EIGHTEENTH CONGRESS OF THE 
REPUBLIC OF THE PHILIPPINES 
First Regular Session 

SENATE 
Senate Bill No. 639 

Introduced by Senator FRANCIS N. PANGILinan 

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 

According to the United Nations Environment Programme (UNEP), mangrove forests are being destroyed three to five times higher than the average rate of deforestation.¹ For the past two decades, 628 square kilometers of mangroves in Southeast Asia were cut down annually.² In the Philippines alone, UNEP said that almost 50% of mangroves have already been lost since 1918. Further, the ASEAN Centre for Biodiversity said that the former 500,000 hectares of Philippine mangroves are down to just 100,000 hectares or less.³ 

Aside from its rich biodiversity, mangroves are vital in ensuring food security for local communities, providing forest products, and sustaining fisheries. In fact, some 75% of commercial fish species spend part of their lifecycle in these coastal wetlands.⁴ Furthermore, mangrove forests sequester almost 22.8 million tons of carbon each year⁵ and reduce the risks caused by tsunami waves, erosion, and storms⁶.

Despite its significance, mangrove forests are among the world’s most threatened tropical ecosystems, with man-made pollution posing a much bigger threat than natural disasters. Threats include clearing, overharvesting, river changes, overfishing, destruction of coral reefs, pollution, and climate change.⁷ 

³ Rappler, Ibid.
⁴ UNEP, Ibid.
⁵ UNEP, Ibid.
⁷ The Maritime Review, Ibid.
To address such concerns, this legislation seeks to protect and preserve the country’s natural resources, specifically the mangrove forests. It aims to promote the preservation, reforestation, afforestation, and sustainable development of the country’s mangrove forests. In addition, this bill provides for the establishment of the National and Local Councils for the Preservation of Mangrove Forests to serve as the primary implementer of programs and policies for the preservation and sustainable development of the country’s mangrove forests.

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

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

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

SECTION 1. Short Title. - This Act shall be known as the "National Mangrove Forest Protection and Preservation Act of 2019."

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

SEC. 3. Definition of Terms. - As used in this Act:

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

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

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

d) Reservation area refers to the portion of coastal areas which have been set aside
exclusively for reforestation, afforestation, conservation, and preservation
purposes; and

e) Reforestation refers to the planting of mangrove trees along the denuded coastal
areas.

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

SEC. 5. Establishment of the National Council for the Preservation of Mangrove
Forest. - There is hereby established a National Council for the Preservation of Mangrove
Forests, hereinafter referred to as the National Council, which shall be an attached agency
of the Department of Environment and Natural Resources (DENR).

The National Council shall be composed of twelve (12) members consisting of:

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

SEC. 6. Powers and Functions of the National Council. - The National Council shall have the following powers and functions:

a) To review existing relevant policies and conducts studies on mangrove forest and its preservation;

b) To prepare a comprehensive program for the preservation, reforestation, afforestation, and sustainable development of mangrove forests;

c) To establish the guidelines in identifying the areas to be declared as mangrove forest reservations;

d) To identify and delineate the boundaries of coastal areas which shall form part of the mangrove reservation areas;

e) To exercise control and supervision over all the local councils; and

f) To promulgate the rules and regulations necessary to carry out the provisions of this Act.
SEC. 7. The Local Council for the Preservation of Mangrove Forests. - A local council for the preservation of mangrove forests, hereinafter referred to as the Local Council, shall be established in each of the municipalities where a mangrove reservation area has been identified. Each Local Council shall be chaired by the Regional Executive Director of the DENR under whose jurisdiction the reservation area is located, with the following members: (a) a representative of the municipal government concerned; (b) a representative each from the barangays under whose territory the reservation area is located; (c) a representative from an accredited NGO; and (d) a representative from the private sector.

SEC. 8. The Powers and Functions of the Local Council. - The Local Council shall have the following powers and functions:

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

2) To carry out the general administration and day-to-day planning of the program;

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

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

In order to secure the mangrove reservation area from illegal and destructive activities, the Local 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 areas. They shall have the authority to arrest those caught violating the provisions of this Act and the rules and regulations issued pursuant thereto.
In the event that any of the forest guards are found to be guilty of nonfeasance, misfeasance or malfeasance, the forest guard or guards concerned and the officials of the Local Council and the local government, by virtue of the principle of command responsibility, shall be held liable for such violations and shall be prosecuted in accordance with the provisions of this Act, without prejudice to any liability provided for under existing laws of the country.

SEC. 9. Prohibited Acts. - The following acts are hereby prohibited within the mangrove reservation areas:

a) Cutting, uprooting or destroying any mangrove tree;
b) Dumping of waste;
c) Construction or reclamation activity;
d) Illegal fishing activities that will result in the damage and/or destruction of the mangrove forest; and
e) Other acts or activities that will result in the damage and/or destruction of the mangrove forest.

SEC. 10. Penalties. - Any person, natural or juridical, found guilty of violating any provision of this Act or the rules and regulations issued by the National Council shall, after due notice and public hearing by the regular courts of competent jurisdiction, be fined in the amount of not less than Two Hundred Thousand Pesos (PhP200,000.00) but not more than One Million Pesos (PhP1,000,000.00) or imprisonment of not less than one (1) year but not more than six (6) years, or both, at the discretion of the court: PROVIDED, That if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage.

If the offender is an association or corporation, the president or manager and the officer who has direct knowledge over the offense shall be held liable under this Act.
SEC. 11. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

SEC. 12. Repealing Clause. – All laws, executive orders, administrative orders, and rules and regulations inconsistent with this Act are hereby repealed or amended accordingly.

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

Approved,