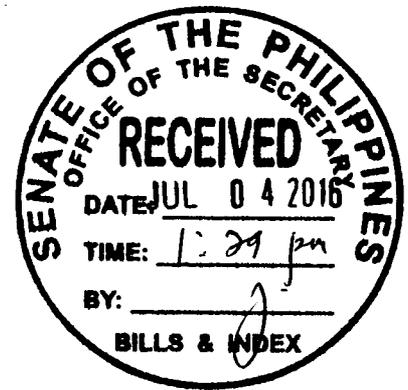


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
Senate Bill No. 326

Introduced by **Senator Cynthia A. Villar**

AN ACT
PROVIDING FOR THE PRESERVATION, REFORESTATION, AFFORESTATION AND SUSTAINABLE DEVELOPMENT OF MANGROVE FORESTS IN THE PHILIPPINES, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

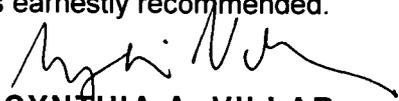
EXPLANATORY NOTE

Mangrove forests are considered one of the most productive and fertile ecosystems in the world. Many of our people living in coastal communities lived, fished and hunted in the mangroves for ages, deriving from them important commodities such as food, fuel, timber, medicine and building materials. Mangrove forests also served as "shelterbelt" because they can cushion the impact of strong winds and provide protection against soil erosion. With its extensive air root system, mangrove forests are able to stabilize shorelines and protect inshore nutrients from adjacent areas. More important, mangrove forests serve as natural nurseries or breeding places for a large number of commercially important marine species.

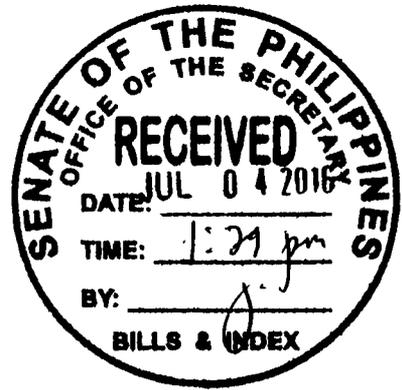
Through the years, we have witnessed the rapid decline of our mangrove forests, which could be attributed to the "open access" of the present system that causes the over-population of resources found within the forests. This is intensified by the lack of technical understanding of management, especially among local government executives and community residents living along the coasts.

This measure proposes to establish reservation areas in all coastal areas in each municipality of the country solely for the preservation, protection, reforestation, afforestation and sustainable development of mangrove forests. In setting aside portions of land for mangroves, we can ensure that our people will continue to enjoy the benefits accorded by this important ecosystem. This bill will also penalize the destruction and cutting of mangrove trees, as well as the dumping of waste products within the reservation areas. Furthermore, the measure makes the offender pay for the expenses that will be incurred for the restoration or rehabilitation of the mangrove areas that will be damaged or destroyed.

In view thereof, early approval of this bill is earnestly recommended.


CYNTHIA A. VILLAR

SEVENTEENTH CONGRESS OF THE)
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AN ACT
PROVIDING FOR THE PRESERVATION, REFORESTATION, AFFORESTATION
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PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “National Mangrove
2 Forest Protection and Preservation Act of 2016.”

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 protect and preserve the country’s natural resources. Towards this end, the
5 preservation, reforestation, afforestation and sustainable development of the
6 mangrove forests shall be pursued through the establishment of reservation areas
7 exclusively for mangrove trees.

8 SEC. 3. *Definition of Terms.* – For purposes of this Act:

9 (a) “*Afforestation*” refers to the establishment of a mangrove forest in an
10 area that did not carry such forest within the past fifty (50) years or within living
11 memory;

12 (b) “*Coastal areas*” refers to the band of dry land and adjacent ocean
13 space (water and submerged land) in which terrestrial processes and uses directly
14 affect oceanic processes and uses and vice versa; its geographic extent may include
15 areas within a landmark limit of one (1) kilometer from the shoreline at high tide to
16 include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers,
17 sandy beaches and other areas within a seaward limit of two hundred (200) meters
18 isobath to include coral reefs, algae flats, seagrass beds and other soft bottom
19 areas;

1 (c) "Mangrove forest" refers to a type of forest occurring on a tidal flat
2 along the sea coast, extending along streams where the water is brackish;

3 (d) "Reservation areas" refers to portions of coastal areas which have
4 been set aside exclusively for reforestation, afforestation, conservation and
5 preservation purposes; and

6 (e) "Reforestation" shall refer to the planting of mangrove trees along the
7 denuded coastal areas.

8 SEC. 4. *Establishment of Mangrove Reservation Areas.* – There shall be
9 established and set aside in all coastal areas in each municipality within the
10 Philippine portions of land solely for the preservation, protection, reforestation,
11 afforestation and sustainable management of mangrove forests. All existing
12 mangrove forests shall automatically form part of the reservation areas.

13 SEC. 5. *Establishment of the National Council for the Preservation of*
14 *Mangrove Forests.* – There is hereby established a National Council for the
15 Preservation of Mangrove Forests, hereinafter referred to as the National Council,
16 which shall be an attached agency of the Department of Environment and Natural
17 Resources (DENR).

