



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Climate Change Service

All Bureau Directors

The Executive Directors
Manila Bay Coordinating Office
Palawan Council for Sustainable Development

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **NOTICE OF MEETING RE: LEGISLATIVE MEASURES ON
MANAGEMENT, CONSERVATION AND PROTECTION OF
PEATLANDS REFERRED TO THE COMMITTEE ON CLIMATE
CHANGE OF THE HOUSE OF REPRESENTATIVES**

DATE : 14 November 2022

This is to inform you that Committee has requested the Department's position paper for HB No. 3055, entitled: "An Act to Conserve, Protect and Sustainably Manage Peatlands and its Resources to Increase the Country's Resilience to Climate Change, and for other Purposes," authored by Rep. Jonathan Keith T. Flores; and HB No. 5083, entitled: "An Act Promoting the Conservation, Protection and Sustainable Use of Peatlands and its Resources, to Enhance Climate Resiliency and for other Purposes," authored by Reps. Raymond Democrito C. Mendoza and Ma. Alana Samantha Taliño Santos.

With that, we are inviting you for a meeting on **16 November 2022 (Wednesday) at 10 AM** in the 3rd floor, Conference Room, **Office of the Undersecretary for Field Operations**, to discuss the submitted comments/recommendations for the creation of the Department's position on the aforementioned bills for submission to the Committee.

Attached herewith is the invitation letter, copies of the House Bills, and comments/recommendations submitted to our office for your reference.

Your attendance is highly encouraged.

ROMIROSE B. PADIN

cc: Undersecretary for Legal, Administration, Human Resources and Legislative Affairs
Undersecretary for Finance, Information Systems and Climate Change
Undersecretary for Policy, Planning and International Affairs
Assistant Secretary for Administration and Legislative Affairs

MEMO NO. 2022 - 797



Republic of the Philippines
House of Representatives
Quezon City

COMMITTEE ON CLIMATE CHANGE

October 28, 2022

HON. MARIA ANTONIA YULO LOYZAGA

Secretary
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

Dear Sec. Loyzaga:

We wish to inform you that the following House Bills (HB) on the management, conservation and protection of peatlands and its resources were referred to the Committee on Climate Change of the House of Representatives:

1. **HB No. 3055**, entitled: *"An Act to Conserve, Protect and Sustainably Manage Peatlands and its Resources to Increase the Country's Resilience to Climate Change, and for other Purposes,"* authored by Rep. Jonathan Keith T. Flores; and
2. **HB No. 5083**, entitled: *"An Act Promoting the Conservation, Protection and Sustainable Use of Peatlands and its Resources, to Enhance Climate Resiliency and for other Purposes,"* authored by Reps. Raymond Democrito C. Mendoza and Ma. Alana Samantha Taliño Santos.

As directed by the Honorable Committee Chairperson, the Secretariat has set the Committee meeting to hear, deliberate, and study the above-stated measures, **tentatively on November 9, 2022**. In view thereof, we would like to respectfully request a **position paper** from your good office on the matter. We would also appreciate it if you could send it *via* email at committee.climatechange@house.gov.ph before the scheduled meeting.

Attached are copies of HB Nos. 3055 and 5083 for your easy reference.

Should you need more information, please contact the Committee Secretary at 09277193534 or Ms. MeAnne Ordovez at 09154448595.

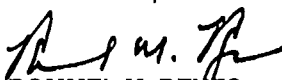
Thank you and we are hoping for your positive action in this regard.

Very truly yours,

HON. EDGAR M. CHATTO

Chairperson

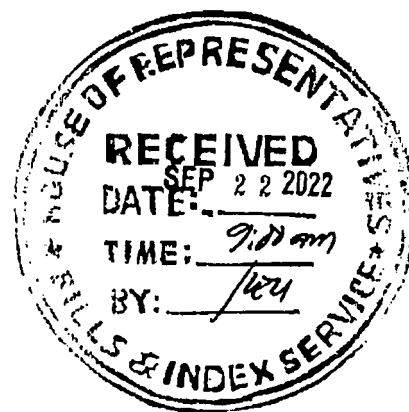
For the Chairperson:


ROMMEL M. REYES
Committee Secretary

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 5083



Introduced by **HON. RAYMOND DEMOCRITO C. MENDOZA** and
HON. MA. ALANA SAMANTHA TALIÑO SANTOS

EXPLANATORY NOTE

This Act recognizes the ecological functions of healthy peatlands, specifically in terms of its contributions to mitigating the impacts of climate change and increasing community resilience to the more frequent and intense natural hazards brought about by the changing climate. It seeks to manage, conserve and protect all peatlands and peatland resources nationwide so as to ensure that these ecosystem benefits are provided and sustained for future generations.

