

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
Office of the President

SENATE

'19 JUL 11 P3:52

S.B. No. 386

RECEIVED BY J

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT
INSTITUTIONALIZING SUSTAINABLE COASTAL TOURISM BY PROVIDING
MECHANISMS FOR INSTITUTIONALIZATION WHILE ADOPTING
INTEGRATED COASTAL MANAGEMENT PLANS FOR SUSTAINABLE
DEVELOPMENT AND APPROPRIATING FUNDS THEREOF

EXPLANATORY NOTE

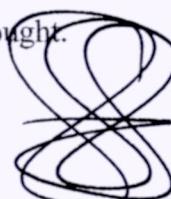
In 2018, one of the country's renowned beaches, Boracay, was closed for rehabilitation and redevelopment. This is due to the damage it sustained from years of tourism and abuse.

With this, not only Boracay, but several other coastal areas of the country are in constant risk of environmental degradation. However, this is not the only risk involved with constant, consistent abuse from humanity and natural calamities. Environmental issues in coastal areas may push in deeper for poverty due to livelihood loss and vulnerability to natural hazards.

In addition, untreated sewage from municipalities and cities are dumped in the sea due to the lack of a proper, developed waste system. It is a necessity for action to be taken.

In this regard, this bill seeks to create a policy-making body that would provide guidance to the local government units (LGUs) in their efforts in protecting and enhancing the coastal areas of our country.

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


EMMANUEL D. PACQUIAO

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO
RECEIVED BY: J

AN ACT
INSTITUTIONALIZING SUSTAINABLE COASTAL TOURISM BY PROVIDING
MECHANISMS FOR INSTITUTIONALIZATION WHILE ADOPTING INTEGRATED
COASTAL MANAGEMENT PLANS FOR SUSTAINABLE DEVELOPMENT AND
APPROPRIATING FUNDS THEREOF

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

1 **Section 1. Title.** – This Act shall be known as the Beaches Environmental Assessment
2 and Coastal Health Act of 2019, otherwise known as “BEACH Act of 2019”.

3
4 **Section 2. Declaration of Policy.** – It is the policy of the State to ensure sustainable
5 coastal and marine development. It shall adopt approaches such as coastal resource management
6 or coastal zone management as the national management policy framework that promotes
7 sustainable development of coastal and marine environment and resources for the purpose of
8 achieving food security, sustainable livelihood, poverty alleviation, and the decline of
9 susceptibility to natural threats while preserving ecological integrity.

10
11 The State also recognizes the indispensable role of coastal tourism in promoting rapid
12 and inclusive growth among coastal provinces and affected local government units. In addition,
13 the State also recognizes the pressure of coastal tourism to the marine and coastal environments.
14 With this, the State hereby declares it a policy to promote sustainable coastal tourism to reconcile
15 social and economic growth from coastal tourism with the rights of the people to a balanced and
16 healthful ecology in accordance with the rhythm of nature.

17
18 **Section 3. Definition of Terms.** – As used in this Act:

- 19
20 a. *Coastal Local Government Unit* or *Coastal LGU* refers to LGUs bordering a
21 coast regardless of income classification;
22 b. *Coastal Recreational Area* refers to coastal areas, including shores, sand bars,
23 bays, lagoon mouths, and coastal estuaries within the tidal zone, which are
24 used by the public for recreational activities such as swimming, bathing,
25 surfing, skimboarding, and any other water sports;

- 1 c. *Council* refers to the National Council for Sustainable Coastal Tourism
2 established under this Act;
3 d. *Local Sustainable Coastal Tourism Plans* or *Plan* refers to the plan to be
4 formulated by coastal provinces under this Act in consultation with affected
5 cities, municipalities, and communities;
6 e. *National Coastal Recreational Area Quality Framework* or *Framework* refers
7 to the Framework to be established by the Council under this Act;
8 f. *Sustainable Coastal Tourism* refers to an approach to coastal tourism which
9 reconciles tourism with environmental sustainability;

10
11 **Section 4. Scope.** – This Act shall apply to all coastal and marine areas, addressing the
12 inter-linkages among associated watersheds, estuaries, wetlands, and coastal seas by all relevant
13 national and local agencies.

14
15 **Section 5. Establishment of the Council.** – The National Council for Sustainable Coastal
16 Tourism, herein referred to as “the Council”, is hereby established. The Council shall be the
17 policy-making, standard-setting, planning, coordinating, enforcing, monitoring, and advisory
18 body of the government on sustainable coastal tourism. The Council shall be an independent
19 agency attached to the Department of Environment and Natural Resources, with a separate
20 budget under the General Appropriations Act.

21
22 **Section 6. Powers and Functions of the Council.** – The Council shall be empowered to:

- 23
24 a. Formulate the National Coastal Recreational Area Quality Framework, which shall
25 include but not be limited to the following measurable requirements:
26 1. Ecological Waste Management;
27 2. Water quality and sanitation;
28 3. Accessibility;
29 4. Preventing and reversing coastal degradation;
30 5. Protection of marine flora and fauna;
31 6. Presence of emergency health services; *and*
32 7. Other measurable and reasonable quality standards pursuant to the declared
33 state policy of this Act or other related laws or rules and regulations.
34
35 b. Supervise the formulation and implementation of Local Sustainable Coastal Tourism
36 Plans;
37 c. Create and implement policies, fines, and levies that would benefit the cleanliness and
38 sustainability of the ecology of marine areas.
39 d. Utilize the Sustainable Coastal Tourism Challenge Fund created under this Act as an
40 incentive for LGUs to implement the provisions of this Act;
41 e. Recognize meritorious and/or extraordinary implementation of this Act by LGUs
42 through awards;
43 f. Review, harmonize, and identify gaps in existing rules and regulations on sustainable
44 coastal tourism;
45 g. Conduct an inventory and assess the quality of all existing and potential coastal
 recreational areas in the country;

- 1 h. Compile, use, and provide access to data on coastal recreational areas, which shall
2 include but not be limited to location, magnitude, tourist arrivals, revenue from
3 sustainable coastal tourism, coastal degradation, water quality and sanitation,
4 accessibility, and habitation of marine wildlife;
- 5 i. Research and develop community-based and sustainable coastal tourism models and
6 promote their adoption among local government units;
- 7 j. Receive grants, contributes, donations, endowments, bequests, or gifts in cash, or in
8 kind from local and foreign sources in support of the development and
9 implementation of climate change programs and plans: *Provide*, that such donations
10 shall not be used to fund personal services expenditures and other operating expenses
11 of the Council;
- 12 k. Provide capacity building and technical assistance to coastal municipalities, cities and
13 provinces in evaluating, formulating, and reviewing local sustainable coastal tourism
14 plans; *and*
- 15 l. Mobilize non-government, private and international participation in local sustainable
16 coastal tourism plans and projects;
- 17 m. Provide awards and other forms of recognition to coastal provinces and affected
18 LGUs which provide good examples of implementing sustainable coastal tourism;

19

20 **Section 7. Composition.** – The Council shall be composed of:

21

- 22 a. A Chairman assigned by the President;
- 23 b. The Secretary of the Department of Environment and Natural Resources (DENR);
- 24 c. The Secretary of the Department of Tourism (DOT);
- 25 d. The Secretary of the Department of Transportation (DOTr);
- 26 e. The Secretary of the Department of Public Works and Highways (DPWH);
- 27 f. The Secretary of the Department of Health (DOH);
- 28 g. The Secretary of the Department of Interior and Local Government (DILG);
- 29 h. Three (3) representatives from the academe who are experts in sustainable coastal
30 management and/or related disciplines;
- 31 i. Three (3) representatives from reputable non-government organizations (NGO)
32 concerned with coastal management and/or related disciplines.
- 33

34 **Section 8. National Sustainable Coastal Recreational Area Quality Framework.** – The
35 Council shall formulate a National Coastal Recreational Area Quality Framework, herein
36 referred to as “The Framework”, within ninety (90) days from the effectivity of this Act. The
37 Framework shall be used to:

- 38 a. Assess the quality of all coastal recreational areas in the country;
- 39 b. Guide national government agencies in formulating, implementing, and monitoring
40 policies, programs, and projects in relation to the goals of this Act; and
- 41 c. Guide coastal provinces, coastal cities, and coastal municipalities in formulating their
42 respective local sustainable coastal tourism plans.
- 43 d. Provide direction, support, and guidance to Local Government Units (LGUs) and
44 stakeholders in the development and implementation of this Act.
- 45

1 **Section 9.** *Components of the Framework.* – The Framework shall include, but not be
2 limited to the following measurable components:

- 3 a. Ecological Waste Management;
- 4 b. Water quality and sanitation;
- 5 c. Presence of floating materials, such as but not limited to plastics, aluminum cans,
6 bottles;
- 7 d. Accessibility;
- 8 e. Preventing and reversing coastal degradation;
- 9 f. Coastal cleanliness and/or visible pollution;
- 10 g. Presence of emergency health service;
- 11 h. Protection of marine flora and fauna; *and*
- 12 i. Other measurable and reasonable quality standards pursuant to the declared State
13 policy of this Act or other related laws or rules and regulations.
- 14 j. Principles, strategies, and action plans identified after balancing national development
15 priorities with local concerns.

16 **Section 10.** *National Inventory and Assessment of Coastal Recreational Areas.* – Within
17 one (1) year from the effectivity of this Act, and every year thereafter, the Council shall create a
18 database of existing recreational areas in the country and assess them using the Framework.
19

20 **Section 11.** *Implementation of the Framework.* – The implementation of the framework
21 shall take into account the following elements:

- 22 a. An inter-agency, multi-sectoral mechanism to coordinate the efforts of different
23 agencies, sectors, and administrative levels;
- 24 b. Coastal strategies and action plans that provide a long-term vision and strategy for
25 sustainable development of the coastal areas, and a fixed-term program of actions for
26 addressing priority issues and concerns;
- 27 c. Public awareness programs to increase the level of understanding of, and appreciation
28 for, the coastal and marine resources of the area, and to promote a shared
29 responsibility among stakeholders in the planning and implementation of this Act;
- 30 d. Mainstreaming this Act into the national and local governments' planning and socio-
31 economic development programs and allocating adequate financial and human
32 resources for implementation;
- 33 e. Capacity building programs to enhance required human resource skills, scientific
34 input to policy and planning processes, and enforcement mechanism to ensure
35 compliance with adopted rules and regulations;
- 36 f. Integrated environmental monitoring for the purpose of measuring the status, progress
37 and impacts of management programs against sustainable development indicators, as
38 may be established, and for use in decision-making, public awareness, and
39 performance evaluation; and
- 40 g. Investment opportunities and sustainable financing mechanisms for environmental
41 protection and improvement, and resource conservation.

42 The Framework shall also promote the application of best practices such as, but not limited to:
43

- a. Coastal and marine use zonation as a management tool;
- b. Sustainable fisheries and conservation of living resources;
- c. Protection and rehabilitation of coral reefs, mangroves, sea grass, estuaries, and other habitats, particularly through implementation of marine protected areas, nature reserves, and sanctuaries;
- d. Development of upland watershed, catchment areas, and basin-wide management approaches;
- e. Integrated waste management, including sewage and solid, hazardous, toxic, and other wastes by major sources;
- f. Integrated management of port safety, health, security, and environmental protection; and
- g. Involvement of the private sector/business sector as a partner in this Framework.

Section 12. National Government Roles and Responsibilities – All concerned national agencies shall support the implementation of this Act and promote best practices that fall within their respective mandates. Specifically, the Department of Agriculture, Department of the Interior and Local Government, Department of Transportation and Communications, Department of Finance, Department of Tourism, Department of Health, Department of Education, Department of Foreign Affairs, Department of Science and Technology, Department of Energy, Department of National Defense, National Economic and Development Authority, Department of Social Welfare and Development, Department of Labor and Employment, the Department of Justice shall identify, prepare, and provide policy guidance and technical resource assistance to the DENR and LGUs in the implementation of this Act on a national and local scale, and the enforcement of relevant coastal and marine policies and regulations. These agencies shall directly consult with relevant LGUs in the development and implementation of national plans and projects affecting coastal and marine areas in their respective localities.

In addition to their duties as members of the Council, the concerned agencies shall also perform the following functions to ensure the successful implementation of this Act:

- a. The DOT shall provide technical and financial assistance in marketing, promoting, and developing sustainable coastal tourism projects. The DOT shall also coordinate with the Philippine Information Agency (PIA) in formulating and disseminating information against the collection of flora and fauna in coastal recreational areas;
- b. The DPWH shall construct access roads and other essential infrastructure that are sustainably masterplanned for coastal recreational areas, in coordination with the DOT, the DILG and the concerned coastal provinces and affected LGUs, *Provided*, that all infrastructure constructed pursuant to this Act shall be planned and maintained in an environmentally sustainable manner;
- c. The DOT shall assist in the provision of transportation services for coastal recreational areas, in coordination with the DOT, the DILG, and the concerned coastal provinces and affected LGUs;
- d. The DENR and its attached agencies shall provide technical and financial assistance in monitoring the status of flora and fauna in coastal recreational areas and maintaining their assistance;

- 1 e. The DOH and the DENR-Environmental Management Bureau shall formulate
2 and enforce water quality and sanitation standards for coastal recreational
3 areas. The DOH shall also provide technical assistance to coastal provinces
4 and affected LGUs in monitoring such standards in coastal recreational areas;
5 *and*
6 f. The DILG, in coordination with the Council, shall take the lead in raising
7 awareness of sustainable coastal tourism among coastal provinces and
8 affected LGUs.

9
10 **Section 14. Roles and Responsibilities of Local Government Units.** – Consistent with
11 the provision of the Local Government Code (Republic Act 7160) and the national sustainable
12 development policies and strategies, LGUs shall act as the front-liners in the formulation,
13 planning and implementation of this Act in their respective coastal and marine areas. Coastal
14 LGUs shall formulate and implement their respective Local Sustainable Coastal Tourism Plans,
15 herein referred to as “the plan”, to ensure the quality of coastal recreational areas within their
16 jurisdiction. The plan of the LGU shall be in line with the Framework and prepared in
17 consultation with relevant stakeholders. LGUs shall update their respective plans every year to
18 reflect changing social, economic, and environmental conditions and emerging issues. LGUs
19 shall furnish the DENR within one month from adoption, with copies of their plans and all
20 subsequent amendments, modifications, and revisions in line with this Act. LGUs shall mobilize
21 and allocate necessary personnel, resources, and logistics to effectively implement their
22 respective plan. Barangays shall be directly involved with municipal and city governments in
23 prioritizing coastal issues and identifying and implementing solutions. Municipal and city
24 government shall consider their plan as one of their regular functions. Provincial governments
25 shall provide technical assistance, enforcement, and information management in support of this
26 Act. Inter-LGU collaboration shall be maximized in the conduct of activities related to sustaining
27 the country’s coastal and marine resources.

28
29 The plans shall include, but not be limited to:

- 30 a. Promotion and marketing of sustainable coastal recreational areas in their
31 jurisdiction;
32 b. Provision of proper and well-equipped waste management facilities which can
33 accommodate 70% more than the total number of waste produced by the
34 coastal area in a day;
35 c. Provision of facilities for coastal tourism, including the acquisition of
36 equipment, regulation, and supervision of business concessions, and security
37 services for such facilities;
38 d. Clean-ups of coastal recreational areas;
39 e. Banning tourists and locals from collecting flora and fauna found in coastal
40 recreational areas;
41 f. Collection of tourism access fees from coastal recreational areas: *Provided*,
42 that all amounts collected pursuant to this provision shall accrue to the city or
43 municipal government from which it was collected and which shall be
44 accounted for in accordance with existing government rules and regulations:
45 *Provided further*, that all amounts collected shall be used by the LGU to
46 implement the provisions in this Act.

- 1 g. Inspection and regulation of water quality and sanitation in coastal
2 recreational areas;
3 h. Enforcement of easement zones as provided in Presidential Decree No. 1067,
4 s. 1976, otherwise known as the Water Code of the Philippines;
5 i. Provision of emergency health services;
6 j. Dismantling of structures which prevent access to coastal recreational areas;
7 and
8 k. Moratorium on mining of sand and other mineral in or near coastal
9 recreational areas;

10 Local sustainable coastal tourism plans shall integrate the measurable indicators used in
11 the National Coastal Recreational Area Quality Framework. Coastal LGUs shall consult
12 affected communities in formulating their respective plans.

13 **Section 15. Roles of the Civil Society and the Corporate and Private Sectors.** – In the
14 development and implementation of this Act, the NGOs, civic organizations, academe, people's
15 organizations, the private and corporate sectors, and other concerned stakeholder groups shall be
16 engaged in activities such as planning, community organizing, research, technology transfer,
17 information sharing, investment, and training programs.

18 **Section 16. Supporting Mechanism and Activities.** – The following activities shall be
19 undertaken in support of the implementation of this Act:

- 20 a. The Department of Education shall integrate in the basic education curricula and/or
21 subject, such as, Science, Biology, History, including in textbooks, primers, and other
22 educational materials the basic principles and concepts of conservation, protection,
23 and management of marine resources;
24 b. The DENR and DILG shall develop and provide training programs to LGUs,
25 personnel, and community leaders the technical aspects of resource inventory and
26 assessment as well as proper monitoring and evaluation of the coastal areas, to
27 develop local expertise and to establish a reliable database.
28 c. NEDA and the National Statistics Coordination Board shall incorporate coastal and
29 marine resource accounting in the national and regional accounts; and
30 d. The DENR shall oversee the establishment and maintenance of coastal and marine
31 environmental information management system and network, in collaboration with
32 other concerned national government agencies, institutions, and LGUs.

33 **Section 17. Monitoring of Progress.** – The DENR shall prepare and submit an annual
34 progress report to the Council and to the President LGUs shall submit annual progress reports on
35 the plan implementation to the DENR.

36 **Section 18. Appropriations.** – Such amount as may be necessary to implement the
37 provisions of the National Council for Sustainable Tourism shall be taken from the current
38 budget of the Department of Environment and Natural Resources. Thereafter, such amounts

1 necessary to effectively carry out the provisions of the Council shall be included in the annual
2 General Appropriations Act.

3
4 In addition, LGUs shall allocate adequate funds for the development and implementation
5 of their Plan from their existing budget. In subsequent budget proposals, the concerned offices
6 and units shall appropriate budget for their Plan development and implementation.
7

8 **Section 19. Other Funding Options.** – The Council may source local and international
9 grants and donations in support of the implementation of this Act in accordance with relevant
10 laws.
11

12 **Section 20. Penalty for Non-Compliant LGUs.** – Local government officials who fail to
13 formulate and implement their Local Sustainable Coastal Tourism Plan shall be charged with the
14 penalty of dereliction of duty as defined under Chapter IV, Section 6 of Republic Act No. 7160,
15 otherwise known as the “*Local Government Code of 1991*”.
16

17 **Section 27. Implementing Rules and Regulations.** – The DENR, DOTr, DOT, DPWH,
18 DOH, and DILG shall promulgate the implementing rules and regulations of this Act within
19 ninety (90) days from its effectivity.
20

21 **Section 29. Separability Clause.** – If any part or provision of this Act is held invalid or
22 unconstitutional, other provisions not affected thereby shall remain in force and effect.
23

24 **Section 30. Repealing Clause.** – The provisions of any law, whether general or special,
25 rules and regulations and other issuances or parts thereof which are inconsistent with the Act are
26 hereby repealed, amended or modified accordingly.
27

28 **Section 31. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
29 publication in the Official Gazette or in at least two (2) national newspapers of general
30 circulation.
31
32
33

34 *Approved,*