

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 240

INTRODUCED BY CONGRESSMAN PEDRO P. ROMUALDO

EXPLANATORY NOTE

The Maritime Industry Authority is mandated under Republic Act No. 9295 otherwise known as "The Domestic Shipping Development Act of 2004" to register fishing vessels in the country. However, it has not fully implemented its mandate on this until it issued Memorandum Circular No. 2009 - 05, informing all local government units concerned that Executive Order No. 305 dated 02 April 2004 was superseded by the passage of Republic Act No. 9295.

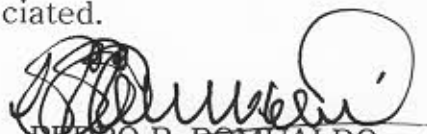
The local government units expressed the concern of marginalized fishermen with fishing vessels three Gross Tonnage and below of the hardships of going to the Regional Offices of MARINA just to register their fishing vessels.

All regional offices of MARINA, DA-BFAR and the Philippine Coast Guard are based in regional centers or highly urbanized or component cities and are a good distance away from far flung LGU's and island municipalities. Thus, the travel expenses and the follow-up process will entail additional financial burden to the marginalized fisher folks.

The policy of Executive Order No. 305 which devolved to the local government units the registration of fishing vessels three gross tonnage and below has been strictly and successfully observed by the various local government units concerned and the fisher folks in their respective area of jurisdiction since 2004. As a result of this, the LGU's were able to strictly monitor the activities of their fisher folks sector as well as effectively address their needs.

The LGU's have the track record and the capability to handle the efficient registration of fishing vessels three Gross Tonnage and below. It is for this reason that I am strongly advocating for this function to be devolved to the local government units. This would also declog the MARINA from this type of arduous task so it can also concentrate on pursuing their primary mandates. The agencies mentioned in this Act can also closely coordinate with each other to assist the LGU's in this particular task.

The early passage of this bill is highly appreciated.


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AN ACT

DEVOLVING TO CITY AND MUNICIPAL GOVERNMENTS THE REGISTRATION OF FISHING VESSELS THREE GROSS TONNAGE AND BELOW AND FOR OTHER PURPOSES

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

Section 1. City and municipal governments shall exclusively register all fishing vessels with three gross tonnages and below. The local government units concerned shall maintain up-to-date records of all registered fishing vessels within their jurisdiction. It shall also furnish on a regular basis the respective Regional Offices of the Maritime Industry Authority (MARINA), the Philippine Coast Guard (PCG) Station/Detachment and the Department of Agriculture – Bureau of Fisheries and Aquatic Resources (DA – BFAR) with a certified true copy of the list of vessels registered and their complete description.

Section 2. The Maritime Industry Authority (MARINA) and the Philippine Coast Guard (PCG) shall extend technical assistance, auxiliary support and training to the local government units with respect to registration of fishing vessels covered under this Act. It shall also assist the LGU's to qualify and issue appropriate documents to the fisher folks to operate a motorized fishing vessel. Provided, However, That the MARINA and PCG shall continue to exercise visitorial functions to enforce strict compliance of existing laws, rules and regulations.

Section 3. The DA – BFAR Regional Offices shall maintain a separate data bank of the list of registered fishing vessels for record purposes and proper monitoring of fishing activities in their respective area of operations.

Section 4. The LGU's shall institute a strict monitoring process to determine compliance by the registered vessel owners and shall issue a new Certificate Number which must be clearly posted in the registered vessel for proper identification.

Section 5. All registered fishing vessel owners shall report within ten (10) working days any changes in the ownership of the registered fishing vessel or change of home port or change of name of fishing vessel. These changes will

only be reflected upon submission of a new application for the issuance of a new certificate of registration.

Section 6. The LGU concerned after observing due process may also cancel or delete the registration of the fishing vessel for violation of municipal ordinances and maritime laws. The LGU shall immediately notify its owner/operator of the scheduled hearings. It shall also provide a copy of the results of its hearing and decision to MARINA, PCG and DA-BFAR.

Section 7. The LGU shall pass the necessary administrative fines and penalties for non-registration of fishing vessels within its territorial jurisdiction. It is authorized to retain and use the revenues collected out of the imposed fines and penalties which they can use for the training of personnel or hiring of additional manpower to handle the registration and monitoring of these fishing vessels.

Section 8. *Separability clause.* – If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion to any person group or circumstance be declared invalid or unconstitutional, the remainder thereof shall remain in full force and effect.

Section 9. *Repealing clause.* – All other maritime laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby modified, amended or repealed.

Section 10. *Implementing rules and regulations.* – The Maritime Industry Authority (MARINA), the Philippine Coast Guard (PCG), the Department of Agriculture – Bureau of Fisheries and Aquatic Resources (DA-BFAR) and the League of Cities of the Philippines and League of Municipalities of the Philippines shall draft the implementing rules and regulations to implement this Act in consultation with the Fisher folk Sector.

Section 11. *Effectivity.* – This Act shall take effect upon its publication in two (2) major daily newspapers of national circulation and in one (1) local newspaper in all the provinces of the Autonomous Regions of Muslim Mindanao.

Approved.