

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3374

Introduced by Hon. Irvin M. Alcala

EXPLANATORY NOTE

The Philippine Fisheries Code of 1998, or Republic Act (RA) 8550, is a comprehensive legal and policy framework that governs the development, management and conservation of the country's fisheries and aquatic resources. It recognizes as state policies the conservation, protection and sustainable management of the country's fishery and aquatic resources; alleviation of poverty by providing supplementary livelihood to municipal fisherfolk; improvement in the productivity of aquaculture, but within ecological limits; optimal utilization of offshore and deep-sea resources; and upgrading post-harvest technology.

Twelve years after the Code's enactment, however, the fishery sector continually endures a depleted fishery resource due to excessive fishing effort, destructive fishing methods and open access regimes; degraded fishery habitats through conversion into other economic uses and due to negative impacts from land-based activities; and substantial reduction in value of catches due to improper post-harvest practices. In view of these concerns, and consistent with the mandate of the Fisheries Code for review after five years from its effectivity, this representation considers now as an appropriate time to make the necessary amendments and/or modifications to the Fisheries Code.

This bill proposes to formalize community-based coastal resource management as the primary mode in managing the resource, to shift governance towards community-based and co-management approaches intended to decentralize authority and responsibility to the local government units with the active participation of the local fisherfolk. It also provides recommendations on the judicious utilization and management of fishery resources, and aims to address some of the weaknesses of the Code in relation to commercial fishing. It likewise enhances the provisions of the Code on aquaculture in order to boost the growth of the sector and successfully penetrate the international market. Further, the bill seeks to institutionalize Barangay Fishery and Aquatic Resources Management Council (BFARMC) by mandating its establishment in barangays abutting municipal waters, strengthens the Municipality/City Fisheries and Aquatic Resources Management Council, and improves the integrated management of shared fishery areas.



IRVIN M. ALCALA

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HOUSE BILL NO.-----**3374**

Introduced by HON. IRVIN M. ALCALA

AN ACT

AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 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 Representatives of the Philippines in Congress assembled:

SECTION 1. Section 2 of RA 8550 is hereby amended to read as follows:

"Section 2. Declaration of Policy. It is hereby declared the policy of the state: xxxxx

f. to manage fishery and aquatic resources, in a manner consistent with the concept of an integrated coastal area management THAT PRIMARILY PROMOTES COMMUNITY BASED COASTAL RESOURCE MANAGEMENT in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the State; and

SECTION 2. Section 4 of RA 8550 is hereby amended to read as follows:

"Section 4. Definition of Terms. As used in this Code, the following terms and phrases shall mean as follows:

1. Ancillary Industries- firms or companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; fishery machine shops; and other facilities such as hatcheries, nurseries, feed plants, AGRICULTURAL LIME PLANTS, cold storage and refrigeration, processing plants and other pre-harvest and post-harvest facilities.

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10. Commercial Fishing - the taking of fishery species [by passive or active gear] for trade, business or profit beyond subsistence or sports fishing, to be further classified as:

a. Small scale commercial fishing - fishing with [passive or active] gear and utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;

b. Medium scale commercial fishing - fishing with gear and utilizing [active gears and] vessels of 20.1 GT up to one hundred fifty (150) GT; and

c. Large scale commercial fishing - fishing with gear and utilizing [active gears and] vessels of more than one hundred fifty (150) GT.

15-A REGULATED FISHING – FISHING BY SCRAPING THE BOTTOM OF THE SEA/OCEAN FLOOR AND RIVER AND LAKE BEDS OR THE DESTRUCTION OF SEA GRASS, CORAL REEFS AND OTHER FISH HABITAT SUCH AS THE USE OF FISHING GEARS CALLED BEACH SEINE (BALING, SARAP, DACLIS, PUKOT, SINSORO, SAOG-SAOG), DANISH SEINE (BULI-BULI, ZIPPER, LIKISAN, HULBOT-HULBOT), BOTTOM TRAWL (KOTO-KOTO, GALADGAD, PANGHIPON), MOTORIZED PUSH NET (DALUNGKITAN, SUD-SUD), DREDGE FISHING (KARKAR, PANGAHIG), AND THE USE OF FINE MESH NETS SUCH AS MOSQUITO NETS THAT HINDER THE FOOD CHAIN OF FISH. IT SHALL ALSO REFER TO THE TAKING OF FISHERY SPECIES FROM THEIR WILD STATE OR HABITAT WITH THE USE OF EXPLOSIVES, NOXIOUS, POISONOUS SUBSTANCES, ELECTRICITY AND MURO AMI AND ANY OF ITS VARIATION, AS DEFINED IN THE CODE, DECLARED AS DELETERIOUS METHOD OF FISHING.

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21. Fine Mesh Net -

A. FOR LARGE SCALE COMMERCIAL FISHING – NET WITH MESH SIZE OF LESS THAN THREE CENTIMETERS (3 CM) MEASURED BETWEEN TWO (2) OPPOSITE KNOTS OF A FULL MESH WHEN STRETCHED OR AS OTHERWISE DETERMINED BY THE APPROPRIATE GOVERNMENT AGENCY.

B. FOR SMALL AND MEDIUM SCALE COMMERCIAL FISHING – NET WITH MESH SIZE OF LESS THAN TWO POINT FIVE CENTIMETERS (2.5 CM) MEASURED BETWEEN TWO (2) OPPOSITE KNOTS OF A FULL MESH WHEN STRETCHED OR AS OTHERWISE DETERMINED BY THE APPROPRIATE GOVERNMENT AGENCY.

27-A FISHPOND LEASE AGREEMENT -A CONTRACT ENTERED INTO BY AND BETWEEN THE SECRETARY OF AGRICULTURE AND A QUALIFIED FISHPOND APPLICANT FOR THE USE OF PUBLIC LAND FOR FISHPOND DEVELOPMENT PURPOSE FOR A PERIOD OF TEN (10) YEARS.

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40. Fishing gear - any instrument or device and its accessories utilized in taking fish 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 scaring the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, bag nets, 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, fish pots, traps and gill nets across the path of the fish.]

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45. Food Security - refers to any plan, policy or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. Food

security may be achieved through self-sufficiency AND SELF-RELIANCE WITHOUT RELYING ON FISH IMPORTATION.

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48-A ILLEGAL FISHING - REFERS TO THE EXPLOITATION, OCCUPATION, PRODUCTION, BREEDING, CULTURE OR GATHERING OF FISH FRY OR FINGERLINGS OF ANY FISHERY SPECIES OR FISHERY PRODUCTS OR TO ENGAGE IN ANY FISHERY ACTIVITY IN PHILIPPINE WATERS WITHOUT A LICENSE, LEASE OR PERMIT.

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52-A MARINE PROTECTED AREA REFERS TO ANY AREA OF INTERTIDAL OR SUBTIDAL TERRAIN TOGETHER WITH ITS OVERLYING WATER AND ASSOCIATED FLORA, FAUNA, HISTORICAL AND CULTURAL FEATURES, WHICH HAS BEEN RESERVED BY LAW OR LOCAL ORDINANCE TO PROTECT PART OR ALL OF THE ENCLOSED ENVIRONMENT. MPAs SHALL BE USED TO CONSERVE BIODIVERSITY, MANAGE NATURAL RESOURCES, PROTECT ENDANGERED SPECIES, REDUCE USER CONFLICTS, PROVIDE EDUCATIONAL AND RESEARCH OPPORTUNITIES, AND ENHANCE RECREATIONAL FISHERIES. IT SHALL INCLUDE FISHERY RESERVATIONS, FISHERIES RESERVES, FISH REFUGE AND SANCTUARIES AND MANGROVE SWAMP RESERVATIONS.

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68. Sea farming - the stocking of natural or hatchery-produced marine plants or animals, [under controlled conditions], for purposes of rearing and harvesting, but not limited to commercially- important fishes, mollusks (such as pearl and giant clam culture), including seaweeds and sea grasses.

SECTION 3. Section 11 of RA 8550 is hereby amended to read as follows:

“Section 11. Protection of Rare, Threatened and Endangered Species. The Department shall declare closed seasons and take conservation and rehabilitation measures for rare, threatened and endangered species, as it may determine, CONSISTENT WITH REPUBLIC ACT NO. 9147, ALSO KNOWN AS THE WILDLIFE RESOURCES CONSERVATION AND PROTECTION ACT. THE COLLECTION OF RARE, THREATENED AND ENDANGERED SPECIES, AS DETERMINED AND LISTED PURSUANT TO REPUBLIC ACT NO. 9147, INCLUDING ITS BY-PRODUCTS AND DERIVATIVES, SHALL BE ALLOWED ONLY FOR SCIENTIFIC, BREEDING OR PROPAGATION PURPOSES; PROVIDED, THAT ONLY THE ACCREDITED INDIVIDUALS, BUSINESSES, OR RESEARCH, EDUCATIONAL AND SCIENTIFIC ENTITIES SHALL BE ALLOWED TO COLLECT FOR CONSERVATION, BREEDING OR PROPAGATION PURPOSES, [and shall ban the fishing and/or taking of rare, threatened and/or endangered species, including their eggs/offspring as identified by existing laws in concurrence with concerned government agencies]”

THE DEPARTMENT SHALL COORDINATE WITH LGUS, FARMCS, PRIVATE INSTITUTIONS AND OTHER GOVERNMENT AGENCIES CONCERNED IN UNDERTAKING CONSERVATION AND REHABILITATION MEASURES FOR RARE, THREATENED AND ENDANGERED SPECIES.

