

NINETEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 8371

EXPLANATORY NOTE

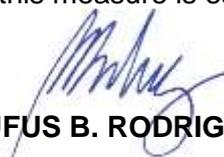
According to scientific research, the Kalayaan Island Group (KIG) and Scarborough Shoal have diverse marine ecosystem, including coral reefs and different fish species. This measure aims to abide with international law, notably the United Nations Convention on the Law of the Sea, and recognizes their ecological significance.

Hence this bill which designates the three nautical miles in the West Philippine Sea that surround the Kalayaan Island Group (KIG) and Scarborough Shoal as a marine protected area (MPA). This measure intends to safeguard the region's ecological balance and wellbeing and is consistent with existing law, such as the National Integrated Protected Areas System Act.

This bill covers the Kalayaan Island Group and Scarborough Shoal Marine Protected Area (KIGSS-MPA) and defines terms pertaining to its requirements. It prohibits dangerous activities like unsafe fishing methods, toxic waste disposal, and unlawful construction within the KIGSS-MPA. Additionally, it creates a management board and office to monitor the area's protection and management, which calls for the creation of a management plan and coordination with pertinent governmental organizations.

The Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight Committee (KIGSS-MPA-JOC) will be established to ensure efficient implementation.

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


RUFUS B. RODRIGUEZ

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AN ACT

DECLARING THE THREE (3) NAUTICAL MILES SURROUNDING THE KALAYAAN ISLAND GROUP AND SCARBOROUGH SHOAL IN THE WEST PHILIPPINE SEA AS MARINE PROTECTED AREA UNDER REPUBLIC ACT NO. 7586 OR THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 1992, AS AMENDED BY REPUBLIC ACT NO. 11038, OR THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 2018

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 “KIG and Scarborough Shoal Marine Protected Area Act.”

Section 2. Declaration of Policy – Article II, Section 16 of the 1987 Constitution declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Section 3. Definition of Terms – For purposes of this Act, the following terms shall be defined as follows:

- a. **Arbitral Tribunal Ruling** – refers to the July 12, 2016 ruling rendered by the arbitral tribunal of the Permanent Court of Arbitration in The Hague adjudicating the Philippines’ case against China in the West Philippine Sea in accordance with the 1982 UNCLOS;
- b. **Atolls** – refers to a reef with or without an island situated on it surrounded by the open sea, that encloses or nearly encloses a lagoon;
- c. **Buffer Zones** - refers to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area;
- d. **Kalayaan Island Group** – refers to the group of islands and islets located in the West Philippine Sea including the seabed, sub-soil, continental margin and airspace, declared to be subject to the sovereignty of the Philippines under Presidential Decree No. 1596, and was likewise declared as part of the Regime of Islands by Republic Act No. 9522, or An Act to Define the Baselines of the Territorial Sea of the Philippines;
- e. **Marine Protected Area** - refers to identified portions of water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

- f. **National Park** - refers to the lands of the public domain classified as such in the Constitution which include all areas under the NIPAS pursuant to this Act, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity;
- g. **Protected Area** - refers to identified portions of land and/or water set aside by reason of their unique physical and biological diversity and protected against destructive human exploitation;
- h. **Reefs** - refers to a mass of rock or coral which either reaches close to the sea surface or is exposed at low tide;
- i. **Scarborough Shoal** - refers to an area located in the West Philippine Sea which was declared part of the Regime of Islands under R.A. No. 9522;
- j. **Strict Protection Zones (SPZs)** - refers to portions within protected areas that are closed to human activities by virtue of their significant biodiversity value, high susceptibility to geo-hazard, and identification as permanently dangerous. These areas may also include habitats of threatened species, or degraded areas that are designated for restoration and subsequent protection, regardless of their stages of regeneration;
- k. **UNCLOS** – refers to the 1982 United Nations Convention on the Law of the Seas;
- l. **West Philippine Sea** – refers to the maritime areas on the western side of the Philippine archipelago within the Exclusive Economic Zones (EEZ) over which the Philippines exercises sovereign jurisdiction including the Luzon Sea as well as the waters around, within and adjacent to the Kalayaan Island Group and Bajo De Masinloc, also known as Scarborough Shoal.

Section 4. Scope – The area covered by the Kalayaan Island Group and Scarborough Shoal Marine Protected Area (KIGSS-MPA) subject of this Act shall be all the areas within three (3) nautical miles from the baselines surrounding the KIG and Scarborough Shoal as established by R.A. No. 9522.

Section 5. Declaration of Protected Area and Strict Protection Zone – It is hereby declared that the area covering the KIGSS-MPA as specifically identified in the preceding section is hereby declared as a protected area and shall enjoy the benefits and protection afforded by R.A. No. 7586, as amended: Provided, That the Secretary of the Department of Environment and Natural Resources (DENR Secretary), upon the recommendation of the Protected Area Management Board (PAMB), shall designate Strict Protection Zones (SPZs) within the KIGSS-MPA in areas with significant biodiversity values or habitats of threatened species, based on a comprehensive biodiversity inventory and assessments: Provided, further, That any and all international treaties or rulings, Philippine laws, rules, and regulations involving the protection, conservation of KIGSS-MPA shall be strictly observed and implemented.

The DENR Secretary, also upon recommendation of the PAMB, may designate areas surrounding the KIGSS-MPA as Buffer Zones for the purpose of providing extra layer of protection where restrictions may be applied.

Section 6. Prohibited Acts – The following are the prohibited acts within the KIGSS-MPA:

- a. Using of any fishing or harvesting gear and practices or any of their variations that destroys coral reefs, seagrass beds or other marine

life: Provided, that mere possession of such gears within the protected areas shall be prima facie evidence of their use;

- b. Dumping, throwing, using, or causing to be dumped into or placed in the protected area of any toxic chemical, noxious or poisonous substance or nonbiodegradable material, intreated sewage or animal waste or products whether in liquid, solid, or gas state, including pesticides and other hazardous substances as defined under Republic Act No. 6969 or the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990 detrimental to the protected area, or the living things inhabiting in within the protected area;
- c. Littering or depositing refuse or debris within the protected area;
- d. Possessing or using blasting caps or explosives anywhere within the protected area;
- e. Undertaking mineral exploration or extraction within the protected area;
- f. Establishing or introducing exotic species including genetically modified organisms or invasive alien species within the protected area;
- g. Constructing, installing, erecting, or maintaining any kind of structure, fence, or enclosure whether temporary or permanent, within the protected area: Provided, that structures and projects for biosphere development shall be allowed: Provided, further, that such activities shall be with prior coordination with DENR through the PAMB;
- h. Any other act that will tend to or actually result in the disturbance, killing, destruction, endangerment, devastation, or annihilation of the natural flora and fauna found within the protected area.

Any violation of this Act shall be prosecuted pursuant to R.A. No. 7586, as amended, any existing environmental law, rule, or regulation.

Section 7. Creation of the Kalayaan Island Group and Scarborough Shoal Protected Area Management Board and Protected Area Management Office – The Kalayaan Island Group and Scarborough Shoal Protected Area Management Board (KIGGS-PAMB) and the Kalayaan Island Group and Scarborough Shoal Protected Area Management Office (KIGSS-PAMO) are hereby created with the same composition, powers and functions as defined in Sections 9 and 10 of RA 7586, as amended: Provided, That the Palawan Council for Sustainable Development, which was created pursuant to Republic Act No. 7611, or the Strategic Environmental Plan (SEP) for Palawan Act, shall be included as a member in the KIGSS-PAMB.

Section 8. Management Plan and Engagement of Cooperation of Other Agencies - The KIGSS-PAMB and KIGSS-PAMO shall craft a management plan for the protection of the KIGSS-MPA within one (1) year from the effectivity of this Act, which shall be reviewed and assessed every three (3) years for possible improvements or amendments, or whenever the need arises. It shall include specific strategies and programs for the preservation and protection of atolls, reefs, and corals within the KIGSS-MPA.

The KIGSS-PAMB and KIGSS-PAMO shall engage the cooperation of other Government Agencies in the implementation of their management plan. The Department of Transportation (DOTr), Department of Information and Communications Technology (DICT), Department of Agriculture (DA), and Department of Interior and Local Government (DILG) shall provide assistance in the monitoring of activities within the KIGSS-MPA, which may include, if necessary, the installation of monitoring devices on vessels and establishment of needed facilities within the area.

Section 9. Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight Committee – to oversee the effective implementation of this Act, a special congressional oversight committee to be known as the Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight Committee (KIGSS-MPA-JOC) composed of the members from the Committees on Natural Resources and Committee on the West Philippine Sea from both upper and lower houses of congress is hereby created. The KIGSS-MPA-JOC, which shall be jointly headed by the Chairpersons of the Committees on Natural Resources from both houses, shall convene biannually, or as often as may be necessary in order to ensure the implementation of this Act.

The KIGSS-PAMB and KIGSS-PAMO shall submit an annual report to the KIGSS-MPA-JOC on the status of the KIGSS-MPA and implementation of this Act.

Section 10. Appropriation – An annual operating budget of at least Ten Million Pesos (Php10,000,000.00) shall be allocated for the implementation of this Act, which shall be sourced from the DENR Biodiversity Management Bureau (BMB) annual appropriations. The annual operation budget for the KIGSS-MPA shall be a separate item from the annual budget proposal of the DENR BMB.

Section 11. Repealing Clause - All laws, rules, regulations, executive orders, presidential decrees or any other issuance contrary to or inconsistent with any of the provisions of this Act are hereby deemed repealed or modified accordingly.

Section 12. Separability Clause - If any provision or part of this Act shall be declared unconstitutional, the remaining provisions which are not affected shall remain in full force and effect.

Section 13. Effectivity - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,