

SENATE



Senate

Office of the Secretary

Senate Bill No. 639

'19 JUL 22 A9:09

Introduced by Senator FRANCIS N. PANGILINAN

RECEIVED

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

According to the United Nations Environment Programme (UNEP), mangrove forests are being destroyed three to five times higher than the average rate of deforestation.<sup>1</sup> For the past two decades, 628 square kilometers of mangroves in Southeast Asia were cut down annually.<sup>2</sup> In the Philippines alone, UNEP said that almost 50% of mangroves have already been lost since 1918. Further, the ASEAN Centre for Biodiversity said that the former 500,000 hectares of Philippine mangroves are down to just 100,000 hectares or less.<sup>3</sup>

Aside from its rich biodiversity, mangroves are vital in ensuring food security for local communities, providing forest products, and sustaining fisheries. In fact, some 75% of commercial fish species spend part of their lifecycle in these coastal wetlands.<sup>4</sup> Furthermore, mangrove forests sequester almost 22.8 million tons of carbon each year<sup>5</sup> and reduce the risks caused by tsunami waves, erosion, and storms<sup>6</sup>.

Despite its significance, mangrove forests are among the world's most threatened tropical ecosystems, with man-made pollution posing a much bigger threat than natural disasters. Threats include clearing, overharvesting, river changes, overfishing, destruction of coral reefs, pollution, and climate change.<sup>7</sup>

<sup>1</sup> UNEP, *Mangroves in the Spotlight*, Published on 25 July 2017, Available at <https://www.unenvironment.org/news-and-stories/story/mangroves-spotlight>, Accessed on 03 July 2019.

<sup>2</sup> Rappler, *Mangroves are PH's best shield vs climate change*, Published on 02 October 2013, Available at <https://www.rappler.com/science-nature/40420-ph-mangroves-climate-change>, Accessed on 03 July 2019.

<sup>3</sup> Rappler, *Ibid.*

<sup>4</sup> UNEP, *Ibid.*

<sup>5</sup> UNEP, *Ibid.*

<sup>6</sup> The Maritime Review, *Mangrove forests in the Philippines*, Published on 22 November 2017, Available at <https://maritimereview.ph/2017/11/22/mangrove-forests-in-the-philippines/>, Accessed on 02 July 2019.

<sup>7</sup> The Maritime Review, *Ibid.*

To address such concerns, this legislation seeks to protect and preserve the country's natural resources, specifically the mangrove forests. It aims to promote the preservation, reforestation, afforestation, and sustainable development of the country's mangrove forests. In addition, this bill provides for the establishment of the National and Local Councils for the Preservation of Mangrove Forests to serve as the primary implementer of programs and policies for the preservation and sustainable development of the country's mangrove forests.

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

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed name.

FRANCIS N. PANGILINAN

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

1        **SECTION 1. *Short Title.*** – This Act shall be known as the “*National Mangrove Forest*  
2        *Protection and Preservation Act of 2019.*”

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

8        **SEC. 3. *Definition of Terms.*** – As used in this Act:

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

12           b) *Coastal area* refers to the band of dry land and adjacent ocean space (water and  
13           submerged land) in which terrestrial processes and uses directly affect oceanic  
14           processes and uses and vice versa; its geographic extent may include areas  
15           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

1 rives, sandy beaches, and other areas within a seaward limit of two hundred  
2 (200) meters isobath to include coral reefs, algae flats, seagrass beds, and other  
3 soft bottom areas;

4 c) *Mangrove forest* refers to a type of forest occurring on a tidal flat along the sea  
5 coast, extending along streams where the water is brackish;

6 d) *Reservation area* refers to the portion of coastal areas which have been set aside  
7 exclusively for reforestation, afforestation, conservation, and preservation  
8 purposes; and

9 e) *Reforestation* refers to the planting of mangrove trees along the denuded coastal  
10 areas.

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

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

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

- 21 1) The Secretary of the DENR who shall act as Chairman;
- 22 2) The Secretary of the Department of Agriculture (DA) who shall act as Vice-  
23 Chairman;
- 24 3) The Secretary of the Department of the Interior and Local Government (DILG);
- 25 4) The Secretary of the Department of Science and Technology (DOST);
- 26 5) The Director-General of the National Economic and Development Authority  
27 (NEDA);

- 1           6) The Director of the Bureau of Fisheries and Aquatic Resources (BFAR);
- 2           7) The Director of the Forest Management Bureau (FMB);
- 3           8) The Director of the Ecosystem and Research Development Bureau;
- 4           9) The Administrator of the National Mapping and Resources Information
- 5            Authority;
- 6           10) A representative from the academe to be appointed by the President of the
- 7            Philippines;
- 8           11) A representative from the research institutions conducting researches on
- 9            sustainable mangrove forest management to be appointed by the President of
- 10           the Philippines; and
- 11           12) A representative from an accredited non-government organization (NGO)
- 12            conducting programs on sustainable mangrove forest management to be
- 13            appointed by the President of the Philippines.

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

- 16           a) To review existing relevant policies and conducts studies on mangrove forest
- 17            and its preservation;
- 18           b) To prepare a comprehensive program for the preservation, reforestation;
- 19            afforestation, and sustainable development of mangrove forests;
- 20           c) To establish the guidelines in identifying the areas to be declared as mangrove
- 21            forest reservations;
- 22           d) To identify and delineate the boundaries of coastal areas which shall form part
- 23            of the mangrove reservation areas;
- 24           e) To exercise control and supervision over all the local councils; and
- 25           f) To promulgate the rules and regulations necessary to carry out the provisions
- 26            of this Act.

1           **SEC. 7. *The Local Council for the Preservation of Mangrove Forests.*** – A local  
2 council for the preservation of mangrove forests, hereinafter referred to as the Local  
3 Council, shall be established in each of the municipalities where a mangrove reservation  
4 area has been identified. Each Local Council shall be chaired by the Regional Executive  
5 Director of the DENR under whose jurisdiction the reservation area is located, with the  
6 following members: (a) a representative of the municipal government concerned; (b) a  
7 representative each from the barangays under whose territory the reservation area is  
8 located; (c) a representative from an accredited NGO; and (d) a representative from the  
9 private sector.

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

- 12           1) To implement and enforce all the programs and policies laid down by the  
13           National Council;
- 14           2) To carry out the general administration and day-to-day planning of the  
15           program;
- 16           3) To secure the mangrove reservation area from illegal and destructive activities  
17           which would endanger the successful implementation and viability of the  
18           program; and
- 19           4) To perform such other powers and functions as may be designated by the  
20           National Council.

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

1 In the event that any of the forest guards are found to be guilty of nonfeasance,  
2 misfeasance or malfeasance, the forest guard or guards concerned and the officials of the  
3 Local Council and the local government, by virtue of the principle of command  
4 responsibility, shall be held liable for such violations and shall be prosecuted in  
5 accordance with the provisions of this Act, without prejudice to any liability provided for  
6 under existing laws of the country.

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

- 9 a) Cutting, uprooting or destroying any mangrove tree;
- 10 b) Dumping of waste;
- 11 c) Construction or reclamation activity;
- 12 d) Illegal fishing activities that will result in the damage and/or destruction of  
13 the mangrove forest; and
- 14 e) Other acts or activities that will result in the damage and/or destruction of the  
15 mangrove forest.

16 **SEC. 10. *Penalties.*** – Any person, natural or juridical, found guilty of violating any  
17 provision of this Act or the rules and regulations issued by the National Council shall,  
18 after due notice and public hearing by the regular courts of competent jurisdiction, be  
19 fined in the amount of not less than Two Hundred Thousand Pesos (PhP200,000.00) but  
20 not more than One Million Pesos (PhP1,000,000.00) or imprisonment of not less than one  
21 (1) year but not more than six (6) years, or both, at the discretion of the court: *Provided,*  
22 That if the area requires rehabilitation or restoration as determined by the court, the  
23 offender shall also be required to restore or compensate for the restoration of the damage.

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

1           **SEC. 11. *Separability Clause.*** – If any provision of this Act is declared invalid or  
2 unconstitutional, the other provisions not affected by such declaration shall remain in full  
3 force and effect.

4           **SEC. 12. *Repealing Clause.*** – All laws, executive orders, administrative orders, and  
5 rules and regulations inconsistent with this Act are hereby repealed or amended  
6 accordingly.

7           **SEC. 13. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its  
8 complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

*Approved,*