

**DEVELOPMENT OF NATIONAL AND LOCAL GOVERNMENT  
FISHERIES REGISTRATION AND LICENSING FRAMEWORKS  
FOR THE PHILIPPINES<sup>1</sup>**

**REGISTRATION AND LICENSING FRAMEWORK  
FOR THE MUNICIPAL CAPTURE FISHERIES SECTOR  
OF THE PHILIPPINES<sup>2</sup>**

Implementation of the Fisheries Improved for Sustainable Harvest Project  
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Lanuza Bay Development Alliance
- B** Executive Order 305 Implementing Rules and Regulations
- C** Pro-forma Fisher Registration Form
- D** Pro-forma Certificate of Fisher Registration
- E** Fishing License Application
- F** Pro-forma Fishing License
- G** Municipal Fisheries Registration and Licensing Model Ordinance and Implementing Rules and Regulations

## List of Acronyms

<i>AO</i>	Administrative Order
<i>ARMM</i>	Autonomous Region in Muslim Mindanao
<i>BFAR</i>	Bureau of Fisheries and Aquatic Resources
<i>BFARMC</i>	Barangay Fisheries and Aquatic Resources and Management Council
<i>CAR</i>	Cordillera Autonomous Region
<i>CFARMC</i>	City Fisheries and Aquatic Resources and Management Council
<i>CFR</i>	Certificate of Fisher Registration
<i>CN</i>	Certificate of Number
<i>CRMP</i>	Coastal Resource Management Project
<i>CTC</i>	Community Tax Certificate
<i>CVR</i>	Certificate of Vessel Registration
<i>DA</i>	Department of Agriculture
<i>DAO</i>	Department Administrative Order
<i>DENR</i>	Department of Environment and Natural Resources
<i>DILG</i>	Department of Interior and Local Government
<i>DOJ</i>	Department of Justice
<i>DOLE</i>	Department of Labor and Employment
<i>DOTC</i>	Department of Transportation and Communications
<i>EES</i>	Economic Enterprise Section
<i>EO</i>	Executive Order
<i>FAO</i>	Fisheries Administrative Order
<i>FARMC</i>	Fisheries and Aquatic Resources and Management Council
<i>FIMC</i>	Fisheries Information Management System
<i>FISH Project</i>	Fisheries Improved for Sustainable Harvests Project
<i>FRMP</i>	Fisheries Resources Management Program
<i>FSP</i>	Fisheries Sector Project
<i>GT</i>	Gross Tons (Tonnage)
<i>ICCs</i>	Indigenous Cultural Communities
<i>IEC</i>	Information, Education and Communication
<i>IFARMC</i>	Integrated Fisheries and Aquatic Resources and Management Council
<i>IPs</i>	Indigenous Peoples
<i>IRA</i>	Internal Revenue Allotment
<i>IRR</i>	Implementing Rules and Regulations
<i>LBDA</i>	Lanuza Bay Development Alliance
<i>LCP</i>	League of Cities of the Philippines
<i>LFARMC</i>	Lakewide Fisheries and Aquatic Resources and Management Council
<i>LGC</i>	Local Government Code
<i>LGU</i>	Local Government Unit
<i>LLDA</i>	Laguna Lake Development Authority
<i>LMP</i>	League of Municipalities of the Philippines
<i>MAO</i>	Municipal Agriculturist Office
<i>MARINA</i>	Maritime Industry Authority
<i>MBOL</i>	Motorboat Operators' License
<i>MCS</i>	Monitoring, Control and Surveillance

<i>MEMPO</i>	Municipal Environmental Management Project Officer
<i>MFARMC</i>	Municipal Fisheries and Aquatic Resources and Management Council
<i>MFO</i>	Municipal Fisheries Ordinance
<i>MMAA</i>	Muslim Mindanao Autonomy Act
<i>MMC</i>	MARINA Memorandum Circular
<i>MPDC</i>	Municipal Planning and Development Council
<i>MPDO</i>	Municipal Planning and Development Office (r)
<i>MRDP</i>	Mindanao Rural Development Program
<i>MSY</i>	Maximum Sustainable Yield
<i>MTO</i>	Municipal Treasurer's Office
<i>NAMRIA</i>	National Mapping and Resource Information Authority
<i>NCIP</i>	National Commission for Indigenous Peoples
<i>NGO</i>	Nongovernment Organization
<i>PCG</i>	Philippine Coast Guard
<i>PCRA</i>	Participatory Coastal Resource Assessment
<i>PhilFIS</i>	Philippine Fisheries Information System
<i>PNP-MG</i>	Philippine National Police - Maritime Group
<i>PO</i>	Peoples Organization
<i>PTO</i>	Permit to Operate
<i>RA</i>	Republic Act
<i>RHU</i>	Rural Health Unit
<i>TAC</i>	Total Allowable Catch
<i>TWG</i>	Technical Working Group

## Definition of Terms

As used in this Municipal Fisheries Registration and Licensing Framework, the following terms will mean as follows:

<i>Admeasurements</i>	the measure of the volumetric capacity of the fishing vessel to determine its GT.
<i>Certificate of Fisher Registration</i>	proof that the fisher is listed in the municipal fishers' registry.
<i>Certificate of Vessel Registration</i>	proof that the fishing vessel is registered and listed in the fishing vessel registry.
<i>Certificate of Number</i>	proof of conferment of identity of fishing vessel.
<i>Catch Ceilings</i>	the annual volume of catch allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms.
<i>Closed Season</i>	the period during which the taking of specified fishery species by a specific fishing gear is prohibited in specified area or areas in Philippine waters.
<i>Coastal Area / Zone</i>	a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect the oceanic processes and uses, and, vice versa; its geographic extent may include areas within a landmark limit of 1 km from the shoreline at high tide to include mangrove swamps, brackishwater ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 m isobath to include coral reefs, algal flats, seagrass beds and other soft bottom areas.
<i>Community Tax Certificate</i>	provides proof of residence in a municipality or city; issued upon payment of community tax.
<i>Commercial Fishing</i>	the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing.

<i>Fishers</i>	<i>refer to definition of municipal fishers.</i>
<i>Fisheries</i>	all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resources thereof.
<i>Fisherfolk Cooperative</i>	a duly registered association of fishers with a common bond interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
<i>Fisherfolk Organization</i>	an organized group, association, federation, alliance or institution of fishers which has at least 15 members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
<i>Fisher Registration</i>	the act / process of enlisting fishers for the purpose of determining priorities among them, of limiting entry into municipal waters and of monitoring activities and / or other purposes.
<i>Fishing</i>	the taking of fishery species from the wild state or habitat with or without the use of fishing vessels.
<i>Fishing Gear</i>	any instrument or device and its accessories utilized in taking fish and other fishery species.
<i>Fishing Vessel</i>	any boat, ship or other watercraft equipped to be used for taking of fishery species aiding or assisting one or more vessels in the performance of any activity relating to fishing, including but not limited to, preservation, supply storage, refrigeration, transportation and / or processing.
<i>Gross Tonnage</i>	the product of vessel tonnage length, vessel depth and vessel multiplied by a factor of 0.70 divided by 2.83.
<i>Homeport</i>	refers to the local government unit where the fishing vessel is registered.

<i>Limited Access</i>	a fishery policy by which a system of equitable resource use and allocation is established by law through fishery rights granting and licensing procedure as provided by the Fisheries Code.
<i>Local Government Unit</i>	local government unit; refers to cities and municipalities
<i>Marginal Fishers</i>	synonymous to subsistence fishers as used in this document; <i>refer to definition of subsistence fisher.</i>
<i>Medium-scale Commercial Fishing</i>	fishing with active gear utilizing fishing vessels of 20.1 GT up 150 GT.
<i>Motorized Fishing Vessel</i>	a fishing vessel propelled by mechanical means.
<i>Municipal Fishers</i>	people directly or personally and physically involved in taking fishery species from their wild state or habitat within municipal waters.
<i>Municipal Fisher License</i>	a permit to fish in municipal waters for a specified period granted only to registered fishers.
<i>Municipal Fishing Vessel</i>	any watercraft used for fishing or in support to fishing operations 3 GT and below.
<i>Municipal Fishing Vessel License</i>	a permit to operate specific types of fishing vessel for specific duration in municipal waters for demersal or pelagic fishery resources.
<i>Municipal Fishing Gear License</i>	a permit to use specific types of fishing gears for specific duration in municipal waters for demersal and pelagic fishery resources.
<i>Municipal Waters</i>	include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (the NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 km from such coastline. Where two municipalities are so situated

on opposite shores that there is less than 30 km of marine waters between them, the third line shall be equally distant from the opposite shore of the respective municipalities.

Under the ARMM Aquatic and Fisheries Code, municipal waters only extend 12 km from the coastline.

*Net Tonnage*

the GT multiplied by a factor 0.32.

*New Entrants to Fishery*

refers to fishers who are classified as (a) new generation of fishers or (b) fishers changing homeports

*New Fishing Vessels*

vessels which are used by (a) new generation of fishers; (b) fishes changing homeports

*Registered Breadth*

the transverse distance taken at a widest part of the hull, excluding rub rails from the outer board side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull.

*Registered Depth*

the vertical distance taken at or near mid ships from a line drawn horizontally through the gunwale of the skin of the sides of the hull (excluding the rail) to the outboard face of the bottom skin of the hull, excluding the keel.

*Registered Length*

the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding fittings and attachments.

*Resource Rent*

the difference between the value of the products produced from harvesting a publicly owned resource and the cost of producing it, where cost includes the normal return to capital and normal return to labor.

*Small-scale Commercial Fishing*

fishing with passive or active gear utilizing fishing vessels of 3.1 GT upto 20 GT.

*Subsistence Fishers*

people directly involved in taking fishery species from their wild state or habitat mainly for consumption purposes. They are primarily

characterized by fishing without vessels or fishing with nonmotorized vessels. Fishers may still be considered subsistence fishers even if they sell part of their catch so long as the proceeds are used to purchase basic commodities.

*Total Allowable Catch*

the maximum volume of fish that would be allowed to be taken during a given period of time from any fishery area or from any fishery species or group of fishery species or a combination of area and species and normally should not exceed maximum sustainable yield.

*Tonnage Breadth*

measured at the mid part from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull.

*Tonnage Depth*

measured at the centerline from a point below the line of the tonnage deck. Measurement taken at right angle to the vessel centerline of the vessel down to the inboard of the bottom skin of the hull.

*Tonnage Length*

the length measured at the center line of the fishing vessel from the point forward where the line of the tonnage deck intersects the line of the inboard faces at the stem to the **point aft** where the line of the tonnage deck intersects the inboard face of the stern.

*Vessel Registration*

an act / process of enlisting a fishing vessel 3 GT and below for the purpose of establishing its identity and ownership by assigning it a permanent number (*recorded in the municipal registry of municipal fishing vessels*)

## Chapter I

### Introduction

Fisheries registration and licensing are the cornerstones of all fisheries management schemes. The Philippines has, as a matter of national policy, enacted appropriate laws towards registration and licensing in the municipal fisheries sector. The implementation of these laws has become more relevant in recent years with the rapid and continued depletion of municipal fishery resources, degradation of coastal habitats and the consequent poverty in the coastal areas.

Registration and licensing are tools to regulate entry into the fishery that have to be complemented by other measures to regulate fishing activities. In the context of current legal framework, registration is distinct from licensing. In registration, fishers are required to furnish the local government specific information before they can be lawfully allowed to engage in fishing activities. This information is intended to feed policy and regulatory processes for the municipal fisheries sector. In licensing, fishers are granted the right to gain access to the fishery resources and to engage in fishing activities.

Municipal fisheries registration and licensing have been embodied in Philippine fisheries laws and policies since 1932 and in the current Philippine Fisheries Code<sup>3</sup> (RA 8550). However, there appears to have been significant challenges in the implementation of these policies and legislation. Registration and licensing in the municipal sector have been limited in varying degrees and have remained deficient with the absence of enabling ordinances. Further, there have been no distinctions between registration and licensing as any fishing unit that is registered is automatically “licensed”, thereby placing no limits to entry.

This document develops a framework for fisheries registration and licensing for the municipal sector in the context of current laws, primarily the Fisheries Code and the Local Government Code (RA 7160). It outlines the important elements of registration and licensing that the LGUs need to implement in the management of their fisheries. Moreover, this framework builds on the initiatives of the LGUs, by themselves or in association with projects such as FSP, FRMP, CRMP and other area-based projects supported by various donors. It also draws some lessons learned from the experiences of other countries in regulating their small-scale fisheries sector.

The framework for municipal fisheries registration and licensing is being developed in consultation with key stakeholders, which include the municipal fishers, NGOs / POs, LGUs, national and subnational government agencies and fisheries experts, among others. Thus, this framework is a product of the inputs of these stakeholders, which have been solicited during the inception phase of this activity up until its finalization. The Team that was commissioned by the FISH Project has become an active facilitator and integrator of

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<sup>3</sup> Referred to as Fisheries Code hereafter.

the inputs of various stakeholder representatives, at the same time serving as experts in providing scientific and legal perspectives.

## Chapter II

### **Review of Current Fisheries Registration and Licensing and Experiences and Lessons Learned from Other Countries**

This section provides a review of the provisions of current policies and legislation related to fisheries registration and licensing and identifies the institutions that are involved in implementation and enforcement. Subsequently, it identifies opportunities and challenges on how to effectively implement existing fisheries registration and licensing policies in the municipal sector. It also draws lessons from the experiences of other countries in fisheries management.

#### **2.1 Review of Existing Laws and Policies on Municipal Fisheries Registration and Licensing**

Most of the prevailing laws relevant to fisheries registration and licensing are embodied in and emanate from the Fisheries Code and its IRR. Table 1 provides the status of implementing the key provisions of existing laws for the municipal fisheries sector. As shown, current policies and legislation appear adequate in responding to the objectives of municipal fisheries registration and licensing. However, the implementation of these policies has remained largely wanting with the absence of corresponding enabling municipal ordinances at the local level, and Fisheries Administrative Orders at the national level. To date, there are only few municipalities in the country, which have enacted Basic Municipal Fisheries Ordinances. Moreover, where enabling ordinances exist, enforcement has been generally weak.

#### **2.2 Current Municipal Fisheries Registration and Licensing Scheme**

The current system of municipal registration and licensing is divided into three aspects:

*Registration of Municipal Fishers.* For providing the basis for prioritization in the granting of access rights, limiting entry to the municipal fishery, and monitoring of fishing activities, RA 8550 Sections 17 to 22 require the annual updating of the registry of municipal fishers and mandate the LGUs to maintain a registry of municipal fishing vessels by type of gear and other vessel particulars with the assistance of FARMCs. The registry of municipal fishers serves as the basis for identification of municipal fishers who would be allowed to fish within municipal waters. RA 8550 also explicitly states that registration is not equivalent to a permit to fish, which is provided by a license.

*Registration of Municipal Fishing Vessels.* Primarily for conferment of identity of fishing vessels and for maritime safety considerations, the MARINA pursuant to PD 474 and EO 125 / 125 A is mandated to register all vessels operating in the territorial waters of the Philippines. The registration of municipal fishing vessels was previously delegated to the

PCG; however, recently the function is now devolved to the LGUs under EO 305, dated 2 April 2004.

*Municipal Fisheries Licensing Scheme.* For regulating access to the fishery and for generating revenues for the LGUs, RA 8550 Section 16 provides the LGUs, in consultation with the FARMC, the responsibility to manage, conserve, develop, protect, utilize and dispose of all fish and fishery / aquatic resources within their jurisdiction. Also, RA 8550 Section 6 mandates the LGUs to determine license fees for fishing activities within municipal waters in consultation with the FARMCs. In addition, RA 7160 Section 149 grants municipalities the exclusive authority to award fishery privileges in the municipal waters, to impose rentals, fees or charges, and particularly to issue licenses for the operation of municipal fishing vessels.

Despite sufficient legal and policy framework, municipal fisheries registration and licensing have largely remained unimplemented although implementation is spreading. Among the municipalities that have enacted comprehensive municipal fisheries ordinances are Bani (Pangasinan), Boljoon (Cebu), Guidulman (Bohol) and Inabanga (Bohol). The Lanuza Bay Development Alliance (LBDA) has recently come up with its own municipal fisheries covenant that provides for fisheries rules and regulations for the entire bay. The 22 municipalities surrounding Visayas Sea have also formulated their own fisheries ordinances<sup>4</sup>. All these municipalities have implemented registration and licensing in varying degrees. A cursory evaluation of the fisheries registration and licensing scheme of each of the 5 municipalities mentioned above is presented in **Attachment A**. A more general description of the schemes is presented below.

### **2.2.1 Registration of Municipal Fishers**

For municipalities that have required the registration of fishers, there appears to be no standard procedures. In the municipalities of Carrascal in Lanuza Bay, Boljoon in Cebu and Bani in Pangasinan, municipal fishers proceed directly to the MAO to accomplish the fisher registration form. In Cantilan in Lanuza Bay, fishers first register at the Barangay Council before proceeding to the MAO or MTO while in Inabanga, the MAO and representatives from the MTO, MPDC, PNP and Barangay Council go out to the coastal barangays and conduct registration at specified dates and venues.

Fisher registration forms vary although there are efforts to standardize them to be able to aggregate information at the provincial, regional and national levels in a more coherent manner. The LGUs use either the BFAR-developed or NGO-developed fisher registration forms, which are largely similar in the required information. The general information required is outlined below.

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<sup>4</sup> From the unpublished document of Visayan Sea Coastal Resources and Fisheries Management Project entitled "Standardization of municipal fisherfolk registration in the Visayas Sea: A step towards effective fisheries management", undated.

#### Personal information

- name of fisher
- municipality and barangay of residence
- age, birth date
- civil status
- number of years in the municipality
- blood type
- mailing address
- person to notify in case of emergency

#### Socioeconomic characteristics

- number of dependents and their dates of birth
- main and alternative sources of livelihood

#### Information on fishing practices and activities

- number of years fishing
- time of fishing
- number of hours spent in fishing
- type and quantity of catch by major fish species
- fishing vessel and gear specifications
- fishing grounds

#### Sociocivic information

- membership in local and / or national organizations
- position or designation in organization

The information provided by fishers is verified and assessed by the MAO. Only fishers who have stayed in the municipality for at least 6 months prior to registration are eligible to register. Fishers are issued a certificate of municipal fisher registration upon completion of the process.

Maintaining a fishers' registry remains a challenge for most of the LGUs. For some, records are simply accumulated in a pile and for others, information is written in logbooks. There is, therefore, relative difficulty in consolidating or retrieving information when needed. Fortunately, some LGUs assisted by CRMP, FRMP and other site-based NGOs already have computerized record-keeping systems. However, at one time, one LGU has encountered a computer breakdown, which has resulted in loss of data and temporary shut down of the whole registration and licensing system. This happens when there is an insufficient back-up system.

### **2.2.2 Registration of Municipal Fishing Vessels**

MARINA is mandated to register vessels operating within the territorial waters of the Philippines and undertake safety regulatory functions pertaining to vessel construction and operation. With this mandate, and pursuant to Department Order No. 98-1180 and DOTC-MARINA Memorandum Circular No. 139, MARINA deputized the PCG to register municipal

fishing vessels. PCG carried out the deputized function by requiring vessel owners to submit the following documents to the nearest headquarters/station<sup>5</sup> prior to the issuance of vessel safety documents:

- barangay clearance
- birth certificate
- affidavit of vessel ownership
- builder's certificate
- official receipt on the sale of engine
- 2 copies of 8" x 7" picture of the vessel
- 2 copies of 1" x 1" ID picture of the owner

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<sup>5</sup> In areas where there are no Coast Guard stations, mobile registrations are conducted in coordination with the LGU.

**Table 1. Status of Implementation of Key Provisions of Existing Laws for the Municipal Fisheries Sector.**

Registration / Licensing Policy	Relevant Provision of Law	Enabling Ordinances and / or Administrative Orders	Level of Enforcement (for Policies with Implementing Guidelines Only)
<p><b>Delineation of municipal waters</b></p>	<p>RA 8550, Section 4 [58]            RA 8550, Section 18, par. 2 (a) to (d)            Local Government Code (LGC) Section 131 [r]</p>	<p>DA AO 1 2004-1             LGU Ordinance</p>	<p>Issue of overlapping boundaries.</p> <p>Determination of municipal waters of municipalities with offshore islands is not covered by the DAO.</p> <p>There are already a number of municipalities with offshore islands which have delineated their municipal waters on the basis of DENR's DAO 17, applying the archipelagic doctrine.</p> <p>Municipalities with offshore islands which were not able to have their waters delineated under DAO 17 do not have guidelines for delineation.</p> <p>DAO 2004-1 encompasses coastal areas without offshore islands. The succeeding DAO that will set the guidelines for coastal municipalities with offshore islands is pending until such time that the Department of Justice (DOJ) comes up with its decision on a legal question on the matter.</p> <p>Some LGUs have already crafted their basic fisheries ordinances which were approved by the <i>Sangguniang Panlalawigan</i> dealing with these matters (through advocacy under BFAR regular activities and projects like FRMP and CBRMP that BFAR is co-implementing with other concerned agencies).</p>

<b>Limitation of entry</b>	RA 8550, Section 23 Rule 23.1 of RA 8550 IRR Rule 23.2 of RA 8550 IRR Declaration of Overfished Areas in Municipal Waters Rule 23.3 Impact Assessment RA 8550, Rule 16.3 of RA 8550 IRR also applies	FAO on guidelines on overfishing / criteria for determining overfished area not yet issued.  LGU Ordinance	Ordinances of this nature should be based on scientific studies and best evidence available.  Closed season is difficult to impose considering the multiplicity of fish species being managed.
<b>Criteria for registration</b>	1987 Constitution Section 2 Article XII RA 8550 Section 17, 19 and 20 Rule 19.2 – 19.3 of RA 8550 IRR RA 9295 EO 305, s. 2004 EO 125 / 125A Civil Code of the Philippines Labor Code of the Philippines Chapter II, Article 139	LGU Ordinance   DOLE Department Order No. 4, Series of 1999 Section 3	Issue of underage fishers.
<b>Criteria for licensing</b>	1987 Constitution RA 8550 Rule 7.5 – 7.8 and 16.1 of RA 8550 IRR RA 8550, Sections 17, 18, 21 LGC, Section 149	LGU Ordinance	Citizenship requirement is strongly enforced; residency requirement of at least 6 months in the municipality is waived by some LGUs.
<b>Total allowable catch (TAC)</b>	RA 8550, Section 7, 4[72], 8 Rule 7.1 of RA 8550 IRR	No FAO on catch ceiling has been enacted yet.	
<b>Catch ceiling limitations</b>	RA 8550, Section 8, Rule 8.1 – 8.2 of RA 8550 IRR	No FAO on TAC has been enacted yet	MSY has not been established.
<b>License fees based on resource rent</b>	RA 8550, Section 16  Rule 16.2 of IRR (Determination of the license fees is in consultation with the FARMCs.)	DA DAO 3, Rule 16. 2 states that municipality and city governments may, in consultation with the FARMCs, determine license fees of fisheries activities in municipal waters and should, as much as possible, conform to resource rent parameters and not determined arbitrarily.  LGU Ordinance	Subsistence / marginal fishers generally find license fees that cover even just the administrative costs as very costly.

<p><b>Temporal and area regulations</b></p>	<p>Rule 16.3 of IRR (Municipalities shall enact, in consultation with BFAR, Special Fisheries Ordinances, such as but not limited to special demarcated fisheries areas, closed season and environmentally critical areas and sanctuaries.</p>	<p>LGU Ordinance</p>	<p>Closed season is difficult to impose considering the multiplicity of fish species being managed.</p> <p>Imposition of closed season requires specification of fishing area to be closed</p> <p>Ordinances should be based on scientific studies and best evidence available.</p>
<p><b>Restrictions on gear / accessories</b></p>	<p>RA 8550, Sections 6, 29, 44, 89, 90, 92</p>	<p>FAO 204 (2000), Section 93</p> <p>FAO 84, 1965 (Prohibiting electro-fishing)</p> <p>FAO 122, s. 1977 (Prohibiting the use of <i>pantukos</i> under certain conditions)</p> <p>FAO 155, s. 1986 (Regulating the use of fine-meshed nets)</p> <p>FAO 163, s. 1986 (Prohibiting the operation of muro-ami and kayakas)</p> <p>FAO 164, s. 1987 (R &amp; R for <i>hulbot-hulbot</i>)</p> <p>FAO 188, s. 1993 (R &amp; R for tuna purse seine nets for commercial fishing)</p> <p>FAO 190, s. 1994 (Regulations re: <i>pa-aling</i>)</p> <p>FAO 201, s. 2000 (Ban on fishing with active gear)</p> <p>FAO 203, s. 2000 (Ban on muro-ami)</p>	

		<p>FAO 204, s. 2000 (Restricting use of super lights)</p> <p>FAO 222, s. 2003 (Regulations on <i>hulbot-hulbot</i>)</p> <p>LGU Ordinance</p>	
<b>Fines and penalties</b>	<p>RA 8550, Sections 86, 89, 90, 92, 93, 95, 101, 103 [a], 104</p> <p>RA 7160, Section 447</p>	<p>LGU Ordinance</p>	<p>RA 7160 limits the maximum fine to P2,500 per violation.</p>
<b>Incentives</b>	<p>RA 8550, Section 34 (For municipal and small-scale commercial fishers)</p>		
<b>Institutional provisions (Joint management of enclosed bays; FARMCs; Bantay Dagat; Roles of private sector)</b>	<p>RA 8550, Article II, Sections 68-79, Section 16 (FARMCs)</p> <p>EO 240, s. 1995</p> <p>RA 8550, Section 16, par. 4</p> <p>Rule 16.7 of IRR (Unified fisheries ordinance for an integrated resource management)</p> <p>Section 20 (Fisherfolk organizations and / or cooperatives)</p> <p>Section 24 (Support to municipal fishers)</p> <p>Rule 24.1 – 24.6 of RA 8550 IRR</p> <p>Rule 34.1 of RA 8550 IRR (Creation of the Inter-Agency Credit Committee)</p> <p>Rule 34.2 of RA 8550 IRR (Development and implementation of a capability program for municipal and small-scale commercial fishers)</p> <p>RA 8550, Section 124 (Persons and deputies authorized to enforce the Fisheries Code and other fishery laws, rules and regulations)</p>	<p>FAO 196, s. 2000 (Guidelines on the creation and implementation of FARMCs)</p> <p>FAO 196-1, s. 2004</p> <p>LGU Ordinance</p>	

<b>Funds</b>	RA 8550, Section 109 (Municipal fisheries grant fund) Section 110 (Fishery loan and guarantee fund) Section 111 (Fishing vessels development fund) Section 112 (Special fisheries science and <b>aprofishtech fund</b> )		
<b>Monitoring and Enforcement</b>	RA 8550, Section 14, 65[k] Rule 14.1 of RA 8550 IRR Rule 16. 9 of RA 8550 IRR  RA 8550, Section 16 (LGUs are mandated to enforce all fishery laws, rules and regulations as well as valid fishery ordinances in municipal waters.)	LGU Ordinance	Faced with serious challenges, such as lack of resources, lack of financial and moral support, threat of harassment suits.  Lack of cooperation from local law enforcement agencies.  Authority of deputized fish wardens are often questioned and not respected.  Depends on the political will of the concerned LGU.

PCG then determines the admeasurements of the vessel, assesses its seaworthiness and issues the following vessel safety documents:

- *certificate of number (CN)*: confers identity to the fishing vessel; issued once; remains valid as long as the vessel is still functioning;
- *motorboat operator's license (MBOL)*: authorizes the operator / owner to operate the motorboat; and
- *permit to operate (PTO)*: permits the owner or operator to use the vessel to fish in a specified zone / area.

Only the PCG station commanders are authorized to sign the documents on behalf of the MARINA Administrator.

However, there has been widespread confusion among the fishers, LGU staff and PCG field personnel as to which government agency has the mandate to register and license municipal fishing vessels. On the one hand, the LGUs are mandated to issue licenses to fishing vessels operating within municipal waters as provided for by Section 149 (3) of the LGC and Sections 16, 17 and 18 of the Fisheries Code. On the other hand, MARINA-PCG issues permits to provide municipal fishing vessels a national character and ensure maritime safety as mandated by PD 474.

This prompted the DILG to issue Legal Opinion No. 58, Series of 2002. DILG harmonized the supposed conflict by stating that on the one hand, it is within PCG's mandate to register vessels plying Philippine waters and issue required documents to certify seaworthiness. The LGU's power to issue licenses, on the other hand, is for purposes of regulating fishing operations and imposing reasonable fees. The DILG concluded that "... owners / operators of fishing vessels of any size and capacity need to register their vessels with the PCG for the purpose of securing a certificate of registration. However, if a municipal fishing vessel intends to operate in a particular municipality, an additional requirement of a license secured from the municipality concerned is required." From this legal opinion, DILG recognized that municipal registration and licensing of fishing vessels is both for purposes of regulation and revenue-generation. Furthermore, it highlighted the distinction between registration and licensing.

Such confusion might have encouraged some fishers to register their vessels in only one government agency, i.e., either LGU or PCG, further claiming that one registration is already sufficient to avoid apprehensions. Some claim that they incur unnecessary expenses since registration in one agency serves the same purpose as the registration in another. Moreover, it could have contributed to the noncompliance of a number of fishers resulting in the ineffectiveness of the vessel registration scheme.

The issuance of EO 305 has resolved this issue. EO 305 devolved the registration of fishing vessels of 3 GT and below to the LGUs. It aims to prescribe a uniform system and procedures to guide all the LGUs in the conduct of the registration of municipal fishing vessels. Also, it seeks to delineate the functions of all national government agencies, leagues of LGUs and all other relevant sectors involved in the registration of municipal fishing vessels and to establish mechanisms to implement the Order and enable all agencies involved to monitor compliance. The IRR of EO 305 which was

recently finalized serves as the basis for developing the Framework for Registration of Municipal Fishing Vessels discussed in Chapter IV. Refer to **Attachment B** for a copy of the EO 305 IRR.

Figure 1 provides an illustration of how the confusion / conflict among government agencies (on which has the mandate to register municipal fishing vessels) started. It also shows various government responses to said issue.

### 2.2.3 Municipal Fisheries Licensing Scheme

The experience of implementing a municipal fisheries licensing scheme in the country is limited. There are no standard procedures in securing a license (see Figure 2). The schemes adopted by the LGUs vary. However, licensing procedures of the LGUs are somehow similar in that they generally involve four local government offices: Barangay Treasurer, MAO, MTO and Municipal Mayor's Office. The fisher is required to secure the following supporting documents prior to obtaining a license:

- *community tax certificate* (upon payment of corresponding community tax): provides information on residency, birth date and age of the applicant;
- *barangay clearance*: provides proof of residency in the barangay for a minimum of 6 months; and
- *certificate of municipal fisher registration*: certifies that the applicant has completed the process of fisher registration.

In addition to the above-mentioned requirements, some LGUs further require:

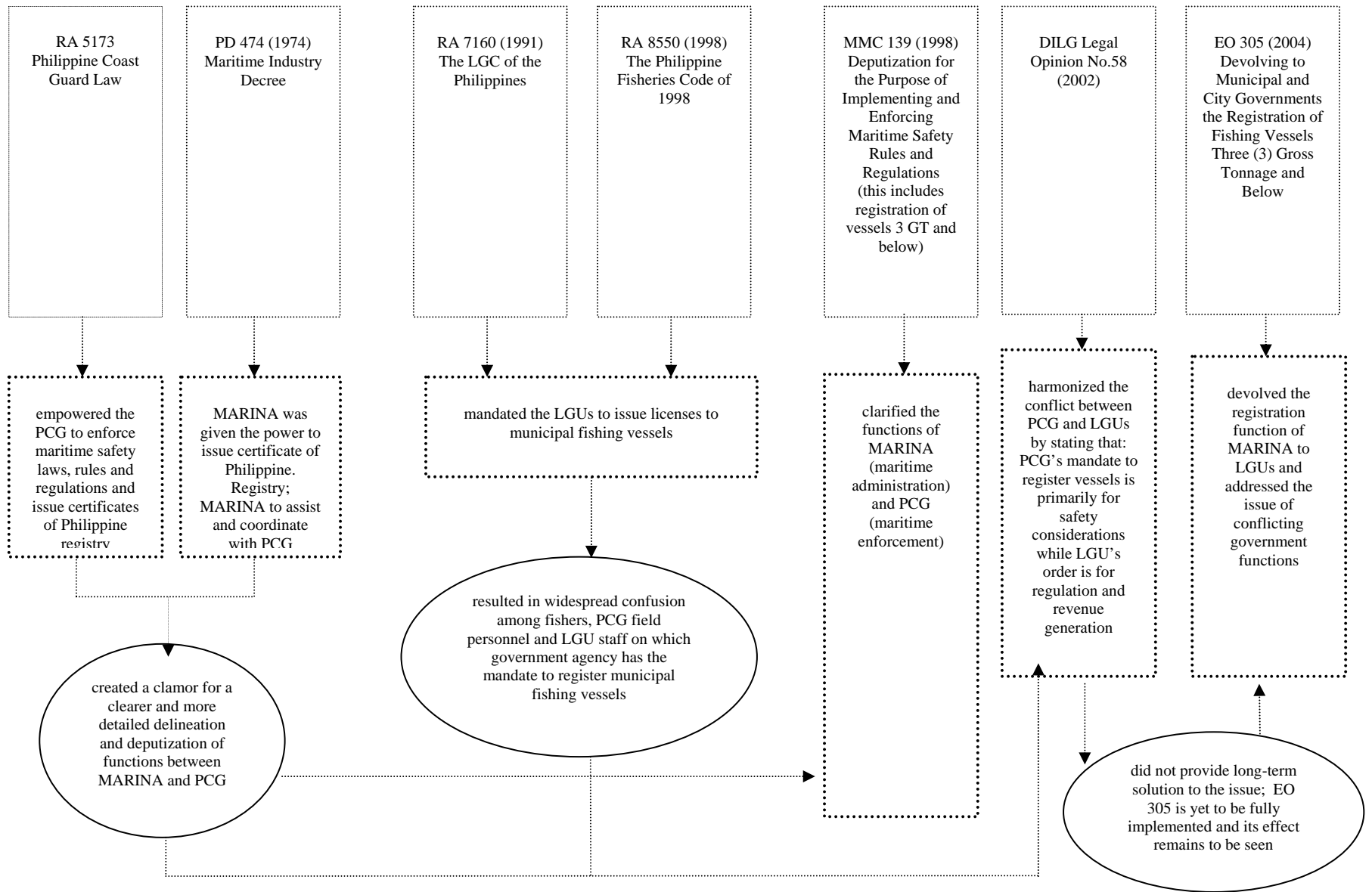
- *police clearance*: certifies that the applicant has not been engaged in any illegal activity; and
- *health / sanitary permit*: certifies that the applicant does not have any communicable disease that may endanger the public.

The MAO is in charge of the following: (i) assessing the veracity of information provided by the fisher-applicant; (ii) evaluating fees and charges; and (iii) recommending the issuance of vessel registration and Mayor's permit / license to fish. The MTO takes charge of the payment of fees, fines and penalties. The Mayor's Office processes and issues the following:

- *municipal fishing vessel license / certificate of vessel registration*: permits the vessel to operate within municipal waters;
- *mayor's permit to fish*: allows fishers to fish within municipal waters; and
- *fishing gear license permit*: ascertains that gear used are not destructive and are consistent with those that are permitted by RA 8550 and any local ordinance.

Processing of the documents takes 1 day - 2 weeks, depending on the availability of the Mayor.

**Figure 1. Illustration Showing the Conflicting Mandates on Municipal Fishing Vessel Registration and Government Responses to the Issue.**



## 2.2.4 Comparison of Schemes Across Selected Municipalities

The registration and licensing schemes of the municipalities documented during the review and documentation phase of this initiative contain the following elements:

- Scope

For the municipalities of Cantilan, Guindulman and Inabanga, the LGU issues licenses only to fishing vessels and gear. However, the LGU of Bani issues licenses to the whole fishing unit (fishers, their fishing vessels and gear). In Boljoon, the fishing vessels are registered while the fishers and their gear are licensed. The LBDA proposes to license all registered fishers, cooperatives and corporations including their fishing vessels and gear.

- Eligibility Requirements

To be eligible for registration and licensing, fishers must have been residents of the municipality for at least 6 months. The LGU of Bani further requires all fishers to be at least 18 years of age at the time of application, in addition to the residency imposition. The LBDA requires that fishers be residents of any member-municipality of the Alliance.

- Duration / Expiration of Registration and Licenses

The period for registration and licensing in Bani, Cantilan and Inabanga falls in January of each year. Certificates of registration, permits and licenses are valid only until midnight of 31 December. Meanwhile, in Boljoon and Guindulman, fishers can register and obtain permits and licenses anytime of the year, which will expire exactly one year after the fishers, have obtained their permits or licenses. All registration and licenses are valid only for one year.

- Requirements for Renewal

Fishers must not have recorded violations of the Municipal Fishery Ordinance in order for their registration and license to be renewed.

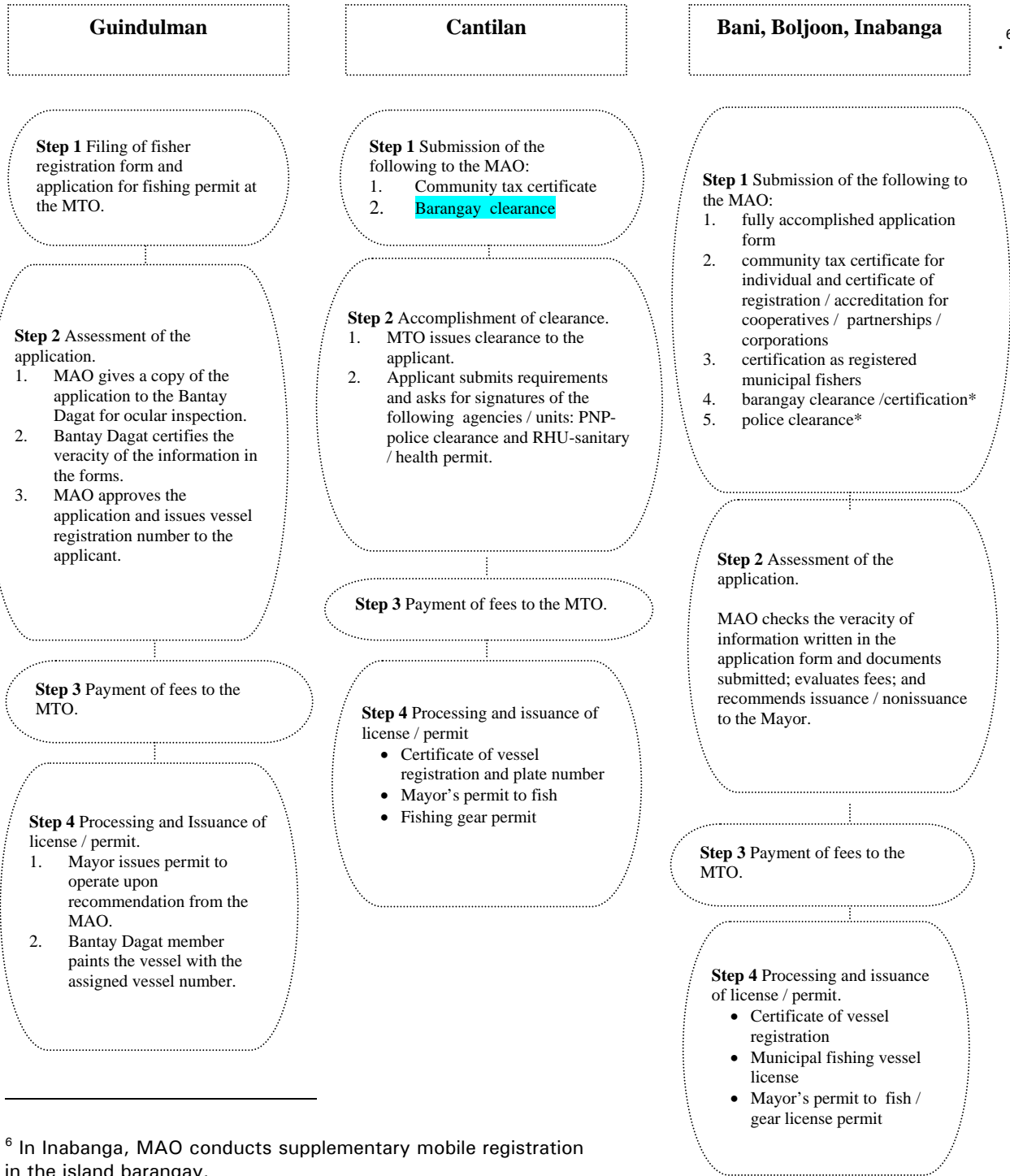
- Fees, Fines and Penalties

No registration fee is imposed in Boljoon, Inabanga and Bani. In Bani, the LGU subsidizes the cost of fisher registration because it hires barangay-based enumerators to conduct thorough registration at PhP 8 per completed questionnaire. This is its response to the low compliance in voluntary registration of fishers in the previous year. In Cantilan, fishers are charged a minimum amount of PhP 5 as registration fee.

Registration is a prerequisite to obtain a license. Unregistered fishers cannot apply for a license. Moreover, failure to register and obtain a license within the specified period subjects the fishers to administrative fines and penalties as specified by local ordinances.

License fees for fishers, fishing vessels and gear are roughly determined by the FARMCs. As expected, license fees vary across the municipalities.

**Figure 2. Current Procedures in Municipal Fisheries Registration and Licensing**



<sup>6</sup> In Inabanga, MAO conducts supplementary mobile registration in the island barangay.

In Cantilan, procedures and requirements are subject to change with the establishment of LBDA. The Covenant of the Alliance requires the following to be submitted to the MEMPO: duly accomplished application form; community tax certificate for individuals; certificate of registration or accreditation for organizations, cooperatives, partnerships, firms or corporations; barangay clearance and official receipt of payment of license fees. The function of fisheries registration and licensing is still within the jurisdiction of each LGU- member. Enforcement and monitoring rest with the Alliance.

- Conditions for Suspension / Revocation of Licenses

When fishers are involved in illegal and destructive fishing or if they have violated any of the provisions of the Fisheries Code three times, their licenses are revoked. In addition to revocation of permits and licenses, illegal fishers face confiscation of their fishing vessels and gear, and assessed a fine not exceeding PhP 2,500.

- Compliance Monitoring and Enforcement

For easy monitoring and surveillance, the LGUs of Bani and Boljoon require that the registration number of the fishing vessel be painted on one or both sides while other LGUs require fishers to obtain registration plates. Although color-coding is required by the Fisheries Code and the Basic Municipal Fisheries Ordinances, it is not fully enforced. In the municipalities of Bani, Boljoon, Inabanga and Guindulman, monitoring and enforcement are undertaken generally by the Bantay-Dagat in coordination with the PNP-MG and other law enforcing agencies. In Cantilan, the person in charge of vessel registration goes with the PNP-MG during surveillance.

#### **2.2.5 Compliance Rates <sup>7</sup>**

Of the five municipalities documented, Guindulman had the highest rate of compliance at 100% for the year 2004. However, the data should be interpreted carefully because records also show that there was a significant drop of 43% in the number of registered motorized fishing vessels from the 2003 figure of 104. Boljoon comes second with 78%. The municipalities of Bani, Cantilan and Inabanga show 30%, 8% and 4% compliance rates, respectively.

#### **2.2.6 Opportunities and Challenges**

The opportunities and challenges in implementing municipal fisheries registration and licensing are discussed below.

- Lack of Comprehensive Fisheries Ordinances

Most coastal municipalities and cities have not yet enacted their own fisheries ordinances, which provide for fisheries registration and licensing along with other fisheries regulations. This general absence of enabling ordinances may have resulted from a number of factors including: (a) lack of technical capacity to undertake the development and enactment of a fisheries ordinance; (b) lack of appreciation of CRM; (c) lack of understanding of the urgency to regulate overfished fisheries; and (d) fear of antagonizing political constituents in the coastal area, among others.

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<sup>7</sup> Compliance rate is roughly calculated as total number of registered and licensed fishers divided by the estimated total number of resident fishers (both registered and unregistered) operating in the area.

The challenge lies in how to push local government executives and officials to implement fisheries registration and licensing schemes in their jurisdictions. This requires policy advocacy at the local level. Ancillary to this is the need to re-orient local chief executives on the appropriate objectives registration and licensing. Defining the objectives is a key policy issue that should be properly looked into.

One particular policy that needs to be implemented at the local level is the delineation of municipal waters for coastal municipalities and cities of the country. Identifying territorial limits is important in formulating a comprehensive fisheries ordinance as it determines its scope and application. The Department of Agriculture (DA) has already issued the DA Administrative Order 1, Series of 2004, otherwise known as "Guidelines for Delineating / Delimiting Municipal Waters for Municipalities and Cities without Offshore Islands". However, it has not yet issued guidelines for delineating municipal waters for municipalities and cities with offshore islands. (Refer to Policy Agenda in Chapter VIII for more discussion on this.)

- Lack of Enforcement

The lack of strategic formulation of fisheries ordinances and the constant pressure of political constituents to relax its implementation, among others, have resulted in the negligible effect of registration and licensing to generate sufficient information to support technically sound and socially acceptable political decisions to manage municipal fisheries. Implementing registration and licensing generally remains a challenge given the issues described below.

*No Limit on the Number of Licenses.* Granting of licenses is merely based on "demand" considerations; i.e., the need of the applicant to fish as means of livelihood. Anybody from the municipality can obtain licenses upon presentation of the necessary documents. This system does not take into account the capacity of the fishery resources to support all registered and licensed fishers. The provisions of the Fisheries Code for the estimation of resource capacity using MSY, TAC or any other resource capacity indicators, as the basis for determining the number of licenses have not been implemented. Resource and ecological assessments are lacking and if available, are not adequately fed into the formulation of the ordinance. The primary bottleneck rests on the following: (a) high costs of stock assessments; (b) lack of technical capacity of LGU personnel to undertake the activity or sustain the activity where there are already initial studies conducted; and perhaps the (c) lack of appreciation for such scientific studies.

*Inappropriate License Fees and Costly Documentary Requirements.* Fees are roughly determined by FARMCs during the design phase of the Basic Municipal Fisheries Ordinance. Fishers who were interviewed during the inception phase have indicated that some fees are set too high. The perceived high fees appear to support the notion that the LGUs view fisheries licensing as a large source of local government revenues that need to be tapped. However, given the present open access status of most municipal fisheries where resource rents and fishing incomes have practically dissipated, fishers expressed that they could hardly pay the required fees. Some

fishers even refuse to register and to obtain a license because of the perceived prohibitive fees.

In addition to the “prohibitive” license fees, fishers have also complained about the very costly documentary requirements necessary to obtain a license. The cost includes payment for documentary requirements, registration and license fees, and cost of transportation from residence to the municipal hall. Some have also conveyed that because of the distance of the municipal hall from the residence, obtaining registration and licenses has become time-consuming.

*Unnecessary Requirements.* In some municipalities, fishing is considered a business activity. Hence, the LGUs require fishers to submit necessary business supporting documents (e.g., health permit, etc.) in order to obtain a Mayor’s permit. One issue is that these requirements are often costly to fishers. Another issue is that fishing is not purely a business activity. A number of municipal fishers fish mainly for subsistence, i.e., for household consumption. Where a portion of daily catch is sold, the revenues are used to purchase other basic necessities. To presume that fishing is a profit-oriented enterprise will lead the LGUs to treat subsistence fishing similar to other business enterprises. The LGUs are bound to require fishers the same supporting documents and charge additional expenses. The process of registration and licensing becomes costly and complicated for fishers who are poor and illiterate. There is, therefore, a need to simplify and standardize fisheries registration and licensing process and separate it from the process of business registration.

*Budget and Political Commitment.* The inadequacy of budgetary support for fisheries management activities at the local level remains a challenge especially for administrators and law enforcers. LGU officials and personnel have conveyed lack of resources in terms of logistics as a reason for the delay of the CRM process. This is expected to get worse in the coming years given that the National Government is experiencing severe fiscal deficits. The political commitment of elected LGU officials becomes increasingly crucial in light of this crisis. Enforcing registration and licensing and other regulations will require financial support. Local sectors will face stiffer competition for a share of the available funds. Unless local officials commit to support and enforce fisheries registration and licensing, there is no reversal to the current dire situation in most municipal fisheries in the country.

*Lack of proper information about the purposes and benefits of registration and licensing.* On the part of the LGUs, there are a number of local chief executives and officials that perceive registration and licensing as large source of funds; hence, they are driven to initiate registration and licensing based on such purpose. On the part of fishers, they also perceive that registration and licensing are undertaken mainly by the LGUs as a way to generate revenues. They could not see the importance and benefits from registration and licensing.

*Institutional Arrangements.* The formulation of the ordinance that supports registration and licensing schemes rests with the *Sangguniang Bayan*, with the Chair of the Committee on Agriculture and Fisheries as the sponsor. The MAO, in consultation with the FARMCs, provides technical preparations and support. NGOs

working with the LGUs also provide technical and legal assistance in drafting ordinances.

FARMCs have already been created in most coastal municipalities and cities of the country. FARMCs provide an opportunity for greater participation of municipal fishers in the formulation of fisheries ordinances. In all cases presented in this document, FARMCs particularly play a significant role in determining the license and permit fees and evaluating the social acceptability of other crucial elements of the ordinance, such as fines and penalties. It is encouraging to note that FARMCs have upheld their mandate as a consultative body especially for the marginal fishers. However, it is also important to consider that consultation with FARMCs is a dynamic and continuing process and does not end with the enactment of the ordinance. FARMCs need to monitor the implementation of the ordinance and evaluate its applicability and effectiveness. However, in some municipalities, the role of FARMCs seemingly ends with the enactment of the ordinance. This poses a challenge since it indicates that FARMCs have not been fully integrated into a decentralized fisheries management system.

The concept of FARMCs is “top-down”- one that has emerged only because their creation is required by law. Thus, it is important for the LGUs to fully comprehend the idea of devolution and decentralization, so that FARMC participation in overall fisheries management would truly be genuine and sustainable.

Bay Management Councils provide an opportunity for the LGUs bordering bays and gulfs to group together and adopt a unified fisheries management scheme, including those pertaining to registration and licensing, as provided for in RA 8550. Municipal waters in enclosed bays and gulfs are contiguous and may be difficult to delineate; the nature and dynamics of certain fish populations may not be determined by geographic boundaries. Hence, the best management option transcends beyond geopolitical boundaries. The institution of Bay Management Councils will eliminate issues of overlapping boundaries and competition among the LGUs. It will also allow municipalities to share in the costs of recurrent monitoring and enforcement costs. The investments (e.g., patrol boats) could be shared by neighboring LGUs, thus, the average cost of monitoring and enforcing could be minimized. The challenge, however, rests on selling the idea of a unified fisheries management system to local chief executives considering enormous incentives for free-riding. Another challenge is on how to keep all LGUs equally at pace in their fisheries management efforts. It is possible that the progress of a bay management council will be as fast as that of the most laggard LGU. This may diminish the enthusiasm of more advanced LGUs in terms of fisheries management.

The issuance of EO 305 devolving the vessel registration function of MARINA to the LGUs has certainly simplified vessel registration procedure and clarified intergovernmental functions of MARINA-PCG, BFAR and LGUs. As there are substantial modifications in the procedure for fishing vessel registration, there is a need to conduct intensive IEC activities to obtain greater compliance from fishers.

- Sociocultural Orientation and Socioeconomic Status of Municipal Fishers

One of the most difficult barriers towards a limited entry scheme is the sociocultural orientation of fishers and other user groups that have traditionally regarded fisheries as open access. Although fishers have already realized the need for regulation, the fear of being excluded from future use often overwhelms and pushes them to negate any move to regulate or limit entry. If registration and licensing will not be enforced, controlling effort will become even more difficult in the long run with the increasing demands from a coastal population that grows at a relatively rapid rate of 2.4% per year. Increasing population growth rate coupled with pervasive poverty requires additional effort towards effective fisheries management. It also entails structural economic changes to encourage potential participants to move away from the fisheries sector.

### 2.3 International Experiences

Studies in fisheries registration and licensing specifically for small-scale fisheries<sup>8</sup> have been largely limited. This may be due to the fact that developing countries, where small-scale fisheries are a general characterization, have not documented their experiences in a form that is accessible internationally. Although sufficiently documented experiences found in developed countries are based on large-scale or commercial fisheries, some elements are still applicable in designing the framework for registration and licensing in small-scale fisheries of developing countries. Thus, the following lessons could be adopted and applied in the Philippine setting, being the concern of this undertaking. (Refer to the earlier document on the Review of Literature and Documentation of Experiences for more detailed discussions.):

- Vital information is provided through inventory of existing participants in the fishery.

Information characterizing fishing activities, i.e., total number of existing fishers, vessels and gear and their specifications, is the necessary and inevitable output and consequence of registration and licensing. This information is vital in determining at the onset how many licenses should be issued; and, who and what should be excluded in the moratorium of issuance of licenses and freeze in the number of fishing paraphernalia.

- Licenses are usually issued to all existing participants prior to the institutionalization of limited entry.

In moving from a system of open access to one of limited entry, one of the most difficult issues is who among the existing groups of fishers should be given the right to continue participating in the fisheries and who should be denied access. As a politically attractive starting point, management authorities usually apply the “grandfathering” scheme to address the equity or fairness issue. In this scheme, all existing participants, on the basis of their historical right, are all given licenses prior to the institutionalization of limited entry. Their licenses are valid so long as they actively participate in fishing but will cease after they leave the fishery by death, disability or voluntary exit. Control or reduction of fishing effort is done through strategic attrition or controlled replacement and retirement.

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<sup>8</sup> In the Philippines, this is referred to as municipal fisheries.

- Acceptance by all participants in the fishery is essential for any limited entry scheme to ensure success.

Success of any limited entry scheme is determined in part by the level of sociopolitical acceptance of all sector participants. In most country cases presented in an earlier report on the Review of Literature and Documentation of Experiences, negotiations with fishers were integral in commencing to regulate their activities. The final elements of the limited entry schemes were determined primarily by key stakeholders. A method of fair appeal to tackle disputes was also made integral in the design of regulatory schemes. This presupposes a certain level of organization among fishers, in order for the government to effectively rally them towards the registration and licensing scheme, at the minimum cost possible.

- Appropriate monitoring and enforcement are absolutely essential in making a licensing scheme successful.

All developed countries that have instituted a successful licensing scheme have emphasized the need for proper enforcement and monitoring mechanisms within their own government institutions for policies to succeed.

## Chapter III

### Guiding Principles

The formulation and development of the registration and licensing framework for the municipal fisheries sector are guided by several principles, which are outlined below.

**Working within the Current Legal Framework.** The various laws and statutes affecting the fisheries sector set the legal parameters in the formulation and development of the registration and licensing procedures specified in the succeeding chapters. Foremost among these is the Fisheries Code and the Local Government Code (LGC), Executive Orders, Fisheries Administrative Orders and other statutes that emanate from them. Other laws and administrative issuances relating to maritime concerns also provided the foundation for the framework. The analysis of the evolution of fisheries policy in the Philippines and the review of the laws, which were undertaken as an integral part of this initiative, showed that these are sufficient in addressing the objectives of fisheries registration and licensing. There are some provisions of the law that support sustainable fisheries management but remain to be implemented or are weakly implemented and these are included in the framework.

Nevertheless, it is recognized that refinements to the framework towards more effective fisheries management may be achieved if additional policies are in place. These are specified in the policy agenda of this framework document. These are useful inputs in the ongoing review of the Fisheries Code and the LGC.

The framework that follows is specific to the fisheries sector. While the framework could be treated as “stand-alone”, it is highly recommended that the implementation of the registration and licensing framework should be in the broader context of a CRM Plan. The CRM Plan recognizes the interaction and interdependence of all coastal resources and all users, which would affect the effectiveness in the implementation of the framework.

**Recognizing Other Environmental Services of Coastal Ecosystems.** While fisheries are perhaps the most valuable goods and services derived from coastal waters, there are other equally important goods and services such as biodiversity. The framework that is developed should recognize the multiple uses and values of coastal ecosystems in order to balance and optimize the benefits that could be derived from these ecosystems. More recent models and tools towards CRM, such as the ecosystem approach could achieve such balance. However, current laws such as the Fisheries Code are heavily oriented towards maximizing fisheries production with the prescription of MSY. Nevertheless, the impacts of fisheries on other ecosystem services should be recognized.

**Learning from the Experiences of LGUs and Those in Other Countries.** There are some progressive LGUs in the country that have formulated and implemented fisheries registration and licensing, either as their own sole initiatives or with assistance from programs and projects funded by local and international donors. There is much to learn from these initiatives and the lessons are incorporated in this framework. The experiences of other countries in managing artisanal or small-scale fisheries were also reviewed and the

lessons were adopted in the local setting. The scope of the review included the science and art of fisheries management.

**Fostering Consultative Processes.** The formulation and development of the framework for fisheries registration and licensing were facilitated by a multidisciplinary team consisting of social and biophysical scientists and legal experts. The basic elements, however, were contributed by the various stakeholders – the fishers and their organizations, executive, regulatory and policymaking officials at the local and national levels and various fishery experts in the academe, in NGOs and in projects and programs. Their inputs were actively sought from scoping to drafting and finalization of the framework. A Technical Working Group, composed of representatives from the above-mentioned sectors, was mobilized to provide overall guidance to the team.

**Taking Proactive Management Orientation.** The framework recognizes a dynamic fishing industry at the local and national levels, in terms of the initiatives of the LGUs and the likely responses of fishers to the elements of the framework in the conduct of their fishing operations. These are anticipated and where possible, these are addressed. The orientation of the framework is to achieve sustainable fisheries management of municipal waters by providing essential information, resolving conflicts and exploring revenue-generating schemes to support registration and licensing.

**Achieving Implementability.** Crucial to this framework is the extent with which the elements could be implemented by responsible agencies in government and more importantly, the LGUs. The limitations faced by the LGUs in terms of financial and human resources are their ability and capacity to implement this framework. The underlying message in the formulation of the framework is that fishery resources are a natural capital and local government investments in managing this natural capital could provide financial returns to the municipality and its constituents as a whole.

Another crucial aspect of implementability is acceptance by the fishers themselves. It is recognized that this will, by no means, be straightforward. However, a shift from the business-as-usual scenario should be made in order to reverse the downtrend in catches and incomes and the increasing inability of the industry to accommodate new entrants. It is therefore imperative to inform and educate the stakeholders about the benefits from fisheries management that will be achieved from the implementation of this framework.

Partnerships are a key to the implementation of the framework. The LGUs should provide for active participation of the stakeholders, in particular fishers' organizations, NGOs, academe, among other groups.

## Chapter IV

### Framework for Registration in Municipal Capture Fisheries

#### 4.1 Objectives of Municipal Fisheries Registration

##### 4.1.1 Registration of Municipal Fishers

Municipal fisher registration will take on the following objectives as specified in RA 8550 and by key informants:

- Information Generation

Fisher registration will serve as a means to generate information on the number and characteristics of fishers, vessels and gear being employed in fishing operations. The inventory or registry of fishers and fishing vessels will serve as important inputs in licensing and subsequent management initiatives, as will be discussed in succeeding sections.

- Basis for Granting Priority Rights

The registry will be the basis for identifying municipal fishers who will have priority to exploit municipal and demarcated fishery areas of the municipality. Fisher registration will be a *pre-requisite* for granting permit or license to fish in municipal waters.

- Monitoring and Regulation

The registry will also serve as an important document for enforcement and monitoring. With the registry, the enforcement arm of the LGU can check and verify whether or not fishers are registered in the municipality. At its simplest, provision of this information will reduce administrative costs and increase coherence and effectiveness in monitoring and enforcement of regulations.

##### 4.1.2 Registration of Municipal Fishing Vessels

- Information Generation

Vessel registration is an instrument for generating an inventory of the number of fishing vessels operating within a given municipality and in the country as a whole. RA 8550, Section 19 mandates the LGUs to maintain a registry of municipal fishing vessels by type of gear and other vessel particulars. In addition, EO 305, Section 10 requires the LGUs to maintain up-to-date records of fishing vessels 3 GT and below under their jurisdiction and to regularly submit to the MARINA Central Office or MARINA Regional Office concerned, the PCG Station / Detachment and DA-BFAR.

- Conferment of Identity and Ownership of the Fishing Vessel

Vessel registration confers identity to the fishing vessel as explicitly stated in EO 305, Section 4. It will not serve as an authorization or license to fish in municipal waters.

- Maritime Safety, Monitoring and Regulation

Vessel registration aims to ensure maritime safety of fishing vessels operating within Philippine territorial waters. Pursuant to PD 474, EO 125 and 125-A and RA 9295, MARINA is mandated to register all vessels for safety purposes. As mentioned earlier, MARINA has recently devolved the registration of municipal fishing vessels to the LGUs. The devolution upholds the provision of RA 8550 Section 16, which vests to municipal and city governments the responsibility for the management, conservation, development, protection, utilization and disposition of their fishery resources within their jurisdiction. However, EO 305, Section 3, states that such devolution of function shall not prevent the MARINA and the PCG to exercise their "visitatorial" functions to enforce compliance with the Revised Philippine Merchant Marine Rules and Regulations and all other existing applicable laws, rules and regulations on maritime safety.

In addition, EO 305 IRR, Section 6, states that the LGU shall take into account in its legislation other factors to guide it in approving registration of fishing vessels such as but not limited to the carrying capacity of its marine resources and the constitutional and statutory preferential rights of municipal fishers within municipal waters.

- Recovery of Administration, Monitoring and Enforcement Costs

Vessel registration also aims at recovering the costs of administering, monitoring and enforcing fisheries regulation. RA 7160, Section 16, provides that every LGU shall exercise the powers expressly granted, those necessarily implied therefrom, as well as, powers necessary and appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of general welfare. Moreover, EO 305 IRR, Sections 11.1 and 11.2, mandate that the LGU shall exact payment of registration fees in an amount it deems necessary and appropriate to cover administrative costs. The LGU shall legislate administrative fines and penalties for nonregistration subject to the conditions set by the LGU. In connection with this, it is authorized to retain revenues from fines and penalties imposed in violation of an ordinance.

## 4.2 Registration of Municipal Fishers

### 4.2.1 Scope and Eligibility Criteria<sup>9</sup>

Municipal fisher registration will cover those who are directly or personally and physically engaged in taking fishery species from their wild state or habitat within municipal waters, with or without the use of municipal fishing vessels.

To be eligible for registration, the fisher must be a citizen of the Philippines, must have been a resident of the municipality for at least 6 months and must be at least 18 years of age at the time of registration.

The LGU will maintain a Registry of Municipal Fishers. All municipal fishers who are currently fishing or desiring to fish will be listed including their gear and other fishing paraphernalia. The LGU should aim to enlist both part-time and full-time fishers operating within its jurisdiction.

### 4.2.2 Procedure

The fisher will first obtain a CTC from the barangay treasurer or municipal / city treasurer's office and proceed to the MAO to register. He will then accomplish the standard fisher registration form. The MAO will inspect the CTC of the fisher, keep a record and issue a certificate of fisher registration. The MAO will be required to furnish a list to the barangay for posting.

#### Who will Register<sup>10</sup>

All municipal fishers who are currently fishing or desiring to fish will register. Their fishing vessels and gear should also be registered. The LGU, through the MAO, can tap the *Punong Barangay* (village head), council or the BFARMC in identifying all the fishers in the barangay.

#### Fisher Registration Form<sup>11</sup>

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<sup>9</sup> RA 8550, Section 2b, provides that fishery and aquatic resources shall be for the exclusive use and enjoyment of Filipinos.

RA 8550, Section 19 Rule 2, provides residency in the municipality / city for at least 6 months as the basic criterion for registration.

The Labor Code of the Philippines, Chapter II Article 139 and its IRR, provide that (a) no child below 15 years of age shall be employed, except when he works directly under the sole responsibility of his parents or guardian, and his employment does not in any way interfere with his schooling; and (b) any person between 15 and 18 years of age may be employed for such number of hours and such periods of the day as determined by the Secretary of Labor and Employment in appropriate regulations. Fishing is considered hazardous for child labor in accordance with DOLE Department Order No. 4, Series of 1999 Section 3.

<sup>10</sup> RA 8550, Section 19, requires the annual updating of the registry of municipal fishers and mandates the LGUs to maintain a registry of municipal fishing vessels by type of gear and other vessel particulars with the assistance of FARMCs.

The standard fisher registration form will include, but not limited to, the following information:

Personal information:

- name of fisher
- municipality and barangay of residence
- birth date
- gender
- civil status
- person to notify in case of emergency
- permanent number of fishing vessel (for those who have fishing vessels<sup>12</sup>)

Socioeconomic characteristics:

- number of dependents
- main and alternative sources of livelihood
- trainings and skills

Information on fishing practices and activities:

- number of years fishing
- nature of involvement
- type of fishing activity
- time of fishing
- number of hours spent in fishing
- type and quantity of catch by major fish species
- fishing vessel and specifications
- fishing gear and specifications
- ownership of fishing vessels and gear
- fishing grounds

Sociocivic information

- membership in local and / or national organization

Refer to **Attachment C** for pro-forma fisher registration form.

Period of Fisher Registration

Registration may be undertaken anytime of the year. Fishers will register only once provided they continue to fish in the same municipality.

Registered fishers will form part of the Registry of Municipal Fishers. The Registry will be updated through the yearly renewal of license. Fishers who fail to renew their license will be deleted from the Registry except in the following circumstances:

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<sup>11</sup> RA 8550 Section 19.1, requires the BFAR in coordination with the NFARMC to assist the LGUs in the development of a standard registration form for municipal fishing vessels, gear and fishers.

<sup>12</sup> EO 305 requires that the permanent number of fishing vessels be included in the fisher registration form.

- nonrenewal due to inability to fish for a period not less than 1 year;
- vessel repair exceeding 1 year.

In both circumstances, fishers will have to inform the MAO.

New entrants to the fishery will need to register before they can secure a license. New entrants can be classified as: (a) new generation of fishers; (b) fishers changing homeports; and (c) returning fishers – those who have stopped fishing temporarily.

Registration for new entrants may be undertaken at anytime of the year except when a limited entry scheme is in place. Limited entry is further discussed in Section 8.1.2.

#### Documentary Requirements

The CTC will be the minimum required document for initial registration. The CTC provides a sufficient proof of eligibility in terms of nationality, residency of at least 6 months, occupation and age. This requirement will not be difficult to obtain as the barangay treasurer, by virtue of the Local Government Code (LGC) may be deputized by the municipal treasurer to issue CTCs.

#### Issued Document

As proof that the fisher has registered, he / she will be issued a certificate of fisher registration in the form of an identification card. This document will bear the name of the fisher, his age, barangay and municipality of residence. It will also bear a control number in order to facilitate tracking of records. Moreover, the document will have the seal of the municipality and the signatures of the MAO and the Mayor to authenticate the certificate. Refer to **Attachment D** for pro-forma certificate of fisher registration.

#### Fees

The fee for fisher registration will be at the discretion of the LGU. The fee will be guided by the following: capacity of fishers to pay and cost of administration. Fisher registration should not be viewed as a revenue-generating instrument but as a basic service.

#### Maintenance of the Registry of Municipal Fishers<sup>13</sup>

Fisher registration forms will be filed and kept by the MAO or designated office. The information will be encoded in a computer database following PhilFIS Guidelines. Each fisher will be given one printed file. A duplicate copy of all his / her documents will be filed and kept by the MAO. As required by RA 8550; barangay councils will be furnished a printed copy of the fishers' registry for posting.

RA 8550 Section 7 and Rule 7.2 of the IRR mandate the BFAR to establish a comprehensive information network system at the national, regional and local levels, in

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<sup>13</sup> RA 8550, Section 19.

coordination with concerned agencies, for collection, storage and retrieval of fisheries data through PhilFIS, which is maintained by the FIMC. The FIMC has already started registration of municipal fishers in selected municipalities. These municipalities are provided with a computerized system of fisher registration. The BFAR-FIMC hopes to link all these municipalities to the Bureau's fisheries information system for collection, storage and retrieval of fisheries data at the local, regional and national levels.

It is recommended that the BFAR-FIMC conduct a "tracking" of all fisher registration initiatives in the country. There are already a number of existing and independent initiatives by the LGUs, fisheries-related projects and NGOs. Compatibility of PhilFIS and those maintained by the LGUs is recommended to facilitate tracking and consolidation of the data.

### **4.3 Registration of Municipal Fishing Vessels**

#### **4.3.1 Scope and Eligibility Criteria**

RA 8550 requires all motorized and nonmotorized fishing vessels 3 GT and below to be registered provided that these fishing vessels are owned by Filipino citizens, single proprietorships, partnerships and / or corporations fully owned by Filipinos, and duly registered or accredited fisherfolk associations and cooperatives.

#### **4.3.2 Procedure**

This section is primarily lifted from the IRR of EO 305.

#### **4.3.3 Initial Registration**

##### **Who will Register**

All fishing vessels 3 GT and below operating within municipal waters will be eligible to register. RA 8550 defines fishing vessel as any vessel or water craft equipped to be used for taking of fishery species or aiding or assisting one or more vessels in the performance of any activity relating to fishing, including but not limited to, preservation, supply, storage, refrigeration and / or transporting.

The objective of the initial municipal fishing vessel registration is to come up with a complete list of all motorized and nonmotorized municipal vessels operating within the jurisdiction of the LGU.

##### **Documentary Requirements for Initial Issuance of Certificate of Number**

For fishing vessels applying for a CN for the first time, the vessel owner / operator will need to obtain a clearance from the PNP-MG Headquarters of the current homeport or in its absence, the local PNP. He will then proceed to the MAO to submit the required document and apply for vessel registration. Further, he will need to accomplish the standard application form containing the following information: name of owner, nationality,

residence, type and make of fishing vessel and propulsion, and other pertinent information that the LGU may require.

The MAO will verify and evaluate the correctness and completeness of information provided by the owner / operator. He will also furnish a copy of the application to the vessel inspector<sup>14</sup>. The inspector in turn, will determine admeasurements<sup>15</sup> and recommend the issuance of fishing vessel registration. Afterwards, the owner / operator will go back to the MAO with the recommending approval of the inspector. The MAO will evaluate registration fees for the owner / operator to pay at the MTO. He will then go back to the MAO after paying the fee. The MAO will process the issuance of CN for signature of the Mayor. With the Mayor's signature, the MAO will issue the document to the owner / operator.

#### Assignment of Name

The LGU, upon request of the owner / operator may assign a name to the fishing vessel. A name will be assigned to only one fishing vessel regardless of type of fishing gear. If the proposed name has already been assigned to another registered fishing vessel, the owner or operator has the option of adding letters of the alphabet, any Arabic number or Roman numeral, which can be represented by words or its numeric equivalent, to the proposed name.

#### Assignment of Permanent Number and Issued Document

The LGU will assign an official number<sup>16</sup> to a registered fishing vessel, which will correspond to a code specifying the Province and LGU. A CN will be issued to the owner as proof that the fishing vessel is registered.

#### Vessel Marking and Color-coding

Pursuant to EO 305 IRR, Section 5.6.3, the LGU may institute vessel marking or color-coding system within its municipality. The name of the fishing vessel will be painted on both sides of the mid portion of the fishing vessel. The official number will be painted, permanently marked or plated on both sides of the forward portion of the fishing vessel.

Vessel marking or color-coding should be coordinated with the League of Municipalities at the provincial level. Each municipality must come up with a unique marking or color in order for maritime enforcers to speedily identify the vessel's municipality of origin.

#### Tonnage Measurement

The GT of the fishing vessel will be computed using the standard formula as provided for in the IRR of EO 305 (all measurements are in meters):

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<sup>14</sup> The inspector can be one of the current MAO personnel or a newly hired one who has gone proper training in determining admeasurements by the MARINA and the PCG.

<sup>15</sup> Refer to EO 305 IRR Annexes for standard fishing vessel application form, admeasurements and CN.

<sup>16</sup> Refer to Attachment B.

$$GT = \frac{(\text{vessel length} \times \text{vessel breadth} \times \text{vessel depth} \times 0.70)}{2.83}$$

### Period of Registration

Registration of vessel will be done anytime of the year.

New fishing vessels will need to register before a license can be issued. New fishing vessels can be classified as those which are used by: (a) new generation of fishers; (b) fishers changing homeports; and (c) returning fishers - those who have stopped fishing temporarily.

Registration of new fishing vessels may be undertaken at anytime of the year except when a limited entry scheme is in place. Limited entry is further discussed in Section 8.1.2.

### Registration Fee

The fee for vessel registration will be a one-time payment since the CN would be valid as long as the vessel is still functioning or carries with it the same particulars when it was first registered. The amount will be at the discretion of the LGU. It will be determined based on the capacity of fishers to pay and cost of administering vessel registration and resource abundance. The fee level and structure will be developed in consultation with the FARMC.

### Maintenance of Municipal Fishing Vessel Registry

The LGU will maintain up-to-date records of municipal fishing vessels under their jurisdiction. Records of fishing vessels will be kept together with municipal fisher registration and licensing documents. Each fisher will have one file where all his documents are kept. If possible, records will be input in a computer database.

The LGU will regularly submit to the MARINA Central Office or MARINA Regional Office concerned, the PCG Station / Detachment and the DA-BFAR the list of fishing vessels registered and deleted / cancelled registration within the first quarter of the succeeding year.

### Fines and Penalties

The LGU, through an ordinance enacted by the *Sangguniang Bayan*, will impose administrative fines and penalties for nonregistration subject to the conditions set under the LGC. These conditions are as follows:

- the fine should not exceed two thousand five hundred pesos (PhP 2,500) and / or imprisonment for a period not exceeding 6 months (Section 447, [1], [iii], RA 7160);
- ordinances with penal sanctions shall be posted at prominent places in the municipal hall for a minimum period of 3 consecutive weeks and shall be

published in a newspaper of general circulation, where available, within the territorial jurisdiction of the LGU concerned (Section 511, RA 7160); and

- ordinances with penal sanctions shall take effect on the day following its publication, or at the end of the period of posting, whichever occurs later (Section 511, RA 7160).

#### **4.3.4 Conditions for Issuance of New Certificate of Number**

##### *Change in Homeport*

Changes in homeport may occur when the owner / operator decides to change residence or principal office, sells or transfers ownership of the fishing vessel to a person or entity with domicile in another LGU. Under this condition, the owner / operator will be required to apply for a new CN. To do so, the vessel owner should accomplish the following documents:

- clearance from the LGU of previous homeport; and
- police clearance from the PNP-MG Headquarters of previous homeport. or in its absence, the local PNP.

The owner / operator will then proceed to the MAO of his new homeport. He will fill in an application form and submit clearance and original copy of CN. The MAO will verify and evaluate the correctness and completeness of information provided by the owner / operator and recommend for vessel inspection. The inspector will determine admeasurements and recommend the issuance of new CN. Afterwards, the owner / operator will go back to the MAO with the recommending approval of the inspector. The MAO in turn, will evaluate the fees for the owner / operator to pay at the MTO. After payment, the owner will go back to the MAO for processing and issuance of a new CN.

Clearance for the change of homeport will not be issued by the current homeport under the following instances:

- the single proprietorship, partnership, corporation or fisherfolk cooperative has no branch office in the intended homeport;<sup>17</sup>
- there is an outstanding safety requirement, which the fishing vessel has to comply; and
- the fishing vessel is involved in a pending criminal or administrative case for violation of a fishery law or ordinance or a civil case regarding questions of ownership.

Upon approval of the change of homeport, all records pertaining to the fishing vessel will be transmitted by the previous homeport to the new homeport.

##### *Changes in Ownership, Technical Specifications and Vessel Name*

For change in ownership or transfer of the fishing vessel without change in homeports, the following documents have to be complied with at the current homeport:

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<sup>17</sup> The entity must have a business permit issued by the LGU.

- application under oath using standard form;
- duly notarized Deed of Absolute Sale;
- affidavit of posting executed by the Barangay Captain or Municipal Mayor that said notice had been posted for 7 days in the premises and that there are no opposers to the fishing vessel's sale;
- original copy (ies) of CN; and
- clearance from the PNP- MG Headquarters from the previous homeport or in its absence, the local PNP, certifying that the vessel is not involved in any criminal offense.

For change in the engine of motorized fishing vessel, the owner / operator will be required to submit the following at the current homeport:

- application under oath using standard form;
- original copy of the CN;
- official receipt of purchase of engine; and
- police clearance from the PNP-MG or in its absence, the local PNP, certifying that the engine purchased is not from a carnapped / stolen vessel.

For change in the name of the fishing vessel, the owner / operator will need to submit the following requirements upon application filed with the current homeport and stating the reason for such:

- application under oath using standard form;
- original copy of the CN; and
- affidavit of posting executed by the Barangay Captain or Municipal Mayor that notice had been posted and that no opposition or claims were filed against the vessel during the 7-day period of publication.

After accomplishment and submission of these documents, the MAO will verify and evaluate the correctness and completeness of information provided by the owner / operator and recommend vessel inspection. The vessel inspector will then recommend the re-issuance of CN.

Afterwards, the owner / operator will go back to the MAO with the recommending approval of the inspector. The MAO will evaluate the fees. The owner / operator will then proceed to the MTO for payment and go back to the MAO for processing and re-issuance of CN.

#### **4.3.5 Monitoring of Registered Municipal Fishing Vessels**

The LGU will institute a monitoring system to determine compliance with EO 305 and its IRR. The LGU will take into consideration in its legislation other factors, such as but not limited to the carrying capacity of its marine resources and the constitutional and statutory preferential rights of municipal fishers within municipal waters, to guide them in approving the registration of fishing vessels.

#### **4.3.6 Deletion and Cancellation of Municipal Fishing Vessel Registration**

In case of loss or decay of the fishing vessel, or involvement in a marine / maritime incident, the owner / operator will immediately inform the LGU. The latter will cancel the fishing vessel registration and also delete the vessel from the registry. The LGU will also cancel the registration of the fishing vessel for other lawful causes, after duly notifying its owner / operator and compliance with the requirements of due process. These causes may include, but not limited to, the transfer of municipal area of operation of the fishing vessel.

#### **4.4 Registration of Municipal Fishing Gear**

Registration of municipal fishing gear will be incorporated in the registration of municipal fishers.

#### **4.5 Institutional Arrangements and Responsibilities**

##### **4.5.1 National / Regional Government Offices**

The national / regional government agencies that will be involved in implementing fisher and fishing vessel registration, pursuant to their respective mandates are listed below.

##### **BFAR-FIMC**

The BFAR-FIMC will be responsible for the collection, storage and retrieval of fisheries data at the provincial, regional and national levels in coordination with concerned agencies, including the LGUs, pursuant to Rule 7.2 of RA 8550 IRR. This office will maintain the computerized system of fisher registration and will be the link to all municipalities to BFAR's fisheries information system. It will be the national repository of the registry of municipal fishers and municipal vessels.

##### **MARINA / PCG**

DOTC's involvement in municipal fisheries registration and licensing is through the MARINA and the PCG. EO 305 mandates the MARINA and the PCG to extend technical assistance and support to the LGUs with respect to registration of fishing vessels and maintain a separate databank of the list of registered fishing vessels. With the exception of the registration functions as devolved, the MARINA and the PCG are also required to continue to exercise "visitatorial" functions to enforce compliance with the Revised Philippine Merchant Marine Rules and Regulations and all other existing laws, rules and regulations on maritime safety. These agencies will also assist the LGUs to qualify and issue appropriate documents to the fisher to operate a motorized fishing vessel.

## PNP-MG

RA 6975<sup>18</sup> as amended by RA 8551<sup>19</sup>, created the PNP-MG, the maritime police unit within the PNP. The PNP-MG is vested with authority to perform all police functions over Philippine territorial waters and inland waters, coastal areas from the shoreline to 1 mile inland to include ports and harbors and small islands of 2 miles in length or diameter. The PNP-MG is the main enforcement arm of LGUs for marine, coastal and fishery laws, rules and regulations. As an enforcement agency, it keeps records of violations of fisheries laws committed by fishers as well as apprehensions of these violators. In relation to fisheries registration, the PNP-MG Headquarters at concerned homeports will issue the required clearance to confirm that the applicant or his fishing vessel is not involved in any illegal activity or criminal offense, making him and / or his fishing vessel eligible for registration.

### 4.5.2 Local Government Offices

The following local government offices will be taking an active role in municipal fisher and fishing vessel registration:

#### *Sangguniang Bayan*

Under Section 447 of RA 7160, 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. RA 7160 mandates the *Sangguniang Bayan* to enact ordinances to protect and conserve the environment and natural resources. It is also mandated to approve ordinances that impose a fine, for the violation of a municipal ordinance, not exceeding PhP 2,500 or an imprisonment for a period not exceeding 6 months or both at the discretion of the court. This being the case, any effort to institute a fisheries registration scheme requires a legal basis in terms of enabling ordinances.

The *Sangguniang Bayan* will enact an ordinance to govern the registration of municipal fishers and fishing vessels in consultation with the FARMC, incorporating the provisions of EO 305 and other changes. Where an ordinance already exists, the *Sangguniang Bayan* will amend it accordingly to incorporate said provisions and changes.

#### Office of the Municipal Mayor

The Mayor is the chief executive of the LGU. The Municipal Mayor enforces all laws and ordinances<sup>20</sup>. Among his more specific powers is the issuance of licenses and permits and the suspension and revocation of the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance.<sup>21</sup>

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<sup>18</sup> An Act Establishing the Philippine National Police under a reorganized Department of Interior and Local Government (DILG) and for other purposes.

<sup>19</sup> Amending certain provisions of PD 6975 mandating the reorganization of the DILG.

<sup>20</sup> Section 444, RA 7160.

<sup>21</sup> Section 444, RA 7160.

In the fisher and fishing vessel registration scheme, the Mayor will closely coordinate with the MAO who is directly involved in the application and registration process. The Mayor will act on the recommendations of the MAO, and, as the representative of the municipality, the Mayor, upon authorization of the *Sangguniang Bayan*, signs on its behalf the CFR and the CN.

#### MAO or Designated Office

The Municipal Agriculturist is a nonmandatory post in the municipality and may be appointed by the Mayor with the concurrence of the majority of all members of the *Sangguniang Bayan*, subject to civil service law, rules and regulations. His office will be the frontline for the implementation of registration of municipal fisher and fishing vessels. In lieu of the Municipal Agriculturist, the Mayor may designate another official who shall take responsibility for the registration of fisher and vessel.

The MAO or the designated office will have direct responsibility in the registration of fishers and fishing vessels. It will provide the required application forms, accept accomplished forms, evaluate and verify the applications, make recommendations to the Mayor for approval or denial of the application, as the case may be, and eventually issue and release the CFR and / or the CN to the applicant. The MAO or the designated office will likewise take responsibility for the evaluation of the registration fee to be paid by the applicant for fishing vessel registration.

Being directly responsible for registration, the MAO or the designated office will maintain systematic filing of the registration forms, maintain the registry, update the records and submit these to the MARINA Central Office or MARINA Regional Office concerned, the PCG Station / Detachment and the DA-BFAR. It will be responsible for furnishing the Barangay Councils with a copy of the fishers registry for posting. In addition to being the repository of registration records, the MAO or the designated office will be responsible for determining vessel admeasurements with the assistance of the MARINA and PCG.

#### MTO and Barangay Treasurer

The MTO is a mandatory appointed official of the LGU. The MTO is appointed by the Secretary of Finance from a list of three qualified persons submitted by the Mayor. A Treasurer being the keeper of funds will be responsible for collecting payments for LGU-imposed taxes, fees and charges.

A CTC is a required document in the application for registration of municipal fisher and fishing vessel. This is issued by the LGU after payment of the community tax to the Treasurer of the LGU. Municipal Treasurers are authorized to deputize Barangay Treasurers to collect the community tax in their respective jurisdictions under the LGC. Thus, a taxpayer may pay the community tax to the deputized Barangay Treasurer or to the Municipal Treasurer who will then issue the corresponding community tax certificate.

The MTO will be responsible for the collection of registration fees and other charges.

## Local PNP

The local PNP is the enforcement arm within the LGU. It will enforce the local ordinance pertaining to fisher registration and licensing.

## Fish Wardens (*Bantay-Dagat*)

Competent government officials and employees, *Punong Barangays* and officers and members of fisher associations who have undergone training on law enforcement may be deputized by the DA-BFAR as Deputy Fish Wardens in the enforcement of RA 8550 and other fishery laws, rules and regulations.<sup>22</sup> The Fish Wardens will be the enforcement support group of the LGU in activities concerning fisher registration and licensing.

## B/C/M/I FARMC

RA 8550 recognizes the active participation of local fishers and coastal communities by stating that the establishment of a FARMC is obligatory. The FARMC is the advisory body of the LGU in the formulation of policies concerning municipal fishers. Section 3 of FAO 196 specifically states the policy behind the creation of the FARMCs which is “to institutionalize the major role of the fisher and other resource users in the planning and formulation of policies and programs for the management, conservation, protection and sustainable development of fisheries and aquatic resources.” FARMCs will be established at the national level and in all municipalities / cities abutting municipal waters. Municipalities / cities may create the BFARMCs and the Lakewide (“Baywide” in some cases) FARMCs whenever necessary. These shall serve in an advisory capacity to the LGU.<sup>23</sup> Section 17 of FAO 196, likewise, recognizes the formation of an Integrated FARMC (IFARMC) or other Fisheries Management or Development Councils within a body of water, such as bays, gulfs, lakes, rivers or dams bound by two or more municipalities / cities. IFARMCs or similar bodies aim to achieve close collaboration in the management of contiguous resources among LGUs concerned. Among the regular members of the IFARMCs are representatives of different sectors who must be members of the M/CFARMC.

Pursuant to FAO 196 and as far as fisheries registration is concerned, the MFARMCs shall be consulted in the determination of fees of fishery activities in municipal waters, the mechanisms for inclusion or exclusion procedures on registry of municipal fishers, and the enactment of municipal fishery ordinances. Among others, MFARMCs have the responsibility of assisting in the municipality in the enforcement of fishery ordinances, submission to the municipality of the list of priorities as guide in the prioritization of fishery rights and privileges, and assisting the municipality in maintaining a registry of barangay / municipal fishers and fisher organizations / cooperatives, municipal fishing vessels by type of gear and other boat particulars. In addition, FARMCs will assist the MAO in verifying whether the applicant fisher is truly a resident in the LGU concerned.

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<sup>22</sup> Section 124, RA 8550.

<sup>23</sup> Sections 7 and 14, FAO 196.

At the barangay level, the BFARMC will assist the MAO in identifying all fishers in the barangay.

## Chapter V

### Framework for Municipal Fisheries Licensing

#### 5.1 Objectives of Municipal Fisheries Licensing

RA 8550 and RA 7160 highlight the following objectives of licensing municipal fishers, fishing vessels and gear. Key stakeholders have validated these objectives during direct interviews in the course of the preparation of this framework. These objectives are not mutually exclusive as some may be a prerequisite for the attainment of other objectives.

- Information Generation

Section 14 of RA 8550 expressly states the need to establish a monitoring, control and surveillance system for purposes of achieving food security, and limiting access to the country's fishery resources exclusively for Filipinos, these being among the declared policies of the State under the said law. The "monitoring component" is the requirement of continuously observing: (a) fishing effort which can be expressed by the number of days or hours of fishing, number of fishing fishers, vessel and gear; (b) characteristics of fishery resources; and (c) resource yields. It therefore involves collection, storage and retrieval of catch and effort data and other relevant information. These types of information are crucial to effectively regulate municipal fishing.

- Granting of Priority Rights

RA 8550 gives preference to resource users in the local communities adjacent or nearest to the municipal waters and highlights the prominent role of fisher associations and cooperatives. Section 18 states that, "all fishery-related activities in municipal waters, as defined in this Code shall be utilized by municipal fishers and their cooperatives / organizations who are listed in the registry of municipal fishers. Section 17 provides that the duly registered fisher organizations / cooperatives shall have preference in the grant of fishery rights by the municipal / city council pursuant to Section 149 of the LGC.

- Regulation

Regulating access to municipal fishing resources is addressed by RA 8550 by vesting municipal governments with the jurisdiction over its waters and giving it the responsibility for the management, conservation, development, protection, utilization and disposition of its fishery resources. RA 8550 also mandates LGUs to enact appropriate ordinances and enforce fishery laws, rules and regulations. Under Section 9, LGUs are also authorized to establish closed seasons in municipal waters and other areas reserved for the use of municipal fishers and consequently, enact ordinances or resolutions to discontinue the issuance of licenses and permits for fisheries activities in municipal waters and bays in closed season area.

- Revenue Generation

Generating revenues from licensing is provided for in RA 7160, Section 149, which grants municipalities the exclusive authority to grant fishery privileges in municipal waters and impose rentals, fees or charges, particularly the issuance of licenses for the operation of municipal fishing vessels. This is supported by Section 447 of the same Code, which authorizes the *Sangguniang Bayan* to “grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality”.

The above-mentioned objectives will be carried out in phases. For the first phase, information generation will be the crucial objective of the fisheries licensing framework. In this phase, registration of municipal fishers, fishing vessels and gear will be the primary activity and an inventory of municipal fishers, their fishing vessels and gear will be its expected output. In the next phase, granting of priority rights will be the most important objective. Issuance of fishing licenses to registered municipal fishers, fishing vessels and gear will be carried out. In the final phase, monitoring and regulation towards management will be given the topmost priority. Stricter implementation and compliance monitoring will be undertaken.

The revenue generation objective will be integrated in each phase. It will become relatively more important as LGUs move from one phase to the next. In the initial phase, revenue generation will be carried out with cost recovery as the main guiding principle. In the next phases, the cost recovery principle will continue to be upheld so long as the fisheries have not substantially recovered. However, when the fisheries have moved towards a more sustainable path, the LGUs may opt to attach the value of the license to an amount that can partially capture resource rents.

## 5.2 Scope and Eligibility Criteria <sup>24</sup>

### Fishers

Municipal fisheries licensing will cover all municipal fishers. To be eligible for a license, a fisher must be registered in the municipality<sup>25</sup>.

The LGU, however, may have the discretion to allow fishers from other municipalities to secure a license provided that (a) these fishers are registered in their municipality of residence and (b) that resident fishers will still be given priority over the use of municipal fishery resources. The LGU may also opt to impose higher fees for nonresident fishers. Such discretion will be contingent on the status of municipal fishery resources.

### Fishing Vessels

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<sup>24</sup> Refer to footnote 7.

<sup>25</sup> Sections 5, 16 and 18 of RA 8550.

All registered fishing vessels 3 GT and below, motorized and nonmotorized, will be eligible for a license to operate within specified municipal waters<sup>26</sup>.

## Fishing Gear

Registered fishing gear will also be eligible for a license. The types of gear that will be allowed to be used or attached to the vessel will be specified in the license. The type of gear will be determined in consultation with the FARMC. The gear license may be incorporated in the fisher license. The licensing of gear will be subject to the restrictions imposed by the BFAR in terms of gear prohibitions and mesh size regulations, among others.

### 5.3 Procedure

#### 5.3.1 Initial Licensing

##### Who or What will be Licensed

As indicated above, fishers will be required to obtain, and their fishing vessels and gear will be covered by licenses to operate within specified municipal waters. Specified types of fishing gear will be attached to the vessel license.

##### Documentary Requirements: Initial Issuance of License

###### Fishers

For first-time application for a license, the fisher will submit the following documents:

- fisher license application form;
- certificate of fisher registration; and
- clearance from the PNP-MG or from the local PNP certifying that the fisher is not involved in any criminal offense.

The MAO will evaluate and verify the information provided by the fisher in the application form. He will then assess the fees and recommend the issuance of a license. The fisher will proceed to the MTO to pay and come back to the MAO for processing of the license. The license will be signed by the Mayor.

###### Fishing Vessel

To apply for a fishing vessel license, the owner / operator will be required to submit the following:

- vessel license application form;
- certificate of number (CN); and,
- clearance from the PNP-MG or from the local PNP certifying that the owner / operator has not been involved in any criminal offense.

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<sup>26</sup> Section 149[3], RA 7160.

## Fishing Gear

For the fishing gear license, the owner will be required to accomplish the fishing gear license application form.

The fisher, fishing vessel and fishing gear license application forms may be incorporated in one document. Refer to **Attachment E** for pro-forma fishing license form.

The MAO will evaluate and verify the information provided by the owner / operator in the application form. He will then assess the fees and recommend the issuance of a license. The owner / operator will proceed to the MTO to pay and come back to the MAO for processing of the license. The license will have to be signed by the Mayor.

## Issued Document

As proof that the fisher, fishing vessel and gear have been licensed, the Mayor with the recommendation of the MAO will issue a fishing license which will bear the following information:

- name and address and of the fisher
- license number
- CFR control number
- name of fishing vessel (if fisher has a vessel)
- CN (if fisher has a vessel)
- vessel admeasurements (if fisher has a vessel)
- types of fishing gear allowed and period of utilization (months)
- expiration date of the license
- period of utilization (months)

For authentication purposes, licenses will also bear the official seal of the municipality and the signature of the Mayor. Pro-forma fishing license is in **Attachment F**.

## Duration of Licenses

The licenses will be valid for one year. A period of renewal will be specified by the LGU. The renewal period will coincide with the start of the peak season in fishing to be determined by the FARMC. See discussion on Renewal of Licenses below.

## Grounds for Rejection of License Application

The following will be the grounds for rejection of license application:

- fraudulent, false information in the application;
- failure to pay required fees; and
- involvement in a pending criminal or administrative case for violation of a fishery law or ordinance.

## Terms and Conditions of the License

## Privileges of the License Holder

A license bestows upon the holder privilege to fish within specified municipal waters without fear of apprehension.

## Responsibilities of the License Holder

The responsibilities of the license holder will include:

- carry the original or duplicate copy of vessel registration and permit to fish during fishing operation;
- provide information on type and quantity of fish catch, fishing area, landing points and other relevant information;
- comply with all laws, policies, regulations, ordinances relating to fishing activities;
- submit himself or herself to the administrative processes in case of violation in the terms and conditions of the license; and
- pay the administrative fines, penalties, charges and indemnity in case of violation of the terms and conditions of the license without prejudice to prosecution in a criminal case for any violation of law arising out of the same acts.

## Fees

The imposition of license fees will be at the discretion of the LGU. License fees can be structured following the full or partial cost recovery principle depending on the status of the fisheries, capacity of fishers to pay and cost of administration.

As discussed in the preceding paragraph, license fees may be determined based on cost of administration. The LGU may opt to target a specified level of administration costs that will be recovered within a year. During the initial phase, the LGU may target a portion of the total administration costs (e.g., 20%, 30%, etc.). This amount will then be divided by the total number of registered fishers and / or fishing vessels to come up with the license fee. In addition, the LGU may target a lower level of cost recovered on the initial years of implementation and gradually increase it in the succeeding years, with the improvement in catch levels. Assuming the same number of fishers, this would imply that nominal license fees will increase with the increase in the target level of cost recovered. This phased increase in the level of fees will allow fishers to adjust accordingly.

The costs that will be covered by the license will only be those related to the administration of licenses which include salaries and wages of personnel and office supplies, among others. From the preceding discussion, the license fee may be calculated as follows:

$$\text{License fee} = \text{Average cost} = \frac{\sum \text{administrative, monitoring and enforcement costs}}{N \text{ [total fishing effort (vessels and fishers) ]}}$$

The fisher license fee can be a fixed amount. The vessel license fee can be based on horsepower (hp) of the vessel while the gear license fee can generally be based on the type of gear and / or capacity of the gear to catch fish. The fee structure will be formulated in consultation with the FARMC.

Finally, the license fees could be based on resource rent in accordance with DA AO 3 (2003). For this guideline to be implemented, the LGU will have to manage its municipal fisheries to improve the biological status of fishery resources and eventually catch and income levels.

In setting the level of fees, the LGU must consider all fees and charges paid for by the fishers including those associated with the processing of PNP clearance. Also, it must take into account the transaction costs (e.g., transportation expenses, time costs) that fishers incur in obtaining registration and licenses. These are needed to evaluate whether registration and licensing are already prohibitive financially.

#### Fines and Penalties

The following acts, among others, will be prohibited and corresponding fines and penalties will be imposed through an ordinance enacted by the *Sangguniang Bayan*:

- fishing without a license or nonrenewal of a license;
- fishing with the use of destructive methods and paraphernalia, such as explosives, noxious or poisonous substance, and / or electricity, fine-mesh nets and super lights, among others;
- other violations of fishery laws and regulations.

The amount of fines and penalties will depend on the gravity of the offense. However, the maximum imposable fine will only be P2,500 per offense as provided for in the LGC. The penalty structure will be formulated by the *Sangguniang Bayan* in consultation with the FARMC.

The maximum amount of fines that the LGU can impose is deemed to be very low that it does not deter offenders to continuously violate fisheries laws. The LGU may opt to prosecute the offender under the Fisheries Code, wherein the fines are relatively much higher and penalties are harsher. However, this does not provide much incentive for the LGU to strictly enforce fisheries laws because the proceeds from the payment of fines are not retained by the LGUs. Instead, these are directly accrued to the Bureau of Treasury. Thus, the amendment of the maximum fine of PhP 2,500 is one of the major issues in the policy agenda. See Section 8.2.3.

The LGU may impose additional administrative sanctions. This may include but not limited to the cancellation of license, confiscation of vessel and / or gear, etc.

#### Grounds for Cancellation or Revocation of License

The grounds for cancellation or revocation of licenses will be as follows:

- a. violation of any existing fishery laws, decree, letter of instructions or its implementing rules and regulations;

- b. noncompliance with the terms and conditions of the license;
- c. false or fraudulent statements in the application thereof by the applicant or his representatives; and
- d. when public interest so requires.

Item (b) may consist any of the following:

- a. use of gear other than that specified in the license;
- b. alteration of vessel tonnage specified in the license;
- c. engaging in illegal fishing methods;
- d. use of destructive fishing methods;
- e. failure to submit notification of transfer of ownership of the vessel and / or gear; and
- f. refusal to be subjected to administrative processes in case of violation of the terms and conditions of the license.

When the fisher commits any violation of the provisions of the Fisheries Code and other related legislation for the first time, a warning will be issued **plus fines and penalties will be imposed and recorded on the license itself.** For the second violation, additional and higher fines will be imposed. Licenses will automatically be revoked if the holder commits same violation three times.

### **5.3.2 Renewal of Licenses**

#### Who are Eligible to Renew

The license will be renewable for as long as the terms and conditions accompanying the license are met by the license holder (Section 5.3.1), or until the LGU prescribes a limited entry regime. This, however, will require consultations with all stakeholders and its implementation should be fair to all concerned. Further discussion of limited entry schemes is found in Chapter VIII.

#### Documentary Requirements

For renewal of the licenses to fish, appropriate licenses from the previous period will be required.

#### Period of Renewal

The renewal period for licensing is oftentimes given less emphasis in the development of a registration and licensing scheme. However, the experiences of some LGUs which already have a scheme show that it is crucial in ensuring greater compliance of municipal fishers and capturing those who fish only during seasons of harvests.

During the lean season, municipal fishers often do not register, obtain a license and pay the fee, for practical reasons. They risk fishing without registration and license and of being caught by local enforcers. Low catches and the priorities for survival are grounds for the leniency of local authorities in fisheries law enforcement. Thus, registration periods will

coincide with the *start of the peak fishing seasons* to ensure greater compliance from the fishers.

## **5.4 Nature of the License**

### **5.4.1 Legal Basis**

The preferential rights of subsistence fishers in the use of municipal waters are provided for by the Philippine Constitution of 1987, LGC and Fisheries Code. Article XIII, Section 7, of the Philippine Constitution states that “the State shall protect the rights of subsistence fishers, 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 fishers through appropriate technology, research ... and other services.” This is reiterated in the Fisheries Code, which states that priority should be given to resource users in local communities adjacent to municipal waters. Under the LGC, the grant of fishing licenses to marginal fishers is considered privileges though they have preferential right to such fishery privileges.<sup>27</sup>

### **5.4.2 Transferability**

Municipal fishing licenses will neither be transferable nor tradable. This means that in cases where fishers opt or are forced to retire, they will not be allowed to transfer the ownership of the license to anybody. This will also hold true for vessel license.

### **5.4.3 Renewability**

The license will be renewable, for as long as the conditions (as specified in Section 5.3.1 of this Chapter) accompanying the license are met by the license holder.

## **5.5 Institutional Arrangements and Responsibilities**

The following local government offices will be responsible for the implementation of municipal fisheries licensing (see Figure 3):

### *Sangguniang Bayan*

As mentioned under Chapter IV, Section 4.5.2, the *Sangguniang Bayan* is the legislative body of the municipality which enacts ordinances that may impose fines or penalties subject to the limitation provided in RA 7160. It is responsible for the legislation of municipal fisheries ordinances. Specifically, under RA 7160 Section 149 (3), the *Sangguniang Bayan* is mandated to “issue licenses for the operation of fishing vessels of three (3) gross tons and below for which purpose the Sangguniang Bayan shall promulgate rules and regulations regarding the issuances of such licenses to qualified applicants under existing laws”. Furthermore, Section 447 of the same Act authorizes the Sangguniang

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<sup>27</sup> Section 149, RA 7160.

Bayan to “grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality.”

The *Sangguniang Bayan* will enact an ordinance to govern the licensing of municipal fisher, fishing vessel and gear in consultation with the FARMC. This ordinance will include the penalty structure.

#### Office of the Municipal Mayor

The role of the Mayor in fisheries licensing is similar to his role in fisheries registration (refer to Chapter IV, Section 4.5.2). As the representative of the municipality in its transactions, the Mayor will be the signatory to the license.

#### MAO or Designated Office

Similar to fisher and fishing vessel registration, this office will be the frontline for the implementation of fisheries licensing. He will accept applications for licensing, verify and evaluate the same, assess the fees and recommend to the Mayor the approval or denial of the application. The MAO in coordination with the Municipal Mayor’s Office will be responsible for issuing fisher and fishing vessel and fishing gear licenses. He will also affix his signature in the license to be issued. The MAO will be responsible for keeping and maintaining the records of licenses.

#### MTO

This office will be responsible for collecting fees, fines and other charges related to fisheries licensing. (Refer to Chapter IV, Section 4.5.2.)

#### PNP-MG

The PNP-MG will enforce the licensing scheme. It will issue the required clearance to the applicant for license to certify that the fisher is not involved in any criminal offense. (Refer to Chapter IV, Section 4.5.2.)

#### Fish Wardens (Bantay-Dagat)

Refer to Chapter IV, Section 4.5.2.

#### FARMC

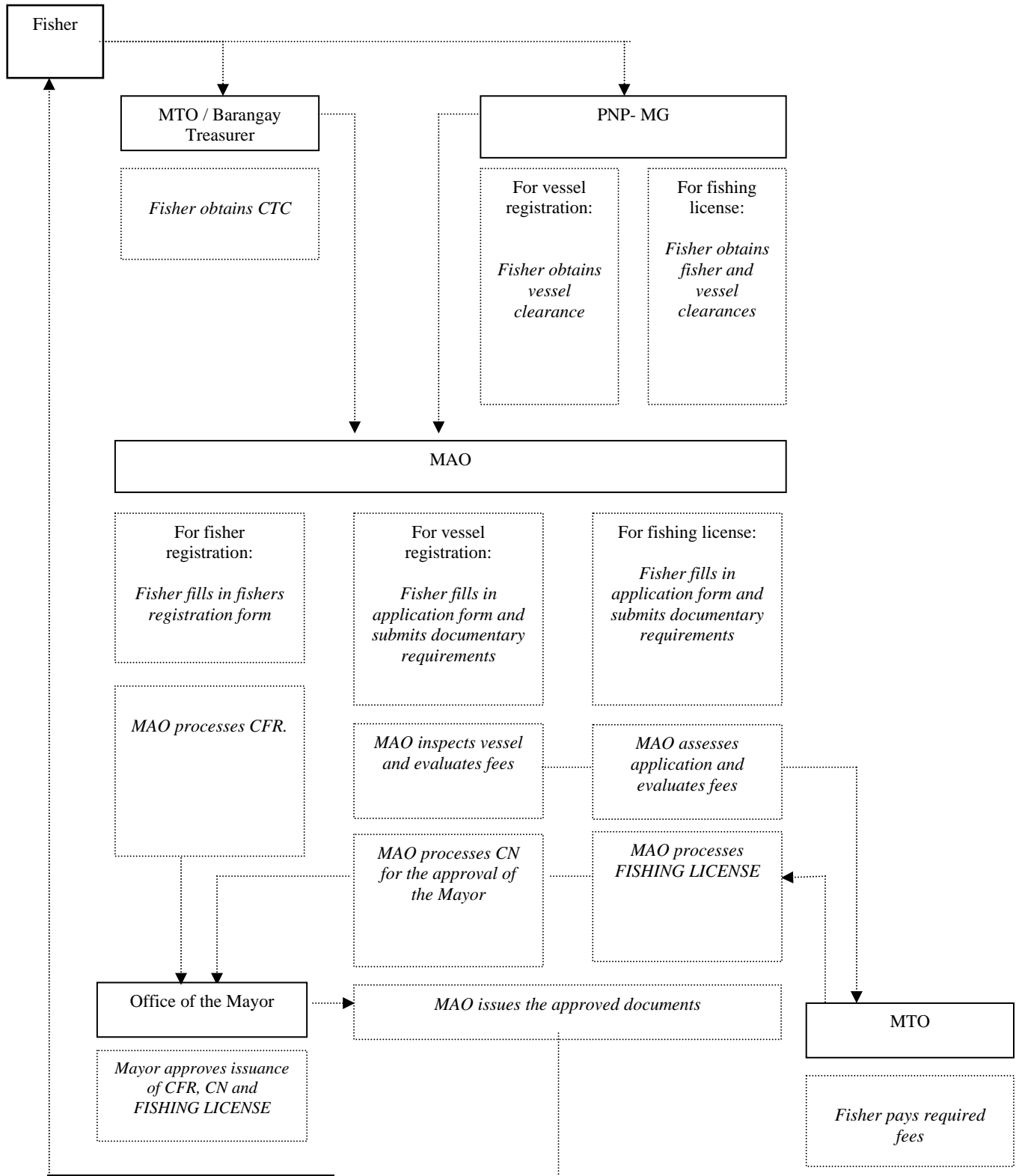
The functions of FARMC with respect to fisheries licensing will be recommendatory as regards the appropriate license fees, the necessary mechanisms of inclusion or exclusion procedures on licensing of municipal fishers and their gear and the enactment of municipal fishery ordinance and its penalty structure. Its recommendations will also be sought on the matter of priorities among fishers, and of limited entry in municipal waters. The FARMC will also assist in the enforcement of fishery laws, rules and regulations in municipal

waters and will determine the peak season in fisheries in the area in order to establish the period of renewal of licenses. (Refer also to Chapter IV, Section. 4.5.2.)

### Community Organizers

Community organizers are persons who are responsible for facilitating and organizing processes at the community level. They are needed to help increase the community's general awareness of: (a) their environment and resources, their status and the dire need to manage them; and (b) the policies that govern them including fisheries registration and licensing. The role of communities in fishery resources management cannot be overemphasized.

**Figure 3. Proposed Integrated Procedures for Municipal Fisheries Registration and Licensing.**<sup>28</sup>



<sup>28</sup> For initial municipal fisheries registration and licensing only. For renewal of license, only the appropriate licenses during the previous period will be required.

## Chapter VI

### Special Cases in Municipal Fisheries Registration and Licensing

#### 6.1 Enclosed Bays and Waters

A unified licensing scheme will be most appropriate for municipalities and cities bordering bays and gulfs. Municipal waters in enclosed bays and gulfs are contiguous and fluid. The nature and dynamics of certain fish populations in the area may transcend beyond geopolitical boundaries. Given this, the best management option will be the creation of a management council. This is already provided for by RA 7160 and RA 8550. Section 33 of RA 7160 provides that LGUs may group themselves and consolidate and coordinate their efforts, services and resources for purposes commonly beneficial to them. Moreover, RA 8550, Section 16, states that the management of contiguous fishery resources such as bays which straddle several municipalities, cities or provinces shall be done in an integrated manner and shall not be based on political subdivisions of municipal waters in order to facilitate their management as a single resource system.

##### 6.1.1 Creation of a Baywide Management Council and a Technical Working Group<sup>29</sup>

A Management Council will have to be created to manage fishery resources in contiguous zones. The Management Council will be the highest policymaking body for matters relating to fisheries and coastal management. It will be responsible and accountable for the stewardship of the bay's resources. The Council will be composed of local chief executives of municipalities and cities bordering a bay. A Council Chair will be selected from among the local chief executives.

A TWG will also have to be created by the Council to implement its policies, programs and plans. The TWG will be under the supervision of the Council. It will be composed of the MAO or his / her representative.

In accordance with RA 8550, Sections 16 and 76, an Integrated FARMC will have to be created as a venue for close collaboration among LGUs in the management of contiguous resources.

##### 6.1.2 Roles and Responsibilities of the Management Council Related to Municipal Fisheries Registration and Licensing

Below is a listing of potential roles and responsibilities of a Baywide Management Council.

- Determine geographic boundaries of the Management Council;

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<sup>29</sup> This will only be applicable in areas where Bay Management Councils are not yet established.

- Formulate a unified fisheries ordinance that will incorporate the fisheries registration and licensing framework if a unified ordinance still does not exist. If otherwise, amend it to incorporate necessary changes. The ordinance will include the following: (a) uniform fee structure using the formula for cost recovery explained in Chapter V, Section 5.3.1; (b) criteria and scheme for cost and revenue sharing; (c) uniform enforcement procedure; and (d) uniform fines and penalty structure. These will be formulated by the Management Council in consultation with the IFARMCs; and
- Coordinate enforcement of the unified fisheries ordinance by the LGUs.

### **6.1.3 Basic Registration and Licensing Procedures**

Fisheries registration and licensing procedures under a Baywide Management Council will not differ substantially from the procedures that will be adopted by independent LGUs. The registration and licensing procedures discussed in the earlier chapters may be adopted by the newly created Bay Management Councils because these functions will be retained by the MAO of each participating LGU. Where management councils already exist, they may opt to adopt the elements and procedures discussed in the earlier chapters or modify to tailor fit these elements to existing political and administrative conditions and structures.

### **6.1.4 Functions of Integrated Fisheries and Aquatic Resources and Management Council**

Pursuant to RA 8550, Section 77, and in relation to fisheries registration and licensing in contiguous zones, the IFARMC shall have the following functions:

- recommend the enactment of fisheries ordinances to the concerned *Sanggunian* through its Committee on Fisheries;
- assist in the enforcement of fishery laws, rules and regulations in concerned municipal waters; and
- advise the concerned *Sanggunian* on fisheries matters through its Committee on Fisheries.

## **6.2 Laguna Lake**

The Laguna Lake Development Authority (LLDA), created under RA 4850, regulates and monitors activities including fisheries in Laguna de Bay. Section 4j of the RA provides that LLDA shall have exclusive jurisdiction to issue new permits for the use of the lake waters for any projects or activities in or affecting the said lake including navigation, construction and operation of fish pens, fish enclosures, fish corrals and the like, and to impose necessary safeguards for lake quality control and management and to collect necessary fees for said activities and projects. The role in fisheries management of LLDA is recognized in RA 8550, Section 17. Given this provision, fisheries registration and licensing in Laguna de Bay will be the sole responsibility of the LLDA. The LLDA may adopt the elements discussed in Chapters IV and V, and modify the procedures to tailor fit these to existing political and administrative conditions and structures.

## **6.3 Palawan**

The Palawan Council for Sustainable Development, created under RA 7611, coordinates with the LGUs in the granting of fishing permits and licenses. Fisheries registration and licensing are the responsibilities of the LGUs.

#### **6.4 Autonomous Region in Muslim Mindanao**

The framework for municipal fisheries registration and licensing will primarily be guided by MMAA 86 of 1999 otherwise known as “An Act for an Aquatic and Fisheries Code of the Autonomous Region in Muslim Mindanao, Appropriating Funds Therefore and for other Purposes”. The provisions for municipal fisheries registration and licensing of MMAA 86 are similar and consistent with those of RA 8550 except for the definition of municipal waters. Under the ARMM Aquatic and Fisheries Code, municipal waters only extend 12 km from the coastline. Under the Philippine Fisheries Code, municipal waters extend 15 km from the coastline.

LGUs under ARMM may adopt the elements and procedures of fisheries registration and licensing discussed in Chapters IV and V.

#### **6.5 Ancestral Domains**

Under the Indigenous People’s Rights Act, subject to existing and / or vested property rights, Indigenous Cultural Communities / Indigenous Peoples (ICCs / IPs) have “the right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the rights to negotiate the terms and conditions for the exploration of natural resources in these areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project; and the right to effective measures by the government to prevent any interference with, alienation and encroachment upon these rights.”<sup>30</sup>

Further, it provides that the ICCs / IPs have “priority rights in the harvesting, extraction, development or exploitation of any natural resources within the ancestral domains. A non-member of the ICCs / IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five [25] years renewable for not more than twenty-five [25] years. Provided, That a formal and written agreement is entered into with the ICCs / IPs concerned or that the community, pursuant to its own decision-making process, has agreed to allow such operation: Provided, finally, That the NCIP may exercise visitatorial powers and take appropriate action to safeguard the rights of the ICCs / IPs under the same contract.”<sup>31</sup>

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<sup>30</sup> Section 7 [b], RA 8371.

<sup>31</sup> Section 57, RA 8371.

Finally, the IPRA provides that a prior certification from the National Commission on Indigenous Peoples shall be required before any department or government agency issues, renews or grants any concession, license or lease, or enters into any production-sharing agreement. Said certification shall state that the area affected does not overlap with any ancestral domain. It shall also be issued only upon a field-base investigation and subject to the free and prior informed and written consent of the ICC / IP concerned. The ICC / IP has the right to stop or suspend any project that has not satisfied with the free and prior informed consent requirement.<sup>32</sup>

#### IP Fishers

IP fishers will obtain CFR and CN from the LGU for information generation and monitoring purposes. For fishing within the ancestral domain, the IP fishers may not be required to obtain fisher and vessel licenses, however, they are required to follow municipal fisheries regulations.

#### Non-IP Fishers

Non-IP fishers desiring to fish within ancestral domain will need the free and prior consent of the IP concerned following the procedures specified in IPRA.

### **6.6 Entry of Commercial Fishers into Municipal Waters from 10.1 to 15 km Area**

RA 8550 IRR, Section 18, states that a municipal or city government may, through its local chief executive and acting in pursuant to an appropriate ordinance, authorize or permit small and medium commercial fishing vessels to operate within the 10.1 to 15 km area from the shoreline in municipal waters provided that all the following are met:

- no commercial fishing in municipal waters with depth less than 7 fathoms as certified by the appropriate agency;
- fishing activities utilizing methods and gear that are determined to be consistent with national policies set by the Department;
- prior consultation, through public hearing with the M/C FARMC has been conducted; and, the applicant vessel as well as the ship owner, employer, captain and crew have been certified by the appropriate agency as not having violated RA 8550, environmental laws and related laws.

The authorization or permit mentioned above will not be granted for fishing in bays as determined by the Department to be in an environmentally critical condition and during closed season as provided for in Section 9 of RA 8550.

The LGU which intends to allow the entry of commercial fishing vessels in the 10.1-15 km area of the municipal waters will need to undertake the following as mandated by RA 8550:

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<sup>32</sup> Section 59, RA 8371.

- Establish the boundaries of the allowable area for commercial fishing. The LGU may seek the assistance of the Department and NAMRIA in establishing the boundaries and isobath depth of waters.
- Conduct a public hearing in consultation with FARMCs to present the following:
  - a map showing the area of municipal waters where small and medium commercial fishing vessels may be allowed to operate;
  - the type of fishing vessel and gear that may be allowed to operate in such waters; and
  - the draft municipal ordinance permitting / allowing such commercial fishing operations.
- Enact appropriate ordinances.

## Chapter VII

### Implementation Procedure for the Registration and Licensing Framework

#### 7.1 Description of Activities

This Chapter discusses the implementation procedures for registration and licensing. Table 2 outlines the activities arranged in chronological order that local government units (LGUs) and national government agencies (NGAs) need to undertake to effectively carry out municipal fisheries registration and licensing. For LGUs that are currently implementing fisheries registration and licensing, they will have to situate themselves in the proposed activities.

##### 7.1.1 Fisheries Registration and Licensing in the Context of Coastal Resource Management Planning

Ideally, fisheries registration and licensing should be developed in the broader context of a coastal resource management (CRM) Plan. This is to ensure that the registration and licensing scheme remains a means towards the ultimate objective of effective management and conservation of coastal resources and do not become an end in itself. This also ascertains that the scheme is in parallel with and does not contradict any other conservation interventions such as establishment of time and spatial restrictions, and zoning, among others. The preparation of a CRM Plan, however, is a costly undertaking. It requires large amounts of money to finance resource assessments, information gathering, development and implementation of fisheries interventions, staff recruitment, monitoring and evaluation. It also requires time (about 6 years<sup>33</sup> based on some estimates) to complete the entire planning process. It is conceivable though that the process could be shortened if data are readily available and if consultations proceed in a fast pace. In this context, the implementation of fisheries registration and licensing may be held “hostage” by the absence of a CRM Plan. Thus, the second best option is for LGUs to proceed directly to the formulation of municipal fisheries registration and licensing plan, which could form part of the CRM Plan, if such Plan does not exist yet. Figure 4 is a flowchart<sup>34</sup> showing fisheries registration and licensing in the context of CRM Planning. The entire process is thoroughly discussed in the *Philippine Coastal Management Guidebook No. 3: Coastal Resource Management Planning of DENR* (see footnote 27).

##### 7.1.2 Pre-implementation Activities

Pre-implementation activities require certain national and local actions prior to the implementation of municipal fisheries registration and licensing. At the national level, the following activities are necessary:

- Sharing of Experiences

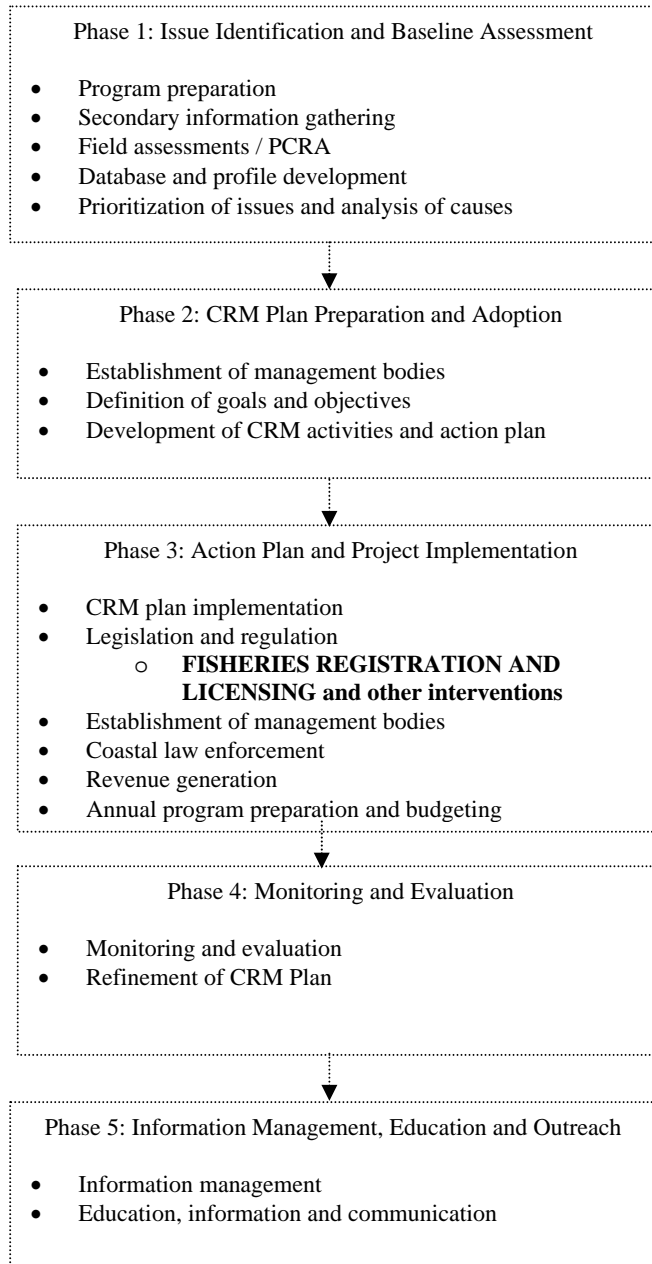
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<sup>33</sup> DENR et al. (2001c).

<sup>34</sup> DENR et al. (2001c).

**There is a need to coordinate with the Leagues of Municipalities and Cities (LM/C) for the wide-scale implementation of fisher, fishing vessel, and gear registration and licensing. There are 839 coastal**

**Figure 4. The CRM Planning Process Adopted for Philippine LGUs.**



The CRM planning process, adopted for Philippine LGUs, is composed of five phases. Phase 1 requires critical issue identification and prioritization, and baseline assessment. These are needed to guide the establishment of management bodies; and development and adoption of CRM Plan in Phase 2. The CRM Plan mainly consists of the following: description of area, maps, goals and objectives, strategies and actions, legal and institutional framework, timetable, and monitoring and evaluation. In Phase 3, the CRM Plan is implemented through projects and activities and supported by local legislation. Phase 4 is the learning and adjustment phase of the CRM planning cycle. This phase provides a rational basis to assess the effectiveness of program strategies and to refine the CRM plan, if needed. Phase 5 calls for information management, education and outreach activities to strengthen and enable a broad support base for local CRM programs. The entire CRM planning process is iterative wherein the CRM plan is periodically refined and revised as new information is obtained or as conditions change.

municipalities (LMP 2005) and 76<sup>35</sup> coastal cities in the Philippines and less than 5% have implemented a registration and licensing scheme. These leagues will be instrumental in diffusing the implementation of registration.

- Orientation of Local Chief Executives

There is also a need to conduct basic orientation among local chief executives of the need for fisheries management, of which fisheries registration and licensing are key initial steps. It is important that they understand and appreciate the appropriate objectives of registration and licensing. The LMP and LCP in coordination with concerned agencies may spearhead this activity.

- Capacity-building

MARINA-PCG will identify who among its personnel will assist the LGU in determining vessel admeasurements to initiate the devolution of vessel registration to LGUs and capacitate the latter's assigned personnel. BFAR-Fisheries Information Management System (FIMC) will also assist in building the capacity of LGUs on information management.

- Tracking of Registration and Licensing Initiatives

BFAR-FIMC will need to conduct a "tracking" of all fisher registration initiatives in the country. There are already a number of existing and independent initiatives by LGUs, fisheries-related projects and nongovernment organizations (NGOs). Compatibility of PhilFIS and those maintained by the LGUs is recommended to facilitate tracking and consolidation of the data.

- Policymaking

DA also needs to issue "Guidelines for delineation / delimitation of municipal waters with offshore islands". Without these guidelines, LGUs with offshore islands will not be able to determine their municipal water boundaries and therefore will not be able to formulate their fisheries ordinances.

At the local level, LGUs need to undertake the following activities:

- Delineation of municipal water boundaries

This preliminary identification of boundaries will be part of the initial preparation in the development of a comprehensive fisheries ordinance. Delineation of municipal water boundaries will be needed to effectively implement fisheries registration and licensing and other regulatory provisions of RA 8550 and local ordinances. For municipalities and cities without offshore islands, delineating municipal water boundaries will be done according to the NAMRIA guidelines adopted in DA AO 1 to provide the jurisdictional

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<sup>35</sup> Extracted from NSCB List of Cities in the Philippines (2004).

boundary for municipal water use and enforcement. An agreement between adjacent municipalities will be drawn necessary to finalize terminal points.

- Legislation

The *Sangguniang Bayan* will need to formulate municipal fisheries ordinances that will incorporate fisheries registration and licensing. Where an ordinance already exists, it should be amended to incorporate the changes embodied in this framework. Refer to **Attachment G** for Municipal Fisheries Registration and Licensing Model Ordinance and Implementing Rules and Regulations (IRR).

- Translation of ordinance, IRR and relevant forms in vernacular

Registration and licensing ordinance, IRR and forms must be translated in vernacular for fishers to have full understanding of the policy.

- Public Consultations

The *Sangguniang Bayan*, MAO and FARMC will have to carry out public consultations with stakeholders concerning the fisheries ordinance. Public consultations will facilitate buy-in of the rules and regulations provided for by the ordinance.

- Capacity-building

The LGU through the MAO will need to conduct capacity-building for its designated personnel on determining admeasurements, information management, enforcement and monitoring. Capacity-building needs include those identified in EO 305.

- Resource Assessments

The LGU in collaboration with NGOs, projects and academic and research institutions should conduct resource assessments within municipal waters and for contiguous areas to determine the maximum sustainable yield (MSY). This will provide a basis for limiting entry in the long run. Limited entry is discussed further in Chapter VIII.

### **7.1.3 Implementation Activities**

The implementation activities pertain to those leading directly to the institution of fisheries registration and licensing at the municipal level. These are enumerated and discussed below. It is noted that the pre-implementation activities discussed in the preceding section will foster a speedy implementation of fisheries registration and licensing.

- Conduct awareness campaigns and social marketing on registration and licensing at the barangay and municipal levels.

Social marketing is needed to facilitate social acceptance and compliance among fishers. In fact, fishers should be involved in the earliest part of the process to facilitate early buy-in of the proposed policy.

- Conduct fisher and fishing vessel registration and target completion of database of municipal fishers and fishing vessels.
- Conduct IEC activities and basic orientation on rights, privileges, roles and responsibilities of fishers. It is important to emphasize the incentives of fishers in complying with the registration and licensing system, the most important of which is the continued participation in the fishery. These measures are important in managing the fishery from which they are the primary beneficiaries.
- Implement the licensing scheme based on the fisher and vessel registries.
- Develop information database and train LGU personnel on information management.
- Provide continuous training on compliance monitoring, enforcement and evaluation.
- Link the information management systems of LGUs to the centralized information management system of BFAR-FIMC to provide an avenue for easy access of fisheries database and sharing of information.
- Estimate resource capacity to provide a basis for limiting entry in the long run. If MSY cannot be estimated in the short or medium run due to the absence of time-series data, come up with other estimates of resource capacity. The precautionary principle may also be used as basis for regulation.
- Evaluate the implementation of registration and licensing scheme and assess the applicability of the limited entry schemes.

## **7.2 Legal Basis and Enabling Action**

The legal basis and enabling action for the activities are identified in [Table 6.1](#). Most of these activities require administrative orders at the national level and enabling ordinances at the local level.

## **7.3 Responsible Agencies**

The agencies responsible for each of the activities described above are presented in Column 5 of [Table 6.1](#). Local and national agencies involved in municipal fisheries registration and licensing include the following:

Policy and Legislation

*National Level:* DA, BFAR, DENR, NAMRIA, NAPC-Fisherfolk Sector  
*Local Level:* Sangguniang Bayan, MAO, MTO, MPDC, FARMCs

#### Implementation

*National Level:* LMP, LCP  
*Local Level:* Office of the Mayor, MAO, MTO

#### Enforcement, Monitoring and Evaluation

*National Level:* MARINA-PCG  
*Local Level:* PNP- MG, local PNP, Bantay-Dagat

### **7.4 Timelines**

Pre-implementation activities should immediately take place and be accomplished within 3 years.

Implementing the municipal fisheries registration and licensing scheme should take place 10 days from the date a copy of the ordinance is posted in a bulletin board at the entrance of the city or municipal hall and in at least two other conspicuous places in the LGU concerned. The gist of the ordinance with penal sanctions should be published in a newspaper of general circulation within the province where the city or municipality belongs.

The implementation of the limited entry scheme, if found feasible, will take place at least 3 years after the licensing scheme has been operational. This would give the LGUs and other government agencies sufficient lead time to conduct the necessary technical studies before the limited entry scheme can be put into respective policy pronouncements.

### **7.5 Resource Implications**

The implementation procedure for municipal fisheries registration and licensing explained earlier entails incremental resources. These are specified below.

#### National Level

The MARINA-PCG will need to provide technical personnel to capacitate LGUs in determining admeasurements of municipal fishing vessels. This activity will initiate the devolution of registration function of MARINA to LGUs. Similarly, BFAR will also need to assign specific technical personnel to assist the LGUs in resource assessments and information management. The PNP-MG will also need to develop appropriate training programs for maritime monitoring and enforcement and provide technical personnel to

capacitate LGUs. DOJ will also need to improve the efficiency of its trial courts in terms of litigating fishery violations.

Financial and technical resources are also needed to formulate the policies listed in the Policy Agenda discussed in Chapter VIII.

#### Local Level

The devolution of fisheries management functions including fishing vessel registration means additional responsibility for LGUs. Additional personnel, technical and financial resources are required to carry out the tasks effectively.

*Personnel.* The LGU will need to appoint a Municipal Agriculturist <sup>36</sup> and / or Agricultural Technician who will be in charge of fisheries-related tasks and activities. These activities include: (a) developing plans and activities for the fisheries sector; (b) implementing fisheries programs and projects; (c) facilitating resource assessments and (d) conducting fisheries registration and licensing, among others. He / she will also be involved in the conduct of information, education and communication (IEC) activities for fisheries registration and licensing and be responsible for assessing information provided by fisher-applicants, determining admeasurements of vessels, evaluating fees and issuing documents.

*Technical.* LGUs also need to hone their technical capacity to undertake fisheries-related tasks and functions including information management, resource assessment and enforcement, among others. They also need to acquire computers and other equipment to facilitate information management.

*Financial.* Instituting a registration and licensing scheme requires financial resources to fund the costs of administration and enforcement. Given the current fiscal situation of the Philippine Government, where the national budget is dwindling, LGUs must be able to efficiently allocate their existing budget and / or find out other means to increase it. During the first phase of implementation, revenues will be only expected to partially recover the costs of administering and enforcing the scheme.

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<sup>36</sup> This will only be applicable to LGUs, which do not have a Municipal Agriculturist.

**Table 2. Distribution of Coastal Municipalities per Region.**

Region	No. of Coastal Municipalities <sup>37</sup>	% of Total No. of Coastal Municipalities	No. of Coastal Cities <sup>38</sup>	% of Total No. of Coastal Cities
Region 1 <sup>39</sup>	46	5	8	11
Region 2 <sup>40</sup>	27	3	2	3
Region 3 <sup>41</sup>	34	4	3	4
Region 4 <sup>42</sup>	133	16	7	9
Region 5 <sup>43</sup>	84	10	7	9
Region 6 <sup>44</sup>	71	8	10	13
Region 7 <sup>45</sup>	96	11	9	12
Region 8 <sup>46</sup>	117	14	4	5
Region 9 <sup>47</sup>	42	5	5	7
Region 10 <sup>48</sup>	49	6	6	8
Region 11 <sup>49</sup>	25	3	5	7
Region 12 <sup>50</sup>	9	1	2	3
NCR	1	0	5	7
ARMM <sup>51</sup>	60	7		-
Caraga <sup>52</sup>	45	5	3	4
CAR	None	-	None	-
Total	839	100	76	100

### 7.5.1 Assessing Capabilities of Coastal Local Government Units to Implement the Framework

Table 2 shows that Region 4 (Southern Tagalog) has the highest number of coastal municipalities. It has 133 (33% of the total coastal municipalities). This is seconded by Region 8 (Eastern Visayas), which has 117 (14% of the total coastal municipalities). The National Capital Region (NCR) has only 1 coastal municipality, the rest being cities.

<sup>37</sup> Source: LM (2005).

<sup>38</sup> Extracted from NSCB (2004) list of cities in the Philippines.

<sup>39</sup> Ilocos: Ilocos Norte, Ilocos Sur, Pangasinan and La Union.

<sup>40</sup> Cagayan Valley: Batanes, Cagayan, Isabela.

<sup>41</sup> Central Luzon: Aurora, Bataan, Bulacan, Pampanga, Zambales.

<sup>42</sup> Southern Tagalog: Batangas, Cavite, Quezon, Marinduque, Mindoro Oriental, Mindoro Occidental, Romblon, Palawan; *does not include the municipalities surrounding Laguna de Bay.*

<sup>43</sup> Bicol: Albay, Camarines Norte, Camarines Sur, Sorsogon.

<sup>44</sup> Western Visayas: Antique, Aklan, Capiz, Guimaras, Iloilo, Negros Occidental.

<sup>45</sup> Central Visayas: Bohol, Cebu, Negros Oriental, Siquijor.

<sup>46</sup> Eastern Visayas: Biliran, Eastern Samar, Northern Samar, Western Samar, Leyte, Southern Leyte.

<sup>47</sup> Zamboanga Peninsula: Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay.

<sup>48</sup> Northern Mindanao: Camiguin, Misamis Occidental, Misamis Oriental, Lanao del Norte.

<sup>49</sup> Davao: Compostela Valley, Davao del Sur, Davao del Norte, Davao Oriental.

<sup>50</sup> SOCKSARGEN: Sarangani, Sultan Kudarat, North Cotabato, South Cotabato.

<sup>51</sup> ARMM: Basilan, Lanao del Sur, Maguindanao, Sulu, Tawi-tawi.

<sup>52</sup> Caraga: Agusan del Norte, Surigao del Sur, Surigao del Norte.

The table also shows that Region 6 (Western Visayas) has the highest number, 10, of coastal cities (13% of total). It is followed by Region 7 (Central Visayas) with 9 (12%) and Region 1 (Ilocos Region) with 8 coastal cities (11%). The Cordillera Autonomous Region (CAR) and Autonomous Region in Muslim Mindanao (ARMM) do not have any coastal city.

#### 7.5.1.1 Estimated Cost of Administering Municipal Fisheries Registration and Licensing

The total cost of administering municipal fisheries registration and licensing is estimated at PhP 347,000 for the first year, depending on the salary structure of the LGU (Table 3). This framework recommends the hiring of one Agricultural Technician who will be responsible for fisheries-related matters. Results from key informant interviews indicate that oftentimes the Municipal Agriculturist is already loaded with upland and lowland matters. It is noted that since the MAO also undertakes other tasks in addition to fisheries, the real cost of administering fisheries registration and licensing is less. Assuming 50% of the MAO's time is for salary, the total recurrent cost is at PhP 228,000 per year. If a MAO already exists, the total incremental cost will only be PhP 203,000. Other expenditure items include purchase of equipment (one computer and one printer), capability-building and staff training, and office supplies, IEC materials and logistics. Except for the equipment which is a one-time investment, all items are recurring costs. Breakdown of costs is presented in Table 3.

**Table 3. Estimated Costs of Administering Municipal Fisheries Registration and Licensing.**

Item (s)	Estimated Cost per Year
<i>Personnel (salaries and benefits)</i>	
1 Municipal Agriculturist <sup>53</sup> @12,000 / month <sup>54</sup>	144,000
1 Agricultural Technician @ 9,000 / month	96,000
<i>Subtotal</i>	240,000
<i>Equipment</i>	
1desktop computer, including software	40,000
1 printer	7, 000
<i>Office supplies (paper, ink, pens, etc.)</i>	20,000
<i>Staff training / Capability-building</i>	20,000
<i>IEC materials and logistics</i>	20,000
<i>Subtotal</i>	107,000
<b>Total</b>	<b>347,000</b>

<sup>53</sup> Performs multiple functions; time devoted to registration and licensing will only be a fraction of total working time.

<sup>54</sup> Rough estimation of salaries, allowances and other benefits. Based on RA 6758 (An Act Prescribing a Revised Compensation and Position Classification System in the Government and for Other Purposes), an Agriculturist has a salary grade of 11.

RA 6758 provides that the rates of salary shall be determined on the basis of the financial capacity of the LGUs, provided that such rates of pay shall not exceed the following percentages of the rates in the salary schedule prescribed in Section 7 of said law. The rates of adjustment prescribed are presented in Table 4.

**Table 4. Prescribed Rates (%) of Adjustment, Based on Financial Capacity of LGUs.**

Income Class	Municipalities	Cities
First	90	100
Second	85	95
Third	80	90
Fourth	75	85
Fifth	70	80
Sixth	65	-
Special	-	100

**Table 5. Estimated Average Internal Revenue, Adjusted Cost of Administering Fisheries Registration and Licensing per Income Class and % Share in the Internal Revenue Allotment (IRA).**

Income Class	Estimated Average IRA		Adjusted Estimated Cost of Administering Fisheries Registration and Licensing per Income Class and % Share in IRA			
	Municipalities <sup>55</sup>	Cities	Municipalities	% Share in IRA	Cities	% Share in IRA
First	59,928,641	179,961,000	323,000	0.5	347,000	0.2
Second	44,523,910	65,930,000	311,000	0.7	335,000	0.5
Third	36,727,223	63,024,000	299,000	0.8	323,000	0.5
Fourth	26,729,002	59,138,000	287,000	1.1	311,000	0.5
Fifth	17,636,969	43,859,000	275,000	1.6	299,000	0.7
Sixth	12,122,247	-	263,000	2.2	-	-
Special	-	-	-	-	347,000	-

The adjusted cost of administering fisheries registration and licensing would only be PhP 323,000 for first class municipalities, PhP 311,000 for second class municipalities and PhP 299,000 for third class municipalities. For fourth to sixth class municipalities, adjusted administration cost would only range from PhP 287,000 to PhP 263,000. The cost of administration for municipalities will only be within the range of 0.5-2.2% of the IRA, depending on the income class of the municipality (Table 5).

Moreover, the adjusted cost of administering fisheries registration and licensing will be PhP 347,000 for first class cities, PhP 335,000 for second class cities and PhP

<sup>55</sup> Based on NSCB 2002 municipal income classification.

323,000 for third class cities. Fourth and fifth class cities will expend around PhP 311,000 and PhP 299,000 for administering the policy. The cost of administration for cities will only be less than 1% of the IRA, depending on the income class of the city.

#### 7.5.1.2 Distribution of Coastal Municipalities and Cities per Income Class

The capability of most LGUs to implement the fisheries registration and licensing framework may be indicated by their income class. As shown in the Table 4, most coastal municipalities are fourth and fifth class municipalities. Fourth and fifth class municipalities comprise 38% and 27%, respectively, of the country's total number of coastal municipalities. This means that most coastal municipalities have low capacity to generate their own revenues and highly depend on their IRA from the National Government for their operations.

In addition, first class coastal cities comprise 41% of the total number of cities in the country. This is followed by fifth class cities which comprise 21% of the total number of cities. The second and third class coastal cities have equal share of 15%. These figures show that most cities in the country belong to the first class category; hence, they have more capacity to implement fisheries registration and licensing.

**Table 6. Distribution of Coastal Municipalities and Cities per Income Class.**

<b>Municipal Income Class</b>	<b>Total No. of Municipalities per Income Class</b>	<b>% Distribution</b>	<b>Total No. of Cities per Income Class</b>	<b>% Distribution</b>
Special	-	-	1	-
First	55	7	31	41
Second	65	8	11	15
Third	120	14	11	15
Fourth	322	38	6	8
Fifth	225	27	16	21
Sixth	14	2	-	-
No Data	38	5	-	-
<b>Total</b>	<b>839</b>	<b>100</b>	<b>76</b>	<b>100</b>

Source: League of Municipalities.

**Table 7. Implementation Procedure for Municipal Fisheries Registration and Licensing.**

<b>Timeframe</b>	<b>Activities</b>	<b>Rationale</b>	<b>Legal Basis and Enabling Action</b>	<b>Responsible Agency(ies)</b>
<b>A. Pre-implementation Phase</b>				
<b>National Action</b>				
First year and continuing	Sharing of experiences	Carry out implementation of registration and licensing schemes in broad scale to all coastal municipalities and cities of the country	RA 7160, Sections 496, 498, 499, 501  EO 305	LMP, LCP, BFAR, NAPC-Fisherfolk Sector
First year and continuing	Orientation of local chief executives	Enhance awareness and appreciation of local chief executives of the need for fisheries registration and licensing		LMP, LCP, BFAR, NAPC-Fisherfolk Sector
First year and continuing	Capacity-building	Initiate the devolution of vessel registration to LGUs and capacitate the latter's assigned personnel  Strengthen information management capacity of MAO personnel	EO 305  RA 8550, Section 7 and Rule 7.2 of the IRR	MARINA- PCG  BFAR-FIMC
First year and continuing	Tracking of registration and licensing initiatives	Standardize registration and licensing procedures  Facilitate tracking and consolidation of the data		BFAR-FIMC, LGUs
First year	Policymaking	Provide LGUs with offshore islands guidelines on how to delineate / delimit their jurisdictional municipal water boundaries	No DA Administrative Order yet.	DA-BFAR, DENR, NAMRIA, LGU-SB, NAPC-Fisherfolk Sector

<b>Local Action</b>				
First year	Delineation of municipal waters without offshore islands	Determine the jurisdictional municipal water boundaries	DA AO 1-2004	DA-BFAR, NAMRIA, DENR, PNP-MG, LGU-MAO, FARMCs
First year	Formulation of municipal fisheries ordinances incorporating fisheries registration and licensing (Amendment if an ordinance already exists)	Provide legal basis at the local level for the implementation of fisheries registration and licensing scheme	RA 7160, Sections 482,447 and RA 8550, Sections. 16, 74  EO 305  Local ordinance	<i>Sangguniang Bayan</i> , MAO, MPDC, FARMC
After formulation of ordinance and IRR	Translation of ordinance, IRR and forms in vernacular	Elicit better understanding of the policy from fishers	RA 7160	<i>Sangguniang Bayan</i> , MAO, MPDC, FARMC
First year	Public consultation with stakeholders concerning the fisheries ordinance	Elicit stakeholder participation and support on the enactment of the fisheries ordinance	RA 7160, Section 482	<i>Sangguniang Bayan</i> , MAO, MPDC, FARMC
First year and continuing	Capacity-building on the determination of admeasurements, enforcement and monitoring	Capacitate LGU personnel on determining admeasurements	EO 305	MAO in coordination with MARINA-PCG personnel
First year and continuing	Resource assessments	Provide a basis for estimating MSY	RA 8550, Section 7, IRR Rule 7.1  Local ordinance	LGUs, BFAR, research institutions
<b>B. Implementation Phase</b>				
Second year	Fishers and vessel registration	Provide an inventory of fishers and fishing vessels	EO 305  Local ordinance	MAO, PNP-MG, MTO
Second year	Implementation of the	Precautionary principle	RA 8550, Sections 16,	MAO, PNP-MG,

	licensing scheme		23 IRR Rule 23.1 RA 7160  Local ordinance	MTO
Second year and continuing	Development of information database and capacity-building of LGU personnel on information management	Provide an avenue for easy access of fisheries database; capacitate local government personnel on information management	RA 8550, Section 7 IRR Rule 7.2  EO 305  LGU ordinance	LGU, BFAR-FIMC
Second year and continuing	Continuous training on compliance monitoring and enforcement	Capacitate local enforcers	RA 8550, Sections 14, 65[k] Rule 14.1 of IRR Rule 16. 9 of IRR	LGU, PNP-MG, Bantay-Dagat
Second year	Estimate resource capacity using MSY or other indicator	Provide a basis for limiting entry in the long run	RA 8550  Local ordinance	LGUs, BFAR, research institutions
Second year	Evaluation of the implementation of registration and licensing scheme	Provide a basis for limiting entry in the long run	RA 8550  Local ordinance	LGUs
Third year	Implementation of limited entry, if feasible	Precautionary principle	RA 8550  Local ordinance	LGUs

## **Chapter VIII**

### **Refinements**

#### **8.1 Limited Entry**

Limited entry refers to restrictions on the number of fishing units through limiting the number of licenses or permits that could be issued. Placing an appropriate limit on effort is necessary and sufficient to address overfishing and excess capacity that pervade most municipal fishing grounds. The review of the experiences of other countries has shown that in the absence of a limit in fishing capacity and mechanisms to stabilize fishing capacity to compensate for technological progress, entry to the fisheries cannot be effectively controlled.

##### **8.1.1 Estimation of Maximum Sustainable Yield or Other Estimates of Resource Capacity**

Limited entry schemes ideally begin with the estimation of the availability and / or abundance of the fishery resources. This can be determined from estimates of the MSY of the major fisheries or other indicators of resource capacity. The MSY, however, relies heavily on a history of accurate data on the age or size composition of the catch, the effort and the catch per unit effort of the various components of the fishery. As some stock assessment studies have just started and some have yet to be completed and validated, the MSY of most, if not all of the major fishing grounds in the country cannot be estimated with reasonable certainty. The law, however, permits the precautionary principle in instituting fisheries regulations. From the estimates of MSY or from the precautionary principle, LGUs could initiate limited entry if fishery resources are found to be overfished.

##### **8.1.2 Proceeding with Limiting Entry in Municipal Fisheries**

Limited entry can be instituted through a freeze in the issuance of new licenses for municipal fishers and fishing vessels. Only existing municipal fishers will be given licenses to fish or be allowed to renew their licenses. Limited entry will only be recommended for municipalities and cities which have the following pre-requisites: (a) estimates of the resource capacity of municipal fishing grounds or have sufficient basis to apply the precautionary principle; and (b) effective implementation of fisher registration and licensing. Without these pre-requisites, the limited entry scheme will likely fail.

The objective of limited entry is to reduce fishing effort to a level that will be sustainably supported by fishery resources. Closing the fishery to new entrants is one way of achieving this goal, albeit slowly. One fast way to achieve the target level of fishing effort is to provide incentives for existing fishers to “retire” their licenses. This could involve buy-back of licenses for fishers and their vessels. However, this fast-track approach may be beyond the financial resources of most LGUs.

Any form of limiting entry will surely face stiff opposition from most stakeholders, except perhaps existing fishers who stand to benefit from a limited entry scheme. The social

implications and inter-generational issues are enormous. Initiating such a scheme should be preceded by intensive IEC among the fishers and other stakeholders. Succeeding steps will have to be based on the feedback during the initial consultations.

There are bound to be problems in the implementation of a limited entry scheme in the event that it could be implemented at all. Once the fishery becomes more profitable, the pressure to open the fishery to new entrants will increase. For existing fishers, there are incentives to increase their effective fishing effort through technological improvements. LGUs should be able to anticipate these problems to ensure that the gains from limited entry could be sustained.

### **8.1.3 Controlled Replacements**

This option may be undertaken following limited entry when the fishing effort is more or less close to the level required by the MSY. If fishing effort is close to optimal, then a fisher and / or fishing vessel leaving the fishery may be replaced by a new entrant / vessel, provided that the effective catching capacity of the vessel does not exceed the capacity of the one leaving the fishery. Fishing capacity is primarily a function of the gross tonnage of the vessel and engine horsepower. If excess capacity is very high, then it would be more beneficial for the LGU to embark on a “no replacement scheme”. This means that if a fisher and / or vessel leave the fishery, they will not be replaced.

### **8.1.4 Limits in the Number of Vessels that Fishers can Own**

At present, there are no limits in the number of fishing vessels that fishers can own. Anecdotal information shows that some fishers own a number of vessels which they lend to other fishers for a fee or a share in the catch. To limit the number of vessels that each fisher can own, the LGU will first need to complete its registries of municipal fishers and fishing vessel. To make it effective, the LGU will also need a mechanism that will take into account (a) the use of dummy in vessel ownership and (b) the general tendency of the fishers to increase fishing capacity to compensate for the loss in physical number of fishing vessels.

## **8.2 Policy Agenda**

In order for the registration and licensing scheme to be comprehensive and integrated, the following related issues will need to be addressed by the relevant government agencies:

### **8.2.1 Issue of Underage Fishers**

One policy issue that needs to be addressed pertains to underage fishers within the context of the municipal fisheries registration and licensing framework. It is an accepted fact that there are a number of underage fishers who are actively participating in the sector. The Civil Code provides that the age of majority is 18 years. Consistent therewith is the same provision in the Labor Code. By virtue of this provision, these minors are not allowed to fish. Also, DOLE Department Order No. 4, Series of 1999, Section 3, considers fishing hazardous for children. The issues, however, arise from the fact that municipal fishing in the Philippines is generally a family activity which traditionally involves family

labor. Moreover, a number of fishing households which use family labor fish mainly for subsistence. As such, it may be difficult to uphold the minimum age provision of the Labor Code. However, government and society may not want to put up with employment of minors in the sector.

### **8.2.2 Delineation of Municipal Waters with Offshore Islands**

Municipalities need to delineate their municipal waters in order to implement the Fisheries Code and enact enabling ordinances. At present, DA has only issued guidelines for the delineation and delimitation of municipal waters for municipalities and cities *without offshore islands*. The issue on how to delineate municipalities and cities *with offshore islands* is not yet resolved. The main contention involves the baseline from which the 15 km are to be drawn.

### **8.2.3 Amendment of the Maximum Fine of PhP 2,500**

The maximum fine of PhP 2,500 as provided for by RA 7160, Section 447, should be amended. LGUs find the fine as too low that it does not deter some fishers from doing illegal and destructive fishing activities. Moreover, the maximum fine should be increased to incorporate economic changes, i.e., inflation.

### **8.2.4 Definition of Medium-scale Commercial Fishing**

Section 18 of RA 8550 provides that small and medium-scale commercial fishing vessels may be allowed to fish within the 10.1 - 15 km in municipal waters subject to certain conditions specified therein. Among the conditions is that the fishing methods and gears used shall be consistent with national policies set by the DA. The Department has established the policy of banning the use of active gears in municipal waters as provided in Section 90 of RA 8550 and further reiterated in FAO 201, Series of 2000. This being the case, small and medium-scale commercial fishing vessels which may be allowed to fish within 10.1 to 15 km in municipal waters shall use only passive gear in its fishing activities.

There are small-scale commercial fishing vessels using passive gear and this comes within the exception provided in the law. These may be allowed to operate in municipal waters by virtue of an ordinance. There is an issue, however, insofar as medium-scale fishing activities are concerned. Section 4 (10) (2) of RA 8550 defines 'medium scale' as commercial fishing using active gears only. Legally speaking then, no medium-scale commercial fishing, as defined in the law, may be allowed within the said area in the municipal waters pursuant to said provisions of the Fisheries Code, considering that active gears are prohibited in municipal waters.

Thus, there is a need to revisit Section 18 of RA 8550 which allows small and medium-scale commercial fishing activity within 10.1 - 15 km in municipal waters and Section 4 (10) (2) which defines the term medium-scale commercial fishing (Section 3 [10] [2], RA 8550), both in relation to the ban on the use of active gear in municipal waters.

## References

- ADB (Asian Development Bank). 1999. Asian Development Bank program performance audit report on the Fisheries Sector Program in the Republic of the Philippines. ADB, Mandaluyong City, Philippines.
- Beddington, J. and R. B. Rettig. 1984. Approaches to the regulation of fishing effort. FAO Fish. Tech. Pap.
- DENR (Department of Environment and Natural Resources), BFAR (Bureau of Fisheries and Aquatic Resources) and DILG (Department of the Interior and Local Government). 2001a. Philippine coastal management guidebook no. 1: Coastal management orientation and overview. Coastal Resource Management Project of the DENR, Cebu City, Philippines. 58 p.
- DENR (Department of Environment and Natural Resources), BFAR (Bureau of Fisheries and Aquatic Resources) and DILG (Department of the Interior and Local Government). 2001b. Philippine coastal management guidebook no. 2: Legal and jurisdictional framework for coastal management. Coastal management orientation and overview. Coastal Resource Management Project of the DENR, Cebu City, Philippines. 170 p.
- DENR (Department of Environment and Natural Resources), BFAR (Bureau of Fisheries and Aquatic Resources) and DILG (Department of the Interior and Local Government). 2001c. Philippine coastal management guidebook no. 3: Coastal resource management planning. Coastal Resource Management Project of the DENR, Cebu City, Philippines. 94 p.
- DENR (Department of Environment and Natural Resources), BFAR (Bureau of Fisheries and Aquatic Resources) and DILG (Department of the Interior and Local Government). 2001d. Philippine coastal management guidebook no. 6: Managing municipal fisheries. Coastal management orientation and overview. Coastal Resource Management Project of the DENR, Cebu City, Philippines. 122 p.
- FAO (Food and Agriculture Organization). 1997. Fisheries management. FAO technical guidelines for responsible fisheries. No.4: 82 p. Fishery Resources Division and Fishery Policy and Planning Division, Rome, Italy.
- Green, S.J., A.T. White, J.O. Flores, M.F. Carreon III and A.E. Sia. 2003. Philippine fisheries in crisis: A framework for management. Coastal Resource Management Project of the Department of Environment and Natural Resources, Cebu City, Philippines. 77 p.
- Implementing Rules and Regulations Pursuant to Republic Act 8435: The Agriculture and Fisheries Modernization Act of 1997 and Republic Act 8550: The Fisheries Code of 1998. 2000. Fisheries Resources Management Project, Bureau of Fisheries and Aquatic Resources, Quezon City, Philippines.

- Iudicello, S., M. Weber and R. Wieland. 1999. Fish, markets and fishers: The economics of overfishing. Island Press, Washington DC, USA. 193 p.
- James, D. 1997. Environmental incentives. Australian experience with economic instruments for environmental management. Commonwealth of Australia.
- Johnson, C. 1998. Beyond community rights: Small-scale fisheries and community-based management in Southern Thailand. Vol. 13, No. 2. Thailand Development Research Institute, Thailand.
- OECD (Organization for Economic Cooperation and Development). 1997. Towards sustainable fisheries: Country reports. OECD, Paris, France. 495 p.
- Padilla, J. and A. Morales. 2003. Evaluation of fisheries management alternatives in Lingayen Gulf, p. 25-55. *In* Economy and environment: Selected readings in the Philippines. Resources Environment and Economics Center for Studies, Inc. and Economics and Environment Programme for Southeast Asia. 387 p.
- Repetto, R. 2001. A natural experiment in fisheries management. *Mar. Policy* 25: 251-264.
- Torell, M. and A.M. Salamanca, Editors. 2002. Institutional issues and perspectives in the management of fisheries and coastal resources in Southeast Asia. ICLARM Tech. Rep. 60, 212 p.
- Trudeau, H. 2004. Perspectives on a licensing system for municipal fisheries, p. 197-199. *In* DA-BFAR (Department of Agriculture-Bureau of Fisheries and Aquatic Resources) In turbulent seas: The status of Philippine marine fisheries.: Coastal Resource Management Project, Cebu City, Philippines. 378 p.

ATTACHMENT A

**Cursory Evaluation of Fisheries Registration and Licensing Scheme**

Bani, Pangasinan  
Boljoon, Cebu  
Cantilan, Surigao del Sur  
Guindulman, Bohol  
Inabanga, Bohol

## **Municipal Fisheries Registration and Licensing: Selected Case Studies**

Municipal fisheries registration and licensing have sufficiently been provided for by the Philippine Fisheries Code and other relevant laws. Despite this, however, registration and licensing have largely been unimplemented. There are only few municipalities which have come up with comprehensive municipal fisheries ordinances. These include Bani (Pangasinan), Boljoon (Cebu), Guidulman (Bohol) and Inabanga (Bohol). The Lanuza Bay Development Alliance (LBDA) has recently come up with its own municipal fisheries covenant that provides for fisheries rules and regulations in Lanuza Bay.

The initiatives of these local government units (LGUs) to manage their fisheries have mainly been an outcome and extension of coastal resource management (CRM) programs and projects that have been carried out with the assistance of NGOs and project implementers within their jurisdiction. The presence of CRM programs indeed played a significant role in the degree of effort that LGUs have expended to develop and implement municipal fisheries registration and licensing.

This document provides a cursory evaluation of fisheries registration and licensing of five LGUs. These LGUs are among the few municipalities which already have fisheries registration and licensing schemes in place.

### **1.1 Bani, Pangasinan**

The LGU of Bani is one of the very few LGUs which have exerted considerable efforts in managing their coastal resources despite the fact that it has the smallest coastal area among the coastal municipalities in Western Pangasinan. The LGU has garnered a number of awards (including monetary awards) for its outstanding CRM initiatives. The political commitment of the local government executive and officials, which is crucial in this undertaking, is admirable. Prior to embarking on a registration and licensing system, the LGU of Bani has initiated a number of soft CRM interventions including mangrove reforestation, marine sanctuaries and livelihood projects for coastal dwellers, among others. The LGU, however, has realized that said soft interventions are not sufficient to maintain (or restore) the state of coastal resources. Constant pressure of illegal / dynamite fishers from adjacent municipalities has prompted the LGU to develop a licensing system to mainly limit illegal entry to its coastal waters. The LGU tries to uphold the provisions of the Fisheries Code that provide for preferential rights to use coastal resources to the residents of the municipality.

#### *1.1.1 Important Elements of the Fisheries Registration and Licensing Scheme*

Fisheries registration and licensing are provided for by the comprehensive Municipal Fisheries Ordinance of Bani. The following are the major elements of the registration and licensing system of Bani:

- Licenses are issued to the whole fishing unit which includes the fisher, his fishing vessels and gears.
- All fisher-applicants must be residents of the municipality for at least 6 months and must be at least 18 years to be eligible for registration and licensing.
- Registration and licensing falls every January each year. Certificates of registration, permits and licenses are valid only until midnight of December 31. Initial registration is being done by the LGU-hired, barangay-based enumerators with the supervision of the Municipal Agriculturist Officer (MAO) or Fisheries Technician. Updating of information is annual or as may be deemed necessary. The overall registration process is in coordination with the Municipal Treasurer's Office (MTO), Barangay Council and Barangay Fisheries and Aquatic Resources and Management Council (BFARMC). Licensing is conducted at the MAO after initial registration; The LGU embarks on a no registration-no license policy.
- The documentary requirements to obtain a license include: fully accomplished application form and community tax certificate (CTC). The MAO, in turn, issues fisher license, fishing gear permit and fishing vessel license.
- No registration fee is imposed for fisherfolk in the municipalities of Bani. In fact, the LGU subsidizes the cost of fisherfolk registration because it hires barangay-based enumerators to conduct thorough registration at PhP 8 per questionnaire. This is its response to the low compliance in voluntary registration of fisherfolk in the previous year.
- License fees for fisherfolk, vessels and gears are roughly determined by the FARMCs. As expected, license fees vary depending on the type of vessel and gears that fishers use in their activities.
- The fisherfolk must not have recorded violations of the Municipal Fishery Ordinance in order for their registration and license to be renewed. Moreover, failure to register and obtain a license within the specified period subjects the fisherfolk to administrative fines and penalties as specified by the local ordinances. When the fisherfolk are involved in illegal and destructive fishing or if they have committed offense / violation of the Fisheries Code three times, their licenses are revoked. In addition to revocation of permits and licenses, illegal fisherfolk face confiscation of their vessels and gears, and a fine not exceeding PhP 2,500.
- For easy monitoring and surveillance, the LGU of Bani requires that the registration number of the vessel be painted on one or both sides of the vessel. Although color-coding is required by the Philippine Fisheries Code and Municipal Fisheries Ordinances, it is not fully enforced. Coastal monitoring and enforcement are undertaken generally by the Bantay-Dagat in coordination with the PNP-Maritime Group and other law enforcing agencies.

### *1.1.2 Fisheries Registration and Licensing Procedure*

Figure 1 shows the steps involved in fisheries registration and licensing in the municipality of Bani.

### *1.1.3 Strengths and Opportunities*

The strengths and opportunities of Bani with respect to fisheries registration and licensing include:

- Municipal Fisheries Ordinance already formulated;
- strong political support of the local chief executive, officials and personnel on CRM - this is evident in the support provided by the *Sangguniang Bayan* in the formulation of the municipality's comprehensive fisheries ordinance and allocation of budget for CRM activities (relative to the budget allocated by other LGUs);
- strong environmental awareness and cooperation of coastal communities - IECs are done from time to time to enhance the communities' understanding and appreciation of CRM;
- established BFARMCs and Bantay-Dagat;
- capacitated MAO personnel on CRM;
- established fisheries management information system through the Fisheries Resources Management Program;
- availability of resource and ecological assessments; and
- availability of the complete list of part-time and full-time resident fishers - The MAO holds a copy of the list of all resident fishers of the municipality. Likewise, the BFARMC holds a copy of the list of all resident fishers of the barangay. When a meeting is called by the LGU, the MAO sends out communication to each fisher.

