

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
16th Congress
1st Regular Session



House Bill No. 2631

Introduced by: Representative Benhur L. Salimbangon

EXPLANATORY NOTE

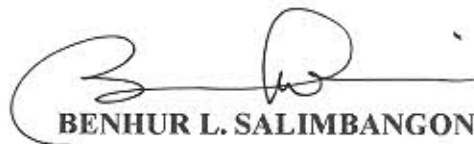
The Philippine archipelago which consists of over 7,000 islands is spread over 2650 kilometers of ocean abundant with fish and other natural resources.

Several developments such as: (1) climate change; (2) siltation due to deforestation and bad agricultural practices; (3) coastal land development; (4) industrial pollutants; (5) destructive fishing methods; (6) overfishing and gleaning; and (6) other extractive activities such as aquarium fishing, mariculture and coral extraction, pose greater threat on our marine ecosystem.

While our marine resources continue to decline, our population on the other hand, continues to grow at a pace faster than our Southeast Asian neighbors. If this persists, food security, ecological sustainability and the livelihood for the small and marginalized fisherfolk will be in danger of extinction.

This bill mandates every coastal municipality to establish, maintain and manage marine protected areas (MPAs) in at least 15% of their municipal waters, while preserving those MPAs which were previously set up. By making it mandatory, we send a strong signal of urgency to preserve our marine resources and give it some breathing spell, not just for the sake of the livelihood of small fisherfolk but more importantly, to ensure that there will be environmental sustainability for future generations to come.

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


BENHUR L. SALIMBANGON

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2631

Introduced by Representative Benhur L. Salimbangon

AN ACT
ESTABLISHING MARINE PROTECTED AREAS IN ALL COASTAL
MUNICIPALITIES AND CITIES AND FOR OTHER PURPOSES

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

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

3
4 **SEC 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to ensure
5 the protection and preservation of the country’s marine resources even as it promotes the
6 development of a robust fisheries sector. The State shall ensure that the utilization of marine
7 resources by its citizens observes the requirements of sustainability and to this end the State
8 shall promote a culture of responsible stewardship of the environment that is anchored on the
9 desire to be in harmony with nature. Thus, where human carelessness and disregard have
10 resulted in destruction and damage, the State shall take the necessary measures to restore
11 ecological balance and beauty to ensure the continued enjoyment by all of a healthy and safe
12 environment.

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

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

5
6 **SEC 3. *Definition of Terms.*** – For the purposes of this Act, the relevant terms are
7 defined as follows:

- 8 (a) *"Buffer Zone"* refers to the area surrounding the core zone of protection, where
9 extractive or recreational activities are regulated according to its carrying capacity.
- 10 (b) *"Co-management scheme"* refers to a management approach of administrative
11 integration and cooperation, where the local community, the local government unit
12 (LGU), participating agencies, concerned civil society and sectors, contribute their
13 resources towards the fulfillment of a particular function within their areas of
14 expertise, in a manner that furthers the goals of sustainable management of the
15 Marine Protected Area.
- 16 (c) *"Mangrove Swamp Forest Reserve"* refers to a portion of the mangrove forest
17 designated and reserved for the protection of its ecological functions and services and
18 restored to support fisheries production in coastal waters.
- 19 (d) *"Marine Protected Area"* refers to a defined area of the sea established and set aside
20 by law, administrative regulation, or any other effective means, in order to conserve
21 and protect a part of or the entire enclosed environment, through the establishment of
22 management guidelines. It is considered a generic term that includes all declared
23 areas governed by specific rules or guidelines in order to protect and manage
24 activities within the enclosed area. Marine Protected Areas may take the following
25 forms, any one or a combination of which may comprise the Marine Protected Area:
- 26 • *"Marine Reserve"* refers to an area where access and uses (whether extractive
27 or non-extractive) are regulated or controlled for specific uses or purposes. A
28 marine reserve may include a marine sanctuary within its boundaries. The
29 entire area need not be placed under the same conditions or restrictions as a
30 marine sanctuary, but all uses are still controlled and regulated to the extent
31 necessary to ensure that little or no harm is imposed on the environment
32 enclosed in the reserve.

- 1 • “*Marine Park*” refers to a type of marine reserve where conservation-oriented
2 recreation, education and research are emphasized. A marine park may
3 include a marine sanctuary within its boundaries.
- 4 • “*Marine Sanctuary*” refers to a defined area established and set aside
5 exclusively for the purpose of protecting habitats and species, through the
6 prohibition of all extractive uses and strict regulation of non-extractive uses.
7 This term is synonymous with “No-Take Zones”. A marine sanctuary may
8 have a buffer zone around the area sought to be protected from extractive and
9 non-extractive uses. It may be located within a marine reserve or marine park.

