

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

TWENTIETH CONGRESS
First Regular Session
House Bill No. 7529



**Introduced by Representatives Harold James T. Duterte, Paolo Z. Duterte,
Omar Vincent S. Duterte and Isidro T. Ungab**

EXPLANATORY NOTE

As of 2023, poverty incidence among fisherfolk was at 27.4% with 353,190 families falling below the poverty line.

Worst off among these are subsistence fisherfolk. With hardly enough to make ends meet, subsistence fisherfolks find it difficult to come up with capital to even increase their outputs and generate income.

The 1987 Constitution mandates the State to protect the rights of subsistence fishermen, especially of local communities, the preferential use of local marine and fishing resources, both inland and offshore, and provide support to subsistence fishermen through appropriate technology and research, adequate financial, production and marketing assistance, and other services.

Today, the rights of subsistence fisherfolk is almost stripped of any meaning, especially with decisions of the courts declaring provisions of the Fisheries Code unconstitutional.

This bill is a step forward in trying to improve the lives of our subsistence fisherfolk.



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2nd District, Davao City



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3rd District, Davao City



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**AN ACT GRANTING CERTAIN RIGHTS AND PRIVILEGES TO
SUBSISTENCE FISHERFOLKS**

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

SECTION 1. *Declaration of Policy.* – Article XIII, Section 7 of the 1987 Constitution mandates the State to protect the rights of subsistence fishermen, especially of local communities, to the preferential use of local 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 mandate is likewise found in Chapter 1, Section 2 of Republic Act No. 8850, otherwise known as the “Philippine Fisheries Code”, which declares the State Policy that the rights of fisherfolk shall be protected and be provided support that they need to improve their quality of living.

SECTION 2. *Definition of Subsistence Fisherfolk.* – Subsistence fisherfolks refer to those who utilizes all catches of fish, sea products and related goods to maintain the fisherfolk and the fisherfolk’s family, leaving little, if any, surplus for sale or trade.

SECTION 3. *Definition of Qualified Subsistence Fisherfolk.* – To qualify for incentives under this Act, subsistence fisherfolk should have the following qualifications:

- a. Duly registered with the Bureau of Fisheries and Aquatic Resources as a subsistence fisherfolk;
- b. Does not own more than one (1) banca;
- c. Practices no other profession;
- d. Not gainfully employed with any employer;
- e. Must submit at least three (3) sworn statements or affidavits of neighbors within the same barangay and a certification from the barangay captain stating that the applicant is in fact a bona fide subsistence fisherfolk;

SECTION 4. *Preferential Right to Fish in Coastal Waters.* Qualified Subsistence Fisherfolk, as defined in this Act, shall have a preferential right to fish in coastal waters. For this purpose, coastal waters shall refer to any point within three (3) kilometers from the shore or coastline at low tide.

SECTION 5. *Fees, Charges, and Registration.* – Subsistence fisherfolk shall not be charged any fees or charges in relation to permits and or registration for their person or their equipment. Further, the registration as Subsistence fisherfolk shall be valid for three (3) years,

SECTION 6. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

SECTION 7. *Repealing Clause.* - All other laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act or rules and regulations promulgated pursuant thereto are hereby repealed or amended accordingly.

SECTION 8, *Effectivity.* - This Act shall take effect fifteen (15) days after publication in the official gazette or in newspaper of national circulation.

Approved.