



Republic of the Philippines
TUBBATAHA PROTECTED AREA MANAGEMENT BOARD
Puerto Princesa City, Palawan

Tubbataha Protected Area Management Board
Administrative Order No. 01
Series of 2012

REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 10067 OTHERWISE KNOWN AS AN ACT ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK (TRNP) IN THE PROVINCE OF PALAWAN AS A PROTECTED AREA UNDER THE NIPAS ACT (RA 7586) AND THE STRATEGIC ENVIRONMENTAL PLAN (SEP) FOR PALAWAN ACT (RA 7611), PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Pursuant to Section 13 (a), (e) and (l) of Republic Act No. 10067 or the TRNP Act of 2009 and consistent with other environmental laws relevant to the TRNP, the Implementing Rules and Regulations for TRNP issued through TPAMB Resolution 10-004 dated 26 October 2010 is hereby revised incorporating and integrating all existing regulations relevant thereto.

Chapter 1 – GENERAL PROVISIONS AND APPLICATION

Rule 1. Title. This Order shall be known as the Revised Implementing Rules and Regulations of the Tubbataha Reefs Natural Park (TRNP) Act of 2009.

Rule 2. Declaration of Policy. It shall be the policy of the TPAMB to protect and conserve the globally significant economic, biological and socio-cultural values of Tubbataha Reefs Natural Park into perpetuity for the enjoyment of present and future generations. This shall be pursued by prohibiting all extractive activities within the park. Participatory and collaborative management shall be pursued and public awareness and concern for TRNP heightened through education and information activities.

Rule 3. Definition of Terms. As used in this Rule, the following terms are defined as follows:

- a. "Bioprospecting" refers to research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;
- b. "Buffer Zone" refers to the identified area outside the boundaries of and immediately adjacent to TRNP that needs special development control in order to avoid or minimize harm to the protected area;
- c. "Boat Operator/Owner" shall refer to a person, either natural or juridical, who owns, charters, or rents a vessel and conducts tourism or other activities within TRNP;
- d. "Boat Manager" shall refer to a person who oversees the activities of a vessel while conducting activities inside the Park;
- e. "Commercial Fisher's/Fisherfolk" refers to persons who catch fish and other fishery products using fishing vessels of more than three (3) gross tons;
- f. "Commercial tourism operations" refers to operations involving delivery of tourism services to either local or foreign tourists for profit;
- g. "**Commercial filming and photography**" refers to digital or film recording of a visual image or sound recording, or the use of photographic equipment to capture images by a person, business, or entity for a

market audience, such as but not limited to a documentary, television or feature film, advertisement, or similar project.

- h. "Conservation Fees" refer to fees collected from authorized users of the TRNP;
- i. "Corals" refers to all bottom dwelling animals under the phylum Cnidaria, which are a major part of the reef community. The definition includes four types of corals: 1) those that produce a hard skeleton out of calcium carbonate such as all scleractinian corals, the hydrozoan corals (firecorals), and the blue and red corals under the genera *Heliopora* and *Tubipora*; 2) the antipatharian or black corals with a rigid, chitinous skeleton; 3) the gorgonians with a horny and/or calcareous axis; and 4) the soft bodied anthozoans such as sea anemones, and the soft corals under the systematical group of *Alcyonaria* or *Octocorallia*;
- j. "Emergency" refers to an event or situation which threatens serious damage to human welfare, property, the environment or to security.
- k. "Entrants" shall refer to any person, either natural or juridical, or vessel entering TRNP, with or without a permit and further classified as follows:
 - i. "Visitors" shall refer to any person entering TRNP for purposes of tourism, research, or other activities or official business allowed by the TPAMB;
 - ii. "Crew" shall refer to all employees of the boat who man the vessel;
 - iii. "Dive masters" shall refer to scuba diving professionals employed by a boat operator/owner who conducts commercial tourism operations in TRNP.
- l. "Exotic Species" refer to species or subspecies that do not naturally occur within the biogeographic region of the TRNP at present or in historical time;
- m. "Explosives" refer to dynamite or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound will kill, stupefy, disable or render unconscious any species. It also refers to any other substance and/or device, including blasting caps or any other component or part of explosive devices, which causes an explosion that is capable of producing the said harmful effects on any resources and capable of producing the said harmful effects on any resources and capable of damaging and altering the natural habitat;
- n. "Fishing" means the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels. The mere casting or deployment of fishing gear consummates "fishing," whether or not any fishery species are actually caught;
- o. "Gear" refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing or possessing resources within the TRNP;
- p. "Holding Tank" refers to a closed container mounted in the sewage system on board a vessel which collects toilet waste products for treatment or discharge;
- q. "Kayakas" refers to the fishing method known as the local version of the muro-ami but smaller in size, using bamboo or trunk trees as scaring devices aside from coconut or other leaves or materials to drive the fishes and other marine resources out of the coral reefs, at the same time pounding the corals;
- r. "Littering" refers to the disposal of small amounts of non-biodegradable solid waste materials, such as, but not limited to, cigarette butts, candy wrappers, plastic materials, bottles and glasses in the TRNP;
- s. "Management Plan" refers to the fundamental strategy and/or scheme which shall guide all activities relating to the TRNP in order to attain the objectives of RA 10067;

