Coastal and fishing communities are among the poorest and most vulnerable sectors of society. According to the Philippine Statistics Authority in 2018, fisherfolks ranked second among basic sectors with the highest poverty incidence at 26.2 percent.\(^1\) Small-scale fishermen and their families remain struggling in impoverished situations due to a lack of clear-cut agenda for the sector.

Moreover, they are often displaced due to privatization and conversion projects by both private and government sectors. Many of those displaced were removed from their main source of livelihood and fishing communities are destroyed, thereby ultimately threatening the food security of the population.

This measure seeks to establish special protection for coastal fishing communities that will shelter them from destructive human activities and displacement. It also recognizes the contributions of small-scale fisherfolk in attaining national food

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security, as well as giving them the protection of their rights to an adequate standard of living.

In view of the foregoing, the immediate passage of this measure is earnestly sought.

MANUEL DG. CABOCHAN III
Representative
Magdalo Para Sa Pilipino Party-List
AN ACT
MANDATING THE SPECIAL PROTECTION TO COASTAL FISHING COMMUNITIES FOR SUSTAINABLE SMALL-SCALE FISHERIES IN THE COUNTRY

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1. **Short Title.**—This Act shall be known as the “Special Protection to Coastal Fishing Communities Act”.

2. **Declaration of Policy.**—The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources which extends to offshore fishing grounds against foreign intrusion. It recognizes that the national fishery and aquatic resources sector, especially the small-scale fishing industry is vital for the recovery of the national economy and attainment of national food security and the fisherfolk sector deserves adequate protection to their rights to an adequate standard of living. Towards this end, the State shall uphold and protect their rights by mandating special protection to coastal fishing communities to ensure the sustainability of small-scale fisheries.
Sec. 3. **Coastal Fishing Community.**— A social unit of fisherfolk, or people directly or personally and physically engaged in taking, culturing, and processing fishery and aquatic resources, located in the area where interactions of sea, lake or river and similar water formations, and land processes occur and enclosed by the archipelagic baselines as provided in Republic Act No. 9522.

Sec. 4. **Special Protection to Coastal Fishing Communities.**— Coastal fishing communities is hereby protected from destructive human activities and displacement, such as but not limited to, reclamation projects, conversion and privatization.

Sec. 5. **Identification and Establishment of the Coastal Fishing Communities.**— The Bureau of Fisheries and Aquatic Resources (BFAR) shall act as the lead agency in the identification and establishment of the coastal fishing communities in the country. It shall have the following functions:

(a) To craft initial mapping based on its existing records;
(b) To coordinate with the Department of Environment and Natural Resources (DENR) to substantiate the mapping with the legal description and natural boundaries;
(c) To hold public consultations on the identification of coastal fishing communities;
(d) To finalize the National Map of Coastal Fishing Communities or Fishing Communities Map;
(e) To issue the map as Fishery Administrative Order which shall constitute the official documentary representation of the purpose of Special Protection to the Coastal Fishing Communities.

Sec. 6. **Disapproval, Revocation of Human Activities or Projects Detrimental to the Special Protection to the Coastal Fishing Communities.**—

(a) All plans or projects covering or overlapping the Fishing Communities Map that are pending with the office of the Philippine Reclamation Authority (PRA) or any agency or local government units are hereby disapproved;
(b) All Environmental Clearance Certificates (ECC) issued by the DENR and all permits issued by any government agency or LGUs for plans or projects covering or overlapping the Fishing Communities Map are hereby revoked, and pending applications for such, are hereby disapproved.

Sec. 7. Conformed Land Use Plan by Local Government Units.— The local government units shall prepare or amend their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the Special Protection to the Coastal Fishing Communities.

Sec. 8. Monitoring.— The BFAR, in close cooperation with the Specially Protected Coastal Fishing Communities, shall ensure and monitor the attainment of the purposes of this Act.

Sec. 9. Mangroves Reforestation for Sustainable Small-Scale Fisheries.— Mangrove tree areas in duly declared Special Protected Coastal Fishing Communities shall be protected and entitled to reforestation programs. Provided, That it shall not result in the dislocation of fisherfolk families or detriment of their fishing rights and an adequate standard of living. It shall have the following objectives:

(a) To establish refuge, habitat, sanctuaries for fish and other marine life towards the restoration of biodiversity;
(b) To serve as natural defense to coastal fishing communities from natural occurrences such as storm surges and flooding;
(c) To contribute to the attainment of sustainability of small-scale fisheries and improvement of the adequate standard of living of poor fisherfolk families.

Further provided, That the Bureau of Fisheries and Aquatic Resources shall:
(a) Identify the location of mangrove forests and new reforestation sites enclosed within the duly declared Special Protected Coastal Fishing Community;
(b) Integrate the said locations to the Fishing Communities Map, as documentary representation of the purpose of Special Protection to Mangrove Trees and Forests.
Sec.10. *Special Protection to Mangrove Trees and Forests.*– It is hereby declared that cutting of mangrove trees is prohibited and no order, permit, or license shall be issued and existing or pending of such, are hereby revoked, and all mangrove trees of forests are under special protection. *Further,* That all ECCs, permits, or licenses issued by the DENR that allows the destruction or cutting of mangrove forests or trees is hereby revoked. *Further provided,* That all orders issued or memorandum of agreements signed, by or on behalf of the DENR that allows the destruction or cutting of mangrove forest or trees are hereby revoked.

Sec. 11. *Penalties.*–

(a) For violations of Sections 4, 5, 6, 7 and 8 of this Act:

(i) Any public officer or private person found in violation shall be punished with imprisonment of not less than one year nor more than ten year, and perpetual disqualification from public office;

(ii) If the violator is a corporation, partnership or association, the following penalties shall be imposed:

1. imprisonment for not less than one year nor more than ten years;
2. a fine of not less than Ten million pesos (P10,000,000.00) but not more than Twenty million pesos (P20,000,000.00)
3. reparatory damages for fisherfolk household victims and their families of Two million pesos (P2,000,000.00);
4. amount of Five million pesos (P5,000,000.00) for the affected Special Protected Coastal Fishing Community;

*Provided,* That the penalty of imprisonment shall be imposed on the guilty officer or officers and members or members of its Board of Trustees.

(b) For violations of Section 9 and 10: Any public officer or private person found in violation shall be punished with imprisonment of not less than one year nor more than ten years, perpetual disqualification from public office, and a fine of not less than Twenty million pesos (P20,000,000.) but not more than Thirty million pesos (P30,000,000.00); *Provided,* That if the violator is a
corporation, partnership of association, the penalty of imprisonment shall be imposed on the guilty officer/s and member/s of its Board of Trustees.

Sec. 12. Implementing Rules and Regulations.— The Bureau of Fisheries and Aquatic Resources, in coordination with the Department of Environment and Natural Resources and the local government units, shall promulgate the Implementing Rules and Regulations within 90 days from the effectivity of this Act.

Sec. 13. Separability Clause.— If for any reason, any section or provision of this Act be found null and void, no other sections or provisions or part hereof shall be affected and shall remain in full force and effect.

Sec. 14. Repealing Clause.— Existing laws or provisions of such, found contradictory to this Act is hereby amended or repealed.

Sec. 15. Effectivity.— This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in any newspaper of general circulation.

Approved,