Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
THIRTEENTH CONGRESS

House Bill No. 487



Introduced by Congressman JOSE G. SOLIS

EXPLANATORY NOTE

The Philippines is an archipelago of interconnected waters and some 7,107 islands. Its coastline extends to more than 18,000 km., surrounding a total land area of 300,000 sq.km. Its sea area encloses an estimated 3.2 million square km., which includes some 2.2 million sq. km. of ocean area measured from the baseline up to 200 nautical miles seawards.

Decisions in the ocean sector have generally compromised the long-term viability of the country's ocean resources, as reflected in signs of neglect such as overfishing, destructive fishery practices, illegal foreign fishing in the Exclusive Economic Zone (EEZ), unabated marine pollution from all sources, and the depletion of mangroves and coastal habitats, among others.

Looking to the sea for economic purposes is a logical and natural course for an economy such as ours that is endowed with vast and diverse coastal and marine resources (it includes a vast sea space and a coastline longer than that of the United States). However, the structures in place are still wanting in terms of promoting sustainability in the ocean sector and seizing opportunities for growth, especially in the emerging industries.

Keeping the coastal and marine areas free from crime and maintaining the country's territorial integrity are basic requirements for promoting both the economic and environmental goals of ocean governance. Existing and potential threats to peace in Philippine waters need to be addressed.

The body of work and knowledge on both the social and natural dimensions of the ocean and marine structure has much more room for improvement. There is an urgent need to collect new data, update existing information, and analyze these with a perspective that is relevant to the country's interests and aspirations concerning the oceans.

There is also an urgent need to consider the world environment as well. Globalization and modern technology threaten the oceans and seas. We must stand guard.

In this age of globalization, the country has to harness the opportunities and challenges presented by its oceans as its major link to the world community.

Finally, existing laws, rules, policies and organizational structures are generally disparate and fragmented, leading to confusion rather than clear directions for ocean management and development; inefficiencies in regard to resources intended for governance; and conflicting rather complementary uses of coastal and marine resources.

In view of the importance of this bill to our national development and long-term security, its immediate passage is earnestly requested.

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AN ACT
INSTITUTING A PHILIPPINE MARITIME AND OCEANS POLICY
AND FOR OTHER PURPOSES

Be enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. ***Short Title***. - This Act shall be known and referred to as the "Philippine Oceans Act of 2000."

SEC. 2. ***Definition of Terms***. - For purposes of this Act, the following definition of terms shall apply:

a) Archipelagic waters - refer to all waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions;

b) Coastal areas - refer to the zones of land and water that lie adjacent to the low-water mark, including the terrestrial areas of municipalities along the coast, and all the waters seaward for up to within fifteen (15) kilometers;

c) Continental shelf - refers to the seabed and subsoil that constitutes a natural prolongation of the land territory of the Philippines, up to where the depth of the superjacent waters admit of exploitation of mineral and natural resources, including the sedentary species, found therein; and

d) Exclusive economic zone - refers to the area of the ocean extending two hundred (200) nautical miles from the baselines defined under R.A. No. 3046 as amended by R.A. No. 5446.

SEC. 3. ***Declaration of Policy*** - The State hereby adopts a national policy on oceans, which shall:

a) Protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
b) Protect the nation's marine wealth in its archipelagic waters, territorial seas, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens;

c) Protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore; and protect, develop, and conserve such resources;
d) Recognize many international agreements that have a bearing on the use of the oceans, including such as the United Nations Convention on the Law of the Sea, the Agreement on Straddling Stocks and High Migratory Fish Stocks, the Basel Conventions, and the Global Biodiversity Convention; as well as non-binding agreements such as the Rio Declaration and Agenda 21;
e) Recognize the oceans and marine areas as among the greatest natural resources of an archipelagic state like the Philippines;
f) Serve as a framework for Philippine marine management; and
g) Serve as a foundation for the sustainable development of the oceans and its resources.

SEC. 4. Declaration of Principles. - In the management of its maritime and ocean spaces, the Philippines shall adhere to the following basic principles:

a) The State shall promote integrated archipelagic development, that is, economic development that recognizes the interactions of terrestrial and marine resource uses in an archipelagic setting, and where possible takes advantage of such interactions as a means of mutually supporting and reinforcing each other;

b) The State shall conserve and protect its marine resources for the benefit and use of the present and future generations of Filipino citizens;

c) The State shall engage in the protection, conservation, and management of marine resources through an integrated and coordinated approach that takes into account not only of each ocean-use sector individually, but of their interaction with each other and the ocean environment as a whole;

d) The State shall promote the principle of sustainable development, and the application of the precautionary approach in decision-making, in the management and utilization of marine resources;

e) The State shall promote the meaningful participation of all concerned ocean-use sectors and the general public in all phases of planning, formulating, and implementing an effective integrated oceans management policy; and

f) The State shall promote the understanding of the oceans, ocean processes, marine resources, and marine ecosystems to encourage and enhance the participation of all concerned sectors in the sustainable development of the oceans.

SEC. 5. ***Coastal Area Management***.- In the management of coastal areas, the following,policies shall apply:

a) The State shall adopt and promote an integrated coastal zone management framework that uses community-based coastal resource management as the primary strategy for the sustainable development of coastal resources;

b) The State shall enhance local consensus-building and capacity-building mechanisms to promote greater public participation in the management of the coastal marine resources;

c) In the development of coastal marine resources, the State shall devote special attention and priority to the marginalized sectors in coastal communities dependent on such resources for their subsistence; and

d) The State shall encourage partnerships between national and local governments, non-government organizations, peoples' organizations, and the academe in the management of coastal marine resources.

SEC. 6. ***Oceans Area Management***.- In the management of ocean areas, the following principles shall apply:

a) The State shall place utmost priority on the development and enhancement of its capabilities to control, utilize, protect, and conserve marine resources within its territorial waters, archipelagic waters, continental shelf, and exclusive economic zone;

b) The right of innocent passage of foreign ships through the archipelagic and territorial waters of the Philippines shall be guaranteed in sealanes to be designated in accordance with international law; and

c) As soon as practicable, the State shall undertake initiatives to resolve pending disputes with neighboring countries over the use of resources within contested maritime spaces through the use of provisional agreements of a practical nature; provided, that the delineation of maritime zones under existing laws shall not be considered as a strict limitation on the making of practical decisions or taking of necessary actions to protect, conserve, and manage the ocean resources of the Philippines; provided further, that any such decisions or actions shall be within the bounds of national and international law.

SEC. 7. ***Five-Year Oceans Development Agenda***. - In order to commence efforts for the sustainable development of the oceans, the following initial programs shall be implemented:

a. Philippine Oceans Information System. - To create an information system that:

(i) collects, processes, and manages the use of information related to the oceans, ocean processes, marine resources, marine ecosystems as necessary inputs to policy-making and the planning and implementation of projects and programs,

(ii) develops the human and material resources and capabilities necessary to support the information system, and

(iii) ensures the wide dissemination of such information to the concerned sectors and the general public in order to encourage participation in oceans management.

b. Coastal Community Capability Enhancement for the Oceans.- to promote locally-based cooperation and coordination among national and local governments, non-government organizations, academe, peoples' organizations, business, and other concerned sectors engaged in coastal resource activities.

c. Ocean Law and Administration Reforms. - to engage in a continuing review process that is intended to (i) propose new or revise existing administrative rules, processes, and procedures in order to enhance the integration of oceans management and coordination among the various agencies, and (ii) propose the enactment or amendatory rules and legislation pertaining to the objective of this Act.

d. Environmentally Sustainable Marine Resource Management.- to encourage government agencies to closely coordinate and integrate plans and programs to ensure that the marine environment does not suffer further deterioration, with special priority upon land-based sources of pollution, tourism, shipping, fisheries, and port development.

e. Archipelagic Development Planning Program.- to develop an economic blueprint that avoids conflicts among the various ocean uses and with land-based activities within the archipelago, and promotes mutually reinforcing and supportive linkages between such activities, while remaining consistent with the objective of sustainable development.

f. Oceans Diplomacy. - to develop and enhance the capability of the country to conduct foreign relations related to oceans, especially the capability to engage in negotiations, cooperative oceans management efforts, and joint development of marine resources.

Within three (3) years from the enactment of this Act, a Coordinating Committee shall formulate additional programs with respect to the development of offshore resource uses, an archipelagic system of ocean monitoring and surveillance, and Philippine maritime defense industry development.

g. Maritime Transport Reforms.- to institute administrative reforms intended to promote the development of a more efficient maritime sector including but not limited to maritime safety, port infrastructure, maritime operations, and investments.

SEC. 8. ***Establishment of a National Commission on Maritime and Oceans Office.*** There is hereby established a Maritime and Oceans Office under the Office of the President which shall act as the lead body to oversee the implementation of this Act with the following as members:

a) The Executive Secretary as Chairman;
b) Director General of the National Security Council as Vice-Chairman;
c) Secretary, Department of Environment & Natural Resources as member;
d) Secretary, Department of Transportation & Communication as member;
e) Secretary, Department of Agriculture as member;
f) Secretary, Department of National Defense as member;

g) Secretary, Department of Interior and Local Government;
h) Secretary, Department of Justice;
i) Secretary, Department of Science and Technology;
j) Secretary, Department of Foreign Affairs; and
k) Director General of the National Economic and Development Authority.

SEC. 9. ***Establishment of Sub-Committees***.- The Commission shall create sub-committees that shall be responsible for the corresponding program under the Oceans Development Agenda:

(i) Oceans Information System Sub-Committee, to be chaired by the Secretary of Science and Technology as Chairman;

(ii) Coastal Community Capability Enhancement Sub-Committee, to be chaired by the Secretary of Interior and Local Government;

(iii) Oceans Law and Administration Reforms, to be chaired by the Secretary of Justice;

(iv) Sustainable Marine Resource Management, to be chaired by the Secretary of Environment and Natural Resources;

(v) Archipelagic Development, to be chaired by the Director General of the National Economic Development Authority;

(vi) Oceans Diplomacy, to be chaired by the Secretary of Foreign Affairs; and

(vii) Maritime Transport Reforms, to be chaired by the Secretary of Transportation and Communication.

SEC. 10. ***Membership***. - Each Sub-Committee shall be composed of at least six (6) members, including the Chairman, drawn from the membership of the Coordinating Committee and depending upon their respective agencies' involvement and priorities with respect to the particular program under the Sub-Committee. They shall focus their efforts on coordinating existing plans and programs in accordance with the Oceans Development Agenda, and overseeing the implementation of their respective programs.

SEC. 11. ***Secretariat.-*** Each Sub-Committee shall be supported by its own Secretariat to be organized by assignment of personnel from the members' respective departments.

SEC. 12. ***Sub-Committee Meetings***. - The Chairpersons of the seven (7) Sub-Committees shall meet regularly to exchange reports, discuss views, and coordinate and integrate their actions, and submit a consolidated report to the Chairman of the Coordinating Committee.

SEC. 13. ***Coordinating Council Meetings***.- The Coordinating Council shall meet semi-annually to discuss the progress and review the implementation of the Oceans Development Agenda, and to discuss proposals for new programs.

SEC. 14. ***Technical Committee***.- The Coordinating Committee, including its Sub-Committees, shall be supported by a Technical Committee composed not only of government personnel, but also of specialists from the private and academic sectors, as well as non-government organizations, who shall provide fresh and diverse perspectives on the government's policies, plans and programs.

SEC. 15. ***Power of the Chairman***.- The Chairman of the Coordinating Committee is hereby directed to review and revise the existing organizational structure and operating procedures of the Coordinating Committee in order to make it responsive to the requirements of this Act. Such revised structure and procedures shall be issued not later than two (2) months from the enactment of this Act.

SEC. 16. ***Plans of Action***.- All Sub-Committees are hereby directed to formulate detailed plans of action to implement their respective programs, and submit the same to the Chairman of the Coordinating Committee for consolidation and presentation for approval, within six (6) months from the enactment of this Act.

SEC. 17. ***Consultation Mechanisms***.- In the formulation and implementation of plans to implement the Philippine Oceans Policy, as well as proposals for new programs and projects in the future, the Chairman of the Sub-Committee concerned shall be responsible for ensuring that adequate consultations are carried out, and the output thereof considered in the Sub-Committee's decisions. The Sub-Committees may make use of the following consultation mechanisms:

a) Inter-Departmental and Inter-Agency Consultations. The Sub-Committees may also serve as a venue for inter-departmental and inter-agency consultations with respect to departments' or agencies' individual plans, projects, or programs which may impact on the marine environment and its resources, or the resource-users.

b) Sectoral Consultations. - The Sub-Committees may engage its own consultations with the sectors directly affected by plans, projects, and programs relating to the oceans.

c) Local Consultations. - The Sub-Committees may use existing consultative mechanisms, such as those provided in the Local Government Code, in consulting with the general public.

SEC. 18. ***Periodic Review***.- The Coordinating Committee shall subject the Philippine Oceans Policy to full review every two (2) years, and if necessary, recommend amendments thereto, in order to ensure that it is relevant and responsive to the requirements of integrated oceans management.

SEC. 19. ***Report to Congress***.- Upon completion of the Oceans Development Agenda Report, the Coordinating Committee shall submit to Congress said Report including proposed pieces of legislation on ocean management and maritime affairs.

SEC. 20. ***Appropriations***.- For the initial operating expense of the Coordinating Committee, the amount of Twenty Million Pesos (P20,000,000.00) is hereby appropriated. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act.

SEC. 21. ***Separability Clause***. - If, for any reason, any provision of this Act is declared unconstitutional or invalid, such sections or parts not affected thereby shall remain in full force and effect.

SEC. 22. ***Repealing Clause***. - All laws, decrees, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 23. ***Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.