

# Review of Selected Philippine Policies and Laws on Fisheries and the Voluntary Guidelines for Securing Small-scale Fisheries (VGSSF).<sup>4</sup>

## I. Introduction

### A. The VGSSF

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) have been developed as complement to the 1995 FAO Code of Conduct for Responsible Fisheries (the Code). They were developed to provide complementary guidance with respect to small-scale fisheries in support of the overall principles and provisions of the Code.

The development of the Guidelines was initiated in 2008 during the First Global Conference on Small-Scale Fisheries in Bangkok, Thailand and it was finally endorsed at the 31<sup>st</sup> Session of Committee of Fisheries (COFI<sup>5</sup>) in June 2014. The VGSSF are instruments for sustainable development as well as for supporting food security and nutritional intake, equitable development and poverty eradication, and responsible management of fisheries resources.

The VGSSF was developed through a participatory and consultative process, directly involving more than 4,000 representatives of small-scale fishing communities, civil society organizations (CSOs), governments, regional organizations and other stakeholders from more than 120 countries. The VGSSF are voluntary, global in scope and with a focus on the needs of developing countries. It emphasizes the important role of small-scale fisheries for food security and poverty eradication: a source of nutrition, income and economic growth.

Fisheries is an important industry in the Philippines. The country has 2,200,000 square kilometers of territorial waters; 266,000 of which are coastal waters while 27,000 are coral reef areas. Inland resources, where small scale fishers are also located, include swamplands with a total of 246,063 hectares where 106,328 are freshwater and 139,735 are brackish water. There are also lakes with a total area of 250,000 hectares, rivers with 31,000 hectares and reservoirs with 19,000 hectares.

The Fisheries Profile of 2015 published by the Bureau of Fisheries and Aquatic Resources (BFAR) shows that municipal fisheries production reached 1,216,526.72 metric tons contributing to the 26.2 percent of the total fish production. Aquaculture posted the highest production at 2,348,161.09 metric tons attributed to the 50.5 percent of the total fish production, while commercial fisheries production posted a total of 1,084,624.70 metric tons equivalent to 23.3 percent of the total production.

According to the Fisheries Registration System of BFAR there are already around 1.8 million registered municipal fishers as of 2017.

However, as of 2012, the fisherfolk are the poorest of the poor where 39.2 percent are below the poverty line – a figure close to the poverty incidence among farmers at 38.3 percent (Philippine

Statistics Authority, 2014). This data shows the need to implement the VGSSF in the country to uplift the socio-economic situation of the small-scale fisherfolk.

## **B. Involvement of the Philippines in the VGSSF Consultation Process**

Development work on the fisheries sector had been going on since the early 1990s, through community-based coastal resource management programs implemented by civil society organizations that work in partnership with fisherfolk communities. Among the major issues during this time was the declining fish catch due to overfishing and degradation of coastal and marine resources. Lobbying and advocacy work had been going on with the local government units to address this situation. At the national level, a new Fisheries Code was lobbied at the legislative government. The proposed Fisheries Code looks at fisheries as resource that needs to be managed in a sustainable manner. The proposed Code also increased the role of the BFAR from being a staff bureau to a line bureau.<sup>6</sup>

The Philippines was among the countries consulted in the development of the VGSSF. The consultation highlighted that the small-scale fishers in the country are considered poorest of the poor, with backward technologies, has no security of tenure, among others. Resource use conflict was also rampant among coastal communities. Filipino fishers called on the Food and Agriculture Organization of the United Nations (FAO) to consider these issues in the development of the VGSSF.

Researches were also done to identify how to improve small-scale fisheries management. One particular research pointed at six core strategies to promote the sustainability of small-scale fisheries (Pido, Garces, and Salayo, 2012):

1. Sustain—conservation and rational use of fishery resources;
2. Protect—preventive steps to manage threats to habitats and/or ecosystems that support fisheries;
3. Develop—development of small-scale fisheries in geographically-appropriate areas, including promotion of livelihoods;
4. Capacitate—enhancing the capacity of municipal fishers and relevant stakeholders;
5. Institutionalize—organizational integration including scaling-up of fisheries management; and,
6. Communicate—generation of pertinent information and translation into appropriate formats for practical transmission.

## **C. Philippine Commitment to the VGSSF and Summary of Implementation to Date**

The Philippines, through the BFAR – the main agency mandated to provide assistance to the fisheries sector, has been implementing programs that contribute to the implementation of the VGSSF. Among them are the national registration programs such as the National Program for Municipal Fisherfolk Registration (FishR) for the municipal fisherfolk, and the Municipal Fishing Vessel and Gear Registration (BoatR) for the fishing vessels and fishing gears. These registrations are important in ensuring enabling environment and supporting VGSSF implementation.

BFAR also allocated funds for the establishment of Community Fish Landing Centers (CFLCs) that serve as hub for fish landing and auction; venue for skills development and training on post-harvest, resource management and value-adding, and economic growth center for marketing. The CFLCs also aims to address problem on traceability of fish catch, a BFAR deliverable under the revised Fisheries Code.

It is also a venue for ensuring quality standards of fish catch. However, the program is experiencing setback with the lack of available lands for CFLCs construction. BFAR is aiming to address this problem by allocating budget for land purchase.

On Gender and Development, BFAR had been assisting fisher women through the National Network of Women in Fisheries (WINFISH). Training programs on post-harvest technologies are conducted through this network. In addition, the FishR questionnaires were designed to ensure that women are registered as fishers.

To help improve the income of the fishers and contribute to food security, BFAR has been conducting technology training courses and providing assets. For instance, BFAR discourages the use of wooden boats by providing fiberglass boats to the fishers. They are also taught how to construct these boats. The boats come with sustainable and environment-friendly gears such as gill nets, and hook and line.

The Fisheries Code mandates the creation of fisherfolk settlement areas.<sup>7</sup> This is critical to ensure access to the fishery, fish processing, housing and other livelihood support. The Bureau attempted to address this by allocating funds for fisherfolk settlement areas; however, the funding proposal was not approved by the Department of Budget and Management (DBM) as, according to them, building of shelters or settlements is not a mandate of BFAR. The fisherfolk sector is pushing for the implementation of fisherfolk settlement areas by convening an inter-agency working group to ensure that each agency can contribute mandated efforts for the eventual implementation of fisherfolk settlement areas.

The Fisheries Code sets aside the municipal waters, defined as 15 kilometers from the shoreline, for the use of municipal fishers. To strictly implement this, it is important to establish the boundaries of municipal waters. However, the delineation of municipal waters, especially of municipalities with offshore islands, is currently on hold as the Supreme Court is yet to decide on how the waters should be delineated.

To look at municipal waters as comprehensive rather than divisive, BFAR is implementing an ecosystem approach to fisheries management through the establishment of Fishery Management Areas (FMAs). The program was piloted in the Visayan Sea.

On disaster risk and climate change, BFAR developed its Disaster Risk Reduction and Management (DRRM) Manual this 2017. Trainings on Safety of Life At Sea (SOLAS) are also being rolled out through the conduct of lectures to fisherfolks.

#### **D. Study Objectives and Scope**

The study aimed to compare and analyze the VGSSF and the major policies and laws governing the fishery sector in the Philippines through identification of areas of policy and program complementation or gaps, and challenges related to natural disasters and climate change. The identified areas of convergence and divergence between the VGSSF and major Philippine land laws will serve as a springboard for advocacy and implementation of the VGSSF in the country.

The paper also maps the major tenurial and resource management instruments, the programs in response to natural disasters and climate change, and the support services provided to the fishery sector by selected government agencies based in the Philippines.

The paper incorporates the case studies in Coron, and Infanta and Polilio Islands contextualizing the issues outlined in this scoping paper.

The study examined the following laws and guidelines:

1. Presidential Decree 442: Labor Code, s. 1974
  - Department of Labor and Employment Department Order 156-16, s.2016: Rules and Regulations Governing the Working and Living Conditions of Fishers on board Fishing Vessels Engaged in Commercial Fishing Operations
2. Presidential Decree 705: Forestry Code , s. 1975
3. Presidential Decree 1067, Water Code, s. 1976
4. Republic Act 7160: The Local Government Code of 1991
5. Republic Act 7586: The National Integrated Protected Areas System Act of 1992
6. Executive Order 263 : Community-Based Forest Management, 19 July 1995
7. Executive Order 273: Approving and Adopting the Philippine Plan for Gender-responsive Development (PPGD) 1995-2025, 8 September 1995
8. Republic Act 8435: The Agriculture and Fisheries Modernization Act of 1997
9. Republic Act 8371: The Indigenous People’s Rights Act of 1997, 29 October 1997
10. Republic Act 8550: The Philippine Fisheries Code of 1998, and its Amendments (RA 10654)
  - BFAR Fisheries Administrative Order 197-1: Revised Rules and Regulations Governing the Lease of Public Lands for Fishpond and Mangrove-Friendly Aquaculture
11. Republic Act 9003: Ecological Solid Waste Management Act of 2000
12. Republic Act 9147: Wildlife Resources Conservation and Protection Act, 30 July 2001
13. Republic Act 9710: Magna Carta of Women, 28 July 2008
14. Republic Act 9729: The Climate Change Act of 2009 and People’s Survival Fund (RA 10174)
15. Republic Act 10121: The Philippine Disaster Risk Reduction and Management Act of 2010
16. Laws for Local Implementation
  - Republic Act 7611: An Act Adopting the Strategic Environment Plan for Palawan

The above are the major laws and regulations governing land and natural resources in the rural areas. Brief descriptions of the roles of the major stakeholders in these policies are also provided in this paper.

The study was limited to content analysis of the provisions of the abovementioned laws as well as the VGSSF. It did not assess the implementation of these laws.

## **E. Brief Background on Philippine Laws on Land and Resource Governance of Fishery Sector**

Following are the laws and policies that were analyzed using the VGSSF principles. These laws and policies include provisions for resource management and/or tenure. Provisions of these laws and policies that relate to resource management and/or governance of tenure are highlighted:

## 1. **Presidential Decree 442: Labor Code, s. 1974**

The Labor Code of the Philippines, issued in 1975, declared the State policy to protect labor; ensure equal work opportunities regardless of sex, race, or creed; and regulate relations between workers and employees; assure rights of workers to self-organization, collective bargaining; among others. All doubts in the implementation of the Code including implementing rules and regulations shall be resolved in favor of labor.

The Labor Code also mandates that tenant-farmers on private agricultural lands primarily devoted to rice and corn under a system of shared crop or lease tenancy shall be deemed owner of portion constituting a family-sized farm of five hectares if not irrigated, or three hectares if irrigated. Landowner may retain not more than seven hectares if said landowner is cultivating or intends to cultivate it.

The Code also stated that normal hours of work of any employee shall not exceed eight hours a day. Minimum wage will be set by the regional wage boards.

- *Department of Labor and Employment Department Order 156-16, s.2016: Rules and Regulations Governing the Working and Living Conditions of Fishers on board Fishing Vessels Engaged in Commercial Fishing Operations*

The Department Order 156-16, s. 2016 was issued in June 2016. It was issued based on State policy on regulating the relations between workers and employees, recognizing the right of labor to a just share in the fruits of production, guarantee the free exercise by commercial fish workers to organize and form unions, and ensure that fishing vessels are sea worthy and compliant to safety standards.

The responsibilities of fishing vessel owner includes ensuring compliance to existing laws, seaworthiness of the vessel, permits, crew list, and availability of resources needed for fishing expeditions like medicines, food and water, and survival kits. During lean or closed season, the Department of Labor and Employment (DOLE) should facilitate livelihood and temporary income opportunities for fishers.

The Order also requires employment agreement between the fishing vessel owner and fisher, with set minimum benefits, meal breaks, rest period and rest day, medical care, sleeping accommodations, comfortable and healthy working environment. Requirements when terminating employment of fishers is also stipulated in the said Department Order.

Unfortunately the implementation of this guideline has been put on hold due to issues raised by industry representatives. Commercial fishing vessel operators are calling for the scrapping of the current draft and for DOLE to come up with a guidelines more suited to Philippine context. Consultations are being conducted to gather comments and recommendations for review and finalization of the said Department Order.

## 2. **Presidential Decree 705: Forestry Code , s. 1975**

Presidential Decree (PD) 705 was signed on 19 May 1975, otherwise known as Forestry Reform Code of the Philippines. PD 705 emphasizes not only the utilization but more so the protection, rehabilitation, and development of forest lands to ensure continuity of its productive conditions. Forest lands include mangroves, a type of forest occurring on tidal flat along the sea coast, extending along streams where the water is brackish.

The Code stated that lands with 18 percent in slope or over shall not be classified as alienable and disposable. Meanwhile, there are also lands with less than 18 percent slope that are needed for forest purposes and may not be classified as alienable and disposable. These include 20-meter strips of land along the edge of high waterline of rivers and streams with channels of at least five meters wide; strips of mangrove or swamplands at least 20 meters wide along shorelines facing oceans, lakes, and other bodies of water; and strips of lands at least 20 meters facing lakes.

Section 43 of the Code states that strips of mangrove forests that protect the shoreline and coastal communities from the destructive force of the sea during high winds and typhoons shall be maintained and kept free from artificial obstruction to allow floodwater to flow unimpeded to the sea. In addition, mangrove and other swamps released to the BFAR for fishpond purposes which are not utilized, or abandoned for five years from date of release shall revert to the category of forest lands.

### **3. Presidential Decree 1067, Water Code, s. 1976**

Presidential Decree 1067 otherwise known as “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” was released on 31 December 1976. It established the basic framework for the appropriation, control, and conservation of water resources to achieve the optimum development and rational utilization of these resources. Among its underlying principles are that all waters belong to the State and are subject to acquisitive prescription; and that utilization, development conservation, and protection of water resources shall be subjected to control and regulation of the government.

Article 51 defined the easement zone which refers to the banks of rivers and streams, and the shores of the seas and lakes throughout their entire length within a zone of three meters in urban areas, 20 meters in agricultural areas, and 40 meters in forest areas – noting that fisherfolk communities are usually located in these areas, sometimes even within or at the seaward side of mangrove forest areas.

### **4. Republic Act 7160: The Local Government Code of 1991**

The Local Government Code of 1991 declared the “policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals” (Book 1, Chapter 1, Sec. 2(a)).

Section 17(a), meanwhile, described that “local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities enumerated herein.”

BFAR, an agency that has a major role in the management of the fisheries and is important for the implementation of the VGSSF, is one of the national government devolved by virtue of the Local Government Code. Hence BFAR central’s role in the management of the fisheries is up to the regional level only. It is responsible for the distant waters, i.e. beyond 15 kilometers from the shoreline; while the municipal waters (up to 15 kilometers from the shoreline) is under the jurisdiction of the local government units through the Municipal Agriculture Office.

Among the duties and functions done by the local government units is enacting ordinances for implementation at their respective jurisdictions. The Fisheries Code, for instance, is implemented

at the local level through the formulation and implementation of Comprehensive Municipal Fishery Ordinance.

Meanwhile, it is in Section 131(23) of the Code that defines “municipal water” as marine waters 15 kilometers from the low tide point of the shoreline.

### **5. Republic Act 7586 – National Integrated Protected Areas System Act of 1992**

The National Integrated Protected Areas System (NIPAS) Act of 1992 was passed in response to the State policy to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park.

Several categories of protected areas are established under this law:

- a. Strict nature reserve
- b. Natural park
- c. Wildlife sanctuary
- d. Protected landscape and seascape
- e. Resource reserve
- f. Natural biotic areas
- g. Other categories established by law, conventions or international agreements which the Philippine Government is a signatory

Protected Area Management Board (PAMB) are established for each protected area, composed of several stakeholders such as the Department of Environment and Natural Resources (DENR) Regional Executive Director as the Chair, representatives from the municipal government, non-government organization, and other government agencies. The Board is tasked to decide on budget, proposals for funding, planning, and general administration of the areas. Board members serve for a term of five years without compensation except for travel and subsistence expenses while doing their duties.

Prohibited acts in the protected areas include:

- a. Hunting without permits
- b. Dumping of wastes detrimental to the area
- c. Use of motorized equipment without permit from PAMB
- d. Destroying objects of natural beauty
- e. Damaging roads and trails
- f. Squatting, mineral locating, land occupation
- g. Construction of any structures without permit
- h. Leaving in unsanitary conditions refuse or debris, depositing in ground or in bodies of water
- i. Altering, removing, destroying boundary markers or signs

Management plans are also formulated for each protected area. The management planning strategy shall provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and sites for close coordination between and among local agencies of the Government as well as the private sector.

