EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES
H. No. 1130

Introduced by Representative Raul “Boboy” C. Tupas

EXPLANATORY NOTE

AN ACT DECLARING TWO PARCELS OF FORESTLAND LOCATED IN SICOGON ISLAND, MUNICIPALITY OF CARLES, PROVINCE OF ILOILO AS A PROTECTED AREA UNDER THE CATEGORY OF WILDLIFE SANCTUARY, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Section 4, Article XII of the 1987 Constitution states that “forest lands and national parks shall be conserved and may not be increased nor diminished, except by law.” Moreover, the Department of Environment and Natural Resources (DENR) – Region VI has already expressed its strong proposition to delineate the specific protected areas in Western Visayas.

Western Visayas region which includes Panay and Negros Islands is recognized as “one of the world’s highest conservation priority areas, both in terms of number of endemic species and degrees of threat” according to the study made by the Philippine Biodiversity Conservation Foundation, Inc. Based on the said study, more than half of the critically endangered species listed in the Philippines can be found in Western Visayas and that it is undoubtedly the most threatened of the six main faunal regions of the Philippines, since it has the least remaining forest cover and the highest numbers of severely threatened endemic species and subspecies.

Sicogon Island is one of the smaller islands in the northeastern tip of the Province of Iloilo. It has an estimated area of 1,160 hectares and politically located in the Municipality of Carles. The island has three barangays, namely, Alipata, Buaya, and San Fernando with an estimated population of 5,238.

Sicogon Island is characterized by a moderately rolling terrain with the highest elevation of about 300 meters above sea level. The vegetation on the western part of the island is composed of mixed grassland and agricultural areas, while the eastern part is forested and mostly classified as timberlands.1 Situated in the island are two parcels of timberland areas covering 249.289 hectares in the eastern part and 33.578 hectares in the southern part with a total of 282.867 hectares.

The island has twelve fresh water springs which are the source of drinking and
day to day use of residents in the island.

In 2006, preliminary baseline data on the island's biodiversity has been
conducted by Flora and Fauna International (FFI)². The results of the study shows the
following results:

<table>
<thead>
<tr>
<th>Flora Species</th>
<th>318 species recorded</th>
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<tbody>
<tr>
<td></td>
<td>252 are tree species (32 species are endemic to Panay)</td>
</tr>
<tr>
<td></td>
<td>14 shrubs</td>
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<tr>
<td></td>
<td>9 herbs</td>
</tr>
<tr>
<td></td>
<td>7 vines</td>
</tr>
<tr>
<td></td>
<td>12 ferns</td>
</tr>
<tr>
<td></td>
<td>Common families are <strong>Moraceae, Rubiaceae, Anacardiaceae, Euphorbiaceae, Meliaceae, Fabaceae and Clusiaceae</strong></td>
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<table>
<thead>
<tr>
<th>Herpetofauna</th>
<th>7 families</th>
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<tbody>
<tr>
<td></td>
<td>21 species, 9 are endemic species</td>
</tr>
<tr>
<td></td>
<td>6 species of frogs</td>
</tr>
<tr>
<td></td>
<td>4 species of skinks</td>
</tr>
<tr>
<td></td>
<td>1 species of varanid</td>
</tr>
<tr>
<td></td>
<td>3 species of snakes</td>
</tr>
<tr>
<td></td>
<td>A forest frog, <em>Platymantis</em> sp., and a dwarf gecko, <em>Hemiphyllodactylus</em> sp., are possibly new species</td>
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<thead>
<tr>
<th>Birds</th>
<th>62 species recorded</th>
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<tbody>
<tr>
<td></td>
<td>12 endemic species including:</td>
</tr>
<tr>
<td></td>
<td><strong>Philippine Hawk Owl (Ninoxphilippensis)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Bicolored Flowerpecker (Dicaeum bicolor)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Philippine Tailorbird (Orthotomuscastaneiceps)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Balicassiao (Dicrurusbalicassius)</strong></td>
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<table>
<thead>
<tr>
<th>Mammals</th>
<th>14 species recorded</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 species of flying foxes</td>
</tr>
<tr>
<td></td>
<td><strong>Common Island Flying Fox (Pteropus hypomelanus)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Little Golden-mantled Flying fox (Pteropus pumilus)</strong></td>
</tr>
</tbody>
</table>

| Other species:                                 |                                                                                     |
|                                                | Critically endangered-Visayan Warty Pig (*Sus cebifrons*)                            |
|                                                | Visayan Leopard cat (*Prionailurus bengalensis ssp.rabori*)                          |

