

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3337**

Introduced by **REP. HENEDINA RAZON-ABAD**

EXPLANATORY NOTE

It is the declared policy of the State to protect the right of municipal fisherfolk, especially of local communities, in the preferential use of the municipal waters. Towards this end, Section 127 of RA 8850 or the Philippine Fisheries Code of 1998 mandates that its provisions should be reviewed once every five (5) years to assess whether the fisheries policies and guidelines remain responsive to the changing demands of the times.

As an archipelago, the country's surrounding outer coastlines starting from the North all the way to the South are lined with municipal communities that are adjacent to the open or deep seas. The East China Sea to the North, the Philippine Sea to the East, the Celebes Sea to the South and the West Philippine Sea to the West. By their geographical location and the depth of the coastal and offshore waters of these municipal communities, the sea conditions are naturally rough and turbulent. These differentiate them from those municipal communities situated within the inner coastal boundaries which generally have calmer waters.

The distinction translates to varying methods and equipment by which our fisherfolk utilize and reap the bounties from the seas. For one, municipal fishermen in the outer coastal communities find it difficult and hazardous to fish even within their fifteen (15) kilometer municipal waters due to the rough open or deep sea conditions while this is not so for those along inner coastal communities. Another is that fisherfolk in the outer coastal communities deploy fishing vessels that are of bigger size and tonnage to withstand the rigors of deep or open sea conditions even within their municipal waters which need is not present for those along inner coastal waters.

Our fishermen are forced to adapt and use fishing vessels of higher size and tonnage to withstand the natural demands of rough open or deep sea conditions, even within the fifteen (15) kilometer municipal water range. Unfortunately, Section 4, paragraph 57 of the Philippine Fisheries Code, limits the size of fishing vessels to three (3) Gross Tons or less in municipal waters, effectively penalizing our municipal fisherfolk living near coastal but open or deep waters. As currently applied, Section 4, paragraph 57 restricts the

opportunity of our municipal fisherfolk to fish within municipal waters. It contravenes rather than support the declared policy of the State to protect the right of our municipal fisherfolk, especially of local communities, in the preferential use of the municipal waters.

To harmonize the gap between Section 4, paragraph 57 and what is actually happening in our municipal fishing communities, there is an urgent need to amend Section 4, paragraphs 10 and 57 in relation to Section 18 of the Philippine Fisheries Code of 1998.

In view of the foregoing reasons, the immediate passage of this bill is urgently sought.


HENEDINA RAZON-ABAD

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HOUSE BILL NO. **3337**

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**AN ACT AMENDING SECTION 4 (PARAGRAPHS 10 AND 57) AND SECTION 18 OF
REPUBLIC ACT NO. 8550 OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE
OF 1998**

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

SECTION 1. Section 4 Paragraph 10 of R.A. 8550 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:

xxx

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 twenty (20) GT;

**PROVIDED THAT IN MUNICIPAL WATERS THAT ARE CONSIDERED IN
OPEN OR DEEP SEA, THE MINIMUM TONNAGE OF FISHING VESSELS
SHALL BE SIX (6) GT;**

- 1 2. Medium scale commercial fishing – fishing utilizing active gears and
2 vessels of 20.1 GT up to one hundred fifty (150) GT; and
3 3. Large scale commercial fishing – fishing utilizing active gears and vessels
4 of more than one hundred fifty (150) GT.”
5

6 **SECTION 2.** Section 4 Paragraph 57 of R.A. 8550 is hereby amended to read as follows:

7 “Sec.4. Definition of Terms – As used in this Code, the following terms and phrases
8 shall mean as follows:

9 xxx

10 57. Municipal Fishing – refers to fishing within municipal waters using fishing
11 vessels of three (3) gross tons or less, or fishing not requiring the use of fishing
12 vessels; **PROVIDED THAT IN MUNICIPAL WATERS THAT ARE CONSIDERED IN**
13 **OPEN OR DEEP SEA, THE MINIMUM TONNAGE OF FISHING VESSELS SHALL BE**
14 **SIX (6) GT.**
15

16 **SECTION 3.** Section 18 of R.A. 8550 is hereby amended to read as follows:

17 “Sec.18. Users of Municipal Waters. – All fishery related activities in municipal
18 waters, as defined in this Code, shall be utilized by municipal fisherfolk and their
19 cooperatives/ organization who are listed as such in the registry of municipal
20 fisherfolk.

21 The municipal or city government, however, may, through its local chief executive
22 and acting pursuant to an appropriate ordinance, authorize or permit small and
23 medium commercial fishing vessels to operate within the ten point one (10.1) to

1 fifteen (15) kilometer area from the shoreline in municipal waters as defined herein,
2 provided, that all the following are met:

3
4 (a) no commercial fishing in municipal waters with depth less than seven (7)
5 fathoms as certified by the appropriate agency;

6 (b) fishing activities utilizing methods and gears that are determined to be
7 consistent with national policies set by the Department;

8 (c) prior consultation, through public hearing, with the M/CFARMC has been
9 conducted; and

10 (d) the applicant vessel as well as the ship owner, employer, captain and crew
11 have been certified by the appropriate agency as not having violated this
12 Code, environmental laws and related laws.

13 **PROVIDED FURTHER, THAT IN MUNICIPAL WATERS THAT ARE CONSIDERED**
14 **TO BE WITHIN OPEN OR DEEP SEA, SMALL SCALE COMMERCIAL FISHING**
15 **VESSELS WITH THE MINIMUM SIZE OF SIX (6) GT, MAY BE ALLOWED TO**
16 **OPERATE WITHIN ZERO POINT ONE (0.1) TO FIFTEEN (15) KILOMETER AREA**
17 **FROM THE SHORELINE IN MUNICIPAL WATERS AS DEFINED HEREIN.**

18
19 In no case shall the authorization or permit mentioned above be granted for fishing
20 in bays as determined by the Department to be in an environmentally critical
21 condition and during closed season as provided for in Section 9 of this Code.”

1 **SECTION 4. Separability Clause** - If any provision of this Act is declared invalid, the
2 remainder or any of this provision hereof not affected thereby shall remain in force and
3 effect.

4
5 **SECTION 5. Repealing Clause** - All laws, decrees, executive orders, presidential issuances
6 and other administrative rules and regulations or parts thereof which are inconsistent with
7 this Act are hereby repealed, amended or modified accordingly.

8
9 **SECTION 6. Effectivity** - This Act shall take effect fifteen (15) days after its publication in
10 at least two (2) newspapers of general circulation.

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13 Approved,
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