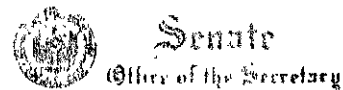


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



75 APR 23 P2 02

SENATE
S. No. 2732

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
ESTABLISHING PUBLIC BEACH ACCESS SITES TO AND ALONG
SHORELINES

EXPLANATORY NOTE

The Constitution, Article 12, Section 2, provides:

SEC. 5. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State.

The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

As an archipelago of more than 7,000 islands, the Philippines is surrounded with numerous coastlines that are used for recreation and livelihood by millions of Filipinos. The coastal and marine resources of the country play an important role not only in the everyday lives of Filipinos but in the country's economic development plans as well. Its coastline extends to 36,289 km and is considered one of the longest in the world. Given the strategic geography and abundant marine resources of the country, 832 of 1541 or 54% of municipalities are in the coastal

zones where 62% of the population also lives.¹ Additionally, with this much islands and coastlines, the Department of Tourism touts the country as “Asia’s Beach Capital”.

Unfortunately, access to shorelines and other coastal resources is impeded by conflicting laws regarding its use and management giving rise to overlapping, and even conflicting, jurisdictions. This led to the (1) absence of proper or clear regulations regarding the use and management of marine and coastal resources, (2) poor zoning and planning, and (3) weak enforcement of public access rights to what should have been areas of public dominion.

In accord to the constitutional mandate of allowing the use and enjoyment of natural resources by Filipinos, it is proposed that the State provide low-impact, universal beach access with due consideration to existing private property rights and without compromising conservation efforts and integrated coastal management programs.

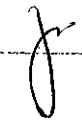
This bill mandates the local government units, in coordination with implementing agencies, to make the country’s beaches more accessible to the public by identifying and establishing public beach access sites and duly designate such with conspicuous signs. This bill likewise penalizes any person or entity who refuses such access or does any act which diminishes the public nature of such access sites.


MIRIAM DEFENSOR SANTIAGO
RP

¹ Department of Environment and Natural Resources, COMPENDIUM FOR BASIC ENR STATISTICS FOR OPERATIONS AND MANAGEMENT (Second Edition), (2000-2008), http://www.denr.gov.ph/images/stories/combined_compendium_enr_stat_2000_2008.pdf. Last accessed on: 17 April 2015.

15 APR 23 P2:02

SENATE
S. No. 2732

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 ESTABLISHING PUBLIC BEACH ACCESS SITES TO AND ALONG
3 SHORELINES

4 SECTION 1. *Short Title.* - This Act shall be known as the "Public Beach Act"

5 SECTION 2. *Declaration of Policies.* - The State recognizes the need for low-
6 impact, universal access to the marine and coastal resources of the country. Towards this
7 end, the State shall establish public beach access sites to and along coastal shorelines for
8 recreation and livelihood purposes.

9 SECTION 3. *Definition of Terms.* - Whenever possible, definitions shall be
10 adopted from those established under existing national laws, department rules and
11 regulations, and jurisprudence. For purposes of this Act, the following terms shall mean:

12 (a) Public Beach Access Site/s - Area/s declared accessible to the public to get to
13 and be able to go along the shorelines. Public Beach Access Sites are further
14 classified into two kinds:

15 (1) Beach transit corridor - The area from the highway, road, street or
16 alley seaward where the right of transit exists.

1 (2) Public beach – The portion of foreshore lands along beach
2 shorelines starting from the low water line of the sea landward.

3 (b) Foreshore lands – A string of land margining a body of water; the part of a
4 seashore between the low water line usually at the seaward margin of a low
5 tide terrace and the upper limit of wave wash at high tide usually marked by a
6 beach scarp or berm.²

7 (c) Governing Authority – The city or municipality having jurisdiction over the
8 coastal area where the public access sites are to be declared.

9 (d) Unoccupied and/or Undeveloped Shorelines. – Foreshore areas not covered by
10 existing contracts or permits including Foreshore Lease Agreements.

11 (e) Occupied and/or Undeveloped Shorelines. – Foreshore areas covered by
12 existing contracts or permits including Foreshore Lease Agreements. This shall
13 mean to include areas customarily occupied by riparian owners of adjoining
14 foreshore lands.

15 SECTION 4. *Public Beach Access Sites.*

16 (A) *In General.* – Public Beach Access Sites shall be established to and along
17 shorelines for the use of the general public subject to reasonable regulations by the
18 governing authority in coordination with other implementing agencies.

19 (1) *Beach Transit Corridor.* – A right-of-way which shall not be less
20 than six (6) feet in width shall be established from the nearest highway,
21 road, street or alley seaward.

² RA 8550, also known as the Philippine Fisheries Code of 1998, sec. 4(46).

