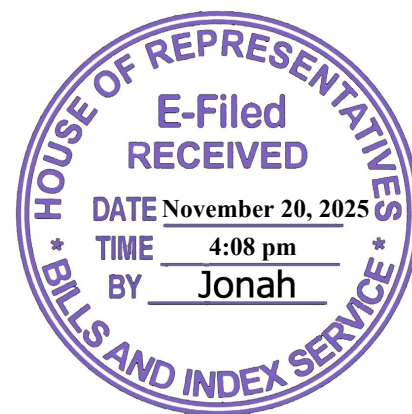


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 6269

Introduced by Honorable Representatives
SARAH JANE I. ELAGO (Gabriela Women's Party)
RENEE LOUISE M. CO (Kabataan Party-List)
ANTONIO L. TINIO (ACT Teachers Party-List)

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

EXPLANATORY NOTE

The small fisherfolk in the country are more or less synonymous with being the “poorest of the poor.” Based on the Philippine Statistics Authority (PSA) data, the poverty incidence among basic sectors was highest in the fisherfolk sector until 2015. In 2023, poverty was most prevalent among indigenous peoples (32.4%), followed by fisherfolk (27.4%) and farmers (27.0%). These numbers should have illuminated policymakers on the severity of fisherfolk's impoverished situation, especially when the 2023 poverty threshold was set to P13,873 for a family of five, or around P462 per day. With this income, the right to an adequate standard of living—which includes the right to shelter—has fundamentally become a privilege for the fisherfolk sector.

Moreover, small fisherfolk is identified in the Republic Act (RA) No. 8425, or the 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.” 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 highlights the plight of small fisherfolk in terms of their social, economic, and cultural circumstances. The United Nations defines “vulnerability” as the risk of being negatively affected by shocks, which may be caused by natural or man-made events. 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 the Philippine Institute for Development Studies (PIDS) describes it as “their [households'] chance of being poor in the future exceeds the national poverty rate.” (“Vulnerability to Income Poverty: Trends from 2003 to 2015” by Jose Ramon Albert, Ph.D. and Jana Flor Vizmanos)

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, with the majority 83.9% being vulnerable to poverty of varying degrees between “highly” to “relatively.” By major income

source classification, only 16% were non-vulnerable, and 84% were vulnerable. This undoubtedly implies 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,” classifies fisherfolk as part of the “vulnerable and marginalized groups.” The UN Committee on Fisheries states that small-scale fishers and fish workers account for over 90% of all people involved in capture fisheries and are considered to be the most vulnerable among those 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, he 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 seen in the deprivation of due support for small-scale fisheries production and government preference for the capital-intensive aquaculture sector, and in the unequal application of the laws to favor commercial fishing vessels that engage in over-exploitation of the fishing grounds. As the final blow, marginalization is also in the non-existent tenurial rights on the plots of land of their homes and communities. They are easy victims of displacement to pave the way for government and private projects, and even eco-tourism ventures. Coastal fishing communities are displaced in the name of reclamation projects, eco-tourism, or even purported conservation of marine biodiversity—a testament to the fact that the small fisherfolk’s right to an adequate standard of living and fishing rights are all inferior to the pursuit of the latter. These human activities virtually demolish the sustainability of the marine resources and environment, and food security along with it, 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, despite the archipelagic nature of our country and our history being rooted in the development of communities along the shores.

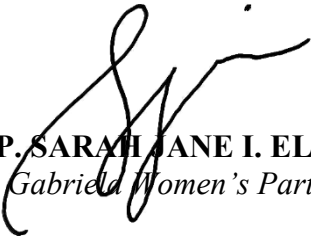
Past and present administrations have all failed to acknowledge that mangrove deforestation is the reason for the vulnerability of fishing communities to natural disasters, particularly storm surges. Numerous studies have already established the advantages of mangrove forests to coastal and even inland communities, and existing laws prohibit the cutting of mangrove trees. However, what little protection those laws can extend to mangroves is undermined, as the Department of Environment and Natural Resources (DENR) is authorized to approve the cutting of mangrove species, such as those within Fishpond Lease Agreement areas, and for public projects. Cutting permits are issued even in denuded and sparsely vegetated mangrove areas, like in Manila Bay, where entire mangrove forests were wiped out despite the 2008 Supreme Court mandamus for their 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 Bacoar City, Cavite, in the name of development promised by the 2,500-hectare Aerotropolis Project of San Miguel Corporation and the Bacoar reclamation project bannerred by its local executive.

Jurisprudence lacks addressing the tenurial security of poor fisherfolk families in their homes and communities, and the wiping out of mangrove forests in the country by so-called “development” projects. This, despite the 1987 Constitution mandate for the State to protect

the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources; to implement a more equitable distribution of opportunities, income, and wealth; and to accord the 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.

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.



REP. SARAH JANE I. ELAGO

Gabriel Women's Party



REP. RENEE LOUISE M. CO

Kabataan Party-List



REP. ANTONIO L. TINIO

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**AN ACT MANDATING THE SPECIAL PROTECTION OF 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 of 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 Article XIII on Social Justice and Human Rights states 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 states 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 fisheries and aquatic resources sector, especially small-scale fishing, is vital for the recovery of the national economy and attainment of national food security, and shall recognize the fisherfolk sector as a frontliner sector, deserving of adequate protection of their rights to an adequate standard of living. Likewise, the State shall uphold 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 families, as referred in this Act, shall be empowered to meet their minimum basic needs for their adequate standard of living.

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 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 a 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 of 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 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.* – The reforestation program for mangrove trees shall prioritize endemic species native to the natural environment of a Specially-Protected Coastal Fishing Community, provided that it shall not result in the dislocation of fisherfolk families or the impairment 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 the restoration of biodiversity;
 - ii. To serve as a natural defense to coastal fishing communities from natural occurrences such as storm surges and flooding;
 - iii. To contribute to the attainment of the sustainability of small-scale fisheries and the 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 into the Fishing Communities Map, as a 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 forests are under special protection.

Furthermore:

- a. All ECCs, permits, or licenses issued by the Department of Environment and Natural Resources (DENR) that allow the destruction or cutting of mangrove forests or trees are hereby revoked.
- b. All orders issued or memoranda of agreements signed by or on behalf of the DENR that allow 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:
 - iii. 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);

- iv. 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 is 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 regulations 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 newspapers of general circulation.

Approved,