

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
FIRST REGULAR SESSION

14 SEP -9 12:55

SENATE
S.B. No. 1764

RECEIVED AT

INTRODUCED BY SENATOR MAGSAYSAY, JR.

EXPLANATORY NOTE

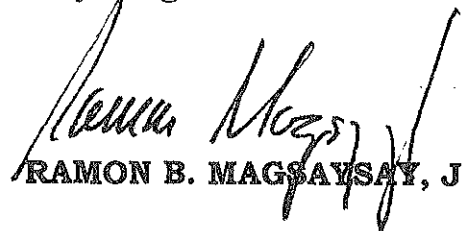
The passage of Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998" set in place a holistic in the protection and uplifting of marine life and its environ. The law has indeed inculcated positive concern and watch among law enforcers tasked to guard the country's high seas. This is a good indication to initiate sustainable development in the countryside.

Needless to say, the intention of the law is for the betterment of the fisher folks and the society as a means of improving the country's food sustenance. However, some of the provisions of the Fisheries Code of 1998 were written in general terms, negatively inflicting the fishing industry and thereby hurting the life of most small fishermen.

This bill at hand intends to introduce reforms to the code by amending certain provisions of R.A. 8550 in order to correct some measures affecting the income of fishermen.


Amendments to be introduced in this bill will only give particulars in order to have a clearer picture on its intention to which the provisions were originally crafted after.

So as to provide relief to our thousands of suffering fishermen, the immediate passage of this measure is earnestly sought.


RAMON B. MAGSAYSAY, JR.

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04 SEP -9 P2 35

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AN ACT
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8550,
OTHERWISE KNOWN AS "THE PHILIPPINE FISHERIES CODE OF
1998."

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

SECTION 1. Section 4(10) of Republic Act No. 8550 is hereby
amended to read as follows:

"SECTION 4 (10). Commercial Fishing - THE CATCHING OR
CULTURE OF FISHERY SPECIES FOR TRADE, BUSINESS OR PROFIT
BEYOND SUBSISTENCE OR SPORTS FISHING. [The taking of fishery
species by passive or active gear for trade, business or profit beyond
subsistence or sports fishing, to be further classified as:

1. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
2. Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
3. Large scale commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.]"

SEC. 2. Section 4(40) is hereby amended to read as follows:

"SECTION 4(40) Fishing Gear - Any instrument or device and its
accessories utilized in taking fish and other fishery species.

[a. Active Fishing Gear - is a fishing device characterized by gear movements, and/or the pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundment; such as, but not limited to, trawl, purse seines, Danish seines, bag nets, paaling, drift gill net and tuna longline.

b. Passive Fishing Gear - is characterized by the absence of gear movements and/or the pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets across the path of the fish.]"

SEC. 3. Section 4 is further amended by adding the following in the definition of terms:

"SECTION 4 (43) DESTRUCTIVE FISHING - FISHING BY SCRAPING THE BOTTOM OF THE SEA/OCEAN FLOOR THAT DESTROYS SEA GRASS, CORAL REEFS AND OTHER FISH HABITAT SUCH AS THE USE OF FISHING GEARS CALLED BEACH SEINE (BALING, SARAP, DACLIS, PUKOT, SINSORO, SAOG-SAOG), DANISH SEINE (BULI-BULI, ZIPPER, LIKISAN, HUBOT-HULBOT), BOTTOM TRAWL (KOTO-KOTO, GALADGAD, PANG-HIPON), MOTORIZED PUSH NET (DALUNGKITAN, SUD-SOD), DREDGE FISHING (KARKAR, PANGAHIG) AND THE USE OF FINE MESH NETS SUCH AS MOSQUITO NETS THAT HINDER THE FOOD CHAIN OF FISH.

(44) ILLEGAL FISHING - THE TAKING OF FISHERY SPECIES FROM THEIR WILD STATE OR HABITAT WITH THE USE OF EXPLOSIVES, NOXIOUS POISONOUS SUBSTANCES, ELECTRICITY, AND MUROAMI AND ANY OF ITS VARIATION AS DEFINED IN THE CODE DECLARED AS DELETERIOUS METHOD OF FISHING.

(45) SUBSISTENCE FISHING - THE CATCHING OR CULTURE OF FISH TO SUPPORT THE FISHERMAN'S HOUSEHOLD NEEDS WITHOUT PRODUCING A SIGNIFICANT SURPLUS FOR TRADE.

(46) SUSTAINABLE FISHING - IS THE CATCHING OR CULTURE OF FISH THAT USES ENVIRONMENT FRIENDLY-METHOD; SUCH AS, BUT NOT LIMITED TO, A) SUBSISTENCE FISHING, HOOK A LINE; B) PURSE SEINE, TAKSAY, KALANSISI, LONG-LINE; C) AQUACULTURE FISH CAGES AND FISH PENS."

SEC. 4. Section 18, second paragraph is hereby amended to read as follows:

"THE MUNICIPAL OR CITY GOVERNMENT THROUGH ITS LOCAL CHIEF EXECUTIVE AND ACTING PURSUANT TO AN APPROPRIATE ORDINANCE AUTHORIZE OR PERMIT NON-DESTRUCTIVE COMMERCIAL FISHING FROM A DEPTH OF 40 FATHOMS UP WITHIN THE MUNICIPAL WATERS [The municipal or city government, however, may, through its local chief executive and acting pursuant to an appropriate ordinance, authorize or permit small and medium commercial fishing vessels to operate within the ten point one (10.1) to fifteen (15) kilometer area from the shoreline in municipal waters] as defined herein, provided, that all the following are met:

x x x x x"

SEC. 5. Section 28 is hereby amended to read as follows:

"Section 28. Commercial Fishing Vessel Registration - The registration, documentation, inspection and manning of the operation of [all] THE FOLLOWING types of fishing vessels plying Philippine waters shall be in accordance with existing laws, rules and regulations:

1. SMALL SCALE COMMERCIAL FISHING - FISHING WITH PASSIVE OR ACTIVE GEAR UTILIZING VESSELS OF 3.1. TO 20 GT;
2. MEDIUM SCALE COMMERCIAL FISHING - FISHING WITH GEARS UTILIZING FISHING VESSELS OF 20.1 TO 150 GT;
3. LARGE SCALE COMMERCIAL FISHING - FISHING WITH ACTIVE GEARS FISHING VESSELS OR MORE THAN 150.1 GT."

SEC. 6. Section 90, first paragraph is hereby amended to read as follows:

“SEC. 90. Use of Active Gear in the Municipal Waters and Bays and other Fishery Management Areas - IT SHALL BE UNLAWFUL TO ENGAGE IN FISHING IN MUNICIPAL WATERS AND IN ALL BAYS AS WELL AS OTHER MANAGEMENT AREAS USING DESTRUCTIVE FISHING-METHOD AS DEFINED IN THIS CODE. [It shall be unlawful to engage in fishing in municipal waters and in all bays as well as other fishery management areas using active fishing gears as defined in this Code.]”

SEC. 7. Repealing Clause - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act are hereby repealed or modified accordingly.

SEC. 8. Effectivity - This Act shall take effect fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation.

Approved,