

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DEPARTMENT OF TOURISM
PHILIPPINE COMMISSION ON SPORTS SCUBA DIVING
JOINT MEMORANDUM CIRCULAR NO. 01 , S.2009
DATE: JANUARY 29, 2009

TO: ALL CONCERNED GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, PRESIDING OFFICERS AND MEMBERS OF THE SANGGUNIAN, DILG, DENR, AND DOT REGIONAL DIRECTORS AND OTHERS CONCERNED.

SUBJECT: MANAGEMENT OF DIVE SITES

PURPOSE To provide guidelines on the management of a dive site, imposition and utilization of recreational scuba diver's fees. In dealing with diving-related accidents and other associated tasks pursuant to Office of the President Memorandum Order No. 275, s. 2007 and Letter of Instruction No. 745, s. 1978.

COVERAGE: THIS JOINT MEMORANDUM CIRCULAR COVERS THE FOLLOWING CITIES AND MUNICIPALITIES:

Currimaos, Ilocos Norte
San Fernando City, La Union
Alaminos, Pangasinan
Masinloc, Zambales
Subic, Zambales
Mabini, Batangas
Gloria, Oriental Mindoro
Puerto Galera, Oriental Mindoro
Lubang, Occidental Mindoro
Sablayan, Occidental Mindoro
Alegria, Cebu
Cordova, Cebu

Daanbantayan, Cebu
Mandaue, Cebu
Liloan, Cebu
Moalboal, Cebu
Santander, Cebu
Siquijor, Siquijor
Limasawa, Southern Leyte
Padre Burgos, Southern Leyte
San Francisco, Southern Leyte
Malay, Aklan
Guiuan, Eastern Samar
Puerto Princesa City, Palawan
Cagayancillo, Palawan
Coron, Palawan
El Nido, Palawan
Roxas, Palawan
San Vicente, Palawan
Taytay, Palawan
Sagay City, Negros Occidental
Sipalay City, Negros Occidental
Dauin, Negros Oriental
Dumagueta City, Negros Oriental
Loon, Bohol
Maribojoc, Bohol
Anda, Bohol
Baclayon, Bohol
Panglao, Bohol
Dauis, Bohol
Dipolog City, Zamboanga del Norte
Mambajao, Camiguin
Cagayan de Oro City
Island Garden of Samal, Davao del Norte
Cortez, Surigao del Norte
Lanuza, Surigao del Sur

and other local government units which may later on declare recognize or locally-ordained dive sites.

DEFINITION OF TERMS

As used in this Joint Memorandum Circular, the following terms or phrases shall be understood to mean:

MARINE PROTECTED AREA refers to a defined area of the sea established and set aside by law, administrative regulation, or any other effective means, in order to conserve and protect a part of or the entire enclosed environment, through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.

MARINE RESERVE refers to an area where access and uses, whether extractive or non-extractive, are regulated or controlled for specific uses or purposes. A marine reserve may include a marine sanctuary within its boundaries. The entire area need not be placed under the same conditions or restrictions as a marine sanctuary, but all uses are still controlled and regulated to the extent necessary to ensure that little or harm is imposed on the environment enclosed in the reserve.

MARINE 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.

MARINE SANCTUARY refers to a defined area established and set aside exclusively for the purpose of protecting habitats and species, through the prohibition of all extractive uses and strict regulation of non-extractive uses. The term is synonymous with a No-Take Zone. A marine sanctuary may have a buffer zone around the area sought to be protected from extractive and non-extractive uses. It may be located within a marine reserve or marine park.

DIVE SITE refers to a diving location consisting of huge variety of flora and fauna. A dive site also includes a dive area with historical or cultural items such as ship wrecks and sunken aircrafts with historical value and attractive artificial form of underwater habitat.

DIVE SITE CLASSIFICATION – Dive sites are classified into levels based on biological characteristics and support facilities to diving-related activities:

- **LEVEL 1 CLASSIFICATION**, which is generally accepted as a dive site by the diving community, and is characterized by a good live coral cover,
- **LEVEL 2 CLASSIFICATION**, which is generally accepted as a dive site by the diving community, is characterized by a good live coral cover, as well as abundance of fish, and with a management authority in place,
- **LEVEL 3 CLASSIFICATION**, which is generally accepted as a dive site by the diving community, with existing diving-support facilities, e.g., dive shops, gas fill stations, accommodation and dive boats, is characterized by (a) good live coral cover, (b) high diversity of marine life, and (c) abundance of fish, and is declared and enforced as a marine protected area, with a management authority in place, and
- **LEVEL 4 CLASSIFICATION**, which is generally accepted as a dive site by the diving community, with existing diving-support facilities, e.g., dive shops, gas fill stations, accommodation, dive boats and emergency medical services, is characterized by (a) good live coral cover, abundance of fish, (b) high diversity of marine life, and (c) abundance of fish, is declared and enforced as a marine protected area, with a management authority in place and has attained national and international recognition.

CLASSIFICATION OF A DIVE SITE

The following local government units or dive sites are being classified as:

1. **LEVEL 1 CLASSIFICATION** Puerto Princesa City, Roxas and San Vicente (Palawan); Sagay City & Sipalay City (Negros Occidental); Tagbilaran, Anda, Baclayon, Dauin & Loon (Bohol); Mandaue & Santander (Cebu); Punta Baluarte & Pico de Loro (Batangas).
2. **LEVEL 2 CLASSIFICATION** Busuanga, Cagayancillo, El Nido and Taytay in Palawan, Daanbantayan & Gilutongan-Olanggo Island (Cebu); Siquijor (Siquijor); Limasawa (Southern Leyte); Dipolog City (Zamboanga del Norte); Mambajao (Camiguin); Cagayan de Oro City; Island Garden City of Samal (Davao Del Norte); Fortune Island (Batangas); Dolphin Island (Misamis Occidental).
3. **LEVEL 3 CLASSIFICATION** Batangas City; Puerto Galera (Oriental Mindoro); Panglao Is. & Balicasag Is., (Bohol); Moalboat & Malapascua (Cebu); Dumaguete City, Dauin and Apo Island (Negros Oriental); Padre Burgos & Sogod Bay (Southern Leyte); Matengale (Camiguin); Anilao, Mabini (Batangas); Apo Reef and Pandan Beach, Sablayan (Mindoro).

IMPOSITION OF A RECREATIONAL SCUBA DIVER'S FEE

A scuba diver's fee is in nature of a regulatory fee to ensure observance of the rules relative to the use of diving site for recreational purposes. While the imposition is essential to protect and preserve the fragile marine ecosystem, such as., marine reserve, marine park or marine sanctuary, the fee need not be excessive, unjust, oppressive or confiscatory but rather commensurate to the biological characteristics of the diving site.

Thus, the recreational scuba diver's fee is based on dive site classification, as follows:

Level 1 Classification – Php 50.00, per day, per diver

Level 2 Classification – Php 100.00, per day, per diver, or an Individual Annual Fee of Php 1,500.00

Level 3 Classification – Php 150.00 per day, per diver or an Individual Annual Fee of Php 2,500.00

Level 4 Classification – The fee shall be based on national legislation. No other fees or charges shall be imposed.

PERMIT FEE AND LIABILITY CASH BOND

Should there be commercial filming activities with crew, a non-refundable permit fee in the amount of TWO THOUSAND PESOS (Php 2,000.00) and a liability cash bond in the amount of ONE HUNDRED THOUSAND PESOS (Php100,000.00) payable to the local government unit concerned shall be collected to answer for any potential damage and extraction of marine life that might arise during the conduct of filming activities.

Damage to marine life can only be assessed by properly-trained stewards to prevent any unqualified person from making an assessment, which could be used for harassment purposes.

If there is no damage or extraction of marine life, as assessed by a designated and trained steward, the liability cash bond shall be refunded, otherwise, the same shall be forfeited in favor of the local government unit to answer for such damages and shall be used solely for rehabilitation purposes.

USE OF THE RECREATIONAL SCUBA DIVER'S FEE

All collections from the Recreational Scuba Diver's Fee shall be utilized to finance the following:

1. Research, training, IEC, sanitation treatment system, promotion or use of appropriate or indigenous technology in support of conservation and sustainable use of the natural environment,
2. Rehabilitation of the marine ecosystem, or a part of it, subject to a technical study and advice of an appropriate government agency, academic institution or research entity competent to undertake such assessment,

3. Development of an existing natural environment which is considered as a tourist attraction in order to prevent any actual or potential damage thereon brought about by human activities, or exposure to impacts of natural elements or phenomena,
4. The conservation and protection of marine biodiversity, lakes and bodies of water, caves and mountains and other terrestrial ecosystems whether for the aesthetic enjoyment of the general public or for the livelihood of fisher folk, indigenous people and other stakeholders, and
5. Effective enforcement of all laws and ordinances pertaining to environmental protection, management and conservation and tourist protection through the mobilization of the local PNP, Bantay Dagat and other similar volunteer groups.

MANAGING DIVING-RELATED ACCIDENTS

Pursuant to Chapter 7, Section 18 and 19, of the Implementing Rules and Regulations of the Philippine Commission on Sports Scuba Diving, diving-related accidents shall be addressed, as follows:

1. Diving accidents that warrant professional medical attention should be reported in writing within 48 hours by the dive leader and the dive establishment to the PCSSD, containing all pertinent data about that particular dive(s).
2. Likewise, the involved dive leader and the scuba diving establishment shall make available to the Commission the victim's scuba diving equipment; and
3. Within one week after the receipt of the report, the Executive Director of the Commission shall immediately activate the Special Board of Inquiry that shall immediately conduct a preliminary hearing of the incident.

RESPONSIBILITY OF THE CITY MAYOR OR MUNICIPAL MAYOR

The City Mayor or Municipal Mayor shall:

1. Cause the enactment of an ordinance, if none is yet passed, or the amendment of an existing legislative measure, in support of the intent of, and in conformity with the guidelines embodied in, this Joint Memorandum Circular; and
2. Create a coastal resource management body, if none is yet organized, or cause the strengthening of such similar body already established, to perform the following responsibilities, among other associated tasks:
 - Organize and train stewards capable of assessing damage to marine life,
 - Provide training for the enforcement entities, e.g., par warden, and local PNP Maritime personnel,

- Take the lead in the development of an integrated coastal management plan, which shall include sea zoning plan designating areas for diving, marine reserve, fishing, protection and conservation areas, among others,
- Recommend a strategic mechanism for disposal of waste and garbage from diving related activities, and once approved, to enforce the same,
- Establish a monitoring mechanism and link the information to local government or law enforcement action, and
- Design and implement an Information, Education and Communication Campaign on the Environment.

Considering the magnitude of its responsibilities, the coastal resource management body should be multi-sectoral in composition from both the government and private sectors, including representative of peoples organizations concerned with the marine environment.

RESPONSIBILITY OF THE PROVINCIAL GOVERNOR

Ensure that Component City Mayors and Municipal Mayors perform their responsibilities as provided in this Joint Circular.

RESPONSIBILITY OF THE PCSSD

The Philippine Commission on Sports Scuba Diving, in consultation with concerned local authorities and other stakeholders, shall cause the review of the Dive Site Classification System relative to the imposition of fees, permits and bonds.

DISSEMINATION OF THE CIRCULAR AND PERFORMANCE MONITORING

All DILG, DOT and DENR Regional Directors are hereby directed to cause the widest dissemination of this Joint Memorandum Circular to all concerned local government units and other stakeholders concerned within their regional assignments.

All DILG Regional Directors are likewise hereby directed to monitor local government compliance and to perform administrative guidance function much more effectively.

SANCTION

Any local official, who willfully or through negligence, violates any of the provision of this Memorandum Circular shall be subject to the sanctions provided under the Local Government Code and under such other applicable laws.

EFFECTIVITY

This Joint Memorandum Circular shall take effect immediately.

RONALDO V. PUNO

DILG Secretary

JOSEPH ACE H. DURANO

DOT Secretary & Chairman, PCSSD

LITO A. ATIENZA

DENR Secretary