

**[PCSD ADMINISTRATIVE ORDER NO. 11, S. OF
2006, December 15, 2006]**

**RULES AND REGULATIONS GOVERNING THE CONSERVATION
AND PROTECTION OF MANGROVE AREAS**

Pursuant to PCSD Resolution No. 06-316, this Rules and Regulations is hereby promulgated for the compliance and guidance of all concerned in the province of Palawan.

SECTION 1. Basic Policy

It is the policy of the State to conserve the country's biological diversity and endangered habitats for sustainable development. Towards this end, the State shall promulgate such rules that sustain the declaration of Palawan mangrove forests, including its flora, fauna and marine life, as national reserve because of their ecological, scientific, educational and recreational values

SECTION 2. Objective

In the pursuit of the above-mentioned policy, this Order is promulgated to achieve the following objectives.

2.1 to conserve and protect existing mangrove areas
2.2 to prevent illegal activities within mangrove areas

2.3 to provide for a mechanism by which existing illegal fishponds, including those declared as "for reversion" by proper authorities, may be reverted to their original mangrove state

2.4 to provide for a mechanism by which mangrove tanbarks may be disposed

SECTION 3. Scope

This Administrative Order shall apply to activities covered under Sections 5 to 12 as herein provided.

SECTION 4. Definition of Terms

4.1 *Fishponds* - an artificially constructed pond for raising fish from fry of any species and stage to marketable size, or a natural pond where fishes are impounded for similar purposes.

4.2 *Debarking* - the act of removing a bark of a mangrove tree

4.3 *Tanbark*-the bark which has been removed from the mangrove tree

4.4 *Illegal structures* - those which are constructed in mangrove areas aside from fishpond dikes

RULE II GENERAL PROVISIONS

SECTION 5. Cancelled/Terminated Lease

All fishponds with lawfully issued Fishpond Lease Agreements but which are declared by the Bureau of Fisheries and Aquatic Resources as cancelled or terminated according to the grounds provided in its own guidelines before the effectivity of this Order, and those which shall be cancelled or terminated for violations of the terms and conditions of the FLA shall be reverted to the category of a forest land. Upon issuance by BFAR of a Certification to this effect, the PCSD shall take cognizance of these fishponds and shall take the necessary steps to restore them to their original mangrove state. PCSD may call on the DENR and other concerned agencies in carrying out the reversion process.

SECTION 6. Abandoned, Undeveloped or Underutilized Fishponds

Fishpond areas covered by an existing FLA which have been determined as abandoned, undeveloped or underutilized after five (5) years from issuance of FLA shall be reverted to the category of a forest land. Upon issuance by BFAR of a Certification to this effect, the PCSD shall take the necessary steps to restore these areas to their original mangrove state. PCSD may call on the DENR and other concerned agencies in carrying out the restoration process.

SECTION 7. Absentee Fishpond Lease Agreement Holders

Fishpond areas of holders of fishpond lease agreements who have acquired citizenship in another country during the existence of the FLA, whose leases have been automatically cancelled and their improvements forfeited in favor of the government, shall be reverted to the category of forest land. Upon issuance by BFAR of a Certification to this effect, the PCSD shall cause their restoration to their original mangrove state. The PCSD may call on the DENR and other concerned agencies in carrying out the restoration process.

RULE II PROHIBITIONS

SECTION 8. Illegal girdling, burning or possession of any mangrove species or any part thereof in the Province of Palawan

No person, natural or juridical, shall girdle, burn or possess any mangrove species or any part thereof without permit from the concerned government agency and/Or SEP Clearance from the PCSD. .

SECTION 9. Illegal Conversion of Mangroves

No person, natural or juridical, shall be allowed to convert mangrove areas. Provided further, that the continuous existence of any structure constructed in violation of section 94 of RA 8550 prior to the effectivity of this Order shall also constitute a violation of this section and shall be subject to the penalties herein provided.

SECTION 10. Unlawful use of fishpond covered by a Lease granted to another

It shall be unlawful for any person who has not acquired any leasehold rights of an assignee/transferee under the rules provided for by BFAR to use or occupy any fishpond areas covered by FLA granted to another person.

SECTION 11. Obstruction to Navigation in any body of water within mangrove areas

It shall be unlawful for any person to construct any kind of structure which will obstruct the free navigation of rivers in mangrove areas or which will impede the flow of tide to and from mangrove areas.

SECTION 12. Mangrove Debarking and Possession of Tanbarks.

Pursuant to PCSD Resolution No. 00-166, the act of debarking is hereby declared as illegal and the mere possession of tanbark as illegal per se in the province of Palawan,

RULE III
PENAL PROVISIONS

SECTION 13. Fines

The following fines shall be imposed after due notice and hearing and in accordance with the proper determination of the PCSD Adjudication Board:

SECTION 13.1 Any person who girdles, burns or possess any mangrove species or any part thereof without permit from the concerned government agency and/or SEP Clearance from the PCSD pursuant to Section 8 of this Order shall be fined the amount of not less than P50,000.00 and not more than P250,000.00

SECTION 13.2 Any person who is found to have illegally converted mangrove areas pursuant to Section 9 of this Order shall be fined the amount of not less than P50,000.00 and not more than P250,000.00.

SECTION 13. 3 Any person who unlawfully uses or occupies any fishpond covered by FLA granted to another person (lessee) without any legal instrument pursuant to section 10 of this Order shall be fined the amount of not less than P50,000.00 and not more than P250,000.00.

SECTION 13.4 Any person who unlawfully constructs any kind of structure in mangrove areas which obstruct the free navigation or impede the flow of tide therein pursuant to Section 11 of this Order shall be fined the amount of not less than P50,000.00 and not more than P250,000.00.

SECTION 13. 5 Any person who is found to be in violation of Section 12 of this Order on Mangrove debarking and possession of tanbark shall be fined the amount of not less than P50,000.00 and not more than P250,000.00.

SECTION 14. Cancellation