

REPUBLIC ACT No. 7586

AN ACT PROVIDING FOR THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL INTEGRATED PROTECTED AREAS SYSTEM, DEFINING ITS SCOPE AND COVERAGE, AND FOR OTHER PURPOSES

SECTION 1. Title. — This Act shall be known and referred to as the "National Integrated Protected Areas System Act of 1992."

SECTION 2. Declaration of Policy. — Cognizant of the profound impact of man's 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 is hereby declared the policy of the State to secure for the Filipino people of present and 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 representative of our natural heritage; that effective administration of these areas is possible only through cooperation among national government, local government and concerned private organizations; 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 outstandingly remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as "protected areas."

SECTION 3. Categories. — The following categories of protected areas are hereby established:

- (a) Strict nature reserve;
- (b) Natural park;
- (c) Natural monument;

- (d) Wildlife sanctuary;
- (e) Protected landscape and seascapes;
- (f) Resource reserve;
- (g) Natural biotic areas; and
- (h) Other categories established by law, conventions or international agreements which the Philippine Government is a signatory.

SECTION 4. Definition of Terms. — For purposes of this Act, the following terms shall be defined as follows:

- (a) "**National Integrated Protected Areas Systems (NIPAS)**" is 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;
- (b) "**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;
- (c) "**Buffer zones**" are identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 that need special development control in order to avoid or minimize harm to the protected area;
- (d) "**Indigenous cultural community**" 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;
- (e) "**National park**" refers to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas;
- (f) "**Natural monument**" is a relatively small area focused on protection of small features to protect or preserve nationally

significant natural features on account of their special interest or unique characteristics;

- (g) "**Natural biotic area**" is an area set aside to allow the way of life of societies living in harmony with the environment to adopt to modern technology at their pace;
- (h) "**Natural park**" is a relatively large area not materially altered by human activity where extractive resources uses are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use;
- (i) "**Protected landscapes/seascapes**" are areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas;
- (j) "**Resources reserve**" is an extensive and relatively isolated and uninhabited area normally with difficult access designated as such to protect natural resources of the area for future use and prevent or contain development activities that could affect the resource pending the establishment of objectives which are based upon appropriate knowledge and planning;
- (k) "**Strict nature reserve**" is an area possessing some outstanding ecosystem, features and/or species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;
- (l) "**Tenured migrant communities**" are communities within protected areas which have actually and continuously occupied such areas for five (5) years before the designation of the same as protected areas in accordance with this Act and are solely dependent therein for subsistence; and
- (m) "**Wildlife sanctuary**" comprises an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation.

SECTION 5. Establishment and Extent of the System. — The establishment and operationalization of the System shall involve the following:

- (a) All areas or islands in the Philippine proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascapes as well as identified virgin forests before the effectivity of this Act are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act;
- (b) Within one (1) year from the effectivity of this Act, the DENR shall submit to the Senate and the House of Representatives a map and legal description or natural boundaries of each protected area initially comprising the System. Such maps and legal descriptions shall, by virtue of this Act, constitute the official documentary representation of the entire System, subject to such changes as Congress deems necessary;
- (c) All DENR records pertaining to said protected areas, including maps and legal descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) where NIPAS areas are located;
- (d) Within three (3) years from the effectivity of this Act, the DENR shall study and review each area tentatively composing the System as to its suitability or unsuitability for preservation as protected area and inclusion in the System according to the categories established in Section 3 hereof and report its findings to the President as soon as each study is completed. The study must include in each area:
 - (1) A forest occupants survey;
 - (2) An ethnographic study;
 - (3) A protected area resource profile;

- (4) Land use plans done in coordination with the respective Regional Development Councils; and
- (5) Such other background studies as will be sufficient bases for selection.

The DENR shall:

- (i) Notify the public of the proposed action through publication in a newspaper of general circulation, and such other means as the System deems necessary in the area or areas in the vicinity of the affected land thirty (30) days prior to the public hearing.
- (ii) Conduct public hearing at the locations nearest to the area affected;
- (iii) At the least thirty (30) days prior to the date of hearing advise all local government units (LGUs) in the affected areas, national agencies concerned, people's organizations and nongovernment organizations and invite such officials to submit their views on the proposed action at the hearing not later than thirty (30) days following the date of the hearing; and
- (iv) Give due consideration to the recommendations at the public hearing; and provide sufficient explanation for his recommendations contrary to the general sentiments expressed in the public hearing;
- (e) Upon receipt of the recommendations of the DENR the President shall issue a presidential proclamation designating the recommended areas as protected areas and providing for measures for their protection until such time when Congress shall have enacted a law finally declaring such recommended areas as part of the integrated protected area system; and
- (f) Thereafter, the President shall send to the Senate and the House of Representatives his recommendations with respect to the designations as protected areas or reclassification of each area on which review has been completed, together with maps and legal description of boundaries. The President, in his recommendation, may propose the alteration of existing boundaries of any or all proclaimed protected areas, additional of any contiguous area of public land of predominant physical and biological value. Nothing contained herein shall limit the President to propose, as part of this recommendation to Congress, additional areas which have not been designated, proclaimed or set aside by law,

presidential decree, proclamation or executive order as protected area/s.

SECTION 6. Additional Areas to be Integrated to the System. — Notwithstanding the establishment of the initial component of the System, the Secretary shall propose the inclusion in the System of additional areas with outstanding physical features, anthropological significance and biological diversity in accordance with the provisions of Section 5(d).

SECTION 7. Disestablishment as Protected Area. — When in the opinion of the DENR a certain protected area should be withdrawn or disestablished, or its boundaries modified as warranted by a study and sanctioned by the majority of the members of the respective boards for the protected area as herein established in Section 11, it shall, in turn, advise Congress. Disestablishment of a protected area under the System or modification of its boundary shall take effect pursuant to an act of Congress. Thereafter, said area shall revert to the category of public forest unless otherwise classified by Congress: Provided, however, That after disestablishment by Congress, the Secretary may recommend the transfer of such disestablished area to other government agencies to serve other priority programs of national interest.

SECTION 8. Buffer Zones. — For each protected area, there shall be established peripheral buffer zones which necessary, in the same manner as Congress establishes the protected area, to protect the same from activities that will directly and indirectly harm it. Such buffer zones shall be included in the individual protected area management plan that shall be prepared for each protected area. That DENR shall exercise its authority over protected areas as provided in this Act on such area designated as buffer zones.

SECTION 9. Management Plans. — There shall be a general management planning strategy to serve as guide in formulating individual plans for each protected area. The management planning strategy shall, at the minimum, promote the adoption and implementation of innovative management techniques including, if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organizing, socioeconomic and scientific researches, site-specific policy development, pest management, and fire control. The management planning strategy shall also provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and sites and for close coordination between and among local agencies of the Government as well as the private sector.

Each component area of the System shall be planned and administered to further protect and enhance the permanent preservation of its natural conditions. A management manual shall be formulated and developed which must contain

the following: an individual management plan prepared by three (3) experts, basic background information, field inventory of the resources within the area, an assessment of assets and limitation, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area, and a design of the management programs.

SECTION 10. Administration and Management of the System.

— The National Integrated Protected Areas System is hereby placed under the control and administration of the Department of Environment and Natural Resources. For this purpose, there is hereby created a division in the regional offices of the Department to be called the Protected Areas and Wildlife Division in regions where protected areas have been established, which shall be under the supervision of a Regional Technical Director, and shall include subordinate officers, clerks, and employees as may be proposed by the Secretary, duly approved by the Department of Budget and Management, and appropriated for by Congress. The Service thus established shall manage protected areas and promote the permanent preservation, to the greatest extent possible of their natural conditions.

