

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 107

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

EXPLANATORY NOTE

The Philippines has a very rich marine life and ecosystems. We are blessed with extensive coral reefs, seagrass beds and dense mangrove forests. Our coastal areas are vast and varied consisting of sandy beaches, dunes, lagoons, estuaries, reefs and mangroves. However, our marine resources are under threat from heavy siltation, unsuitable coastal land development, discharge of toxic materials, pollutants, excessive fishing and destructive harvesting activities. Unabated human consumption has resulted in overharvesting of marine resources, the reclamation of land, and other destructive human activities that contribute to the decline and depletion of our marine life.

The Local Government Code, the National Integrated Protection Areas System Act and the Fisheries Code provided for the administration of municipal waters by local governments. The 1998 Fisheries Code has set a target of 15% of coastal municipal waters to be protected within a no take Marine Protected Area. However, it is estimated that only 0.5% of coastal municipalities are currently protected within no-take Marine Protected Areas.¹

This bill therefore mandates every coastal municipality to establish, maintain, and manage marine protected areas in at least 15% of their municipal waters while preserving already existing MPAs. These are essential in addressing the urgent need to guarantee ecological stability while addressing vital issues of food security and economic sustainability of the country's fisher folks. The bill likewise provides for mechanisms for concerted efforts in the local communities for the preservation and protection of our municipal coasts.

The measure was approved on Third and Final Reading by the House of Representatives in the 17th Congress. It is prayed that in the 18th Congress, this measure is finally passed and approved into law.

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

REP. LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte

¹ "Weeks, R., Russ, G., Alacala, A and White, A. (2009). Effectiveness of Marine Protected Areas in the Philippines for Biodiversity Conservation. Retrieved from <http://www.coraltrianglecenter.org/wp-content/uploads/pdf/2010-013.pdf>."

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**AN ACT ESTABLISHING MARINE PROTECTED AREAS IN ALL
COASTAL MUNICIPALITIES AND CITIES**

*Be it enacted by the Senate and 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
5 ensure the protection and preservation of the country’s marine resources even
6 as it promotes the development of a robust fisheries sector.
7

8 The State shall ensure that the utilization of marine resources by its
9 citizens observes the requirements of sustainability and to this end, the State
10 shall promote a culture of responsible stewardship of the environment that is
11 anchored on the desire to be in harmony with nature. Thus, where human
12 carelessness and disregard have resulted in destruction and damage, the State
13 shall take the necessary measures to restore ecological balance and beauty to
14 ensure the continued enjoyment by all of a healthy and safe environment.
15

16 The State also takes cognizance of the primacy of the citizenry as users
17 and beneficiaries of the country’s resources. As such, each community is
18 therefore acknowledged as a crucial partner in the effort to conserve and
19 manage the country’s natural marine resources.
20

21 To preserve biological diversity, the coastal community is encouraged to
22 formulate its own marine conservation program, according to a coastal
23 resource management plan tailored to the ecological conditions of a particular
24 marine environment.
25
26
27
28

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

30 (a) *Buffer zone* refers to the area surrounding the core zone of protection,
31 where extractive or recreational activities are regulated according to its carrying
32 capacity.

33 (b) *Co-management scheme* refers to a management approach of
34 administrative integration and cooperation, where the local community, the
35 local government unit (LGU), participating agencies, concerned civil society and
36 sectors, contribute their resources towards the fulfillment of a particular
37 function within their areas of expertise, in a manner that furthers the goal of
38 sustainable management of the marine protected area.

39 (c) *Mangrove Swamp Forest Reserve* refers to a portion of the mangrove
40 forest designated and reserved for the protection of its ecological functions and
41 services and restored to support fisheries production in coastal waters.

42 (d) *Marine Protected Area* refers to a defined area of the sea established
43 and set aside by law, administrative regulation, or any other effective means, in
44 order to conserve and protect a part of or the entire enclosed environment,
45 through the establishment of management guidelines. It is a generic term that
46 includes all declared areas governed by specific rules or guidelines in order to
47 protect and manage activities within the enclosed area. A Marine Protected
48 Areas (MPA) may take the following forms, any one or a combination of which
49 may comprise the MPA:

50 (1) *Marine Reserve* refers to an area where access and uses, whether
51 extractive or non-extractive, are regulated or controlled for specific uses or
52 purposes, including a marine sanctuary which may be located within its
53 boundaries. The entire area need not be placed under the same conditions or
54 restrictions as a marine sanctuary, but all uses are still controlled and
55 regulated

56 to the extent necessary to ensure that little or no harm is imposed on the
57 environment enclosed in the reserve;

58 (2) *Marine Park* refers to a type of marine reserve where conservation-
59 oriented recreation, education, and research are emphasized. A marine park
60 may include a marine sanctuary within its boundaries;

61
62 (3) *Marine Sanctuary* refers to a defined area established and set aside
63 exclusively for the purpose of protecting habitats and species, through the
64 prohibition of all extractive uses and strict regulation of non-extractive uses.
65 This term is synonymous with “No-Take Zones”. A marine sanctuary may have
66 a buffer zone around the area sought to be protected from extractive and non-
67 extractive uses. It may be located within a marine reserve or marine park.

68
69 **SEC. 4. Establishment of Marine Protected Areas.** – Within one (1) year
70 from effectivity of this Act, all coastal municipalities and cities shall establish
71 at least one (1) MPA within municipal waters, subject to existing guidelines and
72 the prerequisite of consultation with the local community. The MPA shall have
73 a minimum total area of ten (10) hectares, unless the total area of the
74 municipal waters is fifteen (15) hectares or less, in which case the MPA shall
75 comprise fifteen percent (15%) of the municipal waters. The total area to be
76 protected need not be contiguous, and may be designated in such a manner as
77 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 inter-tidal 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 fisher folk 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 co-management scheme that accommodates the interests of all the stakeholders involved.

SEC. 7. Funding. – The initial fund for the establishment of the MPA 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”, as amended.

All marine protected areas, 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 (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, the Department of the Interior and Local Government (DILG) and the University of the Philippines Marine Science Institute (UPMSI) as well as other relevant academic and research institutions, shall develop incentive and award 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 DA Secretary, 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,