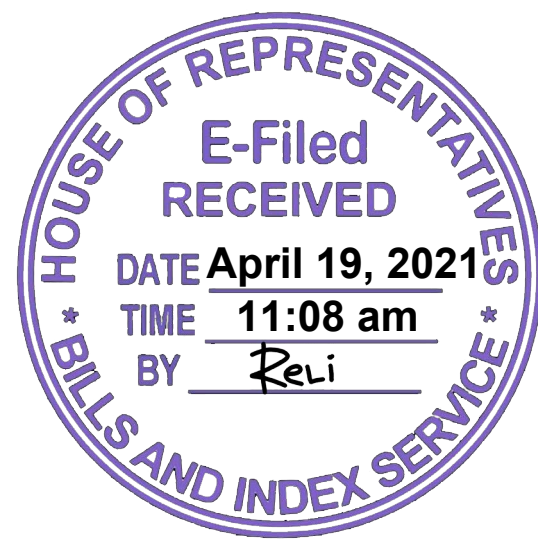


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **9217**



Introduced by

Representative FRANZ E. ALVAREZ

EXPLANATORY NOTE

Pangisdaan Natin Gawing Tama (PaNaGaT) network of NGOs and people's organization reported that for the years 2018, 2019 and 2020, in the common periods of January to March, the Visual Infrared Imaging Radiometer Suite (VIIRS) satellite detected a total of 38,803 intrusions of presumably commercial fishing vessels using high intensity lights within municipal waters. The recording was only made during the nighttime. No data is available for possible intrusions during the daytime.

Republic Act No. 10654 lapsed into law way back in 2015. It amended the then 17-year old Philippine Fisheries Code of 1998 that proved wanting in deterring illegal, unreported and unregulated fishing by imposing stringent regulations and tougher sanctions.

Intrusion of commercial fishing vessels within municipal waters remain prevalent and unabated specially at night. Local government units, with their meager resources to patrol and regulate their municipal waters, feel helpless specially with the failure of the Department of Agriculture and Bureau of Fisheries and Aquatic Resources to implement the vessel monitoring measures mandate of RA 10654 for commercial fishing vessels.

This regulation would have allowed local government units to react with more force in protecting their municipal waters from the entry of commercial fishing vessels that places local fishermen at a much disadvantage and deplete resources that would have otherwise first benefited the locality.

This Bill seeks to tilt the balance of this disadvantage in favor of the very people dependent on municipal fishing.

In Palawan alone, the closure of tourism establishments brought about by the pandemic sent thousands of workers and individuals dependent on the tourism industry back to their hometowns with some returning or transitioning to farming and fishing in order to replace their lost income and livelihood.

Mang Lando is one such person.

Mang Lando used to fish the municipal waters of El Nido before shifting to ferrying tourists going island hopping. After the imposition of the varying levels of community quarantine that brought travelers to El Nido down to double digits a day, he retrofitted his banca and went back to fishing. But he discovered that all is not the same. His domain, and that of his fellow marginal fishermen, do not yield as much as before.

To their dismay, they discovered that while intrusion of commercial fishing vessels are very minimal during the daytime, yet these larger and better equipped *lantsas*, *basnigs* and *pangulong*s are just idling by the boundary of the municipal waters, presumably enjoying the bounty that *Mang Lando* and his fellows would have otherwise caught inside if the larger trappers were not in the vicinity.

Mang Lando already suspected that the commercial fishing vessels are along the boundary so that at night, they could sneak well within the municipal waters where most of the reefs and fishes are and catch easy prey. The Joint Task Force Malampaya, a composite of military elite patrolling the waters of El Nido proved him right. This 2021 alone, the Task Force caught at least five intruding commercial fishing vessels.

This Bill is dedicated to the multitude of municipal fisherfolks dependent on the waters that was specifically dedicated by law to them.

In view of the foregoing, the immediate passage of this Bill is earnestly sought.


FRANZ E. ALVAREZ
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DATE: 19.4.2021
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HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9217

Introduced by Representative

FRANZ E. ALVAREZ

**AN ACT TO ENHANCE PROTECTION TO MUNICIPAL FISHING
AND ARTISANAL FISHERFOLKS BY ESTABLISHING A TEN (10)
KILOMETER MUNICIPAL FISHING BUFFER ZONE BEYOND THE
FIFTEEN (15) KILOMETER MUNICIPAL WATERS AMENDING FOR
THE PURPOSE SECTIONS 4 AND 18 OF REPUBLIC ACT NO. 8550 OR
THE PHILIPPINE FISHERIES CODE OF 1998, AS AMENDED,
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 Republic Act No. 8550, otherwise known as “The Philippine Fisheries Code of 1998”, is amended, as follows

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

1. x x x

x x x

57. Municipal fishing - refers to fishing within municipal waters **OR WITHIN MUNICIPAL WATERS BUFFER ZONE** using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.

58. Municipal waters - include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of

marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.

58-A. MUNICIPAL WATERS BUFFER ZONE - MARINE WATERS INCLUDED BETWEEN TWO (2) LINES DRAWN PERPENDICULAR TO THE GENERAL COASTLINE FROM POINTS WHERE THE BOUNDARY LINES OF THE MUNICIPALITY TOUCH THE SEA AT LOW TIDE AND A FOURTH LINE PARALLEL TO THE THIRD LINE THAT SERVES AS BOUNDARY OF THE MUNICIPAL WATERS AND TEN (10) KILOMETERS FROM SUCH THIRD MUNICIPAL WATERS BOUNDARY LINE.

x x x”

SEC. 2. Section 18 of the same Act is hereby amended, as follows:

“SEC. 18. Users of Municipal Waters. - All fishery related activities in municipal waters **OR IN MUNICIPAL WATERS BUFFER ZONE**, 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 **AND SHALL BE LIMITED TO MUNICIPAL FISHING.**

The **DEPARTMENT, WITH THE CONCURRENCE OF 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 **BUFFER ZONE** 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 shipowner, employer, captain and crew have been certified by the appropriate agency as not having violated this Code, environmental laws and related laws[.]; **AND,**

(E) THE APPLICANT VESSEL IS EQUIPPED WITH A VESSEL MONITORING SYSTEM (VMS) THAT IS CONSISTENTLY REPORTING ITS LOCATION PRESCRIBED BY AND REGISTERED WITH THE DEPARTMENT.

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 Sec. 9 of this Code.

SEC. 3. Repealing Clause. - All laws, decrees, executive orders and rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,