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DENR ADMINISTRATIVE ORDER

No. 2008 - 26

**SUBJECT: REVISED IMPLEMENTING RULES AND
REGULATIONS OF REPUBLIC ACT NO. 7586 or
THE NATIONAL INTEGRATED PROTECTED
AREAS SYSTEM (NIPAS) ACT OF 1992**

Pursuant to Section 10(d) of the NIPAS Act and consistent with the Wildlife Resources Conservation and Protection Act (R.A. No. 9147), Caves and Cave Resources Management and Protection Act (R.A. No. 9072), Philippine Mining Act of 1995 (R.A. No. 7942), and other laws establishing the specific components of the NIPAS, DENR Administrative Order No. 25, Series of 1992 which is the Implementing Rules and Regulations of the NIPAS Act, is hereby revised incorporating and integrating all existing regulations relevant thereto.

Rule 1. Title. - This Administrative Order shall be known as the Revised Implementing Rules and Regulations of the NIPAS Act of 1992.

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

It is hereby recognized that these areas may be incorporated into a national land-sea use planning framework consistent with global trends and standards such as those provided in the Convention on Biological Diversity and other international agreements; that effective administration of these areas is possible only through cooperation among national government, local government, concerned private organizations and local communities; and that the use and enjoyment of these

protected areas must be consistent with the principles of biological diversity, sustainable development and protection of cultural heritage.

To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass outstandingly remarkable areas and biologically important public lands and ancestral domains that are habitats of rare and endangered species of plants and animals, bio-geographic zones and related ecosystems, whether terrestrial, wetlands or marine, all of which shall be designated as "protected areas".

2.1 The following shall be the specific policies governing the establishment and management of the NIPAS:

2.1.1 There shall be a policy of contiguousness of protected areas and the use of police power and eminent domain to make each protected area whole, if necessary and applicable.

2.1.2 Protected areas should complement each other in terms of taxonomic representation, actual species migration patterns, maintenance of essential ecological processes and life support systems, and efficiency in conservation costs.

2.1.3 The management plan of protected areas shall be integrated with the comprehensive land use plan of the local government units.

2.1.4 The management of the NIPAS shall contribute to achievement of significant reduction in the rate of biodiversity loss in the short-term and help in the development of long-term targets.

2.2 In order to achieve the above specific policies of the NIPAS, the following strategies are hereby adopted:

2.2.1 In selecting areas for inclusion in the NIPAS, the conservation priority areas in each of the identified bio-geographic zones in both aquatic and terrestrial environments shall be primarily considered.

2.2.2 The NIPAS should complement and be consistent with the establishment, creation or designation of similar conservation areas under other relevant laws.

- 2.2.3 The sustainability of the NIPAS depends on the collaboration of all stakeholders through a functional, transparent, accountable and participatory governance mechanism; the judicious use of the Integrated Protected Areas Fund; and the development of other mechanisms for maintaining the viability of managing protected areas prescribed under the Act.

Rule 3. *Scope and Coverage.* - This Order shall apply to all protected areas established under the NIPAS and all initial components as provided in the NIPAS Act, subject to Congressional enactments governing particular protected areas.

This Order shall likewise set forth in detail the processes by which the DENR and other concerned institutions and agencies will establish, administer, manage and disestablish protected areas.

Rule 4. *Categories and Criteria in the Determination of Appropriate Category of a Protected Area.* - The categories and criteria herein set forth shall be used in establishing the appropriate category of a protected area.

- 4.1 Protected areas shall be categorized as follows:
 - 4.1.1 Strict nature reserve;
 - 4.1.2 Natural park;
 - 4.1.3 Natural monument;
 - 4.1.4 Wildlife sanctuary;
 - 4.1.5 Protected landscapes and seascapes;
 - 4.1.6 Resource reserve;
 - 4.1.7 Natural biotic areas; and
 - 4.1.8 Other categories established by law, conventions or international agreements which the Philippine Government is a signatory.
- 4.2 The following criteria shall be applied to determine the appropriate category for a proposed protected area under the NIPAS:
 - 4.2.1 Natural Features – pertain to the representativeness of the various ecosystems, the diversity of biota and

habitats and the ecological processes in the proposed protected area;

- 4.2.2 Management Objectives – pertain to the range of possible objectives for managing a proposed protected area that are attuned to the natural features and/or prevailing socio-economic conditions such as, but not limited to: ecosystems, species, and genetic conservation; protection of specific natural and cultural features; conservation education and environmental monitoring; protection of the rights of ICCs/IPs; and integrated conservation and development; and
- 4.2.3 Allowable Human Activities – pertain to the degree of possible allowable uses of the various natural resources based on the over-all assessment of the proposed protected area.

The determination of the category of the proposed protected area shall be consistent with the Protected Area Category Matrix attached as Annex A.

- 4.3 Other criteria used in establishing categories not specifically listed in the NIPAS Act or in this Order but have been established by law, or through convention or international agreements which the Philippine Government is a party, may be considered in the establishment of the area provided it supports biodiversity conservation and sustainable development.

Rule 5. *Definition of Terms.* - For purposes of this Order, the following terms shall be defined as follows:

- 5.1 Buffer zones are identified areas outside the boundaries of an immediately adjacent to designated protected areas pursuant to Section 8 of the NIPAS Act that need special development control in order to avoid or minimize harm to the protected area;
- 5.2 Central Integrated Protected Area Fund – refers to the trust fund directly administered by the DENR through the Protected Areas and Wildlife Bureau (PAWB) representing the twenty-five per cent (25%) of the revenues from different protected areas primarily to sustainably support the operations of the NIPAS;
- 5.3 Delineation – refers to the actual ground survey of the boundaries of protected areas and/or its management zones using Global Positioning System (GPS) or other applicable surveying

instruments/technologies with the intention to come up with a map of the area;

- 5.4 Demarcation – refers to the establishment of the boundaries of a protected area and/or management zone using visible markers/monuments, buoys in case of marine areas, and known natural features/landmarks, among others, as a result of the actual ground delineation;
- 5.5 Extractive resource use – refers to the removal of any natural resources from the protected area which include, but not limited to all mining activities, commercial logging, harnessing and utilization of non-renewable energy resources, major dams and hydroelectric power projects;
- 5.6 Household – refers to an individual or aggregate of persons, generally but not necessarily bound by ties of kinship, who reside in the same dwelling unit and have common arrangements for the preparation and consumption of food. It is necessary that the aggregate of persons should recognize one of them as the head of the household;
- 5.7 Household Head – refers to member of the household who is responsible for the care and organization of the household or the one who is regarded as such by the members of the household;
- 5.8 Indigenous Peoples – synonymous with Indigenous Cultural Communities (ICCs) as defined in the NIPAS Act. As defined in RA 8371 or IPRA, it refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

- 5.9 Mini-hydroelectric power plant – refers to an electric-power generating plant which: (a) utilizes kinetic energy of falling or running water (run-of-river hydro plants) to turn a turbine generator producing electricity; and (b) has an installed capacity of not less than 101 kilowatts (0.1 MW) but not more than 10,000 kilowatts (10 MW);
- 5.10 Multiple Use Zone – pertains to the management zone of protected areas where settlement, traditional and/or sustainable land-use including agriculture, agro-forestry, and other income generating or livelihood activities may be allowed consistent with the Management Plan. It also includes, among others, areas of high recreational tourism, educational or environmental awareness values and areas with existing installations of national significance/interest such as facilities/structures for renewable energy, telecommunication and hydro-electric power generation, among others.
- 5.11 National Integrated Protected Areas System is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;
- 5.12 National park refers to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas. It shall also refer to the land of public domain classified as such in the 1987 Constitution which include all areas under the NIPAS pursuant to R.A. 7586 primarily, designated for the conservation of native plants and animals and their associated habitats and cultural diversity;
- 5.13 Natural biotic area is an area set aside to allow the way of life societies living in harmony with biodiversity to adopt to modern technology at their pace;
- 5.14 Natural monument is a relatively small area focused on the protection and preservation of nationally significant natural features and biodiversity on account of their special interests or unique characteristics;

- 5.15 Natural park is a relatively large area not materially altered by human activity where extractive resource uses are not allowed and maintained to protect outstanding natural biodiversity and scenic areas of national or international significance for scientific, education and recreational use;
- 5.16 Non-renewable energy resources – refer to those natural resources within protected areas which, if used, will be depleted and cannot be replenished in a timescale relevant to human beings such as fossil fuels like coal, oil, petroleum, and natural gas;
- 5.17 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;
- 5.18 Protected Area Occupants – refer to persons who are residing, utilizing and/or cultivating areas within the protected area;
- 5.19 Protected Area Sub-Fund – refers to a trust fund managed by the Protected Area Management Board (PAMB) representing seventy-five per cent (75%) of the revenues generated by the protected area for its development and operations in accordance with the Initial Protected Area Plan (IPAP) or Management Plan;
- 5.20 Protected landscapes/seascapes are areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas;
- 5.21 Special Uses – include activities and/or developments such as ecotourism, camp sites, communication, transmission, scientific monitoring stations/facilities, irrigation canals or waterways, rights of way, aquaculture, agro-forestry and forest plantations, among others, that may be allowed in the multiple use and buffer zones of the protected areas provided they are consistent with the IPAP or Management Plan;
- 5.22 Stakeholders – refer to persons or institutions that are or might be affected in the establishment, and may contribute to the management and development of the protected area. It may include, among others, the local government units, national agencies and institutions, non-government organizations or people's organizations operating in the protected area, or ICCs/IPs

and local communities living in or adjacent to the existing or proposed protected area;

- 5.23 Strict Protection Zone – pertains to the management zones of protected areas consisting of natural areas with high biodiversity value closed to all human activities except for scientific studies and/or ceremonial or religious use by the ICCs/IPs. It may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration;
- 5.24 Survey and Registration of Protected Area Occupants – refers to the process of detailed demographic study, assessment of socio-economic condition, and validation of proofs of occupancy of migrants living, cultivating and dependent on the resources of the protected area for the purpose of coming up with a list of protected area occupants;
- 5.25 Sustainable Use – refers to the use of components of biological diversity in a way and rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations;
- 5.26 Strict nature reserve is an area possessing some outstanding ecosystem, features and species of flora and fauna of scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;
- 5.27 Tenured Migrant – refers to a protected area occupant who has been actually and continuously occupying portion of the protected area subject to the provisions of Rule 15 hereof.
- 5.28 Resource reserve is an extensive and relatively isolated and uninhabited area normally with difficult access designated as such to protect natural resources and biodiversity of the area for future use and prevent or contain development activities that could affect the resource pending the establishment of objectives which are based upon appropriate knowledge and planning;
- 5.29 Tenured migrant communities are communities within protected areas which have actually and continuously occupied such areas for five (5) years before the designation of the same as protected

areas in accordance with this Act and are solely dependent therein for subsistence; and

- 5.30 Wildlife sanctuary comprises an area which assures the natural conditions necessary to protect endemic, indigenous or migratory species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation;

Rule 6. *Establishment and Extent of the System.* - The establishment and operationalization of the NIPAS shall involve the following:

- 6.1 All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as identified virgin forests before the effectivity of the NIPAS Act are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations not inconsistent with the NIPAS Act;
- 6.2 All DENR records pertaining to said protected areas, including maps and legal descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) where the NIPAS areas are located;
- 6.3 The foregoing initial components shall be studied by the DENR for recommendation to the President or Congress for the purpose of establishment under the NIPAS or disestablishment;
- 6.4 Coastal conservation areas which are managed as fish refuges and sanctuaries pursuant to RA 8550 or the Fisheries Code and RA 7160 or the Local Government Code may be established as a protected area under the NIPAS following the requirements and procedures as specified in these Rules.

- 6.5 The unique biodiversity of the area shall be the main consideration in the determination of areas for inclusion in the NIPAS. These areas must be representatives of a particular bio-geographic zone and/or have one or more of the following characteristics:
- 6.5.1 naturalness of the area to sustain ecological processes and functions and to help in climate change adaptation and mitigation such as flood minimization, among others;
 - 6.5.2 abundance and diversity of species of flora and fauna;
 - 6.5.3 presence of threatened and/or endemic species; and/or
 - 6.5.4 presence of unique or outstanding geological features that support biodiversity.
- 6.6 The following activities shall be undertaken in the establishment of protected areas under the NIPAS (Annex B):
- 6.6.1 **Preparation and Compilation of Maps with Technical Description of Boundaries** – The Regional Office shall prepare and compile maps with technical descriptions of boundaries of all protected areas, including initial components or proposed additional areas under its administrative jurisdiction. The technical description of boundaries of each protected area including its buffer zone shall be based on actual ground survey and drawn on a map with a scale of 1:50,000 for areas more than five hundred (500) hectares and 1:20,000 for areas less than five hundred (500) hectares.
 - 6.6.2 **Public Notification** – The stakeholders shall be informed and properly notified of the proposed establishment of the protected area within their locality. The Regional Office shall notify the stakeholders either through publication in newspaper of general circulation (once in a national paper) radio, television or such other means as deemed necessary, at least thirty (30) days prior to the public hearing of the proposed establishment of the protected area.
 - 6.6.3 **Protected Area Suitability Assessment (PASA)** - The concerned Regional Office shall evaluate the suitability of each area for inclusion under the NIPAS following

the criteria and objectives under this Order and the existing guidelines and procedures set by the DENR. Initial components found suitable for establishment as protected areas shall be governed by the provisions of the Act. Those found unsuitable shall be recommended by the Secretary for disestablishment following the Rules under Section 7.

For those areas suitable for establishment under the NIPAS, the concerned Regional Office shall prepare a profile of the protected area which shall contain the results of the PASA and the socio-economic information.

6.6.4 Public Consultation – Stakeholders shall be regularly consulted during and after the conduct of the PASA, and the gathering of socio-economic information.

6.6.5 Preparation of Initial Protected Area Plan (IPAP) - Based on the results of the PASA and plans of the Local Government Units (LGUs) and other stakeholders, the Regional Office shall take the lead in the preparation of the IPAP. The IPAP shall contain the following:

- a. rationale for the establishment of the protected area;
- b. proposed boundaries including buffer zones, if any;
- c. an initial designation of the strict protection and multiple use zones specifying the purposes, strategies and allowable uses for each zone; and
- d. map indicating the location of the zones.

The IPAP shall serve as the basis for the planning and budgeting and management of the protected area until established through presidential proclamation or by law and a management plan is approved by the PAMB.

The Regional Development Council (RDC) shall be consulted in the preparation of the IPAP.

- 6.6.6 **Public Hearing** – Public hearings shall be conducted to inform the public and to serve as venue for addressing issues, concerns and suggestions to the proposed establishment of each protected area under the NIPAS. It shall be organized by the concerned DENR Field Offices.

Public hearings shall include the following:

- a. Notice - The DENR shall notify the public of the proposed establishment of the protected area under the NIPAS through any, or a combination, of the following means: i) publication in newspaper of general circulation (once in a national daily); ii) posting of notices in the municipal or barangay halls, and other conspicuous public places; or iii) such other means deemed necessary in the vicinity, thirty (30) days prior to the public hearing to ensure that all affected local government units, concerned national agencies, indigenous people, people's organizations, non-government organizations, and local communities are notified. The concerned DENR Field Offices shall make available the information and related documents to the public and shall endeavor as much as possible to make interpersonal communications or intensive information with the general public regarding the proposed establishment of the protected area.
- b. Program - The program of the public hearing must allocate sufficient time for the presentation, among others, of the following: i) objectives of the specific public hearing; ii) results of the PASA highlighting the rationale for the establishment of protected area; and iii) impacts of the establishment of the protected area on tenure, livelihood and activities of stakeholders, among others.
- c. Documentation - The following documents shall be prepared by the concerned DENR Field Office as a result of the public hearing and shall be submitted to the Secretary: i) copy of the notices of public hearing incorporating the

additional comments, if any; ii) minutes of the public hearing; iii) record of attendance; iv) photos or videos taken during the hearing, if available; and v) evidence of public hearing for the establishment, if there be any, through a statement signed by stakeholders.

The proceeding/results of the public hearing including the list of participants shall be made available to the public. The public may submit their written views on the proposed action within thirty (30) days after the date of hearing. The concerned DENR Field Office shall take necessary action on valid concerns as soon as possible.

- 6.6.7 Regional Review and Recommendation** – The Secretary shall create NIPAS Review Committees both at the National and Regional Offices to lead the review of proposed protected areas. The Regional NIPAS Review Committee (NRRC) shall be composed of the Regional Executive Director (RED) as Chairperson with the Regional Technical Directors of the Protected Areas, Wildlife and Coastal Zone Management Service (PAWCZMS), Forest Management Service (FMS) and Land Management Service (LMS), Regional Directors of Environmental Management Service and Mines and Geo-Sciences Service as members. The NRRC in consultation with other concerned government agencies and RDC shall review all documents pertaining to the proposed protected area. All documents/recommendations shall be endorsed by the RED to the Office of the Secretary.

The endorsement shall include: i) draft Presidential Proclamation designating the area as protected area; ii) statement summarizing the rationale for its establishment; iii) the basic management approach; iv) map with technical description of the proposed protected area and buffer zone including photographs or videos of the area; v) record of public hearings; vi) certificate of concurrence of other government agencies, and vii) other documents as may be required later during the national review.

- 6.6.8 **National Review and Recommendation** – The National NIPAS Review Committee (NNRC) shall be composed of the Undersecretary for Staff Bureaus as Chairperson with members as follows: Directors of the Protected Areas and Wildlife Bureau (PAWB), Forest Management Bureau (FMB), Land Management Bureau (LMB), Environmental Management Bureau (EMB), and Mines and Geo-Sciences Bureau (MGB), Administrator of National Mapping and Resource Information Authority (NAMRIA), Director of Policy and Planning Studies Office (PPSO), and the Assistant Secretary for Legal Service.

The NNRC shall review the recommendations of the Regional NIPAS Review Committee and may request the comments and recommendations of other concerned national agencies and institutions on the proposed protected area, if so warranted. The NNRC shall make a final review of all the documents pertaining to the proposed protected area and shall submit its recommendation to the Office of the Secretary. Thereafter, the DENR shall recommend to the Office of the President the approval of the establishment of the protected area under the System.

- 6.6.9 **Presidential Proclamation** – Upon receipt of the DENR recommendation and supporting documents, the President shall make a decision whether an area will be proclaimed as protected area pursuant to the provisions of the NIPAS Act.

- 6.6.10 **Congressional Action** – All protected areas and buffer zones proclaimed by the President pursuant to the NIPAS Act shall be endorsed to Congress for legislative enactment. Protected areas enacted by Congress shall fall under the classification of National Parks pursuant to the Philippine Constitution.

- 6.7 Upon enactment of the law establishing the protected area, its boundaries shall be delineated and demarcated on the ground with concrete monuments or other prominent physical landmarks or features. Index of station numbers shall be engraved on the monuments or markers to serve as reference. Appropriate markers shall be used where the boundary of the protected area is on water.

- 6.8 In the establishment of protected areas, the ICCs/IPs shall not be deprived of their recognized claims and rights to the area as ancestral domain or ancestral land as defined under the IPRA.
- 6.9 When a protected area or a proposed additional area is claimed as ancestral domain or ancestral land as defined under the IPRA, the DENR shall coordinate with the National Commission on Indigenous Peoples (NCIP) to ensure that the claimant ICC/IP take a direct and active part in the conduct of the resource profile and preparation of the IPAP.

Rule 7. *Additional Areas to be integrated to the NIPAS.* - Notwithstanding the establishment of the initial components of the System, the Secretary shall propose the inclusion in the System of additional areas with outstanding physical features, anthropological significance and biological diversity.

- 7.1 In cases where additional areas have been identified by the DENR and indorsed to the President, the processing of applications for lease/license/permit of any project/activity therein shall be held in abeyance, except for projects that are compatible with the objectives of the NIPAS.
- 7.2 In the establishment of such additional areas, the procedure for establishment of initial components shall be followed. The identification of such additional areas shall be based on scientific studies and consultation with stakeholders.
- 7.3 The establishment of additional protected areas shall not impair or prejudice prior and subsisting private rights arising from, or as a consequence of, land use instruments issued by the DENR over portions thereof subject to the exercise of the power of eminent domain to make the protected area whole should it become necessary.

Rule 8. *Disestablishment as Protected Area.* - When in the opinion of the DENR a certain protected area should be withdrawn or disestablished, or its boundaries modified as warranted by a study and sanctioned by the majority of the members of the Management Board for the protected area as established in Section 11 of the NIPAS Act and these Rules, it shall, in turn, advise Congress. Disestablishment of a protected area under the System or modification of its boundary shall take effect pursuant to an act of Congress. Thereafter, said area shall revert to the category of public forest unless otherwise classified by Congress. Provided, however, that after disestablishment by Congress, the Secretary may recommend the transfer of such disestablished area to other government agencies to serve other priority programs of national interest.

- 8.1 Initial components which will not qualify as a protected area following the Rules hereof shall be disestablished from the NIPAS (Annex C).
- 8.2 Protected areas for disestablishment shall be supported by the results of the suitability assessment, public notification and hearings.
- 8.3 The DENR, with the expressed support of a majority of the members of the PAMB if so organized, or after consultation with the stakeholders if a PAMB has not been organized, shall recommend to the President the disestablishment of a protected area. The DENR Secretary shall then submit the recommendation together with relevant supporting documents to Congress through the Office of the President.
- 8.4 Protected areas disestablished shall revert to the category of forest or timberland unless otherwise classified by Congress.

