



HOUSE OF REPRESENTATIVES

H. No. 5609

BY REPRESENTATIVES YAP (S.), GUANLAO, REYES, SUAREZ, RAMOS,
ALEJANO, PADUANO, PLAZA, YU, ROMUALDO, MENDOZA (R.),
GARCIA-ALBANO, LOBREGAT, ALVAREZ (F.), MACROHON-NUÑO, CO,
BATOCABE AND ABUEG, PER COMMITTEE REPORT NO. 635

AN ACT PROVIDING FOR THE CONSERVATION, REFORESTATION,
AND REHABILITATION OF MANGROVE FORESTS IN THE
PHILIPPINES, AND PROVIDING PENALTIES THEREFOR

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

1 SECTION 1. *Title.* — This Act shall be known as the “National
2 Mangrove Forest Conservation and Rehabilitation Act”.

3 SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of
4 the State to effectively manage the mangrove resources of the country to
5 restore and conserve biodiversity and to ensure the sustainability of their
6 biological and ecological integrity as well as their ability to provide ecological
7 goods and services.

8 SEC. 3. *Definition of Terms.* — For purposes of this Act:

9 (a) *Coastal areas* refer to the band of dry land and adjacent ocean
10 space (water and submerged land), the terrestrial processes and uses
11 thereof directly affecting oceanic processes and uses and vice versa and

1 whose geographic extent may include areas within a landmark limit of
2 one (1) kilometer from the shoreline at high tide to include mangrove
3 swamps, brackish water ponds, nipa swamps, estuarines, sandy beaches
4 and other areas within a seaward limit of two hundred (200) meters isobath
5 to include coral reefs, algae flats, seagrass beds and other soft bottom areas;

6 (b) *Illegally constructed fishponds* refer to fishponds constructed within
7 public lands without the required Fishpond Lease Agreement (FLA) with the Bureau
8 of Fisheries and Aquatic Resources (BFAR) as well as fishponds which have been
9 built within a greenbelt zone which, as provided by existing laws, are strips of
10 mangrove or swamplands at least fifty (50) meters wide, along shorelines
11 facing oceans, lakes, and other bodies of water, and strips of land at least
12 twenty (20) meters wide facing lakes;

13 (c) *Littoral zone* refers to the part of the sea that is close to the shore which
14 extends from the high water mark, which is rarely inundated, to shoreline areas that are
15 permanently submerged;

16 (d) *Mangrove forest* refers to forested intertidal ecosystems that are
17 occupied by salt-tolerant woody plants with morphological, physiological,
18 and reproductive adaptations that enable them to colonize littoral zones;

19 (e) *Mangrove reservation areas* refer to portions of coastal areas
20 which have been set aside exclusively for the purpose of mangrove forest
21 conservation and reforestation;

22 (f) *REDD-plus* refers to reducing emissions from deforestation and
23 forest degradation. It is a proposed incentive system for reducing
24 greenhouse gas (GHG) emissions in which industrialized countries would
25 provide financial incentives for forested developing countries to manage
26 and protect forests to reduce their GHG emissions. The plus refers to the
27 increased removal of GHGs through conservation of forest carbon stocks,

1 sustainable management of forests, and enhancement of forest carbon
2 stocks.

3 (g) *Reforestation* refers to the planting of mangrove and mangrove
4 associate species along degraded or denuded mangrove areas; and

5 (h) *Rehabilitation* refers to reforestation of mangrove areas including
6 the physical and ecological restoration of reverted fish ponds to mangrove
7 forests.

8 SEC. 4. *Establishment of Mangrove Reservation Areas.* –

9 There shall be established and set aside in all coastal areas in each
10 municipality portions of land solely for the conservation, protection,
11 reforestation and rehabilitation of mangrove forests. All natural stands
12 of mangrove forests and regenerating abandoned ponds shall
13 automatically form part of the reservation areas. The local government
14 units (LGUs), together with the Provincial Environment and Natural
15 Resources Office (PENRO) and the BFAR local office, where the
16 mangrove areas are located shall take the lead in the identification, survey,
17 zonification and mapping of all mangrove areas, segregating areas that are still
18 forested, severely denuded or degraded including abandoned, undeveloped and
19 underutilized fishponds. A resource management plan for these mangrove
20 areas shall be prepared, adopted, and implemented by concerned LGUs in
21 collaboration with the Department of Environment and Natural Resources
22 (DENR).

