

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

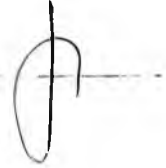
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SENATE

S. No. 2705

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Introduced by Senator Jinggoy Ejercito Estrada

AN ACT

MANDATING THE ESTABLISHMENT OF FISHERFOLK RESETTLEMENT AREAS BY THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND LOCAL GOVERNMENT UNITS, AMENDING FOR THE PURPOSE SEC. 108 OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE "PHILIPPINE FISHERIES CODE OF 1998," AS AMENDED BY REPUBLIC ACT NO. 10654

EXPLANATORY NOTE

According to the preliminary estimates on poverty incidence from the Philippine Statistics Authority (PSA), fisherfolk are the poorest among basic sectors¹. Fisherfolk ranked highest in terms of proportion of individuals belonging to families with income falling below official poverty thresholds compared with other basic sectors. The poverty incidences of the poorest in the basic sectors as follows: Fisherfolk at 30.6%, Farmers at 30%, Children at 26.4%, and Individuals Residing in Rural Areas at 25.7%. The PSA has likewise emphasized in the same report that the poverty incidence among fisherfolk has increased by 4.4 percentage points from 26.2% in 2018.

Almost three decades since the enactment of Republic Act No. 8550 or the Philippine Fisheries Code of 1998, the establishment of settlement areas for our fisherfolk remain delayed. Fisherfolk are reliant on coastal resources for their subsistence and livelihood. But the Philippines, which is frequently hit by typhoons and

¹ Philippine Statistics Authority. (2023 March 24). *Fisherfolks and Farmers Remain to Have the Highest Poverty Incidences Among the Basic Sectors in 2021* [Press Release]. https://psa.gov.ph/system/files/phdsd/Press%20Release_5%20%281%29.pdf

natural disasters, expose fisherfolk to risks that endanger their lives and their source of income. The lack of a settlement area situated in a secure zone yet close to vital livelihood areas exacerbates the difficulties encountered by our fisherfolk, as the absence of adequate shelter could worsen the following issues: (i) poor sanitation which could affect their health and lead them to spend a significant portion of their earnings on medical expenses; (ii) increased vulnerability from informal and insecure settlements, forcing them to move farther from their source of livelihood; and (iii) formal access to basic services such as in health and education which could further marginalize these individuals. These only exacerbate their situations and continue the cycle of poverty.

Under this proposed measure, the Department of Agriculture, the Department of Human Settlements and Urban Development, the Department of Environment and natural Resources, and Local Governments of Cities or Municipalities exercising jurisdiction over coastal areas and municipal waters are mandated to identify, establish, and create settlement areas which have adequate access to fishing grounds. It likewise provides that fisherfolk shall be granted preference in the award of settlement rights for previously identified or established settlement areas with adequate fishing grounds. Furthermore, the proposed measure provides that the establishment of settlement areas shall be in favor of fisherfolk registered with their respective city or municipality and who are without real property. Local Government Units are likewise mandated that for those exercising jurisdiction over coastal areas and municipal waters are mandated to integrate fisherfolk settlement areas within their respective comprehensive land use plans.

Beyond the provision of a secure and dignified settlement, this proposed measure will be an avenue by which we can break the cyclical nature of poverty among our fisherfolk by also ensuring comprehensive health, social, and economic development for them and their families.

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

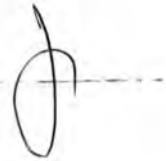

JINGGOY EJERCITO ESTRADA

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
MANDATING THE ESTABLISHMENT OF FISHERFOLK RESETTLEMENT AREAS
BY THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF HUMAN
SETTLEMENTS AND URBAN DEVELOPMENT, DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES, AND LOCAL GOVERNMENT
UNITS, AMENDING FOR THE PURPOSE SEC. 108 OF REPUBLIC ACT NO.
8550, OTHERWISE KNOWN AS THE "PHILIPPINE FISHERIES CODE OF
1998," AS AMENDED BY REPUBLIC ACT NO. 10654

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

1 Section 1. Section 108 of Republic Act No. 8550, otherwise known as "The
2 Philippine Fisheries Code of 1998", as amended by Republic Act No. 10654, is hereby
3 amended to read as follows:

4 "SEC. 108. *Fisherfolk Resettlement Areas.* - [~~The Department shall~~
5 ~~establish and create fisherfolk settlement areas in coordination with concerned~~
6 ~~agencies of the government, where certain areas of the public domain,~~
7 ~~specifically near the fishing grounds, shall be reserved for the settlement of the~~
8 ~~municipal fisherfolk. Nothing in this section shall be construed to vest ownership~~
9 ~~of any resettlement area to a municipal fisherfolk for whom said areas may~~
10 ~~have been reserved for or had been actually granted to.] **THE DEPARTMENT**
11 **OF AGRICULTURE, DEPARTMENT OF HUMAN SETTLEMENTS AND**
12 **URBAN DEVELOPMENT, DEPARTMENT OF ENVIRONMENT AND**
13 **NATURAL RESOURCES, AND THE LOCAL GOVERNMENTS OF CITIES**
14 **OR MUNICIPALITIES EXERCISING JURISDICTION OVER COASTAL**~~

1 **AREAS AND MUNICIPAL WATERS, SHALL IDENTIFY, ESTABLISH, AND**
2 **CREATE SETTLEMENT AREAS WHICH HAVE ADEQUATE ACCESS TO**
3 **FISHING GROUNDS: *PROVIDED*, THAT IN PREVIOUSLY IDENTIFIED**
4 **OR ESTABLISHED SETTLEMENT AREAS WITH ADEQUATE FISHING**
5 **GROUNDS, FISHERFOLK SHALL BE GRANTED PREFERENCE IN THE**
6 **AWARD OF SETTLEMENT RIGHTS THEREAT: *PROVIDED, FURTHER*,**
7 **THAT THE ESTABLISHMENT OF SETTLEMENT AREAS SHALL BE IN**
8 **FAVOR OF FISHERFOLK WHO ARE REGISTERED AS SUCH WITH THEIR**
9 **RESPECTIVE CITY OR MUNICIPALITY AND WHO ARE WITHOUT REAL**
10 **PROPERTY: *PROVIDED, FINALLY*, THAT LOCAL GOVERNMENT UNITS**
11 **EXERCISING JURISDICTION OVER COASTAL AREAS AND MUNICIPAL**
12 **WATERS ARE HEREBY MANDATED TO INTEGRATE SETTLEMENT**
13 **AREAS FOR FISHERFOLK IN THEIR RESPECTIVE COMPREHENSIVE**
14 **LAND USE PLANS”.**

15 *Sec. 2. Separability Clause.* – Should any provision herein be declared
16 unconstitutional, the other provisions not affected shall remain in full force and effect.

17 *Sec. 3. Repealing Clause.* – All laws, decrees, orders, rules and regulations or
18 other issuances or parts inconsistent with the provisions of this Act are hereby
19 repealed, amended, or modified accordingly.

20 *Sec. 4. Effectivity.* – This Act shall take effect fifteen (15) days after its
21 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,