

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

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H.B. No. 2861

INTRODUCED BY THE HONORABLE ANGELO PALMONES

**AN ACT ESTABLISHING A NATIONAL MANGROVE CONSERVATION AND
REHABILITATION PROGRAM COVERING ALL IDENTIFIED MANGROVE
AREAS IN THE COUNTRY, AND PROVIDING INSTITUTIONAL SUPPORT
AND INCENTIVES THEREFOR**

EXPLANATORY NOTE

In 1918 or thereabout, the Philippines had up to 500,000 hectares of lush mangrove forests. By 1987 this had been reduced considerably to only about 205,000 hectares, and in 1993 only about 125,000 ha remained. Today, we have less than 120,000 hectares left, and much of these are only secondary forests. The reasons for the rapid decimation of the mangrove resources had been attributed to the conversion of mangrove areas into fishponds or aquaculture ponds, settlement areas, agriculture, saltbeds, unrestrained cutting of mangrove trees for fuel wood and charcoal production, and further aggravated by the ever-increasing population pressure. 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 had been the result of conversion of these areas into fishponds.

The country's mangrove resources continue to decline despite numerous laws protecting them. Efforts to reclaim and rehabilitate degraded mangrove areas have been started some thirty (30) years ago. However, mangrove restoration efforts pale in comparison to the various pressures impinging on it.

Mangroves play a variety of important economic, as well as ecological services particularly to communities around them. They serve as breeding grounds and nurseries of marine organisms. Commercial seafood species depend for part of their life cycle on 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 a source of alcohol, roofing materials, and other uses.

Mangroves buffer the impacts of storm surges, typhoons, tsunamis, and other natural disasters 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 seagrass beds and coral reefs. They help regulate the climate by sequestering carbon in their biomass, and the carbon is kept from being emitted into the atmosphere while the wood remains sound. 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 silts coming from the uplands and prevents their being deposited into seagrass beds and 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 roosting place for migratory birds.

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

The country stands to lose all these invaluable existing and potential economic and ecological benefits unless timely concerted steps and aggressive actions are taken by government to stem the tide of the virtual annihilation of this precious natural heritage. The time is now to rally the support of all sectors of society, including all government instrumentalities to ensure the attainment of the desired objectives of this Bill in a collective nationwide effort to rehabilitate and conserve our mangrove forests by providing appropriate incentives to attract the active participation of every conservation-conscious Filipino.

Thus, this Bill establishing a national mangrove conservation and rehabilitation program will set a new and responsive direction to revitalize mangrove development and management in the country.

In view of all the foregoing considerations, the immediate passage of this Bill is earnestly requested.


ANGELO PALMONES
Representative, AGHAM

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Introduced by **HONORABLE ANGELO PALMONES**

AN ACT ESTABLISHING A NATIONAL MANGROVE CONSERVATION AND REHABILITATION PROGRAM COVERING ALL IDENTIFIED MANGROVE AREAS IN THE COUNTRY, AND PROVIDING INSTITUTIONAL SUPPORT AND INCENTIVES THEREFOR

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 Conservation and Rehabilitation Act of 2010."

SECTION 2- Declaration of Policy. Recognizing the multifarious benefits of mangroves in terms of ecological and economic values as a natural and productive resource, and in consonance with the mandate of the Constitution to "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature", it is hereby declared the policy of the State to secure the protection, conservation and rehabilitation of all mangrove areas of the country to ensure that its use and enjoyment are consistent with the key principles of sustainable development, and at the same time maintaining a balanced ecosystem for the benefit of the Filipino people.

SECTION 3- The National Mangrove Conservation and Rehabilitation Program- In line with the above-enunciated policy, and to address the present deplorable state of the country's mangrove resources caused primarily by overexploitation, conversion to fishponds, urban land reclamation and other factors, there is hereby established a "National Mangrove Conservation and Rehabilitation Program" which shall be implemented by the DENR in all identified mangrove areas of the country, and allowing concerned National Government Agencies (NGAs), Local Government Units (LGUs), the Private Sector, Non-Governmental Organizations (NGOs), People's Organizations (POs) and other civil society groups or individuals to participate and assist the government in its implementation.

SECTION 4- Definition of Terms.-For purposes of this Act, the following terms shall be defined as follows:

(a) **Afforestation**- refers to the establishment of mangrove plantations in suitable areas not previously vegetated with mangroves;

(b) **Aquasilviculture** – combination of tree plantation technologies and fish or other sea products culture designed to obtain optimum economic and environmental benefits from mangrove forests;

(c) **Alienable or Disposable Lands**.-Those lands of the public domain which have been the subject of the present system of classification and certified as not needed for forestry purposes (P.D. 705, as amended);

(d) **Coastal Area/Zone**.-A 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 1 km 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 200 isobath to include coral reefs, algal flats, seagrass beds and other soft-bottom areas (R.A. 8550);

(e) **Coastal Environment Program (CEP)**.-A program established in the DENR to implement its projects on conservation and management of the coastal environment. The CEP encompasses all concerns over the habitat and ecological support systems of coastal communities and fisheries specifically pertaining to their productivity, biodiversity, integrity, sustainability, and equitability of access and use (EO 263, DAO 9629);

(f) **Coastal resources** – are plant and animal life found in the interface where the land meets the sea, also called coastal zone. These include coral reefs, mangroves, seagrasses, fishes, crustaceans, shells and other life forms found in the coastal zone.

(g) **Communal Mangrove Forest**.-A tract of public mangrove forest set aside by the DENR Secretary upon the recommendation of the Director of the Forest Management Bureau for the exclusive use of the Municipality (DAO 15, Series of 1990);

(h) **Community-Based Forest Management Agreement (CBFMA)**.-A Production Sharing Agreement entered into between a community and the government to develop, utilize, manage, and conserve a specific portion of the forestland, consistent with the principles of sustainable development and pursuant to a Community Resource Management Framework (EO 263, DAO 9629);

(i) **DENR**- shall mean the Department of Environment and Natural Resources

(j) **Environmentally Critical Area**.-An area that is environmentally sensitive and is so listed under Presidential Proclamation No. 2146, Series of 1981, as well as other areas

which the President may proclaim as environmentally critical in accordance with Sec. 4 of PD 1586 (DAO 21, Series of 1992 as amended by DAO 96-37, Series of 1996;

(k) Environmental Compliance Certificate.-The document issued by the DENR Secretary or the Regional Executive Director certifying that, based on the representations of the proponents and the preparers, as reviewed and validated by the EIA Review Committee, the proposed project or undertaking will not cause a significant environmental impact; that the proponent has complied with all the requirements of the EIS System; and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Impact Statement or mitigation measures in the Initial Environmental Examination (DAO 11, Series of 1994);

(l) Environmental Impact Assessment.-The process of predicting the likely environmental consequences of implementing projects or undertakings and designing appropriate preventive, mitigating, and enhancement measures (DAO 21, Series of 1992, as amended);

(m) Environmental Impact Statement (EIS) System.-The entire process of organization, administrations, and procedures institutionalized for purposes of assessing the significance of the effects of any project or undertaking on the quality of the physical, biological, and socioeconomic environment, and designing appropriate preventive, mitigating, and enhancement measures (DAO 21, Series of 1992, as amended);

(n) Fishpond Lease Agreement (FLA).-A privilege granted by the State to a person or a group of persons to occupy and possess in consideration of specified rental any public lands for the raising of fish and other aquatic products (DAO 15, Series of 1990);

(o) License- A privilege granted by the State to a person or a group of persons to cut and utilize mangrove resources within a specified mangrove production area, without any right of occupation and possession over the same (DAO 15, Series of 1990);

(p) Mangrove - is a type of forest growing along tidal mudflats and along shallow-water coastal areas extending inland along rivers, streams and their tributaries where the water is generally brackish (Mangrove Mgt. Handbook- CRMP (DENR-USAID)

(q) Mangrove Area.-The area found along the seacoast and estuaries whether sparsely or thickly vegetated with true and/or associated mangrove species, or open swampy areas, including brackish fishponds extending along streams where the water is brackish (DAO 15, Series of 1990);

(r) Mangrove Resources.-All terrestrial and aquatic flora and fauna in mangroves including land and minerals which could bestow any form of services, influences and amenities to man and the environment (DAO 15, Series of 1990);.

