

Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 7942



INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

AN ACT
INSTITUTIONALIZING SUSTAINABLE COASTAL TOURISM,
PROVIDING MECHANISMS FOR ITS INSTITUTIONALIZATION,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

The Philippines which foreign tourists expect and its citizens are proud of is that of the postcard-worthy views of miles of fine sand and turquoise waters, magnificent sunsets by the bay, and numerous beach activities. This vision of a dream destination brought in 6.6 million foreign tourists in 2017.¹ In the same year, travel and tourism contributed 8.7% or P1.377 billion to the country's Gross Domestic Product and generated 2.348 million jobs.² In particular, coastal tourism has given way to wide scale development of tourism capacities (hotels, resorts, restaurants, etc.) and support infrastructure (ports, fishing and diving spots, etc.); the introduction of diverse activities; and the promotion of local cuisine and hospitality.³

The pitfalls of the tourism boom, however, have slowly become more evident. Greenpeace ranked the Philippines as the third worst polluter of the world's oceans.⁴ World-famous Boracay Island was closed over reports, among others, of high levels of coliform bacteria due to improper waste management of commercial establishments in the area.⁵ A similar problem

¹ "Philippines' tourist arrivals hit 6.6 million in 2017, up by 11%," *BusinessWorld*, February 09, 2018, <http://bworldonline.com/tourist-arrivals-philippines-hit-6-6-million-2017/>

² World Travel & Tourism Council, "Travel & Tourism Economic Impact 2018 Philippines," <https://www.wttc.org/-/media/files/reports/economic-impact-research/countries-2018/philippines2018.pdf>

³ "Sustainable coastal tourism: An integrated planning and management approach," *United Nations Environment Programme*, 2009, <http://www.unep.fr/shared/publications/pdf/dtix1091xpa-sustainablecoastaltourism-planning.pdf>

⁴ Greenpeace Philippines, "Nestlé, Unilever, P&G among worst offenders for plastic pollution in Philippines in beach audit," *Greenpeace.org*, September 22, 2017, <http://www.greenpeace.org/seasia/ph/press/releases/Nestle-Unilever-PG-among-worst-offenders-for-plastic-pollution-in-Philippines-in-beach-audit/>

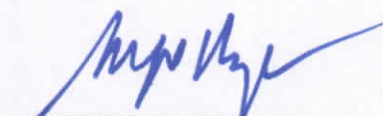
⁵ Raoul Esperas, "100 Boracay establishments warned over pollution, coliform bacteria," *ABSCBN News*, January 12, 2018, <http://news.abs-cbn.com/news/01/12/18/100-boracay-establishments-warned-over-pollution-coliform-bacteria>

of coliform contamination was also discovered in some frequented beaches of Puerto Galera.¹ Dumping of fuel discharge from tourist motorboats into coastal waters was found to be a prevalent practice in Coron.² Other negative effects of careless tourism practices are slowly being felt in other beach destinations while other tourist spots have had to close or undergo rehabilitation. It is clear then that to be able to ensure the continued rise and longevity of our tourism industry entails the conservation, protection, and strengthening of our natural resources.³ The lack of development planning and mitigation efforts on our coastal resources are therefore urgent issues that must be addressed.

This bill thus seeks to institutionalize sustainable coastal tourism in the country. The National Council for Sustainable Coastal Tourism, an independent but attached agency to the DENR, shall be established as the main policy-making, standard-setting, planning, coordinating, enforcing, monitoring, and advisory body of the government on sustainable coastal tourism. Among its main tasks is to create the National Coastal Recreational Area Quality Framework which will form and implement tourism development measures and practices with special considerations on ecological waste management, water quality and sanitation, prevention and reversion of coastal degradation, coastal cleanliness, protection of marine flora and fauna, and other reasonable quality standards. Local government units where coastal tourism is present shall also formulate and implement their respective Local Sustainable Coastal Tourism Plans to ensure the quality of coastal recreational areas within their jurisdiction.