The interesting biodiversity of Sicogon Islands calls a need to declare the 282,867 hectares remaining forestland of the island as protected area and made it a candidate for the West Visayan Threatened Endemic Species Reintroduction Programme which addresses the alarming conservation status of the Negros-Panay endemic species.³

Pursuant to the National Integrated Protected Areas System (NIPAS) Act, this bill aims to declare a tract of land of the public domain situated within Sicogon Island, Carles, Iloilo, as a protected area under the category of a wildlife sanctuary. This will ensure the protection, conservation, and management of the natural biodiversity of Sicogon Island.

In view of the foregoing, the immediate approval of this measure is earnestly sought.

RAUL "BOBOY" C. TUPAS

AN ACT DECLARING TWO PARCELS OF FORESTLAND LOCATED IN SICOGON ISLAND, MUNICIPALITY OF CARLES, PROVINCE OF ILOILO AS A PROTECTED AREA UNDER THE CATEGORY OF WILDLIFE SANCTUARY, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

ARTICLE I

SECTION 1. Short Title. – This Act shall be known as the "Sicogon Island Wildlife Sanctuary (SIWS) Act".

SECTION 2. Declaration of Policy. – In recognition of the richness of the biological resources, both flora and fauna, that are native and distinct to the two forestland areas situated in Sicogon Island, as well as their aesthetic and ecological importance, it is hereby declared the policy of the State to ensure the conservation, protection, management and rehabilitation of these areas.

The conservation and protection of biological and physical diversities to sustain human, plant and animal life shall be pursued through sustainable and participatory management among the national government, through the Department of Environment and Natural Resources (DENR), local government unit (LGU) through the Provincial Government of Iloilo and Municipality of Carles, the non-governmental organizations (NGOs), people's organizations (POs), and local stakeholders.

SECTION 3. Declaration as Protected Area. – Pursuant to and in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992 (NIPAS Act), two parcels of forestland of the public domain situated within Sicogon Island, Municipality of Carles, Province of Iloilo are hereby declared a protected area under the category of a wildlife sanctuary.

SECTION 4. Scope and Coverage. – The SIWS shall cover two parcels of land located in Sicogon Island, Municipality of Carles, Province of Iloilo. The boundaries are more particularly described as follows:

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<tr>
<th>Corner</th>
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<td>25</td>
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<td>26</td>
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<td>27</td>
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<td>28</td>
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<td>527685.000</td>
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<td>31</td>
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<tr>
<td>32</td>
<td>527444.000</td>
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</table>

Containing an approximate area of two hundred forty nine and two hundred eighty ninth thousandth (249.289) hectares, more or less, subject to actual ground survey.

**BLOCK F**

<table>
<thead>
<tr>
<th>Corner</th>
<th>Easting</th>
<th>Northing</th>
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<tbody>
<tr>
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<tr>
<td>2</td>
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<tr>
<td>4</td>
<td>528261.000</td>
<td>1263124.000</td>
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<td>5</td>
<td>528242.000</td>
<td>1263480.000</td>
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<tr>
<td>6</td>
<td>528281.000</td>
<td>1263699.000</td>
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containing an approximate area of thirty three and five hundred seventy eight thousandth (33.578) hectares, more or less, subject to actual ground survey.

Any modification of the coverage of this Act due to such factors as changing ecological situations or new scientific or archaeological findings not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

SECTION 5. Land Classification. — All lands of the public domain within the coverage and scope of this Act shall fall under the classification of wildlife sanctuary as provided for in the NIPAS Act.

