

TWENTIETH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES
House Bill No **3090**

Introduced by Representative **FRANZ FERNANDEZ LEGAZPI**

AN ACT
DECLARING THE THREE (3) NAUTICAL MILES SURROUNDING THE KALAYAAN ISLAND GROUP AND SCARBOROUGH SHOAL IN THE WEST PHILIPPINE SEA AS MARINE PROTECTED AREA UNDER REPUBLIC ACT NO. 7586 OR THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 1992, AS AMENDED BY REPUBLIC ACT NO. 11038, OR THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM OF ACT 2018

EXPLANATORY NOTE


The Kalayaan Island Group (KIG) situated in the West Philippine Sea and forming part of the larger Spratly Islands, and the Scarborough Shoal located westwards of the Province of Zambales, are biologically rich and ecologically significant clusters of islands, reefs, and atolls. These maritime features are home to diverse marine species, including endangered sea turtles, coral reef systems, seabirds, and commercially valuable fish stocks. Studies have shown that coral reefs in the Spratly Islands comprise 34% of the world's total coral reefs. These serve as the breeding ground of fish in the West Philippine Sea despite occupying only 2.5% of the world's total ocean and sea surface making it one of the richest marine areas in the world, home to diverse marine ecosystems with over 3,000 species of fish and 600 species of coral reef.

However, the fragile ecosystems of the KIG and the Scarborough Shoal face increasing threats from overfishing, illegal and destructive fishing practices, unregulated development, and the adverse effects of climate change. Additionally, heightened geopolitical activity in the region places additional pressure on the islands' domain directly affecting the lives and livelihood of many Filipinos dependent on its rich resources.

In response to these challenges, this bill seeks to declare the KIG and the Scarborough Shoal as Protected Areas under Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992 (NIPAS), as amended by Republic Act No. 11038, or the Expanded National Integrated Protected Areas System Act of 2018 (E-NIPAS). The designation will provide a legal framework for the area's sustainable management and conservation. The proposed protected area classification will allow for the preservation of marine and terrestrial biodiversity, regulation of resource use through a management plan consistent with the E-NIPAS guidelines, protection of traditional livelihoods, and the enhancement of a national presence on a geopolitically sensitive region.

It is imperative that we adopt a conservation-based approach to the governance of the KIG and Scarborough Shoal. This measure will not only help preserve the Philippines' ecological patrimony but will also reaffirm our commitment to upholding responsible stewardship and sovereign rights over our maritime domains.

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


FRANZ FERNANDEZ LEGAZPI
Representative, Pinoy Workers Partylist

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

1 *Section 1. Title.* - This Act shall be known as the “KIG and Scarborough Shoal Marine Protected
2 Area Act 2025.”

3
4 *Sec. 2. Declaration of Policy.* – Article II, Section 16 of the 1987 Constitution declares that the
5 State shall protect and advance the right of the people to a balanced and healthful ecology in accord with
6 the rhythm and harmony of nature.

7
8 Likewise, Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992
9 (NIPAS), as amended by Republic Act No. 11038, or the Expanded National Integrated Protected Areas
10 System Act of 2018 (E-NIPAS), mandates the State to secure for the Filipino people of present for future
11 generations, the perpetual existence of all native plants and animals through the establishment of a
12 comprehensive system of integrated protected areas within the classification of national park as provided
13 for in the Constitution.

14
15 Consistent with Article II, Section 2 of the 1987 Constitution to adopt the generally accepted
16 principles of international law as part of the law of the land and to adhere to the policy of peace, equality,
17 justice, freedom, cooperation and amity with all nations as key in attaining the protection, conservation,
18 preservation, and promotion of the biodiversity, ecosystem, and all other natural resources, we adhere to
19 Article 123 of the United Nations Convention on the Law of the Seas (UNCLOS), which requires the
20 Philippines and other coastal states in semi- enclosed seas like the South China Sea to cooperate with each
21 other in the exercise of their rights and in the performance of their duties under the said Convention with
22 respect to the protection and preservation of the marine environment.

23
24 It is hereby declared the policy of the State to protect the ecology of the areas surrounding the
25 Kalayaan Island Group (KIG) and the Scarborough Shoal.

