

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3423



INTRODUCED BY HONORABLE LORENZO R. TAÑADA III

EXPLANATORY NOTE

The definition of municipal waters under Section 4, Paragraph 58 is deficient in that it provides clear rules for only two types of coastlines: the *straight coastline*, and *directly opposing coastlines*. It does not provide for the nearly limitless possible configurations and shapes of coastlines of the 7,107 islands and surrounding waters of the Philippine Archipelago.

The Philippine coastline is highly irregular. Curves and indentions are the rule rather than the exception, and islands and islets dot the periphery of many provinces and municipalities. In some cases, municipalities are even made up of two or more islands. The perpendicular lines provided for by the Fisheries Code will be inapplicable to curving coastlines, while parallel lines mimicking the shape of the actual coastlines will be impossible to enforce at sea. The stated purpose of reserving municipal waters for the greater majority of marginal fishers will thus be rendered useless and futile.

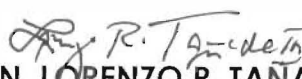
The guiding principle for resolving the issue of disparity is to adopt the use of archipelagic principle, which is enshrined in Article 1 of the 1987 Constitution and has been one of the fundamental pillars of the Philippine concept of national territory. Since the 1950s, the state has pushed this principle which eventually led to the so-called "Archipelagic Doctrine" in international law and has become the legal system; without it, international waters will separate the widely scattered islands of our archipelago, and the Filipino nation will be deprived of the large tracts of marine resources between the islands that it has claimed since its inception.

The country's foreign policy and legal positions before the international community cannot be inconsistent with our national law and policy. If we were not to apply the archipelagic principle to the component units of our country, the Local Government Units, then we would undermine the most fundamental pillar of our concept of national territory. Therefore, allow foreign countries to treat our outlying islands as insignificant pocket of land less important than the largest island of Luzon, Visayas and Mindanao and the waters in between as thoroughfares open to everyone.

The primary purpose of municipal waters is to reserve our coastal waters and resources for the use of millions of our marginalized countrymen who live in the coastal communities. Our coastal communities number in the thousands and include millions of poor and marginalized people directly depend on the fishery resources within our municipal waters for their subsistence. It is in their interest that these municipal waters are clearly delineated. Enabling the law on municipal waters empowers them to take a direct and active role in the management and use of these waters, and assures that the benefits of all municipal fisheries and aquatic resources will go directly to those who most need them.

This bill seeks to amend Section 4 Paragraph 58 and provide addendum on Chapter 2, Article 1 of RA 8550 to rectify the inappropriateness of the current definition by adopting the archipelagic principle in the definition of municipal waters and providing additional section on Municipal Fisheries of the same code.

In view of the foregoing, early passage of this bill is earnestly requested.


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AN ACT
AMENDING SECTION 4 (PARAGRAPH 58) AND PROVIDING ADDITIONAL
SECTION ON MUNICIPAL FISHERIES, CHAPTER 2, ARTICLE I OF RA 8550,
ENTITLED: "AN ACT PROVIDING FOR THE DEVELOPMENT, MANAGEMENT
AND CONSERVATION OF THE FISHERIES AND AQUATIC RESOURCES,
INTEGRATING ALL LAWS PERTINENT THERETO, AND FOR OTHER PURPOSES."

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

SECTION 1. Paragraph fifty-eight (58), Section 4 of RA 8550 is hereby
amended to read as follows:

"SEC. 4 (58). Municipal Waters. – include not only streams, lakes,
inland bodies of water and tidal water within the municipality which are
not included within the protected areas as defined under RA 7586, public
forest, timber lands, forest reserves or fishery reserves, but also marine
waters included between two (2) lines drawn perpendicular to the
general coastline from points where the boundary lines of the municipality
touch the sea at low tide and a third line parallel with the general
coastline including offshore islands and fifteen (15) kilometers from such
coastline.

WHERE THE TERRITORY OF A MUNICIPALITY INCLUDE SEVERAL
ISLANDS, THE OUTER MOST POINTS OF SUCH ISLANDS SHALL BE USED AS

BASE POINTS AND CONNECTED BY ARCHIPELAGIC BASELINES, IRRESPECTIVE OF THE LENGTHS OF SUCH BASELINES FROM THE MAIN COASTLINES.

Where two (2) municipalities are situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.”

SECTION 2. Section 16 shall be amended to include another section, to be read as follows:

“SEC. 16-A Procedure for Delineation and Delimitation of Municipal Waters:

A. Delineation of Municipal Waters

a) Use of normal baselines

- i.* Where the coastline is not deeply indented or cut into, and there are no outlying or fringing islands, reefs, or rocks, the normal baseline shall be the low water line.
- ii.* The normal baseline shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii.* The outer limits of the municipal waters of the municipality shall be determined by a line parallel to the normal baselines and fifteen (15) kilometers therefrom.

b) Use of straight baselines

- i.* Where the coastline is deeply indented and/or there are outlying or fringing reefs or rocks, the outermost points of the coastline may be connected by straight baselines, provided that the length of such baselines does not exceed thirty (30) kilometers.

