

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



Senate  
Office of the Secretary

'13 JUL 30 P2:53

SENATE

S. No. 1161

RECEIVED BY: *[Signature]*

---

Introduced by Senator Antonio "SONNY" F. Trillanes IV

---

**Explanatory Note**

The Philippine archipelago comprises 7,107 islands spread over 298,170 sq km (115,124 sq mi) of land and 1,830 sq km (706.5 sq mi) of water. The archipelago stretches nearly 1,850 km (1,149 mi) from Y'Ami Island in the north to Sibutu Island in the south. It is approximately 1,000 km (621 mi) wide.

Having one of the world's most abundant marine environment, our marine resources poses as a primary source of food, minerals, petroleum, hydrocarbon, and energy, among others. Though States have sovereign right to exploit their own natural resources, they also have the duty to protect and preserve the marine environment within and outside their jurisdiction.

Thus, Article XII, Section 2 our Constitution mandates the State to protect the nation's marine wealth in its archipelagic waters, territorial sea and exclusive economic zone and reserve its use and enjoyment exclusively for Filipino citizens.

Given the importance of our marine environment to our country's economy and biodiversity, it is important for us to protect our marine resources from indiscriminate exploitation for our food security, ecological balance, and sustainable livelihood for our fisherfolks. More importantly, the preservation of our marine resources ensures that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

This bill mandates every coastal municipality to establish, maintain and manage marine protected areas (MPAs) in at least 15% of their municipal waters, while preserving those MPAs which were previously set up. By making it mandatory, we send a strong signal of urgency to preserve our marine resources for our food security, ecological balance, and sustainable livelihood for our fisherfolks as well as ensuring that our children and future generations will still benefit from our bountiful resources.

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

ANTONIO "SONNY" F. TRILLANES IV  
Senator

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

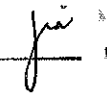


Senate  
Office of the Secretary

13 JUL 30 P2 53

SENATE

S. No. 1161

RECEIVED BY: 

---

Introduced by Senator Antonio "SONNY" F. Trillanes IV

---

AN ACT  
ESTABLISHING MARINE PROTECTED AREAS IN ALL COASTAL  
MUNICIPALITIES AND CITIES 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 "Marine and Coastal  
2 Resources Protection Act of 2013".

3  
4           **SEC. 2. *Declaration of Policy.*** - It is hereby declared the policy of the State to ensure the  
5 protection and preservation of the country's marine resources even as it promotes the  
6 development of a robust fisheries sector.

7           The State shall ensure that the utilization of marine resources by its citizens observes the  
8 requirements of sustainability and, to this end, the State shall promote a culture of responsible  
9 stewardship of the environment that is anchored on the desire to be in harmony with nature.  
10 Thus, where human carelessness and disregard have resulted in destruction and damage, the  
11 State shall take the necessary measures to restore ecological balance and beauty to ensure the  
12 continued enjoyment by all of a healthy and safe environment.

13           The State also takes cognizance of the preferred status of the citizenry as the primary  
14 users and beneficiaries of the country's resources. As such, Filipino communities are therefore  
15 acknowledged as crucial partners in the effort to conserve and manage our natural marine  
16 resources.

17           As a measure towards the maintenance of biological diversity and the proper  
18 management of natural resources, the coastal community is encouraged to formulate its own  
19 marine conservation program, according to a coastal resource management plan tailored to the  
20 particular ecological conditions of the marine environment.

21  
22           **SEC. 3. *Definition of Terms.*** - For the purposes of this Act, the relevant terms are  
23 defined as follows:

24           (a) *Buffer zone* refers to the area surrounding the core zone of protection, where  
25 extractive or recreational activities are regulated according to its carrying capacity.

1 (b) *Co-management scheme* refers to a management approach of administrative  
2 integration and cooperation, where the local community, the local government unit (LGU),  
3 participating agencies, concerned civil society and sectors contribute their resources towards the  
4 fulfillment of a particular function within their areas of expertise, in a manner that furthers the  
5 goals of sustainable management of the marine protected area.

6 (c) *Mangrove swamp forest reserve* refers to a portion of the mangrove forest designated  
7 and reserved for the protection of its ecological functions and services and restored to support  
8 fisheries production in coastal waters.

9 (d) *Marine protected area (MPA)* refers to a defined area of the sea established and set  
10 aside by law, administrative regulation or any other effective means in order to conserve and  
11 protect a part of or the entire enclosed environment, through the establishment of management  
12 guidelines. It is considered a generic term that includes all declared areas governed by specific  
13 rules or guidelines in order to protect and manage activities within the enclosed area.

14 Marine protected areas may take the following forms, any one or a combination of which  
15 may comprise the MPA:

16 (1) *Marine reserve* refers to an area where access and uses (whether extractive or non-  
17 extractive) are regulated or controlled for specific uses or purposes. A marine reserve  
18 may include a marine sanctuary within its boundaries. The entire area need not be placed  
19 under the same conditions or restrictions as a marine sanctuary, but all uses are still  
20 controlled and regulated to the extent necessary to ensure that little or no harm is imposed  
21 on the environment enclosed in the reserve.

22 (2) *Marine park* refers to a type of marine reserve where conservation-oriented  
23 recreation, education and research are emphasized. A marine park may include a marine  
24 sanctuary within its boundaries.

25 (3) *Marine sanctuary* refers to a defined area established and set aside exclusively for the  
26 purpose of protecting habitats and species, through the prohibition of all extractive uses  
27 and strict regulation of non-extractive uses. This term is synonymous with "No-Take  
28 Zone". A marine sanctuary may have a buffer zone around the area sought to be protected  
29 from extractive and non-extractive uses. It may be located within a marine reserve or  
30 marine park.

