



One of the basic and essential tasks in assessing the existing policy framework is the scoping and identification of available legal and administrative instruments. This listing of laws, issuances and administrative orders is organized thematically for easy reference and contains abridged descriptions of particular laws or provisions thereof.

Sovereignty is established by virtue of a constitutional provision that states, “*all lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State*”... “*the exploration, development and utilization of natural resources shall be under the full control and supervision of the State*”... “*the State shall protect the nation’s marine wealth in its archipelagic waters, territorial seas and exclusive economic zone and reserve its use and enjoyment exclusively to Filipino citizens*”.

The allocative function is borne by the constitutional provision allowing “*small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority [given] to subsistence fishermen and fishworkers in rivers, lakes, bays and lagoons*”. The LGC, aside from re-allocating powers from the central government, also broadens the revenue-generating capacity of LGUs, which is tantamount to re-allocation of wealth.

Regulations spell out the “do’s and don’ts” of resource usage. Included here are primary (statutes) and subsidiary laws, i.e., administrative orders of relevant government agencies. Related to the regulatory function is the deterrence function. Usually, offenses that are addressed by this function carry a penal character. Tobin (1992) opines that laws intended to improve CRM are likely to be reductive, i.e., with the purpose of reducing the occurrence of undesirable or harmful behavior.

Another theme is protection. The Philippine Environmental Policy (PD 1151), the NIPAS Act and various provisions of PD 705 on mangrove protection are examples of this type of legislation. The constitutive function establishes or defines the mandates of government agencies while the last theme is developmental, or that which provides for investment/development incentives or guidelines.

- 1.1 **Constitution. Article II, Sec. 16.** 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.
- 1.2 **Constitution. Art. XII, Sec. 2. (The Regalian doctrine).** All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, flora and fauna, and other natural resources are owned by the State. The exploration, development, and utilization of

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natural resources shall be under the full control and supervision of the State.

- 1.3 **Constitution. Art. XIII:** The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged.
- 1.4 **RA 7942. Philippine Mining Act of 1995, Sec. 2.** All mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State. **Sec. 4:** Mineral resources are owned by the State and the exploration, development, utilization, and processing thereof shall be under its full control and supervision.
- 1.5 **PD 463 (as amended by PD 1385 and PD 1677). Mineral resources development decree of 1974.** All mineral deposits in public or private lands within the territorial limits of the Philippines belong to the State.
- 1.6 **PD 1067. The Water Code, Art. 3.** All waters belong to the State; all waters that belong to the State cannot be subject to acquisitive prescription; the State may allow the use or development of waters by administrative concession.

2.0 ALLOCATION

- 2.1 **Constitution. Art. XII, Sec. 2.** The State shall protect the nation's marine wealth in its archipelagic waters, territorial seas and EEZ, and reserve its use and enjoyment exclusively to Filipino citizens. The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority [given] to subsistence fishermen and fishworkers in rivers, bays, lakes and lagoons.
- 2.2 **Constitution. Art. XII, Sec. 5.** The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.
- 2.3 **Constitution. Art. XIII, Sec. 7.** Protection of the right of subsistence fishers, especially of local communities, to the preferential use of the communal marine and fishing resources; ii) support to fishers through appropriate technology and research, adequate financial, production and marketing assistance and other services; iii) protection, development and conservation of communal marine and fishing resources, extending to offshore fishing grounds of subsistence fishers, against foreign intrusion.
- 2.4 **Commonwealth Act 141. (Public Land Act of 1936). Title III, chapter IX.** classification and concession of





public lands suitable for residence, commerce and industry. *Sec. 59-68.* rules governing sale or lease of reclaimed, foreshore, and/or marshy public lands.

- 2.5 **RA 7076. *An act creating a people’s small-scale mining program and for other purposes.*** Promotion and rationalization of viable small-scale mining activities in order to generate more employment opportunities and provide an equitable sharing of the nation’s mineral resources.
- 2.6 **RA 7942. *Philippine Mining Act of 1995, Sec. 2.*** The State shall recognize and protect the rights of the indigenous cultural communities to their ancestral lands as provided for by the Constitution. *Sec. 5.* A small-scale mining cooperative covered by Republic Act 7076 shall be given preferential right to apply for a small-scale mining agreement for a maximum aggregate area of twenty-five percent (25%) of such mineral reservation, subject to valid existing mining/quarrying rights as provided under Section 112 Chapter XX hereof.
- 2.7 **DAO 23, s1995.** Implementing rules and regulations of RA 7942 otherwise known as the Philippine mining act; includes provisions on administrative functions; scope of application; quarry operations; mineral reservations and environmental protection.
- 3.1 **RA 6541.** Prohibiting electrofishing and punishing offenders.
- 3.2 **RA 6975 (Dec. 13, 1990), *An act establishing the Philippine National Police under a reorganized Department of Interior and Local Government, and for other purposes; Sec. 24 and Sec. 35 (b).*** Powers and functions of the PNP, in addition, the PNP shall absorb the police functions of the Coast Guard; Support units - the PNP shall be supported by administrative and operational support units; MARITIME — headed by a Director with the rank of Chief Superintendent, the Maritime Police Unit shall perform all police functions over Philippine territorial waters and rivers.
- 3.3 **RA 7161 (1991).** Incorporating certain sections of the Internal Revenue Code to PD 705, among others, bans the cutting of all species of mangroves.
- 3.4 **RA 7942. *Philippine Mining Act, Chapter VII, Quarry Resources.*** Any qualified person may apply to the provincial/city mining regulatory board for a quarry permit on privately-owned lands and/or public lands for building and construction materials. A permittee shall pay a quarry fee as provided for under the implementing rules and regulations; the permittee shall also pay the excise tax as provided by pertinent laws.

3.0 REGULATION AND DETERRENCE



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Any qualified person may be granted a permit by the provincial governor to extract and remove sand and gravel from an area of not more than 5 ha. Any qualified person may be granted an exclusive sand and gravel permit by the provincial governor to quarry and utilize sand and gravel or other loose or unconsolidated materials from public lands for his own use provided there will be no commercial disposition thereof.

- 3.5 **PD 1015.** The President of the Philippines, upon the recommendation of the Secretary of Natural Resources, may ban the operation of commercial and other fishing gears within a distance of 7 km from shoreline.
- 3.6 **PD 1058.** Increases penalties provided for under PD 704 for certain forms of illegal fishing and dealing in illegally caught fish, etc.
- 3.7 **PD 1198.** Amendment of PD 1219 (1977) and limitation of permits to gather corals in limited quantities for scientific or educational purposes only and limits the grant of a special permit to experimental collection of precious and semi-precious corals.
- 3.8 **PD 1219.** Promotion and regulation of the exploration, exploitation, utilization and conservation of coral resources, whether existing beneath territorial waters or in the marine economic zone of the Philippines, and to ensure the protection of these resources as provided for under other existing laws.
- 3.9 **PD 463. Mineral Resources Development Decree.** Also sets penalty for those causing sludge or tailing and other mine and mill wastes to accumulate in, or flow from their mining claims so as to cause danger, injury or obstruction to any public road, rivers, or streams; establishment and reversion of mineral reservations; existing claims in reservations and prospecting, exploration and exploitation of minerals in reserved lands and mineral reservations; offshore areas established as mineral reservations. **Quarry resources.** May be exploited only through permits on privately-owned lands or through licenses on public lands; a valid holder of a quarry permit shall have the right to extract, remove and dispose of all the quarry resources found on or underneath the surface of the area embraced in his permit or license, subject to existing laws, rules and regulations promulgated thereunder.
- 3.10 **PD 601. Revised Coast Guard Law of 1974, Sec. 2a and f.** The Philippine Coast Guard created pursuant to RA 5173 shall have the following general objectives: a) to enforce or assist in the enforcement of all applicable laws upon the high seas and territorial waters of the Philippines including ports, customs zones, waterways and other inland waters; f) to enforce laws, promulgate and administer regulations for marine environmental protection of the territorial waters of the Philippines.



- 3.11 PD 704. Fisheries Decree of 1975.** Regulation of fishery activities and development of fishery industry.
- 3.12 PD 704, Sec. 17.** Prescribes the rules for issuance of commercial fishing boat license and restricting commercial fishing operations to waters seven (7) or more fathoms deep.
- 3.13 PD 704, Sec. 23.** No public lands suitable for fishpond purposes shall be disposed of by sale except those that have been processed and approved before Nov. 9, 1972; such application covers fully developed fishponds not exceeding 24 ha.
- 3.14 PD 704, Sec. 24.** Fishpond lease is for a period of 25 yrs, renewable under 25 years also; 50% of leased area should be developed and producing on a commercial scale within 3 years with the remaining portion being developed and producing commercially within 5 years, beginning from execution of lease contract; lease areas not developed within 5 years shall revert to public domain for disposition (excluding the previous leaseholder); no portion should be sub-leased.
- 3.15 PD 704, Sec. 25.** Size of fishponds is 50 ha for individuals and 500 ha for associations and corporations; a larger area may be approved by the Secretary.
- 3.16 PD 704, Sec. 26.** The Bureau, subject to the approval of the Secretary, shall identify and set aside public lands which shall be subdivided into family-sized ponds and leased in accordance with guidelines established by the Fishery Industry Development Council.
- 3.17 PD 704, Sec. 31 and Sec. 37.** Outlines prohibitions and penalties, among them, prohibitions on various forms of illegal fishing, fishing with fine mesh nets, trawling in waters less than 7 fathoms; ban on the export of *bangus* fry and pollution of waters.
- 3.18 PD 704, Sec. 38.** Prescribing the penalties for various offenses outlined in PD 704.
- 3.19 PD 705. Forestry Code, Sec. 13.** Mangrove and other swamps not needed for shore protection and suitable for fishpond purposes shall be released to, and be placed under the administrative jurisdiction and management of BFAR.
- 3.20 PD 705. Forestry Code, Sec. 16.** Areas needed for forest purposes include strips of mangroves or swamplands at least 20 meters wide, along shorelines facing oceans, lakes and other bodies of water, and



strips of land at least 20 m wide facing lakes; all mangrove swamps set aside for coastal protection shall not be subject to clear cutting operation; mangrove swamps released to the BFAR for fishpond purposes which are not utilized, or which have been abandoned for 5 years shall revert to the category of forest land.

- 3.21 **PD 705. Forestry Code, Sec. 33.** Identifies river banks, easements, deltas, swamps, former river beds and beaches as reforestable areas and covered with suitable and sufficient trees.
- 3.22 **PD 705. Forestry Code, Sec. 38.** Control of concession area needed for license agreement which is transferrable; obligation of holder to adopt all protection and conservation measures conforming to multiple use and sustained yield management.
- 3.23 **PD 705. Forestry Code, Sec. 43.** Mangrove forests which protect the shoreline, the shoreline roads, and even coastal communities from the destructive force of the sea during high winds and typhoons shall be maintained and not alienated; such strips must be kept from artificial obstructions.
- 3.24 **PD 825. Providing penalty for improper disposal of garbage and other forms of uncleanness and for other purposes.** Garbage, filth and other waste matters shall be placed in proper receptacles for the disposition thereof by garbage collectors; sets penalty for any person littering; assigns the Secretary of Public Works and health officials as well as LGUs to supervise implementation of this decree.
- 3.25 **PD 984. Pollution decree of 1976.** Provides guidelines on waste and effluent management.
- 3.26 **EO 211.** Prescribes the interim procedures in the processing and approval of applications for the exploration, development and utilization of minerals.
- 3.27 **LOI 1328.** Prohibits the operation of commercial trawl and purse seine in marine waters within 7 km from shoreline of all provinces in the Philippines.
- 3.28 **LOI 480.** Bans commercial trawls and purse seines within a distance of 7 kilometers from the shorelines of Northern Leyte, Southern Leyte, Northern Samar, Eastern Samar, Western Samar, and Sorsogon.
- 3.29 **DAO 07, s1989.** Suspension of the acceptance of application and issuance of prospecting permits in government reservations (including mangrove reserves).
- 3.30 **DAO 102, s1989.** Lifts the suspension on acceptance of application and issuance of prospecting and



