of a transparent and fair selection process. They shall each serve a term of three (3) years and may be reappointed for another term. (n)

The members of the PAMB shall serve without compensation, except for the actual and necessary traveling and subsistence expenses incurred in the performance of their duties, either in their attendance in meetings of the PAMB or in connection with other official business authorized through a resolution of 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. (n)

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

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

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

Rule 11.1 The DA, NEDA and DND shall designate their official representatives to the PAMB provided that this is communicated/ recommended in writing by the head of said agencies.

Rule 11.2 In order to attain the objectives of the System and in pursuance to Section 10(j) of the NIPAS Act, as amended, the Secretary, through the PAMB Chairperson, and with the written concurrence of the majority of the *ex officio* members of the PAMB, may invite representatives from other relevant government agencies to serve as resource persons.

Rule 11.3 All PAMBs organized before the effectivity of the ENIPAS Act shall be reorganized accordingly.

Rule 11.4 The application of NGOs and POs shall be in accordance with the following:

- a. Within fifteen (15) calendar days from the effectivity of this Order, the PENR Officers concerned shall post a call for applications at the premises of their respective PENRO, the DENR Regional Office, on the DENR Regional Office website, and as applicable, through traditional and social media.
- b. The call for applications shall clearly indicate the requirements, procedures, and the thirty (30)-day deadline for submission.
- c. Within thirty (30) calendar days from the posting of the call for applications, interested NGOs or POs, that have been in existence for at least five (5) years and possess a track record in or related to environmental conservation and protected area management, shall submit the following documents to the PENR Officers concerned:

1. Letter of application;

2. Board resolution signifying intent to be accredited for the purpose of representation in the PAMB;
 3. Certificate of accreditation from the Sangguniang Panlalawigan or in the case of composite cities, the Sangguniang Panglungsod;
 4. Certificate of good community standing or endorsement from any two (2) of the following: (a) the applicable LGU; (b) local leaders; (c) head of local religious organizations; and (d) other network organizations;
 5. Accomplished NGO/PO Data Sheet with Organizational Structure;
 6. Registration with the Securities and Exchange Commission, Cooperative Development Authority, or Department of Labor and Employment (DOLE);
 7. Financial statement for the past year duly signed by the Executive Officers of the organization and duly notarized, and indicating the organization's source of funds;
- d. The PENR Officer shall determine the completeness and sufficiency of the applications and issue a Certificate of Accreditation to each applicant that satisfies the aforementioned requirements. Within fifteen (15) calendar days from the deadline for submission of applications, the PENR Officer shall forward the application documents of all accredited applicants to the PAMB Chairperson.
- e. Upon receipt of the application documents of accredited NGOs/POs, the PAMB shall assess the applicants based on the following criteria:
1. Area(s) of operation;
 2. Length and extent of service in biodiversity conservation, environmental management, and other related fields;
 3. Track record and impact of relevant projects and activities; and
 4. Integrity and commitment to environmental and social issues;
- f. The PAMB shall prioritize locally-based NGOs/POs.
- g. Within twenty (20) calendar days from receipt of the application documents of accredited NGOs/POs, the PAMB Chairperson shall submit to the Secretary the recommended NGOs/POs:

Rule 11.5 At least one (1) but not more than three (3) representatives from all the ICCs/IPs present in the area, and recognized by the NCIP. *Provided*, that said representatives shall come from different ICC/IP community in the protected area concerned.

The application of ICC/IP representatives shall be in accordance with the following:

- a. Within fifteen (15) calendar days from the effectivity of this Order, the CENR Officers concerned shall post a call for applications at the premises of their respective CENRO, the DENR Regional Office, on the DENR Regional Office website, and as applicable, through traditional and social media.
- b. The call for applications shall clearly indicate the requirements, procedures, and the sixty (60) day deadline for submission.

- c. Within sixty (60) calendar days from the posting of the Call for Applications, each ICC/IP within the protected area shall submit to the CENR Officer, the names of their chosen representatives validated by the NCIP. The selection shall be in accordance with the customary laws, practices, and traditional organization structure of the ICCs/IPs.
- d. Within five (5) days from receipt of applications, the CENR Officer shall forward the names of the representatives, through channels, to the Secretary.

Rule 11.6 The representative from academic institution may be chosen from a related field and recommended in writing by the head of concerned university or college. The application of representatives from the academe shall be in accordance with the following:

- a. Within fifteen (15) calendar days from the effectivity of this Order, the PENR Officer shall post a call for applications at the premises of their respective PENRO, the DENR Regional Office, on the DENR Regional Office website, and as applicable, through traditional and social media.
- b. The call for applications shall clearly indicate the requirements, procedures, and the thirty (30)-day deadline for submission.
- c. Within thirty (30) calendar days from the posting of the call for applications, interested members of the academe, who have track record in or related to protected area management, shall submit the following:
 - 1. The applicant's curriculum vitae;
 - 2. A letter of intent that indicates the applicant's contributions to protected area management; and
 - 3. Endorsement from the head of the university or college
- d. Within five (5) calendar days from receipt of applications, the PENR Officer shall forward the application documents, through channels, to the Secretary.

Rule 11.7 The application of representatives from the private sector shall be in accordance with the following:

- a. Within fifteen (15) calendar days from the effectivity of this Order, the CENR Officer shall post a call for applications at the premises of their respective CENRO, the DENR Regional Office, on the DENR Regional Office website, and as applicable, through traditional and social media.
- b. The call for applications shall clearly indicate all the requirements, process, and the thirty (30)-day deadline for submission.
- c. Within thirty (30) calendar days from the posting of the call for applications, interested members of the private sector, who have track record in or related to protected area management, shall submit the following:
 - 1. The applicant's curriculum vitae;
 - 2. A letter of intent that indicates the applicant's contributions to protected area management; and

3. Any two (2) of the following documents: (a) certificate of good standing from the head of local religious organizations, or other network organizations; (b) endorsement from LGU, local leaders, or any ex-officio member of the PAMB; or (c) NBI clearance.
- d. The applicant must submit an affidavit declaring that he/she is not a member of any political party and not affiliated within the fourth degree of consanguinity or affinity with the endorsing entity and other members of the PAMB.
- e. The application may be in English, Filipino, or the predominant language or dialect in the region.
- f. The CENR Officer shall evaluate the applications based on the satisfaction of prescribed qualifications. Within fifteen (15) calendar days from the end of the application period, the CENR Officer shall submit the documents of qualified applicants to the PAMP Chairperson, who shall submit a shortlist of qualified applications to the Secretary, within twenty (20) calendar days from the receipt of documents from the CENR Officer.

Rule 11.8 In cases where a protected area is located in marine waters outside regional administrative jurisdiction and Section 11 (b), (c), (d), (e), (f), and (i) hereof may not be applicable, the DENR shall facilitate the development of guidelines for the composition of the PAMB and its powers and functions.

Rule 11.9 Any representative of ex officio members specified in Section 11 (b), (c), (d) and (e) shall be duly appointed by the Secretary within fifteen (15) working days from receipt of the application documents. The head of the Office concerned shall recommend and endorse such representation.

Rule 11.10 The PAMB Chairperson shall ensure that the members of the PAMB specified in Section 11 (h), (i), (j) and (k) hereof are duly appointed by the Secretary within fifteen (15) working days from receipt of the list of qualified or accredited nominees and the application documents.

Rule 11.11 In the event of a permanent vacancy, including the expiration of the term of any of the foregoing PAMB members, the respective PAMB Chairperson shall issue notice of vacancy which shall be posted within fifteen (15) days from the occurrence of such vacancy. The selection shall follow the same procedure provided in this Rule.

Rule 11.12 The PAMB *en banc* may, through the issuance of a resolution, by a majority vote of members present in a quorum, at a meeting called for such purpose, create the following committees:

- a. Executive Committee;
- b. Technical Working Committees, which may include the following:
 1. Committee on Biodiversity Conservation and Monitoring;
 2. Committee on Community Management;
 3. Committee on Project Development;
 4. Committee on Sustainable Financing;

5. Committee on Conflict Resolution;
6. Committee on Law Enforcement;
7. Committee on External Communication and Public Information; and
8. Such other committees as may be necessary to facilitate the accomplishment of its functions and responsibilities.

