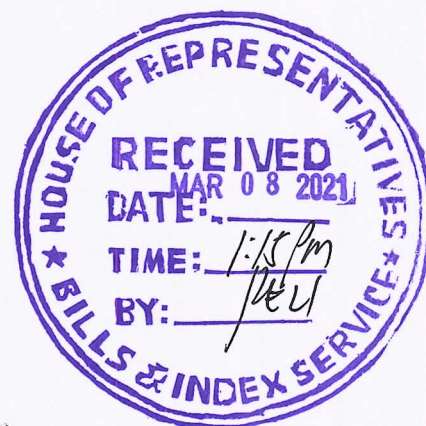


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8925



INTRODUCED BY LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

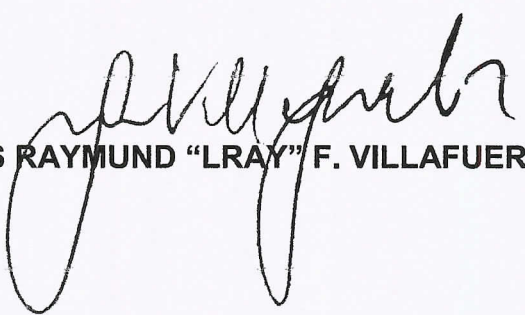
**AN ACT ESTABLISHING A NATIONAL WETLAND POLICY, PROVIDING
MECHANISMS FOR ITS INSTITUTIONALIZATION, AND APPROPRIATING
FUNDS THEREOF**

Wetlands provide critical food supplies including rice and fish, fresh water, fiber, and fuel. They also serve as the habitat of various species of flora and fauna. However, the degradation of wetlands continue due to their conversion to other land and water uses. As a result of such degradation, access to fresh water is declining, while flood control, carbon storage and traditional wetland livelihoods all suffer.

As a Contracting Party to the Convention on Wetlands, the Philippines is committed to adopt and implement laws, policies and plans to promote the wise use of wetlands or the maintenance of their ecological character, achieved through the implementation of ecosystem approached, within the context of sustainable development.

This proposed measure seeks to promote the conservation of wetlands and guide all concerned national government agencies and local government units in adjusting their sectorial or local policies, plans and programs to be consistent with wetland conservation and wise use.

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


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8925

INTRODUCED BY LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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

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 Wetlands Conservation Act".

Sec. 2. Declaration of Policy. - It is hereby declared 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.

Sec. 3. Coverage. - This Act shall apply to all types of wetlands, both inland, coastal and marine and human-made wetlands, in the Philippines. For human-made wetlands, it shall be limited to those with known high biodiversity value such as, but not limited to, wetlands critical as wildlife habitat and as migratory routes of birds and migratory fishes.

Sec. 4. Categories of Wetlands. - Except for deep marine waters, wetlands are composed of water bodies or aquatic ecosystems, as well as their riparian areas. The three (3) broad categories of wetlands are the following:

a. Inland wetlands - are aquatic-influenced environments, sometimes referred to as freshwater or inland water/waterbodies, located within land boundaries; examples are inland deltas springs, creeks, rivers, streams, waterfalls, freshwater swamps and/or marshes, peatland, ponds, floodplain, wet caves and lakes;

b. Coastal wetlands - are wetlands located within the coastal watershed, such as bays, marine shores, estuaries, coastal lagoons, saltmarshes, mangroves swamps,

intertidal flats, seagrass beds, coral reefs and other marine areas no deeper than 6 meters at low tide; and

c. Human-made wetlands - are any type of wetland constructed or maintained by humans; examples are dams, reservoirs, rice paddies, fish and shrimp ponds, farm ponds, salt pans, small water impounding areas, and wastewater treatment ponds and lagoons.

Sec. 5. Definition of Terms. –

a. Biological Diversity or Biodiversity shall refer to 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. Ecological character shall refer to the combination of the ecosystem components, processes and benefits/services that characterize the wetland at a given point in time.

c. Ecosystem approach or ecosystem-based approach shall refer to a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.

d. Ecosystem Services or Ecological Services shall refer to 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.

e. Legal Easement shall refer to an easement by necessity constituted by Law which has for its object either for public use or the interest of private persons (Section 64 of Civil Code).

f. Riparian areas/zone shall refer to the area which is the transition between aquatic and terrestrial ecosystem, and the adjacent areas to water bodies, and intermittent streams that are distinguished by gradients in biophysical conditions, ecological processes, and biota;

g. Sustainable developments refer to development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

h. Wetlands shall 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.

i. Wise use of wetlands shall refer to the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.

