

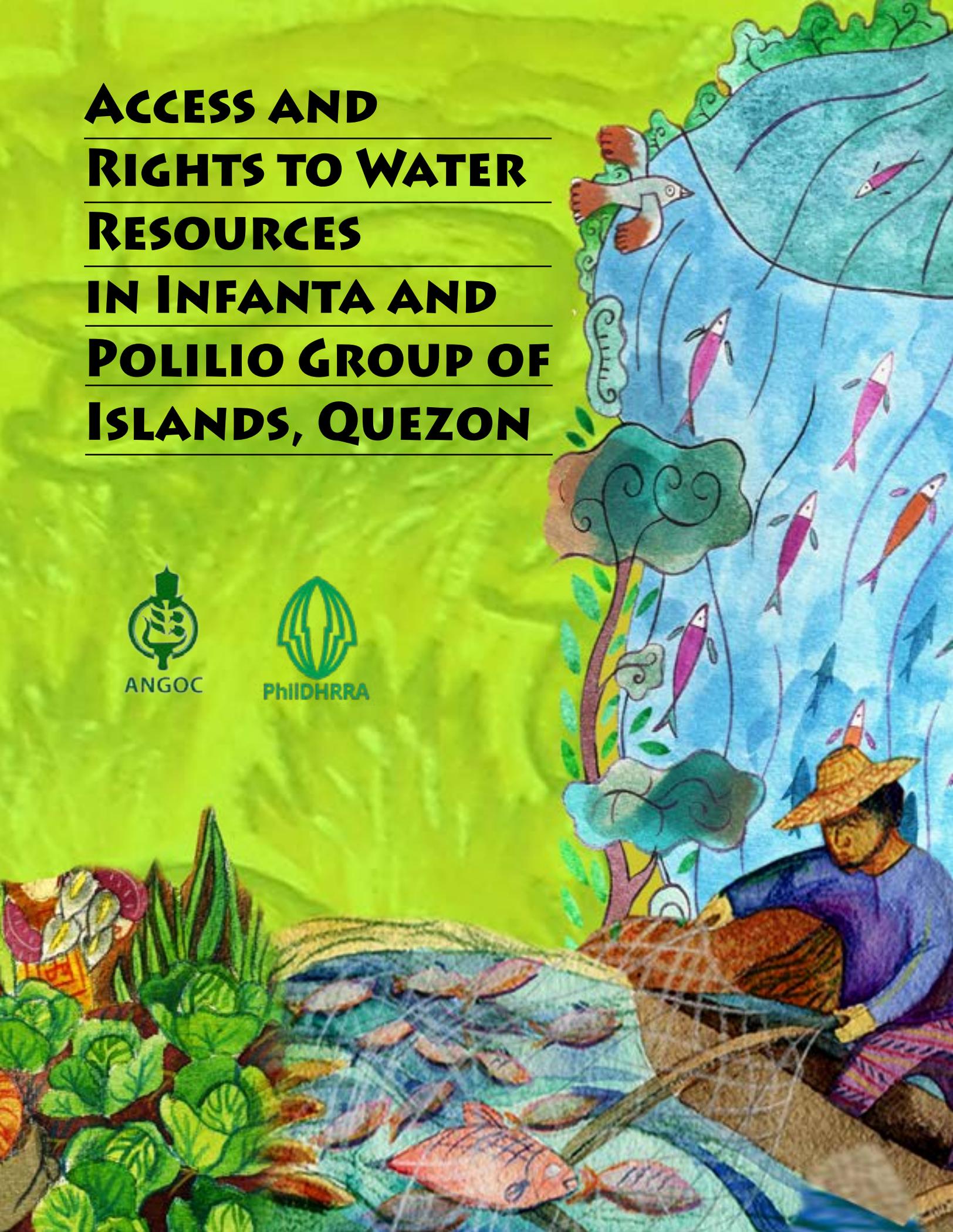
ACCESS AND RIGHTS TO WATER RESOURCES IN INFANTA AND POLILIO GROUP OF ISLANDS, QUEZON



ANGOC



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Founded in 1979, ANGOC is a regional association of national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance, and rural development. ANGOC network members and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

ANGOC is the convener of the Land Watch Asia (LWA) campaign. ANGOC is also a member of the International Land Coalition (ILC) and the Global Land Tool Network (GLTN).

The Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA) is a network of 65 non-government organizations involved in various development activities in rural communities all over the country.

PhilDHRRA seeks to build the capacity of its members to become relevant and self-reliant in order to address agrarian reform and rural development in the countryside, and thereby contribute to national transformation. In undertaking this mission, PhilDHRRA is guided by the principles of social justice, active non-violence, participation, social equity, gender equality, environmental sustainability, cultural sensitivity, national sovereignty and peace.

ACCESS AND RIGHTS TO WATER RESOURCES IN INFANTA AND POLILIO GROUP OF ISLANDS, QUEZON^{1,2}

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Disclaimer:

The views presented in this document do not necessarily reflect those of FAO.

Acronyms

ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ASFIL	Association of Fishers in Libjo
BFAR	Bureau of Fisheries and Aquatic Resources
BFARMA	Binulasan Fisheries and Aquatic Resource Management Association Inc.
BSWM	Bureau of Soils and Water Management
CBFMA	Community Based Management Agreement
CSO	civil society organization
DA	Department of Agriculture
DBP	Development Bank of the Philippines
DENR	Department of Environment and Natural Resources
DENR-ERDB	Department of Environment and Natural Resources - Ecosystems Research and Development Bureau
EEZ	exclusive economic zone
FAO	Food and Agriculture Organization of the United Nations
FLA	Fishpond Lease Agreement
ICDAI	Integrated Community Development Assistance Inc.
LGU	local government units
NIPAS	National Integrated Protected Areas
NLA	national line agency
PhilDHRRA	Philippine Partnership for the Development of Human Resources in Rural Areas
RA	Republic Act
ReINa	Real, Infanta, General Nakar
VGSSF	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries

OVERVIEW OF THE STUDY

VGSSF Framework and its status in the Philippines

The fisheries sector, more specifically small-scale fisheries, is the most neglected contributor to the enhancement of food security and poverty reduction. However, the lack of support and development causes the non-realization on these potentials.

As a step forward towards the fruition of these potentials, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) was developed. The VGSSF is a complement to the 1995 FAO Code of Conduct for Responsible Fisheries (the Code), and as well as to provide guidance with respect to the small-scale fisheries in support to the overall principles and provisions of the Code.

The Guidelines was a product of an extensive bottom-up participative and consultative process at global, regional and national levels, which involved grassroots representation from small-scale fishing communities, Civil Society Organizations (CSOs), governments, and other stakeholders from more than 4,000 individuals from 120 countries.

Through this consultative process, an instrument in providing guidance on addressing the issues on small-scale fisheries was identified. The VGSSF put a premium on the importance of responsible fisheries through the responsible governance of tenure, resource management, social development, gender equality, and climate change adaptation measures. The Guidelines also acknowledge the need for policy coherence, coordination and collaboration within institutions involved in small-scale fisheries.

The VGSSF are dedicated in ensuring that small-scale fisher folks will no longer be disenfranchised but will now be a sector that plays an important role in food security and poverty reduction.

However, in the case of the Philippines, the fisheries sector is still behind in terms of social and economic development. Despite the reduction of the poverty in the fisheries sector from 49 percent to 34 percent⁴, issues on declining fish catch, degradation of marine and coastal resources, tenurial conflicts, fisherfolk settlement still mar it.

In spite of these, efforts in providing assistance and support to small-scale fisher folks have been apparent for the past years. The Bureau of Fisheries and Aquatic Resources (BFAR), the lead government agency mandated for the development, improvement and management of the country's aquatic resources, alongside the various institutions and CSO, have made great strides towards the improvement of the socio-economic conditions of the country's fisher folks.

*Policies, laws and mechanisms on the Fishery Sector*⁵

Currently, there are laws in place governing the Fisheries Sector:

1) Republic Act 8550 (The Philippine Fisheries Code of 1998)

The Philippine Fisheries Code of 1998 serves as the national law on fisheries that focuses in the development, management and conservation of the fisheries and aquatic resources. This law also aims to protect the rights of the fisherfolk with high priority to municipal fisherfolk as well as to manage fishery and aquatic resources through the concept of integrated coastal area management, supported by research and technical services from the government.

The Fisheries Code mandates that it be enforced in:

- (a) all Philippine waters including other waters over which the Philippines has sovereignty and jurisdiction, and the country's 200-nautical mile exclusive economic zone (EEZ) and continental shelf;
- (b) all aquatic and fishery resources whether inland, coastal or offshore fishing areas, including but not limited to fishponds, fishpens/cages; and,
- (c) all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public lands.

Furthermore, it aims to alleviate poverty through the provision of supplementary livelihood among fisherfolks, upgrading post-harvest technology, and responsible, sustained management of aquatic resources.

2) Republic Act 10654 (The Philippine Fisheries Code of 1998, and its Amendments)

R.A. 10654, known as "An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Amending Republic Act No. 8550, otherwise known as the "The Philippine Fisheries Code of 1998", and for other purposes," imposes stricter penalties on unregulated fishing and commercial fishing violators and poachers.

3) Republic Act 7160 (The Local Government Code of 1991)

The Local Government Code declares the territorial and political subdivisions of the State. In turn, it gives power and responsibilities to the local government units (LGUs) to be self-reliant and continue to exercise the powers and duties discharge upon them. They also have the responsibility to provide efficient and effective provisions of basic services and facilities.

In the case of municipal waters, RA 7160 defines the scope of management and the authority of LGUs to collect and charge fees in line with fishery rentals and privileges.

4) Republic Act 7686 (National Integrated Protected Areas of 1992)

The National Integrated Protected Areas (NIPAS) of 1992 is a national law that aims to establish and categorize the protected areas. These protected areas have ecological impact that requires preservation and conservation. Identified areas have been recognized as habitat of rare and endangered species of plants and animals.

Objective and scope of case

This case study aims to locally contextualize the issues identified in the *Scoping Paper on VGSSF and Philippine Policies and Laws on Fisheries*, and offer local-level recommendations to the issues. The study shall highlight the experiences of the fishing communities in Infanta and Polilio Group of Islands of Quezon Province in relation to tenurial conflicts, resource management, gender, climate change adaptation, and disaster risk reduction management.

The stories of Infanta and Polilio Group of Islands depict the struggle of fishing communities in defending their fishing rights as they encountered setting of illegal fish pens by private individuals. This case study will also highlight the power of collective action and how it became a tool in asserting their rights towards the responsible governance of their areas.

As the communities gained victory, they are now managing the fishing resource area and face challenges in developing their resources in a sustainable manner.

AREA AND FOCUS OF THE STUDY

Brief description and history of cases

Infanta

Considered as the oldest municipality in the Province of Quezon, Infanta is located 144 kilometers northeast of Manila and 136 kilometers north of Lucena. Bounded on the north by General Nakar, on the east and southeast by Polilio Strait and Lamon Bay, on the south by Real and on the west by the provinces of Rizal and Laguna. Infanta is a town cradled by coast of the Pacific Ocean and the mountains of Sierra Madre (Municipal Office of Infanta, 2014).

Its climate is classified as Type II or characterized by a no dry season and with a pronounced maximum rain period from November to January (PAGASA⁶, 2011).

Infanta's total land area of 34,276 hectares houses 64,866 individuals (Infanta Municipal Monitoring Information System, 2010). Out of its 36 barangays, Dinahican is the most populated, a predominantly coastal barangay with a population of 8,502 individuals or



2,000 families. Whilst, Barangay Tudturan is the least populated with only 445 individuals or 104 families. The residents of Infanta are mostly farmers and fisherfolks, the municipality is considered as the food basket and rice granary of Northern Quezon as well as the net exporter of fish and seafood products to neighboring provinces and Metro Manila.

Infanta's Ecological Profile (prepared by the Hayuma Foundation for ICDAI and COPE Foundation) indicates the vast coastal resources of the municipality. According to the study conducted by Hayuma Foundation, coral reefs and patches was found west of Dinahican Pier. Seagrass communities are also present along the coastline of Infanta, wherein four species of seagrass were identified.

The abundance of such marine resources is also coupled by the multitude of fish species found in Infanta's coastal areas. A total of 46 fish species which belong to 18 families were classified. *Caesio xanthonata* commonly known as "dalagang bukid" and *Pomacentrus lepidogenys* were found to be the most abundant. It is also interesting to note that the most abundant fish species observed are indicator species (37.6 percent), the proliferation of these species are attributed to healthy coral reefs.

In addition to these coastal resources, Infanta is also home to 22 mangrove species belonging to nine families.

