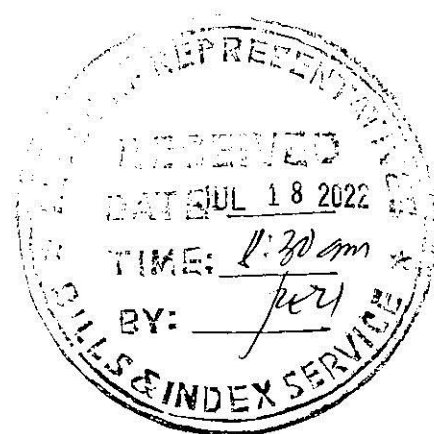


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2025



Introduced by Honorable Representatives
ARLENE D. BROSAS (Gabriela Women's Party),
FRANCE L. CASTRO (ACT Teachers Partylist),
and **RAOUL DANNIEL A. MANUEL (Kabataan Partylist)**

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

EXPLANATORY NOTE

The small fisherfolk in the country is more or less synonymous with being the "poorest of the poor." Based on Philippine Statistics Authority (PSA) data, poverty incidence among basic sectors was highest on the fisherfolk sector until 2015, when farmers slightly surpassed it. In 2006, it was 41.2%, 2009 41.3%, 2012 39.2% and 2015 34%. These numbers should have illuminated policymakers the severity of fisherfolk's impoverished situation, especially when the 2015 poverty threshold was set to P9,064 for a family of five, or around P300 per day. With this income, the right to an adequate standard of living that incorporates the right to shelter is fundamentally a privilege for the fisherfolk sector.

Moreover, the small fisherfolk is identified in the Republic Act No. 8425 Social Reform and Poverty Alleviation Act, as artisanal fisherfolk, defined as "*municipal, small scale or subsistence fishermen who use fishing gear which do not require boats or which only require boats below three (3) tons.*" Presumably derived from the definition set in the Republic Act No. 8550 Fisheries Code of 1998. The National Anti-Poverty Commission (NAPC) elaborated this on the Social Reform Agenda as being part of "*the poor' and 'the marginalized'.*"

The vulnerability dimension establishes the small fisherfolk's social, economic and cultural plight. The United Nations defined vulnerability as the risk of being negatively affected by shocks, which may be caused by nature or man-made. Some scholars simplify it as being "*vulnerable to poverty when she or he is at risk of becoming poor or at risk of remaining poor,*" while based on the paper "Vulnerability to Income Poverty: Trends from 2003 to 2015" by Jose Ramon Albert, Ph.D. and Jana Flor Vizmanos, of the Philippine Institute for Development Studies (PIDS), it was described as "*their[households] chance of being poor in the future exceeds the national poverty rate.*"

In the said paper, based on the 2015 Family Income and Expenditure Survey (FIES), a minority 16.1% of the fisherfolk sector was classified as non-vulnerable, or a majority 83.9% was

vulnerable to poverty, with varying degrees between “highly” to “relatively.” By major income source classification, only 16% were non-vulnerable, or 84% were vulnerable. It was the second most vulnerable on the list, following Forestry and Hunting, where only 11.1% was non-vulnerable. This undoubtedly implied that drastic changes in a situation such as national calamities, or a pandemic, could dramatically throw the sector into a state of poverty.

The United Nations, in its various documents and pronouncements, especially on the “Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication,” classified the fisherfolk as part of the “vulnerable and marginalized groups.” The UN Committee on Fisheries stated that small-scale fishers and fish workers account for over 90% of all people involved in capture fisheries and are considered to be among the most vulnerable people engaged in fisheries and could be potentially “left behind”, unless appropriate consideration and action are taken. Last March, when UN Secretary-General António Guterres appealed for a global ceasefire in armed conflict said that the marginalized and the displaced are also most at risk of suffering devastating losses from COVID-19. In June, the UN Food and Agriculture Organization (FAO) claimed that the fisherfolk sector was among the most affected by the pandemic crisis.

Marginalization of the fisherfolk sector manifests on all fronts. It is essentially the deprivation of due support for small-scale fisheries production and government preference to the capital-intensive aquaculture sector and unequal application of the law favoring commercial fishing vessels that engage in over-exploitation of the fishing grounds, and being the final blow, the essentially inexistent tenurial rights on the plots of land of their homes and communities. It throws them as easy victims of displacement to pave the way for government and private projects and even eco-tourism ventures. The displacement of coastal fishing communities in the name of reclamation projects, eco-tourism, or even conservation of marine biodiversity is a testament that the small fisherfolk’s right to adequate standard of living and fishing rights are all inferior to the pursuance of the latter. It is amid that these human activities virtually demolish the sustainability of the marine resources and environment, and canceling food security, almost comprehensively.

Even the “people’s safety” or the geo-hazard phenomenon was invoked in the 40-meter “no build zone” proposal in the aftermath of typhoon Yolanda in 2014. It literally meant the displacement of millions of fisherfolk families amid the country being archipelagic, and history is rooted in the development of communities along the shores. The geo-hazard question ended with the vicious aim of displacement of almost a whole population sector and failed to dig up the root of vulnerability.

Past and present administrations neglected the root of the vulnerability of fishing communities to natural calamities, particularly storm surges. It is the deforestation of the mangrove trees. Currently, numerous studies establish the advantages of mangrove forests to even inland communities. Existing laws prohibit cutting mangrove trees, but mere approval from the Department of Environment and Natural Resources (DENR) undermines the wisdom of that provision. Even the historical wiping out of mangrove forests in Manila Bay remains unrestricted amid the 2008 Supreme Court mandamus for its rehabilitation. From 54,000 hectares at the turn of the 20th century, mangrove forests contracted to 794 hectares in 1995. Even now, mangrove trees were massacred in Bulakan town and cut and buried in Bacoor City, Cavite. These are in the name of development promised by the 2,500-hectare Aerotropolis Project of San Miguel Corporation and the Bacoor reclamation project bannered by its local executive.

The jurisprudence lacks to address the tenurial security of poor fisherfolk families in their homes and communities and the wiping out of mangrove forests in the country by ‘development’ projects. This is amid the 1987 Constitution banners the protection the rights of subsistence

fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources; that the goals of the national economy are a more equitable distribution of opportunities, income, and wealth; and highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities.

Moreover, the country is committed to the global mission of achieving a better and more sustainable future for all. Sustainable Development Goals No. 14, "*Conserve and sustainably use the oceans, seas and marine resources for sustainable development*," declares the small fisherfolk as movers for the future. This further elaborated on its targets and indicators to, "*sustainably manage and protect marine and coastal ecosystems*," "*Increase the economic benefits from sustainable use of marine resources*," and "*Support small scale fishers: Provide access for small-scale artisanal fishers to marine resources and markets*." On the corollary, there is no discourse of sustainability if coastal fishing communities are displaced.

This bill aims to fulfill the promises of the land and the country's laws to the world. The decades-old marginalization of the fisherfolk sector must be decisively ended.

For the interest of millions of Filipino fisherfolk and a sustainable future, the urgent passage of this bill is earnestly sought.



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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 House of Representatives of the Republic of the Philippines in Congress assembled:

Section 1. *Short title.* – This Act shall be known as “Special Protection to Coastal Fishing Communities Act.”

Section 2. *Declaration of Policies.* – The State shall uphold the provision of the 1987 Constitution, particularly, Section 7 of the Article XIII on Social Justice and Human Rights, that states the protection the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore and such protection extends to offshore fishing grounds of subsistence fishermen against foreign intrusion.

The State shall apply the principle of stewardship of the fisherfolk sector, on the coastal public domain, based on the principles of the 1987 Constitution:

- a. Section 1 of the Article XII, National Economy and Patrimony, that the goals of the national economy are a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged;
- b. Section 1 of the Article XIII on Social Justice and Human Rights, that Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good;
- c. Section 2 that the promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

The State shall hold that the national fishery and aquatic resources sector, especially the small-scale fishing, is vital for the recovery of the national economy and attainment of national food security, and recognizes the fisherfolk sector as a frontliner sector, deserving of adequate protection to their rights to adequate standard of living. Likewise, upholds the policy declared by the Republic Act No. 8425 or Social Reform and Poverty Alleviation Act for a sectoral intervention to poverty alleviation, wherein, the small fisherfolk and fish worker family, as referred in this act, shall be empowered to meet its minimum basic needs for their adequate standard of living.

The State shall declare this Act, that consequently sustains small-scale or subsistence fishing as the country's contribution to the United Nations' Sustainable Development Goal No. 14 to conserve and sustainably use the oceans, seas and marine resources for sustainable development, and to reduce hunger and improve nutrition, alleviate poverty, generate economic growth and ensure better use of natural resources.

CHAPTER I

SPECIAL PROTECTION TO COASTAL FISHING COMMUNITIES

Section 3. *The Coastal Fishing Community.* – a social unit of fisherfolk, or people directly or personally and physically engaged in taking, culturing and processing fishery and aquatic resources, located in the area where interactions of sea, lake or river and similar formations, and land processes occur and enclosed by the archipelagic baselines stated in the Republic Act No. 9522.

Section 4. *Special Protection to Coastal Fishing Communities.* – Coastal fishing communities are hereby protected from destructive human activities and displacement, such as but not limited to, reclamation projects, conversion and privatization.

Section 5. *Identification and Establishment of the Coastal Fishing Communities.* – The Bureau of Fisheries and Aquatic Resources (BFAR), or the Bureau of referred to in this Act, shall act as the lead agency in the identification and establishment of the coastal fishing communities in the country.

The Bureau shall:

- a. craft its initial mapping based on its existing records;
- b. coordinate with the Department of Environment and Natural Resources (DENR) to substantiate the mapping with legal descriptions and natural boundaries;
- c. hold public consultations on the identification of coastal fishing communities;
- d. finalize the National Map of Coastal Fishing Communities, or Fishing Communities Map, as referred in this Act, Provided that People's Organizations (POs) or Non-

Government Organizations (NGOs) advocating the rights of small fisherfolk express their recommendation of approval;

- e. and issue the map as Fishery Administrative Order, which shall, by virtue of this Act, constitute the official documentary representation of the purpose of Special Protection to the Coastal Fishing Communities.