23 Coastal communities residing within the vicinity of mangrove forests
24 may engage in non-extractive and biodiversity-friendly activities that are
25 compatible with mangrove forest rehabilitation within mangrove reservation
26 areas such as ecotourism, traditional gleaning of shellfish, and collection of
27 honey. For this purpose, LGUs and people's organizations (POs) may enter
28 into agreements such as comanagement and community-based forest

management (CBFM) agreements with the DENR, respectively: *Provided*, That the cutting of mangrove trees and other associated plants therein, whether naturally growing or planted, is strictly prohibited.

SEC. 5. *Establishment of the National Steering Committee for the Conservation and Rehabilitation of Mangrove Forests (NSCCRMF).* –

There is hereby established a National Steering Committee for the Conservation and Rehabilitation of Mangrove Forests (NSCCRMF), hereinafter referred to as the National Steering Committee, which shall be attached to the DENR. The DENR shall provide secretariat support to the National Steering Committee.

The National Steering Committee shall be composed of eleven (11) members consisting of the following or their designated representatives:

(a) The Secretary of the DENR who shall act as Chairperson;

(b) The Secretary of the Department of the Interior and Local Government (DILG) as Cochairperson;

(c) The Secretary of the Department of Agriculture (DA) who shall act as Vice Chairperson;

(d) The Vice Chairperson of the Climate Change Commission;

(e) The Secretary of the Department of Science and Technology (DOST);

(f) The Director General of the National Economic and Development Authority (NEDA);

(g) The Administrator of the National Mapping and Resources Information Authority (NAMRIA);

(h) A representative from the academe to be appointed by the Commission on Higher Education (CHED) upon the recommendation of the former's peers;

1 (i) A representative from accredited nongovernment
2 organizations (NGOs) conducting programs on sustainable mangrove
3 forest management to be recommended by the DENR Secretary;

4 (j) A representative from an association of professional marine
5 scientists; and

6 (k) A representative from fisherfolk organizations or cooperatives
7 to be recommended by the National Fisheries and Aquatic Resources
8 Management Council (NFARMC).

9 SEC. 6. *Powers and Functions of the National Steering*
10 *Committee.* – The National Steering Committee shall have the
11 following powers and functions:

12 (a) To review existing policies and conduct studies on mangrove
13 forest and its conservation;

14 (b) To prepare a comprehensive plan for the conservation,
15 reforestation, and rehabilitation of mangrove forests and denuded or degraded
16 mangrove areas;

17 (c) To oversee the identification, mapping and reversion of all
18 abandoned, undeveloped, underutilized fishponds covered by FLAs to the
19 jurisdiction of the DENR and the rehabilitation of such areas;

20 (d) To oversee the identification of illegally constructed fishponds and
21 their rehabilitation without prejudice to the filing of appropriate charges
22 against those responsible for their construction;

23 (e) To establish the guidelines in identifying the areas to be
24 declared as mangrove reservation areas;

25 (f) To identify and delineate the boundaries of coastal areas
26 which shall form part of the mangrove reservation areas;

27 (g) To monitor and evaluate the condition of mangrove forests all
28 over the country and to submit a report to Congress every other year;

1 (h) To exercise control and supervision over all the Local
2 Steering Committees;

3 (i) To approve and submit to the People's Survival Fund Board,
4 created under Republic Act No. 10174, proposals for funding of
5 mangrove reforestation and rehabilitation projects submitted by the
6 Local Steering Committees; and

7 (j) To recommend the necessary rules and regulations to be
8 promulgated by the DENR.

9 SEC. 7. *National Mangrove Forests Conservation and*
10 *Rehabilitation Plan (NMFCRP).* – The National Steering Committee
11 shall, within six (6) months from the effectivity of this Act, convene its
12 members and formulate a National Mangrove Forests Conservation and
13 Rehabilitation Plan (NMFCRP).

