



Republic of the Philippines
PROVINCE OF SURIGAO DEL NORTE
MUNICIPALITY OF DEL CARMEN



Office of the Sangguniang Bayan

RESOLUTION NO.060
(Series of 2021)

AN URGENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE-BUREAU OF FISHERIES AND AQUATIC RESOURCES TO IMPLEMENT FISHERIES ADMINISTRATIVE ORDER 266 (RULES AND REGULATIONS ON THE IMPLEMENTATION OF VESSEL MONITORING MEASURES (VMM) AND ELECTRONIC REPORTING SYSTEM (ERS) FOR COMMERCIAL PHILIPPINE FLAGGED FISHING VESSELS AMENDING FAO 260 ERIES OF 2018) AND OPPOSITION TO HOUSE BILL 7853 AN ACT AMENDING SECTION 18 OF REPUBLIC ACT NO. 8550 OTHERWISE KNOWN AS "THE FISHERIES CODE OF 1998"

WHEREAS, Section 119 of Republic Act No. 10654, which amended RA 8550, known as the Philippine Fisheries Code of 1998, declares that no commercial fishing vessel shall engage in fishing activity without complying with the Vessel Monitoring Measures (VMM) rules and regulations promulgated by the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR) in coordination with the Local Government Units which have jurisdiction over municipal waters;¹

WHEREAS, on 22 September 2015, the Department of Agriculture issued Administrative Order No. 10, Series of 2015, also known as the Implementing Rules and Regulations (IRR) of Republic Act 8550, as amended by Republic Act 10654. The IRR includes several provisions (See Annex A) on the mandatory issuance of regulations for key provisions, including rules for Vessel Monitoring Measures for commercial fishing vessels;

WHEREAS, the BFAR was directed to promulgate and implement the rules for commercial fishing vessels with gross tonnage over 3.1- 29.9 within one year from the effectivity of the said IRR, which lapsed into law on October, 2016;

WHEREAS, the said rules for commercial fishing vessels have been promulgated on October 12, 2020 (Fisheries Administrative Order 266 Series of 2020) by the BFAR;

WHEREAS, the Municipal and/or City Local Government Units (LGUs) are mandated by law to manage, protect and conserve fisheries and aquatic resources within their municipal waters, especially for the benefit of the marginal and subsistence fisherfolks who are directly dependent on these resources;

WHEREAS, FAO 266 will be a big boost to the capacity of LGUs to have a system to monitor, control, and surveillance of municipal waters as required by law and to ensure the enforcement of fisheries and coastal laws;

¹ Section 119, Republic Act 10654 amending Republic Act 8550.

WHEREAS, HB7853 was filed by Congressman Pablo John Garcia which seeks to amend Section 18 of Republic Act 8550 and allow commercial fishing in municipal waters;

WHEREAS, the amended, Fisheries Code of the Philippines (RA 10654) prohibits commercial fishing and active gears in municipal waters to protect the preferential rights of municipal fishers;

WHEREAS, given the current state of Philippine Fisheries that majority of fish stocks (70%) are considered overfished resulting to both decline in commercial and municipal fisheries production since 2010. This is why Fisheries Management Areas were established to adopt the ecosystems approach to fisheries management for sustainable fisheries;

WHEREAS, the subject House Bill has not even mentioned the amendatory law, RA10654, which established 12 Fisheries Management areas that would govern the allowable fishery activities within municipal waters and beyond with rigorous scientific reference points and harvest control measures. Expanding more fishing grounds in municipal waters for potential operations of commercial fishers would run counter to the FMA system.

WHEREAS, municipal waters with their critical marine habitats should be protected and spared from activr and destructive fishing gears. Most highly productive critical habitats such as coral reefs, seagrass beds and mangroves are located in municipal waters and are important in the life cycle of many marine organisms including pelagic fishes such as sardines;

WHEREAS, governing municipal waters is the local government's responsibility and it is our biggest asset for the livelihood of our fisherfolk and for our children to experience the same abundance we've inherited from our fathers:

WHEREAS, our municipal fisherfolk have the constitutionally granted preferential right to municipal waters and they contribute to food security and are important stewards of the ocean and they are the responsibility of local governments which should protect them and give them voice;

WHEREAS, during the pandemic, fishing sustained coastal communities and has been the source of sustenance for communities which contributed to less crimes because people had food to eat;

WHEREAS, the Bill seeks to provide an exception to the existing laws allowing commercial fishing only in municipal waters only if several criteria are met and will unduly legitimize an otherwise prohibited act;

WHEREAS, in accordance with this madate, the Municipality of Del Carmen has implemented their coastal and fisheries resource management programs, including fishery law enforcement efforts against illegal, unreported and unregulated (IUU) fishing within their municipal waters in order to ensure wise use and sustainable management of their fisheries and aquatic resources;

WHEREAS, the Municipality of Del Carmen recognizes that the implementation of the VMM will enhance its capacity as well as improve transparency, monitoring and enforcement of their fisheries laws, ordinances, rules and regulations, especially against intrusion of commercial fishing vessels within their 15-kilometer municipal waters;

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WHEREAS, there is a need to urgently call on the BFAR to implement such rules in order to address these pressing issues on illegal, unreported, and unregulated (IUU) fishing, overfishing and ensure transparency in the state of the fishing industry in this country and for coastal local governments to be effective partners in ensuring the full implementation of our laws and promote food security.

WHEREAS, there is an urgent need to stop the approval of HB 7853 as this will further threaten the protection and management of fish stocks under RA 10654 and FAO 263;

WHEREFORE, on motion, duly seconded and upon unanimous vote, be it:


RESOLVED, as it is hereby **URGENTLY RESOLVED**, to strongly urge the Department of Agriculture -Bureau of Fisheries and Aquatic Resources to **immediately implement the guidelines** for the implementation of the Vessel Monitoring Measures as mandated under the Fisheries Code, as amended;

RESOLVED FURTHER, that the DA - Bureau of Fisheries and Aquatic Resources shall **closely coordinate with all coastal local government units** for the full implementation of the guidelines on Vessel Monitoring Measures, and the local government units shall be provided access to the information on vessel monitoring pertaining to their municipal waters as shown in the dashboard; and

I HEREBY CERTIFY to the correctness of the foregoing which was duly adopted last February 8, 2021 at Del Carmen, Surigao del Norte, Philippines.


HON. ALFREDO M. CORO, II
Municipal Vice Mayor
Presiding Officer

ATTESTED AND CERTIFIED TO BE DULY ADOPTED


PRISCILLA G. CUBILLAN
Secretary to the Sangguniang Bayan

APPROVED : February 8, 2021


HON. PROSERFINA MATUGAS-CORO, ChE, MBA
Municipal Mayor


HON. ERIC C. ARELLANO, LLB
SB Member


HON. DAISY T. CALAYAG
SB Member



HON. GENYLOU C. PETALLO
SB Member



HON. REX RAITAN
SB Member



HON. KENT ANGELITO S. JUCAY
SB Member




HON. WELLMAN D. SORO, J.D.
SB Member



HON. JOSE G. BAYANG
SB Member

HON. JUDITO C. DONOSO
SB Member



HON. FIDEL B. GONZALES, JR.
ABC President
Ex-Officio SB Member

HON. ALFRED C. ALBURO
SK Federated President
Ex-Officio SB Member

*Rembilla
AS Sec.*