Rule 9. *Establishment and Management of Buffer Zones.* - For each protected area, there shall be established peripheral buffer zones when necessary, in the same manner as Congress establishes the protected area, to protect the same from activities that will directly and indirectly harm it. Such buffer zones may include public or private lands. Prescriptions for the management of buffer zones shall be included as component of the individual protected area management plan. The DENR shall exercise the same authority over buffer zones in the same manner as protected areas.

- 9.1 Buffer zones shall be established whenever the ecological integrity of the protected area (initial component or additional area) based on the PASA and socio-economic studies, is threatened by circumstances such as, but not limited to, the presence of actual and potential sources of pollution; invasive species; or encroachment of adjacent communities. Other considerations may include, among others, the presence of natural and semi-natural corridors for faunal movements and/or interchange of species.
- 9.2 Any or a combination of the following criteria may be used in the identification and establishment of buffer zone:
 - 9.2.1 Ecological Criteria – refer to the capability of the site to serve as an additional layer of protection by providing extension of habitats or corridors for wildlife and other ecological services.

9.2.2 Economic criteria - refer to the capacity of the site to provide gainful employment and sustainable alternative sources of livelihood for local communities, to deflect pressure away from the protected area.

9.2.3 Social criteria - refer to the capacity of the site to provide a social fence against the threat of encroachment by communities residing near or adjacent the protected area.

The establishment of buffer zone as social fence entails interventions such as social preparation, community organizing and empowerment to ensure its effectiveness without prejudice to the exercise of police power if necessary.

9.3 The PAMB shall exercise management authority over the buffer zones on behalf of the DENR. It shall initiate and ensure participatory management in the buffer zone together with the LGUs, other government agencies, NGOs, POs and other concerned stakeholders.

9.4 The management strategy for the buffer zone shall be an integral part of the management of the protected area. It shall be developed by the PAMB together with the concerned community and other stakeholders following the procedures set hereof. It shall be likewise consistent with the management objectives of the respective protected area and an essential component of the Management Plan.

9.5 Rights over private lands within the established buffer zones shall be recognized and respected in a manner consistent with the Management Plan.

Rule 10. Management Plans. - There shall be a general management planning strategy to serve as guide in formulating individual plans for each protected area. The management planning strategy shall, at the minimum, promote the adoption and implementation of innovative management techniques including, if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, biodiversity management, community organizing, socio-economic and scientific researches, site-specific policy development, pest management, and fire control, among others. The management planning strategy shall also provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and for close coordination between and among local government units, other government agencies as well as the private sector.

Each component area of the System shall be planned and administered to further protect and enhance the permanent preservation of its natural conditions. A management manual shall be formulated and developed which must contain the following: an individual management plan, basic background information, field inventory of the resources within the area, an assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area, and a design of the management programs.

10.1 A General Management Planning Strategy (GMPS) shall be prepared by PAWB to serve as guide for the system-wide management of the NIPAS. The GMPS shall standardize the management planning process for protected areas to ensure: i) that management techniques provided in these Rules are adopted; ii) that national as well as international protected area management standards are met; iii) that there is continuity of planning efforts; and iv) that management decisions are made with inter-disciplinary inputs and participation of all stakeholders.

10.2 In the preparation of the Management Plan of protected area, the following considerations shall be observed:

10.2.1 Methodologies such as stakeholders' analysis, perception survey, participatory resources assessment, and community mapping, among others, should be incorporated into the planning process not only to generate the optimum community inputs into the Management Plan but also to promote ownership of the plan by the local communities. Prior to the submission to the Secretary, the Management Plan shall be presented to the stakeholders through public consultations. The issues and concerns raised during the public consultations shall be addressed in the Management Plan. The documentary evidence of the public consultations shall be submitted to the Secretary through the PAWB by the Regional Executive Director and shall form part of the annexes of the Management Manual.

The detailed planning process to be followed in the preparation of the management plan for protected areas is shown in Annex D.

10.2.2 The planning process need not be strictly sequential. Simultaneous activities may be undertaken without defeating the objectives of the planning process. The planning process shall be consultative, iterative and interactive particularly in the decision-making.

- 10.2.3 Each protected area shall have a Management Plan prepared by inter-disciplinary team of experts led by the DENR Regional Office following the procedures as specified under these Rules. The Regional Executive Director shall create and convene a Regional team composed of persons knowledgeable in socio-economic planning, land-sea use planning, ecology and protected area management and/or related fields of discipline that will provide technical assistance in the preparation of the PA management plan and information management system.
- 10.3 Each protected area shall be divided into two management zones: strict protection zone and multiple use zone consistent with its designated category.
- 10.3.1 Strict Protection Zone (SPZ) shall comprise natural areas with high biodiversity value, closed to all human activities except for scientific studies and/or ceremonial or religious use by the ICCs/IPs. It may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.
- 10.3.2 Multiple Use Zone (MUZ) shall comprise areas where the following may be allowed consistent with the protected area management plan: settlement, traditional and/or sustainable land-use, including agriculture, agro-forestry, and other income generating or livelihood activities. It shall also include, among others, areas of high recreational tourism, educational or environmental awareness values and areas consisting of existing installations of national significance/interest such as development of renewable energy sources, telecommunication facilities and electric power lines.
- 10.4 The management zones shall be demarcated using, as much as possible, natural markers such as rivers, creeks, ridges and the like. The geographical points of the natural markers shall be verified and plotted using the Global Positioning System technology.
- All designated management zones prior to the effectivity of this Order shall be recognized. Provided, however, that in the subsequent iteration of the Management Plan, the same shall form part of the MUZ as defined in this Order.

10.5 Stakeholders such as tenured migrants, local government units, NGOs, POs, local communities, ICCs/IPs and other government agencies shall be part of the participatory decision making process in the establishment and planning of the management zones. Management objectives and strategies shall be developed for each zone and specific approaches and technologies shall be identified and implemented. Provided, that the zoning of a protected area and management prescriptions within those zones shall not restrict the rights of ICCs/IPs to pursue traditional and sustainable means of livelihood within their ancestral domain/land.

10.6 The Management Plan shall be prepared and approved by the PAMB within three (3) years after the issuance of Presidential Proclamation establishing the protected area.

The Management Plan shall have the following minimum contents:

10.6.1 Description of the protected area;

10.6.2 Situational analysis including key management issues and concerns;

10.6.3 Goals and objectives;

10.6.4 Management strategies/interventions;

10.6.5 Description of management zones as well as major activities allowed/prohibited therein;

10.6.6 5-year work and financial plan for the implementation of the Management Plan; and

10.6.7 Monitoring and evaluation

10.7 The annual work and financial plan of the protected area shall be prepared upon the direction of the PAMB based on the Management Plan following the annual national government budgetary cycle. Provided, that the RED shall facilitate the preparation of plans and programs in the management of the particular protected area.

10.8 The PAMB shall ensure that the Management Plan is integrated into the comprehensive land-sea use plans of the LGUs including the complementation of activities. The PAMB shall likewise ensure the harmonization of the Management Plan and the ancestral domain plans of ICCs/IPs.

- 10.9 The Management Plan shall be approved by the majority of the PAMB and endorsed to the Secretary through PAWB. The Management Plan is deemed accepted unless formal written disapproval from the Secretary is received by the PAMB on the ground of inconsistency with existing laws and related rules and regulations.
- 10.10 The PAMB shall review and update the Management Plan at least every five (5) years. Any modification or revision of the Management Plan shall follow the requirements set in these Rules. Provided, that the revised Management Plan shall be approved and endorsed in accordance with Rule 10.9.

Rule 11. *Administration and Management of the NIPAS.* - The NIPAS is hereby placed under the control and administration of the Department of Environment and Natural Resources.

- 11.1 The DENR Secretary shall have the over-all administration and control over the NIPAS. To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform any and all of the following acts:
- 11.1.1 In consultation with the concerned LGU, to adopt and enforce an environmental plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the protected areas;
 - 11.1.2 To cause the preparation of and exercise the power to review all plans and proposals for the management of protected areas;
 - 11.1.3 To conduct studies in various characteristic features and conditions of the different protected areas, using commonalities in their characteristics, classify and define them into categories and prescribe permissible or prohibited human activities in each category in the System;
 - 11.1.4 To promulgate rules and regulations necessary to carry out the provisions of the NIPAS Act;

- 11.1.5 To deputize field officers and delegate any of his powers under the NIPAS Act and other laws to expedite its implementation and enforcement;
- 11.1.6 To fix and prescribe reasonable NIPAS fees to be collected from government agencies or any person, firm or corporation deriving benefits from the protected areas;
- 11.1.7 To exact administrative fees and fines for violation of Section 21 of the NIPAS Act and other related guidelines, rules and regulations on protected areas and biodiversity conservation;
- 11.1.8 To enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purposes of the NIPAS Act;
- 11.1.9 To accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursements or other property in the interest of the NIPAS, its activities or its services;
- 11.1.10 To call on any agency or instrumentality of the Government as well as academic institutions, non-government organizations and the private sector as may be necessary to accomplish the objectives and activities of the System;
- 11.1.11 To provide updates to Congress and Office of the President on the status of protected areas in the country;
- 11.1.12 To establish a uniform marker for the System, including an appropriate and distinctive symbol for each category in the System, in consultation with appropriate government agencies and public and private organizations;
- 11.1.13 To determine the specification of the class, type and style of buildings and other structures to be constructed in protected areas and the materials to be used;
- 11.1.14 To control the construction, operation and maintenance of roads, trails, water works, sewerage, fire protection

and sanitation systems and other public utilities within the protected area;

- 11.1.15 To control occupancy of suitable portions of the protected area and resettle outside of said area the occupants therein, with the exception of the members of the indigenous communities area; and
 - 11.1.16 To perform such other functions as may be directed by the President of the Philippines, and to do such acts as may be necessary or incidental to the accomplishment of the purpose and objectives of the System.
- 11.2 The respective PAMB shall be responsible for the site specific management of protected areas. The PASu shall execute the plans and programs of the protected area as approved by the PAMB
 - 11.3 The PAWB shall serve as the lead bureau of the DENR for the system-wide planning, coordination, policy development, monitoring and evaluation, and technical assistance on protected area programs and projects.
 - 11.4 The PAWB in coordination with Public Affairs Office (PAO) shall develop and implement an information, education and communications program within three (3) months upon approval of this Order to inform the general public of the NIPAS, its significance, goals and objectives. Such program shall be utilized as means for the public consultations and hearings to be initiated by the DENR for the establishment and management of the NIPAS as well as soliciting support for the protection of said areas.
 - 11.5 The RED and the Regional Technical Director (RTD) for Protected Areas, Wildlife and Coastal Zone Management Service shall provide technical guidance in the management of the protected areas under its administrative jurisdiction. The RED shall ensure that the functional authorities among the PASu, the Community Environment and Natural Resources Officer (CENRO) and the Provincial Environment and Natural Resources Officer (PENRO) are harmonized to effectively carry out the mandate of the NIPAS Act.
 - 11.6 The RED, as Chairperson of the PAMB, shall preside during PAMB meetings. In his/her absence during meetings, the members by highest number of votes of those in attendance, shall choose from among themselves a presiding officer. The RED may invite

other DENR officers to attend the meetings of the Management Board as resource persons.

