



MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Climate Change Service
Foreign Assisted and Special Projects Service

The Bureau Directors
Biodiversity Management Bureau
Land Management Bureau
Environmental Management Bureau
Forest Management Bureau
Ecosystems Research and Development Bureau

The Officer-in-Charge
Mines and Geosciences Bureau

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

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **INVITATION AND REQUEST FOR ADDITIONAL COMMENTS
RE: SUBSTITUTE BILL ON PEATLANDS AND SUBSTITUTE
BILL ON THE NATIONAL LAND USE POLICY FROM THE
COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF
REPRESENTATIVES**

DATE : 08 May 2023

In reference to the letter received on 07 May 2023, the Committee on Appropriations is inviting the Department to a meeting on **May 10, 2023 (Wednesday), at 9:30 A.M. via zoom videoconference** to deliberate on several measures, including the following:

1. Substitute Bill to House Bills Numbered 3055 and 5083, titled: "AN ACT TO CONSERVE, PROTECT, RESTORE, AND SUSTAINABLY MANAGE PEATLANDS AND THEIR RESOURCES TO ENHANCE THE COUNTRY'S RESILIENCE TO CLIMATE CHANGE, AND FOR OTHER PURPOSES", introduced by Edgar M. Chatto, Jonathan Keith T. Flores, Raymond Democrito C. Mendoza, et al.; and
2. Substitute Bill to House Bills Numbered 420, 870, 1621, 2299, 2383, 2878, 3007, 3611, 3611, 3956, 4081, 4163, 4291, 4884, 5149, 6055, 6275, 7092, and

7652, titled: "AN ACT INSTITUTING A NATIONAL LAND USE POLICY, PROVIDING THE IMPLEMENTING MECHANISMS, CREATING FOR THE PURPOSE THE NATIONAL LAND USE COMMISSION, AND APPROPRIATING FUNDS THEREFOR", introduced by Rosanna "Ria" V. Vergara, Florida "Rida" P. Robes, Francisco Jose "Bingo" F. Matugas II CPA, CESO, LLB, et al.

In this regard, we would like to request additional **comments/recommendations**, if any, on the above-mentioned substitute bills. Kindly submit it on **or before May 10, 2023, at 5 PM** via email at denrilo@denr.gov.ph.

Attached herewith are the invitation letter and a copy of the Substitute Bill on Peatlands. The substitute bill on the National Land Use Policy can be accessed through this link <https://bit.ly/3p8UIHG>.

Your attendance is highly encouraged.

ROMIROSE B. PADIN

cc: Undersecretary for Special Concerns and Legislative Affairs
Undersecretary for Finance, Information Systems and Climate Change
Undersecretary for Integrated Environmental Science



Republic of the Philippines
House of Representatives
COMMITTEE ON APPROPRIATIONS
Quezon City, Metro Manila

May 5, 2023

HON. ANTONIA "TONI" YULO-LOYZAGA

Secretary

Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City

budget@denr.gov.ph

Dear Secretary Yulo-Loyzaga:

The Committee on Appropriations will hold a meeting via the Zoom Video Conference on Wednesday, May 10, 2023 at 9:30 A.M. to deliberate on several measures, including the following:

1. Substitute Bill to House Bills Numbered 3055 and 5083, titled: **"AN ACT TO CONSERVE, PROTECT, RESTORE, AND SUSTAINABLY MANAGE PEATLANDS AND THEIR RESOURCES TO ENHANCE THE COUNTRY'S RESILIENCE TO CLIMATE CHANGE, AND FOR OTHER PURPOSES"**, introduced by Edgar M. Chatto, Jonathan Keith T. Flores, Raymond Democrito C. Mendoza, et al.; and
2. Substitute Bill to House Bills Numbered 420, 870, 1621, 2299, 2383, 2878, 3007, 3611, 3611, 3956, 4081, 4163, 4291, 4884, 5149, 6055, 6275, 7092, and 7652, titled: **"AN ACT INSTITUTING A NATIONAL LAND USE POLICY, PROVIDING THE IMPLEMENTING MECHANISMS, CREATING FOR THE PURPOSE THE NATIONAL LAND USE COMMISSION, AND APPROPRIATING FUNDS THEREFOR"**, introduced by Rosanna "Ria" V. Vergara, Florida "Rida" P. Robes, Francisco Jose "Bingo" F. Matugas II CPA, CESO, LLB, et al.

In this regard, may we respectfully request your participation, as a resource person, in the said meeting. Should you have any clarification and for confirmation of your attendance, please contact the Committee Secretariat at +63 939 831 5386.

The Zoom Meeting ID and Passcode are as follows:

Meeting ID : 950 0754 1678
Passcode : APPRO23

Attached are the electronic copies of the Substitute Bills for your reference.

Thank you.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a smaller 'S' and a 'C', with a diagonal line extending upwards from the top right of the 'E'.

REP. ELIZALDY S. CO
Chairperson

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. _____
(In substitution of House Bills Numbered 3055 and 5083)

Introduced by REPS. EDGAR M. CHATTO, JONATHAN KEITH T. FLORES, RAYMOND DEMOCRITO C. MENDOZA, MA. ALANA SAMANTHA TALIÑO SANTOS, STEVE CHIONGBIAN SOLON, GABRIEL H. BORDADO, JR., JOCELYN SY LIMKAICHONG, JANICE Z. SALIMBANGON, ANNA VICTORIA VELOSO-TUAZON, RICARDO T. KHO, RAOUL DANNIEL A. MANUEL, and CHRISTIAN "TELL" A. YAP

1
2 **AN ACT**
3 **TO CONSERVE, PROTECT, RESTORE, AND SUSTAINABLY MANAGE**
4 **PEATLANDS AND THEIR RESOURCES TO ENHANCE THE COUNTRY'S**
5 **RESILIENCE TO CLIMATE CHANGE, AND FOR OTHER PURPOSES**

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

CHAPTER I
GENERAL PROVISIONS

6 **SECTION 1. Short Title.** – This Act shall be known as the "National Peatland
7 and Peatland Resources Management, Conservation, Restoration, and Protection Act."
8

9 **SEC. 2. Declaration of Policy.** – It is the policy of the State to promote the
10 conservation, restoration, and sustainable development of the country's peatland and
11 peatland resources; and enhance the resilience of the Filipino people towards climate
12 change adaptation and mitigation and disaster risk reduction and management
13 consistent with the principles of sustainable development, inclusive economic
14 development, poverty reduction, and biodiversity conservation while advancing the
15 right to a balanced and healthful ecology in accordance with the harmony and rhythm
16 of nature.
17

18 **SEC. 3. Scope and Coverage.** – This Act shall apply to all peatland and
19 peatland resources nationwide within public and private lands.
20

21 **SEC. 4. Definition of Terms.** – The following terms shall be construed to mean
22 as:
23

- 24 (a) *Adaptation* refers to the process of adjustment to actual or expected climate and
25 its effects.

- 1
2 (b) *Climate change* refers to a change of climate which is attributed directly or
3 indirectly to human activity that alters the composition of the global atmosphere
4 and which is in addition to natural climate variability observed over comparable
5 time periods.
6
7 (c) *Carbon sink* refers to carbon reservoirs and conditions that take in and store
8 more carbon than they release.
9
10 (d) *Disaster Risk Reduction and Management (DRRM)* refers to the systematic
11 process of using administrative directives, organizations, and operational skills
12 and capacities to implement strategies, policies, and improved coping capacities
13 in order to lessen the adverse impacts of hazards and the possibility of disaster.
14
15 (e) *Ecosystem-based approaches* refer to the use of biodiversity and ecosystem
16 functions and services as part of an overall adaptation strategy to help people
17 adapt to the adverse effects of climate change. This term may refer to a wide
18 range of ecosystem management activities to increase the resilience and
19 reduce the vulnerability of people and the environment, including climate
20 change and disasters.
21
22 (f) *High conservation value* refers to the biological, ecological, social, or cultural
23 values of outstanding significance at the national, regional, or global level or of
24 critical importance at the local level that need to be appropriately managed in
25 order to maintain or enhance.
26
27 (g) *Mitigation* refers to the human interventions to reduce the sources or enhance
28 the sinks of greenhouse gases.
29
30 (h) *Nature-based solutions* refer to actions to protect, conserve, restore, sustainably
31 use, and manage natural or modified terrestrial, freshwater, coastal, and marine
32 ecosystems which address social, economic, and environmental challenges
33 effectively and adaptively, while simultaneously providing human well-being
34 ecosystem services, resilience, and biodiversity benefits.
35
36 (i) *Peat* refers to dead and partially decomposed plant material that have
37 accumulated under high water saturation or waterlogged conditions. Peat soil
38 is defined using the definition of histosol (organic soil) which are soils with
39 cumulative organic layers comprising more than half of the upper 80
40 centimeters of the soil surface containing 35% or more organic matter (35% or
41 more loss on ignition) or 18% or more organic carbon.
42
43 (j) *Peatlands* refer to wetland ecosystems characterized by the accumulation of
44 peat at the surface and subsurface of the soil. Major characteristics of peatlands
45 are the presence of peat and permanent water logging. Peatlands may have
46 vegetation in the form of trees, shrubs, grasses, and mosses.
47
48 (k) *Wetlands* refer to a wide variety of inland habitats such as marshes, peatlands,
49 floodplains, rivers and lakes, and coastal areas such as saltmarshes,
50 mangroves, intertidal mudflats, and seagrass beds; and also coral reefs and

