

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Bastasan Hills, Quezon City

SIXTEENTH CONGRESS
1st Regular Session

House Bill Number **460**



Introduced by:
HON. AGAPITO H. GUANLAO

EXPLANATORY NOTE

In 1998, the Philippines had up to 500,000 hectares of lush mangrove forest. About ten (10) years after this was considerably reduced to about 205,000, and in 1993, only about 125,000 hectares remained. Today, the country has less than 120,000 hectares, decimated through uncontrolled harvesting, conversion to other uses.

Despite numerous laws and ordinances enacted reclaiming the country's mangrove areas as far back thirty years (30) ago, other factors impinging on its restoration continue to degrade or destroy this vital ecosystem.

The mangrove ecosystem is a life support many species including men and their communities. It goes to say that communities within depend on mangrove areas for livelihood and even survival.

The restoration of mangrove ecosystems is a race against time and the rapid economic activities that man undertake within these vital life support system, thus the urgency for enacting this piece of legislation.


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

Be it enacted by the Senate and the 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 2013".
- 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 in 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 mangrove of the country 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 mangrove areas of the country, and allowing concerned National Government Agencies (NGAs), Local Government Units (LGUs), the Private Sector, Non-Government 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 subject of the present system of classification and certified as not needed for forestry purposes (PD 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 kilometer 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 (RA 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;
- 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, 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.
- 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;
- i. Environmentally Critical Area – An area that is environmentally sensitive and is so listed under Presidential Proclamation 2146, Series of 1981, as well as other areas which the President may proclaim as environmentally critical.

Section 5

Identification/Survey/Zonification and Mapping – The DENR Secretary shall, in coordination with the Department of Agriculture and all other Local Government Units 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 (2) main categories, namely, (1) Mangrove Protection Zone; and (2) Mangrove Protection 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;
- 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 there, 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 Protected Zones which are potential site for 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 the restoration of mangroves in these areas; and,
- d. Non-Mangrove Areas – mud flats and reef flats that may be developed into mangrove plantations, provided the area is not covered by 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 group of individuals, or associations/cooperatives 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 Sub-projects (FSP), Community-Based Resource Management (CBRM), Integrated Coastal Resource 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 may be identified for implementation subject to availability of funds within these Programs whether from internally allocated funds or those generated by the program 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 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 or to other uses.**

Section 10 **Rehabilitation of denuded/degraded Areas to 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 (P50,000,000.00) 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, Local Government Units, the Private Sector, Non-Government Organizations, People's Organizations and other civil society groups and individuals to participate and assist the government in its implementation. The Secretary shall otherwise put in place a sound and feasible Monitoring and Evaluation System to systematically check and ensure successful implementation of the Program.

Section 12 **Management Strategies**

12.1.1 The CBFM Approach

The community-based forest management 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 areas, 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 be granted to communities through PAS protected mangrove sites, or within duly designated protection area 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 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 their development projects compatible with the protected area status of the mangrove area as provided for in RA 7586 otherwise known as the 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 protection of the area. The DENR shall facilitate the coordination of the Pos concerned with the National Government Agencies deemed necessary for the development of alternative livelihood of the community.

12.1.2 Mangrove Area Adoption by Private Organization

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 identified and mapped where degraded mangrove areas or other appropriated areas are developed through different rehabilitation strategies. It shall be covered by a Memorandum of Agreement 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 the purposes of generating funds; or allow donations, contributions, bequests, 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 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 shall further undertake relevant basic and applied research in support of this Program. It shall likewise formulate extension approaches for technologies on mangrove for field implementation.

To increase value added to mangrove products, the Forest Products Research and Development Institute of the Department of Science and Technology 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 universities, particularly those situated near or around mangrove areas are also hereby mandated to undertake research, development and extension 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 with other concerned research agencies, develop and submit to the DENR Secretary a National Research, Development and Extension Program on Mangroves. Such R&D program shall also include R&D projects outside DENR. It shall also reflect the R&D projects identified under the National Research Development Agenda under the Presidential Coordinating Council for Research and Development and also those identified under the National Framework Strategies on Climate Change and the Action Program of the Commission on Climate Change should there be any.

Section 13 Environmental Impact Assessment System – All harvesting operations when permitted by the Secretary shall be covered by the EIS System. Relative thereto, all proponents applying for cutting license in their respective production areas shall secure from the DENR an Environmental Compliance Certificate before they are allowed 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 12,1,132 hereof, the following incentives which are similar to those provided under RA 8525 or the Adopt-A-School Act of 1998, and other existing laws or bills, if nay but with modifications, shall be granted to the participating legal entity such as associations, cooperatives, corporations, etc., or individuals.

- 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 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 developing Program participants.

Section 16 **Implementing Rules and Regulations** – The Secretary of the DENR shall, in consultation with the Department of Finance, Department of Agriculture, Department of Budget and Management 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 the 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 7181 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 takes effect fifteen (15) days after its publication in two (2) national papers of general circulation.

Approved: