

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session



House Bill No. **5606**

Introduced by
KABATAAN Party-list Rep. RENEE LOUISE M. CO,
ACT Teachers Party-list Rep. ANTONIO L. TINIO, and
Gabriela Women's Party Rep. SARAH JANE I. ELAGO

AN ACT
MANDATING THE EXCLUSIVE RIGHTS OF SMALL-SCALE AND
SUBSISTENCE FISHERFOLK WITHIN THE 15-KILOMETER MUNICIPAL
WATERS

EXPLANATORY NOTE

Despite being an archipelagic country endowed with abundant marine and aquatic resources, small fisherfolk remain among the country's "poorest of the poor." Based on Philippine Statistics Authority (PSA) data in 2023, the poverty incidence among the fisherfolk sector was 27.4%, slightly lower than that of indigenous peoples at 32.4%. In comparison, the poverty incidence among fisherfolk was recorded at 41.2% in 2006, 41.3% in 2009, 39.2% in 2012, and 34% in 2015.

Small fisherfolk have identified the government's existing fisheries laws and policies as the main culprit behind the sector's chronic poverty. These include the Republic Act No. 8550 or The Philippine Fisheries Code of 1998 and its subsequent amendments through Republic Act No. 10654. These laws have institutionalized the entry of large-scale commercial fishing vessels within the 15-kilometer municipal fishing waters that the law itself designates for municipal fisherfolk. Under certain provisions of the Fisheries Code and the Local Government Code of the Philippines, municipal and subsistence fisherfolk are already subject to extensive regulation. They face delineation of fishing grounds, territorial permit systems, harvest controls, and unjust fishing regulations that further limit the access of small fishers to traditional fishing grounds.

Adding to their burden, a recent Supreme Court decision declared the preferential rights of municipal fisherfolk "unconstitutional." This ruling allows commercial fishers to operate within municipal waters deeper than seven fathoms (12.8 meters)—a provision in the Fisheries Code that effectively opens these areas to commercial fishing. Based on bathymetric data from the General Bathymetric Chart

of the Oceans (GEBCO), only about 10% of municipal waters are less than seven fathoms deep, leaving nearly 90% accessible to commercial fishing operations across the archipelago.

Equipped with advanced technology and often engaged in destructive fishing practices, big fishing vessels can rapidly deplete fishery and marine resources. The commercial fishing subsector accounts for at least 25% of total fisheries production, outcompeting the more sustainable output of the municipal fishing subsector. This threatens not only the livelihoods of municipal fishers but also local food security.

The said Supreme Court ruling stemmed from a petition filed by Mercidar Fishing Corporation (MFC), an operator of large commercial fishing vessels, before the Regional Trial Court (RTC) of Malabon. The petition sought to declare certain provisions of the Fisheries Code and its implementing rules and regulations (IRR) unconstitutional.

The Bureau of Fisheries and Aquatic Resources (BFAR), as the agency mandated to implement the Fisheries Code and its IRR, was named respondent in the petition. However, the RTC of Malabon declared BFAR in default for failing to comply with the reglementary period prescribed under the Rules of Court.

This bill seeks to protect the exclusive rights of municipal and subsistence fisherfolk to the 15-kilometer municipal waters and to uphold sustainable fishing practices over destructive and environmentally harmful commercial fishing operations.

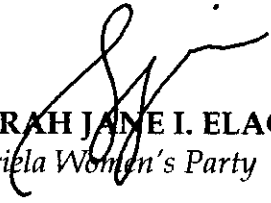
In the interest of millions of Filipino fisherfolk and for a sustainable future, the immediate passage of the *Atin Ang Kinse Kilometro* Bill is earnestly sought.



REP. RENEE LOUISE M. CO
KABATAAN Party-list



REP. ANTONIO L. TINIO
ACT Teachers Party-list



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

SECTION 1. *Short Title.* — This Act shall be known as "*Atin ang Kinse Kilometro Act.*"

SECTION 2. *Declaration of Policy.* — The State shall uphold Section 7 of Article XIII of the 1987 Constitution on Social Justice and Human Rights that provides for the protection of 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 hold that the national fishery and aquatic resources sector, especially 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 of their rights to an adequate standard of living.

CHAPTER I
THE MUNICIPAL WATERS

SECTION 3. *The Municipal Fisherfolk.* — An individual engaged in fishing and related activities, whose fishing vessel is three gross tons or less, should be given exclusive access to fifteen (15) kilometers of municipal waters from the coastline in all coastal cities and municipalities in the country.

SECTION 4. *Recognition of the Historical Basis of the Municipal Waters.* – Municipal waters are hereby recognized based on the universally accepted archipelagic principle on territorial sea, which used to be 3 nautical miles (5.6 kilometers), and was later on asserted by fisherfolk movements to 8 nautical miles (15 kilometers), amid the resources' degradation caused by commercial fishing exploitation.

SECTION 5. *Equitable, Ecosystem Approach and Rights-based Approach in Utilization of Municipal Fishery Resources.*

- a) *Establishment of Fisheries Advisory Bodies.* – The government shall establish fisheries advisory bodies at both the local and national levels. These advisory bodies shall include representation from municipal fisherfolk, small fisherfolk organizations, the municipal agriculture office, people's organizations, sectoral organizations, the aquaculture sector, fish workers, traditional fishing associations and cooperatives, and other relevant stakeholders.
- b) *Science- and Community-Based Fisheries Management.* – The management of municipal fishery resources shall be guided by science-based and community-based approaches to promote sustainable and healthy marine ecosystems and to enhance the well-being of fishing communities. Existing marine protected areas and fish sanctuaries that impede municipal fishing activities shall be reviewed to determine whether any practices unduly restrict municipal fishers or authorize the private use of municipal waters.

CHAPTER II

PROHIBITION OF ANY FORM OF COMMERCIAL FISHING ACTIVITIES IN THE MUNICIPAL WATERS

SECTION 6. *Commercial Fishing.* – Commercial fishing refers to large-scale fishing activities conducted through the use of passive or active fishing gear for purposes of trade, business, or profit beyond subsistence. Pursuant to the definition provided under Republic Act No. 8550 or *The Philippine Fisheries Code of 1998*, commercial fishing vessels are those weighing 3.1 gross tons and above.

SECTION 7. *Prohibition of Commercial Fishing Operations within Municipal Waters.* – Commercial fishing operations shall be strictly prohibited within all municipal waters and bays. This prohibition shall cover the use of fishing gears and methods commonly associated with large-scale and destructive fishing practices, including but not limited to purse seine (*pangulong*), ring net (*basnig*), all types of trawl fishing (*Norway*, *galagad*, *sudsod*), *muro-ami*, and modified Danish seine (*hulbot-hulbot*, *buli-buli*), among other identified destructive fishing gears and techniques.

SECTION 8. *Jurisdiction over Municipal Waters.* – The local government unit shall maintain its jurisdiction over municipal waters, in close coordination with the municipal fisherfolk representation and their councils, for the management, conservation, development, protection, and utilization of fishery and aquatic resources within the respective municipal waters.

CHAPTER III

PENAL AND MISCELLANEOUS PROVISIONS

SECTION 9. *Penalties.* – It shall be unlawful for any commercial fishing vessel to operate within municipal waters. Any commercial fishing operator and the boat captain found guilty of committing such prohibited acts shall be penalized as follows:

- a. First Offense – A fine equivalent to the value of the catch or Ten Thousand Pesos (PHP 10,000.00), whichever is higher;
- b. Second Offense – The same fine as provided for in the first offense, plus the confiscation of catch and fishing gear; and
- c. Third Offense – Imprisonment of six (6) months and automatic revocation of fishing license.

SECTION 10. *Community-based Sea Patrols.* – The existing *bantay-dagat* shall maintain its role as coastal law enforcement, but should be under the supervision of the fisheries management councils.

SECTION 11. *Implementing Rules and Regulations.* – The Bureau of Fisheries and Aquatic Resources (BFAR), upon consultation with the fisheries management council, people's organizations (POs), and non-government organizations (NGOs) advocating the rights of small fisherfolk, shall issue the implementing rules and regulations (IRR) within fifteen (15) days from the effectivity of this Act.

SECTION 12. *Monitoring.* – The BFAR, in close cooperation with the established municipal fisherfolk representations, shall ensure and monitor the implementation of the purposes of this Act.

SECTION 13. *Separability Clause.* – If any part or provision of this Act is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

SECTION 14. *Repealing Clause.* – All laws, executive orders, and other issuances inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,