SECTION 4. Section 14 of RA 8550 is hereby amended to read as follows:

"Section 14. Monitoring, Control and Surveillance of Philippine Waters. A monitoring, control and surveillance system shall be established by the Department in coordination with LGUs, FARMCs, THE DEPUTIZED FISH WARDENS, the private sector and other agencies concerned to ensure that the fisheries and aquatic resources in Philippine waters are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefit and enjoyment exclusively of Filipino citizens."

SECTION 5. Section 16 of RA 8550 is hereby amended to read as follows:

"Section 16. Jurisdiction of Municipal/City Governments. The municipal/city government shall have jurisdiction over municipal waters as defined in this Code. The municipal/city government, in consultation with the FARMC, shall be responsible for the management, conservation, development, protection, utilization and disposition of all fish and fishery/aquatic resources within their respective municipal waters.

FOR THIS PURPOSE, THE MUNICIPAL/CITY GOVERNMENT SHALL EXERCISE ALL THE NECESSARY POWERS AND ANCILLARY JURISDICTIONS OVER ITS MUNICIPAL WATERS INCLUDING THE ISSUANCE OF LICENSE AND PERMITS FOR THE UTILIZATION OF ALL FISH AND AQUATIC RESOURCES WITHIN THEIR RESPECTIVE MUNICIPAL WATER; PROVIDED, ALSO, THAT the municipal/city government SHALL, in consultation with the FARMC, enact THE APPROPRIATE ORDINANCES IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT CODE OF 1991; PROVIDED, FURTHER, THAT THE MUNICIPALITY/ CITY GOVERNMENT SHALL ENSURE THE FORMULATION OF A MUNICIPAL FISHERIES DEVELOPMENT PLAN FOR THE MUNICIPALITY/CITY, WHICH SHALL BE PART OF THE MUNICIPAL DEVELOPMENT PLAN.

The LGUs shall also enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipal/city council:

The management of contiguous fishery resources such as bays, GULFS, RIVERS AND LAKES which straddle several municipalities, cities or provinces, shall be done in an integrated manner, and shall not be based on political subdivisions of municipal waters in order to facilitate their management as single resource systems. The LGUs which share or border such resources [may] SHALL group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management. The Integrated Fisheries and Aquatic Resources Management Councils established under Section 76 of this Code, shall serve as the venues for close collaboration among LGUs in the management of contiguous resources: PROVIDED, THAT SUCH LGUs MAY ESTABLISHED THEMSELVES INTO INTEGRATED FISHERIES AND AQUATIC RESOURCES MANAGEMENT BOARD IN ACCORDANCE WITH SECTION 76 OF THE CODE, AS AMENDED."

SECTION 6. Section 17 of RA 8550 is hereby amended to read as follows:

"Section 17. *Grant of Fishing Privileges in Municipal Waters.* - The duly registered fisherfolk organizations/cooperatives shall have preference in the grant of fishery rights by the Municipal/City Council pursuant to Section 149 of the Local Government Code: Provided, That in areas where there are special agencies or offices vested with jurisdiction over municipal waters by

virtue of special laws creating these agencies such as, but not limited to, the Laguna Lake Development Authority and the Palawan Council for Sustainable Development, said offices and agencies shall continue to grant permits for proper management and implementation of the aforementioned structures. IN THIS SECTION. "PREFERENCE IN THE GRANT OF FISHERY RIGHTS" SHALL MEAN THAT, IN CASE OF PUBLIC BIDDING, ANY DULY REGISTERED FISHERFOLK ORGANIZATION OR COOPERATIVE OF THE MUNICIPALITY/CITY THAT PARTICIPATED IN THE BIDDING, MAY MATCH THE WINNING BID OF A NON-FISHERFOLK ORGANIZATION OR COOPERATIVE. THE MUNICIPALITY/CITY OR SPECIAL AGENCY OR OFFICE SHALL THEN GRANT THE FISHERY RIGHTS TO THE FISHERFOLK ORGANIZATION OR COOPERATIVE, SUBJECT TO THE LIMITATION IN SECTION 20."

Section 7. Section 18 of RA 8550 is hereby amended to read as follows:

"Section 18. Users of Municipal Waters. All FISHERIES-related activities in municipal waters, as defined in this Code, shall be utilized by municipal fisherfolk and their cooperatives/organizations who are listed as such in the registry of municipal fisherfolk.

The municipal or city government, however, may, through its local chief executive and acting pursuant to an appropriate ordinance, authorize or permit small scale commercial fishing vessels to operate within the TEN (10) to fifteen (15) kilometer area from the shoreline in municipal waters as defined herein, provided, that all the following are met:

a. no commercial fishing in municipal waters with depth less than seven (7) fathoms as certified by the appropriate agency;

b. NO UTILIZATION OF REGULATED FISHING methods and gears as determined by the Department AS DEFINED IN THIS ACT;

c. prior consultation, through public hearing, with the M/CFARMC has been conducted; and

d. the applicant vessel as well as the ship owner, employer, captain and crew have been certified by the appropriate agency as not having violated this Code, environmental laws and related laws OR MUNICIPAL ORDINANCE WITHIN THE TERRITORIAL OR MUNICIPAL WATER JURISDICTION OF THE MUNICIPALITY OR CITY.

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 8. Section 19 of RA 8550 is hereby amended to read as follows:

"Section 19. Registry of Municipal Fisherfolk. The LGU shall maintain AND REGULARLY UPDATE a registry of municipal fisherfolk, who are fishing or may desire to fish in municipal waters for the purpose of determining priorities among them, of limiting entry into the municipal waters, and of monitoring fishing activities and/or other related purposes: ALL MUNICIPAL FISHERFOLK WHO ARE FISHING OR WHO MAY DESIRE TO FISH IN MUNICIPAL WATERS, SHALL REGISTER THEMSELVES IN THE REGISTRY OF MUNICIPAL FISHERFOLK OF THE LGU. PROVIDED, ALSO, THAT IT SHALL BE THE PRIMARY RESPONSIBILITY OF THE BARANGAY TO KEEP A REGISTRY OF RESIDENT FISHERFOLKS. A COPY OF THE BARANGAY REGISTRY

SHALL BE SUBMITTED TO THE MUNICIPAL/CITY AGRICULTURAL OFFICE FOR CONSOLIDATION INTO THE MUNICIPAL/CITY REGISTRY OF MUNICIPAL FISHERFOLKS. Provided, FURTHER That the FARMC shall submit to the LGU the list of priorities for its consideration WHICH MAY BE BASED ON EARLY REGISTRATION, LOW FAMILY INCOME, ABSENCE OF OTHER SOURCES OF INCOME, TYPE OF GEAR USED, LENGTH OF RESIDENCY IN BARANGAY OR MUNICIPALITY/CITY, AND THE LIKE.

SECTION 9. Section 20 of RA 8550 is hereby amended to read as follows:

“Section 20. Fisherfolks Organizations and/or Cooperatives. Fisherfolk organizations / cooperatives whose members are listed in the registry of municipal fisherfolk, may be granted use of demarcated fishery areas to engage in fish capture, mariculture and/or fishfarming FOR A PERIOD OF NOT MORE THAN THREE (3) YEARS, RENEWABLE EVERY THREE YEARS THEREAFTER UPON MUTUAL CONSENT OF THE ORGANIZATION/COOPERATIVE AND THE LGU, SUBJECT TO PRIORITY RULES IN SECTION 17; Provided, however, That an organization/cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative.”

SECTION 10. Section 21 of RA 8550 is hereby amended to read as follows:

“Section 21. *Priority of Resident Municipal Fisherfolk.* - Resident municipal fisherfolk of the municipality concerned and their organizations/cooperatives shall have priority to exploit municipal and demarcated fishery areas of the said municipality. IN THIS SECTION, PRIORITY TO EXPLOIT SHALL MEAN THAT MUNICIPAL FISHERFOLKS FROM OTHER MUNICIPALITIES/CITIES MAY BE ALLOWED TO EXPLOIT MUNICIPAL OR DEMARCATED FISHERY AREAS ONLY WHEN THE RESOURCES CAN BE SUSTAINED EVEN WITH THE ADDITIONAL FISHING EFFORT.”

SECTION 11. Section 24 of RA 8550 is hereby amended to read as follows:

“Section 24. Support to Municipal Fisherfolk. The Department and the LGUs shall provide support to municipal fisherfolk, SUPPORT SERVICES FOR THE DEPUTIZED FISH WARDEN AND FOR THE BANTAY DAGAT OPERATIONS through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to training for additional/supplementary livelihood.”

SECTION 12. Section 25 of RA 8550 is hereby amended to read as follows:

“Section 25. Rights and Privileges of Fishworkers. The fishworkers shall be entitled to the privileges accorded to other workers under the Labor Code, Social Security System and other benefits under other laws or social legislation for workers: Provided, That fishworkers on board any fishing vessels engaged in fishing operations are hereby covered by the Philippine Labor Code, as amended. PROVIDED ALSO, THAT THE MUNICIPALITY/CITY MAY INDEPENDENTLY INITIATE THE NECESSARY PROCEEDINGS AGAINST THE EMPLOYER BEFORE THE APPROPRIATE AGENCY OR TRIBUNAL TO STRENGTHEN THE ENFORCEMENT OF THIS PROVISION.”

SECTION 13. Section 26 of Rep. Act No. 8550 is hereby amended to read as follows:

“Section 26. Commercial Fishing Vessel License and Other Licenses.
— No person shall operate a commercial fishing vessel, pearl fishing vessel or fishing vessel for scientific, research or educational purposes, or engage in any fishery activity, or seek employment as a fish worker or pearl diver without first securing a license from the Department, the period of which shall be prescribed by the Department: *Provided*, That no such license shall be required of a fishing vessel engaged in scientific, research or educational purposes within Philippine waters pursuant to an international agreement of which the Philippines is a signatory and which agreement defines the status, privileges and obligations of said vessel and its crew and the non-Filipino officials of the international agency under which said vessel operates: PROVIDED, ALSO, THAT THE LGU, IN CONSULTATION WITH THE FARMC, MAY RECOMMEND TO THE DEPARTMENT THE NON-RENEWAL OF COMMERCIAL FISHING VESSEL LICENSE DUE TO REPEATED VIOLATIONS OF FISHERY LAWS AND OTHER REGULATIONS INVOLVING THE APPLICANT VESSEL AS WELL AS THE SHIPOWNER, EMPLOYER OR CAPTAIN: *Provided*, further, That members of the crew of a fishing vessel used for commercial fishing except the duly licensed and/ or authorized patrons, marine engineers, radio operators and cooks shall be considered as fisherfolk: *Provided*, furthermore, That all skippers/ master fishers shall be required to undertake an orientation training on detection of fish caught by illegal means before they can be issued their fishworker licenses: *Provided*, finally, That the large commercial fishing vessels license herein authorized to be granted shall allow the licensee to operate only in Philippine waters seven (7) or more fathoms deep, the depth to be certified by the NAMRIA, and subject to the conditions that may be stated therein and the rules and regulations that may be promulgated by the Department.

SECTION 14. Section 28 of Rep. Act No. 8550 is hereby amended to read as follows:

Section 28. Commercial Fishing Vessel Registration – The registration, documentation, inspection and manning of the operation OF THE FOLLOWING TYPES of fishing vessels plying Philippine waters shall be in accordance with existing laws, rules and regulations.

SMALL SCALE COMMERCIAL FISHING – FISHING UTILIZING VESSEL OF 3.1 TO 20 GT;

MEDIUM SCALE COMMERCIAL FISHING – FISHING UTILIZING VESSELS OF MORE THAN 20.1 TO 150 GT;

LARGE SCALE COMMERCIAL FISHING – FISHING UTILIZING VESSELS OF MORE THAN 150.1 GT.

SECTION 15. Section 45 of Rep. Act No. 8550 is hereby amended to read as follows:

“Section 45. Disposition of the Public Lands for Fishery Purposes. – Public lands such as tidal swamps, mangroves, marshes, foreshore lands and ponds suitable for fishery operations shall not be disposed or alienated. Upon effectivity of this Code, A FISHPOND LEASE AGREEMENT (FLA), WHICH IS VALID FOR A PERIOD TEN (10) YEARS, may be issued for public lands that may be declared available for fishpond development primarily to qualified fisherfolk cooperatives/associations: *Provided, however*, That upon the expiration of existing FLAs the current lessees shall be given priority and be entitled to an extension of [twenty-five (25)] TEN (10) years in

the utilization of their respective leased areas. Thereafter, such FLAs shall be granted to any Filipino citizen with preference, primarily to qualified fisherfolk cooperatives/associations as well as small and medium enterprises as defined under Republic Act No. 8289: *Provided, further*, That the Department shall declare as reservation, portions of available public lands certified as suitable for fishpond purposes for fish sanctuary, conservation, and ecological purposes[:]. [*Provided, finally*, That two (2) years after the approval of this Act, no fish pens or fish cages or fish traps shall be allowed in lakes.]

SECTION 16. Section 46 of Rep. Act No. 8550 is hereby amended to read as follows:

"Section 46. Lease of Fishponds. - Fishpond leased to qualified persons and fisherfolk organizations/cooperatives shall be subject to the following conditions:

a. Areas leased for fishpond purposes shall be no more than 50 hectares for individuals and 250 hectares for corporations or fisherfolk organizations. RESIDENT MUNICIPAL FISHERFOLK OF THE CONCERNED MUNICIPALITY AND THEIR ORGANIZATIONS AND COOPERATIVES SHALL HAVE PREFERENCE OVER NON-RESIDENT QUALIFIED PERSONS AND FISHERFOLK ORGANIZATIONS AND COOPERATIVES TO LEASE AREAS WITHIN THE TERRITORIAL JURISDICTION OF SAID MUNICIPALITY FOR FISHPOND DEVELOPMENT:

b. The lease shall be for a period of [twenty-five (25)] TEN (10) years and renewable for another [twenty-five (25)] TEN (10) years: *Provided*, That in case of the death of the lessee, his spouse and/or children, as his heirs, shall have preemptive rights to the unexpired term of his Fishpond Lease Agreement subject to the same terms and conditions provided herein provided that the said heirs are qualified;

c. Lease rates for fishpond areas shall be determined by the Department: *Provided*, That all fees collected shall be remitted to the National Fisheries Research and Development Institute and other qualified research institutions to be used for aquaculture research development;

d. The area leased shall be developed and producing on a commercial scale within three (3) years from the approval of the lease contract: *Provided, however*, That all areas not fully producing within five (5) years from the date of approval of the lease contract shall [automatically revert to the public domain for reforestation] BE DISPOSED OF IN ACCORDANCE WITH SECTION 49 OF THE CODE, AS AMENDED;

e. The fishpond shall not be subleased, in whole or in part, and failure to comply with this provision shall mean cancellation of FLA;

f. The transfer or assignment of rights to FLA shall be allowed only upon prior written approval of the Department;

g. The lessee shall undertake reforestation for river banks, bays, streams and seashore fronting the dike of his fishpond subject to the rules and regulations to be promulgated thereon; and

h. The lessee shall provide facilities that will minimize environmental pollution, i.e., settling ponds, reservoirs, etc: *Provided*, That failure to comply with this provision shall mean cancellation of FLA."

SECTION 17. Section 48 of Rep. Act No. 8550 is hereby amended to read as follows:

"Section 48. Incentives and Disincentives for Sustainable Aquaculture Practices. – The Department shall formulate incentives and disincentives, such as, but not limited to, effluent charges, user fees and negotiable permits, to encourage compliance with the environmental standards and to promote sustainable management practices.

INCENTIVES SHALL ALSO BE GIVEN TO FILIPINO SCIENTISTS WHO ARE INTO RESEARCHING AND DEVELOPING SUSTAINABLE AQUACULTURE."

SECTION 18. Section 49 of Rep. Act No. 8550 is hereby amended to read as follows:

"Section 49. Reversion of All Abandoned, Undeveloped or Underutilized Fishponds. – The DENR in coordination with the Department, LGUs, other concerned agencies and FARMCs SHALL IDENTIFY ABANDONED, UNDEVELOPED OR UNDERUTILIZED FISHPONDS covered by FLAs WHICH SHALL BE MADE AVAILABLE FOR FISHPOND DEVELOPMENT TO QUALIFIED MUNICIPAL FISHERFOLK AND THEIR ORGANIZATIONS/ COOPERATIVES. FOR THIS PURPOSE, THE GRANT OF FLAs SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 46. IF NO QUALIFIED FISHERFOLK OR THEIR ORGANIZATIONS/COOPERATIVES SHALL DEVELOP THE ABANDONED, UNDEVELOPED OR UNDERUTILIZED FISHPONDS, THE SAME can be reverted to their original mangrove state BY THE DENR. [and after having made such determination shall take all steps necessary to restore such areas in their original mangrove state,]"

SECTION 19. Section 50 of Rep. Act No. 8550 is hereby amended to read as follows:

"Section 50. Absentee Fishpond Lease Agreement Holders. – Holders of fishpond lease agreements who have acquired citizenship in another country during the existence of the FLA shall have their lease automatically canceled and the improvements thereon to be forfeited in favor of the government and disposed of in accordance with the rules and regulations promulgated thereon: PROVIDED, THAT, THIS SECTION SHALL NOT APPLY TO A FILIPINO CITIZEN WHO HAS REACQUIRED HIS CITIZENSHIP UNDER THE PROVISIONS OF REPUBLIC ACT NO. 9225, OTHERWISE KNOWN AS THE "CITIZENSHIP RETENTION AND RE-ACQUISITION ACT OF 2003."

