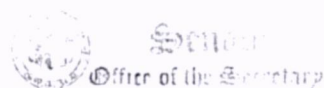


EIGHTEENTH CONGRESS OF THE)
SENATE OF THE PHILIPPINES)
First Regular Session)



'19 JUL -2 A11 :20

SENATE

S. No. 148

RECEIVED BY

Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT
PROVIDING FOR THE PRESERVATION, REFORESTATION,
AFFORESTATION AND SUSTAINABLE DEVELOPMENT OF MANGROVE
FORESTS IN THE PHILIPPINES, PROVIDING PENALTIES THEREFOR
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Mangrove forests are considered one of the most productive and fertile ecosystems in the world. Many of our people living in coastal communities lived, fished and hunted in the mangroves for ages, deriving from them important commodities such as food, fuel, timber, medicine and building materials. Mangrove forests also served as "shelterbelt" because they can cushion the impact of strong winds and provide protection against soil erosion. With its extensive air root system, mangrove forests are able to stabilize shorelines and protect inshore nutrients from adjacent areas. More important, mangrove forests serve as natural nurseries or breeding places for a large number of commercially important marine species.

Through the years, we have witnessed the rapid decline of our mangrove forests, which could be attributed to the "open access" of the present system that causes the over-population of resources found within the forests. This is intensified

by the lack of technical understanding of management, especially among local government executives and community residents living along the coasts.

This measure proposes to establish reservation areas in all coastal areas in each municipality of the country solely for the preservation, protection, reforestation, afforestation and sustainable development of mangrove forests. In setting aside portions of land for mangroves, we can ensure that our people will continue to enjoy the benefits accorded by this important ecosystem. This bill will also penalize the destruction and cutting of mangrove trees, as well as the dumping of waste products within the reservation areas. Furthermore, the measure makes the offender pay for the expenses that will be incurred for the restoration or rehabilitation of the mangrove areas that will be damaged or destroyed.

In view thereof, early approval of this bill is earnestly recommended.



CYNTHIA A. VILLAR

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

1 SECTION 1. *Title.* – This Act shall be known as the “National Mangrove
2 Forest Protection and Preservation Act of 2019.”

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State
4 to protect and preserve the country’s natural resources. Towards this end, the
5 preservation, reforestation, afforestation and sustainable development of the
6 mangrove forests shall be pursued through the establishment of reservation areas
7 exclusively for mangrove trees.

8 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following
9 terms shall mean:

1 (a) "Afforestation" refers to the establishment of a mangrove forest in an
2 area that did not carry such forest within the past fifty (50) years or within living
3 memory;

4 (b) "Coastal areas" refers to the band of dry land and adjacent ocean
5 space (water and submerged land) in which terrestrial processes and uses directly
6 affect oceanic processes and uses and vice versa; its geographic extent may include
7 areas within a landmark limit of one (1) kilometer from the shoreline at high tide to
8 include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers,
9 sandy beaches and other areas within a seaward limit of two hundred (200) meters
10 isobath to include coral reefs, algae flats, seagrass beds and other soft bottom
11 areas;

12 (c) "Mangrove forest" refers to a type of forest occurring on a tidal flat
13 along the sea coast, extending along streams where the water is brackish;

14 (d) "Reservation areas" refers to portions of coastal areas which have
15 been set aside exclusively for reforestation, afforestation, conservation and
16 preservation purposes; and

17 (e) "Reforestation" shall refer to the planting of mangrove trees along the
18 denuded coastal areas.

19 SEC. 4. *Establishment of Mangrove Reservation Areas.* – There shall be
20 established and set aside in all coastal areas in each municipality within the
21 Philippine portions of land solely for the preservation, protection, reforestation,
22 afforestation and sustainable management of mangrove forests. All existing
23 mangrove forests shall automatically form part of the reservation areas.

24 SEC. 5. *Establishment of the National Council for the Preservation of*
25 *Mangrove Forests.* – There is hereby established a National Council for the
26 Preservation of Mangrove Forests, hereinafter referred to as the National Council,

1 which shall be an attached agency of the Department of Environment and Natural
2 Resources (DENR).

3 The National Council shall be composed of twelve (12) members consisting of
4 the following:

- 5 (1) The Secretary of the DENR who shall act as Chairman;
- 6 (2) The Secretary of the Department of Agriculture (DA) who shall act as
7 Vice-Chairman;
- 8 (3) The Secretary of the Department of Interior and Local Government
9 (DILG);
- 10 (4) The Secretary of the Department of Science and Technology (DOST);
- 11 (5) The Director-General of the National Economic Development Authority
12 (NEDA);
- 13 (6) The Director of the Bureau of Fisheries and Aquatic Resources (BFAR)
14 of the DA;
- 15 (7) The Director of the Forest Management Bureau (FMB) of the DENR;
- 16 (8) The Director of the Ecosystem and Research Development Bureau
17 (ERDB) of the DENR;
- 18 (9) The Administrator of the National Mapping and Resources Information
19 authority (NAMRIA);
- 20 (10) A representative from the academe to be appointed by the President
21 of the Philippines;
- 22 (11) A representative from the research institutions conducting researches
23 on sustainable mangrove forest management to be appointed by the
24 President of the Philippines; and
- 25 (12) A representative from an accredited non-government organization
26 (NGOs) conducting programs on sustainable mangrove forest
27 management to be appointed by the President of the Philippines.

1 SEC. 6. *Powers and Functions of the National Council.* – The National
2 Council shall have the following powers and functions:

3 (1) To review existing relevant policies and conduct studies on mangrove
4 forest and its preservation;

5 (2) To prepare a comprehensive program for the preservation,
6 reforestation, afforestation and sustainable development of mangrove forests;

7 (3) To establish the guidelines in identifying the areas to be declared as
8 mangrove forest reservations;

9 (4) To identify and delineate the boundaries of coastal areas which shall
10 form part of the mangrove reservation areas;

11 (5) To exercise control and supervision over all the local councils; and

12 (6) To promulgate the rules and regulations necessary to carry out the
13 provisions of this Act;

14 SEC. 7. *The Local Council for the Preservation of Mangrove Forests.* – A
15 local council for the preservation of mangrove forests, hereinafter referred to as the
16 Local Council, shall be established in each of the municipalities where a mangrove
17 reservation area has been identified. for each of the municipality where a
18 reservation area has been identified. Each Local Council shall be chaired by the
19 Regional Executive Director of the DENR under whose jurisdiction the reservation
20 area is located, with the following members: (a) a representative of the municipal
21 government concerned; (b) a representative each from the barangays under whose
22 territory the reservation area is located; (c) a representative from an accredited
23 non-governmental organization (NGO); and (d) a representative from the private
24 sector.

25 SEC. 8. *The Powers and Functions of the Local Council.* – The Local Council
26 shall have the following powers and functions:

27 (1) To implement and enforce all the programs and policies laid down by
28 the National Council;

1 (2) To carry out the general administration and day to day planning of the
2 Program;

3 (3) To secure the mangrove reservation area from illegal and destructive
4 activities which would endanger the successful implementation and viability of the
5 program; and

6 (4) To perform such other powers and functions as may be designated by
7 the National Council.

8 In order to secure the mangrove reservation area from illegal and destructive
9 activities, the Local Council and the local government, under whose jurisdiction the
10 reservation area is located, shall employ the services of forest guards who shall be
11 tasked with the responsibility to guard and police the areas. They shall have the
12 authority to arrest those caught violating the provisions of this Act and the rules and
13 regulations issued pursuant thereto.

14 In the event that any of the forest guards are found to be guilty of
15 nonfeasance, misfeasance or malfeasance, the forest guard or guards concerned
16 and the officials of the Local Council and the local government, by virtue of the
17 principle of command responsibility, shall be held liable for such violations and shall
18 be prosecuted in accordance with the provisions of this Act without prejudice to any
19 criminal and/or liabilities provided for under existing laws of the country.

20 SEC. 9. *Prohibited Acts.* – The following acts are hereby prohibited within
21 the mangrove reservation areas:

22 (a) Cutting, uprooting or destroying any mangrove tree;

23 (b) Dumping of waste;

24 (c) Construction or reclamation activity;

- 1 (d) Illegal fishing activities that will result in the damaging and destruction
2 of the mangrove forest; and
- 3 (e) Other acts or activities that will result in the damage and/or
4 destruction of the mangrove forest.

5 SEC. 10. *Penalties.* – Any person, natural or juridical, found guilty of
6 violating any provisions of this Act or the rules and regulations issued by the
7 National Council, shall, after due notice and public hearing by the regular courts of
8 competent jurisdiction, be fined in the amount of not less than Two hundred
9 thousand pesos (PhP200,000.00) but not more than One million pesos
10 (PhP1,000,000.00) or imprisonment for not less than one (1) year but not more than
11 six (6) years, or both, at the discretion of the Court: *Provided,* That if the area
12 requires rehabilitation or restoration as determined by the Court, the offender shall
13 also be required to restore or compensate for the restoration of the damage.

14 If the offender is an association or corporation, the president or manager and
15 the officer who has direct knowledge over the offense shall be held liable under this
16 Act.

17 Sec. 13. *Implementing Rules and Regulations.* – Within ninety (90) days
18 from the effectivity of this Act, the Department of Environment and Natural
19 Resources (DENR), in coordination with the Department of the Interior and Local
20 Government (DILb) and other relevant stakeholders, shall promulgate the
21 implementing rules and regulations as may be necessary to carry out the provisions
22 of this Act.

23

24 Sec. 11. *Appropriations.* – The amount needed for the initial implementation
25 of this Act shall be taken from the current year's appropriations of the Department of
26 Environment and Natural Resources (DENR). Thereafter, such sums as may be
27 necessary for its continued implementation shall be included in the annual General
28 Appropriations Act.

29

1 Sec. 12. *Separability Clause.* – If any portion or provision of this Act is
2 declared unconstitutional or invalid, the remainder of this Act or any provisions
3 hereof not affected thereby shall continue to be in force and effect.

4 Sec. 13. *Repealing Clause.* – Any law, presidential decree or issuance,
5 executive order, letter of instruction, rule or regulation inconsistent or contrary to
6 the provisions of this Act is hereby repealed or modified accordingly.

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

9 Approved,