Specifically, this measure will also heighten efforts in raising awareness on the importance of peatlands, particularly in terms of climate change mitigation and adaptation. Furthermore, this Bill will be the driving force to achieve the long-term vision of our Philippine Development Plan 2017-2022 in ensuring ecological integrity by improving and strengthening peatland conservation and management in the country. It will also ensure that the country can contribute to achieving global targets on biodiversity, forestry, combatting land degradation and desertification, and sustainable water use, as well as on climate change adaptation and mitigation, and disaster risk reduction and management.

Peatlands are wetland ecosystems that are characterized by the accumulation of organic matter called peat which is derived from dead and decaying plant material under high water saturation conditions (CC-GAP, 2005). They are unique natural ecosystems which have key values for biodiversity conservation, water and climate regulation, and support for human welfare, including as source of raw materials for livelihoods and health. If kept wet and intact, peatlands can be considered as one of the most valuable among all wetland and terrestrial ecosystems. They are the world's significant carbon sink. Once drained and degraded, however, peatlands become susceptible to fire and become source of carbon and green house gas emissions.

According to the DENR, about 20,000 hectares of peatlands have been recorded in the Philippines. There are confirmed peatlands in Tan-ag Ilaya in Quezon Province, Sab-a in Leyte, San Teodoro and San Vicente Peatlands in Agusan del Sur, and the Agusan Marsh peatlands in Talacogon, Caimpugan, Novele, Bayugan III, Kalingayan-Consuelo and Pag-asa. Other lesser known and relatively smaller areas of peatlands are in Mindoro, Samar and Quezon. The unexplored swamps and marshlands of Ligawasan are also suspected to contain considerable amount of peat.

Peatlands in the Philippines are considered relatively small compared to other countries in Southeast Asia such as in Malaysia and Indonesia. However, regardless of how small our peatlands are, their globally significant role in the storage and sequestration of carbon should not be ignored.

To date, the country do not have a law that deals directly on peatlands, nor particularly 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. It is also the only remaining known intact peat swamp forest in the country.

The Philippines, being an ASEAN Member State (AMS), concur to the ASEAN Agreement on Transboundary Haze Pollution (AATHP), under of which, is the sustainable management of peatlands for peatland fire prevention, as embodied in the ASEAN Peatland Management Strategy. The APMS recommends that AMS should 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. Recognizing the importance of peatlands, the Ramsar Convention provides its Contracting Parties with several guidances on peatland restoration and conservation, and identifies peatlands as part of the criteria for identification of wetlands of international significance through the Ramsar Site network. One such Ramsar Site with peatland in the country is the Agusan Marsh Wildlife Sanctuary, which has more than 12,000 hectares of peatlands within and adjacent to its boundaries.

Due to the fundamental lack of awareness on peatlands, its characteristics and appropriate management strategies, peatlands have been a common target for agricultural development and oil palm plantations. This subsequently drains and damages the features that make them globally-important carbon sinks. Peatlands previously used for agricultural purposes now lay abandoned after finding out too late that these 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.

This 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 Bill will be the driving force to achieve the long-term vision of our Philippine Development Plan 2017-2022 in ensuring ecological integrity. This will also support the country in achieving our commitments to various international agreements, particularly to the Convention on Wetlands, UN Convention on Biological Diversity, UN Convention of Migratory Species, UN Convention to Combat Desertification, Land Degradation and Drought, UN Framework Convention on Climate Change and to the Sustainable Development Goals and the Sendai Framework for Disaster Risk Reduction 2015-2030.

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


MA. ALANA SAMANTHA TALIÑO SANTOS
3rd District, North Cotabato


RAYMOND DEMOCRITO C. MENDOZA
Party-list Representative, TUCP

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 5083

Introduced by HON. RAYMOND DEMOCRITO C. MENDOZA and
HON. MA. ALANA SAMANTHA TALIÑO SANTOS

AN ACT PROMOTING THE CONSERVATION, PROTECTION AND
SUSTAINABLE USE OF PEATLANDS AND ITS RESOURCES, TO
ENHANCE CLIMATE RESILIENCY AND FOR OTHER PURPOSES

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 Peatland and Peatland Resources Act of 2022”.