SECTION 6. Establishment of Buffer Zones. — Buffer zones shall be established along and adjacent to the peripheral boundaries to serve as protective layer to the area and its resources. The buffer zones shall also serve as a social fence against the entry of intruders that bring destruction or conduct activities detrimental to the park. Prescriptions for the management of buffer zones shall be included as components of the protected area management plan. The DENR shall exercise the same authority over buffer zones in the same manner as protected areas. Provided, however, That there shall be consultation with the affected communities.

The buffer zones shall be established by the DENR, in consultation with the affected communities, after conducting a thorough study on their implications to the development of the wildlife sanctuary and the surrounding communities.

SECTION 7. Definition of Terms. — For purposes of this Act, the following terms shall be defined as follows:

a) Bioprospecting shall refer to any research activity or collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;

b) Buffer zones shall refer to areas that are outside the boundaries of and immediately adjacent to designated protected areas, pursuant to Section 6 of this Act, that need special development control in order to avoid or minimize encroachment and harm to the protected area;

c) By-products or derivatives shall refer to any part taken or substance extracted from wildlife, in raw or processed form, which include stuffed animals and herbarium specimens;

d) Cave shall refer to any naturally occurring void, cavity, recess or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit an individual to enter, whether or not the entrance, located either on private or public land, is naturally formed or
man-made. It shall include any natural pit, sinkhole or other feature which is an
extension of the entrance. The term also includes cave resources but not any
vug, mine tunnel, aqueduct or other man-made excavation;

e) Collection or collecting shall refer to the act of gathering or harvesting wildlife,
its by-products or derivatives;

f) Conservation shall refer to any act or acts of preservation and sustainable
utilization of wildlife and/or maintenance, restoration and enhancement of
habitat;

g) DENR shall refer to the Department of Environment and Natural Resources, a
national government agency created under Executive Order No. 192 with
jurisdiction over forestlands and protected areas;

h) GMPS shall refer to the General Management Planning Strategy, which is a
document that serves as a guide in the formulation of site-specific development
plans, including plans for the buffer zone;

i) IPAF shall refer to the Integrated Protected Areas Fund, a special account in
the National Treasury established for the purpose of promoting the sustained
financing for the operations of the NIPAS. The IPAF may receive revenues
generated within the protected area or through donor support and such other
funds provided by law;

j) LGU shall refer to any local government unit, a political body created under
Republic Act No. 7160, otherwise known as the “Local Government Code of
1991”, a body politic and corporate endowed with powers to be exercised by it
in conformity with law, and exercising powers as a political subdivision of the
national government and as a corporate entity representing the inhabitants of
the territory;

k) NIPAS Act shall refer to Republic Act No. 7586, entitled “An Act Providing for
the Establishment and Management of National Integrated Protected Areas
System, Defining its Scope and Coverage, and for Other Purposes”, which
mandates the classification and administration of all designated protected
areas in order to maintain ecological processes and life support systems, to
preserve genetic diversity, to ensure sustainable use of resources found within
the protected areas and to maintain their natural conditions to the greatest
extent possible;

l) NGO shall refer to any non-governmental organization or any civic,
developmental, environmental or philanthropic non-stock, non-profit
organization;

m) PAMB shall refer to the Protected Area Management Board, a governing body
created for each protected area pursuant to the NIPAS Act, and tasked to
oversee all activities inside the protected area and its buffer zone;
n) PASu shall refer to the Protected Area Superintendent, the chief operating officer of the DENR who is directly responsible to the PAMB and the concerned DENR Regional Executive Director;

o) People’s Organization shall refer to any group of people formed to advance the interests of the sector they represent;

p) Protected Area shall refer to any identified portion of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

q) Secretary shall refer to the Secretary of the DENR;

r) Tenured migrant shall refer to any person who has actually and continuously occupied an area for five (5) years prior to its designation as part of a protected area and is usually dependent on that area for subsistence;

s) Wildlife Sanctuary comprises an area which assures the natural conditions necessary to protect endemic, indigenous or migratory species, group of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation.

ARTICLE II
MANAGEMENT, MANAGEMENT PLAN AND ZONING

SECTION 8. Management of the Sicogon Island Wildlife Sanctuary – The management and administration of the SIWS shall be vested in the PAMB: Provided, That the processes and procedures in the management of zones to be established in the area shall be consultative and participatory.

SECTION 9. Local Government Units (LGUs). – As member of the PAMB, the LGUs are mandated to participate in the affairs and support the programs and projects of the protected area. Specific co-management strategies, through the signing of memoranda of agreement, may be adopted, at the discretion of the PAMB, to strengthen and empower its partner LGUs, NGOs, and POs in all management schemes and undertakings on the SIWS.

The respective LGUs shall ensure that local ordinances on environmental protection and conservation and the allocation of funds for environmental programs are consistent with this Act and the management plan.

SECTION 11. The General Management Planning Strategy (GMPS). - The GMPS for the SINC shall be prepared to provide a long-term basic management framework, govern all activities and serve as guide in the preparation of annual operations and budgetary requirements.
The GMPS shall identify the allowable uses for each zone. Its preparation shall be undertaken by the PAMB under the supervision of the DENR, in consultation with the different stakeholders. In addition to the contributions from various technical experts on biodiversity management, the PAMB shall solicit the assistance of NGOs and academic institutions in the preparation of the GMPS, particularly in the areas of community-based resource management. The plan must be consistent with the objectives of the SIWS.

The GMPS shall contain information on the following:

(a) The period of applicability which shall be twenty-five (25) years subject to review and modifications, whenever the PAMB deems it necessary;

(b) Key management issues;

(c) Goals and objectives of management in support of Section 8 of this Act;

(d) Site management strategies;

(e) Zoning, in accordance with Section 6 of this Act;

(f) Management programs, to include the enforcement of laws, habitat and wildlife management, ecotourism, sustainable-use management, infrastructure development and maintenance, fire prevention and pest control;

(g) Mechanisms for the protection of the identified core zone and tenured migrants;

(h) Sustainable and non-destructive livelihood activities;

(i) Regulations on the preservation and conservation of resources such as permits, resource-use restrictions and the like; and

(j) Other information as may be deemed necessary.

The GMPS shall be reviewed and adopted by the PAMB and certified to by the Secretary that it conforms to all laws, rules and regulations issued by the DENR. The revision or modification of the GMPS shall be undertaken after consultation with the approval by the PAMB.

SECTION 12. Management Zones. - Management zones shall be established within the SIWS, giving primary consideration to its protection and conservation. Zoning shall take into account the tenurial and livelihood concerns of communities to ensure the efficient protection of habitats, fragile ecosystem and unique areas, without compromising the general welfare of the local inhabitants.

The establishment and management of zones shall involve the communities concerned through dialogues, consultations and land resource-use mapping with the
aid of geographic information system and latest technologies. Such management zones shall be delineated and established on the ground with the participation of communities, LGUs and other stakeholders.

All zones that shall be established shall be indicated on maps for control point and management purposes.

ARTICLE III

INSTITUTIONAL MECHANISMS, ROLES AND FUNCTIONS OF MANAGEMENT


(a) The PAMB shall be the highest policy-making body of the SIWS. It shall be composed of the following:

(1) The DENR Regional Director (RD) for Region VI, as Chairperson and adviser on matters related to the technical aspects of protected area management;

(2) The Governor of the Province of Iloilo or his duly authorized representative, preferably the respective provincial planning and development officer (PPDO) or environment and natural resources officers;

(3) The Mayor of the Municipality of Carles, Province of Iloilo or his duly authorized representative;

(4) All punong barangays with territorial jurisdiction over the SIWS, or their duly authorized representatives;

(5) Two (2) representatives from the NGOs based in the Province of Iloilo and at least two (2) POs duly accredited by the DENR and LGUs with tangible projects within the SIWS at the time of their membership in the PAMB. In the absence of accredited NGOs, any environmental NGO may be appointed by the Secretary to nominate its representative as PAMB member;

(6) A representative each from other national government agencies involved in protected area management.

