

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. **360**



REPRESENTATIVE LAWRENCE LEMUEL H. FORTUN

EXPLANATORY NOTE

The Philippines is bound on the east by the Philippines Sea, on the south by the Celebes Sea and on the west by the West Philippine Sea. The 7,100 islands of the Philippine archipelago is part of the Malay Archipelago and it is estimated that around only 460 of the islands have areas larger than a square mile. A great number of Filipinos live along the coastal areas especially in the rural areas.

The Philippines has a very rich marine life and eco system. We are blessed with extensive coral reefs, seagrass beds and dense mangrove forests. Our coastal areas vary from sandy beaches, dunes, lagoons, estuaries, reefs and mangroves. However, our marine resources are under threat from siltation, coastal land development, discharge of toxic materials, pollutants, excessive fishing and destructive harvesting activities. Unabated human consumption has resulted in over harvesting of marine life, the reclamation of land, and other destructive human activities that contribute to the decline and depletion of our marine life.

The Local Government Code, the National Integrated Protection Areas System Act and the Fisheries Code provided for the administration of municipal waters to the local governments. The 1998 Fisheries Code has set a target of 15% of coastal municipal waters to be protected within a no take Marine Protected Area. However, it is estimated that only 0.5% of coastal municipalities are currently protected within no-take Marine Protected Areas.¹ This bill therefore mandates every coastal municipality to establish, maintain, and manage marine protected areas in at least 15% of their municipal waters while preserving those MPAs that already exists. There is an urgent need to guarantee ecological stability while addressing food security and economic sustainability of the marginalized fisherfolk. A concerted effort in the local communities to protect our municipal coasts is urgently needed. A version of this measure had its success in the legislative mill of the last Congress short of passage into a law. It is prayed that in the 16th Congress, this measure is finally passed and approved into a law.

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

REP. LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte

¹ "Weeks, R., Russ, G., Alacala, A and White, A. (2009). Effectiveness of Marine Protected Areas in the Philippines for Biodiversity Conservation. Retrieved from <http://www.coraltrianglecenter.org/wp-content/uploads/pdf/2010-013.pdf>."

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

SIXTEENTH CONGRESS
First Regular Session

H.B. No. **360**

Representative Lawrence Lemuel H. Fortun

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:

1 SECTION 1. *Short Title.* – This Act shall be known as the “Marine and Coastal Resources
2 Protection Act of 2013”.

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

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

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

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

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

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

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

28 (c) *Mangrove swamp forest reserve* refers to a portion of the mangrove forest designated
29 and reserved for the protection of its ecological functions and services and restored to support
30 fisheries production in coastal waters.

31 (d) *Marine protected area (MPA)* refers to a defined area of the sea established and set
32 aside by law, administrative regulation or any other effective means in order to conserve and protect
33 a part of or the entire enclosed environment, through the establishment of management guidelines. It
34 is considered a generic term that includes all declared areas governed by specific rules or guidelines
35 in order to protect and manage activities within the enclosed area.

36

37 Marine protected areas may take the following forms, any one or a combination of which may

comprise the MPA:

(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) MPA within municipal waters, which shall be subjected 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 fifteen percent (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 MPA.

SEC. 5. *General Criteria.* – The MPA, 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".

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

90 SEC. 9. *Violations and Sanctions.* – Unless otherwise allowed in accordance with this Act, the
91 NIPAS Act of 1992 (Republic Act No. 7586), the Philippine Fisheries Code of 1998 (Republic Act
92 No. 8550) and the Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), it
93 shall be unlawful for any person to willfully and knowingly exploit, damage or destroy MPAs and/or
94 any of its parts. Violators shall be subject to the applicable fines and penalties as provided for in
95 Republic Act No. 7586, Republic Act No. 8550 and Republic Act No. 9147, and other related laws,
96 rules and regulations.

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

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

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

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

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

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

119 Approved,