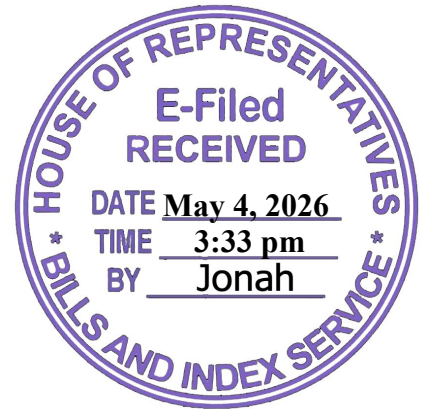


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9043



Introduced by
REP. KAKA BAG-AO (LONE DISTRICT, DINAGAT ISLANDS)
REP. JOSE MANUEL TADEO "CHEL" I. DIOKNO (AKBAYAN PARTY-LIST)
REP. PERCIVAL V. CENDAÑA (AKBAYAN PARTY-LIST)
REP. DADAH KIRAM ISMULA (AKBAYAN PARTY-LIST)
REP. CIELO KRISEL B. LAGMAN (1ST DISTRICT, ALBAY)
REP. MA. ISABEL L. SAGARBARRIA (2ND DISTRICT, NEGROS ORIENTAL)

AN ACT
ASSERTING LOCAL GOVERNMENT UNIT SOVEREIGNTY OVER MUNICIPAL WATERS,
STRENGTHENING FISHERIES GOVERNANCE, INSTITUTIONALIZING RESOURCE RENT-
BASED FISCAL AUTONOMY, THEREBY ENSURING SUSTAINABLE LOCAL-
ECOSYSTEM, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippine archipelago, with its 36,289 kilometers of coastline, possesses one of the most productive marine ecosystems in the world. However, this natural wealth faces an existential threat. Data from the **Philippine Statistics Authority (PSA, 2024)**¹ indicates that the fisheries sector's contribution to the national GDP remains constrained by chronic overfishing and habitat degradation. Scientific assessments, including the **National Stock Assessment Program (NSAP)**, have consistently shown that more than 80% of major fish stocks in our municipal waters are currently overexploited.²

¹ **Philippine Statistics Authority (PSA)**. (2024). *National Accounts of the Philippines: Fisheries Sector Contribution to GDP*. Quezon City, Philippines.

² **National Stock Assessment Program (NSAP)**. (2023/2024). *Technical Reports on the Status of Major Fish Stocks in Philippine Municipal Waters*. Bureau of Fisheries and Aquatic Resources (BFAR).

This bill, the "**Bantay-Dagat, Yaman-Lokal Act**," seeks to operationalize the mandate of **Article X, Section 2 of the 1987 Philippine Constitution**, which guarantees genuine and meaningful local autonomy. While the **Local Government Code of 1991 (Republic Act No. 7160)** and the **Philippine Fisheries Code (Republic Act No. 8550, as amended by Republic Act No. 10654)**³ delegate management powers to Local Government Units (LGUs) within the 15-kilometer municipal water zone, practical enforcement is often hampered by bureaucratic friction, overlapping national-local mandates, and a lack of fiscal independence for marine conservation.

Legal and Constitutional Basis

1. **Constitutional Autonomy:** Article X, Sections 2 and 6 of the 1987 Philippine Constitution empower LGUs to manage their resources and create their own sources of revenue.⁴
2. **Statutory Framework:** RA 7160 mandates that the LGU is the primary entity for the delivery of basic services and environmental protection.⁵ RA 10654 explicitly provides that LGUs have the authority to enact ordinances to protect municipal waters.⁶
3. **International Commitment:** As a signatory to the **United Nations Convention on the Law of the Sea (UNCLOS, 1982)**, the Philippines has an obligation to manage marine resources sustainably.⁷ This bill mirrors global best practices in "Community-Based Coastal Resource Management" (CBCRM).⁸

The Need for Reform

The "tragedy of the commons" continues to plague our municipal waters. Fragmented enforcement, where LGUs lack the budget to sustain *Bantay-Dagat* operations, has led to rampant Illegal, Unreported, and Unregulated (IUU) fishing. By institutionalizing **Resource Rent**—the economic surplus derived from the extraction of public aquatic resources—this bill establishes a self-sustaining revenue stream for LGUs. This ensures that the wealth generated by our seas is reinvested directly into protecting those resources.

³ **Republic Act No. 8550 (1998).** *The Philippine Fisheries Code of 1998.*

⁴ **1987 Constitution of the Republic of the Philippines.** Article X, Sections 2 (Local Autonomy) and 6 (Local Taxation).

⁵ **Republic Act No. 7160 (1991).** An Act Providing for a Local Government Code of 1991.

⁶ **Republic Act No. 10654 (2015).** *An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Amending Republic Act No. 8550, Otherwise Known as 'The Philippine Fisheries Code of 1998'.*

⁷ **United Nations Convention on the Law of the Sea (UNCLOS).** (1982). Part V: Exclusive Economic Zone, Articles 56 and 61 (Conservation and Utilization of Living Resources).

⁸ **Pomeroy, R. S., & Rivera-Guieb, R.** (2006). *Fishery Co-Management: A Practical Handbook*. International Development Research Centre (IDRC). (Foundational text for Community-Based Coastal Resource Management/CBCRM).

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



REP. KAKA BAG-AO

Lone District of Dinagat Islands



REP. JOSE MANUEL TADEO "CHEL" I. DIOKNO

AKBAYAN Party-list



REP. PERCIVAL V. CENDAÑA

AKBAYAN Party-list



REP. DADAH KIRAM ISMULA

AKBAYAN Party-list



REP. CIELO KRISEL B. LAGMAN

1ST District, Albay



REP. MA. ISABEL L. SACARBARRIA

2ND District, Negros Oriental

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AN ACT
ASSERTING LOCAL GOVERNMENT UNIT SOVEREIGNTY OVER MUNICIPAL WATERS,
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BASED FISCAL AUTONOMY, THEREBY ENSURING SUSTAINABLE LOCAL-
ECOSYSTEM, AND FOR OTHER PURPOSES

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

- 1 **SECTION 1. Short Title.** — This Act shall be known as the “**Bantay-Dagat, Yaman-Lokal**
2 **Act.**”
- 3 **SEC. 2. Declaration of Policy.** It is hereby declared the policy of the State to:
- 4 (a) **Assert Local Sovereignty:** Uphold the constitutional mandate of local autonomy by
5 affirming the exclusive, primary, and ministerial jurisdiction of Cities and Municipalities
6 over their 15-kilometer municipal waters;
- 7 (b) **Operationalize the Trust Doctrine:** Recognize municipal fishery and aquatic
8 resources as a public trust and **Renewable Natural Capital**, possessing both intrinsic
9 value and economic utility, and which must be managed by the LGU to ensure their
10 essential functions and capacity to regenerate;

(c) **Uphold Social Justice and Food Sovereignty:** Protect the preferential and tenure rights of municipal fisherfolk as a matter of fundamental social justice, recognizing them as primary stakeholders and rights-holders in the governance of their communal waters;

(d) **Institutionalize Human Rights-Based Governance (HRBA):** Mandate a governance framework where the LGU acts as the primary duty-bearer, ensuring accountability, transparency, non-discrimination, and the active participation of fisherfolk as rights-holders;

(e) **Promote Gender Equality:** Recognize women as independent economic actors and rights-holders within the fisheries value chain, ensuring their equitable participation in decision-making and access to resources;

(f) **Integrate Science and Local Knowledge:** Ensure that fisheries management is science-based, ecosystem-oriented, and informed by local ecological knowledge, consistent with the Philippine Ecosystem and Natural Capital Accounting System (PENCAS);

(g) **Maximize Fiscal Autonomy:** Institutionalize transparent **Resource Rent** accounting, ensuring that the economic surplus derived from the extraction of public aquatic resources is captured and reinvested into the **Municipal Fisheries Sustainability Fund (MFSF)** for ecological restoration and community support;

(h) **Assert Enforcement Leadership:** Strengthen Monitoring, Control, and Surveillance (MCS) as a core LGU function to eradicate Illegal, Unreported, and Unregulated Fishing (IUUF), with national agencies serving only in a collaborative and supportive capacity;

(i) **Regulate Extractive Development:** Proactively mitigate and resolve resource-use conflicts caused by large-scale commercial, tourism, and extractive activities—such as reclamation, mining, and dredging—by subjecting them to strict LGU zoning, permitting, and environmental safeguards; and

(j) **Ensure Sustainable Co-Management:** Promote the equitable use of municipal waters through mandatory co-management mechanisms, dispute resolution, and the imposition of proportionate, ordinance-based sanctions to ensure long-term sustainability.

SEC. 3. Definition of Terms. For purposes of this Act:

(a) **Municipal Waters-** include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, or part of ancestral domain as defined under Republic Act 8371 (IPRA), but also marine waters included between two (2) lines drawn

perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline, subject to the following rules:

1. For cities or municipalities with generally straight coastlines, the distance shall be reckoned from the **low-water line along the mainland shoreline**;
2. For cities or municipalities composed wholly or partly of islands, islets, or with irregular coastlines, the distance shall be reckoned from the **coastline of the outermost island or islet**, applying the archipelagic principle; and
3. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shore of the respective municipalities.

This delineation is for **fisheries governance and local administrative purposes** and shall not affect national maritime baselines.

(b) **Municipal Fisherfolk** refers to persons—including **women and marginalized gender groups**—who are directly or indirectly engaged in the **entire fisheries value and supply chain**. This encompasses the taking, culturing, post-harvest handling, **fish vending, marketing, and further processing** of fishery or aquatic products. To be recognized under this definition, such individuals must reside in the municipality or city and be duly registered in the **Municipal Fisherfolk Registry (FishR)** as maintained by the local government unit, pursuant to the inclusive standards set by the Bureau of Fisheries and Aquatic Resources.

(c) **Tenure Security** refers to the legally protected, preferential, and continuing right of municipal fisherfolk to access and use municipal waters, subject to conservation measures and due process.

(d) **Human Rights–Based Approach (HRBA)** refers to governance guided by participation, accountability, transparency, non-discrimination, empowerment, and legality.

(e) **Resource Rent** refers to the economic surplus derived from the use of fishery and aquatic resources beyond normal returns to labor and capital.

(f) **Fisheries and Aquatic Resources Management Council (FARMC)** refers to the co-management body established under existing fisheries laws.

(g) **Resource-use conflict** – refers to any activity of a resource user that impairs fish stocks or habitats; displaces or undermines tenure security of municipal fisherfolk; extracts public resource rent without authorization; causes ecological degradation affecting other lawful users and other analogous situations.

(h) **Renewable Natural Capital** – Fishery resources within municipal waters recognized as a self-regenerating asset that generates dividends for public reinvestment;

(i) **Bantay-Dagat** – The community-based enforcement unit tasked with the protection of municipal waters under the operational authority of the Local Chief Executive;

(j) **Co-Management** – The institutional participation of the Fisheries and Aquatic Resources Management Council (FARMC) in planning, monitoring, and enforcement.

SEC. 4. Exclusive Jurisdictional Authority and Governance Functions. The City or Municipal Government shall exercise **primary and exclusive jurisdiction** over the management, conservation, protection, utilization, and development of its municipal waters (the 15-kilometer zone). This authority is absolute and shall not be diminished by national administrative policies.

In the exercise of this jurisdiction, the LGU shall perform the following functions, in mandatory consultation with the FARMC:

(a) **Legislative Supremacy:** Enact, update, and enforce local fisheries ordinances, zoning plans, and conservation measures that are responsive to local ecological conditions.

(b) **Tenure and Access Management:** Establish a registry of municipal fisherfolk and implement a licensing system that prioritizes their preferential and tenure rights, ensuring that women and men are recognized as independent rights-holders.

(c) **Fisheries Conservation:** Design and implement science-based conservation programs, including the establishment of Marine Protected Areas (MPAs), the declaration of closed seasons, and the limitation of fishing effort.

1. **Enforcement and MCS:** Exercise full enforcement authority, including the deployment of *Bantay-Dagat* and local law enforcement for sea-borne patrols, board-and-search operations, and the apprehension of violators.
2. **Fiscal Sovereignty:** Institutionalize a system of **Resource Rent** valuation to set fees, licenses, and access charges. All revenues shall be deposited directly into the **Municipal Fisheries Sustainability Fund (MFSF)**.
3. **Conflict Resolution:** Manage and resolve all resource-use conflicts, including large-scale commercial, tourism, and extractive activities (e.g., reclamation, mining, dredging) affecting municipal waters.

SEC. 5. Mandatory Co-Management Process. To ensure governance is transparent and participatory, the LGU shall observe the following co-management requirements:

- 1 (a) **FARMC Participation:** No ordinance, zoning plan, access regulation, fee
2 structure, or major resource-use permit shall be finalized without the formal
3 participation and written recommendation of the FARMC.
- 4 (b) **Institutional Support:** The Municipal Agriculture Office (MAO) shall provide the
5 necessary technical, logistical, and administrative support to sustain FARMC
6 operations, ensuring they are capable of active oversight.
- 7 (c) **Gender Inclusivity:** The FARMC shall maintain a minimum of 30% women's
8 representation, with active support provided for their leadership roles in decision-
9 making.
- 10 (d) **Inter-LGU Cooperation:** For shared bays, gulfs, or contiguous waters, the LGU
11 shall participate in **Inter-LGU Fisheries Management Boards (ILFMBs)** to
12 harmonize zoning, enforcement, and licensing, ensuring the ecosystem is
13 managed as an indivisible unit.

14 **SEC. 6. Tenure Security and Preferential Access Rights.**

15 (a) **Right to Preferential Access.** — Registered municipal fisherfolk shall enjoy a
16 **superior, preferential, and non-extinguishable right** to access and utilize municipal
17 waters. This right shall take precedence over, and be protected against, the claims or
18 presence of non-resident commercial fishing operators, large-scale industrial projects,
19 or other extractive activities.

20 (b) **Protection Against Arbitrary Displacement.** — No municipal fisherfolk shall be
21 deprived of their traditional or customary access to municipal waters, except under the
22 following conditions:

- 23 1. **Conservation Mandates:** When temporary exclusion is strictly required for the
24 regeneration of fish stocks (e.g., closed seasons or MPA core zones);
- 25 2. **Due Process:** Provided that the limitation is supported by credible scientific data,
26 enacted through a public ordinance, and subject to prior notice and community
27 consultation;
- 28 3. **Just Transition:** If the limitation results in the permanent loss of livelihood, the
29 LGU must provide a "**Just Transition Package**," which may include financial
30 assistance, livelihood diversification training, or priority access to alternative
31 sustainable fishing grounds, funded by the **MFSF**.

32 (c) **Independent Recognition of Rights-Holders.** — Tenure documentation and
33 registration systems shall be **gender-neutral and inclusive**. Women engaged in all
34 stages of the fisheries value chain—including gleaning, post-harvest processing, and
35 marketing—shall be registered independently as full-fledged rights-holders, ensuring
36 they have the same access to government benefits, insurance, and resource-use
37 permits as their male counterparts.

38 (d) **Stewardship Obligations.** — The exercise of tenure rights is a stewardship mandate.
39 It is conditioned upon:

1. Registration with the LGU;
2. Compliance with local fishery ordinances and conservation measures; and
3. Active participation in local resource management and the protection of municipal waters from illegal, unreported, and unregulated (IUU) fishing.

SEC. 7. MPA Management and Inter-LGU Alliances. When managing MPAs or shared water bodies, the following applies:

(a) Integrated Management: MPA Management Plans must be co-developed with local fisherfolk organizations. These plans may serve as **collateral** for conservation-related financing, as guided by DA-BFAR and financial institutions.

(b) Inter-LGU Fisheries Management Boards (ILFMBs): For bays, gulfs, or contiguous waters, LGUs must form an ILFMB to unify licensing, enforcement, and zoning. This ensures that the ecosystem is managed as a single, indivisible unit.

SEC. 8. Resource Rent-Based Fiscal Governance. To ensure the long-term financial sustainability of the LGU's maritime governance:

(a) Economic Valuation: Fees are not arbitrary; they are calculated based on the **Resource Rent** (the economic surplus of the resource), ensuring equitable extraction.

(b) Fund Security: All revenues from licenses, fines, and fees shall be deposited directly into the **Municipal Fisheries Sustainability Fund (MFSF)**.

(c) The No-Reversion Rule: These funds are strictly earmarked for fisheries-related expenses and **shall not revert to the LGU's General Fund**.

(d) Transparency: The LGU is mandated to publish an annual **Fisheries Sustainability Report**, detailing all collections and expenditures for public audit.

SEC. 9. Municipal Fisheries Sustainability Fund (MFSF)

(a) Creation and Nature of Fund. — There is hereby created, in every coastal Local Government Unit (LGU), a **Municipal Fisheries Sustainability Fund (MFSF)**. This fund shall be maintained as a **special trust fund**, separate and distinct from the LGU's General Fund. It shall be accounted for as a restricted fund, and all balances thereof shall not revert to the General Fund at the end of the fiscal year, remaining available for its mandated purposes until fully expended.

(b) Composition of the Fund. — The MFSF shall exclusively consist of the following:

1. All revenues collected from fisheries-related licenses, permits, and access charges, including those calculated based on **Resource Rent**;

2. All administrative fines, penalties, and proceeds from the confiscation and sale of illicitly caught fish or prohibited fishing gear within municipal waters;
3. Grants, donations, endowments, and technical assistance funds provided by national government agencies, international organizations, or private entities specifically for fisheries management; and
4. Such other lawful revenues generated from the management and sustainable use of municipal waters.

(c) Authorized Expenditures. — The MFSF shall be utilized exclusively for the management, protection, and development of municipal waters. Disbursements shall be strictly limited to the following:

1. **Enforcement:** Procurement, maintenance, and operational expenses for Monitoring, Control, and Surveillance (MCS) and *Bantay-Dagat* operations;
2. **Conservation:** Establishment, maintenance, and monitoring of Marine Protected Areas (MPAs) and Other Effective Area-Based Conservation Measures (OECMs);
3. **Data and Registry:** Development and maintenance of gender-disaggregated fisheries databases, fisherfolk registration, and digital tenure documentation systems;
4. **Capacity Building:** Training and institutional strengthening of the Fisheries and Aquatic Resources Management Council (FARMC);
5. **Resilience and Social Justice:** Implementation of climate adaptation measures, livelihood diversification projects, and just transition programs for municipal fisherfolk affected by conservation-based restrictions.

(d) Transparency and Accountability. — The Local Treasurer shall submit a quarterly report to the *Sangguniang Bayan/Panlungsod* and the local FARMC detailing all collections and expenditures of the MFSF. This report shall be made publicly accessible through the LGU's official website and local bulletin boards. The use of the fund shall be subject to the standard audit rules and regulations of the Commission on Audit (COA).

SEC. 10. Municipal Fisheries and Zoning Management Planning

(a) Mandatory Planning. — Every coastal Local Government Unit (LGU) shall formulate, adopt, and implement a **Comprehensive City/Municipal Fisheries and Zoning Management Plan (CMFZMP)**. This plan shall serve as the primary legal framework for all activities within the 15-kilometer municipal water zone.

(b) Core Components of the Plan. — The CMFZMP shall be developed using science-based, precautionary, and climate-resilient approaches. It shall explicitly include:

1. **Zoning Delineation:** Clear mapping of commercial, municipal, aquaculture, and conservation zones (MPAs);
2. **Resource Assessment:** Baseline data on fish stocks, critical habitats, and biodiversity indicators;

3. **Climate Adaptation:** Strategies for coastal resilience, including the protection of mangroves and seagrasses as natural storm barriers;
4. **Local Ecological Knowledge:** Integration of documented traditional knowledge and practices of local fishing communities.

(c) **Validation and Participation.** — The CMFZMP shall undergo a **participatory validation process**. Before adoption by the *Sangguniang Bayan* or *Panlungsod*, the draft plan must be:

1. Subjected to at least three (3) community-level consultations with registered fisherfolk;
2. Reviewed and endorsed by the local Fisheries and Aquatic Resources Management Council (FARMC); and
3. Harmonized with the plans of adjacent LGUs if the municipal waters are part of a shared bay, gulf, or contiguous fishing ground.

(d) **Planning Cycle and Updates.** — The CMFZMP shall be a **five-year rolling plan**. The LGU shall conduct a mid-term performance audit and an end-of-cycle review to adjust management measures based on current stock assessments and changing climatic conditions.

(e) **Legal Primacy.** — Upon adoption by ordinance, the CMFZMP shall be the governing document for all national agencies and private entities operating within the municipal waters. Any project or activity inconsistent with the CMFZMP shall be considered a violation of local law.

SEC. 11. Inclusive Governance: Recognition and Participation of Women and Youth

(a) **Status as Independent Rights-Holders.** — **Women and Fisherfolk Youth** engaged in any capacity within the fisheries value chain—including capture fisheries, aquaculture, gleaning, post-harvest processing, and marketing—are hereby recognized as independent rights-holders and economic actors. Their contributions shall be formally acknowledged in all municipal registry systems, ensuring they possess equal status in claiming benefits, educational scholarships, subsidies, and tenure rights.

(b) **Mandatory Representation and Data.** — To institutionalize inclusive and intergenerational fisheries governance, LGUs shall:

1. **Inclusive Registration:** Implement a unified registration system that tracks and documents the specific contributions and demographic profiles of both women and youth in the sector.
2. **Sectoral Representation in FARMC:** Mandate the following minimum seat allocations within the Fisheries and Aquatic Resources Management Council (FARMC) membership:

- I. **At least thirty percent (30%)** shall be reserved for **women**;
- II. **At least ten percent (10%)** shall be reserved for **Fisherfolk Youth** (aged 15–30);
- III. Intentional support shall be provided for the appointment of women and youth to executive and leadership positions to ensure their voices influence policy-making.

3. **Disaggregated Reporting:** Mandate the annual collection and public disclosure of **sex- and age-disaggregated data** in all fisheries management reports, resource rent allocations, and MFSF expenditures;
4. **Inclusive Conflict Resolution:** Ensure that all resource-use conflict resolution mechanisms explicitly protect women and youth from discrimination, harassment, and economic displacement.

SEC. 12. Regulation of Aquaculture in Municipal Waters

(a) Regulatory Supremacy. — Aquaculture is a regulated economic activity subject to LGU jurisdiction, zoning, and environmental compliance. No aquaculture project may commence without a permit issued by the LGU, which shall be granted only upon a determination that the project is consistent with the **Municipal Fisheries and Zoning Management Plan (CMFZMP)**.

(b) Environmental and Social Safeguards. — Permitting for aquaculture shall be governed by the following:

1. **Ecological Carrying Capacity:** Permits must strictly adhere to biomass density limits, water quality standards, and waste discharge controls to prevent eutrophication or habitat degradation;
2. **Spatial Zoning:** Aquaculture zones must be clearly demarcated to ensure they do not obstruct navigation routes, encroach upon core municipal fishing grounds, or compromise the integrity of Marine Protected Areas (MPAs);
3. **Tenure Protection:** Aquaculture operations shall not displace municipal fisherfolk or traditional fishing activities. Any modification to land or water use requires prior community consultation, due process, and a "Just Transition" support plan funded by the operator;
4. **Compliance and Remediation:** Any aquaculture structure found to be abandoned, non-compliant, or operating without a valid permit shall be subject to immediate removal at the operator's expense.

SEC. 13. Illegal, Unreported, and Unregulated (IUU) Fishing as Resource-Use Conflict

(a) Recognition as Infringement. — IUU Fishing (IUUF) within the 15-kilometer municipal waters is hereby declared a **formal Resource-Use Conflict**. It is recognized as an act that directly undermines the tenure security of municipal fisherfolk, threatens the

ecological sustainability of the municipal ecosystem, and constitutes an unlawful extraction of the LGU's Natural Capital.

(b) Primary Response Mandate. — The LGU shall act as the **first responder** and lead authority in all IUUF matters within its waters, responsible for:

1. **Prevention and Detection:** Regular patrols and the maintenance of a maritime monitoring system;
2. **Enforcement:** Immediate de-escalation, apprehension of suspects, and seizure of illegal vessels or gear;
3. **Documentation:** Proper processing of evidence for both administrative and potential criminal proceedings.

(c) Support and Coordination. — While FARMCs shall assist in community-based monitoring and impact assessments, the LGU shall initiate coordination with the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), the Philippine Coast Guard (PCG), or other national agencies only when the IUUF involves organized syndicates, foreign incursions, or transboundary activities that exceed local enforcement capacity. In such instances, the LGU shall retain the right to be a lead participant in the subsequent legal proceedings.

SEC. 14. Regulation of Extractive and Large-Scale Commercial Developments

(a) Characterization as Resource-Use Conflict. — Tourism, land reclamation, dredging, mining, quarrying, land development, and any other large-scale commercial or extractive activities proposed within or directly affecting municipal waters are hereby formally classified as **Resource-Use Conflicts**. These activities are presumed to threaten the integrity of the **Renewable Natural Capital** of the city or municipality if they result in the impairment of essential fish habitats, the displacement of municipal fisherfolk, or the obstruction of established tenure rights.

(b) Regulatory Authority and Veto Power. — The LGUs of Cities or Municipalities shall exercise full regulatory authority over such activities. No project, regardless of national government endorsement or permit, shall be allowed to commence within municipal waters unless the LGU, through its *Sangguniang Bayan* or *Panlungsod*, has issued a **City/Municipal Clearance for Resource-Use**, based on a rigorous environmental and socio-economic impact assessment.

(c) Mandatory Procedural Requirements. — Before the LGU may consider any application for such projects, the proponent must strictly comply with the following:

1. **Full Disclosure:** Proponents shall provide a complete, plain-language disclosure of project plans, including potential impacts on fish stocks, water quality, and fisherfolk livelihoods, to be made publicly accessible for at least thirty (30) days;

2. **Mandatory FARMC Concurrence:** No permit, license, or zoning variance shall be approved without the formal, written endorsement of the Fisheries and Aquatic Resources Management Council (FARMC) after a series of public consultations;
3. **Tenure Safeguards:** Proponents must submit an approved **Fisherfolk Displacement Mitigation and Compensation Plan**, ensuring that any disruption to tenure rights is adequately remediated;
4. **Ecological Performance Bond:** The proponent must post a performance bond in favor of the LGU to cover potential environmental damages, which shall be forfeited to the **MFSF** in the event of non-compliance.

(d) Prohibition. — In areas designated as critical habitats, spawning grounds, or core zones of Marine Protected Areas (MPAs), the LGUs of Cities or Municipalities are empowered to issue an **absolute prohibition** on all extractive and large-scale commercial developments.

SEC. 15. Local Fisheries Adjudication and Sanctions

(a) Establishment of Local Fisheries Adjudication Board (LFAB). — Every coastal LGU shall establish a **Local Fisheries Adjudication Board (LFAB)**. This board shall serve as the primary, non-adversarial, and participatory forum for resolving all fisheries-related disputes and resource-use conflicts within municipal waters.

(b) Administrative Jurisdiction and Sanctions. — The LFAB shall have the authority to hear and decide cases involving violations of local fisheries ordinances. Upon a finding of liability, and following the requirements of due process, the LFAB may impose the following administrative sanctions:

1. **Cease-and-Desist Orders:** Immediate stoppage of any activity infringing upon the tenure rights of municipal fisherfolk or violating conservation measures;
2. **Suspension or Revocation:** Permanent or temporary cancellation of fishing permits, aquaculture licenses, or access privileges;
3. **Administrative Fines:** Monetary penalties based on the schedule set by local ordinance, which shall be commensurate to the economic benefit gained from the violation (Resource Rent impact);
4. **Confiscation:** Seizure and forfeiture of prohibited fishing gears, illegally caught aquatic products, and/or the vessels used in the commission of the violation, to be disposed of in accordance with local ordinance.

(c) Referral for Criminal Prosecution. — Where a resource-use conflict involves violence, intimidation, coercion, or the use of illegal fishing methods punishable under RA 10654 (as amended) or the Revised Penal Code, the LFAB shall, within twenty-four (24) hours, refer the matter to the appropriate law enforcement agency or the Office of the Prosecutor for criminal filing.

1 **(d) Due Process and Proportionality.** — All proceedings before the LFAB shall be
2 governed by the principles of:

- 3 1. **Due Process:** The right to notice, the right to be heard, and the right to present
4 evidence;
- 5 2. **Proportionality:** The severity of the sanction shall be directly proportional to the
6 gravity of the violation and the extent of the damage caused to the municipal
7 waters or the tenure rights of the fisherfolk;
- 8 3. **Non-Adversarial Settlement:** The LFAB shall prioritize mediation and restorative
9 justice where appropriate, provided such settlements do not compromise the
10 ecological integrity of the municipal waters or the preferential rights of municipal
11 fisherfolk.

12 **SECTION 16. Enforcement Against Violations of Tenure and Access Rights**

13 **(a) Prohibited Acts.** — Any person or entity, whether natural or juridical, who performs
14 the following acts shall be liable for administrative sanctions, without prejudice to
15 criminal or civil liability under existing laws:

- 16 1. **Encroachment:** Repeated or unauthorized entry into demarcated municipal
17 fishing grounds, zones reserved for small-scale fisherfolk, or designated Marine
18 Protected Areas (MPAs);
- 19 2. **Obstruction of Rights:** Acts that willfully, fraudulently, or through gross
20 negligence result in the displacement, exclusion, or obstruction of the
21 preferential access rights of municipal fisherfolk;
- 22 3. **Deceptive Practices:** Use of false claims, misrepresentation, or fraudulent
23 documentation to secure access or exclude lawful users;
- 24 4. **Coercion and Intimidation:** Any act of intimidation, threats, or harassment
25 intended to prevent municipal fisherfolk from exercising their rights;
- 26 5. **Non-Compliance:** Refusal to obey lawful orders, cease-and-desist mandates, or
27 final agreements reached during mediation or conflict resolution;
- 28 6. **Interference:** Deliberate obstruction of government-authorized monitoring,
29 enforcement, or mediation processes, including the *Bantay-Dagat*.

30 **(b) Administrative Sanctions and Due Process.** — Upon a finding of liability by the Local
31 Fisheries Adjudication Board (LFAB), the LGU may impose any of the following
32 sanctions, singly or in combination:

- 33 1. **Written Warning and Cease-and-Desist Order;**
- 34 2. **Suspension or Revocation** of all fisheries licenses, permits, or access privileges;
- 35 3. **Administrative Fines** as defined by local ordinance, calibrated to the economic
36 value of the resource involved;
- 37 4. **Temporary or Permanent Exclusion** from specific fishing grounds or municipal
38 waters;

5. **Blacklisting:** Disqualification from participating in any local government fisheries programs, subsidies, or preferential access rights for a period of up to five (5) years.

(c) Aggravated Acts Involving Violence or Intimidation. — Any violation involving physical violence, destruction of property, or the use of weapons shall be classified as an **Aggravated Violation**. In such instances:

1. **Immediate Suspension:** The LCE shall immediately issue a summary suspension of all permits held by the offender pending full investigation;
2. **Law Enforcement Referral:** The LGU shall immediately coordinate with the Philippine National Police (PNP) and the Maritime Group for immediate arrest and filing of appropriate criminal charges;
3. **Asset Seizure:** Any vessel or equipment used in an aggravated violation shall be subject to immediate administrative impoundment until final legal resolution.

(d) Liability of Juridical Persons. — Where the violation is committed by a corporation, cooperative, or other juridical entity, the following shall be held liable:

1. **Responsible Officers:** The officers, board members, or managers who authorized, tolerated, or knowingly ignored the prohibited conduct;
2. **The Entity:** The juridical person itself shall be subject to revocation of its municipal business permit and permanent disqualification from accessing municipal waters, if it is determined that the entity materially benefited from the unlawful act.

SEC. 17. Operational Control and Enforcement Protocols

(a) Operational Supervision and Control. — The Local Chief Executive (LCE) of the City or Municipality shall exercise **direct operational supervision and control** over the local Philippine National Police (PNP) Maritime Unit, the *Bantay-Dagat*, and all other authorized local enforcement personnel within the 15-kilometer municipal waters. The LCE is designated as the primary authority responsible for the implementation and enforcement of this Act, the Philippine Fisheries Code, and all validly enacted local fishery ordinances.

(b) Mandated Coordination and Joint Enforcement. — To ensure the protection of continuous marine ecosystems, coastal LGUs sharing common fishing grounds, bays, or gulfs are authorized to establish an **Inter-LGU Enforcement Network (ILEN)**. This network shall:

1. Harmonize patrol schedules, licensing requirements, and enforcement protocols;
2. Facilitate the sharing of resources, personnel, and information; and
3. Execute joint enforcement operations against large-scale IUU fishing or cross-boundary violators.

1 **(c) Support Role of National Agencies.** — The Department of Agriculture – Bureau of
2 Fisheries and Aquatic Resources (DA-BFAR), the Philippine Coast Guard (PCG), and
3 other national law enforcement agencies shall perform a **supportive, non-primary role**
4 within municipal waters. Their assistance shall be triggered as follows:

- 5 1. **Request-Based Intervention:** National agencies shall conduct sea-borne patrols
6 and apprehension activities within the 15km zone only upon the formal request
7 of, or in active coordination with, the LCE, except in cases of urgent national
8 security or active "hot pursuit";
- 9 2. **Technical and Logistical Support:** Upon request, the DA-BFAR and other national
10 agencies are mandated to provide the LGU with technical equipment, maritime
11 vessels, legal expertise, and forensic evidence processing for fishery violations;
- 12 3. **Non-Interference:** National agencies shall not, through their own administrative
13 orders, restrict or diminish the LGU's primary enforcement authority over
14 municipal waters.

15 **(d) Protocol for Joint Operations.** — All joint operations involving national and local
16 agencies shall be governed by a **Memorandum of Agreement (MOA)** executed by the
17 LGU and the respective national agency, clearly defining the chain of command, which
18 shall remain vested in the LCE for operations occurring within the municipal jurisdiction.

19 **SEC. 18. Expedited Prosecution of Fishery Law Violations**

20 **(a) Designation of Special Fisheries Prosecutors.** — Within sixty (60) days from the
21 effectivity of this Act, the Department of Justice (DOJ) shall designate a dedicated
22 **Special Fisheries Prosecutor** for every coastal province. These prosecutors shall have
23 the exclusive mandate to:

- 24 1. Prioritize the preliminary investigation and filing of criminal complaints for
25 violations of this Act, RA 10654, and related fishery laws;
- 26 2. Provide legal and technical assistance to LGU legal officers during the
27 preparation of affidavits and evidence; and
- 28 3. Represent the State in all judicial proceedings involving fishery law violations
29 committed within municipal waters.

30 **(b) Protocol for Speedy Prosecution.** — The DOJ, in coordination with the Department
31 of the Interior and Local Government (DILG) and the DA-BFAR, shall promulgate the
32 **Uniform Guidelines for the Speedy Prosecution of Fishery Violations**. These guidelines
33 shall include:

- 34 1. **Direct Filing:** A streamlined process where the sworn affidavits and physical
35 evidence collected by the *Bantay-Dagat* and local police are treated as sufficient
36 to establish probable cause;
- 37 2. **Case Management:** The establishment of a digital "Fishery Case Tracker"
38 accessible by both the LGU and the DOJ to monitor the status of every filed case;

3. **Witness Protection:** Standardized measures for the protection of local witnesses, including community observers and *Bantay-Dagat* personnel, to ensure they are not intimidated during trial.

(c) Institutional Capacity Building. — The DILG and DA-BFAR shall provide regular training for local prosecutors and LGU legal officers on the specific evidentiary requirements for maritime crimes, ensuring that cases are not dismissed due to technical procedural errors.

(d) Periodic Reporting. — The DOJ shall submit an annual **Fishery Prosecution Report** to Congress, detailing the number of cases filed, the rate of conviction, and the reasons for any dismissed cases, to ensure accountability and track the effectiveness of this Act.

SEC. 19. Inter-LGU Ecosystem-Based Management

(a) Formation of Fisheries Management Alliances. — LGUs sharing common fishing grounds, bays, gulfs, or contiguous bodies of water are hereby authorized and encouraged to form **Fisheries Management Alliances (FMAs)**. These alliances shall be formalized through a **Memorandum of Agreement (MOA)** or a joint ordinance.

(b) Scope of Cooperation. — An FMA shall have the authority to:

1. **Uniform Regulation:** Harmonize zoning, closed seasons, gear restrictions, and catch limits to ensure ecosystem-wide management;
2. **Shared Enforcement:** Establish a common patrol fleet and shared communication protocols for *Bantay-Dagat* units across municipal boundaries;
3. **Joint Licensing:** Develop a unified system for fishing permits to prevent "forum shopping" by commercial operators seeking the weakest regulation;
4. **Resource Sharing:** Pool financial and technical resources to manage shared Marine Protected Area (MPA) networks.

(c) Role of the Provincial Government. — Upon the request of the participating LGUs, the Provincial Governor, through the Provincial Agriculture Office (PAGO), shall act as the primary facilitator for the alliance. The Provincial Government shall:

1. Provide technical secretariat support and mediation services;
2. Include the Alliance's collaborative programs in the **Provincial Development and Physical Framework Plan**;
3. Allocate budgetary support in the Annual Investment Program (AIP) for shared monitoring and enforcement equipment that benefits the participating municipalities.

SEC. 20. Technical and Standards Coordination with DA-BFAR

1 **(a) Obligatory Support.** — The Department of Agriculture – Bureau of Fisheries and
2 Aquatic Resources (DA-BFAR) is mandated to provide technical assistance, scientific
3 data, and standardized monitoring systems to the LGU.

