



# Palawan Council for Sustainable Development

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

### REPUBLIC ACT 7611

*Reprint from May 25, 1993 Publication/Primer*

#### **RULE I** **Policy and Application**

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

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

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

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

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

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

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

**Section 5. Construction.** All doubts in the interpretation and implementation of

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

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

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

## **RULE II** **SEP as Framework for All Developmental Undertaking in Palawan**

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

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

**RULE III**  
**Areas Covered by the Environmentally**  
**Critical Areas Network (ECAN)**

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

The ECAN shall ensure the following:

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

The areas covered by the ECAN shall be classified into the following three (3) main components: terrestrial component, coastal/marine zones, and tribal ancestral lands which are mentioned in the following sections, without prejudice to further reclassifications and rezoning based on actual surveys or scientific studies and after due consideration of other existing laws similar to or complimentary with RA 7611 such as RA 7586, otherwise known as "*National Integrated Protected Areas System Act of 1992*".

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

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

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

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

- a. **Restricted Use Area** - inner barrier, generally surrounding the core zone and where limited and non-consumptive activities may be allowed including

but not limited to almaciga but ensure that where the ecological balance is not otherwise impaired allowed including almaciga tapping, honey gathering, hiking and research. This shall include:

- i. Altitude limit from 500-1,000 meters elevation.
  - ii. Poor, stunted and sparse stands of semi-deciduous forest which has very low regeneration capacity.
  - iii. Lower altitude limit can be lowered to a base of 300 meters to protect the remaining forested peaks of watersheds adjacent to critical ecosystems such as coral reefs, Malampaya Sound, Lake Manguao, St. Paul's Underground River and watersheds for major irrigation, water supply and mini-hydro projects.
  - iv. Identified mangrove areas where limited use would not cause negative impacts.
- b. **Controlled Use Area** - outer protective barrier that encircles the core and restricted use areas. Strictly controlled mining and logging, which is not for profit, almaciga tapping, tourism development, research, grazing and gathering of honey, rattan and other minor forest products may be allowed. This shall include the:
- i. Altitude limit from 100-300 meters elevation.
  - ii. Lower altitude limit can go up to 300 meters if it would not cause negative ecological impacts, but the high altitude limit shall not exceed 500 meters. In areas where there is a community within or immediately adjacent to a restricted use area, a controlled use zone could be delineated from the restricted use area for use of the community.
- c. **Traditional Use Area** - edges of intact forests where traditional land use is already stabilized or is being stabilized. Management and control shall be carried out with the other supporting programs of the SEP.
3. **Multiple/Manipulative Use Zone** - areas where the landscape has been modified for different forms of land use. Intensive resource use may be allowed including but not limited to agriculture, infrastructure, industrial, settlement and tourism development. Control and management shall be strictly integrated with the other supporting programs of the SEP, as administered by the Council and other programs of the Government.

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

1. Coastal Core Zone - this area shall be free from any human activity. This includes sanctuaries for rare and endangered species, selected coral reefs, seagrass and mangrove ecosystem reserves.
2. Multiple Use Area - areas where compatible resource use and other human activities that are not destructive would be recommended including but not limited to artisanal fishery, communal fishing grounds, tourism development, mariculture, recreation, education and research and rehabilitation of small islands and mangrove ecosystem.

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

lands.

#### **RULE IV Management of Resources**

**Section 13. Resources Outside of the Ecologically Critical Areas (ECA).** The Council shall design a system for the management of resources outside of the ECA which include coastal resources, resources of the catchment areas, timber and mines, development in the lowlands and settlement areas. It shall also provide for tourism planning.

#### **RULE V Support Mechanisms**

**Section 14. Environmental Monitoring and Evaluation System (EMES).** The Environmental Monitoring and Evaluation System (EMES), which shall ensure a systematic and reliable means of data generation for the various concerns of SEP as administered by the Council is hereby established. It shall include:

- (a) The establishment of a laboratory for physical and chemical analyses of water and soil quality;
- (b) The establishment of a community listening post and quick response system;
- (c) The implementation of the present Philippine Environmental Impact Assessment (EIA) System in the context of SEP.

**Section 15. Environmental Research.** The Council Staff, through its Scientific Committee composed of employees of different appropriate disciplines shall undertake researches, continually review them, compile, integrate and evaluate 'researches conducted by it and other agencies and make recommendations based on their studies. Their research shall be of three kinds: a) survey or the establishment of the present position; b) monitoring, and c) research into processes; while the system evaluation shall be in two perspectives: a) identifying new research based on the objectives of the SEP, and b) providing means for research findings to be translated into action-oriented recommendations. Research shall not be confined to the physical and biological features of the environment but shall also extend to policies and socio-economic questions.