### **6. Executive Order 263 – Community-Based Forest Management, 19 July 1995**

Executive Order 263 adopted community-based forest management as the national strategy to ensure sustainable development of the country’s forestlands resources and provide mechanisms

for its implementation. This Order was promulgated in recognition of indispensable role of local communities in forest protection, rehabilitation, development, and management.

The Department of Environment and Natural Resources (DENR) through its Community and Provincial Environment and Natural Resources Offices, in coordination with the local government units and the Department of Interior and Local Government (DILG), were ordered to, at all times, take into account the needs and aspirations of local communities whose livelihoods depend on the forestlands. Participating organized communities may be granted access to forestland resources under long-term tenurial agreements using environment-friendly and sustainable harvesting methods as stipulated in a site-specific management plan.

Mangroves, as part of forest resources can also be covered by community-based forest management and can be availed by organized fisherfolk communities.

#### ***7. Executive Order 273: Approving and Adopting the Philippine Plan for Gender-responsive Development (PPGD) 1995-2025, 8 September 1995***

The Order directed all government agencies, departments, bureaus, offices and instrumentalities, including government-owned and controlled corporations, at the national, sub-national and local levels to take appropriate steps to ensure the full implementation of the policies/strategies and programs/projects outlined in the plan.

The Philippine Plan for Gender-responsive Development (PPGD) is the successor plan of the Philippine Development Plan for Women which expired in 1992. The plan served as the main vehicle for implementing the Philippine commitments during the 4<sup>th</sup> World Conference in Beijing, China.

The PPGD is the framework that laid out the goals and strategies to mainstream gender equity in public programs and policies. It rests on a vision of development that is equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials, participatory, and empowering.

Among the strategies identified under PPGD include Gender and Development (GAD) mainstreaming through GAD focal points in all government entities, among others. There will also be economic strategies such as equal opportunities for training, jobs and growth, agrarian reform, protection of women overseas workers, etc. Socio-cultural strategies would include reforms in the public image of women and promoting the value of effective parenting, housework, marital care, and child care. There will also be addressing of political and legal issues through information education campaigns, materials for legal education of women, adopting gender-responsive laws, and increasing women's participation.

#### ***8. Republic Act 8435: The Agriculture and Fisheries Modernization Act (AFMA) of 1997***

This law was enacted on 22 December 1997, and aims to define measures to modernize Philippine agriculture to enhance the country's competitiveness in the global market. The modernization was expected to improve the living conditions of farmers and fisherfolk and increase the productivity in the light of the growing markets.

The law has provisions for production and marketing support services, human resources, and research development and extension.

An important provision of the law is the establishment of Strategic Agriculture and Fisheries Development Zones (SAFDZ). The zones shall serve as centers where development in the agriculture



and fisheries sectors are catalyzed in an environmentally and socio-cultural sound manners. They are also mandated to formulate integrated development plans consisting of production, processing, investment, marketing, human resources, and environmental protection components.

#### **9. Republic Act 8371: The Indigenous People's Rights Act (IPRA) of 1997, 29 October 1997**

The Indigenous People's Rights Act mandated for the recognition and promotion of all rights of indigenous peoples; protection of the rights of indigenous cultural communities/ indigenous peoples to their ancestral domains; applicability of customary laws governing property rights; and preservation and development of their cultures, traditions, and institutions. The State shall consider these rights in the formulation of national laws and policies.

The State also recognizes the inherent right of indigenous cultural communities/indigenous peoples to self-governance and self-determination, at the same time they have the right of full participation at all levels of decision making in matters which may affect their right, lives, and destinies through a procedure determined by them. They should also be protected from discrimination and have right to equal opportunity and treatment. The National Commission on Indigenous Peoples (NCIP) was created to be the primary government agency responsible for the formulation and implementation of policies, plans, and programs relative to this law.

Chapter II Section 3 of IPRA defines ancestral domains as *“all areas generally belonging to [indigenous cultural communities] (ICCs)/[indigenous peoples] (IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors...”* On the other hand, the Certificate of Ancestral Domain Title (CADT) *“refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with this law.”*

Ancestral domains shall be maintained, managed, and protected and the ICCs/IPs shall be given the responsibility.