(b) There shall be an Executive Committee (ExeCom) within the PAMB to whom may be delegated some of its powers and functions, to be composed of the Regional Technical Director for Protected Areas, Wildlife Zones and Coastal Management Service as Chairperson, and at least one (1) representative each from the Province of Iloilo, Municipality of Carles, NGO, and PO. The PAMB shall determine the scope and extent of the authority to be delegated to the ExeCom.

(c) Except for government officials who shall serve as ex officio, each PAMB member shall serve for a term of five (5) years without compensation: Provided, That such government official remains connected with the office or agency being
represented. The term of office of the NGO and the PO representatives in, the PAMB shall be coterminous with the duration and existence of the organizations' projects in the protected area. Whenever a seat allotted for the NGOs becomes vacant, a new member shall be chosen in the same manner as the original selection process: Provided, further, That the substitute shall only serve for the remaining term of the predecessor. In the case of elective government officials, their membership in the PAMB shall be coterminous with their respective terms of office.

(d) The PAMB en banc shall hold a regular meeting at least twice a year and the ExeCom shall hold regular meetings at least once every four (4) months. For both bodies, a quorum shall consist of a simple majority of the members. The Chairperson may call for a special meeting as deemed necessary.

(e) The members of the PAMB shall be entitled to reimbursement of actual traveling and subsistence expenses incurred in attending the meetings of the PAMB or its committees, subject to existing accounting and budgeting rules and regulations. These expenses shall be included in the annual budgetary allocation for the SIWS.

SECTION 14. Functions of the PAMB. -- The PAMB shall decide by a majority vote and shall have the following powers and functions:

(a) Formulate rules and regulations pertaining to activities that are prejudicial to the SIWS;

(b) Issue necessary permits for all activities in accordance with the management plan and pertinent laws and regulations on forest resources and environmental protection;

(c) Decide on matters relating to planning, resource protection and general administration in accordance with the GMPS;

(d) Approve proposals, work plans, action plans and guidelines for management in accordance with the approved management plan;

(e) Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the management manual;

(f) Ensure the implementation of programs, as prescribed in the management plan, in order to provide employment to the people dwelling in and around the SIWS;

(g) Control and regulate the construction, operation and maintenance of roads, waterworks, sewerage, fire protection and sanitation systems and other public utilities;

(h) Monitor and evaluate the performance of personnel, NGOs and the communities in contributing to biodiversity conservation and socio-cultural and economic development, and report its assessment to the NIPAS Policy and Program Steering Committee and the IPAF governing board;
(i) Deputize, through the PASu, interested individuals for the enforcement of laws, rules and regulations and prescribe the necessary qualification standards for individuals or groups applying for deputation;

(j) Accept donations, approve proposals for funding and budget allocation, and exercise accountability over all funds that may accrue to the SIWS; and

(k) Create committees that may be needed for the effective implementation of programs and projects.

The DENR, through the RD for Region VI, shall ensure that the PAMB exercises authority within the scope of its powers and functions. In case of conflict between issuances of the DENR pursuant to the NIPAS Act and the rules and regulations or resolutions of the PAMB, the Secretary shall decide whether to apply the rule or withdraw its application in the SINP.

SECTION 15. The Protected Area Superintendent (PASu) Office. - There is hereby established a PASu office in charge of the management, protection and administration of the SIWS. The PASu shall be supported by the existing personnel of the DENR. The PASu shall be the Chief Operating Officer of the SIWS and shall be accountable to the RD of the DENR VI and the PAMB. The PASu shall have the following powers and functions:

(a) Prepare and recommend to the PAMB the approval of the annual work and financial plans;

(b) Develop a management information system to ensure that relevant and updated information are available for planning, monitoring and decision-making;

(c) Collect and/or receive pertinent fees, donations and other income for the protected area;

(d) Hire and supervise the necessary personnel to support operations which shall be included in the annual budget of the DENR;

(e) Initiate the preparation of the GMPS in coordination with other government offices and sectors;

(f) Serve as head of the secretariat for the PAMB;

(g) Establish a productive partnership with the local community and stakeholders, including groups who are interested in attaining the goals and objectives of the SIWS;