- 11.7 The Protected Area Superintendent (PASu) shall be designated/appointed by the RED upon PAMB recommendation from among a short list of qualified candidates.

Where the protected area encompasses substantially or whole of the jurisdiction of the CENRO or PENRO, the CENR Officer or PENR Officer may be designated as the concurrent PASu.

In cases where the protected area straddles more than one province, the PENRO of the province covering a larger portion of the protected area may be designated as the PASu. He/she shall coordinate with the other PENROs for the implementation of the management and development programs and activities of the protected area and shall be directly responsible to the RED.

The PASu shall be primarily accountable to the PAMB and the DENR for the implementation of the Management Plan and operations of the protected area. He/she shall have the following specific duties and responsibilities:

- 11.7.1 Enforce rules and regulations to protect the area from trespassing, damage, vandalism and illegal occupancy. In cases of seizure, he/she shall assume custody of the apprehended items.

The disposition of confiscated items shall be subject to the clearance from the PAMB except those items that are held under *custodia legis*, those that are the subject of donation, those that must be deposited with appropriate government agency, and those that will be utilized for the DENR's own needs in accordance with the existing related rules and regulations;

- 11.7.2 Issue permits for the use of facilities and amenities except for those considered as special uses as defined under this Order;

- 11.7.3 Issue certification whether the proposed activity/project is allowable or not within the management zones;

- 11.7.4 Issue cutting permit for planted trees for a volume of up to five (5) cubic meters per applicant per year for traditional and subsistence uses by ICCs/IPs and

tenured migrants only. Provided, that PACBRMA holders with affirmed Community Resource Management Plan (CRMP) 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.

- 11.7.5 Issue Certificate of Origin and/or transport permits for natural resources and other products collected/gathered from the protected area in accordance with the resource use instruments/agreements or gratuitous permits issued by the PAMB and/or the DENR;
 - 11.7.6 Submit quarterly progress reports to the PAMB;
 - 11.7.7 Serve as Head Secretariat to the PAMB and its Executive Committee;
 - 11.7.8 Collect and/or receive pertinent fees, charges, donations and other income for the protected area. Provided, that such fees, charges, donations and other income collected/received shall be reported regularly to the PAMB in accordance with the existing guidelines;
 - 11.7.9 Prepare and recommend to the PAMB approval of the annual work and financial plans of the protected area based on the IPAP or the Management Plan;
 - 11.7.10 Develop management information system to ensure that relevant and updated information are available for planning, monitoring and decision-making; and
 - 11.7.11 Perform other relevant functions that the RED or PAMB may delegate.
- 11.8 The PASu shall, whenever practicable, be assisted by technical and support staff to perform the day to day management, protection and administration of the protected area. The PASu may delegate the authority provided herein to his/her staff.

Whenever applicable, the site level staff shall be recruited from residents living within or in the immediate vicinity of the protected area.

Rule 12. *Protected Area Management Board.* - A PAMB for each of the established protected area under the NIPAS shall be created. For initial components of the NIPAS, the PAMB shall be created once the area has been determined to be suitable for inclusion to the System. For additional sites, the PAMB shall be created after the issuance of Presidential Proclamation establishing the area under the NIPAS.

12.1 The functions of the PAMB shall be as follows:

- 12.1.1 Approve policies, guidelines, plans and programs, proposals, agreements and other related documents including the Manual of Operations for the management of the protected area;
- 12.1.2 Facilitate the ground delineation and demarcation of the boundaries of the protected area and buffer zone;
- 12.1.3 Ensure that the Management Plan of protected area and the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) are harmonized;
- 12.1.4 Ensure the implementation of programs as prescribed in the Management Plan of protected area;
- 12.1.5 Monitor and evaluate the progress in the implementation of the Management Plan including the harmonized plans with ADSDPP;
- 12.1.6 Monitor and assess the performance of the PASu and other protected area personnel and compliance of partners to the terms and conditions of any undertaking, contract or agreement;
- 12.1.7 Resolve conflicts or disputes among tenured migrant communities, between tenured migrant communities and ICCs/IPs but excluding conflicts or disputes exclusively among ICCs/IPs; and
- 12.1.8 Recommend fees and other charges to the Secretary for the use of the protected area; and

12.2 The composition of the PAMB shall be made final upon the enactment of the law placing the protected area under the NIPAS. The PAMB shall be composed of the following:

- 12.2.1 The RED as Chairperson and advisor on matters related to the management of the protected area.

In cases where the protected area straddles more than one region, the RED of the region covering the larger portion of the protected area may be designated as the Chairperson of the Management Board. He/she shall coordinate with the other RED(s) for the implementation of the management and development programs and activities of the protected area.

- 12.2.2 One representative of the Autonomous Regional Government, if applicable;
- 12.2.3 The Provincial Planning and Development Coordinator from each province with territory within the protected area;
- 12.2.4 One representative from each of the Municipality covering the protected area;
- 12.2.5 One representative from each of the Barangay covering the protected area;
- 12.2.6 One representative from each tribal community within the protected area as certified and endorsed by the NCIP, if applicable;
- 12.2.7 At least three (3) but not more than five (5) representatives from local NGOs and community organizations, including people's organizations, church or civic organizations and the academe; and
- 12.2.8 One representative each, if necessary, from other departments or national government agencies involved in the protected area.

- 12.3 The Secretary shall appoint the members of the PAMB. The RED and the Provincial Planning and Development Coordinator(s) shall serve ex-officio members of the PAMB.

For PAMB representatives other than the Mayors and Punong Barangays, their appointment as such shall be supported by a Sanggunian Resolution.

ICCs/IPs within the protected area shall nominate its representatives to the PAMB following their customary laws and practices. Such nomination shall be validated and confirmed by the NCIP.

Representatives of NGOs and POs shall be endorsed by their respective heads of the organizations. Should there be NGO/PO consortia in the area, each consortium shall be entitled to one (1) representative to the Management Board. Provided, that the total NGO/PO representation to the Management Board shall not exceed twenty-five per cent (25%) of the total membership of the PAMB. Provided, further, that the qualified NGOs/POs shall choose among themselves the organizations who would sit in the PAMB. Hence, NGO/PO consortium members shall no longer be eligible for representation to the PAMB.

Such NGO, PO and/or consortia must be: i) known to be with interest, integrity and commitment to the conservation of natural resources; and ii) locally-based and legally existing continuously for at least three (3) years prior to the proposed appointment to the PAMB.

- 12.4 The members of PAMB shall serve for a term of five (5) years without compensation, except for actual and necessary traveling and subsistence expenses incurred in the performance of their duties. Provided, that whenever a vacancy occurs during the term of a member, a new member shall be appointed in the same manner as the original appointment in order to complete the unfinished term of the said vacancy.

In case of elective officials, the term of office as Management Board member shall be co-terminus with his/her position. Provided, that the incoming elective official may opt to allow continuity of representation by the previous elective official through a Sanggunian Resolution which shall be communicated officially to the PAMB.

- 12.5 The PAMB En-banc may create an Executive Committee and other committees to effectively carry out its functions.

The Executive Committee shall be composed of the following:

- 12.5.1 Regional Executive Director as the Chairperson;
- 12.5.2 One (1) representative from the Autonomous Regional Government, if applicable;

12.5.3 At least one (1) representative from the Provincial and Municipal Governments;

12.5.4 One (1) representative from NGOs/POs; and

12.5.5 At most three (3) representatives from IPs.

The Management Board may call on representatives from other government agencies concerned.

The Management Board shall determine the authorities to be delegated to the Executive Committee.

The PAMB may likewise create other committees as may be necessary to effectively implement the Management Plan and the functions of the PAMB.

12.6 The PAMB en-banc shall meet at least twice a year.

12.7 The notices of meetings of the PAMB and Executive Committee as well as the proceedings of such meetings shall be prepared by the PASu as Secretariat of the PAMB.

The PAWB shall be provided with a report of the highlights of the meetings within seven (7) days after each meeting for purposes of monitoring and providing advice and policy directions on protected area management.

12.8 A member of the Management Board may be removed for any of the following grounds:

12.8.1 More than three (3) consecutive unexcused absences during regularly scheduled meetings of the Management Board;

12.8.2 Commission of acts prejudicial to the management of protected areas as embodied in Section 20 of the NIPAS Act or other existing rules and regulations governing protected areas;

12.8.3 Disassociation from the office or organization being represented;

12.8.4 Dissolution of the office or organization being represented; and

12.8.5 Conviction by final judgment of any criminal act.

12.9 The PAMB shall formulate specific policy on disciplinary measures for habitual absentee ex-officio members.

12.10 The PAMB shall promulgate internal rules governing the resolution of any dispute or claim filed before them. All decisions of the PAMB may be appealed to the DENR Secretary. Provided, that the Secretary can reverse or modify a decision of the PAMB only on the grounds that the same violates existing laws, rules and regulations or is contrary to the Management Plan.

Rule 13. *Environmental Impact Assessment.* - Considering that protected areas are Environmentally Critical Areas (ECA), the proponent of development projects and activities with potential environmental damage as determined by Environmental Management Bureau, whether or not included in the Management Plan, shall secure an Environmental Compliance Certificate (ECC) in accordance with the Philippine Environment Impact Statement (EIS) System. Provided, that for development project and activity within the Management Plan, an Initial Environmental Examination (IEE) can be undertaken instead of a full-blown Environmental Impact Assessment (EIA).

13.1 The proponent of development project and activity shall secure prior clearance from the PAMB before undertaking or implementing the activity and before the issuance of an ECC.

13.2 Violations of environmental laws, rules and regulations, including those under the EIA System, shall be penalized accordingly.

Rule 14. *Ancestral Lands and the Rights of ICCs/IPs.* - The DENR in collaboration with the PAMB shall assist the NCIP in the identification, delineation and recognition of the claims of ICCs/IPs to their ancestral domain/land within protected areas following the provisions of RA 8371 or the IPRA.

14.1 In the establishment of protected areas, the DENR shall ensure the full participation of the concerned ICCs/IPs in accordance with NIPAS Act and the IPRA.

The ancestral domain within a protected area shall be managed in accordance with a plan harmonized with the Protected Area Management Plan. Unless the ICC/IP submits a written notice of its intent to manage the protected area, the DENR and PAMB shall manage the protected area. In any case, the ICC/IP shall enjoy full and effective assistance of the concerned PAMB.

The customary rights and traditional practices of ICCs/IPs shall be recognized and respected.

- 14.2 Interested ICCs/IPs may participate in the community-based program in protected areas following the procedure in Annex E.

Rule 15. *Tenured Migrants.* - A survey and registration of occupants of the initial components and proposed additional areas for inclusion to the NIPAS shall be undertaken for management planning and issuance of tenurial instruments to qualified occupants. The survey shall include a detailed demographic study, assessment of socio-economic conditions and validation of proofs of occupancy. The Secretary, by subsequent regulations, shall establish the procedures for the conduct of the survey and registration of occupants of protected areas.

- 15.1 The household head shall be considered a tenured migrant if proven to have actually and continuously occupied a portion of the protected area for five (5) years before its designation as protected area and solely dependent therein for subsistence. Solely dependent for subsistence is when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from the utilization of resources from the protected area.

- 15.2 A Certificate of Recognition shall be issued to those who qualify as tenured migrants based on the Rules provided hereof. The reckoning period of five (5) years to qualify as tenured migrant shall be:

- 15.2.1 For initial components of the NIPAS, August 5, 1987 or five (5) years prior to the effectivity date of the NIPAS Act.

In case the initial component is expanded, the reckoning date for recognition of tenured migrants shall be five (5) years prior to the recent proclamation.

- 15.2.2 For additional areas of the NIPAS, five (5) years prior to the Presidential Proclamation or Congressional enactment establishing the protected area, whichever is earlier.

In case of expanded additional areas, the reckoning date for recognition of tenured migrants shall be five (5) years prior to the original proclamation.

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

15.3.1 Planted trees;

15.3.2 Inventory report of forest occupants of concerned government agencies, if available; and

15.3.3 Other relevant documents to prove occupancy.

- 15.4 The DENR, upon the recommendation of the PAMB shall enter into Protected Area Community-based Resource Management Agreement (PACBRMA) with the tenured migrant communities of protected areas.

The DENR shall endeavor to integrate individual tenured migrants into communities.

Within one (1) year from the issuance of the PACBRMA, tenure holders shall be required to prepare a Community Resource Management Plan (CRMP) based on the procedure herein provided (Annex F). Failure to implement the CRMP shall serve as basis for the cancellation of the agreement.

In the event of cancellation of PACBRMA for cause or by voluntary surrender of rights, the PAMB shall take immediate steps to rehabilitate the area.

For cancellation of PACBRMA for reasons of public interest as determined by the DENR Secretary, the affected tenured migrants shall be accorded just compensation based on the fair market value of the improvements and shall be granted the right to a substitute site.

- 15.5 Tenured migrants communities located within the Strict Protection Zone shall be resettled to the Multiple Use Zone or Buffer Zone. Protected area occupants who do not qualify as tenured migrants shall be resettled outside the protected area. The PAMB in coordination with the LGU concerned shall implement a definite schedule for resettling them outside the protected area.

Rule 16. *Survey for Energy Resources.* - Consistent with the policies declared in Section 2 of the NIPAS Act, protected areas, except strict nature reserves and

natural parks, may be subjected to exploration only for the purpose of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. Any exploitation and utilization of energy resources found within NIPAS areas shall be allowed only through a law passed by Congress.

- 16.1 Exploration for utilization of energy resources shall not be allowed in Strict Nature Reserve and Natural Park categories. In accordance with the management objectives for strict protection zones as designated in other categories of protected areas, exploration of energy resources shall likewise be prohibited.
- 16.2 Survey of non-renewable energy resources within protected areas shall be allowed only as part of the resource profiling of the protected area as provided under Rule 6.
- 16.3 The exploitation and utilization of non-renewable energy resources found within protected areas except Strict Nature Reserves and Natural Parks shall be allowed only through a law passed by Congress.
- 16.4 The development, utilization and operations of non-extractive renewable energy sources such as wind, solar, or tidal energy, and not more than three (3) megawatts capacity for mini-hydro power, shall be allowed in protected areas other than Strict Nature Reserves and Natural Parks through the issuance of appropriate instruments in accordance with existing laws and regulations. Provided, that these renewable energy projects are outside the strict protection zones, reduced impact technologies shall be adopted and the operation of such shall be in accordance with the EIS System.

Rule 17. Areas Under the Management of Other Departments and Government Instrumentalities. – The DENR shall retain jurisdiction over all protected areas in accordance with Executive Orders No. 192 and 292. The DENR has management and administration over NIPAS except those placed under the management and administration of other agencies pursuant to specific laws or presidential issuances. Provided, That the department or government instrumentality exercising management and administration over said protected area or a portion thereof shall coordinate with the DENR in the preparation of its management plans.

The DENR may enter into an agreement with the concerned government agency for the management of the protected area specifically for activities such as the

creation of a management body, preparation of the management plan, and other related activities.

Rule 18. *Integrated Protected Areas Fund.* - There is hereby established a trust fund to be known as Integrated Protected Areas (IPAS) Fund for purposes of financing projects of the NIPAS. The DENR may solicit and receive donations, endowments, and grants in the form of contributions, and such endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the Government or any political subdivision or instrumentality thereof. All incomes generated from the operation of the NIPAS and its component protected areas shall accrue to the Fund and may be utilized directly by the DENR for the above-mentioned purposes.

- 18.1 The income for the IPAF shall be derived from:
 - 18.1.1 Fees from the permitted sale and export of flora and fauna and other resources derived from protected areas;
 - 18.1.2 Proceeds from lease of multiple-use zones;
 - 18.1.3 Contributions from industries and facilities directly benefiting from the protected area; and
 - 18.1.4 Such other fees and incomes derived from the operation of the protected area.
- 18.2 Disbursements from the Fund shall be made solely for the protection, maintenance, administration, and management of the System, and duly approved projects endorsed by the PAMBs, in the amounts authorized by the DENR.
- 18.3 The PAMB in coordination with other government agencies concerned shall recommend to the Secretary reasonable fees to be collected from government agencies or any person, firm or corporation deriving benefits from the protected areas.
- 18.4 All revenues generated by the protected areas shall be deposited as trust account to be maintained by the DENR in any authorized government depository bank. The Fund shall be set up to operate both Central IPAF at the national level and the Protected Area Sub-Fund at the site level.
- 18.5 All contributions, endowments, donations and grants to a specific protected area shall accrue solely to the concerned Protected Area Sub-Fund through the RED.

- 18.6 The PAMB shall monitor the collection, accounting and deposit of income into the Protected Area Sub-Fund.
- 18.7 Upon the recommendation of the PAMB and subject to existing accounting and auditing rules and regulations, the RED shall designate a Special Collecting Officer (SCO) whose main responsibilities are to collect all revenues and donations to the protected area and to submit a monthly accounting report to the PAMB.
- 18.8 The DENR Regional/Provincial Accountant nearest to the concerned protected area shall maintain the book of accounts. Reports of collection and deposit and copy of the deposit slips shall be submitted to PAWB for information and monitoring.
- 18.9 The use and disbursement of the IPAF shall be guided by the following:

18.9.1 Central IPAF

- a. Upon the recommendation of the PAWB Director, the DENR Secretary shall decide on the fund allocation from the Central IPAF in accordance with its allocation criteria.
- b. Request for funding assistance from the Central IPAF shall be supported by the following minimum requirements:
 - i. Duly approved Work and Financial Plan (WFP) for the proposed project or activity by the PAMB Chairperson;
 - ii. Project Proposal with justification for the request;
 - iii. PAMB Resolution approving the Project Proposal and Work and Financial Plan (WFP); and
 - iv. Accomplishment Report of those with previous request.

The above-mentioned requirements shall be submitted by the PAMB through proper channels to

the RED who shall endorse the same to PAWB for evaluation and appropriate action.

The detailed process for the utilization of the Central IPAF is in Annex G.

18.9.2 Protected Area Sub-Fund

- a. The Protected Area Sub-Fund can be availed by the concerned protected area upon submission of the following to the RED:
 - i. Duly approved WFP;
 - ii. Project Proposal including the detailed breakdown of expenditures;
 - iii. PAMB Resolution approving the project proposal and WFP; and
 - iv. Accomplishment Report of those with previous request.
- b. All documents mentioned above shall be forwarded to the concerned PENRO.
- c. The concerned Accountant shall prepare an updated trial balance of the agency supported by copies of the bank deposits from the authorized government depository bank and submit the documents to the RED for approval through endorsement of the PENRO.
- d. No disbursement shall be processed without submission of all the required documents.
- e. A copy of the approved WFP with the above-mentioned requirements shall be forwarded to PAWB for information, review and monitoring.
- f. Reports of actual disbursement of funds shall be submitted to PAWB on monthly basis for information, consolidation and monitoring purposes.

The detailed process for the utilization of Protected Area Sub-Fund is shown in Annex H.

18.10 Pursuant to COA Circular Letter No. 2003-005 dated 21 November 2003, the following shall be the procedure for the collection, deposit and utilization of contributions, endowments, donations and grants for protected areas:

18.10.1 The DENR Secretary or the PAWB Director or the RED as Chairperson of the PAMB may receive donations, endowments, contributions and grants for specific purpose/intent of the protected area. Provided, that such contributions, endowments, donations and grants shall be deposited in a trust account in the name of the protected area with authorized government depository bank.

18.10.2 All contributions, grants and donations shall be properly covered by Deeds of Donation.

18.10.3 For contributions, endowments, donations and grants for the NIPAS, a WFP shall be prepared in accordance with the Deeds of Donation. For contributions, endowments, donations, and grants for specific protected area, a WFP shall be prepared in accordance with the Deeds of Donation for the approval of the PAMB. The WFP shall be the basis for the disbursement of such funds.

Rule 19. *Field Officers.* - All officials, technical personnel and forest guards or park rangers employed in the protected areas or all persons deputized by the DENR, upon recommendation of the Management Board shall be considered as field officers. Such field officers shall have the authority to investigate and search premises and buildings and make arrests in accordance with the rules on criminal procedure for the violation of laws and regulations relating to protected areas. Persons arrested shall be brought to the nearest police precinct for investigation and filing of appropriate charges.

Nothing herein mentioned shall be construed as preventing regular law enforcers and police officers from arresting any persons in the act of violating the laws and regulations related to protected areas and biodiversity conservation.

Rule 20. *Special Prosecutors.* - The Department of Justice shall designate special prosecutors to prosecute violation of laws, rules and regulations in protected areas.

Rule 21. *Prohibited Acts.* - Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

- 21.1 Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived from the protected areas without a permit from the Management Board;
- 21.2 Dumping of any waste products detrimental to the protected area, or to the plants and animals or inhabitants therein;
- 21.3 Use of any motorized equipment without as permit from the Management Board;
- 21.4 Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value);
- 21.5 Damaging and leaving roads and trails in a damaged condition;
- 21.6 Squatting or otherwise occupying any land;
- 21.7 Mineral locating within protected areas;
- 21.8 Constructing and maintaining any kind of structure, fence or enclosures, conducting any business enterprise without permit;
- 21.9 Leaving in an exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and
- 21.10 Altering, removing, destroying or defacing boundary mark or signs.

Rule 22. *Penalties.* - Whoever violates the NIPAS Act or any rules and regulations issued by the Department pursuant to the NIPAS Act or whoever is found guilty by a competent court of justice of any of the offenses provided in the NIPAS Act and this Order shall be fined in the amount of not less than Five thousand pesos (P5,000) nor more than Five hundred thousand pesos (P500,000), exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court: Provided, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damaged areas. Provided, further, that the court shall order the eviction of the offender from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an

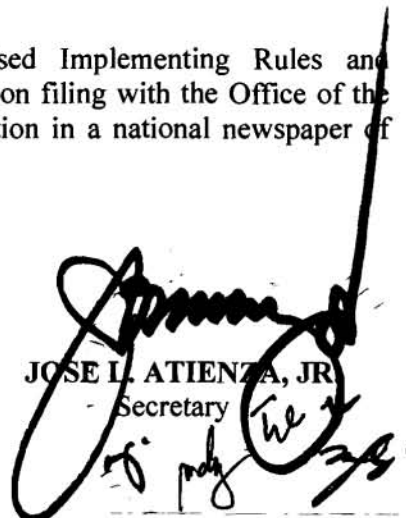


association or a corporation, the president or manager shall be directly responsible for the act of his employees and laborers. Provided, finally, that administrative fines and penalties may be imposed upon the recommendation of the PAWB in consultation with the concerned PAMBs and the DENR Regional Offices.

The above penalties shall be imposed without prejudice to the application of other existing laws, rules and regulations.

Rule 23. *Separability Clause.* - If any part of this Order is inconsistent with any provisions of other laws, its implementation shall be deferred until such time that such laws are amended.

Rule 24. *Repealing Clause.* - All issuances inconsistent with this Order are hereby deemed repealed.

Rule 25. *Effectivity Clause.* - These Revised Implementing Rules and Regulations shall take effect fifteen (15) days upon filing with the Office of the National Administrative Register and/or publication in a national newspaper of general circulation.


JOSE L. ATIENZA, JR.
Secretary
 Republic of the Philippines
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
IN REPLYING, PLEASE CITE:
SENR-018137


Revised IRR NIPAS Act
10 November 2008

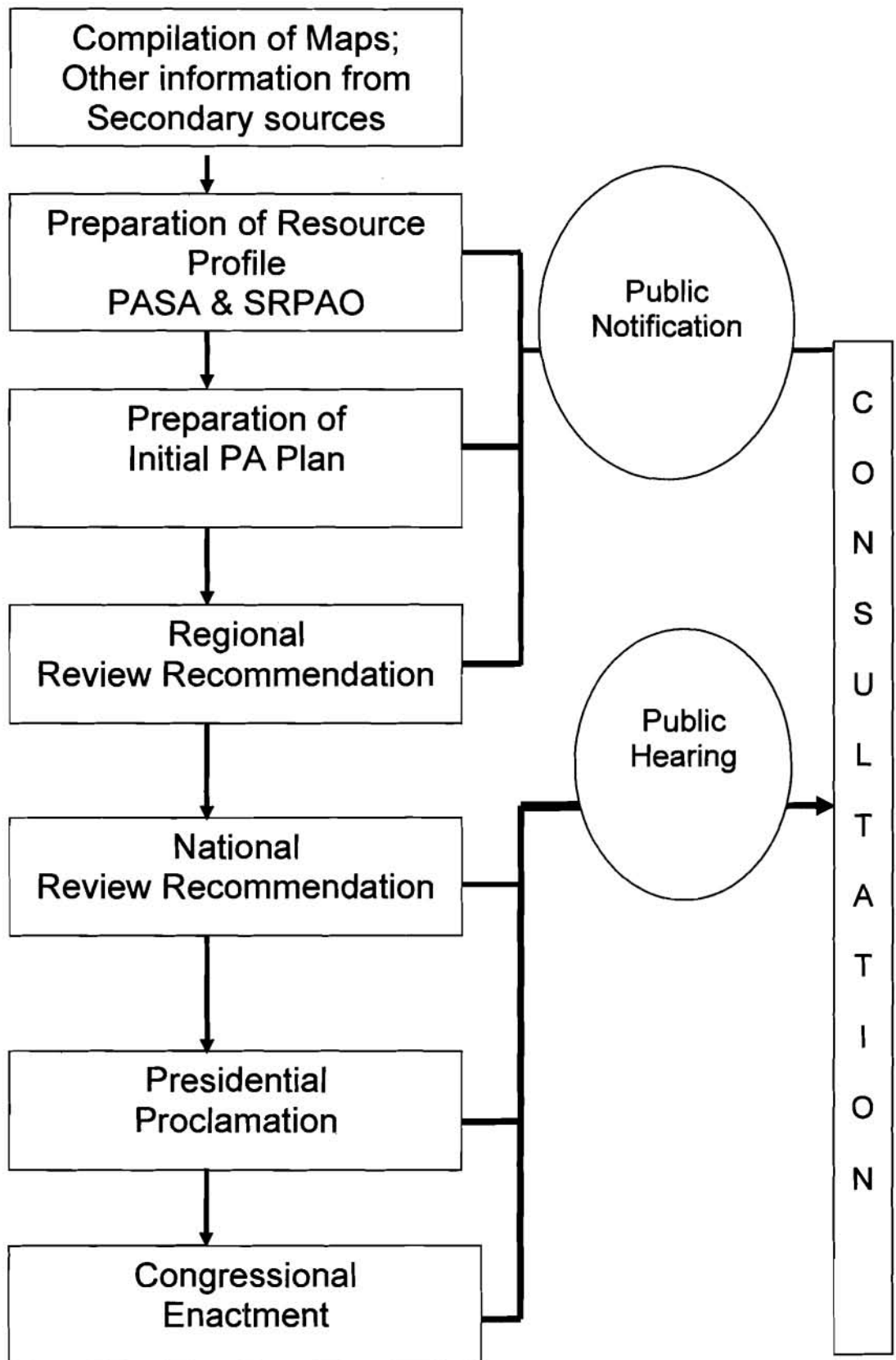
Publication: Malaya
January 16, 2009
Registration: ONAR, U.P. Law Center
January 16, 2009

Annex A. Protected Area Categories

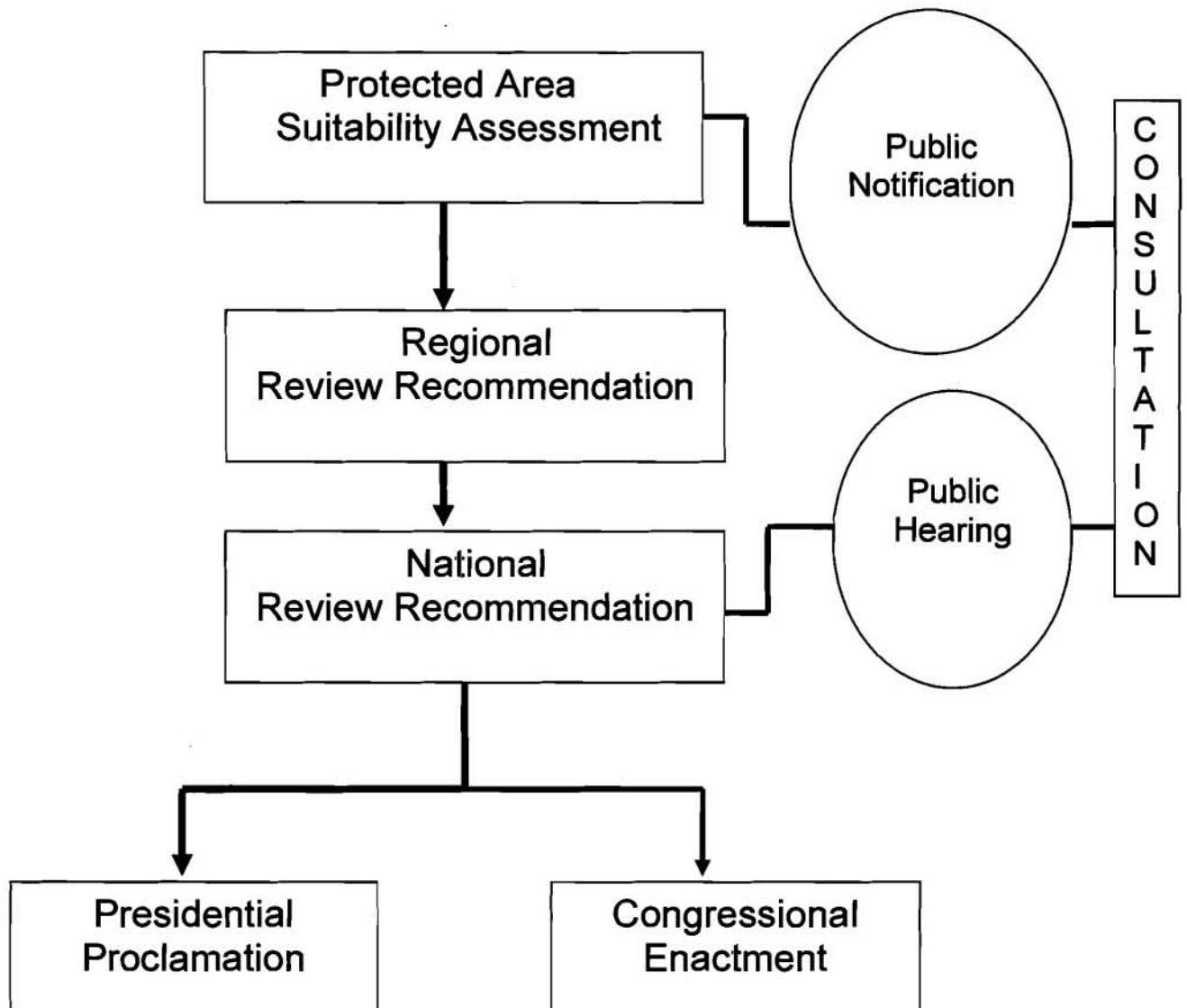
Protected Area Category							
CRITERIA	Strict Nature Reserve (SNR)	Natural Park (NP)	Natural Monument (NM)	Wildlife Sanctuary (WS)	Protected Landscapes Seascapes (PL/S)	Resource Reserve (RR)	Natural Biotic Area (NBA)
1. Natural Feature	Area with biodiversity rich natural ecosystems in an undisturbed state.	Relatively large biodiversity rich ecosystems; capable of sustaining/maintaining ecological processes/functions	Nationally significant natural features of cultural or geologic value	Habitat of a species or a group of species of priority management concern Habitat of important wildlife species (endemic and threatened) as indicated by species assemblage (e.g. Endemic Bird Area, Important Bird Area, Important Plant Area)	Areas of national significance which are characterized by the harmonious interaction of human and nature	Extensive and relatively uninhabited isolated and inaccessible resource base	Areas of extensive cultural significance; indigenous peoples and other local communities living in harmony with their environment practicing their culture and traditions
2. Management Objective (s)	Research and scientific studies environmental monitoring conservation education maintenance of genetic resources and natural ecological processes	Biodiversity conservation and maintenance of natural ecological processes Nature recreation, Research & scientific Studies Environmental monitoring	Conservation and protection of specific natural features	Protection and conservation of wildlife and their habitat	Protection of natural features and providing opportunities for sustainable resource use	Conservation and protection of natural resources for future use	Protection and conservation of culture/customs and traditions of Indigenous Peoples (IPs) and other local communities and their environment, including resources
3. Allowable Human Activities*	Limited scientific research i.e. counts, observations, and measurements at the site and non-extractive research and educational activities	Nature recreation Regulated resource use, consistent with management plan EXCEPT cutting of naturally growing trees subject to PAMB clearance	Ecotourism Scientific research with regulated collection of specimens	Scientific research with regulated collection of specimens Nature recreation Regulated resource use EXCEPT those that are essential to conservation of the species being managed and cutting of naturally growing trees	Sustainable socio-economic activities and traditional practices Regulated resource use EXCEPT cutting of naturally growing trees. However, cutting of naturally growing trees for personal and non commercial use of tenured migrants may be allowed, subject to allocation criteria prescribed by PAMB	Research and scientific studies Biodiversity monitoring	Traditional and sustainable resource use

* In all categories, the customary rights and traditional practices of Indigenous Peoples shall be recognized, respected and allowed subject to the Wildlife Resources Conservation & Protection Act (RA 9147) and other applicable laws, rules and regulations
Mining is prohibited in all protected areas regardless of categories pursuant to the Mining Act of 1995 (RA 7942)

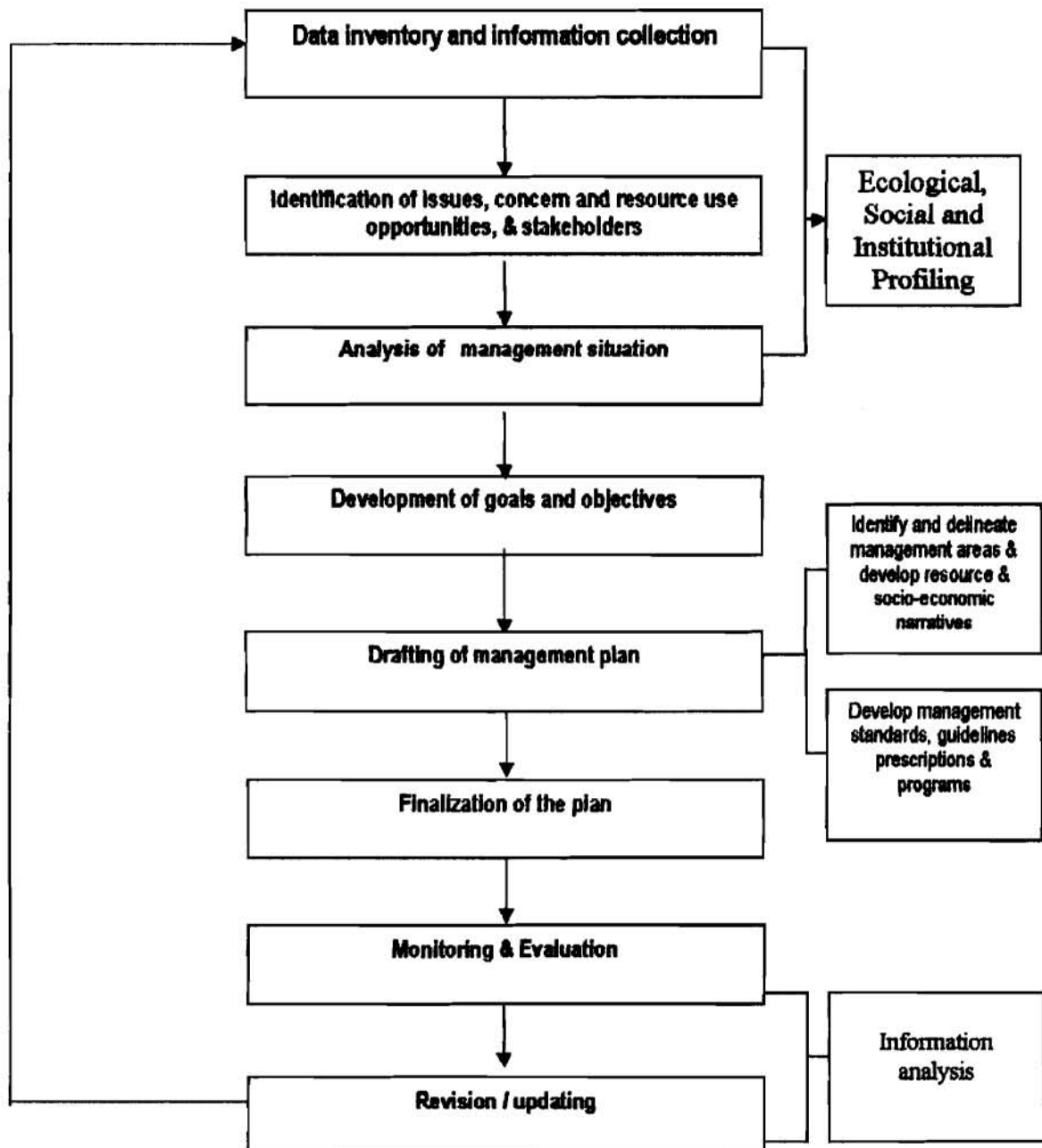
Annex B – Procedure for the Establishment of Protected Areas



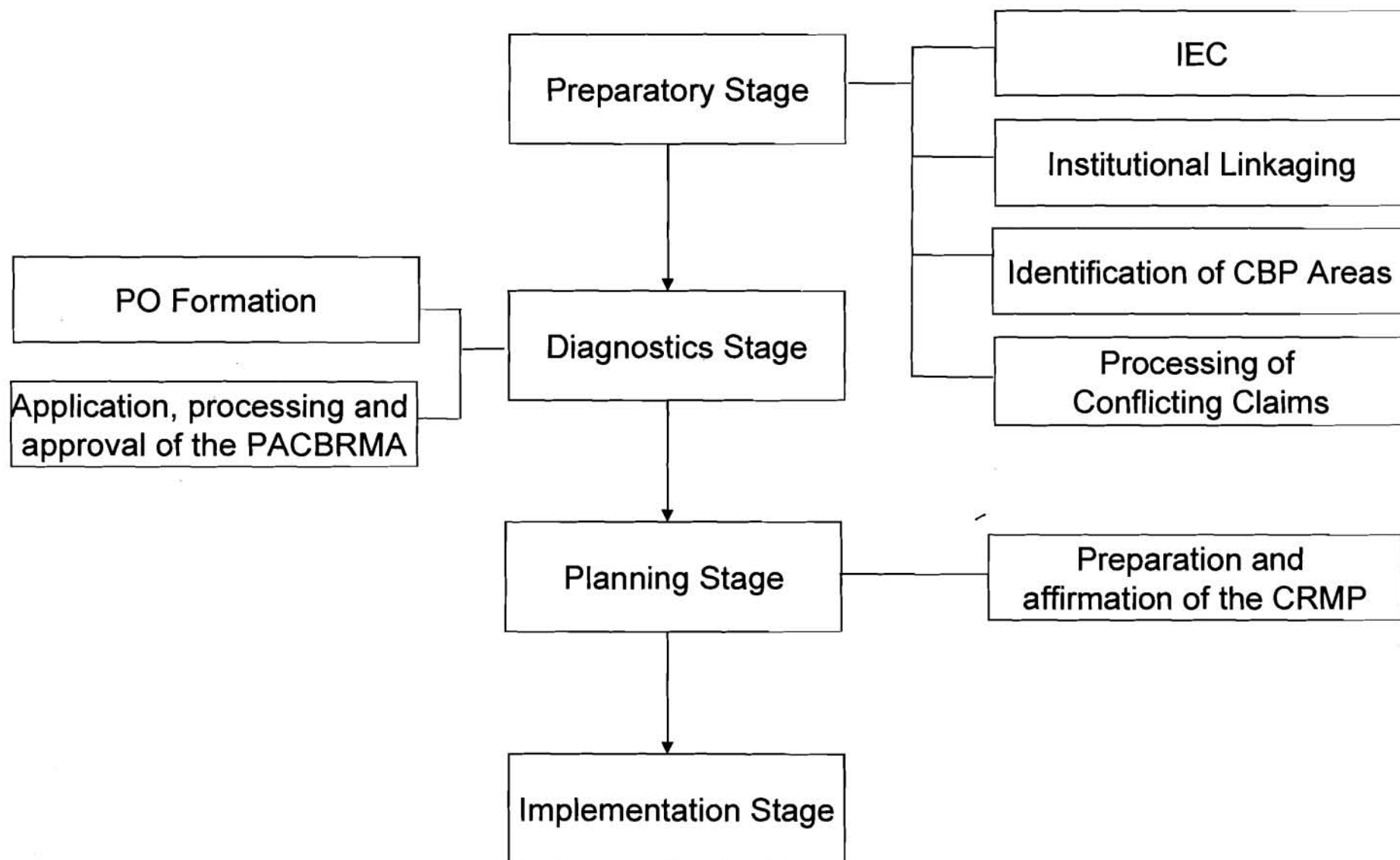
Annex C – Procedure for Protected Area Dis-establishment



