

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7206



Introduced by **REP. STRIKE B. REVILLA**

EXPLANATORY NOTE

This Act seeks to manage, conserve and protect all peatlands and peatland resources nationwide within public and private lands. Specifically, this 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 protection and conservation of peatlands. This will also greatly enhance current efforts to raise awareness on the importance of peatlands particularly in terms of climate change mitigation. Furthermore, this Bill will be the driving force to achieve the long-term vision of our Philippine Development Plan 2017-2022 in ensuring ecological integrity by improving and strengthening peatlands conservation and management.

Peatlands are wetland ecosystems that are characterized by the accumulation of organic matter called peat which derives from dead and decaying plant material under high water saturation conditions (CC-GAP, 2005). They are one of the unique and most significant ecosystems which have key values for biodiversity conservation, water and climate regulation, and support for human welfare. They are the world's significant carbon sink but once drained and degraded, peatlands become susceptible to fire and become carbon source.

According to the Department of Environment and Natural Resources (DENR), peatlands cover an estimated area of 400 million hectares globally. This is equivalent to about 3 percent of the Earth's land surface.

In the Philippines, according to the DENR-BMB, citing the 2016 Atlas of Philippine Inland Wetlands and Classified Caves, there are currently nine identified peatlands in the country. They are the Tan-ag Ilaya in Quezon Province, Sab-A in Leyte, San Teodoro and San Vicente Peatlands in Agusan del Sur; and the Agusan Marsh peatlands in Talacogon, Caimpugan, Novelle and Bayugan III, Kalingayan-Consuelo and Pag-Asa, having the total area of 17, 019.90 hectares.

There are other lesser known and relatively disturbed smaller areas of peatlands in Mindoro, Samar and Quezon.

To date, there is no single national policy that deals directly on peatlands, specifically on their conservation and sustainable use. Of the nine (9) peatlands mentioned above, only the Caimpugan Peat Swamp Forest in Agusan Marsh Wildlife Sanctuary is protected under the National Integrated Protected under the National Integrated Protected Area System (NIPAS) Act, as amended by Republic Act 11038 Expanded National Integrated Protected Areas System (ENIPAS) Act of 2018.

As of 2019, a total of 24 possible peatlands areas all over the country had been reported, with 15 new records of peatlands added and facing threats of degradation.

The ASEAN Member States signed the ASEAN Agreement on Transboundary Haze Pollution (AATHP) on 10 June 2002, which aims to prevent, monitor, and mitigate land and forest fires to control transboundary haze pollution through concerted national efforts, regional and international cooperation. This Agreement was ratified by the Philippines on 1 February 2010. One of the concrete and collective actions under the AATHP Roadmap is specifically on the sustainable management of peatlands for peatland fire prevention. Moreover, under the ASEAN Peatland Management Strategy 2006-2020, the ASEAN Member States are committed to develop or strengthen policies and legislation to protect peatlands and reduce occurrence of peatland fires.

The Philippines, is also a signatory to the Convention on Wetlands, also known as the Ramsar Convention, which entered into force in the Philippines on November 8, 1994. As a Contracting Party, we are committed to work towards the adoption and legislation of a national policy that will protect wetlands, including peatlands. Recognizing the importance of peatlands, the Ramsar Convention also provides Contracting Parties with several guidance on global actions for peatland restoration, conservation and as criteria for identification of international significance through the Ramsar Site network.

Unlike any other wetland types, peatlands in the country were only documented starting in 2005. There is a fundamental lack of awareness on peatlands, its characteristics and appropriate management strategies for peatlands in all sectors, from local people to non-government organizations (NGOs) and government agencies. Peatlands have been a common target for agricultural development and oil palm plantations that drain and damage the features that make them globally-important carbon sinks. Since peatlands and their significance are poorly known, many of them were drained and converted to agriculture, and then lay abandoned after finding out too late that peatlands are unsuitable for planting rice. Peatland degradation did not just result to decline in biodiversity; many areas that were drained suffered from land subsidence and became fire prone.

The International Union for Conservation of Nature (IUCN) reported that peatlands store 30 percent of global carbon, and when drained and damaged, they exacerbate climate change, emitting 2 gigatons of carbon dioxide (CO₂) every year, which accounts for almost 6 percent of all global greenhouse gas emissions.

