

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

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3460



**Introduced by HON. MUJIV S. HATAMAN of the Lone district of Basilan and
HON. AMIHILDA J. SANGCOPAN Anak Mindanao (AMIN) Party List
Representative**

EXPLANATORY NOTE

Wetlands refer to a wide variety of inland habitats such as natural pools/ponds, springs, freshwater swamps/marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as estuaries, saltmarshes, mangroves, lagoons, intertidal flats and seagrass beds, and also coral reefs and other marine areas no deeper than six meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies, fish ponds, salt pans, and wastewater treatment ponds. Wetlands also refer to water bodies or aquatic ecosystems except oceans and the deep sea.

The most recent estimate of global inland and coastal wetland area is in excess of 12.1 million km², an area almost as large as Greenland (Global Wetland Outlook 2018). For the Philippines, the 2016 Atlas of Philippine Inland Wetlands and Classified Caves put their numbers at 314 inland wetlands and 2,487 river systems. Out of these 314 wetlands are 221 lakes, 14 marshes and swamps, 9 peatlands, 39 water storage, and 31 ponds. Due to its archipelagic nature, the Philippines has numerous coastal wetlands such as coral reefs, seagrass beds, mangrove swamps, estuaries, and intertidal flats.

In Mindanao, the approximate number of inland wetland is about 129 which is about 200,000 hectares. Among these are the special types of wetlands such as peatlands, marshes, and swamps predominantly located in the provinces of Agusan del Sur, Agusan del Norte, Surigao del Sur, Surigao del Norte, Siargao Island, Dinagat Island, North Cotabato, Maguindanao, and Shariff Kabunsuan. Three of the six major lakes in the Philippines are located in Mindanao and these are Lanao Lake, Lake Mainit, and Buluan Lake.

Wetlands provide a wide range of ecosystem services that is vital for human survival. They provide critical food supplies including rice and fish, fresh water, fiber, and fuel. They also serve as the habitat of threatened species of Philippine flora and fauna and harbors biodiversity that is vital in sustaining life and promoting human well-being and sustainable development. Another notable services of wetlands are its capacity to supply and regulate water and act as natural safeguards against disasters thus protecting vulnerable communities to devastating effects of floods, droughts, and storm surges. Indeed, healthy and well-managed wetlands increase resilience to climate change and extreme weather events. Furthermore, it is their natural feature to have cultural and

spiritual importance, like for the Maranaoans. Wetlands also offer recreational and tourism benefits to people.

Despite the wide range of ecosystems services provided by wetlands, they are laced with countless issues and concerns that pose a great challenge in maintaining the integrity of these important ecosystems. Foremost of these is the degradation of wetlands due to their conversion to other land and water uses. These are in turn caused by human actions such as drainage, dredging and stream channelization, damming, poor agricultural practices, introduction of alien invasive species, and such other extractive activities. Natural actions such as drought, severe storms, and climate change also serve as direct and indirect drivers of change for wetlands. These human and natural actions often result to siltation and sedimentation, release of toxic chemicals, pollution, runoff, changing nutrient levels, subsidence, sea level rise, and loss of biodiversity.

Scientific studies show that 64 percent of the world's wetlands have disappeared since 1900. Compared against figures in 1700s, an estimated 87 percent of wetlands have been lost. The loss is even higher in some regions particularly Asia. Inland wetlands are disappearing at a faster pace than coastal ones but the overall trend is clear. As a result, access to fresh water is declining for one to two billion people worldwide, while flood control, carbon storage and traditional wetland livelihoods all suffer. (Ramsar, 2014)

The Living Planet Index, created by the World Wide Fund for Nature and the UNEP- World Conservation Monitoring Centre, provides a measure of the trends in more than 3,000 populations of 1,145 vertebrate species around the world and is an aggregate of three separate indices of change in freshwater, marine, and terrestrial species. The index showed that freshwater populations have declined consistently and at a faster rate than the other species groups assessed, with an average decline of 50 percent between 1970 and 2000. In the same period, both terrestrial and marine fauna decreased by 30 percent. In general, the trend is one of continuing decline in each ecosystem over the 30-year period. Therefore, it is clear that global wetland loss and degradation continues faster than any other ecosystems (Millennium Ecosystem Assessment, 2005).

