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REPUBLIC OF THE PHILIPPINES)
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Senate
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SENATE
S.B. No. 113

RECEIVED BY: J

Introduced by Senator Maria Lourdes Nancy S. Binay

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

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, an average of twenty-two (22) tropical cyclones enters 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 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.

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

MARIA LOURDES NANCY S. BINAY

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1 **AN ACT ESTABLISHING THE NATIONAL COASTAL GREENBELT ACTION**
2 **PLAN, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES**
3

4 *Be it enacted by the Senate and House of Representatives of the Philippines in*
5 *Congress assembled:*
6

7 SECTION 1. *Short Title.* - This Act shall be known as the "*National Coastal*
8 *Greenbelt Act.*"
9

10 SEC. 2. *Declaration of Policy.* - The State shall ensure the protection of the right
11 of the people to a healthful and balanced ecology. Consistent with Republic Act No.
12 9729 or the Climate Change Act of 2009, as amended by Republic 7 Act No. 10174,
13 the State shall encourage the participation of the national government, local
14 governments, businesses, nongovernment organizations, local communities and the
15 public to prevent and reduce the adverse impacts of climate change. The State shall
16 also recognize that climate change and disaster risk reduction and management are
17 closely interrelated. The State shall incorporate a gender-sensitive, pro-children and
18 pro-poor perspective in all plans of disaster risk reduction and management. These
19 principles shall be further integrated into climate change programs and initiatives.
20 Taking into account the effects of climate change and the need to conserve and
21 develop the conditions of our environment, the State shall take appropriate measures
22 to protect the lives and property of the people from the impacts in coastal areas of
23 typhoons, tsunamis and similar natural events.
24

25 SEC. 3. *Definition of Terms.* — As used in this Act, the following terms shall
26 mean:
27

- 28 (a) "*Coastal greenbelts*" are strips of natural or planted coastal vegetation,
29 stretching at least one hundred (100) meters in width from the sea
30 towards land, primarily of mangrove and beach forest species, which are
31 designed to prevent coastal erosion, and mitigate the adverse impacts
32 of natural coastal hazards on human lives and property.
33
34 (b) "*Designated area for coastal greenbelts*" are site-specific stretches of
35 vegetation in the coastal zone, defined in relation to risk factors and

1 vulnerability to coastal hazards, and reserved for protection and
2 maintenance under the National Coastal Greenbelt Action Plan. The area
3 may undergo rehabilitation, reforestation or afforestation with locally
4 appropriate species. Designated areas with abandoned fishponds require
5 the reversion of these fishponds to mangroves through natural
6 regeneration or replanting with locally appropriate species. Designated
7 areas with illegal structures, such as breakwaters, permanent
8 residential/commercial structures, and the like require removal of such
9 structures.

10
11 (c) "*National Coastal Greenbelt Action Plan*" (NCGAP) is the operational plan
12 that shall serve as the guide for the Local Greenbelt Action Plan (LCGAP).
13 It shall contain the implementing guidelines provided for in Section 4 of
14 this Act.

15
16 (d) "*Local Coastal Greenbelt Action Plan*" (LCGAP) is the local action plan
17 that shall be based on the NCGAP. It shall contain the specific goals and
18 targets for the implementation of the program set in the NCGAP.

19
20 SEC. 4. *NCGAP*. - The Climate Change Commission (CCC) shall, within six (6)
21 months, identify and convene all national agencies responsible for foreshore
22 management, mangrove and beach forest protection and utilization, coastal land and
23 sea-use planning, coastal tourism development, social welfare of coastal communities,
24 and other relevant mandates, to prepare an integrated NCGAP.

25
26 The NCGAP shall, at the minimum, contain the following:

27
28 (a) Spatial representation, or if feasible, quick/rapid inventory of the
29 status of coastlines and foreshores, including the status of mangroves,
30 beach forests, settlements, structures and fishponds within one
31 hundred (100) meters therein;

32
33 (b) Assessment of priority areas to be declared as coastal greenbelts, for
34 each coastal province, city and municipality, to protect by means of
35 mangroves and beach forests, based on vulnerability to storm surges,
36 waves, tsunami and the like. The Action Plan shall indicate that the
37 assessment of priority areas shall be completed within twelve (12)
38 months from the adoption of the NCGAP;

39
40 (c) Designation of priority areas for coastal greenbelts that are already
41 included as either a protected area under Republic Act No. 7586 or
42 the National Integrated Protected Areas System, or as a fish refuge
43 or sanctuary under Republic Act No. 8550 or the Fisheries Code of
44 1998, or as a local marine protected area as may be declared by
45 municipalities and cities through ordinances. The designation shall be
46 completed within six (6) months from the completion of the
47 assessment. Designation shall be done through the proposal of the
48 appropriate agency, municipality or city as may be deemed necessary.

1 If an area is designated as a priority area, no structure shall be 5
2 allowed in said area unless it is approved by the Department of
3 Environment and Natural Resources (DENR) or Bureau of Fisheries
4 and Aquatic Resources (BFAR), as may be appropriate;
5

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

20 (e) Operational Plan for the reversion of all abandoned fishponds to
21 mangroves through natural regeneration or replanting with locally
22 appropriate species. The NCGAP shall indicate that the identification
23 and recovery of possession from delinquent fishpond lease agreement
24 holders shall be completed within twelve (12) months from the
25 adoption thereof. All fishpond areas to be reverted to mangroves shall
26 form part of the minimum target for the first year of implementation
27 of the Action Plan;
28

29 (f) Operational Plan for the removal of illegal structures, such as
30 breakwaters, permanent residential/commercial structures and the
31 like, in the identified priority coastal greenbelts. The NCGAP shall
32 indicate that the declaration of and notice to persons responsible for
33 removal of illegal structures shall be completed within twelve (12)
34 months from the start of rehabilitation, reforestation or afforestation
35 of these areas shall form part of the minimum target for the first year
36 of implementation of the Action Plan;
37

38 (g) Monitoring and evaluation plan, with quantitative and qualitative
39 targets consistent with subparagraphs (d), (e) and (f) of this Section,
40 appropriate indicators and reasonable means of verification. The plan
41 shall become an integrated part of the Action Plan and Annual Report
42 to Congress.
43

44 The CCC shall be responsible for consolidating the NCGAP not later than twelve
45 (12) months from the effectivity of this Act.
46

1 SEC. 5. *Key Implementing Agencies.* — The following agencies shall take the
2 lead in implementing components of the Program and Action Plan that are relevant to
3 their mandates:

- 4 (a) CCC shall be responsible for the congregation of relevant government
5 agencies, facilitation of public participation of the NCGAP, integration of
6 the NCGAP into the LCGAPs including the power of approving putting up
7 necessary structures in the Designated Areas, and the preparation of the
8 integrated report to Congress especially with regard to the expenditure of
9 the appropriation and other pertinent matters under Section 8 of this Act;
10
- 11 (b) DENR, through its relevant offices, shall be responsible for (a), (b), (c),
12 (d), (e) and (f) of Section 4 of this Act in line with existing laws and
13 mandates, and it shall provide the CCC all relevant information to aid in
14 the monitoring and evaluation of the NCGAP. In particular, the DENR shall
15 identify the Designated Areas that will need to be expropriated by the
16 government and to recommend the expropriation plan to the CCC;
17
- 18 (c) BFAR of the Department of Agriculture (DA) shall coordinate with the
19 DENR for (e) in Section 4 above or the Operational Plan that provides for
20 the reversion of all abandoned fishponds to mangroves through natural
21 regeneration or replanting with locally appropriate species in line with
22 existing laws and mandate, and it shall provide the CCC all relevant
23 information to aid in the monitoring and evaluation of the NCGAP;
24
- 25 (d) Department of Interior and Local Government (DILG) through its relevant
26 offices, shall provide technical guidance for provinces, cities and
27 municipalities to develop LCGAPs, design and implement community-
28 based and ecologically appropriate rehabilitation, reforestation and
29 afforestation programs, and monitor and evaluate their programs. In
30 particular, the Local Inter-Agency Committee (LIAC) shall coordinate with
31 the Local Government Unit (LGU) in implementing the action plans.
32

33 In addition, the National Housing Authority (NHA) shall provide appropriation
34 for the relocation of the families or individuals who will be affected by the Designated
35 Areas. The other agencies that participated in the preparation of the NCGAP shall
36 implement their commitments, as provided therein. The actions required of
37 implementing agencies are immediately executable, based on the agreed NCGAP, and
38 on their existing mandates, programs and budgets that are aligned with the NCGAP,
39 without need for formulating implementing guidelines, rules and regulations for this
40 Act.
41

42 SEC. 6. *National Technical Advisory Committee (NTAC).* - The CCC shall
43 convene a NTAC composed of:
44

- 45 (a) technical representative from the CCC;
46
47 (b) technical representative from the DENR;

