

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
**Second Regular Session**

**HOUSE BILL NO. 9011**



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Introduced by **Representative Wilbert T. Lee**

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**AN ACT**  
**ESTABLISHING FISHING SHELTERS AND PORTS IN THE NINE (9) OCCUPIED**  
**MARITIME FEATURES IN THE WEST PHILIPPINE SEA (WPS) AND THE**  
**PHILIPPINE RISE**

**EXPLANATORY NOTE**

Article XIII, Section 7 of the Constitution provides that “[t]he State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fish workers shall receive a just share from their labor in the utilization of marine and fishing resources.”

Fishermen are of utmost importance to the Philippine economy and society. They are considered the backbone of the country as Filipinos greatly depend on them for sustenance. Unfortunately, they remain one of the most underprivileged sectors in the country. According to the Philippine Statistics Authority (PSA), the poverty rate among fishermen rose to 30.6% in 2021 from 26.2% in 2018.

In the West Philippine Sea, Filipino fishermen have been displaced by Chinese intrusions.<sup>1</sup> The presence of Chinese vessels has made it difficult for Filipino fishermen to access their traditional fishing grounds, which greatly affected their livelihoods and our country’s food security.<sup>2</sup> Foreign intrusion in the Philippine maritime domain endangers not

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<sup>1</sup> Bello, Raizza. 2021. *Fighting for food, security, and the depths of the West Philippine Sea*. Retrieved last 17 August 2023 from: <https://www.rappler.com/environment/fisherfolk-fighting-for-food-security-depths-west-philippine-sea/>.

<sup>2</sup> *Ibid.*

only the security of the country but also the livelihood and lives of Filipino fishermen. Seven years have passed since the unanimous ruling of The Hague over the West Philippine Sea, fishermen are still on guard to avoid being harassed by the Chinese militia.<sup>3</sup> Notwithstanding this historic decision, the Chinese Coast Guard and militia continue to harass and intimidate the Philippines. Filipino fishermen are still anxious about their safety despite the government's increased presence in the area.

If this issue remains unresolved, our fishermen won't be able to fully support and provide for their families. Thus, this Representation deems that for fishermen to be able to meet their basic needs, it is essential to make sure they have an equal opportunity for livelihood through sustainable fishing. It is the government's responsibility to support them and protect their rights from foreign interference in order for them to continue their traditional fishing rights and ease their plight.

This measure aims to uphold fishermen's right to life and sustenance. The establishment of fishing shelters and ports in the nine occupied maritime features in the West Philippine Sea and the Philippine Rise will pave way to the increase of their economic survival and its contribution to the maritime industry. Through this legislation, fishermen will have (1) safe spots to take refuge from foreign militia or unforeseen circumstances; (2) place to rest; (3) store their gears and supplies; and (4) access to communication devices.

Under this measure, we are not pursuing a war. We are protecting and fighting for the livelihood of our countrymen, particularly the fishermen. Our waters are vulnerable, but more crucially, so are the lives of our fishermen who suffer the most.

In view of the foregoing, the approval of this bill is earnestly sought.



**HON. WILBERT T. LEE**  
Representative  
AGRI PARTYLIST

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<sup>3</sup> Cariaso, Bella. 2023. *Pag-asa Fisherfolk Bewail Chinese Harassment*. Retrieved last 17 August 2023 from: <https://www.onenews.ph/articles/pag-asa-fisherfolk-bewail-chinese-harassment>.

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

**SECTION 1. Short Title.** – This Act shall be known as the “Fishing Shelters and Ports Act of 2023.”

**SEC. 2. Declaration of Policy.** – It shall be the policy of the State to recognize the importance of the Filipino fisherfolk in the protection of the national maritime interests and their contribution in the country’s economy. The State recognizes the importance of the nine occupied maritime features in the West Philippine Sea and the Philippine Rise to the country’s security and economy as these are rich in marine biodiversity and ecosystem necessary for food security, economic activities, and national security. The State therefore declares its policy to establish fishing shelters and ports in these features to support sustainable fishing practices, improve the lives of fisherfolks, and to safeguard our national and security interests in the West Philippine Sea and Philippine Rise.

**SEC. 3. Definition.** – For the purposes of this Act, the following terms shall mean:

- a) “*Fisherfolk*” refers to any person engaged in fishing, whether as a primary occupation or as a secondary occupation;
- b) “*Fishing shelter*” refers to a structure or facility that provides protection for fishing vessels from danger and other hazards;
- c) “*Occupied maritime features*” refer to the nine features in the West Philippine Sea that are currently occupied by the Philippines:

- a. Lawak Island (Nanshan Island)
  - b. Kota Island (Loaita Island)
  - c. Likas Island (West York Island)
  - d. Pag-asa Island (Thitu Island)
  - e. Parola Island (Lankiam Cay)
  - f. Panata Island (Northeast Cay)
  - g. Patag Island (Flat Island)
  - h. Rizal Reef (Commodore Reef)
  - i. Ayungin Shoal (Second Thomas Shoal)
- d) "*Philippine Rise*" refers to an undersea feature which has an area approximately 24 million hectares in size located within the Philippine Exclusive Economic Zone (EEZ) and continental shelf, as well as the outer limits of the continental shelf in accordance with the recommendations of the Commission on the Limits of the Continental Shelf (CLCS) issued on 12 April 2012;
- e) "*Port*" refers to a place where ships can load and unload cargo and passengers, and where they can be repaired and maintained.

**Section 4. Establishment of Fishing Shelters and Ports.** – The Bureau of Fisheries and Aquatic Resources (BFAR) in coordination with the Department of National Defense (DND), and other appropriate government agencies shall establish fishing shelters and in the nine occupied maritime features in the West Philippine Sea and the Philippine Rise within one year after the passage of this Act. The BFAR, DND, and other appropriate government agencies shall prioritize the establishment of fishing shelters and ports in the features that are most important to the country's fishery industry.

**SEC. 5. Appropriations.** - The amount necessary to implement this Act shall be taken from the applicable appropriation of both BFAR and DND.

**SEC. 6. Implementing Rules and Regulations.** – Within sixty (60) days from the effectivity of this Act, the BFAR, DND, and other government agencies concerned shall coordinate to formulate the rules and regulations for the proper implementation of this Act.

**SEC. 7. Separability Clause.** – If any provision of this Act is held invalid or unconstitutional, the remaining provisions not affected shall remain in full force and effect.

**SEC. 9. Repealing Clause.** – All other laws, decrees, executive orders, and rules and regulations contrary to or inconsistent with the provisions of this Act are repealed or modified accordingly.

**SEC. 10. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,