

HOUSE OF REPRESENTATIVES

House Bill No. 4206



Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

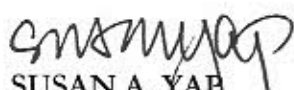
Mangrove ecosystems provide benefits in the form of derived by-products and services. Once established, mangrove roots provide habitat for many marine species of high commercial value. They also slow down water flow, thereby enhancing sediment deposition in areas where it is already occurring. Likewise, mangrove swamps protect coastal areas from erosion and storm surges especially during typhoons. The mangroves' massive root systems are efficient at dissipating waves. Because of the uniqueness of mangrove ecosystems and the protection against erosion that they provide, they are often the object of conservation programs, including national biodiversity action plans.

The Philippines is home to at least 14 species of true mangroves. Unfortunately, for several decades, there has been a drastic decrease in the habitats of mangroves in the country and it has been estimated that 70% of the original mangrove forests has been lost with a depletion rate of 3,700 hectares per year. Construction of brackish water ponds for aquaculture, overexploitation of coastal dwellers and institutional factors such as inconsistent policies and lack of political will on the part of government have been identified as major causes for mangrove loss in the Philippines.

This bill proposes the establishment of reservation areas in coastal areas of the country for the reforestation, preservation, protection and sustainable development of mangrove forests in the country. To realize this objective, the measures seeks to establish a National Council for the Preservation of Mangrove Forests under the Department of Environment and Natural Resources which shall be empowered to prepare a comprehensive program for the purpose, identify and delineate boundaries of coastal areas that shall form part of the mangrove preservation areas and promulgate rules and regulations to carry out the purposes of the law. Likewise, Local Councils in concerned local government units shall be created to implement the program in their respective jurisdictions.

Finally, to strengthen the law, this bill also proscribes and penalizes certain acts that are detrimental to the purpose of the law such as unlawful cutting of trees and the dumping of waste products within the reservation areas.

For the foregoing reasons, the immediate passage of the proposed measure is earnestly sought.


SUSAN A. YAP
Representative, 2nd District of Tarlac

SIXTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

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Introduced by Representative Susan A. Yap

AN ACT
PROVIDING FOR THE PRESERVATION, REFORESTATION, AFFORESTATION AND
SUSTAINABLE DEVELOPMENT OF MANGROVE FORESTS IN THE PHILIPPINES,
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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 "National Mangrove Forest Protection and Preservation Act of 2014."

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and preserve the country's natural resources. Towards this end, the preservation, reforestation, afforestation and sustainable development of the mangrove forests shall be pursued through the establishment of reservation areas exclusively for mangrove trees.

SECTION 3. Definition of Terms. - For purposes of this Act:

- (a) "Afforestation" shall refer to the establishment of a mangrove forest in an area that did not carry such forest within the past fifty (50) years or within living memory;
- (b) "Coastal areas" shall refer to the 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 one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nips swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of two hundred (200) meters isobath to include coral reefs, algae flats, seagrass beds and other soft bottom areas;
- (c) "Mangrove forest" shall refer to a type of forest occurring on a tidal flat along the sea coast, extending along streams where the water is brackish;
- (d) "Reservation areas" shall refer to portions of coastal areas which have been set aside exclusively for reforestation, afforestation, conservation and preservation purposes; and
- (e) "Reforestation" shall refer to the planting of mangrove trees along the denuded coastal areas.

SECTION 4. Establishment of Mangrove Reservation Areas. - There shall be established and set aside in all coastal areas in each municipality within the Philippine portions of land solely for the preservation, protection, reforestation, afforestation and sustainable management of mangrove forests. All existing mangrove forests shall automatically form part of the reservation areas.

SECTION 5. Establishment of the National Council for the Preservation of Mangrove Forests. - There is hereby established a National Council for the Preservation of Mangrove Forests, hereinafter referred to as the National Council, which shall be an attached agency of the Department of Environment and Natural Resources (DENR).

The National Council shall be composed of twelve (12) members consisting of:

- a) The Secretary of the DENR who shall act as Chairman;
- b) The Secretary of the Department of Agriculture (DA) who shall act as Vice-Chairman;

- c) The Secretary of the Department of Interior and Local Government (DILG);
- d) The Secretary of the Department of Science and Technology (DOST);
- e) The Director-General of the National Economic Development Authority (NEDA);
- f) The Director of the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA;
- g) The Director of the Forest Management Bureau (FMB) of the DENR;
- h) The Director of the Ecosystem and Research Development Bureau (ERDB) of the DENR;
- i) The Administrator of the National Mapping and Resources Information authority (NAMRIA);
- j) A representative from the academe to be appointed by the President of the Philippines;
- k) A representative from the research institutions conducting researches on sustainable mangrove forest management to be appointed by the President of the Philippines; and
- l) A representative from an accredited non-government organization (NGOs) conducting programs on sustainable mangrove forest management to be appointed by the President of the Philippines.

SECTION 6. Powers and Functions of the National Council. - The National Council shall have the following powers and functions:

- a) To review existing relevant policies and conduct studies on mangrove forest and its preservation;
- b) To prepare a comprehensive program for the preservation, reforestation, afforestation and sustainable development of mangrove forests;
- c) To establish the guidelines in identifying the areas to be declared as mangrove forest reservations;
- d) To identify and delineate the boundaries of coastal areas which shall form part of the mangrove reservation areas;
- e) To exercise control and supervision over all the local councils; and
- f) To promulgate the rules and regulations necessary to carry out the provisions of this Act;

SECTION 7. Local Council for the Preservation of Mangrove Forests. - A local council for the preservation of mangrove forests, hereinafter referred to as the Local Council, shall be established in each of the municipalities where a mangrove reservation area has been identified for each of the municipality where a reservation area has been identified. Each Local Council shall be chaired by the Regional Executive Director of the DENR under whose jurisdiction the reservation area is located, with the following members: (a) a representative of the municipal government concerned; (b) a representative each from the under whose territory the reservation area is located; (c) a representative from an accredited non-governmental organization (NGO); and (d) a representative from the private sector.

SECTION 8. Powers and Functions of the Local Council. - The Local Council shall have the following powers and functions:

- a) To implement and enforce all the programs and policies laid down by the National Council;
- b) To carry out the general administration and day to day planning of the Program;

- 1 c) To secure the mangrove reservation area from illegal and destructive activities which
2 would endanger the successful implementation and viability of the program; and
- 3 d) To perform such other powers and functions as may be designated by the National
4 Council.

5 In order to secure the mangrove reservation area from illegal and destructive activities, the
6 Local Council and the local government, under whose jurisdiction the reservation area is located,
7 shall employ the services of forest guards who shall be tasked with the responsibility to guard and
8 police the areas. They shall have the authority to arrest those caught violating the provisions of this
9 Act and the rules and regulations issued pursuant thereto.

10 In the event that any of the forest guards are found to be guilty of nonfeasance, misfeasance
11 or malfeasance, the forest guard or guards concerned and the officials of the Local Council and the
12 local government, by virtue of the principle of command responsibility, shall be held liable for such
13 violations and shall be prosecuted in accordance with the provisions of this Act without prejudice to
14 any criminal and/or liabilities provided for under existing laws of the country.

15 SECTION 9. Comprehensive Appraisal of Mangrove Forests.- Mangrove forest and other
16 areas suitable for mangrove rehabilitation should be assessed by the DENR using a set of criteria,
17 taking into consideration the principle of sustainable forest management and multiple use forestry
18 concepts. The result of the mangrove appraisal shall designate and categorize areas into production
19 and protection mangrove forest. The production mangrove forest shall be the area where economic
20 activities shall be allowed under sustained yield forest management concept while the protection
21 forest shall be designated as the mangrove reservation area where only the different preservation and
22 protection activities shall be allowed.

23 SECTION 10. Prohibited Acts. – The following acts are hereby prohibited within the mangrove
24 reservation areas:

- 25 a) Cutting, uprooting or destroying any mangrove tree;
- 26 b) Dumping of waste;
- 27 c) Construction or reclamation activity;
- 28 d) Illegal fishing activities that will result in the damaging and destruction of the mangrove
29 forest; and
- 30 e) Other acts or activities that will result in the damage and/or destruction of the mangrove
31 forest.

32 SECTION 11. Penalties. – Any person, natural or juridical, found guilty of violating any
33 provisions of this Act or the rules and regulations issued by the National Council, shall, after due
34 notice and public hearing by the regular courts of competent jurisdiction, be fined in the amount of
35 not less than Two hundred thousand pesos (PhP 200,000.00) but not more than One million pesos
36 (PhP 1,000,000.00) or imprisonment for not less than one (1) year but not more than six (6) years, or
37 both, at the discretion of the Court: *Provided*, That if the area requires rehabilitation or restoration as
38 determined by the Court, the offender shall also be required to restore or compensate for the restoration
39 of the damage.

40 If the offender is an association or corporation, the president or manager and the officer who has
41 direct knowledge over the offense shall be held liable under this Act.

42 SECTION 12. Separability Clause. – If, for any reason, any section or provision of this Act
43 shall be declared to be unconstitutional or invalid, the other sections or provisions not affected
44 thereby shall remain in full force and effect.

1 SECTION 13. Repealing Clause. – All laws, presidential decrees, executive orders, rules and
2 regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed
3 or modified accordingly.

4 SECTION 14. Effectivity. – This Act shall take effect fifteen (15) days after its complete
5 publication in at least two (2) newspapers of general circulation.

6 Approved,
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