

FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES

H.B. No. 841

INTRODUCED BY THE HONORABLE ANGELO PALMONES

EXPLANATORY NOTE

Mangroves play a variety of important economic as well as ecological services particularly to communities around them. They serve as breeding grounds and nursery of many organisms. Commercial seafarers' species depend for part of their life cycle in mangrove ecosystems. Mangroves support vast varieties of marine species through complicated food web part of it coming from detritus they generate. They are also sources of raw materials for construction, furniture production as well as for energy (fuelwood and charcoal). Some important dyes come from the bark of mangroves. Nipa is source of alcohol and also thatch for roofing and for other purposes.

Mangroves buffer the impacts of storms and even tsunamis on adjacent terrestrial communities and ecosystems. By slowing the rate of water flow and allowing silt to settle out, they reduce the impact of flooding on adjacent marine ecosystems such as sea grass beds and coral reefs.

They help regulate the climate by sequestering carbon in their biomass and for as long as the wood remains around the carbon is kept from being emitted into the atmosphere. Another ecological service that mangroves provide is the absorption of wastes coming from upstream thus protecting marine habitats. The web of roots of mangroves captures silt coming from the uplands and prevents their being deposited into sea grass beds or coral reefs. Another benefit is soil nutrient replenishment as soil nutrients (NPK) are recharged by litter-fall of the mangrove forest. They also provide habitat for a number of wildlife and serve as resting place for migratory birds.

Eco-tourism is an important economic service that mangroves can provide under certain conditions. The mangrove area in Danacon, Bohol has been developed into a busy destination of tourists and bird-watchers.

At around 1913 the Philippines had up to 500,000 hectares of mangrove areas. By 1987 this had been reduced to about 205,000 hectares and to only 125,000 ha in 1993. The reasons for this rapid decline were the conversion of mangrove areas into fishponds and settlement areas, agriculture, saltbeds and the cutting of mangrove trees for fuel wood and charcoal production. Aquaculture remains the major cause in the loss of mangrove areas. Around half of the 279,000 hectares of mangroves lost in 1951 to 1988 were converted to fish ponds. As of 2006 there was still reported 90,000 hectares of fishponds.

The country's mangrove resources continue to decline despite numerous laws protecting it. These mangrove areas continue to shrink due to ever-increasing population pressure. Efforts to reclaim and rehabilitate degraded mangrove areas has been started some 30 years ago. However, mangrove restoration efforts pale in comparison to the various pressures impinging on it.

There are some constraints which inhibit communities, private individuals and even the government in promoting the development of the mangroves. Specifically important is Republic Act No. 7161 which is an Act amending Sections 70, 71 and 72 of PD 705 (The Revised Forestry Code of the Philippines). Section 4 of this Act provides the cutting ban for all mangrove species specifically for firewood purposes. This provision has been strictly interpreted to mean prohibition of cutting of all mangrove timber species for all purposes even in mangrove plantations established with the use of private funds. This discourages the planting of mangroves through private and community initiatives because the planters would have no right to harvest what they planted.

The government provides many incentives to Community-Based Forest Management (CBFM) participants in its uplands sites such as security of tenure and exemption from forest charges for planted forest crops. However, mangrove CBFM participants and other forest developers cannot avail of these because of prohibitions of RA 7161.

In view of the above premises, there is an urgent need to harmonize mangrove policies and institutions to truly push for an effective management and development of mangrove areas in the country. Mangrove areas continue to shrink due to population pressure. There is also a need to put more incentives to mangrove developers to develop more areas and gain direct economic benefits from their toils as well as strictly protect the remaining mangrove areas. Thus, this Act will set a new and responsive direction to revitalize mangrove development and management in the country.



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AN ACT PROMOTING THE NATIONAL STRATEGY FOR THE  
SUSTAINABLE DEVELOPMENT, MANAGEMENT, AND PROTECTION OF  
MANGROVE RESOURCES IN THE PHILIPPINES AND FOR OTHER  
PURPOSES

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

ARTICLE I  
TITLE, DECLARATION OF POLICY AND OBJECTIVES

SECTION 1. TITLE

This Act shall be known as the "National Strategy for the Sustainable Development, Management and Protection of Mangrove Resources in the Philippines" otherwise known as "Mangroves Resources Act" of 2010.

SECTION 2. BASIC POLICY

It is the policy of the State to promote equitable access to natural resources and ensure the success of broad-based community participation in the development, management and protection of the country's mangrove forests. In line with this, it is the policy of the State to ensure the success of rehabilitating degraded mangrove areas and its sustainable development as well as the management and protection of all natural mangrove forests and associated ecosystems therein. Sustainable utilization of mangrove resources is encouraged to serve as incentive to develop more areas within the framework of community-based and other socially-responsive approaches.

SECTION 3. OBJECTIVES

The objectives of this Act are as follows:

- a. to provide appropriate directions and support for the sustainable development and management of mangrove resources in the country;
- b. to provide an orderly and clear procedure in the implementation of mangrove rehabilitation strategies;
- c. to enhance the mangrove communities' effective and meaningful participation in the development, management and protection of the mangrove forests under various government programs and promote their overall socio-economic well-being;
- d. to provide the necessary institutional platforms that will carry out the nationwide mangrove rehabilitation and protection programs.

#### SECTION 4. DEFINITION OF TERMS

For purposes of this Act, the following terms are hereby defined:

- a. Mangroves -- refer to areas along rivers, tidal flats, island fringes and other coastal areas harboring mangrove species which are periodically inundated due to tide actions.
- b. Community or Mangrove community -- group or groups of people residing within or adjacent to the FSP mangrove subproject site who are willing and committed to participate in the implementation of the subproject and long-term community-based forest management on the site;
- c. Community-Based Forest Management Agreement for mangrove areas -- a production-sharing agreement entered into by and between a community and the DENR to develop, utilize, manage and conserve a specific portion of mangrove forest consistent with the principles of sustainable development;
- d. Department -- refers to the Department of Environment and Natural Resources
- e. Mangrove enrichment planting -- refers to the direct planting of propagules or nursery-raised mangrove seedlings to sparsely vegetated or poorly stocked natural mangrove areas with the purpose of re-stocking and enriching the area;
- f. Non - Government Organization (NGO) -- group of persons or organization, commonly referred to as Assisting Organization (AO) with various expertise contracted by the DENR to assist in the implementation of its projects.

- i. People's Organization (PO) - a group of people living within or adjacent to DENR mangrove subprojects organized into an association, cooperative or any other appropriate form of organization to implement the component strategies of a particular community-based mangrove project;
- j. Reforestation - refers to planting of mangrove species in degraded areas formerly vegetated with mangrove species;
- k. Afforestation - refers to the establishment of mangrove plantations in suitable areas not previously vegetated with mangroves.
- l. Multiple-use - refers to the consideration and recognition of the multiple uses of mangrove forests and its ability to provide multiple benefits;
- m. Aquasiviculture - combination of tree plantation technologies and fish or other sea products culture designed to obtain optimum economic and environmental benefits from mangrove forests.
- n. Sea ranching - refers to the culture of economic fishes and other sea products in an enclosed or strictly protected area with the main purpose of utilizing or harvesting the mature individuals and in restocking adjacent areas.

## SECTION 5. BASIC PRINCIPLES IN MANGROVE MANAGEMENT

The basic guiding principle in the national mangrove management shall be *sustained ecological soundness and economic viability of all mangrove areas* in the country. As such, all mangrove forests whether natural or man-made shall be managed primarily to safeguard their ecological integrity as a life support system as well as sustain the economic benefits derived from them through scientific and well-planned utilization strategies for the benefit of the greater number of communities dependent on them.

The continuous protection and sustainability of all mangrove areas shall be one of the basic requirements of any mangrove plan or development framework to be followed by all government agencies or private entities involved in mangrove development and management. This shall be considered in tandem with the multiple economic uses of mangrove forests. Any environmental protection strategy shall consider these two basic management principles aimed at deriving optimum economic and environmental benefits from mangrove resources.

## SECTION 6. MANGROVE DEVELOPMENT AND REHABILITATION STRATEGIES

Conversion of all natural mangrove forests into non-mangrove land uses shall not be allowed. All existing natural mangrove stands shall be strictly protected under the

NIPAS Act (RA 7586). Degraded mangrove areas, coastal areas appropriate for reforestation and afforestation; and all current mangrove areas under intensive management shall be allowed for development and utilization only for the following purposes:

- a. Natural mangrove stands shall be declared as protected areas and as such no harvesting of mangrove trees for whatever purpose and the collection of tanbarks and other products shall be allowed
- b. Second growth mangrove areas may be classified into protection forest and production forest. Likewise, no cutting and harvesting of mangrove products in second growth protection mangrove forest such as mangrove trees, tanbarks and nipa shall be allowed.
- c. New mangrove plantations developed strictly for protection and for ecological purposes shall not be subjected to harvesting.
- d. Second growth mangrove areas classified as production areas shall be developed and these can be subjected to sustainable harvesting as indicated in a mangrove management plan. Development can be in the form of reforestation or enrichment planting of appropriate mangrove species.
- e. Establishment of new mangrove plantations through afforestation may be undertaken in suitable areas within the mangrove forests classified as production areas for sustained economic harvest such as Nipa plantations for shingles and sap, bakawan plantations for timber production, and other mangrove plantations for products such as poles, fuelwood, exudates, tannin and other economic uses. Provided that no commercial harvesting shall be allowed. Harvesting of mangrove timber products shall be for domestic purposes only and this shall be subject to rules and regulations promulgated by community. Fishpond development of not more than 10% of the afforested area may be allowed.

Thinning of plantations and utilization of thinned materials to include value added processing/marketing;

- f. Development of natural mangrove forests for ecotourism provided that physical structures to be built shall further enhance ecological functions of the area as well as conform with its overall development plan approved by the community, the LGUs and the Provincial Environment and Natural Resources Office;
- g. Sea ranching in all appropriate mangrove areas provided that this shall be in tandem with reforestation or afforestation in suitable production mangrove sites;

Existing mangrove projects such as the Coastal Environmental Program (CEP), Forestry Sector Subprojects (FSP), Community-Based Resource Management (CBRM), and other government programs shall continue to operate under this Act. Additional project components consistent with those allowed in this Act may be identified for implementation subject to availability of funds within these Programs whether from internally allocated funds or those generated by the programs themselves as allowed by law.

