

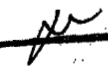
THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 P11:10

SENATE

S. No. 799

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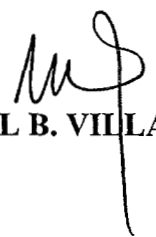
INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

The enactment of Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998" brought about very tight restrictions on fishing, which as a consequence, adversely affected the economic condition of coastal areas. Prior to the effectivity of the said Code, provinces situated adjacent to the sea had substantially derived their revenues from fishing, which specifically had provided livelihood and employment to the masses. At present, small and medium scale fishermen who had previously been allowed to fish using traditional means are inhibited despite of the absence of destructive effect of such traditional fishing on fishery and its habitat. Thus, rendering the loss of employment and income of many of our people who had depended on traditional fishing for a living. Meanwhile, large-scale commercial fishermen are given more freedom to exploit the seas at the expense of wanton destruction of fishery life. With these given facts, there is a need to fine-tune our laws to make them more effective in responding to the needs of our fellowmen.

It is true that it is the policy of the State to protect and to advance the right of the people to a balanced and healthful ecology in accord with the harmony and rhythm of nature. This is enshrined as one of the few self-executory provisions in the Constitution and has been repetitively enforced by the courts of justice in a series of cases. However, this provision must not be over-bent to the extent that the right of people to livelihood and sustainable development be denied, despite the fact that such exercise of decent occupation does not in any way sacrifice the right to a balanced ecology. After all, the State balances its interests, so that at the end of the day the primordial goal of providing total social and economic welfare and well being of all citizens would be achieved.

The prompt and immediate passage of this bill deserves utmost attention.


MANUEL B. VILLAR, JR.

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**AN ACT AMENDING REPUBLIC ACT NUMBERED EIGHTY-FIVE HUNDRED
AND FIFTY OR OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES
CODE OF 1998, AND FOR OTHER PURPOSES**

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

1 **SECTION 1.** Section 4 of Republic Act No. 8550 is hereby amended to read as follows:
2

3 SEC. 4. *Definition of Terms.* – For purposes of this Act, the following terms and
4 phrases shall mean as follows:
5

- 6 1. xxx.
- 7 2. xxx.
- 8 3. xxx.
- 9 4. xxx.
- 10 5. xxx.
- 11 6. xxx.
- 12 7. xxx.
- 13 8. xxx.
- 14 9. xxx.

15 10. *Commercial Fishing* – THE CATCHING OR CULTURE [the taking] of
16 fishery species [by passive or active gear] for trade, business or profit beyond
17 subsistence or sports fishing to be further classified as:

18 a) *Small-scale commercial fishing* – fishing [with passive or active gear]
19 utilizing fishing vessels of three point one (3.1) gross tons (GT) to twenty (20)
20 GT.

21 b) *Medium-scale commercial fishing* – fishing utilizing [active gears and
22 vessels] of twenty point one (20.1) to one hundred fifty (150) gross tonnage.

23 c) *Large-scale commercial fishing* – fishing utilizing active gears and vessels
24 of more than one hundred fifty point one (150.1) GT.

25 d) **COMMERCIAL HANDLINE FISHING.** – A TRADITIONAL PASSIVE
26 FISHING METHOD, WHICH UTILIZES A SINGLE FISHING LINE AND
27 ATTACHED HOOK.

1 e) COMMERCIAL HANDLINE FISHING VESSEL. – A COMMERCIAL
2 FISHING VESSEL WHICH EXCLUSIVELY UTILIZES THE COMMERCIAL
3 HANDLINE FISHING METHOD.
4

5 11. xxx.

6 12. xxx.

7 13. xxx.

8 14. xxx.

9 15. xxx.

10 16. *DESTRUCTIVE FISHING* – FISHING BY SCRAPING THE BOTTOM OF
11 THE SEA/OCEAN FLOOR THAT DESTROYS SEA GRASS, CORAL
12 REEFS AND OTHER FISH HABITAT SUCH AS THE USE OF FISHING
13 GEARS AS FOLLOWS: MOTORIZED PUSH NET, LOCALLY KNOWN
14 AS *DALUNGKITAN, SUD-SOD*; DREDGE FISHING, LOCALLY KNOWN
15 AS *KAR-KAR, PANGAHIG*, AND; THE USE OF FINE MESH NETS SUCH
16 AS MOSQUITO NETS THAT HINDER THE FOOD CHAIN OF FISH.

17 17. *REGULATED FISHING* – FISHING BY THE USE BEACH SEINE,
18 LOCALLY KNOWN AS *BALING, SARAP, DACLIS, PUKOT, SINSORO,*
19 *SAOG-SAOG*; DANISH SEINE, LOCALLY KNOWN AS *BULI-BULI,*
20 *ZIPPER, LIKISIN, HUBOT-HUBOT*; BOTTOM TRAWL, LOCALLY
21 KNOWN AS *KOTO-KOTO, GALADGAD, PANG-HIPON*, WHICH MAY
22 BE REGULATED BY THE MUNICIPAL OR CITY GOVERNMENT;

23 ...
24 40. *Fishing Gear* – any instrument or device and its accessories utilized in taking
25 fish and other fishery species.

26
27 [a. *Active fishing gear* – is a fishing device characterized by gear
28 movements, and/or the pursuit of the target species by towing, lifting, and
29 pushing the gears, surrounding, covering, dredging, pumping and scaring the
30 target species to impoundments; such as, but not limited to trawl, purse
31 seines, Danish seines, bag nets, paaling, drift gill net and tuna longline.

32
33 b. *Passive fishing gear* – is characterized by the absence of gear
34 movements and/or the pursuit of the target species; such as, but not
35 limited to, hook and line, fishspots, traps and gill nets across the path
36 of the fish.]

37 ...
38 57. *Municipal fishing* - refers to fishing within municipal waters by SMALL AND
39 MEDIUM SCALE COMMERCIAL FISHING VESSELS IN ACCORDANCE
40 WITH SECTION 18 OF THIS CODE [using fishing vessels of three (3) gross
41 tons or less], or fishing not requiring the use of fishing vessels.

42
43 **SEC. 2.** Section 18 of the same Code is hereby amended to read as follows:
44

1 SEC. 18. *Users of Municipal Waters.* – All fishery related activities in municipal
2 waters, as defined in this Code shall be utilized by municipal fisherfolk and their
3 cooperatives/organizations who are listed as such in the registry of municipal fisherfolk.
4

5 The municipal or city, however, may, through its local chief executive and acting
6 in pursuance to an appropriate ordinance, authorize and permit commercial fishing
7 vessels to operate FROM A DEPTH OF 40 FATHOMS UP [within the ten point one
8 (10.1) to fifteen (15) kilometer area from the shoreline in municipal waters as defined
9 herein], IN ACCORDANCE WITH THE FOLLOWING:

- 10
- 11 a) SMALL AND MEDIUM-SCALE COMMERCIAL FISHING VESSELS
12 SHALL OPERATE BEYOND FIVE (5) KILOMETERS FROM THE
13 SHORELINE;
 - 14 b) LARGE-SCALE COMMERCIAL FISHING VESSELS SHALL
15 OPERATE BEYOND FIFTEEN (15) KILOMETERS FROM THE
16 SHORELINE.
- 17
18

19 COMMERCIAL FISHING WITHIN THE MUNICIPAL WATERS SHALL BE
20 ALLOWED AFTER THE ISSUANCE OF A PERMIT OR AUTHORIZATION FROM
21 THE MUNICIPAL OR CITY GOVERNMENT; PROVIDED THAT IN NO CASE
22 SHALL DESTRUCTIVE FISHING METHODS AS DEFINED IN THIS CODE BE
23 EMPLOYED WITHIN THE MUNICIPAL WATERS. [P]rovided FURTHER THAT IN
24 THE ISSUANCE OF PERMIT the following are met:

25
26 [a. no commercial fishing in municipal waters with depth less than seven (7) fathoms as
27 certified by the appropriate agency;]

28
29 [b] a. fishing activities utilizing methods and gears that are determined to be consistent
30 with national polices set by the Department.

31
32 [c] b. prior consultation, through public hearing, with the M/CFARMC has been
33 conducted; and

34
35 [d] c. the applicant vessel as well as the ship owner, employer, captain and crew have
36 been certified by the appropriate agency as not having violated this Code, environmental
37 laws and related laws.

38
39 In no case shall the authorization or permit mentioned above be granted for fishing in
40 bays as determined by the Department to be in an environmentally critical condition and
41 during closed season as provided for in Section 9 of this Code.

42
43 PROVIDED FURTHER THAT THE MUNICIPAL OR CITY GOVERNMENT,
44 MAY ENACT AN ORDINANCE WHICH MAY REGULATE FISHING THROUGH
45 THE USE OF METHODS ENUMERATED UNDER REGULATED FISHING AS
46 DEFINED IN THIS CODE IN SPECIFIC AREAS IDENTIFIED TO BE THE

1 HABITAT OF ENDANGERED, RARE AND/OR THREATENED SPECIES AS
2 DEFINED IN THIS CODE WITHIN THE MUNICIPAL WATERS.

3
4 **SEC. 3.** Section 28 of the same Code is hereby amended to read as follows:
5

6 Sec. 28. Commercial Fishing Vessel Registration. – The registration, documentation,
7 inspection and manning of the operation of all types of fishing vessels plying Philippine
8 waters shall be in accordance with existing laws, rules and regulations: PROVIDED,
9 HOWEVER, THAT THE CONCERNED REGULATORY AGENCIES SHALL
10 PROMULGATE RULES AND REGULATIONS FOR COMMERCIAL HANDLINE
11 FISHING VESSELS THAT REFLECT THE SIMPLICITY AND TRADITIONAL
12 NATURE THEREOF.
13

14 **SEC. 4.** Section 36 of the same Code is hereby amended to read as follows:
15

16 SEC. 36. Complement of Fishing Vessels. – Every commercial fishing vessel of
17 Philippine registry when actually operated, shall be manned in accordance with the
18 requirements of the Philippine Merchant Marine rules and regulations: PROVIDED,
19 HOWEVER, THAT THE MARITIME INDUSTRY SHALL PROMULGATE
20 MANNING RULES AND REGULATIONS FOR COMMERCIAL HANDLINE
21 FISHING VESSELS THAT REFLECT THE SIMPLICITY AND TRADITIONAL
22 NATURE THEREOF.
23

24 **SEC. 3.** Section 90 of the same Code shall be amended to read as follows:
25

26 SEC. 90. *DESTRUCTIVE FISHING METHOD* [Use of Active Gear in the
27 Municipal Waters and Bays and Other Fishery Management Areas] – It shall be unlawful
28 to engage in fishing in municipal waters and in all bays as well as other fishery
29 management areas BY MEANS OF DESTRUCTIVE FISHING METHOD [using active
30 fishing gears] as defined in this Code.
31

32 Violators of the above prohibitions shall suffer the following penalties:

33 (1) The boat captain and master fisherman of the vessels who participated in the
34 violation shall suffer the penalty of imprisonment from two (2) years to six
35 (6) years;

36
37 (2) The owner/operator of the vessel shall be fined from Two thousand pesos
38 (Php 2,000.00) to twenty thousand pesos (Php 20,000.00) upon the discretion
39 of the court.

40 If the owner/operator is a corporation, the penalty shall be imposed on the
41 chief executive officer of the Corporation.

42 If the owner/operator is a partnership the penalty the penalty shall be imposed
43 on the managing partner.

44 (3) The catch shall be confiscated and forfeited.
45

46 **SEC. 4.** Section 97 of the same Act is hereby amended to read as follows:

1
2 Sec. 97. Fishing or taking of rare, Threatened or Endangered Species. – It shall
3 be unlawful to fish or TO WILLFULLY take rare, threatened or endangered species as
4 listed in the CITES and as determined by the Department.
5

6 “THE TERM ENDANGERED SPECIES IN THE CONTEXT OF THIS
7 SECTION AND FOR CLARIFICATION OF THE PENALTY PROVISIONS OF THIS
8 ACT, SHALL MEAN ANY OF THE RARE MARINE LIFE WHICH IS DECLINING
9 IN NUMBER AND IS IN DANGER OF EXTINCTION AND FOR THE PURPOSE OF
10 THIS ACT ARE SPECIES LISTED IN THE CITES, BUT WILL NOT INCLUDE
11 SPECIES WHICH ARE REPLENISHED OR GROWN BY MAN WITH THE AID OF
12 RESEARCH AND TECHNOLOGY AND WHERE ACTUAL PROPAGATION IS IN
13 PLACE ASSURING THE PRESERVATION AND INCREASE OF SUCH MARINE
14 LIFE.

15 “Violation of the provision of this section shall be punished by imprisonment of
16 twelve (12) years to twenty (20) years and/or fine of One hundred and twenty thousand
17 (P120,000) pesos and by forfeiture of the catch, the confiscation and the cancellation of
18 the fishing permit SHOULD THE CULPABLE VIOLATION BE THROUGH OR BY A
19 FISHING VESSEL MANNED BY MORE THAN TWO PERSONS, THE HEAD OR
20 CAPTAIN OF THE BOAT AND THOSE NECESSARILY INVOLVED IN THE
21 DECISION TO FISH AND CATCH SUCH PROTECTED MARINE LIFE SHALL BE
22 PRESUMED TO HAVE COMMITTED THE PROHIBITED ACT AND THE
23 PENALTY PROVIDED FOR IN THE IMMEDIATELY PRECEDING PARAGRAPH
24 SHALL BE IMPOSED ON THEM.
25
26
27

28 **SEC. 5.** All laws, decrees, orders, rules and regulations, and other issuances or parts
29 thereof inconsistent with this Act are hereby repealed or modified accordingly.
30

31 **SEC. 6.** This Act shall take effect upon its approval.
32

33 Approved.
34
35
36