

Republic of the Philippines
HOUSE OF REPRESENTATIVES/SENATE
Quezon City/ Pasay City

TWENTIETH CONGRESS
First Regular Session

HOUSE/SENATE BILL NO. _____

**AN ACT ESTABLISHING THE NATIONAL COASTAL GREENBELT PROGRAM,
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

Introduced by: XXXXX

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

SECTION 1. Title. - This Act shall be known as the “***National Coastal Greenbelt Act***”.

SEC. 2. Declaration of Policy. - The State shall ensure the protection of the rights of the people to a healthful and balanced ecology. Consistent with the Climate Change Act of 2009 (Republic Act No. 9729), as amended by Republic Act No. 10174, the State shall encourage the participation of the national government, local governments, businesses, non-government organizations, local communities and the public to prevent and reduce the adverse impacts of climate change. The State shall also recognize that climate change and disaster risk reduction and management are closely interrelated. The State shall incorporate gender-sensitive, pro-children and pro-poor perspectives in all plans to mitigate the impacts of climate-induced impacts. These principles shall be further integrated into climate change programs and initiatives. Taking into account the effects of climate change and the need to conserve and develop the conditions of our environment, the State shall take appropriate measures to protect the lives and property of the people from the impacts in coastal areas of typhoons, storm surges and similar natural events.

SEC. 3. Definition of Terms. - As used in this Act, the following terms shall mean:

a. Climate Change refers to a change of climate which is attributed directly or indirectly to human activity that alters the composition of global atmosphere, and which is in addition to natural climate variability observed over comparable time periods;

b. Coastal Greenbelts refer to at least 100-meter-wide strip of natural or planted coastal vegetation, extending from the seaward edge of mangroves (middle intertidal zone) towards land, or extending from the seaward edge of beach forest (high tide line) towards land, in cases where mangroves are absent. Its function is to absorb wave energy from the sea towards land, primarily of mangrove and beach forest species, which are designed to prevent coastal erosion, and mitigate the adverse impacts of

natural coastal hazards on human lives and property. Storms thereby reducing wave damage, preventing coastal erosion, and protecting human lives and property;

c. *Comprehensive Land Use Plan (CLUP)* refers to the document formulated by the cities and municipalities, in consultation with its stakeholders, that defines or provides guidelines on the allocation, utilization, development, and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive economic, demographic, socio-cultural and environmental objectives as defined in Republic Act No. 11201, otherwise known as the “Department of Human Settlements and Urban Development Act”;

d. *Comprehensive Development Plan (CDP)* refers to a six-year multi-sectoral plan formulated at the city or municipal level embodying the vision, sectoral goals, objectives, development strategies, and policies within the terms of the officials of the LGU, and the medium-term. It contains an ecological profile, sectoral development plan, and implementation instruments.

e. *Department* refers to the Department of Environment and Natural Resources herein;

f. *Designated area for coastal greenbelts* refers to a- site-specific stretch of vegetation in the coastal zone, defined in relation to risk factors and vulnerability to coastal hazards, and reserved for protection and maintenance under the National Coastal Greenbelt Action Plan. The area may undergo rehabilitation, reforestation, or afforestation with locally appropriate mangrove and beach forest species.

g. *Designated species*. Designated areas with abandoned fishponds require the reversion of these fishponds to mangroves through natural regeneration or replanting with locally appropriate species. Designated areas with illegal structures (such as breakwaters, permanent residential/commercial structures, and the like) require removal of such structures.

h. *Local Climate Change Action Plan (LCCAP)* refers to the action plan formulated by LGUs to address climate change concerns. It focuses on both climate change and adaptation and mitigation and describes how LGUs plan to respond to impacts of climate change and mainstream them into mandated local plans, i.e., land use plan, sectoral development plan, investment program, pursuant to Section 14 of R.A. No. 9729, or the Climate Change Act of 2009, as amended.

i. *Local Coastal Greenbelt Action Plan (LCGAP)* - the local action plan adopted by local government units which shall be based on the NCGAP. It shall contain specific goals and targets for the implementation of the program set in the NCGAP.

j. *Mangrove Forest* refers to the forested wetland growing along tidal mudflats and along shallow water coastal areas extending inland along rivers, streams, and their tributaries where the water is generally brackish and composed of low elevation species, such as *Avicennia marina*, *A. alba*, and *Sonneratia alba*. The mid zone is dominated by *Rhizophora* species, *Sonneratia caseolaris*, *Xylocarpus granatum* and *Nypa*

fruticans while the landward zone or areas with higher elevation are inhabited by *Avicennia rumphiana*, *A. officinalis*, and *Bruguiera gymnorhiza*;

k. *National Coastal Greenbelt Action Plan (NCGAP)* - the operational plan that shall serve as the guide for the Local Greenbelt Action Plan (LCGAP). It shall contain the implementing guidelines on how to go about Section 4 of this Act.

SEC. 4. National Coastal Greenbelt Action Plan (NCGAP). - The Department of Environment and Natural Resources, through the Biodiversity Management Bureau, shall, within six (6) months, identify and convene the National Coordinating Council, consisting of all national agencies responsible for foreshore management, mangrove and beach forest protection and utilization, coastal land and sea-use planning, coastal tourism development, social welfare of coastal communities, and other relevant mandates, to prepare an integrated National Coastal Greenbelt Action Plan (NCGAP). The Department shall be responsible for consolidating the NCGAP not later than twelve (12) months from the date this Act takes effect.

The NCGAP shall, at the minimum, contain the following:

- a. Spatial representation, or if feasible, quick/rapid inventory of the status of coastlines and foreshores, including the status of mangroves, beach forests, settlements, structures and fishponds within 100 meters therein.
- b. The action plan which shall indicate the assessment of priority areas to be declared as coastal greenbelts, for each coastal province, city and municipality, to protect by means of mangroves and beach forests, based on vulnerability to storm surges, waves, tsunami and the like. The Action Plan shall indicate that the assessment of priority areas shall be completed within twelve (12) months from the adoption of the NCGAP.
- c. Designation of priority areas for coastal greenbelts that are already included as either a protected area under the Expanded National Integrated Protected Areas System (R.A. No. 11038), or as a fish refuge or sanctuary under the Amended Fisheries Code (R.A. No. 8550 as amended by R.A. 10654), or as a local marine protected area as may be declared by municipalities and cities through ordinances. The designation shall be completed within six (6) months from the completion of the assessment. Designation shall also be done through a proposal to the appropriate agency, municipality or city as may be deemed necessary. In the event an area is designated as a priority area for coastal greenbelts, no structure shall be allowed in said area unless it is approved by the DENR or DA through the BFAR: Provided, That with respect to the Province of Palawan, the necessary clearance for the Palawan Council for

Sustainable Development (PCSD) shall also be required pursuant to R.A. 7611, otherwise known as "Strategic Environmental Plan (SEP) for Palawan Act";

