



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE 16TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN ON OCTOBER 24, 2022 HELD AT THE SANGGUNIANG BAYAN SESSION HALL, ORION, BATAAN

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Antonino B. Roman III, J.D., LL.M., Board Member
Hon. Benjamin C. Serrano, Jr., Board Member
Hon. Jomar L. Gaza J.D., Board Member

SECOND DISTRICT:

Hon. Maria Margarita R. Roque, Board Member
Hon. Manuel N. Beltran, Board Member
Hon. Noel Joseph L. Valdecañas, Board Member

THIRD DISTRICT:

Hon. Romano L. Del Rosario, Board Member
Hon. Angelito M. Sunga, Board Member
Hon. Roman Harold R. Espeleta, Board Member

Hon. Precious D. Manuel, Board Member (SKF President)

ABSENT:

Hon. Jorge S. Estanislao, M.D., Board Member (Sick Leave)
Hon. Jovy Z. Banzon, Board Member (PCL President) (Sick Leave)
Hon. Doroteo M. Austria, Board Member (FABC President) (Sick Leave)

PROVINCIAL ORDINANCE NO. 24 Series of 2022

AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS GOVERNING MARINE TURTLE (PAWIKAN) INTERACTION DURING NESTING AND HATCHING SEASON AND THE MANAGEMENT OF THREATS ON NESTING HABITATS IN THE PROVINCE OF BATAAN AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SPONSORED BY:

HON. MANUEL N. BELTRAN

WHEREAS, Article II, Section 16 of the 1987 Constitution provides that "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

WHEREAS, Republic Act 9147, known as "Wildlife Conservation and Protection Act of 2001" aims, among others, to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity;

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Provincial Governor

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

SANGGUNIANG PANLALAWIGAN
CAPITOL BATAAN
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WHEREAS, Republic Act 8550, known as "The Philippine Fisheries Code of 1998" as amended by Republic Act 10654 aims to protect and conserve marine species in danger of extinction;

WHEREAS, Republic Act 9593, known as the "Tourism Act of 2009" also seeks to ensure the right of the people to a balanced and healthful ecology through the promotion of activities geared towards environmental protection, conservation and restoration;

WHEREAS, the Province of Bataan is committed to promote the conservation and protection of marine turtles and other endangered species;

NOW THEREFORE, BE IT ORDAINED, BY THE SANGGUNIANG PANLALAWIGAN IN SESSION DULY ASSEMBLED:

SECTION 1. TITLE. This Ordinance shall be known as the "*Pawikan Protocol*" and shall hereinafter be referred to as the Protocol.

SECTION 2. PURPOSES. This Protocol is enacted for the following purposes:


- a. Ensure the protection of coastal and marine environment and biodiversity in the province, specifically the protection and conservation of marine turtles or pawikan and their habitats;
- b. Adopt the precautionary principle when not enough information is available on the effects of tourism, human settlements, fisheries, and industries on pawikan;
- c. Ensure that tourism, residential, commercial, and industrial activities shall not inhibit the natural behavior of pawikan nor adversely affect the associated habitat, and shall minimize any disturbance of or impacts on such animal and habitat;
- d. Ensure the safety of locals and tourists interacting with pawikan;
- e. Promote responsible tourism, commercial, fisheries, and industrial operations;
- f. Encourage multi-sector and grassroots participation in pawikan conservation and protection efforts in the Province of Bataan.

SECTION 3. SCOPE OF APPLICATION. This Protocol shall generally apply to the Municipalities of Morong, Bagac, Limay, and Mariveles, where nesting sites or beaches have been identified and reported by the Department of Environment and Natural Resources (DENR), the Provincial Government of Bataan (PGB), research and academic organizations, and the local residents, including pawikan conservation people's organizations (POs).

Specifically, this Protocol shall apply to all tourism, residential, commercial, and industrial areas located along the municipal coastline, within FORTY METERS (40m) from the highest tide.

This Protocol shall be enforceable every pawikan nesting and hatching season, which is hereby designated to start on approximately September 1 of every year and end on approximately March 31 of the following calendar year.

The immediately preceding paragraphs notwithstanding, this Protocol shall also apply in special cases of off-site and off-season nesting and hatching


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incidents within the Province of Bataan, in accordance with Section 2 hereinabove.

This Protocol does not cover the procedures, rules, and regulations for marine turtle incidence response, which includes, but is not limited to, rescue of injured and/or stranding pawikan, retrieval of deceased pawikan, collection and transplanting of pawikan eggs, and hatchery operations and management.

