

# PROTECTED AREAS LAW MATRIX\*

## PHILIPPINES

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<b>NAME OF INSTRUMENTS analysed</b>	National Integrated Protected Areas System Act of 1992 (Republic Act No. 7586), and National Integrated Protected Areas System (NIPAS) Implementing Rules and Regulations (DENR Administrative Order No. 1992-25), as amended by subsequent regulations.	
<b>JURISDICTION national or sub-national</b>	National	
<b>Available online</b>	Full texts at ECOLEX.org ( <a href="#">LEX-FAOC019796</a> ) ( <a href="#">LEX-FAOC040801</a> )	
<b>Valid as of</b>	24 March 2010	
TOPIC	QUESTION	APPLICATION
<b>1. Identification</b>	1. Full title	NIPAS Act: An Act Providing for the Establishment and Management of National Integrated Protected Areas System, Defining its Scope and Coverage, and for Other Purposes.  NIPAS IRR: Revised Implementing Rules and Regulations of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992
	2. Enactment date; if not enacted state date of bill (i.e. draft)	NIPAS Act: June 1, 1992 NIPAS IRR: December 24, 2008
	3. Enacted by (institution/level of government)	NIPAS Act: Philippine Congress NIPAS IRR: Department of Environment and Natural Resources
	4. Minister or policy-level body granted regulatory/other powers to implement the instrument?	Department of Environment and Natural Resources (DENR)
	5. Specialized PA agency/dept. responsible for daily implementation	Protected Areas and Wildlife Bureau, DENR (system-wide); Protected Areas Superintendent (site-based)
<b>2. Scope</b> <i>Geographical</i>  <i>Conservation</i>	6. Is the instrument only for terrestrial areas?	No
	7. Does it cover terrestrial and marine areas?	Yes
	8. Does it provide only for marine PAs?	No
	9. Does it focus on biodiversity conservation?	Yes
	10. Does it focus on specific types of ecosystems?	No

\* This matrix has been developed in order to provide a standardised framework for the analysis of the main legal instruments on protected areas of any country, and thus provide a basis for comparison.

<b>Governance</b>	11.	Does it cover conservation of cultural values?	Yes
	12.	Does it relate only to Government/publicly owned PAs?	Yes
	13.	Does it cover public/private ownership?	Yes
	14.	Does it cover Private Protected Areas (PPAs)?	No
	15.	Does it provide for co-management?	Yes, but under the Protected Areas Management Board
	16.	Does it cover Community Conserved Areas (CCAs)?	No
<b>3. Policy context</b>	17.	Summarise stated purpose or objective of the instrument	<p>NIPAS Act: 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. (Sec. 2)</p> <p>NIPAS IRR: This Order shall likewise set forth in detail processes by which DENR and other concerned institutions and agencies will establish, administer, manage and disestablish protected areas. (Rule 3).</p>
	18.	Specify any references to global or regional conventions	NIPAS IRR: Convention on Biological Diversity (Rule 2)
	19.	Specify reference to any significant environmental law principle such as the precautionary principle, public participation., access to information	<p>NIPAS Act:</p> <p>Sustainable Development</p> <ul style="list-style-type: none"> <li>• Enjoyment and use of PAs must be consistent with sustainable development (Sec. 2)</li> </ul> <p>Environmental Impact Assessment</p> <ul style="list-style-type: none"> <li>• Development activities not included in the management plan subject to EIA regulations (Sec. 12)</li> </ul> <p>Public Participation</p> <ul style="list-style-type: none"> <li>• Community representation in the Protected Area Management Board (Sec. 11)</li> <li>• Right to notification and public hearing in establishment and disestablishment of PAs (Sec. 5)</li> </ul> <p>Access to Information</p> <ul style="list-style-type: none"> <li>• 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 (Sec. 5)</li> <li>• Access to results of surveys of energy resources inside PA (Sec. 14)</li> </ul> <p>Payment for Environmental Services</p> <ul style="list-style-type: none"> <li>• Collection of reasonable fees from persons deriving benefits from PAs (Sec. 10)</li> </ul> <p>NIPAS IRR:</p> <p>Sustainable Development</p> <ul style="list-style-type: none"> <li>• Use and enjoyment of PAs must be consistent with sustainable development (Rule 2)</li> </ul> <p>Environmental Impact Assessment</p>

		<ul style="list-style-type: none"> <li>• Activities inside PAs not included in management plan subject to EIA (Rule 13)</li> </ul> <p>Public Participation</p> <ul style="list-style-type: none"> <li>• Community representation in PAMB (Rule 12)</li> <li>• Series of public hearings throughout the process of establishment, boundary modification or disestablishment of PAs. (Rule 6)</li> <li>• Cultural communities, tenured migrants, other existing protected area users and local governments shall be part of the decision making process in zone establishment and management planning (Rule 10)</li> </ul> <p>Access to Information</p> <ul style="list-style-type: none"> <li>• All data and other information regarding the PA made available to the public (Rule 6.2; 6.6.6)</li> <li>• General education campaign about the NIPAS (Rule 11.4)</li> </ul> <p>Payment for Environmental Services</p> <ul style="list-style-type: none"> <li>• Fees for access to PA or use of resources therein (Rule 18)</li> </ul>
<b>4. Objectives and policies</b>	<p>20. Summarize any general or specific policy for PAs stated in the instrument</p>	<p>NIPAS Act: 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.</p> <p>NIPAS IRR (Rule 2.1). The following shall be the specific policies governing the establishment and management of the NIPAS:</p> <p>2.1.1 There shall be a policy of contiguousness of protected areas and the use of police power and eminent domain to make each protected area whole, if necessary and applicable.</p> <p>2.1.2 Protected areas should complement each other in terms of taxonomic representation, actual species migration patterns, maintenance of essential ecological processes and life support systems, and efficiency in conservation costs.</p> <p>2.1.3 The management plan of protected areas shall be integrated with the comprehensive land use plan of the local government units.</p> <p>2.1.4 The management of the NIPAS shall contribute to achievement of significant reduction in the rate of biodiversity loss in the short-term and help in the development of long-term targets.</p>
	<p>21. Specify any objectives expressed for PAs stated in the instrument</p>	<p>NIPAS Act (Sec. 2): 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</p>

