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SENATE

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S. NO. 350

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Article 11 Section 16 declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Despite the government's good intentions, rapid population growth, urbanization and industrialization have far outstripped urban environment services and weak natural resource management systems have led to rapid degradation of those environments, too.¹

Rapid conversion of forestlands and grasslands to urban use is depleting these natural systems. Agricultural yields in lowland areas are stagnating, and population pressures are stimulating cultivation of fragile upland areas, causing serious soil erosion. While estimates of deforestation differ, forest cover in the Philippines has certainly been significantly reduced over the last forty years, due to increasing urbanization, illegal logging, and forest fires. Reforestation efforts by the government have been erratic, with low tree survival rates. Marine resources are heavily stressed by over-exploitation and pollution.² While we cannot totally undo this environmental upheaval, we can to some extent reverse the severity of the damage, accordingly cushioning its inevitable impact.

It is in this light that this bill seeks to establish a basic policy for nature restoration in the country. Ecological restoration, the attempt to guide damaged ecosystems back to a previous, usually healthier or more natural, condition, is rapidly gaining recognition as one of the most promising approaches to conservation. It is hoped that with the passage of this bill, we shall be able to redeem our troubled relationship with nature and sustain the God-given finite resources of this country for the subsequent generations of Filipinos to come.


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ Information retrieved from:
<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/EXTEAPREGTOPENVIRONMENT/0,,contentMDK:20266328~menuPK:3558267~pagePK:34004173~piPK:34003707~theSitePK:50288600.html>. Retrieved on 3 March 2009.

² *Ibid.*

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

OFFICE OF THE SECRETARY

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AN ACT
PROTECTING THE ENVIRONMENT THEREBY ESTABLISHING A BASIC POLICY
FOR NATURE RESTORATION, PROVIDING FUNDS THEREFOR, 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 *“Nature Restoration Law of*
2 *2010”*.

3
4 **SEC. 2. *Purpose.*** – This Law establishes the basic principles of nature restoration,
5 defines the responsibilities of concerned government agency, and stipulates necessary matters for
6 the implementation of nature restoration, including the establishment of the Basic Policy for
7 Nature Restoration. This is done for the purpose of pursuing the comprehensive implementation
8 of measures concerning nature restoration, thereby securing biodiversity in support of efforts
9 toward realizing a society that is in harmony with nature, and contributing to conservation of the
10 global environment.

11
12 **SEC. 3. *Definition of Terms.*** –

13 A. *“Nature restoration”* means the conservation, restoration or creation, and maintenance of the
14 conditions of rivers, marshes, tidal flats, seaweed/seagrass beds, community-based woods,
15 rural landscapes, forests, and other natural environments, with the participation of various
16 actors in the community, including concerned governmental agencies, concerned municipal

1 governments, local residents, specified nonprofit corporations, and individuals with
2 specialized knowledge of the natural environment, with the objective of recovering the
3 ecosystems and other natural environments that have been damaged or destroyed in the past.

4 B. "*Nature restoration project*" means a project to be implemented with the objective to restore
5 nature.

6 C. "*Landowner, etc.*" means an individual who owns a piece of land, woods, or bamboo thicket;
7 or the right to the use of and profits from a piece of land, woods or bamboo thicket; or the
8 fishing rights or common of piscary to an area (excluding special facilities and other facilities
9 clearly known to have been set up for temporary use).

10
11 **SEC. 4. *Basic Principles.* –**

12 A. Nature restoration shall be carried out appropriately for the purposes of maintaining and
13 passing on a sound and bountiful natural environment to future generations, realizing a
14 society in harmony with nature through the protection of biodiversity, and contributing to the
15 conservation of the global environment.

16 B. Nature restoration shall be carried out with the cooperation of various actors in the
17 community, including concerned governmental agencies, concerned local governments, local
18 residents, specified nonprofit corporations, and individuals with specialized knowledge of the
19 natural environment, in a voluntary and active manner. Efforts shall be made to ensure
20 transparency.

21 C. Nature restoration shall be carried out based on scientific knowledge, taking into account
22 characteristics of the natural environment in the area and the delicate balance of the
23 ecosystem, as well as nature's ability to recover.

24 D. Nature restoration shall be carried out in such a way that, even after a nature restoration
25 project has begun, the state of nature restoration is monitored, the monitoring results are
26 assessed scientifically, and the assessment results are reflected in the project.

27 E. Due to the important need for people to learn about conservation of the natural environment
28 (hereinafter referred to as "natural environmental learning"), arrangements shall be made to

1 utilize the nature restoration project as a venue for natural environmental learning as it is
2 implemented.

3
4 **SEC. 5. Responsibilities of the National and Local Governments.** – The national and
5 local governments shall strive to provide the necessary assistance to facilitate the implementation
6 of nature restoration projects undertaken by local residents, specified nonprofit corporations, and
7 other private organizations.

8
9 **SEC. 6. Responsibilities of the Department of Environment and Natural Resources.** –
10 The Department of Environment and Natural Resources (hereinafter referred to as the DENR),
11 who undertakes a nature restoration project pursuant to this Law shall strive to take the lead in
12 carrying out the nature restoration project based on the basic principles.

13
14 **SEC. 7. Coordination with Other Public Interests.** – Nature restoration shall be carried
15 out taking into consideration the need to coordinate such efforts with the conservation of national
16 land and other public interests.

17
18 **SEC. 8. Basic Policy for Nature Restoration.** –

19 A. The government shall formulate a basic policy for comprehensively promoting nature
20 restoration measures (hereinafter referred to as "Basic Policy for Nature Restoration").

- 21 1. The Basic Policy for Nature Restoration provides the following:
- 22 2. Basic direction for the implementation of nature restoration;
- 23 3. Basic matters concerning the committee detailed in Section 9 of this Act;
- 24 4. Basic matters concerning formulation of the overall plan for nature restoration;
- 25 5. Basic matters concerning the promotion of natural environmental learning concerning
26 nature restoration; and
- 27 6. Other important matters concerning the promotion of nature restoration.

1 B. The DENR shall draft the Basic Policy for Nature Restoration, consulting with the
2 Department of Agriculture, Forestry and Fisheries and the Minister of Land, Infrastructure
3 and Transport and shall call for approval from the Cabinet.

4 C. The DENR shall seek public opinion when drafting the Basic Policy for Nature Restoration.

5 D. The DENR shall, without delay, make public the Basic Policy for Nature Restoration when a
6 Cabinet decision is made in accordance with the provision in Paragraph 3.

7 E. The Basic Policy for Nature Restoration shall be revised approximately every five years in
8 accordance with progress in the implementation of nature restoration projects.

9 F. Provisions from Paragraphs A to E are applicable to changes to the Basic Policy for Nature
10 Restoration.

11

12 **SEC. 9. *Nature Restoration Committee.* –**

13 A. To administer the matters provided in the following paragraph, the effecter shall form a
14 nature restoration committee (hereinafter referred to as "Committee") with concerned local
15 governments, concerned governmental agencies, and other parties who intend to participate
16 in the nature restoration project or activities related to the project to be carried out by the
17 effecter, including local residents, specified nonprofit corporations, individuals with
18 specialized knowledge of the natural environment, and landowners, etc.

19 The Committee shall administer the following matters:

- 20 1. Draw up the overall plan for nature restoration;
- 21 2. Discuss the drafted implementation plan of the nature restoration project;
- 22 3. Conduct communication and coordination for implementing the nature restoration project.

23 B. The overall plan for nature restoration (hereinafter referred to as "overall plan for nature
24 restoration") determines the following matters in line with the Basic Policy for Nature
25 Restoration:

- 26 1. Areas subject to nature restoration;
- 27 2. Goals of nature restoration;
- 28 3. Names of organizations and individuals to join the Committee and their responsibilities;
- 29 and,

1 4. Other necessary matters for facilitating nature restoration.

2 C. The Committee decides the necessary matters related to the organization and management of
3 the Committee.

4 D. Members of the Committee shall cooperate in promoting nature restoration.

5

6 **SEC. 10. *Implementation Plan of Nature Restoration Project.* –**

7 A. The effecter shall formulate a plan for implementing the nature restoration project
8 (hereinafter referred to as the "implementation plan of the nature restoration project") based
9 on the Policy for Nature Restoration;

10 B. The implementation plan of the nature restoration project shall provide the following:

11 1. Name of effecter and name of the Committee to which the effecter belongs;

12 2. Areas subject to and contents of the nature restoration project;

13 3. Relationship between the area subject to the nature restoration project and its local
14 natural environment, and the significance and effect of the conservation of natural
15 environment

16 4. Other necessary matters related to implementation of the nature restoration project

17 C. In drawing up the implementation plan of the nature restoration project, the DENR shall fully
18 discuss the draft with the Committee beforehand and draw up the plan according to the
19 results of the discussion.

20 D. The implementation plan of the nature restoration project shall be in conformity with the
21 overall plan of nature restoration.

22 E. Upon drawing up the implementation plan of the nature restoration project, the DENR shall
23 promptly submit a copy of the plan (including copies of documents attached to the
24 implementation plan of the nature restoration project; hereinafter the same) and a copy of the
25 overall plan of nature restoration for the nature restoration project implementation plan
26 (including copies of documents attached to the overall plan for nature restoration; hereinafter
27 the same) to the local government official under whose jurisdiction the area covered by the
28 nature restoration project in the implementation plan lies

1 **SEC. 11. *Agreement on Maintenance.*** – In order to conduct maintenance related to
2 nature restoration on all or part of the area covered by the nature restoration project, the effector
3 may carry out the maintenance by concluding an agreement with the landowner of the area.

4
5 **SEC. 12. *Establishment of a Consultation System for Effectors.*** – The competent
6 minister shall set up the necessary system to provide proper consultations to effectors.

7
8 **SEC. 13. *Consideration for the Implementation of Nature Restoration Projects.*** –
9 When asked for permits or other legally prescribed actions for the implementation of a nature
10 restoration project based on the implementation plan of the nature restoration project, the heads
11 of governmental agencies and concerned local governments shall give proper consideration to
12 enable the smooth and speedy implementation of the nature restoration project.

13
14 **SEC. 14. *Announcement of the Implementation Status of Nature Restoration Projects.***

- 15 1. The competent minister shall announce the implementation status of nature restoration
16 projects annually.
- 17 2. The competent minister shall make an announcement upon the receipt of a copy of the
18 implementation plan of the nature restoration project and a copy of the overall plan for nature
19 restoration which was submitted pursuant to the provision in Article 9, Paragraph 5
20 (including the case when Paragraph 7 of the same article is applicable).

21
22 **SEC. 15. *Reporting Progress of the Implementation Plan of the Nature Restoration***
23 ***Project.*** – Pursuant to the competent ministerial ordinance, the competent minister may request
24 the effector, who carries out the nature restoration project according to its implementation plan,
25 to report on the progress of the implementation plan of the nature restoration project.

26
27 **SEC. 16. *Financial Measures, etc.*** – The national and local governments will make
28 efforts to take the necessary measures, financial and otherwise, to implement nature restoration.

1 **SEC. 17. *Other Measures related to Nature Restoration.*** – The national and local
2 governments will take the necessary measures to promote natural environmental learning
3 regarding nature restoration and to expand public awareness activities to promote nature
4 restoration.

5 1. The national and local governments will take the necessary measures to promote natural
6 environmental learning regarding nature restoration and to expand public awareness activities
7 to promote nature restoration;

8 2. The national and local governments will make efforts to provide appropriate information on
9 nature restoration to facilitate nature restoration activities carried out by local residents,
10 specified nonprofit corporations, and individuals with specialized knowledge of the natural
11 environment, etc.;

12 3. The national and local governments will pursue research and development on nature
13 restoration, disseminate the results, and promote other science and technology for nature
14 restoration;

15 4. The national and local governments will pursue agriculture, forestry, and fisheries in
16 harmony with the local environment in conjunction with the implementation of nature
17 restoration projects.

18

19 **SEC. 18. *Nature Restoration Promotion Conference.*** –

20 A. The government shall establish the Nature Restoration Promotion Conference, made up of
21 officials from DENR, Department of Agriculture (DA), Department of Public Works and
22 Highways (DPWH) and other concerned governmental agencies, to carry out communication
23 and coordination in order to implement nature restoration in a comprehensive, effective, and
24 efficient manner; and

25 B. The DENR, DA and DPWH shall establish the Nature Restoration Expert Panel, made up of
26 individuals with specialized knowledge of the natural environment, to consider the opinions
27 provided when the communication and coordination provided in the preceding paragraph are
28 carried out.

1 **SEC. 19. *Competent Departmental Secretaries, etc.*** –

2 A. Competent Departmental Secretaries in this Law are the DENR, DA and DPWH Secretaries;
3 and,

4 B. Competent ordinances in this Law are orders issued by the DENR, DA and DPWH
5 Secretaries.

6
7 **SEC. 20. *Implementing Rules.*** – The Secretary of the DENR shall issue the pertinent
8 rules with regard to this Act, including but not limited to the application for, termination of,
9 suspension and lifting of suspension of the Program.

10
11 **SEC. 21. *Separability Clause.*** If any provision or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
13 valid and subsisting.

14
15 **SEC. 22. *Repealing Clause.*** Any law, presidential decree or issuance, executive order,
16 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the
17 provisions of this Act, is hereby repealed, modified, or amended accordingly.

18
19 **SEC. 23. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its complete
20 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,