(h) Formulate and implement park information, education, communication and visitor programs;
(h) Enforce laws, rules and regulations pursuant to existing environmental laws and DENR orders to protect and preserve the SIWS from trespass, damage, injury and illegal occupancy;

(i) Certify whether a proposed activity or project is allowable or not within the management zones;

(j) Issue cutting permit for planted trees for a volume of up to five (5) cubic meters per applicant per year for traditional and subsistence livelihood of and tenured migrants only: Provided, That Protected Area Community-Based Resource Management Agreement (PACBRMA) holders with affirmed community resource management plans shall no longer be issued cutting permits: Provided. Further, That the total volume of extraction does not exceed the limit set by the PAMB and the location of extraction is within the appropriate site within the multiple-use zone;

(k) Issue certificates of origin and transport permits for natural resources and other products collected or gathered from the SIWS in accordance with the resource-use instruments or agreements or gratuitous permits issued by the PAMB and/or the DENR;

(l) Monitor all activities within the SIWS and its buffer zones; and

(m) Perform such other functions as the PAMB or the RD may assign.

ARTICLE IV
TENURED MIGRANTS

SECTION 16. Tenured Migrants. - Tenured migrants are households that have actually and continuously occupied the SIWS before April 25, 1997 and are solely dependent on the area for their livelihood. A tenured migrant shall be issued a tenurial instrument on the areas they have been occupying or cultivating, to exceed a maximum of three (3) hectares per household. In consideration of current practices in areas occupied by tenured migrants, especially in strict protection zones where no occupation or other activities are allowed, a provision for their transfer to sustainable-use zones shall be accomplished through just and humane means.

To effectively provide a social fence to the SIWS, a tenurial instrument to be issued pursuant to this Act must be limited solely to the sustainable-use zones in accordance with the general management plans and strategies. The tenurial instruments or the rights and interests arising out of such instruments shall not be transferred, sold, leased or used as collateral for a loan, otherwise it shall be void. The said rights can be transferred only to direct descendants.

A tenurial instrument shall cover a period of twenty-five (25) years, renewable for another twenty-five (25) years based on the performance evaluation and compliance with the terms and conditions stipulated in the said instrument.
Any violation of the terms and conditions the tenurial instrument or any provision of this Act or abandonment by a tenured migrant shall constitute a sufficient ground for the cancellation of the tenurial instrument.

Upon cancellation of a tenured migrant instrument for cause or by voluntary surrender of rights, the PAMB shall take immediate steps or strategies to develop, rehabilitate and maintain the area for protection, conservation and sustainable use.

ARTICLE V
ILLEGAL ACTS

SECTION 17. Prohibited Acts. - The following shall be the prohibitions and penalties within the SIWS:

(a) A fine of not less than Ten Thousand Pesos (Php 10,000.00) but not more than Five Hundred Thousand Pesos (Php 500,000.00) or imprisonment of not less than six (6) months and one (1) day but not more than six (6) years, or both, at the discretion of the court shall be imposed upon any person who:

(1) Hunts, collects, destroys, traps, disturbs or possesses anywhere within the SIWS any wild plant or animal or product derived therefrom without prior PAMB permit;

(2) Possesses, without a permit from the PAMB, any wild plant or animal or product derived from such wild plant or animal within the SIWS or in any of its management zones where the species is not endemic;

(3) Cuts, gathers, collects or removes timber other forest products, as well as undertakes any activity not compatible with the use of the respective zones within the SIWS without prior PAMB permit: Provided, That any permit issued shall be valid for only one (1) month from the date of issue either to tenured migrants within sustainable, monitored and controlled quotas or for scientific purposes in accordance with existing guidelines and outside the strict protection zones;

(4) Establishes or introduces exotic species that have allelopathic or detrimental effect to endemic species without prior PAMB permit;

(5) Engages in kaingin or slash-and-bum farming or any activity that causes forest fire; or

(6) Dumps, burns or otherwise disposes of any substance deleterious to the ecosystem, plants and animals or human inhabitants or committing the same in the buffer and multiple-use "areas without appropriate authority or permit.

(b) A fine of not less than Ten Thousand Pesos (Php 10,000.00) but not more than Two hundred Fifty Thousand pesos (Php 250,000.00) or imprisonment of not less
than six (6) months but not more than six (6) years, or both, at the discretion of the court, and the restoration and rehabilitation of the damage resulting from violations shall be imposed upon any person who:

(1) Violates the management plan or any resolution issued by the PAMB;

(2) Vandalizes, mutilates, transports, destroys, excavates or in any manner intentionally damages any natural formation or object of natural beauty inside the protected area;

(3) Uses or possesses a motorized equipment anywhere within the strict protection zone without a prior permit from the PAMB;

(4) Uses or possesses chainsaws and band saws without prior PAMB permit: Provided, That permits may only be issued for use within the multiple-use zones;

(5) Engages in grazing or raising of poultry and other livestock for commercial purpose: Provided, That existing grazing or poultry and other livestock farms shall be phased out within five (5) years after the effectivity of this Act;

(6) Causes damage or leaves roads and trails in damaged condition;

(7) Occupies any tract of land without a prior PAMB permit. Any clearing, construction of residence or introduction of improvements shall constitute prima facie evidence of occupation or settlement;

(8) Alters, removes, destroys or defaces boundaries, marks or signs;

(9) Constructs and maintains a building, edifice or any kind of structure or conducts any business enterprise without a prior PAMB permit;

(10) Enters the SIWS without a prior PAMB permit for purposes of bird watching, swimming, trekking, filming, camping, spelunking or caving and other similar activities;

(11) Conducts bioprospecting, research work or any study without a prior PAMB permit or in violation of existing guidelines; or

(12) Engages in treasure hunting;

(c) A fine of not less than Fifty Thousand Pesos (Php 50,000.00) but not more than Five Hundred Thousand Pesos (Php 500,000.00) or imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court shall be imposed upon any public-officer or law enforcement officer, who, in dereliction of the duties of his office, shall maliciously refrain from instituting proper
action for the punishment of violators of the law or shall tolerate the commission of offenses. A conviction of this offense shall also carry the penalty of perpetual disqualification from public office;

(d) Any citizen may institute the necessary charge against the offender for the commission of the acts enumerated under Section 17 (a) involving protected species;

(e) A conviction under this section shall likewise carry the penalty of eviction from the SIWS, payment of damages for the rehabilitation and restoration and the forfeiture of all equipment, device and weapons used in the commission of the offense as well as the resources caught in the possession of the accused. In case the offender is not a citizen of the Philippines, he/she shall be immediately deported to his/her country of origin after service of his/her sentence. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of the employees and laborers;

(f) The PASu or the duly deputized personnel may arrest even without a warrant any person who has committed or is committing in one’s presence any of the offenses defined in this section. The PASu may also seize and confiscate in favor of the government the tools and equipment used in committing the offenses and the resources caught in the possession of the offender and file the necessary charges therefore: Provided. That the DENR may impose administrative fines and penalties in accordance with law; and

(g) In case of conviction, the penalty consisting of fines and damages shall directly accrue to the IPAF for the protected area.

SECTION 18. Special Prosecutor. - Within thirty (30) days from the effectivity of this Act, the Department of Justice shall designate a special prosecutor to whom all cases of violation of laws, rules and regulations in the SIWS shall be assigned. Such special prosecutor shall coordinate with the PAMB and the PASu in the performance of one’s duties and assist in the training of wardens and rangers in arrest and criminal procedures.

ARTICLE VI
PROCEEDS AND FEES

SECTION 19. The Sicogon Island Wildlife Sanctuary Fund. - There is hereby established a trust fund to be known as the Sicogon Island Wildlife Sanctuary Fund for purposes of financing projects of the system. All income generated from the operation of the system or the management of wild flora and fauna in the SIWS shall accrue to the fund. These income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the SIWS, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the SIWS, and such other fees and income derived from the operation of the SIWS.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign: Provided, That the fund shall be deposited as a special
account in the National Treasury and disbursements - therefrom shall be made solely
for the protection, maintenance, administration and management of the system and
duly approved projects endorsed by the PAMB in accordance with existing accounting
and budgeting rules and regulations: Provided, further, That the fund shall not be used
to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated
herein which they have traditionally collected, such as business permits, property tax
and rentals of LGUs' facilities. Furthermore, LGUs may charge add-ons to fees
imposed by the PAMB: Provided, That such add-ons shall be determined based on
the contribution of the LGUs in the maintenance and protection of the SIWS.

ARTICLE VII
EXISTING FACILITIES

SECTION 20. Existing Facilities. - Within ninety (90) days from the effectivity of this
Act, the PAMB shall be organized and a PASu shall be appointed who, within the
same period, shall make an inventory of existing facilities within the boundaries of the
SIWS and submit the said inventory to the PAMB through a sworn statement
containing the following information:

(a) List of infrastructure, machineries and facilities and their potential
disturbances to protected species and their habitat, reproductive cycles, nesting and
feeding grounds;

(b) Noise levels at all stages of operation;

(c) Energy requirements and sources of energy;

(d) Water supply requirements and sources of water;

(e) Volume of resources extracted from the protected area; and

(f) Future plans for the next five (5) years.

Based on the submitted documents, the PAMB, with technical assistance from
the DENR, shall determine whether the existence and operation of said infrastructure,
machineries and facilities and its future plans and operations would be detrimental to
the SIWS

Existing laws, rules and regulations relating to the Environmental Impact
Statement (EIS) System shall be applicable to projects and activities intended in the
SIWS. The issuance by the DENR of an Environmental Compliance Certificate (ECC)
or its exemption for any project or activity in the SIWS shall be coordinated with the
PAMB.

ARTICLE VIII
UTILIZATION OF RESOURCES
SECTION 21. Utilization of Resources. - Livelihood activities requiring the use of resources derived from the SIWS shall be allowed only when it is found to be sustainable and consistent with the GMPS and only upon prior PAMB approval. Only non-timber products can, be utilized for livelihood purposes, except trees planted in tenured areas. No exploration, exploitation or utilization of nonrenewable resources for commercial purposes or by non-tenured migrants shall be allowed. Energy generation projects utilizing renewable resource such as, but not limited to, hydroelectric, wind or solar generators may be allowed at the discretion of the PAMB.

Commercial utilization of resources by tenured migrants shall be allowed only upon prior PAMB approval and in accordance with the GMPS. Commercial exploitation and utilization of water resources and other permitted resources and establishment or installation of infrastructure such as, but not limited to, access roads, telecommunication facilities, etc., within the SIWS shall require PAMB approval: Provided, That these are not in conflict with the GMPS and shall undergo the EIS System.

The utilization of non-tangible resources such as, but not limited to, aesthetic value, filming, camping and trekking areas, caving adventures, researches on flora and fauna, and other related activities shall require the approval of the PAMB pursuant to a corresponding permitting system to be adopted. The PAMB shall establish a mechanism that would streamline the processing of these permits in order to promote its viability to enhance collection.

A permanent office, strategically situated within the SIWS shall be established for this purpose, where the PASu or his duly authorized representative can judiciously act on requests from respective parties with authority from the PAMB.

ARTICLE IX
TRANSITORY AND MISCELLANEOUS PROVISIONS

SECTION 22. Appropriations. - The Secretary of the DENR shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 23. Applicability. - The provisions of this Act shall be construed liberally in favor of tenured migrants with due consideration to the protection of biodiversity. The NIPAS Act shall supplement the implementation of this Act.

SECTION 24. Transitory Provisions. - A PAMB shall be convened and created within three (3) months from the effectivity of this Act. During the same period, the DENR, in coordination with the PAMB, the Provincial Government of Iloilo, the Municipality of Carles and the concerned Congressional District Representative shall undertake the preparation of the implementing rules and regulations of this Act.

SECTION 25. Separability Clause. - If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections hereof.
SECTION 26. Repealing Clause. - All laws, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 27. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,