(s) Mangrove species – are woody or non-woody plants adapted for life in brackish water. These are exemplified by bakauan, tangal, pagatpat, nipa and other species;

(t) Mangrove Forest Plantation– are mangrove forests that have developed from planted mangrove trees and other associated plants.

(u) Mangrove Production Zones.-are mangrove areas duly designated as such where natural mangrove forests are strictly protected, while allowing mangrove plantations developed therein to serve the economic needs of the communities in terms of timber as housing materials, firewood, charcoal , etc. Sustainable harvesting of mangrove species based on duly-approved resource use plan may be allowed in these zones as incentives for the planters;

(v) Mangrove Protection Zones.-are mangrove areas duly designated as such where the natural mangrove forests, as well as established mangrove plantations therein are managed exclusively to protect the respective coastal areas and communities from storm surges, waves, tidal currents and typhoons. Cutting of mangrove trees and other plants, whether naturally growing or planted, are strictly prohibited in these zones;

(w) Natural Mangrove Forests – are forests that have grown naturally without the aid of human intervention except in enhancing its growth such as enrichment planting or assisted natural regeneration.

(x) Non-Government Organization- a group of persons or an organization commonly referred to a Assisting Organization (AO) with various expertise contracted by the DENR to assist in the implementation of its projects;

(y) 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;

(z) Reforestation – refers to planting of mangrove species in degraded areas formerly vegetated with mangrove species;

(aa) Secretary- shall mean the Secretary of the Department of Environment and Natural Resources.

(bb) 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.

(cc) Stewardship Agreement.-A contract entered into by and between an individual mangrove user or mangrove user association or cooperative and the government which grants the former the right to the exclusive use of a specified mangrove area for managing that area according to a stewardship Plan (DAO 03, Series of 1991);

SECTION 5- Identification/Survey/Zonification and Mapping.-The DENR Secretary shall, in coordination with the Department of Agriculture (DA) and all the Local Government Units (LGUs) concerned, order the identification, survey, zonification and mapping of all mangrove areas in the country segregating areas that are still forested, severely denuded or degraded, and classifying them based on scientific and factual considerations into two main categories, namely: (1) Mangrove Protection Zone; and (2) Mangrove Production Zone.

SECTION 6- Mangrove Protection Zone- The following shall constitute the Mangrove Protection Zone as identified/zonified and mapped:

- (a) All mangrove areas included under the National Integrated Protected Areas System (NIPAS);
- (b) Mangrove Areas outside of the NIPAS that have distinctive or remarkable physical and aesthetic features, anthropological significance and ecological values. These Non-NIPAS areas include coastal wetlands, easements along waterways and shorelines, ecotourism sites and other biologically important areas;
- (c) All existing natural mangrove stands with their associated plants and other biological composition; and
- (d) All coastal and mangrove areas, with or without existing vegetation, which are prone to natural hazards such as floods, typhoons, storm surges, etc.

All mangrove areas included in the Mangrove Protection Zone shall be conserved and protected to prevent further deterioration of the environment and to minimize the adverse effects of natural disasters. They shall also serve as spawning grounds for fish, prawns and crabs and shall support fisheries production in the area.: **Provided that the cutting of mangrove trees and other associated plants therein, whether naturally growing or planted, is strictly prohibited;**

SECTION 7- Mangrove Production Zone. The Mangrove Production Zone shall consist of the following:

- (a) Coastal and mangrove areas located outside of the Mangrove Protection Zones which are covered with existing permits for CBFM and aquaculture projects, and mangrove areas with approved Fishpond Lease Agreements;

- (b) Mangrove areas outside the Mangrove Protection Zone which are potential sites for the establishment of mangrove or nipa plantations that the communities can in the future harvest for domestic uses like housing materials, firewood, poles, etc.;
- (c) Mangrove areas outside the Mangrove Protection Zone that can be developed as alternative livelihood such as sea ranching/mariculture, fishery, aquasilviculture, cottage industry, etc., which are not detrimental to the continued existence or to the restoration of mangroves in these areas; and
- (d) Non-Mangrove Areas – mud flats and reef flats that may be developed into mangrove plantation (bakauan bato, pagatpat and bungalon), provided the area is not covered with sea grasses.

All coastal mangrove areas falling within the classification of Mangrove Production Zone shall be managed in accordance with the key principles of sustainable development: Provided that mangrove plantations established within this zone may be permitted to be selectively harvested for domestic purposes only on a sustainable basis as deemed appropriate; Provided Further, that the privilege to harvest shall only be granted to the private individual or a group of individuals, or association/cooperative which established and developed the said plantations as previously authorized through an approved contract or agreement for the purpose; Provided Further, that no harvesting shall commence without a Resource Use Plan prepared by the proponent and duly approved by the Secretary; or the duly authorized DENR Officer; and **Provided Finally that there shall be strictly no cutting of naturally growing mangrove species therein;**

SECTION 8- Existing Government Projects in Coastal and Mangrove Areas- Existing government mangrove programs/projects such as the DENR Coastal Environment Program (CEP), Forestry Sector Subprojects (FSP), Community-Based Resource Management (CBRM), Integrated Coastal Resources Management (ICRM) Program, and other similar government initiatives shall continue to operate in conformity with this Act. Additional project components consistent with those allowed in this Act maybe 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 9- Illegally-constructed and/or Abandoned Aquaculture Ponds or Fishponds in Mangrove Areas- All aquaculture ponds or fishponds constructed without a valid permit or license, or if covered with a valid permit, license, or lease agreement but had been abandoned for a period of at least five (5) years from the date of issuance of the permit, license, or lease agreement shall be automatically reverted to the category of public forest, and shall form part of the Mangrove Production Zone to be managed in accordance with this Program: Provided that the reverted areas referred to herein may be developed into mangrove plantations that can be harvested for household uses; or the same may be modified in a manner as to provide other alternative livelihood like aquasilviculture, or developing the area for the harvesting of shells, crabs, shrimps, etc.;

and Provided Further that henceforth, mangrove areas shall no longer be released or allowed for conversion into aquaculture ponds or fishponds.

SECTION 10- Rehabilitation of denuded/degraded Areas in Mangrove Protection Zones, a Top Priority-The Secretary shall give top priority on the rehabilitation of denuded/degraded areas within the Protection Zone as this is extremely necessary to help cushion and mitigate the impacts of climate change, and to serve as buffer zones to protect human lives and property, particularly those in coastal areas which are open or exposed to natural disasters.

SECTION 11- Design of the Program and Mechanics of Implementation.-The Secretary shall formulate a comprehensive long term National Mangrove Conservation and Rehabilitation Program to achieve the intents and purposes of this Act: Provided That there is hereby allocated fifty million pesos (P 50,000,000) per year for the next 10 years to implement the said Program; Provided Further that the Department shall submit to Congress an annual accomplishment report on the implementation of the Program; and Provided Finally that the Program shall be developed and implemented with active participation of concerned National Government Agencies (NGAs), Local Government Units (LGUs), the Private Sector, Non-Governmental Organizations (NGOs), People's Organizations (POs), and other civil society groups or individuals to participate and assist the government in its implementation. The Secretary shall likewise put in place a sound and feasible Monitoring and Evaluation System (MES) to systematically check and ensure the successful implementation of the Program.

SECTION 12- MANAGEMENT STRATEGIES

12.1 Project Implementation Approaches

12.1.1 CBFM approach

The community-based forest management (CBFM) shall be the primary implementation approach for projects to be implemented under this Program. 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 aforesaid area, the CBFM People's Organization (PO) shall submit to the Department through the CENRO concerned a sustainable mangrove forest development plan which shall include, among others, a detailed plan of activities relative to the development and management of the production area, as well as provisions for the protection and management of the protection zone therein, if the CBFMA thus issued covers both zones.

CBFM Agreements may also be granted to communities through the PO within NIPAS protected mangrove areas, or within duly-designated protection zones under this Program. Likewise, within one year from obtaining the tenure over the mangrove area, the PO shall submit to the Protected Area Management Board (PAMB) concerned a Protection and Management Plan for the CBFMA area. However, the PO may be allowed to develop the area for ecotourism 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) Act.

The Department of Agriculture's Bureau of Fisheries and Aquatic Resources shall provide the necessary technical assistance in the development of alternative marine-livelihood projects compatible with the objectives of the sustainable mangrove management plan. Likewise, the Department of Tourism shall provide the technical and promotional packages in developing ecotourism potentials of the area. The DENR shall facilitate the coordination of the POs concerned with the said National Government Agencies and other government agencies deemed necessary for the development of alternative livelihood of the community.

12.1.2 Mangrove Area Adoption by Private Organizations

A program for the adoption of mangrove areas or portions thereof by private citizens, groups or corporations shall be encouraged under this Act. Such arrangement shall be limited only to areas within protection zones as so identified and mapped where degraded mangrove areas or other appropriate areas are developed through different rehabilitation strategies. It shall be covered by a Memorandum of Agreement (MOA) or any valid legal instrument between the DENR Regional Office and the private parties concerned that would ensure the protection of the area.

The State shall allow integration of non-consumptive/non-destructive income-generating components under this arrangement such as ecotourism, aquasilviculture development, and other economic activities allowed under this Act primarily for purposes of generating funds; or allow donations, contributions, bequest, subsidy and financial aids from individuals or legal entities to sustain the protection of the areas placed under such arrangement: **Provided that under this scheme, cutting or gathering of mangrove timber whether naturally growing or planted shall not be allowed.** 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.

12.2 Mangrove Research, Development and Extension

The DENR's Ecosystems Research and Development Bureau (ERDB) shall further undertake relevant basic and applied research in support of this Program. It shall likewise formulate extension approaches for technologies on mangroves for field implementation.

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 in this respect since utilization technologies are not generated by ERDB. FPRDI shall be responsible for extension services of these technologies in collaboration with ERDB.

Appropriate state colleges and university, particularly those situated near or around mangrove areas are also hereby mandated to undertake research, development and extension services on mangroves for adoption by the Program.

Social aspects of mangrove management and utilization, vulnerabilities and adaptation to climate change shall be the major themes of these mangrove research and development initiatives.

Within one year from the promulgation of this Act, the ERDB shall, in cooperation and/or consultation with other concerned research agencies, develop and submit to the DENR Secretary 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 Presidential Coordinating Council for Research and Development (PCCRD) and also those identified under the National Framework Strategies on Climate Change (NFSCC) and Action Program of the Commission of Climate Change, should there be any.

SECTION 13- Environmental Impact Assessment (EIS) System.-All harvesting operations when permitted by the Secretary shall be covered by the EIS System. Relative thereto, all proponents applying for a cutting license in their respective production areas shall secure from the DENR an Environmental Compliance Certificate (ECC) before they are allowed to conduct harvesting operations in accordance with the approved Resource Use Plan.

SECTION 14- INCENTIVES AND INSTITUTIONAL SUPPORT- By virtue of their participation in the Mangrove Area Adoption Scheme of this Program as provided for under Section 12.1.2 hereof, the following incentives, which are similar to those provided under R. A. No. 8525, or the Adopt- a- School Act of 1998, and other existing laws or bills, if any but with modification, shall be granted to the participating legal entity such as associations, cooperatives, corporations, etc., or individual:

- (a) Deduction from their taxable income of the full amount of the donations, contributions and/or other expenditures incurred in the implementation of the Project; and
- (b) Exemption from the payment of the donor's tax for any donations and/or other related contributions used in the implementation of the Mangrove Area Adoption Scheme.

Contributions other than money shall be valued based on the acquisition cost of the property taking into account the depreciated value of the property if the same had already been used when donated to the Project.

SECTION 15- Additional Incentives. The adopting entity/individual shall, in addition to the incentives provided in the immediately preceding Section, likewise be entitled to other incentives and awards that the DENR may provide to deserving Program participants.

SECTION 16- Implementing Rules and Regulations-The Secretary of the DENR shall, in consultation with the Department of Finance (DOF), Department of Agriculture (DA), Department of Budget and Management (DBM) and other concerned Agencies, formulate the rules and regulations to implement the relevant provisions of this Act.

SECTION 17- Separability Clause. If any provision of this Act is declared unconstitutional, the validity of the other provisions shall not be affected by such declaration.

SECTION 18- Repealing Clause- Section 71 of Republic Act 7161 of 1992 and such other laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 19- Effectivity. This Act shall take effect fifteen (15) days after its publication in two (2) national papers of general circulation.

Approved: