

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
First Regular Session

'04 JUN 30 P10:42

SENATE

S. No. 732 RECEIVED BY: *Am*

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

The illegal activities of man have led to the unabated destruction of the coral reefs in the Philippines. Despite the colossal damage done to the coral reefs, there is minimal effort to preserve and protect these gifts.

Cognizant of such problem, the State hereby acknowledges the importance of coral reefs in maintaining our ecological balance as well as for national development. For this purpose, this bill proposes the establishment of reservation areas exclusively for the protection and preservation of the coral reefs.

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


MANUEL B. VILLAR, JR.

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S. No. 732

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AN ACT
PROVIDING FOR THE CREATION OF RESERVATION AREAS FOR THE
RESERVATION AND PROTECTION OF THE CORAL REEFS, PROVIDING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* - This Act shall be known as the "Coral Reefs Protection and Preservation Act of 2004".

SECTION 2. *Declaration of Policy.* - The illegal activities of man have led to the unabated destruction of the coral reefs in the Philippines. Despite the continuous damage done to the coral reefs, man has failed to take measures to recover and reclaim the losses cause thereby. Cognizant of such problem, the State hereby acknowledges the importance of coral reefs in national development. For this purpose, there shall be established reservation areas exclusively for the protection and preservation of the coral reefs.

A National Council for the Preservation of the Coral Reefs is hereby created which shall be the leading agency to undertake the management of the reservation areas.

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

- a. Coral Reefs - a coelenterate of class anthazoa and occur as polyps, usually found in shallow ocean water.
- b. Reservation Areas - coastal areas which have been set aside exclusively for the conservation and preservation of coral reefs.
- c. Coastal Areas - portions of land which border the sea

SECTION 4. *Municipal Coastline Reservation Areas.* - There shall be established and set aside portion of coastal areas in each municipality within the Philippines solely for the preservation, protection and management of coral reefs.

SECTION 5 *National Council for the Preservation of Coral Reefs.* - There shall be created a National Council for the Preservation of Coral Reefs which shall be an attached agency of the Department of Environment and Natural Resources (DENR). The council shall be headed by the Secretary of the DENR who shall be the Chairman of the Council. The other members of the Council shall be 1) the Secretary of the Department of the Interior and Local Government (DILG); 2) the Director-General of the National Economic and Development Authority (NEDA); 3) the Director of the Forest Management Bureau; 4) a ranking official from an accredited non-governmental organization.

The National Council shall have the following powers and functions:

- a. Prepare a comprehensive program for the preservation of the coral reefs by conducting the necessary studies on the systems and the mode of preservation of the coral reefs;
- b. Identify the coastal areas which shall form part of the reservation areas;
- c. Have general control and supervision over all the regional councils; and
- d. Promulgate the necessary rules and regulations necessary to carry out this Act.

SECTION 6. *Regional Council for the Preservation of Coral Reefs.* - There shall be created a Regional Council for the Preservation of Coral Reefs in each region. The Council shall be headed by a Regional Executive Director duly appointed by the Chairman of the National Council. Other members of the Regional Council shall be composed of representatives from a province or municipality concerned. The Regional Council shall have the following powers and functions:

- a. Implement and enforce all the programs and policies laid down by the National Council;
- b. Carry out the general administration and day-to-day planning of the program; and
- c. Secure the reservation area from illegal cutters, fishermen, and from illegal activities which would endanger the successful implementation and viability of the program.

In the exercise of this function, the Regional Council and the Local Government under whose jurisdiction the reservation area is located shall employ the services of forest guards who shall be tasked with the responsibility to guard and police the reservation areas. They shall have the authority to arrest those who violate the provisions of this Act and the rules and regulations pursuant thereto.

In the event that any member or officer of the National and Regional Council or any of the forest guards are found to be involved in illegal activities, or found to be guilty of malfeasance, the concerned individual shall be held liable for such violations and shall be prosecuted in accordance with the

provisions of Section 8 of this Act without prejudice to any criminal liability which he or she may be found guilty of.

d. Perform other powers and functions as may be designated by the National Council.

SECTION 7. *Prohibited Acts.* - The following acts are prohibited:

- a. Destruction of the coral reefs within the reservation areas;
- b. Harvesting of coral reefs within the reservation areas;
- c. Illegal fishing activities prejudicial to the preservation of the coral reefs;
- d. Dumping of mine tailings and other industrial wastes within the reservation areas; and
- e. Other acts or activities which will result in the destruction of the reservation areas.

SECTION 8. *Penalties.* - Those who are found guilty of violating this Act or any rules and regulations issued by the National Council shall, after notice and hearing by the regular courts of record, be fined in the amount of not less than Five hundred thousand pesos (P500,000.00) but not more than one million pesos (P1,000,000.00), or imprisoned for at least one (1) year but not more than six (6) years, or both, in the discretion of the court.

If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers.

SECTION 9. *Separability Clause.* - Should any provision of this Act, be declared invalid or unconstitutional, no other provisions hereof shall be affected thereby.

SECTION 10. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, and other issuances, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or amended accordingly.

SECTION 11. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days following its publication in two newspapers of general circulation.

Approved,