

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9436



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Coastal and fishing communities are among the poorest and most vulnerable sectors of society. According to the Philippine Statistics Authority in 2018, fisherfolks ranked second among basic sectors with the highest poverty incidence at 26.2 percent.¹ Small-scale fishermen and their families remain struggling in impoverished situations due to a lack of clear-cut agenda for the sector.

Moreover, they are often displaced due to privatization and conversion projects by both private and government sectors. Many of those displaced were removed from their main source of livelihood and fishing communities are destroyed, thereby ultimately threatening the food security of the population.

This measure seeks to establish special protection for coastal fishing communities that will shelter them from destructive human activities and displacement. It also recognizes the contributions of small-scale fisherfolk in attaining national food

¹ Philippine Statistics Authority. Farmers, Fisherfolks, Individuals Residing in Rural Areas and Children Posted the Highest Poverty Incidences Among the Basic Sectors in 2018. Data retrieved from <https://psa.gov.ph/content/farmers-fisherfolks-individuals-residing-rural-areas-and-children-posted-highest-poverty>. Dated June 3, 2020

security, as well as giving them the protection of their rights to an adequate standard of living.

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

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MANUEL DG. CABOCHAN III

Representative

Magdalo Para Sa Pilipino Party-List

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AN ACT
MANDATING THE SPECIAL PROTECTION TO COASTAL FISHING
COMMUNITIES FOR SUSTAINABLE SMALL-SCALE FISHERIES IN THE
COUNTRY

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

1 SECTION 1. *Short Title.*— This Act shall be known as the “Special Protection to
2 Coastal Fishing Communities Act”.

3
4 Sec. 2. *Declaration of Policy.*— The State shall protect the rights of subsistence
5 fishermen, especially of local communities, to the preferential use of the communal
6 marine and fishing resources which extends to offshore fishing grounds against foreign
7 intrusion. It recognizes that the national fishery and aquatic resources sector,
8 especially the small-scale fishing industry is vital for the recovery of the national
9 economy and attainment of national food security and the fisherfolk sector deserves
10 adequate protection to their rights to an adequate standard of living. Towards this
11 end, the State shall uphold and protect their rights by mandating special protection to
12 coastal fishing communities to ensure the sustainability of small-scale fisheries.

1
2 Sec. 3. *Coastal Fishing Community.*— A social unit of fisherfolk, or people directly
3 or personally and physically engaged in taking, culturing, and processing fishery and
4 aquatic resources, located in the area where interactions of sea, lake or river and
5 similar water formations, and land processes occur and enclosed by the archipelagic
6 baselines as provided in Republic Act No. 9522.

7
8 Sec. 4. *Special Protection to Coastal Fishing Communities.*— Coastal fishing
9 communities is hereby protected from destructive human activities and displacement,
10 such as but not limited to, reclamation projects, conversion and privatization.

11
12 Sec. 5. *Identification and Establishment of the Coastal Fishing Communities.*—
13 The Bureau of Fisheries and Aquatic Resources (BFAR) shall act as the lead agency in
14 the identification and establishment of the coastal fishing communities in the country.
15 It shall have the following functions:

- 16 (a) To craft initial mapping based on its existing records;
17 (b) To coordinate with the Department of Environment and Natural Resources
18 (DENR) to substantiate the mapping with the legal description and natural
19 boundaries;
20 (c) To hold public consultations on the identification of coastal fishing
21 communities;
22 (d) To finalize the National Map of Coastal Fishing Communities or Fishing
23 Communities Map;
24 (e) To issue the map as Fishery Administrative Order which shall constitute the
25 official documentary representation of the purpose of Special Protection to
26 the Coastal Fishing Communities.

27
28 Sec. 6. *Disapproval, Revocation of Human Activities or Projects Detrimental to*
29 *the Special Protection to the Coastal Fishing Communities.*—

- 30 (a) All plans or projects covering or overlapping the Fishing Communities Map
31 that are pending with the office of the Philippine Reclamation Authority
32 (PRA) or any agency or local government units are hereby disapproved;

1 (b) All Environmental Clearance Certificates (ECC) issued by the DENR and all
2 permits issued by any government agency or LGUs for plans or projects
3 covering or overlapping the Fishing Communities Map are hereby revoked,
4 and pending applications for such, are hereby disapproved.