To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform any and all of the following acts:

- (a) To conduct studies on various characteristic features and conditions of the different protected areas, using commonalities in their characteristics, classify and define them into categories and prescribe permissible or prohibited human activities in each category in the System;
- (b) To adopt and enforce a land-use scheme and zoning plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the protected areas;
- (c) To cause the preparation of and exercise the power to review all plans and proposals for the management of protected areas;
- (d) To promulgate rules and regulations necessary to carry out the provisions of this Act;
- (e) To deputize field officers and delegate any of his powers under this Act and other laws to expedite its implementation and enforcement;
- (f) To fix and prescribe reasonable NIPAS fees to be collected from government agencies or any person, firm or corporation deriving benefits from the protected areas;
- (g) To exact administrative fees and fines as authorized in Section 21 for violations of guidelines, rules and regulations of this Act as would endanger the viability of protected areas;
- (h) To enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;

- (i) To accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursements or other property in the interest of the NIPAS, its activities, or its services;
- (j) To call on any agency or instrumentality of the Government as well as academic institutions, nongovernment organizations and the private sector as may be necessary to accomplish the objectives and activities of the System;
- (k) To submit an annual report to the President of the Philippines and to Congress on the status of protected areas in the country;
- (l) To establish a uniform marker for the System, including an appropriate and distinctive symbol for each category in the System, in consultation with appropriate government agencies and public and private organizations;
- (m) To determine the specification of the class, type and style of buildings and other structures to be constructed in protected areas and the materials to be used;
- (n) Control the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection, and sanitation systems and other public utilities within the protected area;
- (o) Control occupancy of suitable portions of the protected area and resettle outside of said area forest occupants therein, with the exception of the members of indigenous communities ; and
- (p) To perform such other functions as may be directed by the President of the Philippines, and to do such acts as may be necessary or incidental to the accomplishment of the purpose and objectives of the System.

SECTION 11. Protected Area Management Board. — A Protected Area Management Board for each of the establishment protected area shall be created and shall be composed of the following: the Regional Executive Director under whose jurisdiction the protected area is located; one (1) representative from the autonomous regional government, if applicable; the Provincial Development Officer; one (1) representative from the municipal government; one (1) representative from each barangay covering the protected area; one (1) representative from each tribal community, if applicable; and, at least three (3) representatives from nongovernment organizations/local community organizations, and if necessary, one (1) representative from other departments or national government agencies involved in protected area management.

The Board shall, by a majority vote, decide the allocations for budget, approve proposals for funding, decide matters relating to planning, peripheral protection and general administration of the area in accordance with the general management strategy. The members of the Board shall serve for a term of five (5) years without compensation, except for actual and necessary traveling and

subsistence expenses incurred in the performance of their duties. They shall be appointed by the Secretary of the DENR as follows:

- (a) A member who shall be appointed to represent each local government down to barangay level whose territory or portion is included in the protected area. Each appointee shall be the person designated by the head of such LGU, except for the Provincial Development Officer who shall serve ex officio;
- (b) A member from nongovernment organizations who shall be endorsed by heads of organizations which are preferably based in the area or which have established and recognized interest in protected areas;
- (c) The RED/s in the region/s where such protected area lies shall sit as ex officio member of the Board and shall serve as adviser/s in matters related to the technical aspect of management of the area; and
- (d) The RED shall act as chairman of the Board. when there are two (2) or more REDs in the Board, the secretary shall designate one (1) of them to be the Chairman. Vacancies shall be filled in the same manner as the original appointment.

SECTION 12. Environmental Impact Assessment. — Proposals for activities which are outside the scope of the management plan for protected areas shall be subject to an environmental impact assessment as required by law before they are adopted, and the results thereof shall be taken into consideration in the decision-making process. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippines Environment Impact Assessment (ELA) system. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for any damage due to lack of caution or indiscretion.

SECTION 13. Ancestral Lands and Rights Over Them. — Ancestral lands and customary rights and interest arising shall be accorded due recognition. The DENR shall prescribe rules and regulations to govern ancestral lands within protected areas: Provided, That the DENR shall have no power to evict indigenous communities from their present occupancy nor resettle them to another area without their consent: Provided, however, That all rules and regulations, whether adversely affecting said communities or not, shall be subjected to notice and hearing to be participated in by members of concerned indigenous community.