14 The NMFCRP shall, at the minimum, contain the following:

15 (a) An inventory of the status of mangrove forests all over the
16 country, including those which have been converted to other uses;

17 (b) An inventory of all fishponds covered by FLAs, illegally
18 constructed fishponds, and areas released to BFAR but for which no
19 FLAs were awarded;

20 (c) Identification of mangrove reservation areas for each
21 province, city and municipality to be prioritized for conservation,
22 reforestation, and rehabilitation based on vulnerability to storm surges,
23 tsunamis and similar calamities. Such identification shall be completed
24 within one (1) year from the adoption of the NMFCRP;

25 (d) An operational plan for the rehabilitation or reforestation of
26 mangrove reservation areas with appropriate species and to a level that
27 is sufficient to reduce, if not neutralize, the impact of storm surges,
28 tsunamis and similar calamities to local inhabitants and their properties,

1 as well as to provide their essential ecological services. Such
2 operational plan shall indicate the quantitative or qualitative targets and
3 the time period within which to complete such reforestation or
4 rehabilitation;

5 (e) An operational plan for the reversion of abandoned,
6 undeveloped, underutilized, and illegally constructed fishponds, as well
7 as those released to the BFAR for fishpond purposes but for which no
8 FLAs were issued, to the jurisdiction of the DENR;

9 (f) An operational plan to conserve mangrove forests, determine
10 the causes of their conversion, and prevent their further conversion to
11 other uses; and

12 (g) A monitoring and evaluation system for the reforestation and
13 rehabilitation of mangrove forests all over the country.

14 SEC. 8. *Local Steering Committee for the Conservation and*
15 *Rehabilitation of Mangrove Forests (LSCCRMF).* – A Local Steering
16 Committee for the Conservation and Rehabilitation of Mangrove Forests
17 (LSCCRMF), hereinafter referred to as the Local Steering Committee,
18 shall be established in each of the municipalities where at least one (1)
19 reservation area has been identified. Each Local Steering Committee
20 shall be chaired by the Community Environment and Natural Resources
21 Officer (CENRO) under whose jurisdiction the reservation area is
22 located, with the following members:

23 (a) A representative of the municipal government concerned;

24 (b) A representative or representatives from a barangay or
25 barangays under whose jurisdiction the reservation area is located;

26 (c) A representative from an accredited NGO;

27 (d) A representative from the private sector; and

(c) A representative from fisherfolk organizations or cooperatives to be recommended by the Municipal Fisheries and Aquatic Resources Management Council (MFARMC).

The CENRO shall provide secretariat support to the Local Steering Committee.

SEC. 9. *Powers and Functions of the Local Steering Committee.* – The Local Steering Committee shall have the following powers and functions:

(a) To implement and enforce the NMFCRP laid down by the National Steering Committee within its jurisdiction;

(b) To carry out the general administration and day-to-day implementation of the Local Mangrove Forests Conservation and Rehabilitation Plan (LMFCRP);

(c) To secure the mangrove reservation area from illegal and destructive activities which would endanger the successful implementation and viability of the NMFCRP and LMFCRP;

(d) To monitor and evaluate the condition of local mangrove forests and to submit a report to the National Steering Committee every other year;

(e) To submit proposals to the People's Survival Fund Board, created under Republic Act No. 10174, for funding of mangrove reforestation or rehabilitation projects as part of Climate Change Adaptation through the National Steering Committee; and

(f) To perform such other powers and functions as may be designated by the National Steering Committee.

SEC. 10. *Local Mangrove Forests Conservation and Rehabilitation Plan (LMFCRP).* – The Local Steering Committee shall, within six (6) months

1 from the receipt of the NMFCRP, convene its members and come up with an
2 LMFCRP.

