

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
House Bill No. **3210**



Introduced by REP. DANTE S. GARCIA and REP. KENNETH PAOLO TERENG

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 km, an area almost as large as Greenland (Global Wetland Outlook 2018). For the Philippines, the 2016 Atlas of the 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 Luzon, the approximate number of inland wetland is about 129 which is about 161,000 hectares. Among these are the special types of wetlands such as lakes, peatlands, water storages areas, marshes and swamps. 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 the Philippine flora and fauna and harbors biodiversity promoting human well-being and that is vital in sustaining life 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. 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 of 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 fresh water 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

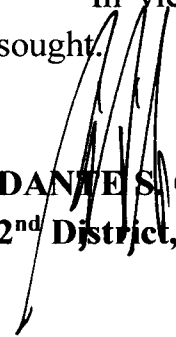
While wetland conservation and wise use is already promoted, directly and indirectly, under existing laws on water resources, water quality management, fisheries and aquatic resources, wildlife resources and their habitats, protected areas, land use development, public infrastructure, and environmental 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.


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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3210

Introduced by Rep. Dante S. Garcia and Rep. Kenneth Paolo Tereng

AN ACT
INSTITUTIONALIZING THE NATIONAL WETLANDS
CONSERVATION POLICY

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 Wetlands
2 Conservation Act”.

3 **SEC. 2. Declaration of Policy.** – The State shall protect and advance the
4 right of the people to a balanced and healthful ecology in accord with the rhythm
5 and harmony of nature. Towards this end, the State shall establish measures for
6 the conservation and judicious use of wetlands and wetland resources consistent
7 with the principles of sustainable development, inclusive growth, poverty
8 reduction, food security, biodiversity conservation, climate change adaptation and
9 mitigation, and disaster risk reduction and management.

10 **SEC. 3 Definition of Terms.** – As used in this Act:

- 11 a. *Biodiversity* refers to the variability among living organisms from all
12 sources, including terrestrial, marine, and other aquatic ecosystems in the
13 ecological complexes of which they are part of;
- 14 b. *Ecological character* refers to the combination of the ecosystem components,
15 processes, benefits and services that characterize the wetland at a given
16 point in time;
- 17 c. *Ecosystem approach or ecosystem-based approach* refers to a strategy for the
18 integrated management of land, water and living resources that promotes

1 conservation and sustainable use in an equitable way;

- 2 d. *Ecosystem goods and services* refer to the multitude of material and
3 nonmaterial provisions and benefits from healthy ecosystems necessary for
4 human sustenance, well-being, and survival including support processes,
5 provisioning and environment regulating services, and cultural resource
6 preservation services;
- 7 e. *Riparian areas or zones* refer to interfaces between aquatic and terrestrial
8 ecosystems, and areas adjacent to bodies of water, and intermittent streams
9 that are distinguished by gradients in biophysical conditions, ecological
10 processes, and biota;
- 11 f. *Sustainable use* refers to the use of resources in a way and a rate that does
12 not lead to their long-term decline, thereby maintaining their potential to
13 meet the needs and aspirations of present and future generations;
- 14 g. *Wetlands* refer to a wide variety of inland habitats such as natural pools or
15 ponds, springs, freshwater swamps or marshes, peatlands, floodplains,
16 rivers, lakes, and coastal areas such as estuaries, saltmarshes, mangroves,
17 lagoons, intertidal flats, and seagrass beds. These also include coral reefs
18 and other marine areas no deeper than six (6) meters at low tide, and
19 human-made wetlands such as dams, reservoirs, rice paddies, fish ponds,
20 salt pans, and wastewater treatment ponds.

21 **SEC. 4. Coverage.** – This Act shall apply to all types of wetlands, including
22 inland, coastal and marine, and human-made wetlands in the Philippines. In the
23 case of human-made wetlands, application of this Act shall be limited to those with
24 high biodiversity value, and are critical as wildlife habitat or migratory routes of
25 birds and fishes.

26 **SEC. 5. Categories of Wetlands.** – Wetlands are composed of bodies of
27 water or aquatic ecosystems, as well as their riparian areas. The three (3) broad
28 categories of wetlands are the following;

- 29 a. Inland wetlands are aquatic-influenced environments, sometimes referred
30 to as freshwater or inland water or waterbodies, located within land
31 boundaries such as inland deltas, springs, creeks, rivers, streams,
32 waterfalls, freshwater swamps or marshes, peatlands, natural ponds or

1 pools, wet caves, and lakes;

2 b. Coastal wetlands are wetlands located within coastal watersheds, such as
3 bays, marine shores, estuaries, coastal lagoons, saltmarshes, mangroves,
4 swamps, intertidal flats, seagrass beds, coral reefs, and other marine areas
5 no deeper than six (6) meters at low tide; and

6 c. Human-made wetlands are those constructed or maintained by humans,
7 such as dams, reservoirs, rice paddies, fish and shrimp ponds, farm ponds,
8 salt pans, dams, small water impounding areas, and wastewater treatment
9 ponds and lagoons.

10 **SEC. 6. *Establishment of Wetland Conservation Areas.*** – Where
11 appropriate, wetland conservation areas shall be prioritized for establishment
12 under Republic Act (RA) No. 7586, or the “National Integrated Protected Areas
13 System Act of 1992”, as amended by RA 11038, or the “Expanded National
14 Integrated Protected Areas System Act of 2018”; RA 8550 or the “The Philippine
15 Fisheries Code of 1998”; RA 9147 or the “Wildlife Resources Conservation and
16 Protection Act”, or as local conservation areas through the issuance of ordinances
17 of LGUs, or for recognition as indigenous community conserved areas (ICCAs)
18 within the ancestral domains of indigenous cultural communities and indigenous
19 peoples (ICCs/IPs).

20 **SEC. 7. *Development of a National Wetland Conservation Program***
21 ***and Action Plan.*** – Within one (1) year from the effectivity of this Act, the
22 Department of Environment and Natural Resources (DENR) shall, in coordination
23 with other government agencies and concerned sectors, develop a National
24 Wetland Conservation Program and Action Plan, to provide direction, support,
25 and guidance to local government units (LGUs) and stakeholders in the
26 development and implementation of their local wetland conservation programs.
27 The National Wetland Conservation Program and Action Plan shall be consistent
28 with existing national policies, plans, and programs on coastal wetlands and their
29 resources. It shall also define national targets for the conservation of wetlands and
30 the development of its national coordinating mechanism.

31 The National Wetland Conservation Program and Action Plan shall include
32 the following objectives:

- a. Conduct wetland assessment including bio-capacity and carrying capacity assessment and valuation of wetland ecosystems in order to measure the full extent of its value and guide agencies on the wise use of wetlands;
- b. Adopt an ecosystem-based approach in the rehabilitation of priority wetlands to ensure the ecological integrity and original functioning of specific ecosystem. 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. Partnerships may be established with nongovernmental organizations (NGOs), people's organizations (POs), the academe and private sector in the rehabilitation of priority wetlands;
- c. Ensure the strict implementation by concerned government agencies of land use setback provisions including the prohibition on the construction of any structure along the easement zones of banks or rivers and streams and the shores of the seas and lakes pursuant to existing laws;
- d. Limit reclamation activities and conversion of wetlands to those that are necessary for national interest and security, and in compliance with legal requirements provided under applicable rules and regulations on environmental impact statements and National Economic and Development Authority (NEDA) approval for reclamation projects;
- e. Establish the Philippine Wetlands Conservation Awards (PWCA) which shall recognize individuals, NGOs, POs and LGUs with significant contributions to the wise use of the country's wetlands. The PWCA shall be given by the Biodiversity Management Bureau of the DENR.
- f. Promote research and development, database and knowledge management, and develop communication, capacity-building and awareness programs;
- g. Assess the vulnerability of priority wetlands to climate change and disaster risk;
- h. Develop soil and water conservation technologies for the wetlands and institute measures to address the introduction of invasive alien species to wetland areas;
- i. Encourage the participation of LGUs, communities, and private entities in

1 the governance of wetlands through various schemes, such as the “Adopt-a-
2 Wetland” scheme through Public-Private Partnership; and

- 3 j. Support international recognition of suitable wetlands, such as declaration
4 of Wetlands of International Importance (Ramsar Sites), Flyway Sites,
5 ASEAN Heritage Park, World Heritage Site, and the like, through the
6 Ramsar Convention on Wetlands, Convention on Migratory Species, East
7 Asian Australasian Flyway Partnership, ASEAN and other such multi-
8 lateral environmental agreements and bodies.

9 **SEC. 8. *Integration and Mainstreaming of Conservation and Wise***
10 ***Use of Wetlands.*** – All government agencies and offices and LGUs shall integrate
11 and mainstream conservation and sustainable use of wetlands into their policies,
12 rules and regulations, programs, projects, and development planning processes.
13 They shall also directly consult with the DENR and affected LGUs in the
14 development and implementation of their plans, programs and projects having an
15 impact on wetlands.

16 The municipal, city, or provincial government having territorial jurisdiction
17 over the wetlands shall integrate in their local development plans the conservation
18 measures referred to in this Act.

19 **SEC. 9. *Lead Implementing and Monitoring Agency.*** – The DENR,
20 through the Biodiversity Management Bureau, shall be the lead agency in the
21 overall implementation and monitoring of this Act.

22 The Department of the Interior and Local Government (DILG) shall
23 monitor compliance by LGUs and shall formulate and implement incentive
24 schemes to promote wetland conservation and wise use practices through effective
25 local governance.

26 **SEC. 10. *Appropriations.*** – The Secretary of the DENR shall immediately
27 include in the Department’s program the implementation of this Act, the funding
28 of which shall be included in the annual General Appropriations Act.

29 **SEC. 11. *Implementing Rules and Regulations.*** – Within ninety (90)
30 days from the effectivity of this Act, the Secretary of the DENR shall, in
31 consultation with concerned national government agencies, issue the
32 corresponding rules and regulations for the effective implementation of this Act.

1 **SEC. 12. *Separability Clause.*** – If any section or provision of this Act is
2 held unconstitutional or invalid, the remaining sections or provisions with the
3 provisions not affected thereby shall continue to be in full force and effect.

4 **SEC. 13. *Repealing Clause.*** – All laws, decrees, executive orders, rules
5 and regulations, issuance or parts thereof inconsistent with the provisions of this
6 Act are hereby repealed or modified accordingly.

7 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
8 publication in the *Official Gazette* or in a newspaper of general circulation

9 *Approved,*