

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 48

HOUSE OF REPRESENTATIVES

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Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

EXPLANATORY NOTE

The Philippines is bound on the east by the Philippines Sea, on the south by the Celebes Sea and on the west by the West Philippine Sea. The 7,100 plus islands of the Philippine archipelago is part of the Malay Archipelago and it is estimated that only around 460 of the islands have areas larger than a square mile. A great number of Filipinos live along the coastal areas especially in the rural areas.

The Philippines has a very rich marine life and eco system. We are blessed with extensive coral reefs, seagrass beds and dense mangrove forests. Our coastal areas vary from sandy beaches, dunes, lagoons, estuaries, reefs and mangroves. However, our marine resources are under threat from siltation, coastal land development, discharge of toxic materials, pollutants, excessive fishing and destructive harvesting activities. Unabated human consumption has resulted in over harvesting of marine life, 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 to the 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 those MPAs that already exists. There is an urgent need to guarantee ecological stability while addressing food security and economic sustainability of the marginalized fisherfolk. A concerted effort in the local communities to protect our municipal coasts is urgently needed. A version of this measure had its success in the legislative mill of the last Congress short of passage into a law. It is prayed that in the 17th Congress, this measure is finally passed and approved into a law.

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


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 AND FOR OTHER PURPOSES

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 Resources
2 Protection Act”.

3
4 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to ensure the
5 protection and preservation of the country’s marine resources even as it promotes the
6 development of a robust fisheries sector.

7
8 The State shall ensure that the utilization of marine resources by its citizens observes the
9 requirements of sustainability and to this end, the State shall promote a culture of responsible
10 stewardship of the environment that is anchored on the desire to be in harmony with nature.
11 Thus, where human carelessness and disregard have resulted in destruction and damage, the
12 State
13 shall take the necessary measures to restore ecological balance and beauty to ensure the
14 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 and beneficiaries
17 of the country’s resources. As such, each community is therefore acknowledged as a crucial
18 partner in the effort to conserve and manage the country’s natural marine resources.

19
20 To preserve biological diversity, the coastal community is encouraged to formulate its
21 own marine conservation program, according to a coastal resource management plan tailored to
22 the ecological conditions of a particular marine environment.

23
24 **SEC. 3. *Definition of Terms.*** – As used in this Act:

25 (a) *Buffer zone* refers to the area surrounding the core zone of protection, where
26 extractive or recreational activities are regulated according to its carrying capacity;

27 (b) *Co-management scheme* refers to a management approach of administrative
28 integration and cooperation, where the local community, the local government unit (LGU),
29 participating agencies, concerned civil society and sectors, contribute their resources towards the

30 fulfillment of a particular function within their areas of expertise, in a manner that furthers the
31 goal of sustainable management of the marine protected area;

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

35 (d) *Marine Protected Area* refers to a defined area of the sea established and set aside by
36 law, administrative regulation, or any other effective means, in order to conserve and protect a
37 part of or the entire enclosed environment, through the establishment of management guidelines.
38 It is a generic term that includes all declared areas governed by specific rules or guidelines in
39 order to protect and manage activities within the enclosed area.

40 Marine protected areas (MPAs) may take the following forms, any one or a combination
41 of which may comprise the MPA:

42 (1) *Marine Reserve* refers to an area where access and uses (whether extractive or non-
43 extractive) are regulated or controlled for specific uses or purposes. A marine reserve may
44 include a marine sanctuary within its boundaries. The entire area need not be placed under the
45 same conditions or restrictions as a marine sanctuary, but all uses are still controlled and
46 regulated

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

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

52 (3) *Marine Sanctuary* refers to a defined area established and set aside exclusively for the
53 purpose of protecting habitats and species, through the prohibition of all extractive uses and strict
54 regulation of non-extractive uses.

55
56 This term is synonymous with "No-Take Zones". A marine sanctuary may have a buffer
57 zone around the area sought to be protected from extractive and non-extractive uses. It may be
58 located within a marine reserve or marine park.

59
60 **SEC. 4. Establishment of Marine Protected Areas.** – Within one (1) year from effectivity of this
61 Act, all coastal municipalities and cities shall establish at least one (1) MPA within municipal
62 waters, subject to existing guidelines and the prerequisite of consultation with the local
63 community. The MPA shall have a minimum total area of ten (10) hectares, unless the total area
64 of the municipal waters is fifteen (15) hectares or less, in which case the MPA shall comprise
65 fifteen percent (15%) of the municipal waters. The total area to be protected need not be
66 contiguous, and may be designated in such a manner as may be deemed appropriate, so long as it
67 fulfills the ultimate purpose of conservation. The MPA shall be established in accordance with
68 an integrated community-based conservation program and coastal resource management plan.

69
70 Where possible, an intertidal area shall be reserved for the establishment of a mangrove
71 swamp forest reserve as part of an MPA.

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

76
77 **SEC. 5. General Criteria.** – An MPA may either take one particular form or incorporate
78 different types. It shall be established according to existing guidelines and according to the level
79 of protection required by existing ecological conditions, as well as the socioeconomic
80 characteristics of the local community, among others: Provided, That the form or arrangement of

81 the MPA does not in any way impair the rights of municipal fisher folk to the preferential use of
82 the marine and fishing resources, unless ecological conditions are in such an advanced state of
83 degradation that rehabilitation must necessarily preclude allowing all extractive and human
84 activity.

85
86 **SEC. 6. *Responsible Entities.*** – The concerned LGU, along with members of the community and
87 civil society, the Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of
88 Agriculture (DA), the Department of Environment and Natural Resources (DENR), the Fisheries
89 and Aquatic Resources Management Councils (FARMCs), and the private sector, shall be
90 responsible for the designation, establishment, and management of an MPA within municipal
91 waters, based on a co-management scheme that accommodates the interests of all the
92 stakeholders involved.

93
94 **SEC. 7. *Funding.*** – The initial fund for the establishment of the MPA shall be provided by the
95 concerned LGU. Funds for the sustainable management of the MPA shall be included in the
96 regular budget of the LGU and may be augmented by funds provided by the provincial
97 government, grants, donations and income generated from the operations of the MPA.

98
99 **SEC. 8. *Management of Existing MPAs.*** – The DENR shall continue to manage the existing
100 MPAs established under the National Integrated Protected Areas System (NIPAS) and all initial
101 components of the System that have passed the requirements pursuant to Republic Act No. 7586,
102 otherwise known as the “National Integrated Protected Areas System Act of 1992”. All MPAs,
103 fishery reserves, fishery refuges or sanctuaries, and mangrove swamp forest reserves previously
104 declared or proclaimed by the President, or legislated as such by the Congress of the Philippines,
105 may continue to be supervised by the agency charged with its administration.

106
107 **SEC. 9. *Prohibited Acts and Sanctions.*** – Unless otherwise allowed by this Act, the
108 NIPAS Law, the Philippine Fisheries Code of 1998 (Republic Act No. 8550) and the Wildlife
109 Resources Conservation and Protection Act (Republic Act No. 9147), it shall be unlawful for any
110 person to willfully and knowingly exploit, damage, or destroy an MPA or any portion of it.
111 Violators shall be liable to the payment of applicable fines and penalties as provided for in the
112 NIPAS Law, Republic Act No. 8550, Republic Act No. 9147, and other related laws, rules and
113 regulations.

114
115 If a coastal LGU fails to establish an MPA as herein provided, the appropriate
116 administrative, civil, or criminal action prescribed under existing laws may be filed against the
117 mayor, the vice mayor, and the members of the sanggunian.

118
119 **SEC. 10. *Incentives and Awards.*** – The DA, in collaboration with the DENR, the Department of
120 the Interior and Local Government (DILG) and the University of the Philippines Marine Science
121 Institute (UPMSI) as well as other relevant academic and research institutions, shall develop
122 incentive and award mechanisms to promote the effective management of MPAs and ensure their
123 sustainability.

124
125 **SEC. 11. *Implementing Rules and Regulations.*** – Within sixty (60) days after the effectivity of
126 this Act, the Secretary of the DA, together with the DENR, the DILG and the UPMSI, in
127 consultation with other relevant academic and research institutions, local government leagues,
128 the NFARMC, fisherfolk and other concerned organizations, shall formulate the rules and
129 regulations to implement this Act.

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

134
135 **SEC. 13. *Repealing Clause.*** – All laws, decrees, executive orders and rules and regulations or
136 parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

137
138 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
139 Official Gazette or in a newspaper of general circulation.

140
141 Approved,