The Convention on Wetlands, also known as the Ramsar Convention, in which the Philippines is a Contracting Party, is the only international treaty focused on the wise use and conservation of wetlands. As a Contracting Party, the country is committed to adopt and implement laws, policies and plans so as to promote wise use of wetlands or the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.

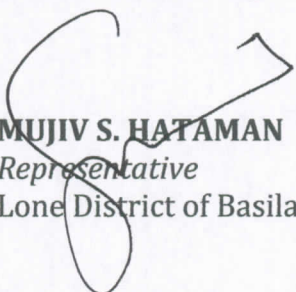
While wetland conservation and wise use is already promoted, directly and indirectly, under existing laws on water resources, water quality management, fisheries and aquatic resources, wildlife resources and their habitats, protected areas, land use development, public infrastructure, and environmental impact assessment, among others, there is no single Philippine legislation that deals specifically on wetlands. The policy review found that not all wetlands are equally protected and that the degree of protection depends on the classification or kind of wetland. To add with, most of the wetlands have limited legal protection from uses incompatible with the maintenance of its ecological character. Given that the legal bases for wetland conservation and wise use

are dispersed in various laws, there is still a need for a concise policy statement on wetlands to be adopted at the national level.

This legislative measure seeks to guide all concerned national government agencies and local government units in adjusting their sectoral or local policies, plans and programs to be consistent with wetland conservation and wise use. This will also greatly enhance current efforts to raise awareness on the importance of wetlands as the "cradle of biodiversity." This proposed measure will also provide the opportunity to comply with the directives on the mainstreaming of disaster risk reduction and management, climate change and biodiversity conservation in policy formulation.

The approval of this bill will ensure the protection, conservation, and wise use of all wetlands, eventually contributing to the human well-being of the present and future generations.

In view of the foregoing, immediate passage of this measure is earnestly sought.



MUJIV S. HATAMAN
Representative
Lone District of Basilan



AMIHILDA J. SANGCOPAN
Representative
Anak Mindanao Party List

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Introduced by Hon. MUJIV S. HATAMAN of the Lone District of Basilan and
Hon. AMIHILDA J. SANGCOPAN of Anak Mindanao (AMIN) Party-list

AN ACT ESTABLISHING A NATIONAL WETLAND POLICY,
PROVIDING MECHANISMS FOR ITS INSTITUTIONALIZATION,
AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. – This Act shall be known as the “*Wetlands
Conservation Act of 2019*”.

SECTION 2. Declaration of Policy. – In accordance with law, it is the policy of the State to conserve and wisely use wetlands and wetland resources consistent with the principles of sustainable development, inclusive growth, poverty reduction, food security, biodiversity conservation, climate change adaptation and mitigation, and disaster risk reduction and management, while advancing the right to a balanced and healthful ecology in accordance with the harmony and rhythm of nature.

SECTION 3. Guiding Principles. - The following principles shall guide the implementation of the National Wetland Policy:

- a. Promotion of human health and well-being and the right to a balanced and healthful ecology;
- b. Prevention of further loss of ecosystem services due to wetland conversion or degradation;
- c. Adoption of the ecosystem approach;

- d. Maximization of the contribution of wetlands to disaster risk reduction, climate change mitigation and adaptation and biodiversity conservation;
- e. Use of appropriate technology for necessary development activities in or around wetlands;
- f. Rehabilitation and restoration of water bodies; and
- g. Raising awareness on the importance of wetlands, wetland threats and issues

SECTION 4. Coverage. - This Order shall apply to all wetlands in the Philippines, including human-made wetlands that have importance as wildlife habitat.