3 The LMFCRP shall, at the minimum, contain the following:

4 (a) An inventory of the status of mangrove forests within the
5 municipality, including those which have been converted to other uses;

6 (b) An inventory of all fishponds covered by FLAs, illegally
7 constructed fishponds, and areas released to the BFAR but for which no
8 FLAs were awarded;

9 (c) Identification of mangrove reservation areas within the
10 municipality to be prioritized for conservation, reforestation, and
11 rehabilitation based on vulnerability to storm surges, tsunamis and
12 similar calamities. Such identification shall be completed within one (1)
13 year from the adoption of the LMFCRP;

14 (d) An operational plan for the reforestation or rehabilitation of
15 mangrove reservation areas with appropriate species and to a level that
16 is sufficient to reduce, if not neutralize, the impact of storm surges,
17 tsunamis and similar calamities to local inhabitants and their properties,
18 as well as to provide their essential ecological services. Such
19 operational plan shall indicate the quantitative or qualitative targets and
20 the time period within which to complete such reforestation or
21 rehabilitation;

22 (e) An operational plan for the reversion of abandoned,
23 undeveloped, underutilized, illegally constructed fishponds, as well as
24 those released to the BFAR for fishpond purposes but for which no
25 FLAs were issued, to the jurisdiction of the DENR;

26 (f) An operational plan to conserve mangrove forests, determine
27 the causes of their conversion, and prevent further conversion of
28 mangroves to other uses; and

1 (g) A monitoring and evaluation system for the reforestation and
2 rehabilitation of mangrove forests within the municipality.

3 SEC. 11. *Abandoned, Undeveloped, Underutilized Fishponds in*
4 *Mangrove Areas Covered by FLAs Awarded by BFAR, Illegally Constructed*
5 *Fishponds, and Areas Released to BFAR but for Which No FLAs Were*
6 *Awarded.* – The FLAs of all abandoned, undeveloped, underutilized (AUU)
7 fishponds shall be cancelled by the DA through the BFAR and the area turned
8 over to the jurisdiction of the DENR. All illegally constructed fishponds
9 within mangrove forests shall also be identified by the DENR with the
10 assistance of the Local Steering Committee, without prejudice to the filing of
11 appropriate charges against the offending parties. Mangrove areas that were
12 released to the BFAR but for which no FLAs were awarded shall also revert to
13 the jurisdiction of the DENR for reforestation and rehabilitation. The DENR
14 shall exert all efforts to rehabilitate such fishponds or mangrove areas which
15 have been reverted to its jurisdiction or illegally converted to other uses.

16 SEC. 12. *Validation.* – Validation of the results of monitoring
17 and evaluation of reforestation and rehabilitation of mangrove forests,
18 including the survival rate in each municipality or city, shall be done by
19 a disinterested private entity.

20 SEC. 13. *Proper Valuation and Compensation for Ecosystems*
21 *Services.* – The DENR shall formulate and institute appropriate mechanisms
22 for proper valuation and fair and comprehensive pricing of ecosystems services
23 provided by mangrove forests.

24 SEC. 14. *Prohibited Acts.* – The following acts shall be
25 prohibited:

26 (a) Cutting, uprooting or destroying any mangrove tree;

27 (b) Dumping of waste within mangrove reservation areas;

1 (c) Construction or reclamation activity within mangrove
2 reservation areas;

3 (d) Illegal fishing activities that will result in the damage and
4 destruction of mangrove forests;

5 (e) Conversion of mangrove forests into ponds;

6 (f) Maintenance of illegal fishponds;

7 (g) Preventing DENR personnel from removing illegal structures
8 or BFAR personnel from reverting abandoned fishponds;

9 (h) Planting mangroves on seagrass beds, mud flats and sand
10 flats; and

11 (i) Other acts or activities that will result in the damage or
12 destruction of mangrove forests.

13 SEC. 15. *Penalties.* -- Any person, natural or juridical, found guilty
14 of violating any provision of this Act or its implementing rules and
15 regulations shall, upon due process, be penalized with a fine in the
16 amount of not less than two hundred thousand pesos (P200,000.00) but
17 not more than one million pesos (P1,000,000.00), or with imprisonment
18 of not less than one (1) year but not more than six (6) years, or both, at
19 the discretion of the court: *Provided,* That if the area requires
20 rehabilitation or restoration, as determined by the court, the offender
21 shall also be required to restore or compensate for the restoration of the
22 damage.

23 If the offender is an association or corporation, the president or manager
24 and the officer who has direct knowledge over the offense shall be held
25 liable under this Act.