Given the rich marine and coastal biodiversity of Infanta, laws and programs, specifically for fisheries were put into place. Infanta, strictly adheres to RA 8550 (Philippine Fisheries Code of 1998 and its Amendments [RA 10654]), RA 7586 (National Integrated Protected Areas System Act of 1992), RA 8435 (Agriculture and Fisheries Modernization Act of 1997), among others. These laws govern Infanta's coastal resources, its tenurial status and its responsible management.

However, observance to the ruling laws of the land was once challenged by powerful individuals. This can be perfectly illustrated in the experiences of the islands of Infanta and Polilio in Quezon Province.

Perhaps, one of the most celebrated cases depicting the fight for responsible governance of tenure in the Province Quezon is the case of the Municipality and Residents of Infanta, Quezon versus Macario Asistio, Jr.

On 14 September 2000, the Municipality and Residents of Infanta (Protestant) filed a protest against the Fishpond Lease Agreement (FLA) application of Macario Asistio, Jr. (Protestee) over the 15.55694 hectares situated in Barangay Binulasan. The complaint was filed under BFAR.

The area in contention was originally duly certified for fishpond development on 9 December 1957 by then Director of Forestry Ramon Tuazon. He further requested the Director of Fisheries to submit a resolution to the Town Council. After which, the municipality posed no objection to the conversion of the area.

On 16 June 1958, an Ordinary Fishpond Permit No. F-4401-N was issued to Tuazon. This was eventually converted into a 10-year Fishpond Lease Agreement (FLA) No. 1107 on 3 February 1959 and set to expire on 28 February 1969. Upon being awarded the FLA, Tuazon assigned the leasehold rights over FLA No. 1107 to the Development Bank of the Philippines (DBP) for a security of loan.

However, due to the Tuazon's non-payment, DBP sold its leasehold rights to Ciriaco A. Reyes on 5 April 1960. Ciriaco was able to obtain a 25-year FLA No. 4460 on 5 December 1985 with validity until 31 December 2009.

On 19 July 2000, FLA No. 4460 was cancelled due to the abandonment of the area by Ciriaco Reyes. This was evident due to the full vegetation of second-growth mangroves in the fishpond. Furthermore, it was reported that Reyes failed to pay rentals and surcharges since 1992. Reyes also recommended that the interest over the area be transferred in favor of Macario Asistio, Jr. who applied for a new FLA for the area on 30 August 2000.

Protestant cited that the Protestee violated the following legal provisions:

- Ministry of Natural Resources Memorandum Order No. 0030 and 0030 B series 1980, terminating the release of lands of public domain for fishpond purposes and banning the processing and issuance of FLA over areas in the Municipality of Infanta. This was issued by then Minister Jose Leido, Jr.;
- RA 8550 of 1998, Section 94 which states "*it shall be unlawful for any person to convert mangroves into fishponds or for any other purposes*" and Section 49 stating "*all abandoned, undeveloped or underutilized old fishponds covered by FLAs not fully producing within five years from the date of approval of the lease shall automatically revert to public domain for reforestation;*"
- Presidential Decree, Section 68 prohibiting the cutting of timber without permit;
- Department of Environment and Natural Resources (DENR) Administrative Order No. 21, Series 1992, Proclamation 2146, and Presidential Decree 1586 which necessitate the conduct of an environmental impact assessment for environmentally critical areas such as mangrove areas;
- DENR Memorandum Order No. 9817 issued on 3 November 1998 by then Secretary Antonio Cerilles, that prohibits the zonification of mangrove areas for fishpond development and releasing mangrove forestlands previously zonified as such; and,
- Batas Pambansa No. 8 of the Municipality of Infanta issued on 16 November 1998 preserving the remaining mangrove areas in Infanta that are not previously cultivated or developed for fishpond for the benefits of the residents of Infanta.

As a counter argument, Asistio claims that the area in contention can no longer be considered as a mangrove area, since it has been already converted into a fishpond on 1985. He also denied the accusation of cutting the fully vegetated mangroves in the area.

On 6 November 2000, the Protestants maintained that despite the FLA being a legal instrument, the area still remains as a mangrove area. In addition, the FLA issuance dated in 1985 can still be converted back to mangrove area under an order by the then Ministry of Natural Resources that took effect on 27 March 1980. The order puts a ban on the processing of FLAs in areas of Infanta.

