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

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SENATE S. No. <u>244</u>2

NECEIVED BY :.

Introduced by Senator Richard J. Gordon

EXPLANATORY NOTE

The Constitution under Article XIII, Section 7 explicitly provides that the State shall protect the rights of subsistence fisherfolk, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fisherfolk through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The right of fishworkers to receive a just share from their labor in the utilization of marine and fishing resources is likewise expressly affirmed in the same provision.

This mandate is echoed in Chapter I, Section 2 of Republic Act No. 8550 (RA 8550), otherwise known as the Philippine Fisheries Code of 1998, which declares the state policy that the rights of fisherfolk shall be protected and that to them shall be extended all the support that they need to improve their quality of living. In pursuance of these legal provisions, the Department of Agriculture has promulgated rules and regulations and other issuances to give life to these noble principles.

However, the recent devastation wrought by typhoon Frank (International Name: Fengshen), in all vividness, showed us how all these efforts to empower our fisherfolk were put to naught in the absence of adequate disaster preparedness. In the wake of typhoon Frank, twenty-two (22) more fishing vessels, aside from the ill-fated M/V Princess of the Stars, were either damaged or destroyed. Some of which remain missing, together with their crew. As of 2 July 2008, there were eighty-nine (89) missing and forty-one (41) dead. Worse, some of the crew members who were actually found could not even be identified. Hence, they could not be sent back to their families who were waiting in agony and who wanted nothing else but to give them a proper burial.

All this could have been avoided had the fishing vessels been seaworthy, and the crew properly equipped with sufficient identification, training and paraphernalia. It is for this purpose that this legislative measure is introduced. This bill gives paramount importance to the sufficient identification of the fishing vessel and its crew and the provision of proper training and equipment relating to disaster preparedness. This is another step towards truly empowering our fisherfolk, alleviating their quality of life and those of their families, and assuring them of the dignity that they deserve, in life and even in death.

RICHARD J. GORDON Senator

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AN ACT

AMENDING SECTIONS 19, 28, 30, 37, 38 AND 65 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 19 of Republic Act No. 8550 ("RA 8550"), otherwise known as the
 Philippine Fisheries Code of 1998, is hereby amended to read as follows:

³ "Sec. 19. *Registry of Municipal Fisherfolk.* – The LGU shall maintain a ⁴ registry of municipal fisherfolk, who are fishing or may desire to fish in ⁵ municipal waters for the purpose of IDENTIFICATION OF THESE ⁶ INDIVIDUALS, OF determining priorities among them, of limiting entry into the ⁷ municipal waters, and of monitoring fishing activities and/or other related ⁸ purposes: *Provided*, That the FARMC shall submit to the LGU the list of ⁹ priorities for its consideration.

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11The LGUs shall also maintain a registry of municipal fishing vessels by12type of gear and other boat particulars with the assistance of the FARMC.13THIS REGISTRY SHALL LIKEWISE BE POSTED IN BARANGAY HALLS OR14OTHER STRATEGIC LOCATIONS WHERE IT SHALL BE OPEN TO PUBLIC15INSPECTION."

16 Sec. 2. Section 28 of RA 8550 is hereby amended to read as follows:

"Sec. 28. Commercial Fishing Vessels Registration. – The registration,
 documentation, inspection and manning of the operation of all types of fishing
 vessels plying Philippine waters shall be in accordance with existing laws,
 rules and regulations, ESPECIALLY THOSE PERTAINING TO THE

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SEAWORTHINESS OF THE VESSELS, THE SAFETY OF THEIR CREW AND DISASTER MANAGEMENT PLANS."

Sec. 3. Section 30 of RA 8550 is hereby amended to read as follows:

"Sec. 30. *Renewal of Commercial Boat License*. – The commercial fishing boat license shall be renewed every three (3) years: *PROVIDED*, THAT THE FISHING VESSEL HAS PASSED THE EVALUATION OF THE APPROPRIATE GOVERNMENT AGENCIES WITH RESPECT TO ITS SEAWORTHINESS AND ITS COMPLIANCE WITH DISASTER MANAGEMENT MEASURES AS MAY BE PROVIDED BY LAW, RULES AND REGULATIONS."

Sec. 4. Section 37 of RA 8550 is hereby amended to read as follows:

"Sec. 37. Medical Supplies and Life-Saving Devices. – All fishing 12 vessels shall be provided with adequate medical supplies and life-saving 13 devices to be determined by the Occupational Safety and Health Center: 14 Provided, That [a fishing vessel of twenty (20) GT or more shall have as a 15 member of its crew a person qualified as a first aider duly certified by the 16 Philippine National Red Cross] ALL MEMBERS OF THE CREW OF FISHING 17 VESSELS SHALL BE REQUIRED TO UNDERGO MANDATORY BASIC 18 FIRST-AID AND DISASTER PREPAREDNESS TRAINING UNDER THE 19 PHILIPPINE NATIONAL RED CROSS, FREE OF CHARGE; PROVIDED 20 FURTHER, THAT ALL FISHING VESSELS SHALL BE EQUIPPED WITH 21 STANDARD FIRST-AID KITS AS MAY BE DETERMINED BY THE 22 PHILIPPINE NATIONAL RED CROSS." 23

24 Sec. 5. Section 38 of RA 8550 is hereby amended to read as follows:

"Sec. 38. *Reportorial Requirements.* – Each commercial fishing vessel
shall keep a daily record of THE COMPLETE NAMES OF THE MEMBERS
OF THE CREW ONBOARD, fish catch and spoilage, landing points, and
quantity and value of fish caught, and off-loaded for transshipment, sale
and/or other disposal. Detailed information shall be duly certified by the
vessel's captain and transmitted monthly to the officer or representative of the
Department, at the nearest designated landing point."

Sec. 6. Section 65 of RA 8550 is hereby amended to read as follows:

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"Sec. 65, Functions of the Bureau of Fisheries and Aquatic Resources.

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- As a line bureau, the BFAR shall have the following functions:

c. issue identification cards AND CORRESPONDING STAINLESS 3 STEEL NAME TAGS SIMILAR TO THOSE USED BY MILITARY 4 PERSONNEL, free of charge, to fishworkers engaged in commercial fishing. 5 THESE IDENTIFICATION CARDS AND TAGS SHALL CONTAIN THE 6 COMPLETE NAME OF THE MEMBER OF THE CREW, HER/HIS RELIGION, 7 BLOOD GROUP WITH RH FACTOR, AND SOCIAL SECURITY NUMBER. 8 THE CREW MEMBER SHALL ATTEST TO THE TRUTH OF THE 9 FOREGOING INFORMATION AS STATED IN HER/HIS IDENTIFICATION 10 CARD AND TAG. SUCH ATTESTATION SHALL BE STATED EXPLICITLY IN 11 THE CORRESPONDING IDENTIFICATION CARD; x x x" 12

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Sec. 7. All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed and modified accordingly.

Sec. 8. This Act shall take effect fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

19 Approved,

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