

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **5856**



Introduced by Representative LEILA M. DE LIMA

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

EXPLANATORY NOTE

In the Philippines, there are over 2.7 million registered fisherfolks, with 1.3 million being fishers and the rest being fish vendors, fish processors, fish farmers, and other fish workers, according to a March 2024 data.¹ In 2022, according to official fisheries production data, the municipal fishing sector contributed 26% to the volume and 39% to the value of fish production, with small-scale fisheries providing food to 830,954 fishing households and to million other households in the country.²

The trend of municipal fishing sector production surpassing commercial fishing production started over 14 years ago, establishing the crucial role of small-scale fisheries in the country's food and nutrition security and in providing livelihood to workers in the fish value chain.³

Despite this, small-scale fishers are considered the poorest of the poor in the country, with official records, taken every three years since 2003, showing the sector has the second highest poverty incidence at 27.4% as of 2023, following only Indigenous Peoples at 32.4%.

Worse, in 2024, the Philippine Statistics Authority (PSA) reported a decline in the country's total fisheries production to 4.05 million metric tons, a 5% drop from 4.26

¹ Ferrer, A. (20 February 2025). Social Justice for Small-Scale Fisheries in the Philippines. TBTI Global. Retrieved from <https://tbtiglobal.net/social-justice-for-small-scale-fisheries-in-the-philippines/>.

² Ibid.

³ Ibid.

million metric tons in 2023, representing the lowest output in two decades.⁴ The PSA attributes this overall decline in production to the declines in marine municipal fisheries, inland municipal fisheries, and aquaculture, as only the commercial fisheries sector showed growth in 2024.⁵ Small fisherfolk and several studies primarily attribute these disturbing statistics and trends to the encroachment of commercial fishing in municipal waters.⁶

Republic Act No. 8550, or “The Philippine Fisheries Code of 1998,” provides preferential use of the municipal waters to municipal fisherfolk and generally prohibits commercial fishing in the municipal waters, subject to certain exemptions from the local government units upon compliance with stringent requirements. The preferential right of municipal fisherfolk is based on the social justice provision of the 1987 Constitution, specifically Section 7 of Article XIII. However, in 2024, the Supreme Court upheld a Regional Trial Court decision declaring several provisions of RA 8550, notably including the provision on the preferential access of municipal fisherfolk to the 15-kilometer municipal waters, “unconstitutional.”⁷

Municipal waters are “highly productive areas hosting ecologically critical and interrelated ecosystems such as mangroves, seagrasses, and coral reef areas, which serve as breeding and nursery grounds for fish and other marine species.”⁸ Restricting access to municipal waters prevents overfishing and habitat destruction caused by large-scale commercial fishing which uses sophisticated fishing gear that rapidly depletes fish stock.⁹ Moreover, commercial fishing within municipal waters become more concerning in light of studies that reveal 90% of the 190 fish stocks in the country are overfished, with key species exceeding sustainable limits.¹⁰

This bill seeks to establish the exclusive right of municipal fisherfolk within the 15-kilometer municipal waters and prohibit commercial fishing within the same 15 kilometers of municipal waters. By doing so, the bill seeks to promote sustainable fishing practices, reaffirm the Constitutionally provided rights of subsistence fisherfolk, attain national food security, and protect our waters from destructive and environmentally harmful commercial fishing operations.

⁴ Baclig, C. (17 February 2025). Fish harvest drops to lowest amid legal fight over municipal waters. Inquirer. Retrieved from <https://newsinfo.inquirer.net/2035445/fish-harvest-drops-to-lowest-amid-legal-fight-over-municipal-waters>.

⁵ Ibid.

⁶ Ferrer, Social Justice for Small-Scale Fisheries in the Philippines.

⁷ Baclig, C. (31 March 2025). Explainer: How a quiet court case threatens small-scale fishers. Inquirer. Retrieved from <https://newsinfo.inquirer.net/2048584/explainer-how-a-quiet-court-case-threatens-small-scale-fishers-2>; Bureau of Fisheries and Aquatic Resources (BFAR) et al., v. Mercidar Fishing Corporation. (19 August 2024). G.R. No. 270929.

⁸ Oceana. (5 February 2025). Primer on Municipal Waters and Local Governments Jurisdiction over them. Retrieved from <https://ph.oceana.org/reports/primer-on-municipal-waters-and-jurisdiction-of-local-governments/>.

⁹ Ibid.

¹⁰ Ibid.

In the 20th Congress, similar bills have been filed by Representatives Renee Co, Antonio Tinio, and Sarah Elago under House Bill No. 5606 and Representatives Rufus Rodriguez and Maximo Rodriguez, Jr. under House Bill No. 2152. This bill was crafted in consultation with various local fisherfolk groups, people's organizations, and non-government organizations and shares many provisions with House Bill No. 5606.

Early approval of this measure is earnestly sought.



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

1 SECTION. 1. *Short Title.* – This Act shall be known as the “*Kinse Kilometro*
2 *Para sa Mangingisdang Pilipino Act.*”

3
4 SEC. 2. *Declaration of Policy.* – It is a declared policy of the State, as expressed
5 in Article XIII, Section 7 of the 1987 Constitution, to protect the rights of subsistence
6 fishermen, especially of local communities, to the preferential use of the communal
7 marine and fishing resources, both inland and offshore. The protection shall extend to
8 offshore fishing grounds of subsistence fishermen against foreign intrusion.

9
10 Section 2(d) of Republic Act No. 8550, or “The Philippine Fisheries Code of
11 1998,” likewise declares as policy of the State to protect the rights of fisherfolk,
12 especially of the local communities with priority to municipal fisherfolk, in the
13 preferential use of the municipal waters.

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15 The State therefore recognizes that the national fisheries and aquatic resources
16 sector, especially small-scale fishing, is vital for the recovery of the national economy
17 and the attainment of national food security, and that the fisherfolk sector is a frontliner
18 sector, deserving of adequate protection of their rights to an adequate standard of
19 living.

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CHAPTER I
THE MUNICIPAL WATERS

SEC. 3. *The Municipal Fisherfolk.* – For purposes of this Act, the Municipal Fisherfolk shall refer to an individual engaged in fishing and related activities, whose fishing vessel is three gross tons or less. The Municipal Fisherfolk, as defined by this Act, shall be given exclusive access to fifteen (15) kilometers of municipal waters from the coastline in all coastal cities and municipalities in the country.

SEC. 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.

SEC. 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.

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CHAPTER II
PROHIBITION ON ANY FORM OF COMMERCIAL FISHING ACTIVITIES IN THE MUNICIPAL WATERS

SEC. 6. *Commercial Fishing.* – For purposes of this Act, Commercial Fishing shall refer to fishing activities or the taking of fishery species conducted through the use of passive or active fishing gear, including but not limited to commercial fishing vessels, for purposes of trade, business, or profit beyond subsistence. Pursuant to the

1 definition provided under Republic Act No. 8550, or "The Philippine Fisheries Code of
2 1998," commercial fishing vessels are those weighing 3.1 gross tons and above.

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

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

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18 **CHAPTER III**
19 **PENAL AND MISCELLANEOUS PROVISIONS**

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

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

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

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38 **SEC. 11. *Implementing Rules and Regulations.*** – Within ninety (90) days from
39 the approval of this Act, the Bureau of Fisheries and Aquatic Resources (BFAR) shall,
40 in consultation with the fisheries management council, people's organizations (POs),
41 and non-government organizations (NGOs) advocating the rights of small fisherfolk,
42 promulgate the implementing rules and regulations (IRR) of this Act.

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

4
5 SEC. 13. *Separability Clause.* – If any provision of this Act is declared invalid
6 or unconstitutional, the provisions not affected thereby shall continue to be in full force
7 and effect.

8 SEC. 14. *Repealing Clause.* – All laws, executive orders, presidential decrees,
9 presidential proclamations, letters of instruction, rules and regulations, or parts thereof
10 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
11 accordingly.

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13 SEC. 15. *Effectivity.* – Notwithstanding the non-issuance of the implementing
14 rules and regulations, this Act shall take effect fifteen (15) days after its publication in
15 the Official Gazette or in a newspaper of general circulation.

Approved,