26 SEC. 16. *Citizen's Suit.* -- Any citizen may file an appropriate civil,
27 criminal, or administrative action in the proper court against:

1 (a) Any person who violates or fails to comply with the provisions of
2 this Act or its implementing rules and regulations;

3 (b) The DENR or other implementing agencies with respect to orders,
4 rules and regulations issued inconsistent with this Act; or

5 (c) Any public officer who willfully or grossly neglects the
6 performance of an act specifically enjoined as a duty by this Act or its
7 implementing rules and regulations; or abuses authority in the performance of
8 duty; or in any manner improperly performs duties under this Act or its
9 implementing rules and regulations. However, no suit can be filed until after
10 thirty (30) days notice has been given to the public officer or the alleged
11 violator concerned and such officer or violator does not take appropriate action
12 upon such notice.

13 SEC. 17. *Forest Guards.* – In order to secure the mangrove
14 reservation area from illegal and destructive activities, the Local
15 Steering Committee and the LGU, under whose jurisdiction the
16 mangrove reservation area is located, shall employ the services of forest
17 guards who shall be tasked with the responsibility to guard and police
18 the areas. The Local Steering Committee and the LGU may also deputize
19 members of POs as mangrove reservation area forest guards. The forest
20 guards and deputized members of POs shall undergo orientation and
21 training with the DENR. They shall also have the authority to arrest
22 those caught violating the provisions of this Act or its implementing
23 rules and regulations under the following circumstances:

24 (a) When the person to be arrested has committed, or is actually
25 committing a violation, in the presence of the forest guard or deputized
26 member of PO; and

27 (b) When an offense has, in fact, just been committed and the
28 forest guard and the deputized member of the PO has personal

1 knowledge of facts indicating that the person to be arrested has
2 committed the violation.

3 In the event that any of the forest guards or a member of the
4 deputized PO is found to be guilty of nonfeasance, misfeasance or
5 malfeasance, the forest guard or guards or member of the deputized PO
6 concerned and the officials of the Local Steering Committee and the
7 LGU, by virtue of the principle of command responsibility, shall be held
8 liable for the violations and shall be prosecuted in accordance with
9 administrative laws without prejudice to any criminal and/or civil liabilities
10 provided for under existing laws.

11 SEC. 18. *Special Account for Mangrove Management and Mangrove*
12 *Conservation and Rehabilitation Fund.* -- The valuation mentioned in
13 Section 13 of this Act shall serve as the basis of the Local Steering Committee
14 for charging fees for the use of mangrove forest ecosystem services such as
15 ecotourism, permits for fishing boats, docking fees, and carbon trading.

16 For mangrove forests inside protected areas, revenues generated from
17 the abovementioned activities shall accrue to the corresponding Integrated
18 Protected Areas Fund (IPAF) created under Republic Act No. 7586, as
19 amended by Republic Act No. 10629, or the National Integrated Protected
20 Areas System (NIPAS) Act.

21 For mangrove forests outside protected areas, revenues generated from
22 the abovementioned activities shall be managed under the following scheme:

23 (a) Seventy-five percent (75%) of the revenues generated shall accrue
24 to a Special Account for Mangrove Management created by the LGU where
25 the mangrove forest is located. The Special Account under the LGU Fund
26 shall be created through an ordinance indicating that the revenues accruing to
27 the Special Account shall be utilized solely for mangrove management
28 including, but not limited to:

1 (1) Employment of forest guards;

2 (2) For the general administration and day-to-day operation, protection,
3 *maintenance, management, and implementation of the LMFCRP; and*

4 (3) Duly approved projects endorsed by the National Steering
5 Committee.

6 *Provided, That, except for hiring of forest guards, the Special Account*
7 *shall not be used to cover other Personnel Services expenditures.*

8 Expenditures chargeable against said Special Account shall be subject
9 to existing accounting, budgeting, and auditing rules and regulations.

10 (b) Twenty-five percent (25%) of the revenues generated will accrue to
11 the Mangrove Conservation and Rehabilitation Fund which shall be managed
12 by the National Steering Committee. The criteria and conditions for the
13 utilization of the Fund shall also be determined by the National Steering
14 Committee subject to existing accounting, budgeting, and auditing rules and
15 regulations.

