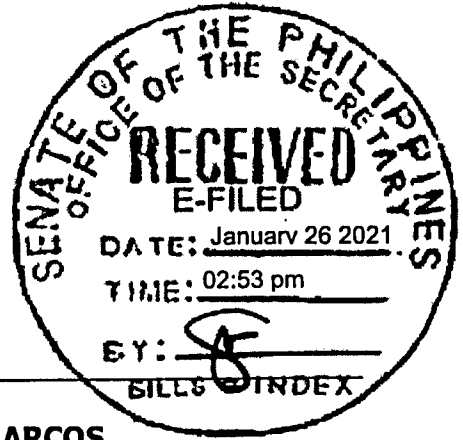


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
P.S. Resolution No. 625



Introduced by **SENATOR IMEE R. MARCOS**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALARMING REPORTS OF SIGNIFICANT AND STEADY INCREASE IN THE VOLUME OF IMPORTATION OF FROZEN FISH IN SPITE OF OUR VAST AQUATIC RESOURCES AS AN ARCHIPELAGIC COUNTRY, AND WITH THE END VIEW OF INTRODUCING MEASURES THAT WILL MAXIMIZE THE POTENTIAL OF THE LOCAL PRODUCTION OF FISH IN ORDER TO IMPROVE THE LIVES AND LIVELIHOOD OF OUR FISHERFOLKS AND TO ATTAIN FOOD SECURITY

WHEREAS, Article XIII, Section 7 of the 1987 Constitution provides that *"the State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of local marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources."*

WHEREAS, Republic Act No. 8850, or the *"Philippine Fisheries Code of 1998"*, as amended, was enacted with the end goal to achieve food security as the overriding consideration in the utilization, management, development, conservation and protection of fishery resources in order to provide the food needs of the population;

WHEREAS, in addition, the policy declared in the more recent enactment by Congress, Republic Act No. 10845, or the *"Anti-Agricultural Smuggling Act of 2016"* states that "[i]t is the policy of the State to promote the productivity of the agriculture sector and to protect farmers from unscrupulous traders and importers, who by their illegal importation of agricultural products, especially rice, significantly affect the production, availability of supply and stability of prices, and the food security of the State";

WHEREAS, it is evident from the foregoing that the State policy is to protect local catch, with emphasis on the rights of marginal fisherfolk, and to penalize unscrupulous traders and importers, who by their illegal acts, pose a serious threat to the survival of the local fishing industry;

WHEREAS, records indicate an alarming increase in the importation of fish in the country. In May of 2020, a total of 43 containers were imported, in June 2020, a total of 71 containers, in July 2020, a total of 107 containers and in August 2020, a total of 159 containers were imported. All of the 380 containers contained any of the following species: round scad ("*galuggong*"), bonito, mackerel, moon fish and Illex squid all in whole round form;

WHEREAS, the aforesaid fish species constitute the majority of the catch of the fishing industry, especially the marginalized fisherfolks. Thus, the continued and unregulated importation of these fish products pose a serious threat to the survival of the fishing industry and to the livelihood of the the marginalized fisherfolks;

WHEREAS, the importance of strict regulation on the importation of fishery/aquatic products is recognized by the Department of Agriculture (DA) when it issued Fisheries Administrative Order No. 295, Series of 2018 entitled: "*Rules and Regulations on the Importation of Frozen Fish and Fishery/Aquatic Products for Wet Markets During Closed and Off-Fishing Seasons or During the Occurrence of Calamities*;"

WHEREAS, Department of Agriculture Special Order No. 1202, Series of 2018 was also issued entitled: "*Suspension of Importation of Roundscad, Bonito, Mackerel and Moonfish for Processing or for Institutional Buyers*;"

WHEREAS, a controversy started when Department of Agriculture Special Order No. 1077, Series of 2019 was issued which revoked the DA Special Order No. 1202, Series of 2018. Accordingly, the said major fish species are now allowed for importation by processors and institutional buyers upon submission of Permit to Import and Sanitary and Phytosanitary Import Clearance;

WHEREAS, Department of Agriculture Fisheries Administrative Order No. 195, Series of 1999 allows also the importation of fresh/chilled/frozen fish and fishery/aquatic products when certified as necessary by the Secretary. However, such certification is not required when the importation is for canning and processing purposes, including importation undertaken by institutional buyers;

WHEREAS, the implementation of DA Special Order No. 1077 paved the way for the significant increase in the importation of frozen fish. However, it was discovered that the imported frozen fish by processors and institutional buyers were diverted to the wet market in violation of the Fisheries Administrative Order No. 195, Series of 1999. The said Order, particularly Sections 11(g) and 12 thereof, prohibits and penalizes the diversion or sale of any portion of the imported fish and fishery/aquatic product intended for canning and processing plants and any portion of the importation by institutional buyers to the local wet markets;

WHEREAS, a thorough investigation revealed that the "modus operandi" of the malevolent importers are as follows: a) an importer will import the frozen fish such as Round Scad, Bonito, Mackarel, Moonfish and whole Round Squid pursuant to FAO-195, series of 1999 for canning and processing; b) regardless of the location of the named processing plant, the imported frozen fish will be stored in a Cold Storage or a Container Plug-in facilities situated in the City of Navotas, or in its surrounding areas such as the provinces of Cavite and Bulacan and the cities of Paranaque, Manila, Malabon and Caloocan; c) the importer, in conspiracy with unscrupulous member-signatories of the Fisheries and Aquatic Board of the Philippines, will secure a certification of the necessity to import under FAO-195, series of 1999 to give semblance of legitimacy of the illegally diverted frozen fish to be traded and sold to the wet market;

WHEREAS, in fact, the City of Navotas has already filed cases and is in the process of filing more cases against importers and some member-signatories of the Fisheries and Aquatic Board of the Philippines who are involved in the malevolent activities of diverting the imported frozen fish for canning and processing to be traded and sold to the wet market;

WHEREAS, as an archipelagic country, the trend to rely on significant volume of imported fish, especially the species that constitute the majority of the catch of the marginalized fisherfolks, to address the demand of our fish eating population is a grave threat to the growth or survival of our fishing industry;

WHEREAS, there is an urgent need to review the policies in the importation of fishery and aquatic products to protect the fishing industry, especially the marginalized fisherfolks and to introduce measures that will boost the local production of fish as part of strategies to attain food security;

WHEREAS, the Alliance of Philippine Fishing Federations, Inc., an umbrella group of various commercial fishing associations nationwide, is clamoring for the delineation of the municipal waters using the mainland principle instead of the archipelagic principle;

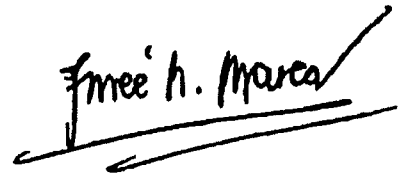
WHEREAS, it was reported that the draft Fisheries Administrative Order of the Bureau of Fisheries and Aquatic Resources (BFAR) adopted the mainland principle in the determination of the extent of the municipal waters. However, the Secretary of the Department of Agriculture (DA) expressed his opposition to the said mainland principle;

WHEREAS, this August chamber, through the proper Committee, should review the proper delineation of the municipal waters in an effort to maximize the fish production without compromising the livelihood of the marginalized fisherfolks;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the alarming reports of significant and steady increase in the volume of importation of

frozen fish in spite of our vast aquatic resources as an archipelagic country, and with the end view of introducing measures that will maximize the potential of local production of fish in order to improve the lives and livelihood of the fisherfolks and to attain food security.

Adopted,

A handwritten signature in black ink that reads "Imee R. Marcos". The signature is written in a cursive style and is underlined with two parallel horizontal lines.

IMEE R. MARCOS