



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. 5743

Introduced by CIBAC Party-List Representative
EDUARDO "BRO. EDDIE" C. VILLANUEVA

EXPLANATORY NOTE

This bill is being filed in honor and recognition of the valuable works of the late former Puerto Princesa City Mayor and Palawan 3rd District Representative, Honorable Edward S. Hagedorn, whose initiatives and advocacies for the preservation and development of our environment and natural resources were greatly renowned and acknowledged not only in the country but in the entire world.

The Kalayaan Island Group (KIG) and Scarborough Shoal are home to some of the most ecologically rich marine environments in the world. Scientific assessments have shown that coral reefs in the Spratly Islands account for around 34% of the total coral reef coverage in the South China Sea, which itself contains over 3,000 species of fish and 600 coral species. These waters play a critical role not just in global marine biodiversity, but also in supporting local and regional fisheries that are essential to the Philippines' food security and economic stability.

This bill seeks to formally declare a three (3) nautical mile zone surrounding the Kalayaan Island Group and Scarborough Shoal as a Marine Protected Area (MPA) under Republic Act No. 7586, or the National Integrated Protected Areas System (NIPAS) Act, as amended by R.A. No. 11038 or the Expanded NIPAS Act of 2018. Through this measure, the State reinforces its constitutional duty to preserve and protect the marine environment for the benefit of present and future generations.

The bill aligns with international law, particularly Article 123 of the United Nations Convention on the Law of the Sea (UNCLOS), which mandates coastal states in semi-enclosed seas to cooperate in preserving the marine environment. It also builds upon the 2016 arbitral ruling which reaffirmed the Philippines' sovereign rights in these waters.

The bill prohibits destructive activities such as coral reef destruction, dumping of toxic substances, illegal fishing, and mineral exploration, while providing mechanisms for monitoring, enforcement, and community cooperation. Furthermore, it empowers the Department of Environment and Natural Resources to designate strict

protection zones and buffer zones, and establishes a Protected Area Management Board and Office to oversee implementation.

In light of the growing ecological threats, overlapping territorial interests, and increasing pressure on marine resources, this bill is both a defense of Philippine sovereign rights and a bold environmental conservation initiative. It reaffirms our commitment to protect our natural heritage and uphold the rule of law in the West Philippine Sea.

The immediate passage of this measure is therefore earnestly sought.


EDUARDO "BRO. EDDIE" C. VILLANUEVA



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HOUSE BILL NO. 5743

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AN ACT

DECLARING THE THREE (3) NAUTICAL MILES SURROUNDING THE KALAYAAN ISLAND GROUP (KIG) 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 ACT OF 2018

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

1
2 **SECTION 1. Short Title.** - This act shall be known as the "*KIG and Scarborough*
3 *Shoal Marine Protected Area Act.*"
4

5 **SEC. 2. Declaration of Policy** - Article II, Section 16 of the 1987 Constitution
6 declares that the State shall protect and advance the right of the people to a balanced
7 and healthful ecology in accord with the rhythm and harmony of nature.
8

9 Likewise, Republic Act No. 7586 or the National Integrated Protected Areas
10 System Act of 1992 (NIPAS), as amended by Republic Act No. 11038, or the
11 Expanded National Integrated Protected Areas System Act of 2018 (E-NIPAS),
12 mandates the State to secure for the Filipino people of present for future generations,
13 the perpetual existence of all native plants and animals through the establishment of
14 a comprehensive system of integrated protected areas within the classification of
15 national park as provided for in the Constitution.
16

17 Scientific studies established that coral reefs in the Spratlys comprise 34
18 percent of the world's total coral reefs. These serve as the breeding ground of fish in
19 the South China Sea despite occupying only 2.5 percent of the world's total ocean and
20 sea surface making the South China Sea as one of the richest marine areas in the
21 world, which is home to diverse marine ecosystems with over 3,000 species of fish
22 and 600 species of coral reef. It is hereby declared the policy of the State to protect

1 the ecology of the areas surrounding the Kalayaan Island Group (KIG) and the
2 Scarborough Shoal.

3
4 Consistent with Article II, Section 2 of the 1987 Constitution to adopt the
5 generally accepted principles of international law as part of the law of the land and to
6 adhere to the policy of peace, equality, justice, freedom, cooperation and amity with
7 all nations as key in attaining the protection, conservation, preservation, and promotion
8 of the biodiversity, ecosystem, and all other natural resources, we adhere to Article
9 123 of the United Nations Convention on the Law of the Seas (UNCLOS), which
10 requires the Philippines and other coastal states in semi-enclosed seas like the South
11 China Sea to cooperate with each other in the exercise of their rights and in the
12 performance of their duties under the said Convention with respect to the protection
13 and preservation of the marine environment.

14
15 **Section 3. Definition of Terms** - For purposes of this Act, the following terms
16 shall be defined as follows:

- 17
18 a. **Arbitral Tribunal Ruling** - refers to the July 12, 2016 ruling rendered by the
19 arbitral tribunal of the Permanent Court of Arbitration in The Hague
20 adjudicating the Philippines' case against China in the West Philippine Sea
21 in accordance with the 1982 UNCLOS;
22 b. **Atolls** - refers to a reef with or without an island situated on it surrounded by
23 the open sea, that encloses or nearly encloses a lagoon;
24 c. **Buffer Zones** - refers to identified areas outside the boundaries of and
25 immediately adjacent to designated protected areas that need special
26 development control in order to avoid or minimize harm to the protected
27 area;
28 d. **Kalayaan Island Group** - refers to the group of islands and islets located in
29 the West Philippine Sea including the seabed, sub-soil, continental margin
30 and airspace, declared to be subject to the sovereignty of the Philippines
31 under Presidential Decree No. 1596, and was likewise declared as part of
32 the Regime of Islands by Republic Act No. 9522, or An Act to Define the
33 Baselines of the Territorial Sea of the Philippines;
34 e. **Marine Protected Area** - refers to identified portions of water set aside by
35 reason of their unique physical and biological significance, managed to
36 enhance biological diversity and protected against destructive human
37 exploitation;
38 f. **National Park** - refers to the lands of the public domain classified as such in
39 the Constitution which include all areas under the NIPAS pursuant to this
40 Act, primarily designated for the conservation of native plants and animals,
41 their associated habitats and cultural diversity;
42 g. **Protected Area** - refers to identified portions of land and/or water set aside
43 by reason of their unique physical and biological diversity and protected
44 against destructive human exploitation;
45 h. **Reefs** - refers to a mass of rock or coral which either reaches close to the
46 1. sea surface or is exposed at low tide;
47 i. **Scarborough Shoal** - refers to an area located in the West Philippine Sea
48 which was declared part of the Regime of Islands under R.A. No. 9522;
49 j. **Strict Protection Zones (SPZs)** - refers to portions within protected areas
50 that are closed to human activities by virtue of their significant biodiversity

1 value, high susceptibility to geo-hazard, and identification as permanently
2 dangerous. These areas may also include habitats of threatened species,
3 or degraded areas that are designated for restoration and subsequent
4 protection, regardless of their stages of regeneration;

5 k. UNCLOS - refers to the 1982 United Nations Convention on the Law of the
6 Seas;

7 l. West Philippine Sea - refers to the maritime areas on the western side of
8 the Philippine archipelago within the Exclusive Economic Zones (EEZ) over
9 which the Philippines exercises sovereign jurisdiction including the Luzon
10 Sea as well as the waters around, within and adjacent to the Kalayaan
11 Island Group and Bajo De Masinloc, also known as Scarborough Shoal.
12

13 **SEC. 4. Scope** - The area covered by the Kalayaan Island Group and
14 Scarborough Shoal Marine Protected Area (KIGSS-MPA) subject of this Act shall be
15 all the areas within three (3) nautical miles from the baselines surrounding the KIG
16 and Scarborough Shoal as established by R.A. No. 9522.
17

18 **SEC. 5. Declaration of Protected Area and Strict Protection Zone** - It is
19 hereby declared that the area covering the KIGSS-MPA as specifically identified in the
20 preceding section is hereby declared as a protected area and shall enjoy the benefits
21 and protection afforded by R.A.
22