SECTION 4. DEFINITION OF TERMS. As used in this Protocol, the following terms are defined as indicated below:

- a. AIRCRAFT - any manned or unmanned vehicle and device (including drones) capable of flight;
- b. DEDICATED INTERACTION SITES/AREAS - are well defined areas for marine wildlife tourism, either managed as a sanctuary/reserve/protected area or not, focused on a particular species or several species with specified operating times;
- c. DISTURBANCE - refers to any intentional and unintentional acts that disrupt the natural cycle, behavior, and activities of marine wildlife for the short or long term without necessarily causing any physical injury to the same such as but is not limited to acts producing noise, pollution, degradation of habitat, blockage of movement, displacement and the like and/or prohibited acts;
- d. ECOTOURISM - refers to a form of sustainable tourism within a natural and/or cultural heritage where community participation, protection and management of natural resources, culture and indigenous knowledge, and environmental education and ethics are balanced with economic objectives and benefits to enrich the host community and satisfy tourists;
- e. HARASSMENT - refers to any intentional acts or activities that are detrimental to the survival and welfare of wildlife and or marine habitat and or prohibited acts enumerated under Section 6 of this Protocol;
- f. HATCHING - refers to sea turtles hatch throughout the year but mostly in the cold season. Their incubation period usually takes around 45-75 days where they develop into hatchlings;
- g. NESTING - refers to the female turtle crawls to a dry part of the beach and begins to fling away loose sand with her flippers. She then constructs a "body pit" by digging with her flippers and rotating her body;.
- h. NIGHT PATROL - this refers to the observation and documentation of nesting behavior of endangered marine turtle;
- i. PAWIKAN - any of several large turtles of the families Cheloniidae and Dermochelyidae, including the green sea turtle, loggerhead turtle, Kemp's ridley, olive ridley, hawksbill and leatherback, having flippers adapted for swimming and living chiefly in tropical and subtropical oceans;
- j. PRECAUTIONARY PRINCIPLE - refers to a process wherein conservational actions must be undertaken where there are possibilities of serious or irreversible effects to marine wildlife and their habitat even if there are scientific uncertainties;


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- k. SEA VESSEL - refers to a motorized or non-motorized boat or banca of 20 gross tonnages (GRT) and below engaged in providing water transport services for tourists and/or fishing;
- l. THREATENED SPECIES - refers to general term to denote species or sub-species considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction, as may be defined under RA 10654 and RA 9147, e.g., certain species and plants listed by International Union for Conservation of Nature (IUCN) and as determined by the Secretary of the DENR and/or Secretary of the Department of Agriculture to be critically endangered, endangered, vulnerable or other accepted categories based on the best scientific data and with due regard to internationally accepted criteria.

SECTION 5. ESTABLISHMENT OF ZONES. The following zones are hereby established for all pawikan interaction areas, and as graphically shown in Annex I herein:

- a. NO APPROACH AND NO INTERACTION ZONES - The No Approach and No Interaction Zones include the area within the minimum distance of marine turtle as prescribed herein for specific activity. The No Approach and No Interaction Zone include the space directly above and beneath the marine turtle, and the area formed by the SIXTY DEGREE (60°) arc in front of and behind the animal. No Approach and No Interaction Zones are strictly off limits to sea vessels, aircraft, and persons at all times.
- b. INTERACTION ZONE - The Interaction Zone extends to any location where recreational, educational, or entertainment activities occur that involve the observation of, or interaction with, unconfined pawikan in their natural habitat, including, but are not limited to, observing the animal from a sea vessel, land or air, and in-water observation through snorkeling, skin diving or using scuba.
- c. WAITING ZONE - The Waiting Zone includes any area immediately adjacent to the Interaction Zone. The Waiting Zone, typically, shall be used as a location for sea vessels and persons to gather while waiting for their turn to interact.

SECTION 6. CODE OF CONDUCT WITHIN THE ZONES. The following code of conduct shall be observed when interacting with pawikan:

a. General Code of Conduct

- Noise shall always be at a minimum especially for the engines, equipment, devices, and water entry (no splash);
- If the marine turtle approaches the person or the sea vessel, the same shall maintain the minimum distance by slowly moving away from the marine turtle;
- If aggressive behavior is exhibited by the marine turtle or if the marine turtle evades the sea vessel/person continually, the interaction shall cease and the sea vessel/person shall move back to the Waiting Zone or beyond;
- If there is imminent danger to any marine turtle and/or person, the sea vessel engine shall be shut off, persons in the water shall return to the sea vessel and the interaction with the marine turtle shall be aborted.


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b. Specific Regulations

- All dedicated interactions for pawikan during egg-laying and hatchling observations/release shall be limited to THIRTY (30) MINUTES between sunrise and sunset;
- A maximum of EIGHT (8) HOURS PER DAY for dedicated interactions with pawikan shall be enforced at the interaction area;
- A maximum observation time of THIRTY (30) MINUTES PER INTERACTION for single dedicated interaction with pawikan shall be enforced;
- For land-based dedicated interactions (i.e. involving observations from the shore, beach, or elevated platforms on water or land), drones shall maintain a minimum height of FIFTEEN METERS (15 m) above the water surface, while a minimum height of THREE HUNDRED METERS (300 m) for planes and moving aircraft, and FIVE HUNDRED METERS (500 m) for helicopters without hovering is prescribed, subject to existing regulations. The aircraft shall not maintain a position where a shadow is cast over the pawikan. A maximum of FIVE (5) MINUTES observation is allowed;
- For land-based dedicated interactions with a nesting pawikan, the observer shall maintain a minimum distance of two meters;
- Individuals participating in any form of in-water observation shall maintain a distance of two meters from the pawikan;
- For sea vessels, the interaction zone is TWO HUNDRED METERS (200 m) wide and starts from the No Interaction Zone boundary. The maximum number of sea vessels prescribed herein shall be maintained within that zone at all times;
- The maximum duration of the interaction prescribed herein shall be maintained, especially if other sea vessels are waiting for their turn to interact. Viewing shall be maintained parallel to the pawikan;
- Constant communication among sea vessel operators and guides shall be employed within the Interaction and Waiting Zones;
- Propeller guards are recommended for all sea vessels used in dedicated interactions with pawikan;
- The engine of any sea vessel shall be properly maintained for safety and reduced noise, and to avoid fuel leaks;
- The minimum distance of TWENTY METERS (20 m) from a sea vessel (stationary or moving) to a pawikan or group of pawikan (using the outermost animals as reference) during any dedicated interaction shall be maintained at all times, notwithstanding the movement of the animal. In the event the pawikan actively approaches a sea vessel within the Interaction Zone, that sea vessel shall move away to maintain the minimum distance or proceed slowly and carefully to the Waiting Zone;
- The number of sea vessels within the Interaction Zone at any time shall not exceed TWO (2) sea vessels.


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THIRTY



















SECTION 7. PROHIBITED ACTS IN DEDICATED INTERACTION SITES. The following acts are prohibited:

- Any provocative act including, but is not limited to teasing, chasing, playing, and aggressive pursuit of marine turtle;
- Any physical contact, including touching or handling, or attempted touching or handling, of marine turtle;
- Riding and stepping on, or attempting to ride or step on, any marine turtle;
- Blocking and/or crossing the path of marine turtle;
- Positioning oneself directly below or above marine turtle;
- Approaching marine turtle directly from the front or back;
- Any method that would corner or entrap marine turtle;
- Any interaction with a nesting marine turtle before it starts laying eggs;
- Using flash, strobes, and video lights;
- Using camera poles, selfie sticks, and monopods;
- Using jet skis and other non-regulated motorized sea vessels;
- Using underwater motorized propulsion devices, including but is not limited to, dive scooters, recreational submarines, drones, and remotely operated vehicle;
- Dropping of anchor.

SECTION 8. SPECIAL REGULATIONS FOR PRIVATE COMPANIES AND INDUSTRIES. The following guidelines, when applicable, shall apply to all private companies and industries:

- The Provincial Government- Environment and Natural Resources Office (PG-ENRO), with the assistance of the municipal local government unit (LGU) and DENR, may impose conditions for operations and activities found detrimental to the nesting sites.
- For purposes of marine turtle protection and conservation, support in the form of technical or financial assistance may be provided to the 1Bataan Pawikan Conservation Alliance Network (1PawiCAN), partner local government units, or community-based organizations. The said assistance may be integrated into the corporate social responsibility of the company/organization involved.

SECTION 9. DUTY OF TOUR OPERATORS AND GUIDES. It shall be the duty of Tour Operators and Guides to ensure that prior to the conduct of marine turtle interaction, all persons availing of their services shall be apprised of the proper conduct to be observed during the activity, particularly the prohibited acts under Section 7 of this Protocol. It is also imperative on the part of Tour Operators and Guides to ensure strict adherence of their clients to the guidelines provided herein during the conduct of the marine turtle interaction.

SECTION 10. IMPLEMENTATION OF CURFEW HOURS. During the nesting season, it shall be prohibited to traverse the nesting beach area from 10:00 PM


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to 4:00 AM except for trained people or volunteers and participants in the night patrol. This notwithstanding, fishermen shall still be allowed to fish during curfew hours as part of their livelihood even during the pawikan nesting season.

SECTION 11. PROHIBITED ACTS DURING CURFEW HOURS. The following acts during curfew hours are prohibited:


- Acts and activities generating loud noise;
- Use of high-intensity lights or excessive artificial lights near or along the nesting beach especially if they will cause disorientation of the nesting marine turtles and result to the abandonment of the nesting process;
- Improper disposal of fishing nets, nylon ropes and the like at the beachfront or waters, which can entangle marine turtles coming up the beach to lay their eggs or returning back to the sea after nesting;
- Use of videoke, karaoke, and other amplified audio devices within or near the nesting beaches;
- Failure to restrain dogs which are stray, unleashed, and or not confined as they pose a threat to the nesting turtle and its eggs.

SECTION 12. GUIDELINES ON THE PROPER HANDLING AND RELEASING OF PAWIKAN EGGS AND HATCHLINGS. The following code of conduct shall be followed in handling pawikan eggs and hatchlings:

- Do not allow any unauthorized handling of pawikan eggs as they are fragile. Any movement might damage the yolk and kill the developing embryo;
- Hatchlings do not need assistance. Putting them in containers with water will only tire them out, and cause them to lose the energy they need to get to the ocean and swim as far as they can;
- Do not pick up or touch a hatchling as it makes its way to the ocean. Allow it to swim on its own;
- Hatchlings should be released as soon as they emerge. If this is not possible, hatchlings should be placed in a tub with wet sand or cloth (not water) and covered with a soft, damp cloth until the time of release. It is also illegal to keep them for any period of time or raise them in captivity (headstarting);
- Regular and ceremonial releasing of hatchlings shall be conducted only during dusk, dawn, or in the evening when there are less predators;
- Keep a respectful distance during releasing (at least two meters off to the side) and do nothing that may interrupt the marine turtles crawling to the sea.

SECTION 13. INVOLVEMENT OF BARANGAYS, MUNICIPALITIES, AND PROVINCE. The LGUs are encouraged to carry out the following:

- The Provincial Government of Bataan shall coordinate and monitor the implementation of this Protocol with LGUs identified as pawikan nesting sites.


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- The Municipal Governments of Bagac, Morong, Mariveles, and Limay shall have primary responsibility in the implementation by fully supporting and actively participating in the enforcement of this Protocol.
- The respective barangays of the identified pawikan nesting sites shall enforce the provisions of this Protocol to the fullest extent to ensure the conservation and protection of the pawikan and its nesting habitat for the benefit of the present and future generations.

SECTION 14. DUTY OF LAW ENFORCEMENT AGENCIES AND CITIZENS.

The law enforcement authorities in each municipality, together with the barangay officials shall patrol the pawikan nesting sites and enforce necessary measures in the implementation of this Protocol. Any person may institute legal action against anyone committing any of the prohibited acts in this Protocol.

SECTION 15. PENALTIES.

Any person, whether natural or juridical, or business entity, found violating this Protocol shall be fined accordingly:

	Private Individual	Business Entity
First Offense	Fine of One Thousand Pesos (₱1,000.00)	Fine of Two Thousand Pesos (₱2,000.00)
Second Offense	Fine of Three Thousand Pesos (₱3,000.00)	Fine of Five Thousand Pesos (₱5,000.00)
Third and Succeeding Offenses	Fine of Five Thousand Pesos (₱5,000.00)	Cancellation or Revocation of Business Permit or License


SECTION 16. ADOPTION OF MUNICIPAL ORDINANCE. The Municipal Governments of Bagac, Morong, Mariveles, and Limay are hereby encouraged to enact an ordinance ensuring that pawikan nesting sites are maintained and preserved.

SECTION 17. SEPARABILITY CLAUSE. If any section or subsection of this Ordinance is, for any reason, held to be invalid or unconstitutional by a competent authority, the remaining portions shall not be affected and shall remain in full force and effect.

SECTION 18. REPEALING CLAUSE. Any ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 19. EFFECTIVITY. This Ordinance shall take effect after compliance with all applicable requirements provided in the Local Government Code of 1991.

UNANIMOUSLY ENACTED this 24th day of October 2022.