- 1
2 (c) technical representative from the BFAR;
3
4 (d) two (2) known experts in mangrove and beach forest ecosystems,
5 oceanography or other related disciplines; and
6
7 (e) representative from a non-government organization or a people's
8 organization that demonstrates capacity to promote the public interest
9 and with identifiable leadership, membership and structure that has
10 been actively involved in mangrove research and with has produced
11 actual publication in mangrove research as among the criteria that shall
12 be set by the DENR, BFAR and CCC.
13

14 The NTAC shall provide scientific guidance in the design, implementation and
15 evaluation of actions under the NCGAP. The experts shall serve in the NTAC without
16 compensation, but may be reimbursed for basic expenses to attend meetings and
17 prepare technical reports.
18

19 SEC. 7. *LCGAP*. - Each coastal municipality and city in the identified priority
20 coastal greenbelt areas in the NCGAP shall prepare a LCGAP to facilitate the
21 implementation of mandated actions in the NCGAP. The roles of the municipality or
22 city, as provided in the local LCGAP shall be to:
23

- 24 (a) facilitate the implementation of the mandates of the national agencies
25 under Section 4, by providing local data and other supporting
26 measures;
27
28 (b) implement complementary programs to assist local communities and
29 local businesses that are affected by the actions under Section 4, such
30 as relocation sites with basic services such as livelihood and
31 transportation programs, zoning or re-zoning of the priority coastal
32 greenbelt areas, as appropriate, and the like;
33
34 (c) provide the actual inventory of affected families in Designated Areas and
35 to ensure that a just and humane process of relocation is done;
36
37 (d) lead in the actual implementation of rehabilitation, reforestation and
38 afforestation, through the coastal barangays;
39
40 (e) integrate the identified coastal greenbelts in the comprehensive land-
41 use plan; and
42
43 (f) provide data and qualitative feedback to the key implementing agencies
44 as may be relevant.
45

46 The provincial government shall provide technical and budgetary support to
47 component coastal cities and municipalities, and ensure consistency across contiguous
48 cities and municipalities sharing a common priority coastal greenbelt area.

1 SEC. 8. *Enforcement Actions.* -
2

- 3 (a) In addition to the penalties provided under existing law, any person who
4 obstructs the DENR in the removal of illegal structures, or the BFAR in
5 the process of reversion of abandoned fishponds, shall be liable to that
6 agency for an administrative fine of fifty thousand pesos (P50,000.00)
7 per day that the agency is prevented from performing its functions.
8
- 9 (b) No structures shall be built within the identified coastal greenbelts
10 without a permit from the DENR or BFAR, consistent with their
11 mandates. Any person who violates this prohibition shall be liable to the
12 agency for an administrative fine of fifty thousand pesos (P50,000.00)
13 per day from the time the structure was built until its removal.
14
- 15 (c) Proceeds from administrative fines under this Section shall be retained
16 by the agency imposing such fines and used exclusively for the
17 implementation of its mandate under this Act.
18
- 19 (d) Legal actions filed in the exercise of rights and enforcement of
20 obligations under this Act shall be covered by the rules of procedures for
21 environmental cases.
22

23 SEC. 9. *Annual Report to Congress.* - The key implementing agencies shall
24 report to Congress on their progress in meeting the quantitative and qualitative targets
25 under the NCGAP for each fiscal year. The reports shall be consolidated by the CCC
26 for presentation to the appropriate Committee in Congress at a meeting called for the
27 purpose.
28

29 SEC. 10. *Implementing Rules and Regulations.* - Within sixty (60) days from
30 the effectivity of this Act, the DENR shall promulgate the necessary rules and
31 regulations for the effective implementation of this Act.
32

33 SEC. 11. *Appropriations.* - The key implementing agencies shall draw from their
34 existing programs and budgets to implement their responsibilities under the NCGAP,
35 and through the people's survival fund, where appropriate, subject to additional
36 funding in the annual national appropriations, to meet the targets agreed in the
37 NCGAP.
38

39 SEC. 12. *Separability Clause.* - Should any provision of this Act be declared
40 invalid or unconstitutional, the same shall not affect the validity of the other provisions
41 of this Act.
42

43 SEC. 13. *Repealing Clause.* - All laws, decrees, orders, rules, and regulations or
44 other issuances or parts inconsistent with the provisions of this Act are hereby
45 repealed or modified accordingly.

1 SEC. 14. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in at least two (2) newspapers of general
3 circulation.

Approved,