

**[ REPUBLIC ACT NO. 10067, April 06, 2010 ]**

**AN ACT ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK  
IN THE PROVINCE OF PALAWAN AS A PROTECTED AREA UNDER  
THE NIPAS ACT (R.A. 7586) AND THE STRATEGIC  
ENVIRONMENTAL PLAN (SEP) FOR PALAWAN ACT (R.A. 7611),  
PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* — This Act shall be known and referred to as the "Tubbataha Reefs Natural Park (TRNP) Act of 2009".

SEC. 2. *Declaration of Policy.* — It shall be the declared policy of the State to ensure the protection and conservation of the globally significant economic, biological, sociocultural, educational, and scientific values of the Tubbataha Reefs into perpetuity for the enjoyment of present and future generations. These shall be pursued by managing the TRNP under a "no-take" policy and through a sustainable and participatory management, taking into consideration all applicable laws and international conventions to which the Philippines is a signatory.

It shall further be the policy of the State to promote the Tubbataha Reefs, with the end in view of fostering widespread awareness and concern for the same. Towards this end, the State shall undertake to carry out comprehensive and holistic promotions, training and information campaign programs for the benefit of the general public, in pursuance of the duty of the State to uphold the primacy of protecting, preserving and promoting these resources.

Finally, it shall be the policy of the State to encourage the participation of the private sector and the local government units in the protection, preservation and promotion of the Tubbataha Reefs.

SEC. 3. *Definition of Terms.* — For purposes of this Act, the following terms shall be defined as follows:

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

(b) "Buffer Zone" refers to the identified area outside the boundaries of and immediately adjacent to TRNP that needs special development control in order to avoid or minimize harm to the protected area.

(c) "Commercial Fishers/Fisherfolk" refers to persons who catch fish and other fishery products using fishing vessels of more than three (3) gross tons.

(d) "Conservation Fees" refer to fees collected from authorized users of the TRNP.

(e) "Corals" refers to all bottom dwelling animals under the phylum *Cnidaria*, which are a major part of the reef community. The definition includes four (4) types of corals: (1) those that produce a hard skeleton out of calcium carbonate such as all scleractinian corals, the hydrozoan corals (firecorals), and the blue and red corals under the genera *Heliopora* and *Tubipora*; (2) the antipatharian or black corals with a rigid, chitinous skeleton; (3) the gorgonians with a horny and/or calcareous axis; and (4) the soft bodied anthozoans such as sea anemones, and the soft corals under the systematical group of *Alcyonaria* or *Octocorallia*.

(f) "Exotic Species" refer to species or subspecies that do not naturally occur within the biogeographic region of the TRNP at present or in historical time.

(g) "Explosives" refer to dynamite or other chemical compounds that contain combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound will kill, stupefy, disable or render unconscious any species. It also refers to any other substance and/or device, including blasting caps or any other component or part of explosive devices, which causes an explosion that is capable of producing the said harmful effects on any resources and capable of damaging and altering the natural habitat.

(h) "Gear" refers to any instrument or device and its accessories utilized in taking, catching, gathering, killing, hunting, destroying, disturbing, removing or possessing resources within the TRNP.

(i) "Kayakas" refers to the fishing method known as the local version of the muro-ami but smaller in size, using bamboo or trunk trees as scaring devices aside from coconut or other leaves or materials to drive the fishes and other marine resources out of the coral reefs, at the same time pounding the corals.

(j) "Littering" refers to the disposal of small amounts of non-biodegradable solid waste materials such as, but not limited to, cigarette butts, candy wrappers, plastic materials, bottles and glasses in the TRNP.

(k) "Management Plan" refers to the fundamental strategy and/or scheme which shall guide all activities relating to the TRNP in order to attain the objectives of this Act.

(l) "Municipal Fishers/Fisherfolk" refers to persons who catch fish and other fishery products using fishing vessels of three (3) gross tons or less, or whose fishing does not require the use of fishing vessels.

(m) "Muro-ami" refers to the method used in reef fishing consisting of a movable bagnet, detachable wings and scarelinee having plastic strips and iron/steel/stone weights, effecting fish capture by spreading the net in an arc around reefs or shoals and, with the use of the scarelines, a cordon of people drive the fish towards the waiting net while pounding the corals by means of heavy weights like iron/steel/stone or rock making it destructive to corals.

(n) "Nongovernment Organization (NGO)" refers to any civic, developmental, environmental or philanthropic nonstock, nonprofit organization, duly registered, having bylaws, democratically-elected representatives, with qualifications, expertise and objectivity in activities concerning community organizing and development, or resource and environmental conservation, management and protection related to the protected area.

(o) "Non-Renewable Resources" refer to those resources that cannot be remade, regrown or regenerated on a scale comparative to its consumption.

(p) "Noxious or Poisonous Substances" refer to any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or, other chemicals either in raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any marine organism and capable of damaging and altering the natural habitat.

(q) "PASu" refers to the Protected Area Superintendent of the TRNP.

