

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

SIXTEENTH CONGRESS

First Regular Session

House Bill No. **2254**



INTRODUCED BY REPRESENTATIVE XAVIER JESUS "XJ" D. ROMUALDO

EXPLANATORY NOTE

The late Representative Pedro P. Romualdo originally filed this bill in the previous Congress and was the subject of extensive hearings by the Committee on Local Government during the 15th Congress. Its substitute bill, House Bill No. 4903, was approved on third reading on 15 August 2011 and was transmitted to the Senate on 18 August 2011. However, the Senate failed to take action on the matter. The Explanatory Note of the late Representative Romualdo is herein reproduced and adopted as the explanation for the filing of this bill:

The Maritime Industry Authority (MARINA) 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No. 2009 – 05, informing all local government units concerned that Executive Order No. 305 dated 02 April 2004 was superseded by the passage of Republic Act No. 9295.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 (LGUs) 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 LGUs 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 sector 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 communities 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 better concentrate on pursuing its primary mandates. The other agencies mentioned can also closely coordinate with the LGUs in this particular task.

In view of the foregoing, the support of the Members of Congress for the timely passage of this measure is earnestly requested.


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

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

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

Section 2. Responsibilities of the Local Government Units. – The city or municipality, as the case may be, shall perform the following responsibilities:

- (a) To maintain updated records of all registered fishing vessels within its jurisdiction;
- (b) To furnish on a regular basis the respective regional offices of the Maritime Industry Authority (MARINA), the Philippine Coast Guard (PCG) stations/detachments, 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;
- (c) To institute a strict monitoring process to determine compliance by the owners of registered fishing vessels and to issue a new certificate number which must be clearly posted in the registered vessel for proper identification;
- (d) To cancel or revoke, after due process, the registration of the fishing vessel if found to have violated pertinent municipal or city ordinances and maritime laws. The owner/operator shall be immediately notified of the scheduled hearings. The MARINA, PCG, and DA-BFAR shall be provided with a copy of the result of the hearing and its decision thereto; and
- (e) To impose reasonable administrative fines and penalties for non-registration of the fishing vessel within its territorial jurisdiction. The revenue collected out of fines shall be retained by the local government units concerned and shall be used for training or hiring of additional personnel to handle the registration of fishing vessels and the monitoring of compliance to such registration.

Section 3. Responsibilities of the Maritime Industry Authority, the Philippine Coast Guard, and the Department of Agriculture – Bureau of Fisheries and Aquatic Resources. – The MARINA and the PCG, in coordination with the DA-BFAR, shall extend technical assistance and auxiliary support and training to the local government units concerned with respect to the registration of fishing vessels covered under this Act.

The DA-BFAR regional offices shall maintain a separate databank of the list of registered fishing vessels for record purposes and for proper monitoring of fishing activities in their respective area of operations.

Section 4. Responsibilities of the Owner/Operator. – The owners/operators of registered fishing vessels 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 the fishing vessel. Such changes shall only be reflected upon submission of a new application for the issuance of a new certificate of registration.

Section 5. Implementing Rules and Regulations. – The MARINA, the PCG, the League of Municipalities of the Philippines, and the League of Cities of the Philippines, in consultation with the fisherfolk sector, shall promulgate the necessary rules and regulations to implement this Act.

Section 6. Repealing Clause. –All laws, decrees, executive orders, proclamations, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 7. Effectivity. – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved.