

The Philippine Fisheries Code: National Policy for Sustainable Fisheries¹

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Historical Development of the Philippine Fisheries Legislation

Fishery specific policies in the Philippines were not apparent until 1932 when the first Fisheries Act was introduced placing fisheries management under the jurisdiction of the Secretary of Agriculture and Natural Resources. Notable provision in the Act is on trade which limits the importation and exportation of any fish, mollusks, crustaceans, or amphibian or other aquatic animal, adult, young, or fry, or fish eggs. It linked the economic relationship with the United States allowing its citizens and corporations to access fishing grounds through a permit issued by the national government.

The unregulated method of fishing of commercial operators and small fisherfolk through the years led to the depletion of stock and degradation of the environment prompting the promulgation of the Presidential Decree (PD) No. 534 (1974) instituting high penalties ranging up to 12 years or life imprisonment in extreme cases for illegal fishing, i.e. fishing with obnoxious or poisonous substances, explosives, and electro-fishing.

All prior legislations in fishery were codified into the Fisheries Decree of 1975 (PD 704). The law provided opportunities to foreign investors (but maintaining 60% capital stock to local investors) to improve global competitiveness by modernizing the industry through these investments. It encouraged maximum economic utilization of fishery resources in an integrated manner while putting some limits to fishing by reserving the seven-kilometer zone to small fisherfolk. More regulations were put in place but the inability of concerned agencies to enforce regulatory and management systems eventually led to stock depletion and resource degradation.

Fisheries Code of 1998

Republic Act (RA) 8550 is the response to address the trend of blind resource exploitation. This Act, otherwise known as the Fisheries Code of 1998, is the governing law in Philippine fisheries to address the interconnected issues of resource degradation and unrelenting poverty among municipal fishers. It provides for a national policy on sustainable use of fishery resources to meet the growing food needs of the population. It calls for management of fishery and aquatic resources in a manner that is consistent

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with the concept of an integrated coastal area management in specific natural fishery management areas.

The Code also promotes and protects the rights of municipal fisherfolk, especially in the preferential use of municipal waters. Resident fisherfolks and their cooperatives/organizations are given the priority to exploit the expanded 15-kilometer limit of municipal waters. It further mandates the government to promote the general welfare of municipal fishers through provision of support services and fair labor practices.

The Fisheries Code was passed by the Philippine Congress on 19 February 1998 and was subsequently approved by the Office of the President on 25 February 1998. The law became effective on 23 June 1998. It contains nine (9) chapters with provisions on utilization, management, development, conservation and allocation system of fisheries and aquatic resources; reconstitution of the Bureau of Fisheries and Aquatic Resources and creation of the Fisheries and Aquatic Resources Management Councils; fishery reserves, refuge and sanctuaries; and research and development. One chapter each is dedicated for prohibitions and penalties; general provisions; transitory and final provisions.

Efforts to address resource degradation

Overfished or in danger of being overfished areas are established as fish refuge and marine sanctuaries. These are designated areas where fishing and other forms of activities that may damage the ecosystem are regulated, restricted or prohibited, depending on their degree of harm. The law also provides that at least 15% of the total coastal areas in each municipality should be designated as fishery refuge and sanctuaries to establish more fish sanctuaries and marine protected areas.

Participatory management through various levels of Fisheries and Aquatic Resources Management Councils (FARMCs) is enhanced and institutionalized by the law. FARMCs are established in the national level and all municipalities/cities abutting municipal waters to act as an advisory and recommendatory body and to assist in the enforcement of ordinances and other fishery laws, rules and regulations. The combination of organized fishers and local government units (LGUs) is intended to serve as a venue for close collaboration among civil society groups in the management of contiguous resources.

Efforts to address poverty

Resident municipal fisherfolk and their cooperatives/organizations are given preferential fishing privileges in the municipal waters which include not only streams, lakes and rivers within the municipality/city but also marine waters within the 15-kilometer zone from the coastline. Small and medium commercial fishing vessels may be allowed but only within the 10.1 to 15-kilometer zone of municipal waters and under stringent condition through an ordinance. In the same way, the granting of Fishpond Lease Agreements (FLAs) gives preference to municipal fisherfolk and their organization as well as in the operation of fish pens, fish cages, fish traps and other structures.

Furthermore, the Code mandates the government to provide support services in the form of research and extension, credit, post-harvest facilities, infrastructures, fisherfolk settlements and entitlement to same privileges as those accorded to other workers under the Philippine Labor Code.

Conclusion

Poverty in the fisheries sector is attributable to low productivity of aquatic resources brought about by degradation, stock depletion and resource use conflict in the coastal waters. The Philippine Fisheries Code deems the conservation and protection of the fishery resources imperative to improve productivity. Various processes to promote sustainable fisheries which include participatory management through FARMCs and establishment of fish refuge, sanctuaries and marine protected areas are stipulated in the Code. The extent of jurisdiction of the local government units (LGUs) over municipal waters is clarified as well as the operation of commercial vessels in municipal waters. An extensive list of penal laws is also codified to facilitate enforcement and local legislation. However, the remaining challenge, albeit a pivotal one to ensure sustainable fishery resource management, concerns strict enforcement of the provisions of the Fisheries Code.

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