A number of Non-Government Organizations like Society for the Conservation of the Philippine Wetlands, Wetlands International, International Institute of Rural Reconstruction, Forest Foundation Philippines, Conservation International -Philippines, Laksam Buhay Foundation Inc., Klima-Climate Change Center and notably Gabay Kalikasan join the fight to protect and save not only the Caimpugan Peatland in Agusan Marsh but all peatland resources nationwide.

My dear colleagues, I am thus seeking your help and support in this fight for our future and for the future of our descendants. The passage of this bill is earnestly sought.


REP. STRIKE B. REVILLA
2nd District, Cavite

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Introduced by REP. STRIKE B. REVILLA

**AN ACT TO CONSERVE, PROTECT AND SUSTAINABLY MANAGE
PEATLANDS AND ITS RESOURCES, AND FOR OTHER PURPOSES**

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 “National Peatland and Peatland Resources Management, Conservation and Protection Act of 2020”.

SECTION 2. Declaration of Policy. – It is the policy of the State to promote the conservation and sustainable development of peatland and peatland resources consistent with the principles of sustainable development, inclusive economic development, poverty reduction, 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. Coverage. - This Act shall apply to all peatland and peatland resources nationwide within public and private lands.

SECTION 4. Definition of Terms. - The following terms shall be construed to mean as:

- a.) *High Conservation Value* refers to the biological, ecological, social or cultural values of outstanding significance at the national, regional or global level or of critical importance at the local level;
- b.) *Land use planning* refers to the rational and judicious approach of allocating available land resources to different land - using activities, (e.g. agricultural, residential, industrial) and for different functions consistent with the overall development vision/goal of a particular locality;
- c.) *Peat* refers to dead and partially decomposed plant material that have accumulated under high water saturation or waterlogged conditions. Peat soil is defined using the definition of histosol (organic soil) which are soils with cumulative organic layer(s) comprising more than half of the upper 80cm of the soil surface containing 35% or more organic matter (35% or more loss on ignition) or 18% or more organic carbon;
- d.) *Peat swamp forest* refers to a type of peatland that has forest cover and can be found in certain areas in the tropical regions of the world including the Philippines;

- e.) *Peatlands* refers to wetland ecosystems characterized by the accumulation of peat at the surface. Major characteristics of peatlands are the presence of peat, and permanent water logging. Peatlands may have vegetation in the form of trees, shrubs, grasses, and mosses;
- f.) *Protected Area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- g.) *Riparian area or zone* refers to land that occurs along watercourses and water bodies and are composed of moist to saturated soils, water-loving plant species and their associated ecosystems. This may be found surrounding lakes, estuaries, streams and rivers;
- h.) *Subsidence* refers to the lowering or collapse of the ground level that results from draining water from peatlands and or due to fire incidence;
- i.) *Wetlands* refer to a wide variety of areas 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;
- j.) *Wise use* refers to the maintenance of the ecological character of peatlands, achieved through the implementation of ecosystem approaches, within the context of sustainable development.

SECTION 5. Implementing and Monitoring Agencies. – The Department of Environment and Natural Resources (DENR) through the Biodiversity Management Bureau, shall be the lead agency in the monitoring of overall implementation and compliance of this Act. The Department of the Interior and Local Government (DILG) through the Bureau of Local Government Supervision shall support in the implementation of this Act, in coordination with Department of Agriculture - Bureau of Soils and Water Management, Philippine Atmospheric, Geophysical and Astronomical Services Administration, Department of Agrarian Reform, Bureau of Fire Protection -DILG, Bureau of Local Government Development – DILG, Department of Public Works and Highways, National Water Resources Board, National Museum, concerned DENR Offices, academe, and concerned Local Government Units for specific peatland areas, and concerned non-government organizations.

The DENR with the coordinating agencies shall exercise the following powers and functions within their mandates: formulate, implement and monitor policies, rules, ordinances, regulations, plans and programs; enter into partnership and engagements with interested partners; develop best practices on the wise use of peatland areas; communication education, public awareness; and convene regular meetings to update and share technical progress report to be shared among the coordinating agencies.

SECTION 6. Role of Local Government Units. – The municipal, city, or provincial Local Government having territorial jurisdiction over the peatland and its resources shall prioritize peatland for protection under the National Integrated Protected Area System (NIPAS), as amended by RA 11038, or declared as critical habitat under the Wildlife Act, or as local conservation area or other effective area-based conservation measures through the ordinances of LGUs. They shall also include the protection and conservation of peatland and its resources to their respective Comprehensive Land Use Plans (CLUPs) and other plans in consultation with concerned agencies. They shall coordinate with the DENR and DILG in monitoring of peatland and its resources within their jurisdiction and in compliance of this Act.

