


**FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**

8 APR 28 P4:43

S E N A T E

RECEIVED BY: 

S. No 2211

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The vastness of the Philippine maritime zone and its rich resources dictate that we should have a marine-based economy. Our aquatic territory exceeding 220 million hectares is more than seven (7) times our land territory which is only 30 million hectares. Being an archipelago of more than seven thousand islands, the Philippines should have been the center of the fishing industry in Asia, if not of the world.

This bill seeks to attune the policy of the State to our nature as an archipelago by encouraging our people to invest in fisheries. It will provide support to the fishery sector and ensure fish supply security requiring all coastal cities and first class coastal municipalities to establish a marine reserve for aquatic resources and by requiring the appointment of a fisheries officer in all first class coastal municipalities and in all coastal cities and provinces to manage the marine reserve.

Approval hereof is earnestly sought.



ANTONIO "SONNY" F. TRILLANES IV
Senator

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

APR 28 4:43

SENATE

RECEIVED BY:

S. No 2211

Introduced by Senator Antonio "Sonny" F. Trillanes IV

**AN ACT
REQUIRING COASTAL PROVINCES, COASTAL CITIES AND FIRST CLASS
COASTAL MUNICIPALITIES TO HAVE A MARINE RESERVE FOR
AQUATIC RESOURCES AND FISHERIES OFFICER TO SUPERVISE THE
SAME AND APPROPRIATING FUNDS THEREOF.**

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

1 **SECTION 1. *Short Title.*** This Act shall be known as the "Marine Reserve Law."

2

3 **SEC. 2. *Declaration of Policy*** – It is hereby declared the policy of the State to
4 pursue a marine-based economy by making full and efficient use of the country's marine
5 resources. Pursuant to this policy, first class coastal municipalities and all coastal cities
6 and provinces must each have a marine reserve for its aquatic resources and a fisheries
7 officer to perform the functions provided herein.

8

9 **SEC. 3. *Definition of Terms.*** – For purposes of this Act, the term "coastal cities
10 and provinces" shall mean cities and provinces bordering on a coast regardless of income
11 classification. On the other hand, the term "first class coastal municipalities" shall include
12 all municipalities bordering on a coast and whose income classification has been
13 determined by the Department of Finance in accordance with law as a first class
14 municipality. Furthermore other pertinent terms are defined as follows:

- 1 (a) *Buffer zones* are identified areas inside the boundaries of and immediately
2 adjacent to the Reserve that need special development control in order to
3 avoid or minimize harm to the Reserve;
- 4 (b) *Ecotourism* is a kind of tourism wherein no damage to the ecology is
5 sustained by the influx of visitors to the Reserve;
- 6 (c) *Fish production* refers to the capacity of the species found within the Reserve
7 to multiply to achieve a certain density of fish population;
- 8 (d) *Management plan* is the plan in accordance with the General Management
9 Planning Strategy of the DENR pursuant to Republic Act No. 7586 to serve as
10 the basis for the protection and enhancement of biodiversity of the Reserve for
11 sustainable development;
- 12 (e) *Management manual* is the manual relating to the management of the
13 Reserve;
- 14 (f) *Maximum sustainable yield* is the greatest amount of fish and fish products
15 taken or harvested from within the Reserve without affecting sustainability;
- 16 (g) *Multiple-use zones* are areas where sustainable economic activities may be
17 allowed to the extent described in the management plan;
- 18 (h) *Marine Reserve* is an area in the sea that is identified to have fish, marine and
19 other aquatic life that can be a source of food, or can be the breeding grounds
20 for fish and other marine life which shall be developed, protected and
21 managed to sustain its supply of fish or marine products.

22
23 **SEC. 4.** Each coastal province, coastal city and first class coastal municipality
24 shall identify and establish a Marine Reserve for Fish and Aquatic Resources, under the
25 management of the corresponding Fisheries Officers provided herein.
26

1 **SEC.5.** Paragraphs (a) and (b) of Section 443 of Republic Act No. 7160,
2 otherwise known as the Local Government Code of 1991, is hereby amended to read as
3 follows:

4 “*SEC. 443. Officials of the Municipality Government.* – (a) There shall be in each
5 municipality a municipal mayor, a municipal vice-mayor, sangguniang bayan members, a
6 secretary to the sangguniang bayan, a municipal treasurer, a municipal assessor, a
7 municipal accountant, a municipal budget officer, a municipal planning and development
8 coordinator, a municipal engineer/building official, a municipal health officer and a
9 municipal civil registrar. In addition, **all FIRST CLASS COASTAL**
10 **MUNICIPALITIES MUST HAVE A MUNICIPAL FISHERIES OFFICER.**”

11 (b) In addition, thereto, the mayor may appoint a municipal administrator, a
12 municipal legal officer, a municipal agriculturist, a *MUNICIPAL FISHERIES OFFICER*,
13 a municipal environment and natural resources officer, a municipal social welfare and
14 development officer, a municipal architect, a municipal information officer.”

15

16 **SEC 6.** Paragraph (a) of Section 454 of Republic Act No. 7160, otherwise known
17 as the Local Government Code of 1991, is hereby amended to read as follows:

18 “*SEC. 454. Officials of the City Government.* (a) There shall be in each city a
19 mayor, a vice-mayor, sangguniang panlungsod, a city treasurer, a city assessor, a city
20 accountant, a city budget officer, a city planning and development coordinator, a city
21 engineer, a city health officer, a city social welfare and development officer, and a city
22 general services officer. In addition, **EACH COASTAL CITY MUST HAVE A CITY**
23 **FISHERIES OFFICER.**”

24

25 **SEC. 7.** Paragraph (a) of Section 463 of Republic Act No. 7160, otherwise known
26 as the Local Government Code of 1991, is hereby amended to read as follows:

1 “SEC. 463. Officials of the Provincial Government. – (a) there shall be in each
2 province a governor, a vice-governor, members of the *sangguniang panlalawigan*, a
3 secretary to the *sangguniang panlalawigan*, a provincial treasurer, a provincial assessor, a
4 provincial accountant, a provincial engineer, a provincial budget officer, a provincial
5 planning and development coordinator, a provincial legal officer, a provincial
6 administrator, a provincial health officer, a provincial social welfare and development
7 officer, a provincial general services officer, a provincial agriculturist, and a provincial
8 veterinarian. In addition, **EACH COASTAL PROVINCE MUST HAVE A**
9 **PROVINCIAL FISHERIES OFFICER.**”

10
11 **SEC. 8.** Article Twelve, Title Five, Book III of Republic Act No. 7160, otherwise
12 known as the *Local Government Code of 1991*, is hereby amended to read as follows:

13 “Article Twelve. – The agriculturist **AND THE FISHERIES OFFICER**

14 **SEC. 482-A. Qualifications, Powers and Duties OF THE AGRICULTURIST. –**

15 (a) No person shall be appointed agriculturist unless he is a citizen of the
16 Philippines, a resident of the local government unit concerned, of good moral character,
17 a holder of a college degree in agriculture or any related course from a recognized
18 college or university, and a first grade civil service eligible or its equivalent. He must
19 have practiced his profession in agriculture or acquired experience in a related field for
20 at least five (5) years in the case of the provincial and city agriculturist, and three (3)
21 years in the case of the municipal agriculturist.

22 “The position of the agriculturist shall be mandatory for the provincial
23 government and optional for the city and municipal governments.

24 (b) The agriculturist shall take charge of the office for agricultural services,
25 and shall:

1 1. Formulate measures for the approval of the sanggunian and provide
2 technical assistance and support to the governor or mayor, as the case may be, in
3 carrying out said measures to ensure the delivery of basic services and provision of
4 adequate facilities relative to agricultural services as provided for under Section 17 of
5 this Code;

6 2. Develop plans and strategies and upon approval thereof by the governor or
7 mayor, as the case may be, implement the same, particularly those which have to do with
8 agricultural programs and projects which the governor or mayor is empowered to
9 implement and which the sanggunian is empowered to provide for under this Code;

10 3. In addition to the foregoing duties and functions, the agriculturist shall:

11 (i) Ensure that maximum assistance and access to resources in the production,
12 processing and marketing of agricultural and aqua-cultural and marine products
13 are extended to farmers, fishermen and local entrepreneurs;

14 (ii) Conduct or cause to be conducted location-specific agricultural researches
15 and assist in making available the appropriate technology arising out of and
16 disseminating information on basic research on crops, preventive and control of
17 plant diseases and pests, and other agricultural matters which will maximize
18 productivity;

19 (iii) Assist the governor or mayor, as the case may be, in the establishment and
20 extension services of demonstration farms or aqua-culture and marine products;

21 (iv) Enforce rules and regulations relating to agriculture and aquaculture;

22 (v) Coordinate with government agencies and non- governmental
23 organizations which promote agricultural productivity through appropriate
24 technology compatible with environmental integrity;

1 4. Be in the frontline of delivery of basic agricultural services, particularly
2 those needed for the survival of the inhabitants during and in the aftermath of man-made
3 and natural disasters;

4 5. Recommend to the sanggunian and advise the governor or mayor, as the
5 case may be, on all other matters related to agriculture and aqua-culture which will
6 improve the livelihood and living conditions of the inhabitants; and

7 “(c) Exercise such other powers and perform such duties and functions as may be
8 prescribed by law ordinance.

9
10 “SEC. 482-B. *Qualifications, Powers and Duties of the Fisheries Officer.* – (a) no
11 person shall be appointed fisheries officer unless he is a citizen of the Philippines, a
12 resident of the local government units concerned, of good moral character, a holder of a
13 college degree in fisheries or marine biology or any related course from a recognized
14 college or university, and a first grade civil service eligible or equivalent. He must have
15 practiced his profession in fisheries or acquired experience in a related field for at least
16 five (5) years in the case of the provincial and city fisheries officer, and three (3) years in
17 the case of the municipal fisheries officer.

18 “THE POSITION OF FISHERIES OFFICER SHALL BE MANDATORY FOR
19 ALL FIRST CLASS COASTAL MUNICIPALITIES AND ALL COASTAL CITIES
20 AND COASTAL PROVINCES.”

21 “(b) The fisheries officer shall take charge of the office for fisheries services AS
22 WELL AS OF THE MARINE RESERVE FOR AQUATIC RESOURCES HEREIN
23 PROVIDED, and shall perform all the functions of the agriculturist related to fisheries
24 enumerated in the preceding section.”

25

1 **SEC. 9. *The functions of the Fisheries Officer.*** – Fisheries Officer shall be
2 directly responsible to the provincial, city, municipal board and is hereby empowered to
3 perform any and all of the following:

4 (a) Administrative Functions:

- 5 1) Serve as the chief administrative officer of the Reserve for purposes of
6 implementing the management plan;
- 7 2) Recommend the hiring of personnel of the Reserve;
- 8 3) Establish a productive partnership with the local community including
9 groups in the planning, protection and management for the Reserve;
- 10 4) Develop and implement a Reserve information, education and visitor
11 program;
- 12 5) Develop and implement a natural history documentation program and
13 to oversee research that may be conducted within the Reserve;
- 14 6) Integrate the roles of non-government organizations, the DENR, DA
15 and other government agencies in the operation of the Reserve;
- 16 7) Document the process involved in the establishment and management
17 of the Reserve with particular reference to the development of
18 relationships with fishermen, small fisher folk inhabitants,
19 communities, buffer-zone residents and others in establishing effective
20 protection of the Reserve. Gather lessons learned from this
21 documentation and use them in future planning.

22 (b) Regulatory Functions:

- 23 1) Act as peace officer for the purpose of maintaining peace and order
24 within the Reserve. – As peace officer, he shall exercise police
25 supervision therein and may arrest any person found in any place
26 within the Reserve who is committing, has committed, or is about to
27 commit an act in violation of this Act of Republic Act No. 7586;

- 1 2) Enforce the rules and regulations formulated to protect and preserve
2 the Reserve from trespass, damage, injury and illegal activities;
- 3 3) Summarily remove or eject from the reserve persons who have
4 rendered themselves obnoxious by disorderly conduct or bad behavior
5 or who have violated any of the regulations of the Reserve;
- 6 4) Require, when necessary, any person entering or passing across
7 through or any part of the Reserve to give the following information:
8 name, address, the proposed duration of stay inside the Reserve and
9 the portion which he intends to visit or has visited and such other
10 information of a similar nature as may be required of him;
- 11 5) Prohibit persons from cutting or gathering mangrove forest products,
12 hunting or fishing within the Reserve without authority or permit to do
13 so;
- 14 6) Seize and confiscate fish, shellfish, and other marine products found
15 within the Reserve including instruments, tools and conveyances used
16 inside the Reserve by unlicensed persons or, if licensed, obtained in
17 violation of the provisions of this Act, Republic Act No. 7586 or the
18 rules and regulations issued in accordance with the guidelines
19 concerning confiscation, seizure and disposition of illegally-cut,
20 gathered and transported marine products and other natural resources
21 and confiscated wildlife; and;
- 22 7) Perform such other powers and duties as may from time to time be
23 prescribed by the competent authorities.

24
25 **SEC. 10. Appropriations.** – The funds necessary for establishing the Marine
26 Reserve for Fish and Aquatic Resources shall be included in the General Appropriations
27 Act for the year following the enactment of this Act, and the funds necessary for the

1 maintenance of such Marine Reserves shall be provided by the Local Government Units
2 (LGUs) wherein the Marine Reserve is established, annually in the LGU annual
3 appropriations.

4

5 **SEC. 11. *Implementing Rules and Regulations.*** – The Secretary of the
6 Department of Agriculture and Fisheries, in collaboration with the Secretary of the
7 Department of Interior and Local Government and the Department of Environment and
8 Natural Resources shall issue such rules and regulations for the effective implementation
9 of this Act within six (6) months from the approval of hereof.

10

11 **SEC. 12.** This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or in two (2) newspapers of general circulation.

Approved,