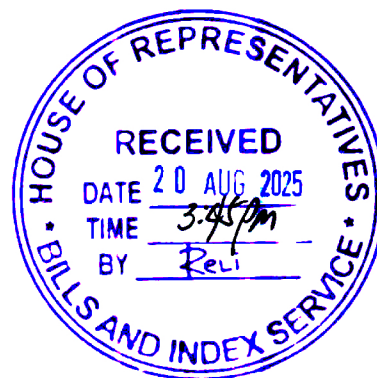


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 3918



Introduced by TUCP Partylist Representative
HON. RAYMOND DEMOCRITO C. MENDOZA

EXPLANATORY NOTE

This bill recognizes the ecological functions of healthy peatlands, specifically in terms of its contributions to mitigating the impacts of climate change and increasing community resilience to the more frequent and intense natural hazards brought about by the changing climate. It seeks to manage, conserve and protect all peatlands and peatland resources nationwide so as to ensure that these ecosystem benefits are provided and sustained for future generations.

Specifically, this measure will also heighten efforts in raising awareness on the importance of peatlands, particularly in terms of climate change mitigation and adaptation. 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 peatland conservation and management in the country. It will also ensure that the country can contribute to achieving global targets on biodiversity, forestry, combatting land degradation and desertification, and sustainable water use, as well as on climate change adaptation and mitigation, and disaster risk reduction and management.

Peatlands are wetland ecosystems that are characterized by the accumulation of organic matter called peat which is derived from dead and decaying plant material under high water saturation conditions (CC-GAP, 2005). They are unique natural ecosystems which have key values for biodiversity conservation, water and climate regulation, and support for human welfare, including as a source of raw materials for livelihoods and health. If kept wet and intact, peatlands can be considered as one of the most valuable among all wetland and terrestrial ecosystems. They are the world's significant carbon sink. Once drained and degraded, however, peatlands become susceptible to fire and become a source of carbon and greenhouse gas emissions.

According to the DENR, about 20,000 hectares of peatlands have been recorded in the Philippines. There are confirmed peatlands in 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, Novele, Bayugan III, Kalingayan-Consuelo and Pag-asa. Other lesser known and relatively smaller areas of peatlands are in Mindoro, Samar and Quezon. The unexplored swamps and marshlands of Ligawasan are also suspected to contain considerable amount of peat.

Peatlands in the Philippines are considered relatively small compared to other countries in Southeast Asia such as in Malaysia and Indonesia. However, regardless of how small our peatlands are, their globally significant role in the storage and sequestration of carbon should not be ignored.

To date, the country does not have a law that deals directly on peatlands, nor particularly on their conservation and sustainable use. Of the nine (9) peatlands recorded in the 2016 Atlas of Philippine Inland Wetlands and Classified Caves, 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. It is also the only remaining known intact peat swamp forest in the country.

The Philippines, being an ASEAN Member State (AMS), concur to the ASEAN Agreement on Transboundary Haze Pollution (AATHP), under of which, is the sustainable management of peatlands for peatland fire prevention, as embodied in the ASEAN Peatland Management Strategy. The APMS recommends that AMS should 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. Recognizing the importance of peatlands, the Ramsar Convention provides its Contracting Parties with several guidelines on peatland restoration and conservation, and identifies peatlands as part of the criteria for identification of wetlands of international significance through the Ramsar Site network. One such Ramsar Site with peatland in the country is the Agusan Marsh Wildlife Sanctuary, which has more than 12,000 hectares of peatlands within and adjacent to its boundaries.

Due to the fundamental lack of awareness on peatlands, its characteristics and appropriate management strategies, peatlands have been a common target for agricultural development and oil palm plantations. This subsequently drains and damages the features that make them globally-important carbon sinks. Peatlands previously used for agricultural purposes now lay abandoned after finding out too late that these peatlands are unsuitable for planting rice. Peatland degradation did not just result in decline in biodiversity, many areas that were drained suffered from land subsidence and became fire prone.

