

**EIGHTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**


First Regular Session



SENATE
Office of the Secretary

'19 SEP 30 P 4 :01

SENATE
S.B. NO. 1082

RECEIVED BY: 

Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT
ESTABLISHING THE NATIONAL COASTAL GREENBELT ACTION PLAN,
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSE**

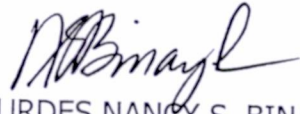
EXPLANATORY NOTE

The Philippines is one of the most disaster prone countries in the world. According to the United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), an average of twenty two (22) tropical cyclones enter the Philippine Area of Responsibility of which around six (6) to seven (7) cause significant damage. Thus, coastal communities become vulnerable to such tropical storms due their natural exposure and lack of resources for preparation and recovery.

Studies from the United Nations Food and Agriculture Organization (UN-FAO) show that coastal forests and mangroves are helpful in mitigating cyclone damages and are affordable than artificial sea defenses which, in many cases, were found to be ineffective.

This proposed measure seeks to establish the National Coastal Greenbelt Program to reduce the impacts of cyclones in the coastal communities of the country with an environmentally-friendly and cost-effective initiative.

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

A handwritten signature in black ink, appearing to read 'ML Binay', with a stylized flourish at the end.

MARIA LOURDES NANCY S. BINAY
Senator

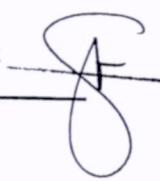
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*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 Section 1. *Short Title.* – This Act shall be known as the "National Coastal
2 Greenbelt Act."

3
4 Sec. 2. *Declaration of Policy.* – The State shall ensure the protection of the
5 rights of the people to a healthful and balanced ecology. Consistent with the
6 Climate Change Act of 2009 (Republic Act No. 9729), as amended by Republic
7 Act No. 10174, the State shall encourage the participation of the national
8 government, local governments, businesses, nongovernment organizations, local
9 communities and the public to prevent and reduce the adverse impacts of
10 climate change. The State shall also recognize that climate change and disaster
11 risk reduction and management are closely interrelated. The State shall
12 incorporate a gender-sensitive, pro-children and pro-poor perspective in all plans
13 of disaster risk reduction and management. These principles shall be further
14 integrated into climate change programs and initiatives. Taking into account the
15 effects of climate change and the need to conserve and develop the conditions of
16 our environment, the State shall take appropriate measures to protect the lives
17 and property of the people from the impacts in coastal areas of typhoons,
18 tsunamis and similar natural events.

1
2 Sec. 3. *Definition of Terms.* – As used in this Act, the following terms shall
3 mean:

4 (a) "Coastal greenbelts" are strips of natural or planted coastal
5 vegetation, stretching at least one hundred (100) meters in
6 width from the sea towards land, primarily of mangrove
7 and beach forest species, which are designed to prevent
8 coastal erosion, and mitigate the adverse impacts of natural
9 coastal hazards on human lives and property;

10 (b) "Designated area for coastal greenbelts" are site-specific
11 stretches of vegetation in the coastal zone, defined in
12 relation to risk factors and vulnerability to coastal hazards,
13 and reserved for protection and maintenance under the
14 National Coastal Greenbelt Action Plan. The area may
15 undergo rehabilitation, reforestation or afforestation with
16 locally appropriate species. Designated areas with
17 abandoned fishponds require the reversion of these
18 fishponds to mangroves through natural regeneration or
19 replanting with locally appropriate species. Designated
20 areas with illegal structures (such as breakwaters,
21 permanent residential/commercial structures, and the like)
22 require removal of such structures.

23 (c) "National Coastal Greenbelt Action Plan" (NCGAP) is the
24 operational plan that shall serve as the guide for the Local
25 Greenbelt Action Plan (LCGAP). It shall contain the
26 implementing guidelines provided for in Section 4 of this
27 Act.

28 (d) "Local Coastal Greenbelt Action Plan" (LCGAP) is the local
29 action plan that shall be based on the NCGAP. It shall

1 contain the specific goals and targets for the
2 implementation of the program set in the NCGAP.
3

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

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

- 12 (a) Spatial representation, or if feasible, quick/rapid inventory
13 of the status of coastlines and foreshores, including the
14 status of mangroves, beach forests, settlements, structures
15 and fishponds within one hundred (100) meters therein;
16 (b) Assessment of priority areas to be declared as coastal
17 greenbelts, for each coastal province, city and municipality,
18 to protect by means of mangroves and beach forests,
19 based on vulnerability to storm surges, waves, tsunami and
20 the like. The Action Plan shall indicate that the assessment
21 of priority areas shall be completed with twelve (12)
22 months from the adoption of the NCGAP;
23 (c) Designation of priority areas for coastal greenbelts that are
24 already included as either a protected area under the
25 National Integrated Protected Areas System (Republic Act
26 No. 7586), or as a fish refuge or sanctuary under the
27 Fisheries Code of 1998 (Republic Act No. 8550), or as a
28 local marine protected area as may be declared by
29 municipalities and cities through ordinances. The
30 designation shall be completed within six (6) months from

1 the completion of the assessment. Designation shall be
2 done through the proposal of the appropriate agency,
3 municipality or city as may be deemed necessary. If an
4 area is designated as a priority area, no structure shall be
5 allowed in said area unless it is approved by the
6 Department of Environment and Natural Resources (DENR)
7 or Bureau of Fisheries and Aquatic Resources (BFAR), as
8 may be appropriate;

9 (d) Operational Plan for the rehabilitation, reforestation or
10 afforestation of designated priority coastal greenbelts with
11 ecologically appropriate mangrove and beach forest
12 species, not less than one hundred (100) meters in width.
13 Existing forest or plantations greater than the minimum
14 width shall not be reduced. The program for rehabilitation,
15 reforestation or afforestation shall be community-based,
16 long-term and implemented through the municipality or city
17 government. The Operational Plan shall indicate that the
18 program for rehabilitation, reforestation and afforestation
19 must cover a minimum target area of twenty percent (20%)
20 of the designated priority areas in the first five (5) years for
21 maximum protection of the most vulnerable communities in
22 the city or municipality. The remaining priority areas must
23 be completed within ten (10) years of the designated of the
24 priority area;

25 (e) Operational Plan for the reversion of all abandoned
26 fishponds to mangroves through natural regeneration or
27 replanting with locally appropriate species. The NCGAP shall
28 indicate that the identification and recovery of possession
29 from delinquent fishpond lease agreement holders shall be
30 completed within twelve (12) months from the adoption

1 thereof. All fishpond areas to be reverted to mangroves
2 shall form part of the minimum target for the first year of
3 implementation of the Action Plan;

4 (f) Operational Plan for the removal of illegal structures (such
5 as breakwaters, permanent residential/commercial
6 structures, and the like), in the identified priority coastal
7 greenbelts. The NCGAP shall indicate that the declaration of
8 and notice to persons responsible for removal of illegal
9 structures shall be completed within twelve (12) months
10 from the start of rehabilitation, reforestation or
11 afforestation of these areas shall form part of the minimum
12 target for the first year of implementation of the Action
13 Plan;

14 (g) Monitoring and evaluation plan, with quantitative and
15 qualitative targets consistent with subparagraphs (d), (e)
16 and (f) of this Section, appropriate indicators and
17 reasonable means of verification. The plan shall become an
18 integrated part of the Action Plan and Annual Report to
19 Congress.

20 The Climate Change Commission (CCC) shall be responsible for
21 consolidating the NCGAP not later than twelve (12) months from the effectivity of
22 this Act.

23
24 Sec. 5. *Key Implementing Agencies.* – The following agencies shall take
25 the lead in implementing components of the Program and Action Plan that are
26 relevant to their mandates:

27 (a) The Climate Change Commission (CCC) shall be responsible
28 for the congregation of relevant government agencies,
29 facilitation of public participation of the NCGAP, integration
30 of the NCGAP into the Local Action Plans including the

1 power of approving putting up necessary structures in the
2 Designated Areas, and the preparation of the integrated
3 report to Congress especially with regard to the expenditure
4 of the appropriation and other pertinent matters under
5 Section 8 of this Act;

6 (b) The Department of Environment and Natural Resources
7 (DENR), through its relevant offices, shall be responsible for
8 (a), (b), (c), (d), (e) and (f) of Section 4 of this Act in line
9 with existing laws and mandates, and it shall provide the
10 CCC all relevant information to aid in the monitoring and
11 evaluation of the NCGAP. In particular, the DENR shall
12 identify the Designated Areas that will need to be
13 expropriated by the government and to recommend the
14 expropriation plan to the CCC;

15 (c) The Bureau of Fisheries and Aquatic Resources (BFAR) of
16 the Department of Agriculture (DA) shall coordinate with
17 the DENR for (e) in Section 4 above or the Operational Plan
18 that provides for the reversion of all abandoned fishponds
19 to mangroves through natural regeneration or replanting
20 with locally appropriate species in line with existing laws
21 and mandate, and it shall provide the CCC all relevant
22 information to aid in the monitoring and evaluation of the
23 NCGAP;

24 (d) The Department of Interior and Local Government (DILG)
25 through its relevant offices, shall provide technical guidance
26 for provinces, cities and municipalities to develop Local
27 Coastal Greenbelt Action Plans, design and implement
28 community-based and ecologically appropriate
29 rehabilitation, reforestation and afforestation programs, and
30 monitor and evaluate their programs. In particular, the

1 Local Inter-Agency Committee (LIAC) shall coordinate with
2 the Local Government Unit (LGU) in implementing the
3 action plans.

