

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
First Regular Session

HOUSE BILL No. 207

Introduced by Representative Lorenzo R. Tañada III

EXPLANATORY NOTE

The definition of municipal waters under Section 4(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 and political basis for considering our 7,107 islands as one political unit. This doctrine is one of our most important contributions to the international 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 islands 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 R.A. 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.


HON. LORENZO R. TAÑADA III
Representative
Fourth District, Quezon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 207

Introduced by Hon. Lorenzo R. Tañada III

AN ACT
AMENDING SECTION 4 (PARAGRAPH 58) AND PROVIDING AN ADDITIONAL SECTION ON
MUNICIPAL FISHERIES, CHAPTER 2, ARTICLE I OF R.A. 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 the R.A. No. 8550 is hereby amended,
to read as follows:

"SEC. 4 (58). Municipal Waters - include not only streams, lakes, inland bodies of water
and tidal waters within the municipality which are not included within the protected
areas as defined under RA 7586 (The NIPAS Law), 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 have two sections which shall read as follows:

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

I. 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. Islands, isles, or islets located more than thirty (30) kilometers from the mainland of the municipality shall have their own separate coastlines.

- (iii) 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.
- (iv) 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.

II. 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 16-A.

III. 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 16-A.

IV. 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.

V. Municipal Water Boundary Delimitation AND DELINEATION 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.

ALL PREVIOUSLY DELINEATED MUNICIPALITIES CONSISTENT WITH THIS ACT SHALL BE RESPECTED AND GIVEN EFFECT AS FAR AS MAY BE PRACTICABLE IN THE LIGHT OF THE PROVISIONS OF THIS ACT.

VI. Publication and Public Hearing

1. Public Hearing

The NAMRIA shall submit to the requesting city or municipality a preliminary delineation of the municipal waters, and delimitation thereof with respect to any adjacent or opposite municipality, drawn on maps or charts of appropriate scale, and accompanied by a technical description. Such delineation and/or delimitation shall be in accordance with the technical guidelines set forth in

Section 5B hereof.

The requesting city or municipality shall cause the publication of the map or chart clearly showing the delineation and/or delimitation of municipal waters, through

- a. Posting in prominent places in the city or municipality;
- b. dissemination of copies of the same to all the component *barangays*; and
- c. furnishing copies, through regular channels, to any cities or municipalities affected.

In accordance with regular processes and practices, the requesting city or municipality shall conduct the same for public hearing and consultation for the purpose of receiving comments, inputs, suggestions, reactions, or objections to the proposed delineation and/or delimitation. The NAMRIA shall be present at the public hearing to document and consider such comments, inputs, suggestions, reactions, or objections.

Adjacent or opposite municipalities may, if they so decide for purposes of convenience and practicality, jointly hold the public hearings.

2. Disputes with Adjacent or Opposite Municipalities

If adjacent or opposite municipalities, as well as agencies having jurisdiction over defined coastal waters, or any interested parties, raised any objection to the preliminary delineation and/or delimitation of municipal waters, such objection shall be made in writing, in the form of a Resolution of the *Sangguniang Bayan* or *Panglungsod* concerned, or an official letter from the responsible officer or person, and officially presented at public hearing.

a) Amicable Settlement Encouraged

In case of boundary conflict, this guideline shall not prevent the municipalities concerned from negotiating or mutually agreeing to a common municipal water boundary provided there is substantial compliance with the provisions of the law. Such negotiated boundaries shall be submitted to the NAMRIA for verification. The NAMRIA may also provide technical assistance and advice to the municipalities in the course of their negotiations.

The delimitation of municipal water boundaries in accordance with a negotiated settlement shall be certified by the NAMRIA prior to its finalization and submission for enactment as an ordinance. Certification of such negotiated boundaries shall not be denied under normal circumstances.

b) Irreconcilable Differences

In case the municipalities cannot settle their differences amicably through negotiation, and the differences are based on the proper application of technical rules and guidelines, they shall jointly submit the issue to the NAMRIA for decision. The NAMRIA shall inform the municipalities of its decision within thirty (30) days from

the submission of the issue.

c) Disputes Before Other Fora

Where at the time of the delineation and/or delimitation, the dispute is pending before another forum on account of substantial issues that go beyond the application of technical rules and guidelines (e.g., when there is a pending case before a regular court over ownership and/or jurisdiction over islands or other features), the NAMRIA may, in the meantime, delineate and determine the temporary municipal water boundaries between the contesting municipalities, without considering the contested islands or features, provided that the affected municipalities agree to such temporary delimitation, provided further that the temporary delimitation shall be subject to the outcome of the dispute as determined by the concerned forum.

V. Revision and Finalization

1. Certification of Final Map

The NAMRIA, after considering the inputs from the public hearing, or the outcome of the dispute settlement mechanisms set forth in Paragraph 2 of Section 5C, shall revise the delineation and/or delimitation, and within thirty (30) days from the date of the last public hearing, or last meeting under Paragraph 1 of Section 5C, provide an official copy of the revised maps, charts, and technical descriptions to the requesting city or municipality. Such maps, charts, and technical description shall be duly certified by the NAMRIA Administrator as comprising the final and definitive delineation and/or delimitation of municipal waters.

2. Enactment of Ordinance

After the receipt of the revised and certified delineation or delimitation, if any, or of the date of the last public hearing if no revision was necessary, the requesting city or municipality shall enact an ordinance setting forth the extent of its municipal waters, incorporating the maps, charts, and technical descriptions prepared and verified by NAMRIA as an integral part of the ordinance, provided that in enacting the ordinance, no amendments shall be made to the maps, charts, or technical descriptions prepared and approved by NAMRIA.

Once the ordinance has become final and executory, the original copy must be submitted to the NAMRIA and official copies thereof shall be provided to the following:

- a) any adjacent or opposite municipalities affected by the delimitation;
- b) the BFAR;
- c) the Regional Office of the PNP-MARIG;
- d) any concerned special agency having jurisdiction over coastal waters which may be excluded from municipal waters;
- e) any affected party or sector the city or municipality may deem fit to notify;

f) the DENR field office.

3. Repository Function

The NAMRIA shall be the repository of all technical descriptions and corresponding maps or charts of all municipal waters. An official copy of such technical descriptions and maps or charts shall be provided to the municipality concerned.

Section 16-B. Fees and Costs For the delineation of municipal waters that would be conducted by NAMRIA, each city/municipality shall be charged with a service fee of PhP 5,000.00 plus PhP 50.00 per kilometer of coastline of the municipality exclusive of field expenses. NAMRIA shall likewise charge a verification fee of PhP 5,000.00, wherever applicable."

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,