

SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



SENATE
P.S. Resolution No. 607

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RECEIVED IN

Introduced by: Senator Cynthia A. Villar

A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN ASSESSMENT OF THE IMPLEMENTATION OF THE RA 10654 OTHERWISE KNOWN AS "AN ACT TO PREVENT, DETER, AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING AMENDED RA 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998 AND FOR OTHER PURPOSES"

WHEREAS, Republic Act 10654, which amended the Philippine Fisheries Code, lapsed into law on February 27, 2015. It seeks to "prevent, deter and eliminate illegal, unreported and unregulated fishing or IUUF in the country.

WHEREAS, the European Union (EU) lifted on April 2015 the Philippines' Yellow Card fisheries rating, which was slapped onto the Philippines in June 2014 for inadequately addressing illegal, unreported and unregulated fishing or IUUF. The rating served to warn the country that unless it took steps to seriously combat IUUF, all Philippine seafood products would be banned in the EU. The EU is the world's top fish consumer, importing PHP 9.4Billion worth of seafood from the Philippines in 2013. The EU has sanctioned nations which ignore international fishing standards since 2010.

WHEREAS, the Philippines has fortunately taken responsible action, amended pertinent legal systems and switched to a more proactive approach to fight IUUF. The country has now a Green Card fisheries rating, allowing it to export products to the EU without sanctions or tariff. Also as an offshoot of the lifting of the yellow tag, the Philippines now enjoys the advantage of being the only country in the Association of Southeast Asian Nations (ASEAN) that was accepted in the GSP plus Program of the European Commission. This will allow Philippine producers to export more than 6,000 products to any of the 28 EU member countries at zero tariff. As such this will increase export and attract foreign direct investments. This will also create jobs in both the agriculture and manufacturing sectors, majority of which are in the rural areas.

WHEREAS, the concept of unreported and unregulated fishing are new offenses.

WHEREAS, by deterring and eliminating unreported and unregulated fishing, the law secures the livelihood of fisherfolks and other fisheries stakeholders. IUUF jeopardizes food security and continuous economic growth.

WHEREAS, the law addresses high sea fishing and fishing in other coastal states by Philippine flagged fishing vessels.

WHEREAS, it emphasizes compliance with conventions to conserve and manage living marine resources such as United Nations Convention on the Law of the Seas or UNCLOS that promotes ecosystems based approach in marine conservation and the emphasizes the precautionary principle to prevent environmental degradation.

WHEREAS, the law increased fines and adopts a wide array of accompanying administrative penalties for violations to ensure that sanctions are dissuasive and have deterrent effect.

WHEREAS, it likewise adopts broad measures on port state, flag state such as the vessel monitoring measures, observer program, catch documentation and other market-related course of action.

WHEREAS, according to the Philippine Statistics Authority among the nine basic sectors, fishermen belong to families with income below the official poverty threshold or poor families posted the highest poverty incidences in 2015 at 34.0%. The sector consistently registered as the sector with the highest poverty incidence in 2006, 2009 and 2012. (<https://psa.gov.ph/poverty-press-releases>)

WHEREAS, the law creates a Fisheries Management Fund from the administrative fines and penalties imposed under the new law. This shall also include the sale of forfeited fish, fishing gears, paraphernalia and fishing vessels, and contributions in the form of endowments, grants and donations to the fund. (Sec. 142). The fund shall enhance the budget for conservation, preservation, protection, management, development and regulation of the fishery and aquatic resources; research and development and capability building of the various stakeholders including provision for scholarships; supplementary livelihood for poverty alleviation; and improvement of productivity and processes of the various stakeholders. It shall be administered by the Bureau of Fisheries and Aquatic Resources as a special account in a government financial institution.

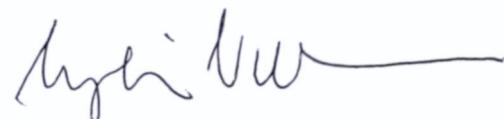
WHEREAS, the fund shall be exclusively used as follows:

- (a) Fifteen percent (15%) for the purchase, upgrade and maintenance of vessels, communications and other equipment used for the monitoring, control and surveillance of Philippine waters and distant water fishing;
- (b) Five percent (5%) for the payment of litigation expenses, cost of conveyance of witnesses and other costs due to the cases filed by or against the Republic of the Philippines in international courts arising from the implementation of this Code or where apprehending party or parties become respondents or defendants in any tribunal or court of law;
- (c) Twenty-five percent (25%) for the operating costs and capacity building for the NFARMC, IFARMCs and C/MFARMCs and payment for the cost of rehabilitation, medical expenses for injury, or indemnity for death of law enforcement officers, including deputized volunteers, distributed as follows: five percent (5%) to the NFARMC, five percent (5%) to all IFARMCs, five percent (5%) to all C/MFARMCs, and ten percent (10%) to C/MFARMCs for the apprehension and successful prosecution of a fisheries offense;
- (d) Five percent (5%) for the continued upgrading of laboratory facilities and equipment;
- (e) Five percent (5%) for the research and development activities of the NFRDI;
- (f) Five percent (5%) for the capability development of BFAR personnel, deputized law enforcement agencies and volunteers, and stakeholders;
- (g) Ten percent (10%) for scholarship grants for children of fisherfolks and fishworkers in fish catch, aquaculture, fishing and fish processing;
- (h) Fifteen percent (15%) for livelihood programs for production enhancement and poverty alleviation; and
- (i) Fifteen percent (15%) for assistance to fishermen in the form of shared facilities.
(Sec.142.RA10654, www.officialgazette.gov.ph/2015/02/27/republic-act-no-10654/)

WHEREAS, the government must be made aware of the development and progress of the implementation of the law once passed and its impact of the relief and benefits it professed to deliver.

RESOLVED, AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committee to conduct an assessment of the implementation of the RA 10654 otherwise known as "AN ACT TO PREVENT, DETER, AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING AMENDED RA 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998 AND FOR OTHER PURPOSES."

Adopted,



SEN. CYNTHIA A. VILLAR