31

32 **SEC. 4. *Establishment of Marine Protected Areas.*** - Within one (1) year from the  
33 effectivity of this Act, all coastal municipalities and cities shall establish at least one (1) MPA  
34 within municipal waters, which shall be subjected to the prerequisite of consultation with the  
35 local community. The protected area must have a minimum size of ten (10) hectares, unless the  
36 total area of the municipal waters is fifteen (15) hectares or less, in which case the MPA shall  
37 comprise fifteen percent (15%) of the municipal waters. The protected area shall be established  
38 in accordance with an integrated community-based conservation program and coastal resource

1 management plan. The total area designated for protection need not be contiguous, and may be  
2 designed in such a manner as may be deemed appropriate, so long as it fulfills the ultimate  
3 purpose of conservation.

4 Inter-tidal areas shall be reserved for the establishment of mangrove swamp forest  
5 reserves as part of the MPA where possible. If the municipalities border each other in such a way  
6 that their respective coastlines form a contiguous body, the concerned LGUs may so jointly  
7 establish and administer the MPA as to reach the optimum size and arrangement of a large zoned  
8 MPA.

9  
10 **SEC. 5. General Criteria.** - The MPA, which may either take one particular form or  
11 incorporate different types, shall be established according to the level of protection required by  
12 existing ecological conditions, as well as the socioeconomic characteristics of the local  
13 community, among others: *Provided*, That the form or arrangement of the MPA does not in any  
14 way impair the preferential use rights of municipal fisherfolk, unless ecological conditions are in  
15 such an advanced state of degradation that rehabilitation must necessarily preclude allowing all  
16 extractive and human activity.

17  
18 **SEC. 6. Responsible Entities.** - The concerned LGU, along with members of the  
19 community and civil society, the Bureau of Fisheries and Aquatic Resources (BFAR) of the  
20 Department of Agriculture (DA), the Department of Environment and Natural Resources  
21 (DENR), the Fisheries and Aquatic Resources Management Councils (FARMCs) and the private  
22 sector, shall be responsible for the designation, establishment and management of MPAs within  
23 municipal waters, based on a co-management scheme that accommodates the interests of all the  
24 stakeholders involved.

25  
26 **SEC. 7. Funding.** - The initial fund for the establishment of the MPA shall be provided  
27 by the LGU. Funds for the sustainable management of the MPA shall be included in the regular  
28 budget of the concerned LGU and may be augmented by funds provided by the provincial  
29 government, grants, donations and income generated from the operations of the MPA.

30  
31 **SEC. 8. Management of Existing MPAs.** - The DENR shall continue to manage MPAs  
32 established under the National Integrated Protected Areas System (NIPAS) and all initial  
33 components of the System that have passed the requirements pursuant to Republic Act No. 7586,  
34 otherwise known as the "National Integrated Protected Areas System Act of 1992".

35 All MPAs, fishery reserves, fishery refuges or sanctuaries and mangrove swamp forest  
36 reserves previously declared or proclaimed by the President, or legislated as such by the  
37 Congress of the Philippines, may continue to be supervised by the agency charged with its  
38 administration.

1           **SEC. 9. *Violations and Sanctions.*** - Unless otherwise allowed in accordance with this  
2 Act, the NIPAS Act of 1992 (Republic Act No. 7586), the Philippine Fisheries Code of 1998  
3 (Republic Act No. 8550) and the Wildlife Resources Conservation and Protection Act (Republic  
4 Act No. 9147), it shall be unlawful for any person to willfully and knowingly exploit, damage or  
5 destroy MPAs and/or any of its parts. Violators shall be subject to the applicable fines and  
6 penalties as provided for in Republic Act No. 7586, Republic Act No. 8550 and Republic Act  
7 No. 9147, and other related laws, rules and regulations.

8           Should a coastal LGU fail to establish an MPA as herein provided, the mayor, the vice  
9 mayor and the members of the sanggunian shall be liable for prosecution under Republic Act No.  
10 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act" and Republic Act No.  
11 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and  
12 Employees", or other applicable laws.

13  
14           **SEC. 10. *Incentives and Awards.*** - The DA, in collaboration with the DENR, the  
15 Department of the Interior and Local Government (DILG) and the University of the Philippines  
16 Marine Science Institute (UPMSI) as well as other relevant academic and research institutions,  
17 shall develop incentive and award mechanisms to promote effective management of MPAs and  
18 to ensure their sustainability.

19  
20           **SEC. 11. *Implementing Rules and Regulations.*** - Within sixty (60) days after the  
21 effectivity of this Act, the Secretary of the DA, together with the DENR, the DILG and the  
22 UPMSI, in consultation with other relevant academic and research institutions, local government  
23 leagues, the National Fisheries and Aquatic Resources Management Council, fisherfolk and  
24 other concerned organizations, shall formulate the rules and regulations for the full  
25 implementation of this Act.

26  
27           **SEC. 12. *Separability Clause.*** - If any part of this Act should hereafter be declared  
28 unconstitutional or invalid, such other parts not affected thereby shall continue in full force and  
29 effect.

30  
31           **SEC. 13. *Repealing Clause.*** - All laws, decrees, executive orders and rules and  
32 regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified  
33 accordingly.

34  
35           **SEC. 14. *Effectivity.*** - This Act shall take effect fifteen (15) days after its complete  
36 publication in a newspaper of general circulation.

Approved,