DENR also filed an illegal logging case against Asistio for cutting mangroves beginning 10 July until 16 August 2000.

Furthermore, it was resolved through a joint determination by the Department of Agriculture (DA), DENR and the local government unit (LGU) that the abandoned fishpond can indeed be reverted back to a mangrove area as provided in Section 49 of RA 8550 and DA-DENR Joint Memorandum Order No. 3 series of 1991.

On 28 December 2000, an ocular inspection composed of personnel from DENR, BFAR and the LGU of Infanta was conducted. During the process, it was discovered that the 15 hectares of mangrove areas in question were already cleared out to introduce “improvements” such as perimeter dikes, a concrete gate, two caretaker houses, nursery pond, transition pond, and a rearing. In addition, the area was already stocked with 500,000 milkfish fry.

It is also worthy to note that in the ocular report filed on 26 December 2000 by Dr. Honorato Palis, Chief of the Mangrove and Estuarine Research Section of DENR’s Ecosystems Research and Development Bureau (DENR-ERDB), he stated that a second growth mangrove forest predominantly by the specie, *Avicennia officinalis*, was cut down.

After thorough study and deliberation, it was ascertained that the entirety of the 15.55694 hectares can still and should be reverted to its original mangrove state. Also, the area in contention is still under the jurisdiction of BFAR.⁷

Finally, no rights and no privileges have been given to the Asistio since his application has not yet been approved.

Polillo Island

A third class municipality situated 30 kilometers of the northeastern coast of Quezon Province, Polillo Island is the largest out of the 27 islands and islets that comprise the Polillo Group of Islands (PoGI). It is surrounded by the municipality of Panukulan in the north and Bordeos in the east. The municipality of Polillo is also bounded by Lamón Bay in the south, east and west (David, et. al., 2001).

Its weather can be describes as having very little to no dry season. Its pronounced maximum period lasts from the months of November to January. While the southeast monsoon season starts from May to September and the northeast monsoon from October to April.

With a total land area of 28,800 hectares, it houses 28,470 individuals in its 20 barangays. The population mainly relies on agriculture and fishing as its main economic activity.

Seventy percent of Polillo farmers also fish in order to augment their daily needs.

Polillo's forest lands are classified as lowland dipterocarp and is comprised of beach forests and mangrove forests.

As stated, Polillo is nestled by a vast body of water and is highly dependent on its natural resources for livelihood. Thus, there is a need to preserve their resources. Various CSOs such as the Institute of Social Order (ISO) and Philippines Biodiversity Foundation (PBF) have been active in promoting the conservation and enhancement of mangroves and other aquatic resources in the municipality of Polillo (David, et. al., 2001). They have been successful in implementing a Community-Based Coastal Resource Management (CBRM) Program specifically in Hook Bay.

However, the increase in the population via migration from neighboring areas in the municipality creates a threat on the natural resources of the municipality, specifically the mangrove forests.

This is apparent in the one of the barangays located in the coast line of Polillo. Individuals from nearby towns such as Panukulan, Real, and General Nakar established illegal settlements within the mangrove areas. This directly resulted to the destruction of mangroves and natural tributaries in the vicinity.

As of July 2017, there are now more than 20 families squatting in the area. Some households have also put up their piggeries and chicken coops.

Household and livestock wastes directly flows to the coastal area, making it unsanitary and hazardous.

Mr. Justino Dacillo, an active member of the Association of Fishers in Libjo (ASFIL) and a former community organizer of the ISO shared that the illegal settlements and piggeries have caused flooding in the nearby farmlands. Continued flooding will be detrimental for the livelihood of the majority of the population.

The members of ASFIL and various individuals have reported this to their local government unit (LGU). However, the LGU is seemingly turning a blind eye on this issue. No action was done to address this growing problem.

ISSUES AND ANALYSIS

Infanta's Comprehensive Land Use Plan was clear in indicating the appropriate land use for each respective area of their territory. It is sub-divided into:

I. Protected Areas

- a. NIPAS Protected Areas
- b. Non-NIPAS Protected Areas

II. Production Areas

As per Infanta's Policies on Protected Areas, these are areas that comprise the resources considered as essential life support system. Protected areas are protected from the pressure of human pressure in degrees of intensity. Other areas, complete human intrusion is not allowed so as to maintain the integrity of biological biodiversity.