- t. "Monitoring" shall refer to activities aimed at examining the progress of ongoing management interventions vis a vis pre-determined objectives and performance targets for the TRNP.
- u. "Moorings" refers to fixtures on the sea bottom installed by the TPAMB to provide sea crafts and vessels a steady position on which to tie to avoid damaging corals and drifting. "Moorings" shall include ropes, chains, buoys, and all other attendant components attached to the concrete blocks or drilled pins necessarily used by the boats for tying;
- v. "Municipal Fishers/Fisherfolks" refers to the persons who catch fish and other fishery products using fishing vessels of three (3) gross tons or less, or whose fishing does not require the use of fishing vessels;
- w. "Muro-ami" refers to the method used in reef fishing consisting of movable bagnet, detachable wings and scarelines having plastic strips and iron/steel/stone weights, effecting fish capture by spreading the net in an arc around reefs or shoals and, with the use of scarelines, a cordon of people drive the fish towards the waiting net while pounding the corals by means of heavy weights like iron/steel/stone or rock making it destructive to corals;
- x. "Nongovernment Organization (NGO)" refers to any civic, developmental, environmental or philanthropic nonstock, nonprofit organization, duly registered, having bylaws, democratically-elected representatives, with qualifications, expertise and objectivity in activities concerning community organizing and development, or resource and environmental conservation, management and protection related to the protected area;
- y. "Non-Renewable Resources" refer to those resources that cannot be remade, regrown or regenerated on a scale comparative to its consumption;
- z. "Noxious or poisonous Substances" refer to any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or, other chemicals either in raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any marine organism and capable of damaging and altering the natural habitat;
- aa. "PASu" refers to the Protected Area Superintendent of the TRNP;
- bb. "PCSD" refers to the Palawan Council for Sustainable Development as created under Republic Act No. 7611, otherwise known as the Strategic Environment Plan for Palawan Act;
- cc. "People's Organization (PO)" refers to a group of people which may be an association, cooperative, federation, aggrupation of individuals or groups with an identifiable structure of decision-making and accountability, established to undertake collective action to address community concerns and needs in relation to the protected area;
- dd. "Poaching" refers to fishing, gathering and/or purchase or possession of any fishery products within the TRNP by any foreign person, foreign corporation or foreign entity or operating any foreign fishing vessel by any person, corporation or entity within the TRNP;
- ee. "Protected Area" refers to identified portions 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;
- ff. "Protected Species" refer to any plant or animal 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 Flora and Fauna and all its Annexes, the Convention on the Conservation of Migratory Species, those specified under the red-list categories of the International Union for the Conservation of Nature and Natural Resources, or any plant or animal which the Tubbataha Protected Area Management Board (TPAMB) or any government agency may deem necessary for conservation and preservation in the TRNP;
- gg. "Purse Seine" refers to the gear characterized by encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or boats

around the school of aquatic resources. The bottom of the net is pulled close with the purse line. The net is then pulled aboard the boat or boats until the resources are concentrated in the bunt or bag;

- hh. "Repeat Offender" shall refer to a person, either natural or juridical, who has previously violated this Rule, or has a pending case with, or has been finally sanctioned, adjudicated or penalized by the TPAMB, TMO, or by a court of law for any violation involving this Rule, TRNP Act, NIPAS Act, SEP Law, the Philippine Fisheries Code, the Wildlife Act or other pertinent laws, committed within TRNP;
- ii. "Research" refers to any gathering of data, information or facts for the advancement of knowledge with or without the intent of publishing its results.
- jj. "Resources" refer to all natural endowments, whether aquatic or terrestrial, living or non-living, found in the TRNP;
- kk. "Resource Provider" refers to the TPAMB from where the biological resources are to be collected;
- ll. "Resource User" refers to the local or foreign individual, company, organization, institution, or entity, either public or private that will utilize biological resources in TRNP for bioprospecting purposes on the basis of a Bioprospecting Undertaking entered into with the TPAMB;
- mm. "Stakeholders" refer to individuals, communities, agencies, institutions, organizations, aggrupations of specific interests or sectors which have particular interest in the achievement of the objectives of this Act, and/or enjoyment or utilization in any form of the resources within the TRNP;
- nn. "Superlight" refers to a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.
- oo. "Trawl" refers to the gear consisting of a bag-shaped net which is dragged or towed along the bottom or through the water column to take aquatic resources by straining them from the water, including all variations and modifications of trawls in bottom, mid-water, baby trawls and tow nets;
- pp. "TRNP" refers to the Tubbataha Reefs Natural Park;
- qq. "Vessel" includes every description of watercraft, including non-displacement crafts and seaplanes, used or capable of being used as a means of transportation on water. It shall include everything found therein, except personal effects;
- rr. "Waste" refers to discarded items of solid, liquid, contained gaseous or semi-solid form, from whatever source, which may cause or contribute to the deterioration of the resources or habitats in the TRNP.

Rule 4. Management of Buffer Zone. The Tubbataha Protected Area Management Board (TPAMB), shall exercise authority over the buffer zone, which shall include management prescriptions pertaining to the buffer zone in its management plan. The TRNP buffer zone is established to protect the Park from direct or indirect impacts resulting in the conduct of activities in its periphery, such as, but not limited to, energy exploration and navigation.

The TPAMB shall indicate the allowable uses within the buffer zone in the TRNP Management Plan. The same shall be communicated to relevant agencies, such as, but not limited to, the NAMRIA, MARINA, DOE, DFA, etc.

Rule 5. Other Management Zones. Aside from the buffer zone, other management zones and their uses which may be established by the TPAMB shall form an integral part of the TRNP Management Plan.

Rule 6. Scope and Coverage. This Order shall cover all acts of persons or entities within the TRNP and/or to matters over which the TPAMB has jurisdiction. The TPAMB shall exercise quasi-judicial power in adjudicating administrative cases as provided for under RA 10067 (TRNP Act of 2009) and its Implementing Rules and Regulations, and all other pertinent guidelines, rules and regulations to be issued by the TPAMB.

Rule 7. Jurisdiction. The TPAMB shall have original and exclusive jurisdiction over all administrative complaints pertaining to violations of this Rule and other policies of the TPAMB.

Chapter 2 - MANAGEMENT OF THE TRNP

Rule 8. The Tubbataha Protected Area Management Board (TPAMB).

Rule 8.1. Designation of Regular Members. Each member as enumerated under Section 10 of the Act shall designate a duly authorized representative who shall sit in person as regular member of the TPAMB.

Rule 8.2. Permanent Alternate. A permanent alternate may be designated by a regular member to sit in the TPAMB in the absence of the latter. The permanent alternate shall have the authority to bind the regular member and the agency represented.

Rule 8.3. NGO Representation. There shall be one (1) representative each from three (3) NGOs that are involved in the conservation and management of TRNP, preferably locally-organized groups. Interested NGOs shall forward to the TMO a letter of interest to join the TPAMB as a member. The Executive Committee shall screen the applicants and endorse the most qualified, based on the above criteria, to the TPAMB. Should there be more than three (3) qualified NGOs, the ExeCom shall convene a meeting of the NGOs to select who to endorse to the TPAMB. Representatives of NGOs chosen as members shall be endorsed by their respective heads of organizations.

Rule 8.4. PO Representation. There shall be one (1) representative each from two (2) POs based in the municipality of Cagayancillo that are engaged in the conservation and management of TRNP. Should there be more than two (2) qualified POs, the same procedure in Rule 8.3 shall apply.

Rule 8.5. Representation of Academic Institutions. There shall be one (1) representative each from two (2) academic institutions based in the Province of Palawan that offer courses on natural resources management. Should there be more than two (2) such academic institutions, the same procedure in Rule 8.3 shall apply.

Rule 8.6. Entry into Office. Each member shall take an oath of office before any public officer authorized to administer oath prior to entry into office.

Rule 8.7. Meetings. Written notices to regular meetings shall be provided by the PASu at least seven (7) days before the scheduled meeting. It shall include the agenda, time and venue of the meeting. When necessary, the TPAMB may hold more than one (1) regular meeting in one quarter.

In case of urgency, the PASu may initiate a special meeting with the approval of any of the Chairs. Notices shall be served at least one day before the scheduled meeting indicating the agenda, time, date and venue, and may be in any form, e.g., text, telephone, e-mail, or other expeditious means.

The Presiding Officer shall be the signatory of minutes of meetings, resolutions and decisions.

Rule 8.8. Quorum. A simple majority shall constitute a quorum for the TPAMB and the ExeCom to conduct business.

Rule 8.9. Disciplinary Measures. Habitual absences in regular TPAMB meetings constitute negligence of duty pursuant to the Uniform Rules on Administrative Cases in the Civil Service. Three (3) absences in a year constitute habitual absenteeism. The TPAMB shall call the attention of habitual absentee members and the agency or organization they represent in the form of a resolution without prejudice to the filing of appropriate administrative cases.

Rule 8.10. Removal from the TPAMB. The following grounds shall be cause for removal of representatives from the TPAMB:

- a. More than three (3) absences during scheduled meetings of the TPAMB
- b. Commission of acts prejudicial to the management of protected areas
- c. Dissolution of the agency or organization being represented

The concerned agency shall replace its representative not later than the succeeding TPAMB meeting.

Rule 9. The Executive Committee (ExeCom). The TPAMB may delegate some of its powers and functions to the Executive Committee.

Rule 9.1. Composition. The following shall constitute the Executive Committee of the TPAMB:

- a. Philippine Navy
- b. Philippine Coast Guard
- c. DENR
- d. PCSD
- e. Mayor of Cagayancillo or his/her representative
- f. Three (3) NGO representatives
- g. Governor of the Province of Palawan or his/her representative

The body shall choose a presiding officer from among themselves.

Rule 9.2. Meetings. Written notices to regular meetings shall be provided by the PASu at least seven (7) days before the scheduled meeting. The ExeCom shall meet once a month or as often as may be necessary. Regular members shall attend the ExeCom meetings. In the absence of the regular member, the designated permanent alternate may attend the ExeCom meetings.

The Presiding Officer shall be the signatory of minutes of meetings, resolutions and decisions.

Rule 9.3. Powers and Functions. The following powers and functions are delegated to the ExeCom:

- a. Review all proposals and plans emanating from the TMO
- b. Endorse to the TPAMB operational guidelines, proposals and work plans
- c. Disburse restricted funds in accordance with the provisions of the grant agreement
- d. Authorize bridge financing from the Trust Fund not exceeding One Million Pesos (PhP1M)
- e. Exercise supervision of the TMO
- f. Evaluate the administrative and financial performance of the TMO annually
- g. Perform other powers and functions as the TPAMB may delegate from time to time

Rule 10. Incentives of TPAMB and Executive Committee Members. Regular TPAMB and Executive Committee members or their designated permanent alternate are entitled to honoraria, the amount of which is to be decided by the TPAMB through a resolution. Representatives of regular members other than their designated permanent alternate are not entitled to honoraria.

Rule 11. The TPAMB Investigation Committee (TIC). The TIC is hereby established pursuant to Section 11 of the TRNP Act. It shall be charged with accepting and investigating all administrative cases brought before it.

Rule 11.1. Composition of the TIC. The Committee shall be composed of the members of the ExeCom as provided for in Rule 9.1. Regular members may constitute the Committee, or in their absence, their designated permanent alternates. They shall select a chairman from among themselves. Resource persons may be invited by the Committee in aid of the investigation.

In the event that the membership of a TIC member in the TPAMB expires, or the position is vacated, the TPAMB shall designate any regular member as a member of the Committee, until such time as the successor to the vacated post is duly admitted as TPAMB member.

Rule 11.2. Jurisdiction, Powers and Functions of the TIC. When convened as the TIC, the committee shall perform the following functions:

- a. Issue summons and/or subpoena to parties and witnesses in connection with the exercise of its functions;
- b. Conduct summary hearings, when deemed necessary, in compliance with the requirements of administrative due process;
- c. Receive evidence and take custody thereof pending final disposition of the case;
- d. Adopt its own internal rules to expedite disposition of cases, if necessary;

- e. Issue orders as may be necessary in the performance of its functions;
- f. Draft decisions for endorsement to the TPAMB;
- g. Perform such other powers and functions as may be relevant and necessary in the conduct of investigation involving violations committed in TRNP.

Rule 11.3. Quorum. The majority of the members shall constitute a quorum for the TIC to conduct business.

Rule 11.4. Procedural Guidelines for Adjudication of Administrative Cases. The procedural guidelines for adjudication of administrative cases filed before the TPAMB shall be in conformity with the Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC).

Rule 11.4.1. Scope of Application. These guidelines shall apply to all cases involving the violation of this Order and other TPAMB policies that may be adopted for the effective implementation of RA No. 10067, otherwise known as the Tubbataha Reefs Act of 2009.

