



HOUSE OF REPRESENTATIVES

H. No. 5836

BY REPRESENTATIVES FORTUN, SALIMBANGON, GARCIA (G.), CAMINERO, GONZALEZ, ROMUALDO, ALCALA, CELESTE, BATAOIL, GULLAS, VILLANUEVA, RELAMPAGOS, BELLO (W.), PERNES, BATOCABE, REYES, PANOTES, MATUGAS, YAP (S.), RAMOS, UNABIA, HERNANDEZ, DALOG, MERCADO, AGARAO, AMANTE, VIOLAGO, ABUEG, MELLANA, HAGEDORN AND TAN (A.), PER COMMITTEE REPORT NO. 758

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”.

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

1 The State also takes cognizance of the primacy of the citizenry as users
2 and beneficiaries of the country's resources. As such, each community is
3 therefore acknowledged as a crucial partner in the effort to conserve and
4 manage the country's natural marine resources.

5 To preserve biological diversity, the coastal community is encouraged
6 to formulate its own marine conservation program, according to a coastal
7 resource management plan tailored to the ecological conditions of a particular
8 marine environment.

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

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

13 (b) *Comanagement scheme* refers to a management approach of
14 administrative integration and cooperation, where the local community, the
15 local government unit (LGU), participating agencies, concerned civil society
16 and sectors, contribute their resources towards the fulfillment of a particular
17 function within their areas of expertise, in a manner that furthers the goal of
18 sustainable management of the marine protected area;

19 (c) *Mangrove swamp forest reserve* refers to a portion of the mangrove
20 forest designated and reserved for the protection of its ecological functions and
21 services and restored to support fisheries production in coastal waters;

22 (d) *Marine protected area* refers to a defined area of the sea
23 established and set aside by law, administrative regulation, or any other
24 effective means, in order to conserve and protect a part of or the entire
25 enclosed environment, through the establishment of management guidelines. It
26 is a generic term that includes all declared areas governed by specific rules or
27 guidelines in order to protect and manage activities within the enclosed area.

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

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

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

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

19 SEC. 4. *Establishment of Marine Protected Areas.* – Within one (1)
20 year from effectivity of this Act, all coastal municipalities and cities shall
21 establish at least one (1) MPA within municipal waters, subject to existing
22 guidelines and the prerequisite of consultation with the local community. The
23 MPA shall have a minimum total area of ten (10) hectares, unless the total area
24 of the municipal waters is fifteen (15) hectares or less, in which case the MPA
25 shall comprise fifteen percent (15%) of the municipal waters. The total area to
26 be protected need not be contiguous, and may be designated in such a manner
27 as may be deemed appropriate, so long as it fulfills the ultimate purpose of
28 conservation. The MPA shall be established in accordance with an integrated

1 community-based conservation program and coastal resource management
2 plan.

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

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

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

19 SEC. 6. *Responsible Entities.* – The concerned LGU, along with
20 members of the community and civil society, the Bureau of Fisheries and
21 Aquatic Resources (BFAR) of the Department of Agriculture (DA), the
22 Department of Environment and Natural Resources (DENR), the Fisheries and
23 Aquatic Resources Management Councils (FARMCs), and the private sector,
24 shall be responsible for the designation, establishment, and management of
25 an MPA within municipal waters, based on a comanagement scheme that
26 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 concerned LGU. Funds for the sustainable
3 management of the MPA shall be included in the regular budget of the LGU
4 and may be augmented by funds provided by the provincial government,
5 grants, donations and income generated from the operations of the MPA.

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

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

15 SEC. 9. *Prohibited Acts and Sanctions.* -- Unless otherwise allowed by
16 this Act, the NIPAS Law, the Philippine Fisheries Code of 1998 (Republic Act
17 No. 8550) and the Wildlife Resources Conservation and Protection Act
18 (Republic Act No. 9147), it shall be unlawful for any person to willfully and
19 knowingly exploit, damage, or destroy an MPA or any portion of it. Violators
20 shall be liable to the payment of applicable fines and penalties as provided for
21 in the NIPAS Law, Republic Act No. 8550, Republic Act No. 9147, and other
22 related laws, rules and regulations.

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

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

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

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

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

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

Approved,

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