#### *1.1.4 Challenges and Areas for Improvement*

The LGU of Bani faces the following challenges:

- Initial resource and ecological assessments are already available; however, these are not adequately fed into the formulation of the ordinance. For instance, seasonality of harvests is not taken into account in identifying the right period for licensing. The licensing period is set in January of each year, which corresponds to the lean season in the area. This provides municipal fishers sufficient reason for noncompliance.
- In relation to the ordinance, some other crucial elements of registration and licensing need to be looked carefully into. Should fishers 18 years and below be included in the fisherfolk registration and be granted a license? Are there requirements other than citizenship, age and residency that help improve the outcomes of licensing? Should the license be attached to the fisher, vessel, gear or a combination of any of these? Or should it be attached to the entire fishing unit (fishers, vessel and gears)? How do we address latent effort in fisheries?
- Fees are roughly determined by FARMCs during the design phase of the municipal ordinance. A number of fishers interviewed have commented that some fees are set too high. Given the present open access status of most municipal fisheries where resource rents have practically been totally dissipated and the variability of income, fishers expressed that they could hardly pay the required fees. Some fishers even refuse to register and obtain a license because of the perceived prohibitive fees.
- Fisheries registration and licensing in Bani is still in its stage of infancy. The system is aimed mainly to limit illegal and nonresident fishers from operating in the coastal waters of the municipality. This is already a milestone. However, in the future, the LGU needs to modify its system such that granting of licenses will not only be based on residence and age requirements, demand considerations (i.e., the need of

the applicant to fish as means of livelihood) but also be based on the carrying capacity of the municipality's coastal resources.

- Confusion on which government unit (the Philippine Coast Guard [PCG] or LGU) has the mandate to register and license is pervasive among fishers. Although this is already taken into account by the issuance of Executive Order (EO) 305 in April 2004, there is a need for rigid IEC to modify the mindset of fisherfolk on this issue.
- Compliance rate<sup>56</sup> is estimated at 30%. The Municipal Fisheries Technician of Bani cites that the main reason for low compliance is that the comprehensive Municipal Fisheries Ordinance is still under public consultations. The Bantay-Dagat does not have sufficient legal support to carry out apprehensions. Perhaps, compliance will be enhanced with the enactment of the ordinance.
- There also remain sufficient opportunities to improve coastal law enforcement.
- There is a need to train the MAO personnel in terms of data analysis so that they will be able to come up with some generalizations on the data that they have. The data can be used to feed the policymakers.

## **2.1 Boljoon, Cebu**

The municipality of Boljoon is one of the more progressive municipalities in southern Cebu in CRM. Boljoon, in fact, is the only municipality which already has fisheries registration and licensing in place. (Other adjacent municipalities, with the assistance of the Coastal Conservation and Education Foundation, are now starting to set up a fisheries registration scheme.) According to the MAO and Municipal Fisheries Technician, the registration and licensing scheme was primarily developed and institutionalized to limit the entry of illegal fishers from adjacent municipalities. The LGU tries to uphold the provision of the Fisheries Code that resident fisherfolk shall have preferential treatment in the use of the municipality's coastal resources.

Initially, there was resistance in the enactment and enforcement of the Boljoon CRM Ordinance of 2002 (MO No. 01-02), especially in the provision on fisheries registration and licensing. A number of municipal fisherfolk do not want to be registered and licensed because of the fees being imposed. However, with continuous information, education and communication (IEC) and political commitment of the MAO personnel to enforce the ordinance, the resistance slowly dissipated. As the MAO said, enforcement is not only a matter of political will but also of standing up and never neglecting one's sworn duty.

### *2.1.1 Important Elements of the Fisheries Registration and Licensing Scheme*

Fisheries registration and licensing are one of the important provisions of the Boljoon CRM Ordinance. The ordinance requires that all fisherfolk, including their vessels and gears, must be registered. Moreover, all registered municipal fisherfolk and their gears must be licensed.

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<sup>56</sup> Compliance rate is roughly calculated as total number of registered and licensed fishers divided by the estimated total number of resident fishers (both registered and unregistered) operating in the area.

- To be eligible for registration, the fisherfolk must be a resident of the municipality for at least 6 months. The ordinance is silent on age requirements. The fisherfolk must only register once. To be eligible for licensing, the fisherfolk must be registered. The fisherfolk must present to the MAO the following documents: a CTC, certificate, barangay clearance, police clearance and fully accomplished application form to obtain the license. The fisherfolk then proceeds to the MTO to pay the required license fees. No fee is imposed for fisherfolk registration.
- There is no exact registration and licensing period; the fisherfolk can register and obtain a license anytime of the year. The registration and licenses are valid for one year and can be renewed so long as fisherfolk do not have recorded violations of the Municipal Fishery Code.
- Registration is a prerequisite to obtain a license. Unregistered fisherfolk cannot apply for a license. Moreover, failure to register and obtain a license within the specified period subjects the fisherfolk to administrative fines and penalties as specified by the local ordinances.
- The overall process of registration and licensing is spearheaded by the MAO in coordination with the Municipal Treasurer's Office (MTO), Barangay Council and BFARMC.
- In turn, the MAO issues fishing gear permit (between PhP 10 and PhP 1,000 per unit, depending on type of gear) and fishing vessel license (between PhP 10-30 per nonmotorized fishing vessel depending, on its size and PhP 35-1,500 per motorized fishing vessel, depending on its size).
- License fees for fisherfolk, vessels and gears are roughly determined by the FARMCs.
- The registration process of Boljoon is relatively advanced in that fisherfolk registration is already computer-programmed.
- For easy monitoring, the registration number of the vessel is painted on both sides of the bow area of the vessel. The registration number has four characters: the barangay code, number of the fisherfolk in roster, month and year of registration.
- Color-coding and vessel marking are required by law; implemented but not sustained compliance rates are low during election time.
- When the fisherfolk are involved in illegal and destructive fishing or if they have committed offense / violation of the Fisheries Code three times, their licenses are revoked. In addition to revocation of permits and licenses, illegal fisherfolk face confiscation of their vessels and gears, and a fine not exceeding PhP 2,500.

### *2.1.2 Fisheries Registration and Licensing Procedure*

Figure 1 shows the steps involved in fisheries registration and licensing in the municipality of Boljoon.

### *2.1.3 Strengths and Opportunities*

- Municipal Fisheries Ordinance already formulated;
- strong commitment of the MAO personnel to enforce the CRM Ordinance of Boljoon;
- relatively high compliance rate of 78%; and
- computerized registration and licensing system.

#### *2.1.4 Challenges and Areas for Improvement*

- There must be an efficient system of record-keeping. The MAO must also keep a hard copy and CD-copy of the records stored in the computer in order to prevent permanent loss of data when the computer system malfunctions.
- There is a need to train the MAO personnel in terms of data analysis so that they will be able to come up with some generalizations on the data that they have. The data can be used to feed the policymakers.
- Resource assessments are lacking; maximum sustainable yield (MSY) or other indicators of carrying capacity cannot be estimated.
- Confusion on which government unit (the PCG or LGU) has the mandate to register and license is pervasive among fishers. Although this is already taken into account by the issuance of EO 305 in April 2004, there is a need for rigid IEC to modify the mindset of fisherfolk on this issue.
- There also remain sufficient opportunities to improve coastal law enforcement.

### **3.1 Cantilan, Surigao del Sur**

The Municipality of Cantilan started its fisheries registration and licensing in 1983 by virtue of its Municipal Fishery Licensing Code of 1983. As it is, the main objective of the registration and licensing scheme is revenue generation. However, with the enactment of the Unified Fisheries Ordinance of the CarCanMadCarLanCorTan Municipalities or the Lanuza Bay Development Alliance, the scheme is now under modification. From just being a revenue generation instrument, the scheme is now considered also as an instrument for conserving coastal resources and for granting of priority rights, among others.

#### *3.1.1 Elements of the Fisheries Registration and Licensing Scheme (as currently implemented)*

- Registration basically covers the fisherfolk (including their vessels and gears).
- Only vessels and gears are licensed.
- To be able to register, the fisherfolk must be resident-fisherfolk of the municipality for at least 6 months and must currently be engaged in fishing activities. The scheme is silent on age requirement. Registration is valid for 1 year. Annual updating of information is required. A fee of PhP 5 is imposed.
- Fisherfolk registration is a licensing requirement. Only those who are registered in the municipal registry are allowed to be licensed. Also, unregistered fishers cannot avail themselves of incentives provided by the LGU.
- Fishers who fail to register / obtain a license are subject to penalties and surcharges.
- The licensing period is on 1-31 January of each year.
- To obtain a license, a certificate of registration from the FARMC (PhP 5), barangay clearance from the Barangay Captain (PhP 30), fully accomplished clearance form, police clearance (PhP 50) and health / sanitary permit (PhP 50) are required.

- In turn, the LGU through the Economic Enterprise Section (EES) of the MTO issues pump vessel registration, Mayor's permit to fish and gear permit. The fees vary depending on gross tonnage and horse power.
- The EES of the MTO implements the licensing scheme. Overall direction comes from the MAO.
- To be eligible for renewal, the fisherfolk must not have recorded violations of the Municipal Fishery Code.
- All records are kept in the Municipal Mayor's Office.
- For easy monitoring, the LGU requires all motorized and nonmotorized fishing vessels to obtain registration plate number from the EES. Licensed vessel marking (number) changes from year to year.
- All registration and licensing documents must be carried during operation.
- Enforcement of the scheme is carried out by the EES personnel who coordinates all monitoring activities with PNP-Maritime Group, Bantay-Dagat and MAO.
- The enforcement team conducts regular patrolling and inspects vessels and gears at sea. Fishers without registration and license are asked to pledge that within a specified period, they will process their registration and permits and are reprimanded (fisher writes name and pledge and signs in a logbook).
- Color-coding has commenced but not fully implemented.

### *3.1.2 Fisheries Registration and Licensing Procedure*

Refer to Figure 1.

### *3.1.3 Strengths and Opportunities (also refer to 6.1.3)*

- Municipal Fisheries Ordinance already formulated. A Covenant guiding the unified implementation of CRM activities (including fisheries registration and licensing) is already signed by the local chief executives of the CanCarMadCarLanCortan Municipalities. Registration and licensing will directly be under the Municipal Environmental Management Project Officer (MEMPO) (MAO of each municipality);
- increasing environmental awareness of LGU officials and personnel; strong commitment of the MAO and EES personnel to enforce the registration and licensing scheme;
- strong support of other LGUs to the covenant; and
- coordinated maritime patrolling by the PNP-Maritime Group, Bantay-Dagat and LGU officials.

### *3.1.4 Challenges and Areas for Improvement*

- The compliance rate as of 2004 is very low at 8% ((106 out of estimated 1,400 part-time and full-time fishers).
- Resource assessments are lacking (at the time of this documentation). But there are undergoing assessments by the FISH Project.
- The registration and licensing scheme needs to be overhauled to take into account changes in objectives, national and local policies (EO 305 and LBDA Unified Ordinance), and institutional arrangements, among others.

- An efficient system of record-keeping must be developed and be under the responsibility of the MAO.
- Training of the MAO personnel in terms of data analysis is needed so that they will be able to come up with some generalizations on the data that they have. The data can be used to feed the policymakers.
- Confusion on which government unit (the PCG or LGU) has the mandate to register and license is pervasive among fishers. Although this is already taken into account by the issuance of EO 305 in April 2004, there is a need for rigid IEC to modify the mindset of fisherfolk on this issue.
- Coastal law enforcement needs to be improved.

#### **4.1 Guindulman, Bohol**

Fisheries registration and licensing are provided for by the Fishery Code of Guindulman (MO 2001s-07).

##### *4.1.1 Important Elements of the Fisheries Registration and Licensing Scheme*

- All fisherfolk must be registered (including vessels, gears and areas of fishing). No fees are imposed.
- The LGU issues licenses only to fishing vessels and gears.
- To be eligible for registration, the fisherfolk must be resident fisherfolk of the municipality for at least 6 months. The Code is silent on age requirement.
- The fisherfolk can register and obtain permits and licenses anytime of the year. Permits and licenses are valid only for 1 year. These will expire exactly 1 year after the fisherfolk have obtained their permits or licenses.
- To be eligible for renewal, the fisherfolk must not have recorded violations of the Municipal Fishery Ordinance.
- Registration is a prerequisite to obtain a license. Unregistered fisherfolk cannot apply for a license. Moreover, failure to register and obtain a license within the specified period subjects the fisherfolk to administrative fines and penalties as specified by the local ordinances.
- License fees for fisherfolk, vessels and gears are roughly determined by the FARMCs. As expected, license fees vary across the municipalities.
- Marginal fisherfolk engaged in fry / fingerling catching, and using cash net, crab lift net, etc. must only register; no fees are imposed.
- When the fisherfolk are involved in illegal and destructive fishing or if they have committed offense / violation of the Fisheries Code three times, their licenses are revoked. In addition to revocation of permits and licenses, illegal fisherfolk face confiscation of their vessels and gears, and a fine not exceeding P2,500.
- Monitoring and enforcement are undertaken generally by the Bantay-Dagat in coordination with the PNP-Maritime Group and other law enforcing agencies.
- The LGU uses basic computer programs in encoding registration. Physical records are archived and filed in folders.

##### *4.1.2 Fisheries Registration and Licensing Procedure*

Refer to Figure 1.

#### *4.1.3 Strengths and Opportunities*

- Municipal Fisheries Ordinance already formulated;
- strong political commitment of the local chief executive and other LGU officials;
- high rate of compliance of 100%<sup>57</sup> for the year 2004;
- computerized fisherfolk registration;
- coordinated patrolling and maritime surveillance; and
- relatively efficient system of record-keeping.

#### *4.1.4 Challenges and Areas for Improvement*

- Registration and licensing scheme is politically sensitive. The number of registrants tends to decline during election period.
- Registration is limited; admeasurements are based only on the information provided by the vessel owner.

### **5.1 Inabanga, Bohol**

Fisheries registration and licensing are core elements of the Municipal Code and Administrative Ordinances of Inabanga.

#### *5.1.1 Important Elements of the Fisheries Registration and Licensing Scheme*

- All fisherfolk must be registered (including vessels, gears and areas of fishing). No fees are imposed. The LGU issues licenses only to fishing vessels and gears.
- To be eligible for registration, the fisherfolk must be resident fisherfolk of the municipality for at least for 6 months. The Code is silent on age requirement.
- To register and obtain a license, the fisherfolk must present a barangay certification and must accomplish municipal fisherfolk application form and pump vessel registration form.
- Registration and licensing are conducted every first quarter of each year (January–March).
- Annual registration fees of motorized fishing vessels are as follows: 10 hp or less: PhP 100; 10-20 hp: PhP 150; and more than 20 hp: PhP 200.
- To be eligible for renewal, the fisherfolk must not have recorded violations of the Municipal Fishery Code.
- The MAO spearheads fisherfolk registration and licensing and coordinates activities with MTO, MPDC and PNP-Maritime Group.

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<sup>57</sup> Data were supplied by the MAO of Guindulman. Care must, however, be exercised in concluding from the data because records also show that there was a significant drop of 43% in the number of registered motorized fishing vessels from the 2003 figure of 104.

- The MAO keeps all accomplished forms in one file. If generation information is needed, the Fisheries Technician looks into each form and extracts the data manually.

#### *5.1.2 Fisheries Registration and Licensing Procedure*

Refer to Figure 1.

#### *5.1.3 Strengths and Opportunities*

- Municipal Fisheries Ordinance already formulated; and
- strong political commitment of the local chief executive and other LGU officials.

#### *5.1.4 Challenges and Areas for Improvement*

- There is no system of admeasurements. The MAO relies heavily on the information provided by the fisherfolk. Some fisherfolk do not declare the total number of vessels and gears they own.
- Some fisherfolk refuse to register because of fees.
- There is no efficient system of record-keeping.
- Compliance rates are low during election period.

### **6.1 Lanuza Bay Development Alliance, Surigao del Sur**

A Covenant governing the integrated CRM of the municipalities of Carrascal, Cantilan, Madrid, Carmen, Lanuza, Cortez and Tandag-Lanuza Bay Development Alliance has just been signed by the local chief executives of participating municipalities at the time of this documentation. Each LGU signifies its intention to adopt the Covenant through a municipal ordinance. The Covenant guides the development and implementation of CRM programs and activities including fisheries registration and licensing. The provisions of the Covenant are yet to be implemented.

#### *6.1.1 Important Elements of the Unified Fisheries Registration and Licensing Scheme*

- The LBDA requires all resource users including fisherfolk, cooperatives and corporations (their fishing vessels and gears) to be registered and licensed.
- To be eligible for registration, the fisherfolk must be residents of any member-municipality of the Alliance for at least 6 months.
- Fisherfolk registration is a requirement to obtain a license to fish. Registration and licensing can be done anytime. Registration, permits and licenses are valid for 1 year. To be eligible for renewal, the fisherfolk must not have recorded violations of the Covenant and other pertinent law. Violators of the Covenant face penalties depending on the gravity of violations. Penalties include confiscation of gears, impounding of vessels, payment of fines not exceeding P2,500 and days of community service,

- Grounds for revocation / cancellation of registration, license and permits include: fraudulent, false and misleading statements in the application, violations to national and local laws, and failure to pay fees and surcharges.
- The function of registration and licensing remains in the LGU. The overall direction comes from the LBDA. The MAO is the de facto MEMPO of the Alliance.
- The Covenant of the Alliance requires the following to be submitted to the MEMPO: duly accomplished application form; CTC for individuals; certificate of registration or accreditation for organizations, cooperatives, partnerships, firms or corporations; barangay clearance and official receipt of payment of license fees.
- The MEMPO issues the following documents: alliance fisherfolk registration, vessel registration and fishing gear license.
- Registration fee for *hubyas*: PhP 10; for vessels: PhP 20-75; for alliance fisherfolk: PhP 15, fishing gear license fee; PhP 10-500, depending on the type of gear.
- The Covenant mandates the MEMPO to keep all records related to municipal fisheries.
- The Covenant also provides for joint maritime monitoring and surveillance of all LGUs in coordination with PNP-Maritime Group, Provincial Government (Agriculturist Office) and Bantay-Dagat.

#### *6.1.2 Fisheries Registration and Licensing Procedure*

Refer to Figure 1.

#### *6.1.3 Strengths and Opportunities*

- LBDA Covenant / Unified Fisheries Ordinance already formulated; and
- strong political commitment of the local chief executives and other LGU officials of participating municipalities.

#### *6.1.4 Challenges and Areas for Improvement*

- There is a need to have a clear and doable framework / scheme of unified fisheries registration and licensing as there is none that exists.

### **7.1 Lessons Learned**

Current national policies and legislation appear sufficient in instituting a fisheries licensing system at the municipal level as provided in the discussion in Part II. The extent to which LGUs have exercised their power to register fishers to obtain a license for their operation is, however, very limited. Only very few coastal municipalities and cities have established a fisheries licensing system, in varying degrees.

- Enabling Ordinances

The absence of an enabling ordinance results from the lack of appreciation of CRM, lack of understanding of the urgency to regulate overfished fisheries and the fear of antagonizing political constituents in the coastal area, among others. The challenge lies on how to

diffuse the implementation of fisheries licensing systems in their jurisdictions. Ancillary to this is the need to reorient local chief executives on the appropriate objectives for instituting a fisheries licensing system. Defining the objectives of licensing is a key policy issue that should be properly looked into.

At present, a number of local chief executives primarily consider licensing as a revenue generation instrument. Although such objective is legitimate, there is still a need to principally link it to the overall idea of fisheries management. Licensing should likewise be able to generate information about fishing effort and resource capacity and should be able to regulate access to the fisheries and grant priority rights to marginal fisherfolk. Most municipal fisheries are already depleted to the extent that resource rents have already diminished to zero. Thus, in the short run, while resources are not yet recovering, it is worthwhile for LGUs to consider waiving the imposition of this objective.

Any proposed fisheries licensing system will start on the wrong track and will put the long-term sustainability of fisheries resources at risk if it will primarily be established on the basis of revenue generation. There are municipalities, which are driven by this objective, e.g., Cantilan, Surigao del Sur, and Alcoy, Cebu, among others. Their systems are more "open" and more prone to overfishing in that they do not impose any limitation in access to their fisheries (i.e., only resident fisherfolk are qualified to apply for a license); hence, permitted to fish in municipal waters.

- Formulation and Implementation of the Ordinance

The lack of strategic formulation of fisheries ordinances and the constant pressure of political constituents to relax its implementation, among others, have resulted in the negligible effect of licensing to control fishing effort and failure to generate sufficient information to support technically sound and socially acceptable political decisions for the local fisheries sector. The operational framework for licensing generally remains a challenge given the issues described below.

- No Limit in Issuing Licenses

Granting of licenses is merely based on demand considerations, i.e., the need of the applicant to fish as means of livelihood. Anybody within the municipality can obtain licenses for as long as the necessary documents are complete. Such issuance by the Municipal Mayor's office continues to be carried out without regard to resource availability despite the provisions of the Municipal Fisheries Code for the use of MSY and total allowable catch (TAC) as the basis for determining the number of licenses to issue. The primary bottleneck rests on the fact that MSY and TAC require substantial time-series information which almost all LGUs do not have.

- Unnecessary requirements

There are seemingly unnecessary and costly requirements to obtain a license (e.g., health permit) in certain municipalities.

- Inappropriate license fees

Fees are roughly determined by FARMCs during the design phase of the Municipal Ordinance. A number of fishers interviewed have commented that some fees are set too high. Given the present open access status of most municipal fisheries where resource rents have practically been totally dissipated and the variability of income, fishers expressed that they could hardly pay the required fees. Some fishers even refuse to register and obtain a license because of the perceived prohibitive fees. From the point of view of LGUs, there is a general notion that fisheries licensing is a large source of local government revenues waiting to be tapped.

- Lack of accurate data on fishing effort and poor system of record-keeping

The lack of accurate data on fishing effort is coupled with very poor systems of record-keeping for almost all LGUs. There is further relatively weak capacity of LGU personnel to analyze any available data.

- Lack of resource and ecological assessments

Resource and ecological assessments are lacking and if available, are not adequately fed into the formulation of the ordinance. For instance, seasonality of harvests is not taken into account in identifying the right period for licensing. In a number of municipalities, the licensing period is set in January of each year, which corresponds to the lean season in the area. This provides municipal fishers sufficient reason for noncompliance.

- Institutional Arrangements

The formulation of the ordinance that supports a licensing system rests with the *Sangguniang Bayan* with the Chair of the Committee on Agriculture and Fisheries as the sponsor. The MAO, in consultation with the FARMCs, undertakes technical preparation and support. NGOs working with the LGUs also provide technical and legal assistance in drafting the ordinance.

FARMCs provide an opportunity for greater participation of municipal fisherfolk in the formulation of fisheries ordinances. In all cases presented in this document, FARMCs particularly play a significant role in determining the license and permit fees and evaluating the social acceptability of other crucial elements of the ordinance, such as fines and penalties. It is encouraging to note that FARMCs have truly upheld their mandate as a consultative body especially for the marginalized fisherfolk. However, it is important to note that consultation with FARMCs is a dynamic and continuing process and does not end with the enactment of the ordinance. FARMCs are particularly significant in monitoring its implementation and assessing its applicability and effectiveness. In some case municipalities, the role of FARMCs seemingly ends with the enactment of the ordinance. This poses a challenge in that it indicates that FARMCs have not been fully integrated into a decentralized fisheries management system. The concept of FARMCs is “top-down” – one that has emerged only because their creation is required by law. For LGUs that have not fully comprehended the idea of devolution and decentralization, it is important to provide them capacity in doing so, so that FARMC participation in overall fisheries management would truly be genuine and sustainable.

Bay Management Councils provide an opportunity for LGUs bordering bays and gulfs to group together and adopt a unified licensing scheme. Municipal waters in enclosed bays and gulfs are contiguous; the nature and dynamics of certain fish populations may be determined by geographic boundaries. Hence, the best management option transcends beyond political subdivisions. Moreover, it eliminates issues of overlapping boundaries and competition among LGUs. Finally, it allows municipalities to share in the costs of monitoring and enforcement. With the overhead investments, e.g., patrol boats, being shared among LGUs, the average cost of monitoring and enforcing is minimized. The challenge, however, rests on selling the idea of a unified system to local chief executives who are doubtful on the capacity of the system to work. Another challenge is on how to keep all LGUs equally at pace in their fisheries management efforts. It is possible that the progress of a bay management council will be as fast as that of the lagging LGU and may diminish the enthusiasm of more advanced LGUs in terms of fisheries management.

- Budget and Logistics

The inadequacy of budget and logistical support for CRM activities at the local level remains a challenge especially for law enforcers. This is expected to get worse in the coming years given that the National Government is experiencing severe fiscal deficits and is not faring well vis-à-vis national targets.

- Political Commitment

The political commitment of elected LGU officials is very crucial and remains a challenge. Compliance is very low during period of election. Elected LGU officials find enforcing a limited access policy for municipal fisheries a very difficult task because of the perceived political consequences.

- Sociocultural Orientation

One of the most difficult barriers towards a limited entry scheme is the sociocultural orientation of fishers and other user groups that gaining access to the fisheries is open to all. Although fishers have realized the need for regulation, the fear of being excluded from future use often overwhelms and pushes them to negate any move to limit entry.

- Socioeconomic and Demographic Status of Municipal Fisherfolk

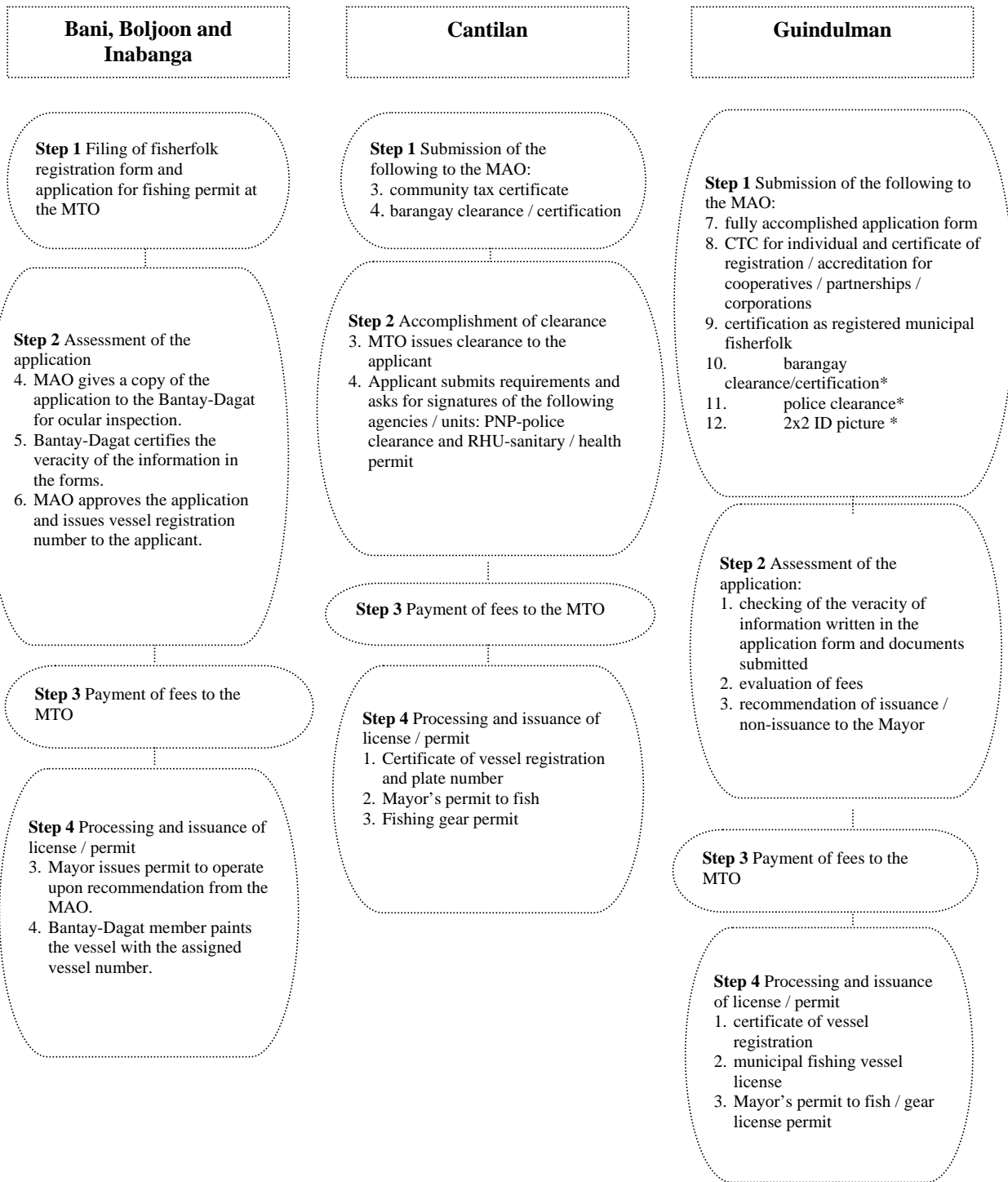
One particular challenge in limiting entry and controlling effort in the long run is the fact that majority (62%) of the Philippine population is concentrated in the coastal zone and increases at an average rate of 2.4% per year. Increasing population growth rate coupled with pervasive poverty requires additional effort to enforce limited entry. It also entails structural economic changes to encourage potential participants to move away from the fisheries sector.

- Others

Confusion on which government unit (the PCG or LGU) has the mandate to register and license is pervasive among fishers. Although this is already taken into account by the issuance of EO 305 in April 2004, there is a need for rigid IEC to modify the mindset of fisherfolk on this issue.

The registration and licensing systems have not been properly and adequately crafted. Some crucial elements of registration and licensing remain unresolved. For instance, should fishers 18 years and below be included in the fisherfolk registration and be granted a license? Are there requirements other than citizenship, age and residency that help improve the outcomes of licensing? Should the license be attached to the fisher, boat, gear or a combination of any of these? Or should it be attached to the entire fishing unit (fishers, boat and gears)? How do we address latent effort in fisheries?

**Figure 1. Current Procedures in Obtaining a Municipal Fisheries License<sup>58</sup>.**



<sup>58</sup> In Inabanga, MAO conducts supplementary mobile registration in the island barangay. In Cantilan, procedures and requirements are subject to change with the establishment of the Lanuza Bay Development Alliance.

## List of Interviewees

1. **Ms. Virginia P. Rarang**  
Municipal Fisheries Technician  
Municipality of Bani  
Province of Pangasinan (0917)
2. **Dr. Eugenio Matildo**  
Municipal Agriculture Officer  
Municipality of Boljoon  
Province of Cebu
3. **Mr. Leocadio Torigosa**  
Municipal Agriculturist  
Municipality of Inabanga  
Province of Bohol
4. **Ms. Emerita Intano**  
Municipal Agriculturist  
Municipality of Cantilan  
Province of Surigao del Sur
5. **Mr. Ranulfo Arreza**  
Program Manager  
Lanuza Bay Development Alliance  
Province of Surigao del Sur
6. **Ms. Maida Aguinaldo**  
Coastal Conservation and Education Foundation, Inc.  
Cebu City

ATTACHMENT B

**Executive Order 305  
Implementing Rules and Regulations**

## PROPOSED IMPLEMENTING GUIDELINES OF EXECUTIVE ORDER 305

Pursuant to Executive Order 305, entitled "Devolving to Municipal and City Governments the Registration of Fishing Vessels Three (3) Gross Tonnage and Below", the following implementing Guidelines is hereby promulgated:

### Section 1. Definition of Terms.

As used in this Guideline, the following terms and phrases shall mean as follows:

Registration	an act/process of enlisting a fishing vessel three (3) gross tons and below for the purpose of establishing its identity and ownership by assigning it a permanent number [recorded in the municipal registry of municipal fishing vessels]
Admeasurement	means the measure of the volumetric capacity of the fishing vessel to determine its gross tonnage
Gross Tonnage	the product of vessel tonnage length, tonnage depth, and tonnage breadth modified by a factor of 0.70 divided by 2.83
License/Permit to fish	the privilege to fish in its municipal waters granted to registered fisherfolk by the LGU
LGUs	local government units as used in E.O 305 refer to cities and municipalities
Fishing vessel	any watercraft used for fishing or in support to fishing operations in municipal waters weighing three (3) gross tons and below
Net Tonnage	the GT modified by a factor 0.32
Registered Breadth	the transverse distance taken at a widest part of the hull, excluding rub rails from the outerboard side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull.
Registered Depth	the vertical distance taken at or near midships from a line drawn horizontally through the gunwale of the skin of the sides of the hull (excluding the rail) to the outboard face of the bottom skin of the hull, excluding the keel
Registered Length	the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding fittings and attachments
Tonnage Length	the length measured at the centerline of the fishing vessel from the point forward where the line of the tonnage deck intersects

	the line of the inboard faces at the stern to the point aft where the line of the tonnage deck intersects the inboard face of the stern
Tonnage Depth	measured at the centerline from a point below the line of the tonnage deck. Measurement taken at right angle to the vessel centerline of the vessel down to the inboard of the bottom skin of the hull
Tonnage Breadth	measured at the midpart from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull
Municipal waters	include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shore of the respective municipalities.
Motorized fishing vessel	a fishing vessel propelled by mechanical means
MARINA	Maritime Industry Authority
PCG	Philippine Coast Guard
BFAR	Bureau of Fisheries and Aquatic Resources
Homeport	Refers to the LGU where the fishing vessel is registered

## **Section 2. Objectives**

2.1 Uniform guidelines. To prescribe a uniform system and procedure to guide all municipal and city local government units in the conduct of the registration of fishing boats three (3) gross tonnage and below.

2.2 Institutional arrangements. To delineate the functions of all national government agencies, leagues of local government units and all other relevant sectors involved in the registration of fishing boats three (3) gross tonnage and below.

2.3 Implementation and monitoring. To establish mechanisms to implement this Order and enable all agencies involved to monitor compliance.

## **Section 3. Roles of the Agencies and LGUs**

3.1. The MARINA and PCG shall extend technical assistance and support to the local government units with respect to registration of fishing vessels as provided for in E.O 305 and maintain a separate data bank of the list of registered fishing vessels registered. With the exception of the registration functions as devolved the MARINA and PCG shall

continue to exercise visitatorial functions to enforce compliance with the Revised Philippine Merchant Marine Rules and Regulations and all other existing laws, rules and regulations on maritime safety.

Said offices shall also assist the LGUs to qualify and issue appropriate documents to the fisherfolk to operate a motorized fishing vessel.

3.2. The BFAR shall maintain a separate databank of the list of registered fishing vessels for record purposes and monitoring of level of fishing effort.

#### **Section 4. Scope of Devolved Registration Functions**

4.1. The registration is limited to the conferment of identity to the fishing vessel and does not serve as an authorization or license to fish in municipal waters, which shall be the subject of a separate application with LGU in accordance with its fishery ordinance and RA 8550.

4.2. The devolution does not prevent the MARINA and the PCG to exercise their visitatorial functions to enforce compliance with the Revised Philippine Merchant Marine Rules and Regulations and all other existing applicable laws, rules and regulations on maritime safety.

#### **\*Section 5. The General Registration Guidelines**

##### **5.1. Application**

The LGUs must require the applicant to file an application under oath using a standard application form (Annex A), which shall contain the following information: name of owner, nationality, residence, type and make of fishing vessel and propulsion, and other pertinent information that the LGU may require.

Only Filipino citizens, single proprietorships, partnerships and/or corporations and duly registered or accredited fisherfolk associations and cooperatives, are eligible to apply for registration.

##### **5.2. Tonnage Measurement**

The LGUs with the assistance of MARINA and PCG shall train and authorize a pool of inspectors to conduct an inspection of the fishing vessel to determine its gross tonnage using the metric formula as follows:

$$\text{Gross Tonnage} = \frac{\text{Tonnage Length} \times \text{Tonnage Breadth} \times \text{Tonnage Depth} \times 0.70}{2.83}$$

The inspector shall certify the correctness of the admeasurement in the standard tonnage measurement form (Annex B).

##### **5.3. Certification from the Philippine National Police**

The LGUs shall require the applicant to secure a clearance from the PNP Maritime Office in the LGU or in its absence, the local PNP, certifying that the fishing vessel is not involved in any criminal offense

##### **5.4. Issuance of Certificate of Number**

The LGUs shall issue a Certificate of Number using the standard format (Annex C) once all the documentary requirements are fully complied with and upon payment of the registration fee.

##### **5.5. Payment of Fees.**

The LGUs shall require the applicant to pay the prescribed registration fees

The LGUs shall require the applicant to pay the prescribed registration fees

#### 5.6. Official Number, Assignment of Name and Marking of Vessels

##### 5.6.1. Official Number.

The LGUs shall assign an official number to a registered fishing vessel, which shall correspond to a code specifying the Province, and LGU as listed in Annex D, which shall be painted, permanently marked or pleted on both sides of the forward portion of the fishing vessel.

##### 5.6.2. Assignment of Name

The LGU, upon request of the owner/operator may assign a name to the fishing vessel. A name shall be assigned to only one (1) fishing vessel regardless of type of fishing gear. If the proposed name has already been assigned to another registered boat, the owner or operator has the option of adding letters of the alphabet, any Arabic number or Roman numeral which can be represented by words or its numeric equivalent, to the proposed name.

The name of the fishing vessel shall be painted on both sides of the mid portion of the fishing vessel.

5.6.3. The LGU may institute a vessel-marking or color coding system within its municipality.

#### Section 6. Monitoring of Registered Fishing Vessels

The LGU shall institute a monitoring system to determine compliance with EO 305 and its Implementing Guidelines.

The LGU shall take into consideration in its legislation other factors to guide them in approving the registration of fishing vessels, such as but not limited to the carrying capacity of its marine resources and the constitutional and statutory preferential rights of municipal fisherfolk within the municipal waters.

#### Section 7. Issuance of new Certificate of Number.

The LGU shall issue a new Certificate of Number in case the fishing vessel changes its homeport.

A change in homeport may occur in case the owner/operator decides to change residence or principal office, or sells or transfers ownership of the fishing vessel to a person or entity with domicile in another LGU; the LGU shall, upon application for change of homeport, issue a certificate of clearance and shall delete the registration of such fishing vessel from its register.

No clearance for the change of homeport shall be issued by the current homeport under the following instances:

1. the single proprietorship, partnership, corporation or fisherfolk cooperative has no branch office in the intended homeport;
2. there is an outstanding safety requirement, which the boat has to comply;
3. the fishing vessel is involved in a pending criminal or administrative case for violation of a fishery law or ordinance or a civil case regarding questions of ownership.

The new homeport shall issue a new CN upon filing of an application for issuance of a new CN supported by the following documents:

1. The original copy of the CN; and

**2. Clearance to change homeport issued by the current homeport**

Upon approval of the change of homeport, all records pertaining to the boat shall be transmitted by the previous homeport to the new homeport.

**Section 8. Re-issuance of Certificate of Number.**

The LGU shall re-issue the CN in the following instances:

- a. change in ownership or transfer of the fishing vessel without change in homeports
- b. change in the engine of motorized fishing vessel
- c. change of name.

A. In case the fishing vessel is the subject of sale or transfer of ownership, the LGU government shall re-issue the CN, containing the amended information on ownership upon application of the new owner or transferee, and subject to compliance with following requirements:

1. Submission of a duly notarized Deed of Absolute Sale;
2. Posting in the Barangay or Town Hall for seven (7) consecutive days giving notice that the fishing banca has been sold or transferred to a new owner;
3. Affidavit of Publication executed by the Barangay Captain or Town Mayor that said notice had been posted in the premises and that there are no oppositors to the fishing boat's sale; and,
3. Original copy(ies) of the CN.

B. In case of change in the engine,

In case of replacement of boat engine, an application for the issuance of new CN shall be filed with the current homeport accompanied by the following documents:

1. The original copy of the CN;
2. Official Receipt of Purchase of engine; and
3. Police Clearance that the engine purchased is not from a carnapped/stolen vehicle.

C. Change of name of the boat

A LGU shall re-issue a CN when an owner or operator desires to change the name of his boat, upon application filed with the current homeport, stating the reason for such.

An application for change of name will not be approved if the boat is involved in civil case regarding question of ownership or in a criminal or civil case for violation of a fishery law or ordinance.

Only applications with complete documentary requirements shall be accepted. The following are the documents that should be attached to the application.

1. The original copy of the CN;
2. The Posting of a notice in the Barangay or Municipal Hall on the Change of Name of the boat, for a period of seven (7) consecutive days;
3. Affidavit of Publication executed by the Barangay Captain or Town Mayor that notice had been posted and that no opposition or claims were filed against the boat

during the seven-day period of publication.

**Section 9. Deletion or Cancellation of Registration**

In case of loss or decay of the fishing vessel, or its involvement in a marine/maritime incident, the owner/operator shall immediately inform the LGU. The latter shall delete or cancel the fishing vessel's registration.

The LGU may also cancel or delete the registration of the fishing vessel for other lawful causes, after duly notifying its owner/operator and compliance with the requirements of due process.

**Section 10. Record-Keeping and Submission of Reports.**

The LGU shall maintain up-to-date records of fishing vessels three (3) gross tonnage and below under their jurisdiction, and regularly submit to the MARINA Central Office or MARINA Regional Office concerned, the PCG Station/Detachment and DA-BFAR the list of vessels registered and deleted/cancelled within the first quarter of the succeeding year.

**Section 11. Fees, Fines and Penalties**

11.1 The LGU shall exact payment of registration fees in an amount it deems necessary and appropriate to cover administrative cost.

11.2 The LGU shall legislate administrative fines and penalties for non-registration subject to the conditions set by the Local Government. The LGU are authorized to retain revenues from fines and penalties.

**Section 12. Local Government Technical Capacity-Building**

The LGU shall train its technical personnel with the assistance of the MARINA and PCG and designate appropriate officers for the full discharge of this devolved function. The MARINA and PCG shall extend assistance and support to ensure that the services needed by the public are not disrupted.

**Section 13. Transitory Provision**

13.1 There shall be a transition period covering one year from the effectivity of EO 305. The PCG may continue its deputized function to register fishing vessels until expiration of the transition period. LGU actually undertaking registration pursuant to an ordinance may continue the registration until expiration of the transition period. After which, they shall enact an appropriate ordinance for this purpose, without prejudice to LGU's undertaking registration pursuant to an ordinance and upon proper training of their personnel. The LGUs shall notify, in writing, the MARINA and PCG of their readiness to assume fishing vessel registration function.

13.2 The DILG shall issue a memorandum circular to enjoin LGUs to enact ordinance on fishing vessel registration

**Section 14. Rules of Construction**

Consistent with the intent of this Order, questions raised emanating from this guidelines shall always be interpreted in favor of the LGUs as well as, in a suppletory manner, the promotion of responsible and sustainable fisheries, and maritime safety.

**Section 15. Funding**

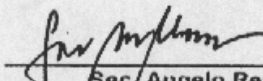
National and local agencies identified in E.O. 305 shall allocate funds to finance all activities related to the implementation of this Guidelines.

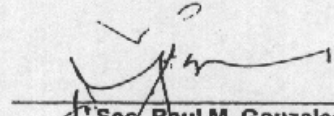
**Section 16. Repealing Clause**


All Executive Orders, Department Orders, Memorandum Circulars, Rules and Regulations or parts thereof contrary to or inconsistent with this Implementing Rule and Regulations and its Implementing Guidelines are hereby repealed or modified accordingly.

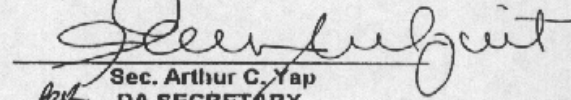
**Section 17. Effectivity**

This Implementing Rules and Regulations shall take effect fifteen (15) days after its publication in the Official Gazette.

  
\_\_\_\_\_  
Sec. Angelo Reyes  
DILG SECRETARY

  
\_\_\_\_\_  
Sec. Raul M. Gonzales  
DOJ SECRETARY

  
\_\_\_\_\_  
Sec. Leandro M. Mendoza  
DOTC SECRETARY

  
\_\_\_\_\_  
Sec. Arthur C. Yap  
DA SECRETARY

**Annexes**

- A- Standard Application Form
- B- Admeasurement Form
- C- Certificate of Number
- D- Coding Scheme

ATTACHMENT C

**Pro-forma Fisher Registration Form**

**Republic of the Philippines**  
**Province of**  
**Municipality of**  
**FISHER REGISTRATION FORM**

*PERSONAL INFORMATION*

Name (in print)		
	<i>Surname</i>	<i>First Name</i>
		<i>Middle Initial</i>
Address		
	<i>Street</i>	<i>Barangay</i>
		<i>Municipality</i>

Certificate of Number of Fishing Vessel  
*(only to those who have fishing vessels)*


<i>Birth Date</i>	<i>Gender</i>	<i>Civil Status</i>

Person to Notify in Case of Emergency

--

*SOCIOECONOMIC INFORMATION*

Number of Dependents	
Main Source of Livelihood	
Alternative Source(s) of Livelihood	
Trainings and Skills	

*INFORMATION ON FISHING PRACTICES AND ACTIVITIES*

Number of Years Fishing		
Nature of Involvement (Part-time / full-time)		
Type of Fishing Activity		
Time of Fishing		
	AM	PM

Type and Quantity of Catch by Major Fish Species

Season	Type	Quantity (in kg)
Peak		
Lean		

Fishing Vessel(s) and Specifications

Type	Horsepower	Gross Tonnage

--	--	--

Ownership of Fishing Vessels and Gear

Owned	Rented	Others, Specify

Fishing Gear and Specifications

Season	Type	Unit (s)
Peak		
Season		

*Sociocivic Information*

Membership in Organization


Designation

--	--

DATE

SIGNATURE OVER PRINTED NAME

ATTACHMENT D

**Pro-forma Certificate of Fisher Registration**



**ATTACHMENT E**  
**Fishing License Application**



ATTACHMENT F

**Pro-forma Fishing License**



Republic of the Philippines  
Province of \_\_\_\_\_  
Municipality of \_\_\_\_\_  
Office of the Mayor

**FISHING LICENSE**

License No. \_\_\_\_\_

FISHING LICENSE is hereby granted to Mr./Ms. \_\_\_\_\_ of Barangay \_\_\_\_\_, Municipality of \_\_\_\_\_, Province of \_\_\_\_\_ to operate within municipal waters of \_\_\_\_\_. This license bears the following information:

CFR Control Number: \_\_\_\_\_

Name of Fishing Vessel: \_\_\_\_\_ (if fisher has a vessel)

Certificate of Number: \_\_\_\_\_ (if fisher has a vessel)

Vessel Admeasurements: \_\_\_\_\_ (if fisher has a vessel)

Types of Fishing Gear Allowed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Months Allowed to Utilize the Gear: \_\_\_\_\_

This LICENSE is issued upon request of the aforementioned grantee in compliance with RA 8550 and Municipal Fisheries Ordinance No. \_\_\_\_\_. This permit is subject to revocation when the grantee is proven involved in illegal fishing activities and any of relevant laws, regulations or ordinance.

This LICENSE is valid from \_\_\_\_\_, 200\_ and valid until \_\_\_\_\_, 200\_

Given this \_\_\_\_\_ day of \_\_\_\_\_, 200\_ at \_\_\_\_\_.

\_\_\_\_\_  
Municipal Mayor

Paid Under OR#: \_\_\_\_\_

Issued on \_\_\_\_\_ at \_\_\_\_\_.

CFR Control No. \_\_\_\_\_

## ATTACHMENT G

### **Municipal Fisheries Registration and Licensing Model Ordinance and Implementing Rules and Regulations**



<i>Certificate of Fisherfolk Registration</i>	proof that the fisherfolk is listed in the municipal fisherfolk registry
<i>Certificate of Number</i>	proof of identity of fishing vessel
<i>Community Tax Certificate</i>	proof of residence in a municipality or city
<i>DA</i>	Department of Agriculture
<i>Fisherfolk</i>	people directly or personally or physically engaged in taking and/or culturing and processing fishery and/ or aquatic resources
<i>Fisherfolk Cooperative</i>	a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles
<i>Fisherfolk Organization</i>	an organized group, association, federation, alliance or institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action
<i>Fishery species</i>	aquatic flora and fauna including but not restricted to fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.
<i>Fishing</i>	the taking of fishery species from the wild state or habitat with or without the use of fishing vessels
<i>Fishing Gear</i>	any instrument or device and its accessories utilized in taking fish and other fishery species
<i>Fisherfolk Registration</i>	the act/process of enlisting fisherfolk for the purpose of determining priorities among them, of limiting entry into municipal waters and of monitoring activities/and for other purposes
<i>Fishing Vessel</i>	any boat, ship or other watercraft equipped to be used for taking of fishery species aiding or assisting one (1) or more vessels in the

	performance of any activity relating to fishing, including but not limited to, preservation, supply storage, refrigeration, transportation, and/or processing
<i>GT</i>	gross tonnage; the product of tonnage length, tonnage depth, and tonnage breadth multiplied by a factor of 0.70 divided by 2.83
<i>Homeport</i>	refers to the locality where the fishing vessel is registered
<i>Limited Access</i>	a fishery policy by which a system of equitable resource use and allocation is established by law through fishery rights granting and licensing procedure as provided by the Philippine Fisheries Code
<i>License/ Permit to Fish</i>	a permit to fish using specific types of fishing vessel(s) gear and other fishing paraphernalia for a specified duration in municipal waters, granted only to registered fisherfolk
<i>MARINA</i>	Maritime Industry Authority
<i>Motorized Fishing Vessel</i>	a fishing vessel propelled by mechanical means
<i>Municipal Fisherfolk</i>	persons who are directly or indirectly engaged in municipal fishing and other related fishing activities
<i>Municipal Fishing</i>	refers to fishing within municipal waters using fishing vessels of three (3) GT or less, or fishing not requiring the use of fishing vessels
<i>Municipal Waters</i>	include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less

than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shore of the respective municipalities

Under the ARMM Aquatic and Fisheries Code, municipal waters only extend twelve (12) kilometers from the coastline

*Net Tonnage*

the GT multiplied by a factor 0.32

*New Entrants to Fishery*

refers to fisherfolk who are classified as (a) new generation of fisherfolk or (b) fisherfolk changing homeports

*New Fishing Vessels*

vessels which are used by (a) new generation of fisherfolk and (b) fisherfolk changing homeports

*PCG*

Philippine Coast Guard

*Registered Breadth*

the transverse distance taken at a widest part of the hull, excluding rub rails from the outer board side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull

*Registered Depth*

the vertical distance taken at or near mid ships from a line drawn horizontally through the gunwale of the skin of the sides of the hull (excluding the rail) to the outboard face of the bottom skin of the hull, excluding the keel

*Registered Length*

the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding fittings and attachments

*Resource rent*

the difference between the value of the products produced from harvesting a publicly owned resource less the cost of producing it, where cost includes the normal return to capital and normal return to labor

*Returning Fisherfolk*

fisherfolk who have stopped fishing temporarily but are now resuming their fishing activities

*Tonnage Breadth*

measured at the mid part from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull

<i>Tonnage Depth</i>	measured at the centerline from a point below the line of the tonnage deck. Measurement taken at right angle to the vessel centerline of the vessel down to the inboard of the bottom skin of the hull
<i>Tonnage Length</i>	the length measured at the center line of the fishing vessel from the point forward where the line of the tonnage deck intersects the line of the inboard faces at the stem to the point aft where the line of the tonnage deck intersects the inboard face of the stern
<i>Tonnage Registration</i>	an act/process of enlisting a fishing vessel three (3) GT and below for the purpose of establishing its identity and ownership by assigning it a permanent number [ <i>recorded in the municipal registry of municipal fishing vessels</i> ]

**CHAPTER II  
REGISTRATION OF FISHERFOLK AND THEIR FISHING GEAR**

**Section 5. Registry of Fisherfolk and their Fishing Gear** - The Municipality/ City of \_\_\_\_\_ through the Municipal/ City Agriculturist Office (M/CAO) shall keep a registry of fisherfolk and/or their organizations. Gear types and specifications shall be incorporated in the Fisherfolk Registry. The registry shall be for purposes of information generation, monitoring and regulation. It shall also serve as basis for determining preferential rights as to the use of its municipal waters. All fishery-related activities in the municipal waters shall be permitted only to municipal fisherfolk and their cooperatives/organizations who are listed as such in the registry.

The M/CAO shall maintain and update the registry of fisherfolk and their fishing gear with the assistance of the B/M/ CFARMC and submit the updated registries to the Office of the Mayor. The Barangay Councils shall be furnished a copy of the registry to be posted in barangay halls and in other strategic locations where it shall be open to the public for validation of the correctness and completeness of the list.

**Section 6. Registration of Municipal Fisherfolk and Fishing Gear** - All qualified fisherfolk shall be registered with the Municipality/ City through the M/CAO. All fishing gear and/or paraphernalia to be used by the applicant fisherfolk shall be registered simultaneously. Municipal fisherfolk shall be qualified to secure a license, upon completely filling-up the prescribed application form. Registered fisherfolk shall

carry with them their CFR and license at all times when engaged in fishing operations and present or surrender the same, whenever and wherever requested by the PNP Maritime-Group, PNP, B/M/C/FARMC, Bantay Dagat personnel and other duly authorized law enforcers.

**Section 7. Qualification/Eligibility** - Only the municipal fisherfolk who meet the following eligibility requirements shall be allowed to register:

- a. A citizen of the Philippines;
- b. Must be directly or personally and physically engaged in the taking of fishery and/or aquatic resources from the wild state or habitat with or without the use of fishing vessels;
- c. A resident of the Municipality/City for at least six (6) months; and,
- d. At least eighteen (18) years of age.

**Section 8. Requirements for Registration of Municipal Fisherfolk** - Municipal fisherfolk shall register with the M/CAO by submitting the following documents:

- a. Duly accomplished Standard Fisherfolk Registration Form (Annex "A"); and,
- b. Community Tax Certificate (CTC) secured from the barangay/ municipal/city treasurer.

**Section 9. Certificate of Fisherfolk Registration (CFR)** - Upon submission of the documentary requirements, the Municipality/ City shall issue to the fisherfolk the CFR (Annex "B").

**Section 10. Maintenance of Fisherfolk Registry** - The municipality/ city, through the M/ CAO, shall keep a registry of fisherfolk and/or their organizations. Gear types and specifications shall be incorporated in the Registry of Fisherfolk inasmuch as the municipal fisherfolk and his fishing gear and/or paraphernalia are registered simultaneously.

The M/CAO shall maintain and update the registry of fisherfolk and their fishing gear with the assistance of the B/M/C FARMC and submit the updated registries to the Office of the Mayor.

The Barangay Councils shall be furnished a copy of the registry to be posted in barangay halls and in other strategic locations where it shall be open to the public for validation of the correctness and completeness of the list.

The municipality/ city shall regularly submit the list of fisherfolk registered and deleted/cancelled from the registry within the first quarter of the succeeding year to the Bureau of Fisheries and Aquatic Resources- Fisheries Information Management Center.

**CHAPTER III**  
**REGISTRATION OF FISHING VESSELS 3 GT AND BELOW**

**Section 11. Registration of Fishing Vessels** - All fishing vessels three (3) GT and below shall be registered with the Municipality/ City through the M/CAO.

**Section 12. Registry of Fishing Vessels** - The Municipality/ City of \_\_\_\_\_ through the Municipal/ City Agriculturist Office (M/CAO) shall keep a registry of fishing vessels 3 GT and below. The registry shall be for purposes of information generation, monitoring and regulation, establishment of identity and ownership of vessels, maritime safety.

The M/CAO shall maintain and update the registry of fishing vessels with the assistance of the B/M/CFARMC and submit the updated registries to the Office of the Mayor. The municipality/ city shall regularly submit the list of fishing vessels registered and deleted/cancelled from the registry within the first quarter of the succeeding year to the MARINA Central Office or Regional Office concerned, the PCG Station/ Detachment and DA-BFAR. The Barangay Councils shall be furnished a copy of the registry to be posted in barangay halls and in other strategic locations where it shall be accessible to the public for validation of the correctness and completeness of the list.

**Section 13. Eligibility for Fishing Vessel Registration** - Only those fishing vessels which are owned by Filipino citizens, single proprietorship, partnerships and/or corporations fully owned by Filipinos, and duly registered or accredited fisherfolk associations and cooperatives shall be eligible for registration.

**Section 14. General Registration Guidelines for Issuance of Certificate of Number (CN)**

The applicant shall submit to the M/CAO the following documents:

- a. Duly Accomplished Standard Registration Application under oath using a standard application (Annex "C");
- b. Certified Standard Admeasurements Form (Annex "D");
- c. Clearance from the PNP- Maritime Group Headquarters or local PNP certifying that the fishing vessel is not involved in any criminal offense; and,
- d. Official receipt evidencing payment of corresponding vessel registration fees.

The M/CAO shall verify and evaluate the submitted documents and upon finding that the registrant has complied with all the documentary requirements and has paid the registration fee, the M/CAO shall process and facilitate the issuance of the CN (Annex "E") for approval of the Municipal/ City Mayor or his duly authorized representative.

**Section 15. Issuance of New CN**

The municipality/ city shall issue a new CN in case the fishing vessel changes its homeport. A change in homeport may occur in case the owner/operator decides to change residence or principal office, or sells or transfers ownership of the fishing vessel to a person or entity with domicile in another LGU, the municipality/ city shall, upon application for change of homeport, issue a certificate of clearance and shall delete the registration of such fishing vessel from its register.

No clearance for the change of homeport shall be issued by the current homeport under the following instances:

- a. the single proprietorship, partnership, corporation or fisherfolk cooperative has no branch office in the intended homeport;
- b. there is an outstanding safety requirement, which the fishing vessel has to comply;
- c. the fishing vessel is involved in a pending criminal or administrative case for violation of a fishery law or ordinance or a civil case regarding questions of ownership.

The new homeport shall issue a new CN upon filing of an application for issuance of a new CN supported by the following documents:

- a. The original copy of the CN; and, clearance to change homeport issued by the current homeport; and,
- b. Clearance to change homeport issued by the current homeport.

Upon approval of the change of homeport, all records pertaining to the vessel shall be transmitted by the previous homeport to the new homeport.

**Section 16. Re-issuance of CN.** The Municipality/City shall re-issue the CN in the following instances:

- a. change in ownership or transfer of the fishing vessel without change in homeports;
- b. change in the engine of motorized fishing vessel;
- c. change of name; and,
- d. loss of CN.

*A. In case the fishing vessel is the subject of sale or transfer of ownership, the municipality/ city shall re-issue the CN, containing the amended information on ownership upon application of the new owner or transferee, and subject to compliance with following requirements:*

- a. Submission of a duly notarized Deed of Absolute Sale;

- b. Posting in the Barangay or Town/ City Hall for seven (7) consecutive days giving notice that the fishing vessel has been sold or transferred to a new owner;
- c. Affidavit of Posting executed by the Punong Barangay or Municipal/City Mayor that said notice had been posted in the premises and that there are no oppositors to the fishing vessel's sale; and,
- d. Original copy (ies) of the CN.

**B. In case of change in the engine,**

In case of replacement of vessel engine, an application for the issuance of new CN shall be filed with the current homeport accompanied by the following documents:

- a. The original copy of the CN;
- b. Official Receipt of Purchase of Engine; and
- c. Police Clearance that the engine purchased is not from a carnapped/stolen vessel.

**C. Change of name of the fishing vessel**

The municipality/city shall re-issue a CN when an owner or operator desires to change the name of his fishing vessel, upon application filed with the current homeport, stating the reason for such.

An application for change of name shall not be approved if the fishing vessel is involved in civil case regarding question of ownership or in a criminal or civil case for violation of a fishery law or ordinance.

Only applications with complete documentary requirements shall be accepted. The following are the documents that should be attached to the application.

- a. The original copy of the CN;
- b. The Posting of a notice in the Barangay or Municipal Hall on the Change of Name of the fishing vessel, for a period of seven(7) consecutive days;
- c. Affidavit of Posting executed by the Punong Barangay or Municipal Mayor that notice had been posted and that no opposition or claims were filed against the vessel during the seven-day period of posting.

**D. Loss of CN**

- d. Affidavit of loss; and,
- e. Certified photocopy of the original CN.

**Section 17. Vessel Marking or Color coding**

For easy identification of fishing vessels from the municipality/ city, all duly registered fishing vessels operating in the municipal waters shall be assigned an

official number and a name and shall be painted a mark/ color \_\_\_\_\_.

**Section 18. Deletion and Cancellation of Fishing Vessel Registration** - The fishing vessel registration shall be deleted or cancelled under the following circumstances:

- a. Loss or decay of the fishing vessel;
- b. Involvement of the vessel in a marine/maritime incident;
- c. Transfer of municipal area of operation of the fishing vessel; and,
- d. Such other lawful causes.

Under the foregoing circumstances, the owner/operator of the subject vessel shall immediately inform the municipality/ city.

### **Section 19. Monitoring of Registered Fishing Vessel**

The municipality/ city shall institute a monitoring system to determine compliance with EO 305 and its Implementing Guidelines.

The municipality/ city shall take in consideration in its legislation other factors to guide them in approving the registration of fishing vessels, such as but not limited to the carrying capacity of its marine resources and the constitutional and statutory preferential rights of municipal fisherfolk within municipal waters.

## **CHAPTER IV LICENSING**

**Section 20. Licensing of Municipal Fishing Activities** – All municipal fisherfolk shall be required to have a fishing license (Annex “F”) to be issued by the Municipality/City before they can engage in fishing activities within municipal waters. The fishing license shall cover the entire fishing unit which includes the fisherfolk, their fishing vessels and fishing gear.

No person shall be allowed to engage in fishery-related activities in the municipal waters unless they obtain a fishing license.

**Section 21. Non-transferability of licenses** - Fishing licenses issued by the Municipality/ City shall not be transferred.

**Section 22. Eligibility Requirements for Obtaining a Municipal Fishing License** – Fishing license shall only be issued to fisherfolk:

- a. Who are duly registered in the municipality/ city in accordance with Chapter III of this Ordinance;

- b. Whose fishing vessel (s) is duly registered in accordance with Chapter II of this Ordinance; and,
- c. Whose fishing gear is duly registered in the Municipality/City in accordance with Chapter III of this Ordinance.

**II. Section 23. Requirements for the Initial Issuance of Municipal Fishing License -** Applicants for fishing license shall submit the following documents to the M/CAO:

- a. Duly Accomplished Fishing License Application Form (Annex "G");
- b. Certificate of Fisherfolk Registration (CFR);
- c. Certificate of Number (CN) for those who have fishing vessels;
- d. Clearance from the PNP Maritime Group Headquarters or in its absence, the local PNP;
- e. Official Receipt evidencing payment of the corresponding license fees.

**Section 24. Responsibilities of the License Holder-** The responsibilities of the license holder shall include the following:

- a. carry the duplicate or certified true copy of vessel registration and fishing license during fishing operation;
- b. provide information on type and quantity of fish catch, fishing area, landing points and other relevant information;
- c. comply with all laws, policies, regulations, ordinances relating to fishing activities;
- d. submit himself or herself to the administrative processes in case of violation in the terms and conditions of the license; and,
- e. pay the administrative fines, penalties, charges, and indemnity in case of violation of the terms and conditions of the license without prejudice to prosecution in a criminal case for any violation of law arising out of the same acts.

**Section 25. Validity of License and Renewal –** All registered fisherfolk, fishing vessels and fishing gear shall be issued a license upon initial application on such date as may be specified by the municipality/ city. The renewal of licenses shall coincide with the date of birth of the fisherfolk concerned.

Fishing licenses issued by the municipality/ city shall be valid for a period of one (1) year, renewable annually, unless the license holder violates any of the terms and conditions of the license, or, unless the municipality/ city prescribes the limited access scheme.

The municipality shall conduct studies to estimate the resource capacity of municipal fishing grounds to provide as basis for limited access scheme. No limited access scheme shall be implemented by the municipality/ city unless the fisheries registration and licensing pursuant to this Ordinance has been effectively implemented.

The fisherfolk who is unable to fish or whose vessel is undergoing repairs during a period of time inclusive of the date in which he is supposed to renew his license (date when the license expires) shall be exempted from renewing the same. He shall, however, renew his license/s immediately after he is able to fish or after his vessel is repaired.

**Section 26. Requirements for Renewal of License** - The fishing license may be renewed if the terms and conditions accompanying the license are complied with by the license holder, and upon presentation of the licenses covering the previous period.

**CHAPTER V  
FEES**

**Section 27. Fisherfolk and Fishing Gear Registration Fee-** Fisherfolk and fishing gear registration shall not be viewed as a revenue-generating instrument but as a basic service. The fisherfolk and fishing gear registration fee shall be free of charge.

**Section 28. Fishing Vessel Registration Fees** - There shall be collected the following registration fee from the owner of each fishing vessel of three (3) GT and below being operated within the municipal waters of this Municipality/ City.

Type of Fishing Vessel	Standard Fees
Non-motorized	
Motorized (10 hp and below)	
Motorized (10.1 hp – 16 hp)	
Motorized (16.1 hp and above)	

**Section 29. Fishing License Fee** - The fishing license shall be granted upon payment of the corresponding license fees. Registered fisherfolk from other municipalities who shall be permitted to fish within the municipal waters of this municipality shall pay [double] the rate fixed hereunder.

For using and engaging in the following Fishing Gears / Operations	Standard Fees
HOOK and LINES	
GILL NETS	
SQUID JIGS	
POTS and TRAPS	

SPEAR FISHING	
FISH CORRALS	
STATIONARY LIFTNETS	
ROUND-HAUL SEINE	
SCOOPNET	
OTHERS	

**Section 30. Time and Manner of Payment** - The fees herein imposed shall be paid to the Municipal/ City Treasurer's Office (M/ C TO) (*specify period when payment shall be made. e.g. "within the first thirty (30) days of January or within the first thirty (30) days of each calendar quarter"*).

#### **CHAPTER V PROHIBITED ACTS AND SANCTIONS**

**Section 31. Unauthorized Fishing Activities.** No person, natural or juridical, shall engage in any fishing activity in municipal waters without registration papers and/or valid licenses from the Municipal/ City Government.

*Any person found to be engaged in fishing without registration papers and/or valid licenses shall constitute a prima facie presumption that the person and/or vessel is engaged in unauthorized fishing: Provided, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes is hereby be allowed.*

Any violation of the provisions of this section shall be punished by a fine of Two Thousand Five Hundred pesos (P2,500.00) or imprisonment of not less than Six (6) months or both such fine and imprisonment, at the discretion of the Court.

**Section 32. Grounds for Rejection, Revocation or Cancellation of Licenses** - The licenses may be rejected, revoked or cancelled on any of the following grounds:

- a. violation of any existing fishery laws, decree, letter of instructions or its implementing rules and regulations;
- b. non-compliance with the terms and conditions of the license;

- c. false or fraudulent statements in the application thereof by the applicant or his representatives;
- d. failure to pay required fees
- e. commission of the same fisheries violation for a third time; and,
- f. when public interest so requires.

Non-compliance with the terms and conditions of the license under ground (b) may consist of any of the following:

- (a) use of gear other than that specified in the license;
- (b) alteration of the fishing vessel tonnage specified in the license;
- (c) failure to submit notification of transfer of ownership of the fishing vessel and/or gear; and,
- (d) refusal to be subjected to administrative processes in case of violation of the terms and conditions of the license.

**For any violation of the provisions of the Fisheries Code and other related legislation committed by the license holder as his first offense, a warning shall be issued in addition to the imposition of corresponding fines and penalties. This shall be recorded on the license itself. For the second offense, an additional and higher administrative fine shall be imposed.**

**Section 33. Imposition of Fines and Penalties on the License Holder.** For any violation of the provisions of the Fisheries Code and other related legislation committed by the license holder as his first offense, a warning shall be issued in addition to the imposition of corresponding fines and penalties. This shall be recorded on the license itself. For the second offense, an additional administrative fine in the amount of PhP \_\_\_\_\_ shall be imposed. Licenses shall automatically be revoked if the holder commits same offense for a third time.

## CHAPTER VI FINAL PROVISIONS

**Section 34. Separability Clause.** If, for any reason, any provision, section or part of this ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in full force and effect.

**Section 35. Applicability Clause.** All other related matters not specifically provided in this ordinance shall be governed by the pertinent provisions of existing applicable laws or ordinances.

**Section 36. Repealing Clause.** All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any provisions of this ordinance are

hereby repealed or modified accordingly. Should there be existing general or special ordinances which were inadvertently excluded in the codification process during the formulation of this ordinance, they shall continue to be in full force and effect provided that they are not in conflict with, or contrary to, the provisions of this ordinance.

**Section 37. Effectivity.** Upon approval by the Mayor, this Ordinance shall take effect thirty (30) days after posting in the bulletin board at the entrance of the Municipal/ City Hall and in two (2) other conspicuous places within the Municipality/City, and has been published once in a local newspaper of general circulation in the locality.

**ENACTED:** \_\_\_\_\_, 2005.

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Republic of the Philippines  
Province of \_\_\_\_\_  
Municipality of \_\_\_\_\_

OFFICE OF THE MUNICIPAL MAYOR

Executive Order No. \_\_\_\_\_  
Series of \_\_\_\_\_

IMPLEMENTING RULES AND REGULATIONS OF MUNICIPAL ORDINANCE NO. \_\_\_\_\_ SERIES OF \_\_\_\_\_ ENTITLED "AN ORDINANCE ADOPTING THE REGISTRATION AND LICENSING OF MUNICIPAL FISHERS, FISHING VESSELS AND GEAR IN THE MUNICIPALITY OF \_\_\_\_\_, PROVINCE OF \_\_\_\_\_, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES"

CHAPTER I  
GENERAL PROVISIONS

**Section 1. Title** - This ordinance shall be known as the "Fishing Registration and Licensing Ordinance of \_\_\_\_\_".

**Rule 1.1.** *The IRR is hereby promulgated to prescribe the procedures and guidelines for the implementation of Ordinance No. \_\_\_\_\_ and in order to ensure compliance therewith and for the attainment of its objectives.*

**Section 2. Scope** - The ordinance shall cover all municipal capture fishers, natural or juridical, their vessels, gear and other paraphernalia which are operating in the municipal waters of the Municipality of \_\_\_\_\_.

**Section 3. Policy** - It is the policy of the Municipality of \_\_\_\_\_ to promote the proper management, conservation, development, protection and utilization of its municipal waters. It shall regulate the utilization of its coastal and fishery resources. These policies shall be achieved through registration and licensing by limiting access to the fishery and aquatic resources of the municipality by giving priority to the residents and to protect the rights of the fishers in the preferential use of municipal waters.

**Section 4. Definition of Terms** - As used in this Ordinance, the following terms are defined as follows:

<i>Admeasurements</i>	the measure of the volumetric capacity of the fishing vessel to determine its GT.
<i>Certificate of Fisher Registration</i>	proof that the fisher is listed in the municipal fishers' registry.
<i>Certificate of Number</i>	proof of conferment of identity of fishing vessel.
<i>Community Tax Certificate</i>	proof of residence in a municipality or city.
<i>Fishers</i>	see definition of <i>Municipal Fishers</i> .
<i>Fisherfolk Cooperative</i>	a duly registered association of fishers with a common bond interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.
<i>Fisherfolk Organization</i>	an organized group, association, federation, alliance or institution of fishers which has at least 15 members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
<i>Fisher Registration</i>	the act / process of enlisting fishers for the purpose of determining priorities among them, of limiting entry into municipal waters and of monitoring activities / and or other purposes.
<i>Fishing</i>	the taking of fishery species from the wild state or habitat with or without the use of fishing vessels.
<i>Fishing Gear</i>	any instrument or device and its accessories utilized in taking fish and other fishery species.
<i>Fishing Gear License</i>	a permit to use specific types of fishing gear for specific duration in municipal waters for demersal and pelagic fishery resources.
<i>Fishing Vessel</i>	Any boat, ship or other watercraft equipped to be used for taking of fishery species aiding or assisting one or more vessels in the performance of any activity relating to fishing, including but

not limited to, preservation, supply storage, refrigeration, transportation, and / or processing.

*Fishing Vessel License*

a permit to operate specific types of fishing vessel for specific duration in municipal waters for demersal or pelagic fishery resources.

*Gross Tonnage*

the product of vessel tonnage length, vessel depth and vessel multiplied by a factor of 0.70 divided by 2.83.

*Homeport*

refers to the LGU where the fishing vessel is registered.

*LGUs*

local government units; refer to cities and municipalities.

*Motorized Fishing Vessel*

a fishing vessel propelled by mechanical means.

*Municipal Fishers*

people directly or personally and physically involved in taking fishery species from their wild state or habitat, operating within municipal waters.

*Municipal Fishing Vessel*

any watercraft used for fishing or in support to fishing operations in municipal waters weighing 3 GT and below.

*Municipal Waters*

include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (the NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between 2 lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and 15 km from such coastline. Where two municipalities are so situated on opposite shores that there is less than 30 km of marine waters between them, the third line shall be equally distant from the opposite shore of the respective municipalities.

Under the ARMM Aquatic and Fisheries Code, municipal waters only extend 12 km from the coastline.

*Net Tonnage*

the GT multiplied by a factor 0.32.

*Registered Breadth*

the transverse distance taken at a widest part of the hull, excluding rub rails from the outer board side of the skin on one side of the hull to the outboard side of the skin on the other side of the hull.

*Registered Depth*

the vertical distance taken at or near mid ships from a line drawn horizontally through the gunwale of the skin of the sides of the hull (excluding the rail) to the outboard face of the bottom skin of the hull, excluding the keel.

*Registered Length*

the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding fittings and attachments.

*Vessel Breadth*

measured at the mid part from the gunwale inside of the skin of the hull to the inside of the skin on the other side of the hull.

*Vessel Depth*

measured at the centerline from a point below the line of the tonnage deck. Measurement taken at right angle to the vessel centerline of the vessel down to the inboard of the bottom skin of the hull.

*Vessel Length*

the length measured at the center line of the fishing vessel from the point forward where the line of the tonnage deck intersects the line of the inboard faces at the stem to the point aft where the line of the tonnage deck intersects the inboard face of the stern.

*Vessel Registration*

an act / process of enlisting a fishing vessel 3 GT and below for the purpose of establishing its identity and ownership by assigning it a permanent number [*recorded in the municipal registry of municipal fishing vessels*].

## **CHAPTER II REGISTRATION**

**Section 5. Registries of Fishers, Fishing Gear and Fishing Vessels** - The Municipality of \_\_\_\_\_ through the Municipal Agriculturist Office (MAO) shall keep registries of: (a) fishers and / or their organizations; and (b) registry of fishing vessels. Gear types and specifications shall be incorporated in the Registry of Fishers. These registries shall be for purposes of information generation, monitoring and regulation, establishment of identity and ownership of vessels, maritime safety and as basis for determining preferential rights as to the use of its municipal waters. All fishery-related activities in the municipal waters shall be permitted only to municipal fishers and their cooperatives / organizations who are listed as such in the registry.

**Rule 5.1.** *The MAO shall maintain and update the registries of fishers, fishing gears and fishing vessels with the assistance of the B/MFARMC and submit the updated registries to the Municipal Mayor.*

**Rule 5.2.** *The Municipality shall regularly submit to the MARINA Central Office or Regional Office concerned, the PCG Station / Detachment and DA-BFAR the list of fishing vessels registered and deleted / cancelled from the registry within the first quarter of the succeeding year.*

**Rule 5.3.** *The Barangay Councils shall be furnished a copy of the registry to be posted in barangay halls and in other strategic locations where it shall be open to the public for validation of the correctness and completeness of the list.*

**Section 6. Registration of Municipal Fishers and Fishing Gear** - All qualified fishers shall be registered with the Municipality through the MAO and shall be issued a certificate of fisher registration (CFR). All fishing gear and / or paraphernalia to be used by the applicant municipal fisher shall be registered simultaneously. Municipal fishers shall be qualified to secure a license, upon completely filling up the prescribed application form. Registered fishers shall carry with them their CFR and license at all times when engaged in fishing operations and present or surrender the same, whenever and wherever requested by the PNP-Maritime Group, PNP, M/BFARMC, *Bantay-Dagat* personnel and other duly authorized law enforcers.

**Rule 6.1.** *All municipal fishers operating on a full-time or part-time basis are required to register themselves and their fishing gears with the municipality.*

**Rule 6.2.** *New entrants to the fishery shall also register before they can secure a license. New entrants shall be classified as: (a) new generation of fishers; (b) fishers changing homeports; and (c) returning fishers (those who have stopped fishing temporarily).*

**Rule 6.3.** *Qualified fishers shall register with the municipality through the MAO at any time of the year. They shall register only once, provided that they continue to fish in the same municipality.*

**Rule 6.4.** *The Municipality through the MAO and the MFARMC, shall lay down and review, as may be necessary, the criteria and mechanisms for inclusion in or exclusion from said registry.*

**Section 7. Qualification / Eligibility** - Only the municipal fishers who meet the following eligibility requirements shall be allowed to register:

- a. a citizen of the Philippines;
- b. must be directly or personally and physically engaged in the taking of fishery and / or aquatic resources from the wild state or habitat with or without the use of fishing vessels;
- c. a resident of the municipality for at least 6 months; and
- d. at least 18 years of age.

**Section 8. Requirements for Registration of Municipal Fishers** - Municipal fishers shall register with the MAO by submitting the following documents:

- a. duly accomplished standard fisher registration form (Annex "A");
- b. Community Tax Certificate (CTC) secured from the Barangay Treasurer or Municipal Treasurer; and
- c. official receipt evidencing payment of corresponding municipal fisher registration fee.

**Section 9. Registration of Fishing Vessels** - All fishing vessels 3 GT and below shall be registered with the Municipality through the MAO.

**Rule 9.1.** *All fishing vessels 3 GT and below, motorized or nonmotorized, shall be required to be registered.*

**Rule 9.2.** *New fishing vessels shall be registered before a license can be issued. New fishing vessels shall be classified as those which are used by: (a) new*

generation of fishers; (b) fishers changing homeports; and (c) returning fishers (those who have stopped fishing temporarily).

**Rule 9.3.** *Registration of fishing vessels may be done at any time of the year and shall be valid for as long as the vessel is still functioning.*

**Section 10. Eligibility for Fishing Vessel Registration** - Only those fishing vessels which are owned by Filipino citizens, single proprietorship, partnerships and / or corporations fully owned by Filipinos, and duly registered or accredited fisherfolk associations and cooperatives shall be eligible for registration.

**Section 11. Requirements for Registration of Fishing Vessel** - The applicant for registration of fishing vessel shall submit to the MAO the following documents:

- a. duly accomplished standard registration application form (Annex "B");
- b. certified standard tonnage admeasurements form (Annex "C");
- c. clearance from the PNP-Maritime Group Headquarters or local PNP; and
- d. official receipt evidencing payment of corresponding vessel registration fees.

**Rule 11.1.** *The application form for registration of fishing vessel must be executed under oath and shall contain the following information: name of owner, nationality, residence, type and make of fishing vessel and propulsion, and other pertinent information.*

**Rule 11.2.** *The MAO shall verify and evaluate correctness and completeness of information in the application form and shall furnish a copy of the same to the vessel inspector.*

**Rule 11.3.** *The vessel inspector shall conduct an inspection of the fishing vessel to determine its gross tonnage using the metric formula as follows:*

$$\text{Gross Tonnage} = \frac{\text{Vessel Length (in meters)} \times \text{Vessel Breadth} \times \text{Vessel Depth}}{2.83} \times 0.70$$

2.83

*The inspector shall certify the correctness of the admeasurements in the standard tonnage admeasurements form and shall recommend the approval of the registration of the vessel. The vessel owner / operator shall submit the inspector's certification to the MAO.*

**Rule 11.4.** *In consideration of the recommendation of the vessel inspector, the MAO shall assess the fishing vessel registration fee payable by the vessel owner / operator to the Municipal Treasurer's Office (MTO) which shall accordingly issue the corresponding official receipt.*

**Rule 11.5.** *The clearance from the PNP Maritime Headquarters or in its absence, the local PNP, shall certify that the fishing vessel is not involved in any criminal offense.*

**Rule 11.6.** *A fee shall be required for municipal fishing vessel registration. It shall be collected at the rate prescribed in Chapter IV of this Ordinance.*

**Section 12. Certificate of Number** - Upon submission of the documentary requirements and payment of the registration fee, the Municipality shall issue to the vessel owner / operator the Certificate of Number (CN).

**Rule 12.1.** *The MAO shall verify and evaluate the submitted documents and upon finding that the registrant has complied with all the documentary requirements and has paid the registration fee, the MAO shall process and facilitate the issuance of the CN for signature of the Municipal Mayor.*

**Rule 12.2.** *The validity of the CN shall be for as long as the fishing vessel is still functioning or carries with it the same particulars when it was first registered.*

**Rule 12.3.** *The Municipality shall issue a new CN in case the fishing vessel changes its homeport.*

*A change in homeport may occur in case the owner / operator decides to change residence or principal office, or sells or transfers ownership of the fishing vessel to a person or entity with domicile in another local government unit, the Municipality shall, upon application for change of homeport, issue a certificate of clearance and shall delete the registration of such fishing vessel from its register.*

*No clearance for the change of homeport shall be issued by the current homeport under the following instances:*

- d. the single proprietorship, partnership, corporation or fisherfolk cooperative has no branch office in the intended homeport;*
- e. there is an outstanding safety requirement, which the fishing vessel has to comply;*
- f. the fishing vessel is involved in a pending criminal or administrative case for violation of a fishery law or ordinance or a civil case regarding questions of ownership.*

**Rule 12. 4.** *The Municipality shall re-issue the CN in the following instances:*

- e. change in ownership or transfer of the fishing vessel without change in homeports;*
- f. change in the engine of motorized fishing vessel; and*
- g. change of name.*

*A. In case the fishing vessel is the subject of sale or transfer of ownership, the Municipality shall re-issue the CN, containing the amended information on*

*ownership upon application of the new owner or transferee, and subject to compliance with the following requirements:*

- e. submission of a duly notarized Deed of Absolute Sale;*
- f. posting in the Barangay or Town Hall for 7 consecutive days giving notice that the fishing vessel has been sold or transferred to a new owner;*
- g. Affidavit of Posting executed by the Punong Barangay or Municipal Mayor that said notice had been posted in the premises and that there are no opposers to the fishing vessel's sale; and*
- h. original copy(ies) of the CN.*

*B. In case of change in the engine,*

*In case of replacement of vessel engine, an application for the issuance of new CN shall be filed with the current homeport accompanied by the following documents:*

- d. the original copy of the CN;*
- e. official receipt of purchase of engine; and*
- f. police clearance that the engine purchased is not from a carnapped / stolen vessel.*

*C. Change of name of the fishing vessel*

*The municipality shall re-issue a CN when an owner or operator desires to change the name of his fishing vessel, upon application filed with the current homeport, stating the reason for such.*

*An application for change of name shall not be approved if the fishing vessel is involved in civil case regarding question of ownership or in a criminal or civil case for violation of a fishery law or ordinance.*

*Only applications with complete documentary requirements shall be accepted. The following are the documents that should be attached to the application.*

- f. original copy of the CN;*
- g. posting of a notice in the Barangay or Municipal Hall on the change of name of the fishing vessel, for a period of 7 consecutive days;*
- h. Affidavit of Posting executed by the Punong Barangay or Municipal Mayor that notice had been posted and that no opposition or claims were filed against the vessel during the 7-day period of posting.*

**Section 13. Color Coding and Vessel Marking** - For easy identification of fishing vessels from the municipality, all duly registered fishing vessels operating in the municipal waters shall be assigned an official number and a name and shall be painted a mark / color \_\_\_\_\_.

**Rule 13.1.** *The Municipality shall assign an official number to a registered fishing vessel, which shall correspond to a code specifying the Province, and Municipality as listed in the Annex D of the IRR of Executive Order 305, which shall be painted, permanently marked or plated on both sides of the forward portion of the fishing vessel.*

**Rule 13.2.** *The Municipality, upon request of the owner / operator may assign a name to the fishing vessel. A name shall be assigned to only 1 fishing vessel regardless of type of fishing gear. If the proposed name has already been assigned to another registered fishing vessel, the owner or operator has the option of adding letters of the alphabet, any Arabic number or Roman numeral which can be represented by words or its numeric equivalent, to the proposed name.*

*The name of the fishing vessel will be painted on both sides of the mid portion of the fishing vessel.*

**Section 14. Deletion and Cancellation of Fishing Vessel Registration** - The fishing vessel registration shall be deleted or cancelled under the following circumstances:

- a. loss or decay of the fishing vessel;
- b. involvement of the vessel in a marine / maritime incident;
- c. transfer of municipal area of operation of the fishing vessel; and
- d. such other lawful causes.

Under the foregoing circumstances, the owner / operator of the subject vessel shall immediately inform the Municipality.

### **CHAPTER III Licensing**

**Section 15. Licensing of Municipal Fishers, Fishing Vessels and Fishing Gear** - All municipal fishers, fishing vessels and fishing gears shall be required to have a license to be issued by the Municipality before for they can engage and can be used in fishing activities within municipal waters for purposes of information generation, granting priority rights, regulation and revenue generation.

**Rule 15.1.** *Fishery licenses for fishers, fishing gear and fishing vessels are nontransferable.*

**Rule 15.2.**  *Holders of fishery license agree unconditionally to comply with all the laws, orders, policies, rules and regulations governing fishing and shall assume responsibility for any and all of his acts with his fishing operation.*

**Rule 15.3.**  *The license holder undertakes to comply with the following obligations:*

- a. Carry the original or duplicate copy of the registration papers and licenses during fishing operation.*
- b. Provide information on type and quantity of fish catch, fishing area, landing points and other relevant information.*
- c. Comply with all laws, policies, regulations and ordinances relating to fishing activities.*
- d. Submit himself or herself to the administrative processes in case of violation in the terms and conditions of the license.*
- e. Pay the administrative fines, penalties, charges and indemnity in case of violation of the terms and conditions of the license without prejudice to prosecution in a criminal case for any violation of law arising out of the same acts.*

**Section 16. Licensing of Fishers** - All municipal fishers must secure a license before engaging in any fishing activity in municipal waters.

**Section 17. Eligibility for a Municipal Fisher License** - No municipal fisher shall be eligible for a license unless he is duly registered in the Municipality in accordance with Chapter II of this ordinance.

**Section 18. Requirements for Licensing of Municipal Fisher** - Applicants for fishery license shall submit the following documents to the MAO:

- a. duly accomplished fisher license application form (Annex "D");
- b. CFR;
- c. clearance from the PNP Maritime Group Headquarters or in its absence, the local PNP; and
- d. official receipt evidencing payment of the corresponding license fees.

**Rule 18.1.**  *The MAO shall evaluate and verify the information provided by the fisher in the application form and shall assess the fees before recommending the issuance of the license. The application for municipal fisher license, however, may be rejected on any of the following grounds:*

- a. fraudulent or false information in the application;*

- b. failure to file the required fees; and
- c. other lawful causes.

**Rule 18.2.** *The clearance from the PNP-Maritime Group Headquarters or in its absence, the local PNP, shall certify that the applicant is not involved in any criminal offense.*

**Rule 18.3.** *The applicant shall pay the corresponding license fees to the Municipal Treasurer's Office and secure the official receipt for submission to the MAO who shall then process and issue the license which shall bear the name, address and license number of the fisher. It shall likewise show the date and place of issue and its date of expiration.*

**Section 19. Licensing of Fishing Vessels** - All fishing vessels, whether motorized or nonmotorized, 3 GT and below, shall be required to have a license issued by the Municipality before they can operate in municipal waters.

**Section 20. Eligibility for Licensing of Fishing Vessels** - Only those fishing vessels duly registered in accordance with Chapter II of this ordinance shall be eligible for the issuance of a license to operate in municipal waters.

**Section 21. Requirements for Licensing of Fishing Vessels** - Owners / operators of fishing vessels applying for a fishing vessel license shall submit to the MAO the following documents:

- a. duly accomplished vessel license application form (Annex "E");
- b. clearance from the PNP Maritime Headquarters or in its absence, the local PNP;
- c. CN; and
- d. official receipt evidencing payment of the corresponding vessel license fees.

**Rule 21.1.** *The MAO shall evaluate and verify the information provided by the owner / operator of the fishing vessel in the application form and shall assess the fees before recommending the issuance of the fishing vessel license. The application for fishing vessel license, however, may be rejected on any of the following grounds:*

- a. fraudulent or false information in the application;
- b. failure to file the required fees; and
- c. other lawful causes.

**Rule 21.2.** *The clearance from the PNP-Maritime Group Headquarters or the local PNP shall certify that the owner / operator of the fishing vessel has not been involved in any criminal offense.*

**Rule 21.3.** *The applicant shall pay the corresponding license fees to the Municipal Treasurer's Office (MTO) and secure the official receipt for submission to the MAO who shall then process and issue the fishing vessel license which shall bear the name, address and license number of the owner of the fishing vessel, including the type of gear/s allowed as accessory/ies to the fishing vessel. It shall likewise show the date and place of issue and its date of expiration.*

**Section 22. Licensing of Fishing Gear** – All fishing gear and other fishing paraphernalia shall be required to have a license issued by the Municipality before these can be allowed to be used in municipal waters.

**Section 23. Eligibility for Licensing of Fishing Gear** - No license shall be issued for a fishing gear unless the municipal fisher intending to utilize the gear and the gear itself are duly registered in the municipality in accordance with Chapter II of this ordinance.

**Section 24. Requirements for Licensing of Fishing Gear** - Owners of the fishing gear applying for fishing gear license shall submit to the MAO the following documents:

- a. duly accomplished fishing gear license application form (Annex "F");
- b. CFR; and
- c. official receipt evidencing payment of the corresponding fishing gear license fees.

**Rule 24.1.** *The MAO shall evaluate and verify the information provided by the owner of the fishing gear in the application form and shall assess the fees before recommending the issuance of the fishing gear license. The application for fishing vessel license, however, may be rejected on any of the following grounds:*

- a. *fraudulent or false information in the application;*
- b. *failure to file the required fees; and*
- c. *other lawful causes.*

**Rule 24.2.** *The applicant shall pay the corresponding license fees to the MTO and secure the official receipt for submission to the MAO who shall then process and issue the fishing gear license which shall bear the name, address and license number of the owner of the fishing gear. It shall likewise show the date and place of issue and its date of expiration and the duration within which the gear will be used.*

**Section 25. Period of Validity of Licenses and Renewal** - Fisher licenses, fishing vessel licenses and fishing gear licenses issued by the Municipality shall be valid for a period of 1 year, renewable annually, upon favorable review and recommendation by the MAO. Appropriate licenses from the previous period shall be required to be presented to the MAO for renewal of the licenses.

Fishers who fail to renew their license shall be deleted from the Registry except in the following circumstances, upon presentation of satisfactory proof in support thereof:

- a. nonrenewal due to inability to fish for a period not less than 1 year; and
- b. the fishing vessel is under repair for over a year.

**Rule 25.1.** *Holders of fishery license shall have 60 days prior to the expiration of their license to renew.*

**Rule 25.2.** *Renewal of licenses shall be undertaken within the period \_\_\_\_\_ . Such period shall coincide with the start of the fishing season as determined by the MFARMC.*

#### **CHAPTER IV FEES**

**Section 26. Fisher Registration Fees** - The municipal fisher and fishing gear registration fee shall be collected in the amount of PhP\_\_\_\_\_.

**Section 27. Fishing Vessel Registration Fees** - There shall be collected the following registration fee from the owner of each fishing vessel of 3 GT and below being operated within the municipal waters of this Municipality.

Type of Fishing Vessel	Fee
Nonmotorized	
Motorized	

**Section 28. Fisher License Fee** - The fisher license shall be granted upon payment of the corresponding license fee at a rate of PhP\_\_\_\_\_.

**Section 29. Fishing Vessel License Fee** - The following annual license fees shall be collected from the owner / operator of each fishing vessel of 3 GT and below being operated within the municipal waters of this Municipality:

Engine Capacity of Fishing Vessel (hp)	Fee per Vessel per Year

**Section 30. Fishing Gear License Fee** – The following fishing gear license fees shall be collected from the gear owner.

Type of Fishing Gear	Fee per Gear per Year

**Section 31. Time and Manner of Payment** - The fees herein imposed shall be paid to the MTO (*specify period when payment shall be made, e.g., “within the first 30 days of January or within the first 30 days of each calendar quarter”*).

**CHAPTER V  
PROHIBITED ACTS AND SANCTIONS**

**Section 32. Unauthorized Fishing Activities.** No person, natural or juridical, shall engage in any fishing activity in municipal waters without registration papers and / or valid licenses from the Municipal Government.

*Any person found to be engaged in fishing without registration papers and / or valid licenses shall constitute a prima facie presumption that the person and / or vessel is engaged in unauthorized fishing: provided, that fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes is hereby be allowed.*

Any violation of the provisions of this section shall be punished by a fine of PhP 2,500.00 or imprisonment of not less than 6 months or both such fine and imprisonment, at the discretion of the Court.

**Section 33. Cancellation or Revocation of License** - Without prejudice to the filing of civil or criminal charges in the proper Court, the Municipal Mayor may revoke the license granted to any person, natural or juridical, on any of the following grounds:

- a. violation of any existing fishery laws, decree, letter of instructions or its implementing rules and regulations;
- b. noncompliance with the terms and conditions of the license;
- c. false or fraudulent statements in the application thereof by the applicant or his representatives;
- d. commission of the same fisheries violation for a third time; and
- e. when public interest so requires.

**Rule 33.1.** *Noncompliance with the terms and conditions of the license under ground (b) may consist of any of the following:*

- a. use of gear other than that specified in the license;*
- b. alteration of the fishing vessel tonnage specified in the license;*
- c. engaging in illegal fishing methods;*
- d. use of destructive fishing methods;*
- e. failure to submit notification of transfer of ownership of the fishing vessel and / or gear; and*
- f. refusal to be subjected to administrative processes in case of violation of the terms and conditions of the license.*

**Section 34. Imposition of Fines and Penalties on the License Holder.** For any violation of the provisions of the Fisheries Code and other related legislation committed by the license holder as his first offense, a warning shall be issued in addition to the imposition of corresponding fines and penalties. This shall be recorded on the license itself. For the second offense, an additional administrative fine in the amount of PhP \_\_\_\_\_ shall be imposed. Licenses will automatically be revoked if the holder commits same offense for a third time.

**Rule 31.1.** *License holders who violate the provisions of the Fisheries Code and other related legislations shall be penalized and prosecuted under the said laws. In addition to the fines and penalties imposed, a warning shall be noted on the license of first time offenders. Second time offenders shall suffer the additional administrative fine of PhP \_\_\_\_\_. Third time offenders shall suffer the penalty of cancellation of their license.*

## **CHAPTER VI FINAL PROVISIONS**

**Section 35. Separability Clause.** If, for any reason, any provision, section or part of this ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in full force and effect.

**Section 36. Applicability Clause.** All other related matters not specifically provided in this ordinance shall be governed by the pertinent provisions of existing applicable laws or ordinances.

**Section 37. Repealing Clause.** All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly. Should there be existing general or special ordinances which were inadvertently excluded in the codification process during the

formulation of this ordinance, they shall continue to be in full force and effect provided that they are not in conflict with, or contrary to, the provisions of this ordinance.

**Section 38. Effectivity.** Upon approval by the Mayor, this Ordinance shall take effect 30 days after posting in the bulletin board at the entrance of the Municipal Hall and in 2 other conspicuous places within the Municipality, and has been published once in a local newspaper of general circulation in the locality.

***Rule 35.5.** This **Implementing Rules and Regulations** shall take effect 10 days after a copy hereof is posted in a bulletin board at the entrance of and in at least 2 other conspicuous places of the municipal building and the ordinance has been published once in a local newspaper of general circulation in the municipality.*

**ENACTED:** \_\_\_\_\_, 2005.

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