

[PCSD, September 04, 1992]

THE RULES AND REGULATIONS IMPLEMENTING THE STRATEGIC ENVIRONMENTAL PLAN FOR PALAWAN ACT

**Rule I
Policy and Application**

SECTION 1. Title — These rules shall be known and cited as the "Rules and Regulations Implementing the Strategic Environment Plan (SEP) for Palawan Act".

SECTION 2. Purpose — Pursuant to Sec. 19 of Republic Act No. 7611, otherwise known as the Strategic Environment Plan (SEP) for Palawan Act, hereinafter referred to as RA 7611 these Rules are promulgated to prescribe the procedures and guidelines for the implementation of said Act, in order to ensure and facilitate compliance therewith and achieve the objectives thereof.

SECTION 3. Declaration of Policy — It is hereby declared the policy of the State to protect, develop and conserve its natural resources. Toward this end, it shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment and at the same time pursue the socio-economic development goals of the country.

It shall support and promote the sustainable development goals for the province through proper conservation, utilization and development of natural resources to provide optimum yields on a continuing basis. With specific reference to forest resources, the State shall pursue and implement forest conservation and protection through the imposition of a total commercial logging ban as provided in Sec. 9 of these Rules.

It shall also adopt the necessary measures leading to the creation of an institutional machinery including among others, fiscal and financial programs to ensure the effective and efficient implementation of environmental plans, programs and projects.

It shall also promote and encourage the involvement of all sectors of society and maximize people participation in natural resource management, conservation and protection.

SECTION 4. Scope of Application — These Rules shall apply in the implementation of the SEP and shall serve to guide the local government units of Palawan, its residents and the agencies, government or non-government, concerned in the formulation and implementation of plans, programs and projects affecting Palawan, whether or not physically located or operating on said province.

SECTION 5. Construction — All doubts in the interpretation and implementation of

these Rules and Regulations shall be resolved in the light of the Declaration of Policy as embodied in Sec. 3 above.

SECTION 6. Definition of Terms — As used in these Rules, the following terms are defined as follows:

1. **Palawan** refers to the Philippine province composed of islands and islets located 7°47' and 12°22' north latitude and 117°00' and 119°51' east longitude, generally bounded by the South China Sea to the northwest and by the Sulu Sea to the East;
2. **Sustainable development** means the improvement in the quality of life of the present and future generations through the complementation of development and environmental protection activities;
3. **Natural resources** refers to life-support systems such as the sea, coral reefs, soil, lakes, rivers, streams, and forest as well as useful products found therein such as minerals, wildlife, trees and other plants, including the aesthetic attributes of scenic sites that are not man-made;
4. **Tribal land areas** refers to the areas comprising both land and sea that are traditionally occupied by the cultural minorities;
5. **Environmentally critical** areas refers to terrestrial, aquatic and marine areas that need special protection and conservation measures as they are ecologically fragile;
6. **Participatory processes** means the involvement of all the key sectors of development, from the grassroots to the policy-making bodies of the National Government, in providing the values and ideals from which strategic development and environmental protection action can come about;
7. **Conservation** refers to the wise use of natural resources that assures regeneration and replenishment for continuous benefit;
8. **Ecology** refers to the life-sustaining interrelationships and interactions of organisms with each other and with their physical surroundings;
9. **Commercial logging** refers to the cutting, felling or destruction of trees from old growth and residual forests for the purpose of selling or otherwise disposing of the cut or felled logs for profit;
10. **SEP** refers to the Strategic Environmental Plan discussed in Section 7 of these Rules;
11. **ECAN** refers to the Environmentally Critical Areas Network as provided in Section 9 of these Rules; and
12. **EMES** refers to the Environmental Monitoring and Evaluation System provided in Section 15 of these Rules.

Rule II
SEP as Framework for all Developmental

Undertaking in Palawan

SECTION 7. Adoption of SEP as the Framework Plan for Palawan — The SEP shall serve as the framework to guide the government agencies concerned in the formulation and implementation of plans, programs, and projects affecting the environment and natural resources of Palawan. It shall therefore be incorporated in the Regional Development Plan of Region IV as part of said plan. All local governments in Palawan and the concerned national and regional government agencies operating therein shall coordinate and align their projects and the corresponding budgets with the projects, programs, and policies of the SEP, as administered and implemented by an administrative machinery hereinafter created.

SECTION 8. Plans and Programs of the Private Sector — The local government units shall ensure that plans, programs, and activities of non-government organizations (NGOs) and private entities conform with the plans, programs, and objectives of the SEP.

Rule III Areas Covered by the Environmentally Critical Areas Network (ECAN)

SECTION 9. Areas Covered by ECAN — The SEP shall establish a graded system of protection and development control over the whole of Palawan which shall be known as the Environmentally Critical Areas Network (ECAN) and shall serve as the main strategy of the SEP.

The ECAN shall ensure the following:

1. Forest conservation and protection through the imposition of a total commercial logging ban in all areas of maximum protection and in such other restricted use zones as the Palawan Council for Sustainable Development (PCSD) as hereinafter created may provide;
2. Protection of watersheds;
3. Preservation of biological diversity;
4. Protection of tribal people and the preservation of their culture;
5. Maintenance of maximum sustainable yield;
6. Protection of the rare and endangered species and their habitat;
7. Provision of areas for environmental and ecological research, education, and training; and
8. Provision of areas for tourism and recreation.

The areas covered by the ECAN shall be classified into the following three (3) main components: terrestrial component, coastal/marine zones, and tribal ancestral lands which are mentioned in the following sections, without prejudice to further reclassifications and rezoning based on actual surveys or scientific studies and after

due consideration of other existing laws similar to or complementary with RA 7611 such as RA 7586, otherwise known as "National Integrated Protected Areas System Act of 1992."

SECTION 10. Terrestrial Component — The terrestrial component shall consist of the mountainous as well as ecologically important lowhills and lowland areas of the whole province. It may be further subdivided into the following smaller management components:

1. **Terrestrial Core Zone.** Areas of maximum protection which shall be fully and strictly protected and maintained free of human disruption. Provided that exceptions may be granted to traditional uses of tribal communities of these areas for minimal and soft impact gathering of forest species for ceremonial and medicinal purposes. This zone shall include:

- a. Generally, lands above 1,000 meters elevation;
- b. All types of natural forests such as mossy or cloud forests, first growth forests, residual forests, and edges of intact forest;
- c. Known habitat of endangered and endemic species;
- d. Areas of outstanding significant ecological values such as national parks, lowland dipterocarp and casuarina forests and headwaters of very important rivers;
- e. Areas of outstanding cultural values i.e. sacred sites, burial sites, etc.
- f. Areas of very fragile ecological characteristics where utilization would result to irreversible damage.

2. **Buffer Zone** generally lands from 100-1,000 meters elevation and permits regulated use. It may be subdivided into the following subzones:

- a. **Restricted Use Area.** Inner barrier, generally surrounding the core zone and where limited and non-consumptive activities where the ecological balance is not otherwise impaired may be allowed including, but not limited to almaciga tapping, honey gathering, hiking and research. This shall include:
 - i. Altitude limit from 500-1,000 meters elevation.
 - ii. Poor, stunted, and sparse stands of semi-deciduous forest which has very low regeneration capacity.
 - iii. Lower altitude limit can be lowered to a base of 300 meters to protect the remaining forested peaks of watersheds adjacent to critical eco-systems such as coral reefs, Malampaya Sound, Lake Manguao, St. Paul's Underground River and watersheds for major irrigation, water supply and mini-hydro projects.
 - iv. Identified mangrove areas where limited use would not cause negative impacts.

b. **Controlled Use** Area outer protective barrier that encircles the core and restricted use areas. Strictly controlled mining and logging, which is not for profit, almaciga tapping, tourism development, research, grazing and gathering of honey, rattan, and other minor forest products may be allowed. This shall include the:

i. Altitude limit from 100-300 meters elevation.

ii. Lower altitude limit can go up to 300 meters if it would not cause negative ecological impacts, but the high altitude limit shall not exceed 500 meters.

iii. In areas where there is a community within or immediately adjacent to a restricted use area, a controlled use zone could be delineated from the restricted use area for use of the community.

c. **Traditional Use Area.** Edges of intact forests where traditional land use is already stabilized or is being stabilized. Management and control shall be carried out with the other supporting programs of the SEP.

3. **Multiple/Manipulative Use Zone.** Areas where the landscape has been modified for different forms of land use. Intensive resource use may be allowed including but not limited to agriculture, infrastructure, industrial settlement and tourism development. Control and management shall be strictly integrated with the other supporting programs of the SEP, as administered by the Council and other programs of the Government.

SECTION 11. Coastal Zone/Marine Component — This area includes the whole coastline up to the open sea. Equitable access to the resource and management responsibility by the local community shall be the underlying management philosophy of this component.

1. **Coastal Core Zone.** This area shall be free from any human activity. This includes sanctuaries for rare and endangered species, selected coral reefs, seagrass and mangrove ecosystem reserves.

2. **Multiple Use Area.** Areas where compatible resource use and other human activities that are not destructive would be recommended including but not limited to artisanal fishery, communal fishing grounds, tourism development, mariculture, recreation, education and research and rehabilitation of small islands and mangrove ecosystem.

SECTION 12. Tribal Ancestral Lands — These areas, traditionally occupied by cultural minorities, comprise both land and sea areas identified in consultation with tribal communities concerned and the appropriate agencies of government. These shall be treated in the same graded system of control and prohibition as in the others above mentioned except for stronger emphasis in cultural consideration. The Council shall devise a special kind of zonation that will consider the material and cultural needs of the tribes using consultative processes and cultural mapping of ancestral lands.

Rule IV

Management of Resources