

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
15th Congress
First Regular Session

HOUSE BILL No. 209

Introduced by Representative Lorenzo R. Tañada III

EXPLANATORY NOTE

The Philippine Fisheries Code provides a new framework in the development of Philippine fisheries. These principles were defined to ensure the sustainability of the country's fisheries and aquatic resources that will guarantee food security, sustainability of livelihood, biodiversity conservation, foster economic growth and nation building. However, due to insufficient and unclear definition and classification of fishing gears in the municipalities, unregulated use of inappropriate fishing gears espousing unsustainable fishing methods and practices remain unchecked. In this case the definition of the device and its accessories utilized in taking fish should be modified in order to protect the fisheries and our aquatic ecosystem.

This bill seeks to modify the definition of fishing gears as being classified 'passive' and 'active' into 'allowed' and 'not allowed' to provide more latitude in deciding which gears belong to each category. This classification would be able to capture not only the use of the gear but also how it is handled and its depletive effects to the resources as well. The modification of gears also gives reasonable discretion to local government units in the formulation of regulations to determine which gears are allowed or not. This discretion is tempered by strict regulation over which an LGU may allow a gear within its jurisdiction.

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


HON. LORENZO R. TAÑADA III
Representative
4th District, Quezon

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AN ACT AMENDING SECTION 4 (PARAGRAPH 40) AND PROVIDING 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 the Representatives of the Philippines in Congress assembled:

SECTION 1. Section 4 (40) of R.A. 8550 is hereby amended to read as follows:

"40. Fishing gear - any instrument or device and its accessories utilized in taking and other fishery species.

[a. Active fishing gear - is a fishing device characterized by gear movements, and/or the pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and seating the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, bagnets, paaling, drift gill net and tuna longline.

b. Passive fishing gear - is characterized by the absence of gear movements and/or the pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets across the path of the fish.]

A. ALLOWED GEARS - REFERS TO FISHING GEARS THAT SATISFY ALL OF THE FOLLOWING CRITERIA:

- 1) WILL NOT DEPRIVE ANYONE OF THE USE OF THE MUNICIPAL WATERS;
- 2) WILL NOT HARM COASTAL AND MARINE HABITAT;
- 3) WILL NOT DEplete FISH STOCK;
- 4) WILL PROMOTE A BALANCE IN THE MARINE AND COASTAL ECOSYSTEM; AND
- 5) WILL NOT ENDANGER THE HEALTH AND SAFETY OF THE PEOPLE.

B. NOT ALLOWED GEARS - ALL OTHER FISHING GEARS THAT FAIL TO SATISFY ANY OF THE ABOVEMENTIONED CRITERIA.

C. TOTALLY BANNED GEARS - THE FOLLOWING GEARS ARE TOTALLY BANNED FROM MUNICIPAL WATERS:

TRAWL (ALL KINDS) - GALADGAD, NORWAY

PURSE SEINE - PANGULONG

DANISH SEINE - HULBOT-HULBOT, PAHULBOT-HULBOT, LIKISAN, LIBA-LIBA, PALISOT, PATANGKO, BIRA-BIRA, BULI-BULI, HULAHOOB, ZIPPER, LAMPORNAS, ETC.

RING NET - KUBKOB, PANGULONG, KALANSISI

DRIVE-IN NET - PA-ALING, KAYAKAS

ROUND HAUL SEINE - SAPYAW, LAWAG

MOTORIZED PUSH NET - SUDSOD

BAGNET- BASNIG, SAKLIT

FISHING GEARS USING COMPRESSORS"

SECTION 2. A new section on allowed gears under Article I, Municipal Fisheries, of 50 is hereby inserted to read as follows:

SECTION 20 - USE OF ALLOWED GEARS. -- THE MUNICIPALITY OR CITY GOVERNMENT, THROUGH ITS LOCAL CHIEF EXECUTIVE AND ACTING PURSUANT TO AN APPROPRIATE ORDINANCE, MAY AUTHORIZE OR PERMIT THE USE OF ALLOWED GEARS WITHIN THE FIFTEEN (15) KILOMETER AREA FROM THE SHORELINE IN MUNICIPAL WATERS AS DEFINED HEREIN, PROVIDED, THAT ALL THE FOLLOWING ARE MET:

- a. THAT SAID ORDINANCE PROVIDES FOR A LIST OF ALL GEARS, BOTH ALLOWED AND NOT ALLOWED;
- b. THAT SAID ORDINANCE PROVIDES FOR THE LIMITATIONS ON THE USE OF EACH ALLOWED GEAR REGARDING MESH SIZE, TEMPORAL RANGE OR RANGE OF TIME TO WHICH GEAR MAY BE ALLOWED, ZONING OR DESIGNATED AREA WHERE GEAR MAY BE ALLOWED, SIZE RESTRICTIONS OR PHYSICAL DIMENSIONS ALLOWED, NUMBER RESTRICTIONS OR THE QUANTITY OF GEARS ALLOWED, DESIGN REGULATIONS OR SPECIFIC COMPONENTS / PARTS AND MATERIALS ALLOWED FOR VARIATIONS OF THE GEAR AND EFFORT REGULATION LICENSE FEES AND TAXES;
- c. A SYSTEM THAT SHALL SUBJECT A NEW GEAR AND/OR APPLICATION AND ASSESSMENT PERIOD TO FAC INTRODUCTION AND/OR ADDITION TO THE LIST OF PERMIT SAID ORDINANCE; AND
- d. PRIOR CONSULTATION, THROUGH PUBLIC HEARING, STAKEHOLDERS AND M/C/IFARMC HAS BEEN CONDUCTED FOR THE DRAFTING AND FINALIZATION OF THE SAID ORDINANCE.

TOTALLY BANNED GEARS AS DEFINED HEREIN AND GEARS NOT INCLUDED IN THE LIST OF ALLOWED GEARS CONTAINED IN THE SAID ORDINANCE ARE THEREBY PROHIBITED WITHIN THE 15 KM. MUNICIPAL WATERS.

IN NO CASE SHALL THE AUTHORIZATION OR PERMIT MENTIONED ABOVE BE GRANTED FOR FISHING IN BAYS AS DETERMINED BY THE DEPARTMENT TO BE IN AN ENVIRONMENTALLY CRITICAL CONDITION AND DURING CLOSED SEASON AS PROVIDED FOR IN SECTION 9 OF THIS CODE.

SECTION 3. Adjustment in the Numbering of Chapters and other sections of RA 8550 - Section 20 on Fisherfolk Organizations and/or Cooperatives shall become Section 21 and the succeeding sections shall be renumbered accordingly.

SECTION 4. Repealing Clause. - All laws, decrees, executive orders and rules and regulations or part thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 5. Separability Clause. - If any portion of this Code is declared unconstitutional or invalid, the portions or provisions thereof, which are not affected thereby, shall continue in full force and effect.

SECTION 6. Effectivity. - This Act shall take effect fifteen (15) days after its publications in the Official Gazette.

Approved,