Section 6. *Disapproval, Revocation of Human Activities or Projects Detrimental to the Special Protection to the Coastal Fishing Communities.* -

- a. All plans or projects covering or overlapping the Fishing Communities Map, that are pending with the office of the Philippine Reclamation Authority (PRA) or any agency or local government units (LGU) are hereby disapproved.
- b. All Environmental Clearance Certificates (ECC) issued by the DENR and all permits issued by any government agency or LGU for plans or projects covering or overlapping the Fishing Communities Map are hereby revoked, and pending applications for such are hereby disapproved.

Section 7. *Conformed Land Use Plan by Local Government Units.* - The local government units shall, in conformity with this Act and in consonance with the Republic Act 7160 or Local Government Code of 1991, prepare or amend their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the purpose of Special Protection to the Coastal Fishing Communities.

Section 8. *Monitoring.* - The BFAR, in close cooperation with the Specially-Protected Coastal Fishing Communities shall ensure and monitor the attainment of the purposes of this Act.

CHAPTER II

SPECIAL PROTECTION TO MANGROVE TREES AND FORESTS AND REFORESTATION FOR SUSTAINABLE SMALL-SCALE FISHERIES

Section 9. *Mangrove Reforestation for Sustainable Small-Scale Fisheries.* - Is the reforestation program for mangrove trees of endemic species to the natural environment of a Specially-Protected Coastal Fishing Community, Provided that it shall not result in the dislocation of fisherfolk families, or detriment of their fishing rights and adequate standard of living.

- a. The program's objective shall be:
 - i. to establish fish refuge and sanctuaries, and habitat of other marine life, towards restoration of biodiversity;
 - ii. to serve as natural defense to coastal fishing communities from natural occurrences such as storm surges and flooding;

- iii. to contribute to the attainment of sustainability of small-scale fisheries and improvement of the adequate standard of living of poor fisherfolk families.
- b. The Bureau, shall:
 - i. Identify the location of persisting mangrove forests and new reforestation sites enclosed within the Specially-Protected Coastal Fishing Community, Provided that residents of the said community express their approval;
 - ii. Integrate the said locations to the Fishing Communities Map, as documentary representation of the purpose of Special Protection to Mangrove Trees and Forests.

Section 10. *Special Protection to Mangrove Trees and Forests.* – It is hereby declared that cutting of mangrove trees is prohibited and no order, permit or license shall be issued, and existing or pending of such, are hereby revoked, and all mangrove trees or forest is under special protection.

Furthermore:

- a. All ECCs, permits or licenses issued by the Department of Environment and Natural Environment (DENR) that allows the destruction or cutting of mangrove forest or trees are hereby revoked.
- b. All orders issued or memorandum of agreements signed, by or in behalf of the DENR that allows the destruction or cutting of mangrove forest or trees are hereby revoked.

CHAPTER III

PENAL AND MISCELLANEOUS PROVISIONS

Section 11. *Penalties.* –

- a. For violations of the Sections under Chapter I, Special Protection to Coastal Fishing Communities:
 - i. Any public officer or private person found in violation shall be punished with imprisonment for not less than one year nor more than ten years, and perpetual disqualification from public office.
 - ii. Any private entity, such as a corporation, partnership, association, but not limited to, its officer or officers shall be punished with:
 - 1. imprisonment for not less than one year nor more than ten years;
 - 2. a fine of not less than ten million pesos (P10,000,000) but not more than twenty million pesos (P20,000,000);

3. reparatory damages for fisherfolk household victims of two million pesos (P2,000,000) each; and
 4. for the Specially-Protected Coastal Fishing Community, the amount of five million pesos (P5,000,000).
- b. For violations of the Sections under Chapter II, Special Protection to Mangrove Trees And Forests And Reforestation For Sustainable Small-Scale Fisheries:
- i. Any public officer or private person found in violation shall be punished with imprisonment for not less than one year nor more than ten years, perpetual disqualification from public office, and a fine of not less than twenty million pesos (P20,000,000) but not more than thirty million pesos (P30,000,000);
 - ii. Any private entity, such as a corporation, partnership, association, but not limited to, its officer or officers shall be punished with imprisonment for not less than one year nor more than ten years; and a fine of not less than twenty million pesos (P20,000,000) but not more than thirty million pesos (P30,000,000);

Section 12. Appropriations. – The sum of one billion pesos (P1,000,000,000) is hereby appropriated to BFAR to implement program components of this Act.

Section 13. Implementing Rules and Regulations. – The BFAR, upon consultation with People's Organizations (POs) or Non-Government Organizations (NGOs) advocating the rights of small fisherfolk shall issue the Implementing Rules and Regulations within 15 days from this Act's effectivity.

Section 14. Separability Clause. – If, for any reason, any section or provision of this Act found null and void, no other sections or provisions or part hereof shall be affected and remain in full force and effect.

Section 15. Repealing Clause. – All laws, decrees, executive orders, rules and regulation and other issuances inconsistent with or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

Section 16. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspaper of general circulation.

Approved,