Rule 11.13 A quorum shall consist of a majority representing fifty percent (50%) plus one (1) of all the PAMB members, or as applicable, of its committees and sub-committees.

Section 11-A. Powers and Functions of the PAMB. – *The 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 and integration with the ADSDPP, land use plan and other development 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 the LGUs and national agencies in the PAMB shall inform their respective constituents, offices or sectors, of PAMB-approved or*

other relevant policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and its implementing rules and regulations are complied with, and used as reference and framework in their respective plans, policies, programs, and projects. 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, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail. (n)

Rule 11-A.1 The DENR Regional Executive Director, upon recommendation of the PAMB, may impose fines and penalties for the violation of rules and regulations, and of the conditions of clearances issued by the PAMB.

Rule 11-A.2 In protected areas that share common areas with ancestral territories covered by CADT/CALT, pursuant to Section 13 of the NIPAS Act, as amended, and Rule 13.7 hereof, the PAMB shall convene a Coordination and Complementation Committee, which shall include as members, the representatives of ICCs/IPs in the PAMB, indigenous traditional leaders, holders of the Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Land Title (CALT), or their duly authorized representatives. The Committee may invite resource persons from concerned agencies such as, but not limited to, the NCIP and the Department of Agrarian Reform (DAR).

Section 11-B. The Protected Area Management Office (PAMO). – *There is hereby established a Protected Area Management Office (PAMO) to be headed by a Protected Area Superintendent (PASU) with a permanent plantilla position who shall supervise the day to day management, protection and administration of the protected area. A sufficient number of support staff with permanent plantilla position shall be appointed by the DENR to assist the PASU in the management of the protected area.*

The PASU shall 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 and LGUs' 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/or 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; and*
- (l) Perform such other functions as the PAMB and the DENR may assign.*

The PAMO may be augmented by the deputized local environment and natural resources officers upon the recommendation of the PAMB and approval of the DENR. (n)

Rule 11-B.1 The PASu shall report directly to the CENRO or PENRO who has jurisdiction over the protected area. In cases where the protected area is within the jurisdiction of two or more CENROs, the PASu shall report directly to the PENR Office. When a protected area is within the jurisdiction of two or more PENROs, the PASu shall report directly to the PENR Office that has jurisdiction over the larger portion of the protected area and thereafter coordinate with the other CENROs/PENROs concerned. When a protected area straddles two or more regions, the PASu shall report directly to the DENR Regional Office that has jurisdiction over the larger portion of the protected area.

Rule 11-B.2 In case of protected areas located in Philippine waters, including other waters over which the Philippines has sovereignty and jurisdiction, the PASu shall directly report to the DENR Undersecretary for Field Operations through the Director of the Biodiversity Management Bureau.

Rule 11-B.3 In addition to the functions enumerated in Section 11-B, the PASu shall perform the following duties and responsibilities:

- a. Assume custody of seized items and wildlife, and their by-products or derivatives, the disposition of which shall be subject to a clearance from the PAMB, except for those that: (a) are the subject of *custodia legis*; (b) are the subject of donation; (c) must be deposited with appropriate government agencies; and (d) will be utilized for the DENR's needs, in accordance with the existing rules and regulations;
- b. Exact and collect administrative fees and fines, for violations of Section 21 of the NIPAS Act, as amended, other related guidelines, rules, and regulations on protected areas and biodiversity conservation;
- c. Issue permits for the use of facilities and amenities, except for those considered as special uses, as defined in this Order;
- d. Recommend actions for cutting permit for planted trees solely for the traditional and subsistence uses by ICCs/IPs and tenured migrants, of up to five (5) cubic meters per applicant per year. *Provided*, that, PACBRMA holders with affirmed Community-based Resource Management Plan shall no longer be issued cutting permits. *Provided further*, that the total volume cut shall not exceed the limits set by the PAMB, and that the location of the cutting is within the appropriate site within the Multiple Use Zone; and
- e. Process applications for Certificate of Origin and/or transport permits, for natural resources and other products collected/gathered from the protected area, in accordance with the resource use instruments/agreements, or gratuitous permits, issued by the PAMB and/or the DENR, or as the case may be, with the ADSDPP or the CCP of ICCs/IPs.

Section 12. 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.(a)

Rule 12.1 All development projects or activities, whether proposed by the government or the private sector, shall require a PAMB clearance. The Clearance shall be issued through a Resolution by a majority vote of the PAMB members if the project or activity is in consonance with the PAMP.

If the project or activity is not in the PAMP but such project or activity is consistent with the PAMP, the principles of biodiversity, sustainable development, and the preservation of indigenous cultures and practices, the approval shall likewise require a majority vote of the

PAMB members.

Rule 12.2 The PAMB clearance shall include an endorsement for the EMB Regional Office to determine whether the development project or activity is eligible for a Certificate of Non-Coverage (CNC), or should undergo the scoping process under the EIS System.

A development project or activity determined by the scoping process to be environmentally critical, shall undertake a full-blown EIA. A project or activity that is found to be non-environmentally critical will undertake an IEE instead of an EIA. In both cases, an ECC shall be required prior to the commencement of the project or activity.

Section 13. Ancestral Domains and Customary Rights. – *Ancestral domains and customary rights shall be accorded due recognition.*

As part of heritage preservation and pursuant to the need to conserve biologically significant areas, the territories and areas occupied and conserved for and by IPs and communities shall be recognized, respected, developed, and promoted.

The ICCs and IPs concerned shall have the responsibility to govern, maintain, develop, protect, and conserve such areas, in accordance with their indigenous knowledge systems and practices and customary law, with full and effective assistance from the NCIP, DENR and other concerned government agencies.

A mechanism for coordination and complementation between the indigenous traditional leadership and governance structures and the NCIP, DENR, government agencies, concerned LGUs and civil society organizations shall be created. (a)

Rule 13.1 The ancestral territories covered by CADT and CALT that share common areas with protected areas, shall be recognized and respected.

Rule 13.2 The ICCs/IPs concerned shall govern, maintain, develop, protect, and conserve ancestral territories covered by CADT/CALT, that share common areas with protected areas, in accordance with their ADSDPP or Community Conservation Plan (CCP), except upon submission to the DENR of written notice of their intent to co-manage with or relinquish management to the PAMB.

Rule 13.3 The PAMP shall be harmonized with the ADSDPP of ICCs/IPs. In the absence of an ADSDPP, or in the event that that ICCs/IPs determine the need to enhance the current iteration of their ADSDPP to fully incorporate their sustainable traditional resource rights and IKSP, and to strengthen their governance, development, and conservation of their ancestral territories, the ICCs/IPs, shall craft their CCP, which shall, in turn, be harmonized with the PAMP.

The CCP may include, *inter alia*, the community's profile, the description of their territories, their sustainable traditional resource rights, IKSP, and protection policies. It shall be in a form and language that is understandable and accessible to the ICCs/IPs and shall form an integral part of the PAMP.

The PAMO shall assist the ICCs/IPs concerned in the identification, mapping, and documentation of the areas to be included in the CCP.

Rule 13.4 All policies, rules, regulations, and guidelines shall be subjected to notice and hearing, with the full and engaged participation of the community, and the assistance of the

NCIP, in consonance with their customary laws and practices, and in a language they understand.

Rule 13.5 Development interventions in a protected area that shares common areas with the ancestral territories covered by CADT/CALT, and any activity that will affect ICCs/IPs, shall require the Free and Prior Informed Consent (FPIC) of the concerned ICCs/IPs, in compliance with the IPRA, and other applicable laws, rules, and regulations. The ICCs/IPs shall determine the FPIC process, based on their customs and governance structure.

Bioprospecting in a protected area sharing common areas with ancestral territories covered by CADT/CALT shall be in accordance Joint DENR-DA-PCSD-NCIP Administrative Order No. 01 series of 2005, otherwise known as Guidelines for Bioprospecting Activities in the Philippines along with other relevant existing guidelines.

Rule 13.6 The local communities, ICCs/IPs shall be entitled to a fair and equitable share of benefits arising from the utilization of resources and ecosystem services and the use of Indigenous Knowledge Systems and Practices.