This is made in recognition of the express policy under Section 16, Article II of the Constitution on the State's role in protecting and advancing the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. As all natural resources are generally owned by the State, its powers of control and supervision provided for in Section 2, Article XII involve the protection of its marine wealth in its archipelagic waters. The State must take the primary role in ensuring the sustainability of coastal tourism especially given its significant contribution to the national economy, benefits to the citizens, and the renown it gives to the country.

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



ALFRED VARGAS

¹ "DENR orders 14 establishments to vacate Puerto Galera beaches," *CNN Philippines*, April 17, 2018, <http://cnnphilippines.com/news/2018/04/17/DENR-puerto-galera-oriental-mindoro-boracay.html>

² Keith Anthony Fabro, "Teo warns Coron over water pollution," *Palawan News*, February 16, 2018, <http://palawan-news.com/teo-warns-coron-water-pollution/>

³ Ramon Benedicto A. Alampay, ed, "Sustainable Tourism: Challenges for the Philippines," 2005, <https://dirp4.pids.gov.ph/ris/books/pidsbk05-tourism.pdf>

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

ARTICLE 1
GENERAL PROVISIONS

SECTION. 1. *Short Title.* - This Act shall be known as the "Sustainable Coastal Tourism Act 2018".

SEC. 2. *Declaration of Policy.* - The State recognizes the indispensable role of coastal tourism in promoting rapid and inclusive growth among coastal provinces and affected local government units. The State further recognizes the pressure which coastal tourism bears upon marine and coastal environments. To this end, the State hereby declares it a policy to promote sustainable coastal tourism to reconcile the social and economic growth from coastal tourism with the people's right to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SEC. 3. *Definition of Terms.* - For the purposes of this Act, the words and phrases shall be defined as follows:

- (a) "Coastal Local Government Unit" or "Coastal LGU" refers to LGUs bordering a coast regardless of income classification;
- (b) "Coastal Recreational Area" refers to coastal areas, including shores, sand bars, bays, lagoon mouths, and coastal estuaries within the tidal zone, which are used by the public for recreational activities such as swimming, bathing, surfing, skimboarding and any other water sports;
- (c) "Council" refers to the National Council for Sustainable Coastal Tourism established under this Act;

- (d) "Local Sustainable Coastal Tourism Plans" or "Plan" refers to the plans to be formulated by coastal provinces under this Act in consultation with affected cities, municipalities and communities;
- (e) "National Coastal Recreational Area Quality Framework" or "Framework" refers to the Framework to be established by the Council under this Act;
- (f) "Sustainable Coastal Tourism" refers to an approach to coastal tourism which reconciles tourism with environmental sustainability;

ARTICLE II

THE NATIONAL COUNCIL FOR SUSTAINABLE COASTAL TOURISM

SEC. 4. *Establishment of the Council.* – The National Council for Sustainable Coastal Tourism, herein referred to as "the Council", is hereby established. The Council shall be the policy-making, standard-setting, planning, coordinating, enforcing, monitoring, and advisory body of the government on sustainable coastal tourism. The Council shall be an independent agency attached to the Department of Environment and Natural Resources, with a separate budget under the General Appropriations Act.

SEC. 5. *Powers and Functions of the Council.* – The Council shall be empowered to:

- (a) Formulate the National Coastal Recreational Area Quality Framework, which shall include but not be limited to the following measurable requirements:
 - (1) Ecological Waste Management;
 - (2) Water quality and sanitation;
 - (3) Accessibility;
 - (4) Preventing and reversing coastal degradation;
 - (5) Protection of marine flora and fauna;
 - (6) Presence of emergency health services; and
 - (7) Other measurable and reasonable quality standards pursuant to the declared state policy of this Act or other related laws or rules and regulations.
- (b) Supervise the formulation and implementation of Local Sustainable Coastal Tourism Plans;
- (c) Utilize the Sustainable Coastal Tourism Challenge Fund created under this Act as an incentive for LGUs to implement the provisions of this Act;
- (d) Recognize meritorious and/or extraordinary implementation of this Act by LGUs through awards;

