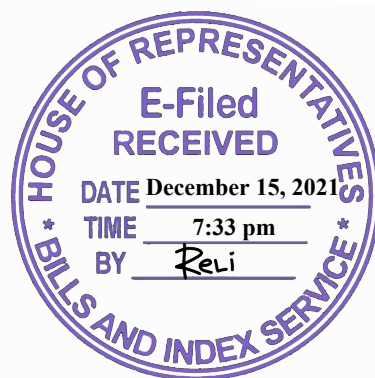


EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 10635

EXPLANATORY NOTE

Republic Act No. 10654, which amended Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998" provides that "Except in cases specified under this Code, it shall also be unlawful for any commercial fishing vessel to fish in municipal waters."

Unfortunately, intrusion of commercial fishing vessels within municipal waters remains prevalent and unabated specially at night. There is also a problem in the implementation of vessel monitoring measures as mandated by RA 10654 for commercial fishing vessels.

Hence, this bill which seeks to address this problem that leaves local fishermen at the mercy of commercial fishing vessels.

In view of the foregoing, the immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
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HOUSE OF REPRESENTATIVES

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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:

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-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,