



**Bais City - Tanjay - Amlan - San Jose - Sibulan  
(BaTASS) Alliance Resolution No. 02**

**A RESOLUTION STRONGLY OPPOSING HB NO. 7853, AMENDING SECTION 18 OF  
RA 8550 OTHERWISE KNOWN AS "THE FISHERIES CODE OF 1998".**

**WHEREAS**, BaTASS Alliance is an inter- Local Government Unit alliance in Negros Oriental primarily aim to strength cooperation and collaborate coastal and fisheries resource management in the member LGUs municipal waters located in Tanon Strait.

**WHEREAS**, House Bill No. 7853 was introduced to the House of Representative proposing to amend Section 18 of RA 8550 to read as follows:

*Section 18. Users of Municipal Waters. – All fishery related activities in municipal waters as defined in this Code, shall be utilized by municipal fisherfolks and their cooperatives/organizations who are listed as such in the registry of municipal fisherfolk.*

*The municipal government, however, may, through its local chief executive and acting to pursuant to an 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 water as defined therein, provided that following are met:*

- a. no commercial fishing in municipal waters with depth less than seven (7) fathoms as certified by the appropriate agency.*
- b. fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the department.*
- c. prior consultation, through public hearing, with the C/MFARMC has been conducted; and*
- d. the applicant vessel as well as the shipowner, employer, captain, and crew have been certified by the appropriate agency as not having violated this code, environmental laws, and related laws.*

*Provided further, that, in cases where the municipal waters, as defined herein, of a municipality or city do not extend to at least ten point one (10.1) kilometers from the shoreline, small and medium commercial fishing vessels may still be given a permit to operate within such municipal waters as long as the above requirements are met.*

*Provided finally, that, in no case shall the authorization or permit mentioned above be granted for fishing in bays as determined by the Department to be in an environmentally critical condition and during closed season as provided for in Section 9 of this code.*

**WHEREAS**, Article XIII, Section 7 of the 1987 Constitution 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.

**WHEREAS**, Section 2 (d) of Republic Act No. 10654, which amended R.A. No. 8550, stipulates that it is the policy of the State to protect the rights of fisherfolk, specially of the local communities with priority to municipal fisherfolk, in the preferential use of the municipal waters.

**WHEREAS**, the proposed amendment allowing small scale and medium scale commercial fishing in municipal waters that do not extend to at least ten point one (10.1) kilometers from the shoreline is contradictory to the intention of the 1987 Constitution and R.A. No. 10654, which amended R.A. No. 8550 which is to reserve municipal waters for municipal fishing using passive fishing gears;

**WHEREAS**, the municipal waters particularly the area between the shoreline up to the seven (7) kilometer seaward where most of the critical habitats, such coral reef, mangrove and seagrass is considered the most productive fishery, thus making the seven (7) kilometer area and above the best fishing ground in the municipality. This should be exclusive to marginal fisherfolks who are poor and lack skills and resource to fish further from shore, for whom fishing is always a last resort to earn a living.

**WHEREAS**, providing small and medium scale commercial fishing access to municipal waters which do not extend to at least ten point one (10.1) kilometers is adding fishing effort to a small fishing ground whose maximum sustainable yield is far lower than municipal waters with fifteen kilometers limit. It will worsen the problem of overfishing, which reduces the ability of marine resources to recover.

**WHEREAS**, the proposed amendment will worsen the plight of the marginal fisherfolks who are among the ones who suffered most during this pandemic period. They cannot compete with the commercial fishing machinery. The enormous capacity of these vessels to catch large volumes of fish also limits the catch of the fisherfolks. A single operation of these large-scale vessels is equivalent to one month of hard work in fishing for the small-scale fishers. It will greatly affect their ability to support their families.

**WHEREAS**, this amendment will only increase the inequality between marginalized fishers who have no choice but depend on their municipal waters for their livelihood, and more powerful commercial fishing interests in pursuit of greater profit.

**NOW THEREFORE**, on mass motion by members present, **RESOLVED**, as it is hereby **RESOLVED**, to **STRONGLY OPPOSE** the approval of HB No. 7853, Amending Section 18 of RA 8550 otherwise known as "The Fisheries Code of 1998".

**PROVIDE FURTHER**, that a copy of this resolution shall be submitted to the Chair - Committee on Fishery and Aquatic Resources, House of Representatives, Republic of the Philippines.


UNANIMOUSLY CARRIED AND APPROVED.

  
**MERCEDES TEVES GONI**  
City Mayor, Bais City


  
**MANUEL JOSE C. SYCIP**  
Municipal Mayor, Amlan

  
**JOSE A. HERRERA**  
Municipal Mayor, Sibulan

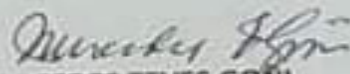
  
**REYNALDO S. CONCEPCION**  
City Mayor, Tanjay City

  
**SHEILA B. RUIZ**  
Municipal Mayor, San Jose

I HEREBY CERTIFY TO THE CORRECTNESS OF THE ABOVE-QUOTED RESOLUTION.

  
**SHEILA B. RUIZ**  
Municipal Mayor, San Jose  
Secretary – BaTASS Alliance

ATTESTED BY:

  
**MERCEDES TEVES GONI**  
City Mayor, Bais City  
Chairperson – BaTASS Alliance