1 other marine areas no deeper than six (6) meters at low, as well as human-
2 made wetlands such as dams, reservoirs, rice paddies, and wastewater
3 treatment ponds and lagoons.
4

- 5 (l) *Wise Use* refers to the maintenance of the ecological character of peatlands
6 achieved through the implementation of nature-based solutions and
7 ecosystem-based approaches within the context of sustainable development.
8

9 **SEC. 5. Peatlands as Carbon Sinks.** – The conservation and restoration of
10 peatlands sought to be enhanced under this Act shall be aimed at enabling the country
11 to manage peatlands sustainably, taking into account their value as natural solutions to
12 address climate change, such as functioning as carbon sinks, thus, providing
13 opportunities for the country to achieve multiple benefits for biodiversity and climate
14 resiliency, including financing through market-based instruments and mechanisms.
15

16 **SEC. 6. Implementing and Monitoring Agencies.** – The Department of
17 Environment and Natural Resources (DENR), through the Biodiversity Management
18 Bureau (BMB), shall be the lead agency in monitoring the overall implementation and
19 compliance with this Act. The Department of the Interior and Local Government (DILG),
20 through the Bureau of Local Government Supervision (BLGS), shall support in the
21 implementation of this Act, in coordination with the Department of Agriculture (DA) –
22 Bureau of Soils and Water Management (BSWM), Philippine Atmospheric, Geophysical
23 and Astronomical Services Administration (PAGASA), Department of Agrarian Reform
24 (DAR), DILG – Bureau of Fire Protection (BFP), DILG – Bureau of Local Government
25 Development (BLGD), Department of Public Works and Highway (DPWH), Climate
26 Change Commission (CCC), Department of Tourism (DOT), Department of Science
27 and Technology (DOST), DOST – Philippine Council for Agriculture, Aquatic and
28 Natural Resources Research and Development (PCAARRD), National Commission on
29 Indigenous Peoples (NCIP), National Water Resources Board (NWRB), National
30 Museum, concerned DENR Offices, academe, and concerned local government units
31 (LGUs) for specific peatland areas, and as appropriate, the ASEAN Centre for
32 Biodiversity and concerned international and non-government organizations.
33

34 The DENR with the coordinating agencies shall exercise the following powers
35 and functions within their mandates:
36

- 37 (a) Formulate, implement and monitor policies, rules, regulations, plans and
38 programs;
39 (b) Enter into partnership and engagements with interested partners;
40 (c) Develop best practices on the wise use of peatland areas;
41 (d) Strengthen and implement Communication, Education and Public
42 Awareness program on peatland conservation; and
43 (e) Convene regular meetings to update and share technical progress report
44 to be shared among the coordinating agencies.
45

46 **SEC. 7. Role of Local Government Units.** – The municipal, city, or provincial
47 local government having territorial jurisdiction over the peatland and its resources shall
48 prioritize peatland for protection under Republic Act No. 7586 or the “National
49 Integrated Protected Areas System (NIPAS) Act of 1992”, as amended by Republic Act
50 No. 11038, declaration as Critical Habitat under Republic Act No. 9147 or the “Wildlife

1 Resources Conservation and Protection Act”, or as local conservation area or other
2 effective area-based conservation measures through the ordinances of LGUs. They
3 shall also include the protection and conservation of peatland and its resources in their
4 respective Comprehensive Land Use Plans (CLUPs), Local Disaster Risk Reduction
5 and Management Plans (LDRRMPs), Local Climate Change Adaptation Plans
6 (LCCAPs), and other local plans in consultation with concerned agencies. They shall
7 coordinate with the DENR and the DILG in the monitoring of peatland and its resources
8 within their jurisdiction and in compliance of this Act.
9

10 The DENR and the DILG shall provide the technical and financial support to all
11 concerned LGUs for the management and protection of peatlands within their territorial
12 boundaries.
13

14 **SEC. 8. *Integration and Mainstreaming of Peatland Protection and***
15 ***Sustainable Use.*** – All national government agencies and offices; and LGUs shall
16 integrate and mainstream peatland protection, conservation, restoration, and
17 sustainable use into their plans, policies, ordinances, rules and regulations, programs,
18 projects, and development planning processes. Peatland conservation and restoration
19 targets shall be identified in all plans related to biodiversity, forestry, land degradation,
20 climate change and disaster risk reduction and management, as applicable. LGUs shall
21 conduct mapping, assessment, delineation, and inventory of potential peatlands in their
22 jurisdiction. Concerned LGUs shall also directly consult with the DENR, the CCC, and
23 affected communities in the development and implementation of their plans, programs,
24 and projects within or having impact on peatlands, especially on their ecosystem
25 services, including their value as effective carbon sinks, consistent with the Nationally
26 Determined Contributions of the Philippines under the Paris Agreement on Climate
27 Change.
28

29 **SEC. 9. *Development of a National Peatland Conservation and Restoration***
30 ***Program.*** – A National Peatland Conservation and Restoration Program, as aligned
31 with existing international commitments and national policies, plans, and programs,
32 shall be developed by the DENR, in coordination with other concerned agencies,
33 sectors, and stakeholders, within one year from the effectivity of this Act, to provide
34 direction, support, and guidance to the LGUs and stakeholders in the development and
35 implementation of their local peatland conservation and restoration programs. The
36 National Peatland Conservation and Restoration Program shall define national targets
37 for the conservation and restoration of peatlands and the development of its national
38 coordinating mechanism.
39

40 The Program shall include the following strategies:
41

42 (a) Inventory, mapping, delineation, assessment, and monitoring of
43 peatlands. All peatlands in the country shall be inventoried and assessed. Peatland
44 assessment including bio-capacity, carrying capacity, carbon storage, contributions to
45 ecological connectivity, and ecosystem services assessment and valuation as a natural
46 capital of peatland ecosystems shall be conducted to measure the full extent of its value
47 and guide agencies on its conservation, restoration, and sustainable use.
48

49 (b) Assessment of vulnerability to climate change and disaster risk
50 management.

1
2 (c) Peatland carbon stock assessment, accounting, verification, and
3 crediting. The nationwide assessment of carbon stocks shall be completed three (3)
4 years after the completion of a national peatland inventory.
5

6 (d) Assessment and monitoring of greenhouse gas flux and emissions.
7 Results of nationwide assessment of GHG fluxes from peatlands shall be contributed
8 to the reportorial requirements submitted to the United Nations Framework Convention
9 on Climate Change.
10

11 (e) Restoration and rehabilitation of degraded peatlands. Nature-based
12 solutions and ecosystem-based approaches shall be primarily employed in the
13 restoration of the ecosystem services lost from peatland degradation.
14

15 (f) Regulation against peatland drainage, conversion and reclamation, peat
16 extraction, and deliberate setting of fire within the peatland or immediately adjacent
17 areas that may affect the peatland.
18

19 (g) Enforcement of legal easement zones, danger zones, and other land use
20 setbacks. All concerned government agencies and LGUs shall strictly implement land
21 use setback provisions imposed by law.
22

23 (h) Peat fire early warning systems, prevention, control, and monitoring.
24

25 (i) Research, development, and extension. Extensive researches that will
26 determine the value of peatlands and peatland resources as well as best practices that
27 will sustain these values shall be recognized as integral part of management strategies.
28 The use of innovative technologies on sustainable peatland management and practices
29 on peatland ecosystem-based adaptation shall also be promoted and made accessible
30 particularly to vulnerable communities.
31

32 (j) Knowledge management and peatland information system.
33

34 (k) Implementation of soil and water conservation research and development
35 efforts and technologies.
36

37 (l) Measures to address invasive alien species in peatlands.
38

39 (m) Establishment and promotion of peatland best management practices,
40 and capacity building including Public-Private Partnership.
41

42 (n) Communication, education, participation, capacity-building, and
43 awareness program.
44

45 (o) Collaboration with indigenous peoples and local communities in the
46 management and wise use of the peatlands including providing sustainable livelihood
47 for peatland dependent communities, in coordination with the Department of Trade and
48 Industry (DTI), Technical Education and Skills Development Authority (TESDA), and
49 other concerned agencies.
50

1 (p) Harmonization and integration of local and traditional ecological
2 knowledge and practices with science-based knowledge systems.

