

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3260**

HOUSE OF REPRESENTATIVES	
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Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

EXPLANATORY NOTE

Mangroves are unique as far as forests go, poised between land and the sea. Mangrove forests are indispensable hosts to rich and diverse ecosystems, home to a wide array of plants and animals, many of which are endangered. These forests also provide sustenance, directly and indirectly, for people who live in coastal communities. They are fishing grounds, and also a protective bulwark against the elements, stabilizing shorelines and protecting inshore nutrients from erosion, as well as protecting coastal areas from the effect of strong winds. Mangroves are also good for the environment. On average, they store around 1,000 tonnes of carbon per hectare in their biomass and underlying soil, making them some of the most carbon-rich ecosystems on the planet.¹

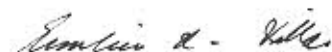
In spite of all these benefits, mangrove forests are some of the most endangered environments on the planet. As stated in a 2014 UNEP report: "Mangroves are being destroyed at rates 3-5 times greater than average rates of forest loss and over a quarter of the original mangrove cover has already disappeared; driven by land conversion for aquaculture and agriculture, coastal development, pollution and overexploitation of mangrove resources. As mangroves become smaller and more fragmented, important ecosystem goods and services will be diminished or lost. The consequences of further mangrove degradation will be particularly severe for the well-being of coastal communities in developing countries, especially where people rely heavily on mangrove goods and services for their daily subsistence and livelihoods."² This destruction is true in the Philippines as well.

This bill, filed as a counterpart of Senate Bill No. 326 with the support of its author, Senator Cynthia Villar, proposes to establish reservation areas in all coastal areas in each municipality of the country for the preservation, protection, reforestation, afforestation and sustainable development of our mangrove forests. Such reservation areas will help guarantee a future where these forests -- important in ways both tangible and intangible to our people -- are no longer in danger of disappearing forever. This bill will also penalize the destruction of mangrove forests, as well as other harmful acts within the reservation areas, and require any

¹ UNEP (2014). The Importance of Mangroves to People: A Call to Action. van Bochove, J., Sullivan, E., Nakamura, T. (Eds). United Nations Environment Programme World Conservation Monitoring Centre, Cambridge. 128 pp.

² *Id.*

offenders to make restitution for the expenses that will be incurred in order to rehabilitate the forests. For the present, and for the future, I urge the swift passage of this measure.



EMMELINE Y. AGLIPAY – VILLAR

Representative, DIWA Party-list

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AN ACT

**PROVIDING FOR THE PRESERVATION, REFORESTATION, AFFORESTATION
AND SUSTAINABLE DEVELOPMENT OF MANGROVE FORESTS IN THE
PHILIPPINES, PROVIDING PENALTIES THEREFOR AND FOR OTHER
PURPOSES**

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

SECTION 1. Title. – This Act shall be known as the “National Mangrove Forest Protection and Preservation Act of 2016.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to protect and preserve the country’s natural resources. Towards this end, the preservation, reforestation, afforestation and sustainable development of the mangrove forests shall be pursued through the establishment of reservation areas exclusively for mangrove trees.

SEC. 3. Definition of Terms. – For purposes of this Act:

- (a) “Afforestation” refers to the establishment of a mangrove forest in an area that did not carry such forest within the past fifty (50) years or within living memory;
- (b) “Coastal areas” refers to the band of dry land and adjacent ocean space (water and submerged land) 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 (1) 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, algae flats, seagrass beds and other soft bottom areas;

- (c) “Mangrove forest” refers to a type of forest occurring on a tidal flat along the sea coast, extending along streams where the water is brackish;
- (d) “Reservation areas” refers to portions of coastal areas which have been set aside exclusively for reforestation, afforestation, conservation and preservation purposes; and
- (e) “Reforestation” shall refer to 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 coastal areas in each municipality within the Philippine portions of land solely for the preservation, protection, reforestation, afforestation and sustainable management of mangrove forests. All existing mangrove forests shall automatically form part of the reservation areas.

SEC. 5. Establishment 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 an attached agency of the Department of Environment and Natural Resources (DENR).

The National Council shall be composed of twelve (12) 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 Interior and Local Government (DILG);
- (4) The Secretary of the Department of Science and Technology (DOST);
- (5) The Director-General of the National Economic Development Authority (NEDA);
- (6) The Director of the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA;
- (7) The Director of the Forest Management Bureau (FMB) of the DENR;
- (8) The Director of the Ecosystem and Research Development Bureau (ERDB) of the DENR;
- (9) The Administrator of the National Mapping and Resources Information authority (NAMRIA);
- (10) A representative from the academe to be appointed by the President of the Philippines;

- (11) A representative from the research institutions conducting researches on sustainable mangrove forest management to be appointed by the President of the Philippines; and
- (12) A representative from an accredited non-government organization (NGOs) conducting programs on sustainable mangrove forest management to be appointed by the President of the Philippines.

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

- (1) To review existing relevant policies and conduct studies on mangrove forest and its preservation;
- (2) To prepare a comprehensive program for the preservation, reforestation, afforestation and sustainable development of mangrove forests;
- (3) To establish the guidelines in identifying the areas to be declared as mangrove forest reservations;
- (4) To identify and delineate the boundaries of coastal areas which shall form part of the mangrove reservation areas;
- (5) To exercise control and supervision over all the local councils; and
- (6) To promulgate the rules and regulations necessary to carry out the provisions of this Act;

SEC. 7. The Local Council 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: (a) a representative of the municipal government concerned; (b) a representative each from the barangays under whose territory the reservation area is located; (c) a representative from an accredited non-governmental organization (NGO); and (d) a representative from the private sector.

SEC. 8. The Powers and Functions of the Local Council. – The Local Council shall have the following powers and functions:

- (1) To implement and enforce all the programs and policies laid down by the National Council;

- (2) To carry out the general administration and day to day planning of the Program;
- (3) To secure the mangrove reservation area from illegal and destructive activities which would endanger the successful implementation and viability of the program; and
- (4) To perform such other powers and functions as may be designated by the National Council.

In order to secure the mangrove reservation area from illegal and destructive activities, the Local 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 areas. They shall have the authority to arrest those caught violating the provisions of this Act and the rules and regulations issued pursuant thereto.

In the event that any of the forest guards are found to be guilty of nonfeasance, misfeasance or malfeasance, the forest guard or guards concerned and the officials of the Local Council and the local government, by virtue of the principle of command responsibility, shall be held liable for such violations and shall be prosecuted in accordance with the provisions of this Act without prejudice to any criminal and/or liabilities provided for under existing laws of the country.

SEC. 9. Prohibited Acts. – The following acts are hereby prohibited within the mangrove reservation areas:

- (a) Cutting, uprooting or destroying any mangrove tree;
- (b) Dumping of waste;
- (c) Construction or reclamation activity;
- (d) Illegal fishing activities that will result in the damaging and destruction of the mangrove forest; and
- (e) Other acts or activities that will result in the damage and/or destruction of the mangrove forest.

SEC. 10. Penalties. – Any person, natural or juridical, found guilty of violating any 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 Two hundred thousand pesos (PhP200,000.00) 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. 11. Separability Clause. – If, for any reason, any section or provision of this Act shall be declared to be unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

SEC. 12. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 13. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,