23 No. 7586, as amended: Provided, That the Secretary of the Department of
24 Environment and Natural Resources (DENR Secretary), upon the recommendation of
25 the Protected Area Management Board (PAMB), shall designate Strict Protection
26 Zones (SPZs) within the KIGSS-MPA in areas with significant biodiversity values or
27 habitats of threatened species, based on a comprehensive biodiversity inventory and
28 assessments: Provided, further, That any and all international treaties or rulings,
29 Philippine laws, rules, and regulations involving the protection, conservation of KIGSS-
30 MPA shall be strictly observed and implemented.
31

32 The DENR Secretary, also upon recommendation of the PAMB, may designate
33 areas surrounding the KIGSS-MPA as Buffer Zones for the purpose of providing extra
34 layer of protection where restrictions may be applied.
35

36 **SEC. 6. Prohibited Acts** - The following are the prohibited acts within the
37 KIGSS-MPA:
38

39 a. Using of any fishing or harvesting gear and practices or any of their
40 variations that destroys coral reefs, seagrass beds or other marine life:
41 Provided, that mere possession of such gears within the protected areas
42 shall be prima facie evidence of their use;

43 b. Dumping, throwing, using, or causing to be dumped into or placed in the
44 protected area of any toxic chemical, noxious or poisonous substance or
45 nonbiodegradable material, intreated sewage or animal waste or productes
46 whether in liquid, solid, or gas state, including pesticides and other
47 hazardous substances as defined under Republic Act No. 6969 or the Toxic
48 Substances and Hazardous and Nuclear Waste Control Act of 1990
49 detrimental to the protected area, or the living things inhabiting in within the
50 protected area;

- c. Littering or depositing refuse or debris within the protected area;
- d. Possessing or using blasting caps or explosives anywhere within the protected area;
- e. Undertaking mineral exploration or extraction within the protected area;
- f. Establishing or introducing exotic species including genetically modified organisms or invasive alien species within the protected area;
- g. Constructing, installing, erecting, or maintaining any kind of structure, fence, or enclosure whether temporary or permanent, within the protected area: Provided, that structures and projects for biosphere development shall be allowed: Provided, further, that such activities shall be with prior coordination with DENR through the PAMB;
- h. Any other act that will tend to or actually result in the disturbance, killing, destruction, endangerment, devastation, or annihilation of the natural flora and fauna found within the protected area.

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

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

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

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

SEC. 9. Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight Committee - to oversee the effective implementation of this Act, a special congressional oversight committee to be known as the Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight Committee

1 (KIGSS-MPA-JOC) composed of the members from the Committees on Natural
2 Resources and Committee on the West Philippine Sea from both upper and lower
3 houses of congress is hereby created. The KIGSS-MPA-JOC, which shall be jointly
4 headed by the Chairpersons of the Committees on Natural Resources from both
5 houses, shall convene biannually, or as often as may be necessary in order to ensure
6 the implementation of this Act.

7
8 The KIGSS-PAMB and KIGSS-PAMO shall submit an annual report to the
9 KIGSS-MPA-JOC on the status of the KIGSS-MPA and implementation of this Act.

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

16
17 **SEC. 11. Implementing Rules and Regulations.** - The DOST Secretary shall,
18 in consultation with DBM, DOH, CSC, and other relevant government agencies,
19 promulgate the necessary rules and regulations within one hundred twenty (120) days
20 from effectivity of this Act.

21
22 **SEC. 12. Separability Clause.** - If any portion of this Act is declared invalid or
23 unconstitutional, other provisions hereof shall remain in full force and effect.

24
25 **SEC. 13. Repealing Clause.** - All laws, decrees, orders, rules, and regulations
26 or other issuances or parts thereof inconsistent with the provisions of this Act are
27 hereby repealed or modified accordingly.

28
29 **SEC. 14. Effectivity.** - This Act shall take effect fifteen (15) days after its
30 publication in the Official Gazette or in a newspaper of general circulation.

31
32 *Approved,*