SECTION 20. Section 51 of Rep. Act No. 8550 is hereby amended to read as follows:

"Section 51. License to Operate Fish Pens, Fish Cages, Fish Traps and Other Structures for the Culture of Fish and Other Fishery Products. – Fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery products shall be constructed and shall operate only within established zones duly designated by LGUs in consultation with the FARMCs concerned consistent with national fisheries policies after the corresponding licenses thereof have been secured. The area to be utilized for this purpose for individual person shall be determined by the LGUs in consultation with the concerned FARMC: PROVIDED, THAT THE ESTABLISHMENT OF ZONES FOR FISH PENS, FISH CAGES AND FISH TRAPS SHALL BE SUBJECT TO SECTION 55 OF THE CODE: *Provided, however, That not*

over [ten percent (10%)] TWENTY PERCENT (20%) of the suitable water surface area of all lakes, BAYS, GULFS, and rivers shall be allotted for aquaculture purposes like fish pens, fish cages and fish traps; and the stocking density and feeding requirement which shall be controlled and determined by its carrying capacity: *Provided, further,* That fish pens and fish cages located outside municipal waters shall be constructed and operated only within fish pen and fish cage belts designated by the Department and after corresponding licenses therefore have been secured and the fees thereof paid."

SECTION 21. Section 61 of R.A. 8550 is hereby amended to read as follows:

"Section 61. Importation and Exportation of Fishery Products.

a. Export of fishery products shall be regulated whenever such exportation affects domestic food security and production: *Provided,* that exportation of live fish shall be prohibited except those which are hatched [or] AND propagated in accredited hatcheries and ponds;

b. To protect and maintain the local biodiversity or ensure the sufficiency of domestic supply, spawners, breeders, eggs and fry of bangus, prawn and other endemic species, as may be determined by the Department, shall not be exported or caused to be exported by any person.; PROVIDED, THAT THE EXPORTATION OF FRY OF BANGUS AND PRAWN SHALL NOT BE PERMITTED EXCEPT WHEN DOMESTIC SUPPLY IS SUFFICIENT, AS DETERMINED BY THE DEPARTMENT;

c. Fishery products may be imported only when the importation has been certified as necessary by the Department, in consultation with the FARMC, and all the requirements of this Code, as well as all existing rules and regulations have been complied with: *Provided,* That fish imports for canning/processing purposes only may be allowed without the necessary certification, but within the provisions of Section 61 (d) of this Code; and

d. No person, shall import and/or export fishery products of whatever size, stage or form for any purpose without securing a permit from the Department. The Department in consultation with the FARMC shall promulgate rules and regulations on importation and exportation of fish and fishery/aquatic resources with the Government's export/import simplification procedures."

"SEC. 61-A. NATIONAL QUALITY STANDARDS FOR FISH AND FISHERY PRODUCTS. WITHIN TWELVE (12) MONTHS FROM EFFECTIVITY OF THIS ACT, THE DEPARTMENT SHALL FORMULATE AND IMPLEMENT NATIONAL QUALITY STANDARDS FOR FISH AND FISHERY PRODUCTS IN ACCORDANCE WITH INTERNATIONAL STANDARDS."

SECTION 20. Section 73 of Rep. Act No. 8550 is hereby modified to read as follows:

"Section 73. The Municipal/City Fisheries and Aquatic Resources Management Councils (M/CFARMCs). – The M/CFARMCs shall be created in each of the municipalities and cities abutting municipal waters. [However,] [t]he LGU may create the Barangay Fisheries and Aquatic Resources Management Councils (BFARMCs) and the Lakewide Fisheries and Aquatic Resources Management Councils (LFARMCs) whenever necessary. Such BFARMCs and LFARMCs shall serve in an advisory capacity to the LGUs. HOWEVER, THE CREATION OF BFARMCs SHALL BE MANDATORY IN BARANGAYS ABUTTING MUNICIPAL WATERS."

SECTION 73-A. The BFARMCs shall advise the barangay on fishery matters and exercise the following functions:

- a. provide inputs and assistance in the preparation of the Municipal Fishery Development Plan;
- b. recommend the enactment of municipal fishery ordinances to the Sangguniang Bayan/Sangguniang Panlungsod through its Committee on Fisheries;
- c. assist in the enforcement of fishery laws, rules and regulations in municipal waters; and
- e. perform such other functions which may be assigned by the M/CFARMC or the LGU.

SECTION 73-B. The BFARMC shall be composed of:

- a. The Barangay Captain, as Chairman;
- b. The Chairperson, Agriculture/Fishery Committee of the *Sangguniang Barangay*;
- c. representative of the Barangay Development Council;
- d. representative from the accredited non-government organization;
- e. representative from the commercial fishery sector;
- f. representative from the City/Municipal Agriculture Office; and,
- g. at least five (5) fisherfolk representatives.

SECTION 73-C. The fund for the establishment and operation of the BFARMC shall be sourced from the annual appropriations of the barangay.

SECTION 22. Section 75 of Rep. Act No. 8550 is hereby modified to read as follows:

"Section 75. Composition of the M/CFARMC. The regular member of the M/CFARMCs shall be composed of:

- a. Municipal/City Planning Development Officer;
- b. Chairperson, Agriculture/Fishery Committee of the Sangguniang Bayan/Panlungsod;
- c. representative of the Municipal/City Development Council;
- d. representative from the accredited non-government organization;
- e. representative from the private sector;
- f. representative from THE CITY/MUNICIPAL AGRICULTURE OFFICE; and,
- g. at least seven (7) fisherfolk representatives (seven (7) municipal fisherfolk, one (1) fishworker and three (3) commercial fishers) in each municipality/city which include representative from youth and women sector.

The Council shall adopt rules and regulations necessary to govern its proceedings and election."

SECTION 23. Section 76 of RA 8550 is hereby modified and shall read as follows:

"Section 76. The Integrated Fisheries and Aquatic Resources Management Council/Board (IFARMC/B). The IFARMCs shall be created in bays, gulfs, lakes, rivers and dams bounded by two (2) or more municipalities/cities. PROVIDED, THAT THE CONCERNED LGUs MAY OPT TO ESTABLISH AN INTEGRATED FISHERIES AND AQUATIC RESOURCES MANAGEMENT BOARD (IFARMB) IN LIEU OF IFARMC."

"Section 76-B. Functions of the IFARMB. The IFARMB shall have the following functions:

a. [assist in the preparation] FORMULATE AND IMPLEMENT the Integrated Fishery Development Plan [and submit such plan to the concerned Municipal Development Councils];

b. DECIDE MATTERS RELATING TO PLANNING, PROTECTION AND GENERAL ADMINISTRATION OF THE AREA IN ACCORDANCE WITH THE INTEGRATED FISHERY DEVELOPMENT PLAN (IFDP);

c. APPROVE PROPOSALS, WORK PLANS, ACTION PLANS, GUIDELINES FOR MANAGEMENT OF THE AREA IN ACCORDANCE WITH THE IFDP;

d. DELINEATE AND DEMARCATe FISHERY ZONES;

e. IDENTIFY, ESTABLISH AND MANAGE MARINE PROTECTED AREAS WITHIN THE AREA;

f. PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE IFDP;

g. MONITOR AND EVALUATE THE IMPLEMENTATION OF THE IFDP;

b. [recommend the enactment of integrated fishery ordinances to the concerned sangguniang bayan/panlungsod through its Committee on Fisheries, if such has been organized];

c. assist in the enforcement of fishery laws, rules and regulations in concerned municipal waters; and,

d. advice the concerned sangguniang bayan/panlungsod on fishery matters through its Committee on Fisheries, if such has been organized.

"Section 76-C. Composition of the IFARMBs. The regular members of the IFARMBs shall be composed of the following:

a. REPRESENTATIVES OF MAYORS AND GOVERNORS OF MEMBER LGUs;

b. [the chairperson of the Committee on Agriculture/Fisheries of the concerned sangguniang bayan/panlungsod;]

b. [the Municipal/City Fisheries Officers OR MUNICIPAL/CITY AGRICULTURE OFFICERS of the concerned municipalities/cities;]

c. [the Municipal/City Development Officers of the concerned municipalities/cities;]

d. one (1) representative from NGO;

e. one (1) representative from private sector; and

f. nine (9) representatives from the fisherfolk sector which include representatives from the youth and women sector.

The Board shall adopt rules and regulations necessary to govern its proceedings and election.

SECTION 76-D. SELECTION AND APPOINTMENT OF BOARD MEMBERS. THE SECRETARY SHALL FORMALLY APPOINT THE BOARD MEMBERS. THE REPRESENTATIVES OF MUNICIPALITIES AND PROVINCES SHALL BE RECOMMENDED BY THE HEAD OF THE LOCAL GOVERNMENT UNIT THEY REPRESENT. CONCERNED NGO BASED IN THE AREA AND INVOLVED IN FISHERIES SHALL CHOOSE THEIR REPRESENTATIVES BY AND AMONG THEMSELVES.

