

[TPAMB RESOLUTION NO. 10-004, October 26, 2010]

APPROVING THE IMPLEMENTING RULES AND REGULATIONS OF THE TUBBATAHA REEFS NATURAL PARK ACT OF 2009, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

WHEREAS, Section 10, Republic Act No. 10067 created the Tubbataha Protected Area Management Board (TPAMB) as the sole policy-making and permit-granting body of the Tubbataha Reefs Natural Park (TRNP);

WHEREAS, Republic Act No. 10067 empowers the TPAMB to “decide matters relating to planning, resource use and protection, and general administration of the area in accordance with the management plan”, as well as to “promulgate rules and regulations and impose penalties for violations thereof”;

WHEREAS, Section 42, Republic Act No. 10067 requires the TPAMB to prepare the implementing rules and regulations within six (6) months upon effectivity of this Act;

WHEREAS, there is a need to create a smaller body vested with quasi-judicial powers for the purpose of providing the administrative machinery to impose penalties, such as fines, confiscation and forfeiture as mandated under Section 13 (I) of the Republic Act No. 10067 for violations of the Act and other regulations issued by the TPAMB; adjudication of cases for violations of RA No. 10067 and other TPAMB issuances;

NOW THEREFORE, for and in consideration of the above premises, be it resolved as it is hereby resolved, that the TPAMB approves THE IMPLEMENTING RULES AND REGULATIONS OF THE TUBBATAHA REEFS NATURAL PARK ACT OF 2009:

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

Pursuant to Section 42 of the TRNP Act and consistent with the NIPAS Act (RA 7586), the Wildlife Conservation and Protection Act (RA 9072), The SEP Law (RA 7611), and the Local Government Code (RA 7160), the Implementing Rules and Regulations of the TRNP Act is hereby promulgated.

PART 1 – GENERAL PROVISIONS AND APPLICATION

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

Rule 2. Management of Buffer Zone. The Tubbataha Protected Area Management Board (TPAMB), shall exercise authority over the buffer zone, which shall include management prescriptions pertaining to the buffer zone in its management plan. The TRNP buffer zone is established to protect the Park from direct or indirect impacts resulting in the conduct of activities in its periphery, such as, but not limited to, energy exploration and navigation.

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

Rule 3. Other Management Zones. Aside from the buffer zone, other management zones and their uses, which may be established by the TPAMB, shall form an integral part of the TRNP Management Plan.

PART 2. MANAGEMENT OF THE TRNP

Rule 4. The Tubbataha Protected Area Management Board (TPAMB).

Rule 4.1. Designation of Regular Members. Each member as enumerated under Section 10 of the Act shall designate a duly authorized representative who shall sit in person as regular member of the TPAMB.

Rule 4.2. Permanent Alternate. A permanent alternate may be designated by a regular member to sit in the TPAMB in the absence of the latter. The permanent alternate shall have the authority to bind the regular member and the agency represented.

Rule 4.3. NGO Representation. There shall be one (1) representative each from three (3) NGOs that are involved in the conservation and management of TRNP. Should there be more than three (3) qualified NGOs, the TMO shall convene a meeting of the NGOs to select who shall sit in the TPAMB following the guidelines on selection to be formulated by the Executive Committee (ExeCom) and approved by the TPAMB. Representatives of NGOs shall be endorsed by their respective heads of organizations.

Rule 4.4. PO Representation. There shall be one (1) representative each from two (2) POs based in the municipality of Cagayancillo that are engaged in the conservation and management of TRNP. Should there be more than two (2) qualified POs, the same procedure in Rule 4 shall apply.

Rule 4.5. Representation of Academic Institutions. There shall be one (1) representative each from two (2) academic institutions based in the Province of Palawan that offer courses on natural resources management. Should there be more than two (2) such academic institutions, the same procedure in Rule 4.3 shall apply.

Rule 4.6. Entry into Office. Each member shall take an oath of office before any public officer authorized to administer oath prior to entry into office.

Rule 4.7. Notice of Meetings. Written notices to regular meetings shall be provided by the Secretariat at least three (3) days before the scheduled meeting. It shall include the agenda, time and venue of the meeting. When necessary, the TPAMB may hold more than one (1) regular meeting in one quarter.

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

Rule 4.8. Quorum. A simple majority shall constitute a quorum for the TPAMB and the ExeCom to conduct business.

Rule 4.9. Disciplinary Measures. Habitual absences in regular TPAMB meetings constitute negligence of duty pursuant to the Uniform Rules on Administrative Cases in the Civil Service. Three (3) absences in a year constitute habitual absenteeism. The TPAMB shall call the attention of habitual absentee members and the agency or organization they represent in the form of a resolution without prejudice to the filing of appropriate administrative cases.

Rule 4.10. Removal from the TPAMB. The following grounds shall be cause for removal of representatives from the TPAMB:

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

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

Rule 5. The Executive Committee (ExeCom). The TPAMB may delegate some of its powers and functions to the Executive Committee.

Rule 5.1. Composition. The following shall constitute the Executive Committee:

- a. Philippine Navy
- b. Philippine Coast Guard
- c. DENR
- d. PCSD
- e. WWF-Philippines
- f. Saguda-Palawan
- g. Local Government of Cagayancillo
- h. CI-Philippines
- i. Office of the Governor

Representatives of the DENR or PCSD shall co-chair the ExeCom. In the absence of both, the body shall choose a presiding officer from among themselves.

Rule 5.2. Meetings. The ExeCom shall meet once a month or as often as may be necessary. Regular member shall attend the ExeCom meetings. In the absence of the regular member, the designated permanent alternate may attend the ExeCom meetings.

Rule 5.3. Powers and Functions. The following powers and functions are delegated to the ExeCom:

- a. Review all proposals and plans emanating from the TMO
- b. Endorse to the TPAMB operational guidelines, proposals and work plans
- c. Disburse restricted funds in accordance with the provisions of the grant

agreement

- d. Authorize bridge financing from the Trust Fund not exceeding One Million Pesos (PhP1M)
- e. Exercise supervision of the TMO
- f. Evaluate the performance of the TMO annually
- g. Perform other powers and functions as the TPAMB may delegate from time to time

Rule 6. The TPAMB Board TAB. The TPAMB shall formulate the guidelines for the exercise of the quasi-judicial functions of the TPAMB.

Rule 6.1. Composition of the TPAMB Quasi-Judicial Body to be known as TAB. The TAB shall be composed of the following members:

- a. DENR representative
- b. PCSD representative
- c. NGO representative
- d. BFAR representative
- e. PN representative
- f. PCG representative
- g. Academe representative

Regular members may constitute the TAB, or in their absence, the permanent alternates. They shall select a chairman from among themselves.

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

6.3. Quorum. The majority of the members shall constitute a quorum for the TAB to conduct business.

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

Rule 6.4.1. Scope of Application. These guidelines shall apply to all cases involving the violation of RA No. 10067 and other TPAMB policies that may be adopted for the effective implementation of RA No. 10067, otherwise known as the Tubbataha Reefs Act of 2009.

Rule 6.4.2. Technical Rules in Administrative Proceedings. Administrative proceedings before the TAB shall be summary in nature, as herein provided for the conduct thereof, without necessarily adhering to technical rules of procedure applicable to judicial proceedings.

Rule 6.4.3. Original Jurisdiction. The TAB shall have exclusive and original jurisdiction over all complaints pertaining to violations of RA No. 10067 and other policies of the TPAMB.

Rule 6.4.4. Prohibited Pleadings or Motions. The following pleadings or motions shall not be allowed: