



The problem of jurisdiction in CRM has two dimensions: 1) physical, from which coastal resources are characterized as complex, diverse, and interrelated systems; the problem of jurisdiction arises because of the inherent difficulty of assigning discrete functions and boundaries to coastal resources; and 2) institutional, which describes the government agencies involved in CRM, their mandates, and functions. The lack of a single agency involved in CRM as well as overlapping functions is emphasized here.

The links between the physical and institutional framework point to rigidities characterized by institutional structures being forced on non-rigid resources. There are notable inconsistencies between the national legal system and local level legal regimes. Attempts to clarify the hierarchy of laws and the spirit and intent of the LGC in relation to existing national laws and administrative orders (AO) are discussed here.

The coastal zone is defined as the strip of land and adjacent lake or ocean space (water and submerged land) in which the land ecology and land use affect lake and ocean space ecology and vice versa. Functionally, it is a broad interface between land and water where production, consumption and exchange processes occur at high rates of intensity. Ecologically, it is an area of dynamic biochemical activity but with limited capacity for supporting various forms of human use. Geographically, the outermost boundary is defined as the extent to which land-based activities have measurable influence on the chemistry of the water or on the ecology or biota. The innermost boundary is one kilometer from the shoreline except at places where recognizable indicators for marine influences exist like mangroves, nipa swamp, beach vegetation, sand dunes, salt beds, marshlands, bayous, recent marine deposits, beach and sand deposits and deltaic deposits, in which case the one kilometer distance shall be reckoned from the edges of such features (NEPC 1980).

The difficulty of managing coastal resources is a result of:

- ◆ Varied economic activities in the coastal area (Figure 3-1)
- ◆ Management of economic activities is sectoral in nature; thus, a host of institutions have jurisdiction over coastal resources and no single entity manages the coastal zone in an integrated and holistic manner (Figure 3-2)

Many of the problems associated with CRM have been attributed to divergent goals and weaknesses in the capabilities of agencies tasked to ensure the proper development of the coastal resource base. In the Philippines, the institutional framework for the management of fisheries and coastal resources has been described as “lacking in central focus, authority, or leadership, and is characterized by a fragmentation of functions among a number of Cabinet departments”

3.1 CHARACTER OF COASTAL RESOURCES AND ITS IMPLICATIONS TO MANAGEMENT

3.2 INSTITUTIONAL FRAMEWORK



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FIGURE 3-1.
VARIED ECONOMIC ACTIVITIES
OCCURRING IN THE COASTAL ZONE

Various economic activities are dependent, both directly and indirectly, on coastal resources. The resource users themselves are pursuing objectives that do not complement each other thus causing wastage and inefficient resource use. An overexploited fishery, for example, is known to have excess labor and capital which should have been used more efficiently in other economic sectors.

Resource use issues in the coastal zone are not limited to those which occur in the coast itself. Coastal waters serve as a catch basin for lowland and upland activities such as agriculture (agri-chemical loading), human settlements (organic wastes), and mining and forestry (siltation and pollution). When varied players are involved, it is difficult to ascertain accountability.

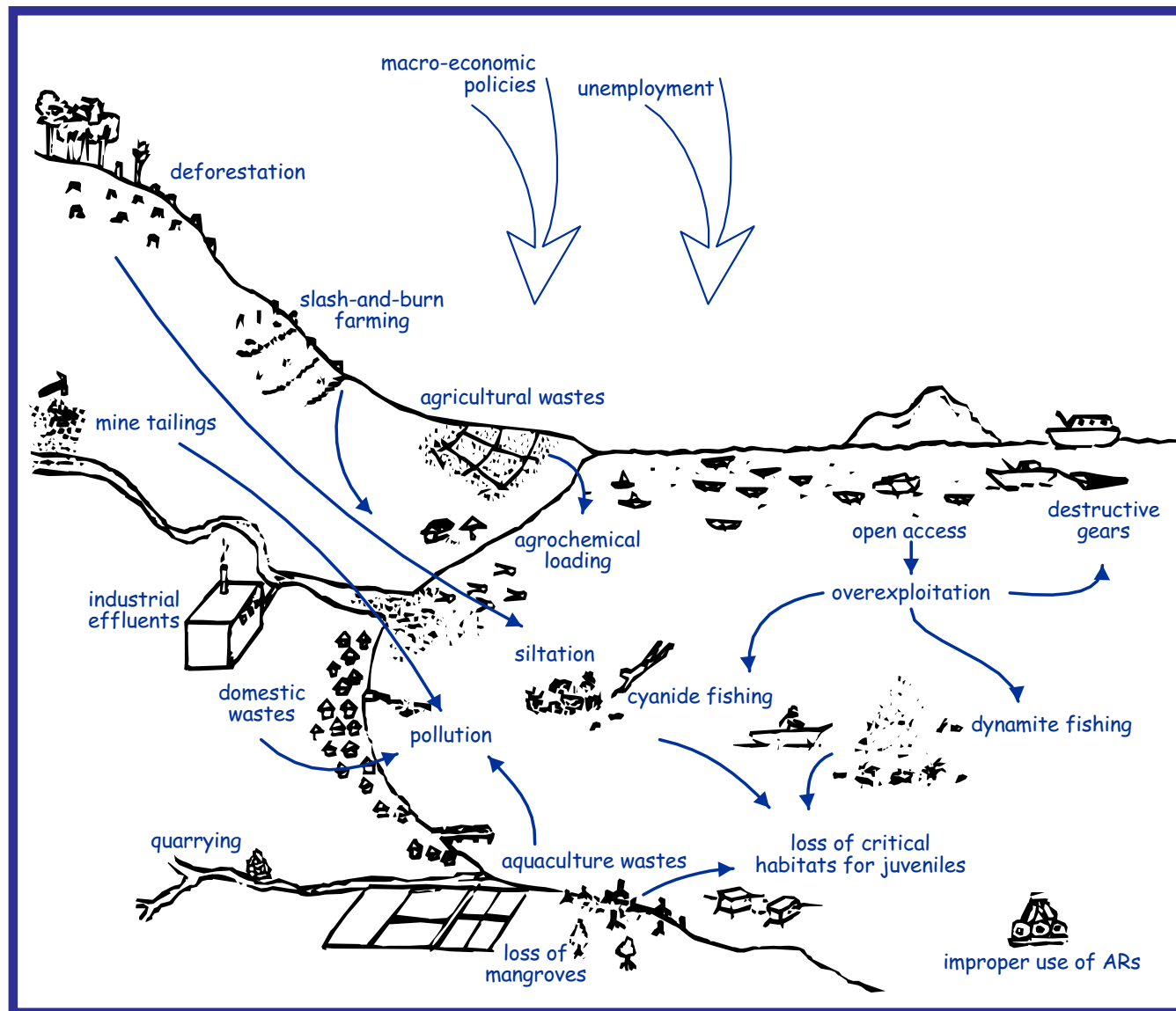
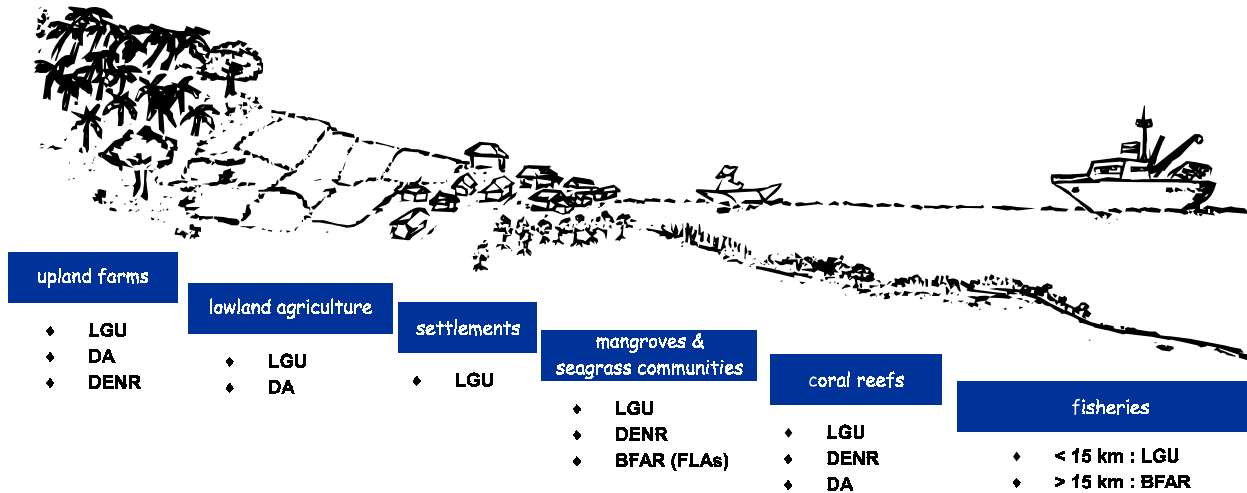




FIGURE 3-2.
A TYPICAL COASTAL VILLAGE AND
THE VARIOUS AGENCIES INVOLVED
IN IMPLEMENTING ITS CRM AND
DEVELOPMENT ACTIVITIES

(Adapted from Fellizar et. al. 1996)



A host of institutions have jurisdiction over coastal resources. There is no single agency which manages the coastal zone in an integrated and holistic manner. In addition, the LGU is another institution to contend with in CRM.

(PRIMEX 1996). While this may be true for certain sectoral concerns, recent discussion initiated by the CRMP with the DA-BFAR, DENR, and DILG has helped to clarify institutional roles and jurisdictions and define the legal environment for many CRM strategies. The institutional situation has been further improved with the passage of the LGC which devolved many responsibilities previously being dispensed by national government agencies to the local governments. The following describes the fundamental mandates and agency responsibilities of the major institutions involved in CRM.

1) DA-BUREAU OF FISHERIES AND AQUATIC RESOURCES (BFAR)

The jurisdiction of BFAR as the country’s main steward for fishery resources has been influenced by a series of legislation (Table 3-1). BFAR evolved from the former Philippine Fisheries Commission which was created in 1963 through RA No. 3512. Under Presidential Decree No. 704, or the Fisheries Decree of 1975, BFAR exercised jurisdiction and assumed responsibilities over the formulation, administration, and implementation of fisheries policies,

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TABLE 3-1.
KEY LEGISLATION THAT INFLUENCED
BFAR'S ROLE IN FISHERIES
MANAGEMENT IN THE LAST 30
YEARS

YEAR	LEGISLATION	FEATURE(S)
1963	RA 3512	Created the Philippine Fisheries Commission
1975	PD 704	BFAR's mandates include development and management of the country's fisheries
1984	EO 967	Administration of BFAR was transferred from DNR to MAF (some functions, such as those related to the management of coastal and marine habitats remained with DNR)
1986	EO 116	BFAR was relegated to the food production group of DA and became a staff bureau Abolition of BFAR's administrative, regulatory and enforcement functions Abolition of BFAR's field units
1987	EO 292	Assigns to both DA and DENR fisheries-related functions
1991	RA 7160 (LGC)	Devolves specific fishery management functions (regulatory and enforcement) to LGUs

regulatory measures, licensing, research, and statistical information gathering over all aquatic resources of the country except in municipal waters which remained under the jurisdiction of the respective municipal or city governments.

A series of Executive Orders (EO) designed to rationalize the structure of existing government institutions greatly changed the scope of BFAR's jurisdiction over fishery resources. Moreover, these promulgations have caused some confusion instead of clarification. For example, Title XIV of EO 292 grants DENR the responsibility to control and supervise the exploration and development of the country's natural resources, including fisheries and off-shore resources, and to promulgate rules, regulations, and guidelines on the issuance of licenses, permits, and concessions involving the use of the country's freshwater, brackishwater, and marine resources. Under Title IV, however, the DA has the mandate to promote the well-being of fishermen and accelerate the development and optimum utilization of fishery resources in order to attain food security.

At present, however, due to technical considerations, BFAR still continues to exercise regulatory and quasi-judicial functions, and is still regarded as the principal agency concerned with fishery resource management. This is clearly



demonstrated in the DA's FSP where BFAR was the lead executing agency of the Program in 12 priority bays. Under the program, policy reforms related to sustainable use of fishery resources based on maximum sustainable yields (MSYs) were initiated by the DA and these policies continue to be the essential element of BFAR's Medium Term Fisheries Management and Development Plan for 1993 to 1998. Under the present set-up, BFAR is responsible for the following basic tasks:

- ◆ Continue to provide policy direction on CRM implementation in the country as enumerated in the medium term fisheries plan
- ◆ Provide technical assistance to LGUs in the development of CRM plans for their respective municipal waters
- ◆ Assist in the organization of Fisheries and Aquatic Resources Management Councils (FARMCs)
- ◆ Provide services to LGUs, FARMCs, and fishermen associations in the conduct of resource studies and researches from which local fisheries management measures can be based
- ◆ Provide training and extension services on various aspects of CRM
- ◆ Assist LGUs in the establishment of fish sanctuaries through site evaluation studies and, depending on the LGU's desire, enact Fisheries Administrative Orders (FAO) to support the sanctuaries
- ◆ Provide logistical and institutional assistance to the organization and operation of fishery law enforcement task forces at the local level, including the establishment of cyanide detection laboratories
- ◆ Coordinate with LGUs and ensure that subsisting FAOs are being implemented
- ◆ Continue to regulate fishing activities beyond municipal waters

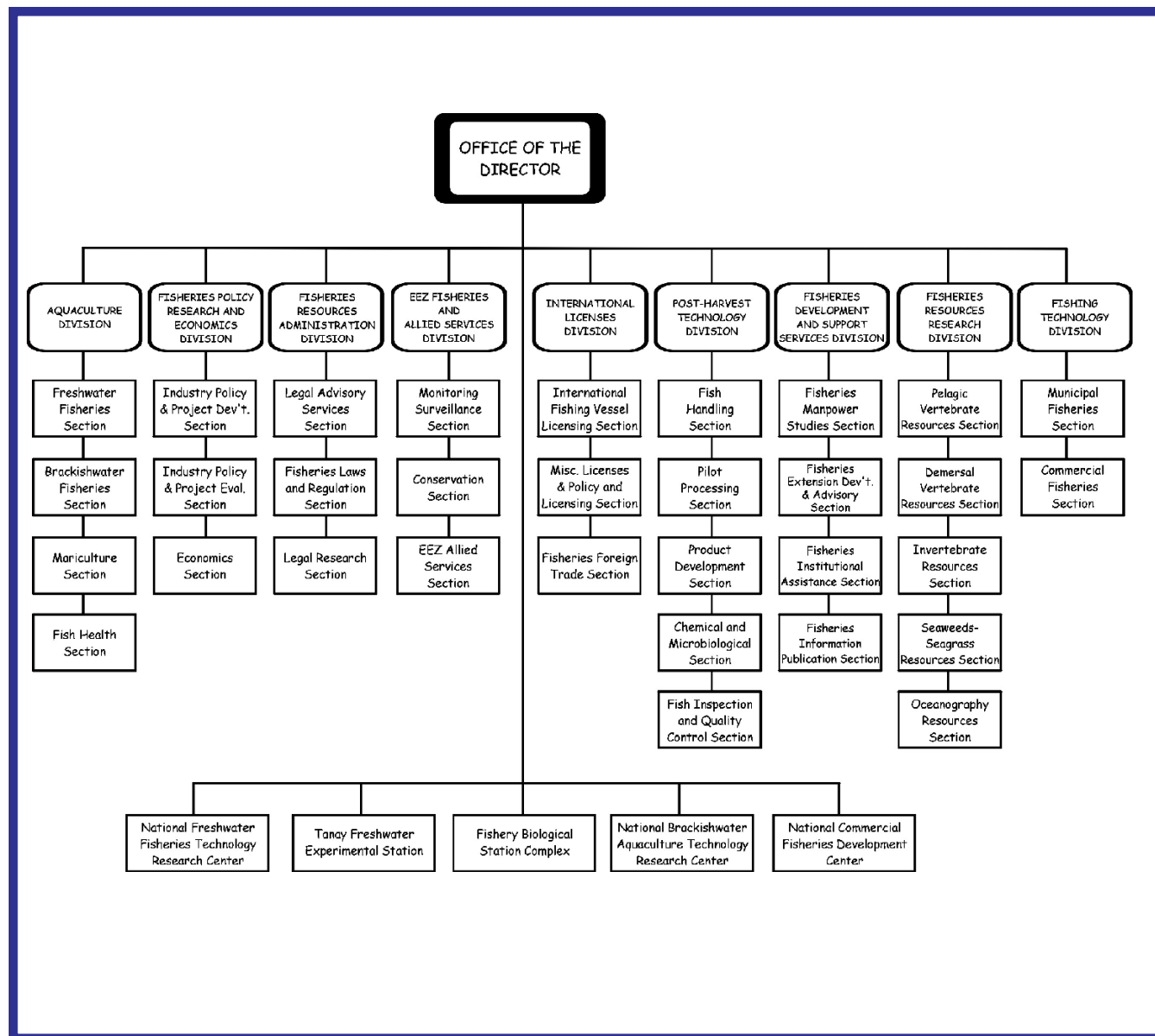
BFAR's organizational structure, showing the lines of functions after its relegation to staff bureau is shown in Figure 3-3.

2) DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR)

Coastal area management has been an integral part of the DENR's responsibilities. The agriculture and natural



FIGURE 3-3.
BFAR ORGANIZATIONAL
STRUCTURE





resources sectors were previously under a single department called the Department of Agriculture and Natural Resources (DANR). In 1974, DANR was split into the DA and the Department of Natural Resources (DNR). A series of cabinet modifications undertaken before the 1990s eventually left DENR with a significant mandate on CRM (Table 3-2). A 1987 EO reorganizing the DENR (EO 192) did not list “fisheries” as one of the sectors under DENR’s jurisdiction, but as stated earlier, EO 292, which effectively amended EO 192 as it came out more than a month later, broadly mandated DENR to exercise responsibility for:

- ◆ The full exploration and development, as well as the judicious...utilization, management, renewal, and conservation of the country’s forest, mineral, land, water, fisheries, wildlife...and other natural resources (Sec. 1 of Title XIV)
- ◆ The promulgation of rules, regulations, and guidelines on the issuance of licenses, permits, concessions, lease agreements, and such other privileges concerning the development, exploration, and utilization of marine, freshwater and brackishwater, and over all aquatic resources of the country... [In addition, DENR] shall continue to oversee, supervise, and police our natural resources (Sec. 4 of Title XIV)

To implement its mandate, DENR has been involved in policy issuances and programs that focus on the management of mangroves and associated terrestrial and aquatic flora and fauna within the marine zone. It has not directly involved itself, however, on fishery regulatory, licensing, research, and enforcement functions which are presently being exercised by BFAR.

Apart from the AOs concerning mangrove resource management and conservation, DENR, pursuant to RA 7586, implemented in 1993 the National Integrated Protected Areas System (NIPAS) to address the Department’s marine concerns by including seascapes in the category of protected areas. In 1993, DENR launched its Coastal Environment Program (CEP) through DAO No. 19 series of 1993, which aimed to uplift the socio-economic conditions of the country’s coastal population through the protection of the environment and the implementation of strategic interventions on resource assessments, CO, information and education campaigns, and the identification and establishment of impact sites and seascapes.

Many of the functions that DENR retained after the devolution relate to forest management in forest lands not devolved to the LGUs; mines and geo-sciences management that does not fall under the purview of the small-scale mining act; environmental management, specifically the implementation of the environmental impact assessment system (EIA) for businesses and projects not covered by Kalakalan 20; management of protected areas under the NIPAS; land management; and ecosystems research.

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TABLE 3-2.
MAJOR LEGISLATION THAT
INFLUENCE DENR'S ROLE IN
COASTAL AREA MANAGEMENT

YEAR	LEGISLATION	FEATURE(S)
1974	PD 461	The Department of Agriculture and Natural Resources is divided into the DA and DNR.
1975	PD 705	Releases to the administration of BFAR mangrove areas suitable for fishpond development; establishes mangrove areas needed for forest purposes
1975	PD 825	Penalizes improper disposal of garbage
1976	PD 979	The marine pollution decree vests on DENR-Environmental Management Bureau (EMB) the authority to promulgate laws governing marine pollution
1978	PD 1586	The Philippine Environmental Impact Assessment is established under the administration of DENR
1984	EO 967	BFAR is transferred from the Ministry of Natural Resources to the Ministry of Agriculture and Food. However, jurisdictional authority over management of marine environment, including coral reefs and other marine habitats, remains with the Ministry of Natural Resources
1987	EO 292	Mandates DENR to exercise responsibility for the exploration and development of natural resources, including fisheries
1990	RA 6969	Toxic Substances and Hazardous and Nuclear Waste Control Act
1991	RA 7076	A People's Small-Scale Mining Program is established and placed under the supervision of the DENR
1992	RA 7586	NIPAS Law declares eight categories of protected areas, including protected seascapes under the administration of DENR-PAWB
1992	DAO 30	Defines scope of devolved DENR functions to LGUs
1993	DAO 19	Establishes the Coastal Environment Program (CEP)
1995	RA 7942	The Philippine Mining Act is approved
1995	EO 263	Adopts Community Based Forest Management (CBFM) as the National Strategy to ensure the sustainable development of the country's forest lands resources and providing mechanisms for its implementation



On the other hand, many of the basic functions that relate to CRM have been devolved by DENR to the LGUs. These include:

- ◆ Implementation of community-based forestry projects: integrated social forestry projects, new regular reforestation projects, forest land management agreements, and other community forestry projects
- ◆ Management and control of communal forests with an area not exceeding 50 sq km
- ◆ Management, protection, rehabilitation, and maintenance of small watershed areas as identified by DENR
- ◆ Enforcement of forestry laws in community-based forestry projects and communal forests
- ◆ Establishment, protection, and maintenance of tree parks; greenbelt areas; and other tourist attractions in areas identified by DENR
- ◆ Implementation of the Rehabilitation in Conservation Hotspots project and the Conservation of Rare and Endangered Species project in areas identified by DENR
- ◆ Enforcement of pollution control laws, including the issuance of environmental clearance certificate (ECC) for projects under Kalakalan 20, adjudication of cases involving complaints against businesses under Kalakalan 20, and apprehension of smoke-belching vehicles
- ◆ Solid waste disposal and other environmental management systems related to hygiene and sanitation
- ◆ Implementation of cease-and-desist orders (CDO) issued by the Pollution Adjudication Board.

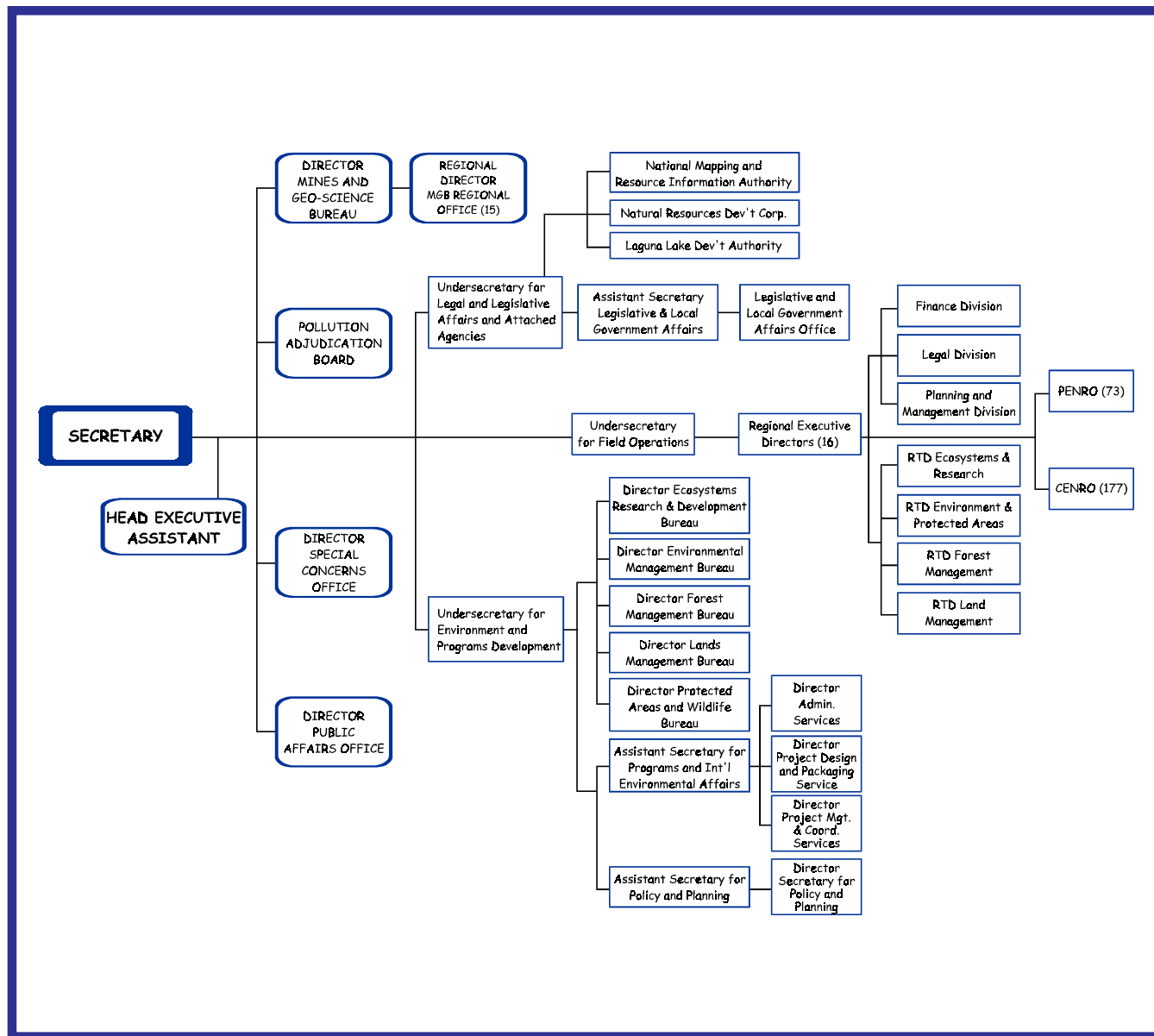
The DENR's organizational structure is shown Figure 3-4.

3) DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENTS (DILG)

DILG was reorganized by virtue of RA 6975 which created two basic sectors within the department — the Local Government Sector and the Interior or Public Safety Sector. The former, which is responsible for planning,



FIGURE 3-4.
DENR ORGANIZATIONAL
STRUCTURE





implementing, monitoring, and evaluating plans, programs, and policies pertaining to local autonomy, decentralization, and local governance, consists of the Bureau of Local Government Development (BLGD), Bureau of Local Government Supervision (BLGS), National Barangay Operations Office (NBOO), Local Government Academy (LGA), and staff bureaus. The BLGD is in charge of establishing and prescribing policies, guidelines, systems, and approaches to local governments, and in evaluating local development policies to enhance the participation of local governments in planning and implementation. It also provides support services to the Oversight Committee of the LGC in its sustained implementation. The BLGS, on the other hand, is the principal staff bureau that formulates policies pertaining to general supervision over LGUs and provides assistance in the preparation of national legislation affecting local governments. The latter sector, which is composed of the National Police Commission, the Philippine National Police (PNP), the Bureau of Fire Protection and the Bureau of Jail Management and Penology, is responsible for planning and implementing the Department's programs on peace and order and public safety.

RA 6975 (the DILG Act) created the PNP Maritime Command (PNP-MARICOM), a maritime police unit within the PNP, and has been vested with the authority to perform all police functions "over Philippine territorial waters and rivers, coastal areas from the shoreline to one mile inland to include ports and harbors and small islands of two miles in length or diameter with less than 1,000 population". Section 24 of RA 6975 also clarified that after an 18-month transition period, the PNP-MARICOM will absorb all police functions of the Philippine Coast Guard (PCG). This transition period ended on June 1992.

Although the extent of the PNP-MARICOM's jurisdiction over the entire Philippine territorial waters remains unqualified, there is general acceptance of the delineation of its jurisdiction with that of the PCG inasmuch as the former is under the DILG while the latter is under the Department of National Defense (DND). The PCG, apparently out of administrative expediency, retains its jurisdiction over the enforcement of Philippine laws on the high seas on top of its usual functions of ensuring safety at sea and enforcement of marine anti-pollution laws.

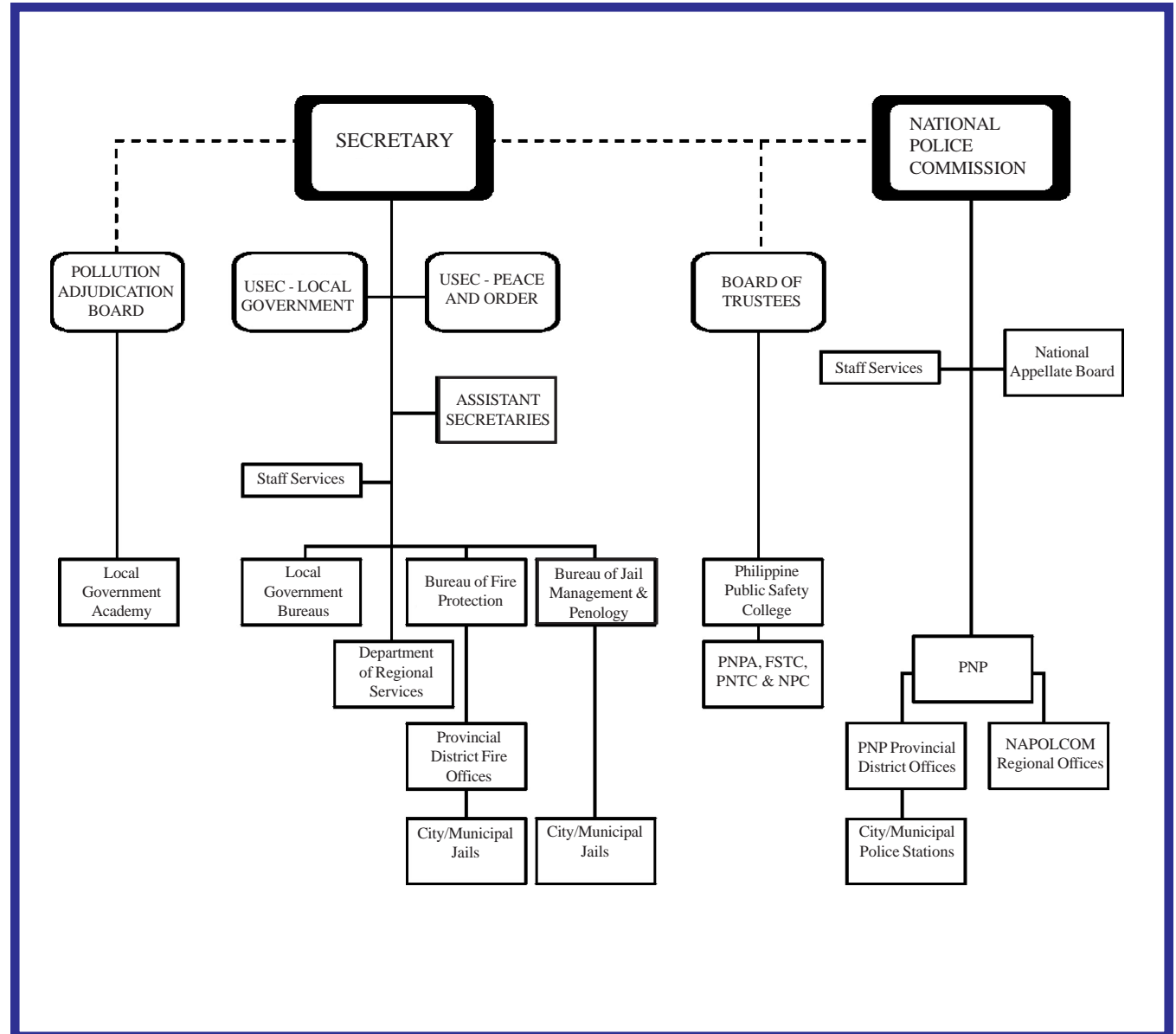
DILG's basic organizational structure is shown in Figure 3-5.

4) DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS (DOTC)

The DOTC's direct involvement in CRM can be found in two of its attached agencies: the Maritime Industry Authority (MARINA) and the Philippine Ports Authority (PPA). Under EO 125, the DOTC "is the primary policy, planning, programming, coordinating, implementing, regulating, and administrative entity of the executive branch of government in the promotion, development, and regulation of dependable and coordinated networks of transportation



FIGURE 3-5.
DILG ORGANIZATIONAL
STRUCTURE





and communications systems.” In practice, DOTC undertakes policy formulation, infrastructure development, and regulatory functions, and is currently involved in the construction of fish ports, municipal ports, as well as the improvement and maintenance of 100 existing lighthouses in the country.

The MARINA is responsible for the promotion and development of the maritime industry, the regulation of shipping, and maritime safety regulatory functions in collaboration with the PCG. MARINA used to be involved in the registration and inspection of commercial fishing boats but this is now performed solely by the PCG. MARINA’s role is limited to the issuance of certificate of Philippine registry to commercial fishing boats operating in the country. Unlike the PCG, however, MARINA does not have any regulatory mandate over municipal fishing boats.

The PPA is responsible for the development of ports and the provision and supervision, control, operation, and maintenance of port facilities and services. The PPA also regulates the establishment of private ports.

It is important to note that both the PPA and the MARINA rely on the PCG to enforce regulations and ensure compliance to maritime safety requirements.

5) DEPARTMENT OF NATIONAL DEFENSE-PHILIPPINE COAST GUARD (DND-PCG)

The PCG was established in 1967 through Republic Act 5173 as a major unit of the Philippine Navy. It is mandated to (1) promote safety at sea, (2) promote maritime security as an armed force, (3) assist in the implementation of laws in the high seas and waters under Philippine jurisdiction, and (4) safeguard marine resources and environment. In the enforcement of anti-pollution laws, the PCG is specifically tasked to (1) prevent, mitigate, and control marine pollution through a system of ship-based pollution monitoring, and (2) enforce applicable environmental laws in the seas.

Apart from being the lead agency in the enforcement of anti-marine pollution laws, the PCG is tasked, under Section 17 of PD 704, to perform all functions relating to the registration, documentation, inspection, and manning of all types of fishing boats (except those registered as municipal fishing boats) plying Philippine waters, and to certify their seaworthiness. More significantly, the PCG is also tasked to maintain a registry of all municipal fishing bancas and to certify and quantify in the process the gross tonnage of such fishing bancas before they can be issued a municipal fishery license.

Take note that while the DND-PCG and MARICOM are both involved in the enforcement of maritime laws, the latter is mandated, through section 24 of RA 6975 (Local Government Act of 1990), to absorb and perform all police

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functions of the PCG and maintain peace and order “over Philippine territorial waters and rivers, including ports of entry and exit”. Fishery law enforcement task forces in most of the coastal municipalities in the country thus employ MARICOM personnel.

6) DEPARTMENT OF SCIENCE AND TECHNOLOGY-PHILIPPINE COUNCIL FOR AQUATIC AND MARINE RESEARCH AND DEVELOPMENT (DOST-PCAMRD)

PCAMRD started as a unit under the Philippine Council for Agriculture Research and Development which was attached to the DA. During the 1987 reorganization, PCAMRD was placed under DOST as one of its sectoral planning councils through EO 128 and was given the following broad mandates:

- ◆ Monitor aquatic and marine research and development projects
- ◆ Formulate strategies, policies, plans, programs, and projects for aquatic and marine science technology
- ◆ Generate external funds

In carrying out its mandate, PCAMRD provides research and development directions for fisheries and aquatic resources through its 5-year NARRDS. NARRDS consists of a network of research and development institutions, state colleges and universities, and regional research stations of DA and DENR; it directly overlaps with DA-FSP’s research and extension component which is being implemented by the Bureau of Agricultural Research. Also, two PCAMRD projects are now in the pipeline: the Integrated Coastal Resources Development and Coral Reef Conservation and Management programs.



The issue of overlapping institutional mandates in CRM is regarded as one of the most common constraints in comprehensive CRM programming. Indeed, with DA, DENR, PCAMRD, and possibly a host of other NGOs pursuing their own CRM programs to emphasize their respective credibility in the field of CRM, there seems to be a plurality of jurisdictional mandates which gives the impression that the government's response to coastal problems is largely uncoordinated. This has resulted in some major institutional inconsistencies:

3.3 ANALYSIS OF INSTITUTIONAL OVERLAPS AND IMPLICATIONS TO CRM

- ◆ Currently, there are at least three cabinet departments (DA-BFAR, DENR, DOST-PCAMRD) with CRM activities included in their mandates, but not one is able to address CRM problems from a holistic and integrated perspective. Moreover, organizational coordination and collaboration between these agencies are grossly inadequate, resulting in dispersed accountabilities (Table 3-3).
- ◆ Despite the fact that it is still performing planning and regulatory functions, EO 116 has effectively watered down the functions of BFAR and dispersed them to several line agencies of DA. Therefore, for an LGU to be able to secure fisheries management expertise that used to be dispensed only by BFAR, it now has to solicit the assistance of several agencies. Under this scenario, it is imperative for local governments to develop their own capabilities along these disciplines.
- ◆ There are at least two coordinating mechanisms established for CRM programs: the Presidential Committee on Anti-Illegal Fishing and Marine Conservation (PCAIFMC) and the Inter-Agency Task Force on Coastal Environmental Protection (IATCEP). The PCAIFMC, created through Executive Order No. 114 in 1989 and comprising 8 cabinet-level members, is tasked to coordinate all marine conservation efforts in the country and to review and recommend policies on marine resources conservation. Since its establishment, only the PCAIF Secretariat has managed to meet periodically and has implemented a fishery patrol boat distribution program. The IATCEP, which was established through EO 117 in 1993, is chaired by DENR and is tasked to conceptualize and implement coastal protection programs in 21 priority sites.
- ◆ Both DA and DENR are involved in the establishment of marine protected areas; the former historically assuming such a function through the issuance of FAOs, and the latter through the more recent NIPAS program. With the devolution of management functions to local governments, the DA has been effectively stripped of its mandate to directly establish fish sanctuaries in municipal waters (but it is assumed it may still exercise this function outside municipal waters) and the DENR, on the other hand, is now faced with strong LGU pressure to cede to the concerned LGUs its authority to manage protected areas established within municipal waters.

Recognizing the involvement of a host of NGAs and NGOs in CRM implementation, current efforts in CRM prioritize



TABLE 3-3.
INSTITUTIONAL MANDATES AND
FUNCTIONAL OVERLAPS IN
COASTAL AREA MANAGEMENT

CRM CONCERNS/ACTIVITIES	INSTITUTIONS MANDATED TO ADDRESS CONCERN(S)
Policy formulation	LGU, FARMC, NGA, DENR
Resource assessments: coastal marine	DA-BFAR, DENR, PCAMRD DA-BFAR, DENR, PCAMRD
Statistics gathering & compilation: fisheries mangroves fishponds	DA-BAS DENR DA-BFAR
Establishment of protected areas LGU, DA-BFAR, DENR, Congress	
Mangrove reforestation	LGU, DENR
Fishery licensing: municipal waters offshore waters	LGU DA-BFAR
Fishery law enforcement	LGU-PNP, PCG, DA-BFAR, deputies
Pollution law enforcement	LGU, PCG, DENR
Land use management	LGU, DENR
Tourism management	LGU, DOT
Reclamation	DENR (LMB and EMB), PEA
Pollution monitoring, including marine waters	LGU, DENR-EMB, PCG
Establishment of municipal/fishing ports	PFDA, PPA, LGU
Research	DA-BFAR, DA-BAR, DOTC-PCAMRD



the following considerations:

- ◆ Defining LGU roles in coastal area management
- ◆ Strengthening LGU capability in CRM
- ◆ Building multi-participatory approaches into an integrated CRM framework

The government recognizes the roles of NGOs and POs in catalyzing development in the rural areas, particularly in securing the people's participation in the decision-making process and amplifying the community's role in environmental protection. Most of the more than 17,000 NGOs listed with the Securities and Exchange Commission have evolved in the pursuit of institutional strengthening of local governments, provision of social services, and policy advocacy. Their operations are normally characterized by special goals on (1) social reforms, (2) participatory management, (3) community development for alternative livelihood and empowerment, and (4) basic services delivery. NEDA encourages NGAs to involve NGOs in development projects, in recognition of the fact that NGOs can better deliver to communities front-line services which a government agency is normally constrained to accomplish. The LGC also encourages LGUs to involve NGOs (Section 34 to 36).

3.4 ROLES OF NON-FORMAL INSTITUTIONS IN CRM

The FSP's involvement of 12 NGOs in its CRM program generated some important lessons:

- ◆ NGOs are most effective in CRM education, community organizing (CO) and advocacy work
- ◆ Local NGOs have practical knowledge of local needs and capabilities valuable to CRM
- ◆ Non-involvement of an LGU in the selection process for NGOs may give rise to animosity between the LGU and the NGO, with the former seeking to take over the work of the latter especially where a significant amount of financial package is involved in the CO contract
- ◆ Some flexibility should be allowed for the NGO to be able to participate in the planning stage for CO work
- ◆ It is advisable to have an NGO partner that has the capability to provide counterpart inputs to the CO work in government-funded projects

The jurisdictional problem arising from the legal environment is borne by conflicting laws or provisions, difficulty and variance in interpretation, and the multiplicity of institutions that are tasked to interpret and enforce such laws.

3

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3.5 LEGAL FRAMEWORK FOR CRM

This section is a comprehensive review of the legal framework for CRM (see Annex 1 for a thematic classification and brief description of CRM-related laws). In the Philippines, there is no single legislation that explicitly covers CRM. Thus, the laws and AOs pertaining to CRM activities are based on our definition of the coastal zone and of the activities that occur there. The resources and activities identified in the coastal zone include: fisheries, aquaculture (pond and mariculture), coastal forestry, tourism, mining and quarrying, ports and harbor development, human settlements, and industrial development. Accordingly, the scope of legislation analyzed in these document refers to these resources and activities.

Legislation and related EOs do not conform to the sectoral disaggregation of coastal resources, and do not lend themselves to geographical scoping (Table 3-4). Nevertheless, issuances have been observed to reflect changes in management policies with concerns for environmental protection becoming nascent during the late 1980s (Figure 3-5).

Our analysis of the LGC focuses on two aspects: First, the basic features of the LGC are presented and its implications to CRM analyzed. The landmark features of the LGC include decentralization, autonomy, resource generation, and mobilization. Decentralization and autonomy changed the institutional set-up of CRM implementation (Figure 3-6) with major roles and responsibilities now emanating from the LGU. Thus, LGUs are assigned the delivery of basic services and facilities, jurisdiction over its resources, and the attendant regulatory and legislative functions. This feature can be used, advantageously or otherwise, to aggressively pursue local policies that support sustainable management. Resource generation and mobilization give the LGU greater power to manage its resources efficiently. However, the strategy for resource generation should not be mutually exclusive from a management plan, or it can encourage the pursuit of short-term gains and hasten resource destruction.

Secondly, the provisions of the code with respect to CRM are presented in relation to existing laws. The LGC, while providing the broad rubric for sustainable environmental management, should be used in conjunction with existing statutes and AOs which articulate the specific rules and regulations pertaining to resource use. The discussion focuses on the institution of local level legal regimes for CRM and highlights the desirable features of local ordinances in the context of national laws and the hierarchy therein.

GENERAL FEATURES OF THE LGC AND IMPLICATIONS ON CRM

The implementation of the Local Government Code of 1991 (LGC) is an event of major significance in local governance in the Philippines. It has tremendously enhanced the governmental and corporate powers of LGUs,



TABLE 3-4.
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE

UPLAND	COASTAL ZONE	OFFSHORE
<p>Philippine Constitution, Art II, Sec 15 & 16: The State shall protect and promote the right to health of the people; the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.</p>		
<p>Constitution, Art XII, Sec 2: The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State shall protect the nation's marine wealth, ... and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.</p>		
<p>Constitution, Art. XIII, Sec 7: The State shall protect the rights of subsistence fishermen, 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 fishermen through appropriate technology and research...and other services.</p>		
<p>Constitution, Art XIII: The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged.</p>		
<p>PD 1151 (1977): The Philippine Environmental Policy: to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony</p>		
<p>RA 7160, Sec 3: The LGUs shall share with the national government the responsibility in the management and maintenance of ecological balance within their respective jurisdictions.</p>		
<p>RA 7160, Sec 16-17: Every LGU shall exercise the powers expressly granted, those implied therefrom, as well as the powers necessary, appropriate, or incidental for its efficient governance, and those which are essential for general welfare. Section 17 outlines LGU functions in the delivery of basic services relative to general welfare, including the protection of the environment.</p>		
<p>RA 7160, Sec 447: The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants, pursuant to Section 16 of the LGC.</p>		
<p>RA 7942. The Philippine Mining act of 1975. All mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State.</p>		
<p style="text-align: center;">Commonwealth Act 141 (Public Land Act of 1936). Title III, Chapter IX: classification and concession of public lands suitable for residence, commerce and industry. Sec 59-68: rules governing lease of reclaimed, foreshore, and/or marshy public lands.</p>		

ENVIRONMENTAL POLICY LEGISLATION



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**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**

	UPLAND	COASTAL ZONE	OFFSHORE
ENVIRONMENTAL POLICY LEGISLATION		Lands Administrative Order 8-3 (1936 as amended). Rules and regulations governing the issuance of temporary permits of occupation and use of non-mineral, non-timber public lands and of lands and real properties of the Commonwealth of the Philippines.	
INSTITUTIONAL MANDATES AND JURISDICTION	EO 192: The reorganization Act of the DENR, establishes mandate of the DENR to include the conservation, management and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservations and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources.		
	DAO 30, s1992. Guidelines for transfer and implementation of DENR functions devolved to LGUs.	EO 292 (1987): Grants mandates both to DA and DENR over fisheries management. Title XIV states DENR's responsibilities for judicious management of fishery resources; Title IV tasks DA to promote the well-being of fishermen & accelerate fisheries development.	
		PD 704, Sec 4: Spells out jurisdiction of BFAR in the management, protection, utilization... of fishery resources in the country except in municipal waters which shall be under the jurisdiction of the municipal or city governments.	
		AO 114 : Constitutes the Presidential Committee on Illegal Fishing and Marine Conservation, vesting it with the authority to coordinate all efforts in the implementation of a national program for the conservation of marine and coastal resources.	
		E.O. 117 (1993): Establishes the Inter-agency Task Force for Coastal Environment Protection.	
		RA 6975. An Act establishing the PNP under a reorganized DILG.	
		DA-DILG MOA (1994): Devolves to LGUs authority to grant licenses for fish cages, gathering of aquarium fishes, <i>kapis</i> & shelled mollusks, establishment of seaweed farms, ... establishes closed	AO 201 (1995): Provides for the coordinative mechanism and funding for the implementation of the monitoring, control and surveillance system of the Philippines for the conservation



**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**

UPLAND	COASTAL ZONE	OFFSHORE
	seasons. DAO 46, s1994. Creation of PAMB. DAO 42 s1994. Guidelines for entering into MOAs with other NGAs, NGOs, and private institutions for the development and management of protected areas. PD 1084. Creation of the Public Estates Authority.	and protection of renewable (marine) resources and designating the DA as the implementing agency for the MCS-CPRR system PD 601. Assigns the Philippine
	EO 240 (1995) Creates FARMCs in barangays, municipalities; defines their composition and functions. RA 6975. An Act establishing the PNP under a reorganized DILG. PD 601. Assigns the Philippine Coast Guard the task of marine environmental protection.	Coast Guard the task of marine environmental protection
	DA-DILG-DENR-DOJ Joint AO 2 (1996): Implementing rules and regulations of EO 240. DA-DILG Joint AO 3 (1996): Implementing guidelines on granting of preferential treatment to small fisherfolk relative to 15-km municipal waters	
	PD No. 1015: The President may ban the operation of commercial and other fishing gear within a distance of 7 km from the shoreline upon the recommendation of the Secretary of Natural Resources.	
	DAO 28, s1995. Composition and authority of PAMB Executive Committee. DAO 45, s1994. Clarifying some provisions of RA 7568, including creation of PAMB.	
DAO 23, s1995. Implementing rules and regulations of RA 7942 otherwise known as the Philippine Mining Act; includes provisions on administrative functions, scope of application, quarry operations, mineral reservations and		

INSTITUTIONAL MANDATES AND JURISDICTION





**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**

	UPLAND	COASTAL ZONE	OFFSHORE
INSTITUTIONAL MANDATES AND JURISDICTION	environmental protection.		
	DAO 46, s1994. Creation of the Protected Area Management Board (PAMB).		
	RA 6810. An Act establishing the Magna Carta for countryside and barangay business enterprises, granting exemptions from any and all government regulations and other incentives and benefits therefor.		
	RA 6975 (1990). An act establishing the Philippine National Police ... (which) shall absorb the police functions of the Philippine Coast Guard.		
	EO 252 (1979). Designates the Public Estates Authority as the agency primarily responsible for all reclamation projects.		
	DAO 30, s1992. Guidelines for the transfer and implementation of DENR functions devolved to the local government units		
	DAO 18, s1991. Rules and regulations governing the distribution of cancelled or expired FLAs under EO 407 as amended by EO 448; identifies responsibilities of BFAR and DAR with respect to cancelled or abandoned FLAs.		
	PD 1152: Title II (water quality management); Title IV, (conserving fishery resources).		
	PD 704: Fisheries Decree of 1975; Sec 4 (jurisdiction); 31-32 (fish sanctuaries); 33-38 (prohibitions & penalties).		
	PD 1599: Establishing the Philippine 200 mile EEZ.		
CAPTURE FISHERIES	FAO 3 (1935) : provides for conservation of <i>banak</i> ; regulates the construction of fish corrals (must be at least 200 m apart).		PD 704, Sec16; 17; 20; 21 & 22: Prescribes rules & regulations on commercial fishing operations in the Philippines.



CAPTURE FISHERIES	UPLAND	COASTAL ZONE	OFFSHORE
		FAO 11 (1935): Regulations for the protection of marine mollusca.	FAO 144 (1983): Other rules and regulations for commercial fishing: licensing, catch recording, etc.
		FAO 122 (1977) : Prohibits the use of <i>pantukos</i> (seine) used to catch <i>siliniasi</i>	FAO 188 (1993): Prohibits the operation of tuna purse seine nets with mesh less than 3.5 inches.
		RA 7160: Sec 131 (r): redefines municipal waters to include that portion of the sea within 15 km from the shoreline.	FAO 156 (1986): Prohibits commercial trawl and purse seine operations 7 km from shorelines.
		RA 7160: Sec.149 (a): Vests authority on LGUs to grant fishery privileges, gather fry, impose fees/licenses to fishing vessels less than 3 GT.	FAO 163 (1986): Prohibiting operation of <i>muro-ami</i> in all Philippine waters
		RA 7160, Sec 447 (a)(2)(xi): Vests authority on SBs to grant privileges for fish corrals, pens, gathering of fry.	LOI 1328: Prohibits operation of commercial trawl and purse seine in waters 7 km from the shorelines of all Philippine provinces.
		MNR AO 12 (1979). Regulations for the conservation of marine turtles in the Philippines.	LOI 480 (1976): Bans commercial trawl & purse seine within 7 km from the shorelines of Leyte, Samar.
		DAO 55, s1991. Declares the <i>dugong</i> or Sea Cow as protected marine mammal in the Philippines.	
		FAO 157 (1986): Rules on gathering of <i>kapis</i> shells.	
		FAO 158 (1986): Prohibits gathering, selling... of mollusks belonging to genus <i>Triton</i> , <i>Charonia</i> and <i>Cassis</i> .	

**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**





**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**

	UPLAND	COASTAL ZONE	OFFSHORE
CAPTURE FISHERIES		<p>FAO 164 (1987): Rules governing operation of <i>hulbot-hulbot</i> in the Philippines.</p> <p>FAO 168 (1990): Bans the collection of <i>T. gigas</i>, <i>T. desara</i>, and <i>Hippopus porcellanus</i>; sets licensing requirements for gathering of shelled molluscs.</p>	
		<p>PD 1219 & 1698 (1980): Provisions on exploitation and conservation of coral reef resources.</p>	
		<p>FAO 184 (1992): Guidelines for the experimental collection of precious and semi-precious corals.</p>	
		<p>FAO 185 (1993): Bans the taking, capture, sale, purchase, possession, and transport of dolphins.</p>	
		<p>FAO 185-1 (1997): Amends FAO 185 by adding whales and porpoises in the ban of taking, catching, selling, purchase...of dolphins.</p>	
		<p>FAO 129 (1980): Bans the capture, sale, and transport of dolphins.</p>	
		<p>FAO 155 (1988): Regulates the use of fine mesh nets.</p>	
		<p>FAO 190 (1994): Regulates <i>pa-aling</i> fishing and prohibits its operation in municipal waters.</p>	
		<p>LOI 550 (1977): Assigns the Secretary of Natural Resources to train barangay officials as fish wardens.</p>	
		<p>PD 1058 (1976): Increases penalties for illegal fishing as provided in PD</p>	



	UPLAND	COASTAL ZONE	OFFSHORE	
CAPTURE FISHERIES		704. PD 704, Sec 42-44: Establishes the Fisheries Loan and Guarantee Fund & defines credit mechanism for fisheries.		
		DA-DILG Joint Administrative Order (April 4, 1996). Regulates the use of "superlights" in fishing. DA-DILG Joint Administrative Order No. 3 (1996). Rules on preferential treatment for small fisherfolk.		
	MANGROVE SWAMPS CONSERVATION AND MANAGEMENT		RA 7160: Chap. 3, sec. 389 (9); 391 (4); 444 no 3(vii); 447 no 1(vi), no. 2(vii), no 4(ii), (iii), (vi); no 5 (I), (ii), (iii),(vii), (viii); Sec 458.	
			PD 704: Fisheries decree of 1975, Sec 23 to 29 - coastal fishponds.	
			FAO No. 125: Rules governing the granting 25-year Fishpond Lease Agreements.	
			MNR AO No. 3: Lands classified for fishpond development shall not be alienable & disposable. DAO 182, s1991. Rules governing the distribution of cancelled or expired FLAs. DAO 3. Policies and guidelines for the award and administration of mangrove stewardship agreement.	
			PD 705: Forestry Code, sec 13; 16; 33; 43: maintenance of swamplands & mangroves for shore protection.	
			RA 7160: Sec 20: Reclassification of lands.	
			DAO 15: Regulations governing the	

**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**





**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**

	UPLAND	COASTAL ZONE	OFFSHORE
MANGROVE SWAMPS CONSERVATION AND MANAGEMENT		utilization & management of mangrove resources, Sec 1-13. MNR AO 42: Expansion of mangrove forest belt areas to 100 meters along shorelines of typhoon-prone areas.	
		MNR AO 76: Establishment of buffer zones in coastal and estuarine areas. PD 2152: Declaration of Palawan & certain areas as mangrove swamp forest reserves.	
		DAO 3, s1991: Provides tenure over mangrove forest lands to qualified and deserving individuals for them to develop and maintain as permanent mangrove forests. Joint DA-DENR General Memorandum Order No. 3, s1991. Guidelines for the cancellation and reversion of FLAs to mangrove forest lands. DA-DAR Administrative Order 18, s1991. Guidelines governing redistribution of expired FLAs to agrarian reform beneficiaries.	
WASTE MANAGEMENT AND MARINE POLLUTION	PD 1152: Title III: Land Use Management.	RA 7161 (1991). Incorporating certain sections of the National Internal Revenue Code to PD 705 and among others, bans cutting of all mangrove species.	
		PD 979 (1976): Prevention and control of marine pollution due to dumping of wastes; vests responsibility to formulate marine pollution policies on the EMB; authorizes PCG to enforce marine pollution laws; establishes a penalty schedule.	
		RA 2056 & PD 256: Removal of obstructions in public navigable rivers.	
		PD 984: Guidelines on waste and effluent management.	



	UPLAND	COASTAL ZONE	OFFSHORE
WASTE MANAGEMENT AND MARINE POLLUTION		PD 1067: The Water Code of the Philippines.	
		PD 1586: Establishes an Environmental Impact Statement System. DAO 35 : Establishes effluent standards.	
		PD 424: Creates a National Water Resources Council.	
		DAO 29: Implements RA 6969: Hazardous Wastes Control Act.	
		DAO 34: Classification and usage of water resources.	
		PD 1152: Title II: water quality management; Title I: air quality management; Title V: waste management.	
		PD 1152: Title IV (Natural Resources Management and Conservation; Title III: Land Use Management.	
		PD 705: Revised Forestry Code of the Philippines. (1975).	
		PD 463: Mineral Resources Development Decree of 1974.	
		DAO 85, s1990. Mine waste and tailings fee.	
UPLAND FORESTS WATERSHED MANAGEMENT		RA 3571: An act prohibiting the cutting of trees, plants in parks.	
		Act 3572: An act prohibiting the cutting of certain tree species.	
		RA 7160: Sec. 3; 16; 20; 447.1.a(vi), 5(l); 17.2; 444.3(vii).	

**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**





**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**

	UPLAND	COASTAL ZONE	OFFSHORE
UPLAND FORESTS AND WATERSHED MANAGEMENT	<p>DAO 102: Lifts suspension on exploitation permits in forest reserves.</p> <p>E.O. 211: Prescribes the interim procedures in the processing and approval of applications for the exploration, development and utilization of minerals.</p>		
PROTECTED AREAS AND MARINE RESERVES	<p>RA 7586: The NIPAS Act: Establishes the National Integrated Protected Areas System, defines 8 categories of protected areas, and provides guidelines for protection and management of areas under NIPAS categories.</p>		
	<p>FAO 128 (1980): Establishes the Sumilon Island Fish Sanctuary.</p>		
	<p>Proclamation 438: Declares Apo Island and its surrounding waters within the municipality of Zamboangita, Negros Oriental as protected seascape/landscape.</p> <p>DAO 3, s1993. Guidelines for the formulation of site-specific management plan for protected areas.</p> <p>DAO 35. Criteria and guidelines for the categorization of protected areas under the NIPAS.</p>		
	<p>Proclamation No. 592: Declares the Sagay, Negros Occidental marine reserve.</p>		
	<p>DA General Memorandum Order No. 3, s1990: Prescribes guidelines for the establishment of marine sanctuaries and defines the criteria for site selection and management.</p>		
	<p>Proclamation No. 431: Declares the</p>		

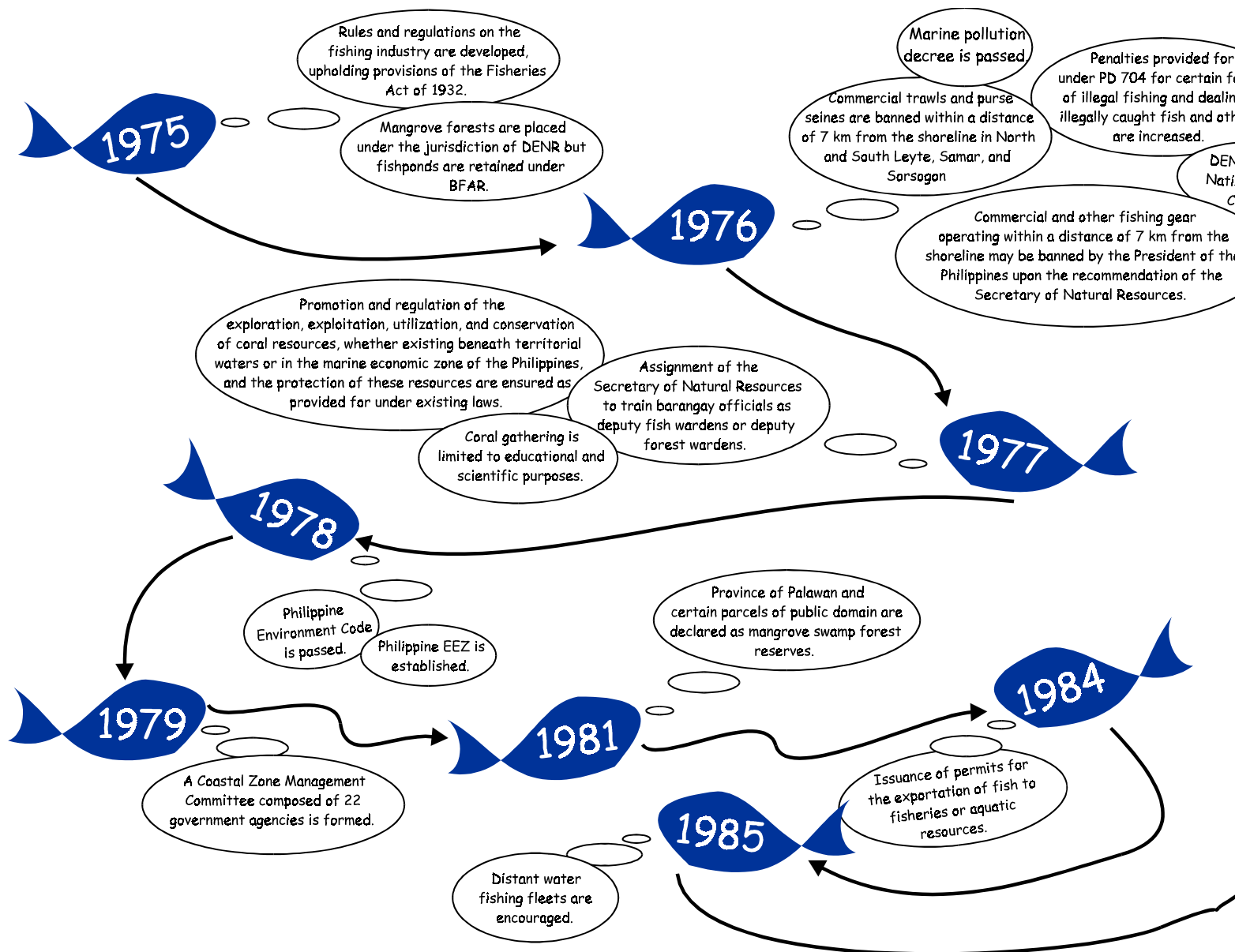


PROTECTED AREAS AND MARINE RESERVES	UPLAND	COASTAL ZONE	OFFSHORE
	<p>waters, islands of Pujada Bay as protected seascape/landscape (Mati, Davao Oriental).</p> <p>PD 2152: Declares the entire province of Palawan and certain parcels of the public domain and/or parts of the country as mangrove swamp forest reserves.</p> <p>Proclamation No. 756: Establishes Sarangani Bay and a portion of the municipal waters of Maitum, Kiamba and Maasin, Sarangani Province as protected seascape.</p> <p>AO 28 (1992): Guidelines for the issuance of permits for pebble-picking along beaches.</p> <p>Various FAOs declaring fish sanctuaries in bays covered by the Fisheries Sector Program.</p> <p>PD 463 Sec. 10: All submerged lands beneath territorial waters are established as mineral reservation.</p> <p>DAO 85 s1990: DENR imposes fees on mine tailings and wastes to compensate for damage to lands, agricultural crops, forest products, marine life, aquatic resources and the destruction of privately-owned infrastructure.</p> <p>RA 7076. An Act creating a people's small-scale mining program.</p> <p>RA 7942. Philippine Mining Act of 1995. All mineral resources are owned by the State....</p> <p>PD 463. Mineral Resources Development Decree.</p> <p>PD 1586. Environmental Impact Statement System.</p>		

**TABLE 3-4. (CONTINUED)
CLASSIFICATION OF CRM
LEGISLATION ACCORDING TO
GEOPHYSICAL ZONATION AND
RESOURCE USE**



Nature and Extent of Jurisdictional Problems



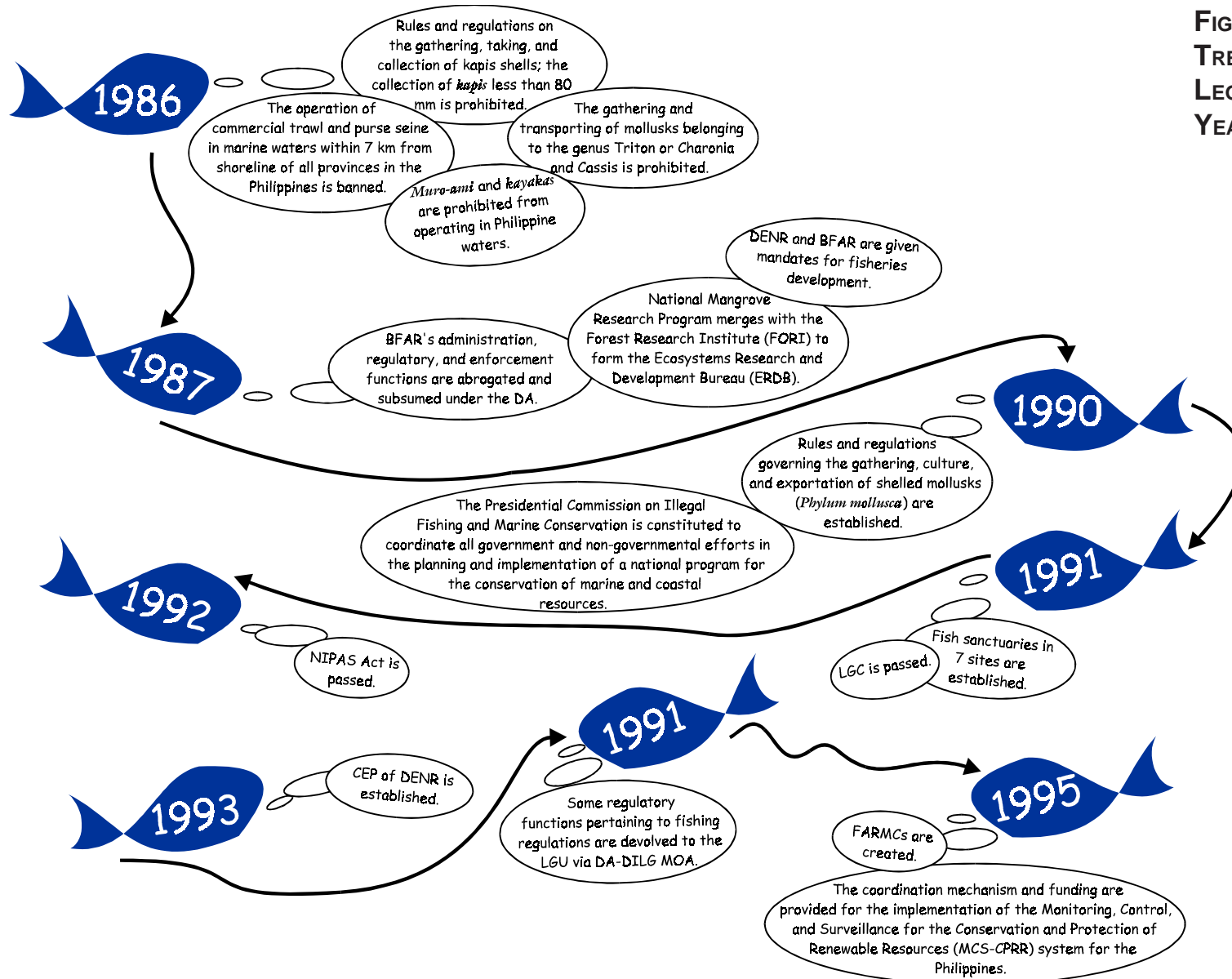


FIGURE 3-5. TRENDS IN CRM AS DEPICTED BY LEGISLATION IN THE LAST 20 YEARS

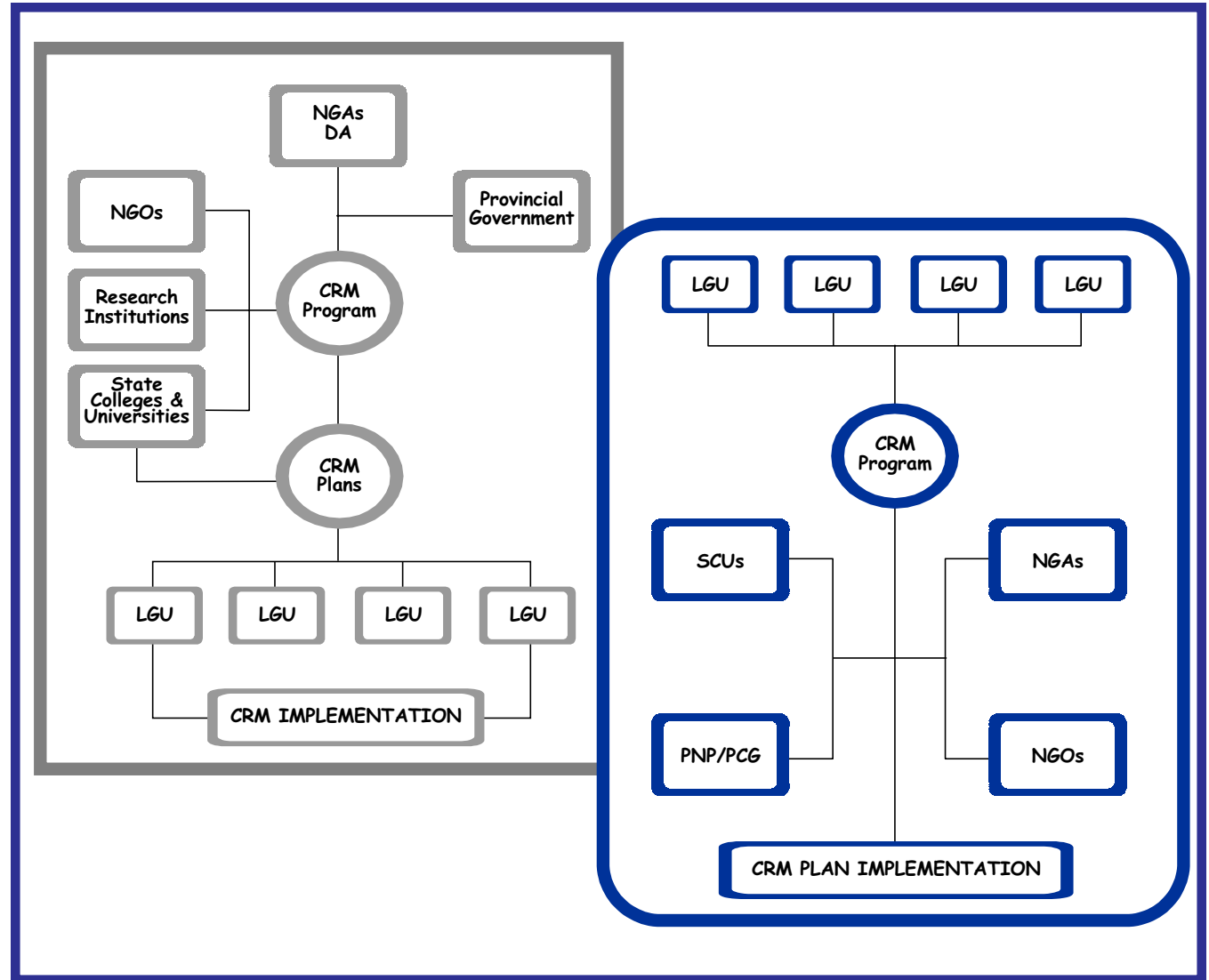


3

Nature and Extent of Jurisdictional Problems



FIGURE 3-6.
BASIC CRM JURISDICTIONAL
PROCESS BEFORE AND AFTER THE
LGC





specifically in two important aspects: political autonomy and decentralization, and resource generation and mobilization.

SPECIFIC PROVISIONS ON DECENTRALIZATION AND AUTONOMY

In accordance with the 1987 Constitution (Article II, section 25; Article X, Sections 1, 2, and 15), LGUs now enjoy a greater measure of autonomy and self-governance. Congress's intent was for LGUs to possess "genuine and meaningful local autonomy" to accelerate their "fullest development as self-reliant communities and make them more effective partners in the attainment of national goals." (Article X, section 1, 1987 Constitution).

Autonomy refers to the power of LGUs to enjoy limited self-government as defined by law (Pimentel, *The LGC of 1991*, p. 14). The Constitution declares that local autonomy means "a more responsive and accountable local government structure instituted through a system of decentralization." Autonomy, however, is not meant to end the partnership and interdependence between the central government and LGUs; otherwise, it might usher in a regime of federalism which is not the intention of the Constitution. LGUs are subject to regulation, however limited, to enhance self-government.

Autonomy implies decentralization of administration or power. There is decentralization of administration when the central government delegates administrative powers to political subdivisions to broaden the base of government power. This makes LGUs: 1) more responsive and accountable and 2) more effective partners in the pursuit of national development and social progress (*Limbona v. Mangelin*, 70SCRA 786). Decentralization of power, on the other hand, involves an abdication of political power in favor of LGUs declared to be autonomous (*Limbona v. Mangelin*, supra). In this kind of decentralization, the autonomous government is free to chart its own destiny and shape its future with minimum intervention from central authority.

The extent and character of political decentralization is a debatable subject. Some sectors perceive a "managed" decentralization or a mere decentralization of administration and not of power owing to the fact that LGUs, specifically the provinces, highly urbanized cities and independent component cities are supervised by the President (LGC, Sec. 25). The LGC, furthermore, provides for a recall process for abusive officials even in the midst of their terms (Article X, section 3, 1987 Constitution). In *Hebron v. Reyes* (104 Phil. 175), the Supreme Court stated that "when the procedure for the suspension of an officer is specified by law, the same must be deemed mandatory and adhered to strictly in the absence of express or clear provision to the contrary". In another case, the Court ruled that the removal and suspension of public officers are always controlled by the

Section 3(f)
"local government units may group themselves, consolidate or coordinate their efforts, services and resources for purposes commonly beneficial to them"

Section 3(i)
"local government units shall share with the National government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction subject to the provisions of this code and national policies"

Section 26
"duty of national government agencies in the maintenance of ecological balance — it shall be the duty of every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of cropland, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, non-governmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof"

Section 27
"prior consultations required — no project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2(c) and 26 hereof are complied with, and prior approval of the sanggunian concerned is obtained: Provided, that occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution"



**Sections 34**

“role of people’s and non-governmental organizations — local government units shall promote the establishment and operation of people’s and non-governmental organizations to become active partners in the pursuit of local autonomy.”

Sections 33

“cooperative undertakings among local government units — local government units may, through appropriate ordinances, group themselves, consolidate, or coordinate their efforts, services, and resources for purposes commonly beneficial to them. In support of such undertakings, the local government units involved may, upon approval by the sanggunian concerned after a public hearing conducted for the purpose, contribute funds, real estate, equipment, and other kinds of property and appoint or assign personnel under such terms and conditions as may be agreed upon by the participating local units through Memoranda of Agreement”

Section 35

“linkages with people’s and non-governmental organizations — local government units may enter into joint ventures and such other cooperative arrangements with people’s and non-governmental organizations to engage in the delivery of certain basic services, capability-building and livelihood projects, and to develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people”

Section 36

“assistance to people’s and non-governmental organizations — a local government unit may, through its local chief executive and with the concurrence of the sanggunian concerned, provide assistance, financial or otherwise, to such people’s and non-governmental organizations for economic, socially-oriented, environmental, or cultural projects to be implemented within its territorial jurisdiction”

particular law applicable and its proper construction subject to constitutional limitations (Lacson v. Roque, 92 Phil. 456).

Yet, it may also be argued that the actual decentralization of powers is proven by the enumeration of functions devolved to LGUs at various levels, including that of legislation, which is unarguably, far from being merely administrative. Furthermore, the accountability of public officers to one central government does not derogate from the distribution of powers.

The DILG views decentralization as the transfer of power and authority from central to lower levels of a government system and takes any of three forms: deconcentration, devolution, and debureacratization. Deconcentration is the transfer of power, authority or responsibility to plan, decide, and manage from the central to the local government. Deconcentration serves the purpose of devolution.

Devolution refers to the act of the National Government to transfer political and territorial powers to local government units, they being territorial and political subdivisions of the State. It includes the transfer of responsibility in the delivery of basic services, regulatory functions, expansion of financial base, and mandatory absorption of national agencies personnel.

Debureacratization or privatization is the process of transferring some public functions and responsibilities to voluntary, private, or non-government organizations.

Genuine autonomy and self-reliance are possible only if LGUs are authorized to manage their resources and generate their own wealth. The LGC authorizes the LGUs to levy taxes, fees, and charges on real property, business, trade, natural resources such as sand, gravel, and other quarry resources. The LGUs can also levy professional, amusement, community, and franchise taxes, and collect fishery rentals, fees and charges as provided for under sections 135 to 142, 145 to 149 of the LGC.

Furthermore, the LGUs may impose reasonable fees and charges for services rendered and fix the rates for the operation of public utility owned, operated, and maintained by them within their jurisdiction and, likewise, fix the rates for the imposition of toll fees and charges for the use of any public road, pier, waterway, bridge,

DILG’s view of decentralization: deconcentration, devolution and debureacratization

the rates for the operation of public utility owned, operated, and maintained by them within their jurisdiction and, likewise, fix the rates for the imposition of toll fees and charges for the use of any public road, pier, waterway, bridge,



ferry, or telecommunication system funded and constructed by the LGU concerned (sections 153 to 155).

Decentralization and autonomy virtually changed the institutional set-up of CRM implementation. The passage of the LGC effected a structural power shift that placed coastal local governments and cities at the forefront of sustainable resource management. Prior to the enactment of the Code, resource management programs and action plans typically originated from national government agencies, with the support of scientific and academic institutions that generated the technical information base for management strategies (Figure 3-6). These programs were then transmitted down to LGU “clienteles” who were tasked to participate in the implementation strategies.

Under the Code, the process has been reversed given the devolution of primary management responsibilities to the local government. The people’s participation in the planning stages at the local level has been amplified and now constitutes the foundation of CRM planning. Under this set-up, the NGAs, NGOs, and scientific institutions become partners of the LGU in refining their respective CRM plans and in the provision of specialists to support plan development and implementation.

Cooperative undertakings among LGUs augur well for integrated CRM. Usually, the effective management of resource systems such as fisheries and forests does not lend itself to rigid geo-political boundaries. Independent actions taken by LGUs on matters pertaining to resource management may therefore result in negative consequences, the end result of which is further resource degradation and economic losses. The integrated approach, borne by cooperation among LGUs, is expected to rationalize resource use and improve enforcement.

Decentralization and autonomy also afford the LGU flexibility in resource management and place them at the forefront of cases where nationally (and environmentally) critical projects (ECP) are proposed. Existing laws and AOs may be interpreted as limitations on the powers of LGUs; however, the mandate for consultations under Sections 26 and 27 of the LGC ensures that the opinions of the constituents of LGUs are articulated and addressed.

Consistent with greater fiscal autonomy, section 186 of the LGC provides that LGUs may exercise the power to levy taxes, fees, or charges on any base or subject not otherwise specifically enumerated in the Code. The objective is to enable the LGUs to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national development and social progress. The taxing authority of the LGUs thus includes the power to retain and to disburse revenues without undue interference from the national government. Fiscal autonomy is even more

RESOURCE GENERATION AND MOBILIZATION

Section 3(d)

“the vesting of duty, responsibility, and accountability in local government unit shall be accompanied with provision for reasonably adequate resources to discharge their powers and effectively carry out their functions; hence, they shall have the power to create and broaden their own sources of revenue and the right to a just share in national taxes and an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas.”

Section 129

“power to create sources of revenue — each local government unit shall exercise its power to create its own sources of revenue and to levy taxes, fees and charges subject to the provisions herein, consistent with the basic policy of local autonomy. Such taxes, fees, and charges shall accrue exclusively to the local government units.”

Section 186

“power to levy other taxes, fees or charges — local government units may exercise the power to levy taxes, fees, or charges on any base or subject not otherwise specifically enumerated herein or taxed under the provisions of the National Internal Revenue Code, as amended, or other applicable laws: Provided, that the taxes, fees, or charges shall not be unjust, excessive, oppressive, confiscatory or contrary to declared national policy: Provided, further, that the ordinance levying such taxes, fees or charges shall not be enacted without any prior public hearing conducted for that purpose.”

Section 289

“share in the proceeds from the development and utilization of national wealth — local government units shall have an equitable share in the proceeds derived from the utilization and development of the national wealth within their respective areas, including sharing the same with the inhabitants by way of direct benefits.”





enhanced by encouraging the LGUs to group themselves, consolidate, or coordinate their efforts, services, and resources for purposes beneficial to them and to their constituents with minimum intervention from the central government.

The Code also provides that the LGU be entitled to a share derived from the utilization of its “wealth”. The urge to generate “wealth” from the use of natural resources as provided by Section 289, should be tempered with sustainable objectives and concerns for ecological imbalance.

LEGAL PARAMETERS FOR LOCAL LEVEL CRM

The LGC embodies a comprehensive legal regime for local-level management, including that of coastal resources, “*but it does not constitute a regime in and of itself*” (Abregana et al 1996). For the most part, specific guidance is needed to respond to questions pertaining to jurisdiction, type of municipal ordinance, conflicts and resolution of conflicts, and extent of devolution to local communities.

Legal parameters for local level CRM include national issuances and their hierarchies and rules on **predictability** (and its corollary, **consistency**) and **formality** (Abregana et al 1996) to which the local government is expected to conform. Specific guidance is provided by national laws on fisheries, mangrove forestry, mining and quarrying, and environmental protection which should be upheld by local governments. The national law may be merely enforced or local ordinances may be written — consistently — with the national law. This section critically analyzes the provisions of the LGC pertaining to CRM and complements these with related national issuances (Table 3-5). The hierarchy of issuances is also discussed to serve as guidance in local legislation and enforcement, and the norms of predictability and formality are presented.

The legal order follows a hierarchy in terms of one rule being superior to the other. The validity of the rule in the hierarchy is tested by the norm of whether or not it is contrary to a superior rule (Box 3-1).

The Constitution is the fundamental law, all other laws are derived from it. When the court declares a law to be inconsistent with the Constitution, the law shall be void and the Constitution shall govern (Art. 7, Civil Code). An unconstitutional act is not a law; it confers no right and imposes no duties; it imposes no protection; it creates no office; it is in legal contemplation inoperative, as though it has never been passed (Municipality of Malabang vs. Benito, 27 SCRA 533). Constitutional provisions related to the protection and conservation of the environment is reflected in Art II (Sec. 15 and 16) and Art XII (Sec. 2) (see Annex 1).



The Code Says:	Related Laws and Administrative Orders
<p>A BARANGAY SHOULD PROVIDE “SERVICES AND FACILITIES RELATED TO GENERAL HYGIENE AND SANITATION, BEAUTIFICATION AND SOLID WASTE COLLECTION” (SEC. 17(B)(1)(III))</p>	<p>RA 3931 - Pollution Control Law PD 825 - Penalize improper waste disposal PD 856 - Sanitation Code of the Philippines DAO 35 s1990 - Establishes effluent standards</p>
<p>A MUNICIPALITY SHOULD PROVIDE “EXTENSION AND ON-SITE RESEARCH SERVICES AND FACILITIES RELATED TO AGRICULTURE AND FISHERY ACTIVITIES WHICH INCLUDE DISPERSAL OF LIVESTOCK, POULTRY, FINGERLINGS, AND OTHER SEEDING MATERIALS FOR AQUACULTURE; ...WATER AND SOIL RESOURCE UTILIZATION AND CONSERVATION PROJECTS; AND ENFORCEMENT OF FISHERY LAWS IN MUNICIPAL WATERS INCLUDING THE CONSERVATION OF MANGROVES (SEC. 17 (B)(2)(L))</p> <p>AND</p> <p>(A) MUNICIPALITIES SHALL HAVE THE EXCLUSIVE AUTHORITY TO GRANT FISHERY PRIVILEGES IN THE MUNICIPAL WATERS AND IMPOSE RENTALS, FEES OR CHARGES THEREFOR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.</p> <p>(B) THE SANGGUNIAN BAYAN MAY:</p> <p>(1) GRANT FISHERY PRIVILEGES TO ERECT FISH CORRALS, OYSTER, MUSSEL OR OTHER AQUATIC BEDS OR BANGUS FRY AREAS, WITHIN A DEFINITE ZONE OF THE MUNICIPAL WATERS, AS DETERMINED BY IT: PROVIDED, HOWEVER, THAT DULY REGISTERED ORGANIZATIONS AND COOPERATIVES OF MARGINAL FISHERMEN SHALL HAVE THE PREFERENTIAL RIGHT TO SUCH FISHERY PRIVILEGES: PROVIDED, FINALLY, THAT IN THE ABSENCE OF SUCH ORGANIZATIONS AND COOPERATIVES OR THEIR FAILURE TO EXERCISE THEIR PREFERENTIAL RIGHT, OTHER PARTIES MAY PARTICIPATE IN THE PUBLIC BIDDING IN CONFORMITY WITH THE ABOVE CITED PROCEDURE.</p>	<p>PD 1067 - The Water Resources Code: conservation of fish and wildlife shall be coordinated with other features of water resources development</p> <p>PD 704 -The Fisheries Decree of 1975; specifically sections 17, 20 and 21 (commercial fishing boat licensing); sections 23-26 (fishpond lease); sections 31-38 - prohibitive acts in fishing and penalties therefor; sec 4-9 - Jurisdiction of the Bureau of Fisheries and Aquatic Resources; section 42-44 - establishing the Fisheries Loan and Guarantee Fund; except sections 2, 16 and 29 which were repealed by the LGC.</p> <p>RA 6541 - prohibition on electro-fishing.</p> <p>PD 1015 - President may ban commercial fishing within 7 km from the shorelines upon recommendation of Secretary of Natural Resources.</p> <p>PD 1219, as amended by PD 1198 - conservation of corals.</p> <p>LOI 1328 - bans operation of trawls and purse seine within 7 km from shorelines of all provinces</p> <p>PD 1058 - increases penalties for illegal fishing provided for in PD 704</p> <p>EO 116 - reorganizes the Department of Agriculture</p> <p>EO 240 (s1995) - creates FARMCS</p> <p>EO 1047 - encourages distant-water fishing</p> <p>EO 292 (s1987) - Administrative Code of 1987</p> <p>MNR AO 3 - lands suitable for fishponds to be placed under the administration of BFAR.</p> <p>MNR AO No. 12, s1979 - regulates the conservation of</p>

**TABLE 3-5
 COMPLEMENTARITY OF LGC PROVISIONS AND EXISTING LAWS ON CRM**





TABLE 3-5 (CONTINUED)
COMPLEMENTARITY OF LGC
PROVISIONS AND EXISTING LAWS
ON CRM

The Code Says:	Related Laws and Administrative Orders
	<p>marine turtles in the Philippines DAO No. 55, s1991 - declares the <i>dugong</i> or Sea Cow as protected marine mammal in the Philippines</p>
<p>(2) GRANT THE PRIVILEGE TO GATHER, TAKE OR CATCH <i>BANGUS</i> FRY, PRAWN FRY OR <i>KAWAG-KAWAG</i> OR FRY OF OTHER FISH SPECIES FROM THE MUNICIPAL WATERS BY NETS, TRAPS OR OTHER FISHING GEAR TO MARGINAL FISHERMEN FREE OF ANY RENTAL, FEE, CHARGE OR ANY OTHER IMPOSITION WHATSOEVER.</p> <p>(3) ISSUE LICENSES FOR THE OPERATION OF FISHING VESSELS OF THREE (3) TONS OR LESS FOR WHICH PURPOSE THE SANGGUNIANG BAYAN SHALL PROMULGATE RULES AND REGULATIONS REGARDING THE ISSUANCES OF SUCH LICENSES TO QUALIFIED APPLICANTS UNDER EXISTING LAW:</p> <p>PROVIDED, HOWEVER, THAT THE SANGGUNIAN CONCERNED SHALL, BY APPROPRIATE ORDINANCE, PENALIZE THE USE OF EXPLOSIVES, NOXIOUS OR POISONOUS SUBSTANCES, ELECTRICITY, MURO-AMI, AND OTHER DELETERIOUS METHODS OF FISHING AND PRESCRIBE A CRIMINAL PENALTY THEREFOR IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE: PROVIDED, FINALLY, THAT THE SANGGUNIAN CONCERNED SHALL HAVE THE AUTHORITY TO PROSECUTE ANY VIOLATION OF THE PROVISIONS OF APPLICABLE FISHERY LAWS (SEC. 149).</p>	<p>FAO 3 - regulations for the conservation of <i>dalag</i>, <i>kanduli</i> and <i>banak</i></p> <p>FAO 11 - protection of marine mollusca</p> <p>FAO 82 - prohibits use of strong lights in Taal Lake</p> <p>FAO 122 - prohibits the use of <i>pantukos</i></p> <p>FAO 125 - rules on granting of 25 -year FLAs.</p> <p>FAO 127 - prohibits use of motorized push nets in Lakes Bato and Buhi</p> <p>FAO 129 - bans capture, possession, etc. of <i>Sabalo</i></p> <p>FAO 144 - rules and regulations on commercial fishing.</p> <p>FAO 146 - rules on the gathering and farming of seaweeds;</p> <p>FAO 148 - rules on gathering of tropical aquarium fish.</p> <p>FAO 155 - regulates use of fine mesh nets in fishing</p> <p>FAO 156 - prohibits trawl and purse seine fishing within 7 km from shorelines.</p> <p>FAO 157 - licensing requirements for gathering of <i>kapis</i> shells.</p> <p>FAO 158 - prohibits gathering of molluscs belonging to genus <i>Triton</i>, <i>Charonia</i>, <i>Cassis</i></p> <p>FAO 160 - rules governing the establishment of fish cages and pens.</p> <p>FAO 161 - rules governing issuance of lease for pearl culture.</p> <p>FAO 163 - prohibits <i>muro-ami</i> and <i>kayakas</i> fishing in all Philippine waters</p> <p>FAO 164 - restrictions on the operation of <i>bulbot-bulbot</i> in Philippine waters</p>



The Code Says:	Related Laws and Administrative Orders
	FAO 167 - establishes a closed season of 5 years for conservation of sardines in the Visayan Sea
	FAO 168 - licensing requirements for gathering or culturing of shelled molluscs;
	FAO 170 - prohibits the operation of <i>sudsod</i> in Panguil Bay
	FAO 173 - bans exportation of <i>bangus</i> fry
	FAO 184 - guidelines for experimental collection of corals
	FAO 185 - ban on capture of dolphins
	FAO 185-1 - amends Section 1 and 2 of FAO 185 by adding whales and porpoises in the ban on the taking, catching, selling, purchasing, and possessing of dolphins
	FAO 188 - prohibits operation of tuna purse seine nets with mesh size less than 3.5 cm.
	FAO 190 - prohibits <i>pa-aling</i> fishing in municipal waters
	FAO 192 - strengthens fish quarantine system in the Philippines
	DA-DILG Joint MOA, April, 1994 - devolution of more fishery functions to the LGUs.
	DA-DILG Joint Administrative Order No. 3 - rules on preferential treatment to small fisherfolk.
	DA-DILG-DENR-DOJ Joint Memorandum Order No. 2 - guidelines on implementation of EO 240
	JOINT DA-DILG Administrative Order No. 4 - regulation on the Utilization of Superlights for Fishing Purposes series of 1996.
	DAO 15 - establishment and management of mangrove plantations
	DAO 30, s1992- guidelines for transfer and implementation of DENR functions devolved to LGUs
	DAO 30, s1994 - guidelines for NGO-assisted community-based mangrove forest management

**TABLE 3-5(CONTINUED)
COMPLEMENTARITY OF LGC
PROVISIONS AND EXISTING LAWS
ON CRM**





TABLE 3-5 (CONTINUED)
COMPLEMENTARITY OF LGC
PROVISIONS AND EXISTING LAWS
ON CRM

The Code Says:	Related Laws and Administrative Orders
<p><i>A MUNICIPALITY SHOULD “PURSUANT TO NATIONAL POLICIES AND SUBJECT TO THE SUPERVISION, CONTROL AND REVIEW OF THE DENR, IMPLEMENT COMMUNITY-BASED FORESTRY PROJECTS WHICH INCLUDE INTEGRATED SOCIAL FORESTRY PROGRAMS AND SIMILAR PROJECTS; MANAGE AND CONTROL COMMUNAL FORESTS WITH AN AREA NOT EXCEEDING (50) SQUARE KILOMETERS; ESTABLISH TREE PARKS, GREENBELTS, AND SIMILAR FOREST DEVELOPMENT PROJECTS” SEC. 17 B(2) (ii).</i></p>	<p>RA 7161 - amendments to National Internal Revenue Code of 1977; bans cutting of all mangrove species</p> <p>RA 7881 - amendments to RA 6657, CARL, pertaining to coverage of fishponds</p> <p>RA 7586 - NIPAS act</p> <p>DAO 25, s1992 - IRR of the NIPAS act</p> <p>PD 705 - mangroves and swamplands needed for coastal protection; such areas are not to be alienated (Sec. 16 & 43); identifies river banks, easements, deltas, etc. as reforestable areas (Sec. 33); mangroves suitable for FLAs (Sec.13 & 38).</p> <p>EO 292 - Administrative Code of 1987</p> <p>EO 192 - reorganization of the DENR</p> <p>DAO 3 - policies on mangrove stewardship agreements</p> <p>DAO 4, s1990 - water usage/quality classification</p> <p>DAO 7 - suspends of acceptance of prospecting permits in reservations</p> <p>DAO 13 - regulations on the establishment of buffer zones within forest lands</p> <p>DAO 15 - regulations governing management of mangroves</p> <p>DAO 19 - creates the CEP program</p> <p>DAO 28, s1993 - establishes the CEP Office</p> <p>DAO 30, s1992 - Guidelines for the transfer and implementation of DENR functions devolved to local government units</p> <p>DAO 30, s1994 - implementing guidelines for NGO-assisted community-based mangrove forest management</p>



The Code Says:	Related Laws and Administrative Orders
	<p>(CBMFM) for the DENR</p> <p>DAO 34, s1991 - guidelines for issuance of environmental compliance certificate for fishpond development</p> <p>DAO 76 - establishment of buffer zones in coastal and estuarine mangrove areas</p> <p>DENR Memo Circular No. 19 s1993 - establishes the Coastal Environment Program (CEP)</p> <p>MNR AO No. 3 - transfers lands suitable for fishponds to BFAR administration</p> <p>MNR AO No. 42 - expansion of mangrove buffer zones in typhoon prone areas</p> <p>JOINT DAR-DA Administrative Order No. 18 - rules and guidelines governing the distribution of cancelled or expired FLAs under E.O. 407 as amended by E.O. 448</p> <p>JOINT DA-DENR General Memorandum Order No. 3 - guidelines on the Implementation of Section 24, paragraphs 2 and 3, of PD 704 as amended, and Section 43 paragraph 3, of PD 705 as amended s1991.</p>
<p>A MUNICIPALITY SHOULD PROVIDE "SOLID WASTE DISPOSAL SYSTEM OR ENVIRONMENTAL MANAGEMENT SYSTEM AND SERVICES OR FACILITIES RELATED TO GENERAL HYGIENE AND SANITATION" (SEC. 17 B(2) (vi))</p>	<p>RA 6969 - Toxic and hazardous waste act</p> <p>RA 6810 - establishes countryside and barangay business establishments</p> <p>PD 856 - Sanitation Code of the Philippines</p> <p>PD 1067 - Water Code of the Philippines</p> <p>PD 1152 - Philippine Environment Code, Title II -water quality</p> <p>PD 1586 - establishes the EIA system</p>

TABLE 3-5 (CONTINUED)
COMPLEMENTARITY OF LGC PROVISIONS AND EXISTING LAWS ON CRM





TABLE 3-5 (CONTINUED)
COMPLEMENTARITY OF LGC
PROVISIONS AND EXISTING LAWS
ON CRM

The Code Says:	Related Laws and Administrative Orders
	<p>DAO 96-37 - revising DAO 21, s1992, to further strengthen the EIS system</p> <p>PD 979 - Marine Pollution Decree</p> <p>PD 825 - penalizes improper waste disposal</p> <p>DAO 35, s1990 - revised effluent regulations of 1990</p> <p>DAO 34, s1990 - revised water usage and classification/water quality criteria</p> <p>DAO 30, s1992 - Guidelines for the transfer and implementation of DENR functions devolved to local government units</p>
<p><i>A MUNICIPALITY SHOULD PROVIDE "INFRASTRUCTURE FACILITIES INTENDED PRIMARILY TO SERVICE THE NEEDS OF THE RESIDENTS OF THE MUNICIPALITY AND WHICH ARE FUNDED OUT OF MUNICIPAL FUNDS INCLUDING, BUT NOT LIMITED TO, ... FISH PORTS; SEA-WALLS, DIKES, DRAINAGE AND SEWERAGE AND FLOOD CONTROL" (SEC. 17 B(2) (VIII))</i></p> <p><i>AND</i></p> <p><i>A PROVINCE SHOULD PROVIDE "INFRASTRUCTURE FACILITIES FUNDED OUT OF PROVINCIAL FUNDS INCLUDING....INTER-MUNICIPAL WATERWORKS, DRAINAGE AND SEWERAGE, FLOOD CONTROL,...RECLAMATION PROJECTS" (SEC. 17(B)(3)(VII))</i></p>	<p>PD 857 - designates the Philippine Ports Authority to oversee and manage ports</p> <p>PD 256 - the Secretary of Public Works and Highways may hear complaints pertaining to obstruction of waterways</p> <p>DAO 30, 1992 - Guidelines for the transfer and implementation of DENR functions devolved to local government units (series on devolved land management functions)</p> <p>DAO 96-37 - revising DAO 21, s1992, to further strengthen the EIS system</p> <p>PD 1084, EO 252 (1979) -creates the Public Estates Authority and designates it as the primary agency responsible for all reclamation projects</p> <p>MNR AO 76 - establishes buffer zones in coastal and estuarine mangrove areas</p> <p>Commonwealth Act 141 (The Public Land Act of 1936) - classification and concession of public lands suitable for residence, commerce and industry; rules governing sale or lease of reclaimed, foreshore, and/or marshy public lands</p>



The Code Says:	Related Laws and Administrative Orders
<p><i>A MUNICIPALITY SHOULD PROVIDE</i> "TOURISM FACILITIES AND OTHER TOURIST ATTRACTIONS, INCLUDING EQUIPMENT, REGULATION AND SUPERVISION OF BUSINESS CONCESSIONS, AND SECURITY SERVICES FOR SUCH FACILITIES" (<u>SEC. 17 B(2) (xi)</u>)</p> <p>AND</p> <p>(xii) TOURISM DEVELOPMENT AND PROMOTION PROGRAMS (<u>SEC. 17(B)(3)(xii)</u>)</p>	<p>PD 564 - the Philippine Tourism Authority Charter, which tasks this Agency to administer and regulate our tourist zone and marine reserves</p> <p>RA 7586 - NIPAS Act</p> <p>PD 1586 - establishes the EIS system</p> <p>DAO 96-37 - revises DAO 21, s1992, to further strengthen the EIS system</p> <p>DAO 08, s1991 - guidelines on the issuance of ECC for the conversion of agricultural lands to non-agricultural uses</p> <p>MNR AO 76 & DAO 76, s1987 - establishment of buffer zones in coastal and estuarine mangrove areas</p> <p>MNR AO 42 - expansion of forest belt areas in storm surge typhoon prone areas: mangrove forest belt areas expanded to 100 m strip inland along shorelines facing seas, oceans and other water bodies in specific provinces</p> <p>EO 525 (1979) - designates the PEA as the agency primarily responsible for all reclamation projects</p> <p>DENR Memo Circular No. 12 (sept. 1991) - policy on the issuances of licenses, leases, and permits covering islands with areas less than 50,000 has.</p> <p>Lans General Circular No. 58 (1979) - directing District Land Officers to collect occupation fees on foreshore, marshy, reclaimed, and other government lands occupied by any person without authority or permit</p> <p>DAO 34, s1990 - revised water usage and classification standards/water quality criteria for tourist areas</p> <p>Commonwealth Act 141 (1936) - rules governing sale or lease of reclaimed, foreshore and/or marshy public lands</p> <p>PD 1067 - The Water Code of the Philippines: Article 51 states that use of the banks of rivers, lakes, streams and ponds, throughout their entire length and within a</p>

**TABLE 3-6 (CONTINUED)
COMPLEMENTARITY OF LGC
PROVISIONS AND EXISTING LAWS
ON CRM**





TABLE 3-5 (CONTINUED)
COMPLEMENTARITY OF LGC
PROVISIONS AND EXISTING LAWS
ON CRM

The Code Says:	Related Laws and Administrative Orders
	<p>distance of 3 m in urban areas, 20 m in agricultural areas, and 40 m along forest areas along their margins are subject to public easement where building of structures of any kind is prohibited</p>
<p><i>A PROVINCE SHOULD PROVIDE "AGRICULTURAL EXTENSION AND ON-SITE RESEARCH SERVICES AND FACILITIES WHICH INCLUDE THE ORGANIZATION OF FARMERS AND FISHERS COOPERATIVES AND OTHER COLLECTIVE ORGANIZATIONS, AS WELL AS TRANSFER OF APPROPRIATE TECHNOLOGY" (SECTION 17(B)(3)(I))</i></p>	<p>Joint Administrative Order No. 2 (DA-DILG-DENR-DOJ), implementing rules and regulations of EO No. 240 (FARMCs) EO 240. Creates FARMCs RA 7586 - NIPAS Act; organization of PAMBs DAO 30, s1992- guidelines for the transfer and implementation of DENR functions devolved to LGUs Joint DA-DILG AO No. 3 - implementing guidelines for granting of preferential treatment to small fisherfolk relative to the 15 km municipal waters</p>
<p><i>A PROVINCE SHOULD "PURSUANT TO NATIONAL POLICIES AND SUBJECT TO SUPERVISION, CONTROL AND REVIEW OF THE DENR, ENFORCE FORESTRY LAWS LIMITED TO COMMUNITY-BASED FORESTRY PROJECTS, POLLUTION CONTROL LAW, SMALL-SCALE MINING LAW AND OTHER LAWS ON THE PROTECTION OF THE ENVIRONMENT; AND IMPLEMENT MINI-HYDRO ELECTRIC PROJECTS FOR LOCAL PURPOSES" (SECTION 17(B)(3)(III))</i></p> <p><i>AND</i></p> <p><i>"THE PROVINCE MAY LEVY AND COLLECT NOT MORE THAN 10% OF THE FAIR MARKET VALUE IN THE LOCALITY PER CUBIC METER OF ORDINARY STONES, SAND, GRAVEL, EARTH, EXTRACTED FROM PUBLIC LANDS OR FROM THE BEDS OF SEAS, LAKES, RIVERS, STREAMS, CREEKS; PERMIT TO QUARRY SHALL BE ISSUED BY THE PROV. GOVERNOR" (SEC. 130)</i></p>	<p>RA 7942 - the Philippine Mining Act of 1995 RA 7076 - creates a people's small-scale mining program RA 6810 - provides for the establishment of countryside and barangay businesses RA 7586 - NIPAS Act; prohibits mining in protected areas RA 6969 - Toxic and hazardous waste act PD 463, as amended by PD 1385 and PD 1677 - mineral resources development decree of 1974 PD 1152 - the Philippine Environment Code PD 1067 - The water code of the Philippines, article 77 - mine tailings shall not be dumped into rivers and waterways PD 1198 - requires the rehabilitation of areas to their original condition</p>



The Code Says:	Related Laws and Administrative Orders
	<p>PD 1586 - establishes EIS system</p> <p>DAO 82, s1992 - guidelines for issuance of permits for pebble picking along beaches</p> <p>DAO 23, s1995 - implementing rules and regulations for RA 7942, otherwise known as the Philippine Mining Act of 1995</p> <p>DAO 85, s1990 - imposes fees on mine tailings</p> <p>DAO 30, s1992 - guidelines for the transfer and implementation of DENR functions devolved to local government units</p> <p>DAO 96-37 - revising DAO 21, s1992, to further strengthen the EIS system</p> <p>DAO 85, s1990 - establishes mine wastes and tailing fees</p> <p>DAO 28, s1992 - guidelines for issuance of permits for pebble picking along beaches</p> <p>DAO 35, s1990 - establishes effluent standards</p>
<p><i>THE PUNONG BARANGAY SHALL</i> (1) ENFORCE ALL LAWS AND ORDINANCES WHICH ARE APPLICABLE WITHIN THE BARANGAY (2) ENFORCE LAWS AND REGULATIONS RELATING TO POLLUTION CONTROL AND PROTECTION OF THE ENVIRONMENT (<u>SECTION 389</u>)</p> <p><i>THE MUNICIPAL MAYOR SHALL</i> ENFORCE ALL LAWS AND ORDINANCES RELATIVE TO THE GOVERNANCE OF THE MUNICIPALITY... AND SHALL ISSUE SUCH EXECUTIVE ORDERS AS ARE NECESSARY FOR THE PROPER ENFORCEMENT AND EXECUTION OF LAWS AND ORDINANCES. (<u>SECTION 444(B) (2) (III)</u>)</p> <p><i>THE PROVINCIAL GOVERNOR SHALL</i> ENFORCE ALL LAWS AND ORDINANCES RELATIVE TO THE GOVERNANCE OF THE PROVINCE, AND SHALL ENSURE THAT THE ACTS OF COMPONENT CITIES AND MUNICIPALITIES</p>	<p>RA 5173 - creates the Philippine Coast Guard and tasks it to implement laws within Philippine waters</p> <p>RA 6975 - creates the Maritime Police Unit and tasks it to perform all police functions over Philippine territorial waters and rivers</p> <p>PD 1160 (1977) - the barangay captain, councilman, zone chairman are deputized as peace officers, with authority to arrest violators of rules and regulations governing pollution control</p> <p>PD 825 (1975) - the Secretary of Public Works, with assistance from health officials and the local government concerned, implements the law providing penalty for improper disposal of garbage and</p>

TABLE 3-5 (CONTINUED)
COMPLEMENTARITY OF LGC PROVISIONS AND EXISTING LAWS ON CRM



3

Nature and Extent of Jurisdictional Problems



TABLE 3-5 (CONTINUED)
COMPLEMENTARITY OF LGC PROVISIONS AND EXISTING LAWS ON CRM

The Code Says:	Related Laws and Administrative Orders
<p>ARE WITHIN THE SCOPE OF THEIR POWERS; ISSUE EXECUTIVE ORDERS FOR THE FAITHFUL AND APPROPRIATE ENFORCEMENT AND EXECUTION OF LAWS AND ORDINANCES. THE MUNICIPAL MAYOR SHALL: ADOPT MEASURES TO SAFEGUARD AND CONSERVE LAND, MINERAL, MARINE, FOREST AND OTHER RESOURCES OF THE MUNICIPALITY (SECTION 444(B)(3)(VII); SECTION 465(B)(2)(I AND III); (B) (3) (V))</p>	<p>other forms of uncleanliness</p> <p>PD 600 (1974) - the Philippine Coast Guard has the primary responsibility to enforce laws, rules and regulations governing marine pollution</p> <p>PD 1058 - increases penalties provided for under PD 704 for certain forms of illegal fishing and dealing in illegally caught fish, etc</p> <p>PD 979 - Marine Pollution Decree; responsibility to enforce laws, rules and regulations governing marine pollution</p> <p>LOI 550 - directs the Secretary of Natural Resources to train barangay officials as deputy fish wardens and/or deputy forest wardens</p> <p>EO 114 - constitutes the Presidential Committee on Illegal Fishing and Marine Conservation</p> <p>EO 117 - establishes the Inter-Agency Task Force for Coastal Environment Protection</p> <p>AO 201 - provides for the coordination mechanism for monitoring, control and surveillance</p> <p>DAO 41, s1991 - guidelines governing the deputation of Environment and Natural Resources Officers</p> <p>DAO 03, s1995 - guidelines and criteria to be observed in selecting LGU, NGO and PO representatives to PAMB</p> <p>All subsisting Fisheries Administrative Orders (FAOs) issued by the BFAR</p>



Republic Acts or statutes, including international treaties ratified by Congress, which have the same force as statutes are categorized as primary issuances in this guidebook. *Republic Acts (RA)* are laws passed by the Philippine Congress. However, presidential issuances (Executive Orders) during Martial Rule (legislative function was ensconced with the executive branch) as well as those exercised by President Corazon Aquino, also have the same force as statutes.

International treaties which have been ratified by Congress include the Law of the Sea, CITES, London Convention, Basel Convention and Montreal Protocol (Sec. 3.3.4).

Executive Orders and department administrative orders (DAO) are enabled by primary issuances; they are categorized as secondary issuances in this guidebook. Pursuant to a RA, a government agency is thereby ordered to develop Implementing Rules and Regulations (IRR) which then become a DAO. Again, administrative rules and regulations shall be valid only when they are not contrary to the laws or the Constitution (Article 7, Civil Code).

Ordinances emanating from LGUs are subsidiary in nature and must, at all times, be consistent with the higher laws. Ordinances issued by LGUs have no validity when they contradict either a statute or the Constitution (*Primicias vs. Municipality of Urdaneta, Pangasinan, 93 SCRA 462*). Ordinances also carry no validity when they contradict AOs that were written pursuant to a superior law. The rationale of the requirement that the ordinances should not contravene a statute is obvious. Local governments are only agents of the national government. Local councils exercise only delegated legislative powers conferred on them by Congress as the national lawmaking body (*Magtajas vs. Pryce Properties Corp., Inc 234 SCRA 255*). The LGC provides guidance on the hierarchy of issuances with respect to different levels of LGUs.

The tests of a valid ordinance are well established and must conform to the following substantive requirements:

- ◆ It must not contravene the Constitution or any statute
- ◆ It must not be unfair or oppressive
- ◆ It must not be partial or discriminatory

- ◆ Constitution
- ◆ Republic Acts and International treaties ratified by Philippine Congress
- ◆ Commonwealth Acts, Public Acts, Batas Pambansa
- ◆ Presidential Decrees issued during the Marcos era and Executive Orders of President Aquino
- ◆ Presidential Decrees and Executive Orders not included above; Letters of Instructions and Presidential Proclamations
- ◆ Administrative Orders
- ◆ Ordinances of local governments

Box 3-1.
TYPES OF ISSUANCES IN HIERARCHY OF IMPORTANCE



Nature and Extent of Jurisdictional Problems



- ◆ It must not prohibit but may regulate trade
- ◆ It must be general and consistent with public policy
- ◆ It must not be unreasonable

The superiority of laws and issuances is also determined by chronology with the latest issuance having more force than the previous one. But always, a statute is superior to an issuance or ordinance.

Judicial decisions, which are not classified as laws or administrative issuances, are also used as reference when applying or interpreting the laws or the Constitution.

Where issues have not been brought to court, the opinion of the Secretary of Justice is also considered and given high regard.

The legal regime supporting local level management as suggested by Abregana et al (1996) should conform to the rules of **predictability** (and its corollary, **consistency**) and **formality**. The predictability feature ensures that local legal regimes are supportive of a set of objectives, such as sustainability of resource use, and that it is possible to measure success rate. In the same manner, individuals affected by said regime should be able to foresee the effects of compliance or non-compliance to their actions. Predictability and consistency are achieved when legal instruments can be applied to as wide an area as possible. These generic instruments are often lodged in the State or in a significant political unit and at times may traverse international boundaries. The LGC permits a consolidation of local level legal instruments to be applied in a certain zone, such as a bay management council, via its provision on cooperative undertakings. Resource management initiatives should consider this feature seriously because activities in contiguous and nearby LGUs may affect the condition of natural resources in another. Moreover, enforcement is facilitated when LGUs agree to implement complementary rules. The formality feature assigns to formal structures or instrumentalities of the state key tasks of resource management including: information gathering, promulgation of management measures, allocation decisions, and enforcement (Abregana et al 1996). This is articulated clearly in the LGC where specific units of government are assigned a variety of tasks relevant to CRM. The succeeding section deals with tasks that have been explicitly devolved by the LGC and related issuances.

DEVOLVED CRM FUNCTIONS

This section outlines the functions which are expressly devolved by the LGC as supported by relevant national laws and AOs.



No other CRM activity is accorded emphasis in the Code more than the fishery sector. Section 149, fishery rentals and charges, provides for the granting of various types of fishing privileges by the municipal government. In addition, the DA-DILG MOA of April 1994 outlines fishery-related functions that have been devolved (Table 3-6).

For other CRM activities such as forestry, mining, land use, and environmental protection, the LGC provides for a “managed” scope of devolution. DAO 30, s1992 states that DENR remains the primary government agency responsible for the conservation, management, protection, development, and proper use of the country’s environment and natural resources within their territorial jurisdiction. Furthermore, the implementation of devolved functions as provided by the LGC shall be subject to the department’s supervision, control, and review. DAO 30 of the DENR articulates the functions pertaining to forest, land, protected areas and environmental management which have been devolved to the LGU. Said administrative order further specifies which functions have been retained by DENR.

The LGC also introduced substantial changes (not to mention, some degree of confusion) in the scope of existing national laws, in particular, PD 704, or the Fisheries Decree of 1975. These changes include:

- ◆ Section 131(r) expanded the scope of municipal waters to 15 km from the 3 nm (approximately 5.5 km) limit set out by PD 704 (Sec. 3). Interpreted in conjunction with Section 4 of PD 704, which excludes BFAR’s general jurisdiction over municipal waters, this provision effectively reduces the geographic scope of BFAR’s responsibility. While the applicability of national laws regulating the use of specific gears or vessels within the 7 km area cannot be denied, the legality of its use in expanded municipal waters (7.01 km to 15 km) is still in question.
- ◆ The Code (Sec. 534(e)) repeals Section 2, 16, and 29 of PD 704. Section 2 of PD 704 establishes the state policy towards fisheries, the highlights of which include:

“accelerate and promote the integrated development of the fishery industry”

“keep the fishery resources of the country in optimum productive condition through proper conservation and protection”

“encourage and promote the exportation of fish and fishery/aquatic products to enable the fishery industry to contribute positively to the development and growth of the national economy”

“private sector is not just a privileged beneficiary but also an active participant and partner of the



TABLE 3-6.
DEVOLVED CRM FUNCTIONS
CLASSIFIED ACCORDING TO
SECTOR AND ENABLING LAWS

DEVOLVED CRM FUNCTIONS	ENABLING LAWS
1. FISHERIES	
1.1 Grant fishery privileges to erect fish corrals, oyster, mussel, or other aquatic beds, or <i>bangus</i> fry areas within a definite zone of municipal waters	LGC sec. 149 (b) (1) LGC sec. 149 (b) (2)
1.2 Grant privileges to gather, take or catch <i>bangus</i> fry, prawn fry or <i>kawag-kawag</i> or fry of other species from municipal waters to marginal fishermen free of charge...	LGC sec. (b) (3) LGC sec. 149 (b), sec. 17 (b) (2) (1)
1.3 Issue licenses for operation of fishing vessels 3 GT or less	LGC sec. 149 (b)
1.4 Penalize use of explosives, noxious or poisonous substances, electricity, <i>muro-ami</i> and other deleterious methods of fishing; enforcement of fishery laws in municipal waters	LGC sec. 447 (a) (1) (vi)
1.5 Prosecute any violation of the provisions of applicable fishery laws	
1.6 Enact ordinances for the protection of the marine environment and imposition of appropriate penalties for actions which endanger the environment such as dynamite fishing and other activities which result in...ecological imbalance	LGC sec 447 (a) (5) (xii) LGC sec 17 (20) (i) DA-DILG MOA dated April 1994
1.7 Approve measures and adopt quarantine regulations to prevent the spread of diseases	
1.8 Disperse fingerlings and other seeding materials for aquaculture	
1.9 Issue permits to construct fish cages, gather aquarium fishes, gather <i>kapis</i> shells, gather/culture shelled mollusks; issue licenses to establish seaweed farms, establish cultured pearl farms; issue auxiliary invoice to transport fish; establishment of closed seasons	LGC sec 447 (a) (1) (vi)
1.10 Amicably settle boundary disputes between 2 or more municipalities within the same province, or involving municipalities or component cities of different provinces	LGC sec 118
2. FORESTRY	
2.1 Ensure conservation of mangroves	LGC sec 17 (2) (ii)
2.2 Protect the environment and impose appropriate penalties for acts which	



DEVOLVED CRM FUNCTIONS	ENABLING LAWS
<p>endanger the environment such as ...illegal logging and smuggling of logs, smuggling of natural resources products and endangered species of flora and fauna, slash-and-burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological imbalance</p>	<p>LGC sec 17 (b)(2); sec 447 (a)(5)(i); DAO 30, s1992</p>
<p>2.3 Provide for the establishment, maintenance, protection, and conservation of communal forests (with an area not exceeding 50 sq km) and watersheds, tree parks, greenbelts, mangroves, and implementation of other similar forest development projects, including: Integrated Social Forestry Projects, new regular reforestation projects, completed family and community-based contract reforestation projects, forest land management agreements, community forestry projects; subject to DENR guidelines</p>	<p>DAO 30, s1992; LGC sec 138</p> <p>LGC sec 17 (b) (3) (iii); DAO 30, s1992 DAO 30, s1992</p>
<p>2.4 Enforcement of forestry laws in community-based forestry areas (province/city)</p>	
<p>3. MINING</p>	
<p>3.1 Issue permit and collect fees for <i>guano</i> collection and to extract sand, gravel and other quarry resources (provincial governor)</p>	<p>LGC sec 447 (a) (2) (vii-ix); DAO 30, s1992</p>
<p>3.2 Enforce small-scale mining laws, subject to policies of DENR (province/city)</p>	<p>LGC sec 447 (a) (4)</p>
<p>3.3 Verify and adjudicate conflicts over <i>guano</i> collection and sand, gravel and other quarry resources (province/city)</p>	<p>LGC Sec. 17 (2) (vi); DAO 30, s1992</p>
<p>4. LAND USE</p>	
<p>4.1 Adopt a comprehensive land use plan; reclassify land within jurisdiction of municipality; enact integrated zoning ordinances in consonance with approved comprehensive land use plan; conduct cadastral, special, and isolated surveys</p>	<p>LGC sec.468 (a) (4) (i)</p> <p>DAO 30, s1992</p>

**TABLE 3-6. (CONTINUED)
DEVOLVED CRM FUNCTIONS
CLASSIFIED ACCORDING TO
SECTOR AND ENABLING LAWS**





TABLE 3-6. (CONTINUED)
DEVOLVED CRM FUNCTIONS
CLASSIFIED ACCORDING TO
SECTOR AND ENABLING LAWS

DEVOLVED CRM FUNCTIONS	ENABLING LAWS
4.2 Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare	DAO 30, s1992 DAO 30, s1992
<i>5. ENVIRONMENT</i>	
5.1 Implement solid waste disposal system or environmental management system, and services or facilities related to general hygiene and sanitation	LGC Sec. 447 (a) (1) (vi); sec. 458 (a) (1) (vi); sec. 468 (a) (1) (vi)
5.2 Enforce laws and regulations related to pollution control and protection of the environment (barangay)	
5.3 Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province, in consonance with approved standards on human settlements and environmental sanitation	
5.4 Issue Environmental Clearance Certificate (ECC) for projects and businesses under Kalakalan 20	
5.5 Adjudicate cases involving complaints against businesses under the Kalakalan 20	
5.6 Implement cease-and-desist orders issued by the Pollution Adjudication Board	
5.7 Approve ordinances and pass resolutions that will protect the environment and impose appropriate penalties for acts which endanger the environment, ...and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes or ecological imbalance	



government in the conservation and development of the fishery resources of the country”

- ◆ The LGC does not provide parallel positions on this repealing clause and it is unclear which of these aspects are repealed.
- ◆ Section 16 of PD 704 establishes the need for a license, lease, or permit for any fishery activity in Philippine or municipal waters. The LGC thus repeals this provision by assigning to the municipality the right to issue licenses, leases, or permits for the use of municipal waters.
- ◆ Section 29 of PD 704 states that a municipal or city ordinance relating to the granting of fishery privileges should be duly approved by the Secretary. This approval is rendered unnecessary by the LGC.

INTERNATIONAL TREATIES

The Philippine Government has affirmed its commitment to support global efforts to protect the environment by participating in the formulation and signing of several international treaties on various aspects of environmental management. Among these are treaties that are relevant to CRM:

- ◆ International Convention for the Prevention of Pollution of the Sea by Oil, 1964
- ◆ Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter, 1973
- ◆ International Convention for the Prevention of Pollution from Ships, 1973
- ◆ Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), 1981
- ◆ Montreal Protocol on Substances that Deplete the Ozone Layer, 1991
- ◆ Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), 1993

In addition, and perhaps more importantly, the Philippines is signatory to global programs of actions that are not strictly treaties but are nonetheless more significant in the area of environmental management. These include:

Nature and Extent of Jurisdictional Problems



- ◆ The Law of the Sea, 1994
- ◆ Agenda 21: Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and The Protection, Rational Use and Development of Their Living Resources; UNCED, 1992
- ◆ Global Programme of Action for the Protection of the Marine Environment From Land-Based Activities, UNEP, 1995

These treaties have significant implications to resource management programs at the local level. The ratification of the Law of the Sea (LOS) has formally established the Philippine 200-mile Exclusive Economic Zone and substantially enlarged the country's maritime jurisdiction. However, under the LOS, the Philippines also committed to protect and preserve the marine environment through the adoption of appropriate measures, rules, and regulations.

In fact, some of these treaties have been implemented locally through the promulgation of complementary national laws. These include RA 6969 (Toxic Substances, Hazardous and Nuclear Wastes Control Act) which implements the country's commitments to the Basel Convention, PDs 602 and 979 for the prevention of marine pollution, and the Philippine Agenda 21 as the local blueprint for implementation of the provisions of UNCED's Agenda 21. It should be noted that CRM is one of the major strategic interventions being proposed under Agenda 21.

The treaty of greater significance as it involves the cooperation of local government authorities in its implementation is the CITES. CITES is a treaty between 130 nations which have agreed to control or prohibit trade in over 40,000 species of animals and plants, depending on the level of threat to their survival. The Parties to the treaty apply a system of permits and certificates which are issued when certain conditions are met and which have to be presented when consignments of specimens of species listed under the agreement leave or enter a country. Since the sources of these flora and fauna are directly within their jurisdiction, local governments are required to prevent the collection of, trafficking of, and trade in the species listed under CITES. The list includes 21 species of marine mammals (whales, dolphins, a species each of *dugong* and porpoise); 3 species of *reptilla* (seawater snakes); 2 species of *Arowana*; 1 species of giant catfish; 7 species of shelled mollusks (*Tridacna spp. and Hippopus spp.*); and at least 26 species of corals. The gathering of mollusks, which are protected under the CITES, is prohibited under FAO Nos. 158, 168, and 168-2. All corals, on the other hand, are protected under PD Nos. 1219 and 1689. The capture, sale, possession, transport, and purchase of dolphins are prohibited under FAO No. 185. FAOs are considered national laws whose implementation now lies within the responsibility of the LGUs.