4 **(b) Respect for Local Jurisdiction.** — All technical assistance, standards, and data
5 provided by the DA-BFAR shall be **advisory and supplementary** in nature. The DA-BFAR
6 shall respect the LGU's primary authority to enact ordinances and regulations within its
7 municipal waters.

8 **(c) Data Transparency.** — The DA-BFAR shall maintain an open-access **National-Local**
9 **Fisheries Data Portal**. This portal shall grant LGUs real-time access to scientific data,
10 satellite monitoring of fishing vessels, and stock assessment reports relevant to their
11 respective municipal waters.

12 **(e) Conflict Mitigation.** — In the event that national standards proposed by the DA-BFAR
13 conflict with local ecological needs as determined by the LGU and its local FARMC, the
14 DA-BFAR shall enter into a consultative process with the LGU to reconcile these
15 differences, prioritizing the **sustainability of the local ecosystem** over national
16 centralized templates.

17 **SEC. 21. Rule of Construction.** Any ambiguity in the interpretation of the provisions of
18 this Act, or in the application of any local ordinance or national regulation concerning
19 municipal waters, shall be strictly construed in accordance with the following principles:

20 **(a) Presumption of Autonomy:** In cases of conflict between local ordinance and
21 national administrative directives, preference shall be given to the LGU's governance
22 authority, consistent with the constitutional mandate of local autonomy and the primary
23 jurisdiction established under this Act.

24 **(b) Rights-Based Interpretation:** Any doubt concerning the tenure security, preferential
25 access, or rights of municipal fisherfolk shall be resolved in their favor, consistent with
26 the State's duty to promote social justice and food sovereignty.

27 **(c) Sustainability Mandate:** Provisions concerning the management of natural capital
28 and Marine Protected Areas (MPAs) shall be interpreted to prioritize the ecological
29 integrity and regenerative capacity of the ecosystem over commercial or extractive
30 utility.

31 **(d) Gender-Inclusive Application:** Interpretations of governance, registry, and resource
32 rent allocation shall be guided by the principle of gender equality, ensuring the
33 recognition of women as independent economic actors.

34 **(e) Pro-Sustainability Precaution:** Where scientific uncertainty exists regarding the
35 impact of a proposed development or resource-use activity, the **Precautionary Principle**

shall be applied, favoring the protection of the municipal waters and the long-term sustainability of fisheries over immediate economic gain.

SEC. 22. Implementing Rules and Regulations (IRR)

(a) Oversight Committee. — Within thirty (30) days from the effectivity of this Act, the **Joint Oversight Committee on Municipal Fisheries Governance** shall be constituted to formulate the IRR. The Committee shall be composed of the following:

1. **Chairperson:** The Secretary of the Department of the Interior and Local Government (DILG), to ensure the protection of local autonomy;
2. **Co-Chairperson:** A representative of the League of Municipalities of the Philippines (LMP) and the League of Cities of the Philippines (LCP), to represent the interests of the LGUs;
3. **Members:**
 - I. The Secretary of the Department of Agriculture (DA);
 - II. The Director of the Bureau of Fisheries and Aquatic Resources (BFAR);
 - III. The Secretary of the Department of Justice (DOJ);
 - IV. Three (3) representatives from national federations of municipal fisherfolk organizations, ensuring that at least one (1) representative is a woman; and
 - V. One (1) representative from the scientific community specializing in marine ecology and resource economics.

(b) Mandated Timeline. — The Committee shall promulgate the IRR within ninety (90) days from the date of the effectivity of this Act. The IRR shall include, but not be limited to:

1. **Standardized Resource Rent Formulas:** A methodology for calculating fees based on economic surplus;
2. **Enforcement Protocols:** Clear guidelines on the chain of command during joint operations between the LGU and national enforcement agencies;
3. **Tenure Documentation Standards:** Uniform templates for the gender-responsive registration of fisherfolk;
4. **MFSF Guidelines:** Manuals for the local accounting and transparent management of the Municipal Fisheries Sustainability Fund.

(c) Consultation Requirement. — The drafting process for the IRR shall be subject to a **National Public Consultation** involving coastal LGUs, regional FARMCs, and fisherfolk cooperatives. No IRR shall be considered valid unless it has been subjected to at least three (3) regional public hearings.

(d) Non-Diminution Clause. — The rules and regulations promulgated under this Act shall not, under any circumstances, diminish the exclusive jurisdiction of the LGU over

1 its 15-kilometer municipal waters as established in this Act. Any rule that conflicts with
2 the LGU's primary authority or the preferential rights of municipal fisherfolk shall be
3 deemed *ultra vires* and void.

4 **SEC. 23. Separability Clause.** If any provision, section, or part of this Act, or the
5 application thereof to any person, entity, or circumstance, is held to be unconstitutional,
6 invalid, or otherwise unenforceable by a court of competent jurisdiction, the remaining
7 provisions or parts of this Act shall remain in full force and effect. All other provisions
8 not affected by such declaration of invalidity shall continue to be valid and subsisting.

9 **SEC. 24. Repealing Clause.** - All laws, decrees, executive orders, rules, and regulations
10 or parts thereof inconsistent with any of the provisions of this Act, or is shown to
11 facilitate or enable the commission of gender-based violence, are hereby repealed,
12 amended, or modified accordingly

13 **SEC. 25. Effectivity.** This Act shall take effect fifteen (15) days after its publication in
14 the Official Gazette or in a newspaper of general circulation.

Approved,