Rule 13.7 In protected areas that share common areas with ancestral territories covered by CADT/CALT, the PAMB shall convene a Coordination and Complementation Committee which shall have the following functions:

- a. Conduct regular meetings and consultations in the community's traditional meeting places;
- b. Coordinate between the PAMB and the community for the purposes of:
 1. Ensuring that the concerns of the community are communicated to the PAMB;
 2. Promoting awareness of the agenda ahead of the PAMB meetings; and
 3. Facilitating discussion on issues affecting the community and ensuring active participation of the ICCs/IPs representatives concerned;
- c. Contribute to the harmonization of the PAMP and the ADSDPP;
- d. Assist in the planning and implementation of the community's ADSDPP or CCP, as the case may be;
- e. Foster intercultural understanding between the ICCs/IPs and the PAMB; and
- f. Perform functions as may be required by the ICCs/IPs, or directed by the PAMB, and such other acts as may be necessary for the accomplishment of the purposes and objectives of the Committee.

Section 14. Energy Resources. – *Consistent with the policies declared in Section 2 hereof, 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 nonrenewable 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. The

development and operation of nonrenewable energy projects are prohibited in areas categorized as strict nature reserves and natural parks.

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, 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.(a)

Rule 14.1 The DENR, DOE, DOST, and other relevant government agencies shall determine standard practices and/or guidelines to ensure that the gathering of data and information on the exploration of energy resources shall be undertaken in a manner that will protect biodiversity and ecosystem services.

Rule 14.2 Exploration for energy resources may be allowed in protected areas only when all the following conditions are satisfied, without prejudice to such other requirements as may be determined by the DENR:

- a. Exploration shall not be conducted in protected areas categorized as Strict Nature Reserves and Natural Parks, and in Strict Protection Zones;
- b. The sole purpose is for gathering data and information;
- c. The exploration is carried out with the least damage to surrounding areas; and
- d. A PAMB clearance is issued in accordance with Section 12 of the NIPAS Act, as amended, and Rules 12.1 to 12.2 hereof.

Rule 14.3 Renewable energy projects may be allowed within the protected area under the following conditions, without prejudice to such other requirements as may be determined by the DENR:

- a. The project is located outside Strict Protection Zones;
- b. A PAMB clearance is obtained in accordance with Section 12 of the NIPAS Act, as amended, and Rules 12.1 to 12.2 hereof.
- c. The conduct of an EIA, as provided by law, rules and regulations;
- d. A resolution approved by majority vote of the members of the PAMB, attesting to its acceptance of the project, and endorsing it for concurrence by the Secretary;
- e. The concurrence of the DENR Secretary; and
- f. The remittance of a sufficient bond to ensure the availability of funds for the timely compensation of damages and the progressive and sustainable rehabilitation of affected areas.

Rule 14.4 The sufficiency of the bond shall be determined by the PAMO, with assistance of the BMB, and approved by the PAMB, based on damage estimation upon decommissioning, the projected cost of rehabilitation, resource valuation, and ecosystem services of the protected area.

The bond shall be deposited as a trust fund in a government depository bank, and shall be used for the physical and social rehabilitation of the areas, and communities affected by the renewable energy project, as well as for research on the social, technical, and preventive aspects of rehabilitation.

The bond may be released to the proponent, only upon a resolution approved by majority vote of the members of the PAMB present in a quorum, during a meeting called for such purpose, attesting to the satisfactory decommissioning of all equipment, structures, and improvements, and the rehabilitation of the site, in compliance with the protected area's established management zones, the objectives of the PAMP, and if applicable, the ADSDPP or the CCP of the affected ICCs/IPs.

Rule 14.5 Surveys for non-renewable energy projects shall be conducted only upon satisfaction of the following conditions, without prejudice to such other requirements as may be determined by the DENR:

- a. A PAMB clearance is obtained in accordance with Section 12 of the NIPAS Act, as amended, and Rules 12.1 to 12.2 hereof;
- b. The survey will be conducted in accordance with a program approved by the DENR; and
- c. The result of such survey shall be made available to the public and submitted to the President, who shall make the appropriate recommendations to Congress.

Rule 14.6 The development and operation of non-renewable energy projects are allowed only upon satisfaction of the following conditions, without prejudice to such other requirements as may be determined by the DENR:

- a. The projects are not located in areas categorized as Strict Nature Reserves and Natural Parks, and in Strict Protection Zones;
- b. A resolution approved by majority vote of the members of the PAMB, attesting that the non-renewable energy project is not detrimental to the environment and integrity of the protected area, and providing recommendations for consideration of the Secretary;
- c. The projects are undertaken pursuant to Congressional legislation; and
- d. Continuing compliance with environmental laws, rules and regulations.

Rule 14.7 For energy projects of national significance, PAMB Clearance shall be issued within 30 days upon receipt of complete documentary requirements by the PAMB. Other projects shall be approved in accordance with the PAMB Manual of Operations.

Rule 14.8 Any exploration, survey, or energy project in a protected area that shares common areas with ancestral territories covered by CADT/CALT, shall require the FPIC of affected ICCs/IPs, and a Certification of Precondition issued by the NCIP.

Rule 14.9 The DENR and DOE shall determine, among others, the standard thresholds, rates, and revenue-sharing scheme from the operation of energy projects.

Section 15. Areas Under the Management of Other Departments and Government Instrumentalities. – *Should there be protected areas, or portions thereof, under the jurisdiction of government instrumentalities other than the DENR, such jurisdiction shall remain in the said department or government instrumentality: Provided, That the DENR shall retain its oversight function over such protected areas, and the concerned agency shall provide annual reports on the management of said areas focusing on the conservation of the biodiversity therein. (a)*

Rule 15.1 The jurisdiction of government agencies instrumentalities other than the DENR over protected areas, or portions thereof, shall remain with these government agencies or instrumentalities.

Rule 15.2 The DENR shall retain its oversight functions over such protected areas. Provided, the DENR and the concerned government agency may enter into an agreement on the management of the protected area, including the creation of a management body as may be necessary, the preparation of a management plan, monitoring and evaluation, and other related activities, among others.

Rule 15.3 The department or government instrumentality exercising jurisdiction over the protected area shall submit its management plan to the DENR within one (1) year from the effectivity of this Order.

Rule 15.4 Within sixty (60) calendar days from the end of each year, the concerned agency or instrumentality shall submit its annual report to the DENR. The annual report shall highlight the management of said areas and their impacts to the biodiversity therein, and the socio-economic benefits of projects and activities implemented within the protected areas.

Section 16. Integrated Protected Area Fund (IPAF). – *There is hereby established a trust fund to be known as Integrated Protected Area Fund (IPAF) for purposes of financing the projects and sustaining the operation protected areas and the System. Income generated from the operation and management of the protected area shall accrue to the IPAF. The income shall be derived from fees and charges from the use of resources and facilities of protected areas; contributions from industries and facilities directly benefitting from the protected area; and such other fees and income derived from the operation of the protected area.*

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.
(a)

Rule 16.1 The following shall provide for the accrual and allocation of revenues of protected areas:

- a. Revenues generated from the operation and management of the protected area shall accrue to the IPAF. In particular, such revenues shall include, but are not limited to:
 1. Fees and charges derived from the use of resources and facilities of protected areas;
 2. Contributions from industries and facilities directly benefitting from the protected area; and
 3. All other fees and income derived from the operation of the protected area.
- b. The PAMB shall retain seventy-five percent (75%) of all revenues raised through the afore-mentioned means. Retention of allocated revenue shall be governed by the following:
 1. The amount shall be deposited in the Protected Area Retention Income Account (PA-RIA) in any authorized government depository bank within the locality; and
 2. Disbursements of PA-RIA shall be used solely for the protection, maintenance, administration, and management of the protected area, and the implementation of duly approved projects of the PAMB.
- c. The remaining twenty-five percent (25%) of revenues shall be deposited as a Special Account in the General Fund (SAGF) of the National Treasury for purposes of financing the projects of the System.
- d. Funds directly coming from LGUs shall be excluded from the SAGF pursuant to Section 26 of the NIPAS Act, as amended, and Rules 26.1 to 26.5 hereof,

Rule 16.2 Grants, donations, and endowments from various sources, foreign or domestic, except for the contributions of LGUs contemplated in Section 26 and Rules 26.1 to 26.5 hereof, shall be deposited in full as Trust Receipt in a special account in the National Treasury to be used for the purpose specified in the deeds and instruments covering them.

Rule 16.3 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.