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 protection and conservation of peatlands. This Bill will be the driving force to achieve the long-term vision of our Philippine Development Plan 2017-2022 in ensuring ecological integrity. This will also support the country in achieving our commitments to various international agreements, particularly to the Convention on Wetlands, UN Convention on Biological Diversity, UN Convention of Migratory Species, UN Convention to Combat Desertification, Land Degradation and Drought, UN Framework Convention on Climate Change and

to the Sustainable Development Goals and the Sendai Framework for Disaster Risk Reduction 2015-2030.

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



HON. RAYMONDE DEMOCRIO C. MENDOZA
TUCP Partylist Representative

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HON. RAYMOND DEMOCRITO C. MENDOZA

AN ACT
PROVIDING THE REGULATORY FRAMEWORK TO CONSERVE,
PROTECT, RESTORE, AND SUSTAINABLY MANAGE PEATLANDS AND
THEIR RESOURCES TO ENHANCE THE COUNTRY'S RESILIENCE TO
CLIMATE CHANGE

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*National Peatlands Conservation Act.*”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote the conservation, restoration, and sustainable development of the country's peatland and peatland resources; enhance the resilience of the Filipino people towards climate change adaptation and mitigation, disaster risk reduction and management (DRRM) consistent with the principles of sustainable and inclusive economic development, poverty reduction, and biodiversity conservation, while advancing the right to a balanced and healthful ecology in harmony and rhythm of nature.

SEC. 3. *Scope and Coverage.* – This Act shall apply to all peatland and peatland resources nationwide within public and private lands.

SEC. 4. *Definition of Terms.* – As used in this Act:

Adaptation refers to the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

Climate change refers to a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

Carbon sink refers to carbon reservoirs and conditions that take in and store more carbon than they release.

Disaster Risk Reduction and Management refers to the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies, and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster.

Ecosystem-based approaches refer to the use of biodiversity and ecosystem functions and services as part of an overall adaptation strategy to help people adapt to the adverse effects of climate change. This term may refer to a wide range of ecosystem management activities to increase the resilience and reduce the vulnerability of people and the environment, including climate change and disasters.

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 that need to be appropriately managed and maintained or enhanced.

Mitigation, in the context of climate change, refers to human intervention to address anthropogenic emissions by sources and removals by sinks of all greenhouse gas, including ozone-depleting substances and their substitutes.

Nature-based solutions refer to actions that can be taken to protect, conserve, restore, sustainably use, and manage natural or modified terrestrial, freshwater, coastal, and marine ecosystems which address social, economic, and environmental challenges effectively and adaptively, while simultaneously providing human well-being ecosystem services, resilience, and biodiversity benefits.

Peat refers to dead and partially decomposed plant material that has accumulated under high water saturation or waterlogged conditions. Peat soils are histosols or organic soils with cumulative organic layers comprising more than half of the upper 80 centimeters of the soil surface containing 35% or more organic matter (35% or more loss on ignition) or 18% or more organic carbon.

Peatlands refer to wetland ecosystems characterized by the accumulation of peat at the surface and subsurface of the soil. 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.

Wetlands refer to a wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lake; and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no deeper than six (6) meters at low tide; and as well as human-made wetlands such as dams, reservoirs, rice paddies, and wastewater treatment ponds and lagoons.

Wise use refers to the maintenance of the ecological character of peatlands achieved through the implementation of nature-based solutions and ecosystem-based approaches within the context of sustainable development.

SEC. 5. *Peatlands as Carbon Sinks.* – The conservation and restoration of peatlands sought to be enhanced under this Act shall be aimed at enabling the country to manage peatlands sustainably, taking into account their value as natural solutions to address climate change such as by functioning as carbon sinks, thus providing opportunities for the country to achieve multiple benefits for biodiversity and climate resiliency, including financing through market-based instruments and mechanisms.

