

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6028



Introduced by: **HON. ANGELO B. PALMONES**

AN ACT
AMENDING REPUBLIC ACT NO. 8550 OTHERWISE KNOWN AS "AN ACT
PROVIDING FOR THE DEVELOPMENT, MANAGEMENT AND CONSERVATION
OF THE FISHERIES AND AQUATIC RESOURCES, INTEGRATING ALL LAWS
PERTINENT THERETO", AND FOR OTHER PURPOSES.

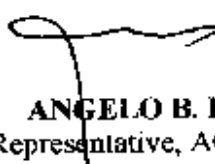
EXPLANATORY NOTE

Fish is the main source of protein of most Filipinos especially in coastal areas and communities close to inland waters and lakes. The total demand for fish in the country has been estimated at 2.67 million tons. The total fish catch in 2009 was reported at 5,084 metric tons. Commercial fishing contributed 1,259 metric tons while the contribution of municipal fishing was reported at 1,348.2 tons. Aquaculture contributed 2,477.4 tons or 49 percent of total fish production for 2009.

It is not known how much of the aquaculture fish production comes from fish pens and fish cages. Estimate is that it is substantial. This being the case it is important that fish pen and fish cage fish production should continue in order to provide for the fish requirement of the Filipinos. It is only imperative that the production of fish through aquaculture in inland waters and lakes follows the tenets of sustainable production.

Section 45 of the Fisheries Code or RA No. 8550 prohibits the establishment of fish pens, fish cages or fish traps two years after its approval. Strict implementation of the provisions of Section 45 will greatly diminish the supply of fish which commercial fishing and municipal fishing cannot replace.

It is for this very reason that this bill is submitted to amend the provisions of Section 45 of RA No. 8550 to allow the continued production of fish through fish pens and cages to ensure the supply of fish in the country.


ANGELO B. PALMONES
Representative, AGHAM Party-list

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Section 1. Carrying capacity of inland waters and lakes and conduct of environmental impact study, and granting of fish pen and cages permit . Section 45 of RA No. 8550 shall be amended 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, FLA 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) 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, conservation, and ecological purposes: *Provided, THAT TWO YEARS AFTER THE APPROVAL OF THIS ACT, THE CARRYING CAPACITY FOR FISH PENS AND CAGES OF ALL INLAND WATERS AND LAKES SHALL HAVE BEEN UNDERTAKEN AND COMPLETED BY THE BUREAU OF FISHERIES AND AQUATIC RESOURCES (BFAR), AND THE TOTAL AMOUNT OF STOCKING SHALL BE PRESCRIBED IN EACH MUNICIPAL WATERS: PROVIDED FINALLY, THAT PRIOR TO THE ISSUANCE OF PERMITS FOR FISH PENS AND CAGES AN ENVIRONMENTAL IMPACT STUDIES SHALL BE CONDUCTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR).*

NO FISH PEN OR CAGES SHALL BE GRANTED PERMIT BEYOND THE CARRYING CAPACITY OF THE INLAND WATER OR LAKE.

Section 2. Penalty for Violating Section 1 of this Act. Any person, association, partnership or corporation found to have established fish pens or fish cages without a permit from the local government shall be fined a minimum of Ten Thousand pesos (P10,000) for individuals and Fifty Thousand pesos (P50,000) for associations, partnerships or corporations for first offense and imprisonment for individuals and imprisonment of the Executive Officer of the associations, partnerships or corporations for not less than one (1) year or both. A second violation shall have a penalty of double the penalty for the first offense.

Any local government executive who issues a permit for fish pens or cages beyond the carrying capacity of the municipal waters shall be liable to a fine of P100,000 or imprisonment of two years or both upon the discretion of the court. Such cages established beyond the carrying capacity of the municipal water shall have the status of unlicensed fish pens or fish cages and shall be dismantled and the owners liable to the penalty expressed under paragraph 1 of this Section.

Section 3. Implementing rules and regulations. The Department of Agriculture shall prepare and issue the implementing rules and regulations of this Act within 90 days from the approval of this Act.

Section 4 – Repealing Clause. All laws, decrees, orders, rules and regulations or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

Section 5 – This Act shall take effect 15 days after its complete publication in two newspapers of general circulation.

Approved