



Republic of the Philippines

**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**

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## **POLICIES AND GUIDELINES ON THE REGULATION AND MONITORING OF FISHERY ACTIVITIES IN MUNICIPAL WATERS**

Memorandum Circular No. 2018-59  
April 23, 2018



### **1.0 Background**

- 1.1. Article XII, Section 2 of the 1987 Philippine Constitution provides, inter alia, that all waters and fisheries of the Philippines are owned by the State”;
- 1.2. The fourth WHEREAS Clause of Presidential Decree (PD) No. 1067, otherwise known as the Water Code of the Philippines states that “water is vital to national development and it has become increasingly necessary for government to intervene actively in improving the management of water resources”;
- 1.3. Philippine Development Plan 2017-2022 states that one of the strategies to expand Economic Opportunities in Agriculture, Forestry, and Fisheries is to pursue an ecosystem approach to fisheries management, through the regulation of fishery structures such as fish pens and cages in inland bodies of water;
- 1.4. As an expression of the Philippine Government’s commitment to pursue sustainable development, the Philippine Agenda 21, the nation’s blueprint for sustainable development, includes Ecological Soundness as one of its principles. It also includes specific activities and programs involving Coastal and Marine Ecosystem; and
- 1.5. Section 16 of Republic Act (R.A.) No. 7160, otherwise known as The Local Government Code of 1991 states that every Local Government Unit (LGU) shall exercise the powers expressly granted for its efficient and effective governance, and those which are essential to the promotion of the general welfare, and that LGUs shall support the preservation and enrichment of culture, and enhance the right of the people to a balanced ecology.

### **2.0 Purpose**

The purpose of this policy is to ensure that LGUs play an active role, and hold them accountable to their action/inaction towards the monitoring and regulation of fishery activities in municipal waters as part of their territorial jurisdictions. This policy issuance shall serve as a reminder to LGUs to exercise their powers in ensuring that the law is strictly enforced, followed and implemented. This policy issuance intends to enjoin LGUs to undertake the responsibility of improving the management of water resources.

These guidelines are hereby issued in accordance with Republic Act No. 8550 otherwise known as the “Philippine Fisheries Code of 1998” as amended by R.A. No. 10654, and other related laws and policies.

### **3.0 Legal Compliance**

- 3.1. **Section 149 of Republic Act No. 7160** states that the municipalities shall have the exclusive authority to grant fishery privileges in municipal waters and impose rentals, fees, or charges thereof;
- 3.2. **Section 16 of Republic Act No. 8550 as amended by R.A. No. 10654** states that “The municipal/city government shall have jurisdiction over municipal waters as defined in this Code. The municipal/city government, in consultation with the Fisheries and Aquatic



Resources Management Councils (FARMCs) shall be responsible for the management, conservation, development, protection, utilization, and disposition of all fish and fishery/aquatic resources within their respective municipal waters”; and “The LGUs shall have authority over municipal waters to enforce all fishery laws, rules and regulations, and valid fisheries ordinances enacted by the city/municipality council.”

- 3.3. **Section 20 of Republic Act No. 9275**, otherwise known as the Philippine Clean Water Act of 2004 states that the LGUs shall share responsibility in the management and improvement of water quality within their territorial jurisdictions.

#### 4.0 Scope/ Coverage

All concerned City/Municipal Mayors, and Punong Barangays are required to observe the policies and guidelines on the monitoring, and regulation of fishery activities in municipal waters, and the DILG Regional Directors to ensure that LGUs within their respective areas of jurisdiction comply with the policies and guidelines set forth in this Memorandum Circular.

#### 5.0 Definition of Terms

For purposes of this Memorandum Circular, the following terms shall be defined as:

1. *Commercial Fishing* – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
  - a. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
  - b. Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
  - c. Large scale commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT;
2. *FARMCs* – the Fisheries and Aquatic Resources Management Councils;
3. *Fish and Fishery/Aquatic Products* – include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form;
4. *Fish Cage* – refers to an enclosure, either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface covered and held in a place by wooden/bamboo posts or various types of anchors and floats;
5. *Fish Pen* – an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen, or nylon netting to prevent escape of fish;
6. *Fish Pond* – a land-based facility enclosed with earthen or stone material to impound water for growing fish;
7. *Fisherfolk*– people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources;
8. *Fisherfolk Cooperative* – 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;
9. *Fisherfolk Organizations* – an organized group, association, federation, alliance or an 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;
10. *Fisheries Structures* - All forms of water and land-based fisheries structures, stationary or movable, including but not limited to, fish cages, fish pens, fishponds, fish corrals, and fish shelters which may obstruct the free navigational passage of any water craft along defined waterways or impede the flow of tide to and from the area;