SECTION 76-E. TERM OF OFFICE AND COMPENSATION. THE MEMBERS OF BOARD SHALL SERVE FOR A TERM OF FIVE (5) YEARS WITHOUT COMPENSATION, EXCEPT FOR ACTUAL AND NECESSARY TRAVELING AND SUBSISTENCE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. PROVIDED, THAT WHENEVER A VACANCY OCCURS DURING THE TERM OF A MEMBER, A NEW MEMBER SHALL BE APPOINTED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT IN ORDER TO COMPLETE THE UNFINISHED TERM OF THE SAID VACANCY.

IN CASE OF ELECTIVE OFFICIALS, THE TERM OF OFFICE AS BOARD MEMBER SHALL BE CO-TERMINUS WITH HIS/HER POSITION UNLESS THE INCOMING ELECTIVE OFFICIAL DECLARES THE CONTINUITY OF THE REPRESENTATION MADE BY THE PREVIOUS ELECTED OFFICIAL AND THE IFARMB DECREES THE SAME BY A RESOLUTION.

SECTION 76-F. EXECUTIVE COMMITTEE. THE BOARD AS DEEMED NECESSARY, SHALL CREATE AN EXECUTIVE COMMITTEE AND OTHER COMMITTEES TO EFFECTIVELY CARRY OUT ITS FUNCTIONS. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF THE MUNICIPAL/CITY FISHERIES OFFICERS OR MUNICIPAL/CITY AGRICULTURE OFFICERS OF THE CONCERNED MUNICIPALITIES/CITIES. IT SHALL BE HEADED BY AN EXECUTIVE DIRECTOR TO BE APPOINTED BY THE BOARD. THE BOARD SHALL DETERMINE THE AUTHORITIES TO BE DELEGATED TO THE EXECUTIVE COMMITTEE."

SECTION 24. Section 78 of RA 8550 is hereby modified and shall read as follows:

"Section 78. Composition of the IFARMCs. The regular members of the IFARMCs shall be composed of the following:

- a. the chairperson of the Committee on Agriculture/Fisheries of the concerned sangguniang bayan/panlungsod;
- b. the Municipal/City Fisheries Officers OR MUNICIPAL/CITY AGRICULTURE OFFICERS of the concerned municipalities/cities;
- c. the Municipal/City Development Officers of the concerned municipalities/cities;
- d. one (1) representative from NGO;
- e. one (1) representative from private sector; and
- f. at least nine (9) representatives from the fisherfolk sector which include representatives from the youth and women sector.

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

SECTION 25. Sections 81 and 82 are hereby amended to read as follows:

"SECTION 81. MARINE PROTECTED AREAS THERE SHALL BE ESTABLISHED AT LEAST ONE (1) MARINE PROTECTED AREA IN MUNICIPAL WATERS OF EVERY COASTAL MUNICIPALITY IN THE PHILIPPINES. MARINE PROTECTED AREA REFERS TO ANY AREA OF INTERTIDAL OR SUBTIDAL TERRAIN, TOGETHER WITH ITS OVERLYING WATER AND ASSOCIATED FLORA, FAUNA, HISTORICAL AND CULTURAL FEATURES, WHICH HAS BEEN RESERVED BY LAW OR LOCAL ORDINANCE TO PROTECT PART OR ALL OF THE ENCLOSED ENVIRONMENT. MPAS SHALL BE USED TO

SECTION 82-C. FAILURE OF LGU TO ESTABLISH MPAS. SHOULD A LGU FAIL TO ESTABLISH AN MPA AS HEREIN PROVIDED, THE MAYOR, THE VICE MAYOR AND THE MEMBERS OF THE SANGGUNIANG SHALL BE LIABLE FOR PROSECUTION UNDER REPUBLIC ACT NOS. 3019 AND 6713 AND OTHER RELEVANT LAWS.

SEC. 82-D. NATIONAL NETWORK OF MARINE PROTECTED AREAS. THE DEPARTMENT SHALL PROMOTE THE ESTABLISHMENT OF A NATIONAL NETWORK OF MARINE PROTECTED AREAS FOR SHARING EXPERIENCES AND COORDINATING MANAGEMENT ACTIVITIES

SECTION 26. Section 86 of Rep. Act No. 8550 is hereby amended to read as follows:

"Section 86. Unauthorized Fishing or Engaging in Other Unauthorized Fisheries Activities. No person shall exploit, occupy, produce, breed, culture, capture or gather fish, fry or fingerlings of any fishery species or fishery products, or engage in any fishery activity in Philippine waters without a license, lease or permit.

IT SHALL BE UNLAWFUL FOR ANY COMMERCIAL FISHING VESSEL TO FISH IN BAYS AND IN SUCH OTHER FISHERY MANAGEMENT AREAS WHICH MAY HEREINAFTER BE DECLARED BY THE DEPARTMENT AND THE LGU AS OVER-EXPLOITED.

A MUNICIPAL FISHERFOLK WHO COMMITS ANY ACT OR OMISSION IN VIOLATION OF THIS SECTION SHALL BE PUNISHED BY CONFISCATION OF CATCH AND A FINE OF FIVE HUNDRED PESOS (P500.00).

A COMMERCIAL FISHER WHO COMMITS ANY ACT OR OMISSION IN VIOLATION OF THIS SECTION SHALL BE PUNISHED BY A FINE EQUIVALENT TO THE VALUE OF CATCH OR ONE HUNDRED THOUSAND PESOS WHICHEVER IS HIGHER, AND IMPRISONMENT OF SIX (6) YEARS, CONFISCATION OF CATCH AND FISHING GEARS, AUTOMATIC REVOCATION OF LICENSE AND OTHER DAMAGES AT THE DISCRETION OF THE COURT, INCLUDING ACTUAL DAMAGES, THE COSTS OF ENVIRONMENTAL DESTRUCTION AND UNREALIZED EARNINGS SUFFERED BY THE FISHERFOLK. THE PENALTY HEREIN PRESCRIBED SHALL BE IMPOSED UPON THE BOAT CAPTAIN, THE THREE (3) HIGHEST OFFICERS OF THE BOAT, OPERATOR AND THE OWNER OF THE FISHING VESSEL. IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN NAMED SHALL BE SOLIDARY.

Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a *prima facie* presumption that the person and/or vessel is engaged in unauthorized fishing: *Provided*, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

[It shall be unlawful for any commercial fishing vessel to fish in bays and in such other fishery management areas which may hereinafter be declared as over-exploited.]

[Any commercial fishing boat captain or three (3) highest officers of the boat who commit any of the above prohibited acts upon conviction shall be punished by a fine equivalent to the value of catch or Ten thousand pesos (P10,000.00) whichever is higher, and imprisonment of six (6) months, confiscation of catch and fishing gears, and automatic revocation of license.]

[It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters. Any municipal fisherfolk who commits such violation shall be punished by confiscation of catch and a fine of Five hundred pesos (P500.00).]

SECTION 27. Section 87 of Rep. Act No. 8550 is hereby amended to read as follows:

"Section 87. Poaching in Philippine Waters. -- It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters. The entry of any foreign fishing vessel in Philippine waters shall constitute a *prima facie* evidence that the vessel is engaged in fishing in Philippine waters.

"Violation of the above shall be punished by a fine of [One hundred thousand U.S. Dollars (US\$100,000.00)] ONE MILLION US DOLLARS (US\$1,000,000.00), in addition to the confiscation of its catch, fishing equipment and fishing vessel: *Provided*, That the Department is empowered to impose an administrative fine of not less than [Fifty thousand U.S. Dollars (US\$50,000.00)] FIVE HUNDRED THOUSAND US DOLLARS (US\$500,000.00) but not more than [Two hundred thousand U.S. Dollars (US\$200,000.00)] ONE MILLION US DOLLARS (US\$1,000,000.00) or its equivalent in the Philippine currency."

IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN NAMED SHALL BE SOLIDARY.

SECTION 28. Section 88 of Rep. Act No. 8550 is hereby amended to read as follows:

Section 88. Fishing Through Explosives, Noxious or Poisonous Substance, and/or Electricity. -- (1) It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered, fish or any fishery species in Philippine waters with the use of electricity, explosives, noxious or poisonous substance such as sodium cyanide in the Philippine fishery areas, which will kill, stupefy, disable or render unconscious fish or fishery species: *Provided*, That the Department, subject to such safeguards and conditions deemed necessary and endorsement from the concerned LGUs, may allow, for research, educational or scientific purposes only, the use of electricity, poisonous or noxious substances to catch, take or gather fish or fishery species: *Provided, further*, That the use of poisonous or noxious substances to eradicate predators in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds [shall not be construed as illegal fishing] MAY BE ALLOWED.