26
27 *Sec. 3. Definition of Terms.* - For purposes of this Act, the following terms shall be defined as
28 follows:

29
30 a) **Arbitral Tribunal Ruling** - refers to the July 12, 2016 ruling rendered by the arbitral tribunal of
31 the Permanent Court of Arbitration in The Hague adjudicating the Philippines' case against
32 China in the West Philippine Sea in accordance with the 1982 UNCLOS;

33
34 b) **Atolls** - refers to a reef with or without an island situated on it surrounded by the open sea, that
35 encloses or nearly encloses a lagoon;

- 1 c) Buffer Zones - refers to identified areas outside the boundaries of and immediately adjacent to
2 designated protected areas that need special development control in order to avoid or minimize
3 harm to the protected area;
4
- 5 d) Kalayaan Island Group - refers to the group of islands and islets located in the West Philippine
6 Sea including the seabed, sub-soil, continental margin and airspace, declared to be subject to
7 the sovereignty of the Philippines under Presidential Decree No. 1596, and was likewise
8 declared as part of the Regime of Islands by Republic Act No. 9522, or An Act to Define the
9 Baselines of the Territorial Sea of the Philippines, and as a maritime zone under Republic Act
10 No. 12064 or An Act Declaring the Maritime Zones under the Jurisdiction of the Republic of
11 the Philippines ;
12
- 13 e) Marine Protected Area - refers to identified portions of water set aside by reason of their unique
14 physical and biological significance, managed to enhance biological diversity and protected
15 against destructive human exploitation;
16
- 17 f) National Park - refers to the lands of the public domain classified as such in the Constitution
18 which include all areas under the NIPAS pursuant to this Act, primarily designated for the
19 conservation of native plants and animals, their associated habitats and cultural diversity;
20
- 21 g) Protected Area - refers to identified portions of land and/or water set aside by reason of their
22 unique physical and biological diversity and protected against destructive human exploitation;
23
- 24 h) Reefs - refers to a mass of rock or coral which either reaches close to the sea surface or is
25 exposed at low tide;
26
- 27 i) Scarborough Shoal - refers to an area located in the West Philippine Sea which was declared
28 part of the Regime of Islands under R.A. No. 9522;
29
- 30 j) Strict Protection Zones (SPZs) - refers to portions within protected areas that are closed to
31 human activities by virtue of their significant biodiversity value, high susceptibility to geo-
32 hazard, and identification as permanently dangerous. These areas may also include habitats of
33 threatened species, or degraded areas that are designated for restoration and subsequent
34 protection, regardless of their stages of regeneration;
35
- 36 k) UNCLOS - refers to the 1982 United Nations Convention on the Law of the Seas;
37
- 38 l) West Philippine Sea - refers to the maritime areas on the western side of the Philippine
39 archipelago within the Exclusive Economic Zones (EEZ) over which the Philippines exercises
40 sovereign jurisdiction including the Luzon Sea as well as the waters around, within and
41 adjacent to the Kalayaan Island Group and Bajo De Masinloc, also known as Scarborough
42 Shoal.
43

44 *Sec. 4. Scope.* - The area covered by the Kalayaan Island Group and Scarborough Shoal Marine
45 Protected Area (KIGSS-MPA) subject of this Act shall be all the areas within three (3) nautical miles from
46 the baselines surrounding the KIG and Scarborough Shoal as established by R.A. No. 9522.
47

48 *Sec 5. Declaration of Protected Area and Strict Protection Zone.* - It is hereby declared that the
49 area covering the KIGSS-MPA as specifically identified in the preceding section is hereby declared as a
50 protected area and shall enjoy the benefits and protection afforded by R.A. No. 7586, as amended: Provided,
51 That the Secretary of the Department of Environment and Natural Resources (DENR Secretary), upon the
52 recommendation of the Protected Area Management Board (PAMB), shall designate Strict Protection Zones
53 (SPZs) within the KIGSS-MPA in areas with significant biodiversity values or habitats of threatened
54 species, based on a comprehensive biodiversity inventory and assessments: Provided, further, That any and
55 all international treaties or rulings, Philippine laws, rules, and regulations involving the protection,
56 conservation of KIGSS-MPA shall be strictly observed and implemented.
57

58 The DENR Secretary, also upon recommendation of the PAMB, may designate areas surrounding
59 the KIGSS-MPA as Buffer Zones for the purpose of providing extra layer of protection where restrictions
60 may be applied.
61

62 *Sec. 6. Prohibited Acts.* - The following are the prohibited acts within the KIGSS-MPA:

- 1
2 a) Using of any fishing or harvesting gear and practices or any of their variations that destroys
3 coral reefs, seagrass beds or other marine life: Provided, that mere possession of such gears
4 within the protected areas shall be prima facie evidence of their use;
5
6 b) Dumping, throwing, using, or causing to be dumped into or placed in the protected area of any
7 toxic chemical, noxious or poisonous substance or nonbiodegradable material, intreated
8 sewage or animal waste or products whether in liquid, solid, or gas state, including pesticides
9 and other hazardous substances as defined under Republic Act No. 6969 or the Toxic
10 Substances and Hazardous and Nuclear Waste Control Act of 1990 detrimental to the protected
11 area, or the living things inhabiting in within the protected area;
12
13 c) Littering or depositing refuse or debris within the protected area;
14
15 d) Possessing or using blasting caps or explosives anywhere within the protected area;
16
17 e) Undertaking mineral exploration or extraction within the protected area;
18
19 f) Establishing or introducing exotic species including genetically modified organisms or
20 invasive alien species within the protected area;
21
22 g) Constructing, installing, erecting, or maintaining any kind of structure, fence, or enclosure
23 whether temporary or permanent, within the protected area: Provided, that structures and
24 projects for biosphere development shall be allowed: Provided, further, that such activities shall
25 be with prior coordination with DENR through the PAMB;
26
27 h) Any other act that will tend to or actually result in the disturbance, killing, destruction,
28 endangerment, devastation, or annihilation of the natural flora and fauna found within the
29 protected area.
30

31 Any violation of this Act shall be prosecuted pursuant to R.A. No. 7586, as amended, any existing
32 environmental law, rule, or regulation.
33

34 *Sec. 7. Creation of the Kalayaan Island Group and Scarborough Shoal Protected Area*
35 *Management Board and Protected Area Management Office.* - The Kalayaan Island Group and
36 Scarborough Shoal Protected Area Management Board (KIGSS-PAMB) and the Kalayaan Island Group
37 and Scarborough Shoal Protected Area Management Office (KIGSS-PAMO) are hereby created with the
38 same composition, powers and functions as defined in Sections 9 and 10 of RA 7586, as amended: Provided,
39 That the Palawan Council for Sustainable Development, which was created pursuant to Republic Act No.
40 7611, or the Strategic Environmental Plan (SEP) for Palawan Act, shall be included as a member in the
41 KIGSS-PAMB.
42

43 *Sec. 8. Management Plan and Engagement of Cooperation of Other Agencies.* - The KIGSS-PAMB
44 and KIGSS-PAMO shall craft a management plan for the protection of the KIGSS-MPA within one (1)
45 year from the effectivity of this Act, which shall be reviewed and assessed every three (3) years for possible
46 improvements or amendments, or whenever the need arises. It shall include specific strategies and programs
47 for the preservation and protection of atolls, reefs, and corals within the KIGSS-MPA.
48

49 The KIGSS-PAMB and KIGSS-PAMO shall engage the cooperation of other Government
50 Agencies in the implementation of their management plan. The Department of Transportation (DOTr),
51 Department of Information and Communications Technology (DICT), Department of Agriculture (DA),
52 and Department of Interior and Local Government (DILG) shall provide assistance in the monitoring of
53 activities within the KIGSS-MPA, which may include, if necessary, the installation of monitoring devices
54 on vessels and establishment of needed facilities within the area.
55

56 *Sec. 9. Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight*
57 *Committee.* - To oversee the effective implementation of this Act, a special congressional oversight
58 committee to be known as the Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint
59 Oversight Committee (KIGSS-MPA- JOC) composed of the members from the Committees on Natural
60 Resources and Committee on the West Philippine Sea from both upper and lower houses of congress is
61 hereby created. The KIGSS-MPA-JOC, which shall be jointly headed by the Chairpersons of the

1 Committees on Natural Resources from both houses, shall convene biannually, or as often as may be
2 necessary in order to ensure the implementation of this Act.

3
4 The KIGSS-PAMB and KIGSS-PAMO shall submit an annual report to the KIGSS-MPA-JOC on
5 the status of the KIGSS-MPA and implementation of this Act.

6
7 *Sec. 10. Appropriation.* - An annual operating budget of at least Ten Million Pesos
8 (Php10,000,000.00) shall be allocated for the implementation of this Act, which shall be sourced from the
9 DENR Biodiversity Management Bureau (BMB) annual appropriations. The annual operation budget for
10 the KIGSS-MPA shall be a separate item from the annual budget proposal of the DENR BMB.

11
12 *Sec. 11. Repealing Clause* - All laws, rules, regulations, executive orders, presidential decrees or
13 any other issuance contrary to or inconsistent with any of the provisions of this Act are hereby deemed
14 repealed or modified accordingly.

15
16 *Sec. 12. Separability Clause* - If any provision or part of this Act shall be declared unconstitutional,
17 the remaining provisions which are not affected shall remain in full force and effect.

18
19 *Sec. 13. Effectivity* - This Act shall take effect fifteen (15) days after its publication in the Official
20 Gazette or in a newspaper of general circulation.

21
22 *Approved.*