

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **2240**

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

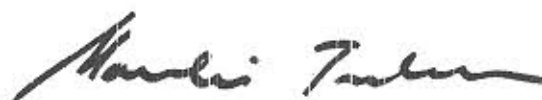
EXPLANATORY NOTE

The Philippines being an archipelago, surrounded by large bodies of water with more than 7,000 islands, indicates that the country has a very vast maritime zone. With this, it is presumed that it should have a marine-based economy. With a great amount of water and many number of bodies of water found, the country should have given important credits to the resources found in waters especially the fishes.

Thus, this bill seeks to attune the policy of the State to the Philippine nature as an archipelago by encouraging Filipinos to invest in fisheries. All coastal cities, coastal provinces, and 1st class coastal municipalities are required by this bill to establish a marine reserve for aquatic resources. In line with this, to have an appointed fisheries officer is proposed in order to manage the marine reserve. Through this bill, the fishery sector of the country will gain support and the fish supply will be secured.

By pursuing this marine-based economy, the State is able to making full use of the country's marine resources. This shall be a help for the Filipinos and also for the development of the country.

Hence, the approval of this bill is earnestly sought.



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INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

AN ACT REQUIRING COASTAL PROVINCES, COASTAL CITIES AND FIRST CLASS COASTAL MUNICIPALITIES TO HAVE A MARINE RESERVE FOR AQUATIC RESOURCES AND FISHERIES OFFICER TO SUPERVISE THE SAME AND APPROPRIATING FUNDS THEREFOR.

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

SECTION 1. Short Title. – this Act shall be known as Marine Reserve Law.

SEC. 2. Declaration Policy. – It is hereby declared the policy of the State to pursue a marine-based economy by making full and efficient use of the country's marine resources. Pursuant to this policy, first class coastal municipalities and all coastal cities and provinces must each have a marine reserve for its aquatic resources and a fisheries officer to perform the functions provided herein.

SEC. 3 Definition of Terms. – For purposes of this Act, the term "coastal cities and provinces" shall mean cities and provinces bordering on a coast regardless of income classification. On the other hand, the term "first class coastal municipalities" shall include all municipalities bordering on a coast and whose income classification have been determined by the Department of Finance in accordance with law as a first class municipality. Furthermore other pertinent terms are defined as follows:

(a) Buffer zones are identified areas inside the boundaries of and immediately adjacent to the Reserve that need special development control in order to avoid or minimize harm to the Reserve;

(b) Ecotourism is a kind of tourism wherein no damage to the ecology is sustained by the influx of visitors to the reserve;

(c) Fish production refers to the capacity of the species found within the Reserve to multiply to achieve a certain density of fish populations;

(d) Management plan is the plan in accordance with the General Management Planning Strategy of the DENR pursuant to Republic Act No. 7586 to serve as the basis for the protection and enhancement of biodiversity of the Reserve for sustainable development;

(e) Management manual is the manual relating to the Reserve;

(f) Maximum sustainable yield is the greatest amount of fish and fish products taken or harvested from within the Reserve without affecting sustainability;

(g) Multiple-use zones are areas where sustainable economic activities may be allowed to the extent described in the management plan;

(h) Marine reserve is an area in the sea that is identified to have fish, marine and other aquatic life that can be a source of food, or can be the breeding grounds for fish and other marine life which shall be developed, protected and managed to sustain its supply of fish or marine products.

SEC. 4. Each coastal province, coastal city and first class coastal municipality shall identify and establish a Marine Reserve for Fish and Aquatic Resources, under the management of the corresponding Fisheries Officers provided herein.

SEC. 5. Paragraphs (a) and (b) of Section 443 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SEC. 443. Officials of the Municipality Government – (a) There shall be in each municipality a municipal mayor, a municipal vice-mayor, sangguniang bayan members, a secretary to the sangguniang bayan, a municipal treasurer, a municipal assessor, a municipal accountant, a municipal budget officer, a municipal planning and development coordinator, a municipal engineer/building official, a municipal health officer and a municipal civil registrar. In addition, all **FIRST CLASS COASTAL MUNICIPALITIES MUST HAVE A MUNICIPAL FISHERIES OFFICER.**"

"(b) In addition, thereto, the mayor may appoint a municipal administrator, a municipal legal officer, a municipal agriculturist, A **MUNICIPAL FISHERIES OFFICER**, a municipal environment and natural resources officer, a municipal social welfare and development officer, a municipal architect, a municipal information officer."

SEC. 6. Paragraph (a) of Section 154 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SEC. 454. Officials of the City Government. (a) There shall be in each city a mayor, a vice-mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, city engineer, a city health officer, a city social welfare and development officer, and a city general services officer. In addition, **EACH COASTAL CITY MUST HAVE A CITY FISHERIES OFFICER.**"

Sec. 7. Paragraph (a) of section 463 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SEC. 463. Officials of the Provincial Government. – (a) there shall be in each province a governor, a vice-governor, members of the sangguniang panlalawigan, a secretary to the sangguniang panlalawigan, a provincial treasurer, a provincial assessor, a provincial accountant, a provincial engineer, a provincial budget officer, a provincial planning and development coordinator, a provincial legal officer, a provincial administrator, a provincial health officer, a provincial social welfare and development officers, a provincial general services officer, a provincial agriculturist and a provincial veterinarian. In addition, **EACH COASTAL PROVINCE MUST HAVE A PROVINCIAL FISHERIES OFFICER.**"

Sec. 8. Article Twelve, Title Five Book III of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"Article Twelve. – The agriculturist shall be mandatory for the provincial government and optional for the city and municipal governments.

