

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE

S. No. 991

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Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

In 1992, the United Nations Conference on Environment and Development (UNCED) met to consider the interlinked problems of environment and development, and to propose principles and means by which nations and the international community could pursue development paths that were more sustainable. Agenda 21, the action plan of UNCED, stressed the importance of developing National Sustainable Development Strategies (NSDS) as a mechanism for arriving at concrete policies and actions that help countries move towards sustainable development, and which help them to meet the commitments and principles agreed at UNCED. In 1994 the UN Global Conference on the Sustainable Development of Small Island Developing States was held in Barbados and set out a program of action for small islands to implement Agenda 21.

This legislative measure seeks to embody the principles of sustainable development, economic growth, environmental protection, community development and involvement, and institutional strengthening into the policy framework of our environmental laws in the country. This proposed measure seeks to regulate the development and management of small islands in the Philippines and provide for a comprehensive program on the use, development, management, and conservation of small islands in the country whose area does not exceed 50,000 hectares.

Moreover, this measure seeks to reduce the vulnerability of small islands to natural hazards, preserve socio-cultural and ecological integrity, address conflicts in jurisdiction among agencies, and determine the scale of development in relation to limitations in resources such as water and coastal resources. As such, a Small Island Development and Management Board (SIDMB) will be established to formulate and update rules and regulations on the use and development of small islands, consistent with other environmental laws. The said board will be tasked with the duty of ensuring the protection of small islands covered by RA 7586, known as the National Integrated Protected Areas System (Nipas) Act of 1992, as well as other areas outside Nipas considered as critical and ecologically fragile.

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



MANUEL "LITO" M. LAPID
Senator

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AN ACT
REGULATING THE DEVELOPMENT AND MANAGEMENT OF SMALL ISLANDS IN THE PHILIPPINES AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the ***"Small Islands Development and Management Act of 2010"***.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to ensure the sustainable use, development, management and conservation of the country's small islands, including the protection and enhancement of the quality of the small islands for the present and future generations, under the principles of viable, sound and broad-based economic development, ecological soundness, social equity and sustainability.

SEC. 3. Coverage. – In accordance with the aforesaid policy, this Act shall regulate the use, development, management and conservation of small islands, as well as the activities which impact the said resource.

This Act shall cover the islands of the Republic of the Philippines that fall under the definition of a small island as described in Section 5(e) hereof.

SEC. 4. Framework. – This Act shall embody the principles of sustainable development, tourism development, economic growth, environmental protection, community development and involvement, and institutional strengthening.

Its management framework shall include:

- (a) inventory and assessment of prevailing conditions and resources of small islands;
- (b) evaluation of carrying capacity;

- (c) identification of conflicts in resource use;
- (d) integration of horizontal and vertical plans;
- (e) adaptation to climate change;
- (f) disaster preparedness;
- (g) review and monitoring of development initiatives/resource development and utilization of small islands; and
- (h) capacity-building and active stakeholder participation.

SEC. 5. Definition of Terms. – Under this Act, the following are hereby defined:

- (a) **“Alienable and disposable lands (A and D)”** refers to lands of the public domain which have been classified and declared as such and available for disposition under commonwealth Act No. 141, as amended, otherwise known as the “Public Land act”.
- (b) **“Carrying capacity”** refers to the number of individuals who can be supported in a given area within natural resource limits and without degrading the natural, social, cultural and economic environment for present and future generations.
- (c) **“Development activities”** refers to activities that involve all forms of improvement, construction or enhancement of land and other resources within the islands or island groups that would likely impact the environment.
- (d) **“Ecological destination”** refers to a site that shows a unique feature of a landscape that benefits people because of its aesthetic, recreational and scientific value.
- (e) **“Small islands”** refers to pieces of land completely surrounded by water in two (2) dimensions, above high tide and isolated from other land masses which have an area of not more than fifty thousand (50, 000) hectares.
- (f) **“Sustainable development”** refers to the development objective of meeting the needs and aspirations of the present generation of Filipinos without compromising the capabilities and opportunities of future generations to fulfill theirs, consistent with the principles of social equity, efficiency and environmental integrity.
- (g) **“Tourism development areas”** refers to specific sites for tourism development located in areas identified as priorities in the national and regional tourism master plans as well as those designated through

legislative and executive issuances as tourist spots and tourist zones which can be developed into tourism estates or integrated resort, leisure and recreation complexes, and other tourism-related facilities.

SEC. 6. *Creation of the Small Islands Development and Management Board (SIDMB).* – Upon the effectivity of this Act, the Small Islands Development and Management Board shall be created in provinces that have small islands as part of their territorial jurisdiction to exercise their powers and functions as stated in Section 8 hereof.

SEC. 7. *Composition of the Small Islands Development and Management Board.* – The Board shall be headed by the governor of the province who shall serve as the chairman of the Board, with the following representatives who shall serve as members:

- (a) The city or municipal mayor where small islands are within the said official's territorial jurisdiction;
- (b) A representative from the Department of Tourism (DOT)
- (c) A representative from the National Economic and Development Authority (NEDA)
- (d) A representative from the Department of Environmental and Natural Resources (DENR); and
- (e) Two (2) representatives from the local sectors which are affected by regulations and development initiatives in the island.

SEC. 8. *Powers and Functions of the Board.* – The SIDMB shall be guided by the framework stated in Section 4 hereof and shall have the following powers and functions:

- (a) Formulate and update the rules and regulations on the utilization and development of small islands;
- (b) Integrate and harmonize all laws and policies relevant to small island use;
- (c) Regulate the approval of development activities in order to maintain the carrying capacity of a small islands as mentioned in Section 5(b) hereof;
- (d) Ensure the protection of a small islands covered by Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act of 1992 and other areas outside NIPAS which include protection forests, rehabilitated and/or reforested degraded mining areas, critical ecosystems, environmentally-constrained areas, critical watershed areas and all agricultural lands that are ecologically fragile;

- (e) Ensure that the regulations will be consistent with other environmental laws; and
- (f) Approve and oversee the implementation of site specific work plans, action plans and programs consistent with the framework.

SEC. 9. Quorum. – A majority of all the members of the Board shall constitute a quorum. The Board shall not transact business without a quorum.

SEC. 10. Separability Clause. – The provisions of this Act are hereby declared separable and, in the event that one (1) or more of such provisions are held unconstitutional, the validity of the other provisions shall not be affected.

SEC. 11. Repealing Clause. – All laws, decrees, executive issuances, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 12. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,