

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8849



Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

EXPLANATORY NOTE

Municipal fisherfolk constitute a foundational element of the nation's food security framework. Even so, they consistently remain one of the most economically vulnerable sectors. Their precarious residential status, often situated along coastal zones without formal security of tenure, exposes them to frequent natural hazards and displacement.

Republic Act ("R.A.") No. 8550 (1998), or the Philippine Fisheries Code of 1998, as amended by R.A. No. 10654, mandates the State to protect the rights of municipal fisherfolk to secure and sustainable livelihoods. However, despite Section 108 authorizing the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources (DA-BFAR) to establish fisherfolk settlements, implementation has been inadequate and institutionally inefficient due to the absence of a clear, multi-agency mandate.

The limited success of the original law stemmed from a fundamental misalignment: the Department of Agriculture (DA/BFAR) is primarily a regulatory and resource management body, lacking the core competency and specialized mandate for large-scale housing, land classification, and urban development. The failure to materialize widespread and secure settlements highlighted this structural deficiency.

This bill strengthens that provision by amending Section 108 to require the Department of Agriculture (DA), Department of Human Settlements and Urban Development ("DHSUD"), Department of Environment and Natural Resources (DENR), and Local Government Units (LGUs) to jointly identify, establish, and develop fisherfolk

resettlement areas with adequate access to fishing grounds. The measure ensures that resettlement programs are climate-resilient, environmentally compliant, and integrated into Comprehensive Land Use Plans (CLUPs), thus securing tenure for registered fisherfolk “without real property.”

The most crucial economic safeguard in the amendment is the requirement that settlements ensure adequate access to fishing. This mandate serves as legislative acknowledgment that housing security must not come at the expense of economic viability and protects the fundamental economic rights of the beneficiaries.

Article XIII, Section 7 of the 1987 Constitution directs the State to “protect the rights of subsistence fishermen... and provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services.” As a tool in executing this constitutional provision, R.A. No. 11201¹, creating the DHSUD, and the R.A. No. 7160, otherwise known as the Local Government Code of 1991, entrusts LGUs with land use planning and local housing development.

By mandating inter-agency coordination, this bill operationalizes the constitutional principles of social justice and inclusive development, aligning national housing policy with fisheries resource management. The integration of housing and livelihood protection recognizes that tenure security near fishing grounds is indispensable to the socioeconomic stability of small-scale fisherfolk.²

The Supreme Court has long upheld the State’s duty to balance environmental protection with social welfare, as seen in *Oposa v. Factoran*³ and *Resident Marine Mammals v. Reyes*,⁴ affirming the State’s obligation to conserve coastal resources while ensuring the welfare of dependent communities.

The urgency and necessity of this policy intervention are underscored by its strong legislative foundation, being rooted in House Bill No. 6716, which has already successfully hurdled its third and final reading approval in the House of Representatives during the 19th Congress. This measure institutionalizes a mandatory, multi-sectoral framework for fisherfolk housing, linking environmental stewardship, livelihood

¹ Department of Human Settlements and Urban Development Act, Republic Act No. 11201, (February 14, 2019)

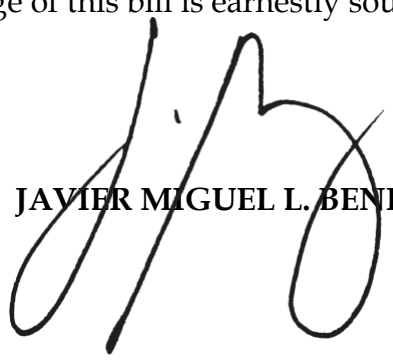
² see *Fisherfolk Poverty to Worsen if Big Fishers Enter Municipal Waters*, *Philstar*, 2024

³ *Oposa v. Factoran, Jr.*, G.R. No. 101083, (30 July 1993)

⁴ *Resident Marine Mammals of the Protected Seascape Tañon Strait v. Reyes*, G.R. Nos. 180771 & 181527, (21 April 2015)

protection, and local development in a single legislative mandate. It seeks to realize the promise of RA 8550 and the Constitution's guarantee of a dignified life for Filipino fisherfolk.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



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Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

AN ACT MANDATING THE ESTABLISHMENT OF FISHERFOLK RESETTLEMENT AREAS BY THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LOCAL GOVERNMENT UNITS, AMENDING FOR THE PURPOSE SEC. 108 OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS "THE PHILIPPINE FISHERIES CODE OF 1998," AS AMENDED BY REPUBLIC ACT NO. 10654

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

SECTION 1. Section 108 of Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998", as amended by Republic Act No. 10654, is hereby amended to read as follows:

"SEC. 108. *Fisherfolk Settlement Areas.* - [The Department shall establish and create fisherfolk settlement areas in coordination with concerned agencies of the government, where certain areas of the 6 public domain, specifically near the fishing grounds, shall be reserved for the settlement of the municipal fisherfolk. Nothing in this section shall be construed to vest ownership of any resettlement area to a municipal fisherfolk for whom said areas may have been reserved for or had been actually granted to.] **THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN**

DEVELOPMENT, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE LOCAL GOVERNMENTS OF CITIES OR MUNICIPALITIES EXERCISING JURISDICTION OVER COASTAL AREAS AND MUNICIPAL WATERS, SHALL IDENTIFY, ESTABLISH, AND CREATE SETTLEMENT AREAS WHICH HAVE ADEQUATE ACCESS TO FISHING GROUNDS: *PROVIDED*, THAT IN PREVIOUSLY IDENTIFIED OR ESTABLISHED SETTLEMENT AREAS WITH ADEQUATE ACCESS TO FISHING GROUNDS, FISHERFOLK SHALL BE GRANTED PREFERENCE IN THE AWARD OF SETTLEMENT RIGHTS THEREAT: *PROVIDED*, FURTHER, THAT THE ESTABLISHMENT OF SETTLEMENT AREAS SHALL BE IN FAVOR OF FISHERFOLK WHO ARE REGISTERED AS SUCH WITH THEIR RESPECTIVE CITY OR MUNICIPALITY AND WHO ARE WITHOUT REAL PROPERTY: *PROVIDED, FINALLY*, THAT LOCAL GOVERNMENT UNITS EXERCISING JURISDICTION OVER COASTAL AREAS AND MUNICIPAL WATERS ARE HEREBY MANDATED TO INTEGRATE SETTLEMENT AREAS FOR FISHERFOLK IN THEIR RESPECTIVE COMPREHENSIVE LAND USE PLANS".

SECTION 2. *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 remain in full force and effect.

SECTION 3. *Repealing Clause.* – All other laws, decrees, orders, circulars, issuances, rules and regulations and parts thereof which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 4. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,