


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

8 JUL 24 P6:25

SENATE

RECEIVED BY: 

S. B. No. 2481

INTRODUCED BY HONORABLE MAR ROXAS

EXPLANATORY NOTE

Philippine mangrove forests have continued to decline substantially during the last century. From an estimated 450,000 hectares of mangroves in 1918, less than 140,000 hectares exist in 1988 down to 112,400 hectares in 1997. The World Bank has estimated that there will be less than 100,000 hectares left in the year 2030 if this rate of reduction continues. Worse, existing mangrove forests today are of a much lower quality, given that as early as 1988, 95% of these are secondary growth and only 5% are primary or old growth, as reported by the Department of Environment and Natural Resources.

One upshot of this continued decline in mangroves is the destruction of nursery grounds for fish, prawns, crabs and other important marine species. In the Philippines, with its thousands of islands and islets, mangrove forests also play a very important role as "shelter belts" against strong winds from typhoons, thereby protecting the inhabitants and preventing coastal erosion. This rapid decline is largely due to pressure from firewood gatherers, coral miners, blast cyanide fishers and industrial pollution. Over time the stress of the pollutants and reduced light kill large areas of mangrove forests. Worse, while the government ceased approving mangrove conversion to fishpond, illegal conversion still continues.

This proposed measure thus seeks to establish reservation areas in all coastal areas in each municipality of the country solely for the preservation, protection, reforestation, and sustainable development of mangrove forests. To strengthen the provisions of this proposed measures, penal sanctions are imposed for the destruction and cutting of mangrove trees, dumping of waste products and other harmful activities within the mangrove reservation areas.

Considering the vulnerability and importance of our mangrove resources, it is necessary to protect existing mangrove forests, rehabilitate and reforest denuded areas, and establish new mangrove plantations since it has been found that artificially established mangrove forests provide the same function as a natural mangrove forest.

In view of the foregoing, approval of this bill is earnestly requested


MAR ROXAS
Senator

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AN ACT
PROVIDING FOR THE PRESERVATION, REFORESTATION AND SUSTAINABLE
DEVELOPMENT OF ALL PHILIPPINE MANGROVE RESOURCES, DEFINING FOR THAT
PURPOSE THE ACTS PROHIBITED WITHIN MANGROVE FORESTS, AND FOR OTHER
PURPOSES

*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 Mangrove Forest*
2 *Protection and Preservation Act.*"

3 SECTION 2. *Declaration of Policy.* The State shall protect and advance to right of the
4 people to a balanced and healthful ecology in accord with the rhythm and harmony of
5 nature. Towards this end, the State shall establish measures that safeguard the country's
6 mangrove resources from destruction, exploitation and unregulated removal and bring an
7 end to activities which cause the destruction of these resources. Further, in recognition of
8 the important ecological role of our mangrove resources as habitat for various marine and
9 estuarine animals, for water quality maintenance and as food-web support, the State shall
10 hereby endeavor to maintain the natural diversity of animals and plants found in the
11 mangrove areas. Thus, the State hereby undertakes to ensure the preservation, reforestation
12 and sustainable development of the mangrove resources through the establishment of
13 reservation areas exclusively for mangrove forests.

1 SECTION 3. *Definition of Terms.*

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

8 b. Mangrove forest - a type of forest occurring on a tidal flat along the sea coast,
9 extending along streams where the water is brackish;

10 c. Reservation areas - portions of coastal areas which have been set aside exclusively
11 for reforestation, conservation, and preservation purposes; and

12 d. Reforestation - the planting of mangrove trees along the denuded coastal areas.

13 SECTION 4. *Establishment of Mangrove Reservation Areas.* - There shall be
14 established and set aside in all municipalities with coastal areas within the Philippines
15 portions of land solely for the preservation, protection, reforestation, and sustainable
16 management of mangrove forests to be known as Mangrove Reservation areas. All existing
17 mangrove forest reserves declared as such under Presidential Proclamation 2152 and all other
18 areas that may hereinafter be declared as such pursuant to a law or executive order, shall
19 automatically form part of said reservation areas.

20 SECTION 5. *Establishment and Composition of the National Council for the*
21 *Preservation of Mangrove Forests.* - There is hereby established a National Council for the
22 Preservation of Mangrove Forests, hereinafter referred to as the National Council, which
23 shall be attached agency of the Department of Environment and Natural Resources (DENR).

24 The National Council shall be composed of ten (10) members consisting of:

25 (1) the Secretary of the DENR who shall act as Chairman;

- 1 (2) the Secretary of the Department of Agriculture (DA) who shall act as vice-
- 2 chairman;
- 3 (3) the Secretary of the Department of Science and Technology (DOST);
- 4 (4) the Director of the Bureau of Fisheries and Aquatic Resources (BFAR);
- 5 (5) the Director of the Forest Management Bureau (FMB) of the DENR;
- 6 (6) the Director of the Ecosystem and Research Development Bureau (ERDB);
- 7 (7) the Administrator of the National Mapping and Resources Information Authority
- 8 (NAMRIA);
- 9 (8) a representative from the academe to be appointed by the President;
- 10 (9) a representative from the research institutions conducting researches on
- 11 sustainable mangrove forest management to be appointed by the President; and
- 12 (10) a representative from a non-government organization (NGO) conducting
- 13 programs on sustainable mangrove forest management to be appointed by the President.

14 SECTION 6. *Powers and Functions of the National Council.* - The National Council
15 shall have the following powers and functions:

- 16 (1) Review existing, relevant policies and conduct studies on mangrove forest and its
- 17 preservation;
- 18 (2) Prepare a comprehensive program for the preservation, reforestation, and
- 19 sustainable development of mangrove forests;
- 20 (3) Establish the guidelines in identifying the coastal areas which shall form part of
- 21 the mangrove reservation areas;
- 22 (4) Identify and delineate the boundaries of the coastal areas which shall form part of
- 23 the mangrove reservation areas;
- 24 (5) Exercise control and supervision over all the local councils; and

1 (6) Promulgate the necessary rules and regulations to carry out the provisions of this
2 Act.

3 SECTION 7. *The Local Councils for the Preservation of Mangrove Forests.* - A local
4 council for the preservation of mangrove forests, hereinafter referred to as the Local Council,
5 shall be established in each of the municipalities where a mangrove reservation area has been
6 identified. Each Local Council shall be chaired by the Regional Executive Director of the
7 DENR under whose jurisdiction the reservation area is located, with the following members:

8 (1) A member of the municipal council of the municipality concerned;

9 (2) A member of the barangay council from each barangay under whose territory the
10 reservation area is located; and

11 (3) A representative from an accredited non-governmental organization (NGO)
12 involved in environmental advocacy; and

13 SECTION 8. *Powers and Functions of the Local Council.* - The local council shall
14 exercise the following powers and functions:

15 (1) Implement and enforce all the programs and policies laid down by the National
16 Council;

17 (2) Carry out the general administration and day-to-day planning of the program;

18 (3) Secure the mangrove reservation area from illegal and destructive activities which
19 would endanger the successful implementation and viability of the program;

20 (4) Engage the services of forest guards who shall be tasked to guard and police the
21 areas and arrest those caught in violation of the provisions of this Act;

22 (5) Provide the forest guards the necessary skills and knowledge training and support;

23 (6) Conduct periodic consultations with the appropriate local government unit, non-
24 governmental and people's organizations and other concerned sectors of the community on
25 issues, concerns and projects affecting the mangrove reserves in the locality; and

1 (7) Such other powers and functions as may be designated by the National Council.

2 SECTION 9. *Mandatory Prior Consultation.* – No project or program that may cause
3 pollution, destruction or loss of mangrove forests or extinction of marine and estuarine plant
4 and animal species shall be implemented by the National or Local Council without prior
5 consultations with the local government unit concerned, non-governmental or people's
6 organizations, and other sectors concerned to explain the objectives of the project or
7 program, its impact on the people and the community in terms of ecological balance, and the
8 measures that will be undertaken to prevent the adverse effects thereof; *provided,* that the
9 prior approval of the *sanggunian* concerned shall be obtained in accordance with the
10 provisions of Republic Act 7610.

11 SECTION 10. *Prohibited Acts.* - The, following acts are hereby prohibited within the
12 mangrove reservation areas:

13 (a) Cutting, uprooting, destroying or gathering any mangrove tree or any mangrove
14 forest products;

15 (b) Dumping of waste;

16 (c) Construction or reclamation activity without the necessary license, permit, or
17 authority;

18 (d) Illegal fishing activities that will result in the damage and destruction of the
19 mangrove forest;

20 (e) Conversion of mangrove reservation areas into fishponds or for any other purpose;
21 and

22 (f) Other acts or activities that will result in the damage and/or destruction of the
23 mangrove forest, as determined by the Local Council concerned.

24 SECTION 11. *Penalties* - Any person, natural or juridical, found guilty of violating
25 any of the provisions of this Act or the rules and regulations issued by the National Council,

1 shall, after due notice and public hearing by the regular courts of competent jurisdiction, be
2 fined in the amount of not less than One Hundred thousand pesos (PhP100,000.00) but not
3 more than One million pesos (PhP1,000,000.00) or imprisonment for not less than one (1)
4 year but not more than six (6) years, or both, at the discretion of the Court; *provided that*, if
5 the area requires rehabilitation or restoration as determined by the Court, the offender shall
6 also be required to restore or compensate for the restoration of the damage.

7 If the offender is an association or corporation, the President or Manager and the
8 officer who has direct knowledge over the offense shall be held liable under this Act.

9 SECTION 12. *Appropriations.* The amount needed for the initial implementation of
10 this Act shall be charged against the current appropriations of the Department of
11 Environment and Natural Resources. Thereafter, such amount necessary for the continued
12 and effective implementation of the provisions of this Act shall be included in the General
13 Appropriations Act the year following its enactment.

14 SECTION 13. *Separability Clause.* - If, for any reason, any section or provision of this
15 Act shall be held unconstitutional or invalid, the other section or provision not otherwise
16 affected shall remain in full force and effect.

17 SECTION 14. *Repealing Clause.* - All laws, presidential decrees, executive orders,
18 proclamations, rules and regulations which are inconsistent with the provisions of this Act
19 hereby repealed or modified accordingly.

20 SECTION 15. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from its
21 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

22

23 Approved,