3
4 (q) Requiring environmental impact assessments for any development
5 activity
6 proposed within the peatland or adjacent areas; or the catchment of the peatland which
7 may potentially have a negative impact on the peatland.

8
9 **SEC. 10. *Land Classification of Peatland.*** – Peatlands that are classified as
10 agricultural land shall be reclassified to either forest land or national park if, upon the
11 recommendation of DENR based on a suitability assessment, such peatlands have
12 High Conservation Value and still provide ecosystems services, particularly water and
13 climate regulation.

14
15 All peatlands that have been alienated and disposed for agricultural purposes
16 after classification as agricultural land but are not being utilized for such purpose shall
17 be rehabilitated, restored, protected, and conserved. For such purpose of rehabilitation,
18 restoration, protection, and conservation, based on suitability assessment, the
19 Secretary of the DENR may acquire, by purchase, donation, or expropriation, lands or
20 interests therein, including the acquisition of usufruct, establishment of easements, or
21 other undertakings appropriate in protecting the peatlands. Only those which have High
22 Conservation Value and provide ecosystems services, particularly water and climate
23 regulation, shall be recommended for such undertakings.

24
25 **SEC. 11. *Prohibited acts.*** – In addition to acts or omissions already penalized
26 by existing laws, the following offenses in peatlands within public domain shall be
27 punishable under this Act:

28
29 (a) Drainage of peatlands for agriculture development, industrial, urban,
30 illegal logging, transport, infrastructure, and other land use.

31
32 (b) Forest clearance and degradation for peatland conversion to agriculture,
33 mining, residential, or any other kind of conversion; logging; human-induced fire; illegal
34 peat reclamation; illegal peat dewatering; illegal peat quarrying; or illegal harvesting of
35 wildlife.

36
37 (c) Peatland deforestation and fires for land clearance, land claims and
38 conflicts, resource extraction, or accidental.

39
40 (d) Peatland clearing or earth moving for conversion to fish ponds or heavy
41 developments including recreational facilities that are not suitable to peatlands.

42
43 (e) Dumping of wastes and sediments from mining, factories, quarrying
44 operations, and sewer, as well as farm water carrying pesticide residues and/or
45 pollutants such as swine or livestock effluents thereby causing pollution to the
46 peatlands.

47
48 (f) Introduction of invasive alien species in peatlands.
49

1 **SEC. 12. Penal Provision.** – Violation under this Act or any rule or regulation
2 pursuant to this Act shall, upon conviction, be punished with a fine of not less than Two
3 Hundred Thousand Pesos (₱200,000.00) or imprisonment of not less than six (6)
4 months, or both, which shall be imposed at the discretion of the court.
5

6 **SEC. 13. Reporting Responsibility.** – The DENR Regional Executive Director
7 (RED), under whose jurisdiction the peatland is located, shall submit an annual
8 accomplishment report on their peatlands to the Secretary of the DENR through the
9 BMB. The report shall also include the conditions and benefits of the biological
10 resources and ecosystem services of the peatland to be submitted by the RED, through
11 channels, to the Secretary of the DENR every five (5) years. Consequently, the BMB
12 shall, likewise, prepare a report on the implementation of the National Action Plan for
13 the Protection and Sustainable Use of Philippine Peatlands (NAPP) every five (5) years
14 and shall submit the same to the President. The country report on the status of
15 peatlands shall also inform the updating of national action plans on biodiversity,
16 forestry, land degradation, climate change, and disaster risk reduction and
17 management, among others.
18

19 **SEC. 14. Appropriations.** – The amounts necessary to implement this Act
20 during the first year of implementation shall be sourced from the DENR. Thereafter,
21 such amounts necessary to effectively carry out the provisions of this Act shall be
22 included in the General Appropriations Act.
23

24 **SEC. 15. Implementing Rules and Regulations.** – The DENR, in close
25 coordination with concerned agencies and stakeholders, shall within six (6) months
26 from the effectivity of this Act issue rules and regulations necessary to implement the
27 provisions hereof.
28

29 **SEC. 16. Separability Clause.** – If any provision of this Act is declared
30 unconstitutional or invalid, any part or provisions hereof not affected thereby shall
31 continue to be in full force and effect.
32

33 **SEC. 17. Repealing Clause.** – All laws, decrees, executive orders, rules and
34 regulations, or parts thereof which are contrary or inconsistent with this Act are hereby
35 repealed or modified accordingly.
36

37 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days following its
38 publication in the Official Gazette or in at least two (2) newspapers of general
39 circulation.
40

41 *Approved.*