



HOUSE OF REPRESENTATIVES

H. No. 57

BY REPRESENTATIVES TAÑADA, ÁLCALA, SALIMBANGON, ACHARON,
RAMOS (D.), LOONG, ALCOVER, ORTEGA (F.), VILLARICA,
MERCADO-REVILLA, ESCUDERO, BICHARA, KHO (A.), GULLAS AND
MARAÑON

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
2 Coastal Resources Protection Act of 2011”.

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

6 The State shall ensure that the utilization of marine resources by its
7 citizens observes the requirements of sustainability and, to this end, the State
8 shall promote a culture of responsible stewardship of the environment that is
9 anchored on the desire to be in harmony with nature. Thus, where human
10 carelessness and disregard have resulted in destruction and damage, the State

1 shall take the necessary measures to restore ecological balance and beauty to
2 ensure the continued enjoyment by all of a healthy and safe environment.

3 The State also takes cognizance of the preferred status of the citizenry
4 as the primary users and beneficiaries of the country's resources. As such,
5 Filipino communities are therefore acknowledged as crucial partners in the
6 effort to conserve and manage our natural marine resources.

7 As a measure towards the maintenance of biological diversity and the
8 proper management of natural resources, the coastal community is encouraged
9 to formulate its own marine conservation program, according to a coastal
10 resource management plan tailored to the particular ecological conditions of
11 the marine environment.

12 SEC. 3. *Definition of Terms.* — For the purposes of this Act, the
13 relevant terms are defined as follows:

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

17 (b) *Co-management scheme* refers to a management approach of
18 administrative integration and cooperation, where the local community, the
19 local government unit (LGU), participating agencies, concerned civil society
20 and sectors contribute their resources towards the fulfillment of a particular
21 function within their areas of expertise, in a manner that furthers the goals of
22 sustainable management of the marine protected area.

23 (c) *Mangrove swamp forest reserve* refers to a portion of the mangrove
24 forest designated and reserved for the protection of its ecological functions and
25 services and restored to support fisheries production in coastal waters.

26 (d) *Marine protected area (MPA)* refers to a defined area of the sea
27 established and set aside by law, administrative regulation or any other
28 effective means in order to conserve and protect a part of or the entire enclosed

1 environment, through the establishment of management guidelines. It is
2 considered a generic term that includes all declared areas governed by specific
3 rules or guidelines in order to protect and manage activities within the enclosed
4 area.

5 Marine protected areas may take the following forms, any one or a
6 combination of which may comprise the MPA:

7 (1) *Marine reserve* refers to an area where access and uses (whether
8 extractive or non-extractive) are regulated or controlled for specific uses or
9 purposes. A marine reserve may include a marine sanctuary within its
10 boundaries. The entire area need not be placed under the same conditions or
11 restrictions as a marine sanctuary, but all uses are still controlled and regulated
12 to the extent necessary to ensure that little or no harm is imposed on the
13 environment enclosed in the reserve.

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

17 (3) *Marine sanctuary* refers to a defined area established and set aside
18 exclusively for the purpose of protecting habitats and species, through the
19 prohibition of all extractive uses and strict regulation of non-extractive uses.
20 This term is synonymous with "No-Take Zone". A marine sanctuary may have
21 a buffer zone around the area sought to be protected from extractive and
22 non-extractive uses. It may be located within a marine reserve or marine park.

23 SEC. 4. *Establishment of Marine Protected Areas.* -- Within one (1)
24 year from the effectivity of this Act, all coastal municipalities and cities shall
25 establish at least one (1) MPA within municipal waters, which shall be
26 subjected to the prerequisite of consultation with the local community. The
27 protected area must have a minimum size of ten (10) hectares, unless the total
28 area of the municipal waters is fifteen (15) hectares or less, in which case the

1 MPA shall comprise fifteen percent (15%) of the municipal waters. The
2 protected area shall be established in accordance with an integrated
3 community-based conservation program and coastal resource management
4 plan. The total area designated for protection need not be contiguous, and may
5 be designed in such a manner as may be deemed appropriate, so long as it
6 fulfills the ultimate purpose of conservation.

7 Inter-tidal areas shall be reserved for the establishment of mangrove
8 swamp forest reserves as part of the MPA where possible. If the municipalities
9 border each other in such a way that their respective coastlines form a
10 contiguous body, the concerned LGUs may so jointly establish and administer
11 the MPA as to reach the optimum size and arrangement of a large zoned MPA.

12 SEC. 5. *General Criteria.* – The MPA, which may either take one
13 particular form or incorporate different types, shall be established according to
14 the level of protection required by existing ecological conditions, as well as the
15 socioeconomic characteristics of the local community, among others:
16 *Provided,* That the form or arrangement of the MPA does not in any way
17 impair the preferential use rights of municipal fisherfolk, unless ecological
18 conditions are in such an advanced state of degradation that rehabilitation must
19 necessarily preclude allowing all extractive and human activity.

20 SEC. 6. *Responsible Entities.* – The concerned LGU, along with
21 members of the community and civil society, the Bureau of Fisheries and
22 Aquatic Resources (BFAR) of the Department of Agriculture (DA), the
23 Department of Environment and Natural Resources (DENR), the Fisheries and
24 Aquatic Resources Management Councils (FARMCs) and the private sector,
25 shall be responsible for the designation, establishment and management of
26 MPAs within municipal waters, based on a co-management scheme that
27 accommodates the interests of all the stakeholders involved.

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

6 SEC. 8. *Management of Existing MPAs.* – The DENR shall continue
7 to manage MPAs established under the National Integrated Protected Areas
8 System (NIPAS) and all initial components of the System that have passed the
9 requirements pursuant to Republic Act No. 7586, otherwise known as the
10 “National Integrated Protected Areas System Act of 1992”.

11 All MPAs, fishery reserves, fishery refuges or sanctuaries and mangrove
12 swamp forest reserves previously declared or proclaimed by the President, or
13 legislated as such by the Congress of the Philippines, may continue to be
14 supervised by the agency charged with its administration.

15 SEC. 9. *Violations and Sanctions.* – Unless otherwise allowed in
16 accordance with this Act, the NIPAS Act of 1992 (Republic Act No. 7586), the
17 Philippine Fisheries Code of 1998 (Republic Act No. 8550) and the Wildlife
18 Resources Conservation and Protection Act (Republic Act No. 9147), it shall
19 be unlawful for any person to willfully and knowingly exploit, damage or
20 destroy MPAs and/or any of its parts. Violators shall be subject to the
21 applicable fines and penalties as provided for in Republic Act No. 7586,
22 Republic Act No. 8550 and Republic Act No. 9147, and other related laws,
23 rules and regulations.

24 Should a coastal LGU fail to establish an MPA as herein provided, the
25 mayor, the vice mayor and the members of the sanggunian shall be liable for
26 prosecution under Republic Act No. 3019, otherwise known as the “Anti-Graft
27 and Corrupt Practices Act” and Republic Act No. 6713, otherwise known as

1 the "Code of Conduct and Ethical Standards for Public Officials and
2 Employees", or other applicable laws.

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

9 SEC. 11. *Implementing Rules and Regulations.* – Within sixty (60)
10 days after the effectivity of this Act, the Secretary of the DA, together with the
11 DENR, the DILG and the UPMSI, in consultation with other relevant academic
12 and research institutions, local government leagues, the National Fisheries and
13 Aquatic Resources Management Council, fisherfolk and other concerned
14 organizations, shall formulate the rules and regulations for the full
15 implementation of this Act.

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

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

22 SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after
23 its complete publication in a newspaper of general circulation.

Approved,

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