**Section 16. Environmental Education and Extension.** The Environmental Education and Extension program designed to gradually wean the people away from destructive practices and lead them towards practical alternatives shall have three major elements.- a) Information campaign which will involve the development of means of communication about the environment using various forms and channels; b) Training which will involve the enhancement of both formal and informal education and training on environment and related activities; c) Community mobilization which will serve as the arm to substantiate a participatory process. It entails the identification and recognition of existing and potential groups who can and will contribute positive action to the cause of SEP.

**Section 17. Community Support.** Recognizing the importance of public support and approval for the effective management and protection of the network which is dependent on the implementation by the community, the Council Staff shall hereby conduct regular consultations with the public and establish system of grassroots planning where the affected community directly participates in the planning process.

#### **RULE VI Administrative Machinery for the Implementation of SEP**

#### **THE PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT**

**Section 18. Council, Composition.** The governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development, hereinafter referred to as the Council. It shall be composed of the Members of the House of Representatives representing the Province of Palawan, the Deputy Director General of the NEDA, the Undersecretary of Environment and

Natural Resources, the Undersecretary of the Department of Agriculture, the Governor of Palawan, the Mayor of Puerto Princesa City, the President of the Mayor's League of Palawan, the President of the Provincial Chapter of the Liga ng mga Barangay and the Executive Director of the Council Staff as members. Where titles of positions herein used are no longer applicable, persons occupying the positions whose functions correspond to those of the positions herein mentioned shall be the ones designated as Members.

Other members include the Commanding General of the Western Command- AFP, a Member of the Sangguniang Panlalawigan so designated by the Sanggunian, a representative from non-government organizations with the environment as its main concern and another from the business sector; Provided, however that the representatives from said non-government organizations and the business sector are elected from among the nominees submitted by recognized non-government and business organizations.

**Section 19. Representatives from the Private Sector.** Qualifications.

Representatives of the business sector and the non-government organization shall be members not in their personal capacity but as head of the organization they respectively represent. They shall possess the following qualifications:

- a. Must be a resident of Palawan for at least one year prior to assuming office;
- b. Must be of good moral character; and
- c. Must have established a good track record for public service and ' environmental concerns.

**Section 20. Powers and Functions of Council.** The Council shall exercise all powers which are vested in it by RA 7611 and such other powers as may be necessary or incidental to the accomplishment of its purposes and functions. In this connection, it shall:

- 1) Prescribe guidelines and provide directions in the:
  - (a) planning and policy formulation relative to the implementation of SEP;
  - (b) promulgation of rules, regulations and issuances necessary in the carrying out of the Council's mandate, objectives, policies, plans and programs including the imposition of sanctions to enforce compliance thereof,
  - (c) integration of plans and programs of local government units and their alignment with the SEP;
  - (d) involvement of government agencies and private entities in the implementation of the plans and programs of the SEP;
  - (e) management and administrative operation.
- 2) Approve the organizational structure, staffing pattern, salary structure and plantilla and appoint the personnel thereof.
- 3) Approve, coordinate and monitor the implementation of all plans and programs of the Council including detailed action plans, systems and mechanisms necessary to implement the SEP thru related activities in the development, conservation, management, protection and utilization of the natural resources of Palawan, the enforcement of rules and regulations and the imposition of penalties for violations thereof.
- 4) Arrange, negotiate for, and accept donations, grants, gifts, loans and other, funding from domestic and foreign sources to carry out the activities and purposes of the SEP.
- 5) Enter into contracts, agreements and undertakings which may be necessary in the pursuit of the objectives and purposes of the SEP.
- 6) Recommend and endorse to Congress such measures requiring appropriate legislation in support of the policies and objectives of the

**SEP. Section 21. Committees.** The Council may create and constitute committees

to address specific concerns. Matters, proposals and measures shall be referred by the Council to these specific committees. The committee/s concerned shall submit its report to the Council within a period of thirty (30) days from such referral.

Each committee shall be headed by a PCSD member who may designate his members from the PCSD. PCSDS and outside public or private sector whose skill or expertise on a particular field would be of valuable assistance to the committee.

The Council may discharge a committee when the objective or reason for its creation had already been accomplished or is no longer existing. The Committee members shall hold office at the discretion of the Council.

