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RULES AND REGULATIONS FOR THE ENTRY AND THE CONDUCT OF ALL ACTIVITIES IN THE TUBBATAHA REEFS NATURAL PARK AND WORLD HERITAGE SITE

TRNP PARK RULES 01-08, January 28, 2009

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ARTICLE I
POLICY AND APPLICATION

SECTION 1. Title . These rules shall be known and called the “Rules and Regulations for the Entry and the Conduct of All Activities in the Tubbataha Reefs Natural Park (TRNP) and World Heritage Site”.

SECTION 2. Purpose. Pursuant to the TRNP Management Plan approved by the Palawan Council for Sustainable Development (PCSD) during its 70th meeting dated November 26, 1999, these rules are promulgated by the Tubbataha Protected Areas Management Board (TPAMB) to prescribe the procedures and guidelines for the entry and the conduct of tourism and all other activities in TRNP in order to ensure achievement of conservation objectives.

SECTION 3. Declaration of Policy. Primordial consideration to the natural living processes of the park, the conservation of its resources, and the protection of all flora, fauna and abiotic resources within it shall be the guiding principle for these rules. Authorized entry into the park is a privilege, not a right. Therefore, entrants are to act responsibly towards the critical environment of TRNP to ensure the maintenance of its economic, biological, educational, socio-cultural and scientific values. Consistent with this policy, TRNP shall be considered a no-take zone.

SECTION 4. Construction. All doubts in the interpretation and implementation of these Rules and Regulations shall be resolved in the light of the Declaration of Policies contained herein.

SECTION 5. Scope of Application. These Rules shall apply in the Tubbataha Reefs Natural Park and World Heritage Site.

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

(1) “Commercial diving operations” refers to operations involving delivery of scuba diving gears and scuba diving services to either local or foreign tourists for a fee;

(2) “Boat Operator/manager” shall refer to a person, either natural or juridical, who conducts diving or snorkeling operations in TRNP, either for a fee or for free;

(3) “Entrants” shall refer to any person, either natural or juridical, or vessel entering TRNP, with or without a permit and further classified as follows:

a. “ Visitors” shall refer to any person entering TRNP for purposes of tourism allowed under the Management Plan, research, or official business;

b. “Crew” shall refer to all employees of the boat who must possess a seaman ’s book or other pertinent

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seaman ’s papers.

c. “Unauthorized Entrants” refers to any person, either natural or juridical, who enter TRNP, either accidentally or deliberately, without a permit from the TPAMB.

(4) “Grounding” shall refer to the accidental or unintentional hitting or striking of the reef or substrate with a watercraft. Although the act itself is not punishable, damage to the substrate will be penalized;

(5) “Beaching” shall refer to the deliberate or intentional hitting of the reef or substrate with a watercraft. Although the act itself is not punishable, damage caused to the sub-strate shall be penalized;

(6) “Moorings” refers to fixtures on the sea bottom installed by the TPAMB to provide sea crafts and vessels a steady position on which to tie to avoid damaging corals and drifting. “Moorings” shall include ropes, chains, buoys, and all other attendant components attached to the concrete blocks necessarily used by the boats for tying.

(7) “Fishing” means the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels. The mere casting or deployment of fishing gear consummates “fishing,” whether or not any fishery species are actually caught;

(8) “Fishing gear” means any instrument or device and its accessories utilized in taking fish and other fishery species. “Fishing gear” includes, but are not limited to, fishing rods, tackles, hooks, fishing lines, nets, catch bags, gaffs, bait, and equipment used for spear fishing, whether or not these fishing gears are in their assembled form or in separate parts; (9) “Repeat Offender” shall refer to a person, either natural or juridical, who have previously violated Park rules and have a pending case with, or have been finally judged by the TPAMB, the PCSD Adjudication Board or a court of law.

ARTICLE II
ENTRY AND CONDUCT OF ALL ACTIVITIES

SECTION 7. It is the responsibility of boat operators/managers to ensure that all passengers and crew are cognizant of these Rules and Regulations.

SECTION 8. Only tourism allowed under the Management Plan, Research and Park management-related activities duly authorized by the TPAMB shall be allowed in TRNP;

SECTION 9. All dive operators or their representatives must register with the Ranger Station by radio (VHF Ch16) upon entering the Park. If this is not possible, they must report in person.

SECTION 10. All boats shall use mooring buoys provided within TRNP. Boats above 200 gross tons tie to mooring buoys at their own risk and are required to drift during rough weather. The TPAMB shall not be responsible for any loss or damage that may result in the use of mooring buoys. Users are therefore advised to check all lines and accessories prior to use.

SECTION 11. Boats are required to inform the ranger station of the buoy used prior to mooring and upon disengaging. Data on the buoy, the time and date these are used, shall be recorded by the ranger station and on the vessel logbook.

ARTICLE III
PERMITS AND FEES

SECTION 12. Applications for an entry permit must be accurately completed prior to the issuance of a permit to enter the Park. Any misrepresentation shall constitute a violation of these rules. The following shall likewise apply:

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12.1 Dive operators shall submit a current copy of Philippine MARINA Registry for TRNP files at the beginning of the diving season prior to issuance of any entry permits;

12.2 All vessels must have the necessary first aid and emergency equipment, including oxygen and SOLAS equipment;

12.3 Foreign divemasters and/or crew working in any diving boat must submit a copy of certification cards, alien employment permits, and passports;

12.4 The diver to divemaster ratio shall be 8:1.

12.5 All outstanding fees and charges shall be paid, if applicable, prior to the issuance of any entry permit.

SECTION 13. The rate of park fees shall be as follows:

Vessel Entry Fees:

100 GT and below

Php3,000.00

101-200 GT

Php4,500.00

201 and above

Php6,000.00

Visitor Entry Fees:

Php 3,000 per person

50% discount for repeat visits within the season

Php 250.00 for divemasters hired to provide diving services

Minors aged 12 years or below, and boat crew are exempt from the payment of park fees. Fees shall be paid in Philippine Currency. Vessel and visitor entry fees are not transferable or refundable.

SECTION 14 . A special permit must be obtained from the TPAMB to cover commercial filming activities, subject to the terms and conditions which the TPAMB may impose upon prior evaluation of the proposed activities.No filming may restrict or interfere with operations in the Park. All film crew and staff must follow directions, instructions and orders from Park staff or lose permission to film. Violation of the terms and conditions of the special permit shall be subject to penalties provided for under Section 18. Commercial use of the film should acknowledge the TPAMB and where the film was taken.

SECTION 15. The conduct of research and collection of samples in the TRNMP shall be covered by a permit from the TPAMB and shall comply with the Philippine Wildlife Act and all applicable PCSD resolutions and guidelines. The TPAMB may include additional terms and conditions on the permit. Violation of these terms and conditions shall be subject to penalties under Section 18 and/or cancellation of the permit.

ARTICLE IV
VISITATION AND ADJUDICATION FUNCTIONS

SECTION 16. The TPAMB or its representatives reserves the right to board and inspect vessels at any time. Official reports filed by the marine park rangers, TPAMB members and TRNMP representatives may be

considered as complaints by the TMO for the purposes of summoning violators for administrative hearings before the PCSD Adjudication Board (PAB).

ARTICLE V
PROHIBITED ACTS AND PENALTIES

SECTION 17. Prohibited Acts. The following acts are prohibited inside the Tubbataha Reefs Natural Park and World Heritage Site, except as otherwise approved by the Board:

(a) Commercial diving operations by vessel less than twenty-five (25) gross tons;

(b) Grounding or beaching;

(c) Entry into the Park without a permit;

(d) Tying to a moored boat is prohibited. Any damage to moorings due to fault or negligence shall render the user liable for the payment of the cost of damage or reinstallation of the same. The following shall constitute negligence on the part of the user.

(e) Running over/dragging rope and buoy;

(f) Failure to untie from moorings during bad weather conditions;

(g) Other similar acts resulting to damage of moorings;

(h) All forms of fishing, whether catch-and-release, for recreation or for consumption;

(i) Not stowing fishing gear. All fishing gear, whether in their assembled form or separated into parts, shall be stowed in a locked container prior to entry into the TRNP. Each fishing gear, component or accessory found not stowed shall constitute a distinct violation and shall be fined accordingly.

(j) Handling, touching or feeding marine or terrestrial life forms;

(k) Willfully approaching and/or chasing or any analogous acts towards wildlife;

(l) Gathering, collection and/or possession of any flora or fauna, their parts or derivatives, except as provided for in Section 15;

(m) Introducing any species not endemic to the Park;

(n) Use of jet-skis or other unauthorized motorized sports equipment;

(o) Constructing or installing any kind of structure, fence or enclosure;

(p) Cruising less than 100 meters around South and North Islets without obtaining clearance from the marine park rangers;

(q) Landing a boat or setting foot on the North and South Islets;

(r) Swimming, snorkeling or diving around North and South Islets and in the lagoons;

(s) Polluting or littering;

(t) Vandalism in any form;

(u) Anchoring on the reefs;

(v) Other facts that might result to damage to the Park or parts thereof.

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SECTION 18 . Whoever violates these rules and regulations issued by the TPAMB or whoever is found guilty through administrative proceedings either by the TPAMB or the PAB of any of the acts stipulated in the preceding section shall be fined in the amount of not less than Five Thousand (Php5,000) nor more than Five Hundred Thousand (Php500,000), exclusive of the value of damages and required rehabilitation or restoration costs. Boat operators/charterers, ship's captains, and owners of vessels shall all be solidarily liable for the payment of fines for any violation or damages to the reef caused by their vessel, crew and/or passengers. Providing further that:

18.1 Payment of 200% of fees will be imposed in the case of non-payment of fees;

18.2 Cancellation of permit in the case of the commission of any prohibited acts. Violation of preceding section shall cause the immediate expulsion of the dive boat, its complement and passengers from the TRNP;

18.3 Prohibition from operating within TRNP for one (1) year from the date of the imposotion of the penalty for repeated violations;

18.4 Non-issuance of permit to commercial dive operators with a record of violations in other marine parks/reserves, upon the endorsement of DENR or park/reserve managers.

18.5 Banning of individuals identified to have repeatedly violated any of the prohibited acts under Section 17.

18.6 In the case of grounding or beaching, the penalty is Php12,000 per square meter regardless of the bottom relief of the area shall be imposed.

SECTION 19. Seperability Clause. Should any provision of this Rules and Regulations be subsequently declared as unconstitutional, the same shall not affect the validity of the legality of the other provisions.

SECTION 20. Repealing Clause. Amended Rules and Regulations for the Conduct of Tourism Activities in TRNMP World Heritage Site adopted by the TPAMB by virtue of a Resolution 03-12 approved in August 26, 2003 is hereby repealed.

SECTION 21. These rules shall be effective 15 mdays after its publication in a local newspaper of general circulation.

28 Jan. 2009

APPROVED:

(SGD) GOV. JOEL T. REYES
Chairman, TPAMB
By virtue of TPAMB Resolution No. 08-04

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