- (e) Review, harmonize, and identify gaps in existing rules and regulations on sustainable coastal tourism;
- (f) Conduct an inventory and assess the quality of all existing and potential coastal recreational areas in the country;
- (g) Compile, use, and provide access to data on coastal recreational areas, which shall include but not be limited to location, magnitude, tourist arrivals, revenue from sustainable coastal tourism, coastal degradation, water quality and sanitation, accessibility, and habitation of marine wildlife;
- (h) Research and develop community-based and sustainable coastal tourism models and promote their adoption among local government units;
- (i) Receive grants, contributions, donations, endowments, bequests, or gifts in cash, or in kind from local and foreign sources in support of the development and implementation of climate change programs and plans: Provided, that such donations shall not be used to fund personal services expenditures and other operating expenses of the Council;
- (j) Provide capacity building and technical assistance to coastal municipalities, cities and provinces in evaluating, formulating, and reviewing local sustainable coastal tourism plans;
- (k) Mobilize non-government, private and international participation in local sustainable coastal tourism plans and projects; and
- (l) Provide awards and other forms of recognition to coastal provinces and affected LGUs which provide good examples of implementing sustainable coastal tourism

SEC. 6. *Composition.* – The Council shall be composed of:

- (a) The Secretary of the DENR, or his duly authorized representative, as chairperson;
- (b) The Secretary of the Department of Tourism (DOT), or his duly authorized representative, as Co- Chairperson;
- (c) The Secretary of the Department of Transportation (DOTr), or his duly authorized representative;
- (d) The Secretary of the Department of Public Works and Highways (DPWH), or his duly authorized representative;
- (e) The Secretary of the Department of Health (DOH), or his duly authorized representative;
- (f) The Secretary of the Department of Interior and Local Government, or his duly authorized representative;
- (g) One (1) representative from the academe who shall be an expert in sustainable coastal management and/or related disciplines;
- (h) Two (2) representatives from environmental non-government organizations working on sustainable coastal tourism.

The representatives from the academe and non-government organizations shall be appointed by the President of the Philippines, upon the recommendation of the members of the Council.

SEC. 7. *National Sustainable Coastal Recreational Area Quality Framework.* – The Council shall formulate a National Coastal Recreational Area Quality Framework, herein referred to as "The Framework", Within ninety (90) days from the effectivity of this Act. The Framework shall be used to:

- (a) Assess the quality of all coastal recreational areas in the country;
- (b) Guide national government agencies in formulating, implementing and monitoring policies, programs and projects in relation the goals of this Act; and
- (c) Guide coastal provinces, coastal cities and coastal municipalities in formulating their respective local sustainable coastal tourism plans.

SEC. 8. *Components of the Framework.* – The Framework shall include, but not be limited to, the following measurable components:

- (a) Ecological Waste Management;
- (b) Water quality and sanitation;
- (c) Presence of floatable materials, such as plastics, aluminum cans, and bottles;
- (d) Accessibility;
- (e) Preventing and reversing coastal degradation;
- (f) Coastal cleanliness and/or visible pollution;
- (g) Presence of emergency health services;
- (h) Protection of marine flora and fauna; and
- (i) Other measurable and reasonable quality standards pursuant to the declared state policy of this Act or other related laws or rules and regulations.

SEC. 9. *National Inventory and Assessment of Coastal Recreational Areas.* – Within two (2) years from the effectivity of this Act, and every three (3) years thereafter, the Council shall create a database of existing coastal recreational areas in the country and assess them using the Framework.

SEC. 10. *Sustainable Coastal Tourism Challenge Trust Fund.* – The Sustainable Coastal Tourism Challenge Fund, hereafter referred to as "the Fund", is hereby established. The Council shall use the Fund as an incentive for LGUs to comply with and implement the provisions of this Act.

The Fund shall be sourced from the equivalent of five percent (5%) of any annual increase of the revenues collected from the excise tax on manufactured oils and other fuels. It shall be indicated as a separate line item under the budget of the Council.

