

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 702



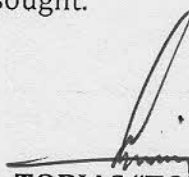
INTRODUCED BY REPRESENTATIVE TOBIAS "TOBY" M. TIANGCO

EXPLANATORY NOTE

This bill seeks to reinforce the objective of Republic Act No. 8550 otherwise known as *The Philippine Fisheries Code of 1998*, that is, to improve the life of the Philippine fisher folk sectors by passing a law that will protect and support their livelihood.

Section 2 of Article XII of the 1987 Philippine Constitution provides that the Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fish- workers in rivers, lakes, bays, and lagoons. However, Filipino fisher folks near Manila Bay like those from Cavite, Bataan and Metro Manila were prevented from fishing even within the municipal waters of the Philippines. This restriction has dramatically affected Filipino fisherfolk's livelihood, whose income is primarily sourced from fishing. Filipino fishermen need the *full* support of the government to sustain their livelihood and further strengthen their indispensable contribution to the economy. Hence, there is a need to waive the restrictions provided in Section 18 of Republic Act No. 8550 in favor of the fisherfolks in Cavite, Bataan, and Metro Manila.

In view thereof, passage of this Bill is earnestly sought.


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**AN ACT AMENDING REPUBLIC ACT NO. 8550
OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998
AND FOR OTHER PURPOSES**

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

SECTION. 1. Section 4 of the Republic Act No. 8550 otherwise known as The Philippine Fisheries Code of 1998 is hereby amended to read as follows:

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

x x x

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:

1. Small scale commercial fishing - fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to **THIRTY (30) GT**;

2. Medium scale commercial fishing - fishing utilizing active gears and vessels of 30.1 GT up to one hundred fifty (150) GT; and

3. Large scale commercial fishing - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.

SECTION 2. Section 18 of the Republic Act No. 8550 otherwise known as The Philippine Fisheries Code of 1998 is hereby amended to read as follows:

"SEC. 18. Users of Municipal Waters. - All fishery 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 and medium commercial fishing vessels to operate within the ten point one (10.1) 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. fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the Department;
- 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.

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. PROVIDED THAT, THE ABOVE PROVISION SHALL NOT BE APPLIED IN MANILA BAY, CAVITE AND BATAAN FISHER FOLKS ENGAGED IN COMMERCIAL FISHING.

SECTION 3. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a Newspaper of General Circulation.

Approved,