

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

4518
House Bill No. _____



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Having one of the world's most abundant marine environment, the Philippines' marine resources serve as the primary source of our food, minerals, petroleum, hydrocarbon, and energy, among others. Though States have sovereign right to exploit their own natural resources, they also have the duty to protect and preserve the marine environment within and outside their jurisdiction.

Thus, Article XII, Section 2 of our Constitution mandates the State to protect the nation's marine wealth in its archipelagic waters, territorial sea and exclusive economic zone and reserve its use and enjoyment exclusively for Filipino citizens.

Given the importance of our marine environment to our country's economy and biodiversity, it is important for us to protect our marine resources from indiscriminate exploitation for our food security, ecological balance, and sustainable livelihood for our fisherfolks. More importantly, the preservation of our marine resources ensures that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

This bill mandates every coastal municipality to establish, maintain and manage marine protected areas (MPAs) in at least 15% of their municipal waters, while preserving those MPAs which were previously set up. By making it mandatory, we send a strong signal of urgency to preserve our marine resources for our food security, ecological balance, and sustainable livelihood for our fisherfolks as well as ensuring that our children and future generations will still benefit from our bountiful resources.

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

A stylized handwritten signature in black ink, appearing to be "MDC" or similar, enclosed within a circular loop.

MANUEL DG. CABOCHAN III

Representative

Magdalo Para sa Pilipino Party-List

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AN ACT
ESTABLISHING MARINE PROTECTED AREAS IN ALL COASTAL
MUNICIPALITIES AND CITIES AND FOR OTHER PURPOSES

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 "Marine and Coastal
2 Resources Protection Act".
3

4 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to ensure
5 the protection and preservation of the country's marine resources even as it promotes the
6 development of a robust fisheries sector.
7

8 The State shall ensure that the utilization of marine resources by its citizens observes
9 the requirements of sustainability and, to this end, the State shall promote a culture of
10 responsible stewardship of the environment that is anchored on the desire to be in harmony
11 with nature. Thus, where human carelessness and disregard have resulted in destruction and
12 damage, the State shall take the necessary measures to restore ecological balance and beauty
13 to ensure the continued enjoyment by all of a healthy and safe environment.
14

15 The State also takes cognizance of the preferred status of the citizenry as the primary
16 users and beneficiaries of the country's resources. As such, Filipino communities are
17 therefore acknowledged as crucial partners in the effort to conserve and manage our natural
18 marine resources.
19

20 As a measure towards the maintenance of biological diversity and the proper
21 management of natural resources, the coastal community is encouraged to formulate its own
22 marine conservation program, according to a coastal resource management plan tailored to
23 the particular ecological conditions of the marine environment.
24

25 **SEC. 3. Definition of Terms.** - For the purposes of this Act, the relevant terms are
26 defined as follows:

- 27 a) Buffer zone refers to the area surrounding the core zone of protection, where
28 extractive or recreational activities are regulated according to its carrying capacity.
29
30 b) Co-management scheme refers to a management approach of administrative
31 integration and cooperation, where the local community, the local government unit

(LGU), participating agencies, concerned civil society and sectors contribute their resources towards the fulfillment of a particular function within their areas of expertise, in a manner that furthers the goals of sustainable management of the marine protected area.

- c) Mangrove swamp forest reserve refers to a portion of the mangrove forest designated and reserved for the protection of its ecological functions and services and restored to support fisheries production in coastal waters.
- d) Marine protected area (MPA) refers to a defined area of the sea established and set aside by law, administrative regulation or any other effective means in order to conserve and protect a part of or the entire enclosed environment, through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.

Marine protected areas may take the following forms, anyone or a combination of which may comprise the MPA:

1. *Marine reserve* refers to an area where access and uses (whether extractive or non-extractive) are regulated or controlled for specific uses or purposes. A marine reserve may include a marine sanctuary within its boundaries. The entire area need not be placed under the same conditions or restrictions as a marine sanctuary, but all uses are still controlled and regulated to the extent necessary to ensure that little or no harm is imposed on the environment enclosed in the reserve.
2. *Marine park* refers to a type of marine reserve where conservation-oriented recreation, education and research are emphasized. A marine park may include a marine sanctuary within its boundaries.
3. *Marine sanctuary* refers to a defined area established and set aside exclusively for the purpose of protecting habitats and species, through the prohibition of all extractive uses and strict regulation of non-extractive uses. This term is synonymous with "No-Take Zone". A marine sanctuary may have a buffer zone around the area sought to be protected from extractive and non-extractive uses. It may be located within a marine reserve or marine park.

SEC. 4. Establishment of Marine Protected Areas. - Within one (1) year from the effectivity of this Act, all coastal municipalities and cities shall establish at least one (1) MPA within municipal waters, which shall be subjected to the prerequisite of consultation with the local community. The protected area must have a minimum size of ten (10) hectares, unless the total area of the municipal waters is fifteen (15) hectares or less, in which case the MPA shall comprise fifteen percent (15%) of the municipal waters. The protected area shall be established in accordance with an integrated community-based conservation program and coastal resource management plan. The total area designated for protection need not be contiguous, and may be designed in such a manner as may be deemed appropriate, so long as it fulfills the ultimate purpose of conservation.

Inter-tidal areas shall be reserved for the establishment of mangrove swamp forest reserves as part of the MPA where possible. If the municipalities border each other in such a

1 way that their respective coastlines form a contiguous body, the concerned LGUs may so
2 jointly establish and administer the MPA as to reach the optimum size and arrangement of a
3 large zoned MPA.

4
5 **SEC. 5. General Criteria.** - The MPA, which may either take one particular form or
6 incorporate different types, shall be established according to the level of protection required
7 by existing ecological conditions, as well as the socioeconomic characteristics of the local
8 community, among others: *Provided*, That the form or arrangement of the MPA does not in
9 any way impair the preferential use rights of municipal fisherfolk, unless ecological
10 conditions are in such an advanced state of degradation that rehabilitation must necessarily
11 preclude allowing all extractive and human activity.

12
13 **SEC. 6. Responsible Entities.** - The concerned LGU, along with members of the
14 community and civil society, the Bureau of Fisheries and Aquatic Resources (BFAR) of the
15 Department of Agriculture (DA), the Department of Environment and Natural Resources
16 (DENR), the Fisheries and Aquatic Resources Management Councils (FARMCs) and the
17 private sector, shall be responsible for the designation, establishment and management of
18 MPAs within municipal waters, based on a co-management scheme that accommodates the
19 interests of all the stakeholders involved.

20
21 **SEC. 7. Funding.** - The initial fund for the establishment of the MPA shall be
22 provided by the LGU. Funds for the sustainable management of the MPA shall be included in
23 the regular budget of the concerned LGU and may be augmented by funds provided by the
24 provincial government, grants, donations and income generated from the operations of the
25 MPA.

26
27 **SEC. 8. Management of Existing MPAs.** - The DENR shall continue to manage
28 MPAs established under the National Integrated Protected Areas System (NIPAS) and all
29 initial components of the System that have passed the requirements pursuant to Republic Act
30 No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992".

31
32 All MPAs, fishery reserves, fishery refuges or sanctuaries and mangrove swamp
33 forest reserves previously declared or proclaimed by the President or legislated as such by the
34 Congress of the Philippines, may continue to be supervised by the agency charged with its
35 administration.

36
37 **SEC. 9. Violations and Sanctions** - Unless otherwise allowed in accordance with this
38 Act, the NIPAS Act of 1992 (Republic Act No. 7586), the Philippine Fisheries Code of 1998
39 (Republic Act No. 8550) and the Wildlife Resources Conservation and Protection Act
40 (Republic Act No. 9147), it shall be unlawful for any person to willfully and knowingly
41 exploit, damage or destroy MPAs and/or any of its parts. Violators shall be subject to the
42 applicable fines and penalties as provided for in Republic Act No. 7586, Republic Act No.
43 8550 and Republic Act No. 9147, and other related laws, rules and regulations.

44
45 Should a coastal LGU fail to establish an MPA as herein provided, the mayor, the
46 vice mayor and the members of the Sanggunian shall be liable for prosecution under Republic
47 Act No. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act" and Republic
48 Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public
49 Officials and Employees", or other applicable laws.

1 **SEC. 10. Incentives and Awards.** - The DA, in collaboration with the DENR, the
2 Department of the Interior and Local Government (DILG) and the University of the
3 Philippines Marine Science Institute (UPMSI) as well as other relevant academic and
4 research institutions, shall develop incentive and award mechanisms to promote effective
5 management of MPAs and to ensure their sustainability.
6

7 **SEC. 11. Implementing Rules and Regulations.** - Within sixty (60) days after the
8 effectivity of this Act, the Secretary of the DA, together with the DENR, the DILG and the
9 UPMSI, in consultation with other relevant academic and research institutions, local
10 government leagues, the National Fisheries and Aquatic Resources Management Council,
11 fisherfolk and other concerned organizations, shall formulate the rules and regulations for the
12 full implementation of this Act.
13

14 **SEC. 12. Separability Clause.** - If any part of this Act should hereafter be declared
15 unconstitutional or invalid, such other parts not affected thereby shall continue in full force
16 and effect.
17

18 **SEC. 13. Repealing Clause.** - All laws, decrees, executive orders and rules and
19 regulations or parts thereof which are inconsistent with this Act are hereby repealed or
20 modified accordingly.
21

22 **SEC. 14. Effectivity.** - This Act shall take effect fifteen (15) days after its complete
23 publication in at least two (2) newspaper of general circulation.

Approved,