exploration permits in forest reserves.

- 3.31 **DAO 14, s1989.** Amends MNR AO No. 518, s1984, on the establishment of certain areas in Northwestern Palawan as marine turtle sanctuary and promulgation of rules for the administration and control thereof.
- 3.32 **DAO 15, s1990, Sec. 11.** Continuing assessment of mangrove resources.
- 3.33 **DAO 15, s1990, Sec. 13.** Mangrove plantation developers shall be allowed to cut the planted trees found within their respective plantations through clear cutting by strips system, provided they secure a permit from the immediate office of the DENR.
- 3.34 **DAO 15, s1990, Sec. 14.** Silviculture practice should be a combination of seed-tree method and planting; in the course of harvesting, at least 40 healthy trees per hectare shall be retained.
- 3.35 **DAO 15, s1990, Sec. 3.** Granting and/or renewal of mangrove timber license in areas outside the coverage of FLAs shall no longer be allowed.
- 3.36 **DAO 15, s1990, Sec. 4.** No conversion of thickly vegetated mangrove forests shall be allowed.
- 3.37 **DAO 15, s1990, Sec. 5.** In cases where legally acquired and productive fishponds are within mangrove forest reserves and wilderness areas and the government decides to revert them to forest lands, owners will be justly compensated.
- 3.38 **DAO 15, s1990, Sec. 6.** Issuance of certificate of stewardship contract.
- 3.39 **DAO 15, s1990, Sec. 7.** No cutting of trees within existing FLA areas shall be allowed without a permit from DENR.
- 3.40 **DAO 15, s1990, Sec. 9.** Fishpond development allowed only in denuded areas which have been zonified as suited for such activity. Estuarine mangroves which are predominantly, if not totally, vegetated with shrubs shall not be disposed for fishpond development.
- 3.41 **DAO 85, s1990.** Imposes fees on mine tailings and wastes to compensate for damage to lands, agricultural crops, forest products, marine life, aquatic resources and the destruction of infrastructure which are privately

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owned.

- 3.42 **DAO 34, s1990.** Revised water usage and classification/water quality criteria amending sections 68 and 69, Chapter III of the 1978 NPCC rules and regulations. Includes water quality classification for coastal and marine waters starting with SA: waters suitable for propagation of shellfish, tourist areas and coral reef parks; SB: recreational water class I for bathing, swimming, diving; fishery water class I for spawning areas of bangus and similar species; SC: recreational water class II for boating and fishery; water class II for commercial and sustenance fishing.
- 3.43 **DAO 35, s1990.** Establishes effluent standards.
- 3.44 **DAO 03, s1991.** Policy and guidelines for the award and administration of mangrove stewardship agreement.
- 3.45 **DAO 04, s1991.** Revises regulations governing the Integrated Social Forestry Program.
- 3.46 **DAO 34, s1991.** Guidelines for the issuance of environmental compliance certificate for fishpond development.
- 3.47 **DAO 55, s1991.** Declaring *dugong* or sea cow as protected marine mammal in the Philippines.
- 3.48 **DAO 28, s1992.** Guidelines for the issuance of permits for pebble-picking along beaches.
- 3.49 **DAO 34, s1992.** Rules and regulations to implement RA 7076, otherwise known as "People's Small Scale Mining Act of 1991".
- 3.50 **DAO 29, s1991.** Guidelines for the inventory and sketching of foreshore areas.
- 3.51 **DENR Memorandum Circular No. 5.** Conditions governing the issuance of mangrove cutting permits within approved FLA areas and the survey of mangrove areas for FLA applicants.
- 3.52 **FAO 3.** Provides for the conservation of *banak* (mullet), establishing a closed season from November 15 to January 15 of each year, and regulating construction of fish corrals (must be at least 200 m apart).
- 3.53 **FAO 11.** Rules and regulations for the protection of marine mollusca, e.g., licensing requirements, minimum





size of shells that can be taken.

