EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

S. No. 2036

Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT
ESTABLISHING A NATIONAL WETLAND POLICY, PROVIDING MECHANISMS FOR ITS INSTITUTIONALIZATION, AND APPROPRIATING FUNDS THEREOF

EXPLANATORY NOTE

Wetlands refer to a wide variety of inland habitants such as natural pools/ponds, springs, freshwater swamps/marshes, peat lands, floodplains, rivers and lakes, and coastal areas such as estuaries, saltmarshes, mangroves, lagoons, intertidal flats and sea grass beds, and also coral reefs and other marine areas no deeper than six meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies, fish ponds, saltpans, and wastewater treatment ponds. Wetlands also refer to water bodies or aquatic ecosystems except oceans and the deep sea.

The most recent estimate of global inland and coastal wetland area is in excess of 12.1 million km^2, an area almost as large as Greenland (Global Wetland Outlook 2018). For the Philippines, the 2016 Atlas of Philippine Inland Wetlands and Classified Caves put their numbers at 314 inland wetlands and 2,487 river systems. Out of these 314 wetlands are 221 lakes, 12 marshes and swamps, 9 peat lands, 39 water storage, and 31 ponds. Due to its archipelagic nature, the Philippines has numerous coastal wetlands such as coral reefs, sea grass beds, mangrove swamps, estuaries, and intertidal flats.

Wetlands provide a wide range of ecosystem services that is vital for human survival. They provide critical food supplies including rice and fish, fresh water, fiber, and fuel. They also serve as the habitat of threatened species of Philippine flora and fauna and harbors biodiversity that is vital in sustaining life and promoting human well-being and sustainable development. Another notable service of wetlands are its capacity to supply and regulate water and act as natural safeguards against disasters thus protecting vulnerable communities to devastating effects of floods, droughts, and storm surges. Indeed, healthy and well-managed wetlands increase resilience to climate change and extreme weather events.

Despite the wide range of ecosystems services provided by wetlands, they are laced with countless issues and concerns that pose a great challenge in maintaining the integrity of these important ecosystems. One of which is the degradation of wetlands due to their conversion to other land and water uses. These are caused by human actions, such as drainage, dredging and stream channelization, damming, poor agricultural practices, introduction of alien invasive species, and other extractive activities. Natural actions such as drought, severe storms, and climate change also serve as direct and indirect drivers of change for wetlands. These human and natural actions often result to siltation and sedimentation, release of toxic chemicals, pollution, and runoff, changing nutrient levels, subsidence, sea level rise, and loss of biodiversity.

Scientific studies show that 64 percent of the world's wetlands have disappeared since 1900. Compared against figures in 1700s, an estimated 87 percent of wetlands have been lost. Inland wetlands are disappearing at a faster pace than coastal ones but the overall trend is clear. As a result, access to fresh water is declining, while flood control, carbon storage and traditional wetland livelihoods all suffer. (Ramsar, 2014)

The Living Planet Index, created by the World Wide Fund for Nature and the UNEP-World Conservation Monitoring Centre, provides a measure of the trends in more than 3,000 populations of 1,145 vertebrate species around the world and is an aggregate of three separate indices of change in freshwater, marine and terrestrial species. The index showed that freshwater populations have declined consistently

and at a faster rate than the other species groups assessed, with an average decline of 50 percent between 1970 and 2000. In the same period, both terrestrial and marine fauna decreased by 30 percent. In general, the trend is one of continuing decline in each ecosystem over the 30-year period. Therefore, it is clear that global wetland loss and degradation continues faster than any other ecosystems (Millennium Ecosystem Assessment, 2005).

The Convention on Wetlands, also known as the Ramsar Convention, in which the Philippine is a Contracting Party, is the only international treaty focused on the wise use and conservation of wetlands. As a Contracting Party, the Philippines is committed to adopt and implement laws, policies and plans to promote the wise use of wetlands or the maintenance of their ecological character, achieved through the implementation of ecosystem approached, within the context of sustainable development. In the Philippines, there are seven (7) wetlands that have been so far declared as Wetlands of International Importance under the Ramsar Convention. These are the following: (1) Olango Island Wildlife Sanctuary, which constitute 5,800 hectares and found in Cebu *[declared as Ramsar Site (RS) No. 656 on 01 July 1994]*; (2) Naujan Lake National Park, which constitute 14,568 ha. and found in Oriental Mindoro *[declared as RS No. 1008 on 12 November 1999]*; (3) Agusan Marsh Wildlife Sanctuary, which constitute 14,836 ha and found in Agusan del Sur *[declared as RS No. 1009 on 12 November 1999]*; (4) Tubbataha Reefs Natural, which constitute 96,828 hectares and found in Sulu Sea *[declared as RS No. 1010 on 12 November 1999]*; (5) Puerto Princesa Subterranean River National Park, which constitute 22,202 ha. and found in Palawan *[declared as RS No. 2084 on 30 June 2012];* (6) Las Piñas-Parañaque Critical Habitat and Ecotourism Area (also known as the Las Piñas – Parañaque Wetland Park), which constitute 181.63 ha. and found in Las Piñas City and Parañaque City in Metro Manila *[declared as RS No. 2124 on 15 March 2013];* and (7) Negros Occidental Coastal Wetlands Conservation Area, which constitute 89, 607.8 ha. and found in Negros Occidental *[declared as RS No. 2,271 on 20 October 2016].* The inclusion of these wetlands in the Ramsar List indicate that these wetlands are of significant value not only for the country where they are located, but for humanity as a whole; it also embodies the government's commitment to take the steps necessary to ensure that the respective ecological

characters of these wetlands are maintained. There are currently over 2,400 Ramsar Sites around the world. They cover over 2.5 million square kilometers, an area larger than Mexico.

While wetland conservation and wise use is already promoted, directly and indirectly, under existing laws on water resources, water quality management, fisheries and aquatic resources, wildlife resources and their habitats, protected areas, land use development, public infrastructure, and environmental impact assessment, among others, there is no single Philippine legislation that deals specifically on wetlands. The policy review found that not all wetlands are equally protected and that the degree of protection depends on the classification or kind of wetland. Further, most of the wetlands have limited legal protection from uses incompatible with the maintenance of its ecological character. Given that the legal bases for wetland conservation and wise use are dispersed in various laws, there is still a need for a concise policy statement on wetlands to be adopted at the national level.

This legislative measure seeks to guide all concerned national government agencies and local government units in adjusting their sectorial or local policies, plans and programs to be consistent with wetland conservation and wise use. This will also greatly enhance current efforts to raise awareness on the importance of wetlands as the "cradle of biodiversity". This proposed measure will also provide the opportunity to comply with the directives on the mainstreaming of disaster risk reduction and management, climate change and biodiversity conservation in policy formulation.

The approval of this bill will ensure the protection, conservation and wise use of all wetlands, eventually contributing to the human well-being of the present and future generations.

In view of the foregoing, the immediate passage of this measure is earnestly sought.

CYNTHIA A. VILLAR

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

Section 1. *Short Title.* – This Act shall be known as the "National Wetlands Conservation Act".

Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to conserve and wisely use wetlands and wetland resources consistent with the principles of sustainable development, inclusive growth, poverty reduction, food security, biodiversity conservation, climate change adaptation and mitigation, and disaster risk reduction and management, while advancing the right to a balanced and healthful ecology in accordance with the harmony and rhythm of nature.

Sec. 3. *Coverage.* - This Act shall apply to all types of wetlands, both inland, coastal and marine and human-made wetlands, in the Philippines. For human-made wetlands, it shall be limited to those with known high biodiversity value such as, but not limited to, wetlands critical as wildlife habitat and as migratory routes of birds and migratory fishes.

