

HOUSE OF REPRESENTATIVES

House Bill No. 1211

INTRODUCED BY **HON. CYNTHIA A. VILLAR**

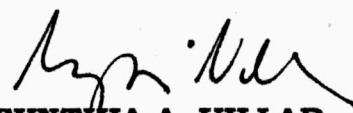
EXPLANATORY NOTE

Mangrove forests are considered one of the most productive and fertile ecosystems in the world. Many of our people living in coastal communities lived, fished and hunted in the mangroves for ages, deriving from them important commodities such as food, fuel, timber, medicine and building materials. Mangrove forests also served as "shelterbelt" because they can cushion the impact of strong winds and provide protection against soil erosion. With its extensive air root system, mangrove forests are able to stabilize shorelines and protect inshore nutrients to adjacent areas. More important, mangrove forests serve as natural nurseries or breeding places for a large number of commercially important marine species.

Based on the findings of a 1988 spot satellite report, the remaining mangrove areas in the country has been estimated to be 139,725 hectares from 448,000 hectares way back in 1967. The average rate of denudation between 1978 to 1988 is approximately placed at 10,000 hectares per annum, and less than five percent (5%) of the remaining mangrove area is old-growth forest. This rapid decline of mangrove forests can be attributed to the "open access" of the present system that causes the over-population of resources found within the forests. This is intensified by the lack of technical understanding of management, especially among local government executives and community residents living along the coasts.

This measure proposes to establish reservation areas in all coastal areas in each municipality of the country solely for the preservation, protection, reforestation, afforestation and sustainable development of mangrove forests. In setting aside portions of land for mangroves, we can ensure that our people will continue to enjoy the benefits accorded by this important ecosystem. This bill will also penalize the destruction and cutting of mangrove trees, as well as the dumping of waste products within the reservation areas. Furthermore, the measure makes the offender pay for the expenses that will be incurred for the restoration or rehabilitation of the mangrove areas that will be damaged or destroyed.

In view thereof, early approval of this bill is earnestly recommended.


CYNTHIA A. VILLAR



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INTRODUCED BY **HON. CYNTHIA A. VILLAR**

AN ACT PROVIDING FOR THE PRESERVATION, REFORESTATION, AFFORESTATION AND SUSTAINABLE DEVELOPMENT OF MANGROVE FORESTS IN THE PHILIPPINES, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* – This Act shall be known as the “National Mangrove Forest Protection and Preservation Act of 2004.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect and preserve the country’s natural resources. Towards this end, the preservation, reforestation, afforestation and sustainable development of the mangrove forests shall be pursued through the establishment of reservation areas exclusively for mangrove trees.

SEC. 3. *Definition of Terms.* – For purposes of this Act:

(a) “Afforestation” shall refer to the establishment of a mangrove forest in an area that did not carry such forest within the past fifty (50) years or within living memory;

(b) “Coastal areas” shall refer to the band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses and vice versa; its geographic extent may include areas within a landmark limit of one (1)

kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of two hundred (200) meters isobath to include coral reefs, algae flats, seagrass beds and other soft bottom areas;

(c) "Mangrove forest" shall refer to a type of forest occurring on a tidal flat along the sea coast, extending along streams where the water is brackish;

(d) "Reservation areas" shall refer to portions of coastal areas which have been set aside exclusively for reforestation, afforestation, conservation and preservation purposes; and

(e) "Reforestation" shall refer to the planting of mangrove trees along the denuded coastal areas.

SEC. 4. *Establishment of Mangrove Reservation Areas.* – There shall be established and set aside in all coastal areas in each municipality within the Philippine portions of land solely for the preservation, protection, reforestation, afforestation and sustainable management of mangrove forests. All existing mangrove forests shall automatically form part of the reservation areas.

SEC. 5. *Establishment of the National Council for the Preservation of Mangrove Forests.* – There is hereby established a National Council for the Preservation of Mangrove Forests, hereinafter referred to as the National Council, which shall be an attached agency of the Department of Environment and Natural Resources (DENR).

The National Council shall be composed of twelve (12) members consisting of:

(1) the Secretary of the DENR who shall act as Chairman;

- (2) the Secretary of the Department of Agriculture (DA) who shall act as Vice-Chairman;
- (3) the Secretary of the Department of Interior and Local Government (DILG);
- (4) the Secretary of the Department of Science and Technology (DOST);
- (5) the Director-General of the National Economic Development Authority (NEDA);
- (6) the Director of the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA;
- (7) the Director of the Forest Management Bureau (FMB) of the DENR;
- (8) the Director of the Ecosystem and Research Development Bureau (ERDB) of the DENR;
- (9) the Administrator of the National Mapping and Resources Information authority (NAMRIA);
- (10) a representative from the academe to be appointed by the President of the Philippines;
- (11) a representative from the research institutions conducting researches on sustainable mangrove forest management to be appointed by the President of the Philippines; and
- (12) a representative from an accredited non-government organization (NGOs) conducting programs on sustainable mangrove forest management to be appointed by the President of the Philippines.

SEC. 6. *Powers and Functions of the National Council.* – The National Council shall have the following powers and functions:

- (1) To review existing relevant policies and conduct studies on mangrove forest and its preservation;

(2) To prepare a comprehensive program for the preservation, reforestation, afforestation and sustainable development of mangrove forests;

(3) To establish the guidelines in identifying the areas to be declared as mangrove forest reservations;

(4) To identify and delineate the boundaries of coastal areas which shall form part of the mangrove reservation areas;

(5) To exercise control and supervision over all the local councils;

(6) To promulgate the rules and regulations necessary to carry out the provisions of this Act; and

SEC. 7. *The Local Council for the Preservation of Mangrove Forests.* –

A local council for the preservation of mangrove forests, hereinafter referred to as the Local Council, shall be established in each of the municipalities where a mangrove reservation area has been identified. for each of the municipality where a reservation area has been identified. Each Local Council shall be chaired by the Regional Executive Director of the DENR under whose jurisdiction the reservation area is located, with the following members: (a) a representative of the municipal government concerned; (b) a representative each from the barangays under whose territory the reservation area is located; (c) a representative from an accredited non-governmental organization (NGO); and (d) a representative from the private sector.

SEC. 8. *The Powers and Functions of the Local Council.* – The Local Council shall have the following powers and functions:

(1) To implement and enforce all the programs and policies laid down by the National Council;

(2) To carry out the general administration and day to day planning of the Program;

(3) To secure the mangrove reservation area from illegal and destructive activities which would endanger the successful implementation and viability of the program; and

(4) To perform such other powers and functions as may be designated by the National Council.

In order to secure the mangrove reservation area from illegal and destructive activities, the Local Council and the local government, under whose jurisdiction the reservation area is located, shall employ the services of forest guards who shall be tasked with the responsibility to guard and police the areas. They shall have the authority to arrest those caught violating the provisions of this Act and the rules and regulations issued pursuant thereto.

In the event that any of the forest guards are found to be guilty of nonfeasance, misfeasance or malfeasance, the forest guard or guards concerned and the officials of the Local Council and the local government, by virtue of the principle of command responsibility, shall be held liable for such violations and shall be prosecuted in accordance with the provisions of this Act without prejudice to any criminal and/or liabilities provided for under existing laws of the country.

SEC. 9. *Prohibited Acts.* – The following acts are hereby prohibited within the mangrove reservation areas:

- (a) Cutting, uprooting or destroying any mangrove tree;
- (b) Dumping of waste;
- (c) Construction or reclamation activity without the necessary license, permit or authority;

- (d) Illegal fishing activities that will result in the damaging and destruction of the mangrove forest; and
- (e) Other acts or activities that will result in the damage and/or destruction of the mangrove forest.

SEC. 10. *Penalties.* – Any person, natural or juridical, found guilty of violating any provisions of this Act or the rules and regulations issued by the National Council, shall, after due notice and public hearing by the regular courts of competent jurisdiction, be fined in the amount of not less than Fifty thousand pesos (PhP50,000.00) but not more than One million pesos (PhP1,000,000.00) or imprisonment for not less than one (1) year but not more than six (6) years, or both, at the discretion of the Court: *Provided,* That if the area requires rehabilitation or restoration as determined by the Court, the offender shall also be required to restore or compensate for the restoration of the damage.

If the offender is an association or corporation, the president or manager and the officer who has direct knowledge over the offense shall be held liable under this Act.

SEC. 11. *Separability Clause.* – If, for any reason, any section or provision of this Act shall be declared to be unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

SEC. 12. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,