

[REPUBLIC ACT NO. 9106, April 14, 2001]

AN ACT FOR THE ESTABLISHMENT AND MANAGEMENT OF SAGAY MARINE RESERVE, DEFINING ITS SCOPE COVERAGE, 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 cited as the "Sagay Marine Reserve Law."

SEC. 2. *Establishment.* — There is hereby established as part of the National Integrated Protected Areas System (NIPAS) under Republic Act No. 7586 protected landscapes and seascapes in the City of Sagay, Province of Negros Occidental to be known as the Sagay Marine Reserve, hereinafter referred to as Reserve.

SEC. 3. *Scope.* — The Reserve shall be located at 11°0'59"N and 123°29'E comprising the islands of Molocaboc, Molocaboc Diut, Matabas and Suyac, and their surrounding reefs as well as the reefs of Carbin, Macahulom and Panal, and the coastal waters of barangays Himoga-an Baybay, Old Sagay, Taba-ao, Bulanon, Molocaboc and Vito, all in the City of Sagay, Province of Negros Occidental. More particularly, the Reserve shall have the following technical description:

	NORTHING	EASTING
1	10°57'28"	123°21'42"
2	11°7'35"	123°26'37"
3	11°6'55"	123°28'13"
4	10°56'39"	123°36'50"
5	10°54'23"	123°30'45"
6	10°56'16"	123°30'37"
7	10°56'26"	123°30'4"
8	10°56'7"	123°28'59"
9	10°55'19"	123°28'11"
10	10°56'11"	123°26'52"
11	10°57'28"	123°24'19"
12	10°56'37"	123°23'35"
13	10°57'30"	123°23'16"
14	10°57'41"	123°22'14"containing

an area of 32,000 hectares, more or less.

Within six (6) months from the effectivity of this Act, the Department of Environment and Natural Resources (DENR) shall mark the boundaries of the Reserve on the ground and at sea with visible and permanent markers and shall thereafter see to it that the same are maintained.

SEC. 4. *Definition of Terms.* — For purposes of this Act, the following terms are defined as follows:

- a. "Buffer zones" are identified areas outside the boundaries of and immediately adjacent to the Reserve that need special development and control in order to avoid or minimize harm to the Reserve.
- b. "Ecotourism" is a kind of tourism wherein no damage to the ecology is sustained by the influx of visitors to the Reserve.
- c. "Fish production" refers to the capacity of the species found within the Reserve to multiply to achieve a certain density of fish population.
- d. "Management plan" is the plan described in Section 8(1) thereof.
- e. "Management manual" is the manual relating to the management of the Reserve described in Section 8(2) thereof.
- f. "Maximum sustainable yield" is the greatest amount of fish and fish products taken or harvested from within the Reserve without affecting sustainability.
- g. "Multiple-use zones" shall refer to areas where settlement, traditional or sustainable activities and other income-generating or livelihood activities may be allowed to the extent prescribed in the management plan.
- h. "Secretary" shall refer to the Secretary of the Department of Environment and Natural Resources.
- i. "Small fisherfolk inhabitant" shall refer to any person who has actually and continuously lived within the Reserve for a period of five (5) years before the passage of this Act and is solely dependent on fishing for sustenance and livelihood

SEC. 5. *The Protected Area Management Board for Sagay Marine Reserve.* — There is hereby created a Protected Area Management Board for Sagay Marine Reserve (PAMB-SMR) which shall be the sole policy-making and permit-granting body of the Reserve and its buffer zones.

In addition to the powers enumerated in Republic Act No. 7586, the PAMB-SMR shall decide by a majority vote and shall have the following powers and functions:

- a. Formulate the management plan and management manual of the Reserve;
- b. Decide matters relating to planning, peripheral protection and general administration of the Reserve in accordance with the management plan;
- c. Plan the proper utilization of the annual budget allocations and the proper disposition of fees and other funds generated or held by the Reserve;
- d. Control and supervise the office of the Sagay Marine Reserve Superintendent (SMRSu);
- e. Delineate and demarcate management zones such as strict protection zones, multiple-use and buffer zones;
- f. Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the management manual;
- g. Control and regulate the construction, operation and maintenance of buildings, roads, trails, waterworks, sewerage, fire protection and sanitation systems, and other public utilities within the Reserve;
- h. Fix prescribed fees to be collected from the government agencies or any person, firm or corporation deriving benefits from the Reserve and exact administrative fees or fines for violation of the provisions of this Act;
- i. Grant entry permits to ecotourists, campers, research groups or individuals and visitors;

