

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4052



Introduced by **Representative LAWRENCE LEMUEL H. FORTUN**

EXPLANATORY NOTE

Mangrove forests provide unique habitats for countless species and are among the most productive ecosystems in the planet. These forests, located at land-sea interfaces, are hosts to a variety of animal and plant species that provide a great number of ecosystem services as well as significant support for local livelihoods through the provision of fuel, food and construction materials, among others. Mangroves also serve as effective disaster risk-reduction tools that protect lands from inundation and erosion.

The Philippines is one of the fifteen most mangrove-rich countries in the world holding at least 50% of the approximately 65 known species.¹ The country was home to an estimated mangrove forest cover of more or less 500,000 hectares. Over the years, however, there has been a fast and consistent destruction of the country's mangroves, and as early as the year 2000, what was left of the estimated 500,000 hectares of mangrove forests was a little over 250,000, an extremely alarming decline of nearly fifty percent (50%). From 2000 to the present, the devastation has aggravated and the lack of concrete, focused and aggressive programs and initiatives has been one of the primary reasons why the same has not been effectively averted.

While natural disasters also contribute to their loss and destruction, it has been the injurious man-made activities that have largely caused the denudation of our mangrove forests and continue to be the biggest threats. These include massive clearing for human settlements, infrastructures and industrial and commercial ventures, overharvesting that have been going on for several decades, river changes from dams and irrigation infrastructures, unabated overfishing and destruction of coral reefs.

The uncontrolled deforestation of mangroves has greatly impacted on the very rich biodiversity of the Philippines which is considered as one of the seventeen (17) mega biodiversity countries in the world due to its geographical position and widely diverse natural habitats. The continued loss of these mangroves poses extremely serious threats to the lives of our people.

As noted in a 2017 study funded by the World Bank, the mangroves lost between 1950 and 2010 have resulted in increases in flooding to more than 267,000 people every year based on the Philippines' current population.² It also said that if the current mangroves (data from 2010) were further destroyed, 24% more people would be flooded annually, or an additional 613,000 more most of whom live in poverty, and damages to residential and industrial property would

¹ Garcia, Kristine & Gevaña, Dixon & Malabrigo, Pastor. (2013). Philippines' Mangrove Ecosystem: Status, Threats, and Conservation. 10.1007/978-1-4614-8582-7_5.

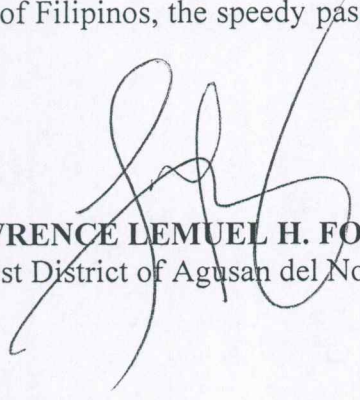
² Losada, I.J., M. Beck, P. Menéndez, A. Espejo, S. Torres, P. Díaz-Simal, F. Fernández, S. Abad, N. Ripoll, J. García, S. Narayan, D. Trespalacios. 2017. Valuation of the Coastal Protection Services of Mangroves in the Philippines. World Bank, Washington, DC.

increase by 28% estimated at more than US \$1 billion annually; and at least 766 kilometers of roads would be inundated.³

The environmental and socioeconomic importance of mangrove forest covers and the mounting threats these ecosystems are confronted with in the country have brought to fore the utmost urgency for immediate, concrete and effective government intervention to ensure that our remaining mangroves are protected and preserved and to restore, as far as practicable, what have been lost or damaged.

This bill seeks to address these issues by providing for clear and definite policies and institutional mechanisms in the protection, and restoration of the country's mangroves. The measure provides for the creation of the National Council for the Preservation of Mangrove Forests and its local counterparts that shall introduce and implement a comprehensive program for the preservation, reforestation, afforestation, and sustainable development of mangrove forests. It also provides for stiff penalties for acts in violation thereof.

For the sake of the present and future generations of Filipinos, the speedy passage of this measure is most earnestly sought.



LAWRENCE LEMUEL H. FORTUN
1st District of Agusan del Norte

³ Ibid

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AN ACT
PROVIDING FOR THE PRESERVATION, REFORESTATION, AFFORESTATION,
AND SUSTAINABLE DEVELOPMENT OF MANGROVE FORESTS IN THE
PHILIPPINES, PROVIDING PENALTIES ON VIOLATIONS, AND FOR OTHER
PURPOSES

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

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

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 – refer 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 and city within the Philippines 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 (NGO) 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:

- (a) To review existing relevant policies and conduct studies on mangrove forest and its preservation;
- (b) To prepare a comprehensive program for the preservation, reforestation, afforestation, and sustainable development of mangrove forests;
- (c) To establish the guidelines in identifying the areas to be declared as mangrove forest reservations;
- (d) To identify and delineate the boundaries of coastal areas which shall form part of the mangrove reservation areas;
- (e) To exercise control and supervision over all the local councils; and,
- (f) 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 municipality or city where a mangrove reservation has been identified. Each Local Council shall be chaired by the Regional Executive Director of the DENR under whose jurisdiction the reservation 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:

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

- (b) To carry out the general administration and day-to-day planning of the Program;
- (c) To secure the mangrove reservation area from illegal and destructive activities which would endanger the successful implementation and viability of the program; and,
- (d) 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 of 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 or competent jurisdictions, be fined in the amount of not less than Two Hundred Thousand Pesos (Php 200,000.00) but not more than One Million Pesos (Php 1,000,000.00) 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 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. Penalties. – 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.