

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
15th Congress
First Regular Session

HOUSE BILL No. ____ 57

Introduced by Representative Lorenzo R. Tañada III

EXPLANATORY NOTE

The Philippine archipelago of 300,000 km² includes over 7,000 islands, spread over 1650 kilometers of ocean from north to south and 1000 km from east to west. The total coral reef area stretches at 30,000 to 44,000 km² scattered along 17,500 to 36,829 km of coastline.

Several studies have pinpointed the area of the Philippines through eastern Indonesia and around Papua New Guinea to the Coral Sea as part of the world's ocean with the most diverse coral reef species. The Indo-Malay-Philippine archipelago is host to the richest marine biodiversity where there are at least 3-5 times more species compared to that of the Caribbean, Tahiti and Hawaii. Moreover, analysis of distribution data for almost 3,000 species pinpoints the peak of biodiversity in Philippine waters.

But with the abundance of our resources comes the threats to their subsistence. Several developments threaten our marine ecosystem. These are: (1) siltation due to deforestation and bad agricultural practices; (2) coastal land development; (3) agricultural fertilizer runoff and sewage; (4) industrial pollutants; (5) destructive fishing methods; (6) overfishing and gleaning; and (7) other extractive activities such as aquarium fishing, mariculture, coral extraction, etc.

These development strategies have caused the depletion of our marine resources at a very disturbing rate. Currently, the level of fishing in our country is 30% higher than the capability of the resources to reproduce. Our harvest is way beyond the capacity of the fishery sector to regenerate. This has affected a great number of the population who depend on the sea as their main source of income. This is particularly burdensome to the municipal fishers—the decline in the volume of fisheries available means less fish to take home for their family's consumption. This also reduces their income with the decline in their catch.

While our marine resources continue to decline, our population, on the other hand, continues to grow at a pace faster than our Southeast Asian neighbors. Several studies have predicted that if our population growth persists at the current rate, only 10kg of fisheries capture would be available per capita consumption by 2010. Therefore, managing our critical marine resources is imperative.

The local Government Code of 1991, the National Integrated Protected Areas System Act and the Fisheries Code of 1998 already provide for the establishment of

community-based marine protected areas by granting the administration of the municipal waters to the local governments. However, there still is a great disproportion in the number of established marine-protected areas (439 as of 2000) and the number of coastal municipalities in the country (915 based on the latest NAMRIA survey). Thus, there is still a vast range of opportunities in establishing marine-protected areas.

While indeed the Local Government Code of 1991 grants more autonomy to local government units in managing local resources, this is perhaps one of those instances where national interest—food security, ecological sustainability and guarantee of livelihood for the small and marginalized fisherfolk—must be placed above immediate local needs.

This bill mandates every coastal municipality to establish, maintain and manage marine protected areas (MPAs) in at least 15% of their municipal waters, while preserving those MPAs which were previously set up. By making it mandatory, we send a strong signal of urgency to preserve our marine resources and give it some breathing spell, not just for the sake of the livelihood of small fisherfolk but more importantly, to ensure that there will be environmental sustainability for future generations to come.

In view of the foregoing, early approval of this bill is earnestly sought.


HON. LORENZO R. TAÑADA III
Representative
4th District, Quezon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. ____ 57

Introduced by Hon. Lorenzo R. Tañada III

AN ACT ESTABLISHING MARINE PROTECTED AREAS IN ALL COASTAL MUNICIPALITIES AND CITIES AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the "Marine and Coastal Resources Protection Act of 2009".

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to ensure the protection and preservation of the country's marine resources even as it promotes the development of a robust fisheries sector.

The State shall ensure that the utilization of marine resources by its citizens observes the requirements of sustainability and, to this end the State shall promote a culture of responsible stewardship of the environment that is anchored on the desire to be in harmony with nature. Thus, where human carelessness and disregard have resulted in destruction and damage, the State shall take the necessary measures to restore ecological balance and beauty to ensure the continued enjoyment by all of a healthy and safe environment.

The State also takes cognizance of the preferred status of the citizenry as the primary users and beneficiaries of the country's resources. As such, Filipino communities are therefore acknowledged as crucial partners in the effort to conserve and manage our natural marine resources.

As a measure towards the maintenance of biological diversity and the proper management of natural resources, the coastal community is encouraged to formulate its own marine conservation program, according to a coastal resource management plan tailored to the particular ecological conditions of the marine environment.

SEC. 3. Definition of Terms. – For the purposes of this Act, the relevant terms are defined as follows:

(a) "Buffer zone" refers to the area surrounding the core zone of protection, where extractive or recreational activities are regulated according to its carrying capacity.

(b) "Co-management scheme" refers to a management approach of administrative integration and cooperation, where the local community, the local government unit (LGU), participating agencies, concerned civil society and sectors contribute their resources towards the fulfillment of a particular function within their areas of expertise, in a manner that furthers the goals of sustainable management of the marine protected area.

(c) "Mangrove Swamp Forest Reserve" refers to a portion of the mangrove forest

designated and reserved for the protection of its ecological functions and services and restored to support fisheries production in coastal waters.

(d) "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 protected areas may take the following forms, any one or a combination of which may comprise the marine protected area:

(1) "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 no harm is imposed on the environment enclosed in the reserve.

(2) "Marine park" refers to a type of marine reserve where conservation-oriented recreation, education and research are emphasized. A marine park may include a marine sanctuary within its boundaries.

(3) "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. This term is synonymous with "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.

SEC. 4. Establishment of Marine Protected Areas. – Within one (1) year from the effectivity of this Act, all coastal municipalities and cities shall establish at least one (1) marine protected area (MPA) within municipal waters, which shall be subject to the prerequisite of consultation with the local community. The protected area must have a minimum size of ten (10) hectares, unless the total area of the municipal waters is fifteen (15) hectares or less, in which case the MPA shall comprise 15% of the municipal waters. The protected area shall be established in accordance with an integrated community-based conservation program and coastal resource management plan. The total area designated for protection need not be contiguous, and may be designed in such a manner as may be deemed appropriate, so long as it fulfills the ultimate purpose of conservation.

Inter-tidal areas shall be reserved for the establishment of Mangrove Swamp Forest Reserves as part of the MPA where possible. If the municipalities border each other in such a way that their respective coastlines form a contiguous body, the concerned LGUs may so jointly establish and administer the MPA as to reach the optimum size and arrangement of a large zoned marine protected area.

SEC. 5. General Criteria. – The marine protected area, which may either take one particular form or incorporate different types, shall be established according to the level of protection required by existing ecological conditions, as well as the socioeconomic characteristics of the local community, among others: Provided, That the form or arrangement of the MPA does not in any way impair the preferential use rights of municipal fisherfolk, unless ecological conditions are in such an advanced state of degradation that rehabilitation must necessarily preclude allowing all extractive and human activity.

SEC. 6. Responsible Entities. – The concerned LGU, along with members of the community and civil society, the Bureau of Fisheries and Aquatic Resources (BFAR) of the Department

of Agriculture (DA), the Department of Environment and Natural Resources (DENR), the Fisheries and Aquatic Resources Management Councils (FARMCs) and the private sector, shall be responsible for the designation, establishment and management of MPAs within municipal waters, based on a co-management scheme that accommodates the interests of all the stakeholders involved.

SEC. 7. Funding. – The initial fund for the establishment of the MPA shall be provided by the LGU. Funds for the sustainable management of the MPA shall be included in the regular budget of the concerned LGU and may be augmented by funds provided by the provincial government, grants, donations and income generated from the operations of the MPA.

SEC. 8. Management of Existing MPAs. – The DENR shall continue to manage MPAs established under the National Integrated Protected Areas System (NIPAS) and all initial components of the System that have passed the requirements pursuant to Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act of 1992.

All marine protected areas, fishery reserves, fishery refuges or sanctuaries and mangrove swamp forest reserves previously declared or proclaimed by the President, or legislated as such by the Congress of the Philippines, may continue to be supervised by the agency charged with its administration.

SEC. 9. Violations and Sanctions. – Unless otherwise allowed in accordance with this Act, the NIPAS Law, the Fisheries Code (Republic Act No. 8550) and the Wildlife Act (Republic Act No. 9147), it shall be unlawful for any person to willfully and knowingly exploit, damage or destroy MPAs and/or any of its parts. Violators shall be subject to the applicable fines and penalties as provided for in the NIPAS Law, Republic Act No. 8550 and Republic Act No. 9147, and other related laws, rules and regulations.

Should a coastal LGU fail to establish an MPA as herein provided, the mayor, the vice mayor and the members of the sanggunian shall be liable for prosecution under Republic Act No. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act" and Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees", or other applicable laws.

SEC. 10. Incentives and Awards. – The DA, in collaboration with the DENR, the Department of the Interior and Local Government (DILG) and the UP Marine Science Institute (UPMSI) as well as other relevant academic and research institutions, shall develop incentive and award mechanisms to promote effective management of MPAs and to ensure their sustainability.

SEC. 11. Implementing Rules and Regulations. – Within sixty (60) days after the effectivity of this Act, the Secretary of the DA, together with the DENR, the DILG and the UPMSI, in consultation with other relevant academic and research institutions, local government leagues, the National Fisheries and Aquatic Resources Management Council, fisherfolk and other concerned organizations, shall formulate the rules and regulations for the full implementation of this Act.

SEC. 12. Separability Clause. – If any part of this Act should hereafter be declared unconstitutional or invalid, such other parts not affected thereby shall continue in full force and effect.

SEC. 13. Repealing Clause. – All laws, decrees, executive orders and rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 14. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation.

Approved,