		<p>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.</p> <p>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.</p> <p>NIPAS IRR: Rule 2.2 In order to achieve the above specific policies of the NIPAS, the following strategies are hereby adopted:</p> <p>2.2.1 In selecting areas for inclusion in the NIPAS, the conservation priority areas in each of the identified biogeographic zones in both aquatic and terrestrial environments shall be primarily considered.</p> <p>2.2.2 The NIPAS should complement and be consistent with the establishment, creation or designation of similar conservation areas under other relevant laws.</p> <p>2.2.3 The sustainability of the NIPAS depends on the collaboration of all stakeholders through a functional, transparent, accountable and participatory governance mechanism; the judicious use of the Integrated Protected Areas Fund; and the development of other mechanisms for maintaining the viability of managing protected areas prescribed under the Act.</p>
<p><b>5. Definitions</b></p>	<p>22. Is the term PA defined in the instrument? If so, how?</p> <p>23. Are specific categories/types of PAs provided? If so, specify any that are based on:</p> <ul style="list-style-type: none"> <li>(i) conservation/management objectives</li> <li>(ii) ecosystem types (e.g. MPAs)</li> <li>(iii) tenure/governance considerations (PPAs/community-owned)</li> <li>(iv) jurisdictional considerations, and whether there are transboundary issues involved</li> </ul> <p>Indicate if these categories/types are included in definitions section or in body of instrument</p>	<p>NIPAS Act: 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.</p> <p>NIPAS Act (Sec. 3 and 4): (i) 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;</p> <p>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;</p> <p>Wildlife sanctuary comprises an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic</p>

<b>IUCN Categories</b>		<p>communities or physical features of the environment where these may require specific human manipulation for the perpetuation.</p> <p>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;</p> <p>Natural park is a relatively large area not materially altered by human activity where extractive resource uses are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use;</p> <p>Resource 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;</p> <p>(ii) none</p> <p>(iii) Natural biotic area is an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;</p> <p>(iv) other categories established by law, conventions or international agreements (e.g. transboundary PA)</p>
	24. Is there explicit reference to IUCN categories?	Yes, but no mention of IUCN itself.
	25. If so, are they reproduced verbatim or in a modified form? (See annex: IUCN categories 1 to 6)	<p>Modified, as defined in NIPAS Act (Sec. 4):</p> <p>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;</p> <p>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;</p> <p>Wildlife sanctuary (equivalent to Habitat/Species Management Area) comprises an area which assures the natural conditions necessary to protect nationally</p>

		<p>significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for the perpetuation.</p> <p>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;</p> <p>Natural park (equivalent to strict nature reserve) is a relatively large area not materially altered by human activity where extractive resource uses are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use;</p>
	<p>26. If the IUCN categories are not mentioned or incorporated, are any categories actually used in the instrument similar to the IUCN categories? be specific</p>	<p>See above #25</p>
<p><b>6. Institutional Arrangements: At the PA System level</b></p>	<p>27. Are there provisions for: - an overall PA System institutional structure (Minister, cabinet)? - overall administration of the PA System programme and implementation (department, agency, intergovernmental commission)? If so, describe.</p>	<p>Department of Environment and Natural Resources – overall responsibility;  Protected Areas and Wildlife Bureau – specific unit of DENR that manages the System.</p>
	<p>28. Does the instrument provide for future designation of management entities at individual PA level? If so, specify.</p>	<p>Yes. Establishment of Protected Areas Management Board (PAMB), an inter-agency, multi-stakeholder management body at each PA</p>
	<p>29. Is there a requirement for inter-agency cooperation? If so, specify.</p>	<p>Yes. PAMB composed of the DENR 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 non-government organizations/local community organizations, and if necessary, one (1) representative from other departments or national government agencies involved in protected area management.</p>
<p><b>At the individual PA level</b></p>	<p>30. Is a specific body or bodies provided with authority to manage individual PAs? If so, describe (see also questions 25 and 26).</p>	<p>Yes. NIPAS Act: Protected Area Management Board – decide on allocations for budget, approve proposals for funding, decide on matters related to planning, peripheral protection and general administration of the area in accordance with the general management strategy. (Sec. 11)</p> <p>NIPAS IRR: In addition to the PAMB, Protected Area Superintendent – chief operating DENR officer at the site, responsible to the PAMB and DENR Regional Director; supported by PA staff. (Rule 11.7)</p>