11. *Fishery Operator*– one who owns and provides the means including land, labor, capital, fishing gears, and vessels, but does not personally, engage in fishery;
12. *Fishing Gear* – refers to any instrument or device and its accessories utilized in taking fish and other fishery species.
  - (a) *Active Fishing Gear* – is a fishing device characterized by the pursuit of the target species by towing, pushing the gears, surrounding, covering, dredging, and scaring the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, *paaling* and drift gill net
  - (b) *Passive Fishing Gear* – is characterized by the absence of pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets set across the path of the fish;
13. *Fishing Vessel*– any boat, ship or other watercraft equipped to be used for taking of fishery species or 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;
14. *Fishing Vessel/Gear License* – refers to a permit to operate specific types of fishing vessel/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources;
15. *Harvest Control Rules* – refers to actions or set of actions to be taken to achieve a medium or long term target reference point while avoiding reaching or breaching a limit reference point;
16. *Monitoring, Control, and Surveillance* –
  - a) *Monitoring* – the requirement of continuously observing: (1) fishing effort which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fisherfolk; (2) characteristics of fishery resources; and (3) resource yields (catch);
  - b) *Control*– the regulatory conditions (legal framework) under which the exploitation, utilization and disposition of the resources may be conducted; and
  - c) *Surveillance* – the degree and types of observations required to maintain compliance with regulations;
17. *Municipal fisherfolk*– persons who are directly or indirectly engaged in municipal fishing and other related fishing activities;
18. *Municipal fishing*– refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels;
19. *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) kilometres from such coastline. Where two (2) municipalities are so suited on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities;
20. *Post-harvest Facilities*– these facilities include, but are not limited to, fishport, fishlanding, ice plants and cold storages, fish processing plants;
21. *Reference Points* – means benchmark values often based on indicators such as fishery stock size or the level of fishing that serves as standard to compare estimates of a fishery stock size and fishing mortality over time depending on the biological characteristics of the species. Reference points can mark: (a) a limit or a level that should be avoided; (b) a target, which should be achieved and maintained; or (c) a trigger that signals the need to take prescribed actions;
22. *Vessel Monitoring Measure* –means a method or a system used to track and monitor the position, course and speed of the vessels at any given time for the purpose of management of fishing effort and fisheries resources and for traceability;



23. *Vessel Monitoring System* –refers to a satellite-based system used to track and monitor the position, course and speed of the vessels at any given time for the purpose of management of fishing effort and fisheries resources and for traceability; and
24. *Water Quality* - means the characteristics of water, which define its use in characteristics by terms of physical, chemical, biological, bacteriological or radiological characteristics by which the acceptability of water is evaluated.

## **6.0 Policy Content and Guidelines**

### **6.1. ON THE ESTABLISHMENT OF MUNICIPAL/CITY FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL (M/CFARMCs)**

- 6.1.1. Pursuant to Executive Order No. 240, Series of 1995, there is hereby created FARMCs in all barangays, municipalities, and cities abutting municipal waters. In bays, gulfs, lakes, rivers, and dams bounded by two or more barangays or municipalities/cities, Integrated FARMCs shall be created. In cases where M/C FARMC is yet to be established, the concerned LGUs shall provide full support and assistance to fisherfolk organizations/cooperatives and NGOs in its formation;
- 6.1.2. For further institutionalization and development of local FARMCs, all LGUs shall encourage, assist, and monitor the formation of Barangay FARMCs in aiding the regulation of fishery activities in areas within their jurisdiction;
- 6.1.3. Pursuant to Section 75 of R.A. No. 8550 as amended, the regular members of the M/CFARMCs shall be composed of the following:
  - a) Municipal/ City Planning Development Officer;
  - b) Chairperson, Agriculture/Fishery Committee of the Sangguniang Bayan/Panlungsod;
  - c) A representative of the Municipal/City Development Council;
  - d) A representative from the accredited non-government organization;
  - e) A representative from the private sector;
  - f) A representative from the Department of Agriculture; and
  - g) At least eleven (11) fisherfolk representatives (seven (7) municipal fisherfolk, one (1) fishworker and three (3) commercial fishers) in each municipality/city which include a representative from the youth and women sector,

where LGU shall ensure the presence of the Municipal/City Planning Development Officer, Chairperson of Agriculture/Fishery Committee of the LGU, and a representative of the Municipal/City Development Council as regular members, and shall ensure the membership and active involvement of all members of the council in meetings and activities;

- 6.1.4. All LGUs should ensure that M/C FARMCs exercise their responsibilities in providing assistance on the following: a) preparation of Municipal Fishery Development Plan, b) enactment of municipal/city ordinances through recommendation from its Committee on Fisheries, c) enforcement of fishery laws, rules, and regulations in municipal waters, and d) perform such other functions stated in the act, and as assigned by the Sangguniang Bayan/Panlungsod; and
- 6.1.5. Pursuant to DILG Memorandum Circular (MC) No. 2010-131, all concerned LGUs, shall ensure the protection of small fisherfolks, fisheries and aquatic resources in municipal waters through the creation of M/C FARMCs, and ensuring small fisherfolks' rights for preferential use of resources.

### **6.2. ON ENACTING OF MUNICIPAL FISHERIES ORDINANCE**

- 6.2.1. The municipal/city government shall, in consultation with the FARMCs and stakeholders, enact a basic Municipal Fisheries Ordinance (MFO), that at the minimum shall include provisions on the following:



- a. Delineation of boundaries of municipal waters;
- b. Rules and regulations on licensing and permits for fishery activities, including the number of licenses and permits that may be issued in accordance with Harvest Control Rules (HCR), and Reference Points that may be adopted for the municipal waters;
- c. Authorizing fisherfolk with boats that weigh less than three (3) gross tons within the fifteen (15) kilometer area to fish in municipal waters, pursuant to Section 149 of the R.A. No. 7160;
- d. Regulation on the entry of small and medium commercial fishing vessels authorized to enter the 10.1-15 kilometer municipal waters, provided that the following guidelines and specifications stipulated in R.A. No. 8550 as amended have been complied:
  - a. City/municipality, with the assistance of the National Mapping and Resource Information Authority (NAMRIA) to established boundaries of allowable areas for commercial fishing; and
  - b. Present through a public hearing a map showing areas where small and medium commercial fishing vessels may be allowed to operate, the type of fishing vessels and gears allowed, and the draft municipal ordinance permitting such operations;
- e. Penal Provisions on non-compliance with Vessel Monitoring Measures (VMM) Transiting Municipal Waters and Docking in Municipal Ports. For purposes of monitoring commercial fishing vessels within municipal waters, all commercial fishing vessels transiting within municipal waters are required to install a VMM device on their fishing vessel within a period from the effectivity of the Ordinance. All commercial fishing vessels which dock on public or private ports within the jurisdiction of the province are also required to install a VMM device on their fishing vessels; and

6.2.2. All cities and municipalities are enjoined to enact, and /or update existing municipal/city fisheries ordinance localizing the features of The Philippine Fisheries Code of 1998, as amended by Republic Act No. 10654.

### **6.3. ON REGISTRATION AND ISSUANCE OF LICENSE AND PERMITS**

#### For Municipal Fisherfolk

- 6.3.1. LGUs shall undertake the maintenance of a registry of municipal fisherfolk, and a list of accredited fisherfolk organizations/cooperatives and NGOs, where such lists should be updated annually, and shall be open to public inspection for purposes of validation of correctness;
- 6.3.2. The City/Municipal Agriculture Officer of LGUs shall support and supervise the implementation of the National Program for Municipal Fisherfolk Registration or FishR, as provided by Section 19 of R.A. No. 8550 as amended; and
- 6.3.3. All LGUs shall undertake the issuance of licenses and permits for fisheries activities to registered municipal fisherfolk, where rules, regulations, processes, including license fees, shall be institutionalized through the enactment of an ordinance.

#### For Municipal Fishing Vessels and Gears

- 6.3.4. Pursuant to Executive Order No. 305, series of 2004, LGUs shall undertake maintenance of registration of municipal fishing vessels three (3) gross tonnage and below, and shall furnish Department of Agriculture- Bureau of Fisheries and Aquatic Resources (DA-BFAR) and Maritime Industry Authority (MARINA) the list of registered and licensed municipal fishing vessels;



6.3.5. LGUs shall maintain a registry of municipal fishing gears owned by registered municipal fisherfolk; and

6.3.6. LGUs shall undertake the issuance of license of fishing vessels and gears owned by registered municipal fisherfolk and, in consultation with M/C FARMCs, shall prescribe the rules, regulations, processes and procedures, including license fees, formalized through enactment of an ordinance.

#### For Fishery Operators

6.3.7. All LGUs shall establish and designate zones where fish pens, fish cages, fish traps, and other fishery products may operate, provided that not over ten percent (10%) of the suitable water surface area of all lakes and rivers shall be allotted for aquaculture purposes;

6.3.8. Pursuant to Section 51 of R.A. No. 8550, the city/municipal government claiming jurisdiction over the area shall undertake the responsibility on the issuance of license or permits to fish cages, and fish pens operators;

6.3.9. All LGUs shall prescribe minimum standards for fish hatcheries, fish breeding facilities, and private fishponds, and shall undertake the registration of such facilities. LGUs shall monitor the submission of annual report which includes type of species and volume of production; and

6.3.10. All LGUs shall maintain records and status of all fish cages, fish pens, and fish ponds pursuant to the implementation of Department of Agriculture- Fisheries Administrative Order (DA-FAO) No. 160 Series of 1986, and Section 57 of R.A. No. 8550.

#### For Auxiliary Invoices

6.3.11. All cities/municipalities shall issue auxiliary invoices prior to the transport of all fish and fishery products, and shall provide a monthly summary thereof to the DA-BFAR Provincial Fisheries Office.

#### For Post-Harvest Facilities

6.3.12. All LGUs shall coordinate with the private sector, concerned agencies, and FARMCs in the establishment of post-harvest facilities for fish landing sites, fish ports, ice plants, cold storage, and other fish processing establishments to serve primarily the needs of municipal fisherfolk; and

6.3.13. All cities/municipalities shall undertake the registration and licensing of post-harvest facilities, and shall prescribe its minimum standards. For the issuance and processing of business permits and licenses, LGUs may refer to DILG-DICT-DTI Joint Memorandum Circular No. 1 series of 2016 Revised Standards in Processing Business Permits and Licenses in All Cities and Municipalities.

### **6.4. ON THE MONITORING OF WATER QUALITY AND MARINE RESOURCES**

6.4.1. Pursuant to Executive Order No. 533, all cities/municipalities shall develop their Integrated Coastal Management (ICM) Plans in line with the National ICM Programme to be developed by the Department of Environment and Natural Resources (DENR);

6.4.2. All LGUs shall support the institutionalization of a catch documentation and traceability system through close monitoring of the fish catch of registered fisherfolk, impose penalties for violators thereof. LGUs shall support initiatives by



DA-BFAR, and undertake responsibilities in the implementation as prescribed in the guidelines to be issued;

- 6.4.3. All LGUs, in coordination with FARMCs and BFAR, shall monitor the status of municipal waters and its potential threat to overfishing based on available data. Further, LGUs shall regulate the fishery activities within their respective jurisdiction;
- 6.4.4. All LGUs are to ensure that no municipal fishing vessel shall engage in fishing activity without complying with the vessel monitoring measures promulgated by DA-BFAR, through the implementation of the Vessel Monitoring System as a Monitoring, Control, and Surveillance Tool;
- 6.4.5. All LGUs, in coordination with FARMCs and BFAR, shall monitor status of municipal waters and its potential threat to overfishing. Provided that when municipal water is described as overfished based on available data, LGUs shall prohibit or limit fishery activities in the said waters;
- 6.4.6. Pursuant to Section 51 of R.A. No. 8550, LGUs, in consultation with FARMCs, shall establish zones for the construction of aquaculture farms, and shall ensure that allotted area shall not exceed ten percent (10%) of the suitable water surface area. Further, to prevent water degradation, LGUs shall determine the maximum allowable number of aquaculture farms within the allotted surface area, and strictly monitor to monitor that constructed aquaculture farms shall not overreach its maximum number;
- 6.4.7. All LGUs, in partnership with concerned national government agencies, are encouraged to provide capacity development to aquaculture operators on feeds management, and rehabilitate undeveloped/unutilized fishponds to its original mangrove state.

## 6.5. REGULATION OF PROHIBITED FISHERY ACTIVITIES

6.5.1. All cities and municipalities shall ensure that no person shall engage in the following acts:

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| a) Unauthorized Fishing;   | n) Fishing or Taking of Rare, Threatened, or Endangered Species;                                |
| b) Unauthorized Fisheries Activities;  | o) Capture of sabalo and other breeders/spawners, eggs, or fry;                                 |
| c) Unreported Fishing;   | p) Importation or exportation of (not allowed) fish or fishery species;                         |
| d) Unregulated Fishing   | q) Violation of Harvest Control Rules;  |
| e) Fishing through explosives, noxious, poisonous substance or electricity;                      | r) Aquatic pollution;   |
| f) Use of fine mesh net;   | s) Falsifying, concealing, or tampering with vessel marking, identity or registration;          |
| g) Fishing in overexploited fishery management areas;  | t) Concealing, tampering, or disposing of evidence relating to an investigation of a violation; |
| h) Use of active gears in municipal waters and fishery management areas;                         | u) Gathering and marketing of not allowed shell fishes or other aquatic species;                |
| i) Coral exploitation and exportation;   | v) Obstruction to navigation or flow or ebb of tide in any stream, river, lake and bays;        |
| j) Muro-ami and other methods and gears that are destructive to coral reefs and marine habitats; |   |
| k) Illegal use of super lights and other fishing light attractors;                               |   |
| l) Fishing during closed season;   |   |



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| m) Fishing in Marine Protected Areas Fishery Refuge, Fishery Reserves and Sanctuaries; | w) Non-compliance with vessel monitoring measures; and<br>x) Other violations |
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6.5.2. LGUs shall ensure that new fishing gears introduced for the usage of municipal fisherfolk are supported by appropriate government agencies such as, but not limited to, Department of Science and Technology (DOST), Department of Health (DOH), through the issuance of necessary permits and certifications; and

6.5.3. LGUs, together with concerned government agencies, shall enact the necessary ordinances for the regulation and banning of illegal fishery activities in municipal waters, and shall strictly impose appropriate penalties to violators, as stated in the Act.

## **7.0 Penal Provision**

Any violation of the statutes stated herein, as well as any provisions of this Memorandum Circular, shall be subjected to administrative, civil, and/or criminal liability in accordance with R.A. No. 8550 as amended by R.A. No. 10654 and all other existing laws and regulations.

## **8.0 References**

- 8.1. The 1987 Constitution of the Republic of the Philippines
- 8.2. Republic Act No. 7160, also known as The Local Government Code of 1991
- 8.3. Republic Act No. 8850, otherwise known as The Philippine Fisheries Code of 1998, as amended by R.A. No. 10654;
- 8.4. Republic Act No. 9275, also known as the Philippine Clean Water Act of 2004;
- 8.5. Presidential Decree No. 704 May 16, 1974 Revising and Consolidating all Laws and Decrees Affecting Fishing and Fisheries;
- 8.6. Presidential Decree No. 1067 A Decree Instituting a Water Code, thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation, and Protection of Water Resources;
- 8.7. Executive Order No. 240 Series of 1995 Creating Fisheries and Aquatic Resource Management Councils (FARMCs) in Barangays, Cities, and Municipalities, their Composition and Functions;
- 8.8. Executive Order No. 305, series of 2004 Devolving to Municipal and City Governments the Registration of Fishing Vessels Three (3) Gross Tonnage Below;
- 8.9. Executive Order No. 533 Series Of 2006 Adopting Integrated Coastal Management As A National Strategy To Ensure The Sustainable Development Of The Country's Coastal And Marine Environment And Resources And Establishing Supporting Mechanisms For Its Implementation;
- 8.10. Philippine Development Plan 2017-2022;
- 8.11. The Philippine Agenda 21;
- 8.12. Department of Agriculture Fisheries Administrative Order No. 160 Series of 1986 Rules and Regulations Governing the Construction, Establishment, or Operation of Fish Pens and Fish Cages in Philippine Waters;
- 8.13. Department of Agriculture Administrative Order No. 10 Series of 2015: The Implementing Rules and Regulations of Republic Act No. 8550 as Amended by Republic Act No. 10654;
- 8.14. Department of Agriculture Fisheries Administrative Order No. 196 Series of 2000: Guidelines on the Creation and Implementation of Fisheries and Aquatic Resources Management Council (FARMCs);
- 8.15. DILG Memorandum Circular No. 2010-131 Protection of Small Fisherfolks, and Fisheries and Aquatic Resources of the Municipal Waters; and
- 8.16. DILG-DICT-DTI Joint Memorandum Circular No. 1 series of 2016 Revised Standards in Processing Business Permits and Licenses in All Cities and Municipalities.




**9.0 Repealing Clause**

All DILG Memorandum Circulars inconsistent herewith in part or in full, are hereby modified, revoked, or repealed accordingly.

**10.0 Effectivity**

This Memorandum Circular shall take effect immediately.

**11.0 Approving Authority**

  
**EDUARDO M. AÑO**  
OIC-Secretary



**12.0 Feedback**

For related queries, kindly contact the Bureau of Local Government Supervision at Tel Nos. (02) 876-3454 local 4210 or 4211, or at email address at [blgspcmd@gmail.com](mailto:blgspcmd@gmail.com).