

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



SENATE

S. No. 523

Introduced by **SENATOR CYNTHIA A. VILLAR**

**AN ACT
TO CONSERVE, PROTECT AND SUSTAINABLY MANAGE PEATLANDS AND
ITS RESOURCES, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Peatlands are wetland ecosystems that are characterized by the accumulation of organic matter called peat which derives from dead and decaying plant material under high water saturation conditions (CC-GAP, 2005). They are one of the unique and most significant ecosystems which have key values for biodiversity conservation, water and climate regulation, and support for human welfare. They are the world's significant carbon sink but once drained and degraded, peatlands become susceptible to fire and become carbon source.

Sometime in 1997, a continuing forest fire in Indonesia made headlines around the world as the haze caused by this fire spread to its neighboring countries including the Philippines. Aside from the ecological and economic damages it caused, it also affected the health of millions of people. The forest fire happened in Indonesia is not just an ordinary forest fire, but peat fire that is difficult to extinguish, highly unpredictable and uncontrollable.

Peatlands cover an estimated area of 400 million hectares, or equivalent to 3% of the Earth's land surface (Joosten and Clarke 2002). In Southeast Asia, total peatland area is approximately 24.7 million hectares in which 20.7 million hectares are in Indonesia (Page et al., 2011). Peatlands in the Philippines is roughly estimated to be 20,000 hectares, which are relatively small compared to other countries in Southeast Asia. However, regardless how small these peatlands are, they play a

globally significant role in the storage and sequestration of carbon if kept wet and intact.

Unlike any other wetland types, peatlands in the country were only documented starting in 2005. There is a fundamental lack of awareness on peatlands, its characteristics and appropriate management strategies for peatlands in all sectors, from local people to non-government organizations (NGOs) and government agencies. They have been a common target for agricultural development and oil palm plantations that drain and damage the features that make them globally-important carbon sinks. Since peatlands and their significance are poorly known, many of them were drained and converted to agriculture, and then lay abandoned after finding out too late that peatlands are unsuitable for planting rice. Peatland degradation did not just result to decline in biodiversity; many areas that were drained suffered from land subsidence and became fire prone.

To date, there is no single national policy that deals directly on peatlands, specifically on their conservation and sustainable use. Of the nine (9) peatlands recorded in the 2016 Atlas of Philippine Inland Wetlands and Classified Caves, only the Caimpugan Peat Swamp Forest in Agusan Marsh Wildlife Sanctuary is protected under the National Integrated Protected under the National Integrated Protected Area System (NIPAS) Act, as amended by Republic Act 11038 Expanded National Integrated Protected Areas System (ENIPAS) Act of 2018. As of 2019, a total of 24 possible peatlands areas all over the country had been reported, with 15 new records of peatlands added and facing threats of degradation.

The ASEAN Members States signed the ASEAN Agreement on Transboundary Haze Pollution (AATHP) on 10 June 2002, which aims to prevent, monitor, and mitigate land and forest fires to control transboundary haze pollution through concerted national efforts, regional and international cooperation. This Agreement was ratified by the Philippines on February 1, 2010. One of the concrete and collective actions under the AATHP Roadmap is specifically on the sustainable management of peatlands for peatland fire prevention. In addition, under the ASEAN Peatland Management Strategy 2006-2020, the ASEAN Member States are

committed to develop or strengthen policies and legislation to protect peatlands and reduce occurrence of peatland fires.

The Philippines, is also a signatory to the Convention on Wetlands, also known as the Ramsar Convention, which entered into force in the Philippines on November 8, 1994. As a Contracting Party, we are committed to work towards the adoption and legislation of a national policy that will protect wetlands, including peatlands. Recognizing the importance of peatlands, the Ramsar Convention also provides Contracting Parties with several guidance on global actions for peatland restoration, conservation and as criteria for identification of international significance through inclusion to the Ramsar Sites network.

The attached legislative measure seeks to guide all concerned national government agencies and local government units in adjusting their sectoral or local policies, plans and programs to be consistent with protection and conservation of peatlands. This will also greatly enhance current efforts to raise awareness on the importance of peatlands particularly in terms of climate change mitigation.

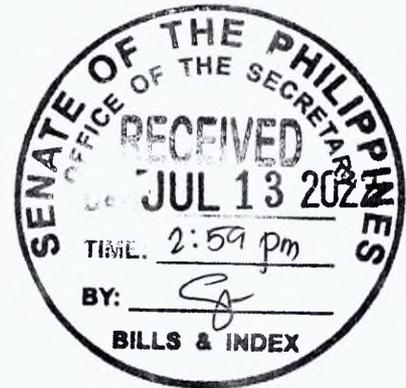
The bill seeks to support the country in achieving our commitments to various international agreements, particularly to the Convention on Wetlands, Convention on Biological Diversity, Convention on Migratory Species, and to the Sustainable Development Goals, Sendai Framework for Disaster Risk Reduction 2015-2030, and UN Framework Convention on Climate Change, among others.

The approval of this bill will ensure the protection, conservation, and wise use of all peatlands and its resources in the Philippines, eventually contributing to the well-being of the present and future generations of Filipinos.

Hence, I recommend the early approval of this bill.


CYNTHIA A. VILLAR

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

1 Section 1. *Short Title.* – This Act shall be known as the "National Peatland and
2 Peatland Resources Act of 2022".

3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to promote the
4 conservation and sustainable development of peatland and peatland resources
5 consistent with the principles of sustainable development, inclusive economic
6 development, poverty reduction, biodiversity conservation, climate change
7 adaptation and mitigation, and disaster risk reduction and management; while
8 advancing the right to a balanced and healthful ecology in accordance with the
9 harmony and rhythm of nature.

10 Sec. 3. *Coverage.* – This Act shall apply to all peatland and peatland
11 resources nationwide within public and private lands.

12 Sec. 4. *Definition of Terms.* – The following terms shall be construed to mean
13 as:

- 1 a) *High Conservation Value* refers to the biological, ecological, social or
2 cultural values of outstanding significance at the national, regional or
3 global level or of critical importance at the local level;
- 4 b) *Land use planning* refers to the rational and judicious approach of
5 allocating available land resources to different land - using activities,
6 (e.g. agricultural, residential, industrial) and for different functions
7 consistent with the overall development vision/goal of a particular
8 locality;
- 9 c) *Peat* refers to dead and partially decomposed plant material that have
10 accumulated under high water saturation or waterlogged conditions.
11 Peat soil is defined using the definition of histosol (organic soil) which
12 are soils with cumulative organic layer(s) comprising more than half of
13 the upper 80cm of the soil surface containing 35% or more organic
14 matter (35% or more loss on ignition) or 18% or more organic carbon;
- 15 d) *Peat swamp forest* refers to a type of peatland that has forest cover
16 and can be found in certain areas in the tropical regions of the world
17 including the Philippines;
- 18 e) *Peatlands* refers to wetland ecosystems characterized by the
19 accumulation of peat at the surface. Major characteristics of peatlands
20 are the presence of peat, and permanent water logging. Peatlands may
21 have vegetation in the form of trees, shrubs, grasses, and mosses;
- 22 f) *Protected Area* refers to identified portions of land and/or water set
23 aside by reason of their unique physical and biological significance,
24 managed to enhance biological diversity and protected against
25 destructive human exploitation;
- 26 g) *Riparian area or zone* refers to land that occurs along watercourses
27 and water bodies and are composed of moist to saturated soils, water-
28 loving plant species and their associated ecosystems. This may be
29 found surrounding lakes, estuaries, streams and rivers;

- 1 h) *Subsidence* refers to the lowering or collapse of the ground level that
2 results from draining water from peatlands and or due to fire
3 incidence;
- 4 i) *Wetlands* refer to a wide variety of areas such as natural pools/ponds,
5 springs, freshwater swamps/marshes, peatlands, floodplains, rivers and
6 lakes, and coastal areas such as estuaries, saltmarshes, mangroves,
7 lagoons, intertidal flats and seagrass beds, and also coral reefs and
8 other marine areas no deeper than six meters at low tide, as well as
9 human-made wetlands such as dams, reservoirs, rice paddies, fish
10 ponds, salt pans, and wastewater treatment ponds;
- 11 j) *Wise use* refers to the maintenance of the ecological character of
12 peatlands, achieved through the implementation of ecosystem
13 approaches, within the context of sustainable development.

14 Sec. 5. *Implementing and Monitoring Agencies.* – The Department of
15 Environment and Natural Resources (DENR) through the Biodiversity Management
16 Bureau, shall be the lead agency in monitoring of overall implementation and
17 compliance with this Act. The Department of the Interior and Local Government
18 (DILG) through the Bureau of Local Government Supervision shall support in the
19 implementation of this Act, in coordination with Department of Agriculture - Bureau
20 of Soils and Water Management, Philippine Atmospheric, Geophysical and
21 Astronomical Services Administration, Department of Agrarian Reform, Bureau of
22 Fire Protection - DILG, Bureau of Local Government Development – DILG,
23 Department of Public Works and Highway, National Water Resources Board, National
24 Museum, concerned DENR Offices, academe, and concerned Local Government Units
25 for specific peatland areas, and concerned non-government organizations.

26 The DENR with the coordinating agencies shall exercise the following powers
27 and functions within their mandates: formulate, implement and monitor policies,
28 rules, ordinances regulations, plans and programs; enter into partnership and
29 engagements with interested partners; develop best practices on the wise use of
30 peatland areas; communication education public awareness; and convene regular

1 meetings to update and share technical progress report to be shared among the
2 coordinating agencies.

3 *Sec. 6. Role of Local Government Units.* – The municipal, city, or provincial
4 Local Government having territorial jurisdiction over the peatland and its resources
5 shall prioritize peatland for protection under the National Integrated Protected Area
6 System (NIPAS), as amended by RA 11038, or declared as critical habitat under the
7 Wildlife Act, or as local conservation area or other effective area-based conservation
8 measures through the ordinances of LGUs. They shall also include the protection and
9 conservation of peatland and its resources to their respective Comprehensive Land
10 Use Plans (CLUPs) and other plans in consultation with concerned agencies. They
11 shall coordinate with the DENR and DILG in monitoring of peatland and its resources
12 within their jurisdiction and in compliance of this Act.

13 *Sec. 7. Integration and Mainstreaming of Peatland Protection and Sustainable*
14 *Use.* – All government agencies and offices, and local government units (LGUs) shall
15 integrate and mainstream peatland protection and sustainable use into their plans,
16 policies, ordinances and rules and regulations, programs, projects, and development
17 planning process. They shall also directly consult with the DENR and affected
18 communities in the development and implementation of their plans, programs and
19 projects within, or having impact, on peatlands.

20 *Sec. 8. Development of National Peatland Conservation Program.* – A National
21 Peatland Conservation Program shall be developed by the DENR, in coordination
22 with other concerned agencies, sectors, and stakeholders, within one year from the
23 effectivity of this Act to provide direction, support and guidance to the local
24 government units (LGU) and stakeholders in the development and implementation of
25 their local peatland conservation programs. The National Peatland Conservation
26 Program shall define national targets for the conservation of peatlands and the
27 development of its national coordinating mechanism.

28 The Program shall include, but not limited to the following strategies:

- 1) Inventory, mapping, delineation, assessment and monitoring of peatlands. All peatlands in the country shall be inventoried and assessed. Peatland assessment including bio-capacity, carrying capacity, carbon storage and ecosystem services assessment and valuation of peatland ecosystems shall be conducted to measure the full extent of its value and guide agencies on its conservation and sustainable use;
- 2) Restoration and Rehabilitation of degraded peatlands;
- 3) Regulation against peatland drainage, conversion and reclamation, peat extraction and deliberate setting of fire within the peatland or immediately adjacent areas that may affect the peatland;
- 4) Enforcement of legal easement zones, dangers zones and other land use setbacks. All concerned government agencies and LGUs shall strictly implement land use setback provisions imposed by law;
- 5) Peat fire early warning systems, prevention, control and monitoring;
- 6) Research and Development;
- 7) Assessment of vulnerability to climate change and disaster risk management;
- 8) Peatland carbon stock assessment, accounting, verification and crediting;
- 9) Assessment and monitoring of greenhouse gas flux;
- 10) Knowledge management and peatland information system;
- 11) Implementation of soil and water conservation technologies;
- 12) Measures to address invasive alien species;
- 13) Establishment and promotion of peatland best management practices (including Public-Private Partnership);
- 14) Communication, education, participation, capacity-building and awareness program;

1 15) Collaboration with Indigenous and local communities in the
2 management and wise use of the peatlands;

3 16) Integration of local and traditional ecological knowledge and practices
4 with science-based knowledge systems;

5 17) Requiring environmental impact assessments for any development
6 activity proposed within the peatland of adjacent areas or the
7 catchment of the peatland which may potentially have a negative
8 impact on the peatland.

9 *Sec. 9. Land Classification of Peatland.* – All areas which have been classified
10 and released as agricultural land but that are currently or formerly may have been
11 identified as peatland even if they have been subsequently degraded shall be
12 reverted to either forest land or national park. The appropriate implementing agency
13 shall immediately initiate the expropriation proceedings before the proper court
14 under the existing law.

15 *Sec. 10. Prohibited acts.* – In addition to acts or omissions already penalized
16 by existing laws, the following offenses shall be punishable under this Act:

17 1) Drainage of peatlands for the following purposes:

18 a) Conventional agriculture development;

19 b) Illegal logging; or

20 c) Transport and infrastructure, and other land use.

21 2) Forest clearance and degradation, such as:

22 a) Peatland conversion to agriculture, mining, residential, or any
23 other kind of conversion;

24 b) Logging; or

25 c) Fire.

26 3) Peatland deforestation and fires for the following purposes:

27 a) Land clearance;

28 b) Land claims and conflicts;

29 c) Resource extraction; or

1 d) Accidental.

2 Sec. 11. *Penal provision.* – Violation under this Act or any rule or regulation
3 pursuant to this Act, shall upon conviction, be punished with a fine not less than
4 Two Hundred Thousand pesos (P200,000.00) or imprisonment of not less than six
5 (6) months, or both, shall be imposed at the discretion of the court.

6 Sec. 12. *Appropriations.* – The amounts necessary to implement this Act
7 during the first year of implementation shall be sourced from the DENR.
8 Thereafter, such amounts necessary to effectively carry out the provisions of this Act
9 shall be included in the General Appropriations Act.

10 Sec. 13. *Implementing Rules and Regulations (IRR).* – Within six (6) months
11 from the date of this Act, the DENR, in close coordination with concerned agencies,
12 shall prepare the IRR of this Act.

13 Sec. 14. *Reporting on the Implementation of this Act.* – The Biodiversity
14 Management Bureau in coordination with concerned agencies shall submit a report
15 every three years to the President of the Philippines through the DENR Secretary on
16 the implementation of this Act.

17 Sec. 15. *Separability Clause.* – If any provision of this Act is declared
18 unconstitutional or invalid, any part or provisions hereof not affected thereby shall
19 continue to be in full force and effect.

20 Sec. 16. *Repealing Clause.* – All laws, decrees, executive orders, rules and
21 regulations or parts thereof which are contrary or inconsistent with this Act are
22 hereby repealed or modified accordingly.

23 Sec. 17. *Effectivity.* – This Act shall take effect fifteen (15) days following its
24 publication in the Official Gazette or in at least two (2) newspapers of general
25 circulation.

Approved,