5
6 *Sec. 7. Conformed Land Use Plan by Local Government Units.*— The local
7 government units shall prepare or amend their respective comprehensive land use
8 plans enacted through zoning ordinances which shall be the primary and dominant
9 bases for the Special Protection to the Coastal Fishing Communities.

10
11 *Sec. 8. Monitoring.*— The BFAR, in close cooperation with the Specially-
12 Protected Coastal Fishing Communities, shall ensure and monitor the attainment of
13 the purposes of this Act.

14
15 *Sec. 9. Mangroves Reforestation for Sustainable Small-Scale Fisheries.*—
16 Mangrove tree areas in duly declared Special Protected Coastal Fishing Communities
17 shall be protected and entitled to reforestation programs. *Provided,* That it shall not
18 result in the dislocation of fisherfolk families or detriment of their fishing rights and an
19 adequate standard of living. It shall have the following objectives:

- 20 (a) To establish refuge, habitat, sanctuaries for fish and other marine life
21 towards the restoration of biodiversity;
22 (b) To serve as natural defense to coastal fishing communities from natural
23 occurrences such as storm surges and flooding;
24 (c) To contribute to the attainment of sustainability of small-scale fisheries and
25 improvement of the adequate standard of living of poor fisherfolk families.

26 *Further provided,* That the Bureau of Fisheries and Aquatic Resources shall:

- 27 (a) Identify the location of mangrove forests and new reforestation sites
28 enclosed within the duly declared Special Protected Coastal Fishing
29 Community;
30 (b) Integrate the said locations to the Fishing Communities Map, as
31 documentary representation of the purpose of Special Protection to
32 Mangrove Trees and Forests.

1
2 Sec.10. *Special Protection to Mangrove Trees and Forests.*– It is hereby
3 declared that cutting of mangrove trees is prohibited and no order, permit, or license
4 shall be issued and existing or pending of such, are hereby revoked, and all mangrove
5 trees of forests are under special protection. *Further,* That all ECCs, permits, or
6 licenses issued by the DENR that allows the destruction or cutting of mangrove forests
7 or trees is hereby revoked. *Further provided,* That all orders issued or memorandum
8 of agreements signed, by or on behalf of the DENR that allows the destruction or
9 cutting of mangrove forest or trees are hereby revoked.

10
11 Sec. 11. *Penalties.*–

12 (a) For violations of Sections 4, 5, 6, 7 and 8 of this Act:

13 (i) Any public officer or private person found in violation shall be punished
14 with imprisonment of not less than one year nor more than ten year,
15 and perpetual disqualification from public office;

16 (ii) If the violator is a corporation, partnership or association, the following
17 penalties shall be imposed:

- 18 1. imprisonment for not less than one year nor more than ten years;
- 19 2. a fine of not less than Ten million pesos (P10,000,000.00) but not
20 more than Twenty million pesos (P20,000,000.00)
- 21 3. reparatory damages for fisherfolk household victims and their
22 families of Two million pesos (P2,000,000.00);
- 23 4. amount of Five million pesos (P5,000,000.00) for the affected
24 Special Protected Coastal Fishing Community;

25 *Provided,* That the penalty of imprisonment shall be imposed on the guilty
26 officer or officers and members or members of its Board of Trustees.

27 (b) For violations of Section 9 and 10: Any public officer or private person found
28 in violation shall be punished with imprisonment of not less than one year
29 nor more than ten years, perpetual disqualification from public office, and a
30 fine of not less than Twenty million pesos (P20,000,000.) but not more than
31 Thirty million pesos (P30,000,000.00); *Provided,* That if the violator is a

1 corporation, partnership or association, the penalty of imprisonment shall
2 be imposed on the guilty officer/s and member/s of its Board of Trustees.
3

4 Sec. 12. *Implementing Rules and Regulations.*— The Bureau of Fisheries and
5 Aquatic Resources, in coordination with the Department of Environment and Natural
6 Resources and the local government units, shall promulgate the Implementing Rules
7 and Regulations within 90 days from the effectivity of this Act.
8

9 Sec. 13. *Separability Clause.*— If for any reason, any section or provision of this
10 Act be found null and void, no other sections or provisions or part hereof shall be
11 affected and shall remain in full force and effect.
12

13 Sec. 14. *Repealing Clause.*— Existing laws or provisions of such, found
14 contradictory to this Act is hereby amended or repealed.
15

16 Sec. 15. *Effectivity.*— This Act shall take effect after fifteen (15) days following
17 its complete publication in the *Official Gazette* or in any newspaper of general
18 circulation.

Approved,