- ii.* In such cases, the straight baselines shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii.* Reefs, rocks, cays, shoals, sandbars, and any other features which are submerged during high tide shall not be used as basepoints. Neither shall they have their own coastlines.
- iv.* The outer limits of the municipal waters of the municipality shall be determined by a line parallel to the straight baselines and fifteen (15) kilometers therefrom.

c) Use of municipal archipelagic baselines

- i.* Where the territory of a municipality includes several islands, the outermost points of such islands shall be used as basepoints and connected by municipal archipelagic baselines, provided that the length of such baselines shall not exceed thirty (30) kilometers.
- ii.* The municipal archipelagic baselines shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii.* Islands, isles, or islets located more than thirty (30) kilometers from the mainland of the municipality shall have their own separate coastlines.
- iv.* Rocks, reefs, cays, shoals, sandbars, and other features which are submerged during high tide shall not be used as basepoints for municipal archipelagic baselines. Neither shall they have their own coastlines.

- v. The outer limits of the municipal waters of the municipality shall be enclosed by a line parallel to the municipal archipelagic baselines and fifteen (15) kilometers therefrom.

d) Combination of baselines

A combination of normal and straight baselines, or normal and municipal archipelagic baselines, may be used depending on the circumstances and in the interest of simplicity in determining the general coastline and delineating municipal waters.

B. Delimitation of Adjacent Municipal Waters

- a) Where the general coastline is not curved or irregularly shaped at the coastal terminal point of the land boundary common to two (2) adjacent municipalities, the lateral boundary shall be determined by a line perpendicular to the general coastline at the terminal point.
- b) Where the general coastline at the point where the land boundary touches the sea is curved or irregularly shaped, making the determination of a perpendicular line impossible, the lateral boundary between two (2) adjacent municipalities may be determined by either of the following methods, depending on the complexity of the coastline:

B.i. Simplified bisection

The lateral boundary shall be determined as follows:

- b.i.a)* Examine the direction of the general coastline on both sides of the common coastal terminal point. On each side of the common point, draw a straight line, a

short baseline, whose length shall be limited to the point where the direction of the general coastline changes significantly or veers to another quadrant (see Fig. 1 for illustration).

b.i.b) Draw perpendicular lines to the coastlines on both sides of the common terminal point, passing through this common terminal point. Bisect the angle formed by the two perpendicular lines. The bisector is the lateral boundary of the municipal waters between the adjacent municipalities. The bisector will extend to fifteen (15) kilometers if the coastlines beyond the short baselines will no longer affect its equidistance from both coastlines; otherwise, it will extend only up to a distance beyond which the equidistance line method shall already be applied (see Fig. 1 for illustration).

B.ii. Equidistance line

The lateral boundary shall be determined by a line equidistant from the coastlines of the adjacent municipalities, as determined through the use of the baselines under Paragraphs 1a through 1d of Section 5B.

C. Delimitation of Opposite Municipal Waters

In the case of opposite municipalities which are less than thirty (30) kilometers apart, the municipal water boundaries between them shall be determined by the median or equidistance line between the general coastlines of the respective municipalities, as determined through the use of the baselines under Paragraphs 1a through 1d of Section 5B.

D. Delimitation of Municipal Waters of Three or More Adjacent and Opposite Municipalities

In cases where three or more municipalities are so situated that they have overlapping municipal waters, the delimitation of the lateral and offshore boundaries of their municipal waters shall be determined by the equidistance line method. The lateral boundaries will usually end at a point which is common to three or more municipalities, at the offshore boundary.

E. Municipal Water Boundary Delimitation Prior to Republic Act No. 8550 and this act.

Where two municipalities have actually delimited the boundaries of their municipal waters prior to the enactment of Republic Act No. 8550 in 1998, and this act, in accordance with the law prevailing at the time, and pursuant to the procedure prescribed therein, such previous boundary delimitation shall be respected and given effect as far as may be practicable in the light of the provisions of the Fisheries Code of 1998 and the application of the guidelines in this act in order to respect prior vested rights.

SECTION 3. Repealing Clause. – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act are hereby repealed or modified accordingly.

SECTION 4. Separability Clause. – If any portion or provision of this Code is declared unconstitutional or invalid, the portions or provisions hereof, which are not affected thereby, shall continue in full force and in effect.

SECTION 5. Effectivity. – This Act shall take effect fifteen (15) days following its complete publications in at least two (2) newspapers of general circulations.

APPROVED,