16 Disbursement from the Mangrove Conservation and Rehabilitation Fund
17 shall be made solely for the protection, maintenance, administration, and
18 management of mangrove forest areas, operational expenses of the National
19 Steering Committee, expenses on the preparation of the NMFCRP, and duly
20 approved projects endorsed by the National Steering Committee in the
21 amounts authorized by the DENR: *Provided, That the Fund shall not be used*
22 *to cover Personnel Services expenditures and purchase of motor vehicles.*

23 The Local Steering Committee, the LGUs, and the DENR may solicit
24 and receive donations, endowments, and grants in the form of contributions for
25 the Special Account for Mangrove Management and the Mangrove
26 Conservation and Rehabilitation Fund.

27 SEC. 19. *Tax Exemption.* – All grants, bequests, endowments,
28 donations, and contributions made to the Local Steering Committee, the LGUs,

1 and the DENR to be used actually, directly, and exclusively for the Special
2 Account for Mangrove Management and the Mangrove Conservation and
3 Rehabilitation Fund shall be exempt from donor's tax and the same shall be
4 allowed as deduction from the gross income of the donor for purposes of
5 computing the taxable income of the donor in accordance with the provisions
6 of the National Internal Revenue Code of 1997, as amended.

7 SEC. 20. *Payments for Reducing Emissions from Deforestation and*
8 *Forest Degradation (REDD-plus).* – All LGUs and POs involved in
9 preventing deforestation and sequestering carbon in mangrove forests shall
10 have an equitable share in the proceeds of the United Nations Programme on
11 REDD-plus payments. The capacity of the Local Steering Committee and the
12 POs shall be developed to enable them to properly value and monitor their
13 mangrove forest resources as basis for equitable sharing in REDD-plus
14 payments.

15 SEC. 21. *Appropriation.* – The Secretary of the DENR shall
16 immediately include in the Department's program the implementation of
17 this Act, the funding of which shall be included in the annual General
18 Appropriations Act.

19 SEC. 22. *Implementing Rules and Regulations.* – The DENR
20 shall promulgate the implementing rules and regulations (IRR) for this
21 Act within six (6) months after the effectivity of this Act: *Provided,*
22 That rules and regulations issued by other government agencies and
23 instrumentalities for the conservation, reforestation, and rehabilitation
24 of mangrove forests not inconsistent with this Act shall supplement the
25 rules and regulations issued by the DENR pursuant to the provisions of
26 this Act.

27 The draft of the IRR shall be published and be subject to public
28 consultation with affected sectors. There shall be a mandatory review of

1 the IRR and standards set pursuant to the provisions of this Act by the
2 National Steering Committee every five (5) years.

3 SEC. 23. *Joint Congressional Oversight Committee.* – There is
4 hereby created a Joint Congressional Oversight Committee (JCOC) to
5 monitor the implementation of this Act and to review the IRR
6 promulgated by the DENR for a period not exceeding three (3) years
7 from the effectivity of this Act. The JCOC shall be composed of five (5)
8 Senators and five (5) Representatives to be appointed by the Senate
9 President and the Speaker of the House of Representatives, respectively.
10 The JCOC shall be cochaired by the Chairpersons of the Committee on
11 Environment and Natural Resources of the Senate and the Special
12 Committee on Reforestation of the House of Representatives.

13 The secretariat of the JCOC shall be drawn from existing
14 personnel of the Senate and House of Representatives committees
15 comprising the JCOC.

16 SEC. 24. *Separability Clause.* – If, for any reason, any section
17 or provision of this Act shall be declared to be unconstitutional or
18 invalid, the other sections or provisions not affected thereby shall
19 remain in full force and effect.

20 SEC. 25. *Repealing Clause.* – All laws, presidential decrees,
21 executive orders, rules and regulations or parts thereof which are
22 inconsistent with the provisions of this Act are hereby repealed or
23 modified accordingly.

24 SEC. 26. *Effectivity.* – This Act shall take effect fifteen (15) days after
25 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,