SECTION 2. Declaration of Policy. – It is the policy of the State to promote the conservation and sustainable development of peatland and peatland resources and enhance the resilience of the Filipino people towards climate change adaptation and mitigation, and disaster risk reduction and management consistent with the principles of sustainable development, inclusive economic development, poverty reduction, biodiversity conservation; while advancing the right to a balanced and healthful ecology in accordance with the harmony and rhythm of nature.

SECTION 3. Coverage. - This Act shall apply to all peatland and peatland resources nationwide within public and private lands.

SECTION 4. Definition of Terms. - The following terms shall be construed to mean as:

- a. *Climate Change* refers to a change in climate that can be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity.
- b. *Disaster Risk Reduction and Management (DRRM)* refers to the systematic process of using administrative directives, organizations, and operational

skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster. Prospective Disaster Risk Reduction and Management refers to risk reduction and management activities that address and seek to avoid the development of new or increased disaster risks, especially if risk reduction policies are not put in place.

- c. *High Conservation Value* refers to the biological, ecological, social or cultural values of outstanding significance at the national, regional or global level or of critical importance at the local level;
- d. *Land use planning* refers to the rational and judicious approach of allocating available land resources to different land - using activities, (e.g. agricultural, residential, industrial) and for different functions consistent with the overall development vision/goal of a particular locality;
- e. *Peat* refers to dead and partially decomposed plant material that have accumulated under high water saturation or waterlogged conditions. Peat soil is defined using the definition of histosol (organic soil) which are soils with cumulative organic layer(s) comprising more than half of the upper 80cm of the soil surface containing 35% or more organic matter (35% or more loss on ignition) or 18% or more organic carbon;
- f. *Peat swamp forest* refers to a type of peatland that has forest cover and can be found in certain areas in the tropical regions of the world including the Philippines;
- g. *Peatlands* refers to wetland ecosystems characterized by the accumulation of peat at the surface and subsurface of the soil. Major characteristics of peatlands are the presence of peat, and permanent water logging. Peatlands may have vegetation in the form of trees, shrubs, grasses, and mosses;
- h. *Protected Area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- i. *Riparian area or zone* refers to land that occurs along watercourses and water bodies and are composed of moist to saturated soils, water-loving plant species and their associated ecosystems. This may be found surrounding lakes, or along estuaries, streams and rivers and coasts;
- j. *Subsidence* refers to the lowering or collapse of the ground level that results from draining water from peatlands and/or due to fire incidence;
- k. *Wetlands* 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;

1. *Wise use* refers to the maintenance of the ecological character of peatlands, achieved through the implementation of ecosystem approaches, within the context of sustainable development.

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

The DENR with the coordinating agencies shall exercise the following powers and functions within their mandates: formulate, implement and monitor policies, rules, ordinances regulations, plans and programs; enter into partnership and engagements with interested partners; develop best practices on the wise use of peatland areas; communication education public awareness; and convene regular meetings to update and share technical progress report to be shared among the coordinating agencies

SECTION 6. Role of Local Government Units. – The municipal, city, or provincial Local Government having territorial jurisdiction over the peatland and its resources shall prioritize peatland for protection under the National Integrated Protected Area System (NIPAS), as amended by RA 11038, or declared as critical habitat under the Wildlife Act, or as local conservation area or other effective area-based conservation measures through the ordinances of LGUs. They shall also include the protection and conservation of peatland and its resources to their respective Comprehensive Land Use Plans (CLUPs), Local Disaster Risk Reduction and Management Plans (LDRRMPs), Local Climate Change Adaptation Plans (LCCAPs) and other plans in consultation with concerned agencies. They shall coordinate with the DENR and DILG in monitoring of peatland and its resources within their jurisdiction and in compliance of this Act.

SECTION 7. Integration and Mainstreaming of Peatland Protection and Sustainable Use. - All government agencies and offices, and local government units (LGUs) shall integrate and mainstream peatland protection and sustainable use into their plans, policies, ordinances and rules and regulations, programs, projects, and development planning processes. Peatland conservation targets shall be identified in all plans related to biodiversity, forestry, land degradation, climate change and disaster risk reduction and management, as applicable. Concerned local government units 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 peatlands.