**Section 22. Term of Office.** The members of the Council occupy their position by virtue of their office. As such, they may retain membership only for as long as they occupy the position by reason of which they were made members of the Council.

Members other than those mentioned in Section 16 of RA 7611 shall hold office for a period of one year from the date of assumption of office.

**Section 23. Meetings.** The Council shall hold regular meetings in Palawan or at any such other place it may designate at least every last Friday of the month. Written notice of meetings shall be sent to all members at least one week prior to the meeting. Special or emergency meetings may be called by the Chairman with due notice, including the agenda of the meeting, being served upon all of the Members.

**Section 24. Quorum.** A majority of all the Members of the Council shall constitute a quorum for the conduct of business.

**Section 25. Compensation.** The members of the Council shall be entitled to per diems and allowances in accordance with existing laws in the performance of their duties in carrying out the business of the Council. The per diems shall be in the amount of Five Hundred Pesos (P 500) for every meeting: Provided, however, that the per diems collected do not exceed the equivalent of per diems for four (4) meetings in a month.

Allowances and honoraria shall be in accordance with existing laws, rules and regulations.

**Section 26. Officers.** The Chairman and Vice-Chairman shall be elected by the Members of the Council from among themselves. They shall hold office until June 30 of the year following their election or until such time as their successors shall have assumed office. Provided however, that the first set of officers elected after the effectivity of the Strategic Environmental Plan for Palawan Act shall serve until June 30, 1995.

**Section 27. The Chairman.** Subject to policies and resolutions adopted by the Council, the Chairman shall:

- 1) Call and preside over the meetings of the Council.
- 2) Preserve and enforce order during meetings of the Council.
- 3) Enforce order in proceedings before the Council or before any of its officials acting under its authority.
- 4) Compel obedience to the Council's judgement, orders and processes.
- 5) Compel the attendance of witnesses and the production of evidence in any call or proceeding before the Council.
- 6) Administer or cause to be administered oaths in any case or proceeding before the Council and in all other cases where it may be necessary in the exercise of its power.
- 7) Ensure that the decisions and policies of the Council are implemented.
- 8) Negotiate and accept on behalf of the Council gifts, grants, donations or loans from domestic and foreign sources to carry out the activities and purposes of the SEP.
- 9) Recommend to the Council, for approval, an organizational structure, staffing

- pattern, salary structure and plantilla of personnel.
- 10) Sign appointment papers, pursuant to Section 20 of these Rules and in accordance with Civil Service Laws, officers and personnel from the rank of Heads of Divisions or their equivalent.
  - 11) Submit for the consideration of the Council, policy recommendations and proposed measures necessary to carry out the purposes, objectives and functions of the SEP.
  - 12) Endorse to the Department of Budget and Management and other concerned government agencies and funding institutions annual budgets and such supplemental budgets as may be necessary to support the operational work plans and programs of the SEP.
  - 13) Sign contracts, agreements or undertakings on equipment procurement, infrastructure, consultancy services and such other similar contracts where the amounts thereof exceed /P 3,000,000.00.
  - 14) Promote fuller local participation in planning, management and program execution through closer coordination with local government officials.

**Section 28. The Vice-Chairman.** The Vice Chairman shall assist the Chairman and act in his stead in case of absence or incapacity. Provided; however, that in case of permanent incapacity, the Vice-Chairman shall serve the unexpired portion of the term of office of the Chairman.

**Section 29. Council Secretary.** The Executive Director of the Council Staff shall serve as the Secretary of the Council.

**Section 30. Seat of Office.** The Council and its Staff shall hold office in Puerto Princesa City or at any other place the Council may designate.

**Section 31. Seal.** The Council shall adopt an identifying logo which features the following:

1. A triangular shape which symbolizes upward direction or progress.
2. A tri-color design of
  - a) aqua, symbolizing the sea that surrounds the island province as abundant with marine resources,
  - b) green, which stands for the virgin forests that cover the province, and
  - c) brown, for both the fertile soil fit for agricultural development and man the Palaweno, who is the center of development in the province.

## **RULE VII Administrative Staff**

**Section 32. Palawan Council for Sustainable Development Staff.** The Palawan Council for Sustainable Development Staff (PCSDS), an office created under Section 20 of RA 7611, shall serve as the regular professional support staff of the Council and shall provide the machinery to coordinate the policy and functions, implement programs and organize such services as may be required by the Council in the exercise of its functions. All the applicable powers, functions, personnel, complement, staff, appropriations, records, equipment, property, funds and other assets of the Palawan Integrated Area Development Project Office (PIADPO) as well as its obligations and liabilities are transferred to PCSDS. PCSDS shall be independent of any other department or agency of the Government other than the Council.

**Section 33. Council Staff, Functions.** As the regular professional support staff of the Council, the Council Staff shall exercise the following functions:

- (1) Undertake continuing planning, policy research and related studies necessary to evolve plans and programs relative to the implementation of the SEP.
- (2) Initiate, review and recommend rules, regulations and issuances and/or changes/amendments of existing ones including penalties and sanctions.



- (3) Provide technical assistance to Local Government Units (LGUs) in the preparation of municipal and provincial development plans, policies and programs to ensure their conformity and consistency with the SEP.
- (4) Identify the possible areas of involvement of government agencies and private, entities in the various aspects of implementation of the SEP.
- (5) Execute the internal management and administrative operations of the PCSDS.
- (6) Implement the ECAN, Resource Management Programs and their support mechanisms and other programs and projects and operationalize detailed action plans and their implementation arrangements including including the enforcement of approved rules, regulations and penalties.
- (7) Prepare and package programs and projects for domestic and foreign funding.
- (8) Prepare and submit to the Council measures requiring appropriate legislative action.

**Section 34. Executive Director.** The Executive Director shall have authority over the Council Staff and the responsibility for its operation. As such, matters of day-to-day operations and all those pertaining to the internal operations shall be left to the discretion or judgement of the Executive Director, unless otherwise provided by the Council and the rules and regulations.

The Executive Director shall exercise the following functions:

- (1) Execute and implement the policies, programs and measures approved by the Council.
- (2) Direct, manage and supervise the operations and internal administration of the Council Staff and be responsible for the efficient and effective conduct thereof.
- (3) Direct and supervise the formulation of operational plans and programs and the attendant detailed action plans.
- (4) Sign contracts, agreements or undertakings, pursuant to Section 20 of these Rules, in the carrying out of the internal and regular operations of the PCSDS and such other contracts as may be authorized by the Council in the pursuit of its objectives and purposes.
- (5) Represent the Council in all dealings in other offices, agencies and instrumentalities of the government and with all other persons or entities, whether public or private without prejudice to examination and review at any stage by the Council.
- (6) Represent the Council, either personally or through the Council, in all legal proceedings or action.
- (7) Sign appointment papers, pursuant to Section 20 of these Rules, employees below the rank of head of division or its equivalent subject to existing Civil Service Laws, Rules and Regulations and other relevant legislation.
- (8) Exercise delegated authority on matters related to the functions and activities of the Council Staff.
- (9) Perform such other functions as may be assigned by the Council or provided by law.

**Section 35. Employees of the Council Staff.** Appointment, promotions and removal from office of employees of the Council Staff, including the Executive Director, shall be subject to Civil Service Laws, rules and regulations and other relevant legislation and therefore shall enjoy security of tenure. Incumbent

employees of the PIADPO who were absorbed by the PCSD by virtue of Sec. 20 of RA 7611 shall in regular capacity continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits.

Provided however, the employees under the individual offices of the Members of the Council shall hold office at the pleasure of the Member.

Section 36. Core Staff of the Council. The Council shall employ the services of a Legal Officer, a Technical Assistant, and one Secretary who shall render legal, technical and secretarial services to the Council, during its meetings. They shall also be responsible for the preparation of materials and documents that may be necessary in the meetings.

### **RULE VIII Transitory Provision**

**Section 37. Other Junctions jaf ihe\_PCSDS.** PCSDS shall continue to pursue the coordination, monitoring and evaluation of the activities, programs and projects of the Second Palawan Integrated Area Development Project (SPIADP) including the implementation of the Project Benefit Monitoring and Evaluation System and shall exercise such other related functions contained under Loan Agreement Nos. 1033/1034/PHi, the Appraisal and other relevant project documents. It shall also continue to undertake the implementation of the Culion Development Project (CDP) as mandated by Executive Order No. 241.

### **RULE IX Final Provision**

**Section 38. Separability Clause.** If, for any reason whatsoever, any part or provision of these Rules and Regulations is declared unconstitutional, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

**Section 39. Effectivity.** These Rules shall take effect immediately. Approved and adopted this 25<sup>th</sup> day of May 1993 in Quezon City.

**SALVADOR P. SOCRATES**  
PCSD Chairman

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