- d. Operational Plan for the rehabilitation, reforestation or afforestation of designated priority coastal greenbelts with ecologically appropriate mangrove and beach forest species, not less than one hundred (100) meters in width. Existing forests or plantations greater than the minimum width shall not be reduced. The program for rehabilitation, reforestation or afforestation shall be community-based, long-term and implemented through the municipality or city government. The Operational Plan shall indicate that the program for rehabilitation, reforestation and afforestation must cover a minimum target area of twenty percent (20%) of the designated priority areas in the first five (5) years for maximum protection of the most vulnerable communities in the city or municipality. The remaining priority areas must be completed within ten (10) years the designation of the priority area.
- e. Operational Plan for the reversion of all abandoned, undeveloped or underutilized (AUU) fishponds to mangroves through natural regeneration or replanting with locally appropriate species. All fishponds that are declared by the DENR and DA-BFAR through a joint assessment as AUU fishponds shall be turned over to the DENR within one (1) year after the assessment. The DENR will then revert the AUU fishponds to their original mangrove state through natural or artificial reforestation in accordance with Section 49 of R.A. No. 8550, as amended by R.A. No. 10654, otherwise known as the Amended Fisheries Code. All AUU fishponds turned over to the DENR shall be declared as part of the coastal greenbelt. The minimum target for the first year of implementation of the NCGAP will include all AUU fishpond areas turned over to the DENR for reversion to their original mangrove state. The NCGAP shall indicate that the identification and recovery of possession from delinquent fishpond lease agreement holders shall be completed within one (1) year from the adoption thereof.
- f. Operational Plan for the removal of illegal structures (such as breakwaters, permanent residential/commercial structures, and the like), in the identified priority coastal greenbelts, subject to existing laws on fisherfolk settlement areas. The NCGAP shall indicate that the declaration of and notice to persons responsible for removal of illegal structures shall be completed within twelve (12) months from the the issuance of Notice to Vacate. The removal of illegal structures in and start of rehabilitation, reforestation or afforestation of these areas shall form part of the minimum target for the first year of implementation of the Action Plan.
- g. Monitoring and evaluation plan, with quantitative and qualitative targets consistent with (c), (d), (e) and (f) above, appropriate indicators and reasonable means of verification. The plan shall become an integrated part of the NCGAP, NCGAP-aligned LCGAP and the Annual Report of the Department of Environment and Natural Resources to Congress.

The NCGAP and all its relevant components shall be incorporated into the mandated local plans of the LGUs, such as, but not limited to, Comprehensive Land Use Plan and Comprehensive Development Plan.

SEC. 5. *Designated Areas for Coastal Greenbelt.* - Areas designated for coastal greenbelt shall cover natural, rural, and urban areas with mangrove or mangrove areas, AUU fishponds turned over to the DENR, site specific stretches of vegetation in areas requiring the reversion to mangroves through natural regeneration or replanting with locally appropriate species and beach forests, subject to prior vested rights. All applicable biophysical, socioeconomic, and geological assessments shall be conducted prior to the designation of coastal greenbelts. Upon determination by the DENR of a particular area as a designated area for coastal greenbelt under Sec. 4(c) of this Act, CLUPs and zoning ordinances shall be updated accordingly. AUU fishponds turned over to the DENR shall be prioritized in the designation of coastal greenbelts and its corresponding reversion to category of public lands as mangrove reforestation sites shall be completed within the year of identification as such following the guidelines endorsed by the National Technical Working Group pursuant to Section 7 below.

SEC. 6. *Implementation of the NCGAP.* - The NCC shall take the lead in coordinating and implementing the component plans and programs of the NCGAP.

The DHSUD, through its attached agencies, shall provide appropriation for the relocation of the families or individuals who will be affected by the designated areas, including fisherfolk settlement areas. Other agencies that participated in the preparation of the NCGAP shall implement their commitments thereto. The actions required of the NCC are immediately executable based on the agreed NCGAP-responsive LCCAP, and on all NCC members existing mandates, programs or budgets that are aligned with the action plan, without need for the formulation of the implementing guidelines, rules and regulations for this Act.

All existing laws, rules, and regulations providing protection to coastlines, foreshores, and priority areas shall remain in full force and effect and shall supplement the provisions of this Act unless otherwise terminated, modified or amended.

SEC. 7. *National Coordinating Council.* - There Is hereby established a National Coordinating Council to coordinate the review and implementation of the NCGAP.

The NCC shall be composed of the following members:

(a) Secretary of the Department of Environment and Natural Resources (DENR) who shall act as Chairperson;

(b) Vice-Chairperson of the Climate Change Commission (CCC) as Vice-Chairperson;

(c) Secretary of the Department of Agriculture (DA);

(d) Secretary of the Department of the Interior and Local Government (DILG);

(e) Secretary of the Department of Economy, Development and Planning (DEPDev);

(f) Chairperson of the National Disaster Risk Reduction and Management Council (NDRRMC);

(g) Representative from the academe;

(h) Representative from non-government organizations;

(i) Representative from the private sector;

(j) Representative from artisanal fisherfolk basic sector of the National Anti-Poverty Commission.

The ex-officio members of the NCC may designate their respective permanent representatives to the NCC: *Provided*, That, a permanent representative may designate a duly authorized representative whose rank shall in no case be lower than an undersecretary and whose acts shall be considered as that of the permanent representative: *Provided*, further. That the process for designation of a permanent representative shall be detailed in the implementing rules and regulations of this Act; *Provided*, finally, That the authorized representative shall have no voting right unless duly authorized by the permanent representative in writing.

The representatives from the academe, civil society, and other sectors shall possess relevant work experience and training in disciplines related to climate change, disaster risk reduction, natural resource management, or coastal management, and shall be appointed by the NCC from a list of nominees proposed by its member agencies. Each representative shall serve as a member of the NCC for a period of six (6) years, subject to renewal to be decided by the majority of the members of the NCC and shall perform the duties appurtenant thereto unless they resign, or their representation is withdrawn by the sector that they represent. Appointment to any vacancy shall only be for the unexpired term of the predecessor.

The NCC shall meet once every three (3) months, or as often as may be deemed necessary. The Department shall serve as the secretariat to the NCC, manned by the organic personnel of the Biodiversity Management Bureau (BMB) and may be augmented by the employees from member-agencies of the NCC, through detail or secondment.

SEC. 8. National Technical Working Group. - A National Technical Working Group shall be created for the coordination of national scientific and technical matters, and to support the NCC in the implementation of its powers and functions under Section 8 of this Act.

The Department shall convene a National Technical Working Group composed of:

- a. A technical representative from the Department of Environment and Natural Resources, as lead;
- b. A technical representative from the Climate Change Commission (CCC);

- c. A technical representative from Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR);
- d. Two (2) recognized experts in mangrove and beach forest ecosystems, oceanography or other related disciplines; and
- e. A representative from a non-government organization or a people's organization.

The National Technical Working Group shall provide technical and scientific guidance the design, implementation and evaluation of actions under the NCGAP. The experts shall serve on the Committee without compensation but may be reimbursed for basic expenses to attend meetings and prepare technical reports.

SEC. 9. Role of Local Government Units. - All coastal LGUs shall act as the frontline agencies in the formulation, planning, implementation, and monitoring of their Local Coastal Greenbelt Action Plans, programs and activities within their respective territorial jurisdiction.

The LGUs shall regularly update and integrate their NCGAP-responsive LCGAP into local plans, such as LCCAPs, CLUPs, and CDPs to reflect emerging needs, and changing socio-economic, technological, and environmental conditions. The LGUs shall also ensure that their annual work and investment plans are aligned based on their NCGAP-responsive LCGAP.

The LGUs shall mobilize and allocate the necessary personnel, resources, and logistics to effectively implement their respective LCGAP. Barangays shall be directly involved with municipal and city governments in implementing the LCGAP. The provincial government shall provide technical and budgetary support to their component coastal cities and municipalities and ensure consistency across contiguous cities and municipalities sharing a common priority coastal greenbelt area.

SEC. 10. Local Coastal Greenbelt Action Plan. - Each coastal municipality and city in the identified priority coastal greenbelt areas in the Action Plan shall prepare a local Coastal Greenbelt Action Plan (LCGAP) to facilitate the implementation of mandated actions in the NCGAP within their territorial jurisdiction. The City/Municipal Development Council established pursuant to Section 107(b) of Republic Act No. 7160, otherwise known as the Local Government Code, shall ensure that the coastal greenbelt elements and strategies are incorporated into the mainstreaming process within their respective development plans, land use plans, and other relevant plans,

whether at the highly urbanized city (HUCO, independent component city (ICC), component city or municipal, levels, including the implementation and coordination necessary therefor. A detailed step-by-step process of mainstreaming the LCGAP into the relevant local plans of LGUs shall be provided for in the implementing rules and regulations of this Act.

SEC. 11. *Prohibited Acts.* - The following shall constitute prohibited acts punishable under this Act, without prejudice to accrued liability for acts and omissions punishable under existing environmental laws:

- a. Any person who unjustly obstructs the LGU, DENR, or DA through BFAR and PCSD in the Province of Palawan in the removal of Illegal structures in the process of reversion of AUU fishponds, shall be liable to the agency for an administrative fine of Fifty thousand pesos (P50,000.00) per day that the agency is prevented from performing its function.
- b. No structures shall be built within the identified coastal greenbelts without a permit from DENR, or DA through the BFAR, or PCSD In the Province of Palawan, consistent with their mandates. Any person who violates this prohibition shall, be liable to the agency for an administrative fine of Fifty thousand pesos (P50,000.00) per day from the time the structure was built until its removal.
- c. A crime or offense committed within designated coastal greenbelt areas shall subject the offender to a fine of not less than One hundred thousand pesos (P100,000.00) and not more than Five million pesos (P5,000,000.00), depending on the gravity of the offense.
- d. Any violation of the provisions of this Act and its Implementing rules and regulations duly promulgated and published in accordance with Section 39 of this Act, shall be subject to an administrative fine of Fifty thousand pesos (P50,000.00) upon any person or entity found guilty thereof.

Proceeds from the administrative fines imposed under this Section shall be remitted to the Bureau of the Treasury.

SEC. 12. *Annual Report to Congress.* - The NCC shall report to Congress and the Office of the President on its compliance with its functions under this Act, their progress in meeting the quantitative and qualitative targets under the NCGAP for each fiscal year. The reports shall be presented to the appropriate Committee in Congress at a meeting called for the purpose.

SEC. 13. *Joint Congressional Oversight Committee.* - There is hereby created a Joint Congressional Oversight Committee (JCOC) to monitor the implementation of this Act and to review the implementing rules and regulations promulgated by the DENR for a period not exceeding five (5) years from the effectivity of this Act. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate Committee on Environment, Natural Resources and Climate Change and the House of Representatives Committee on Climate Change. The secretariat of the JCOC shall be drawn from existing personnel of the Senate Committee on Environment, Natural Resources and Climate Change, and House of Representatives Committee on Climate Change.

SEC. 14. *Implementing Rules and Regulations.* - Within sixty (60) days from the effectivity of this Act, the Department of Environment and Natural Resources (DENR) in consultation with other national agencies shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. *Appropriations and other funding sources.* - The amount necessary for the initial implementation of the Act shall be charged against the current year appropriations of the departments or agencies concerned. Thereafter, such sums as may be necessary for the continuing implementation of this Act shall be sourced from and included in the annual General Appropriations Act.

The LGUs concerned may provide the necessary funds for the purpose, in their respective annual budgets.

The NCC, the local development councils, the LGUs, and the national government agencies may source local and international grants, bequests, donations, and other sustainable financing mechanisms in support of implementation. LGUs to be prioritized in the allocation of these funds shall include sixth- up to third-class municipalities and LGUs with existing LCGAP, programs and activities.

The Land Bank of the Philippines, the Development Bank of the Philippines, the People's Credit and Finance Corporation, and other relevant government financial institutions shall formulate and identify loan and financing mechanisms that shall be made available to support local coastal greenbelt programs, including alternative livelihood projects for small-scale fisherfolks and cooperatives.

SEC. 16. Tax Exemption. - All grants, bequests, endowments, donations, and contributions made to the NCC, the local development councils, the LGUs, the DA, the DENR, and the PCSD to be used actually, directly, and exclusively for the implementation of their mandates under this Act shall be exempt from donor's tax and the same shall be considered as allowable deductions from gross income for purposes of computing the taxable Income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 17. Separability Clause. - Should any provision of this Act is declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 18. Repealing Clause. - All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 19. Effectivity. - This Act shall take effect fifteen (15) days after publication in the *Official Gazette* and in two (2) newspapers of general circulation in the Philippines.

Approved,