

[REPUBLIC ACT NO. 11038, June 22, 2018]

AN ACT DECLARING PROTECTED AREAS AND PROVIDING FOR THEIR MANAGEMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS THE "NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992" AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* - This Act shall be known and referred to as the "Expanded National Integrated Protected Areas System Act of 2018".

SEC. 2. Section 2 of Republic Act; No. 7586 is hereby amended to read as follows:

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

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

"To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass ecologically rich and unique areas and biologically important public lands that are habitats of rare and threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as 'protected areas'. The System shall recognize conservation areas and the management regimes being implemented by local government units (LGUs), local communities and indigenous peoples (IPs).

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

SEC. 3. Section 4 of Republic Act No. 7586 is hereby amended to read as follows:

"SEC. 4. *Definition of Terms.* - For purposes of this Act, the following terms shall be defined as follows;

"(a) *Biological diversity* or *biodiversity* refers to the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems,

"(b) *Bioprospecting* refers to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;

"(c) *Buffer zones* refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area:

"(d) *Byproducts* or *Derivatives* refer to parts taken or substances extracted from wildlife, in raw or in processed form;

"(e) *Collecting* refers to the act of gathering or harvesting wildlife and its by-products or derivatives;

"(f) *Conveyance* refers to every kind of vessel, including motorized or nonmotorized vehicles, nondisplacement crafts and seaplanes that are used or may be used as a means of transportation on land or water. It shall include everything found therein, except personal effects:

"(g) *Delineation* refers to the actual ground survey of the boundaries of protected areas and their buffer zones and management and management zones using the global positioning system (GPS) or other applicable survey instruments and technologies with the intention of producing a map of the area;

"(h) *Demarcation* refers to the establishment of the boundaries of protected areas and their buffer zones using visible markers, monuments, buoys in case of marine areas, and known natural features and landmarks, among others, as a result of the actual ground delineation:

"(i) *Ecosystem goods and services* refer to the multitude of material and nonmaterial provisions and benefits from healthy ecosystems necessary for human sustenance well-being, and survival including support processes, provisioning and environment regulating services, and cultural resource preservation services;

"(j) *Endemic species* refer to the species or subspecies of flora and fauna which are naturally occurring and found within specific areas in the country:

"(k) *Exotic species* refer to the species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time.

"(l) *Exploration* refers to the act of searching or prospecting for mineral resources, as defined by law, by geological, geochemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means, for the purpose of determining the existence, extent, quantity, and quality of resources in an area, and the feasibility of utilizing these resources for profit;

"(m) *Gear* refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing, or possessing resources within the protected area;

"(n) *Genetically modified organism* (GMO) refers to any living organism that, possesses a novel combination of genetic material through the use of modern biotechnology;

"(o) *Hunting* refers to the killing or catching of wild fauna for food and recreational purposes, with the use of weapons such as guns, bow and arrow, spears, traps and snares, and the like;

"(p) *Indigenous Cultural Community (ICC)/ Indigenous People (IP)* refers to a group of people sharing common bonds of language, customs, traditions, and other distinctive cultural traits, and who have, since time immemorial occupied, possessed and utilized a territory;

"(q) *Integrated Protected Area Fund (IPAF)* refers to the special account established for the purpose of financing projects of the NIPAS and individual protected areas:

"(r) *Invasive alien species* refer to species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete native species, and take over the new environment;

"(s) *Kaingin* refers to the slash-and-burn cultivation of vegetated land in a protected area, whether occupied or not, shifting and permanent with little or no provision to prevent soil erosion:

"(t) *Multiple-use zone* refers to the area where settlement, traditional and sustainable land use including agriculture, agroforestry, extraction activities, and income generating or livelihood activities may be allowed to the extent prescribed in the protected area management plan;

"(u) *National Integrated Protected Areas System (NIPAS)* refers to the classification and administration of all designated protected areas to maintain essential, ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found

therein, and to maintain their natural conditions to the greatest extent possible;

"(v) *National park* refers to the lands of the public domain classified as such in the Constitution which include all areas under the NIP AS pursuant to this Act, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity;

"(w) *Natural biotic area* refers to an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;

"(x) Natural monument refers to a relatively small area focused on the protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics;

"(y) *Natural park* refers to a relatively large area not materially altered by human activity where extractive resource uses are not allowed and is maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational, and recreational use;

"(x) *Occupying* refers to a continuous stay of individuals or groups within a protected area, whether residing or engaging in the cultivation of land or fishing for more than twenty-four (24) hours;

"(aa) *Poaching* refers to gathering, collecting, or possessing products or natural resources from the protected area by any individual person, corporation or entity whether local or foreign; in the case of marine protected areas, operating any foreign fishing vessels by any person, corporation, or entity without a permit;

"(bb) *Protected area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

"(cc) *Protected area occupants* refer to person who are residing, utilizing, and cultivating areas within the protected area. These include private owners, IPs, tenured migrants and informal settlers;

"(dd) *Protected Area Retained Income Account* refers to the trust fund maintained by any protected area and administered by the respective Protected Area Management Boards (PMIB) created pursuant to this Act representing the seventy-five percent (75%) of revenues generated from the protected area to support its operation and management;

"(ee) *Protected landscapes and /or seascapes* refer to areas of national significance which are characterized by the harmonious interaction of roan and land and water while

providing opportunities for public enjoyment through recreation, tourism, and other economic activities:

"(ff) *Protected species* refer to plants or animals declared protected under Philippine laws, rules, and regulations. These shall include all species Listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and all its Annexes, the Convention on the Conservation of Migratory Species (CMS), those specified under the red-list categories of the International Union for Conservation of Nature and Natural Resources (IUCN), or any plant or animal which the Department of Environment and Natural Resources (DENR), PAMB or any government agency may deem necessary for conservation and preservation in the protected area:

"(gg) *Quarrying* refers to the process of extracting, removing, and disposing sand, gravel, guano, limestone, and all other resources used as building and construction materials that are found within the protected area;

"(hh) *Resource reserve* refers to an extensive, relatively isolated, and uninhabited area which is difficult to access and is designated to protect the natural resources of the area for future use and prevent or contain development activities that could affect the resources, pending the establishment of sustainable resource utilization goals which are based upon appropriate information and planning;

"(ii) *Special Account, in the General Fund (SAGF)* refers to the trust fund deposited in the national treasury representing the twenty-five percent (25%) of the revenues generated from the operation of individual protected area and earmarked to support the NIPAS;

"(jj) *Strict nature reserve* refers to an area possessing some outstanding ecosystem, features, and species of flora and fauna of national scientific importance that should be maintained to protect and preserve nature in its undisturbed state and to preserve ecologically representative examples of the natural environment to ensure their availability for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;

"(kk) *Tenured migrants* refer to protected area occupants who have been actually, continuously and presently occupying a portion of the protected area for five (5) years before the proclamation or law establishing the same as a protected area, and are solely dependent therein for subsistence:

"(ll) *Threatened species* refer to species or subspecies considered critically endangered, vulnerable, or other