SEC. 6. *Implementing and Monitoring Agencies.* – The Department of Environment and Natural Resources (DENR), through the Biodiversity Management Bureau (BMB), shall be the lead agency in monitoring the overall implementation and compliance with this Act. The Department of the Interior and Local Government (DILG), through the Bureau of Local Government Supervision, shall assist in the implementation of this Act, in coordination with the Department of Agriculture – Bureau of Soils and Water Management, Philippine Atmospheric, Geophysical, and Astronomical Services Administration, Department of Agrarian Reform, DILG – Bureau of Fire Protection, DILG – Bureau of Local Government Development, Department of Public Works and Highways, Climate Change Commission (CCC), Department of Tourism, Department of Science and Technology, Philippine Council for Agriculture, Aquatic and Natural Resources Research and Development, National Commission on Indigenous Peoples, National Water Resources Board, National Museum, concerned DENR Offices, academe, and concerned local government units (LGUs) for specific peatland areas.

The DENR, in coordination with the above-mentioned agencies, shall exercise the following powers and functions within their mandates:

Formulate, implement and monitor policies, rules, regulations, plans and programs;

Enter into partnership and engagements with interested partners;

Develop best practices on the wise use of peatland areas;

Strengthen and implement communication, education and public awareness programs on peatland conservation; and

Convene regular meetings to update and share technical progress report to be shared among the coordinating agencies.

SEC. 7. *Role of Local Government Units.* – The municipal, city, or provincial LGUs having territorial jurisdiction over the peatland and its resources shall prioritize peatlands for protection under Republic Act (RA) No. 7586 or the “*National Integrated Protected Areas System Act of 1992*”, as amended by RA No. 11038, declaration as Critical Habitat under RA No. 9147 or the “*Wildlife Resources Conservation and Protection 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 peatlands and their resources in their respective Comprehensive Land Use Plans, Local Disaster Risk Reduction and Management Plans, Local Climate Change Adaptation Plans, and other local plans in

consultation with concerned agencies. They shall coordinate with the DENR and the DILG in the monitoring of peatlands and their resources within their jurisdiction and in compliance with this Act.

The DENR and the DILG shall provide the technical and financial support to all concerned LGUs for the management and protection of peatlands within their territorial boundaries.

SEC. 8. *Integration and Mainstreaming of Peatland Protection and Sustainable Use.* – All national government agencies and offices and LGUs shall integrate and mainstream peatland protection, conservation, restoration, and sustainable use into their policies, ordinances, rules and regulations, plans, programs, projects, and development planning processes. Peatland conservation and restoration targets shall be identified in all plans related to biodiversity, forestry, land degradation, climate change and disaster risk reduction and management, as applicable. LGUs shall conduct mapping, assessment, delineation, and inventory of potential peatlands in their jurisdiction. Concerned LGUs shall also directly consult with the DENR, the CCC, and affected communities in the development and implementation of their plans, programs, and projects within or having impact on peatlands, especially on their ecosystem services, including their value as effective carbon sinks, consistent with the Nationally Determined Contributions of the Philippines under the Paris Agreement on Climate Change.

SEC. 9. *Development of a National Peatland Conservation and Restoration Program.* – A National Peatland Conservation and Restoration Program, aligned with existing international commitments and national policies, plans, and programs, 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 LGUs and stakeholders in the development and implementation of their local peatland conservation and restoration programs. The National Peatland Conservation and Restoration Program shall define national targets for the conservation and restoration of peatlands and the development of its national coordinating mechanism.

The Program shall include the following strategies:

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, contributions to ecological connectivity, and ecosystem services assessment and valuation as a natural capital of peatland ecosystems shall be periodically conducted to measure the full extent of the value of peatlands and guide agencies on their conservation, restoration, and sustainable use;

Assessment of vulnerability to climate change and disaster risk management;

Peatland carbon stock assessment, accounting, verification, and crediting. The nationwide assessment of carbon stocks shall be completed three (3) years after the completion of a national peatland inventory;

Assessment and monitoring of greenhouse gas flux and emissions. Results of nationwide assessment of greenhouse gas fluxes from peatlands shall be included in the reports submitted to the United Nations Framework Convention on Climate Change;

Restoration and rehabilitation of degraded peatlands. Nature-based solutions and ecosystem-based approaches shall be primarily employed in the restoration of the ecosystem services lost from peatland degradation;

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;

Enforcement of legal 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;

Peat fire early warning systems, prevention, control, and monitoring;