Rule 16.4 The use of the IPAF shall be in accordance with existing accounting, budgeting, and auditing rules and regulations. *Provided that*, the IPAF shall not be used to cover expenditures for personal services.

Rule 16.5 The DENR shall submit to the DBM and the 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.

Section 16-A. Tax Exemption. – *All grants, bequests and endowments, donations and contributions made to the protected area fund to be used actually, directly, and exclusively by the protected area, shall be exempted from donor's tax and shall be considered as allowable deduction from the gross income of the donor for the purpose of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended. (n)*

Rule 16-A Donations shall not circumvent the payment of fees, fines, penalties, damages, rehabilitation costs, and other legally imposed charges, or be received in lieu of the bonds prescribed by the NIPAS Act, as amended, or the relevant rules herein.

Section 17. Annual Report to Congress. – *At the opening of each session of Congress, the DENR shall report to the President, for transmission to Congress, on the status of the System, regulation in force and other pertinent information, together with recommendations.*

Section 18. Field Officers. – *All officials, technical personnel and forest guards employed in the integrated protected area service or all persons deputized by the DENR, upon recommendation of the Management Board shall be considered as field officers and shall have the authority to investigate and search premises and buildings and make arrests in accordance with the rules on criminal procedure for the violation of laws and regulations relating to protected areas. Persons arrested shall be brought to the nearest police precinct for investigation.*

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.

Rule 18.1 Officials employed in the integrated protected area service, including technical personnel, forest guards, and all persons deputized by the DENR, upon recommendation of the PAMB, shall be considered as field officers.

Rule 18.2 For the purpose of enforcing the NIPAS Act, as amended, this Order, and other laws relating to protected areas, field officers are authorized to perform the following:

- a. Investigate activities constituting violations of the NIPAS Act, as amended, or other laws relating to protected areas;
- b. Search premises and buildings incidental to their investigations; and
- c. Make arrests in connection with investigations and searches in accordance with the rules on criminal procedure; provided that, persons arrested are brought to the nearest police precinct for investigation by police authorities.

Rule 18.3 Field Officers shall be deemed persons in authority in the conduct of their duties, in accordance with Article 152 of Act No. 3815 or "The Revised Penal Code".

Rule 18.4 All persons deputized by the DENR, may be given an allowance in such amount as to be determined by the PAMB from the IPAF and other possible fund sources, subject to applicable accounting rules and regulations.

Rule 18.5 Regular enforcers and police officers shall not be prevented from arresting any person in the act of violating laws relating to protected areas.

Section 19. Special Prosecutors and Retained Counsel. – *Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint special prosecutors to prosecute violations of laws, rules and regulations in protected areas. The special prosecutor shall coordinate with the PAMB and the PASU in the performance of duties and assist in the training of wardens and rangers in arrest and criminal procedures. The PAMB may retain the services of counsel to prosecute and assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor. Said counsel shall also represent and defend the members of the PAMB, PASU and the staff, or any DENR-deputized individual and volunteer, against any legal action arising from the performance of their powers, functions and responsibilities as provided in this Act. (a)*

Rule 19.1 The engagement of the services of private counsel shall be subject to applicable laws, rules, and regulations.

Rule 19.2 The DENR and the DOJ shall issue guidelines on the appointment of special prosecutors, the retention of the services of private counsel, and the reporting and funding mechanisms.

Section 20. Prohibited Acts. – *Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:*

- (a) *Poaching, killing, destroying, disturbing of any wildlife including in private lands within the protected area; (n)*
- (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 nonprotected species in multiple-use zones by tenured migrants and IPs; (20[a]a)*
- (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;(n)*

- (d) *Possessing or transporting outside the protected area any timber, forest products, wildlife, or by-products, derived therefrom which are ascertained to have been taken from the protected area other than exotic species, the culling of which has been authorized under an appropriate permit; (20[a]a)*
- (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 terrestrial habitat as may be determined by the DA or the DENR: Provided, That mere possession of such gears within the protected areas shall be prima facie evidence of their use;(n)*
- (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; (20[b]a)*
- (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; (20[c]a)*
- (h) *Altering, removing destroying or defacing boundary marks or signs; (20[i])*
- (i) *Engaging in 'kaingin' or, in any manner, causing forest fires inside the protected area; (n)*
- (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; (20[d]a)*
- (k) *Damaging and leaving roads and trails in a damaged condition;(20[e])*
- (l) *Littering or depositing refuse or debris on the ground or in bodies of water;(20[h])*
- (m) *Possessing or using blasting caps or explosives anywhere within the protected area; (n)*
- (n) *Occupying or dwelling in any public land within the protected area without clearance from the PAMB;(20[f]a)*
- (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; (20[g]a)*
- (p) *Undertaking mineral exploration or extraction within the protected area; (20[f]a)*
- (q) *Engaging in commercial or large-scale quarrying within the protected area; (n)*
- (r) *Establishing or introducing exotic species, including GMOs or invasive alien species within the protected area; (n)*

- (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 nonpermitted 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; (n)*
- (t) *Prospecting, hunting or otherwise locating hidden treasures within the protected area; (n)*
- (u) *Purchasing or selling, mortgaging or leasing lands or other portions of the protected area which are covered by any tenorial instrument; and (n)*
- (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. (n)*

Rule 20.1 Permit(s), authorization or exemption related to Section 20 (b) should also be consistent with the ADSDPP or CCP of the affected ICCs/IPs.

Rule 20.2 Possession or transportation outside of the protected area of any timber, forest products, wildlife, or by-products derived therefrom, which are not identified in the ADSDPP or CCP as a sustainable traditional resource right, and 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 is prohibited.

Rule 20.3 Engaging in kaingin in CADC/CADT areas located inside the protected areas shall be allowed to ICCs/IPs if identified as sustainable traditional resource rights of their ADSDPP and recognized by the NCIP.

Rule 20.4 Any activity that in any manner will mutilate, deface, destroy, excavate, fill-in, vandalize, or damage any natural formation, religious, spiritual, historical sites, artifacts and other objects of natural beauty, scenic value or objects of interest to IPs/ ICCs will not be allowed except those that are consistent with the PAMP and approved by the PAMB.

Section 21. 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 20 herein; (a)*
- (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 20 herein; (a)*
- (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 (v) of Section 20 herein; (a)*

- (d) *A fine of Fifty thousand pesos (P50,000) daily shall be imposed on the owner of existing facilities within a protected area under Section 24 of this Act, if the existence of the same and its future plans and operations will be detrimental to the protected area. 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 a plan for a substitute facility that complies with the protected area standards and, within one (1) year, execute the approved protected area management plan;(a)*
- (e) *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. (a)*

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. (a)

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.(n)

All minerals, timber or species 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.(a)

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.(n)

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. (a)

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. (n)

The penalties specified in this section shall be in addition to the penalties provided in 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 other related laws. (n)

The conviction of a public officer or officer of the law whether from the 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. (n)

Rule 21.1 The DENR shall cause the eviction of an offender from the protected area on the basis of a court order, except in cases of emergency, when the DENR Secretary may order the immediate exit or departure of the offender from the protected area.

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

In any case, the DENR Secretary may call on other enforcement agencies to assist in executing the order to vacate.

Rule 21.2 The violations of the foregoing shall result to the following consequences:

- a. All minerals, timber or species 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.
- b. All construction or improvement made thereon by the offender shall be subject to confiscation by the PAMO, subject to the application of due process.
- c. The conveyances, vessels, equipment, paraphernalia, implements, gear, tools, and similar devices used in the commission of the crime shall be under the custody and disposition of the DENR.
- d. Protected animal species which have been confiscated or rescued, shall in no case be sold or disposed of. Such animals shall be immediately turned over to the PAMO or nearest rescue center for rehabilitation and release to its natural habitat, subject to existing regulations.
- e. 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 the NIPAS Act, as amended, shall be directly liable for the act of the employees and laborers; *Provided*, that the DENR may impose administrative fines and penalties consistent with the NIPAS Act, as amended.
- f. Any person who shall induce another or conspire to commit any of the acts prohibited in the NIPAS Act, as amended, or force their workers to commit any of the same, shall be liable as principal.
- g. The conviction of a public officer or officer of the law, whether from the LGU or any national government agency, for any violation of the provisions of the NIPAS Act, as amended, shall carry the accessory penalty of perpetual disqualification from public office.

Rule 21.3 The penalties specified in the NIPAS Act, as amended, shall be in addition to the penalties provided in 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", as amended by Republic Act 10654, Presidential Decree No. 705 or the "Revised Forestry Code of the Philippines" and other related laws.

Rule 21.4 The DENR shall intensify its communication, education and public awareness activities on the provisions of the ENIPAS Act and this Order to support law enforcement.

Section 22. Existing Rights. – *All property and private rights within the protected area and its buffer zones already existing and/or vested upon the effectivity of this Act shall be protected and respected in accordance with existing laws: Provided, That the exercise of such property and private rights shall be harmonized, as far as practicable, with the provisions of this Act. Notwithstanding this Act, all existing rights, contracts, or agreements entered into by government for the utilization of natural resources within protected areas shall continue to be recognized and governed by Philippine laws.*

The renewal of permits, contracts, and agreements shall be subject to the provisions of this Act. If the permits, contracts, and agreements are not renewed, such areas shall be rehabilitated or restored by the permit holders within the period provided by the pertinent laws and shall revert to national parks classification. As such, all holders of permits, contracts, and agreements are required to prepare and submit a rehabilitation plan to the PAMB: Provided, That upon renewal, 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.

The occupation of LGUs and communities within the protected area shall be respected. Within ninety (90) days after the creation of the PAMB, the Board shall assess the physical occupation of said LGUs and communities within protected areas and recommend to proper authorities measures to ensure the protection of their well-being. Municipalities and cities with existing townships and town centers within the protected area shall continue to occupy such townships and town centers: Provided, That in the development of their CLUPs and barangay development plans, due consideration shall be given to the intended use for conservation and biodiversity as well as the objectives for protected areas to keep human habitation and environmental conservation in harmony.
(n)

Rule 22.1 Without prejudice to the identification, verification and review of all tenorial instruments, issuances of permits for resource use, and land claims within protected areas, required by Rule 23 hereof, there shall be an inventory of all property and private rights within a protected area and its buffer zones, already existing and/or vested upon the effectivity of the ENIPAS Act.

The PAMB, through its Chairperson, assisted by the PAMO, CENR and PENR Office concerned, shall:

- a. Within sixty (60) days from the effectivity of this Order:
 1. Secure the Cadastral map indices, list of land claimants, pending public land applications, issued title, and other tenorial instruments;

2. Secure tax maps, and an inventory of business and building permits from the concerned LGUs;
 3. Secure a copy of an inventory of ancestral territories covered by CADT/CALT, and perimeter maps with technical descriptions, and other indicative maps from the NCIP;
 4. Secure an inventory of lands distributed under applicable laws or covered by tenurial instruments issued by the DAR;
 5. Secure an inventory of aquatic resource users from the concerned LGUs and the Bureau of Fisheries and Aquatic Resources; and
 6. Gather such other information as may be necessary to complete the inventory.
- b. Within thirty (30) days from the evaluation of the foregoing maps, indices, lists and instruments, conduct a ground survey for the purpose of verifying the information presented therein.
 - c. Prepare an inventory of existing property and private rights, occupation of LGUs and communities, including townships and town centers. The inventory shall indicate, among others, the extent and current land use of each area, and its effects on the management objectives of the protected area. The results of the inventory shall form part of the PAMP.

Rule 22.2 All property rights and private rights, existing and/or vested upon the effectivity of the NIPAS Act, as amended, shall be protected and respected in accordance with existing laws. A property or private right is deemed to be existing, or to have vested, when it has become fixed and established, and is no longer open to doubt or controversy.

Those rights over alienable and disposable land affected by the NIPAS Act as amended shall be deemed vested in favor of a party who has complied as of 1 August 2018, with all the applicable requirements, terms and conditions for the issuance of a title, under existing laws and regulations.

Any land claimant who has acquired vested rights over alienable and disposable lands within a protected area shall file his/her application for titling to the appropriate agency within the period provided by law.

In case of applications filed with the DENR, the same shall be processed through Systematic Adjudication. The right over land sharing common areas with an initial component of the NIPAS should have accrued prior to the effectivity of the NIPAS Act on 5 August 1992. Provided however, the right over land sharing common areas with an additional protected area should have accrued prior to the issuance of the Presidential Proclamation or effectivity of the Congressional legislation, whichever is earlier.

The survey, acceptance, processing, and approval of all public land applications over alienable and disposal lands within protected areas, shall proceed, notwithstanding the sharing of common areas of these lands with initial or additional components of the System.

Rule 22.3 The exercise of property and private rights shall be harmonized with the provisions of the NIPAS Act, as amended. For this purpose, the holders of the property or private right shall be consulted in the preparation of the PAMP.

Rule 22.4 If the restrictions being imposed by the PAMP and the NIPAS Act, as amended, on the exercise of the property and private rights amount to a taking of property, the PAMB may recommend the exercise of the power of eminent domain to the Secretary.

Rule 22.5 Rights arising from contracts, agreements, or permits from the government shall continue to be recognized and respected under Philippine laws.

Rule 22.6 The occupation by LGUs and communities of areas within the protected area shall be respected subject to the requirements and qualifications under Section 23 hereof. Within ninety (90) calendar days from its creation, the PAMB shall assess the physical occupation of the LGUs and communities within protected areas, and recommend to proper authorities, measures to ensure the protection of their well-being.

Rule 22.7 LGUs shall integrate the PAMP in their CLUP/CLWUP, coastal and fisheries resource management plan, local development plans, disaster risk reduction management plans, and other required plans, pursuant to Section 26 of the NIPAS Act, as amended, and Rule 26.1 to 26.5 hereof. In the event that the PAMP is not yet available, due consideration shall be given to the intended use for conservation and biodiversity, as well as the objective to keep human habitation and environmental conservation in harmony.

Rule 22.8 Detailed guidelines, methods, and framework for the harmonization of the PAMP with the LGU development and other plans, shall be provided by the DENR in coordination with the Housing Land Use Regulatory Board (HLURB), and other relevant government agencies and instrumentalities.

Section 23. Tenured Migrants and Other Protected Area Occupants. – *Tenured migrants shall be eligible to become stewards of portions of lands within multiple-use zones. The PAMB shall identify, verify and review all tenurial instruments, land claims, and issuances of permits for resource use within the protected area and recommend the issuance of the appropriate tenure instrument consistent with the zoning provided in the management plan and the provisions of this Act.*

Should areas occupied by tenured migrants be designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development, the provision for the transfer of the tenured migrants to multiple-use zones or buffer zones shall be accomplished through just and humane means: Provided, That protected area occupants who are not qualified as tenured migrants shall be resettled outside the protected area.

The rights of the tenured migrants may be transferred only to the spouse or one of their direct descendants listed at the time of the survey.

In the event of termination of a tenurial instrument for cause or by voluntary surrender of rights, the PASU shall take immediate steps to rehabilitate the area.

Following the protected area occupants survey required under Section 5(c)(1) hereof, the DENR Regional Director shall submit to the BMB within two (2) years from the passage of this Act, the final list of tenured migrants, which shall be the basis for tenured migrant recognition and issuance of tenurial instruments. Within the two (2)-year period, the DENR Regional Director shall submit accomplishment report every six (6) months.

The DENR through the BMB shall issue guidelines for the determination of the reckoning period for the recognition of the tenured migrants. (n)

Rule 23.1 The Socio-Economic Assessment and Monitoring System (SEAMS) shall be used to generate the socio-economic information necessary for the issuance of tenurial instrument and for management planning purposes. The DENR Regional Executive Director, within two (2) years from the passage of the ENIPAS Act, shall submit to the DENR through the BMB the final list of tenured migrants which shall be the basis for the recognition and issuance of tenurial instruments. Within the two (2)-year period, the DENR Regional Executive Director shall submit an accomplishment report every six (6) months thereof.

Rule 23.2 The household head shall be considered a tenured migrant if proven to have actually and continuously occupied a portion of the protected area for five (5) years before its designation as protected area, and is solely dependent thereon for subsistence. A person is considered solely dependent on the protected area for subsistence, when the utilization of resources from the protected area is indispensable for the survival of the household, and the provision of needs, such as food, clothing, shelter and health.

Rule 23.3 A Certification of Recognition shall be issued to those who qualify as tenured migrants under this Order. The five (5) year continuous occupation is reckoned as follows:

1. For initial components, 5 August 1987, or five (5) years prior to the effectivity of the NIPAS Act.
2. In case the initial component is expanded for the occupation of the expansion area, five (5) years prior to the effectivity date of the recent Presidential Proclamation.
3. For additional protected areas included into the System, five (5) years prior to the effectivity of the Presidential Proclamation. In case the protected area is directly legislated, five (5) years prior to the effectivity of the Congressional legislation.
4. In case the additional area is expanded for the occupation of the expansion area, (5) years prior to the effectivity of the recent Presidential Proclamation or Congressional legislation.

Rule 23.4 Physical structures indicating prolonged occupancy or a Certification under oath from the Barangay Chairperson, or any two (2) respected members of the nearest community, attesting to the occupancy, and any two (2) or more of the following shall be considered as proof of occupancy:

1. Planted trees;
2. Inventory report of forest occupants of concerned government agencies, if available; and
3. Other relevant documents to prove occupancy.

Rule 23.5 In case of protected areas that share common areas with ancestral territories covered by CADT/CALT, the DENR, upon the recommendation of the PAMB and with the FPIC of the affected ICCs/IPs, shall enter into a Protected Area Community-Based Resource Management Agreement (PACBRMA) with the tenured migrant communities of the protected areas.

The DENR shall organize individual tenured migrants into communities. Within one (1) year from the issuance of the PACBRMA, tenure holders shall be required to prepare a Community-based Resource Management Plan (CBRMP), on the basis of the following processes: community mapping, plan preparation, map integration, final validation, PAMB endorsement, and affirmation by the DENR Regional Executive Director. Failure to implement the CBRMP shall be basis for the cancellation of the PACBRMA.

In the event of cancellation of the PACBRMA for cause, or by voluntary surrender of rights, the PAMB shall take immediate steps to rehabilitate the area, without prejudice to recourse to legal remedies.

For cancellation of the PACBRMA for reasons of public interest as determined by the Secretary, the affected tenured migrants shall be accorded just compensation, based on the fair market value of the improvements they introduced in the areas, and granted a substitute site for resettlement in the appropriate zone within the protected area.

Rule 23.6 The rights of tenured migrants may be transferred only to the spouse or one of their direct descendants listed at the time of the survey.

Rule 23.7 In the event of termination of a tenurial instrument, the PASu shall take immediate steps to rehabilitate the area.

Rule 23.8 Should areas occupied by tenured migrants be designated as zones in which no occupation or other activities are allowed, pursuant to the attainment of sustainable development, the provision for the transfer of tenured migrants to Multiple Use Zones or buffer zones through just and humane means. Any resettlement within the protected area shall be in accordance with the PAMP, and the zoning regulations specified in the CLUP of the affected LGUs.

Provided that, protected area occupants who are not qualified as tenured migrants shall be resettled outside the protected area. The resettlement of non-tenured migrants shall be undertaken by the PAMB, led by the DENR and the LGUs concerned, with the assistance of the local offices of HLURB, National Housing Authority (NHA), the DSWD, the PNP, and if applicable, the NCIP and other concerned government agencies.

Rule 23.9 The recognition, transfer, and termination of tenurial rights, and the resettlement of tenured migrants, and other protected area occupants, shall be subject to the guidelines of the DENR.

Section 24. Existing Facilities Within the Protected Area. – *Within sixty (60) days from the effectivity of this Act, an inventory of all existing facilities such as roads, buildings and structures, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities, among others, within the protected area shall be conducted.*

The DENR Regional Director shall submit the inventory of facilities with corresponding descriptions and an assessment report containing the appropriate recommendations to the DENR Secretary through the BMB.

The PAMB, with the assistance of the DENR, may impose conditions for the continuous operation of a facility found to be detrimental to the protected area until its eventual relocation. If the conditions are violated, the owner of the facility shall be made liable pursuant to Sec. 21 (d) hereof.

Existing facilities allowed to remain within the protected area shall be charged a reasonable fee by the PAMB based on existing guidelines. Structures found within the forty (40)-meter easement shall be demolished unless proven necessary to protect the shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations. Wharves shall be kept accessible to the public. (n)

Rule 24.1 Within sixty (60) calendar days from the effectivity of this Order, the DENR Regional Executive Director through the BMB, shall submit to the Secretary a report that contains, among others, an inventory and assessment of facilities in the protected area, with corresponding descriptions, geotagged photos, and recommendations. The report shall be in the form prescribed by the BMB.

The DENR Regional Office concerned shall maintain a database, which shall be updated at least every five (5) years.

Rule 24.2 In the interest of protection and conservation, unauthorized facilities within the Strict Protection Zones shall be subject to closure and demolition by Court Order, without prejudice to the issuance by the concerned LGU of a demolition order, pursuant to duly enacted Ordinances.

Rule 24.3 In cases where facilities are found to be actually detrimental, or taking into account the precautionary principle, where the continued existence of facilities, and their future plans and operations will be detrimental to the protected area, the PASu shall issue a written order, requiring the owner of said facilities to show cause, within five (5) working days from receipt of the order, why the fines and penalties under Section 21 herein should not be imposed.

The owner of the existing facility shall be imposed a fine of Fifty thousand pesos (P50,000.00) daily if the existence of the same and its future operation will be detrimental to the protected area.

The PASu shall, within fifteen (15) calendar days from receipt of the owner's reply, or failure of the owner to reply, submit his or her recommendations with supporting photos and documents to the DENR Regional Executive Director, serving as PAMB Chairperson, who shall issue the appropriate written order within fifteen (15) calendar days from receipt of the PASu's recommendations. The owner may appeal the Order of the DENR Regional Executive Director to the Office of the Secretary within 15 calendar days from receipt by paying the corresponding appeal fee. However, the said Order shall be immediately executory pending appeal.

Violations continuously committed by the owner for thirty (30) calendar days, and the accumulation of a total fine of Five hundred thousand pesos (P500,000), shall cause the cessation of operation, forfeiture, or the demolition of the facility by the PAMB through the PASu, at the cost of the owner.

In addition to the penalties imposed under Section 21 (d) and (e) hereof, areas occupied by facilities found to be detrimental, shall be rehabilitated, at the cost of the owner or operator, whether or not an approved rehabilitation plan is in place. In all cases, the PAMB shall oversee the rehabilitation measures under this Rule.

Rule 24.4 Structures found within the forty (40)-meter easement, measured from the high water mark of any natural body of water, shall be demolished, unless proven necessary protect the shoreline, and mitigate habitat destruction. For these purposes, the existence of structures in easements shall be governed by guidelines issued by the DENR.

Section 25. Special Uses Within Protected Areas. – Consistent with Section 2 hereof, special uses may be allowed within protected areas except in strict protection zones and strict nature reserves. The PAMB may recommend the issuance of tenurial instrument subject to compliance to ECC and payment of corresponding user fee equivalent to five percent (5%) of the zonal value of commercial land within the nearest barangay or municipality where the project is located multiplied by the area of development plus one percent (1%) value of improvement as premium: Provided, That the activity shall not be detrimental to ecosystem functions and biodiversity, and cultural practices and traditions.

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. (n)

Rule 25.1 A Special Use Agreement in Protected Areas (SAPA) may be issued to a proponent for the use and development of land, water and ecosystem resources or facilities within the Multiple Use Zones of the protected area, subject to compliance with the requirements of the PAMP, the EIS System, and the payment of annual Development Fees.

As may be applicable, public-private partnership projects in protected areas shall be subject to SAPA, without prejudice to the application of Republic Act. No. 6957, as amended, or “An Act Authorizing the Financing, Construction, Operation, and Maintenance of Infrastructure Projects by the Private Sector, and for other Purposes”, as amended, other relevant laws, rules and regulations, and guidelines to be issued by the DENR.

Rule 25.2 A SAPA shall be issued only in protected areas where management zones have been identified and delineated. *Provided*, that no SAPA shall be issued in ancestral domain without the FPIC of the affected ICCs/IPs, in compliance with the IPRA, and other applicable laws, rules, and regulations.

Rule 25.3 The proponent shall comply with the standards and conditions as prescribed herein and by other existing rules and regulations. The DENR, upon the recommendation of the PAMB, may impose such additional terms and conditions, as it finds relevant to the specific use and development involved, taking into consideration the environmental impact particularly on the biodiversity therein, of such use and development.

For non-profit projects of government agencies and/or instrumentalities, only a one-time Development Fee shall be paid, payment scheme of which shall be agreed upon with by the agencies concerned.

Rule 25.4 Existing facilities and structures which are found to be consistent with the management objectives of the protected area based on the assessment under Section 24 shall require the execution of a special use agreement in protected areas. *Provided*, that MOAs issued by the DENR within protected areas prior to the effectivity of R.A. 7586 as amended by R.A. 11038 shall be converted into SAPA upon satisfactory compliance with the requirements.

Provided that, in case of tenured agreements such as Foreshore Lease Agreement, Forest Land Use Agreement, Forest Land Use Agreement for Tourism, and miscellaneous lease agreements, the same shall only be converted to SAPA upon expiration of the term and satisfactory compliance with the requirements.

The proponent shall present its proof of payment of the initial Development Fee to the DENR, through the PASu, who shall release the SAPA to the proponent, upon confirmation of payment.

Rule 25.5 The annual Development Fee for areas covered by SAPA shall be based on the fixed percentage of the zonal value of the land and improvements which is equivalent to five percent (5%) of the most recent zonal value of the commercial zone in the nearest barangay or municipality where the project area is located, multiplied by the size of the area for development and one percent (1%) of the value of improvement, as premium to the protected area. The annual SAPA fee based on this computation shall be paid upon issuance of the SAPA.

For water supply and renewable energy projects of national significance, the proponent shall be subjected to a one-time payment of the Development fee as computed above and an annual fee equivalent to PhP7,200.00 per hectare, or a fraction thereof, and to be increased cumulatively by ten percent (10%) every year.

The highest and most recent zonal values prescribed by the BIR shall be used as basis for the computation of the SAPA Development Fee.

Rule 25.6 The Development Fee shall accrue to the IPAF in accordance with Section 16 and Rule 16.1 hereof.

Rule 25.7 Failure to pay the annual Development Fee shall result to the following:

1. Failure to pay on or before the due date shall be subject to monthly surcharge of 8.33% of the annual Development Fee.
2. Failure to pay for at least one (1) year shall be subject to surcharges of 100% of the annual Development Fee for every year of non-payment, provided that, a fraction of a year beyond one (1) year shall be counted as a full year. Such non-payment shall also cause the suspension of the SAPA, and the SAPA holder's receipt of revenue-sharing allocation proceeds, if applicable.
3. Failure to pay the annual Development Fee for two (2) consecutive years shall be a ground for cancellation of the SAPA. Upon notice and at the expiration of a thirty (30)-day grace period within which to settle unpaid Development Fees, the PASu shall cause the re-opening of the subject area to new applications for special use projects.

Rule 25.8 The BMB shall review the rates of Development Fees every five (5) years from the issuance of the SAPA.

Rule 25.9 The project proponent shall pay an administrative fee of Five thousand pesos (PhP 5,000.00), apart from the Development Fee, for every SAPA application filed as prescribed by existing DENR guidelines. The administrative fee shall cover the cost of examining, assessing, and processing the requirements submitted by the proponent, relative to the application for a special use agreement in a specific protected area. This fee shall be collected by the DENR Field Office concerned and shall accrue to the IPAF of the protected area.

Rule 25.10 A SAPA shall carry a maximum initial term of twenty-five (25) years, and may be renewed for an additional period not exceeding twenty-five (25) years upon endorsement of the PAMB and the approval of the DENR after the review and evaluation of the status, progress, and operations of the project. Renewal may carry such other conditions as may be necessary to ensure the proponent's consistent and continued compliance with the NIPAS Act, as amended, this Order, and all applicable laws, rules, regulations, and guidelines.

Rule 25.11 All SAPAs shall undergo a periodic review and evaluation every five (5) years by the PAMB with the assistance of the PAMO and the Field Offices for monitoring purposes of the proponent's compliance with the provisions of the SAPA. Amendments to the SAPA may be undertaken as a result of the review subject to the agreements of the PAMB, the DENR and the proponent.

Rule 25.12 The proponent shall submit a rehabilitation plan for the areas covered and affected by the SAPA.

For existing SAPA issued before the effectivity of the ENIPAS Act, the PAMB, through the PASu, shall notify in writing, and require all SAPA holders to prepare and submit a rehabilitation plan within six (6) months from receipt of notice. The PAMB, with technical assistance from the Regional Office, shall determine the sufficiency of the rehabilitation plan.

The rehabilitation plan shall ensure the enhancement of the ecosystem, taking into account the principles of biodiversity, and the objectives of the PAMP.

Failure to submit a rehabilitation plan within the prescribed period shall result in the suspension or non-renewal of the SAPA. The suspension shall be lifted upon the submission of the rehabilitation plan, and other requirements as may be prescribed by the PAMB.

The DENR, through the BMB, shall issue guidelines on the form and substance of the rehabilitation plan.

Rule 25.13 The proponent shall post a rehabilitation/performance bond in a form of surety bond or cash in an amount equivalent to twenty five percent (25%) of the rehabilitation cost as reflected in the development plan. The bond shall be posted within thirty (30) working days from the commencement of the project.

The bond shall be released to the proponent only after the attestation by the PAMB of the satisfactory rehabilitation of affected areas, in accordance with the zones and objectives of the PAMP, and if applicable, the ADSDPP or the CCP of the affected ICCs/IPs

The sufficiency of the bond shall be determined by the PAMO with the assistance of the BMB, and approved by the PAMB, taking into account the cost of rehabilitation, resource valuation and ecosystem services of the protected areas. The DENR, through the BMB, shall formulate guidelines for determining the sufficiency of bonds.

The proponent shall post a bond or deposit cash in a government depository bank of the Office of the DENR. The bond shall be used solely for remediation, compensation, and rehabilitation. It may be released only upon the attestation by the PAMB to the satisfactory rehabilitation of the site, in compliance with the protected area's established management zones, the rehabilitation plan, the objectives of the PAMP, and if applicable, the ADSDPP or the CCP of the affected ICCs/IPs.

Every five (5) years, the PAMB, through the PASu, shall review the sufficiency of the rehabilitation plan and bond, and as necessary, require the update thereof.

The renewal of SAPA shall require not only the submission of a rehabilitation plan, but also the remittance of a sufficient bond, to ensure availability of funds for the remediation and compensation of damages, and the progressive and sustainable rehabilitation of the affected areas in accordance with the approved rehabilitation plan.

Rule 25.14 All assignment or transfer of rights and obligations over the area, whether in whole or in part, under a SAPA shall be made upon compliance with the existing rules and regulations and approval of the DENR. An assignment or transfer shall be treated as a new application and shall require examination, assessment, and processing of requirements, the payment of the administrative fee, and such other related fees duly imposed by the DENR, unless the transferee confirms and undertakes all the obligations of the transferor under the SAPA.

Rule 25.15 Environmental programs and/or projects implemented, and services rendered by the proponent, if any, shall be monitored by the PAMB, through PASu.

For this purpose, an annual report on the accomplishments of such programs or projects shall be submitted by the proponent to the PAMB, and shall be used as reference in monitoring the contribution of the project to the conservation of biological diversity and sustainability of ecosystem services of the particular protected area.

The PAMB may also conduct its own compliance monitoring and submit recommendations to the DENR based on the result of the report. Upon finding of any violation of the terms and conditions of the SAPA, or the proponent's failure to comply with applicable laws, rules, regulations, and guidelines, the Regional Executive Director, upon the recommendation of the PAMB, may issue a notice of violation, requiring the proponent to show cause why the SAPA should not be revoked or cancelled. The DENR shall afford the proponent an opportunity to reply within fifteen (15) working days within which to comply or cease the act constituting the violation. Any disagreement arising from the foregoing shall, at first instance, be resolved through the PAMB's conflict resolution mechanism.

Rule 25.16 The SAPA may be revoked or cancelled by the DENR based on any of the following grounds:

- a. Misrepresentation, fraud or deliberate omission of fact/s, made in connection with the application for and in the SAPA which may materially alter or affect the facts, terms, and conditions therein set forth;
- b. Failure to comply with applicable laws, rules, regulations and guidelines;
- c. Violation of the terms and conditions of the SAPA, the ECC, the PAMB Clearance, or other permits issued by the government;
- d. Failure, without justifiable cause, to exercise the privilege granted under the SAPA within one (1) year from its issuance;
- e. Non-payment of the annual Development Fee for two (2) consecutive years, without justifiable cause;
- f. Bankruptcy or closure of operations; and
- g. When national interest requires the summary cancellation, as determined by the DENR.

Rule 25.17 The SAPA may be summarily suspended by the DENR for any of the following grounds:

- a. Failure to pay the annual Development Fee within six (6) months from the date it is due until such fees and applicable surcharges are paid in full; or
- b. In case of imminent danger to life or property, until such danger is removed, or appropriate measures are taken by the proponent.

Rule 25.18 In the event that SAPA is not renewed, the area shall be rehabilitated or restored by the SAPA holder, in accordance with the approved rehabilitation plan within the period provided by their respective agreements, pertinent laws, or as directed by the PAMB.

Rule 25.19 After the expiration, non-renewal, or cancellation of the SAPA, all improvements and structures installed in consideration of the SAPA shall, at the option of the DENR, be forfeited in favor of the DENR or require the proponent to remove the same at their expense. In both cases, the proponent shall undertake rehabilitation measures in accordance with the approved rehabilitation plan.

Rule 25.20 The DENR and DA-BFAR shall issue guidelines to define large scale agriculture and aquaculture projects.

Rule 25.21 The DENR shall review and when necessary, update existing guidelines relating to special uses in protected areas, in accordance with the NIPAS Act, as amended, and this Order.

Section 26. Local Government Units (LGUs). - *The LGUs within the protected area shall participate in its management through representation in the PAMB as provided for in this Act. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the protected area: Provided, That all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the IPAF under Section 16 hereof.*

The LGUs shall continue to impose and collect other fees not enumerated under Section 16 hereof which they have traditionally collected, such as business permits and rentals of LGU

facilities: Provided, That the LGUs shall not impose property tax on properties owned by the government nor issue any tax declaration for areas covered by the protected area. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: Provided, That such add-ons shall be based on the contribution of the LGUs in the maintenance and protection of the protected area.

LGUs with territory inside protected areas shall align their CLUPs, local development plans, disaster risk reduction management plans and other required plans according to the objectives specified herein and in the protected area management plans. Within six (6) months from the approval of the protected area management plan, the PAMB and the PASU shall collaborate with the LGU concerned in the formulation of the CLUP and other local plans and in the enforcement thereof. The concerned LGU official shall be held administratively and criminally liable for failure to enforce and/or implement the provisions of this Act. (n)

Rule 26.1 Any LGU with territory inside a protected area may:

- a. Participate in the management of the protected area through representation in the PAMB;
- b. Remit, at its option, a portion of its IRA, or other income, as its contribution to the PA-RIA; and
- c. Impose and collect fees for business permits, regulatory fees, real property taxes on private property, and rentals for LGU facilities they traditionally collect, except such fees enumerated under Section 16 of the NIPAS Act, as amended.

Rule 26.2 The fees for the use of facilities and resources installed or constructed by the LGU within the protected area as allowed in its management plan shall be imposed by the LGU in consideration of its investment and/or its significant contribution to the protected area.

For purposes of this Rule, the significant contributions by an LGU may be in the form of facilities, such as but not limited to, pavilions, multi-purpose halls, picnic sheds, cottages, trails, water and power systems, which have been constructed or installed by the LGU in the protected area.

A mutually acceptable revenue sharing allocation between the PAMB and LGU may be set out in a Memorandum of Agreement (MOA), subject to the following conditions:

1. The allocation shall be fixed in the amount that may allow the LGU to recover its investment, on terms agreed by both parties, and based on the actual cost of the construction of the facility/ies, including actual interest, in case the investment is borrowed from a lending institution, as certified by the Accountant of the LGU;
2. The allocation shall take into account the costs of management, protection, and maintenance of the facilities, which, in the absence of any agreement to the contrary, shall be for the account of the PAMB;
3. A Special Collection Officer for the protected area designated by the DENR shall collect entrance fee and all other fees except for the use of LGU installed facilities for the duration of the MOA;
4. Upon the expiration of the term of the MOA, all revenues shall accrue only to the IPAF for the exclusive use of the protected area; and

5. Any LGU may voluntarily waive its right to recover its investments and donate the facilities, without prejudice to certain privileges that it may enjoy out of its investment. Such waiver and/or donation shall be in writing.

Rule 26.3 The LGU shall neither impose, collect property taxes on government-owned properties, nor issue declarations of real property tax for lands in protected areas.

Rule 26.4 Within six (6) months from the approval of the PAMP, the PAMB shall collaborate with the LGUs for the formulation or update of their CLUP/CLWUP, local development plans, disaster risk reduction management plans and other required plans of the LGU within the protected area, and ensure that such plans are aligned with the PAMP.

Rule 26.5 Any LGU official who fails to enforce and/or implement the provisions of the NIPAS Act, as amended, shall be held administratively and criminally liable.

Section 27. Reporting Responsibility. – *The PASU, through the PAMB, shall submit an annual accomplishment report of the protected area to the Secretary of the DENR through the 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. Consequently, the BMB shall likewise prepare a National State of Protected Areas (NSPAs) report every five (5) years and shall submit the same to the President, the Senate and the House of Representatives. (n)*

Rule 27.1 The following reports shall be prepared and submitted:

- a. Upon approval of the PAMB, the DENR Regional Executive Director as Chairperson of the Management Board shall submit an annual report to the Secretary through the BMB every fifteenth (15th) of December of each year;
- b. Every five (5) years from the effectivity of this Order, the PASu shall submit a report through channels, on the conditions and benefits of the biological resources and ecosystem services of the protected area to the Secretary; and
- c. Every five (5) years, the BMB shall, on the basis of the foregoing report, submit an NSPA report to the President, the Senate and the House of Representatives, through the Secretary.

Section 28. Appropriations. – *The Secretary of the DENR shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act. (n)*

Section 29. Construction and Interpretation. – *The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the protected area and the conservation and restoration of its biological diversity, taking into account the needs and interests of qualified tenured migrants, vested rights, IPs and local communities, and the benefits from ecosystem services and functions of protected areas, for present and future generations: Provided, That nothing in this Act shall be construed as a diminution of local autonomy or in derogation of ancestral domain rights under the Indigenous People's Rights Act of 1997. (n)*

Section 30. Subsequent Site-Specific Legislation. – *Upon the generation of site-specific requirements for new legislation, the PAMB, through the DENR, shall endorse to Congress for its consideration and enactment site-specific proposals to appropriately respond to the distinct and particular needs and conservation requirements of the protected areas in each locality. Protected*

areas that may be later established or declared pursuant to this Act shall likewise undergo the same requirements of site-specific legislation. (n)

Section 31. Joint Congressional Oversight Committee. – To monitor and oversee the implementation of this Act, a Joint Congressional Oversight Committee is hereby created. It shall be composed of the Chairpersons of the Senate Committee on Environment and Natural Resources and the House Committee on Natural Resources as Chairperson and Co-chairperson, respectively, five (5) members each from the Senate and the House of Representatives as members: Provided, That two (2) of the five (5) members are nominated by the respective minority leaders of the Senate and the House of Representatives. (n)

Section 32. Implementing Rules and Regulations (IRR). – Within six (6) months from the effectivity of this Act, the DENR shall prepare the IRR of this Act. (n)

Section 33. Transitory Provision. – 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 land use and 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. (n)

Section 34. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect. (22)

Rule 34. If any part or provision of this Order is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

Section 35. Repealing Clause. – All laws, decrees, executive orders, rules and regulations or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly. (23)

Rule 35. DENR Administrative Order No. 25, Series of 1992 and DENR Administrative Order No. 26, Series of 2008 are hereby repealed, amended, or modified accordingly. All issuances inconsistent with this Order are hereby deemed repealed.

Section 36. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation. (24)

Rule 36. This Order shall take effect fifteen (15) calendar days after its filing with the Office of the National Administrative Register and/or publication in newspaper of general circulation.

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July 1, 2019

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July 2, 2019


ROY A. CIMATU
Secretary