Sec. 6. Integration and Mainstreaming of Wetland Conservation and Wise Use. - All government agencies and offices, and local government units (LGUs) shall integrate and mainstream wetland conservation and wise 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 wetlands.

Sec. 7. Establishment of wetland conservation areas. - Wetlands need to be protected and conserved because they are threatened by drainage and conversion to other uses, aquatic pollution, introduction and spread of invasive alien species (IAS), unsustainable aquacultural practices, destructive fishing practices, mining exploration, overexploitation, coral collection, coral reef destruction, sedimentation, unregulated coastal development and urban expansion, and dredging.

Where appropriate, wetlands important for biodiversity conservation shall be prioritized for protection under the National Integrated Protected Areas System (NIPAS) Act, as amended by RA No. 11038, the Wildlife Resources Conservation and Protection Act, or the Revised Fisheries Code, as amended, or through recognition as Indigenous Community Conserved Areas (ICCAs) within the ancestral domains of indigenous people or as Local Conservation Areas through the ordinances of LGUs.

International recognition of suitable wetlands, such as declaration of Wetlands of International Importance (Ramsar Sites), Flyway Sites, ASEAN Heritage Park, World Heritage Site and the like,, through the Ramsar Convention on Wetlands, Convention on Migratory Species, East Asian Australasian Flyway Partnership, ASEAN and other such multi-lateral environmental agreements and bodies, shall also be encouraged and supported.

Sec. 8. Development of a National Wetland Conservation Program. - A National Wetland 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 wetland conservation programs. The National Wetland Conservation Program shall be consistent with existing national policies, plans and programs on coastal wetlands and their resources. It shall also define national targets for the conservation of wetlands and the development of its national coordinating mechanism.

The following strategies shall be implemented within the Program:

a. Inventory, assessment and valuation of wetlands. Wetland assessment including bio-capacity and carrying capacity assessment and valuation of wetland ecosystems shall be conducted to measure the full extent of its value and guide agencies on the wise use of wetlands.

b. Wetland Management Plan development and implementation.

c. Rehabilitation of priority wetlands. Prioritization of wetlands for rehabilitation shall be based on a national inventory of wetlands with potential for rehabilitation such as, wetlands susceptible to hazard, and wetlands critical to biodiversity. Rehabilitation of priority wetlands shall adopt ecosystem-based approach to ensure the ecological integrity and original functioning of specific ecosystem. Partnerships may be established with nongovernment organizations, academe and private sector in the rehabilitation of priority wetlands

d. Enforcement of legal easement zones, danger zones and other land use setbacks. All concerned government agencies and LCDs shall strictly implement land use setback provisions imposed by law, such as, but not limited to:

1. 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.

2. 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.

e. Regulation against wetland drainage, reclamation and filling-in. - In accordance with the law, no further drainage, reclamation or conversion of wetlands shall be permitted, except when necessary for national interest and security subject to existing environmental laws, rules and regulations. 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.

f. Recognizing best practices through the Philippine Wetland Conservation Awards. The Biodiversity Management Bureau of the DENR shall recognizes individuals, Non Government Organizations (NGOs), People's Organizations (POs) and Local Government Units (LGUs) with significant contributions to the wise use of the country's wetlands through the Philippine Wetlands Conservation Awards (PWCA).

g. Research and Development, (including Green House Gas Inventory)

h. Assessment of vulnerability of priority wetlands to climate change and disaster risk.

i. Database and knowledge management.

j. Implementation of soil and water conservation technologies.

k. Measures to address invasive alien species.

l. Adopt-a-Wetland scheme through Public-Private Partnership.

m. Communication, education, participation, capacity-building and awareness program.

Sec. 9. Lead Implementing and Monitoring Agency. - The Department of Environment and Natural Resources (DENR) through its Biodiversity Management Bureau shall be the lead agency in monitoring overall implementation and compliance with this Act, particularly by all 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 wetland conservation and wise use practices through effective local governance.

Sec. 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, as well as eviction and resettlement of occupants of danger zones such as riverbanks and shorelines, including lakeshores and seashores, and effects in violation of this Act.

Sec. 11. 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.

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

Sec. 13. 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.

Sec. 14. 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.

Sec. 15. 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,