10
11 **SEC 4. *Establishment of Marine Protected Areas.*** – Within one (1) year from
12 effectivity of this Act, all coastal municipalities and cities shall establish at least one (1)
13 Marine Protected Area (MPA) within municipal waters, covering a minimum total area of ten
14 (10) hectares, in accordance with an integrated community-based conservation program and
15 coastal resource management plan. The total area designated for protection need not be
16 contiguous, and may be designed in such a manner as may be deemed appropriate, so long as
17 it fulfills the ultimate purpose of conservation.

18 Where possible, inter-tidal areas shall be reserved for the establishment of Mangrove
19 Swamp Forest Reserves as part of the MPA.

20 Where the municipalities border each other in such a way that their respective
21 coastlines form a contiguous body, the concerned local government units may so jointly
22 establish and administer the MPA as to reach the optimum size and arrangement of a large
23 zoned Marine Protected Area.

24
25 **SEC 5. *General Criteria.*** - The Marine Protected Area, which may either take one
26 particular form or incorporate different types, shall be established according to the level of
27 protection required by existing ecological conditions, as well as the socio-economic
28 characteristics of the local community, among others: *Provided,* That the form or
29 arrangement of the MPA does not in any way impair the preferential use rights of municipal
30 fisher-folk, unless ecological conditions are in such an advanced state of degradation that
31 rehabilitation must necessarily preclude allowing all extractive and human activity.

1 **SEC 6. *Responsible Entities.*** - The concerned LGU, along with members of the
2 community and civil society, the Bureau of Fisheries and Aquatic Resources (BFAR) of the
3 Department of Agriculture (DA), the Department of Environment and Natural Resources
4 (DENR), the Fisheries and Aquatic Resources Management Councils (FARMCs), and the
5 private sector, shall be responsible for the designation, establishment and management of
6 Marine Protected Areas within municipal waters, based on a co-management scheme that
7 accommodates the interests of all the stakeholders involved.

8
9 **SEC. 7. *Funding.*** - The initial fund for the establishment of the Marine Protected
10 Area shall be provided by the LGU. Funds for the sustainable management of the MPA shall
11 be included in the regular budget of the concerned LGU and may be augmented by funds
12 provided by the provincial government, grants, donations and income generated from the
13 operations of the MPA.

14
15 **SEC 8. *Management of Existing MPAs.*** -The DENR shall continue to manage
16 Marine Protected Areas established under the National Integrated Protected Areas System
17 (NIPAS) and all initial components of the System that have passed the requirements pursuant
18 to RA 7586, otherwise known as the NIPAS Act of 1992.

19 All marine protected areas, fishery reserves, fishery refuges or sanctuaries, and
20 mangrove swamp forest reserves previously declared or proclaimed by the President, or
21 legislated as such by the Congress of the Philippines, may continue to be supervised by the
22 agency charged with its administration.

23
24 **SEC 9. *Violations and Sanctions.*** - Unless otherwise allowed in accordance with
25 this Act, the NIPAS Law, the Fisheries Code (RA 8550) and the Wildlife Act (RA 9147), it
26 shall be unlawful for any person to willfully and knowingly exploit, damage, or destroy
27 Marine Protected Areas and/or any of its parts. Violators shall be subject to the applicable
28 fines and penalties as provided for in the NIPAS Law, RA 8550 and RA 9147 and other
29 related laws, rules and regulations.

30 Should a coastal LGU fail to establish an MPA as herein provided, the Mayor, the
31 Vice Mayor and the members of the Sanggunian, shall be liable for prosecution under RA
32 3019, otherwise known as the Anti-Graft and Corrupt Practices Act and RA 6713, otherwise

1 known as the Code of Conduct and Ethical Standards for Public Officials and Employees, or
2 other applicable laws.

3
4 **SEC. 10. *Incentives and Awards.*** - The Department of Agriculture in collaboration
5 with the DENR, Department of Interior and Local Government (DILG) and UP Marine
6 Science Institute (UPMSI) as well as other relevant academic and research institutions shall
7 develop incentive and awards mechanisms to promote effective management of marine
8 protected areas and to ensure their sustainability.

9
10 **SEC 11. *Implementing Rules and Regulations.*** - Within sixty (60) days after the
11 effectivity of this Act, the Secretary of the Department of Agriculture, together with the
12 DENR, the DILG and UPMSI, in consultation with other relevant academic and research
13 institutions, local government leagues, the NFARMC, fisher-folk and other concerned
14 organizations, shall formulate the rules and regulations for the full implementation of this
15 Act.

16
17 **SEC 12. *Separability Clause.*** - If any part of this Act should hereafter be declared
18 unconstitutional or invalid, such other parts not affected thereby shall continue in full force
19 and effect.

20
21 **SEC 13. *Repealing Clause.*** - All laws, decrees, executive orders and rules and
22 regulations or parts thereof, which are inconsistent with this Act, are hereby repealed or
23 modified accordingly.

24
25 **SEC 14. *Effectivity.*** - This Act shall take effect fifteen (15) days after its complete
26 publication in a newspaper of general circulation.

27
28 *Approved,*