

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. 4875

Introduced by Rep. Erico B. Aumentado

EXPLANATORY NOTE

This bill seeks to prohibit all lower courts— the Court of Appeals, the Regional Trial Court, City Court, Municipal Court, and Municipal Circuit Trial Court from issuing any Temporary Restraining Order (TRO) to stop the Local Government Units from demolishing illegal structures constructed in violation of Article 51, PD 1607.

Article 51 provides that “the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.”

The rationale of the measure is anchored on the enforcement of the salvage zone to preserve the beauty of shoreline and beaches as well as the environment from pollution by the illegal structures constructed therein.

An example of wanton disregard of the 20-meter salvage zone is in Panglao Island, now the crown jewel of Bohol’s eco-tourism destination. For several years, some tourism establishments have been building structures encroaching the 20-meter salvage zone. The encroachment was validated after the DENR/PENRO delineated the 20-meter zone. After the violating establishments were identified, notices of violation were sent. The owners asked for time to voluntarily remove their erring structures. However, despite the lapse of time, some resort owners refused to obey the law.

We are told that several similar cases are prevailing in other beaches in the Philippines where the efforts of Local Government Units and law enforcers were thwarted by the issuance of a Temporary Restraining Order by lower courts in disregard of the law and the harmful effects on the environment of the offending structures.

We file this bill after the Supreme Court of the Philippines held the series of forum on Environmental Justice to uphold the constitutional right to a balance and healthful ecology during the watch of then Chief Justice Reynato Puno. Thereafter, the highest court of the land has promulgated the landmark Rules of Procedure for Environmental Cases, reputedly the only of its kind in the world, to show its determination to protect our environment and ecology.

To strengthen the LGUs' fight to preserve their beautiful beaches for tourism and the Supreme Court's clear direction for environmental justice, certain RTC judges are even designated to try cases involving violations of environmental and ecological laws and issuances.

Unfortunately, some of these judges are the ones issuing TROs against the enforcers of our laws on environment and ecology.

Thus, the early passage of this bill is earnestly requested.



ERICO B. AUMENTADO
Representative, 2nd District, Bohol

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AN ACT

PROHIBITING THE ISSUANCE OF ANY TEMPORARY RESTRAINING ORDER BY THE LOWER COURTS AGAINST LOCAL GOVERNMENT UNITS AND LAW ENFORCERS FROM DEMOLISHING ILLEGAL STRUCTURES WITHIN THE SALVAGE ZONE AS PROVIDED FOR UNDER ARTICLE 51, PD 1067 AND FOR OTHER PURPOSES

Introduced by Rep. Erico B. Aumentado

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

Section 1. Short Title. – This bill shall be known as the ***Illegal Structures TRO Prohibition Act of 2011***.

Section 2. Sole authority. – Except for the Supreme Court, all lower courts are hereby prohibited to issue Temporary Restraining Orders (TRO) on cases involving demolition of structures considered as illegal being in contravention of Article 51, Presidential Decree No. 1067 by the Local Government Units and law enforcers.

Section 3. IRR issuance. – The Supreme Court shall issue the necessary Implementing Rules and Regulations (IRR) within 60 days after the approval into law of this measure.

Section 4. Repealing clause. – All decrees, laws and issuances which are contrary to or inconsistent with the provisions of this act are hereby repealed accordingly.

Section 5. Effectivity. – This act shall take effect 15 days after its publication, together with the Implementing Rules and Regulations, in the Official Gazette or a newspaper of general circulation.

APPROVED.