Rule 11.4.2. Technical Rules in Administrative Proceedings. Administrative proceedings before the TIC shall be summary in nature, as herein provided for the conduct thereof, without strictly adhering to the Rules of Court which shall only have suppletory application.

Rule 11.4.3. Prohibited Pleadings or Motions. The following pleadings or motions shall not be allowed:

- a. Motion to dismiss the complaint or petition;
- b. Motion for a bill of particulars;
- c. Motion for extension of time to file pleadings, except to file Answer, the extension not to exceed fifteen (15) days;
- d. Motion to declare the defendant in default;
- e. Reply and rejoinder; and
- f. Third party complaint or petition.

Rule 11.4.4. Verified Complaint or Petition. The complaint or petition shall be verified and shall contain the names of the parties, their addresses, the cause of action, the reliefs prayed for, and a certification of non-forum shopping.

All evidence proving or supporting the cause of action consisting of the affidavits of witnesses, documentary evidence and if possible, object evidence, shall be submitted. The affidavits shall be in question and answer form.

Rule 11.4.5. Who May File a Complaint or Petition. Any person who has personal knowledge of the facts and circumstances constituting a violation of this Order and other policies of the TPAMB may file a complaint or petition against any person or persons, natural or juridical, involved in such violation/s. And, in case a juridical person is thus charged, then its president, manager or head of office shall also be impleaded in his/her official capacity. In the absence of personal knowledge on the part of the complainant, the complaint or petition must be supported by an affidavit under oath of the person/s who has personal knowledge of the violation.

Rule 11.4.6. Manner of Filing. The complaint or petition together with the affidavit/s and other supporting documents shall be filed with the TIC through the Tubbataha Management Office (TMO). However, the complaint or petition shall be deemed filed upon receipt by the TIC Secretariat as provided under Rule 11.4.11 hereof.

The complaint or petition and the supporting documents must be filed in nine (9) copies. Additional copies equivalent to the number of respondents shall be required when the number of respondents as indicated in the complaint or petition is more than one.

Rule 11.4.7. Docket Fees. No docket fees shall be imposed in filing a complaint or petition.

Rule 11.4.8. Number of Copies of all Pleadings before the TIC. All pleadings before the Board must be filed in nine (9) copies and must show proof of service thereof to the adverse party.

Rule 11.4.9. Assistance of Counsel. The respondent may be assisted by counsel of choice for purposes of the proceedings before the TIC or to litigate his own action, claim or defense before it.

Rule 11.4.10. Recording of the Complaint or Petition. The receiving officer or staff of the TIC shall record the receipt of any complaint or petition in the docket book, and assign a specific identification number for reference purposes.

Rule 11.4.11. Summons. After evaluation of the complaint or petition, the TIC shall immediately issue the corresponding summons to the respondent/s named in the complaint or petition, attaching therewith a copy of the complaint or petition and other supporting documents. The summons shall state the following:

- a. Names of the parties to the action;
- b. The specific alleged violation/s;
- c. The specific provision of the rules or order allegedly violated;
- d. The applicable penalty, and;
- e. A direction that the respondent must answer within the time fixed by these rules and that failure to answer would constitute a waiver of his/her right to refute the allegations in the complaint and petition and the case shall be decided based on the documents submitted by the complainant/petitioner.

Rule 11.4.12. Answer. The respondent/s shall file an answer or counter affidavit, copy furnished the complainant/petitioner, within fifteen (15) calendar days from receipt of the summons.

Proof of Service in the form of an affidavit of service of such copy to the complainant/petitioner shall be filed prior to or simultaneous with the filing of such answer or counter affidavit to the TIC. Said copy shall be served through personal service or by registered mail with registry return card if it cannot be effected by personal service.

Rule 11.4.13. Failure to File Answer/Waiver. If no answer is filed within the period provided under the immediately preceding rule, the respondent shall be considered to have waived his right to answer and to present evidence. Motu proprio or on motion of the complainant/petitioner, the TIC shall formulate its recommendation as may be warranted by the facts alleged in the complaint or petition and the evidence on record.

Rule 11.4.14. Consolidation. Cases involving a common cause of action and involving the same respondent/s may be consolidated to avoid unnecessary costs and delay.

Rule 11.4.15. Preliminary Conference. Not later than fifteen (15) days upon receipt of the answer, the preliminary conference may be held before the TIC.

Rule 11.4.16. Proceedings before the TIC. Where necessary, after all the issues have been joined, the TIC shall determine whether or not there is a need for a clarificatory hearing. Otherwise, it shall issue an order that the case is submitted for resolution.

The affidavits of the parties and their witnesses shall take the place of their direct testimony.

In case hearings are held, only those witnesses who have submitted their affidavits on or before the preliminary conference or specified date shall be allowed to testify. The affidavit of any witness shall constitute his direct testimony, subject to cross-examination by the other party.

Rule 11.4.17. Resolution. Within fifteen (15) days after receipt of position paper or after the expiration of the period to file position paper or after the last hearing, the TIC shall recommend a decision to TPAMB, stating therein the facts and the law upon which the same is based as well as the evidentiary bases thereof. The TPAMB shall resolve the case within thirty (30) days from the receipt of the recommendation of the TIC.

The Resolution of the TPAMB shall become final and executory fifteen (15) days after receipt of a copy thereof by the parties and if no motion for reconsideration is received or filed.

Rule 11.4.18. Motion for Reconsideration. Any party may file a motion for reconsideration, furnishing a copy to the opposing party, within fifteen (15) days upon receipt of a copy of the TPAMB Resolution. Only one motion for reconsideration shall be allowed.

Rule 11.4.19. Resolution on the Motion for Reconsideration. The TPAMB shall resolve the motion for reconsideration within fifteen (15) days from receipt of the motion for reconsideration. It may maintain or reverse its previous resolution.

Rule 11.4.20. Finality of the Decision. The decision of the TPAMB shall be final. The said decision shall become executory fifteen (15) days following the receipt of a copy thereof.

Rule 11.4.21. Execution of the Decision. When the decision becomes final and executory, the TPAMB shall issue an order directing the party concerned to comply with the decision within fifteen (15) days from receipt of such order. The respondent or any person acting for and in his behalf, his assigns or heirs, who shall fail or refuse to comply with the final and executory decision without justifiable cause, after being required to do so, shall be punished for contempt pursuant to the applicable provisions of the New Rules of Court promulgated by the Supreme Court of the Philippines.

Rule 11.4.22. Penalties. The TPAMB shall impose the appropriate penalties provided under RA No. 10067 and/or other TPAMB Rules and Policies.

Rule 11.4.22. Notices. All parties before the TPAMB en banc shall be furnished copies of all orders, issuances or processes from the said bodies personally or by registered mail.

Rule 11.5. Prosecution of Administrative Cases. The TPAMB shall organize its prosecutorial arm to represent the complainant of the cases within the jurisdiction of the TIC.

Rule 11.6. Place of Hearing. All hearings before the TIC shall be held in Puerto Princesa City, Palawan or at any place as may be designated by the TPAMB.

Chapter 3 - ALLOWABLE ACTIVITIES

Rule 12. Conduct of Activities. Only non-extractive and non-destructive activities allowed by the TPAMB, as the sole policy-making and permit-granting body of the TRNP, shall be conducted inside the Park which includes but is not limited to the activities set forth in this Chapter and as may be subsequently determined by the TPAMB.

Rule 13. Tourism. Tourism activities such as scuba diving, snorkeling, kayaking, bird watching, and the like may be allowed in TRNP. Entry and conduct of tourism activities inside the Park shall be allowed only upon issuance of the necessary permit by the Tubbataha Management Office (TMO), subject to the requirements and procedures set forth in the following sub-rules.

Rule 13.1. Commercial Tourism Operations. Any person or entity who shall conduct commercial tour operations in TRNP should secure a Permit to Operate (PO) from the TMO at least two (2) months prior to the first scheduled entry.

Rule 13.1.1. Requirements. The following shall be submitted to TMO for the issuance of a PO:

- a. **Completed Application Form**
- b. **Vessel/s Profile**
 - i. Certificate of Vessel Registry
 - ii. Passenger Ship Safety Certificate
 - iii. Minimum Safe Manning Certificate

Rule 13.1.2. Procedure.

- a. **A completed application form and a copy of all requirements shall be submitted to TMO;**

- b. **TMO shall process applications with complete documentary requirements within five (5) business days;**
- c. **Permits may be issued in person or online.**

Rule 13.1.3. Validity. The Permit to Operate shall be valid within the year of its issuance.

Rule 13.2. Non-commercial tourism activities. Any person or entity entering TRNP for the conduct of non-commercial tourism activities shall secure an entry permit from the TMO prior to such entry subject to the compliance of the requirements set in Rule 13.3 herein.

Rule 13.3. Issuance of Entry Permit. All entrants must secure a Vessel Entry Permit and/or Visitor Entry Permit before entering TRNP. Failure to secure the necessary permit shall constitute a violation of this Rule and of the TRNP Act of 2009.

Rule 13.3.1. Requirements for Vessel Entry.

- a. For Local-Registered Vessels:
 - i. Fully accomplished Vessel Entry Form
 - ii. Certificate of Vessel Registry
 - iii. Passenger Ship Safety Certificate
 - iv. Minimum Safe Manning Certificate
 - v. Payment of Fees
- b. For Foreign-Registered Vessels:
 - i. Fully accomplished Vessel Entry Form
 - ii. Boat Registration
 - iii. Last Port Clearance, if originated from foreign country
 - iv. Crew list
 - v. Record of Vessel Boarded /Custom Clearance issued by Bureau of Customs
 - vi. Payment of Fees

Rule 13.3.2. Requirements for Visitor/Crew/Divemasters.

- i. Fully accomplished Visitor Entry Form
- ii. List of boat crew and dive masters employed as certified by the boat owner or boat operator
- iii. Photocopy of valid diving certification of all employed divemasters
- iv. Special Working Permit (SWP) or Alien Employment Card (AEC) for foreign crew and dive masters employed by boat operators or boat owner
- v. Payment of Fees

Rule 13.3.3. Procedure.

- a. **A completed application form and a copy of all requirements shall be submitted to TMO;**
- b. **The TMO shall process only applications with complete documentary requirements within five (5) business days;**
- c. **Payment of conservation fees;**
- d. **Permits may be issued in person or online.**

Rule 14. Research and Monitoring. Any person or entity who shall conduct research and monitoring activities in TRNP must first secure a Research/Monitoring Permit.

Rule 14.1. Requirements.

- a. A research or monitoring proposal specifying the following:
 - i. objectives of the research or monitoring activities,
 - ii. the institutions and the people involved, including profile of lead researchers,
 - iii. the proposed date,
 - iv. duration,
 - v. methodology, and

- vi. particular sites where the activities will be undertaken;
- b. Both scientific and common names of all the organisms subject of the research shall be indicated in the proposal;
- c. If collection of samples will be required, a subsequent local transport permit shall be obtained from PCSD pursuant to RA 9147. The proposal must include the names of organisms or objects to be sampled, the quantity and specific collection sites of the specimens and the final disposition of the said specimens in the proposal.

Rule 14.2. Procedure.

- a. Complete requirements shall be submitted to the TMO.
- b. The TMO shall initiate the assessment of the proposal based on the impact on the environment, e.g., introduction of alien species or use of chemicals;
- c. The TMO shall make the appropriate recommendations to the TPAMB Executive Committee. Research and monitoring proposals which contributes to Management Effectiveness Evaluation as indicated in the Management Plan may be approved at the level of the PASu.
- d. The implementation of approved proposals shall be properly coordinated with the TMO to ensure that the following measures are observed:
 - i. The proponent registers with the Tubbataha Management Office and secures the necessary vessel and visitor entry permits prior to entry into the Park;
 - ii. The proponent informs the TMO of any changes in the research (i.e. sites, number of samples, methodology, etc.);
 - iii. The TMO assigns a counterpart staff to assist in the activities of the applicants within TRNP and to facilitate transfer of skills, technology and learning experiences to Park staff for the benefit of management;
 - iv. The proponent provides the TPAMB with a copy of any written or electronic material and pictures that may emanate from the research conducted in TRNP;
 - v. The proponent includes people and institutions involved in the conduct of the research in the acknowledgements of the written materials.

Rule 14.3. Suspension or Revocation of Permit. The TPAMB may withdraw, suspend or revoke the Research Permit in case of violation of this Rule, without prejudice to the filing of criminal and/or civil action/s, should it be warranted.

Rule 15. Bioprospecting. Any commercial scientific researches to be conducted inside TRNP by any person or entity shall be governed by the provisions of DENR-DA-PCSD-NCIP Administrative Order No. 01. The TPAMB shall be the sole Resource Provider for any bioprospecting activities inside TRNP and from whom the Resource User shall secure a Prior Informed Consent (PIC) Certificate which shall constitute a permit from the TPAMB. As provided for in Section 21.1 of the said Order, mutually exclusive commitments entered into by the TPAMB and the Resource User shall be executed in a contract. Any infractions therein shall constitute a violation of this Rule without prejudice to the filing of criminal and/or civil actions.

Rule 16. Commercial Filming and Photography. A Special Permit must be obtained to cover commercial filming and photography activities in TRNP. No filming may restrict or interfere with operations in the Park.

Rule 16.1. Requirements. Applicants must submit to the TMO a letter of intent specifying the following:

- a. Objectives
- b. Nature of activities
- c. Equipment to be used
- d. Schedule of activities
- e. Institution/s and persons involved

Rule 16.2. Procedure.

- a. Letter of Intent shall be submitted to PASu;

- b. Upon approval of the PASu, a Special Permit shall be issued and an agreement/contract executed;
- c. The applicants shall also comply with the requirements provided in Rule 13.1 herein.

Rule 17. Conservation Fees. Applications for an entry permit must be accurately completed and conservation fees for vessels and visitors paid prior to the issuance of a permit to enter the Park. Fees must be paid in Philippine currency. The rates of conservation fees shall be those indicated below:

Rule 17.1. Vessel Entry. A Vessel Entry Permit must be secured by the boat owner/operator/captain or his/her representative prior to entry. Vessel entry fees are as follows:

- | | |
|-----------------------------|-----------|
| a. 100 gross tons and below | ₱3,000.00 |
| b. 101-200 gross tons | ₱4,500.00 |
| c. 201 gross tons and above | ₱6,000.00 |

Rule 17.2. Visitor Entry. Entrants to the park must secure a Visitor Entry Permit and pay the corresponding conservation fees before entering TRNP. Minors aged 12 years old and below, and boat crew are exempt from the payment of conservation fees. Visitors returning within the same year shall be entitled to a 50% discount. Visitor entry fees are as follows:

- | | |
|---------------|------------------|
| a. Visitors | ₱3,000.00/person |
| b. Divemaster | ₱250.00/person |

Rule 17.3. Refundability. Conservation fees paid by boat owners/operators or visitors for trips that have been aborted prior to entry into the Park may be reimbursed, provided that only 80% of the conservation fees may be refunded.

Rule 18. Protocol and Standards. The following shall be observed while inside the Park:

- a. Upon entry of the vessel to the Park, the captain or boat manager or his/her representative must register with the Ranger Station by radio. If this is not possible, they must report in person;
- b. All vessels shall use mooring buoys provided within TRNP. No vessel shall be allowed to tie to a moored boat.
- c. Vessels 200 gross tons and above shall tie to mooring buoys at their own risk and are required to untie during rough weather. The TPAMB shall not be responsible for any loss or damage that may result in the use of mooring buoys. Users are therefore required to check all lines and accessories prior to use;
- d. The following shall constitute negligence on the part of the user:
 - i. Running over or dragging rope and marker buoy; and
 - ii. Other similar acts resulting to damage of moorings;
- e. The Ranger Station shall be informed of the buoy used prior to mooring and upon disengaging. Data on buoys, the time and date of use shall be recorded on the vessel logbook;
- f. TMO representatives reserve the right to board and inspect vessels within TRNP at any time;
- g. All vessels must have the necessary first aid and emergency equipment, including but not limited to oxygen and Safety of Life and Property at Sea (SOLAS) equipment and an emergency response plan;
- h. There shall always be a divemaster to act as group leader during all dives. The diver-divemaster ratio shall be 8:1 at most;
- i. Vessels used for commercial tourism operations shall be at least 25 gross tons;
- j. By 2013, all vessels entering TRNP must have a holding tank. Disposal from the holding tank may be allowed beyond one (1) nautical mile distance away from the reef, but not along the channel between the South and North Atolls. Disposal of shower discharge may be allowed within the Park, provided that biodegradable soap shall be used on board.

- k. All vessels must have the necessary first aid equipment including adequate amount of oxygen to transport divers to Puerto Princesa City, and trained and currently certified personnel.
- l. In the conduct of entry level courses, a ratio of one instructor per student for Discover Scuba Diving and one instructor per two students for Open Water Course shall be observed. Marine park rangers shall be duly advised of the conduct of the said course. The identification of the site for the conduct of the activity is in the discretion of the dive operators provided that no damage to the reef shall occur as a result.

Rule 19. Liability. The TPAMB and TMO shall not be liable for any passenger accidents/incidents for the negligence of the boat operator/owner. It is the responsibility of the boat operators/owners and/or managers to ensure that all visitors and crew are cognizant of the rules set herein.

Rule 20. Limitations in the Conduct of Allowed Activities in the Park. The following acts are not allowed in the conduct of activities under this Chapter:

- a. Tying to a moored vessel. This prohibition shall not be applicable to service boats such as, dinghies, zodiacs, rubber boats and the like, used by park management/personnel for enforcement and boarding operations, and by vessels to transfer divers or visitors from the main vessel to the dive or research sites. Such watercraft is allowed to tie to larger vessels during the course of their operations. Boat owners/operators and boat managers of both vessels shall be liable.
- b. Not stowing fishing gear. All fishing gear, whether in their assembled form or separated into parts, shall be stowed in a locked container prior to entry to TRNP. Each fishing gear, component or accessory found not stowed shall constitute a distinct violation and it shall be forfeited in favor of the TRNP.
- c. Use of motorized sports equipment aside from service boats used to ferry passengers;
- d. Constructing or installing any kind of structure, fence or enclosure, except when authorized by the TPAMB;
- e. Cruising less than 100 meters around South or North Islets and without obtaining clearance from marine park rangers;
- f. Landing a boat or setting foot on the North Islet, South Islet or the emergent cay in Jessie Beazley, except when authorized by the TPAMB;
- g. Swimming, snorkeling or diving around North or South Islets or in the lagoons, except when authorized by the TPAMB;
- h. Use of gloves while diving;
- i. Vandalism in any form.
- j. Decompression dives without prior certification, training and equipment;
- k. Handling, touching, feeding, chasing resources during the conduct of any of the allowed activities under this Chapter;
- l. Use of superlights.

Chapter 4 - PROHIBITED ACTS AND PENALTIES

Rule 21. Damage to the Reef. Damage to the reef shall subject the responsible person or entity to the payment of administrative fines set by the TPAMB based on the current valuation standards, which shall not be less than Twelve Thousand Pesos (PhP12,000.00) per square meter. The violators shall be also liable for the payment of the cost of restoration which shall not be less than 12,000.00 per square meter, or as may be determined by the TPAMB.

Rule 22. Non-payment of Conservation Fees. Any person or entity who shall enjoy or utilize the TRNP and its resources without payment of the conservation fees shall, in addition to the payment of the conservation fee, pay the administrative fine which shall be double the amount of the conservation fee set by the TPAMB for the activity undertaken. The violator may opt to immediately pay the administrative fine which shall constitute a waiver of the proceedings before the TPAMB.

Rule 23. Anchoring. Any person or entity who shall hold fast or secure a vessel in place either by using an anchor or by tying on to any part of the reef shall be penalized with an administrative fine of not less than Fifty Thousand

Pesos (₱50,000.00) and not more than One Hundred Thousand Pesos (₱100,000.00) without prejudice to the payment of the cost of the damage under Rule 21.

Rule 24. Dumping of Waste. An administrative fine of not less than One Hundred Thousand Pesos (₱100,000.00) and not more than Three Hundred Thousand Pesos (₱300,000.00), and an order to clean up the waste or to pay for the clean-up shall be imposed upon any person or entity who shall be found liable for dumping of waste. In determining the fine, the maximum amount shall be imposed whenever the following wastes are involved:

- a. Petroleum, Oil, Lubricants (POL) products
- b. All noxious substances
- c. Any other chemical substances

Rule 25. Littering. Any person or entity found liable for littering shall be penalized with an administrative fine of Fifty Thousand Pesos (₱50,000.00) to One Hundred Thousand Pesos (₱100,000.00). The maximum amount of fine to be imposed shall depend on the following:

- a. Volume
- b. Kind
- c. Repetition of offense

Rule 26. Bioprospecting without Permit. It shall be unlawful to conduct bioprospecting within the TRNP without a permit from the TPAMB and other concerned agencies. An administrative fine ranging from Five Hundred Thousand Pesos (₱500,000.00) to One Million Pesos (₱1,000,000.00), and confiscation or forfeiture of the resources subject of the offense, equipment, gears and vessels shall be imposed.

Rule 27. Introduction of Exotic Species. Any person or entity who shall introduce exotic species of plants or animals into the TRNP shall be penalized with an administrative fine of Two Hundred Thousand Pesos (₱200,000.00) to One Million Pesos (₱1,000,000.00); and confiscation or forfeiture of the resources subject of the offense, equipment, gears and vessels. Maximum penalty shall be imposed when:

- a. The act may result in the colonization or massive outbreak of the introduced species;
- b. The introduced species acts in competition with endemics resulting in scarcity or extirpation of the latter.

Rule 28. Hunting, Catching, Fishing, Killing, Taking, Gathering, Removing, Destroying, Disturbing or Possessing Resources. It shall be unlawful for any person to actually or attempt to hunt, catch, fish, kill, take, gather, remove, destroy, disturb, or possess any resource, whether living or nonliving, or products derived therefrom. The unauthorized entry of a vessel in the TRNP shall be prima facie evidence of violation of this Rule.

Violations of this Rule shall be punished as follows:

(a) Where the offender uses explosives, noxious or poisonous substances, the TPAMB shall impose an administrative fine ranging from Three Hundred Thousand Pesos (₱300,000.00) to Five Hundred Thousand Pesos (₱500,000.00), and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

(b) Where the offender merely possesses explosive, noxious or poisonous substances, within the TRNP, the TPAMB shall impose an administrative fine ranging from One Hundred Thousand Pesos (₱100,000.00) to Three Hundred Thousand Pesos (₱300,000.00), and confiscation and forfeiture of the resources subject of the offense, equipment, gears and vessels.

(c) Where the offender takes, removes, fishes, gathers, kills, destroys or possesses corals, except for scientific or research purposes authorized by the TPAMB, an administrative fine ranging from One Hundred Thousand Pesos (₱100,000.00) to Two Hundred Fifty Thousand Pesos (₱250,000.00) shall be imposed. In addition, the corals subject of the offense, equipment, gears and vessels shall be confiscated and forfeited in favor of the government.

(d) Where the offender uses any fishing gear or method that destroys coral reefs, seagrass beds, or other marine life habitats as determined under the TRNP Act, the operator, boat captain, master fisherman, and recruiter or organizer of fishworkers involved shall be administratively fined from Four Hundred Thousand Pesos (₱400,000.00) to One Million Pesos (₱1,000,000.00). Confiscation and forfeiture of catch, fishing equipment, gears and vessels shall also be imposed.

(e) Where the offender gathers or removes pebbles, stones, rocks, sand or other materials or otherwise engages in the quarrying or dredging of any portion of the TRNP, an administrative fine shall be imposed ranging from One Hundred Thousand Pesos (₱100,000.00) to Seven Hundred Fifty Thousand Pesos (₱750,000.00). The substance taken, and equipment and vessels used in the commission of the violation shall be confiscated and forfeited.

(f) Where the subject of the offense are protected species as defined in the TRNP Act, an administrative fine shall be imposed ranging from Five Hundred Thousand Pesos (₱500,000.00) to One Million Pesos (₱1,000,000.00) for every threatened or endangered organism subject of the offense. Confiscation and forfeiture of catch, equipment, gears and vessels shall also be imposed.

Where the classification of the protected species subject of this offense is threatened under IUCN, or higher under the Philippine Wildlife Act or other government rules and regulations, the maximum fine shall be imposed.

(g) Where the violations of this Rule are not covered by the preceding paragraphs, an administrative fine ranging from Three Hundred Thousand Pesos (₱300,000.00) to One Million Pesos (₱1,000,000.00), and confiscation and forfeiture of catch, equipment, gears and vessels shall be imposed.

Rule 29. Poaching by Foreigners. Any foreign person, foreign corporation or foreign entity who shall fish, gather and/or purchase or possess any fishery products within the TRNP, or operating any foreign fishing vessel therein shall be fined administratively of not less than Fifty Thousand US Dollars (US\$50,000.00), but not more than Two Hundred Thousand US. Dollars (US\$200,000.00) or its equivalent in Philippine Currency, in addition to the confiscation and forfeiture of the fish catch, fishing equipment and fishing vessel. The violators may be required to post a bond for the vessel which shall not be less than one hundred thousand US Dollars (US\$100,000.00) to ensure appearance of the accused in court proceedings and presentation of the vessel upon order of the TPAMB. Failure to appear and present the vessel shall be grounds for forfeiture of the bond.

Rule 30. Violation of Environmental Impact Assessment System. The TPAMB shall adjudicate violations of laws and rules on Environmental Impact Assessment System. An administrative fine of One Hundred Thousand (₱100,000.00) shall be imposed for every day each violation subsists. The TPAMB shall further order the violator to rehabilitate the affected area or to pay the amount equivalent thereto; and confiscate and forfeit the vessels, structures, effects, materials and equipment used, and the products of such violation.

Rule 31. Violation of Standards. The owner, operator and top three (3) officers of any vessel violating the standards such as, but not limited to, safety and sanitation standards as set forth under Rule 13, shall suffer administrative penalty of fine ranging from Twenty Thousand Pesos (₱20,000.00) to Fifty Thousand Pesos (₱50,000.00) for every day each violation subsists, and from suspension of three (3) months to cancellation of permit to operate in the TRNP. The maximum penalty shall be imposed when violation causes injury or death to passengers of the vessel.

Rule 32. Obstruction of Law Enforcement Officer. The boat owner, master, operator, officer, or any person acting on his/her behalf, of any vessel who evades, obstructs or hinders any law enforcement officer in the TRNP to perform his/her duty, shall be administratively fined Fifty Thousand Pesos (₱50,000.00). In addition, the TPAMB shall recommend the cancellation by the issuing agency of the registration, permit and/or license of the vessel including the license of the officers thereof.

Rule 33. Unauthorized Entry, Enjoyment or Use. Any person or entity who shall enter, use or enjoy any portion of TRNP and the resources therein for whatever purposes without permission from the TPAMB as set herein shall be fined the amount of not less than One Hundred Thousand Pesos (100,000.00) but not more than Three Hundred Thousand Pesos (₱300,000.00).

Rule 34. Violation of the Limitations in Chapter 3. Any person or entity who shall violate the provisions under Rule 20 shall be fined the amount of not less than Ten Thousand Pesos (₱10,000.00) but not more than One Hundred Thousand Pesos (₱100,000.00) per violation, exclusive of the value of damage and required rehabilitation

or restoration costs as determined by relevant provisions of this Rule. The maximum penalty shall be imposed if the violator is a recidivist.

Rule 35. Misrepresentation. Any person or entity who submits false statements or misrepresents his application for entry permit, submits fraudulent certificates or documents shall be fined in the amount of not less than Ten-Thousand Pesos (P10,000.00) but not more than Fifty Thousand Pesos (P50,000.00) per violation.

Rule 36. Aggravating Circumstances. In determining imposable fines within the given range, the maximum fine shall be imposed as may be applicable under the following circumstances:

- a. Multiple violations resulting in the commission of an offense
- b. Recidivism
- c. Attempt to flee apprehension
- d. Possession of unlicensed firearms
- e. Use of force or intimidation against TRNP enforcement officers

Chapter 5 - COMMON PENAL PROVISIONS

Rule 37. Solidary Liability. Boat owners/operators/charterers and boat managers of the vessel shall all be solidarily liable for the payment of fines.

Rule 38. Additional Penalties. The TPAMB may impose the following additional penalties as they may deem appropriate:

- a. **Cancellation of permit to operate for commercial tourism operators;**
- b. **Prohibition from operating within TRNP for one (1) year from the date of the imposition of the penalty for repeated violations;**
- c. **Non-renewal of permit to commercial tourism operators with a record of violations in other marine parks/reserves, upon the endorsement of DENR or a resolution from marine parks/reserves management board; and/or**
- d. **Banning of individuals for acts such as repeated violations, acts affecting endangered species, and/or willful disregard of TPAMB notices or orders.**

Chapter 6 - FINAL PROVISION

Rule 39. Separability Clause. If, for any reason, any part or provision of this Rule is declared as unconstitutional, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

Rule 40. Repealing Clause. All orders, rules and regulations or parts thereof which are inconsistent with this order are hereby deemed repealed, amended or modified accordingly.

Rule 41. Effectivity. This Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation. Copies of the same shall likewise be deposited at Office of the National Administrative Registrar at the UP Law Center, Diliman, Quezon City.

ISSUED this ____ day of _____ 2012 in Puerto Princesa City, Palawan.

So ordered.

GOV. ABRAHAM KAHLIL B. MITRA
Chairman, Palawan Council for Sustainable
Development
Co-Chairman, TPAMB

EDGARDO O. GALEON
Regional Executive Director, Region IV-B
DENR
Co-Chairman, TPAMB