ARTICLE III ROLE OF NATIONAL GOVERNMENT AGENCIES

SEC. 11. *Role of National Government Agencies.* – In addition to their duties as members of the Council, the concerned agencies shall also perform the following functions to ensure the successful implementation of this Act:

- (a) The DOT shall provide technical and financial assistance in marketing, promoting and developing sustainable coastal tourism projects. The DOT shall also coordinate with the

Philippine Information Agency (PIA) in formulating and disseminating information against the collection of flora and fauna in coastal recreational areas;

- (b) The DPWH shall construct access roads and other essential infrastructure that are sustainably masterplanned for coastal recreational areas, in coordination with the DOT, the DILG and the concerned coastal provinces and affected local government units: Provided, that all infrastructure constructed pursuant to this Act shall be planned and maintained in an environmentally sustainable manner;
- (c) The DOTr shall assist in the provision of transportation services for coastal recreational areas, in coordination with the DOT, the DILG, and the concerned coastal provinces and affected local government units;
- (d) The DENR and its attached agencies shall provide technical and financial assistance in monitoring and the status of flora and fauna in coastal recreational areas and maintaining their assistance;
- (e) The DOH and the DENR- Environmental Management Bureau shall formulate and enforce water quality and sanitation standards for coastal recreational areas. The DOH shall also provide technical assistance to coastal provinces and affected local government units in monitoring such standards in coastal recreational areas; and
- (f) The DILG, in coordination with the Council, shall take the lead in raising awareness of sustainable coastal tourism among coastal provinces and affected local government units.

ARTICLE IV

ROLE OF LOCAL GOVERNMENT UNITS

SEC. 12. *Local Sustainable Coastal Tourism Plans.* – Coastal LGUs shall formulate and implement their respective Local Sustainable Coastal Tourism Plans, herein referred to as "the plan", to ensure the quality of coastal recreational areas within their jurisdiction. The plans shall include, but not be limited to:

- (a) Promotion and marketing of sustainable coastal recreational areas in their jurisdiction;
- (b) Provision of proper and well-equipped waste management facilities which can accommodate 50% more than the total number of waste produced by the coastal area in a day.
- (c) Provision of facilities for coastal tourism, including the acquisition of equipment regulation and supervision of business concessions, and security services for such facilities;

- (d) Clean-ups of coastal recreational areas;
- (e) Banning tourists and locals from collecting samples of flora and fauna found in coastal recreational areas;
- (f) Collection of tourism access fees from coastal recreational areas: Provided, that all amounts collected pursuant to this provision shall accrue to the city or municipal government from which it was collected and which shall be accounted for in accordance with existing government rules and regulations: Provided further, that the all amounts collected shall be used by the LGU to implement the provisions of this Act.
- (g) Inspection and regulation of water quality and sanitation in coastal recreational areas;
- (h) Construction and maintenance of sustainably planned and maintained access roads near coastal recreational areas;
- (i) Enforcement of easement zones as provided in Presidential Decree No. 1067, s. 1976, otherwise known as the Water Code of the Philippines;
- (j) Provision of emergency health services;
- (k) Dismantling of structures which prevent access to coastal recreational areas; and
- (l) Moratorium on mining of sand and other minerals in or near coastal recreational areas;

Local sustainable coastal tourism plans shall integrate the measurable indicators used in the National Coastal Recreational Area Quality Framework. Coastal LGUs shall consult affected communities in formulating their respective plans.

ARTICLE V

FINAL AND TRANSITORY PROVISIONS

SEC. 13. Appropriations. – The amount of One hundred million pesos (P100,000,000.00) for the establishment, initial operations, projects, and maintenance of the Council shall be taken from the current budget of the Department of Environment and Natural Resources. Thereafter, such amounts necessary to effectively carry out the provisions of this Act shall be included in the Annual General Appropriations Act.

SEC. 14. Penalty for Non-Compliant LGUs. – Local government officials who fail to formulate and implement their Local Sustainable Coastal Tourism Plan shall be charged with the penalty of dereliction of duty as defined under Chapter IV, Section 6 of Republic Act No. 7160 under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991"

SEC. 15. *Implementing Rules and Regulations.* – The DENR, DOT, DOTr, DPWH, DOTr, DOH, DILG shall promulgate the implementing rules and regulations of this Act within ninety (90) days of its effectivity.

SEC. 16. *Separability Clause.* – If for any reason any section or provision of this Act is declared as unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC. 17. *Repealing Clause.* – All laws, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,