#### **10. Republic Act 8550: The Philippine Fisheries Code of 1998, and its Amendments (RA 10654)**

The Philippine Fisheries Code otherwise known as *“An Act Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating All Laws Pertinent Thereto, and for other Purposes”* was passed in 1998 after several years of lobbying work by civil society organizations working with the fisheries sector. The Code sets food security as the overriding consideration in the utilization, management, conservation and protection of the fishery resources. It limits access to fishery and aquatic resources of the Philippines for the exclusive use and enjoyment of Filipino citizens, and provides preferential use of the municipal waters to the municipal fishers.

Sec. 4 # 58 of the Code defines municipal waters that *“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) kilometers from such coastline. Where two (2) municipalities are so situated 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.”*

Section 108 of the Code mandated the creation of fisherfolk settlement areas, to be located in certain areas of the public domain, though it also says *“nothing in this section shall be construed to vest*

ownership of any resettlement area to a municipal fisherfolk for whom said areas may have been reserved for or had been actually granted to”.

Meanwhile on 28 July 2014, Republic Act 10654 known as “An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Amending Republic Act No. 8550, otherwise known as ‘The Philippine Fisheries Code Of 1998, and for Other Purposes” was approved. The amendment increased the penalties for commercial fishing violators and poachers, and mandated the installation of monitoring, control, and surveillance system on all flagged Philippine fishing vessels.

- BFAR Fisheries Administrative Order 197-1: Revised Rules and Regulations Governing the Lease of Public Lands for Fishpond and Mangrove-Friendly Aquaculture

Aside from the regulations governing the application of Fishpond Lease Agreements (FLAs), this Order describes how to apply for Aquasilviculture Stewardship Contracts (ASC). Fisherfolk cooperatives and associations as well as micro, small and medium enterprises (MSMEs) duly registered under Philippine laws have preference in applying for ASC.

The terms and conditions of the ASC or FLA are also laid out in this Administrative Order. Among the notable terms is the required production in kilograms, which is 1,500 kilograms of fish per hectare per year by the 5<sup>th</sup> year from the approval of the FLA, and 1,000 kilograms per hectare per year by the 5<sup>th</sup> year from the approval of ASC.

Process for cancellation of ASC or FLA is also laid out in the Administrative order, with grounds that include non-adherence to good aquaculture practices as well as abandonment, non-development or underutilization of the area.

#### **11. Republic Act 9003: Ecological Solid Waste Management Act of 2000**

A Philippine law that can help control pollution, which is an important issue in the VGSSF, is the Ecological Solid Waste Management Act of 2000. The law aims to ensure protection of public health and the environment, and to set guidelines and targets for solid waste avoidance and reduction through source reduction, among others.

The law mandates the establishment of the National Solid Waste Management Commission, composed of the heads of 14 government agencies and three members from the private sector. The Commission is tasked to oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of the law.

Provincial and City/Municipal Solid Waste Management Boards are also created by virtue of the law. These Boards are crucial to the achievement of the objectives of the law, especially the waste reduction and management at source, collection and transport.

#### **12. Republic Act 9147: Wildlife Resources Conservation and Protection Act, 30 July 2001**

The Wildlife Resources Conservation and Protection Act was passed to conserve and protect the wildlife species and their habitats to promote ecological balance and enhance biological diversity; regulate collection and trade of wildlife; pursue the Philippine commitments to international conventions; protection of wildlife and their habitats; and, to initiate or support scientific studies on the conservation of biological diversity.

The DENR has jurisdiction over terrestrial species, all turtles and tortoises and wetland species, while DA has jurisdiction over all declared aquatic critical habitats, all aquatic resources including fishes, aquatic plants, invertebrates and all marine mammals except *dugong* or sea cows.

Collection of wildlife may be allowed by the Secretary based on best available scientific information. Collection of wildlife by indigenous peoples may be allowed for traditional use and not for trade, provided that threatened species are not covered.

Restocking of endemic indigenous wildlife are allowed for population enhancement, while exotic species shall not be introduced in the country without clearance from the Secretary. Introduction of exotic species in protected areas and critical habitats are not allowed.

Fines and penalties are mandated by this law for persons undertaking illegal acts. Penalties include imprisonment and fines.

Wildlife enforcement officers are deputized to seize illegally traded wildlife and arrest violators of this act. Wildlife Rescue Centers and Wildlife Traffic Monitoring Units are also established.

### **13. Republic Act 9710: Magna Carta of Women, July 28, 2008**

The Magna Carta of Women is a comprehensive women's rights law that seeks to eliminate discrimination through the recognition, protection, fulfillment, and promotion of the rights of Filipino women especially those belonging to the marginalized sector. The law is the local translation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

Among the important highlights of the law is giving equal status to men and women on titling of land and issuance of stewardship contracts and patents.

The formulation of the law underwent series of consultations and the women fishers sector was able to reiterate that the definition of fisherfolk be those that are directly or indirectly engaged in taking, culturing, or processing fishery or aquatic resources. These include, but are not limited to, women engaged in fishing in municipal waters, coastal and marine areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell gatherers, managers and producers of mangrove resources, and other producers.

### **14. Republic Act 9729: The Climate Change Act of 2009 and People's Survival Fund (RA 10174)**

The Climate Change Act was approved on 23 October 2009, after the country was hit by Typhoon Ketsana in September of the same year. The law aims to mainstream climate change as well as disaster risk reduction into government policy formulations; establish the framework strategy and program on climate change; and, create the Climate Change Commission (CCC) as the mechanism to ensure implementation of the law.

As mandated by the law, CCC facilitated the formulation of National Climate Change Action Plan (NCCAP), which was supposed to be translated into Local Climate Change Action Plan (LCCAP); however, there was no clear mechanism on how the NCCAP will be adopted by the local government units to form basis of their LCCAPs.

Meanwhile, the law was amended by the People's Survival Fund (PSF) Law on 16 August 2012. The amendment aims to provide long-term finance to enable government to effectively address the problem of climate change. The law mandated for a Php 1-Billion under the General Appropriations Act (GAA) be allocated for the said fund, and in case it is not fully disbursed, it shall not revert to the general fund.

PSF may be augmented by donations, endowments, grants and contributions which shall be exempted from donor's tax and be considered allowable deductions from gross income of the donor.

PSF funds shall be used to support adaptation activities of local governments and communities. A PSF Board is formed to facilitate the local government and community access to the fund.

### **15. Republic Act 10121: The Philippine Disaster Risk Reduction and Management Act of 2010**

The Philippine Disaster Risk Reduction and Management Act was signed on 27 May 2010. It aims to strengthen disaster risk management in the country. It repealed Presidential Decree 1566 that created the National Disaster Coordinating Council. The new body formed is the National Disaster Risk Reduction and Management Council (NDRRMC) with counterparts at the local level – the Local Disaster Risk Reduction and Management Council (LDRRMC).

The law also provides for the formulation of National Disaster Risk Reduction and Management Framework (NDRRMF) and corresponding National Disaster Risk Reduction and Management Plan (NDRRMP). As with the Climate Change Act, this law also mandates the coordination between NDRRMC and CCC for the Climate Change Adaptation-Disaster Risk Reduction (CCA-DRR) framework from which all policies, programs and projects shall be based.

The law also mandated that the former calamity fund appropriated under the General Appropriations Act (GAA) will be known as National Disaster Risk Reduction and Management Fund and shall be used not only on disaster response but more so on disaster risk reduction or mitigation.

### **16. Laws for Local Implementation**

#### **a. An Act Adopting the Strategic Environment Plan for Palawan**

The Strategic Environmental Plan (SEP) is a comprehensive framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the province. It is to guide the local government of Palawan and government agencies concerned in the formulation and implementation of plans, programs, and projects in the province (RA 7611, Section 4).

The establishment of Environmentally Critical Area Networks (ECANs) is the main strategy of SEP, which includes terrestrial, coastal/marine areas and tribal ancestral land. Zones are established in these areas where there will be core/maximum protection zones, buffer zones, and multiple/manipulative areas.

Republic Act 7611 or the “Act Adopting the Strategic Environmental Plan for Palawan” is anchored on State policy to protect, develop, and conserve its natural resources. Thus, it is to support and promote the sustainable goals of the province through proper conservation, utilization, and development of natural resources to provide optimum yields on continuing basis.

Total commercial log ban is pursued to conserve and protect the forest, as well as measures leading to institutional machinery for the effective implementation of environmental plans, programs, and projects.

Involvement of all sectors including indigenous peoples is also encouraged under the law.