SECTION 7. Integration and Mainstreaming of Peatland Protection and Sustainable Use.

- All government agencies and offices, and local government units (LGUs) shall integrate and mainstream peatland protection and sustainable use into their plans, policies, ordinances and rules and regulations, programs, projects, and development planning process. They shall also directly consult with the DENR and affected communities in the development and implementation of their plans, programs and projects within, or having impact, on peatlands.

SECTION 8. Development of National Peatland Conservation Program. – A National Peatland Conservation Program shall be developed by the DENR, in coordination with other concerned agencies, sectors, and stakeholders, within one year from the effectivity of this Act to provide direction, support and guidance to the local government units (LGU) and stakeholders in the development and implementation of their local peatland conservation programs. The National Peatland Conservation Program shall define national targets for the conservation of peatlands and the development of its national coordinating mechanism.

The Program shall include, but not limited to the following strategies:

- a.) Inventory, mapping, delineation, assessment and monitoring of peatlands. All peatlands in the country shall be inventoried and assessed. Peatland assessment including bio-capacity, carrying capacity, carbon storage and ecosystem services assessment and valuation of peatland ecosystems shall be conducted to measure the full extent of its value and guide agencies on its conservation and sustainable use;
- b.) Restoration and Rehabilitation of degraded peatlands;
- c.) Regulation against peatland drainage, conversion and reclamation, peat extraction and deliberate setting of fire within the peatland or immediately adjacent areas that may affect the peatland;
- d.) Enforcement of legal easement zones, dangers zones and other land use setbacks. All concerned government agencies and LGUs shall strictly implement land use setback provisions imposed by law;
- e.) Peat fire early warning systems, prevention, control and monitoring;
- f.) Research and Development;
- g.) Assessment of vulnerability to climate change and disaster risk management;
- h.) Peatland carbon stock assessment, accounting, verification and crediting;
- i.) Assessment and monitoring of greenhouse gas flux;
- j.) Knowledge management and peatland information system;
- k.) Implementation of soil and water conservation technologies;
- l.) Measures to address invasive alien species;
- m.) Establishment and promotion of peatland best management practices (including Public-Private Partnership);
- n.) Communication, education, participation, capacity-building and awareness program;
- o.) Collaboration with Indigenous and local communities in the management and wise use of the peatlands;

- p.) Integration of local and traditional ecological knowledge and practices with science-based knowledge systems; and,
- q.) Requiring environmental impact assessments for any development activity proposed within the peatland of adjacent areas or the catchment of the peatland which may potentially have a negative impact on the peatland.

SECTION 9. Land Classification of Peatland. – All areas which have been classified and released as agricultural land but that are currently or formerly may have been identified as peatland even if they have been subsequently degraded shall be reverted to either forest land or national park. The appropriate implementing agency shall immediately initiate the expropriation proceedings before the proper court under the existing law.

SECTION 10. Prohibited Acts. – In addition to acts or omissions already penalized by existing laws, the following offenses shall be punishable under this Act:

1. Drainage of peatlands for the following purposes:
 - a. Conventional agriculture development;
 - b. Illegal logging; or,
 - c. Transport and infrastructure, and other land use.
2. Forest clearance and degradation, such as:
 - a. Peatland conversion to agriculture, mining, residential, or any other kind of conversion;
 - b. Logging; or,
 - c. Fire.
3. Peatland deforestation and fires for the following purposes:
 - a. Land clearance;
 - b. Land claims and conflicts;
 - c. Resource extraction; or,
 - d. Accidental.

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 not less than Two Hundred Thousand pesos (P200,000.00) or imprisonment of not less than six (6) months, or both, shall be imposed at the discretion of the court.

SECTION 12. 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 13. Implementing Rules and Regulations (IRR). – Within six (6) months from the date of this Act, the DENR, in close coordination with concerned agencies, shall prepare the IRR of this Act.

SECTION 14. Reporting on the Implementation of this Act. The Biodiversity Management Bureau in coordination with concerned agencies shall submit a report every three years to the President of the Philippines through the DENR Secretary on the implementation of this Act.

SECTION 15. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, any part or provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 16. Repealing Clause. – All laws, decrees, executive orders, rules and regulations or parts thereof which are contrary or inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 17. Effectivity. - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.