



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18th) CONGRESS

First Regular Session

HOUSE BILL NO. 539

Introduced by **MAGSASAKA Partylist Representative**
Argel Joseph T. Cabatbat

**AN ACT ESTABLISHING THE NATIONAL COASTAL GREENBELT
PROGRAM, PROVIDING FUNDS THEREFOR, AND OTHER PURPOSES**

EXPLANATORY NOTE

The bill entitled, "*An Act Establishing the National Coastal Greenbelt Program, Providing Funds Therefor, and for Other Purposes,*" was first filed by Rep. Rodel M. Batocabe in the 16th Congress and re-filed together with two (2) other representatives in the 17th Congress.

This representation, through the filing of this bill, seeks to establish measures which will resolve the negatively impactful outcome of natural disasters. The last decade alone registered five (5) of the strongest, and perhaps the deadliest, typhoons to ever hit the country since the 1950s. Most notable is the lingering effects of the damages and losses caused by Yolanda (international name Haiyan) in Eastern Visayas where, even five (5) years after, the people and communities have yet to fully recover despite the outpouring of local and international assistance.

The archipelagic characteristic of the Philippines affords us with one of the most biodiverse territories in the world. Having the fifth longest coastline puts 79% of our coastal provinces, or 64 out of 81, with a valuable resource in fisheries, industrial ports, and tourism. However, it also results in high disaster risk and hazard exposure which, in fact, placed the country at the top of the Global Climate Risk Index in 2015. Furthermore, the impacts of climate change continually threaten these coastal communities, making them constantly vulnerable and susceptible to the devastating effects of harsh weather phenomena.

The establishment of National Coastal Greenbelt Program aims to strengthen the existing laws, improve policies and measures to ensure innovative and viable programs which will promote, among others, beach forest protection, mangrove rehabilitation, and sustainable management of such.

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



ARGEL JOSEPH T. CABATBAT
Representative
MAGSASAKA Party-List



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

1 **Section 1. Title.** – This act shall be known as the "National Coastal Greenbelt Act of
2 2019."

3
4 **Sec. 2. Policy.** – The State shall ensure the protection of the rights of the people to
5 a healthful and balanced ecology. Consistent with the Climate Change Act of 2009
6 (R.A. No. 9729, as amended by R.A. No. 10174), the State shall encourage the
7 participation of the national government, local governments, businesses, non-
8 government organizations, local communities and the public to prevent and reduce
9 the adverse impact of climate change. The State shall also recognize that climate
10 change and disaster risk reduction and management are closely interrelated. The State
11 shall incorporate a gender-sensitive, pro-children and pro-poor perspective in all plans
12 of disaster risk reduction and management. These principles shall be further integrated
13 into climate change programs and initiatives. Taking into account the effects of climate
14 change and the need to conserve and develop the conditions of our environment, the
15 State shall take appropriate measures to protect the lives and property of the people
16 from the impacts in coastal areas of typhoons, tsunamis and similar natural events.

17
18 **Sec. 3. Definition of Terms.**

- a. Coastal Greenbelts – A strip of natural or planted coastal vegetation, stretching at least 100 meters in width from the sea towards land, primarily of mangrove and beach forest species, which are designed to prevent coastal erosion, and mitigate the adverse impacts of natural coastal hazards on human lives and property.
- b. Designated Area for Coastal Greenbelts – Site specific stretch of vegetation in areas with abandoned fishponds required the reversion of these fishponds to mangroves through natural regeneration or replanting with locally appropriate species. Designated areas with illegal structures (such as breakwaters, permanent residential/commercial structures, and the like) require removal of such structures.
- c. National Coastal Greenbelt Action Plan (NCGAP) – The operational plan that shall serve as the guide for the Local Greenbelt Action Plan (LCGAP). It shall contain the implementing guidelines on how to go about Section 4 of this Act.
- d. Local Coastal Greenbelt Action Plan (LCGAP) – The local action plan shall be based on the NCGAP. It shall contain the specific goals and targets for the implementation of the program set in the NCGAP.

Sec. 4. National Coastal Greenbelt Action Plan (NCGAP). – The Climate Change Commission shall, within six (6) months, identify and convene all national agencies responsible for foreshore management, mangrove and beach forest protection and utilization, coastal land and sea-use planning, coastal tourism development, social welfare of coastal communities, and other relevant mandates, to prepare an integrated National Greenbelt Action Plan (NCGAP).

