



EXCERPTS FROM THE MINUTES OF VIRTUAL MEETING OF THE NATIONAL ANTI-POVERTY COMMISSION – ARTISANAL FISHERFOLK SECTORAL COUNCIL (NAPC-AFSC) ON FEBRUARY 5, 2021 VIA ZOOM TELECONFERENCE

**Resolution No.
Series of 2021**

**A RESOLUTION STRONGLY OPPOSING HOUSE BILL No. 7853,
AMENDING SECTION 18 OF REPUBLIC ACT NO. 8550 OTHERWISE KNOWN AS
'THE FISHERIES CODE OF 1998'**

WHEREAS, House Bill No. 7853 was introduced to the House of Representatives 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 ship-owner, 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



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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 repugnant to the intention of the 1987 Constitution and R.A. No. 10654, which amended R.A. No. 8550 which is to reserve municipal waters to municipal fishing using passive fishing gears;

WHEREAS, the municipal waters particularly the area between the shoreline up to the seven (7) kilometer seaward is considered the most productive fishery area being host to many marine habitats, 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 where fishing is always a last resort to earn a living.

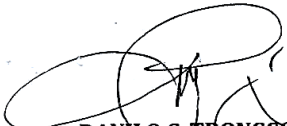
WHEREAS, the proposed amendment will push further the lowly plight of the marginal fisherfolks who suffered the most during this pandemic period. They cannot compete with the commercial fishing machinery. The enormous capacity of these vessels to catch large volumes of fish also limits the catch of the 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.

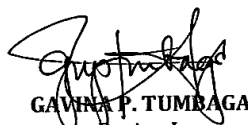
WHEREAS, the amendment will only bring disaster to the fisherfolks but a profitable enterprise to commercial fishers.


NOW THEREFORE, on mass motion by members present, **RESOLVED**, as it is hereby **RESOLVED**, to **STRONGLY OPPOSE** the approval of HB Opposing 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 Fisheries and Aquatic Resources, House of Representatives, Republic of the Philippines.

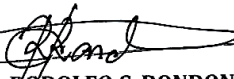
UNANIMOUSLY CARRIED AND APPROVED THIS 5TH OF FEBRUARY 2021.



DANILO C. TRONGCO
CAR


GAVINA P. TUMBAGA
Region I


MERCEDITA A. SUETOS
Region II


RESTITUTO P. DEL ROSARIO
Region III


RODOLFO C. RONDON
NCR


ANTONIO D. BAUTISTA
Region IV-A



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Region IV-B


CHARLES C. CAPRICHIO
Region V


TEDDY A. MATULAC
Region VI


DELFA T. TALAID
Region VII

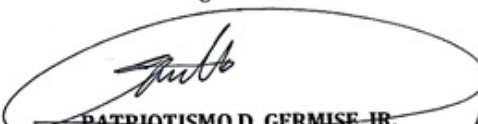

VEDA L. RAUNILLO
Region VII


GERARDO M. MALINAO
Region VIII

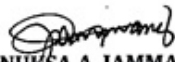

EMILIO H. ALVERIO
Region IX


FERNANDO P. OCABA
Region X


NATIVIDAD L. GUNAYAN
Region XI


PATRIOTISMO D. GERMISE, JR.
Region XII


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