SECTION 8. Development of a National Peatland Conservation Program. - A National Peatland 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 peatland conservation programs. The National Peatland Conservation Program shall define national targets for the conservation of peatlands and the development of its national coordinating mechanism.

The Program shall include, but not be 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. Nature-based solutions shall be primarily employed in the restoration of the ecosystem services lost from peatland degradation.
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, development, and extension. Extensive researches that will determine the value of peatlands and peatland resources as well as best practices that will sustain these values shall be encouraged. The use of innovative technologies on sustainable peatland management and practices on peatland ecosystem-based adaptation shall also be promoted and made accessible particularly to vulnerable communities.
7. Assessment of vulnerability to climate change and disaster risk management
8. Peatland carbon stock assessment, accounting, verification and crediting. The nationwide assessment of carbon stocks shall be completed three (3) years after the completion of a national peatland inventory.

9. Assessment and monitoring of greenhouse gas flux. Results of nationwide assess met of GHG fluxes from peatlands shall be contributed to the biennial update reports (BUR) submitted to the UN Framework Convention on Climate Change.
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
15. Collaboration with Indigenous and local communities in the management and wise use of the peatlands
16. Integration of local and traditional ecological knowledge and practices with science-based knowledge systems
17. Requiring environmental impact assessments for any development activity proposed within the peatland of adjacent areas or the catchment of the peatland which may potentially have a negative impact on the peatland

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

SECTION 10. Prohibited acts. (c/o proponent. Suggestion to include intentional draining and conversion to unsustainable agriculture, deliberate setting of fire, mining or extraction of peat soil, unpermitted construction of permanent structures as the key prohibited acts. Other prohibited acts are provided under the NIPAS/ENIPAS Act, Wildlife Act, Water Code and Clean Water Act, as applicable)

SECTION 11. Reporting Responsibility. - The DENR Regional Executive Director, under whose jurisdiction the peatland is located, shall submit an annual accomplishment report on their peatlands to the Secretary of the DENR through the BMB. The report shall also include the conditions and benefits of the biological resources and ecosystem services of the peatland to be submitted by the RED, through channels, to the Secretary of the DENR every five (5) years. Consequently, the BMB shall likewise prepare a report on the implementation of the National Action Plan for the Protection and Sustainable Use of Philippine Peatlands (NAPP) every five (5) years and shall submit the same to the President. The country report on the status of peatlands

shall also inform the updating of national action plans on biodiversity, forestry, land degradation, climate change and disaster risk reduction and management, among others.

SECTION 12. 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.

SECTION 13. Implementing Rules and Regulations (IRR). - The DENR, in close coordination with concerned agencies, shall, within six (6) months from the effectivity of this Act, issue rules and regulations necessary to implement the provisions hereof.

SECTION 14. 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.

SECTION 15. 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.

SECTION 16. 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,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 3055



Introduced by Representative JONATHAN KEITH T. FLORES

EXPLANATORY NOTE

This Act seeks to manage, conserve and protect all peatlands and peatland resources nationwide within public and private lands. Specifically, this 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. Furthermore, this Bill will be the driving force to achieve the long-term vision of our Philippine Development Plan 2017-2022 in ensuring ecological integrity by improving and strengthening peatlands conservation and management.

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.

According to the Department of Environment and Natural Resources (DENR), peatlands cover an estimated area of 400 million hectares globally. This is equivalent to about 3 percent of the Earth's land surface.

In the Philippines, according to the DENR-BMB, citing the 2016 Atlas of Philippine Inland Wetlands and Classified Caves, there are currently nine identified peatlands in the country. They are the Tan-ag Ilaya in Quezon Province, Sab-A in Leyte, San Teodoro and San Vicente Peatlands in Agusan del Sur; and the Agusan Marsh peatlands in Talacogon, Caimpugan, Novelle and Bayugan III, Kalingayan-Consuelo and Pag-Asa, having the total area of 17, 019.90 hectares.

There are other lesser known and relatively disturbed smaller areas of peatlands in Mindoro, Samar and Quezon.

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 mentioned above, only the Caimpugan Peat Swamp Forest in Agusan Marsh Wildlife Sanctuary is 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 Member 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 1 February 2010. One of the concrete and collective actions under the AATHP Roadmap is specifically on the sustainable management of peatlands for peatland fire prevention. Moreover, 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 the Ramsar Site network.

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. Peatlands have been a common target for agricultural development and palm oil 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.

The International Union for Conservation of Nature (IUCN) reported that peatlands store 30 percent of global carbon, and when drained and damaged, they exacerbate climate change, emitting 2 gigatons of carbon dioxide (CO₂) every year, which accounts for almost 6 percent of all global greenhouse gas emissions.

A number of Non-Government Organizations like Society for the Conservation of the Philippine Wetlands, Wetlands International, International Institute of Rural Reconstruction, Forest Foundation Philippines, Conservation International -Philippines, LaksamBuhay Foundation Inc., Klima-Climate Change Center and notably GabayKalikasan join the fight to protect and save not only the Caimpugan Peatland in Agusan Marsh but all peatland resources nationwide.

My dear colleagues, I am thus seeking your help and support in this fight for our future and for the future of our descendants. The passage of this bill is earnestly sought.


JONATHAN KEITH T. FLORES
2nd District of Bukidnon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 3055

Introduced by Representative JONATHAN KEITH T. FLORES

AN ACT TO CONSERVE, PROTECT AND SUSTAINABLY MANAGE
PEATLANDS AND ITS RESOURCES TO INCREASE THE COUNTRY'S RESILIENCE
TO CLIMATE CHANGE, AND FOR OTHER PURPOSES

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 Peatland and Peatland Resources Management, Conservation and Protection Act*”.

SECTION 2. Declaration of Policy. – It is the policy of the State to promote the conservation and sustainable development of peatland and peatland resources consistent with the principles of sustainable development, inclusive economic development, poverty reduction, 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.

SECTION 3. Coverage. - This Act shall apply to all peatland and peatland resources nationwide within public and private lands.

SECTION 4. Definition of Terms. - The following terms shall be construed to mean as:

- a.) *High Conservation Value* refers to the biological, ecological, social or cultural values of outstanding significance at the national, regional or global level or of critical importance at the local level;
- b.) *Land use planning* refers to the rational and judicious approach of allocating available land resources to different land - using activities. (e.g. agricultural, residential, industrial) and for different functions consistent with the overall development vision/goal of a particular locality;
- c.) *Peat* refers to dead and partially decomposed plant material that have accumulated under high water saturation or waterlogged conditions. Peat soil is defined using the definition of histosol (organic soil) which are soils with cumulative organic layer(s) comprising more than half of the upper 80cm of the soil surface containing 35% or more organic matter (35% or more loss on ignition) or 18% or more organic carbon;
- d.) *Peat swamp forest* refers to a type of peatland that has forest cover and can be found in certain areas in the tropical regions of the world including the Philippines;

- e.) *Peatlands* refers to wetland ecosystems characterized by the accumulation of peat at the surface. Major characteristics of peatlands are the presence of peat, and permanent water logging. Peatlands may have vegetation in the form of trees, shrubs, grasses, and mosses;
- f.) *Protected Area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- g.) *Riparian area or zone* refers to land that occurs along watercourses and water bodies and are composed of moist to saturated soils, water-loving plant species and their associated ecosystems. This may be found surrounding lakes, estuaries, streams and rivers;
- h.) *Subsidence* refers to the lowering or collapse of the ground level that results from draining water from peatlands and or due to fire incidence;
- i.) *Wetlands* 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, salt pans, and wastewater treatment ponds;
- j.) *Wise use* refers to the maintenance of the ecological character of peatlands, achieved through the implementation of ecosystem approaches, within the context of sustainable development.

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

The DENR with the coordinating agencies shall exercise the following powers and functions within their mandates: formulate, implement and monitor policies, rules, ordinances, regulations, plans and programs; enter into partnership and engagements with interested partners; develop best practices on the wise use of peatland areas; communication education, public awareness; and convene regular meetings to update and share technical progress report to be shared among the coordinating agencies.

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

SECTION 7. Integration and Mainstreaming of Peatland Protection and Sustainable Use. - All government agencies and offices, and local government units (LGUs) shall integrate and mainstream peatland protection and sustainable 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 peatlands.

SECTION 8. Development of National Peatland Conservation Program. - A National Peatland 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 peatland conservation programs. The National Peatland Conservation Program shall define national targets for the conservation of peatlands and the development of its national coordinating mechanism.