SECTION 14. Survey for Energy Resources. — Consistent with the policies declared in Section 2 hereof, protected areas, except strict nature reserves and natural parks, may be subjected to exploration only for the purpose

of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. Any exploitation and utilization of energy resources found within NIPAS areas shall be allowed only through a law passed by Congress.

SECTION 15. Areas Under the Management of Other Departments and Government Instrumentalities. — Should there be protected areas, or portions thereof, under the jurisdiction of government instrumentalities other than the DENR, such jurisdiction shall, prior to the passage of this Act, remain in the said department or government instrumentality: Provided, That the department or government instrumentality exercising administrative jurisdiction over said protected area or a portion thereof shall coordinate with the DENR in the preparation of its management plans, upon the effectivity of this Act.

SECTION 16. Integrated Protected Areas Fund. — There is hereby established a trust fund to be known as Integrated Protected Areas (IPAS) Fund for purposes of financing projects of the System. The IPAS may solicit and receive donations, endowments, and grants in the form of contributions, and such endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the Government for any political subdivision or instrumentality thereof.

All incomes generated from the operation of the System or management of wild flora and fauna shall accrue to the Fund and may be utilized directly by the DENR for the above purpose. These incomes shall be derived from:

- (a) Taxes from the permitted sale and export of flora and fauna and other resources from protected areas;
- (b) Proceeds from lease of multiple-use areas;
- (c) Contributions from industries and facilities directly benefiting from the protected areas; and
- (d) Such other fees and incomes derived from the operation of the protected area.

Disbursements from the Fund shall be made solely for the protection, maintenance, administration, and management of the System, and duly approved projects endorsed by the PAMBs, in the amounts authorized by the DENR.

SECTION 17. Annual Report to Congress. — At the opening of each session of Congress, the DENR shall report to the President, for

transmission to Congress, on the status of the System, regulation in force and other pertinent information, together with recommendations.

SECTION 18. Field Officers. — All officials, technical personnel and forest guards employed in the integrated protected area service or all persons deputized by the DENR, upon recommendation of the Management Board shall be considered as field officers and shall have the authority to investigate and search premises and buildings and make arrests in accordance with the rule on criminal procedure for the violation of laws and regulation relating to protected areas. Persons arrested shall be brought to the nearest police precinct for investigation.

Nothing herein mentioned shall be constructed as preventing regular law enforcers and police officers from arresting any person in the act of violating said laws and regulating.

SECTION 19. Special Prosecutor. — The Department of Justice shall designate special prosecutors to prosecute violations of laws rules and regulations in protected areas.

SECTION 20. Prohibited Acts. — Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

- (a) Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board;
- (b) Dumping of any waste products detrimental to the protected area, or to the plants and animals or inhabitants therein;
- (c) Use of any motorized equipment without a permit from the Management Board;
- (d) Mutilating, defacing or destroying objects of natural beauty or objects of interest to cultural communities (of scenic value);
- (e) Damaging and leaving roads and trails in a damaged condition;
- (f) Squatting, mineral locating, or otherwise occupying any land;
- (g) Constructing or maintaining any kind of structure, fences or enclosures, conducting any business enterprise without a permit;
- (h) Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and
- (i) Altering, removing destroying or defacing boundary marks or signs.

SECTION 21. Penalties. — Whoever violates, this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5,000) nor more than Five hundred thousand pesos (P500,000),

exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court: Provided, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration to the damage: Provided, further, That the court shall order the eviction of the offender from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers: Provided, finally, That the DENR may impose administrative fines and penalties consistent with this Act.

SECTION 22. Separability Clause. — If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections of this Act.

SECTION 23. Repealing Clause. — All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

SECTION 24. Effectivity Clause. — This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved: June 1, 1992