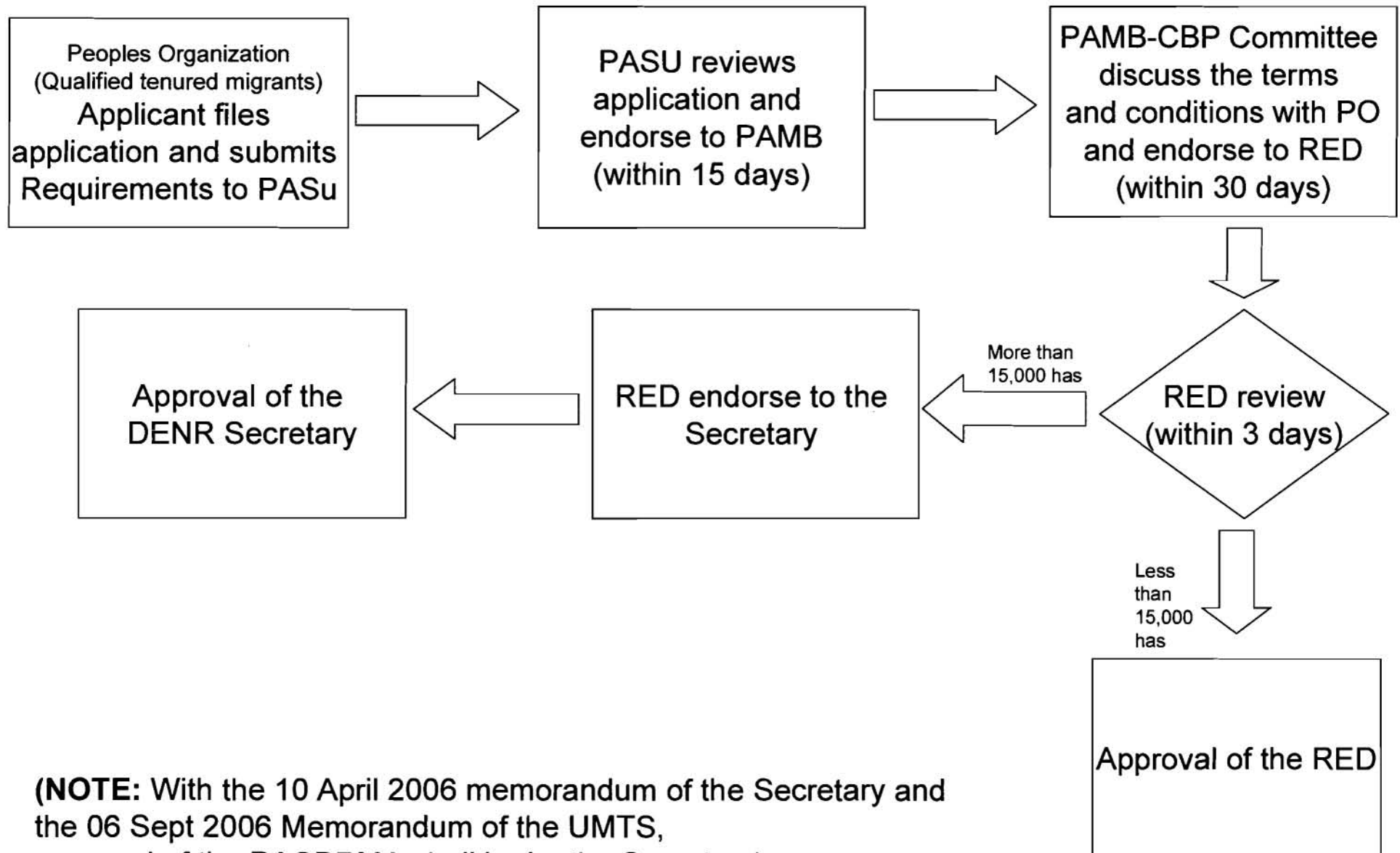
Annex D – PA Management Planning Process



ANNEX E. PROCEDURE FOR COMMUNITY-BASED PROGRAM IN PROTECTED AREAS

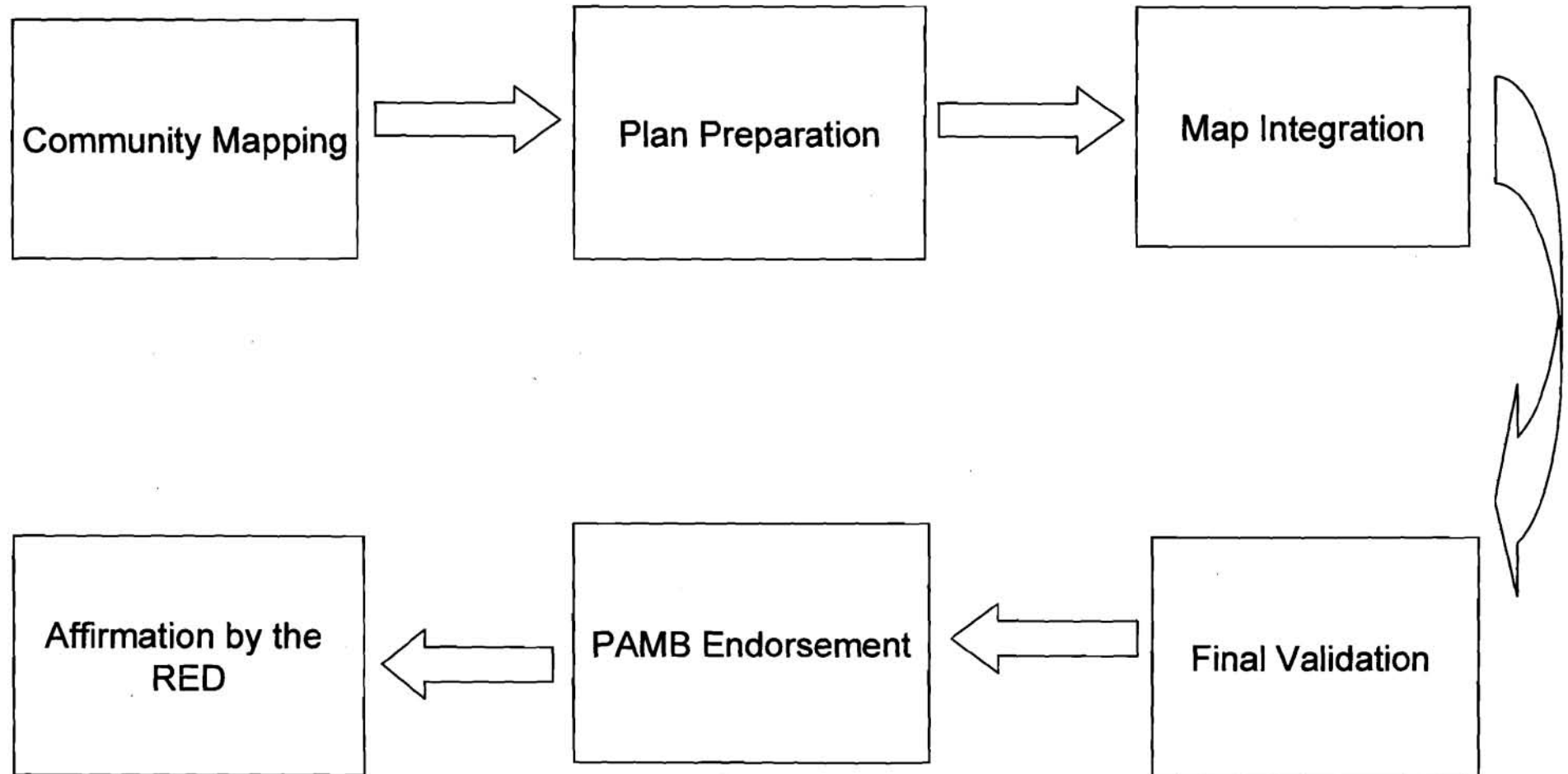


PROTECTED AREA COMMUNITY-BASED RESOURCE MANAGEMENT AGREEMENT ISSUANCE (PACBRMA) DAO 2004-32

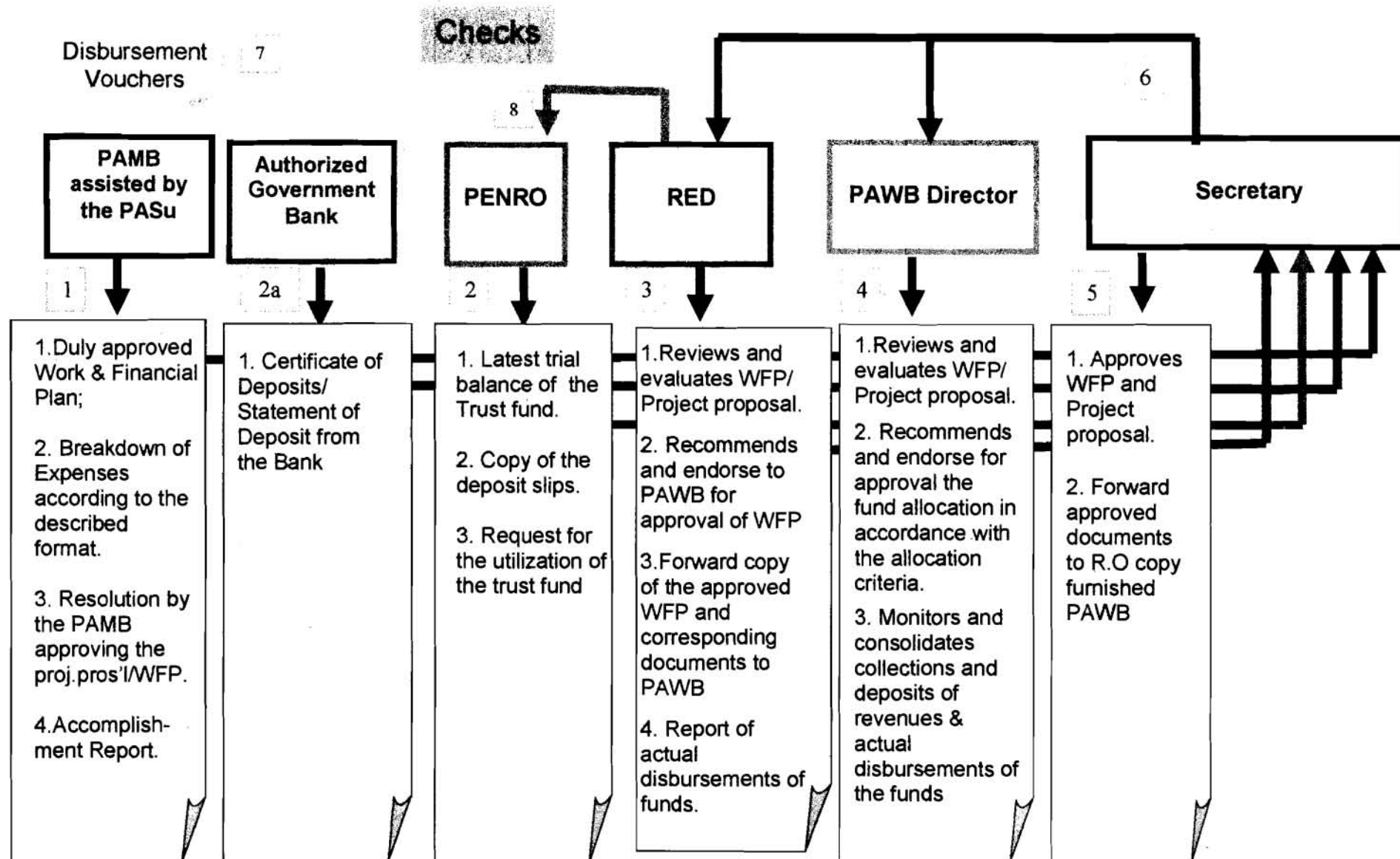


(NOTE: With the 10 April 2006 memorandum of the Secretary and the 06 Sept 2006 Memorandum of the UMTS, approval of the PACBRMA shall be by the Secretary)

ANNEX F. COMMUNITY RESOURCE MANAGEMENT PLAN PREPARATION



Annex G – Central IPAF Utilization



Annex H – PA Sub-Fund Utilization

