

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8324



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

Mangroves are salt-tolerant trees or small shrubs that grow in coastal saline or brackish waters. This bill, proposed in recognition of the invaluable contribution of these ingenious plants to the world's natural ecology, urges the establishment of mangrove reservation areas in all local government units along the coast.

The importance of mangroves lies in their unique biology. They are tough plants that thrive in highly hostile conditions. They are often soaked, and sometimes even submerged, in salty waters and stand on muddy soil. Its timber is resistant to rotting and insects, making it a valuable construction material. The roots are highly dense and gather sediments which prevent coastal erosion by stabilizing the ground, barring strong waves, winds and even floods. The plants also provide shelter to a wide variety of fish, crab, shrimp, and mollusk species, including threatened and endangered ones. According to the World Wildlife Fund (WWF), there are as many as 25 times more fish of some species on reefs close to mangrove areas than in areas where mangroves have been cut down. The contribution of mangroves, both in goods and services, is conservatively estimated to be worth US\$ 186 every year¹.

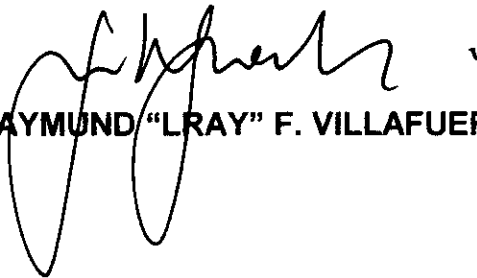
The Philippines is fortunate to have the 10th widest cover of mangrove forests in the world. This Representation is proud to share that the Province of Camarines Sur contributed to this when it planted more than one million mangrove propagules through the hard work of volunteers from the El Verde Movement in 2012. This placed the province in the *Guinness Book of World Records* for the most number of mangroves planted in one hour. This is a testament to the commitment of this Representation to protect and preserve these plants that our country have been blessed with.

By establishing protected mangrove zones and imposing strict penalties on those that bastardize these areas by cutting, uprooting, destroying or gathering any

¹ http://wwf.panda.org/our_work/oceans/coasts/mangroves/mangrove_importance/

mangrove tree or its products, dumping of wastes or fishing illegally therein, among other destructive and disruptive practices – the country is posed to enjoy the benefits of a healthy and thriving mangrove forest cover. Additionally, it provides us with opportunities to study these plants and discover more ways to utilize the same.

In light of the foregoing premises, the swift passage of this bill is humbly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT
ESTABLISHING THE NATIONAL COUNCIL FOR THE PRESERVATION OF
MANGROVE FORESTS

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as "***The Mangrove Forest Protection and Preservation Act.***"

SECTION. 2. *Declaration of Policy.* The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Towards this end, the State shall establish measures that safeguard the country's mangrove resources from destruction, exploitation, and unregulated removal and bring an end to activities which cause the destruction of these resources. Further, in recognition of the important ecological role of our mangrove resources as habitat for various marine and estuarine animals, for water quality maintenance and as food-web support, the State shall hereby endeavor to maintain the natural diversity of animals and plants found in mangrove areas. Thus, the State hereby undertakes to ensure the preservation, reforestation and sustainable development of the mangrove resources through the establishment of reservation areas exclusively for mangrove forests.

SECTION. 3. *Definition of Terms.*

- 1) Coastal areas – refer to the band of dry land and adjacent ocean space in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa, its geographical extent may include areas within a landmark limit of one kilometer from the shoreline and high tide to include mangrove swamps, brackish water

- ponds, nipa swamps, estuarine rivers, sandy beaches, and other areas within a seaward limit of two hundred (200) meters isobath to include coral reefs, algal flats, seagrass beds, and other soft-bottom areas;
- 2) Mangrove forest – a type of forest occurring on a tidal flat along the sea coast, extending along streams where the water is brackish;
 - 3) Reservation areas – portions of coastal areas which have been set aside exclusively for reforestation, conservation, and preservation purposes; and
 - 4) Reforestation - 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 local government units with coastal areas within the Philippines portions of land solely for the preservation, protection, reforestation, and sustainable management of mangrove forests to be known as Mangrove Reservation areas. All existing mangrove forest reserves declared as such under Presidential Proclamation 2152 and all other areas that may hereinafter be declared as such pursuant to a law or executive order shall automatically form part of said reservation areas.

SECTION. 5. *Establishment and Composition 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 attached agency of the Department of Environment and Natural Resources (DENR).