18 The National Council shall be composed of twelve (12) members consisting
19 of:

- 20 (1) The Secretary of the DENR who shall act as Chairman;
- 21 (2) The Secretary of the Department of Agriculture (DA) who shall act as
22 Vice-Chairman;
- 23 (3) The Secretary of the Department of Interior and Local Government
24 (DILG);
- 25 (4) The Secretary of the Department of Science and Technology (DOST);
- 26 (5) The Director-General of the National Economic Development Authority
27 (NEDA);
- 28 (6) The Director of the Bureau of Fisheries and Aquatic Resources (BFAR)
29 of the DA;
- 30 (7) The Director of the Forest Management Bureau (FMB) of the DENR;
- 31 (8) The Director of the Ecosystem and Research Development Bureau
32 (ERDB) of the DENR;

- 1 (9) The Administrator of the National Mapping and Resources Information
2 authority (NAMRIA);
- 3 (10) A representative from the academe to be appointed by the President
4 of the Philippines;
- 5 (11) A representative from the research institutions conducting researches
6 on sustainable mangrove forest management to be appointed by the
7 President of the Philippines; and
- 8 (12) A representative from an accredited non-government organization
9 (NGOs) conducting programs on sustainable mangrove forest
10 management to be appointed by the President of the Philippines.

11 SEC. 6. *Powers and Functions of the National Council.* – The National
12 Council shall have the following powers and functions:

- 13 (1) To review existing relevant policies and conduct studies on mangrove
14 forest and its preservation;
- 15 (2) To prepare a comprehensive program for the preservation,
16 reforestation, afforestation and sustainable development of mangrove forests;
- 17 (3) To establish the guidelines in identifying the areas to be declared as
18 mangrove forest reservations;
- 19 (4) To identify and delineate the boundaries of coastal areas which shall
20 form part of the mangrove reservation areas;
- 21 (5) To exercise control and supervision over all the local councils; and
- 22 (6) To promulgate the rules and regulations necessary to carry out the
23 provisions of this Act;

24 SEC. 7. *The Local Council for the Preservation of Mangrove Forests.* – A
25 local council for the preservation of mangrove forests, hereinafter referred to as the
26 Local Council, shall be established in each of the municipalities where a mangrove
27 reservation area has been identified. for each of the municipality where a reservation
28 area has been identified. Each Local Council shall be chaired by the Regional
29 Executive Director of the DENR under whose jurisdiction the reservation area is
30 located, with the following members: (a) a representative of the municipal
31 government concerned; (b) a representative each from the barangays under whose
32 territory the reservation area is located; (c) a representative from an accredited non-
33 governmental organization (NGO); and (d) a representative from the private sector.

1 SEC. 8. *The Powers and Functions of the Local Council.* – The Local
2 Council shall have the following powers and functions:

3
4 (1) To implement and enforce all the programs and policies laid down by
5 the National Council;

6 (2) To carry out the general administration and day to day planning of the
7 Program;

8 (3) To secure the mangrove reservation area from illegal and destructive
9 activities which would endanger the successful implementation and viability of the
10 program; and

11 (4) To perform such other powers and functions as may be designated by
12 the National Council.

13 In order to secure the mangrove reservation area from illegal and destructive
14 activities, the Local Council and the local government, under whose jurisdiction the
15 reservation area is located, shall employ the services of forest guards who shall be
16 tasked with the responsibility to guard and police the areas. They shall have the
17 authority to arrest those caught violating the provisions of this Act and the rules and
18 regulations issued pursuant thereto.

19 In the event that any of the forest guards are found to be guilty of
20 nonfeasance, misfeasance or malfeasance, the forest guard or guards concerned
21 and the officials of the Local Council and the local government, by virtue of the
22 principle of command responsibility, shall be held liable for such violations and shall
23 be prosecuted in accordance with the provisions of this Act without prejudice to any
24 criminal and/or liabilities provided for under existing laws of the country.

25 SEC. 9. *Prohibited Acts.* – The following acts are hereby prohibited within
26 the mangrove reservation areas:

27 (a) Cutting, uprooting or destroying any mangrove tree;

28 (b) Dumping of waste;

29 (c) Construction or reclamation activity;

30 (d) Illegal fishing activities that will result in the damaging and destruction
31 of the mangrove forest; and

1 (e) Other acts or activities that will result in the damage and/or destruction
2 of the mangrove forest.

3 SEC. 10. *Penalties.* – Any person, natural or juridical, found guilty of
4 violating any provisions of this Act or the rules and regulations issued by the National
5 Council, shall, after due notice and public hearing by the regular courts of competent
6 jurisdiction, be fined in the amount of not less than Two hundred thousand pesos
7 (PhP200,000.00) but not more than One million pesos (PhP1,000,000.00) or
8 imprisonment for not less than one (1) year but not more than six (6) years, or both,
9 at the discretion of the Court: *Provided*, That if the area requires rehabilitation or
10 restoration as determined by the Court, the offender shall also be required to restore
11 or compensate for the restoration of the damage.

12 If the offender is an association or corporation, the president or manager and
13 the officer who has direct knowledge over the offense shall be held liable under this
14 Act.

15 SEC. 11. *Separability Clause.* – If, for any reason, any section or provision of
16 this Act shall be declared to be unconstitutional or invalid, the other sections or
17 provisions not affected thereby shall remain in full force and effect.

18 SEC. 12. *Repealing Clause.* – All laws, presidential decrees, executive
19 orders, rules and regulations or parts thereof which are inconsistent with the
20 provisions of this Act are hereby repealed or modified accordingly.

21 SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its
22 complete publication in at least two (2) newspapers of general circulation.

23 Approved,