Sec. 4. *Categories of Wetlands.* - Except for deep marine waters, wetlands are composed of water bodies or aquatic ecosystems, as well as their riparian areas. The three (3) broad categories of wetlands are the following:

a. Inland wetlands - are aquatic-influenced environments, sometimes referred to as freshwater or inland water/waterbodies, located within land boundaries; examples are inland deltas springs, creeks, rivers, streams, waterfalls, freshwater swamps and/or marshes, peatland, ponds, floodplain, wet caves and lakes;

b. Coastal wetlands - are wetlands located within the coastal watershed, such as bays, marine shores, estuaries, coastal lagoons, saltmarshes, mangroves swamps, intertidal flats, seagrass beds, coral reefs and other marine areas no deeper than 6 meters at low tide; and

c. Human-made wetlands - are any type of wetland constructed or maintained by humans; examples are dams, reservoirs, rice paddies, fish and shrimp ponds, farm ponds, salt pans, small water impounding areas, and wastewater treatment ponds and lagoons.

Sec. 5. *Definition of Terms.* -

a. *Biological Diversity or Biodiversity* shall refer to the variability among all living organism from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes or which they are part: this includes diversity within species, among species and of ecosystems.

b. *Ecological character* shall refer to the combination of the ecosystem components, processes and benefits/services that characterize the wetland at a given point in time.

c. *Ecosystem approach or ecosystem-based approach* shall refer to a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.

d. *Ecosystem Services or Ecological Services* shall refer to the benefits people obtain from ecosystems. These include provisioning services such as food and water;

regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services, such as nutrient cycling, that maintain the conditions for life on Earth.

e. *Legal Easement* shall refer to an easement by necessity constituted by Law which has for its object either for public use or the interest of private persons (Section 64 of Civil Code).

f. *Riparian areas/zone* shall refer to the area which is the transition between aquatic and terrestrial ecosystem, and the adjacent areas to water bodies, and intermittent streams that are distinguished by gradients in biophysical conditions, ecological processes, and biota;

g. *Sustainable development* shall refer to development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

h. *Wetlands* shall refer to a wide variety of areas such as natural pools/ponds, springs, freshwater swamps/marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as estuaries, saltmarshes, mangroves, lagoons, intertidal flats and seagrass beds, and also coral reefs and other marine areas no deeper than six meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies, fish ponds, saltpans, and wastewater treatment ponds.

i. *Wise use of wetlands* shall refer to the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.

Sec. 6. *Integration and Mainstreaming of Wetland Conservation and Wise Use.* - All government agencies and offices, and local government units (LGUs) shall integrate and mainstream wetland conservation and wise use into their plans, policies, ordinances and rules and regulations, programs, projects, and development planning process. They shall also directly consult with the DENR and affected communities in the development and implementation of their plans, programs and projects within, or having impact, on wetlands.

Sec. 7. *Establishment of wetland conservation areas.* - Wetlands need to be protected and conserved because they are threatened by drainage and conversion to other uses, aquatic pollution, introduction and spread of invasive alien species (IAS), unsustainable aquacultural practices, destructive fishing practices, mining exploration, overexploitation, coral collection, coral reef destruction, sedimentation, unregulated coastal development and urban expansion, and dredging.

Where appropriate, wetlands important for biodiversity conservation shall be prioritized for protection under the National Integrated Protected Areas System (NIPAS) Act, as amended by RA No. 11038, the Wildlife Resources Conservation and Protection Act, or the Revised Fisheries Code, as amended, or through recognition as Indigenous Community Conserved Areas (ICCAs) within the ancestral domains of indigenous people or as Local Conservation Areas through the ordinances of LGUs.

International recognition of suitable wetlands, such as declaration of Wetlands of International Importance (Ramsar Sites), Flyway Sites, ASEAN Heritage Park, World Heritage Site and the like, through the Ramsar Convention on Wetlands, Convention on Migratory Species, East Asian Australasian Flyway Partnership, ASEAN and other such multi-lateral environmental agreements and bodies, shall also be encouraged and supported.

Sec. 8. *Development of a National Wetland Conservation Program.* - A National Wetland Conservation Program shall be developed by the DENR, in coordination with other concerned agencies, sectors, and stakeholders, within one year from the effectivity of this Act to provide direction, support and guidance to the local government units (LGU) and stakeholders in the development and implementation of their local wetland conservation programs. The National Wetland Conservation Program shall be consistent with existing national policies, plans and programs on coastal wetlands and their resources. It shall also define national targets for the conservation of wetlands and the development of its national coordinating mechanism.

The following strategies shall be implemented within the Program:

a. Inventory, assessment and valuation of wetlands. Wetland assessment including bio-capacity and carrying capacity assessment and valuation of wetland ecosystems shall be conducted to measure the full extent of its value and guide agencies on the wise use of wetlands.

b. Wetland Management Plan development and implementation.

c. Rehabilitation of priority wetlands. Prioritization of wetlands for rehabilitation shall be based on a national inventory of wetlands with potential for rehabilitation such as, wetlands susceptible to hazard, and wetlands critical to biodiversity. Rehabilitation of priority wetlands shall adopt ecosystem-based approach to ensure the ecological integrity and original functioning of specific ecosystem. Partnerships may be established with nongovernment organizations, academe and private sector in the rehabilitation of priority wetlands

d. Enforcement of legal easement zones, danger zones and other land use setbacks. All concerned government agencies and LGUs shall strictly implement land use setback provisions imposed by law, such as, but not limited to:

1. Prohibition of the building of any structure along the easement zones of banks or rivers and streams and the shores of the seas and lakes. This easement zone has a width of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas.

2. Construction of houses and other residential structures and buildings at a safe distance from streams or bodies of water.

While primarily intended for human welfare and safety, these land use setback provisions also benefit wetlands by limiting development at certain distances from wetlands. These measures address both disaster risk reduction and wetland conservation concerns.

e. Regulation against wetland drainage, reclamation and filling-in. - In accordance with the law, no further drainage, reclamation or conversion of wetlands shall be permitted, except when necessary for national interest and security subject to existing environmental laws, rules and regulations. In such exceptions, all legal

requirements shall be strictly complied with including, but not limited to, applicable rules and regulations on environmental impact statements and National Economic Development Authority (NEDA) approval for reclamation projects. Wetland conversion that causes adverse effects to the environment shall be prosecuted as a form aquatic pollution.

f. Recognizing best practices through the Philippine Wetland Conservation Awards. The Biodiversity Management Bureau of the DENR shall recognizes individuals, NonGovernment Organizations (NGOs), People's Organizations (POs) and Local Government Units (LGUs) with significant contributions to the wise use of the country's wetlands through the Philippine Wetlands Conservation Awards (PWCA).

g. Research and Development. (including Green House Gas Inventory)

h. Assessment of vulnerability of priority wetlands to climate change and disaster risk.

i. Database and knowledge management.

j. Implementation of soil and water conservation technologies.

k. Measures to address invasive alien species

l. Adopt-a-Wetland scheme through Public-Private Partnership

m. Communication, education, participation, capacity-building and awareness program.

Sec. 9. *Lead Implementing and Monitoring Agency.* - The Department of Environment and Natural Resources (DENR) through its Biodiversity Management Bureau shall be the lead agency in monitoring overall implementation and compliance with this Act, particularly by all government agencies.

The Department of Interior and Local Government (DILG) shall monitor compliance by local government units and shall formulate and implement incentive schemes to promote wetland conservation and wise use practices through effective local governance.

Sec. 10. *Role of Local Government Agencies.* – The municipal, city, or provincial Local Government having territorial jurisdiction over the wetlands shall integrate with their urban development plan, conservation measures being implemented in this Act. In this regard, it shall be categorized as a criminal act, to issue permits, documents, as well as eviction and resettlement of occupants of danger zones such as riverbanks and shorelines, including lakeshores and seashores, and effects in violation of this Act.

Sec. 11. *Appropriations.* - The amounts necessary to implement this Act during the first year of implementation shall be sourced from the DENR. Thereafter, such amounts necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act.

Sec. 12. *Implementing Rules and Regulations.* - Within six (6) months from the date of this Act, the DENR, in close coordination with concerned agencies, shall prepare the IRR of this Act.

Sec. 13. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, any part or provisions hereof not affected thereby shall continue to be in full force and effect.

Sec. 14. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations or parts thereof which are contrary or inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 15. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,