## SECTION 7. INCENTIVES AND INSTITUTIONAL SUPPORT

As incentive to plantation developers which include the communities, private sector, local government units and other interested parties, integration of fishpond development in the overall development plan whenever feasible is encouraged. Provided that no natural mangrove stand shall be converted into fishpond. Provided, further, that the area of the fishpond shall not be more than 10 % of the area earmarked for development and situated in production mangrove areas.

Selective cutting of mangrove plantations is also allowed until optimum plantation spacing is reached with enough provision for natural seeding. As such, initial closer spacing in all plantations is encouraged.

## SECTION 8. MANAGEMENT STRATEGIES

### 8.1 Project Implementation Approaches

#### 8.1.1 CBFM approach

The community-based forest management (CBFM) shall be the main project implementation approach for projects to be implemented under this Act. Communities living within or outside mangrove areas whose livelihood sources are closely linked to the mangrove areas may apply for tenure of the mangrove areas under the CBFM program.

Within one year from obtaining tenure over the mangrove area the CBFM people's organization (PO) shall submit to the Department through the CENRO a sustainable mangrove forest development plan which include among other matters the classification of the mangrove area in strict protection areas and production areas, plans to protection and maintaining the strict protection areas and for developing the production area.

CBFM permit may also be provided to communities within proclaimed protected mangrove areas. Similarly one year from obtaining the tenure over the mangrove

area the PO shall submit to the Protected Area Management Board (PAMB) a sustainable mangrove management plan. No harvesting shall be allowed in mangrove areas within protected areas, however, the PO may be allowed to develop the area for tourism purposes as well as other development projects compatible with the protected area status of the mangrove area as provided for in RA No. 7586 otherwise known as the National Integrated Protected Area System (NIPAS Law).

#### 8.1.2 Mangrove forest adoption by private organizations

A program for the adoption of mangrove forests or portions thereof by private citizens, groups or corporations shall be encouraged under this Act. Such arrangement shall be limited to strict protection of mangrove forests so identified, development of degraded mangroves or other appropriate areas through different rehabilitation strategies. It shall be covered by a memorandum of agreement (MOA) between the DENR Regional Office concerned or any valid instrument that would ensure the protection of the area. The State shall allow integration of income generating components under this arrangement like ecotourism, aqua-silviculture development and other economic activities allowed under Section 6 of this Act primarily for purposes of generating funds to sustain the protection of the areas placed under such arrangements. The DENR Regional Office shall have the primary responsibility of monitoring and evaluating the compliance of its partners with the terms and conditions of the MOA. Specific guidelines on this mangrove forest adoption program shall be issued by the DENR within six (6) months upon approval of this Act.

#### 8.2 Mangrove Research, Development and Extension

The Ecosystems Research and Development Bureau (ERDB) and where appropriate, the Ecosystems Research and Development Services (ERDS) of the DENR shall undertake relevant basic and applied research and development projects. The ERDB shall also formulate extension approaches for technologies on mangroves and the extension implementation shall be undertaken by the ERDS.

To increase value-added to mangrove products, the Forest Products Research and Development Institute (FPRDI) of the Department of Science and Technology (DOST) shall be responsible for undertaking research and development on mangrove. Since utilization technologies are not generated by ERDB nor the ERDS, FPRDI will be responsible for extension services of these technologies in collaboration with ERDB and ERDS.

Appropriate state colleges and university, particularly those situated close to mangrove are expected to undertake research, development and extension services on mangroves.

Social aspects of mangrove management and utilization shall be a major theme of these mangrove research and development initiatives.

Within one year from the promulgation of this ACT the ERDE shall develop and submit to DENR Undersecretary for Research and Development a national research, development and extension (RDE) program on mangroves. Such R & D program shall also include R & D projects outside of DENR. It shall also reflect the R & D projects identified under the National Research Development Agenda (NRDA) under the President's Coordinating Council for Research and Development (PCCRD) and also those identified under the Action Program of the Commission of Climate Change, should there be any.

#### SECTION 9. Funding Requirements

All revenues generated from any production sharing agreements within mangrove areas shall be plowed back to the area for sustained development and benefits from the same. Appropriate mechanisms shall be formulated by the Department to enforce this provision. At least 20% from such revenues shall be allocated for RDE.

DENR shall set aside from the budget of the ERDE funds for the implementation of mangrove R & D projects as well as extension activities. Likewise concerned ERDS of the Regional Offices of DENR shall set aside funds for the implementation of RDE activities within their regions.

The DOST through PCARRD shall identify mangrove RDE as priority area and shall allocate funds for the implementation of such activities.

#### SECTION 10. SEPARABILITY CLAUSE

If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections of this Act not declared as such.

#### SECTION 11. REPEALING CLAUSE

All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed, or modified accordingly.

SECTION 12. EFFECTIVITY CLAUSE

This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of national circulation.

Approved: