



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

20th CONGRESS
1st Regular Session

HOUSE BILL NO. 9062



Introduced by Representative SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

AN ACT
ESTABLISHING THE NATIONAL COASTAL GREENBELT PROGRAM, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES"

EXPLANATORY NOTE

The Philippine coastal zone is typical of tropical coastal habitats characterized by five (5) major eco-revenue units occurring along shallow coastlines, namely: coral reefs, mangrove ecosystems, beach systems, estuaries, lagoons, and seagrass beds. Coastal resource management, however, is not limited to the coastal zone because of very tight links between upland and coastal ecosystems, and what happens in one ecosystem directly affects the other.

Coastal ecosystems serve as natural buffers that protect coastal and inland communities from natural hazards such as, but not limited to, storm surges and coastal erosion; a condition that is made more challenging with the advent of climate change and consequential effects on the environment.

Today, the rising sea level in the Philippines is increasing at 5-7mm a year, faster than the global average, such that coastal areas face flooding, erosion, saltwater intrusion, threatening communities, livelihood, and infrastructure across the country.

This bill, therefore, seeks to establish a coordinated program for the rehabilitation and protection of mangrove forests and coastal ecosystems with emphasis on the importance of empowering coastal communities in restoration efforts and creating green jobs. Mangrove forests are crucial for mitigating the effects of climate change by acting as natural barriers and flood control measures as a sustainable nature-based solution.

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

SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

Representative

Maguindanao del Norte, Lone District with Cotabato City



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

SECTION 1. This Act shall be known as the "*National Coastal Greenbelt Act*".

SEC. 2. Declaration of Policy. – The State shall ensure the protection of the rights of the people to a healthful and balanced ecology. Consistent with Republic Act No. 9729, otherwise known as the "Climate Change Act of 2009", as amended by Republic Act No. 10174, otherwise known as "An Act Establishing the People's Survival Fund to Provide Long-Term Finance Streams to Enable the Government to Effectively Address the Problem of Climate Change, Amending for the Purpose Republic Act No. 9729, Otherwise Known as the "Climate Change Act of 2009", and for Other Purposes", the State shall encourage the participation of the national government, local governments, businesses, non-government organizations, local communities, and the public to prevent and reduce the adverse impact of climate change.

The State shall also recognize that climate change and disaster risk reduction and management are closely interrelated. The State shall incorporate a gender-sensitive, pro-children, and pro-poor perspective in all plans for disaster risk reduction and management. These principles shall be further integrated into climate change programs and initiatives. Taking into account the effects of climate change and the need to conserve and develop the conditions of our environment, the State shall take appropriate measures to protect the lives and properties of the people from the impacts of typhoons, tsunamis, and similar natural events.

SEC. 3. Definition of Terms.

- a) *Coastal Greenbelts* – a strip of natural or planted coastal vegetation, stretching at least 100 meters in width from the sea towards land, primarily of mangrove and beach forest species, which are designed to prevent coastal erosion and mitigate the adverse impacts of natural coastal hazards on human lives and property.

- b) *Designated Areas for Coastal Greenbelts* – Cite specific stretches of vegetation in areas with abandoned fishponds that require the reversion of these fishponds to mangrove through natural regeneration or replanting with locally appropriate species. Designated areas with illegal structures (such as breakwaters, permanent residential/commercial structures, and the like) require the removal of such structures.
- c) *National Coastal Greenbelt Action Plan (NCGAP)* – The operational plan that shall serve as the guide for Local Coastal Greenbelt Action Plan (LCGAP), containing the implementing guidelines on how to operationalize Section 4 of this Act.
- d) *Local Coastal Greenbelt Action Plan (LCGAP)* – The local action plan shall be based on the NCGAP and shall contain the specific goals and targets for the implementation of the program set in the NCGAP.

SEC. 4. National Coastal Greenbelt Action Plan (NCGAP)– The Climate Change Commission shall, within six (6) months, identify and convene all national agencies responsible for foreshore management, mangrove and beach forest protection and utilization, coastal land and sea-use planning, coastal tourism development, social welfare of coastal communities, and other relevant mandates, to prepare an integrated National Coastal Greenbelt Action Plan (NCGAP).

The NCGAP shall, at a minimum, contain the following:

- a) Spatial representation, or if feasible, a quick/rapid inventory of the status of coastlines and foreshores, including the status of mangroves, beach forests, settlements, structures, and fishponds within 100 meters therein;
- b) Assessment of priority areas to be declared as coastal greenbelts, for each coastal province, city, and municipality, to protect using mangroves and beach forests, based on vulnerability to storm surges, waves, tsunamis, and the like. The action plan shall indicate that the assessment of the priority areas shall be completed within twelve (12) months from the adoption of the NCGAP;
- c) Designation of priority areas for coastal greenbelts that are already included as either a protected area under the Republic Act No. 7586 otherwise known as the “National Integrated Protected Area Systems Act of 1992, or as a fish refuge or sanctuary under Republic Act No. 8550 otherwise known as the “Philippine Fisheries Code of 1998”, or as a local marine protected area as declared by cities and municipalities through ordinances. The designation shall be completed within six (6) months from the completion of the assessment. The designation shall be done through a proposal through the appropriate agency, municipality, or city, as may be deemed necessary. If an area is designated as a priority area, no structure shall be allowed in the area unless it is approved by the DENR or BFAR, as may be appropriate.
- d) Operational plan for the rehabilitation, reforestation, or afforestation of designated priority coastal greenbelts with ecologically appropriate mangrove and beach forest species, not less than 100 meters minimum target area of twenty per cent (20%) of the designated priority areas in the first five (5) years, for maximum protection of the most vulnerable communities in the city or municipality. The remaining priority areas must be completed within ten (10) years.
- e) Operational plan for the reversion of all abandoned fishponds to mangroves through natural regeneration or replanting with locally appropriate species. The NCGAP shall indicate that the

identification and recovery of possession from the delinquent fishpond lease agreement holders shall be completed within twelve (12) months from the adoption thereof. All fishpond areas to be reverted to mangroves shall form part of the minimum target for the first year of implementation of the Action Plan.

- f) Operational plan for the removal of illegal structures (such as breakwaters, permanent residential/commercial structures, and the like), in the identified coastal priority coastal greenbelts. The NCGAP shall indicate that the declaration of and notice to persons responsible for the removal of illegal structures shall be completed within twelve (12) months thereof. The removal of illegal structures in and the start of the rehabilitation, reforestation or afforestation of these areas shall form part of the minimum target for the first year of the implementation of the Action Plan.
- g) Monitoring and evaluation of the action plan with quantitative and qualitative targets consistent with (d), (e), and (f) above, appropriate indicators, and reasonable means of verification. The plan shall become an integrated part of the action plan and annual report to Congress.

SEC. 5. Key Implementing Agencies. – The following agencies shall take the lead in implementing components of the Program and Action Plan relevant to their mandates:

- a) The Climate Change Commission (CCC) shall be responsible for the congregation of relevant government agencies, facilitation of public participation in the preparation of the NCGAP, integration of the NCGAP into the Local Action Plans including the power of approving and putting up of necessary structures in the designated areas, and the preparation of the integrated reports to Congress specially about the expenditure of the appropriation and other pertinent matters under Section 8 of this Act.
- b) The Department of Environment and Natural Resources (DENR), through its relevant offices, shall be responsible for the (a), (b), (c), (d), (e), and (f) of Section 4 of this Act inline with existing laws and mandates, and it shall provide the CCC all relevant information to aid in the monitoring and evaluation of the NCGAP. In particular, the DENR shall identify the designated areas that need to be expropriated by the government and recommend the expropriation plan to the CCC.
- c) The Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of Agriculture (DA) shall coordinate with the DENR for (e) in Section 4 above. The operational plan that provides for the reversion of all abandoned fishponds to mangroves through natural regeneration or replanting with locally appropriate species in line with existing laws and mandates, and shall provide the CCC with all the relevant information to aid in the monitoring and evaluation of the NCGAP.
- d) The Department of Interior and Local Government, through its relevant office, shall provide technical guidance for provinces, cities, and municipalities to develop Local Coastal Greenbelt Action Plans, design and implement community-based and ecologically appropriate rehabilitation, reforestation, and afforestation programs, and monitor and evaluate their programs. In particular, the Local Inter-Agency Committee (LIAC) shall coordinate with the local government unit in implementing the action plans.

In addition, the National Housing Authority shall provide an appropriation for the relocation of the families or individuals who will be affected by the designated areas. The other agencies that participated in the preparation of the action plan shall implement their commitments, as provided therein. The actions required of implementing agencies are immediately executable based on the agreed National Coastal Greenbelt Action Plan, and on their existing mandates, programs or budgets that are aligned with the action plan, without the need for formulating implementing guidelines, rules, and regulations for this Act.

SEC. 6. *National Technical Advisory Committee.* – The Climate Change Commission shall convene a National Technical Advisory Committee (NTAC) composed of:

- 1) A technical representative from the Climate Change Commission (CCC);
- 2) A technical representative from the Department of Environment and Natural Resources (DENR);
- 3) A technical representative from the Bureau of Fisheries and Aquatic Resources (BFAR);
- 4) Two (2) known experts in mangroves and beach forests ecosystems, oceanography, or other related disciplines;
- 5) A representative from a non-government organization or a people's organization that demonstrates the capacity to promote the public interest and has identifiable leadership, membership, and structure that has been actively involved in mangrove research and has produced actual publications in mangrove research, shall be among the criteria that shall be set by the DENR, BFAR, and CCC.

The National Technical Advisory Committee shall provide scientific guidance in the design, implementation, and evaluation of actions under the NCGAP. The experts shall serve in the committee without compensation but may be reimbursed for basic expenses to attend meetings and prepare technical reports.

SEC. 7. – *Local Coastal Greenbelt Action Plan (LCGAP).* – Each coastal municipality and city in the identified priority coastal greenbelt areas in the action plan shall prepare a Local Coastal Greenbelt Action Plan to facilitate the implementation of mandated actions in the NCGAP. The roles of the municipality or city, as provided in the LCGAP, are as follows:

- a) Facilitate the implementation of the mandates of the national agencies under the Section 4, by providing local data and other supporting measures;
- b) Implement complementary programs to assist the local communities and local businesses that are affected by the actions of Section 4, such as relocation sites with basic services such as livelihood and transportation programs, zoning or rezoning of the priority coastal greenbelt areas, as appropriate, and the like;
- c) Provide the actual inventory of affected families in designated areas and ensure that a just and humane process of relocation is conducted;
- d) Lead in the actual implementation of rehabilitation, reforestation, and afforestation through the coastal barangays;
- e) Integrate the identified coastal greenbelts in the local comprehensive land use plans;
- f) Provide data and qualitative feedback to key implementing agencies, as may be relevant;

The provincial government shall provide technical and budgetary support to component coastal cities and municipalities sharing a common priority coastal greenbelt area.

SEC. 8. *Enforcement Actions.* –

- a) In addition to the penalties provided under existing law, any person who obstructs the DENR in the removal of illegal structures, or BFAR in the process of reversion of abandoned fishponds, shall be liable to that agency for an administrative fine of fifty thousand pesos (P50,000.00) per day that the agency is prevented from performing its function;
- b) No structures shall be built within the identified coastal greenbelts without a permit from the DENR or BFAR, consistent with their mandates. Any person who violates this prohibition shall be liable to the agency for an administrative fine of fifty thousand pesos (P50,000.00) per day from the time the structure was built until its removal;
- c) Proceeds from the administrative fines under this section shall be retained by the agency imposing such fines and used exclusively for the implementation of its mandate under this Act;
- d) Legal actions filed in the exercise of rights and enforcement of obligations under this Act shall be covered by the Rules of Procedures for Environmental Cases.

SEC. 9. *Appropriations.* – Key implementing agencies shall draw from their existing programs and budgets to implement their responsibilities under the action plan, and through the People's Survival Fund, where appropriate, subject to additional funding in the national annual appropriations, to meet the targets agreed upon in the action plan.

SEC. 10. *Annual Report to Congress.* – Key Implementing agencies shall report to Congress on their progress in meeting the quantitative and qualitative targets under the Action Plan for each fiscal year. The reports shall be consolidated by the Climate Change Commission for presentation to the appropriate committee in Congress at a meeting called for this purpose.

SEC. 11. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 12. *Repealing Clause.* – All laws, parts of laws, decrees, presidential decrees, issuances, proclamations, orders, and administrative regulations in conflict with the provisions of this Act are hereby amended, modified, or repealed accordingly.

SEC. 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette and two (2) national newspapers of general circulation.

Approved.