The NCGAP shall, at the minimum, contain the following:

- a. Spatial representation, or if feasible, quick/rapid inventory of the status of coastlines and foreshores, including the status of mangroves, beach forests, settlements, structures and fishponds within 100 meters therein;
- b. Assessment of priority area to be declared as coastal greenbelts, for each coastal province, city and municipality, to protect by means of mangroves and beach forests, based on vulnerability to storm surges, waves, tsunami and the like. The action plan shall indicate that the assessment of priority areas shall be completed within twelve (12) months from the adoption of the NCGAP;
- c. Designation of priority areas for coastal greenbelts that are already included as either a protected area under the National Integrated Protected Areas System (R.A. No. 7586), or as a fish refuge or sanctuary under the Fisheries Code of 1998 (R.A. NO. 8550), or as local marine protected area as may be declared by municipalities and cities through

ordinances. The designation shall be completed within six (6) months from the completion of the assessment. Designation shall also be done through a proposal to the appropriate agency, municipality or city as may be deemed necessary. If an area is designated as a priority area, no structure shall be allowed in the said area unless it is approved by the DENR or BFAR, as may be appropriate;

- d. Operational plan for the rehabilitation, reforestation or afforestation of designated priority coastal greenbelts with ecologically appropriate mangrove and beach forest species, not less than 100 meters minimum target area of twenty percent (20%) of the designated priority areas in the first five (5) years for maximum protection of the most vulnerable communities in the city or municipality. The remaining priority areas must be completed within ten (10) years, the designation of the priority area;
- e. Operational Plan for the reversion of all abandoned fishponds to mangroves through natural regeneration or replanting with locally appropriate species. The NCGAP shall indicate that the identification and recovery of possession from the delinquent fishpond lease agreement holders shall be completed within twelve (12) months from the adoption thereof. All fishpond areas to be reverted to mangroves shall form part of the minimum target for the first year of implementation of the Action Plan
- f. Operational Plan for the removal of illegal structures (such as breakwaters, permanent residential/commercial structures, and the like), in the identified priority coastal greenbelts. The NCGAP shall indicate that the declaration of and notice to persons responsible for removal of illegal structures shall be completed within twelve (12) months thereof. The removal of illegal structures in and start of rehabilitation, reforestation or afforestation of these areas shall form part of the minimum target for the first year of implementation of the Action Plan;
- g. Monitoring and evaluation plan, with quantitative and qualitative targets consistent with (d), (e), and (f) above, appropriate indicators and reasonable means of verification. The plan shall become an integrated part of the Action Plan and Annual Report to Congress.

The Climate Change Commission (CCC) shall be responsible for consolidating the NCGAP not later than twelve (12) months from the date this Act takes effect.

Sec. 5. Key Implementing Agencies. – The following agencies shall take the lead in implementing components of the Program and Action Plan that are relevant to their mandates:

- 1 a. The Climate Change Commission (CCC) shall be responsible for the
2 congregation of relevant government agencies, facilitation of public
3 participation in the preparation of the NCGAP, integration of the NCGAP
4 into the Local Action Plans including the power of approving putting up
5 necessary structures in the Designated Areas, and the preparation of the
6 integrated report to Congress especially with regard to the expenditure
7 of the appropriation and other pertinent matters under Section 8 of this
8 Act;
- 9 b. The Department of Environment and Natural Resources (DENR), through
10 its relevant offices, shall be responsible for the (a), (b), (c), (d) and (f)
11 of Section 4 of this Act in line with existing laws and mandates, and it
12 shall provide the CCC all relevant information to aid in the monitoring
13 and evaluation of the NCGAP. In particular, the DENR shall identify the
14 Designated Areas that will need to be expropriated by the government
15 and to recommend the expropriation plan to the CCC.
- 16 c. Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of
17 Agriculture (DA) shall coordinate with DENR for (e) in Section 4 above
18 all the Operational Plan that provides for the reversion of all abandoned
19 fishponds to mangroves through natural degeneration or replanting with
20 locally appropriate species in the line with existing laws and mandates,
21 and it shall provide the CCC all relevant information to aid in the
22 monitoring and evaluation of the NCGAP;
- 23 d. The Department of Interior and Local Government (DILG) through its
24 relevant office, shall provide the technical guidance for provinces, cities
25 and municipalities to develop Local Coastal Greenbelt Action Plans,
26 design and implement community-based and ecologically appropriate
27 rehabilitation, reforestation and afforestation programs, and monitor
28 and evaluate their programs. In particular, the Local Inter Agency
29 Committee (LIAC) shall coordinate with the Local Government Unit in
30 implementing the action plans.

