

10 21 1995

SENATE

S. No. 124

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE


Mangrove forests are considered one of the most productive fertile ecosystems in the world. Mangrove forests have provided man with food, fuel, timber, medicine, and building materials. They also serve as natural nurseries or breeding places for a large number of fishes, crabs, sea creatures and other commercially important species. In the Philippines, with its thousands of islands and islets, mangrove forests also play a very important role as "shelter belts" against strong winds from typhoons, thereby protecting the inhabitants and preventing coastal erosion.

Despite these many benefits, mangrove forests are still fast disappearing and became one of the most threatened habitats in the world. The original estimate of half a million hectares of mangrove forests has been reduced to 112,400 hectares in 1997 due to pressure from firewood gatherers, fishpond developers, coral miners, blast cyanide and trawl fishermen as well as industrial pollution. Over time the stress of the pollutants and reduced light kill large areas of mangrove forests. The destruction of mangrove areas is one of the causes for the loss of breeding, feeding and nursery ground for most marine life and the loss of shoreline stability in the country. This is exacerbated by the lack of technical understanding of management especially among local government executives and local communities living along the coasts.

Considering its vulnerability and importance, it is necessary to protect existing mangrove forests, rehabilitate and reforest denuded areas, and establish new mangrove plantations since it has been found that artificially established mangrove forests provide the same function as a natural mangrove forest.

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. It seeks to penalize the destruction and cutting of mangrove trees, as well as dumping of waste products within the reservation areas.

In view of the foregoing, approval of this bill is earnestly requested.


SERGIO OSMEÑA III
Senator

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

*Be it enacted by the Senate and the House of Representatives of the Republic 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 2010.”

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

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

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

12 (b) “Coastal areas” shall refer to the band of dry land and adjacent ocean
13 space (water and submerged land) in which terrestrial processes and
14 uses directly affect oceanic processes and uses, and vice versa; its
15 geographic extent may include areas within a landmark limit of one
16 kilometer from the shoreline at high tide to include mangrove swamps,

1 brackish water ponds, nipa swamps, estuarine rivers, sandy beaches
2 and other areas within a seaward limit of two hundred (200) meters
3 isobath to include coral reefs, algal flats, seagrass beds, and other
4 soft-bottom areas;

5 (c) "Mangrove forest" shall refer to a type of forest occurring on a tidal flat
6 along the sea coast, extending along streams where the water is
7 brackish;

8 (d) "Reservation areas" shall refer to portions of coastal areas which have
9 been set aside exclusively for reforestation, afforestation, conservation,
10 and preservation purposes; and

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

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

19 **SEC. 5. *Establishment and Composition of the National Council for***
20 ***the Preservation of Mangrove Forests.*** – There is hereby established a
21 National Council for the Preservation of Mangrove Forests, hereinafter referred to
22 as the National Council, which shall be attached agency of the Department of
23 Environment and Natural Resources (DENR).

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

26 (1) the Secretary of the DENR who shall act as Chairman;

27 (2) the Secretary of the Department of Agriculture (DA) who shall act as
28 vice-chairman;

- 1 (3) the Secretary of the Department of Interior and Local Government
2 (DILG);
- 3 (4) the Secretary of the Department of Science and Technology (DOST);
- 4 (5) the Director-General of the National Economic Development Authority
5 (NEDA);
- 6 (6) the Director of the Bureau of Fisheries and Aquatic Resources (BFAR)
7 of the DA;
- 8 (7) the Director of the Forest Management Bureau (FMB) of the DENR;
- 9 (8) the Director of the Ecosystem and Research Development Bureau
10 (ERDB) of the DENR;
- 11 (9) the Administrator of the National Mapping and Resources Information
12 Authority (NAMRIA);
- 13 (10) a representative from the academe to be appointed by the
14 President of the Philippines;
- 15 (11) a representative from the research institutions conducting
16 researches on sustainable mangrove forest management to be
17 appointed by the President of the Philippines; and
- 18 (12) a representative from the non-government organizations (NGOs)
19 conducting programs on sustainable mangrove forest management to
20 be appointed by the President of the Philippines.

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

- 23 (1) review existing relevant policies and conduct studies on mangrove
24 forest and its preservation;
- 25 (2) prepare a comprehensive program for the preservation, reforestation,
26 afforestation, and sustainable development of mangrove forests;
- 27 (3) establish the guidelines in identifying of the coastal areas which shall
28 form part of the mangrove reservation areas;

- 1 (4) identify the delineate the boundaries of the coastal areas which shall
2 form part of the mangrove reservation areas;
- 3 (5) exercise control and supervision over all the local councils; and
- 4 (6) promulgate the necessary rules and regulations to carry out the
5 provisions of this Act.

6 **SEC. 7. *The Local Councils for the Preservation of Mangrove***
7 ***Forests.*** – A local council for the preservation of mangrove forests, hereinafter
8 referred to as the Local Council, shall be established in each of the municipalities
9 where a mangrove reservation area has been identified.

10 Each Local Council shall be chaired by the Regional Executive Director of
11 the DENR under whose jurisdiction the reservation area is located, with the
12 following members: a representative of the municipal government concerned; a
13 representative each from the barangays under whose territory the reservation
14 area is located; a representative from an accredited non-governmental
15 organization (NGO); and a representative from the private sector.

16 **SEC. 8. *Powers and Functions of the Local Council.*** – The local
17 council shall exercise the following powers and functions:

- 18 (1) implement and enforce all the programs and policies laid down by the
19 National Council;
- 20 (2) carry out the general administration and day-to-day planning of the
21 program;
- 22 (3) secure the mangrove reservation area from illegal and destructive
23 activities which would endanger the successful implementation and
24 viability of the program; and
- 25 (4) such other powers and functions as may be designated by the National
26 Council.

27 In order the secure the mangrove reservation area from illegal and
28 destructive activities, the Local Council and the local government, under whose
29 jurisdiction the reservation area is located, shall employ the services of forest

1 guards who shall be tasked with the responsibility to guard and police the areas.
2 They shall have the authority to arrest those caught violating the provisions of
3 this Act and the rules and regulations issued pursuant thereto.

4 In the event that any of the forest guards is found guilty of nonfeasance,
5 misfeasance, or malfeasance, the forest guard concerned and the officials of the
6 Local Council and the local government, by virtue of the principle of command
7 responsibility, shall be held for such violations and shall be prosecuted in
8 accordance with the provisions of this Act without prejudice to any criminal and/or
9 civil liabilities provided for under existing laws of the country.

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

12 (a) cutting, uprooting, or destroying any mangrove tree;

13 (b) dumping of waste;

14 (c) construction or reclamation activity without the necessary license,
15 permit, or authority;

16 (d) illegal fishing activities that will result in the damage and destruction of
17 the mangrove forest; and

18 (e) other acts or activities that will result in the damage and/or destruction
19 of the mangrove forest.

20 **SEC. 10. *Penalties.*** – Any person, natural or juridical, found guilty of
21 violating any of the provisions of this Act or the rules and regulations issued by
22 the National Council, shall, after due notice and public hearing by the regular
23 courts of competent jurisdiction, be fined in the amount of not less than Fifty
24 thousand pesos (PhP50,000.00) but not more than One million pesos
25 (PhP1,000,000.00) or imprisonment for not less than one (1) year but not more
26 than six (6) years, or both, at the discretion of the Court: *Provided*, That if the
27 area requires rehabilitation or restoration as determined by the Court, the
28 offender shall also be required to restore or compensate for the restoration of the
29 damage.

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

4 SEC. 11. **Separability Clause.** – if, for any reason, any section or
5 provision of this Act shall be held unconstitutional or invalid, the other section or
6 provision not otherwise affected shall remain in full force and effect.

7 SEC. 12. **Repealing Clause.** – All laws, presidential decrees, executive
8 orders, proclamations, rules and regulations which are inconsistent with the
9 provisions of this Act hereby repealed or modified accordingly.

10 SEC. 13. **Effectivity Clause.** – This Act shall take effect fifteen (15) days
11 from its publication in the Official Gazette or in at least two (2) newspapers of
12 general circulation.

Approved,