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SENATE

Senate Bill No. 804

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Our coral reefs is considered one of the most productive and fertile ecosystems in the world. About 18,471 kilometers of the entire Philippines coastline are occupied by coral reefs. They are recognized as prized natural resources not only for being the home of several species but also for being a source of jewelry, as well.

Reef-related fishing accounted for more than twenty percent (20%) of the total fisheries production. Because of fishing techniques like *muro-ami*, *kayakas*, dynamite, cyanide fishing and other destructive means of fishing, our coral reefs are gradually being destroyed. Considering that the estimated recovery of coral reefs is fifty (50) years, there is an urgent need to put a stop to these destructive techniques.

By proposing the creation of reservation areas where coral reefs will be nurtured and protected, this bill seeks to achieve a laudable objective -- preserving our coral reefs. It will also create an administrative agency, with the participation of the local government concerned, which shall have authority to manage these areas.

In view of the abovementioned considerations, early passage of this bill is earnestly requested.


JINGGOY EJERCITO ESTRADA
Senator

Resources (DENR). The council shall be headed by the Secretary of the DENR who shall be the Chairman of the Council. The other members of the Council shall be 1) the Secretary of the Department of the Interior and Local Government (DILG); 2) the Director-general of the National Economic and Development Authority (NEDA); 3) the Director of the Forest Management Bureau; 4) a ranking official from an accredited non-governmental organization.

The National Council shall have the following powers and functions:

- 1) Prepare a comprehensive program for the preservation of the coral reefs by conducting the necessary studies on the system and the mode of preservation of the coral reefs;
- 2) Identify the coastal areas which shall form part of the reservation areas;
- 3) Have general control and supervision over all the regional councils;
- 4) Promulgate the necessary rules and regulations necessary to carry out this Act.

SEC. 6. Regional Council for the Preservation of Coral Reefs. – There shall be created a Regional Council for the Preservation of Coral Reefs in each region. The Council shall be headed by a Regional Executive Director duly appointed by the Chairman of the National Council. Other members of the Regional Council shall be composed of representatives from a province or municipality concerned. The Regional Council shall have 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; and
- 3) Secure the reservation area from illegal cutter, fishermen, and from illegal activities which would endanger the successful implementation and viability of the program.

In the exercise of this function, the Regional Council and the Local Government under whose jurisdiction the reservation area is located shall employ the services of forest guards who shall be tasked with the responsibility to guard and police the reservation areas. They shall have the authority to arrest those who violate the provisions of this Act and rules and regulations pursuant thereto.

In the event that any member or officer of the National and Regional Council or any of the forest guards are found to be involved in illegal activities or found to be guilty of malfeasance, the concerned individuals shall be held liable for such violations and shall be prosecuted in accordance with the provisions of Section 8 of this Act without prejudice to any criminal liability which he or she may be found guilty of.

- 4) Perform other powers and functions as may be designated by the National Council.

SEC. 7. Prohibited Acts - The following Acts are prohibited:

- 1) Destruction of the coral reefs within the reservation areas;
- 2) Harvesting of coral reefs within the reservation areas;
- 3) Illegal fishing activities prejudicial to the preservation of the coral reefs;
- 4) Dumping of mine tailing and other industrial wastes within the reservation areas
- 5) Other acts or activities which will result in the destruction of the reservation areas.

SEC. 8. Penalties. - Those who are found guilty of violating this Act or any rules and regulations issued by the National Council shall, after notice and hearing by the regular courts of record, be fined in the amount of not less than five hundred thousand pesos (P500,000.00) but not more than six (6) years, or both, in the discretion of the court.

If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers.

SEC. 9. Separability Clause. - Should any provision of this Act, be declared invalid or unconstitutional, no other provisions hereof shall be affected thereby.

SEC. 10. Repealing Clause. - All laws, decrees, order, rules and regulations, and other issuances, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or amended accordingly.

SEC. 11. Effectivity Clause. - This Act shall effect upon its approval.

Approved,