SEC. 482-A Qualifications, Powers and Duties OF THE AGRICULTURIST. – (a) No person shall be appointed agriculturist unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree in agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have practiced his profession in agriculture or acquired experience in related field for at least for at least five (5) years in the case of the provincial or city agriculturist, and three (3) years in the case of the municipal agriculturists.

"The position of an agriculturist shall be mandatory for the provincial government and optional for the city and municipal governments.

"(b) The agriculturist shall take charge of the office for agricultural services and shall:

"(1) Formulate measure for the approval of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out said measures to ensure the delivery of basic services and provision of adequate facilities relative to agriculture services as provided for under section 17 of this Code;

"(2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with agricultural programs and project which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;

"(3) In addition to the foregoing duties and functions, the agriculturist services and shall:

"(i) Ensure that maximum assistance and access to resources in the productions, processing and marketing of agricultural and aquaculture and marine products are extended to farmers, fishermen and local entrepreneurs;

"(ii) Conduct or cause to be conducted location-specific agricultural researches and assist in making available the appropriate technology arising out of and disseminating information on basic research crops, prevention and control of plant diseases and pests, and other agricultural matters which will maximize productivity;

"(iii) Assist the governor or mayor as the case may be, in the establishment and extension services of demonstration farms or aquaculture and marine products;

"(iv) Enforce rules and regulations relating to agriculture and aquaculture;

"(v) Coordinate with government agencies and non-governmental organizations which promote agriculture through appropriate technology compatible with environmental integrity;

"(4) be in the front of the delivery of basic agricultural services particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disasters and calamities;

"(5) Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters related to agriculture and aquaculture which will improve the livelihood and living conditions of the inhabitants; and

"(c) Exercise such other powers and perform such duties and functions as may be prescribed by law ordinance "

SEC. 482-B Qualifications, Power and Duties of the Fisheries Officer. - (a) no person shall be appointed fisheries officer unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree in fisheries or marine biology or any related course from a recognized college or university; and a first grade civil service eligible or its equivalent. He must have practiced his profession in fisheries or acquired experience in a related field for at least five (5) years in the case of the provincial and city fisheries officer, and three (3) years in the case of the municipal fisheries officer.

"THE POSITION OF FISHERIES OFFICER SHALL BE MANDATORY FOR ALL FIRST CLASS COASTAL MUNICIPALITIES AND ALL COASTAL CITIES AND COASTAL PROVINCES."

"(b) The Fisheries officer shall take charge of the office for fisheries services AS WELL AS OF THE MARINE RESERVE FOR AQUATIC RESOURCES HEREIN PROVIDED, and shall perform all the functions of the agriculturist related to fisheries enumerated in the preceding section."

SEC. 9. The Functions of the Fisheries Officer.- Fisheries Officer shall be directly responsible to the provincial, city, municipal board and is hereby empowered to perform any and all of the following;

(a) Administrative Functions:

(1) Serve as the chief administrative officer of the Reserve for purposes of implementing the management plan;

(2) Recommend the hiring of personnel of the Reserve;

(3) Establish a productive partnership with the local community including groups in the planning, protection and management of the Reserve;

(4) Develop and implement a Reserve information, education and visitor programs;

(5) Develop and implement a natural documentation program and to oversee research that may be conducted within the Reserve;

(6) Integrate the roles of non-government organization, the DENR, DA and other government agencies in the operation of the reserve;

(7) Document the process involved in the establishment and management of the Reserve with particular reference to the development of relationship with fishermen, small fisherfolk inhabitants, communities, buffer-zone residents and others in establishing effective protection of the Reserve. Gather lessons learned from this documentation and use them in future planning.

(b) Regulatory Functions:

(1) Act as peace officer for the purpose of maintaining peace and order within the reserve- As peace officer, he shall exercise police supervision therein and may arrest any person found in any place within the reserve who is committing, has committed or is about to commit an act in violation of this Act or Republic Act No. 7586;

(2) enforce the rules and regulations formulated to protect and preserve the Reserve from trespass, damage, injury and illegal activities.

(3) Summarily remove or eject from the Reserve person who have rendered themselves obnoxious by disorderly conduct or bad behavior or who have violated any of the regulations of the Reserve;

(4) Require, when necessary, any person entering or passing across through or any part of the Reserve to give the following information: Name, address, the proposed duration of stay inside the Reserve and the portion which he intends to visit or has visited and such other information of a similar nature as may be required of him;

(5) Prohibit persons from cutting or gathering mangrove forest products, hunting or fishing the reserve without authority or permit to do so;

(6) Seize and confiscate fish, shellfish, and other marine products found within the Reserve including instruments, tools and conveyances used inside the reserve by unlicensed person or, if licensed, obtained in violation of the provisions of this Act, Republic Act No. 7586 or the rules and regulations issued in accordance with the guidelines concerning confiscation, seizure and disposition of illegally cut, gathered and transported marine products and other resources and confiscated wildlife; and

(7) Perform such other powers and duties as may from time to time be prescribed by competent authorities.

SEC. 10. Appropriations. -- The funds necessary for establishing the Marine reserve for Fish and Aquatic resources shall be include in the General Appropriations Act for then year following the enactment of this Act, and the funds necessary for the maintenance of such Marine Reserves shall be provided by the Local Government Units (LGUs) wherein the Marine Reserve is established, annually in the LGU annual appropriations.

SEC. 11 Implementing Rules and Regulations. -- The Secretary of the Department of Agriculture and fisheries, in collaboration with the Secretary of Department of Interior and Local Government and the Department of Environment and Natural Resources shall issue such rules and regulations for the effective implementation of this Act within six (6) months from the approval of hereof.

SEC. 12. This Act shall take effect upon its approval

Approved.