- j. Grant permits for sustainable utilization of marine resources in accordance with existing rules and regulations governing the same;
- k. Enter into contracts and agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;
- l. Accept funds, gifts or donations for the Reserve;
- m. Call on any agency or instrumentality of the government as well as academic institutions, nongovernment organizations and other sectors as may be necessary to accomplish the objectives of this Act;
- n. Conduct studies on various characteristics, features and conditions of the Reserve;
- o. Adopt and enforce plans or schemes for the control of activities that may threaten the ecological balance of the Reserve in consultation with the local government units in the area and other government agencies and instrumentality;
- p. Retain legal counsel to defend cases against the PAMB-SMR and the office of the Marine Reserve Superintendent whenever they are sued in connection with the performance of their duties under this Act.

The DENR, through the Regional Executive Director, shall ensure that the PAMB-SMR acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to Republic Act No. 7586 and the resolutions issued by the PAMB-SMR, the secretary shall decide whether to apply the rule or withdraw its application from the Reserve.

SEC. 6. *Composition.* — The PAMB-SMR shall be composed of the following:

- a. The regional executive director of the DENR Region VI, as *ex officio* chairperson;
- b. The mayor of the City of Sagay, as *ex officio* co-chairperson;
- c. The chairman of the Committee on Natural Resources of the Sangguniang Panlungsod of Sagay, as *ex officio* member;
- d. The chief of police of Sagay City, as *ex officio* member;
- e. The punong barangays of Himoga-an Baybay, Old Sagay, Taba-ao, Bulanon, Vito and Molocaboc, all of Sagay City, Negros Occidental, as *ex officio* members;
- f. The city planning and development officer of Sagay City, as *ex officio* member;
- g. Five (5) representatives from nongovernment organizations, as members, who shall be endorsed by heads of organizations which are based in the City of Sagay, Negros Occidental, and have established and recognized interest in protected areas. These representatives shall include: two (2) representatives from fisherfolk organizations, one (1) representative from duly registered commercial fishing associations, one (1) representative from the youth sector and one (1) representative from the civic-oriented organizations;
- h. A representative of Sagay Ecumenical Council, as member;
- i. A representative of the Department of Agriculture (DA) appointed by the Secretary of Agriculture, as member; and
- j. The Reserve Superintendent (hereinafter provided), as member.

The members shall choose from among themselves the vice chairperson of the PAMB-SMR.

The non *ex officio* members of the PAMB-SMR shall serve for a term of five (5) years. The two (2) co-chairpersons, the vice chairperson and the members shall not

receive compensation but shall be entitled to reasonable *per diem* incurred in the performance of their duties in accordance with existing budgeting and auditing rules and regulations.

SEC. 7. *Removal from Office.* — A PAMB member may be removed for cause and upon majority vote on the following grounds:

- a. More than three (3) consecutive unexcused absences in regular PAMB *en banc* meetings;
- b. Commission of any of the prohibited acts as provided in this Act, the Republic Act No. 7586 or other rules and regulations governing protected areas and protected species;
- c. Graft and corruption; and
- d. Conviction of any criminal offense.

The non-*ex officio* members of the PAMB-SMR shall serve for a term of five (5) years. The two (2) co-chairpersons, the vice chairperson, and the members shall not receive compensation but shall be entitled to reasonable *per diem* incurred in the performance of their duties in accordance with existing budgeting and auditing rules and regulations:

SEC. 8. *Management Plan and Manual.* — Within one (1) year from the effectivity of this Act, a management manual which contains the Marine Reserve Management Plan and supporting data shall be prepared in accordance with the General Management Planning Strategy as provided in Republic Act No. 7586. The management plan shall serve as the basic long-term framework plan in the management of the marine reserve and guide in the preparation of the annual operations plan and budget. The management manual shall be drafted with the assistance of experts in such fields as socioeconomic planning, ecology and marine reserve management, reviewed and endorsed by the PAMB-SMR, and approved by the Secretary.

1. The management plan shall promote the adoption and implementation of innovative management techniques, including:
 - a. buffer zone management;
 - b. habitat conservation and rehabilitation;
 - c. diversity management;
 - d. community organizing;
 - e. socioeconomic and scientific researches;
 - f. site-specific policy development;
 - g. pest management; and
 - h. others which the PAMB-SMR may deem appropriate.
2. The management manual shall include:
 - a. basic background information;
 - b. field inventory of the resources within the Reserve;
 - c. assessment of the assets and limitations;
 - d. regional interrelationships;
 - e. particular objectives for managing the Reserve;
 - f. divisions of the Reserve into management zones;
 - g. review of the boundaries of the Reserve; and