



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

Twentieth Congress
Second Regular Session

HOUSE BILL NO. 10780



Introduced by Representative Ma. Cristina Talavera Lopez

**AN ACT TO PROVIDE LIVELIHOOD SUPPORT TO MUNICIPAL FISHERFOLK
AND POST-HARVEST FISHERIES WORKERS AFFECTED BY CLOSED FISHING
SEASONS, ESTABLISHING A CLOSED FISHING SEASON LIVELIHOOD
SUPPORT FUND THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Constitution commands the State not only to protect, develop, and conserve the country's marine and fishing resources, but also to protect the rights of subsistence fisherfolk to the preferential use thereof and to provide them with adequate financial, production, marketing, and other forms of assistance. These duties are not mutually exclusive. Rather, they reflect a constitutional policy that the conservation of our marine resources must proceed alongside the protection of the communities whose lives and livelihoods depend upon them.

One of the measures adopted by the government to conserve our fisheries is the imposition of closed fishing seasons. These closures allow fish stocks to reproduce and recover during critical spawning periods and have become an important component of fisheries management in the country. Yet, the ecological benefits of a closed fishing season come with an immediate economic cost.

When the government closes a fishing ground for the protection of a resource that ultimately benefits the entire country, fisherfolk and workers dependent upon the fisheries value chain are asked to temporarily surrender the very source of their livelihood. For example, a 2016 research on the Zamboanga sardine closed season documented income losses among affected workers during periods of work stoppage and found that assistance received to cope with the closure was minimal. This burden becomes more pronounced considering the economic condition of our fisherfolk. According to the Philippine Statistics Authority, fisherfolk registered a poverty incidence of **27.4 percent in 2023**, making them one of the sectors with the highest incidence of poverty in the country. For families whose income is already precarious, even a temporary interruption of livelihood may mean having to choose between compliance with conservation measures and meeting their most basic daily needs.

To this end, this bill seeks to institutionalize livelihood support for qualified municipal fisherfolk and post-harvest fisheries workers whose customary livelihood is adversely affected by a closed fishing season. It provides for the automatic entitlement and timely release of support equivalent to fifty percent (50%) of the applicable regional daily minimum wage for the non-agricultural sector for the duration of the closure. It likewise establishes a **Closed Fishing Season Livelihood Support Fund** and provides safeguards to ensure that assistance reaches its intended beneficiaries, while making continued entitlement conditional upon compliance with the closed fishing season.

Ultimately, the conservation of our fisheries and the protection of our fisherfolk should not be treated as competing interests. The sustainability of one necessarily depends upon the other. Those who are called upon to bear the immediate burden of conserving a resource for the benefit of present and future generations should not be left to bear that burden alone.

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



MA. CRISTINA TALAVERA LOPEZ
Representative, ALONA Party List



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

SECTION 1. *Short Title.* – This Act shall be known as the “*Closed Fishing
Season Livelihood Support Act.*”

SECTION 2. *Declaration of Policy.* – It is the declared policy of the State to protect the rights of fisherfolk, especially in local communities, to the preferential use of communal marine and fishing resources, and to provide support to them through appropriate and adequate financial, production, and marketing assistance. Nevertheless, the State recognizes that closed fishing seasons are conservation measures adopted for the benefit of the entire nation, the economic burden of which falls almost entirely upon fisherfolk and post-harvest fisheries workers, who belong to the poorest sectors of the society.

The State therefore recognizes that a closed fishing season implemented without livelihood support diminishes both its own biological effectiveness and the welfare of the communities that bear its cost.

Accordingly, the State shall provide timely and adequate livelihood support to fisherfolk and post-harvest fisheries workers during closed fishing seasons, as an instrument of fisheries conservation and as a measure of social justice.

SECTION 3. Definition of Terms. — As used in this Act, the following terms shall mean:

- a) **Closed fishing season** refers to a period during which the taking of one (1) or more species of fish or other aquatic resources, or the use of particular fishing gears or methods, is prohibited within a defined area, as declared by the Department of Agriculture (DA) for purposes of conservation, protection or rehabilitation of fishery resources.
- b) **Covered area** refers to the geographic area to which a closed fishing season applies, together with the municipalities and cities whose registered fisherfolk customarily derive livelihood from that area, as determined by the DA.
- c) **Covered closed fishing season** refers to a closed fishing season of not less than thirty (30) days as declared by the DA.
- d) **Gleaner** refers to a person who gathers shellfish, seaweed or other aquatic resources in intertidal, shallow or foreshore areas without the use of a fishing vessel.
- e) **Municipal fisherfolk** refers to persons who are directly or indirectly engaged in municipal fishing and other related fishing activities, as defined under Republic Act No. 8550, as amended, and includes gleaners.
- f) **Post-harvest fisheries worker** refers to any person engaged in the sorting, cleaning, drying, smoking, salting, freezing, canning, packing, transporting, hauling, icing, trading or vending of fish and fishery products, or in the mending of nets and fishing gear, whether such work is paid, self-employed, or rendered as unpaid family labor, and whether or not performed in a fixed establishment.
- g) **Registry** refers to the registry of fisherfolk maintained by the city or municipal government under Section 19 of Republic Act No. 8550, as amended.

SECTION 4. Entitlement to Livelihood Support. — Livelihood support under this Act shall be granted to municipal fisherfolk and post-harvest fisheries workers who are listed in the Registry, or enrolled pursuant to Section 8 hereof, residing in, or economically dependent upon, a covered area, and whose customary livelihood or substantial part thereof are deprived, or whose fishing activities are prohibited, restricted, or otherwise directly affected by the declaration or implementation of a closed fishing season.

The entitlement of livelihood support under this Act shall be conditioned upon the beneficiary's observance of the covered closed fishing season. For this purpose, A final finding that a beneficiary violated the covered closed fishing season shall result in (a) forfeiture of any unreleased tranche, (b) restitution of amounts already received, and (c) disqualification from livelihood support for the immediately succeeding closure in the same covered area, without prejudice to the penalties imposed under Republic Act No. 8550, as amended.

SECTION 5. *Persons Excluded from Entitlement.* – Owners and operators of commercial fishing vessels, and their corporate officers, holders of commercial fishing vessel licenses, fishpond lease agreements, or other commercial fishery tenurial instruments, and persons found to have violated a closed fishing season rendered within the twelve (12) months immediately preceding the commencement of the closure concerned, shall not be entitled to livelihood support under this Act.

SECTION 6. *Automatic Entitlement and Release of Livelihood Support.* – Upon effectivity of a closed fishing season, the entitlement of municipal fisherfolk and post-harvest fisheries workers entitled to livelihood support pursuant to Section 4 hereof shall arise by operation of law. No separate declaration, prior application, or further determination shall be required as condition for entitlement.

The Department of Agriculture shall finalize the list of beneficiaries not later than fifteen (15) days before the commencement of the covered closed fishing season, and shall release the first tranche of livelihood support not later than fifteen (15) days after such commencement.

SECTION 7. *Nature and Amount of Livelihood Support.* – Livelihood support shall be granted in cash; provided, that in areas which the Department of Agriculture certifies to be inaccessible or affected by market failure such that cash support cannot reasonably be converted into subsistence goods, support may be granted in kind, at equivalent value.

The amount of livelihood support shall be equivalent to fifty percent (50%) of the applicable regional daily minimum wage for the non-agricultural sector, multiplied by the number of days of the covered closed fishing season, and shall be released in not more than two (2) tranches.

Livelihood support shall be exempt from income tax, and shall not be subject to any fee, charge, commission or deduction whatsoever. Such support shall not be subject to garnishment, attachment, levy, or offset against any obligation of the beneficiary, whether public or private.

SECTION 8. *Determination of Benefits.* – The Department of Agriculture, in coordination with the local government unit concerned, shall determine the

beneficiaries from the Registry and from the fisherfolk registration system maintained by the Bureau of Fisheries and Aquatic Resources, which shall be validated by the Fisheries and Aquatic Resources Management Council established under Republic Act No. 8550, as amended, of the concerned local government unit.

Where the Registry does not include post-harvest fisheries workers or gleaners, the Department of Agriculture shall enroll such persons directly for purposes of this Act. Enrollment shall be individual, and shall not be effected through a household head or other proxy.

SECTION 9. *Closed Fishing Season Livelihood Support Fund.* – There is hereby established a Closed Fishing Season Livelihood Support Fund, which shall be administered by the Department of Agriculture and constituted as a continuing appropriation, to be sourced from:

- (a) administrative fines and penalties collected under Republic Act No. 8550, as amended by Republic Act No. 10654;
- (b) commercial fishing vessel license, permit and registration fees collected by the Bureau;
- (c) such amounts as may be appropriated under the annual General Appropriations Act;
- (d) interest and other income earned by the Fund.

Not more than five percent (5%) of the Fund in any year shall be applied to administrative and operating expenses.

SECTION 10. *Prohibited Acts.* – The following acts shall be prohibited:

- (a) securing or attempting to secure livelihood support under this Act by means of fraud, misrepresentation, or the use of a fictitious identity;
- (b) falsifying, padding, altering or manipulating any list of beneficiaries;
- (c) excluding or causing the exclusion of a qualified person from the list of beneficiaries without lawful cause;
- (d) misappropriating or converting any portion of the Fund;
- (e) demanding, soliciting or receiving any share, fee, commission or consideration from a beneficiary in connection with the grant or release of livelihood support;

(f) use of the program established under this Act, or any list of beneficiaries, for electoral purposes or for partisan political activity; or

(g) coercing or inducing any person to enroll or register in the name of another, or to forgo enrollment or registration.

SECTION 11. *Penalties.* – Any person found guilty of the acts prohibited mentioned in the immediately preceding Section shall be punished by imprisonment of not less than six (6) months but not more than six (6) years, or a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00), or both, at the discretion of the court.

If the offender is a public officer or employee, the penalty shall be imposed in its maximum period, and the offender shall additionally suffer perpetual absolute disqualification from public office, without prejudice to administrative liability under Republic Act No. 6713 and other applicable laws.

If the offender is a juridical entity, the penalty shall be imposed upon its president, manager, or the officers responsible for the violation.

SECTION 12. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Department of Agriculture, through the Bureau of Aquatics and Fisheries Resources, in consultation with the Department of Social Welfare and Development, the Department of the Interior and Local Government, the Department of Budget and Management, the Philippine Commission on Women, the National Anti-Poverty Commission Fisherfolk Sectoral Council, and accredited fisherfolk organizations, including organizations of women post-harvest fisheries workers, shall promulgate the rules and regulations necessary to implement this Act.

The failure to promulgate such rules within the period provided shall not suspend the effectivity of this Act nor defeat any entitlement arising hereunder.

SECTION 13. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the Department of Agriculture. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 14. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SECTION 15. *Repealing Clause.* – All laws, presidential decrees, executive orders, or issuances, or any part thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation.

Approved,