SECTION 5. Definition of Terms.-

- a) *Biodiversity* - the variability among all living organism from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes or which they are part: this includes diversity within species, among species and of ecosystems.
- b) *Categories of wetlands* - for purposes of description only and to provide better understating of the different wetland types, wetlands may be classified under three (3) broad categories:
 - 1. *Inland wetlands*, which includes springs, creeks, rivers, streams, waterfalls, freshwater swamps, freshwater marshes, peatlands, natural ponds or pools, wet caves and lakes;
 - 2. *Coastal wetlands*, which includes bays, straits, seagrass beds, coral reefs, sand bars, inter-tidal mud, sand or salt flats, mangrove swamps, saltmarshes, estuaries, marine shores and saline lagoons; and
 - 3. *Human-made wetlands*, which include fish and shrimp ponds, farm ponds, mining ponds, salt pans, dams, small water impounding areas, reservoirs, irrigated agricultural lands and canals.
- c) *Ecological character* - the combination of the ecosystem components, processes and benefits/services that characterize the wetland at a given point in time.
- d) *Ecosystem approach or ecosystem-based approach* - is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.
- e) *Ecosystem Services or Ecological Services* - the benefits people obtain from ecosystems. These include provisioning services such as food and water;

regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services, such as nutrient cycling, that maintain the conditions for life on Earth.

- f) *Sustainable development* - development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
- g) *Wetlands* - refer to a wide variety of inland habitats such as natural pools/ponds, springs, freshwater swamps/marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as estuaries, saltmarshes, mangroves, lagoons, intertidal flats and seagrass beds, and also coral reefs and other marine areas no deeper than six meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies, fish ponds, salt pans, and wastewater treatment ponds.
- h) *Wise use of wetlands* - the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development;

SECTION 6. Integration and Mainstreaming of Wetland Conservation and Wise Use. - All government agencies and offices and local government units shall integrate and mainstream the wetland conservation and wise use into their policies, rules and regulations, programs, projects and development planning process. They shall also directly consult with the DENR and affected LGUs in the development and implementation of their plans, programs and projects within or having an impact on wetlands.

SECTION 7. Conservation of wetlands. - Wetlands of the public domain shall no longer be classified and released as agricultural land. Where appropriate, wetlands of the public domain shall be prioritized for protection under the National Integrated Protected Areas System (NIPAS) Act, the Wildlife Resources Conservation and Protection Act, or the Revised Fisheries Code, as amended.

SECTION 8. Wetland drainage and reclamation. - In accordance with law, no further drainage, reclamation or conversion of wetlands shall be permitted, except when necessary for national interest and security. In such exceptions, all legal requirements shall be strictly complied with including, but not limited to, applicable rules and regulations on environmental impact statements and National Economic Development Authority (NEDA) approval for reclamation projects.

Wetland conversion that causes adverse effects to the environment shall be prosecuted as a form aquatic pollution.

SECTION 9. Enforcement of easement zones, danger zones and other land use setbacks. - All concerned government agencies and LGUs shall strictly implement land use setback provisions imposed by law, which include:

- a. Prohibition of the building of any structure along the easement zones of banks or rivers and streams and the shores of the seas and lakes. This easement zone has a width of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas.
- b. Eviction and resettlement of occupants of danger zones such as riverbanks and shorelines, including lakeshores and seashores
- c. Construction of houses and other residential structures and buildings at a safe distance from streams or bodies of water.

While primarily intended for human welfare and safety, these land use setback provisions also benefit wetlands by limiting development at certain distances from wetlands. These measures address both disaster risk reduction and wetland conservation concerns.

SECTION 10. Role of Local Government Agencies. - The municipal, city, or provincial Local Government having territorial jurisdiction over the wetlands shall integrate with their urban development plan, conservation measures being implemented in this Act. In this regard, it shall be categorized as a criminal act, to issue permits, documents, and effects in violation of this Act.