- 3.54 **FAO 24.** Regulations governing the scientific examination of fish caught or carried by fishing boats and for the other purposes.
- 3.55 **FAO 29.** Rules and regulations governing the gathering of aquatic turtle eggs.
- 3.56 **FAO 76.** Regulations governing the collecting and gathering of marine turtles.
- 3.57 **FAO 82.** Prohibits the operation of all fishing gears using strong light to attract fish in Taal Lake.
- 3.58 **FAO 88.** Regulations for the conservation of turtles, turtle eggs and turtle shell in the Philippines.
- 3.59 **FAO 118.** Establishes a fish sanctuary in Taal Lake to be known as the Taal Lake Sanctuary.
- 3.60 **FAO 122.** Prohibits the use of *pantukos* (seine used to catch *siliniasi*).
- 3.61 **FAO 125.** Rules and regulations governing the granting of 25-year FLAS.
- 3.62 **FAO 127.** Prohibits the operation of motorized push nets (*sarap/sacag*) to catch *tabios/sinarapan* in Lakes Buhi and Bato, Camarines Sur.
- 3.63 **FAO 129.** Bans the capture, sale, possession, and transport of *sabalo*.
- 3.64 **FAO 144.** Rules and regulations on commercial fishing: licensing, restrictions (**Sec. 12 and 13**), catch recording.
- 3.65 **FAO 146, s1983.** Rules and regulations governing the gathering and farming of seaweeds.
- 3.66 **FAO 148.** Regulations on gathering, catching, taking, or removing of marine tropical aquarium fish.
- 3.67 **FAO 155.** Regulates the use of fine mesh nets in fishing.
- 3.68 **FAO 156.** Prohibits commercial trawl fishing and purse seine operations within a distance of 7 km from the

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shorelines and directs law enforcement authorities to enforce such ban.

- 3.69 **FAO 157.** Rules and regulations on the gathering, taking, collection of *kapis* of the species *Placuna placenta*.
- 3.70 **FAO 158.** Prohibits the gathering, sale, and transport of mollusks belonging to the genus *Triton* or *Charonia* and *Cassis*.
- 3.71 **FAO 160.** Rules and regulations governing the construction, establishment or operation of fishpens and fish cages in Philippine waters.
- 3.72 **FAO 161.** Revised rules and regulations governing the issuance of lease for pearl culture.
- 3.73 **FAO 162.** Revised rules and regulations governing the issuance of permit for the exportation of live mud crabs or alimango (*Scylla serrata*).
- 3.74 **FAO 163.** Prohibits the operation of *muro-ami* and *kayakas* in all Philippine waters.
- 3.75 **FAO 164.** Rules governing the operation of *hulbot-hulbot* in Philippine waters.
- 3.76 **FAO 165.** Establishes a closed season of five (5) years for the operation of commercial fishing boats including the operation of a gear known as *buli-buli* within the water portion of Lamon Bay, Lopez Bay and Calauag Bay in Quezon.
- 3.77 **FAO 166.** Establishes a closed season of five (5) years in Panguil Bay for the operation of filter net, which is locally known as *sanggab*.
- 3.78 **FAO 167.** Establishes a closed season of five (5) years for the conservation of sardines and herrings and mackerels in the Visayan Sea.
- 3.79 **FAO 168.** License requirements for gathering or culturing shelled mollusks in Philippine waters.
- 3.80 **FAO 170.** Prohibits the operation of *sudsod* (scissors or push net) in Panguil Bay.



- 3.81 **FAO 171.** Establishes a closed season of five (5) years for the operation of commercial fishing boats within the water portion of Macalajar Bay, Cagayan de Oro City.
- 3.82 **FAO 172.** Establishes a closed season of five (5) years for the operation of commercial fishing boats and the employment of *hulbot-hulbot* by both commercial and municipal fishing boats in Polillo Strait and portion of Lamon Bay, Quezon Province.
- 3.83 **FAO 173.** Bans the exportation of *bangus* fingerlings (*hatirin*).
- 3.84 **FAO 174.** Establishes a closed season of 5 years for the operation of ringnets using fishing boats more than 3 GT within 7 km from the shoreline of Camiguin Province.
- 3.85 **FAO 175.** Establishes a closed season of 5 years for the operation of commercial or municipal fishing boats using trawl, modified Danish seine or motorized push net in Manila Bay.
- 3.86 **FAO 183.** Prohibits the importation of yellowfin tuna and tuna products from certain countries.
- 3.87 **FAO 184.** Guidelines on the experimental collection of precious and semi-precious corals in Philippine waters.
- 3.88 **FAO 185.** Ban on the taking or catching, sale, purchase, possession, and transport of dolphins.
- 3.89 **FAO 185-1.** Amending FAO 185 by adding whales and porpoises in the ban on the taking or catching, sale, purchase, possession, and transport of dolphins.
- 3.90 **FAO 187.** Revised schedule of fees and charges for services rendered by the Bureau of Fisheries and Aquatic Resources.
- 3.91 **FAO 188.** Prohibits the operation of tuna purse seine nets with mesh size less than 3.5 inches.
- 3.92 **FAO 190.** Regulations governing *pa-aling* fishing in Philippine waters; prohibits operation of *pa-aling* in municipal waters.
- 3.93 **MNR AO 3.** Land suitable for fishpond development shall not be classified as alienable or disposable but zonified as areas suitable for fishpond development; these areas are under the administration and

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management jurisdiction of BFAR; processing of FLAs shall be a responsibility of BFAR.

- 3.94** *MNR AO 12, s1974.* Regulations for the conservation of marine turtles in the Philippines.
- 3.95** *Lands Administrative Order No. 8-3 (1936; as amended).* Rules and regulations governing the issuance of temporary permits of occupation and use of non-mineral, non-timber public lands and of lands and other real properties of the Commonwealth of the Philippines.
- 3.96** *Lands General Circular No. 58 (1979).* Directs District Land Officers to collect occupation fees on foreshore, marshy, reclaimed, and other Government Lands occupied by any person or entity without authority or permit.
- 3.97** *DENR Memorandum Circular No. 12 (September 10, 1991).* Policy on the issuances of licenses, leases, and permits covering islands with areas less than 50,000 hectares.
- 3.98** *DENR Memorandum Circular No. 7 (May 15, 1991).* Conditions governing the issuance of mangrove cutting permits within approved FLA areas and the survey of mangrove areas for FLA applicants.
- 4.1** *RA 6969 and DAO 29. Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 and implementing guidelines.* Classify what wastes are hazardous; set rules and responsibilities and instructions for handlers of wastes; provide a manifest system to track hazardous substances.
- 4.2** *RA 7586. NIPAS Act.* Establishment and management of the National Integrated Protected Areas System (NIPAS). NIPAS encompasses outstanding remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animal, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as protected areas.
- 4.3** *RA 7611.* An act adopting the strategic environmental plan for Palawan, creating the administrative machinery for its implementation, converting the Palawan integrated area development project office to its support staff, providing funds therefore, and for other purposes.
- 4.4** *PD 1067. Water resources code, Art. 73 and 74.* The conservation of fish and wildlife shall receive proper

4.0 PROTECTION





consideration and shall be coordinated with other features of water resource development programs to ensure that fish and wildlife values receive equal attention with other project purposes. Swamps and marshes which are owned by the State and which have a primary value for waterfowl propagation or other wildlife purposes may be reserved and protected from drainage operation and development.

- 4.5 PD 1151. Philippine Environmental Policy.** Creation, development, maintenance and improvement of conditions under which man and nature can thrive in productive and enjoyable harmony with each other, to fulfill the social, economic and other requirements of present and future generations of Filipinos and to ensure the attainment of an environmental quality that is conducive to a life of dignity and well-being.
- 4.6 PD 1152. Philippine Environment Code.** i) Management of air and water quality, land use; ii) natural resource management and conservation; waste management; iii) conservation and utilization of surface and groundwaters; iv) population and environment balance; v) preservation of cultural environment; vi) integration of environmental education into the school curriculum; and (vii) tax incentives for the installation and manufacture of anti-pollution equipment and devices.
- 4.7 PD 1586. Environmental Impact Statement System.** All agencies and instrumentalities of the national government, including GOCCs, private corporations, firms and entities with projects or proposed projects that may significantly affect environmental quality must comply with an Environmental Impact Statement System.
- 4.8 PD 2151.** Declaration of certain islands and/or parts of the country as wilderness areas.
- 4.9 PD 2152.** Declaration of the entire province of Palawan and certain parcels of the public domain and/or parts of the country as mangrove swamp forest reserves.
- 4.10 PD 856. Sanitation Code, Chap. 7, Industrial hygiene.** Sewage disposal should be by means of a municipal or city sewerage system; all wastes incident to the operation of the industrial plant shall be collected, stored, or disposed of in a manner to prevent health hazards, nuisances, and pollution; an abatement program for the control of vermin shall be maintained.
- 4.11 PD 979. Marine Pollution Decree.** i) prevention and control of marine pollution due to dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with legitimate uses of the sea within territorial jurisdiction of the Philippines; ii)

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responsibility to promulgate national rules and policies governing marine pollution is vested on the EMB; iii) responsibility to enforce laws, rules and regulations governing marine pollution is vested on the Philippine Coast Guard.

- 4.12 **EO 263 (1995).** Adopts community-based forest management (CBFM) as the national strategy to ensure the sustainable development of the country's forestland resources and provides mechanisms for its implementation.
- 4.13 **Proclamation 431.** Declares the waters, islands of Pujada Bay as protected seascape/landscape (Mati, Davao Oriental).
- 4.14 **Proclamation 438.** Declares Apo Island and its surrounding waters within the municipality of Zamboangita, Negros Oriental as protected seascape/landscape.
- 4.15 **Proclamation 592.** Declares the Sagay, Negros Occidental marine reserve.
- 4.16 **Proclamation 756.** Establishes Sarangani Bay and a portion of the municipal waters of Maitum, Kiamba and Maasin as protected seascape.
- 4.17 **DAO 08, s1991.** Guidelines on the issuance of Environmental Compliance Certificate (ECC) or Environmental Clearance (EC) for the conversion of agricultural lands to non-agricultural uses.
- 4.18 **DAO 34, s1991.** Guidelines for the issuance of Environmental Compliance Certificate (ECC) for fishpond development.
- 4.19 **DAO 03, s1993.** Guidelines for the formulation of a site-specific management manual and management plan for protected areas.
- 4.20 **DAO 04, s1993.** Guidelines for the adoption of the IPAS general management planning strategy (GMPS).
- 4.21 **DAO 15, Sec. 12.** Establishment of mangrove plantations.
- 4.22 **DAO 15, Sec. 8.** Establishment, development and management of communal mangrove forests: the development and management of communal mangrove forests shall be the responsibility of the community under the concept of community-based forest management and in accordance with an approved Management



Plan to be monitored closely by the DENR Regional Office.

- 4.23 **DAO 16, s1993.** Guidelines for the establishment and management of buffer zones for protected areas.
- 4.24 **DAO 17, s1993.** Guidelines for the conduct of protected area suitability assessment.
- 4.25 **DAO 28, s1995.** Clarification on the provisions of NIPAS Law regarding the modification of boundary of the protected area and its buffer zone.
- 4.26 **DAO 35, s1993.** Criteria and guidelines for the categorization of protected areas under the National Integrated Protected Areas System (NIPAS).
- 4.27 **DAO 96-29, s1996.** Implementing rules and regulations for EO 263.
- 4.28 **DAO 76, s1987.** Establishment of buffer zone in coastal and estuarine mangrove areas.
- 4.29 **FAO 128.** Establishes a fish sanctuary in Oslob, Cebu to be known as the Sumilon Island Fish Sanctuary.
- 4.30 **FAO 151.** Establishes a fish sanctuary in Manila Bay to be known as the Manila Bay Fish Sanctuary.
- 4.31 **FAO 176.** Establishment of the Tambulig Fish Sanctuary in Tambulig, Zamboanga del Sur.
- 4.32 **FAO 177.** Establishment of the Calauag Fish Sanctuary in Calauag, Quezon.
- 4.33 **FAO 178.** Establishment of the Capoocan Fish Sanctuary in Culasian Point, Capoocan, Leyte.
- 4.34 **FAO 179.** Establishment of the Babatngon Fish Sanctuary in Calangawan Island, Babatngon, Leyte.
- 4.35 **FAO 180.** Establishment of the Barugo Fish Sanctuary in Jalaba Point, Balud, Barugo, Leyte.
- 4.36 **FAO 181.** Establishment of the Perez Fish Sanctuary in Perez, Quezon.
- 4.37 **FAO 182.** Establishment of the Loculan Shoal Fish Sanctuary and Marine Reserve in Clarin, Misamis Occidental.