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

- a.) 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;
- b.) Restoration and Rehabilitation of degraded peatlands;
- c.) 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;
- d.) 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;
- e.) Peat fire early warning systems, prevention, control and monitoring;
- f.) Research and Development;
- g.) Assessment of vulnerability to climate change and disaster risk management;
- h.) Peatland carbon stock assessment, accounting, verification and crediting;
- i.) Assessment and monitoring of greenhouse gas flux;
- j.) Knowledge management and peatland information system;
- k.) Implementation of soil and water conservation technologies;
- l.) Measures to address invasive alien species;
- m.) Establishment and promotion of peatland best management practices (including Public-Private Partnership);
- n.) Communication, education, participation, capacity-building and awareness program;
- o.) Collaboration with Indigenous and local communities in the management and wise use of the peatlands;

- p.) Integration of local and traditional ecological knowledge and practices with science-based knowledge systems; and,
- q.) Requiring environmental impact assessments for any development activity proposed within the peatland of adjacent areas or the catchment of the peatland which may potentially have a negative impact on the peatland.

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

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

1. Drainage of peatlands for the following purposes:
 - a. Conventional agriculture development;
 - b. Illegal logging; or,
 - c. Transport and infrastructure, and other land use.
2. Forest clearance and degradation, such as:
 - a. Peatland conversion to agriculture, mining, residential, or any other kind of conversion;
 - b. Logging; or,
 - c. Fire.
3. Peatland deforestation and fires for the following purposes:
 - a. Land clearance;
 - b. Land claims and conflicts;
 - c. Resource extraction; or,
 - d. Accidental.

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

SECTION 12. 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.

SECTION 13. Implementing Rules and Regulations (IRR). – 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.

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

SECTION 15. 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.

SECTION 16. 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.

SECTION 17. 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.



Republic of the Philippines
Department of Environment and Natural Resources
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11 November 2022

HON. EDGAR M. CHATTO
Chairperson
Committee on Climate Change
House of Representatives
Batasan Hills, Quezon City

THRU: **MR. ROMMEL M. REYES**
Committee Secretary

Dear **Rep. Chatto**:

In reference to the electronic mail dated 30 October 2022 from the Committee on Climate Change of the House of Representatives, requesting comments on HB No. 3055, entitled: "An Act to Conserve, Protect and Sustainably Manage Peatlands and its Resources to Increase the Country's Resilience to Climate Change, and for other Purposes," authored by Rep. Jonathan Keith T. Flores; and HB No. 5083, entitled: "An Act Promoting the Conservation, Protection and Sustainable Use of Peatlands and its Resources, to Enhance Climate Resiliency and for other Purposes," authored by Reps. Raymond Democrito C. Mendoza and Ma. Alana Samantha Taliño Santos, we are respectfully transmitting the comments/recommendations of the concerned Bureaus, Offices and agencies.

A. DENR Forest Management Bureau (FMB)

This Office fully supports the passage of the proposed house bill to ensure the protection, conservation, and wise use of all wetlands in the country. Nevertheless, please find hereunder the following inputs/comments of this Office to the above-mentioned proposed house bills:

1. On Section 5 Implementing and Monitoring Agencies, please include the specific roles and responsibilities of the identified agencies in the monitoring of overall implementation of the proposed bill.
2. Please include a provision on the development and adoption of a national peatland action plan to contain the strategies, actions and targets for the effective conservation and protection of peatlands.
3. Please consolidate the house bills into one considering that the content and intention of the two house bills are the same.

B. DENR Ecosystems Research and Development Bureau (ERDB)

Herein are our comments:

1. Legislative measures (any of or the two bills unified) for the conservation and management of peatlands are necessary if a special management body or committee will be created and a comprehensive program defined with the necessary funding provided.
2. If no such special management body or committee will be created, we believe that the appropriate legislative measure is to provide the necessary funding under the General Appropriations Act for a Peatland Conservation and Management Program to be prepared by DENR with the Biodiversity Management Bureau as the lead.

C. DENR Biodiversity Management Bureau (BMB)

As the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, including peatlands, we support the passage and legislation of the Peatland Bill. Peatland is one of the unique wetland ecosystems that plays an important role in climate change mitigation as they store twice as much carbon than any other terrestrial ecosystem. Work on peatland conservation in the Philippines only started in 2005 and is facing many challenges especially that there is no specific law specific for peatlands. We believe that the passage of the Bill will help the government to strengthen its efforts in protecting and conserving the remaining peatlands in the country. Moreover, protection of the peatlands will also enhance the country's resilience to climate change.

