

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

House Bill No. **5289**



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

Environmental laws must be attuned to the demands of climate change as well as the socio- economic needs of the increasing number of people living in our communities.

Presently, however, Presidential Decree No. 705, otherwise known as "The Revised Forestry Reform Code of the Philippines" requires that for the Department of Environment and Natural Resources to revert fishponds with Fisheries Lease Agreements (FLAs) to forest lands, the same must have been unutilized and abandoned for a period of five (5) years from the time it was release for such purposes. This period is deemed too long for such fishponds to be utilized for purposes other than that it was intended, such as using it for mangrove propagation to address the devastating effects brought about by climate change or for promoting eco-tourism activities to jumpstart the economy of communities wanting in socio-economic development.

To effectively implement the provision on the reversion of fishponds as well as the Fishpond Lease Agreements (FLAs) issued by the Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of Agriculture, covering fishponds, the DA should be mandated to prepare with the Department of Environment and Natural Resources (DENR), a set of joint guidelines in determining abandoned, undeveloped or underutilized fishponds.

This bill seeks to address these concerns.

Support for the enactment of this measure is earnestly requested.


REP. LINABELLE RUTH R. VILLARICA

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AN ACT REVERTING FISHPONDS TO FOREST LANDS WHICH HAVE BEEN
UNUTILIZED OR ABANDONED FOR A PERIOD OF THREE (3) YEARS TO THE
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AMENDING FOR
THE PURPOSE SECTION 43 OF PRESIDENTIAL DECREE No. 705 OTHERWISE KNOWN
AS *THE REVISED FORESTRY REFORM CODE OF THE PHILIPPINES*

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

SECTION 1. Section 43 of Presidential Decree No. 705, otherwise known as "The
Revised Forestry Reform Code of the Philippines" is hereby amended to read as follows:

SECTION 43. *Swamplands and Mangrove Forests.* –

xxx

Mangrove and other swamps released to the Bureau of
Fisheries and Aquatic Resources for fishpond purposes which are
not utilized or which have been abandoned for [five (5)] THREE
(3) years from the date of such release shall revert to the category
of forest land.

THE DEPARTMENT OF AGRICULTURE AND THE
DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES SHALL DETERMINE IN A SET OF JOINT
GUIDELINES, ABANDONED, UNDEVELOPED OR
UNDERUTILIZED FISHPONDS COVERED BY FISHPOND
LEASE AGREEMENTS (FLAs).

SEC. 2. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 3. *Repealing Clause.* – All laws, decrees, executive orders, issuances, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. *Effectivity.* – This Act shall take effect after fifteen (15) days from the date of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,