4 In addition, the National Housing Authority (NHA) shall provide
5 appropriation for the relocation of the families or individuals who will be affected
6 by the Designated Areas. The other agencies that participated in the preparation
7 of the Action Plan shall implement their commitments, as provided therein. The
8 actions required of implementing agencies are immediately executable, based on
9 the agreed National Coastal Greenbelt Action Plan, and on their existing
10 mandates, programs and budgets that are aligned with the Action Plan, without
11 need for formulating implementing guidelines, rules and regulations for this Act.
12

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

- 16 (a) A technical representative from the Climate Change
17 Commission (CCC);
18 (b) A technical representative from the Department of
19 Environment and Natural Resources (DENR);
20 (c) A technical representative from the Bureau of Fisheries and
21 Aquatic Resources (BFAR);
22 (d) Two (2) known experts in mangrove and beach forest
23 ecosystems, oceanography or other related disciplines; and
24 (e) A representative from a non-government organization or a
25 people's organization that demonstrates capacity to
26 promote the public interest and with identifiable leadership,
27 membership and structure that has been actively involved
28 in mangrove research and with has produced actual
29 publication in mangrove research as among the criteria that
30 shall be set by the DENR, BFAR and CCC.

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

6
7 *Sec. 7. Local Coastal Greenbelt Action Plan.* – Each coastal municipality
8 and city in the identified priority coastal greenbelt areas in the Action Plan shall
9 prepare a Local Coastal Greenbelt Action Plan (LCGAP) to facilitate the
10 implementation of mandated actions in the NCGAP. The roles of the municipality
11 or city, as provided in the local LCGAP shall be to:

- 12 (a) Facilitate the implementation of the mandates of the
13 national agencies under Section 4, by providing local data
14 and other supporting measures;
- 15 (b) Implement complementary programs to assist local
16 communities and local businesses that are affected by the
17 actions under Section 4, such as relocation sites with basic
18 services such as livelihood and transportation programs,
19 zoning or re-zoning of the priority coastal greenbelt areas,
20 as appropriate, and the like;'
- 21 (c) Provide the actual inventory of affected families in
22 Designated Areas and to ensure that a just and humane
23 process of relocation is done;
- 24 (d) Lead in the actual implementation of rehabilitation,
25 reforestation and afforestation, through the coastal
26 barangays;
- 27 (e) Integrate the identified coastal greenbelts in the
28 Comprehensive Land-Use Plan; and
- 29 (f) Provide data and qualitative feedback to the Key
30 Implementing Agencies as may be relevant.

1 The provincial government shall provide technical and budgetary support
2 to component coastal cities and municipalities, and ensure consistency across
3 contiguous cities and municipalities sharing a common priority coastal greenbelt
4 area.

5
6 *Sec. 8. Enforcement Actions. –*

7 (a) In addition to the penalties provided under existing law,
8 any person who obstructs the DENR in the removal of
9 illegal structures, or the BFAR in the process of reversion of
10 abandoned fishponds, shall be liable to that agency for an
11 administrative fine of fifty thousand pesos (P50,000.00) per
12 day that the agency is prevented from performing its
13 function.

14 (b) No structures shall be built within the identified coastal
15 greenbelts without a permit from the DENR or BFAR,
16 consistent with their mandates. Any person who violates
17 this prohibition shall be liable to the agency for an
18 administrative fine of fifty thousand pesos (P50,000.00) per
19 day from the time the structure was built until its removal.

20 (c) Proceeds from administrative fines under this Section shall
21 be retained by the agency imposing such fines and used
22 exclusively for the implementation of its mandate under this
23 Act.

24 (d) Legal actions filed in the exercise of rights and enforcement
25 of obligations under this Act shall be covered by the Rules
26 of Procedures for Environmental Cases.

27
28 *Sec. 9. Annual Report to Congress. –* The Key Implementing Agencies
29 shall report to Congress on their progress in meeting the quantitative and
30 qualitative targets under the Action Plan for each fiscal year. The reports shall be

1 consolidated by the Climate Change Commission for presentation to the
2 appropriate Committee in Congress at a meeting called for the purpose.

3
4 Sec. 10. *Implementing Rules and Regulations.* – Within sixty (60) days
5 from the effectivity of this Act, the Department of Environment and Natural
6 Resources (DENR) shall promulgate the necessary rules and regulations for the
7 effective implementation of this Act.

8
9 Sec. 11. *Appropriations.* – The Key Implementing Agencies shall draw
10 from their existing programs and budgets to implement their responsibilities
11 under the Action Plan, and through the People's Survival Fund, where
12 appropriate, subject to additional funding in the annual national appropriations,
13 to meet the targets agreed in the Action Plan.

14
15 Sec. 12. *Separability Clause.* – Should any provision of this Act be declared
16 invalid or unconstitutional, the same shall not affect the validity of the other
17 provisions of this Act.

18
19 Sec. 13. *Repealing Clause.* – All laws, decrees, orders, rules, and
20 regulations or other issuances or parts inconsistent with the provisions of this Act
21 are hereby repealed or modified accordingly.

22
23 Sec. 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
24 after its publication in the Official Gazette or in at least two (2) newspapers of
25 general circulation.

Approved,