It will likewise be unlawful for any person, corporation or entity to possess, deal in, sell or in any manner dispose of, any fish or fishery species which have been illegally caught, taken or gathered.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electrofishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fishworker shall constitute *prima facie* evidence, that the same was used for fishing in violation of this Code. The discovery in any fishing vessel of fish caught or killed with the use of explosive, noxious or poisonous substances or by electricity shall constitute *prima facie* evidence that the fisherfolk, operator, boat official or fishworker is fishing with the use thereof.

(2) Mere possession of explosive, noxious or poisonous substances [or electrofishing devices] [for illegal fishing] shall be punishable by imprisonment ranging from [six (6) months to two (2) years] TEN (10) YEARS TO TWENTY (20) YEARS.

(3) MERE POSSESSION OF ELECTROFISHING DEVICES FOR FISHING SHALL BE PUNISHABLE BY IMPRISONMENT FROM TWO (2) YEARS TO FOUR (4) YEARS.

[(3)] (4) Actual use of explosives, noxious or poisonous substances or electrofishing devices [for illegal fishing] shall be punishable by imprisonment ranging from [five (5) years to ten (10) years] TWENTY (20) YEARS TO TWENTY-FIVE (25) YEARS, without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life. IN CASE OF DEATH OR PHYSICAL INJURIES RESULTING FROM THE USE OF EXPLOSIVES, NOXIOUS OR POISONOUS SUBSTANCES OR ELECTROFISHING DEVICES, THE PENALTY SHALL BE IMPOSED IN ITS MAXIMUM.

[(4)] (5) Dealing in, selling, or in any manner disposing of, [for profit,] illegally caught/gathered fisheries species shall be punished by imprisonment ranging from [six (6) months to two (2)] FOUR (4) YEARS TO EIGHT (8) years.

[(5)] (6) In all cases enumerated above, the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited."

IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN NAMED SHALL BE SOLIDARY.

SECTION 29. Section 90 of Rep. Act No. 8550 is hereby amended to read as follows:

"SEC. 90. Use of REGULATED Fishing Gears in the Municipal Waters and Bays and Other Fishery Management Areas. It shall be unlawful to engage in fishing in municipal waters and in all bays as well as other fishery management areas using REGULATED fishing gears as defined in this code.

THE MUNICIPALITY OR CITY GOVERNMENT, HOWEVER, MAY THROUGH ITS LOCAL CHIEF EXECUTIVE AND ACTING

CONSERVE BIODIVERSITY, MANAGE NATURAL RESOURCES, PROTECT ENDANGERED SPECIES, REDUCE USER CONFLICTS, PROVIDE EDUCATIONAL AND RESEARCH OPPORTUNITIES, AND ENHANCE RECREATIONAL FISHERIES. IT SHALL INCLUDE FISHERY RESERVATIONS, FISHERIES RESERVES, FISH REFUGE AND SANCTUARIES AND MANGROVE SWAMP RESERVATIONS. WITHIN THESE AREAS NO COMMERCIAL FISHING SHALL BE ALLOWED.

SECTION 82. MARINE PROTECTED AREAS OUTSIDE MUNICIPAL WATERS. THE DEPARTMENT SHALL BE RESPONSIBLE IN DESIGNATING AND MANAGING MARINE PROTECTED AREAS BEYOND THE FIFTEEN (15) KILOMETERS FROM SHORELINE: PROVIDED, THAT MARINE PROTECTED AREAS ESTABLISHED UNDER RA 7586 SHALL CONTINUE TO BE MANAGED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

SECTION 82-A. MPA IN MUNICIPAL WATERS. THE LGU CONCERNED, UPON THE RECOMMENDATION OF THE FARMC, AND WITH THE ASSISTANCE OF BFAR, SHALL BE RESPONSIBLE FOR THE IDENTIFICATION, ESTABLISHMENT AND MANAGEMENT OF MARINE PROTECTED AREAS WITHIN MUNICIPAL WATERS WITH AN AREA OF AT LEAST FIFTEEN PERCENT (15%) WHERE APPLICABLE OF THE TOTAL COASTAL AREAS IN EACH MUNICIPALITY SHALL BE IDENTIFIED, BASED ON THE BEST AVAILABLE SCIENTIFIC DATA. THE AREA HEREIN PROVIDED MAY NOT BE CONTIGUOUS. THE FUND FOR THE ESTABLISHMENT OF MPA SHALL BE PROVIDED BY THE LGU. SUCH MPAs SHALL BE ESTABLISHED WITHIN SIX (6) MONTHS FROM THE APPROVAL OF THIS ACT, PROVIDED FINALLY, THAT THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AND INCENTIVES TO LGUs IN THE ESTABLISHMENT OF NETWORKS OF MPAs, TO ENHANCE AND OPTIMIZE THEIR ECOLOGICAL BENEFIT.

AN MPA AT LEAST TWENTY-FIVE PERCENT (25%) BUT NOT MORE THAN FORTY PERCENT (40%) OF SUITABLE INTERTIDAL AREAS SHALL BE SET ASIDE FOR THE CULTIVATION OF MANGROVES TO STRENGTHEN THE HABITAT AND THE SPAWNING GROUNDS OF FISH. WITHIN THESE AREAS NO COMMERCIAL FISHING SHALL BE ALLOWED.

IN AREAS WHERE INTEGRATED FISHERIES AND AQUATIC RESOURCES MANAGEMENT BOARDS (IFARMBS) ARE ESTABLISHED PURSUANT TO SECTION 76 OF THE CODE, AS AMENDED, THE IDENTIFICATION, ESTABLISHMENT AND MANAGEMENT OF THE MARINE PROTECTED AREAS SHALL BE VESTED UPON THE IFARMBS.

SECTION 82-B. MPAs ADMINISTERED AND SUPERVISED BY OTHER AGENCIES. ALL MARINE FISHERY RESERVES, FISH SANCTUARIES AND MANGROVE SWAMP RESERVATIONS ALREADY DECLARED OR PROCLAIMED BY THE PRESIDENT OR LEGISLATED BY THE CONGRESS OF THE PHILIPPINES SHALL BE CONTINUOUSLY ADMINISTERED AND SUPERVISED BY THE CONCERNED AGENCY.

PURSUANT TO AN APPROPRIATE ORDINANCE, AUTHORIZE OR PERMIT THE USE BY MUNICIPAL FISHERFOLK AND SMALL-SCALE COMMERCIAL FISHERS OF REGULATED FISHING GEARS AS DEFINED IN THIS CODE 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 REGULATED AND UNREGULATED, BASED ON THE CRITERIA TO BE DETERMINED BY LGU IN COORDINATION WITH BFAR.
- b) THAT SAID ORDINANCE PROVIDES FOR THE LIMITATIONS ON THE USE OF EACH REGULATED FISHING 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 OR CORRESPONDING LICENSE FEES AND TAXES;
- c) A SYSTEM THAT SHALL SUBJECT A NEW GEAR AND/OR TECHNOLOGY TO AN APPLICATION AND ASSESSMENT PERIOD TO FACILITATE ITS POSSIBLE INTRODUCTION AND/OR ADDITION TO THE LIST OF REGULATED FISHING GEARS AS DEFINED IN SAID ORDINANCE; AND.
- d) PRIOR CONSULTATION, THROUGH PUBLIC HEARING, WITH THE VARIOUS STAKEHOLDERS AND M/C/FARMC HAS BEEN CONDUCTED FOR THE DRAFTING AND FINALIZATION OF THE SAID ORDINANCE.

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 THE CODE, PROVIDED, THAT THE DEPARTMENT SHALL DETERMINE THE FISHING GEARS THAT ARE BANNED IN PHILIPPINE WATERS.

The owner, OPERATOR, boat captain and master fisherman of the vessels which participated in the violation shall suffer the penalty of imprisonment from six (6) years to twelve (12) years with no probation; and a fine of Two Thousand (P2,000.00) to Ten Thousand Pesos (P10,000.00). Paraphernalia, gears and the vessel shall be confiscated and forfeited.

IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN NAMED SHALL BE SOLIDARY.

SECTION 30. Section 91 of R.A. 8550 is hereby amended to read as follows:

"Section 91. Ban on Coral Exploitation and Exportation. — It shall be unlawful for any person or corporation to gather, possess, sell or export

ordinary precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.

Violations of this provision shall be punished by imprisonment from six (6) months and ONE (1) DAY to TEN (10) years and a fine from ONE HUNDRED thousand pesos (P100,000.00) to FIVE HUNDRED thousand pesos (P500,000.00), or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessel and its proper disposition.

The confiscated corals shall either be returned to the sea or donated to schools and museums for educational or scientific purposes or disposed through other means.

IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN NAMED SHALL BE SOLIDARY. "

SECTION 31. Section 93 of R.A. 8550 is hereby amended to read as follows:

"Section 93. Illegal Use of Superlights. — It shall be unlawful to engage in fishing with the use of superlights in municipal waters or in violation of the rules and regulations which may be promulgated by the Department on the use of superlights outside municipal waters.

Violations of this provision shall be punished by imprisonment from six (6) months to two (2) years or a fine of TEN THOUSAND PESOS (P10,000.00) per superlight, or both such fine and imprisonment at the discretion of the courts. The superlight, fishing gears and vessel shall be confiscated.

IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN NAMED SHALL BE SOLIDARY. "

SECTION 32. Section 96 of R.A. 8550 is hereby amended to read as follows:

"SEC. 96. Fishing in Fishery Reserves, Refuge and Sanctuaries. - It shall be unlawful to fish in fishery areas declared by the Department OR THE LOCAL GOVERNMENT UNITS as fishery reserves, refuge and sanctuaries.

Violation of the provision of this section shall be punished by imprisonment of two (2) years to six (6) years and/or fine of Two thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00) and by forfeiture of the catch and the cancellation of fishing permit or license.

IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN NAMED SHALL BE SOLIDARY. "

SECTION 33. Section 103 of R.A. 8550 is hereby amended to read as follows:

"Section 103. Other Violations. — The following fisheries activities shall also be considered as a violation of this Code:

a. Failure to Comply with Minimum Safety Standards. — The owner and captain of a commercial fishing vessel engaged in fishing who, upon demand by proper authorities, fails to exhibit or show proof of compliance with the safety standards provided in this Code, shall be immediately prevented from continuing with his fishing activity and escorted to the nearest port or landing point. The license to operate the commercial fishing vessel shall be suspended until the safety standard has been complied with.

b. FAILURE TO COMPLY WITH LABOR STANDARDS. — THE OWNER AND CAPTAIN OF A COMMERCIAL FISHING VESSEL ENGAGED IN FISHING WHO, UPON DEMAND BY PROPER AUTHORITIES, FAILS TO EXHIBIT OR SHOW PROOF OF COMPLIANCE WITH THE LABOR STANDARDS PURSUANT TO APPLICABLE LABOR LAWS, RULES AND REGULATIONS, SHALL BE IMMEDIATELY PREVENTED FROM CONTINUING WITH HIS FISHING ACTIVITY AND ESCORTED TO THE NEAREST PORT OR LANDING POINT. THE LICENSE TO OPERATE THE COMMERCIAL FISHING VESSEL SHALL BE SUSPENDED UNTIL THE LABOR STANDARD HAS BEEN COMPLIED WITH.

c. Failure to Conduct a Yearly Report on all Fishponds, Fish Pens and Fish Cages. — The FLA of the holder who fails to render a yearly report shall be immediately cancelled: Provided, That if the offender be the owner of the fishpond, fish pen or fish cage, he shall be subjected to the following penalties: (1) first offense, a fine of Five hundred pesos (P500.00) per unreported hectare; (2) subsequent offenses, a fine of One thousand pesos (1,000.00) per unreported hectare.

c. Gathering and Marketing of Shell Fishes. — It shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shellfish, which is sexually mature or below the minimum size or above the maximum quantities prescribed BY THE LGU IN COORDINATION WITH BFAR for the particular species.

d. Obstruction to Navigation or Flow and Ebb of Tide in any Stream, River, Lake or Bay. — It shall be unlawful for any person who causes obstruction to navigation or flow or ebb of tide.

e. Construction and Operation of Fish Corrals/Traps, Fish Pens and Fish Cages. — It shall be unlawful to construct and operate fish corrals/traps, fish pens and fish cages without a license/permit.

F. FAILURE TO COMPLY WITH THE CODE OF PRACTICE ON AQUACULTURE AND THE EIS SYSTEM SHALL BE PUNISHED BY IMPRISONMENT OF SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS AND/OR A FINE OF EIGHTY THOUSAND PESOS (P80,000.00) PLUS AN ADDITIONAL FINE OF EIGHT THOUSAND PESOS (P8,000.00) PER DAY UNTIL SUCH VIOLATION CEASES AND THE FINE PAID.

Subject to the provision of subparagraphs (b) AND (F) of this section, violation of the above-enumerated prohibited acts shall subject the offender to a fine ranging from Two thousand pesos (P2,000.00) to Ten thousand pesos (P10,000.00) or imprisonment from one (1) month and one (1) day to six (6) months, or both such fine and imprisonment, upon the discretion of the court:

Provided, That the Secretary is hereby empowered to impose upon the offender an administrative fine of not more than Ten thousand pesos (P10,000.00) or to cancel his permit or license, or to impose such fine and to cancel his permit or license, in the discretion of the Secretary: Provided, further, That the Secretary, or his duly authorized representative, and law enforcement agents are hereby empowered to impound with the assistance of the Philippine Coast Guard, PNP-Maritime Command: Provided, finally, That any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery/aquatic products when such inspection and/or movement is authorized under this Code, shall be subject to a fine of not more than Ten thousand pesos (P10,000.00) or imprisonment of not more than two (2) years, or both such fine and imprisonment, upon the discretion of the court.

Every penalty imposed for the commission of an offense shall carry with it the forfeiture of the proceeds of such offense and the instruments or tools with which it was committed.

Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those articles which are not subject of lawful commerce shall be destroyed."

SECTION 34. Section 106 of R.A. 8550 is hereby amended to read as follows:

"Section 106. Obstruction to Fishery Law Enforcement Officer. — The boat owner, master or operator or any person acting on his behalf of any fishing vessel who evades, obstructs or hinders any fishery law enforcement officer of the Department AND THE LOCAL GOVERNMENT UNIT to perform his duty, shall be fined Ten thousand pesos (P10,000.00). In addition, the registration, permit and/or license of the vessel including the license of the master fisherman shall be canceled. IN CASE OF DEATH OR PHYSICAL INJURIES RESULTING FROM RESISTANCE TO THE FISHERY LAW ENFORCEMENT OFFICER, THE FINE TO BE IMPOSED SHALL BE DOUBLE THE AMOUNT OF THE PENALTY.

SECTION 106-A. PENALTIES FOR VIOLATION OF MUNICIPAL FISHERY ORDINANCES. LGUS MAY APPROVE MUNICIPAL ORDINANCES RELATING TO FISHERIES IMPOSING A FINE NOT EXCEEDING FIFTY THOUSAND PESOS (PHP 50,000.00), IMPRISONMENT OF UP TO SIX (6) YEARS, FORFEITURES OR OTHER FORMS OF NON-CORPOREAL PUNISHMENT, INCLUDING COMPENSATION, REHABILITATION OR RESTITUTION FOR DAMAGES OR LOSSES INCURRED BY THE LGU ARISING FROM THE PROHIBITED ACTS OR OMISSIONS.

SECTION 106-B. ESCALATION OF PENALTY. THE FINES PRESCRIBED IN THE CODE, AS AMENDED, SHALL BE INCREASED AT LEAST TEN PERCENT (10%) EVERY THREE (3) YEARS TO COMPENSATE FOR INFLATION AND TO MAINTAIN THE DETERRENT FUNCTION OF SUCH FINES."

SECTION 35. A new chapter on legal, administrative and quasi-judicial actions is hereby inserted to read as follows:

"CHAPTER VI-A
ACTIONS

SECTION 106-C. ADMINISTRATIVE ACTION. - WITHOUT PREJUDICE TO THE RIGHT OF ANY AFFECTED PERSON TO FILE AN

ADMINISTRATIVE ACTION . THE DEPARTMENT SHALL, ON ITS OWN INSTANCE OR UPON VERIFIED COMPLAINT BY ANY PERSON, INSTITUTE ADMINISTRATIVE PROCEEDINGS AGAINST ANY PERSON WHO VIOLATES:

- A) STANDARDS OR LIMITATION PROVIDED UNDER THIS ACT;
OR
- B) ANY ORDER, RULE OR REGULATION ISSUED BY THE DEPARTMENT WITH RESPECT TO SUCH STANDARD OR LIMITATION.

SECTION 106-D. ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OR HIS DULY AUTHORIZED REPRESENTATIVE TO ORDER CONFISCATION – IN ALL CASES OF VIOLATION OF THIS ACT OR OTHER FISHERY LAWS, RULES AND REGULATIONS, THE DIRECTOR OR HIS DULY AUTHORIZED REPRESENTATIVE MAY ORDER THE CONFISCATION AND FORFEITURE OF ANY FISH, FISHERY SPECIES OR AQUATIC RESOURCES ILLEGALLY CAUGHT, TAKEN OR GATHERED, AND ALL GEARS AND VESSELS USED IN THE COMMISSION OF THE OFFENSE AND TO DISPOSE OF THE SAME IN ACCORDANCE WITH PERTINENT LAWS, RULES, REGULATIONS AND POLICIES ON THE MATTER.

SECTION 106-E. REWARD TO INFORMANTS – ANY FARMC WHICH HAS JURISDICTION OVER MUNICIPAL WATERS WHERE ANY PERSON CAN PROVIDE INFORMATION LEADING TO APPREHENSION AND CONVICTION OF ANY OFFENDER FOR ANY VIOLATION OF THIS ACT OR OTHER FISHERY LAWS, RULES AND REGULATIONS, OR CONFISCATION AND FORFEITURE OF FISH, FISHERY SPECIES, OTHER AQUATIC RESOURCES, GEARS AND CONVEYANCES, SHALL BE GIVEN A REWARD IN THE AMOUNT OF TWENTY PERCENT (20%) OF THE PROCEEDS OF THE CONFISCATION AND FORFEITURE, AND ADMINISTRATIVE FINES COLLECTED BY THE BUREAU IN RELATION THERETO, PROVIDED THAT, FIFTY PERCENT (50%) OF THE REWARD COLLECTED BY THE FARMC SHALL BE GIVEN TO THE INFORMANT AND THE OTHER FIFTY PERCENT (50%) SHALL BE UTILIZED FOR LAW ENFORCEMENT PURPOSES.

SECTION 106-F. CITIZENS SUITS. - FOR THE PURPOSES OF ENFORCING THE PROVISIONS OF THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS, ANY CITIZEN MAY FILE AN APPROPRIATE CIVIL, CRIMINAL OR ADMINISTRATIVE ACTION IN THE PROPER COURTS/BODIES AGAINST:

- A) ANY PERSON WHO VIOLATES OR FAILS TO COMPLY WITH THE PROVISIONS OF THIS ACT, ITS IMPLEMENTING RULES AND REGULATIONS; OR
- B) THE DEPARTMENT OR OTHER IMPLEMENTING AGENCIES WITH RESPECT TO ORDERS, RULES AND REGULATIONS ISSUED INCONSISTENT WITH THIS ACT; AND/OR
- C) ANY PUBLIC OFFICER WHO WILLFULLY OR GROSSLY NEGLECTS THE PERFORMANCE OF AN ACT SPECIFICALLY ENJOINED AS A DUTY BY THIS ACT OR

ITS IMPLEMENTING RULES AND REGULATIONS; OR ABUSES HIS AUTHORITY IN THE PERFORMANCE OF HIS DUTY; OR, IN ANY WAY IMPROPERLY PERFORMS HIS DUTIES UNDER THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS; PROVIDED, HOWEVER, THAT NO SUIT CAN BE FILED UNTIL AFTER A THIRTY-DAY (30) NOTICE HAS BEEN GIVEN TO THE PUBLIC OFFICER AND THE ALLEGED VIOLATOR CONCERNED AND NO APPROPRIATE ACTION HAS BEEN TAKEN THEREON.

SECTION 106-G. INDEPENDENCE OF ACTION - THE FILING OF AN ADMINISTRATIVE SUIT AGAINST SUCH PERSON/ENTITY DOES NOT PRECLUDE THE RIGHT OF ANY OTHER PERSON TO FILE ANY CRIMINAL OR CIVIL ACTION. SUCH CIVIL ACTION SHALL PROCEED INDEPENDENTLY.

SECTION 106-H. SUITS AND STRATEGIC LEGAL ACTION AGAINST PUBLIC PARTICIPATION (SLAPP) AND THE ENFORCEMENT OF THIS ACT. - WHERE A SUIT IS BROUGHT AGAINST A PERSON WHO FILED AN ACTION AS PROVIDED IN SEC. 52 OF THIS ACT, OR AGAINST ANY PERSON, INSTITUTION OR GOVERNMENT AGENCY THAT IMPLEMENTS THIS ACT, IT SHALL BE THE DUTY OF THE INVESTIGATING PROSECUTOR OR THE COURT, AS THE CASE MAY BE, TO IMMEDIATELY MAKE A DETERMINATION NOT EXCEEDING THIRTY (30) DAYS WHETHER SAID LEGAL ACTION HAS BEEN FILED TO HARASS, VEX, EXERT UNDUE PRESSURE OR STIFLE SUCH LEGAL RECOURSES OF THE PERSON COMPLAINING OF OR ENFORCING THE PROVISIONS OF THIS ACT. UPON DETERMINATION THEREOF, EVIDENCE WARRANTING THE SAME, THE COURT SHALL DISMISS THE COMPLAINT AND AWARD THE ATTORNEY'S FEES AND DOUBLE DAMAGES.

THIS PROVISION SHALL ALSO APPLY AND BENEFIT PUBLIC OFFICERS WHO ARE SUED FOR ACTS COMMITTED IN THEIR OFFICIAL CAPACITY, THERE BEING NO GRAVE ABUSE OF AUTHORITY, AND DONE IN THE COURSE OF ENFORCING THIS ACT.

SECTION 106-I. LIEN UPON PERSONAL AND IMMOVABLE PROPERTIES OF VIOLATORS. - FINES AND PENALTIES IMPOSED PURSUANT TO THIS ACT SHALL BE LIENS UPON PERSONAL AND IMMOVABLE PROPERTIES OF THE VIOLATOR. SUCH LIEN SHALL, IN CASE OF INSOLVENCY OF THE RESPONDENT VIOLATOR, ENJOY PREFERENCE TO LABORER'S WAGES UNDER ARTICLE 2241 AND 2242 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS THE NEW CIVIL CODE OF THE PHILIPPINES."

SECTION 36. Section 119 of RA 8550 is hereby amended to read as follows:

"Section 119. Infrastructure Support. The Department in cooperation with concerned agencies shall:

xxxx

H. ESTABLISH AND MAINTAIN HATCHERY OF HIGH VALUE FISH SPECIES IN ALL REGIONS FOR THE USE OF FISHING COOPERATIVES AND ASSOCIATION."

SECTION 37. Section 124 of RA 8550 is hereby amended to read as follows:

"Section 124. Persons and Deputies Authorized to Enforce this Code and Other Fishery Laws, Rules and Regulations. The law enforcement officers of the Department, Philippine Navy, Philippine Coast Guard, Philippine National Police (PNP), PNP-Maritime Command, law enforcement officers of the LGUs are hereby authorized to enforce this code and other fishery laws, rules and regulations, AND FILE THE CORRESPONDING CHARGES AGAINST FISHERY VIOLATORS IN COURTS.

THE CITY OR MUNICIPAL MAYOR, THE PUNONG BARANGAY AND OTHER COMPETENT GOVERNMENT OFFICIALS AND EMPLOYEES SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF THIS CODE, OTHER FISHERY LAWS, RULES AND REGULATIONS, AND APPROPRIATE MUNICIPAL FISHERIES ORDINANCE. OFFICERS AND MEMBERS OF FISHERFOLK ASSOCIATIONS WHO HAVE UNDERGONE TRAINING ON LAW ENFORCEMENT MAY BE DESIGNATED IN WRITING BY THE LGU AS FISH WARDENS.

THE LGUS SHALL PROVIDE BENEFITS/ INCENTIVES SYSTEM FOR DEPUTIZED FISH WARDENS DESIGNATED AS SUCH PURSUANT TO THIS CODE.

SECTION 124-A. PROCEEDS OF FINES AND FORFEITURES. THE LGUs SHALL HAVE THE AUTHORITY TO RETAIN ALL FINES COLLECTED FROM VIOLATIONS UNDER THIS ACT COMMITTED WITHIN THEIR TERRITORIAL JURISDICTION. FIFTY PERCENT (50%) OF THE COLLECTED FINES SHALL BE AUTOMATICALLY RELEASED FOR THE OPERATION AND MAINTENANCE OF BANTAY-DAGAT TEAMS, INCLUDING SALARIES, INSURANCE COVERAGE OF TEAM MEMBERS AND LEGAL SUPPORT IN CASES OF COUNTERSUITS. THE PROCEEDS FROM THE SALE OF FORFEITED CATCH, GEAR, BOATS AND OTHER MATERIALS SHALL BE SHARED IN THE SAME MANNER AS WITH FINES.

SECTION 38. Section 125 of RA 8550 is hereby amended to read as follows:

"Section 125. Strengthening Prosecution and Conviction of Violators of Fishery Laws. The Department of Justice (DOJ) shall embark on a program to strengthen the prosecution and conviction aspects of fishery law enforcement through augmentation of the current complement of state prosecutors and through their continuous training and reorientation on fishery laws, rules and regulations. THE PROVINCIAL, CITY OR MUNICIPAL LEGAL OFFICE SHALL BE DEPUTIZED TO PROSECUTE VIOLATIONS UNDER THIS ACT. THE DOJ MAY ALSO DEPUTIZE PRIVATE PROSECUTORS TO HANDLE THE CASES, UNDER THE GENERAL SUPERVISION OF THE STATE PROSECUTORS.

THE DEPARTMENT IN COORDINATION WITH THE DEPARTMENT OF JUSTICE AND THE PHILIPPINE JUDICIAL ACADEMY SHALL CONDUCT CONTINUOUS TRAINING AND REORIENTATION OF JUDGES AND PROSECUTORS ON FISHERY LAWS, RULES AND REGULATIONS."

SECTION 39. *Repealing Clause.* – All laws, decrees, executive orders and rules and regulations or part thereof, which are inconsistent with this Code, are repealed or modified accordingly.

SECTION 40. *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 41. *Effectivity.* – This Act shall take effect fifteen (15) days following its complete publication in at least two (2) newspapers of general circulations.
Approved,