31
32 In addition, the National Housing Authority (NHA) shall provide appropriation for the
33 relocation of the families or individuals who will be affected by the Designated Areas.
34 The other agencies that participated in the preparation of the Action Plan shall
35 implement their commitments, as provided therein. The actions required of
36 implementing agencies are immediately executable based on the agreed National
37 Coastal Greenbelt Action Plan, and on their existing mandates, programs or budgets
38 that are aligned with the Action Plan, without need for formulating implementing
39 guidelines, rules and regulations for this Act.
40

Sec. 6. National Technical Advisory Committee. – The Climate Change Commission shall convene a National Technical Advisory Committee (NTAC) composed of:

- a. A technical representative from the Climate Change Commission (CCC)
- b. A technical representative from the Department of Environment and Natural Resources (DENR)
- c. A technical representative from the Bureau of Fisheries and Aquatic Resources (BFAR)
- d. Two (2) known experts in mangroves and beach forest ecosystems, oceanography or other related disciplines
- e. A representative from a non-government organization or a people's organization that demonstrates capacity to promote the public interest and with identifiable leadership, membership and structure that has been actively involved in mangrove research and has produces actual publication in mangrove research as among the criteria that shall be set by the DENR, BFAR and CCC.

The National Technical Advisory Committee shall provide scientific guidance in the design, implementation and evaluation of actions under the NCGAP. The experts shall serve in the Committee without compensation but may be reimbursed for basic expenses to attend meetings and prepare technical reports.

Sec. 7. Local Coastal Greenbelt Action Plan. – Each coastal municipality and city in the identified priority coastal greenbelt areas in the Action Plan shall prepare a Local Greenbelt Action Plan (LCGAP) to facilitate the implementation of mandated actions in the NCGAP. The roles of the municipality or city, as provided in the local LCGAP shall be to:

- a. Facilitate the implementation of the mandates of the national agencies under Section 4, by providing local data and other supporting measures;
- b. Implement complimentary programs to assist the local communities and local businesses that are affected by the actions under Section 4, such as relocation sites with basic services such as livelihood and transportation programs, zoning or re-zoning of the priority coastal greenbelt areas, as appropriate, and the like;
- c. Provide the actual inventory of affected families in Designated Areas and to ensure that a just and humane process of relocation done
- d. Lead in the actual implementation of rehabilitation, reforestation and afforestation, through the coastal barangays;

- e. Integrate the identified coastal greenbelts in the Comprehensive Land-Use Plan;
- f. Provide data and qualitative feedback to the Key Implementing Agencies, as may be relevant.

The provincial government shall provide the technical and budgetary support to component coastal cities and municipalities sharing a common priority coastal greenbelt area.

Sec. 8. *Enforcement Actions.* –

- a) In addition to the penalties provided under existing law, any person who obstructs the DENR in the removal of illegal structures, or BFAR in the process of reversion of abandoned fishponds, shall be liable to that agency for an administrative fine of fifty thousand pesos (P50,000) per day that the agency is prevented from performing its function.
- b) No structures shall be built within the identified coastal greenbelts without a permit from DENR or BFAR, consistent with their mandates. Any person who violates this prohibition shall be liable to the agency for an administrative fine of fifty thousand pesos (P50,000) per day from the time the structure was built until its removal.
- c) Proceeds from the administrative fines under this Section shall be retained by the agency imposing such fines and used exclusively for the implementation of its mandate under this Act.
- d) Legal actions filed in the exercise of rights and enforcement of obligations under this Act shall be covered by the Rules of Procedure for Environmental Cases.

Sec. 9. *Appropriations.* – The Key Implementing Agencies shall draw from their existing programs and budgets to implement their responsibilities under the Action Plan, and through the People's Survival Fund, where appropriate, subject to additional funding in the annual national appropriations, to meet the targets agreed in the Action Plan.

Sec. 10. *Annual Report to Congress.* – The Key Implementing Agencies shall report to Congress on their progress in meeting the quantitative and qualitative targets under Action Plan for each fiscal year. The reports shall be consolidated by the Climate Change Commission for the presentation to the appropriate Committee in Congress at a meeting called for the purpose.

1 **Sec. 11. *Effective Date.*** – This Act shall take effect fifteen (15) days after publication
2 in the Official Gazette and in two (2) national newspapers of general circulation.

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4 *Approved,*