The National Council shall be composed of ten (10) members consisting of:

- 1) the Secretary of the DENR who shall act as Chairman;
 - 2) the Secretary of the Department of Agriculture (DA) who shall act as vice-chairman;
 - 3) the Secretary of the Department of Science and Technology (DOST);
 - 4) the Director of the Bureau of Fisheries and Aquatic Resources (BFAR);
 - 5) the Director of the Forest Management Bureau (FMB) of the DENR;
 - 6) the Director of the Ecosystem and Research Development Bureau (ERDB);
 - 7) the Administrator of the National Mapping and Resources Information Authority (NAMRIA);
 - 8) a representative from the academe to be appointed by the President;
 - 9) a representative from the research institutions conducting researches on sustainable mangrove forest management to be appointed by the President;
- and,
- 10) a representative from a non-government organization (NGO) conducting programs on sustainable mangrove forest management to be appointed by the President.

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

- 1) Review existing, relevant policies and conduct studies on mangrove forest and its preservation;
- 2) Prepare a comprehensive program for the preservation, reforestation, and sustainable development of mangrove forests;
- 3) Establish the guidelines in identifying the coastal areas which shall form part of the mangrove reservation areas;
- 4) Identify and delineate the boundaries of the coastal which shall form part of the mangrove reservation areas;
- 5) Exercise control and supervision over all the local councils; and
- 6) Promulgate the necessary rules and regulations to carry out the provisions of this Act.

SECTION. 7. *The Local Councils 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 local government units where a mangrove reservation area has been identified. Each Local Council shall be chaired by the Regional Executive Director of the DENR whose jurisdiction the reservation area is located, with the following members:

- 1) A member of the municipal council of the municipality concerned;
- 2) A member of the barangay council from each barangay under whose territory the reservation area is located; and
- 3) A representative from an accredited non-governmental organization (NGO) involved in environmental advocacy.

SECTION. 8. *Powers and Functions of the Local Council.* – The local council shall exercise the following powers and functions:

- 1) Implement and enforce all the programs and policies laid down by the National Council;
- 2) Carry out the general administration and day-to-day planning of the program;
- 3) Secure the mangrove reservation area from illegal and destructive activities which would endanger the successful implementation and viability of the program;
- 4) Engage the services of forest guards who shall be tasked to guard and police the areas and arrest those caught in violation of the provisions of this Act;
- 5) Provide the forest guards the necessary skills, knowledge training, and support;
- 6) Conduct periodic consultations with the appropriate local government unit, non-governmental and people's organizations and other concerned sectors of

the community on issues, concerns, and projects affecting the mangrove reserves in the locality; and

- 7) Such other powers and functions as may be designated by the National Council

SECTION. 9. *Mandatory Prior Consultation.* – No project or program that may cause pollution, deduction or loss of mangrove forests or extinction of marine and estuarine plant and animal species shall be implemented by the National or Local Council without prior consultations with the local government unit concerned, non-governmental or people's organizations, and other sectors concerned to explain the objectives of the project or program, its impact on the people and the community in terms of ecological balance, and the measures that will be undertaken to prevent the adverse effects thereof, *provided*, that the prior approval of the *Sanggunian* concerned shall be obtained in accordance with the provisions of Republic Act 7610.

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

- 1) Cutting, uprooting, destroying or gathering any mangrove tree or any mangrove forest products;
- 2) Dumping of waste;
- 3) Construction or reclamation activity without the necessary license, permit, or authority;
- 4) Illegal fishing activities that will result in the damage and destruction of the mangrove forest;
- 5) Conversion of mangrove reservation areas into fishponds or any other purpose; and
- 6) Other acts or activities that will result in the damage and/or destruction of the mangrove forest, as determined by the Local Council concerned.

SECTION. 11. *Penalties.* – Any person, natural or juridical, found guilty of violating any of the provisions of this Act or the rules and regulations issued by the National Council, shall, after due notice and public hearing by the regular courts of competent jurisdiction, be fined in the amount of not less than One Hundred Thousand Pesos (Php 100,000.00) but not more than One Million Pesos (Php 1,000,000.00) or imprisonment of not less than one (1) years but not more than six (6) years, or both, at the discretion of the Court, the offender shall also be required to restore or compensate for the restoration of the damage. If the offender is an association or corporation, the President or Manager and the officer who has direct knowledge over the offense shall be held liable under this Act.

SECTION. 12. *Appropriations.* – The amount needed for the initial implementation of this Act shall be charged against the current appropriations of the Department of

Environment and Natural Resources. Thereafter, such amount necessary for the continued and effective implementation of the provisions of this Act shall be included in the General Appropriations Act the year following its enactment.

SECTION. 13. *Separability Clause.* – If, for any reason, any section or provision of this Act shall be held unconstitutional or invalid, the other section or provision not otherwise affected shall remain in full force and effect.

SECTION. 14. *Repealing Clause.* – All laws, presidential decrees, executive orders, proclamations, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,