JOSE ENRIQUE S. GARCIA III
Provincial Governor

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I HEREBY CERTIFY to the correctness of the foregoing ordinance.



ATTY. MARK LORENZ C. QUEZON
Secretary to the Sangguniang Panlalawigan



ANTONINO B. ROMAN III, J.D., LL.M.
Board Member



MARIA MARGARITA R. ROQUE
Board Member



BENJAMIN C. SERRANO, JR.
Board Member



MANUEL N. BELTRAN
Board Member



JOMAR L. GAZA J.D.
Board Member



NOEL JOSEPH L. VALDECAÑAS
Board Member



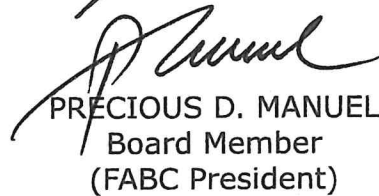
ROMANO L. DEL ROSARIO
Board Member



ANGELITO M. SUNGA
Board Member



ROMAN HAROLD R. ESPELETA
Board Member



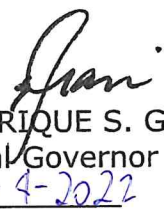
PRECIOUS D. MANUEL
Board Member
(FABC President)

ATTESTED:




MA. CRISTINA M. GARCIA
Vice Governor & Presiding Officer

APPROVED:

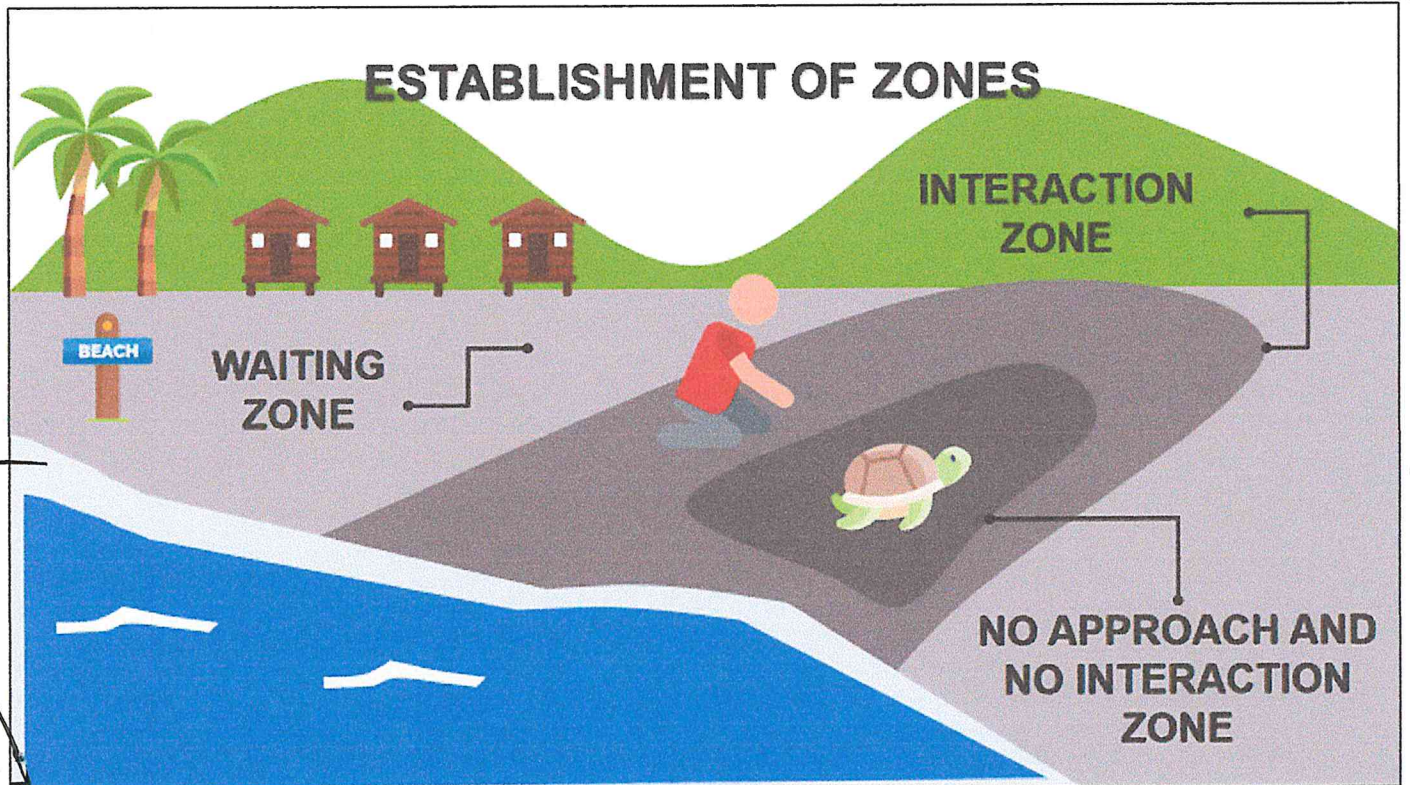


JOSE ENRIQUE S. GARCIA III
Provincial Governor
Date: 11-4-2022

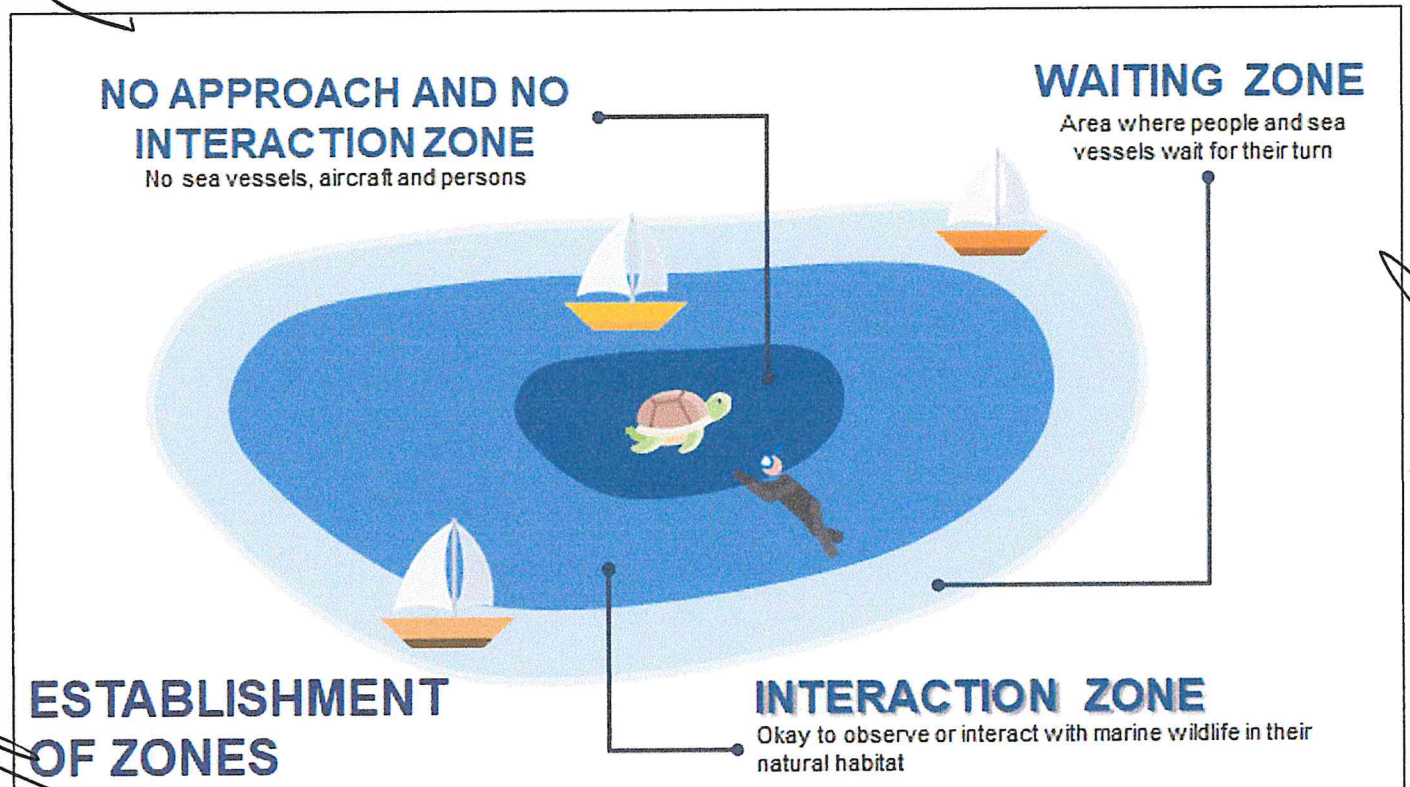


ANNEX I. Pawikan Interaction Zones

Land



Sea



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