	<p>31. Is there a statutory basis for public participation in such bodies or other consultation/involvement of the public in the governance/management of individual PAs? If so, specify.</p>	<p>Yes.</p> <p>NIPAS Act:</p> <ul style="list-style-type: none"> <li>• Community representation in the Protected Area Management Board (Sec. 11)</li> <li>• Right to notification and public hearing in establishment and disestablishment of PAs (Sec. 5)</li> <li>• All rules and regulations related to ancestral domains and rights of indigenous communities, whether adversely affecting the community or not, shall be subjected to notice and hearing to be participated in by members of concerned indigenous community (Sec. 13)</li> </ul> <p>NIPAS IRR:</p> <ul style="list-style-type: none"> <li>• Community representation in PAMB (Rule 12)</li> <li>• Series of public hearings throughout the process of establishment, boundary modification or disestablishment of PAs. (Rule 6)</li> <li>• Cultural communities, tenured migrants, other existing protected area users and local governments shall be part of the decision making process in zone establishment and management planning (Rule 10)</li> </ul>
<p><b>7. Advisory Bodies</b></p>	<p>32. Does the instrument provide for advisory bodies - at PA System level? - at individual PA level?</p>	<p>No, except for the inter-agency PAMB</p>
	<p>33. If advisory bodies are provided for, indicate the relevant provisions that create those bodies, or enables their creation and describe the purpose, membership, powers and functions of those advisory bodies.</p>	<p>NA</p>
	<p>34. If statutory bodies are not provided for, is there a statutory basis for scientific input or consultations; if so, specify.</p>	<p>Yes. NIPAS Act: The DENR Secretary may call on any agency or instrumentality of government as well as academic institutions, non-government organizations and the private sector as may be necessary to accomplish the objectives and activities of the System (Sec. 10).</p> <p>NIPAS IRR:</p> <ul style="list-style-type: none"> <li>• Each protected area shall have a Management Plan prepared by inter-disciplinary team of experts led by the DENR Regional Office following the procedures as specified under these Rules. The Regional Executive Director shall create and convene a Regional team composed of persons knowledgeable in socio-economic planning, land-sea use planning, ecology and protected area management and/or related fields of discipline that will provide technical assistance in the preparation of the PA management plan and information management system. (Rule 10.2.3)</li> <li>• The management manual shall be drafted with inter-disciplinary inputs (Rule 10.1).</li> </ul>

	35. Are there provisions to assess and report on effectiveness of the PA System? If so, specify.	Yes. NIPAS Act: Annual report to Congress on the status of NIPAS (Sec. 17)
<b>8. PA System Planning and Management</b>	36. Does the instrument provide for a system of Protected Areas (PA System)?	Yes.
	37. Does the instrument require the preparation of a plan for development and management of a PA System? If so describe purpose, responsible entity and key elements	Yes. NIPAS Act (Sec. 9): DENR shall prepare “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 private sector.”  NIPAS IRR (Rule 10.1): A General Management Planning Strategy (GMPS) shall be prepared by PAWB to serve as guide for the system-wide management of the NIPAS. The GMPS shall standardize the management planning process for protected areas to ensure: i) that management techniques provided in these Rules are adopted; ii) that national as well as international protected area management standards are met; iii) that there is continuity of planning efforts; and iv) that management decisions are made with inter-disciplinary inputs and participation of all stakeholders.
<b>9. Establishment, amendment, abolition</b>	38. Are there provisions for the establishment of PAs? Describe the authority entitled to do so and the process (incl. poss. for public partic.)	Yes. NIPAS Act (Sec. 5) and NIPAS IRR (Rule 6): <ul style="list-style-type: none"> <li>• The NIPAS Act created a presumption that all areas previously proclaimed as national park, game refuge, bird and wildlife sanctuary, wilderness area, watershed, fish sanctuary, historical landmark, etc. form the initial components of NIPAS;</li> <li>• DENR conducts studies to review and validate whether the initial components are suitable for final inclusion in NIPAS;</li> <li>• DENR conducts public hearings and consultations on the proposed inclusion or exclusion of the area in the NIPAS;</li> <li>• DENR recommends to the President the issuance of a Proclamation to confirm the inclusion of the area under NIPAS;</li> <li>• President issues Presidential Proclamation declaring an area as PA under NIPAS and providing initial measures for its protection; President recommends to Congress the establishment of the area as PA under</li> </ul>



		<p>NIPAS;</p> <ul style="list-style-type: none"> <li>• Congress enacts a law that establishes the PA, defining its boundaries, establishing the management institution (PAMB) and appropriating funds.</li> </ul> <p>NIPAS Act (Sec. 6) and NIPAS IRR (Rule 7):</p> <ul style="list-style-type: none"> <li>• Additional components (PAs not included as initial components) may be established following the same procedure as establishment of initial components.</li> </ul>
	<p>39. Are there provisions for altering the boundaries of PAs? Describe the authority entitled to do so and the process (incl. poss. for public partic.)</p>	<p>Yes.</p> <p>NIPAS Act (Sec. 5, 6 and 7) and NIPAS IRR (Rule 8):</p> <ul style="list-style-type: none"> <li>• DENR conducts studies to review and validate whether existing areas (or part thereof) is suitable for inclusion as PA under NIPAS. The results of the studies can include boundary alteration. Boundary alteration of initial components can take effect only after Congress passes a law establishing the PA with the new boundaries.</li> <li>• For additional components, boundary alterations can be done only by Congress through an amendment of the law establishing the PA.</li> <li>• DENR must conduct studies and public consultations to justify boundary alteration in all cases. The PAMB, if already established, must also endorse the boundary alteration to Congress, through DENR.</li> </ul>
	<p>40. Are their provisions for changing the status of PAs? Describe the authority entitled to do so and the process (incl. poss. for public partic.)</p>	<p>Yes.</p> <p>NIPAS Act (Sec. 5), implied: DENR recommends to the President and ultimately to Congress, the status and category of the PA, which may be different from its original status or category as provided in the law or proclamation that first created it prior to NIPAS. For additional components, the President, with advice from DENR, may revise its recommendation to Congress on the status or category of the PA prior to its establishment by law. Once established, the status or category of the PA can only be changed through amendment of the law.</p> <p>DENR must conduct studies and consultations to support any proposal for change in status or category of the PA. The PAMB, if already established, must also endorse the proposed changes to Congress, through DENR.</p>
	<p>41. Is there a process for abolishing PAs? Describe the authority entitled to do so and the process (incl. poss. for public partic.)</p>	<p>Yes.</p> <p>NIPAS Act (Sec. 7) and NIPAS IRR (Rule 8)</p> <ul style="list-style-type: none"> <li>• DENR conducts studies to confirm that the area is no longer suited as PA;</li> <li>• DENR must present studies in public consultations prior to submission of final report to Secretary of DENR;</li> <li>• PAMB considers report and decides whether to endorse disestablishment of PA to DENR;</li> </ul>

<b>Establishment of PAs on non-governmental land</b>		<ul style="list-style-type: none"> <li>DENR recommends to Congress the disestablishment of PA, presenting results of studies, consultations and PAMB resolution.</li> </ul>
	42. Are the levels of authority the same for questions 38-41, or are they different (e.g. higher level for abolition than for creation of PAs)	Same.
	43. Are there specific provisions regarding questions 38-41 which are specific to transboundary PAs, or those listed under international agreements (eg Ramsar, World Heritage)	None.
	44. Are there provisions related to the establishment by the government of PAs on land which is not government-owned; if so specify these provisions in relation to <ul style="list-style-type: none"> <li>- private property</li> <li>- land owned by indigenous or local communities</li> </ul> and in which cases they provide/do not provide for compensation	<p>Not explicit. NIPAS Act was originally intended to cover only public lands, but in practice, established PAs encompass private lands, including whole provinces and towns. The private lands are subject to the limitations of land use under the management plan but retain their status as private lands.</p> <p>NIPAS Act (Sec. 13): For ancestral lands, rights of indigenous peoples are recognized and they cannot be evicted if PA covers their ancestral lands or domains.</p> <p>NIPAS IRR (Rule 6.8; 6.9; 10; 11.1.15): Rights of indigenous peoples shall be recognized and the preservation of the ancestral domain and customary rights shall be included as a management objective.</p> <p>The revised IRR added provisions that specifically refer to exercise of eminent domain and payment of just compensation for displaced settlers. (Rule 2.1; 7.3; 15.4)</p>
	45. Are there provisions related to the recognition/inclusion in the PA System of PAs established by “conservation agreements” with <ul style="list-style-type: none"> <li>- individual private owners?</li> <li>- land trusts?</li> <li>- local and/or indigenous communities?</li> </ul>	<p>NIPAS Act (Sec. 15): No, except for areas under the management control of other government department or instrumentalities (government-owned corporations). The government agency or corporation coordinates with DENR in preparation of management plans but retains control over the area.</p> <p>NIPAS IRR (6.9): Management planning for the PA that includes ancestral domains shall be done in partnership with the indigenous people.</p> <p>Ancestral lands are covered by a separate law, the Indigenous People’s Rights Act (IPRA). The overlap between NIPAS and IPRA continues to be a contentious issue.</p>
<b>10. Requirement For Management Plans</b>	46. Is there a requirement for individual PA management plans? If so, describe: <ul style="list-style-type: none"> <li>- generic elements (eg zoning)</li> <li>- procedure for preparation (who is involved?)</li> <li>- who approves</li> <li>- legal status of approved plan (binding nature, enforceability)</li> </ul>	<p>Yes.</p> <p>NIPAS Act (Sec. 9): DENR prepares a General Management Planning Strategy to guide site-based planning... “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</p>

- authority(ies) responsible for implementation of the plan and powers.

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 limitations, 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.”

NIPAS IRR (Rule 10):

10.2 In the preparation of the Management Plan of protected area, the following considerations shall be observed:

10.2.1 Methodologies such as stakeholders' analysis, perception survey, participatory resources assessment, and community mapping, among others, should be incorporated into the planning process not only to generate the optimum community inputs into the Management Plan but also to promote ownership of the plan by the local communities. Prior to the submission to the Secretary, the Management Plan shall be presented to the stakeholders through public consultations. The issues and concerns raised during the public consultations shall be addressed in the Management Plan. The documentary evidence of the public consultations shall be submitted to the Secretary through the PAWB by the Regional Executive Director and shall form part of the annexes of the Management Manual.

10.2.2 The planning process need not be strictly sequential.

Simultaneous activities may be undertaken without defeating the objectives of the planning process. The planning process shall be consultative, iterative and interactive particularly in the decision-making.

10.2.3 Each protected area shall have a Management Plan prepared by interdisciplinary team of experts led by the DENR Regional Office following the procedures as specified under these Rules. The Regional Executive Director shall create and convene a Regional team composed of persons knowledgeable in socio-economic planning, land-sea use planning, ecology and protected area management and/or related fields of discipline that will provide technical assistance in the preparation of the PA management plan and information management system.

10.3 Each protected area shall be divided into two management zones: strict protection zone and multiple use zone consistent with its designated category.

10.3.1 Strict Protection Zone (SPZ) shall comprise natural areas with high biodiversity value, closed to all human activities except for scientific studies and/or ceremonial or religious use by the ICCs/IPs. It may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.

10.3.2 Multiple Use Zone (MUZ) shall comprise areas where the following may be allowed consistent with the protected area management plan: settlement,

traditional and/or sustainable land-use, including agriculture, agro-forestry, and other income generating or livelihood activities. It shall also include, among others, areas of high recreational tourism, educational or environmental awareness values and areas consisting of existing installations of national significance/interest such as development of renewable energy sources, telecommunication facilities and electric power lines.

10.4 The management zones shall be demarcated using, as much as possible, natural markers such as rivers, creeks, ridges and the like. The geographical points of the natural markers shall be verified and plotted using the Global Positioning System technology. All designated management zones prior to the effectivity of this Order shall be recognized. Provided, however, that in the subsequent iteration of the Management Plan, the same shall form part of the MUZ as defined in this Order.

10.5 Stakeholders such as tenured migrants, local government units, NGOs, POs, local communities, ICCs/IPs and other government agencies shall be part of the participatory decision making process in the establishment and planning of the management zones. Management objectives and strategies shall be developed for each zone and specific approaches and technologies shall be identified and implemented. Provided, that the zoning of a protected area and management prescriptions within those zones shall not restrict the rights of ICCs/IPs to pursue traditional and sustainable means of livelihood within their ancestral domain/land.

10.6 The Management Plan shall be prepared and approved by the PAMB within three (3) years after the issuance of Presidential Proclamation establishing the protected area.

The Management Plan shall have the following minimum contents:

10.6.1 Description of the protected area;

10.6.2 Situational analysis including key management issues and concerns;

10.6.3 Goals and objectives;

10.6.4 Management strategies/interventions;

10.6.5 Description of management zones as well as major activities allowed/prohibited therein;

10.6.6 5-year work and financial plan for the implementation of the Management Plan; and

10.6.7 Monitoring and evaluation

10.7 The annual work and financial plan of the protected area shall be prepared upon the direction of the PAMB based on the Management Plan following the annual national government budgetary cycle. Provided, that the RED shall facilitate the preparation of plans and programs in the management of the particular protected area.

10.8 The PAMB shall ensure that the Management Plan is integrated into the comprehensive land-sea use plans of the LGUs including the complementation of activities. The PAMB shall likewise ensure the harmonization of the Management

		<p>Plan and the ancestral domain plans of ICCs/IPs.</p> <p>10.9 The Management Plan shall be approved by the majority of the PAMB and endorsed to the Secretary through PAWB. The Management Plan is deemed accepted unless formal written disapproval from the Secretary is received by the PAMB on the ground of inconsistency with existing laws and related rules and regulations.</p> <p>10.10 The PAMB shall review and update the Management Plan at least every five (5) years. Any modification or revision of the Management Plan shall follow the requirements set in these Rules.</p>
	<p>47. Are there provisions for monitoring the implementation of Management Plans? If so specify.</p>	<p>Yes.</p> <p>NIPAS Act (Sec. 10):</p> <ul style="list-style-type: none"> <li>• The Secretary of the DENR has the authority to review all plans and proposals for the management of protected areas;</li> </ul> <p>NIPAS IRR:</p> <ul style="list-style-type: none"> <li>• The management manual shall include monitoring and evaluation (Rule 10.6.7);</li> <li>• The PAWB shall serve as the lead bureau of the DENR for the system-wide planning, coordination, policy development, monitoring and evaluation, and technical assistance on protected area programs and projects (Rule 11.3)</li> <li>• The PAMB shall review and update the Management Plan at least every five (5) years. Any modification or revision of the Management Plan shall follow the requirements set in these Rules (Rule 10.10)</li> <li>• PAMB to monitor and evaluate progress in implementing the management plan (Rule 12.1.5)</li> <li>• PAMB shall monitor and evaluate the performance of protected area personnel, NGOs and communities in providing for biodiversity conservation and socio-cultural and economic development (Rule 12.1.6);</li> </ul>
	<p>48. Is a reporting system created to review the effectiveness of the management plan? If so, specify.</p>	<p>NIPAS Act (Sec. 10):</p> <ul style="list-style-type: none"> <li>• DENR is required to submit an annual report to the President and Congress on the status of protected areas;</li> </ul>
<p><b>11. Buffer</b></p>	<p>49. Are there provisions for the creation of buffer zones around PAs? If so describe, in particular:</p> <ul style="list-style-type: none"> <li>- how they are established</li> <li>- what their legal status is</li> <li>- the restricted activities therein</li> <li>- if there are provisions for their integration into land use plans</li> </ul>	<p>Yes.</p> <p>NIPAS Act (Sec. 8):</p> <p>“For each protected area, there shall be established peripheral buffer zones when 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. The DENR shall exercise its authority over protected areas as provided in this Act on such area designated as buffer zones.”</p>

		<p>NIPAS IRR (Rule 9):  For each protected area, there shall be established peripheral buffer zones when 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 may include public or private lands. Prescriptions for the management of buffer zones shall be included as component of the individual protected area management plan. The DENR shall exercise the same authority over buffer zones in the same manner as protected areas.</p> <p>9.1 Buffer zones shall be established whenever the ecological integrity of the protected area (initial component or additional area) based on the PASA and socio-economic studies, is threatened by circumstances such as, but not limited to, the presence of actual and potential sources of pollution; invasive species; or encroachment of adjacent communities. Other considerations may include, among others, the presence of natural and semi-natural corridors for faunal movements and for interchange of species.</p> <p>9.2 Any or a combination of the following criteria may be used in the identification and establishment of buffer zone:</p> <p>9.2.1 Ecological Criteria - refer to the capability of the site to serve as an additional layer of protection by providing extension of habitats or corridors for wildlife and other ecological services.</p> <p>9.2.2 Economic criteria - refer to the capacity of the site to provide gainful employment and sustainable alternative sources of livelihood for local communities, to deflect pressure away from the protected area.</p> <p>9.2.3 Social criteria - refer to the capacity of the site to provide a social fence against the threat of encroachment by communities residing near or adjacent the protected area. The establishment of buffer zone as social fence entails interventions such as social preparation, community organizing and empowerment to ensure its effectiveness without prejudice to the exercise of police power if necessary.</p> <p>9.3 The PAMB shall exercise management authority over the buffer zones on behalf of the DENR. It shall initiate and ensure participatory management in the buffer zone together with the LGUs, other government agencies, NGOs, POs and other concerned stakeholders.</p> <p>9.4 The management strategy for the buffer zone shall be an integral part of the management of the protected area. It shall be developed by the PAMB together with the concerned community and other stakeholders following the procedures set hereof. It shall be likewise consistent with the management objectives of the respective protected area and an essential component of the Management Plan.</p> <p>9.5 Rights over private lands within the established buffer zones shall be recognized and respected in a manner consistent with the Management Plan.</p>
	<p>50. Are there provisions for the creation of corridors connecting individual PAs? If so describe, in particular:  - how they are established,</p>	<p>NIPAS IRR:  There shall be a policy of contiguousness of protected areas and the use of police power and eminent domain to make each protected area whole, if</p>

	<ul style="list-style-type: none"> <li>- what their legal status is</li> <li>- the restricted activities therein</li> </ul>	<p>necessary and applicable. (Rule 2.1.1)</p> <p>Buffer zones shall be established whenever the ecological integrity of the protected area (initial component or additional area) based on the PASA and socio-economic studies, is threatened by circumstances such as, but not limited to, the presence of actual and potential sources of pollution; invasive species; or encroachment of adjacent communities. Other considerations may include, among others, the presence of natural and semi-natural corridors for faunal movements and for interchange of species. (Rule 9.1)</p>
<b>12. Connectivity</b>	<p>51. If no legal status is provided for creation of corridors, can these be recognized by the instrument in other ways (in the PA System, or in land use plans?)</p>	<p>NIPAS Act (Sec. 10): The Secretary of DENR is empowered “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.”</p>
<b>13. Individual PAs: Development proposals and Activities</b>	<p>52. Are specific activities prohibited or allowed within PAs, or specific types of PAs; if so describe (as the case may be by types). Give special attention to e.g.:</p> <ul style="list-style-type: none"> <li>- recreational uses</li> <li>- commercial activities</li> <li>- access to genetic material</li> <li>- introduction of invasive species</li> </ul>	<p>Yes.</p> <p>NIPAS Act: General prohibited acts are enumerated in the law, but each PA category has additional specific restrictions (Sec. 20). The Secretary of DENR is empowered to “prescribe permissible or prohibited human activities in each category in the System” (Sec. 10).</p> <p>NIPAS Act (Sec. 4):</p> <ul style="list-style-type: none"> <li>• Strict nature reserve - for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state; all other activities not allowed.</li> <li>• Natural monument – recreational, commercial activities may be allowed, except criminal acts prohibited in all PAs;</li> <li>• Wildlife sanctuary – emphasizes habitat and species protection, which “may require specific human manipulation for the perpetuation” of the protected wildlife; other compatible activities allowed;</li> <li>• Protected landscapes/seascapes – emphasizes providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas;</li> <li>• Natural park - scientific, educational and recreational use allowed.</li> </ul> <p>Special uses require a Special Use Agreement in Protected Areas (DENR Administrative Order No. 2007-17) – special uses include: ecotourism facilities, camp sites, communication facilities, transmission lines, irrigation canals/waterways, rights-of-way (such as: transmission lines, communication facilities, etc.), aquaculture, scientific monitoring stations, agroforestry and forest plantations.</p>
	<p>53. Is there a statutory basis for public participation or consultation on proposed development or activities? If so, specify.</p>	<p>Not explicit. For activities that are included in the management plan (e.g. tourism, habitat rehabilitation, livelihood activities) these are included in the public participation processes in management planning. For development</p>

		<p>activities not included in the management plan, public participation or consultation is required under the EIA process.</p>
	<p>54. In the case of allowed activities, who has the authority to grant use/access to the PA resources (e.g. forest products, genetic resources)</p>	<p>NIPAS IRR:  PA Superintendent issues certification whether the proposed activity/project is allowable or not within the management zones; PASu can also Issue cutting permit for planted trees for a volume of up to five (5) cubic meters per applicant per year for traditional and subsistence uses by ICCs/IPs and tenured migrants only. PASu likewise issues Certificate of Origin and/or transport permits for natural resources and other products collected/gathered from the protected area in accordance with the resource use instruments/agreements or gratuitous permits issued by the PAMB and/or the DENR (Rule 11.7).</p> <p>All other resource uses require endorsement by the PAMB and permit from the DENR.</p>
	<p>55. Indicate provisions authorizing more detailed regulation of activities based on an approved management plan (e.g. zoning)</p>	<p>Yes. NIPAS IRR (Rule. 10.3):  Each protected area shall be divided into two management zones: strict protection zone and multiple use zone consistent with its designated category.</p> <p>Strict Protection Zone (SPZ) shall comprise natural areas with high biodiversity value, closed to all human activities except for scientific studies and/or ceremonial or religious use by the ICCs/IPs. It may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.</p> <p>Multiple Use Zone (MUZ) shall comprise areas where the following may be allowed consistent with the protected area management plan: settlement, traditional and/or sustainable land-use, including agriculture, agro-forestry, and other income generating or livelihood activities. It shall also include, among others, areas of high recreational tourism, educational or environmental awareness values and areas consisting of existing installations of national significance/interest such as development of renewable energy sources, telecommunication facilities and electric power lines.</p>
	<p>56. Are local communities/ indigenous concerns addressed? If so describe.</p>	<p>Yes.  NIPAS Act:</p> <ul style="list-style-type: none"> <li>• The management planning strategy shall also provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and sites...(Sec. 9)</li> <li>• 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 (Sec. 4)</li> <li>• Ancestral lands and customary rights and interest arising shall be accorded due recognition. The DENR shall prescribe rules and</li> </ul>



		<p>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 (Sec. 13)</p> <p>NIPAS IRR:  Rule 10. The management planning strategy shall also provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities...</p> <p>10.5 Stakeholders such as tenured migrants, local government units, NGOs, POs, local communities, ICCsIIPs and other government agencies shall be part of the participatory decision making process in the establishment and planning of the management zones.... Provided, that the zoning of a protected area and management prescriptions within those zones shall not restrict the rights of ICCs/IPs to pursue traditional and sustainable means of livelihood within their ancestral domain/land.</p> <p>“Tenured migrants” are qualified to apply for a type of limited property right, the Protected Area Community-Based Resource Management Agreement (DENR Administrative Order No. 2004-32; Rule 15.4), in zones where it is allowed.</p> <p>Rule 14. Ancestral Lands and the Rights of ICCsAPs. - The DENR in collaboration with the PAMB shall assist the NCIP in the identification, delineation and recognition of the claims of ICCsIIPs to their ancestral domain/land within protected areas following the provisions of RA 8371 or the IPRA.</p> <p>14.1 In the establishment of protected areas, the DENR shall ensure the full participation of the concerned ICCs/IPs in accordance with NIPAS Act and the IPRA. The ancestral domain within a protected area shall be managed in accordance with a plan harmonized with the Protected Area Management Plan. Unless the ICC/IP submits a written notice of its intent to manage the protected area, the DENR and PAMB shall manage the protected area. In any case, the ICCIIP shall enjoy full and effective assistance of the concerned PAMB. The customary rights and traditional practices of ICCsIIPs shall be recognized and respected.</p> <p>14.2 Interested ICCsAPs may participate in the community-based program in protected areas...</p>
	<p>57. Are other cultural, social or spiritual considerations addressed? If so, describe.</p>	<p>Yes.</p> <p>NIPAS Act (Sec. 20):  Prohibited acts include “mutilating, defacing or destroying objects of natural beauty or objects of interest to cultural communities”</p> <p>New regulation on PA zoning (DENR Administrative Order No. 2008-17) eliminated “cultural zones” but the right of indigenous peoples for ceremonial</p>

		use even in strict protection zones is recognized. Cultural activities are also allowed in the multiple-use zone, which may have sub-zones for cultural, social and spiritual purposes. This provision is reiterated in NIPAS IRR Rule 10.3.
<b>14. Process and activities affecting PAs</b>	58. Are there provisions in the instrument for EIA with respect to activities within PAs? If so, specify.	Yes. NIPAS Act (Sec. 12) and NIPAS IRR (Rule 13): 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. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner as to 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.
	59. Are there provisions in the instrument for EIA with respect to activities outside PAs which may affect the PA concerned, eg - in the buffer zone - elsewhere	Not explicit, but included in the power of the Secretary of DENR under NIPAS Act (Sec. 10): “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.”
<b>15. Enforcement and Monitoring</b>	60. Are officers responsible for enforcement designated? If so, who appoints them and what necessary qualifications must they have (if any)?	NIPAS Act (Sec. 10): Secretary of DENR is tasked to enforce NIPAS Act, but he may deputize field officers and delegate any of his powers to expedite implementation and enforcement.  NIPAS IRR (Rule 11.7): The Protected Area Superintendent (PASu) shall be designated/appointed by the RED upon PAMB recommendation from among a short list of qualified candidates. Where the protected area encompasses substantially or whole of the jurisdiction of the CENRO or PENRO, the CENR Officer or PENR Officer may be designated as the concurrent PASu. In cases where the protected area straddles more than one province, the PENRO of the province covering a larger portion of the protected area may be designated as the PASu. He/she shall coordinate with the other PENROs for the implementation of the management and development programs and activities of the protected area and shall be directly responsible to the RED. The PASu shall be primarily accountable to the PAMB and the DENR for the implementation of the Management Plan and operations of the protected area.
	61. If so, what monitoring or other powers are they granted? Relate back to review of effectiveness of and feedback to the management plan.	NIPAS IRR (Rule 11.7): The duties of the PA Superintendent includes: 11.7.1 Enforce rules and regulations to protect the area from trespassing, damage, vandalism and illegal occupancy. In cases of seizure, he/she shall assume custody of the apprehended items. The disposition of confiscated items shall be subject to the clearance from the PAMB except those items that are

		<p>held under custodia legis, those that are the subject of donation, those that must be deposited with appropriate government agency, and those that will be utilized for the DENR's own needs in accordance with the existing related rules and regulations;</p> <p>11.7.2 Issue permits for the use of facilities and amenities except for those considered as special uses as defined under this Order;</p> <p>11.7.3 Issue certification whether the proposed activity/project is allowable or not within the management zones;</p> <p>1 1.7.4 Issue cutting permit for planted trees for a volume of up to five (5) cubic meters per applicant per year for traditional and subsistence uses by ICCs/IPs and tenured migrants only. Provided, that PACBRMA holders with affirmed Community Resource Management Plan (CRMP) shall no longer be issued cutting permits. Provided further, that the total volume of extraction does not exceed the limit set by the PAMB and the location of extraction is within the appropriate site within the multiple use zone.</p> <p>1 1.7.5 Issue Certificate of Origin and/or transport permits for natural resources and other products collected/gathered from the protected area in accordance with the resource use instruments/agreements or gratuitous permits issued by the PAMB and/or the DENR;</p> <p>11.7.6 Submit quarterly progress reports to the PAMB;</p> <p>11.7.7 Serve as Head Secretariat to the PAMB and its Executive Committee;</p> <p>1 1.7.8 Collect and/or receive pertinent fees, charges, donations and other income for the protected area. Provided, that such fees, charges, donations and other income collected/received shall be reported regularly to the PAMB in accordance with the existing guidelines;</p> <p>11.7.9 Prepare and recommend to the PAMB approval of the annual work and financial plans of the protected area based on the IPAP or the Management Plan;</p> <p>11.7.10 Develop management information system to ensure that relevant and updated information are available for planning, monitoring and decision-making;</p> <p>and</p> <p>11/7/11 Perform other relevant functions that the RED or PAMB may delegate.</p>
	<p>62. Does the instrument specify provisions to whom these officers report? If so, specify.</p>	<p>NIPAS IRR (Rule 11.7): The PA Superintendent is directly responsible to the Protected Area Management Board of the specific PA and the Regional Executive Director of the DENR.</p>
	<p>63. Does the relevant agency have sole authority to enforce? If so, specify.</p>	<p>DENR has the primary authority, but not sole responsibility to enforce.</p> <p>NIPAS Act (Sec. 19): The Department of Justice shall designate special prosecutors to prosecute violations of laws, rules and regulations in protected areas.</p>
	<p>64. If the agency does not have sole authority to enforce, what other bodies are authorised to enforce?</p>	<p>NIPAS Act (Sec. 10): The Secretary may call on any agency or instrumentality of the government as well as academic institutions, non-government organizations and the private</p>

		sector as may be necessary to accomplish the objectives and activities of the System.
	65. What is the relationship of agency enforcement officers to the police and other enforcement authorities?	The DENR Secretary may call on the police, prosecutors, other agencies and officers, for support in enforcement. At the site level, the PA Superintendent or the DENR Regional Executive Director can call on the local offices or officers of the national enforcement agencies.
	66. Do provisions specify enforcement powers and functions (arrest, stop and search, etc.). If so, specify.	Yes. NIPAS IRR: 11.7.1 Enforce rules and regulations to protect the area from trespassing, damage, vandalism and illegal occupancy. In cases of seizure, helshe shall assume custody of the apprehended items. The disposition of confiscated items shall be subject to the clearance from the PAMB except those items that are held under custodia legis, those that are the subject of donation, those that must be deposited with appropriate government agency, and those that will be utilized for the DENR's own needs in accordance with the existing related rules and regulations;
	67. Are there provisions for criminal enforcement? If so, specify.	Yes. The NIPAS Act defines specific prohibited acts that are punishable when committed inside protected areas (Sec. 20 and 21).
	68. Are there provisions for civil enforcement (as distinct from criminal enforcement)? If so, specify.	Yes. NIPAS Act (Sec. 10): The Secretary is empowered to exact administrative fees and fines for violations of guidelines, rules and regulations of this Act as would endanger the viability of protected areas;  It is also implied in the power of the court to require offender to restore or compensate for the restoration of the damage; or to order the eviction of the offender from the land. These are the civil aspect of the criminal cases filed. (Sec. 21).
<b>16. Sanctions and incentives</b>	69. Do provisions of the instrument provide for offences and related penalties? If so, specify.	Yes. NIPAS Act (Sec. 20): 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: <ul style="list-style-type: none"> <li>• Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board;</li> <li>• Dumping of any waste products detrimental to the protected area, or to the plants and animals or inhabitants therein;</li> <li>• Use of any motorized equipment without a permit from the Management Board;</li> <li>• Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value);</li> <li>• Damaging and leaving roads and trails in a damaged condition;</li> </ul>

		<ul style="list-style-type: none"> <li>• Squatting, mineral locating, or otherwise occupying any land;</li> <li>• Constructing or maintaining any kind of structure, fence or enclosures, conducting any business enterprise without a permit;</li> <li>• Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and</li> <li>• Altering, removing destroying or defacing boundary marks or signs.</li> </ul>
	70. Are the specified penalties an adequate deterrent for the seriousness of the offences?	No. Penalties are generally low. Most of the prohibited acts punished under NIPAS are also punished under other related laws (e.g. Forestry Code and Wildlife Act), which generally provide higher penalties.
	71. Does the instrument include provisions for forfeiture, recovery of costs (eg pollution clean-up or restoration of ecosystems)?	Yes. NIPAS Act (Sec. 21): Offenders are “required to restore or compensate for the restoration of 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.”
	72. Does the instrument provide incentives or rewards for compliance with its provisions?	No.
<b>17. Finance</b>	73. Does the instrument include specific provisions on how PAs are funded? If so, specify.	Yes. NIPAS Act (Sec. 16) created the Integrated Protected Areas Fund (IPAF). The IPAF 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 or 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: <ul style="list-style-type: none"> <li>• Taxed from the permitted sale and export of flora and fauna and other resources from protected areas;</li> <li>• Proceeds from lease of multiple-use areas;</li> <li>• Contributions from industries and facilities directly benefiting from the protected area; and</li> <li>• Such other fees and incomes derived from the operation of the protected area.</li> </ul>
	74. Does the instrument include provisions authorizing special financial tools for the PA System or for specific protected areas? If so, describe.	Yes. NIPAS Act (Sec. 16) established a trust fund known as Integrated Protected Areas (IPAS) Fund for purposes of financing projects of the System.
	75. Does the instrument include provisions for the PA agency to accept donations in cash or in kind?	Yes. NIPAS Act (Sec. 16): 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 or any political subdivision or instrumentality thereof.

	<p>76. Does the PA agency have the power to collect, retain and utilize revenues (e.g. entrance fees, fees for services, concessions).</p>	<p>Yes. NIPAS Act (Sec. 16): 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.</p>
	<p>77. Does the instrument provide for revenues to be shared or given to local communities? If so, please specify.</p>	<p>Yes. NIPAS IRR (Rule 18): At least 75% of the revenues generated by a protected area shall be retained for the development and maintenance of that area. The funded activities can include funding livelihood activities of tenured migrant communities and indigenous peoples, or other community development activities.</p>