To further enhance the Peatland Bill, we suggest merging HB Nos. 3055 and 5083. The following are the suggestions and recommendations for enhancing the Peatland Bill:

1. Adoption of the long title of House Bill 3055 with modification, to wit:
"AN ACT TO CONSERVE, PROTECT AND SUSTAINABLY MANAGE PEATLANDS AND ITS RESOURCES TO ENHANCE THE COUNTRY'S RESILIENCE TO CLIMATE CHANGE, AND FOR OTHER PURPOSES".
2. Adoption of the provisions of House Bill 5083 with modifications on Section 10: Prohibited Acts. In addition, it is suggested to adopt the (Section 10) Prohibited Acts as stated in HB No. 3055.
3. Inclusion of a penal provision after the (Section 10) Prohibited Acts of HB 5083. A penal provision is deemed important in strengthening the protection of the ecological integrity of the peatlands against violators of prohibited acts as mentioned in the HB No. 3055.

D. DENR Office of the Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects (OASECPPFASPS)

This office interposes no objection and supports the intents and purposes of the said bills. However, may we cite our comments/recommendations in support of the objective of the said bills:

- a. We refer to the existence of House Bills on Wetlands. Specifically, the House panel approved substitute bill for "National Wetlands Conservation Act in substitution of House Bills No. 3460 and 8925. Peatlands are a type of Wetland. As such, it would be better to merge the provisions of the Peatland Bills under the substitute House Bill on Wetlands to minimize conflicts and streamline the number of conservation plans and programs that will be developed;
- b. Regarding the definition of Wetlands, for consistency, we suggest going with the definition of wetland used in RA 11038;
- c. For Section 5, the roles of each of the implementing and monitoring agencies should be expounded on in further detail;
- d. For Section 6, the role of prioritizing areas for protection under NIPAS may be more appropriate under the BMB/DENR.;
- e. For Section 9, Land Classification of Peatland, the House Bill should specify the technical descriptions of the identified peatlands for reclassification, and to indicate which land classification these should be reverted to;
- f. Lastly, as both bills are similar in intent and content, we suggest consolidating them into a single bill.

E. DENR Legal Affairs Service (LAS)

After Careful, this Office finds and recommends the following:

1. The objective of the bills is in accordance with Article I of the 1987 Philippine Constitution which safeguards the specific fundamental legal right of the people to health and a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Also, the bills are in accordance with the mandate of DENR under E0 192, s. 1987, thus:

SECTION 4. Mandate. The Department shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos.

2. Revise Sec. 9 of the bills to be in accordance with Sec. 2, Article XII of the 1987 Constitution, which provides:

Section 2. 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. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant. (emphasis supplied)

Under Land Classification of Peatland or Sec. 9 of the bills, it states that:

All areas which have been classified and released as agricultural land but that are currently or formerly may have been identified as peatland even if they have been subsequently degraded shall be reverted to either forest land or national park. The appropriate implementing agency shall immediately initiate the expropriation proceedings before the proper court under existing law.

It is suggested that this be revised, thus:

All areas which have been classified as agricultural land, and those which have been alienated and disposed after classification as agricultural land, but that are currently or formerly may have been identified as peatland even if they have been subsequently degraded shall be reverted to either forest land or national park. The appropriate implementing agency shall immediately initiate the expropriation proceedings before the proper court under existing law.

3. Furthermore, the bills are in accordance with the country's obligations under the Ramsar Convention on Wetlands of International Importance, 4 to wit:

Article 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six meters at low tide lying within the wetlands, especially where these have importance as waterflow habitat.

2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.

3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.

4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.

5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List

and when exercising its right to change entries in the List relating to wetlands within its territory.

Article 3

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

XXX

Article 4

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.

2. Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.

3. The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.

4. However, the definition of wetlands under Sec. 4(i) and Sec. 4(k) are not the same as the definition under Article 1 of the Ramsar Convention, which states that *"wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres."*
5. The author of the HB 3033 emphasized that the peatlands store 30 percent of global carbon, and when drained and damaged, they exacerbate climate change, emitting 2 gigatons of carbon dioxide (CO₂) every year, which accounts for almost 6 percent of all global greenhouse gas emissions. Thus, the objective of the bill has the same objectives with Executive Order No. 881, s. 2010, Authorizing the Climate Change Commission to Coordinate Existing Climate Change Initiatives, which states:

WHEREAS, estimates for deforestation and forest degradation were shown to account for 20-25% of greenhouse gas emissions, higher than the transportation sector. Recent work shows that the combined contribution of deforestation, forest degradation and peatland emissions accounts for about 15% of greenhouse gas emissions, about the same as the transportation sector. Even with these new numbers it is increasingly accepted that the mitigation of global warming will not be achieved without the inclusion of forests in an international regime. As a result, it is

expected to play a crucial role as a future successor to the Kyoto Protocol.

WHEREAS, Reducing Emissions from Deforestation and Forest Degradation - Plus (REDD+) is a set of steps designed to use market/ financial incentives in order to reduce the emissions of greenhouse gases from deforestation and forest degradation. Its original objective is to reduce greenhouse gases but it can deliver "co-benefits" such as biodiversity conservation and poverty alleviation. REDD+ credits offer the opportunity to utilize funding from developed countries to reduce deforestation in developing countries.

WHEREAS, at the 2007 Bali United Nations Framework Convention on Climate Change (UNFCCC) meeting (COP-13), an agreement was reached on the urgent need to take rust degradation." The deadline it reached on "the urgent need to take further meaningful action to reduce reaching an agreement on the specifics of an international REDD+ mechanism, at least as regards to its being implemented in the short and medium term, was set to be the 15th Conference of the Parties to the UNECCC (COP-15), which was held in Copenhagen in December 2009.

WHEREAS, as a country Party to the UNFCCC and signatory to its Kyoto Protocol, the Philippines intends to remain as an engaged stakeholder toward combating and adapting to climate change, with a particular emphasis on alleviating poverty and advancing sustainable development.

WHEREAS, the Department of Environment and Natural Resources is the authority designated by law to undertake programs relating to deforestation and forest degradation.

6. The author of HB 5083 emphasized that the drainage and degradation of peatlands make them globally-important carbon sinks. Thus, the objective of the bill has the same objectives with Executive Order No. 881, s. 2010, Authorizing the Climate Change Commission to Coordinate Existing Climate Change Initiatives, which states:

WHEREAS, estimates for deforestation and forest degradation were shown to account for 20-25% of greenhouse gas emissions, higher than the transportation sector. Recent work shows that the combined contribution of deforestation, forest degradation and peatland emissions accounts for about 15% of greenhouse gas emissions, about the same as the transportation sector. Even with these new numbers it is increasingly accepted that the mitigation of global warming will not be achieved without the inclusion of

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WHEREAS, the Department of Environment and Natural Resources is the authority designated by law to undertake programs relating to deforestation and forest degradation.

7. The technical matters in the bills, however, are best left to the sound discretion of other DENR Offices concerned.

F. DENR Manila Bay Coordinating Office (MBCO)

The MBCO is in favor of the mentioned House Bills as it falls within the Manila Bay Rehabilitation Program. In this regard, kindly find below are our comments and suggestions:

1. We would suggest that both House Bills be combined. HB 5083 provides more technical information and explicitly integrates climate change and disaster risk reduction in the bill while HB 3055 lists down prohibited acts and the penal provision. We highly suggest that both bills be combined and that the importance of peatlands for climate change adaptation and mitigation along with disaster risk reduction be further amplified if possible.
2. **For Section 4** of both House Bills, we would like to stress the importance of mangrove peat in carbon sequestration and its accumulation to adapt with sea

level rise, especially along Manila Bay. We therefore suggest that the term 'mangrove peat' be defined in Section 4. It must be noted that, while soil organic matter formation of most peatland ecosystems takes centuries, mangrove peat formation below mangrove forests can form within decades (Osland et al, 2020). According to this study, peat development is mainly driven by subsurface root accumulation. In addition to root matter, debris (leaves, wood, etc.) trapped by the roots, contribute to rapid peat and soil accumulation. According to Osland et al (2020), peat development enables mangroves to adjust their elevation relative to sea level, foster carbon sequestration, and adapt to the changing conditions of dynamic intertidal zones.

Should there be additional comments from our concerned offices, rest assured that those will be forwarded to the Committee.

For your information and consideration.

Respectfully,

ROMIROSE B. PADIN
Director for Legislative Liaison Office

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