

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL 12 P4:57

SENATE
S.B. No. 417

RECEIVED BY: 

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
AMENDING REPUBLIC ACT NO. 8550 OTHERWISE KNOWN AS "THE
PHILIPPINE FISHERIES CODE OF 1998," AND FOR OTHER PURPOSES

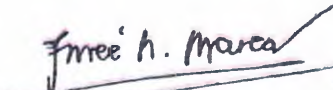

EXPLANATORY NOTE

Section 20, Article II of the 1987 Constitution provides that, "*The State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentive to needed investments.*"

Republic Act No. 8550 or the Philippine Fisheries Code of 1998 regulates fisheries resources of the country. It specifies, among others, that only citizens of the Philippines, partnerships or to associations, cooperatives or corporations duly registered in the Philippines with at least sixty percent (60%) of the capital stock of which is owned by Filipino citizens are eligible for a commercial fishing vessel license. Such restriction put commercial fishing in the Foreign Investment Negative List (FINL), which is prepared by the National Economic and Development Authority every two years as prescribed by R.A. No. 7042 or the "Foreign Investment Act", as amended.

Such limitation on the grant of commercial fishing vessel licenses go hand in hand with limiting the ability of the country to negotiate a Code of Conduct for fishing activities in contested waters. Given the various nautical rows in which our country finds itself as far as the enforcement of our fishing grounds is concerned, allowing the Executive the latitude to explore various contractual agreements for managing our fishing grounds will also be in line with the current policy thrust of opening up and liberalizing our economy to attract foreign investment.

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


IMEE R. MARCOS 

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

1 **SECTION 1.** Section 27 of Republic Act No. 8550 otherwise known as "The
2 Philippine Fisheries Code of 1998" is hereby amended to read, as follows:
3

4 "Section 2. *Declaration of Policy.* – It is hereby declared the policy
5 of the State:

6 (a) to achieve food security as the overriding consideration in the
7 utilization, management, development, conservation and
8 protection of fishery resources in order to provide the food needs
9 of the population. A flexible policy towards the attainment of food
10 security shall be adopted in response to changes in demographic
11 trends for fish, emerging trends in the trade of fish and other
12 aquatic products in domestic and international markets, and the
13 law of supply and demand;

14 ~~[(b) to limit access to the fishery and aquatic resources of the~~
15 ~~Philippines for the exclusive use and enjoyment of Filipino~~
16 ~~citizens;]~~

17 (c) to ensure the rational and sustainable development,
18 management and conservation of the fishery and aquatic
19 resources in Philippine waters including the Exclusive Economic
20 Zone (EEZ) and in the adjacent high seas, consistent with the
21 primordial objective of maintaining a sound ecological balance,
22 protecting and enhancing the quality of the environment;

23 x x x."
24

1 **SEC. 2.** Section 5 of Republic Act No. 8550 otherwise known as "The
2 Philippine Fisheries Code of 1998" is hereby deleted, as follows:

3 ~~["Section 5. Use of Philippine Waters.—The use and exploitation~~
4 ~~of the fishery and aquatic resources in Philippine waters shall be~~
5 ~~reserved exclusively to Filipinos: Provided, however, That research~~
6 ~~and survey activities may be allowed under strict regulations, for~~
7 ~~purely research, scientific, technological and educational purposes~~
8 ~~that would also benefit Filipino citizens."]~~

9
10 **SEC. 3.** Section 27 of Republic Act No. 8550 otherwise known as "The
11 Philippine Fisheries Code of 1998" is hereby amended to read, as follows:

12 *"Section 27. Persons Eligible for Commercial Fishing Vessel*
13 *License. —*

14 ~~[No commercial fishing vessel license shall be issued except to~~
15 ~~citizens of the Philippines, partnerships or to associations,~~
16 ~~cooperatives or corporations duly registered in the Philippines at~~
17 ~~least sixty percent (60%) of the capital stock of which is owned by~~
18 ~~Filipino citizens.]~~ **COMMERCIAL FISHING VESSEL LICENSES**

19 **SHALL BE ISSUED TO A PERSON, JURIDICAL OR NATURAL,**
20 **PARTNERSHIP, ASSOCIATION, COOPERATIVE, OR**
21 **CORPORATION DULY REGISTERED IN THE PHILIPPINES.**

22 No person to whom a license has been issued shall sell, transfer or
23 assign, directly or indirectly, his stock or interest therein to any
24 person not qualified to hold a license. Any such transfer, sale or
25 assignment shall be null and void and shall not be registered in
26 the books of the association, cooperative or corporation.

27
28 For purposes of commercial fishing, fishing vessels ~~[owned by~~
29 ~~citizens of the Philippines, partnerships, corporations, cooperatives~~
30 ~~or associations]~~ qualified under this section shall secure
31 Certificates of Philippine Registry and such other documents as are
32 necessary for fishing operations from the concerned agencies:
33 *Provided, That the commercial fishing vessel license shall be valid*
34 *for a period to be determined by the Department."*

35
36 **SEC. 4.** The sections of R.A. No. 8550 shall be renumbered accordingly.

37
38 **SEC. 5. Repealing Clause.** – All laws, decrees, orders, rules and regulations or
39 other issuances or parts thereof inconsistent with the provisions of this Act are
40 hereby repealed or modified accordingly.

41

1 **SEC. 6. Separability Clause.** – If any portion or provision of this Act is
2 declared unconstitutional, the remainder of this Act or any provision not affected
3 thereby shall remain in force and effect.

4
5 **SEC. 7. Effectivity.** – This Act shall take effect after fifteen (15) days
6 following the completion of its publication either in the Official Gazette or in a
7 newspaper of general circulation in the Philippines.

Approved,