

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5202

Introduced by Hon. ANGELO B. PALMONES

AN ACT
REQUIRING AN ENVIRONMENTAL IMPACT ASSESSMENT IN THE ESTABLISHMENT AND
CONSTRUCTION OF FISH CAGES AND FISH PENS IN INLAND WATERS AND LAKES IN THE
PHILIPPINES AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Fish kill has become a periodic occurrence in fish pens and fish cages in inland waters and lakes in the Philippines. In 2001 fish kill happened in Bolinao, Pangasinan and this was repeated in 2007 and 2010 costing cage owners hundreds of million pesos. On February 25, 2010 about 10 tons of tilapia suffered the same fate in Magat Dam.

In May 2011 an extensive fish kill occurred in 7 towns of Batangas with an estimated loss of close to 1,900 tons of fish valued at P150 M. The fish kill has led to the loss of livelihood of many lakeshore residents engaged in fishing as well as fish vendors. On top of these losses is the health scare it triggered by the fear that some of the dead fish are sold in local markets. There is also the problem of disposing tons of dead fish which if not well taken care of could cause problems in public health and sanitation.

There are several theories as to the cause of the fish kill. One is the exceedingly high stocking density beyond the carrying capacity of the lakes and/or because of over-feeding. According to Dr. Rey Donne S. Papa¹, a limnologist professor at the University of Santo Tomas the real reason behind the fish kill "cannot be easily determined due to many factors that arise from the current political realities and lack of priority given to scientific knowledge (and science in general) in our country".

Taal Lake and its watershed are part of the Taal Volcano Protected Landscape (TVPL). As a protected landscape it is covered by a management plan which enunciated activities to make the lake and the landscape sustainable in the light of the present aquaculture

¹ R. S. Papa. 2011. The Taal Fishkill. Realizations and recommendations. Business, Science and Technology. The Philippine Star. B 8. June 30, 2011.

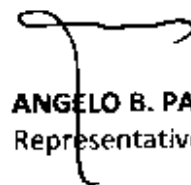
activities in the lake. Unfortunately, the management plan was not strictly implemented as evidenced by the occurrence of the fish kill.

One strategy to make certain that management plans are implemented is to require the local governments units (LGUs) which has jurisdiction over the lakes and inland waters to collectively obtain a programmatic Environmental Compliance Certificate (ECC) from the Department of Environment and Natural Resources (DENR) through the Environmental Management Bureau (EMB). This way the LGU executives will be collectively responsible for any untoward environmental incidents that happen in their jurisdiction.

Furthermore, the project operators are required to deposit funds under the Environmental Guarantee Fund to be used to rehabilitate the affected area or in this specific case dispose of the dead fish. It may be remembered that there was the problem of disposing the dead fish in the Taal Lake fish kill.

In addition the operators of the projects are also required to make a deposit under the Environmental Monitoring Fund (EMF) funds for the purpose monitoring the project. This way it is guaranteed that the project will be monitored to determine if the management plan and the mitigating activities are implemented and implemented properly.

To reduce the occurrence of fish kills in fish cages and fish pens in inland waters in the Philippines if not totally eliminate it, it is urgently requested that this Act requiring operators of fish cages and fish pens to obtain an ECC prior to establishment of their aquaculture projects.



ANGELO B. PALMONES
Representative, AGHAM Party List

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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 Environmental Assessment for Aquaculture in Lakes and Inland Waters Act of 2011.

SECTION 2. *Declaration of Policy and Objectives* – It is the policy of the State to protect, conserve and develop its natural resources for the benefit of its citizens particularly the poor segment of society. Toward this end it shall support the implementation of projects designed to preserve the environment and at the same time promote social and economic goals of the country.

The State shall promote the sustainable use of inland waters and lakes that support sustained economic activities of small fisherfolks and other dependent stakeholders. With respect to the establishment and operation of fish cages and fish pens the State shall pursue a policy that ensures sustainability of the environment through the conduct of environmental impact assessment.

It is the objective of this Act to ensure sustained aquaculture production, reduced occurrence of environmental degradation leading to disastrous effects such as fish kills and reduction in biodiversity in inland waters and lakes and thus providing the environment for sustainable livelihood of fisherfolks.

SECTION 3. *Requirement of Environmental Compliance Certificate for the Establishment of Fish Cages and Fish Pens in Inland Waters and Lakes* – Prior to the establishment of fish cages and fish pens in inland waters and lakes the local government units (LGUs) having jurisdiction of the lake or inland waters shall collectively secure a programmatic environmental compliance certificate (ECC) from the Department of Environment and Natural Resources (DENR) through the Environmental Management Bureau (EMB) as

embodied in DENR Administrative Order (AO) No. 2008-11 in compliance with the requirements promulgated under DENR AO No. 2003-30.

SECTION 4. *Responsibility for any Adverse Environmental Incidents in Fish Pens and Fish Cages* – The responsibility for any adverse environmental incidents such as fish kills involving fish pens and fish cages for which permits were issued by the LGU concerned shall now rests upon the permit-issuing LGUs.

SECTION 5. *Environmental Guarantee Fund* – The operators of fish pens and fish cages shall deposit in a government bank an Environmental Guarantee Fund (EGF) which shall be of sufficient amount to be determined by the DENR to cover clean-up or rehabilitation of areas affected by the project resulting in deterioration of environmental quality. It shall be readily accessible and disburseable and can be used to compensate parties or communities adversely affected by the project. It shall also be used to fund community-based environmental projects including information and education and emergency preparedness programs.

SECTION 6. *Environmental Monitoring Fund* – A multi-partite monitoring team shall be formed with representation from the academe, the private sector and local government units, among other sectors, to monitor the compliance of the projects to the management plan embodied in the Environmental Impact Study (EIS). To provide funding support for the monitoring team an environmental monitoring fund (EMF) shall be established, the amount of which shall be set by the DENR.

SECTION 7. *Penalty for the Occurrence of Adverse Environmental Incidents* – Should any adverse environmental incidents such as fish kill occur the LGU executives who issued the permits to operate shall be collectively liable for the incidents. The local executives shall be penalized at their personal account in the amount equivalent to one half of the estimated value of fish kill which shall accrue to the national government. The Bureau of Fisheries and Aquatic Resources (BFAR) alone shall be the authority to make the estimate of the value of the fish kill.

SECTION 8. *Implementing Rules and Regulations* – The DENR shall promulgate the implementing rules and regulations of this Act within a period of 90 days from its approval. It shall become effective after thirty (30) days following their publication in the Official Gazette or in two (2) major daily newspapers of general circulation.

SECTION 9. *Separability clause* – If any section or provision of this Act shall be declared invalid or unconstitutional, such shall not invalidate any other section or provision of this Act.

SECTION 10. *Repealing Clause* – All laws, decrees, executive orders, rules and regulations or parts thereof which are in conflict with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. *Effectivity* – This Act shall take effect thirty (30) days following its full publication in the Official Gazette or two (2) major daily newspaper of general circulation