



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
Second Regular Session

House Bill No. 5212



**INTRODUCED BY REP. LEOVIGILDO B. BANAAG, REP. GILBERT C. REMULLA,
DEPUTY SPEAKER RAUL V. DEL MAR, and REP. JESUS CRISPIN C.
REMULLA**

EXPLANATORY NOTE

The Philippines is identified as one of the top 17 mega-diversity countries in the world. On a per area basis, the Philippines is known to possess the richest territorial ecosystem on earth.

In a ten-year global study conducted by 100 international scientists under the auspices of the United Nations Food and Agriculture Organization (UN-FAO), the Philippines was identified as the Center of Marine Biodiversity on Earth, such that a mere five (5) hectares of its coral reefs contain more species of corals than the entire Caribbean Sea put together.

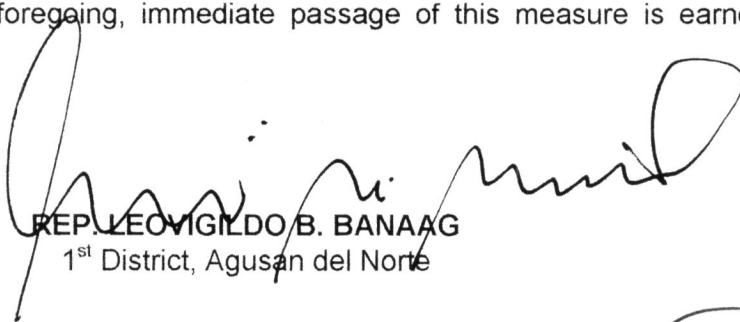
Because of rampant illegal, unregulated and destructive fishing activities, 98% of the coral reefs in the Philippines have been severely degraded and fish supply dangerously reduced to threaten food supply of the Filipino family.

The Philippine Seas also serve as home and habitat to many species of sharks and cetaceans, but because of lack of information on the value of these sharks and whales as climax species of the food chain of all marine life, and as ecotourism attractions such as the famous Thresher Shark at Malapascua, Northern Cebu, they have been hunted to near extinction.

This alarming situation calls for the institution of reforms in the protection, conservation, and restoration of marine biodiversity in our country.

The creation of a Marine Conservation Center through the integration of various offices of the government, national and local, whose mandate and functions are related to marine, fisheries, maritime and ocean affairs, coastal management, and the like, will immediately and effectively address these concerns.

In view of the foregoing, immediate passage of this measure is earnestly sought.



REP. LEON GILDO B. BANAAG

1st District, Agusan del Norte



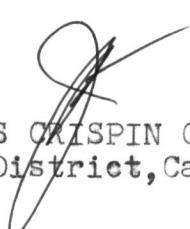
REP. GILBERT C. REMULLA

2nd District, Cavite



DEPUTY SPEAKER RAUL V. DEL MAR

1st District, Cebu City



REP. JESUS CRISPIN C. REMULLA

3rd District, Cavite



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
Second Regular Session

House Bill No. 5212

INTRODUCED BY REP. LEOVIGILDO B. BANAAG, REP. GILBERT C. REMULLA,
DEPUTY SPEAKER RAUL V. DEL MAR, and REP. JESUS CRISPIN C. REMULLA

AN ACT
INSTITUTING REFORMS IN THE PROTECTION, CONSERVATION, AND
RESTORATION OF MARINE BIODIVERSITY, AND FOR OTHER PURPOSES

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

Section 1. Short Title. This Act shall be known as "The Marine Conservation Act of 2006."

Section 2. Declaration of Policy. It is hereby declared the policy of the State to institutionalize marine conservation to optimize and rationalize their contribution to the goals of national development, eradication of poverty, and attainment of social, economic, and cultural justice. Towards this end, the State shall:

(a) Provide the leadership and management of reforms in marine conservation;

(b) Promote efficient and effective campaign against illegal fishing in all its form and methods including, but not limited to, dynamite fishing, cyanide fishing, and intrusion of commercial fishing into municipal waters;

(c) Enforce strict compliance by coastal local government units with Section 81 of the Fisheries Code by setting aside and effectively protecting at least fifteen percent (15%) of their respective municipal waters as fish and marine sanctuaries to serve as spawning, breeding, and nursery grounds of marine lives;

(d) Assist in the attainment of the government's sustainable development programs;

(e) Ban the harvest and killing of all species of sharks, whales, and rays. Their habitats shall be protected, studied, and developed for sustainable eco-tourism;

Section 3. *Declaration of Visayan Sea as Model Protected Eco-Region.*

Being one of the Centers of marine biodiversity, the Visayan Sea is hereby declared as a protected eco-region. The Department of Environment and Natural Resources (DENR) and the Department of Agriculture shall collect and collate the national baseline data to determine the level of degradation to serve as basis to determine the viability and sustainability for commercial fishing in other protected Eco-Regions as may be declared under this Act or thru Presidential issuances.

**ARTICLE II
CREATION OF THE MARINE CONSERVATION CENTER**

Section 4. *Creation of the Marine Conservation Center.-* To carry out the purposes of this Act, the Marine Conservation Center (MCC) is hereby created and placed under the Office of the President. It shall be the primary government agency responsible for marine conservation, protection, and restoration for sustainable development.

For purposes of this Act, the functions of the DENR-PAWB, DOTC-Maritime Industry Authority, DOTC-PCG, DA-BFAR, DND-Philippine Navy, various coastal Local Government Units, and the DFA-Maritime and Ocean Affairs Center, and other agencies related to marine conservation and coastal management, are hereby integrated to the MCC under the Office of the President.

Section 5. *Powers and Functions of the MCC.-* The MCC shall exercise the following powers and functions:

- (a) Identify the hotspots of illegal fishing in the Philippines and neutralize all sources of blasting powder, blasting caps, and sodium cyanide;
- (b) Initiate and support local government units in anti-illegal fishing campaigns. Where heads of local governments are uncooperative, the MCC shall initiate the appropriate legal actions against them;
- (c) Identify coral reef areas throughout the country and, in coordination with the concerned local government units, the DENR, BFAR, and DOJ shall protect these areas and declare them as marine sanctuaries for breeding/nursery grounds, and as eco-tourism sites;

- (d) Monitor compliance with Section 81 of the Fisheries Code on the establishment of minimum areas for marine biodiversity
- (e) Determine, fix, and collect reasonable amounts to be charged as administration fees, fines, and penalties relative to the implementation of this Act;
- (f) Recommend to the Office of the President the areas to be closed to commercial fishing;
- (g) Recommend such measures that will enhance the implementation of the Fisheries Code and other related laws
- (h) Promulgate rules, regulations, circulars and other administrative issuances as may be necessary to implement the provisions of this Act; and
- (i) Perform such other functions as may be necessary to fulfill the intent of this Act.

Section 6. *Composition of the Marine Conservation Center (MCC).*- The MCC shall be composed of the following:

- (a) The DENR Protected Areas and Wildlife Bureau (PAWB);
- (b) The Department of Transportation and Communications – Maritime Industry Authority (DOTC – Maritime)
- (c) The Department of Transportation and Communications – Philippine Coast Guard (DOTC – PCG);
- (d) The DENR -- National Mapping and Resources Information Authority (NAMRIA);
- (e) The Department of Agriculture – Bureau of Fisheries and Aquatic Resources (DA-BFAR);
- (f) The Department of National Defense – Philippine Navy;
- (g) Coastal Local Government Units;
- (h) The Department of Foreign Affairs – Maritime and Ocean Affairs Center;
- (i) Three (3) representatives from the private sector such as, but not limited to, marine biology, professionals/practitioners, and academe to be appointed by the President; and
- (j) The MCC Director General, as ex-officio member.

The President shall designate the chairperson from among the members of the Center. Except for the MCC Director General, the members of the Center shall not receive any salary but shall be entitled, for actual attendance during meetings, to such allowances and honoraria as are allowed by rules and regulations promulgated by the Commission on Audit.

Section 7. *Meetings of the MCC.*- The Chairperson shall convene regular meetings of the MCC, which shall be at least once every month. Special meetings may also be called by the Chairperson or at the initiative of at least three (3) members.

Section 8. *Secretariat and Logistical Support.*- The Office of the Director General shall provide secretariat and logistical support to the Committee.

ARTICLE III IMPLEMENTING MECHANISM

Section 9. *The MCC Director General.*- The authority and responsibility for the exercise of the mandate of the MCC, the accomplishment of its objectives, and the discharge of its powers and functions shall be vested in the Director General, of cabinet rank, who shall be appointed by the President. The Director General shall have the following functions:

- (a) Advise the President on the promulgation of rules, regulations, and other issuances relative to marine conservation and coastal management;
 - (b) Establish policies and standards for the efficient and effective operations of the MCC in accordance with the programs of the Government;
 - (c) Promulgate rules, regulations, and other issuances necessary in carrying out the MCC's mandate, objectives, policies, plans, programs and project;
 - (d) Exercise control and supervision over all functions and activities of the MCC;
 - (e) Delegate authority over all powers, functions and activities of the MCC;
- and
- (f) Perform such other functions as may be provided by law or assigned by the President.

Section 10. *Office of the MCC Director General.*- The Office of the Director General shall consist of the Director General, his immediate staff, and the Office of the Legal Services.

Section 11. *Deputy Directors General.*- The MCC Director General shall be assisted by at least three (3) Deputy Directors General who shall be appointed by the

President. At least one of the Deputy Directors General shall be a member of the bar or a geodetic engineer with at least five (5) years experience in any marine conservation function. The Director General is hereby authorized to delineate, assign, and/or reassign the respective functional areas of responsibility of the Deputy Directors General: *Provided*, That no Deputy Director General shall be assigned primarily administrative responsibilities. Within his functional area of responsibility, a Deputy Director General shall have the following functions:

- (a) Advise the Director General in the promulgation of administrative orders and other issuances with respect to his area of responsibility;
- (b) Exercise supervision over the offices, departments, or operating units and officers and employees under his responsibility;
- (c) Promulgate rules and regulations that will efficiently and effectively govern the activities of units under his responsibility;
- (d) Coordinate the functions and activities of the units under his responsibility with those of other units under the responsibility of other Deputy Directors General;
- (e) Exercise authority on substantive and administrative matters related to the functions and activities of units under his responsibility as may be delegated by the Director General; and
- (f) Perform other functions as may be provided by law or assigned by the Director General.

Section 12. *Field Offices.*- The MCC in coordination with the Local Government Units shall establish permanent field offices at city and provincial levels. The MCC may also establish additional field offices in a city or province as it may determine for the efficient and effective delivery of its services subject to the approval of the President: *Provided*, That the additional field offices may be abolished by the Director General when these are no longer necessary.

The field offices shall undertake, among others, the following functions:

- (a) Implement laws, policies, plans, programs, projects, rules and regulations of the MCC on marine conservation and sustainable development;
- (b) Provide efficient and effective delivery of services to the people;
- (c) Coordinate with field or branch offices of other agencies of the government in the region and with local government units in the enforcement of marine conservation and sustainable development laws and regulations and in the formulation and implementation of programs and projects;

(d) Recommend and, upon approval, implement programs and projects on marine conservation and management and related concerns;

(e) Conduct a comprehensive inventory of marine conservation areas and formulate district/provincial/regional short and long term development plans for the management, administration, utilization, and disposition of such areas toward sustainable development; and

(f) Perform such other functions as may be assigned by the Director General and/or as provided by law.

ARTICLE III MISCELLANEOUS PROVISIONS

Section 13. *Preservation of Records.*- The MCC shall have possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred to and conferred upon the Center.

Pending a written notice of receipt issued by a duly authorized officer of the MCC, it shall be the duty of any and all personnel responsible for, or in possession of records relating to the affairs of marine conservation, to protect and preserve such records.

Without prejudice to any other penalties provided for by law, any person who fails to fulfill his/her duty pursuant to the above paragraph, shall be guilty of an offense against the provisions of this Act, punishable by a fine of not less than one million pesos (P1,000,000.00) or imprisonment of not more than five years, or both, upon the discretion of the Court.

Section 14. *Use of Income.*- The MCC is hereby authorized to use twenty percent (20%) of all revenues derived from fees, charges, and other sources in the implementation of its projects.

Section 15. *Implementing Rules and Regulations.*- Within sixty (60) days from the effectivity of this Act, the MCC shall promulgate the rules and regulations to implement the provisions of this Act. Said rules and regulations shall be submitted to the Congressional Oversight Committee for approval.

Section 16. Congressional Oversight Committee on the Marine Conservation Center.- There is hereby created a Congressional Oversight Committee composed of three (3) members from the Senate Committee on Environment and three (3) members from the House of Representatives Committees on Natural Resources, Ecology, and Government Reorganization.

The Congressional Oversight Committee, which shall function for a period of not more than three (3) years, shall review the implementing rules promulgated by the MCC.

The secretariat of the Congressional Oversight Committee shall be drawn from the existing secretariat personnel of the committees of the Senate and the House of Representatives comprising the oversight committee and the funding for its operations shall be taken from the existing budget of the concerned committees.

Section 17. Separability Clause.- Should any provision of this Act or any part hereof be declared unconstitutional or invalid by a Court, the other provisions hereof which are not affected thereby, shall remain in force and effect.

Section 18. Repealing Clause.- All other laws, decrees, orders, instructions, proclamations, rules and regulations or parts thereof, including pertinent provisions of The Fisheries Code , which are inconsistent with any provision of this Act, are hereby repealed, modified, or amended accordingly.

Section 19. Effectivity.- This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,