Research, development, and extension. Extensive researches that will determine the value of peatlands and peatland resources as well as best practices that will sustain these values shall be recognized as integral part of management strategies. The use of innovative technologies on sustainable peatland management and practices on peatland ecosystem-based adaptation shall also be promoted and made accessible particularly to vulnerable communities;

Knowledge management and peatland information system;

Implementation of soil and water conservation research and development efforts and technologies;

Measures to address invasive alien species in peatlands;

Establishment and promotion of peatland best management practices and capacity building, including Public-Private Partnership;

Communication, education, participation, capacity-building, and awareness program;

Collaboration with indigenous peoples and local communities in the management and wise use of the peatlands including providing sustainable livelihood for peatland dependent communities, in coordination with the Department of Trade and Industry, Technical Education and Skills Development Authority, and other concerned agencies;

Harmonization and integration of local and traditional ecological knowledge and practices with science-based knowledge systems; and

Environmental impact assessments for any development activity proposed within the peatland or adjacent areas or the catchment of the peatland which may potentially have a negative impact on the peatland.

SEC. 10. *Land Classification of Peatland.* – Peatlands that are classified as agricultural lands shall be reclassified to either forest lands or national parks if, upon the recommendation of DENR based on a suitability assessment, such peatlands have high conservation value and still provide ecosystems services particularly water and climate regulation.

All peatlands that have been alienated and disposed for agricultural purposes after classification as agricultural lands but are not being utilized for such purpose shall be rehabilitated, restored, protected, and conserved. For purposes of rehabilitation, restoration, protection, and conservation, based on suitability assessment, the Secretary of the DENR may acquire by purchase, donation, or expropriation, lands or interests therein including the acquisition of usufruct, establishment of easements or other undertakings appropriate in protecting the peatlands. Peatlands with high conservation value and which provide ecosystem services, particularly water and climate change regulation, shall be recommended for such undertakings.

SEC. 11. *Prohibited acts.* – In addition to acts or omissions already penalized under existing laws, the following offenses in peatlands within public domain shall be punishable under this Act:

Drainage of peatlands for agriculture development, industrial, urban, illegal logging, transport, infrastructure, and other land use;

Forest clearance and degradation for peatland conversion to agriculture, mining, residential, or any other kind of conversion such as logging, human-induced fire, illegal peat reclamation, illegal peat dewatering, illegal peat quarrying, or illegal harvesting of wildlife;

Peatland deforestation and fires for land clearance, land claims and conflicts, and resource extraction;

Peatland clearing or earth moving for conversion to fish ponds or heavy developments including recreational facilities that are not suitable to peatlands;

Dumping of wastes and sediments from mining, factories, quarrying operations, and sewer, as well as farm water carrying pesticide residues or pollutants such as swine or livestock effluents thereby causing pollution to the peatlands; and

Introduction of invasive alien species in peatlands.

SEC. 12. *Penalties.* – Any person who violates the provision/s of this Act shall, upon conviction, be punished with a fine of not less than Two Hundred Thousand Pesos (₱200,000.00) or imprisonment of not less than six (6) months, or both, at the discretion of the court.

SEC. 13. *Reporting Responsibility.* – The DENR Regional Executive Director (RED) shall submit to the DENR Secretary, through the BMB, an annual accomplishment report on peatlands located within the territorial jurisdiction of the RED. The report shall include the conditions and benefits of the biological resources and ecosystem services of the peatland to be submitted by the RED, through channels, to the Secretary of the DENR every five (5) years. Consequently, the BMB shall, likewise, prepare a report on the implementation of the National Action Plan for the Protection and Sustainable Use of Philippine Peatlands every five (5) years and shall submit the same to the President of the Philippines and both Houses of Congress. The report on the status of peatlands shall contain an updated national action plans on biodiversity, forestry, land degradation, climate change, and disaster risk reduction and management, among others.

SEC. 14. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the DENR. Thereafter, such amount shall be included in the annual General Appropriations Act.

SEC. 15. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, the DENR shall, in close coordination with concerned agencies and stakeholders, issue rules and regulations necessary to implement the provisions hereof.

SEC. 16. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, any part or provisions not affected thereby shall continue to be in full force and effect.

SEC. 17. *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. 18. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in a newspaper of general circulation.

Approved.