

management are covered by their ordinance. In 2016 the model ordinance was revised to incorporate any changes brought about by the recently approved Republic Act 10654.

Central to the management of municipal/city waters is the determination of the boundary, and local government units are mandated to delineate their respective waters through the National Mapping and Resource Information Authority (NAMRIA). However, the lack of clear guidelines on delineation especially of the municipalities with offshore islands hampered the completion of this mandate.

There are locally-managed resource management tools mandated through local ordinances, e.g. fish sanctuaries, marine protected areas, demarcated fishery areas, among others. Governance of these areas are mandated by local ordinances and managed by deputized fish wardens with the Fishery Aquatic Resource Management Councils. Annual budget allocation are also set by the local government for the management of these areas.

III. Scoping of roles, tenurial and resource management instruments, and programs for fishery sector of selected government agencies

Following are the selected government agencies that have roles and programs for the fishery sector that can play a role in implementing the VGSSF in the Philippines.

A. National

1. Bureau of Fisheries and Aquatic Resources

BFAR is the principal and competent government agency responsible for the development, improvement, management, and conservation of the country's fisheries and aquatic resources contributing to reducing poverty and providing supplementary livelihoods among municipal fisherfolk; improving aquaculture productivity within ecological limits; making optimal use of offshore and deep sea resources; and helping upgrade post-harvest technologies (Department of Agriculture Administrative Order No. 3, series of 1998).

With the devolved function of BFAR at the LGU level, BFAR assists LGUs on Coastal Resource Management (CRM) planning based on their needs.

BFAR recognizes the need of the fishery sector for access to water resources in the light of ongoing developments such as reclamation and other structures, as well as encroachment of commercial fishing operations in municipal fisherfolk areas that may exacerbate issues on water resources. Hence, it is important that the municipal water delineation be completed. However, approval of the guidelines for its implementation, particularly in municipalities with offshore islands, remains pending in the Supreme Court. At present, BFAR could only do so much as following up the Supreme Court to fast track the decision on this matter. For the municipalities without offshore islands, mapping of municipal waters is done by the LGU concerned and NAMRIA with BFAR providing technical assistance.

BFAR is implementing ecosystems approach to fishery management through the establishment of FMAs. In FMAs, the important element is inter-LGU cooperation and establishment of zonation where access and control of fishers are clearly laid out. Hence, FMAs can be implemented even in areas not yet delineated.

Bantay-Laot program is also implemented by BFAR where these *bantays* serve as sea watchers or sea guardians of nationally-declared FMAs during closed season. They are provided with monetary incentives of around Php 1,000 to Php 2,000. This is an ongoing project started in 2016 which was piloted in Davao.

BFAR implements coastal resource management and poverty alleviation projects through foreign assisted projects such as the Fishery Resource Management Project (FRMP) and Sustainable Management of Coastal Resources (SUMACORE).

On data management, BFAR continues the municipal fisherfolk registration through FishR, boat registration through BoatR, and gear registration through GearR. As of the third quarter 2017, there are 1.8 million registered municipal fishers where around 800,000 are into capture fisheries. BFAR noted that most of the registered fishers are over 60 years of age, which may be a good factor in terms of easing fishing pressure but may also demonstrate negative potentials in terms of providing fish supply in the long run. Those whose children get better-paying jobs tend to stop fishing. If this trend continues, the country may not have enough sources of fishery products in the future.

On capacity building assistance, 80 percent of the training courses conducted by BFAR are on technologies on fish capture such as gear-making, post-harvest technologies and aquaculture. On post-harvest, most of the training participants are women, especially in seaweed development programs.

BFAR recognizes that there is a gap on values orientation and giving importance to fisheries as livelihood.

Other technical assistance provided by BFAR particularly to LGUs include rapid assessment for the identification of fish sanctuaries, provision of buoys and guardhouses, deputizing fish wardens, and strengthening FAMRCs.

On addressing vulnerabilities, BFAR is developing its Manual of Operations which will include disaster risk preparedness and climate change adaptation guidelines for fisherfolk.

On fisherfolk settlement, BFAR is constrained by the lack of mandate to build housing projects for the fishers. They see zoning and Comprehensive Land Use Planning (CLUP) as areas where fisherfolk settlement can be raised or addressed.

BFAR is implementing the Community Fish Landing Center (CFLC) project. CFLCs are to be constructed in each municipality which the fisherfolk community can utilize for marketing, training, and post-harvest facilities. Having portable ice-making facilities are being worked out for each CFLC. BFAR believes the CFLCs can help ensure fisherfolk's access to fishing grounds with centers identified and located in strategic areas along the shoreline.

2. Department of Agriculture

BFAR is a bureau attached to the Department of Agriculture. DA is the government agency mandated to promote agricultural development by providing policy framework, public investment and support services. It should improve farm income and generate work opportunities for farmers, fisherfolks and other rural workers. It shall encourage people's participation through sectoral representation in agricultural policy making bodies so that the policies, plans, and programs of the department are responsive to the needs of the sector (DA, 2017).

DA fulfills its mandate of encouraging people's participation through the organization of *Philippine Council for Agriculture and Fisheries (PCAF)*. PCAF provides services to nationwide network of private

sector-led consultative councils at the national, regional, and local levels for the formulation of sound policies, plans, and programs.

The advisory special bodies of PCAF includes the National Agriculture and Fisheries Council (NAFC) composed of the government agencies, league of provincial governors, city and municipal mayors, NFARMC, regional agriculture and fisheries councils, and national farmers and fisheries organizations.

There are also National Sectoral Committee (NSC) and Strategic Concerns Committees (SCC). For instance, the Committee on Fisheries and Aquaculture (CFA) is one of the committees of NSC while Agriculture and Fishery Mechanization (AFM) is one of the committees of the SCC.

a. Bureau of Agriculture and Fisheries Standards (BAFS)

The **BAFS** was established in December 1997 as specifically provided by Republic Act No. 8435 or the Agriculture and Fisheries Modernization Act of 1997. The law's policy states that all sectors involved in the production, processing, distribution and marketing of food and non-food agriculture and fishery products shall adhere to, and implement the use of product standards in order to ensure consumer safety and promote the product competitiveness.

BAFS' major duties include formulating and enforcing standards of quality in the processing, preservation, packaging, labelling, importation, exportation, distribution, and advertising of fresh, primary, and secondary-processed agricultural and fisheries products. It provides assistance in establishing scientific basis for food safety, trade standards, and codes of practice and harmonizes them with internationally-accepted standards and practices. BAFS also serves as the National Technical and Administrative Secretariat to the National Organic Agriculture Board or NOAB (BAFPS-DA, 2017).

b. Agricultural Credit Policy Council

The Agricultural Credit Policy Council is an attached agency of the Department of Agriculture. It is tasked to undertake the following functions:

- conduct policy research studies to come up with timely and reliable recommendations on appropriate credit policies and programs for the agriculture and fisheries sector;
- conduct action research studies on innovative financing schemes for small farmers and fisherfolk;
- oversee the implementation of agricultural credit and guarantee programs to ensure that credit is truly made available and accessible to small farmers and fisherfolk; and,
- empower the rural finance sector by facilitating institution-building programs for countryside financial institutions, including cooperatives and other people's organizations as well as for their farmer and fisherfolk members.

Among the credit programs implemented by the Council is the Agriculture and Fisheries Financing Program. The program provides small farmers and fisherfolk (SFF) registered in the Registry System for Basic Sectors in Agriculture (RSBSA) an easier access to formal credit to finance their agri-fishery production activities other than rice and corn. The program is implemented in partnership with the Land Bank of the Philippines (LBP) through direct and conduit lending. The DA Secretary has issued instruction that small scale fishers should be prioritized in this program.

The program has priority provinces, namely: Abra, Apayao, Aurora, Batanes, Benguet, Cagayan, Ifugao, Ilocos Norte, Isabela, Kalinga, Masbate, Palawan, Nueva Vizcaya, Romblon and Zambales.

3. National Anti-Poverty Commission

The National Anti-Poverty Commission (NAPC) was established based on Republic Act 8425 or Social Reform and Poverty Alleviation Act of 1997. It serves as coordinating and advisory body for the implementation of social reform and poverty alleviation agenda. It coordinates with different national government agencies as well as local government units to assure full implementation of social reform and poverty alleviation programs, and advocates for mobilization of funds for the said programs. The NAPC also recommends policies and other measure to ensure responsive implementation of commitments under the Social Reform Agenda (NAPC, 2017).

The NAPC has 14 basic sectors which includes the artisanal fisherfolk. The NAPC Vice-Chair for Artisanal Fisherfolk Sectoral Council (AFSC) had been coordinating with BFAR and housing agencies such as National Housing Authority (NHA) for the implementation of fisherfolk settlement program. It is a top priority of the council as it contributes in ensuring security of tenure, accessibility to source of sustainable livelihood, and reduce vulnerability to natural and man-made disasters.

NAPC-AFSC has been working to advance the fisherfolk settlement issue; convening technical working groups; drafting proposed administrative orders; implementing rules and regulations; and, identifying pilot sites for fisherfolk settlements. To date it has convened a technical working group that will contribute resources, expertise, and mandates for pilot implementation in initial 10 areas across the country.

4. Department of Environment and Natural Resources

The Department of Environment and Natural Resources (DENR) is the primary agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law to ensure equitable sharing of the benefits derived there from for the welfare of the present and future generations (DENR, 2017).

Meanwhile the Forest Management Bureau is DENR's arm in the effective protection, development, and conservation of forest lands and watersheds. It recommends policies and programs towards the achievement of sustainable forest management based on science and principles of good forest governance (FMB-DENR).

One of the objectives of the Department is to assure the availability and sustainability of the country's natural resources through judicious use and systematic restoration or replacement, whenever possible. One of the priority programs is the National Greening Program (NGP). The NGP is a massive forest rehabilitation program of the government established by virtue of Executive Order No. 26 issued by former President Benigno Aquino III on 24 February 2011. The program seeks to grow 1.5 billion trees in 1.5 billion-hectare lands nationwide in a period of six years, from 2011 to 2016. Areas eligible for rehabilitation under NGP include mangrove and protected areas, where fisherfolk organizations can be contracted to undertake the project.

In 2015 the Executive Order 193 was signed, expanding the coverage of the NGP to cover the remaining unproductive, denuded and degraded forest land. The period of coverage was also extended from 2016 to 2028. The NGP expansion was also in line with the Master Plan for Forestry Development (2016-2028) that seeks to harmonize all forest development activities that will encourage and enhance development of forest plantations, with greater participation from the private sector, government units and organized upland communities.

The NGP is implemented by any registered people's organizations; holder of Community-Based Forest Management Agreement (CBFMA) or Protected Area Community-Based Resource Management Agreement (PACBRMA) that is of good standing with the agency; local government units interested to implement the program within their administrative jurisdiction; or any sole proprietorship, corporation, cooperative or organizations duly registered under Philippine laws. Fisherfolk organizations can be involved in NGP through rehabilitation and management of mangroves and beach forest areas.

5. Department of Labor and Employment

The Department of Labor and Employment (DOLE) is the primary policy-making, programming, coordinating and administrative government agency in the field of labor and employment. It assumes the primary responsibilities of promoting gainful employment opportunities and optimizing the development and utilization of the country's manpower resources; advancing workers' welfare by providing for just and humane working conditions and terms of employment; and maintaining industrial peace by promoting harmonious, equitable, and stable employment relations that assure equal protection for the rights of all concerned parties.

Among DOLE's mandate are enforcement of social and labor legislations to protect the working class and regulate the relations between the worker and employer, formulate general guidelines concerning wage and income policy, providing for safe, decent, humane and improved working conditions and environment for all workers, particularly women and young workers.

In pursuit of their mandate the agency issued the Department Order 156-16 on the "Rules and Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operations" in June 2016. The order mandates for commercial fishing vessel operators to provide boat workers benefits such as minimum wage, holidays, overtime pay, night differentials, service incentives, 13th month pay, and leaves including leave for victims of violence against women and children. There should also be adequate supplies and services on board, and fish workers should have access to medical services.

Meanwhile, fishers also have responsibilities on complying with lawful orders of the boat captain and attend occupational training courses as needed.

Unfortunately the implementation of the order is still on hold due to the concerns raised by the industry representatives during the Visayas Consultation held in the Cebu last 19 November 2016. Comments are still gathered for the finalization of the said order.

6. National Commission on Indigenous Peoples

The National Commission on Indigenous Peoples (NCIP) was created to be the primary agency responsible for the formulation and implementation of policies, plans, and programs relative to the Indigenous People's Rights Act. Its primary mandate is to protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, and institutions.

NCIP is the agency authorized to issue certificate of ancestral land/domain titles, negotiate for funds, and accept donations and grants subject for approval of the President.

Certificate of Ancestral Domain Title (CADT) can be acquired by submitting application with necessary proofs that the area is occupied by the ICCs/IPs. The area will be delineated by a community delineation team. There will be evaluation and validation of submitted documents, information dissemination, perimeter survey, and eventually the CADT registration.

Among the programs and services NCIP provides to indigenous peoples include:

- Policy services;
- Certificate of ancestral domain title services;
- Human and economic development services; and,
- IP rights protection services.

B. Regional/Provincial/Municipal/Local

Management of community-based forestry projects, enforcement of fishery laws including conservation of mangroves, management of municipal waters as well as communal forests are devolved to the local government units (LGUs).

There is a Joint Memorandum Circular Order by the DENR, DILG, and LGUs that explains their devolved functions with other government agencies on land use planning.

LGUs are also mandated to approve ordinances and resolutions for the protection of the environment and impose penalties for acts which endanger the environment.

IV. Issues and Recommendations:

A. Findings of general review of literature

As stated in the VGSSF, tenure rights to land in the coastal/waterfront area are critical for ensuring and facilitating access to the fishery, for accessory activities (including processing and marketing), and for housing and other livelihood support. The health of aquatic ecosystems and associated biodiversity are a fundamental basis for their livelihoods and for the subsector's capacity to contribute to overall well-being.

However there are issues and problems that hinder the enjoyment of small-scale fishers of tenure rights. The health of fishery resources is also degraded, limiting the small-scale fishers' capacity to contribute to overall well-being. Among the issues and concerns faced by the small-scale fishers are:

1. On Governance of Tenure of Small-scale Fishers:

Small-scale fishing communities do not have secure tenure rights to resources that serve as the basis for their social and cultural well-being. While the establishment of fisherfolk settlement is mandated by RA 8550, there still no clear guidelines on how this will be implemented. BFAR is currently establishing the CFLCs envisioned to help fisherfolk secure access to coastal areas, but the mechanism on assessing its effects is yet to be in place.

On the use of municipal waters, the law mandates that municipal waters are for the use of small-scale fishers, but delineation of municipal waters has not been completed. Currently, there are no accepted guidelines for delineating the waters of municipalities with offshore islands, and even the waters of municipalities without offshore islands are yet to be completed.

The coverage of municipal waters as defined by the Local Government Code and the Fisheries Code is in direct conflict with the IPRA. According to De Vera and Zingapan (2017), existing laws of the country do not vest private ownership to any body of water, which are considered a part of the public domain in perpetuity. Ancestral waters of the IPs such as the one of Tagbanwa in Coron physically overlaps with the municipal waters of the LGU of Coron. Hence, issues and conflict in jurisdiction as well as authority to zone the ancestral waters vis-à-vis the Municipal waters and regulate activities arise.