Protected areas include those identified in the NIPAS under RA 7586, thus this is under the jurisdiction of the DENR. Clear policies were in place to ensure the preservation of such areas.

While in terms production areas, fishing grounds specifically, the policy is clear that there should be a stop to conversion of mangroves into fishponds because the preservation of mangroves as spawning ground for many fish species determines to a great extent the viability of municipality or near-shore fisheries.

Following these policies, it seems unlikely to encounter overlaps in tenure in the Municipality of Infanta.

Looking closely into the statistics of the fishponds in Infanta, it may be concluded that it has already reached its optimum level. In a survey conducted by the Municipal Agriculture Office, there are a total of 1,177.27 hectares of fishpond, more than half or 665.27 hectares (56 percent) of which are in private lands. Whilst the remaining 44 percent are covered by FLA in timberlands.

Based from these numbers, it may inferred that the BFAR seems to be too liberal in approving FLAs. After the approval of these FLAs, there seems to be no mechanism to monitor its utilization that may or may not merit its cancellation.

It is clear that the then Ministry of Natural Resources (MNR) and BFAR committed lapses in keeping track of the following policies under the Fisheries Administrative Order No. 125, Series of 1979:

SEC. 9. Grounds for termination, cancellation, or rescission of the fishpond lease agreement. A fishpond lease agreement may be terminated, cancelled, or rescinded and the improvements thereof, including the bond, forfeited in favor of the government, for any of the following grounds:

- failure to pay the rentals and surcharges for two (2) consecutive years without justifiable cause; and,
- non-use or abandonment of the area.

In the case of Asistio, it was clearly illustrated that the BFAR and MNR failed to cancel the FLA issued to Ciriaco Reyes, Jr. It was also surprising that Asistio was given the opportunity to apply for a FLA despite the growth of mangroves in the contested areas.

The seemingly lax policies in monitoring fishing grounds and the overdependence of fishponds contributed to the proliferation of illegal fishponds. As mentioned earlier, Infanta is a municipality that relies on fishing as one of its primary livelihood.

However, if the conversion of mangroves into fishponds continues, this will have severe effects to the biodiversity of Infanta. Mangroves are breeding and nurturing grounds for fish and other aquatic species. It also serves as buffer zones during inclement water and saltwater intrusion, and also serve as barriers from storm surges.

Infanta being nestled by Polilio Strait, Lamon Bay, and the Pacific Ocean is prone to disasters caused by climate change. Mangroves are vital coastal resources to combat it.

In a study conducted by the Bureau of Soils and Water Management (BSWM) under the DA, it is estimated that since 1983, the rate of mangrove conversion into fishpond has doubled. At this rate, the catch of municipal fisherfolk will eventually dwindle due to the displacement of spawning migratory fishes.

Also, in a report by Dr. Honorato Palis, Chief of the Mangrove and Estuarine Research Section of DENR-ERDB, he noted that introducing “improvements” such as construction of dikes along the *Pagsangahan River* specifically *Kaliwang Malagitna* will disrupt the natural flow of water wherein the volume and salinity levels affected.

He stated in his report: *“Too much containment of water for a prolonged period of time facilitates the percolation of seawater into the underground aquifer. This change of chemical and physical attributes of water will adversely affect the diversity of plant and animal organism in the long run; similarly, the gradual inching of saline water into nearby highly productive rice fields due to constant overflowing.”* This directly affected the yield of farmers.

With these stated, it may be deduced that tenurial instruments are crucial in the management of resources. Proper and responsible resource management is crucial in combating climate change as well as reducing the adverse effects of disasters.

The case of Polillo on the other hand, presents a very unique predicament. Whilst there is powerful individual behind the development aggression in Infanta, the residents of Polillo themselves are acting as the aggressors behind the degradation of their resources.

Though there have been efforts by the association of fishers in Libjo to put a stop the proliferation of illegal settlements in the mangrove areas, their attempts seem to be futile without the support of the local government of Polillo.

Despite clear and established tenurial instruments in Polillo, its citizens continue to disregard these laws and regulations. This is a clear manifestation of the lack of awareness of the law and the need for environment preservation and conservation.

It is also evident that the need for settlement trumps the conservation of their natural resources. This is a direct effect of the irresponsible governance of tenure and the inability of the local government unit of Polillo to monitor and police the implementation of their laws pertaining to fisheries and tenurial management.

Continued inaction of the LGU on this matter sets a bad precedence towards other members of the communities and LGUs across the province. This situation can also contribute to the increase of illegal settlements across the coastline that would lead to destruction of mangroves and ultimately to the biodiversity of the municipality.

INSIGHTS

During the consultations with the residents of Infanta and Polilio, it was apparent that there is a need to reform the policies involving management and control over the fisheries sector.

The overlapping of tenurial instruments and management of resources and the presence of development aggression have been the main source of conflict in Infanta. At the same time, the lack of monitoring and implementation of laws has created the impending degradation to their environment.

During the challenge of development aggression to their municipality, the residents of Infanta were in the forefront of fighting off a powerful individual. People power was indeed alive and in action during their protest against the unlawful conversion of the mangrove site in Barangay Binulasan. The response of the citizens to an indecisive government was commendable.

Armed with their determination, passion, spades, bars and wood stalks, Infanta residents dug for hours to dismantle the illegal fishpond (Mallari, 2011). This move was the culmination of the collective action of the citizens, the LGU and CSOs.

The assistance of various NGOs such as ICDAI in capacity building and empowerment was vital in the establishment of people's organizations focusing on community-based resource management. As a people who are deeply committed in protecting their coastal marine resources, they organized themselves into the Binulasan People's Organization. The organization's main focus was to protect the environment. It was during their general assemblies that people were made aware of the importance of their resources and how it ultimately affects them as a community.

Due to these efforts, the awareness of the community regarding environmental issues piqued. This is why it came as no surprise when the residents of Infanta asserted their

rights for the responsible management of their resources over a powerful and connected politician.

Looking back at their experience, Fr. Francis Lucas recalled that it was the unity of the ordinary people that kept them going amidst the threat, fear and apprehension that kept them going. They did not use violence to achieve their goals, instead they capitalized on the power of the people. They mobilized themselves, gained allies, lobbied and familiarized themselves with the laws protecting their resources.

People from adjacent communities rallied behind and with them, people from all walks of life supported them. Politicians, the Church, women, youth and other stakeholders were involved in this fight. It was an issue that unified them.

The efforts of the citizens of Infanta finally came into fruition when a writ of execution for the non-issuance of FLA by the BFAR was released. During that time, then Representative Nantes, Mayor Rolando Velasco, church leaders, Sangguniang Bayan members, the military and students came together to dismantle the illegal fishpond structures that Macario Asistio, Jr. put in place. The people were also able to plant 30,000 mangrove propagules, a first step towards the restoration of the environment that they have been protecting (UNDP, 2003).

On 25 June 2008, Binulasan Fisheries and Aquatic Resource Management Association, Inc. (BFARMA), formerly known as the Binulasan People's Organization, was awarded by the DENR a Community Based Forest Management Agreement (CBFMA) over the contested mangrove area.

BFARMA now has the responsibility to protect the entire mangrove forestland against illegal logging and other unauthorized extractions of forest products. In addition, BFARMA has the authority to designate areas to their sustainable use (CBFMA No. 25054).

Indeed, this is another step forward towards responsible tenure governance and resource management.

However, Polillo is a work in progress. It would require a two-pronged approach in order to establish a sustainable, responsible management of tenure. First, the LGUs should take it upon themselves to conduct regular monitoring and checks of their municipality to ensure that there are no overlaps in tenure.

Secondly, advocacy on environment protection and conservation must be adopted in order to inculcate to the community the significance of mangroves and natural resources in their daily lives. Be in terms of their livelihood, adaptation to climate change and resilience during times of disaster.

RECOMMENDATIONS

Sustainable Livelihood

Being given the authority to manage their mangrove forest in Binulasan, BFARMA and the other residents of Barangay Binulasan have been very vocal in wanting to start their own aquasilviculture program.

The community recommended that an aquasilviculture enterprise would be an appropriate livelihood option for Infanta. In this manner, the mangrove areas are preserved while being able to culture mudcrabs, fish and shrimps, and the like. Aquasilviculture is a sustainable and environmentally-friendly approach to fish production.

It was also recommended that a community-based tourism be established together with the aquasilviculture. This tourism program is a direct action to the proposed Real, Infanta, Nakar (ReINa) tourism of Quezon Province. In addition to creating more livelihood, this will promote awareness on the importance of mangrove conservation.

Information and Education Campaigns

It is apparent that there is a lack awareness on the laws governing mangrove protection and tenurial instruments in the municipality of Polillo. ASFIL opined that there is an immediate need to increase the consciousness of their fellow community members on the importance of resource management and governance of tenure.

Partnership with CSOs and the LGU is crucial to increase the knowledge on such. Community participation is valuable in ensuring the viability of this information and education campaigns.

Monitoring, stricter implementation and review of pertinent laws

Both cases are prime examples of the ineffectiveness and inefficacy of LGUs and national line agencies (NLAs) in ensuring the implementation of national and local laws. Monitoring and stricter penalties should be in place in order to deter violators from committing any unlawful act.

Periodic review of salient laws is also vital in making sure that these laws are still up to date to the needs of the community and to adapt to the changes in the society. ■

Endnotes

- ¹ De Ruña, G. (2017). *Access and Rights to Water Resources in Infanta and Polilio Group of Islands, Quezon*. Quezon City: Asian NGO Coalition for Agrarian Reform and Rural Development [ANGOC].
- ² This case was validated and finalized based on discussions during the provincial consultation held in Infanta, Quezon last 28 June 2017. Inputs for preparing the draft were generated during a series of focus group discussions (FGDs) conducted last 21 May 2017 in Infanta and 12 June 2017 in Polilio Islands.
- ³ The views presented in this document do not necessarily reflect those of FAO.
- ⁴ BFAR Assistant Director for Technical Services Drusila Esther Bayate, during the Roundtable Discussion on Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) 04 August 2017, BFAR Conference Room, BFAR Central Office
- ⁵ These laws are further discussed in the *Scoping Paper on the VGSSF and Philippine Policies and Laws on Fisheries*.
- ⁶ PAGASA or Philippine Atmospheric, Geophysical and Astronomical Services Administration
- ⁷ Municipality and Residents of Infanta, Quezon, Represented by Mayor Roldan Velasco and Brgy. Captain M. Nollado vs. Macario Asistio, Jr., BFAR, February 15, 2001.

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VOLUNTARY GUIDELINES FOR SECURING SUSTAINABLE SMALL-SCALE FISHERIES IN THE CONTEXT OF FOOD SECURITY AND POVERTY ERADICATION (VGSSF)

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) represent the first international instrument dedicated to the immensely important but often neglected sector - small scale fisheries sector. These guidelines have been developed in support to the overall principles and provisions of the 1995 FAO Code of Conduct for Responsible Fisheries (the Code). The development of the VGSSF was initiated in 2008 during the First Global Conference on Small-Scale Fisheries in Bangkok, Thailand and it was finally endorsed at the 31st Session of Committee of Fisheries (COFI) in June 2014.

The VGSSF complement other international instruments such as *Voluntary Guidelines on the Right to Food*, as well as *Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests*.

The VGSSF have 98 provisions, covering 11 topics encompassing 3 major themes: (i) Introduction; (ii) Responsible Fisheries and Sustainable Development; and (iii) Ensuring an Enabling Environment and Supporting Implementation.

Part 1, Introduction, specifies the objectives, the nature and scope, the guiding principles by which the VGSSF are to be implemented as well as their relationship with other international instruments.

Part 2, Responsible Fisheries and Sustainable Development, provides guidance for fisheries-specific topics such as responsible governance of tenure and sustainable resource management, but also for crucial inter-sectoral issues: social development, employment and decent work; value chain, post-harvest and trade; gender equality; and disaster risks and climate change.

Part 3, Ensuring an Enabling Environment and Supporting Implementation, provides guidance on how to realize the principles and recommendations of the VGSSF through policy coherence, institutional and supporting implementation; information, research and communication; capacity development; and implementation support and monitoring.

This case study features the previous and present experiences of small-scale fisherfolk in the marine resource-rich municipalities of Infanta and Polillo Group of Islands, Quezon Province. It highlights the struggles of fisherfolk communities in securing their fishing rights when these were inhibited by the establishment of illegal fishpens. This also illustrates the power of collective action in asserting rights and demanding responsible governance. Furthermore, it underlines conflicts and overlaps in existing laws which further restrain small fisherfolk's access to water resources.

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