(r) "PCSD" refers to the Palawan Council for Sustainable Development as created under Republic Act No. 7611, otherwise known as the Strategic Environmental Plan for Palawan Act.

(s) "People's Organization (PO)" refers to a group of people which may be an association, cooperative, federation, aggrupation of individuals or groups with an identifiable structure of decision-making and accountability, established to undertake collective action to address community concerns and needs in relation to the protected area.

(t) "Poaching" refers to fishing, gathering and/or purchase or possession of any fishery products within the TRNP by any foreign person, foreign corporation or foreign entity or operating any foreign fishing vessel by any person, corporation or entity within the TRNP.

(u) "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.

(v) "Protected Species" refer to any plant or animal declared protected under Philippine laws, rules and regulations. These shall include all species listed under the Convention on International Trade in Endangered

Species of Wild Flora and Fauna and all its Annexes, the Convention on the Conservation of Migratory Species, those specified under the red-list categories of the International Union for the Conservation of Nature and Natural Resources, or any plant or animal which the Tubbataha Protected Area Management Board (TPAMB) or any government agency may deem necessary for conservation and preservation in the TRNP.

(w) "Purse Seine" refers to the gear characterized by encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or boats around the school of aquatic resources. The bottom of the net is pulled close with the purse line. The net is then pulled aboard the boat or boats until the resources are concentrated in the bunt or bag.

(x) "Resources" refer to all natural endowments, whether aquatic or terrestrial, living or non-living, found in the TRNP.

(y) "Stakeholders" refer to individuals, communities, agencies, institutions, organizations, aggrupations of specific interests or sectors which have particular interest in the achievement of the objectives of this Act, and/or enjoyment or utilization in any form of the resources within the TRNP.

(z) "Trawl" refers to the gear consisting of a bag-shaped net which is dragged or towed along the bottom or through the water column to take aquatic resources by straining them from the water, including all variations and modifications of trawls in bottom, mid-water, baby trawls and tow nets.

(aa) "TRNP" refers to the Tubbataha Reefs Natural Park.

(bb) "Vessel" includes every description of watercraft, including non-displacement crafts and seaplanes, used or capable of being used as a means of transportation on water. It shall include everything found therein, except personal effects.

(cc) "Waste" refers to discarded items of solid, liquid, contained gaseous or semi-solid form, from whatever source, which may cause or contribute to the deterioration of the resources or habitats in the TRNP.

SEC. 4. *Scope and Coverage.* — The Tubbataha Reefs Natural Park (TRNP), which shall cover an approximate area of ninety-seven thousand thirty (97,030) hectares, including its islets, seabed and airspace, and which shall include the Tubbataha Reefs and the Jessie Beazley Reef in the Municipality of Cagayancillo in the Province of Palawan, is hereby declared as a protected area. Its boundaries shall be as follows:

	Latitude	Longitude
From Pt. 1	9° 04' 52" N	119° 46" 10" E
to Pt. 2	9° 06' 05" N	119° 48' 22" E

to Pt. 3	8° 58' 09" N	120° 03' 12" E
to Pt. 4	8° 53' 29" N	120° 03' 30" E
to Pt. 5	8° 41' 33" N	119° 50' 41" E
to Pt. 6	8° 43' 09" N	119° 45' 46" E

to point 1, the point of beginning per the Philippine Reference System (PRS) 92 datum.

The Department of Environment and Natural Resources (DENR)-National Mapping and Resource Information Authority (NAMRIA) shall validate the technical descriptions provided in this Act through actual survey/demarcation.

The metes and bounds of the TRNP shall be indicated on maps and/or nautical charts. Any modification of the coverage of this Act due to such factors as changing ecological situation, new scientific or archeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the concerned government agencies.

SEC. 5. *Establishment of a Buffer Zone.* — There shall also be established a ten (10)-nautical mile buffer zone from the TRNP, with the following coordinates:

Corner	Latitude	Longitude
1	9° 17' 49" N	119° 47' 42" E
2	9° 04' 48" N	120° 12' 40" E
3	8° 49' 42" N	120° 13' 54" E
4	8° 29' 42" N	119° 53' 04" E
5	8° 36' 13" N	119° 35' 22" E
6	9° 11' 08" N	119° 36' 35" E

to point 1, the point of beginning per the Philippine Reference System (PRS) 92 datum.

SEC. 6. *Management of the TRNP.* — The management and administration of the TRNP shall be vested with the TPAMB, as herein provided, and shall be consultative and participatory.

SEC. 7. *Management Plan.* — Within one (1) year from the effectivity of this Act, there shall be an initial management plan to be prepared by the Tubbataha Management Office (TMO) in coordination with the local community and various stakeholders, the Palawan Council for Sustainable Development (PCSD), the Municipal Government of Cagayancillo, the Provincial Government of Palawan, with the assistance from the Department of Environment and Natural Resources (DENR) and the Bureau of Fisheries and Aquatic Resources (BFAR). The management plan shall contain, among others:

- a. a period of applicability for ten (10) years subject to periodic review every three (3) years;
- b. goals and objectives of management in support of Section 2 hereof;