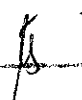


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SENATE

Senate Bill No. 748

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Philippine mangrove forests have continued to decline substantially during the last century. From an estimated 450,000 hectares of mangroves in 1918, less than 140,000 hectares exist in 1988 down to 112,400 hectares in 1997. The World Bank has estimated that there will be less than 100,000 hectares left in the year 2030 if this rate of reduction continues. Worse, existing mangrove forests today are of a much lower quality, given that as early as 1988, 95% of these are secondary growth and only 5% are primary or old growth, as reported by the Department of Environment and Natural Resources.

One upshot of this continued decline in mangroves is the destruction of nursery grounds for fish, prawns, crabs and other important marine 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. This rapid decline is largely due to pressure from firewood gatherers, coral miners, blast cyanide fishers and industrial pollution. Over time the stress of the pollutants and reduced light kill large areas of mangrove forests. Worse, while the government ceased approving mangrove conversion to fishpond, illegal conversion still continues.

This proposed measure thus seeks to establish reservation areas in all coastal areas in each municipality of the country solely for the preservation, protection, reforestation, and sustainable development of mangrove forests. To strengthen the provisions of this proposed measures, penal sanctions are imposed for the destruction and cutting of mangrove trees, dumping of waste products and other harmful activities within the mangrove reservation areas.

Considering the vulnerability and importance of our mangrove resources, 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.

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


JINGGOY EJERCITO ESTRADA
Senator

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10 JUL -7 P4:47

SENATE

Senate Bill No. 748

RECEIVED BY [Signature]

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
PROVIDING FOR THE PRESERVATION, REFORESTATION AND
SUSTAINABLE DEVELOPMENT OF ALL PHILIPPINE MANGROVE
RESOURCES, DEFINING FOR THAT PURPOSE THE ACTS PROHIBITED
WITHIN MANGROVE FORESTS, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as "***The Mangrove
Forest Protection and Preservation Act.***"

SEC. 2. Declaration of Policy. The State shall protect and advance to
right of the people to a balanced and healthful ecology in accord with the rhythm
and harmony of nature. Towards this end, the State shall establish measures that
safeguard the country's mangrove resources from destruction, exploitation and
unregulated removal and bring an end to activities which cause the destruction of
these resources. Further, in recognition of the important ecological role of our
mangrove resources as habitat for various marine and estuarine animals, for
water quality maintenance and as food-web support, the State shall hereby
endeavor to maintain the natural diversity of animals and plants found in the
mangrove areas. Thus, the State hereby undertakes to ensure the preservation,
reforestation and sustainable development of the mangrove resources through
the establishment of reservation areas exclusively for mangrove forests.

SEC. 3. Definition of Terms.

a. Coastal areas - refer to the band of dry land and adjacent ocean space
in which terrestrial processes and uses directly affect oceanic processes and
uses, and vice versa, its geographic extent may include areas within a landmark
limit of one kilometer from the shoreline at high tide to include mangrove
swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches
and other areas within a seaward limit of two hundred (200) meters isobath to
include coral reefs, algal flats, seagrass beds, and other soft-bottom areas;

b. Mangrove forest - a type of forest occurring on a tidal flat along the sea
coast, extending along streams where the water is brackish;

c. Reservation areas - portions of coastal areas which have been set
aside exclusively for reforestation, conservation, and preservation purposes; and

d. Reforestation - the planting of mangrove trees along the denuded coastal areas.

SEC. 4. Establishment of Mangrove Reservation Areas. - There shall be established and set aside in all municipalities with coastal areas within the Philippines portions of land solely for the preservation, protection, reforestation, and sustainable management of mangrove forests to be known as Mangrove Reservation areas. All existing mangrove forest reserves declared as such under Presidential Proclamation 2152 and all other areas that may hereinafter be declared as such pursuant to a law or executive order shall automatically form part of said reservation areas.

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

The National Council shall be composed of ten (10) members consisting of:

- (1) the Secretary of the DENR who shall act as Chairman;
- (2) the Secretary of the Department of Agriculture (DA) who shall act as vice-chairman;
- (3) the Secretary of the Department of Science and Technology (DOST);
- (4) the Director of the Bureau of Fisheries and Aquatic Resources (BFAR);
- (5) the Director of the Forest Management Bureau (FMB) of the DENR;
- (6) the Director of the Ecosystem and Research Development Bureau (ERDB);
- (7) the Administrator of the National Mapping and Resources Information Authority (NAMRIA);
- (8) a representative from the academe to be appointed by the President;
- (9) a representative from the research institutions conducting researches on sustainable mangrove forest management to be appointed by the President; and
- (10) a representative from a non-government organization (NGO) conducting programs on sustainable mangrove forest management to be appointed by the President.

SEC. 6. Powers and Functions of the National Council. - The National Council shall have the following powers and functions:

- (1) Review existing, relevant policies and conduct studies on mangrove forest and its preservation;
- (2) Prepare a comprehensive program for the preservation, reforestation, and sustainable development of mangrove forests;
- (3) Establish the guidelines in identifying the coastal areas which shall form part of the mangrove reservation areas;
- (4) Identify and delineate the boundaries of the coastal areas which shall form part of the mangrove reservation areas;
- (5) Exercise control and supervision over all the local councils; and
- (6) Promulgate the necessary rules and regulations to carry out the provisions of this Act.

SEC. 7. The Local Councils for the Preservation of Mangrove Forests. - A local council for the preservation of mangrove forests, hereinafter referred to as the Local Council, shall be established in each of the municipalities where a mangrove reservation area has been identified. Each Local Council shall be chaired by the Regional Executive Director of the DENR under whose jurisdiction the reservation area is located, with the following members:

- (1) A member of the municipal council of the municipality concerned;
- (2) A member of the barangay council from each barangay under whose territory the reservation area is located; and
- (3) A representative from an accredited non-governmental organization (NGO) involved in environmental advocacy; and

SEC. 8. Powers and Functions of the Local Council. - The local council shall exercise the following powers and functions:

- (1) Implement and enforce all the programs and policies laid down by the National Council;
- (2) Carry out the general administration and day-to-day planning of the program;
- (3) Secure the mangrove reservation area from illegal and destructive activities which would endanger the successful implementation and viability of the program;
- (4) Engage the services of forest guards who shall be tasked to guard and police the areas and arrest those caught in violation of the provisions of this Act;
- (5) Provide the forest guards the necessary skills and knowledge training and support;
- (6) Conduct periodic consultations with the appropriate local government unit, nongovernmental and people's organizations and other concerned sectors of the community on issues, concerns and projects affecting the mangrove reserves in the locality; and
- (7) Such other powers and functions as may be designated by the National Council.

SEC. 9. Mandatory Prior Consultation. - No project or program that may cause pollution, destruction or loss of mangrove forests or extinction of marine and estuarine plant and animal species shall be implemented by the National or Local Council without prior consultations with the local government unit concerned, non-governmental or people's organizations, and other sectors concerned to explain the objectives of the project or program, its impact on the people and the community in terms of ecological balance, and the measures that will be undertaken to prevent the adverse effects thereof; *provided*, that the prior approval of the *Sanggunian* concerned shall be obtained in accordance with the provisions of Republic Act 7610.

SEC. 10. Prohibited Acts. - The following acts are hereby prohibited within the mangrove reservation areas:

- (a) Cutting, uprooting, destroying or gathering any mangrove tree or any mangrove forest products;
- (b) Dumping of waste;
- (c) Construction or reclamation activity without the necessary license, permit, or authority;
- (d) Illegal fishing activities that will result in the damage and destruction of the mangrove forest;

(e) Conversion of mangrove reservation areas into fishponds or for any other purpose; and

(f) Other acts or activities that will result in the damage and/or destruction of the mangrove forest, as determined by the Local Council concerned.

SEC. 11. Penalties - Any person, natural or juridical, found guilty of violating any of the provisions of this Act or the rules and regulations issued by the National Council, shall, after due notice and public hearing by the regular courts of competent jurisdiction, be fined in the amount of not less than One Hundred thousand pesos (PhP100,000.00) but not more than One million pesos (PhP1,000,000.00) or imprisonment for not less than one (1) year but not more than six (6) years, or both, at the discretion of the Court; provided *that*, if the area requires rehabilitation or restoration as determined by the Court, the offender shall also be required to restore or compensate for the restoration of the damage. If the offender is an association or corporation, the President or Manager and the officer who has direct knowledge over the offense shall be held liable under this Act.

SEC. 12. Appropriations. The amount needed for the initial implementation of this Act shall be charged against the current appropriations of the Department of Environment and Natural Resources. Thereafter, such amount necessary for the continued and effective implementation of the provisions of this Act shall be included in the General Appropriations Act the year following its enactment.

SEC. 13. Separability Clause. - If, for any reason, any section or provision of this Act shall be held unconstitutional or invalid, the other section or provision not otherwise affected shall remain in full force and effect.

SEC. 14. Repealing Clause. - All laws, presidential decrees, executive orders, proclamations, rules and regulations which are inconsistent with the provisions of this Act hereby repealed or modified accordingly.

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

Approved,