1 (2) *Public Beach.* -- Foreshore lands starting from the interior limit of
2 the shoreline landward of up to at least twenty (20) meters shall be made
3 accessible to the general public for recreation and livelihood purposes
4 subject to reasonable regulations to be imposed by the city or municipal
5 council.

6 (B) *Identification and Establishment in Unoccupied and/or Undeveloped*
7 *Shorelines.* -- Not later than two (2) years after the date of enactment of this Act, and
8 after consultation with appropriate government agencies, including private stakeholders,
9 the governing authority, by ordinance, shall identify existing rights-of-way customarily
10 available to the public from the highway, road, street or alley seaward to and along the
11 shorelines and establish them as such.

12 (C) *Identification and Establishment in Occupied and/or Developed Shorelines.*
13 -- Not later than three (3) years after the date of enactment of this Act, and after
14 consultation with appropriate government agencies, including private stakeholders, the
15 governing authority concerned, by ordinance, shall develop a phase-out scheme covering
16 occupied and/or developed shorelines, with or without existing foreshore lease
17 agreements, to establish public beach access sites to and along shorelines.

18 This subsection does not prohibit the owners of the property from voluntarily
19 providing public access to and along shorelines upon terms acceptable to the city or
20 municipality.

21 (D) *Consultation with the DENR.* - In all cases, every step in the identification
22 and establishment of public beach access sites shall be in consultation and coordination
23 with the Department of Environment and Natural Resources (DENR).

1 Within a year from the date of enactment of this Act, the DENR shall give every
2 city or municipality a copy of its inventory of foreshore areas and list of all existing
3 grantees of contracts or permits involving foreshore lands. All public beach access sites
4 created shall likewise be reported to the DENR.

5 SECTION 5. *Development of Criteria.* – Not later than one (1) year from the
6 enactment of this Act, the DENR, in coordination with the local government unit, shall
7 develop a set of criteria that shall assist in the identification and establishment of public
8 beach access sites including, but not limited to, the following:

9 (A) Existence of sites customarily accessed by the public even before the creation
10 of this Act;

11 (B) Distance from the highway, road, street or alley to the shoreline, taking into
12 consideration the topography and physical characteristics of the shoreline
13 desired to be reached;

14 (C) Existing structures on identified public access beach sites; and

15 (D) Existing integrated coastal management programs and other conservation
16 efforts.

17 SECTION 6. *Putting Up of Signs Indicating Public Beach Access Sites.* – The city
18 or municipality, in coordination with the DENR and the DPWH, shall put up conspicuous
19 signs indicating the existence of a public beach access site.

20 SECTION 7. *Creation of Online Locator of Public Access Sites.* – The DENR
21 shall keep an inventory of whatever public beach access sites are identified and
22 established by the local government units and develop an online database that shall be
23 made accessible to the public.

1 SECTION 8. *Prohibited Acts.* – The following shall be prohibited under this Act:

2 (A) Impeding or hindering in any way public access to the shoreline and the sea;

3 (B) Removal, vandalization, or obstruction in any way from the public view of
4 public beach access site signs.

5 (C) Dumping of solid wastes in public beach access sites;

6 (D) Quarrying of sand and pebbles found in public beach access sites;

7 (E) Building of structures of whatever kind that alter the public nature of the
8 access sites; and

9 (F) All other acts relating to the public beach access site to be declared prohibited
10 by the governing authority.

11 SECTION 9. *Non-establishment of public beach access sites on certain foreshore*
12 *lands.* – No public beach access site shall be established on foreshore lands declared as
13 reservations, sanctuaries, environmentally critical areas³ and/or mangrove cultivation
14 sites.

15 SECTION 10. *Conservation efforts.* This Act shall respect existing integrated
16 coastal management programs of the DENR. The DENR, in consultation with the cities
17 and municipalities concerned and the Department of Tourism, shall devise appropriate
18 guidelines for the maintenance and regulation of public beach access sites.

19 SECTION 11. *Implementing Rules.* – The DENR, in consultation with the cities
20 and municipalities concerned, Department of Tourism and Department of Public Works
21 and Highways, shall promulgate the implementing rules and regulations of this Act
22 within one year from its effectivity.

³ Under RA 7611, also known as the Strategic Environment Plan for Palawan Act of 1992.

1 SECTION 12. *Separability Clause.* – If any provision or part hereof, is held
2 invalid or unconstitutional, the remainder of the law or the provision not otherwise
3 affected shall remain valid and subsisting.

4 SECTION 13. *Repealing Clause.* – Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation contrary to
6 or is inconsistent with the provision of this Act is hereby repealed, modified, or amended
7 accordingly.

8 SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
9 after its publication in at least two (2) newspapers of general circulation.

Approved,

/rapt04172015