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4.38 **MNR AO 42.** Expansion of forest belt areas in storm surge and typhoon-prone areas, mangrove forest belt areas of 50 m are expanded to 100 m strip inward along shorelines fronting seas, oceans and other water bodies in specific provinces; 20 m strip for river bank mangroves is expanded to 50 m on both sides in the provinces identified.

4.39 **MNR AO 76.** Establishment of buffer zones in coastal and estuarine mangrove areas.

5.0 CONSTITUTIVE

5.1 **RA 2056; PD 256.** i) the Secretary of Public Works and Highways could hear complaints on the removal or demolition of obstructions in any public navigable river or waterways or communal fishing grounds.

5.2 **RA 7160, Sec. 131 (r).** Redefines municipal waters to include marine waters within a distance of 15 km from the shoreline.

5.3 **RA 7160, Sec. 138 .** The province may levy and collect not more than 10% of the fair market value in the locality per cubic meter of ordinary stones, sand, gravel, earth, extracted from public lands or from the beds of seas, lakes, rivers, streams, creeks; permit to quarry shall be issued by the provincial Governor.

5.4 **RA 7160, Sec. 149 (a).** i) municipalities shall have the exclusive authority to grant fishery privileges in municipal waters and impose rentals, fees or charges; ii) grants fishery privileges to municipalities and cities to erect fish corrals; oyster, mussel or other aquatic beds; or *bangus* fry areas, within a definite zone of the municipality or city waters; iii) duly registered organizations and cooperatives of marginal fishers have the preferential right to such fishery privileges; iv) grants privileges by municipality or city to gather, take or catch *bangus*, prawn or any other species of fry and fish from the municipal waters by nets, traps or other fishing gears to marginal fishers free of any rental fee, charge or any other imposition; v) grants licenses by cities and municipalities for the operation of fishing vessels of three tons or less; vi) adoption of adequate measures to safeguard and conserve mineral, marine, forest and other resources of the province; vii) imposition of appropriate penalties for acts which endanger the environment; viii) establishment, maintenance, protection and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves and other similar forest development projects.

5.5 **RA 7160, Sec. 16.** Every LGU shall exercise the powers expressly granted, those implied there from, as well as the powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential for general welfare.



- 5.6** *RA 7160, Sec. 17.* For a municipality: extension and on-site research services and facilities related to fishery and agriculture; enforcement of fishery laws in municipal waters including the conservation of mangroves; infrastructure facilities including fishports; tourism facilities and other tourist attractions, including acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities; LGU responsibilities for the delivery of basic services; solid waste disposal; extension and research; laws on protection of the environment.
- 5.7** *RA 7160, Sec. 17.* For a province: tourism development and promotion programs; pursuant to national policies and subject to the supervision, control and review of DENR, enforcement of forestry laws limited to community-based forestry projects, pollution control law, small-scale mining law, mini-hydro-electric projects, and other laws on the protection of the environment; organization of farmers and fishers cooperatives and other collective organizations as well as transfer of appropriate technology.
- 5.8** *RA 7160, Sec. 26.* Responsibility of NGA or GOCC to consult with LGUs, NGOs and other concerned sectors on projects that may cause pollution, climate change, depletion of non-renewable resources, loss of cropland, rangeland or forest cover, and extinction of plant and animal species, explaining the goals and objectives thereof, the impact upon the people and community in terms of environmental or ecological balance, and measures that will be undertaken to minimize adverse effects.
- 5.9** *RA 7160, Sec. 27.* No project or program initiated by NGA shall be implemented unless approved by the *sanggunian* and appropriate consultations are made.
- 5.10** *RA 7160, Sec. 289, Sec. 290, Sec. 291, and Sec. 292.* LGUs shall have an equitable share in the proceeds derived from the utilization and development of national wealth within their respective areas; in addition to the internal revenue allotment, have a share of 40% of the gross collection derived by the national government from mining taxes, royalties, forestry and fishery charges and such other taxes, fees or charges; share may be either 1% of gross sales or 40% of mining taxes, royalties, forestry and fishery charges; provides sharing between component LGUs.
- 5.11** *RA 7160, Sec. 3.* Operative principles of decentralization. LGUs shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction; LGUs shall have the power to create and broaden their own sources of revenue and the right to a just share in national taxes and an equitable share in the proceeds of the utilization and development of national wealth within their respective areas.

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- 5.12** *RA 7160, Sec. 33.* Cooperative undertakings among LGUs. LGUs may, through appropriate ordinances, group themselves for purposes commonly beneficial to them.
- 5.13** *RA 7160, Sec. 34, Sec. 35, and Sec. 36:* Role of POs and NGOs; LGUs may enter into joint ventures with them to engage in delivery of basic services, capacity-building and livelihood projects; promote ecological balance; may, through the local CEO and *sanggunian*, provide assistance, financial or otherwise, for economic, social, environmental or cultural projects.
- 5.14** *RA 7160, Sec. 447 (a) (2) (xi).* Grant the privilege of constructing fish corrals or fish pens or the taking of *bangus* and prawn fry.
- 5.15** *RA 7160, Sec. 447 (a) (i) (vi).* Empowers the SBs to approve ordinances and pass resolutions necessary for effective municipal government, including protection of the environment and imposition of appropriate penalties for acts which endanger the environment such as dynamite fishing and other activities which result in population or ecological imbalance.
- 5.16** *RA 7160, Sec. 447.* Empowers the SB to authorize the establishment and operation of ferries, wharves and other structures (also included are marine and seashore activities intended to accelerate productivity); regulation of the preparation and sale of fish for public consumption; approval of measures and adoption of quarantine regulations to prevent introduction and spread of diseases.
- 5.17** *RA 7160, Sec. 534 (e).* Repealing clause: Repeals Sections 2, 16, and 29 of PD 704.
- 5.18** *RA 7611.* An act adopting the strategic environmental plan for Palawan, creating the administrative machinery for its implementation, converting the Palawan integrated area development project office to its support staff, providing funds therefor, and for other purposes.
- 5.19** *PD 189.* Amends part IX of the Integrated Reorganization Plan by renaming the Department of Trade and Tourism as the Department of Trade, and creating the Department of Tourism with a Philippine Tourist Authority attached to it in lieu of the Philippine Tourist Commission.
- 5.20** *PD 424. Creation of a National Water Resources Council.* The council was granted regulatory and executory functions (determine and grant water rights); advisory and recommendatory (advise NEDA on matters pertaining to water resource development); composed of DPWH, DENR, NEDA, NIA, and NPC.



- 5.21 PD 564 (1974). (amending PD 19, 1973).** Creates the Philippine Tourism Authority Charter, which tasks this Agency to administer and regulate tourist zones and marine reserves.
- 5.22 PD 602 (1974).** Establishes the Oil Pollution Operations Center in the Philippine Coast Guard.
- 5.23 PD 704 Sec. 4.** Outlines the jurisdiction of the BFAR in the management, conservation, development, protection, utilization, and disposition of fishery resources in the country except municipal waters which shall be under the municipal or city government.
- 5.24 PD 979 Marine Pollution Decree.** i) prevention and control of marine pollution due to dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with legitimate uses of the sea within the territorial jurisdiction of the Philippines; ii) responsibility to promulgate national rules and policies governing marine pollution is vested on the EMB; iii) responsibility to enforce laws, rules and regulations governing marine pollution is vested on the Philippine Coast Guard.
- 5.25 PD 1084 (1977).** Creates the Public Estates Authority (PEA), which is responsible for integrating, directing, and coordinating all reclamation projects for and in behalf of the Government.
- 5.26 PD 1160.** Deputation of barangay captain, council person and zone chairperson as peace officers with authority to effect arrest of violators in accordance with law for purposes of enforcing and implementing national and local laws, or ordinances and rules and regulations governing pollution control and other activities which create imbalance in the ecology or disturbance in environmental conditions.
- 5.27 EO 525 (1979).** Designates the Public EStates Authority as the agency primarily responsible for all reclamation projects.
- 5.28 EO 654 (1981).** Further defines certain functions and powers of the Public Estates Authority.
- 5.29 EO 114.** Constitutes the Presidential Committee on Illegal Fishing and Marine Conservation and tasks it to coordinate all governmental and non-governmental efforts in the planning and implementation of a national program for the conservation of marine and coastal resources.
- 5.30 EO 117.** Establishment of the Inter-agency Task Force for Coastal Environmental Protection.

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- 5.31 **EO 192.** The reorganization Act of the DENR; establishes mandate of the DENR to include the conservation, management and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservations and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources.
- 5.32 **EO 240.** Creates FARMCs in barangays, cities and municipalities; defines their composition and functions.
- 5.33 **EO 292. *The Administrative Code of 1987.*** Grants mandates to both DENR and DA over fisheries development. Title XIV states that DENR has the primary responsibility for the full exploration and development as well as judicious management, renewal and conservation of the country's fisheries resources. Title IV, however, grants DA the task to promote the well-being of fishermen and accelerate the development of fisheries.
- 5.34 **EO 371, s1996. *Proclaims a special zone of peace and development (ZOPAD) in the Southern Philippines, and establishes therefor the Southern Philippines Council for Peace and Development and the Consultative Assembly.*** Provision for entrepreneurial development support, livelihood assistance and credit facilities especially in the vulnerable sectors such as women, farmers and fisherfolk; provision for capacity-building assistance for local communities and organizations.
- 5.35 **LOI 550.** Assignment of the Secretary of Natural Resources to train barangay officials as deputy fish wardens and/or deputy forest wardens.
- 5.36 **Administrative Order 201.** Provides for the coordination mechanism and funding for the implementation of the monitoring, control, and surveillance for the conservation and protection of renewable resource system for the Philippines; and designates DA as the implementing agency for MCS-CPRR system.
- 5.37 **DA General Memo. Order No. 3, s1990.** Prescribes the guidelines for the establishment of marine sanctuaries and defines the criteria for site selection and management.
- 5.38 **DA-DAR Administrative Order No. 18, s1991.** Guidelines governing the distribution of cancelled and expired Fishpond Lease Agreements (FLA) under EO 407 as amended by EO 448.
- 5.39 **DA-DILG Memorandum of Agreement of April 1994.** Devolves to the LGUs authority to grant licenses for the construction of fish cages; and the gathering of aquarium fishes, *kapis* shells, shelled mollusks; issue



auxiliary invoice to transport fish and for the establishment of seaweed farms, pearl culture farms; and establish closed seasons in municipal waters.

- 5.40 **DAO 38, s1990.** Revised regulations on the delineation of functions and delegation of authorities over regulatory, administrative, and financial matters of DENR officials.
- 5.41 **DAO 03, s1995.** Procedural and/or documentary requirements; guidelines and/or criteria to be observed and/or followed in the selection of representatives of LGUs, NGOs, and POs to the Protected Area Management Board.
- 5.42 **DAO 15, Sec. 10.** Responsibility for and authority over the protection, development and management of mangroves.
- 5.43 **DAO 18, s1991.** Rules and guidelines governing the distribution of cancelled or expired FLAs under EO 407 as amended by EO 448; identifies responsibilities of DA-BFAR and DAR with respect to cancelled or abandoned FLAs.
- 5.44 **DAO 41, s1991.** Guidelines governing the deputation of Environment and Natural Resources Officers (ENRO), including criteria for deputation.
- 5.45 **DAO 15, s1992.** Creates a Philippine Council for Sustainable Development and defines its composition, powers and functions.
- 5.46 **DAO 27, s1993.** Guidelines for the management of protected areas under the administrative jurisdiction of two regions.
- 5.47 **DAO 3, s1991.** Guidelines for the implementation of Section 24, paragraphs 2 and 3, of PD 704 as amended, and Section 43, paragraph 3, of PD 705, as amended; promotion of the rational utilization of mangrove forest lands which have been released for fishpond development; reconciliation of the provisions of Section 24, p. 2 and 3 of PD 704 as amended, with Section 43, p. 3 of PD 705 as amended.
- 5.48 **DAO 30, s1992.** Guidelines for the transfer and implementation of DENR functions devolved to the Local Government Units.
- 5.49 **DAO 17, s1992.** Delineation of functions and implementation of the integrated social forestry program after

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the devolution of functions to the local government units .

- 5.50 **DAO 30, s1994.** Implementing guidelines for NGO-assisted community-based mangrove forest management (CBMFM) for the DENR.
- 5.51 **DAO 39, s1994.** Defines and clarifies a tenured migrant as eligible to become a steward of a portion of the land within a protected area.
- 5.52 **DAO 4, s1994.** Creates the Project Coordination Unit for all IPAS projects.
- 5.53 **DAO 40, s1994.** Sequential diagram of NIPAS Law requirement on the establishment and management of protected areas.
- 5.54 **DAO 42, s1994.** Guidelines for entering into MOAs with other government agencies, NGOs, and private institutions for the development and management of protected areas.
- 5.55 **DAO 45, s1994.** Clarifies some provisions of RA 7568, including creation of PAMB, categorization of existing and proposed protected areas, conduct of public hearings, functional relationship of the protected area supervisor and DENR officers.
- 5.56 **DAO 46, s1994.** Creation of the Protected Area Management Board (PAMB).
- 5.57 **DAO 47, s1993.** Revised rates of fees for entrance to and use of facilities inside protected areas.
- 5.58 **DAO 56, s1993.** Composition of the Protected Areas Fund (PAF) Governing Board.
- 5.59 **DAO 28 s1995.** Composition and authority of PAMB Executive Committee.
- 5.60 **Joint Administrative Order No. 2 (DA-DILG-DENR-DOJ).** Implementing rules and regulations of EO 240 (FARMCs).
- 5.61 **Joint Administrative Order No. 3 (DA-DILG).** Implementing guidelines for the granting of preferential treatment to small fisherfolk relative to the 15 km municipal waters. Includes provision for zonification.
- 5.62 **Joint DA-DENR General Memorandum Order No. 3, s1991.** Guidelines for the implementation of section 24, paragraphs 2 and 3 of PD 704 as amended, and section 43, paragraph 3 of PD 705 as amended.





Prescribes the guidelines for the cancellation and reversion of FLAs into mangrove forest lands under the administration of DENR.

- 5.63 **Joint DAR-DA-DENR-DILG Administrative Order No. 1.** Rules and regulations governing the conversion of public agricultural lands to fishponds and prawn farms pursuant to RA 6657 as amended by RA 7881.
- 5.64 **DENR Memorandum Circular No. 10 (August 6, 1992).** Clarification regarding the devolution of functions to LGUs concerning the mines sector under DAO s1992 as amended.
- 6.1 **RA 6810.** An act establishing the Magna Carta for countryside and barangay business enterprises, granting exemptions from any and all government rules and regulations and other incentives and benefits therefor, and for other purposes.
- 6.2 **PD 463 (as amended by PD 1385 and PD 1677). Mineral resources development decree of 1974.** Provides for a modernized system of administration and disposition of mineral lands and to promote and encourage the development and exploitation thereof.
- 6.3 **PD 704. Sec. 2.** Defines the policy of the State to accelerate the integrated development of the fishery industry and to keep the fishery resources in optimum productive condition through proper conservation and management. It is emphasized here that the private sector is not only a privileged user but also a partner in conservation and development.
- 6.4 **PD 704 Sec. 42 and Sec. 44.** Establishes the Fisheries Loan and Guarantee Fund and the institutional mechanism for granting loans to the fishing industry.
- 6.5 **PD 1599.** Establishing the Philippine EEZ which extends to a distance of 200 nm beyond and from the baselines from which the territorial sea is measured.
- 6.6 **EO 371. Proclaiming a special zone of peace and development (ZOPAD) in the Southern Philippines, and establishing therefor the Southern Philippines Council for Peace and Development and the Consultative Assembly.** Projects to be implemented in the ZOPAD shall include health and sanitation services, water supply development; airports and seaports; development and promotion of tourism; environmental and marine resources improvement program to protect and conserve natural resources.
- 6.7 **EO 1047.** Encouraging distant water fisheries by the Philippine commercial fishing fleet.

6.0 DEVELOPMENTAL

