

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

FIFTEENTH CONGRESS
Second Regular Session

COMMITTEE REPORT NO. 1256

Submitted by the Committee on Local Government on 06 JUL 2011
Re: House Bill No. 4903

Recommending its approval in substitution of House Bill No.240

Sponsors: Chairman George P. Arnaiz and Representative Pedro P. Romualdo

Mr. Speaker:

The Committee on Local Government to which was referred House Bill No. 240 introduced by Representative Pedro P. Romualdo entitled:

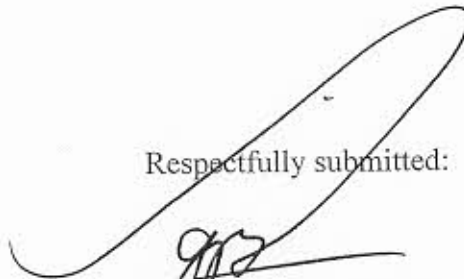
**“AN ACT
DEVOLVING TO CITY AND MUNICIPAL GOVERNMENTS THE
REGISTRATION OF FISHING VESSELS THREE GROSS TONNAGE AND
BELOW AND FOR OTHER PURPOSES”**

has considered the same and recommends that the attached House Bill No. 4903 entitled:

**“AN ACT
DEVOLVING TO MUNICIPALITIES AND CITIES THE REGISTRATION OF
FISHING VESSELS WITH A GROSS WEIGHT OF THREE (3) TONS AND
BELOW”**

be approved in substitution of House Bill No. 240 with Representative Pedro P. Romualdo as author thereof.

Respectfully submitted:

A large, stylized handwritten signature in black ink, consisting of a large loop at the top and a horizontal line at the bottom.

GEORGE P. ARNAIZ

Chairman

Committee on Local Government

**THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES**

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

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 4903

Introduced by: **REPRESENTATIVE PEDRO P. ROMUALDO**

AN ACT
DEVOLVING TO MUNICIPALITIES AND CITIES THE REGISTRATION OF
FISHING VESSELS WITH A MAXIMUM GROSS WEIGHT OF THREE (3)
TONS OR LESS

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

1 **SECTION 1. Devolution of Registration of Fishing Vessels.** - The registration
2 of fishing vessels with a maximum gross weight of three (3) tons or less is hereby
3 devolved to municipalities and cities, which have marine or inland waters in their
4 respective jurisdictions.

5 **SEC. 2. Responsibilities of the Local Government Units.** - The municipality or
6 city, as the case may be, shall perform the following responsibilities:

- 7 a. To maintain updated records of all registered fishing vessels within its
8 jurisdiction;
- 9 b. To furnish on a regular basis the respective Regional Offices of the Maritime
10 Industry Authority (MARINA), the Philippine Coast Guard (PCG)
11 Station/Detachment, and the Department of Agriculture – Bureau of Fisheries
12 and Aquatic Resources (DA-BFAR) with a certified true copy of the list of
13 vessels registered and their complete description;
- 14 c. To institute a strict monitoring process to determine compliance by the owners
15 of registered fishing vessels and to issue a new Certificate Number which
16 must be clearly posted in the registered vessel for proper identification;

- 1 d. To cancel or revoke, after due process, the registration of the fishing vessel if
2 found to have violated pertinent municipal or city ordinances and maritime
3 laws. The owner/operator shall be immediately notified of the scheduled
4 hearings. The MARINA, PCG and DA-BFAR shall be provided with a copy
5 of the result of the hearing and its decision thereto;
- 6 e. To impose reasonable administrative fines and penalties for non-registration
7 of the fishing vessel within its territorial jurisdiction. The revenues collected
8 out of fines shall be retained by local government units concerned and shall be
9 used for training or hiring of additional personnel to handle the registration of
10 fishing vessels and the monitoring of compliance to such registration;

11 **SEC. 3. Responsibilities of the Department of Agriculture-Bureau of Fisheries**
12 **and Aquatic Resources Regional Offices.** – The DA-BFAR Regional Offices shall
13 maintain a separate data bank of the list of registered fishing vessels for record purposes
14 and proper monitoring of fishing activities in their respective area of operations.

15 **SEC. 4. Responsibilities of the Owner/Operator.** – The owners/operators of registered
16 fishing vessels shall report within ten (10) working days any changes in the ownership of the
17 registered fishing vessel or change of home port or change of name of fishing vessel. Such
18 changes shall only be reflected upon submission of a new application for the issuance of a new
19 certificate of registration.

20 **SEC. 5. Implementing Rules and Regulations.** – The MARINA, PCG, DA-BFAR and
21 the Leagues of Municipalities and Cities of the Philippines, in consultation with the Fisherfolk
22 Sector, shall promulgate the necessary rules and regulations to implement this Act.

23 **SEC. 6. Repealing Clause.** – All laws, decrees, executive orders, rules and regulations
24 inconsistent with the provisions of this Act are hereby amended, repealed or modified
25 accordingly.

26 **SEC. 7.** This Act shall take effect fifteen (15) days after its publication in any newspaper
27 of general circulation.

28 *Approved,*

FOR Committee
Report

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.


PEDRO P. ROMUALDO

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

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 00000 240

INTRODUCED BY CONGRESSMAN PEDRO P. ROMUALDO

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:

① 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.

② 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.

③ 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.

④ 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.

FACT SHEET

House Bill No. 240

(As approved by the Committee on March 23, 2011)

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

Introduced by: Rep. Pedro P. Romualdo

Committee Referral: Local Government (Primary)
Committee Chairperson: Rep. George P. Arnaiz

OBJECTIVES:

- To relieve marginalized fishermen owning fishing vessels of up to a maximum gross weight of three (3) tons from the burden of incurring additional expenses when travelling to the MARINA Regional Offices to register said vessel;
- To enable the MARINA to concentrate on its primary mandate;
- To enable the Local Government Units (LGUs) to better monitor the local fishing industry and generate additional funds.

KEY PROVISION:

- Devolves to city and municipal governments the authority to register fishing vessels up to a maximum gross weight of three tons.
- Specifies the responsibility of the LGU, DA-BFAR and the owner/ operator of fishing vessel.
- Allows the LGU to impose fines and penalties for non-compliance with the law, retain the revenue collected to be used for training of hiring personnel for the registration and monitoring of vessels.

RELATED LAW:

- Republic Act No. 9295 otherwise known as "The Domestic Shipping Development Act of 2004.
- Executive Order No. 305, devolving to the local government units the registration of fishing vessels three gross tonnage and below.