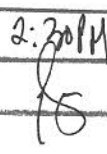


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**Seventeenth CONGRESS**  
**First Regular Session**

HOUSE BILL NO. 2126

HOUSE OF REPRESENTATIVES	
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Introduced by Representative Benhur L. Salimbangon

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**EXPLANATORY NOTE**

The Philippines being an archipelago consists of over 7,000 islands is spread over 2650 kilometers of sea abundant with marine life and other natural resources.

Several developments such as climate change, siltation due to deforestation and bad agricultural practices, coastal land development, industrial pollutants, destructive fishing methods, over fishing and gleaning, and other extractive activities poses greater threat on our marine ecosystem.

While our marine resources continue to decline, our population on the other hand continues to grow at a pace faster than our neighbors in the Southeast Asian nations. If this persists, food security, ecological sustainability and the livelihood for the small and marginalized fisher folks will be in danger of extinction.

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 compulsory and mandatory, we send a strong signal of urgency to preserve our marine resources and give it some breathing spell, not just for the sake of the livelihood of small fisher folks but more importantly, to ensure that there will be environmental sustainability for future generations to come.

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

  
**BENHUR L. SALIMBANGON**

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

Seventeenth Congress  
First Regular Session **2126**

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Introduced by Representative Benhur L. Salimbangon

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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 House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. *Short Title.*** – This Act shall be known as the “Marine and Coastal Resources Protection Act”.

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

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

The State also takes cognizance of the primacy of the citizenry as users and beneficiaries of the country’s resources. As such, each community is therefore acknowledged as a crucial partner in the effort to conserve and manage the country’s natural marine resources.

To preserve biological diversity, the coastal community is encouraged to formulate its own marine conservation program, according to a coastal resource management plan tailored to the ecological conditions of a particular marine environment.

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

- (a) *Buffer zone* refers to the area surrounding the core zone of protection, where extractive or recreational activities are regulated according to its carrying capacity;
- (b) *Co-management scheme* refers to a management approach of administrative 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 goal 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* 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 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 (MPA) may take the following forms, any one 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; and

(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 Zones”. 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 effectivity of this Act, all coastal municipalities and cities shall establish at least one (1) MPA within municipal waters, subject to existing guidelines and the prerequisite of consultation with the local community. The MPA shall have a minimum total area 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 total area to be protected need not be contiguous, and may be designated in such a

manner as may be deemed appropriate, so long as it fulfills the ultimate purpose of conservation. The MPA shall be established in accordance with an integrated community-based conservation program and coastal resource management plan.

Where possible, an intertidal area shall be reserved for the establishment of a mangrove swamp forest reserve as part of an MPA.

Where the municipalities border each other in a way that their respective coastlines form a contiguous body, the concerned LGUs may jointly establish and administer Marine Protected Area Networks as to reach the optimum size and arrangement of a large-zoned MPA and to increase the effectiveness and efficiency of its management.

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

**SEC. 6. *Responsible Entities.*** – The concerned LGU, along with members of the community and civil society, the Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of Agriculture (DA), the Department of Environment and Natural Resources (DENR), the Fisheries and Aquatic Resources Management Councils (FARMCs), and the private sector, shall be responsible for the designation, establishment, and management of an MPA within municipal waters, based on a comanagement scheme that accommodates the interests of all the stakeholders involved.

**SEC. 7. *Funding.*** – The initial fund for the establishment of the Marine Protected Area shall be provided by the concerned LGU. Funds for the sustainable management of the MPA shall be included in the regular budget of the LGU and may be augmented by funds provided by the provincial government, grants, donations and income generated from the operations of the MPA.

**SEC. 8. *Management of Existing MPAs.*** – The DENR shall continue to manage the existing MPAs established under the National Integrated Protected Areas System (NIPAS) and all initial components of the System that have passed the requirements pursuant to Republic Act No. 7586, otherwise known as the “National Integrated Protected Areas System Act of 1992”.

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

**SEC. 9. *Prohibited Acts and Sanctions.*** – Unless otherwise allowed by this Act, the NIPAS Law, the Philippine Fisheries Code of 1998 (Republic Act No. 8550) and the Wildlife Resources Conservation and Protection Act (Republic Act No. 9147), it shall be unlawful for any person to willfully and knowingly exploit, damage, or destroy an MPA or any portion of it. Violators shall be liable to the payment of applicable fines and penalties as provided for in the NIPAS Law, Republic Act No. 8550, Republic Act No. 9147, and other related laws, rules and regulations.

If a coastal LGU fails to establish an MPA as herein provided, the appropriate administrative, civil, or criminal action prescribed under existing laws may be filed against the mayor, the vice mayor, and the members of the sanggunian.

**SEC. 10. *Incentives and Awards.*** – The Department of Agriculture in collaboration with the DENR, Department of Interior and Local Government (DILG) and University of the Philippines Marine Science Institute (UPMSI) as well as other relevant academic and research institutions shall develop incentive and awards mechanisms to promote the effective management of marine protected areas and ensure their sustainability.

**SEC. 11. *Implementing Rules and Regulations.*** – Within sixty (60) days after the effectivity of this Act, the Secretary of the DA, together with the DENR, the DILG and the UPMSI, in consultation with other relevant academic and research institutions, local government leagues, the NFARMC, fisherfolk and other concerned organizations, shall formulate the rules and regulations to implement this Act.

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

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

**SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,