



HOUSE OF REPRESENTATIVES

H. No. 5990

BY REPRESENTATIVES TAÑADA, MARAÑON, TEODORO, TEVES, DEL ROSARIO,
CODILLA, VILLANUEVA, GULLAS, DUEÑAS, GONZALES (N.),
DE GUZMAN, AGBAYANI, VELARDE AND ROMULO, PER COMMITTEE
REPORT NO. 1798

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 2009”.

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. The
6 State shall ensure that the utilization of marine resources by its citizens
7 observes the requirements of sustainability and, to this end, the State shall
8 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 relevant
13 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
24 mangrove forest designated and reserved for the protection of its ecological
25 functions and services and restored to support fisheries production in coastal
26 waters.

27 (d) “Marine Protected Area” refers to a defined area of the sea
28 established and set aside by law, administrative regulation or any other

1 effective means in order to conserve and protect a part of or the entire enclosed
2 environment, through the establishment of management guidelines. It is
3 considered a generic term that includes all declared areas governed by specific
4 rules or guidelines in order to protect and manage activities within the enclosed
5 area. Marine protected areas may take the following forms, any one or a
6 combination of which may comprise the marine protected area:

7 (1) “Marine reserve” refers to an area where access and uses
8 (whether extractive or non-extractive) are regulated or controlled for specific
9 uses or 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
18 aside exclusively for the purpose of protecting habitats and species, through
19 the prohibition of all extractive uses and strict regulation of non-extractive
20 uses. This term is synonymous with “No-Take Zone”. A marine sanctuary
21 may have a buffer zone around the area sought to be protected from extractive
22 and non-extractive uses. It may be located within a marine reserve or marine
23 park.

24 *SEC. 4. Establishment of Marine Protected Areas.* – Within one (1)
25 year from the effectivity of this Act, all coastal municipalities and cities shall
26 establish at least one (1) marine protected area (MPA) within municipal
27 waters, covering a minimum total area of ten (10) hectares, in accordance with
28 an integrated community-based conservation program and coastal resource

1 management plan. The total area designated for protection need not be
2 contiguous, and may be designed in such a manner as may be deemed
3 appropriate, so long as it fulfills the ultimate purpose of conservation.

4 Where possible, inter-tidal areas shall be reserved for the establishment
5 of Mangrove Swamp Forest Reserves as part of the MPA.

6 Where the municipalities border each other in such a way that their
7 respective coastlines form a contiguous body, the concerned LGUs may so
8 jointly establish and administer the MPA as to reach the optimum size and
9 arrangement of a large zoned marine protected area.

10 SEC. 5. *General Criteria.* – The marine protected area, which may
11 either take one particular form or incorporate different types, shall be
12 established according to the level of protection required by existing ecological
13 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 preferential use rights of municipal
16 fisherfolk, unless ecological conditions are in such an advanced state of
17 degradation that rehabilitation must necessarily preclude allowing all extractive
18 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 MPAs within municipal waters, based on a co-management scheme that
26 accommodates the interests of all the stakeholders involved.

27 SEC. 7. *Funding.* – The initial fund for the establishment of the MPA
28 shall be provided by the LGU. Funds for the sustainable management of the

1 MPA shall be included in the regular budget of the concerned LGU and may
2 be augmented by funds provided by the provincial government, grants,
3 donations and income generated from the operations of the MPA.

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

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

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

21 Should a coastal LGU fail to establish an MPA as herein provided, the
22 mayor, the vice mayor and the members of the sanggunian shall be liable for
23 prosecution under Republic Act No. 3019, otherwise known as the “Anti-Graft
24 and Corrupt Practices Act” and Republic Act No. 6713, otherwise known as
25 the “Code of Conduct and Ethical Standards for Public Officials and
26 Employees”, or other applicable laws.

27 *SEC. 10. Incentives and Awards.* – The DA, in collaboration with the
28 DENR, the Department of the Interior and Local Government (DILG) and the

1 UP Marine Science Institute (UPMSI) as well as other relevant academic and
2 research institutions, shall develop incentive and award mechanisms to
3 promote effective management of MPAs and to ensure their sustainability.

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

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

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

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

Approved,

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