

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **2152**

EXPLANATORY NOTE

How is it that the Philippines – an archipelago of 7,641 islands – surrounded by rich marine resources, is acknowledged as the “center of the center of marine biodiversity in the world” – and yet, Filipino fisherfolk and our coastal communities especially in Visayas and Mindanao remain as the most food and nutritionally insecure sector of our country?

In a December 11, 2023 ruling, the Malabon RTC Branch 170 ruled that certain provisions of RA 8550 (The Fisheries Code of 1998) as amended and its IRR are unconstitutional. The specific provisions of RA 8550 declared unconstitutional by the Malabon RTC are Section 4 (58), Section 16, and Section 18. The trial court basically ruled that “the Constitution does not allow Congress nor the Executive agencies to limit the utilization of marine and fishing resources exclusively to subsistence fishermen, to the exclusion of large commercial fishing operators”. The Malabon RTC also stated that “nowhere in the Constitution does it provide that the LGUs may be authorized to exercise regulatory or prohibitory authority over the exploration, development, and utilization of the nation’s marine and fishing resources as part of natural resources”.

The Malabon RTC also said that “with the lack of mandatory/absolute language in the law, but merely of giving mere preference to cooperative fish farming or fisherfolks or those that cover small-scale utilization of natural resources by Filipino Citizens, this Court is inclined to protect the fishing industry by not disrupting the lifeblood of the fishing operators such as the Petitioner in this case, and ultimately the Filipino people in providing them food security”.

The RTC ruling allows big fishing companies to fish in municipal waters to the prejudice of small fisherfolks and subsistence fishermen.

The case was elevated to the Supreme Court.

The Supreme Court issued a Resolution dated August 19, 2024 denying the Petition for Review on Certiorari for being filed out of time. The Supreme Court said that “the filing of the instant petition before the Court on January 4, 2024 or a week after the expiration of the reglementary period warrants it outright dismissal for being filed out of time”. The SC also stated that “in any case, the allegations, issues, and arguments adduced in the Petition fail to significantly show that the RTC committed any reversible error in the challenged Decision and Order”.

Not only is the social justice provision reserving the municipal waters for our small-scale fishers abandoned, the ruling is discarding the constitutional principle of local autonomy for local governments, which we have ensured under the much-lauded RA 7160, the Local Government Code of 1991 which devolved essential basic services to our local governments including environmental protection and enforcement of fisheries laws.

This devolution is rooted in the fundamental constitutional principle of local autonomy, and system of decentralization which aims to create a more responsive and accountable local government structure, allowing LGUs to become self-reliant communities and effective partners in national development. By granting coastal cities and municipalities jurisdiction over municipal waters, the State ensures that local authorities, who are more attuned to the specific needs and conditions of their communities, can effectively manage and enforce fishery laws, protect the environment, promote sustainable use of aquatic resources and protect the livelihoods of local fisherfolk and their constituents.

The 1987 Constitution under Article XIII, Section 7 explicitly provides for the protection of the rights of subsistence fisherfolk to the preferential use of local marine and fishing resources, both inland and offshore.

By opening the municipal waters to intense fishing pressure from commercial fishing, we have no way of reviving our fish stocks and this can eventually lead to a collapse. In the ordinary sense, our fishing grounds are already in the 'emergency room'. By subjecting it to more large-scale industrial fishing without controls can send these to the 'intensive care unit' and eventually, death.

Municipal fishing zones are not just lines on a map – they are lifelines for millions of people who depend on these waters for sustenance and survival. These waters are sanctuary for artisanal, small-scale fishers who don't have the means to compete with advanced technology and large-scale operations of fishing vessels. 2.3 million fisherfolk are affected, 51% of which engage in capture fisheries.

When municipal fisherfolk lose their livelihood, the entire family and the communities – especially women who ensure domestic and economic stability – struggle because they are pushed deeper into poverty. This ripple effect compromises food security, economic wellbeing, and the social fabric of our nation.

At least 50 bishops, including Cardinal Pablo Virgilio David, the bishop of Caloocan and president of the Catholic Bishops' Conference of the Philippines (CBCP), has strongly opposed the above Supreme Court decision to allow commercial fishing within the 15-kilometer municipal waters around the country, saying that the ruling will be detrimental to small fishermen. In a statement, they said that, "If the courts' decisions become final and executory, our municipal fishers, who depend on these waters for survival, will face unfair and unjust competition from commercial fishers" and that "When commercial interests take precedence, the vulnerable are left to bear the cost—facing hunger, poverty and displacement".

Hence, this proposed amendment which will give not only preference to duly registered fisherfolk organizations/cooperatives but instead, exclusive rights to fish in municipal waters.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

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AN ACT

AMENDING SECTION 17 OF REPUBLIC ACT NO. 8550 ENTITLED “AN ACT PROVIDING FOR THE DEVELOPMENT, MANAGEMENT AND CONSERVATION OF THE FISHERIES AND AQUATIC RESOURCES, INTEGRATING ALL LAWS PERTINENT THERETO, AND FOR OTHER PURPOSES” AS AMENDED

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

SECTION 1. Section 17 of Republic Act No. 8550 otherwise known as The Philippine Fisheries Code of 1998, as amended, is hereby amended to read as follows:

SEC. 17. Grant of Fishing Privileges in Municipal Waters. - The duly registered fisherfolk organizations/cooperatives shall have [preference] **EXCLUSIVE RIGHTS** in the grant of fishery rights by the Municipal/City Council pursuant to Section 149 of the Local Government Code: Provided, That in areas where there are special agencies or offices vested with jurisdiction over municipal waters by virtue of special laws creating these agencies such as, but not limited to, the Laguna Lake Development Authority and the Palawan Council for Sustainable Development, said offices and agencies shall continue to grant permits for proper management and implementation of the aforementioned structures.

SEC 2. Repealing Clause. – All laws, executive orders, decrees, instructions, rules and regulations contrary to or inconsistent with any provision of this Act are hereby repealed or amended accordingly.

SEC 3. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,