



HOUSE OF REPRESENTATIVES

H. No. 8145

BY REPRESENTATIVES FORTUN, SALIMBANGON, FLOIRENDO, BRAVO (M.V.), MANALO, TAN (A.), ALEJANO, ANTONIO, NOGRALES (K.A.), QUIMBO, SALCEDA, LANETE, DEL MAR, ANTONINO, ALMONTE, CALIXTO-RUBIANO, CAMINERO, PIMENTEL, MARQUEZ, TEJADA, ZUBIRI, LACSON, ARCILLAS, MENDOZA, BELMONTE (J.C.), SARMIENTO (E.M.), MARCOLETA, DEFENSOR, ROA-PUNO, PALMA, NOEL, SALO, GONZALES (A.P.), SAVELLANO, ORTEGA (V.N.), GARCIA (J.E.), HERRERA-DY, PRIMICIAS-AGABAS, ATIENZA, GARBIN, ABAYON, BRAVO (A.), YAP (A.), OAMINAL, JAVIER, TING, ALVAREZ (F.), CANAMA, BOLILIA, ROCAMORA, PACQUIAO, VILLARIN, OLIVAREZ, GASATAYA, MALAPITAN, BELARO, DIMAPORO (M.K.), GONZALEZ, GO (M.), SINGSON, ONG (H.), SUANSING (E.), SALON, SILVERIO AND TAMBUNTING, PER COMMITTEE REPORT No. 834

AN ACT ESTABLISHING MARINE PROTECTED AREAS IN ALL COASTAL MUNICIPALITIES AND CITIES

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
2 “Marine and Coastal Resources Protection Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the
4 policy of the State to ensure the protection and preservation of the

1 country's marine resources even as it promotes the development of a
2 robust fisheries sector.

3 The State shall ensure that the utilization of marine resources
4 by its citizens observes the requirements of sustainability and to
5 this end, the State shall promote a culture of responsible
6 stewardship of the environment that is anchored on the desire to be
7 in harmony with nature. Thus, where human carelessness and
8 disregard have resulted in destruction and damage, the State shall
9 take the necessary measures to restore ecological balance and
10 beauty to ensure the continued enjoyment by all of a healthy and
11 safe environment.

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

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

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

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

25 (b) *Co-management scheme* refers to a management approach
26 of administrative integration and cooperation, where the local
27 community, the local government unit (LGU), participating

1 agencies, and concerned civil society and sectors, contribute their
2 resources towards the fulfillment of a particular function within
3 their areas of expertise, in a manner that furthers the goals of
4 sustainable management of the marine protected area.

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

9 (d) *Marine protected area* refers to a defined area of the sea
10 established and set aside by law, administrative regulation, or any
11 other effective means, in order to conserve and protect a part of or
12 the entire enclosed environment, through the establishment of
13 management guidelines. It is a generic term that includes all
14 declared areas governed by specific rules or guidelines in order to
15 protect and manage activities within the enclosed area. A marine
16 protected area (MPA) may take the following forms, any one or a
17 combination of which may comprise the MPA:

18 (1) *Marine reserve* refers to an area where access and uses,
19 whether extractive or non-extractive, are regulated or controlled for
20 specific uses or purposes, including a marine sanctuary which may
21 be located within its boundaries. The entire area need not be placed
22 under the same conditions or restrictions as a marine sanctuary,
23 but all uses are still controlled and regulated to the extent
24 necessary to ensure that little or no harm is imposed on the
25 environment enclosed in the reserve;

26 (2) *Marine park* refers to a type of marine reserve where
27 conservation-oriented recreation, education, and research are

1 emphasized. A marine park may include a marine sanctuary within
2 its boundaries;

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

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

24 Where possible, an intertidal area shall be reserved for the
25 establishment of a Mangrove Swamp Forest Reserve as part of an
26 MPA.

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

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

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

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

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

14 All marine protected areas, fishery reserves, fishery refuges or
15 sanctuaries, and mangrove swamp forest reserves previously
16 declared or proclaimed by the President, or legislated as such by the
17 Congress of the Philippines, may continue to be supervised by the
18 agency charged with its administration.

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

1 If a coastal LGU fails to establish an MPA as herein provided,
2 the appropriate administrative, civil, or criminal action prescribed
3 under existing laws may be filed against the mayor, the vice mayor,
4 and the members of the Sanggunian.

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

12 SEC. 11. *Implementing Rules and Regulations.* - Within
13 sixty (60) days after the effectivity of this Act, the DA Secretary,
14 together with the DENR, the DILG and the UPMSI, in consultation
15 with other relevant academic and research institutions, local
16 government leagues, the National FARMC, fisherfolk and other
17 concerned organizations, shall formulate the rules and regulations
18 to implement this Act.

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

22 SEC. 13. *Repealing Clause.* - All laws, decrees, executive
23 orders and rules and regulations or parts thereof, which are
24 inconsistent with this Act, are hereby repealed or modified
25 accordingly.

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

Approved,

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