SECTION 11. Penal Provision. - Violation under this Act or any rule or regulation pursuant to this Act, shall upon conviction, be punished with a fine of not less than Two Hundred thousand pesos (P200,000) or imprisonment of not less than six (6) months or both, shall be imposed at the discretion of the court.

SECTION 12. Lead Agencies for Compliance and Monitoring. - The Department of Environment and Natural Resources (DENR) through the Biodiversity Management Bureau, shall be the lead agency in monitoring overall compliance with this Order, particularly by all national government agencies.

The Department of Interior and Local Government (DILG) shall monitor compliance by local government units and shall formulate and implement incentive schemes to promote local government wetland conservation and wise use practices.

SECTION 13. Creation of the National Wetlands Conservation Committee. - There is hereby created a National Wetlands Conservation Committee (NWCC) tasked to perform oversight functions on the integration of the National Wetland Policy into national, sectoral and local plans, programs and projects.

SECTION 14. Composition of the NWCC. - The DENR Secretary and the Director General of the National Economic and Development Authority (NEDA) shall be the Co-chairpersons of the NWCC. The NWCC shall be composed of the following members:

The Secretary of the Department of Agriculture
The Secretary of the Department of Agrarian Reform
The Secretary of the Department of Interior and Local Government
The Secretary of the Department of Public Works and Highways
The Secretary of the Department of Science and Technology
The Secretary of the Department of Tourism
The Secretary of the Department of Transportation
The Chief Executive Officer of the Housing and Land Use Regulatory Board
The Executive Director of the Climate Change Commission
The Executive Director of the National Disaster Risk Reduction and Management Council

SECTION 15. Inter-agency representatives. - The foregoing members of the NWCC shall designate alternate representatives, holding a position not lower than a Director level, to ensure their respective agency's presence and support to the responsibilities of the Committee.

The NWCC shall also have representatives from the relevant civil society organizations, peoples' organizations, academe, and the business sector.

The NWCC may call on or invite other entities or individuals, both public and private, to render support and assistance to the Committee for the effective implementation of the NWAP.

SECTION 16. Functions of the NWCC. - The NWCC shall have the following responsibilities:

- a) Recommend policies for the management and conservation of wetlands;
- b) Coordinate all efforts in the conservation and wise use of the country's wetlands and wetland resources;
- c) Formulate and oversee the implementation of a national wetland conservation program;
- d) Establish and implement a monitoring scheme on the implementation of the NWAP;
- e) Review and provide inputs on policies and management initiatives related to wetlands;
- f) Recommend wetland areas to be nominated for inclusion to the Ramsar List of Wetlands of International Importance (or as Ramsar Site);
- g) Establish linkages and networking with concerned national and international organizations, as well as relevant local government units, to promote information exchange and synergies on wetland conservation;
- h) Hold quarterly meetings, or as often as may be deemed necessary by the Co-chairpersons;
- i) Submit an annual report on the status of the Philippine wetlands and the progress of implementation of the NWAP no later than June of every year; and
- j) Perform such other functions as may be necessary, consistent with the foregoing functions of the NWCC.

SECTION 17. NWCC Secretariat. - The Biodiversity Management Bureau (BMB) of the DENR is hereby designated as the NWCC Secretariat. It shall provide technical and administrative support to the NWCC. The Secretariat shall be headed by the Director of BMB.

SECTION 18. Appropriations. - The amounts necessary to implement this Act during the first year of implementation shall be sourced from the DENR. Thereafter, such amounts necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act.

SECTION 19. Implementing Rules and Regulations. - Within six (6) months from the date of this Order, the NWCC through the interagency member representatives shall issue the guidelines for the proper observance and implementation of laws relating to wetlands and wetland resources.

SECTION 20. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, the provisions not affected thereby shall continue to be in full force and effect.

SECTION 21. Repealing Clause. - All laws, decrees, orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 22. Effectivity. - This act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved.