

# Social Development and Sustainable Fisheries: Philippines



Prepared by:

**Dinna L Umengan**  
and  
**Atty Mario Maderazo**



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**International Collective in Support of Fishworkers (ICSF)**  
**2023**



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Fisheries: Philippines**

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**Front Cover**

Female fishworkers involved in fish vending by the road

**Front Inside**

Capture fishers working together on their catch

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## Executive Summary

In the Philippines, social development policies in support of the basic sectors, including small-scale or artisanal fisherfolk, have strong legal foundations with institutional support at the national and local level. However, improvement is needed in implementation and its translation to concrete economic gains and social protection. Despite laws on social protection and poverty alleviation specifically targeting artisanal fisherfolk, this sector has the highest poverty incidence, 40 percent as compared to the national average of 26.3 percent.

Municipal fishing in the Philippines manifests as small-scale fisheries anchored in local communities and having historic links to adjacent fishery resources and traditions. They are engaged in a range of activities, including capture fishing, processing, vending and mending nets. Those associated with these activities are municipal and inland capture fishers, fishworkers in both aquaculture production and crew in commercial fishing and fish processing, and women.

Despite the importance of the fisheries sector to the economy, poverty is high among small fishers. They do not have access to basic social services like health and education. Small-scale fishing is highly fragmented, owing to the lack of organization that is production oriented. This limits their access to social safety nets, formal financial services and investment opportunities. Less efficient production technology is used, resulting in lower income opportunities, which commercial ventures with economies of scale can enjoy.

Social development policies specific to small-scale fishing are provided by various sectors of the government. It has legal foundations in the 1987 Philippine Constitution through the express provisions on state policies, social justice and human rights. This has permeated the subsequent special laws that were passed on fisheries through the Fisheries Code, as amended by RA 10654. State policy has shifted from production-focused to policy based, geared at sustainability, poverty alleviation and food security. This law categorized fishing activity into municipal, commercial and aquaculture. It defined the access rights, privileges and participation in policymaking of these three sectors. The Bureau of Fisheries and Aquatic Resources (BFAR) under the Department of Agriculture is the lead agency for the implementation of the Fisheries Code and other fishery rules and regulations. The preferential rights to municipal fisherfolk in the use of municipal waters, however, are under the jurisdiction of Local Government Units (LGUs).

The rights of fishworkers and women sector were not dealt with by the law, except for their representation by the Fisheries Aquatic Resources Management Council, both at the local and national level. Their social development rights and benefits are provided by other special laws.

The fisheries sector, being primarily resource-based, is also covered by environment-related laws and policies on the protection, management and conservation of fisheries and aquatic resources.

The autonomy given to LGUs under the Local Government Code of 1991 made the delivery of basic social services accessible to local communities, and the decentralized enforcement of national environmental laws and ordinances adopted by local legislative councils.

The government's commitment to the achievement of the 17 United Nations Sustainable Development Goals (SDGs) are reflected in the Philippine Development Plan 2040, dubbed 'Ambisyon 2040'. It envisions the transformation of the country into a middle-class society by 2040. Initial fisheries programmes involve the management and sustainable use of fisheries and aquatic resources.

The national government responded to the economic and social disruption caused by Covid-19 by enacting a law to enable the undertaking of urgent measures. These included the imposition of quarantine measures, taking over of private establishments as seen necessary, realignment of the approved national budget, provision of financial support, health subsidies and loan packages among others. Administrative and logistical challenges obstructed the timely delivery of social and



economic support to target beneficiaries, including small fishers. Civil society groups have seen the imposition of restrictions to be militaristic, not based on science and discriminatory. Despite the government's attempts to contain the pandemic, deaths and infections remain one of the highest in Southeast Asia.

The social development policies for small fishers that have been recommended require medium- and long-term action from the government, aside from the need to better implement the existing ones. There must be an integration of a human rights-based approach with existing sustainable fisheries management.

## Methodology

This research used secondary literature sources, including published data and information from various institutions. The research team gathered information among network civil society organization (CSO) partners and conducted key informant interviews (KIIs) and focus group discussions (FGDs) with fisherfolk leaders and community partners. The KIIs and FGDs provided detailed information, including the effectiveness of and gaps in existing policies, services and degree of enforcement related to social protection and impacts of Covid-19. The analyses and recommendations provided in this paper were largely based on the evaluation of all the information in existing literature, FGDs and KIIs gathered by the researchers, consistent with the aim of this study.



Source: University of Texas Library

# 1. Overview of the Philippine Fisheries Sector

## 1.1. Demographics

The Bureau of Fisheries and Aquatic Resources' current record of registered fisherfolk total to roughly 1.8 million.<sup>1,2</sup> This is expected to be higher if we include unregistered fishers and those who are engaged in agriculture and fisheries but are counted only as 'farmers'. The 2015 Registry System for Basic Sectors in Agriculture puts the number of people engaged in agriculture at about 9.8 million,<sup>3</sup> of which some can be considered both fishers and farmers.

The same database put the population engaged in the aquaculture subsector at 45,969, of which only 9 percent (4,363) were female.<sup>4</sup> According to the 2013 Census of Agriculture and Fisheries report, 93 percent (145,138 of the total 148,694) are operated by individual proprietors or households. The ratio of male to female operators for this was 9:1.<sup>5</sup> This makes the aquaculture industry, like its capture fishery counterpart, a male-dominated subsector.

Data on fishworkers on board commercial fishing vessels is limited. This is due to the informal nature of many fishing operations. Additionally, legislation towards the regulation and monitoring of this subsector remains at the early stage. The introduction of the Department of Labor and Employment Department Order 156-16, or the Rule and Regulations Governing the Working and Living Conditions of Fishers On Board Fishing Vessels Engaged in Commercial Fishing Operation of 2016, has yet to be fully implemented.

## 1.2. Education, Health and Access to Social Protection

Municipal fisherfolk household heads are below the national average in terms of educational attainment. Households have limited access to safe water, electricity and sanitation. The 2015 Food and Nutrition Research Institute Report found that of the total population surveyed—with 23.8 percent of respondents coming from agriculture, forestry and fishery—about 2 percent reported not having completed any level of education, about 13.8 percent reached elementary, 12.8 percent graduated from elementary, 25.3 percent are high school graduates, less than 7 percent reached the vocational undergraduate or graduate levels, and only 11.4 percent graduated college.<sup>6</sup> The same report also found that 8 in 10 households (77.1 percent) have at least one Philippine Health Insurance Corporation (PhilHealth) principal member. However, on-ground observation will reveal that this is much lower among fishing communities, with the PhilHealth administration at the local level being highly dependent on LGU initiatives. Similarly, having the highest poverty incidence, a large percentage of households under the Department of Social Welfare and Development's Pantawid Pamilyang Pilipino Program (4Ps) belong to the fisherfolk and farmer sector. Consistent with the report, at least 23 percent of the current 5,066,899<sup>7</sup> total households served by the 4Ps programme should be from the fisherfolk sector.

Many fisherfolk families also live in makeshift houses with no security of tenure. The World Bank 2013 Philippine Development Report found a reduction in land inequality within the agriculture and fishery sector; the report also concluded that inequality remains 'relatively high'.<sup>8</sup> Many coastal communities are located in areas identified as either danger zones or public lands, so the issue of fisherfolk settlement plagues many fisher families.

## 1.3. Poverty

According to the 2018 Family Income and Expenditure Survey (FIES), the average annual family expenditure of families was PHP239,000, while the average income was PHP267,000.<sup>9</sup> However, given that the fisheries sector has the highest poverty incidence among the basic sectors, its

average income will be equivalent or closer to those within the lowest 10 percent income group, at PHP113,000. This is less than half of the national average.

Most fisherfolk families engage in agriculture production during lean seasons. During the typhoon season and other natural calamities, they are the first to slide back further below the poverty line threshold.

Within the sector, the population groups that belong to other basic sectors, i.e., women who are often engaged as workers in the informal sector, children and those engaged in farming, experience a greater burden of poverty. The 2016 poverty statistics for these basic sectors (women at 25.6 percent, workers in the informal sector at 29 percent, children at 35.2 percent and farmers at 38.3 percent) registered higher poverty incidences than the 25.2 percent general population poverty incidence.

Based on the 2012 Philippine Statistics Authority (PSA)<sup>10</sup> regional data, the distribution of incidence of poverty among fisherfolk is given in Table 1.

**Table 1: Incidence of poverty among fisherfolk**

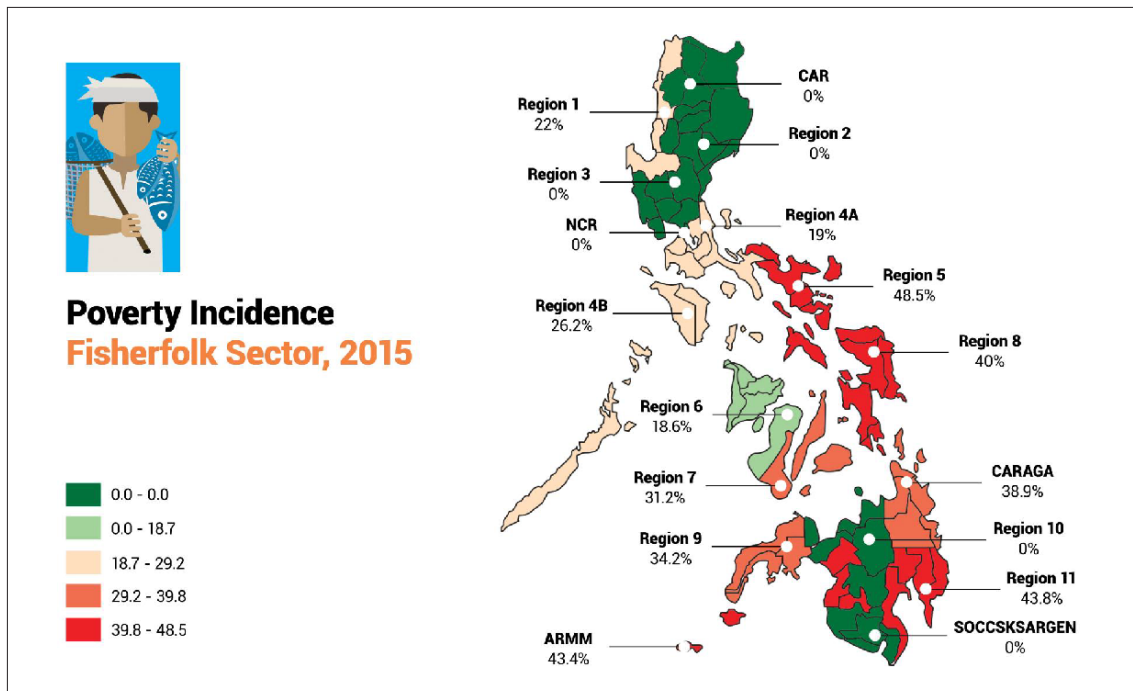
Area	Percentage
Ilocos Region	20.06
CALABARZON	39.24
MIMAROPA	36.5
Bicol Region	45.56
Western Visayas	27.64
Central Visayas	40.23
Eastern Visayas	46.35
Zamboanga Peninsula	40.42
Davao Region	36.48
CARAGA	49.55
ARMM	42.93

#### 1.4. Fisherfolk Families and Economic Production

According to the 2002 census data, more than 98 percent of fisherfolk reported that they do not belong to any legal form of organization. Instead, they operate as individual producers.<sup>11</sup> This is consistent with the data on cooperatives engaged in agriculture, which accounts for only 7.8 percent of the total registered cooperatives (2,022 of the 25,611 total registered cooperatives nationwide). These serve only 7 percent (661,674 members directly served and 37,946 employed by the cooperatives) of the 9.8 million people engaged in Philippine agriculture.<sup>12</sup> This lack of organization—particularly production-oriented—makes the sector's production highly fragmented. This also limits their access to social safety nets, formal financial services and investment opportunities.



**Figure 1: Understanding Poverty in the Philippines.**  
**Source: National Anti-Poverty Commission (2019).**



Since less efficient production technology is used, there are lower income opportunities that commercial ventures with enough economies of scale can enjoy. On the other hand, adopting new technology comes with increasing costs of major inputs, such as fuel. The Philippine Council for Agriculture and Fisheries' (PCAF) 2017 assessment of the impact of the Tax Reform and Acceleration and Inclusion Act (TRAIN) concluded that there would be an additional PHP2–10 million in the annual cost of production in the fisheries sector. Fuel would account for 50 percent of the total cost for municipal capture fisheries.<sup>13</sup> This increase in excise tax will further reduce the already decreasing income of municipal fishers brought about by the continuing decline in fish stocks.

## **2. Laws, Policies and Programmes to Eradicate Poverty in the Philippines**

### **2.1. Rights and Privileges under Existing Law**

#### **2.1.1. 1987 Constitution on Social Justice and the Vulnerable Sectors**

The 1987 Philippine Constitution recognizes that peace, order, protection of life, liberty and property, and the promotion of general welfare are essential.<sup>14</sup> The State aims to free its people from poverty through policies that provide adequate social services, promoting full employment, a rising standard of living and an improved quality life for all.<sup>15</sup> The Philippines promotes social justice in all phases of national development.<sup>16</sup>

Equally important to the above objectives are the roles of family, the youth and women. Under the Constitution, the State guarantees full respect for human rights.<sup>17</sup> It particularly values the family as a basic autonomous social institution. It also aims to protect the life of the mother and the life of the unborn from conception. With respect to the family, the Constitution further provides that parents rearing youth shall receive government support.<sup>18</sup>

Young people, therefore, are seen as an important element in nation-building. The State is to inculcate patriotism and nationalism in them, while encouraging their involvement in public and civic affairs.<sup>19</sup> Under the Constitution, women are also recognized for their role in nation-building. A State principle is fundamental equality between women and men, ensured by law.<sup>20</sup>

Also in relation to social development is the constitutional guarantee of the right to health. The State is mandated to protect and promote the same for its people.<sup>21</sup> The nation is also to protect the people's right to a balanced and healthful ecology.<sup>22</sup>

The Constitution recognizes that social justice can be promoted by committing to economic opportunities based on freedom of initiative and self-reliance.<sup>23</sup> It is, therefore, a State policy to prioritize education, science and technology, arts, culture and sports to accelerate social progress.<sup>24</sup> The State affirms labour as the primary social economic force, and for that reason, it aims to protect the rights of workers and promote their welfare.<sup>25</sup> A self-reliant and independent national economy effectively controlled by Filipinos shall be developed by the State.<sup>26</sup> The participation of private enterprise is indispensable, for which the State provides incentives to needed investments as a policy.<sup>27</sup>

Other relevant provisions are those that promote comprehensive rural development and agrarian reform,<sup>28</sup> and the recognition and promotion of the rights of indigenous cultural communities.<sup>29</sup> On social justice, the Constitution also provides that priority shall be given to the enactment of measures that protect the right of all people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities by diffusing wealth and political power for the common good, by regulating the acquisition, ownership, use and disposition of property.<sup>30</sup>

In relation to fisheries, the State, as owner of all natural resources, allows small-scale utilization and gives priority to subsistence fisherfolk and fishworkers. Thus:

All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable

for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant.

The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fish-workers in rivers, lakes, bays, and lagoons.<sup>31</sup> (Emphasis supplied)

By this provision, fisheries and marine wealth are treated by law as a natural resource that should be protected. To pursue social justice and development, the Philippine Constitution gives preferential treatment to subsistence fisherfolk, providing that:

The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources.<sup>32</sup>

The State's policy to provide a premium to marginalized fishworkers is apparent in the above provisions. Although expressly mentioned in the Philippine Constitution, plenty of other domestic laws are in effect to promote social development in the fisheries sector.

### **2.1.2. Fisheries Code of the Philippines, or RA 8550 as Amended by RA 10654**

As a matter of policy in the Philippines, the State gives Filipino citizens not only preference but also exclusive use and enjoyment of fishery and aquatic resources.<sup>33</sup> The State aims for food security through the utilization, management, development, conservation and protection of fishery resources.<sup>34</sup> To enforce this policy, a law was made in 1998: Republic Act 8550, also known as the 'Act Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating All Laws Pertinent Thereto, and For Other Purposes', or the 'Philippine Fisheries Code of 1998' in short. But because of the Philippines being slapped with a yellow card by the European Union for its failure to combat illegal, unreported and unregulated (IUU) fishing in 2014,<sup>35</sup> and to avoid economic embargo, the Fisheries Code was amended to provide stiffer penalties. In 2014, Republic Act 10654 was passed to further strengthen the Philippine Fisheries Code of 1998.

The provisions of Fisheries Code of 1998, as amended by RA 10654, covers 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; all aquatic and fishery resources, whether inland, coastal or offshore fishing areas, including but not limited to fishponds and fish pens/cages; and all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public.<sup>36</sup> This defines the scope of management responsibility of the government through the Department of Agriculture.

The Fisheries Code addresses conflict in the use of resources, which is a major management issues in capture fisheries. It defines the rights of both municipal and commercial fisherfolk and establishes the limitation of such rights where capture fisheries are concerned. It also highlights the need to 'adopt the precautionary principle and manage fishery and aquatic resources, in a manner consistent with the concept of an ecosystem-based approach to fisheries management and integrated coastal area management in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the State'.<sup>37</sup>

But the clear intent of RA 8550, as amended, is to favour municipal fisherfolk—those who are directly or indirectly engaged in municipal fishing and other related fishing activities. Part of the policy declarations of this law is to protect the rights of fisherfolk; to give them priority in the preferential use of municipal waters; and to provide them support, including women and youth sectors, through technology and research, adequate financial assistance, the construction of post-harvest facilities and marketing assistance. The protection of municipal fisherfolk against foreign intrusion shall extend to offshore fishing grounds.<sup>38</sup> Thus, although RA 8550 is not directly a labour-related legislation, the policy behind it argues equally well for the protection of self-employed municipal fisherfolk.<sup>39</sup>

### 2.1.2.1. Access to Municipal Waters and Delineation

Under the Fisheries Code, municipal fishing refers to fishing within municipal waters using fishing vessels of 3 gross tons or less, or fishing not requiring the use of fishing vessels.<sup>40</sup> Only municipal fisherfolk are allowed to do this within municipal waters.

All the access rights granted to municipal fisherfolk should be undertaken within the bounds of the municipal waters to which a municipal or city LGU has the jurisdiction. Municipal waters 'include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline.'<sup>41</sup>

The coastal zone is within the municipal waters and considered the most productive, resource-rich and environmentally important ecosystem. The municipal waters remained a space of contention in capture fishing between municipal and commercial fishers, despite the clear legal provision that it is for the use of the former. There is no problem delineating a municipality's 15-kilometer range of municipal water, with no offshore island or islet, as well as to the coastline opposite a municipality. The same should be reckoned from the general coastline of such municipalities at the point of the sea at low tide. With respect to directly opposing coastlines, the provision is very clear: '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 the opposite shore of the respective municipalities.'

The legal controversy on the delineation of municipal waters boils down to the interpretation of the reckoning point of the 15-km range when it involves offshore islands or islets. Two conflicting interpretations are present—the 'mainland principle' and the 'archipelagic principle'. The former implies that no island shall have marine waters generated from its own coastline. The latter advocate that islands, being part of archipelagic municipalities, shall also generate municipal waters. That is, in delineating the municipal waters of an archipelagic municipality, the 15 km shall be measured not only from the coastline of its mainland but also from the coastline/s of its islands.<sup>42</sup>

Commercial fishers support the application of the mainland principle when it comes to straight or regular coastlines and municipalities with irregular coastlines or composed of islands or islets. The indiscriminate application of this approach to all coastal municipalities will result in certain island municipalities losing some or all of its islets, especially if the islands are located beyond the 15 km reckoned from the main island.<sup>43</sup>

The National Mapping and Resource Information Authority (NAMRIA) uses the archipelagic principle to delineate.<sup>44</sup> This ensures that the LGUs are able to manage clearly defined areas of municipal waters, enact conservation and management measures, impose revenue measures and exercise control over resource use.

A court case was filed by both municipal and commercial fishers to settle the legal controversy on the interpretation of the 15 km range, but it was dismissed on technical grounds.<sup>45</sup> To break the impasse, the BFAR issued the delineation guidelines for coastal municipalities with straight coastlines or without islands.<sup>46</sup> But it left out the municipalities with islands in limbo. The amendment of the Fisheries Code in 2014 by Congress could have seen the government clarify the definition and delineation of municipal waters. The amendment was partly due to pressure from the European Union to reform policies on IUU fishing.<sup>47</sup> Though this development was welcome, it indicates the piecemeal nature of policymaking in fisheries, not to mention its politicized process. To move forward, CSOs working for policy reforms in fisheries have drafted a proposed administrative order that will provide clear delineation guidelines.

#### **2.1.2.2. Preferential Treatment of Municipal Fisherfolk**

The amended Fisheries Code favours marginal fisherfolk. It expressly states that local communities near municipal waters shall be given preference in obtaining licenses and permits to conduct fishing activities.<sup>48</sup> Additionally, the Fisheries Code provides that duly registered fisherfolk organizations and cooperatives are preferred in granting fishery rights.<sup>49</sup> Tidal swamps, mangroves, marshes, foreshore lands and ponds suitable for fishery operations may be used by qualified fisherfolk cooperatives and associations for fishpond development. Although priority is given to current lessees of said public lands in the renewal of fishpond leases, it is mandated by law that preference<sup>50</sup> shall also be given to small and medium enterprises.<sup>51</sup> Lastly, the Fisheries Code prefers fisheries cooperatives as beneficiaries of fisheries financing.<sup>52</sup>

#### **2.1.2.3. FARMC Representation**

The Fisheries and Aquatic Resources Management Councils (FARMCs) are given, by the Fisheries Code, a diverse range of responsibilities. For example, the National FARMC assists in the formulation of national policies and in the preparation of the National Fisheries and Industry Development Plan. It also performs other functions as may be provided by law.<sup>53</sup> The Municipal and City FARMCs assist in the preparation of a municipal fishery development plan, recommending the enactment of relevant fishery ordinances, help enforce fishery laws, and advise the *sangguniang bayan/panglungsod* (the legislative branch of LGUs) on fishery matters.<sup>54</sup> Lastly, the Integrated FARMCs (IFARMCs) have similar functions.<sup>55</sup>

The law demands that FARMCs be formed by fisherfolk organizations/cooperatives and non-government offices (NGOs) to be assisted by the LGU and other government entities.<sup>56</sup> There are, however, specific members identified by law to compose FARMCs. For the National FARMC, it shall be composed of the country's Undersecretary of Agriculture as chairman; the Undersecretary of the Interior and Local Government; five members representing fisherfolk and fishworkers; five members representing commercial fishing and aquaculture operators and the processing sectors; two members of the academe; and one representative of NGOs involved in fisheries.<sup>57</sup> For the Municipal/City FARMCs, its regular members shall be the municipal/city planning development officer; the chairperson of the agriculture/fishery committee of the *sangguniang bayan/panglungsod*; a representative of the municipal/city development council; a representative from the accredited NGO; a representative from the private sector; a representative from the Department of Agriculture; and at least 11 fisherfolk representatives, of which seven are municipal fisherfolk, one is a fishworker and three are commercial fishers, including youth and women.<sup>58</sup> Lastly, the IFARMCs shall be composed of the following: the chairperson of the agriculture/fishery committee of the concerned *sangguniang bayan/panglungsod*; the municipal/city fisheries officers of the concerned municipalities or cities; the municipal/city development officers of the concerned municipality or city; one representative from an NGO; one representative from the private sector; and at least nine representatives from the fisherfolk sector, including youth and women.<sup>59</sup>



#### **2.1.2.4. Post-Harvest Support**

Post-harvest assistance to fisherfolk is legally available. The Fisheries Code states that municipal and small-scale commercial fisherfolk shall enjoy at least 10 percent of the credit and provides for government financing to be available for post-harvest and marketing projects.<sup>60</sup> It is also stated that the Department of Agriculture shall conduct a regular study of post-harvest operations in fisheries and ancillary industries.<sup>61</sup> Further, the Fisheries Code also mandates LGUs to coordinate with the private sector, other concerned agencies and FARMCs in establishing post-harvest facilities for fishing communities, consistent with a comprehensive post-harvest and ancillary industries plan.<sup>62</sup>

As per the Fisheries Code, the export of fishery products shall be regulated whenever it affects domestic food security and production. Local biodiversity is also sought to be maintained and protected to secure domestic supply. Importation is only allowed when deemed necessary according to the Department of Agriculture. The local biodiversity is protected through the prohibition of exporting endemic species.<sup>63</sup> Trade measures are also mandated as part of post-harvest support for fisherfolk. The Department of Agriculture sets the standard for all fishery transactions and all fish products meet these quality standards.<sup>64</sup>

#### **2.1.2.5. On Housing: Resettlement Areas**

Providing housing for fishing communities is embodied in the law. According to the Fisheries Code, certain areas of the public domain shall be reserved for the settlement of municipal fisherfolk. The Department of Agriculture is mandated to establish a fisherfolk settlement area near fishing grounds.<sup>65</sup>

#### **2.1.2.6. Fisherfolk Registration**

LGUs are required to maintain a registry of municipal fisherfolk to determine prioritization among them, limit entry into municipal waters and regulate fishing activities. The registration also includes the type of gear used and other boat particulars.<sup>66</sup>

In January 2014, the BFAR launched the National Program for Fisherfolk Registration (FishR).<sup>67</sup> FishR generated data regarding fisherfolk, like their ages, number of children and fishing equipment used, and which part of the fishing industry they are engaged in, e.g. fishing, fish selling, seaweed farming or aquaculture. This will enable the government to provide basic services to fisherfolk.<sup>68</sup>

#### **2.1.2.7. Integrated Management of Fisheries**

In terms of fisheries and aquatic resources, integrated coastal area management should be undertaken by LGUs, supported by research, technical services and guidance provided by the State. The Fisheries Code, as amended, provides that the management of contiguous fishery resources, such as bays that straddle several municipalities, cities or provinces, shall be done in an integrated manner and not based on political subdivisions. LGUs that share or border such resources may group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management.<sup>69</sup>

#### **2.1.2.8. Strategic Action Against Public Participation**

The law provides a mechanism to punish troublesome suits stifling legal recourse sought through the Fisheries Code. This is to protect fisherfolk in particular, for whom the Code was made. As per the relevant provision, such actions will be considered a 'Strategic Lawsuit Against Public Participation' (SLAPP).<sup>70</sup>

### 2.1.2.9. Regulation and Prohibition of Activities within Municipal Waters

The Fisheries Code provides for regulations on access to fishery resources. The prohibitions relevant to fishing within municipal waters are as follows: imposition of passive gear as the type of gear allowed for fishing within municipal waters;<sup>71</sup> imposition of Harvest Control Rules and Reference Points in a fishery management area or fishery;<sup>72</sup> declaration of closed season by the BFAR or through LGUs;<sup>73</sup> prohibition on unauthorized fishing, such as fishing without a license or commercial fishing in municipal waters;<sup>74</sup> prohibition on destructive fishing methods, such as the use of explosives, noxious substances or electricity,<sup>75</sup> fine mesh nets, *muro-ami*, and gear that is destructive to coral reefs and other marine habitats;<sup>76</sup> use of super light or fishing light attractors;<sup>77</sup> protection against mangrove conversion;<sup>78</sup> and protection of endangered species.<sup>79</sup>

### 2.1.2.10. Comprehensive National Fisheries Industry Development Plan

The law provides that the BFAR should prepare and implement a Comprehensive National Fisheries Industry Development Plan.<sup>80</sup> Through the BFAR, the present administration focuses on the five-year Fisheries Development Plan 2016–2020, which ensures that all interventions are holistic and coordinated to achieve food security and inclusive growth. The plan also aims to enhance the governance of marine resources and strengthen law enforcement, particularly for LGUs to guarantee resource sustainability. Moreover, the plan implements measures that warrant resiliency to environmental and climate hazards, and aims to develop the full potentials of aquaculture, making sure that international standards are complied with, to bring in revenue from products exported to major international markets.

### 2.1.2.11. Compliance with International Obligations

The BFAR is to implement boarding and inspection protocols upon Philippine flagged fishing vessels to ensure international treaty obligations of food safety are observed, illegal, unreported and unregulated fishing are curbed, and conservation and management measures are complied with.<sup>81</sup> The BFAR is also tasked with adopting and implementing a national plan of action to manage fishing capacity, implementing the international Code of Conduct for Responsible Fisheries, and declaring fishery management areas as over-exploited in coordination with LGUs and FARMCs.<sup>82</sup> Ensuring the quality, safety, sustainability and traceability of all fish/aquatic products, whether sold domestically or internationally, remains to be the country's objective.<sup>83</sup> The Fisheries Code provides that failure to comply with conservation and management measures adopted pursuant to international conventions, Regional Fisheries Management Organization resolutions and laws of coastal states where Philippine vessels fish is unlawful and punishable.<sup>84</sup>

## 2.1.3. Agriculture and Fisheries Modernization Act

### 2.1.3.1. Employment Generation and Skills Development for Fishers

Through Republic Act 8435, 'An Act Prescribing Urgent Related Measures to Modernize the Agriculture and Fisheries Sectors of the Country in Order to Enhance Their Profitability, and Prepare Said Sectors for the Challenges of the Globalization Through an Adequate, Focused and Rational Delivery of Necessary Support Services, Appropriating Funds Therefor and for Other Purposes', also known as the 'Agriculture and Fisheries Modernization Act', the government aims to empower the fisheries sector. This law seeks poverty alleviation, social equity, food security, rational use of resources, global competitiveness, sustainable development, people empowerment and protection from unfair competition.<sup>85</sup> The Agriculture and Fisheries Modernization Act has the following objectives:

- a) To modernize the agriculture and fisheries sectors from a resource-based to a technology-based industry
- b) To enhance profits and incomes in the agriculture and fisheries sectors, particularly small farmers and fisherfolk, by ensuring equitable access to assets, resources and services, and promoting higher-value crops, value-added processing, agribusiness activities and agro-industrialization
- c) To ensure the accessibility, availability and stable supply of food to all at all times
- d) To encourage horizontal and vertical integration, consolidation and expansion of agriculture and fisheries activities, group functions and other services through the organization of cooperatives, farmers' and fisherfolk's associations, corporations, nucleus estates and consolidated farms, and to enable these entities to benefit from economies of scale, afford them a stronger negotiating position, pursue more focused, efficient and appropriate research, and enable them to hire professional managers
- e) To promote empowerment by strengthening people's organizations, cooperatives and NGOs and by establishing and improving mechanisms and resources for their participation in government decision-making and implementation
- f) To pursue a market-driven approach to enhance the comparative advantage of our agriculture and fisheries sectors in the world market
- g) To subject the agriculture and fisheries sectors' traditional or new products to further processing to minimize the marketing of raw, unfinished or unprocessed products
- h) To incentivize local and foreign investors to establish industries that have backward linkages to the country's agriculture and fisheries resource base
- i) To provide social and economic adjustment measures that increase productivity and improve market efficiency while ensuring the preservation of the environment and equity for small farmers and fisherfolk
- j) To improve the quality of life of all sectors<sup>86</sup>

The establishment of Strategic Agriculture and Fisheries Development Zones (SAFDZ) is the key implementing mechanism of the Agriculture and Fisheries Modernization Act. It refers to areas identified for production, agro-processing and marketing activities to help develop and modernize the agriculture and fisheries sectors in an environmentally and socio-culturally sound manner.<sup>87</sup>

Its implementation, however, was beset with a lack of resources and its accompanying credit, fiscal and trade incentives were not attuned to the level of development of the marginalized farmers and fisherfolk.<sup>88</sup> It was also hampered by the non-observance of the allocation of its components as provided by law and plagued by corruption.<sup>89</sup>

#### **2.1.4. NIPAS Law**

RA 7586, as amended by RA 11308, is the Act Providing for the Establishment and Management of National Integrated Protected Areas System, Defining Its Scope and Coverage, and for Other Purposes. It is more commonly known as the 'National Integrated Protected Areas System Act of 1992', or simply the NIPAS Law. This law is a countermeasure to the continuous depletion of marine resources due to unsustainable fishing practices.<sup>90</sup> The state recognizes that the increase in population has brought about resource exploitation.<sup>91</sup> Hence, the law creates a system of protected areas that will be conservation areas where management regimes will be implemented by LGUs.<sup>92</sup>

### 2.1.5. Executive Order No. 533: Integrated Coastal Management Policy

E.O 533 s.2006 mandates the mainstreaming of Integrated Coastal Management (ICM) programmes into the national and local governments' planning and socio-economic development programmes and allocating adequate financial and human resources for implementation. It also highlights the role of the provincial government in providing technical assistance, training, enforcement and information management in support to municipal and city ICM. Inter-LGU collaboration shall be maximized when it comes to sustaining the country's coastal and marine resources.<sup>93</sup>

### 2.1.6. Social Reform and Poverty Alleviation Act

There is a conducive policy landscape for social reform and poverty alleviation in the Philippines. Although the 1987 Philippine Constitution is replete with provisions that promote and recognize human rights, social justice and social development, it is RA 8425, the 'Social Reform and Poverty Alleviation Act' enacted in 1998, that operationalized the commitment of the State to tackle poverty, prevalent in the basic sectors. The said law defines 'poor' as 'individuals and families whose income fall below the poverty threshold as defined by the National Economic and Development Authority and/or cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing and other essential amenities of life'.<sup>94</sup> The segment of the population belonging to the basic sectors are the 'disadvantaged sectors of Philippine society, namely: farmer-peasant, artisanal fisherfolk, workers in the formal sector and migrant workers, workers in the informal sector, indigenous peoples and cultural communities, women, differently-abled persons, senior citizens, victims of calamities and disasters, youth and students, children, and urban poor'.<sup>95</sup> Fishers covered by the law are municipal, small-scale or subsistence fishermen who use fishing gear that does not require boats or only require boats below 3 tons.

This law lays the foundation for the implementation of the social reform agenda of the State. It institutionalized social reform as a continuing process of addressing inequities in Filipino society through a systematic delivery of socioeconomic programmes.<sup>96</sup> In doing so, it adopts an area-based, sectoral and focused intervention to poverty alleviation, wherein every poor Filipino family shall be empowered to meet its minimum basic needs of health, food and nutrition, water and environmental sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance, and family care and psycho-social integrity.<sup>97</sup>

This is to be carried out by the National Anti-Poverty Commission (NAPC). The President of the Philippines chairs the NAPC. There are two vice-chairpersons, one from the government sector and another from the basic sector, while the commission is supported by a secretariat.<sup>98</sup>

Through this governmental entity, previous and existing government processes poverty alleviation are streamlined.<sup>99</sup> The Social Reform Agenda (SRA) shall be formulated through the consultations with the basic sectors. Under the law, the SRA is integrated with the National Anti-Poverty Action Agenda, which recognizes the various facets of poverty. It has a multi-disciplinary approach, namely:

- a) Access to quality basic services: These are reforms that refer to equitable control and access to social services and facilities such as education, health, and housing, which enable citizens to meet their basic human needs.
- b) Asset reform and access to economic opportunities: Reforms that address existing inequities in the ownership, distribution, management and control of natural and man-made resources from which they earn a living.
- c) Sustainable development of productive resources: Reforms that ensure the effective and sustainable utilization of the natural and ecological resource base, thus assuring greater

social acceptability and increased participation of the basic sectors in environmental and natural resources conservation, management and development.

- d) Democratizing the decision-making and management processes: Reforms that enable the basic sectors to effectively participate in decision-making and management processes that affect their rights, interests and welfare.<sup>100</sup>
- e) The implementation of the programmes of the SRA by the NAPC shall be done through sector-specific flagship programmes. For fisherfolk, the focus is on fisheries and aquatic resources conservation, management and development.<sup>101</sup> This is supported by cross-sectoral flagship programmes such as (1) institution building and effective participation in governance, (2) livelihood programmes, (3) expansion of micro-credit/microfinance services and capability building, and (4) infrastructure buildup and development.<sup>102</sup>

### **2.1.7. Magna Carta for the Poor: State Response to Housing, Education, Food, Health and Decent Work**

In 2019, RA 11291, the Magna Carta for the Poor was enacted. Although it is also a law directed at poverty alleviation, it grants specific rights to the poor and insulates them from changes in government administration by ensuring the continuity and stability of existing programmes.<sup>103</sup> The following are the rights granted to the poor and the corresponding implementing government agencies:

- a) Right to Adequate Food is the right of individuals or families to have physical and economic access to adequate and healthy food, or the means to procure it. This is under the Department of Social Welfare and Development, and the Department of Agriculture.
- b) Right to Decent Work is the right to the opportunity to obtain decent and productive employment, in conditions of freedom, equity, gender equality, security and human dignity. This is under the Department of Labor and Employment.
- c) Right to Relevant and Quality Education is the right to attain the full development of the human person. This is under the Department of Education, the Commission on Higher Education and the Technical Education and Skills Development Authority.
- d) Right to Adequate Housing is the right to have a decent affordable, safe and culturally appropriate place to live in, with dignity, security of tenure in accordance with RA 7279, otherwise known as the 'Urban Development and Housing Act of 1992', in peace, with access to basic services, facilities and livelihood. The implementing agency is the Housing and Urban Development Coordinating Council.
- e) Right to the Highest Attainable Standard of Health is the right to have equitable access to a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. The Department of Health is the implementing agency.<sup>104</sup>

The implementing rules and regulations for this law are still pending approval by the President.<sup>105</sup>

### **2.1.8. Community-Based Monitoring System Act**

The Community-Based Monitoring System Act was enacted in 2019, to support the State's policy to ensure proper targeting of the beneficiaries of its poverty-alleviation programmes. It also aims for accountable public spending that warrants its allocation on areas and populace that need it most. The law established a community-based monitoring system designed to generate 'updated and disaggregated data necessary in targeting beneficiaries, conducting more comprehensive poverty analysis and needs prioritization, designing appropriate policies and interventions, and monitoring impact over time'.



This highlights the importance of the Community-Based Monitoring System (CBMS) as an evidence-based development planning tool through data collection and impact monitoring of the government's poverty alleviation programmes. Such a system is institutionalized in all LGUs to provide social and economic tools for development planning.<sup>106</sup> A three-year cycle for data collection is mandated, and LGUs shall be given financial and technical support,<sup>107</sup> with priority given to low-income municipalities.<sup>108</sup> The information generated from CBMS will help the government implement social protection in areas having the highest poverty incidence.<sup>109</sup>

The Philippine Statistics Authority is the lead implementing agency of this law. But the impact of this law in improving development planning at the national and local level remains to be seen, considering it was just recently implemented, in May 2020.<sup>110</sup>

### **2.1.9. Universal Healthcare Act: Philippines' Health Policy that Benefits Filipino Citizens**

In 2019, the Philippines enacted the Universal Healthcare Act<sup>111</sup> to protect citizens' right to health. The Act works to ensure that all Filipinos are health literate, provided with healthy living conditions and protected from hazards that could affect their health.<sup>112</sup> Through the Act, Filipino citizens are automatically included into the National Health Insurance Program,<sup>113</sup> which gives them access to preventive, promotive, curative, rehabilitative and palliative care for medical, dental, mental and emergency health services.<sup>114</sup> In the Philippines, the National Health Insurance Program is administered by PhilHealth, a tax-exempt government corporation attached to the Department of Health.<sup>115</sup>

### **2.1.10. On Timely Access to Justice: The Rules of Procedure for Environmental Cases**

Through AM No. 09-6-8-SC, the Supreme Court of the Philippines has stated the Rules that will govern the procedure in civil, criminal and special civil actions in courts involving the enforcement or violations of environmental and other related laws.<sup>116</sup>

A unique feature that this set of rules provides is the writ of *kalikasan*, which is a remedy available to a person 'whose right to a balanced and healthful ecology is violated, or threatened with a violation by an unlawful act or omission of a public official or employee, or private individual or entity, involving environmental damage of such magnitude as to prejudice the life, health, or property of inhabitants in two or more cities or provinces.'<sup>117</sup>

Additionally, in this set of Rules is where the concept of a 'continuing mandamus' was first introduced. A continuing mandamus is a remedy available 'when any agency or instrumentality of the government or officer thereof unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station in connection with the enforcement or violation of an environmental law rule or regulation or a right therein, or unlawfully excludes another from the use or enjoyment of such right and there is no other plain, speedy and adequate remedy in the ordinary course of law', so that a person aggrieved 'may file a verified petition in the proper court, alleging the facts with certainty, attaching thereto supporting evidence, specifying that the petition concerns an environmental law, rule or regulation, and praying that judgment be rendered commanding the respondent to do an act or series of acts until the judgment is fully satisfied, and to pay damages sustained by the petitioner by reason of the malicious neglect to perform the duties of the respondent, under the law, rules or regulations'.<sup>118</sup>

Lastly, the Rules also make available a Temporary Environmental Protection Order (TEPO), which is similar to a temporary restraining order in cases where a petitioner prays for an Environmental Protection Order. The TEPO becomes appropriate when the petition for an Environmental Protection Order involves a matter of extreme urgency and grave injustice and an irreparable injury is present.<sup>119</sup>

### **2.1.11. Decent Work in Fisheries and DOLE DO. 156-16**

The Labor Code of the Philippines, as amended, is primarily framed in the context of regulating employer-employee relations and the minimum labour standards employers must comply with.<sup>120</sup> It does not adequately capture the nuances of work in the fisheries sector, such as appropriate compensation, work hours and social protection. Reference to other laws, such as the 1987 Constitution and special laws, are necessary to determine if fishers, whether employed or self-employed, are adequately covered by the standards on decent work.

Work in Philippine fisheries involves fisherfolk in municipal and inland capture fishing, fishworkers in both aquaculture production and crew in commercial fishing and fish processing, and women who significantly contribute to the family livelihood.<sup>121</sup>

According to the BFAR, small-scale fishing employs a total of 1,692,748 in the municipal fisheries sector, 927,612 of whom are fisherfolk; the rest are men and women undertaking other activities in municipal fisheries.<sup>122</sup>

To further protect the interests of fishworkers, the Department of Labor and Employment declared Department Order No. 156-16, or the Rules and Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operation. Important features of the said Department Order (DO) include the terms and conditions of employment of fishers, their compensation, rules on occupational safety and health, the provision of social protection benefits, and the implementation of a livelihood and support programme. The policy upheld by the government in the implementation of this DO relates to the regulation of the relations between fishworkers and their employers consistent with the rights of labour and the rights of enterprise; the right for commercial fishers to unionize; and the insurance that vessels used in fishing are compliant with safety standards and that occupational safety and health standards are also observed.<sup>123</sup>

The DO institutionalized regular employment for fishworkers working in Philippine registered commercial fishing operations, whether in Philippine or international waters.<sup>124</sup> It also grants fishworkers benefits such as: minimum wage, holiday pay, overtime pay and night differential; incentive leave; 13th-month pay; paid paternity leave under RA 8187;<sup>125</sup> paid solo parent leave; paid leave for women recovering from surgery for gynaecological disorder; and retirement pay.<sup>126</sup> Under the DO, fishworkers are entitled to a 60-minute break to take their rest and regular meal,<sup>127</sup> a daily rest period of 10 hours and a rest period of not less than 24 hours for every six consecutive days of work.<sup>128</sup> Similar to other regular employees, fishers are entitled to social protection coverage of SSS, PAG-IBIG, Philhealth and employee compensation programmes.<sup>129</sup> This is without prejudice to any other benefits that the employer may provide based on existing policies or collective bargaining agreement (CBA).<sup>130</sup>

Owners or operators of commercial fishing vessels (CFV) are required to maintain a healthy, safe, injury- and accident-free workplace. They are required to have an occupational and health safety programme, provide protective gear and equipment, and appropriate facilities for sleeping and eating.<sup>131</sup>

Self-employed individuals have social security protection under the Social Security System (SSS) of the national government in case of sickness, maternity, disability, retirement and death.<sup>132</sup> But it is necessary that they register as self-employed individuals under the SSS and pay the required premium. Inaccessibility of government benefits to fisherfolk because they live in remote areas made them prone to loan sharks, who charge as much as 20 percent interest monthly.<sup>133</sup>

In 2019, the SSS entered a Memorandum of Understanding (MOU) with the Philippine Crop Insurance Corporation (PCIC) to bring social security coverage to farmers and fisherfolk.<sup>134</sup> PCIC is a government-owned and controlled corporation under the Department of Agriculture that

provides insurance protection to millions of farmers and fisherfolk during natural calamities, plant diseases and pest infestation.<sup>135</sup>

## **2.2. Local Government Support to Small-Scale Fisheries through Delivery of Basic Services**

### **2.2.1. Delivery of Basic Services**

Local autonomy and the decentralization of power from the national government to LGUs, as mandated both by the 1987 Constitution and the Local Government Code of 1991, provide a policy platform for the delivery of basic services. Among these are agricultural extension and on-site research; community-based forestry projects; field health, hospital services and other tertiary health services; public works and infrastructure projects; school building programmes; and social welfare services.<sup>136</sup>

LGUs in the Philippines are territorial and political subdivisions structured hierarchically into provinces, cities, municipalities and barangays.<sup>137</sup> LGUs being administratively and politically autonomous from the national government are given more powers, authority, responsibilities and resources. There are accountability mechanisms and mandated consultation process mechanisms for LGUs before any national government project is implemented in their respective jurisdiction.<sup>138</sup>

### **2.2.2. General Welfare**

Under the Local Government Code, LGUs have delegated police authority that can be used to implement social development policies. The Local Government Code states:

SEC. 16. General Welfare. Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.<sup>139</sup> (Emphasis added)

### **2.2.3. Access to Fishery Resources**

Access to fishery resources by municipal fisherfolk is determined, among others, by the state of the fisheries and aquatic resources. Its protection through the right of the people to a balanced ecology, promotion of full employment and preservation of their comfort are within the power of the LGUs. The exercise of such power should always conform to constitutional limitations, and not be discriminatory or violative of the equal protection clause.

This police power of the LGUs should be correlated with the specific powers of the municipal/city governments over municipal waters. Municipal or city governments, through their respective local legislative bodies, known as *sangguniang bayan* or *sangguniang panglungsod*, can enact ordinances granting fishery privileges within their respective municipal waters.<sup>140</sup>

The Local Government Code of 1991 defines a marginal fisherman as 'an individual engaged in subsistence farming or fishing which shall be limited to the sale, barter or exchange of agricultural or marine products produced by himself and his immediate family'.<sup>141</sup> This definition is used for taxation purposes. Thus, it lacks the nuances of the definition of small-scale fishing.

#### 2.2.4. Joint Undertaking in the Delivery of Basic Services

In the context of promoting general welfare, LGUs may scale up basic services that will address social development issues in their respective jurisdictions through inter-LGU partnerships or joint ventures with non-government organizations or the private sector.

#### 2.2.5. Development Planning at the Local Level

All LGUs are also required to formulate their respective comprehensive development plan (CDP). The Local Development Councils (LDCs) at the provincial, city, municipal or barangay level are mandated to assist the corresponding sanggunian (local legislative councils) in setting the direction of economic and social development.<sup>142</sup>

Membership and participation of NGOs is required in LDCs. LDCs at the provincial, city and municipal level have the following functions: (1) Formulate long-term, medium-term and annual socioeconomic development plans; (2) Formulate medium-term and annual public investment programmes; (3) Appraise and prioritize socioeconomic development projects; (4) Formulate local investment incentives to promote the inflow and direction of private investment capital; (5) Coordinate, monitor and evaluate the implementation of development projects; and (6) Perform such other functions as may be provided by law or competent authority.<sup>143</sup>

At the barangay level, LDCs have the following functions: (1) Mobilize people's participation in local development efforts; (2) Prepare barangay development plans based on local requirements; (3) Monitor and evaluate the implementation of national or local projects; and (4) Perform such other functions as may be provided by law or competent authority.<sup>144</sup>

The agenda on small-scale fisheries can be mainstreamed in local development planning provided the municipal fishers or the organizations that they belong to can effectively participate in the processes of the LDCs.

In relation to the implementation of the National Anti-Poverty Action Agenda, the LGUs are mandated to:

- a. Identify the poor in their respective areas based on indicators such as the minimum basic needs approach and the human development index, their location, occupation, nature of employment, and their primary resource base, and formulate a provincial/city/municipality anti-poverty agenda.
- b. Identify and source funding for specific social reform and poverty alleviation projects.
- c. Coordinate, monitor and evaluate the efforts of local government units with the private sector on planning and implementation of the local action program for social reform and poverty alleviation.
- d. Coordinate and submit progress reports on programmes to the National Anti-Poverty Commission.<sup>145</sup>

### 2.3. Women in Fisheries

#### 2.3.1. Policies Affecting Women's Development in Fisheries

The following are key policies affecting women's development in the fisheries sector:

- a) **UN CEDAW:** The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the UN General Assembly. It is often described as an international bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to end discrimination.

- b) **Magna Carta of Women:** Consistent with CEDAW, the country's Magna Carta of Women was signed in 2009 with support from the UN. It is a historic step forward in upholding women's rights. The law grants women, especially those in marginalized sectors, including farmers and fishers, the full enjoyment of their rights.
- c) **Framework Plan for Women (FPW);** Indicates actions planned for gender responsive governance to be undertaken by government agencies, LGUs and civil society.
- d) **DBM Budget Circular:** The Department of Budget and Management (DBM) has issued annual budget circulars since 1997. These support the implementation of Gender Advocacy Development (GAD) budgets at the local level.
- e) **BFAR Gender and Development Program:** The BFAR has been actively spearheading GAD programmes in the fisheries sector.

## 2.3.2. Issues and Concerns for Women in Fisheries

### 2.3.2.1. Lack of Provision of Social Services in Coastal Municipalities

The decline in poverty in the Philippines is slower than that of other nations in Southeast Asia. For those who depend on farming and fishing for income, economic trends keep them poor, largely due to the misuse of natural resources. Filipino society and government tend to ignore their relationships with the area's ecology, disregarding the massive impacts of solid waste, water and air pollution on agriculture and health. As pointed out in the previous section of this paper, municipal fisherfolk are below the national average in terms of educational attainment. Along with this, most of the households have limited access to safe water, electricity and good sanitation.

### 2.3.2.2. Limited Access and Entitlement to Land and Marine Resources

Many problems faced by women and men in coastal communities stem from limited land ownership. Differences in land tenure and property rights between men and women contribute to structural inequality and women's poverty. Aquaculture, for instance, is basically farming; thus, land in pond culture systems is crucial. Likewise, pen and cage aquaculture and seaweed farming involve the construction of structures in fresh and marine water bodies, which necessitate some form of lease agreements with the government, who controls these resources.

Poor women find it doubly harder than poor men to access and own land. Vast tracts of fishponds are exempted from land reform, which limits the possibility of poorer farmers and poorer women to own aqua farms.<sup>146</sup> The common practice among Filipino families to give land inheritance to men further prevents women from owning land. Even if women inherited land, ownership is transferred to their husbands when they marry. While there are no legal impediments for women to enter lease contracts with the government, only a handful that possess sufficient economic capital can do so. Most aquaculture businesses, whether corporate or household-managed, are owned and controlled by men.

### 2.3.2.3. Limited Access to Formal Sources of Credit and Capital

Women have limited access to credit and capital, so face challenges in expanding their income generation.

While cultural constraints contribute to women's small-scale and highly seasonal income generation, another factor is their lack of access to institutional sources of credit. Formal financial institutions are less receptive to them, and welcoming to women small-scale entrepreneurs. Furthermore, their collateral requirements, bureaucratic loan application system, disbursement procedures and discriminatory banking culture exclude poor women as clients. Women stick to informal moneylenders because of convenience, the quick turnaround time and low transaction



costs. The question raised in the group discussions was: Who in family usually gets credit? It was found that men are always the representatives of families to access credit. Since women are treated as inheritors, they can only access credit in case men are absent.

Nonetheless, in agriculture activities, women are usually in charge of paying loans and ensuring they are paid on time. In aquaculture activities, men are always responsible for this task. In many coastal communities, debts of fishing families pass from one generation to the next.

#### **2.3.2.4. Limited Information, Training and Education for Women**

A lack of training and education, including extension services, is an issue for both men and women in coastal communities. However, women have significantly less access to what little extension services and training are available. In most instances, research and extension in fisheries are not focused on the activities of women in the industry. To go to the training, women must travel some distance away from their homes. Concerns about safety make women hesitant to travel, while their responsibilities for cooking and childcare make it difficult for them to be absent from home for more than a few hours. Furthermore, information dissemination activities tend to target those who are literate.<sup>147</sup>

A study was recently conducted in General Santos. Women are part of the tuna supply chain and industry; however, there is an absence of gender-friendly facilities, policies and rules against sexual harassment in the workplace. There is an absence of female staff in human resources, which may result in women feeling undervalued.<sup>148</sup>

#### **2.3.2.5. Limited and Weak Participation in Organizations and Decision-Making Bodies**

Women's participation in organizations concerning fisheries and aquaculture development is generally low, unless the organizations are founded by women. Few women are members of fishers' organizations or cooperatives, which are usually utilized as conduits of government agencies, NGOs, private groups and academic institutions to channel training and extension services. FARMCs, which perform advisory functions to the LGUs, have few women members. Where women's groups are active in the community, more seats may be gained by women in FARMCs. Certain FARMCs, in Bohol province for example, attest to this. What representation in the FARMC offers are opportunities to access technology and research, marketing assistance and other services.<sup>149</sup>

#### **2.3.2.6. Invisibility of Women's Work in Fisheries and Aquaculture**

Aquaculture is one of the priorities of the Fisheries Agency. Even though the LGU sees aquaculture as a major potential for economic growth, there has been no mention of women in fisheries and aquaculture. The Provincial Development Plan included gender and development initiatives, but closer scrutiny reveals that these actions are highly general and allocated a minimal budget. Women's activities in fisheries are often considered part of their domestic chores, instead of as paid work.

### **2.3.3. Promoting Women's Rights and Gender-Responsive Policies and Programmes in Fisheries**

The following recommendations are culled from the proceedings of the Women in Fisheries Conference in Southeast Asia by SEAFISH.<sup>150</sup>

#### **2.3.3.1. Policy and Institutional Level**

Philippine national and local government, relevant agencies, international development agencies and private sector groups must fulfil and be accountable in promoting women's equal participation in fisheries. This is through institutionalization of strategies and mechanisms to promote women's

active participation in and benefits from small-scale fisheries and aquaculture in accordance with rights-based instruments such as CEDAW. In particular, it shall ensure women's rights to genuinely participate and benefit from development.

The recommendations here reflect three areas to actualize gender equity in artisanal fisheries: women's human rights, women's empowerment and gender-responsive governance. Moreover, the recommendations highlight the need for the commitment of national and local governments, NGOs, private sector institutions and community-based organizations in coastal communities.

To provide and facilitate the rights for women in fisheries consistent with CEDAW, the specific recommendations are as follows:

- a) Promotion of a community property rights-based approach that emphasizes preferential treatment for poor, small-scale fishers, fish farmers and women fishers in the access to and utilization of resources.
- b) Provision of preferential and targeted policy mechanisms for trade, post-harvest, processing and marketing to support small-scale and artisanal fishers, and fish farmers, including women. This may be through facilitating local investments in infrastructure, public and private partnerships or support for local labour-intensive processing of marine products.
- c) Provision of targeted access to credit and loans for poor, enterprising women in fishing and aquaculture households who wish to diversify their livelihoods. This must be coupled with training, consultancy services and technical assistance.
- d) Institutionalization of policies and mechanisms for women fishers' genuine representation in fisheries decision-making structures.
- e) Institutionalization of support for research on gender and fisheries to deepen the understanding of women's needs and concerns.
- f) Recognition of labour rights, safe and working conditions, fair and just wages for small-scale fishers and women workers, including those involved in land-based activities (e.g. women working in fish processing plants and in fish ponds) and the adoption of an integrated approach that ensures intergovernmental policy coordination and enforcement.

### **2.3.3.2. Community Level**

Local government bodies, private sector organizations, NGOs and community-based organizations have to protect, facilitate and provide conditions for women's empowerment at the local level. The recommendations so that women in fishing villages can equally participate in and benefit from fisheries are as follows:

- a) Conduct gender analysis to produce gender disaggregated data and the formulation of community-level actions that challenge the existing power relations in fishing communities.
- b) Mainstreaming the agenda of women in fishing communities in the local development planning and budgeting processes. Their issues include health and nutrition, water and sanitation, early childhood education, reproductive health and gender-based violence.
- c) Provision of training and capacity-building activities on aquaculture, post-harvest technologies, fish processing, value-adding of products, packaging and marketing.
- d) Enhancement of women's skills and competencies in organizing, leadership, communications, network building, negotiation and policy dialogue.
- e) Establishment of structures and support mechanisms that would encourage women to take on leadership and management positions in community groups and participate in community

activities.

- f) Development of specific measures to involve women and men in non-traditional sustainable livelihood activities. Gender stereotypes could be challenged by providing women new skills and knowledge.
- g) Formation of strong partnerships with national and local women's groups and other groups to facilitate cross-sectoral policy dialogues, lobbying and information exchange.
- h) Building gender awareness among men and women among the communities, local government officials and staff, and NGO staff.
- i) Development of gender and development indicators and their adoption in local development plans. These indicators shall be closely monitored and updated to inform decision-making. Government agencies, NGOs, and other institutions should conduct a regular audit of their interventions to determine if they address gender issues.
- j) Integration of gender issues and themes into extension services, research, training, communication, and education activities and materials in fisheries programmes.
- k) Adoption of structures and processes at the community level that encourage women to build self-esteem and confidence.

## 2.4. Sustainable Development Goals in Fisheries

Building on the gains of the Millennium Development Goals, the 2030 Agenda for Sustainable Development was adopted by 192 UN member states in September 2015 to achieve a range of economic, social, environmental and governance targets by 2030.<sup>151</sup> These global development goals are articulated in 17 thematic goals and 169 targets, with the mantra 'leave no one behind'.<sup>152</sup>

As part of the Philippine government's commitment to implement the 17 SDGs, a national action plan dubbed 'Ambisyon Natin 2040' (Our Ambition) was crafted. The development plan envisions that by 2040 'the Philippines will have been a prosperous, predominantly middle-class society where no one is poor, our people live long and healthy lives, are smart and innovative, and live in a high trust society'.

The government has adopted a 'whole-of-government' and 'whole-of-society' approach to SDG implementation.<sup>153</sup> This involves framing the national actions in terms of adopting laws to ensure robustness, cross-sectoral coordination and orchestration of existing institutional mechanisms, and engaging stakeholders in discussions.<sup>154</sup> To provide the foundation for its mid-term implementation, the Philippine Development Plan (PDP) 2017–2022 was crafted and initiated by the National Economic Development Authority (NEDA). NGOs and the private sector have also decided to pursue the SDGs.

Considering that the SDGs are non-binding, progress of its implementation rely heavily on UN member states' voluntary commitment. The Philippines' commitment to implementing the SDGs in relation to fisheries, notably SDG 14 (life below water), is reflected in the following:

- a) National Search for Outstanding Coastal Community Malinis at Masaganang Karagatan (MMK) (Clean and Plentiful Ocean). This programme under the BFAR is a national competition among coastal cities and municipalities to promote best practices in coastal resource management and engagement of stakeholders for the conservation of fisheries and aquatic resources.<sup>155</sup> Winning LGUs are given cash prizes to support their local fisheries programme.<sup>156</sup>

- b) National Stock Assessment Program (NSAP). This programme under the BFAR intends to have science-based policies, plans and strategies in managing fisheries by establishing an assessment programme of major fishing grounds throughout the country.<sup>157</sup>
- c) Coastal and Marine Ecosystems Management Program. The programme aims to manage the country's coastal and marine ecosystems, thereby increasing their ability to provide ecological goods and services. Components of the programme include networking of locally managed marine protected areas (MPAs) and sustainable management of coastal and marine resources. The Department of Environment and Natural Resources is in charge of this programme.<sup>158</sup>

### **3. NGO Intervention in Fisheries Sector Development**

CSOs in the Philippines recognize the intertwined root causes behind the dire situation of the fisheries sector. It is characterized by persistent poverty among fishers, resource degradation and a gender gap. This condition is directly linked to the 'triple whammy' confronting the fisheries sector: the unequal access to and control over resources, the underdevelopment of the fishing industry and the country's trade policies that do not recognize fish as finite but renewable natural resources. More so, the already vulnerable conditions of small fishers and poor coastal communities are exacerbated by the impacts of climate change, natural and human-induced hazards and fragmentation, with municipal fishers holding little bargaining power in markets. The technology they employ, such as simple nets and hand lines, also reflects the fragmented nature of municipal fishery production and the subsector. NGOs work on various strategies based on the foregoing context and premise. They pursue development agendas through direct support at the community level, coupled with advocacy both at the national and international levels. They employ an integrated, risk-sensitive and community-based approach.

Community-level initiatives have made inroads and achieved success in specific areas in the country. Changes in the policy framework with the enactment of the Local Government Code in 1991 and the Fisheries Code in 1998 have facilitated the emergence of local-level management. This is through FARMCs spearheaded by fisher organizations, with support from NGOs, national government agencies, and academic and research institutions. Amendments introduced in RA 10654 aligned national fisheries law with international instruments for responsible fishing practices.

Much remains to be done in terms of enhancing the capacity of fisher organizations, especially in transforming gains in resource management into increased household income and welfare. CSOs need to provide relevant support services to fisher organizations and coastal communities in the areas of not only management, policy advocacy and enterprise development but also disaster management and public health, particularly under 'the new normal'.



## 4. State's Response to the Covid-19 Pandemic

### 4.1. Covid-19 in the Philippines

Covid-19 tested national healthcare systems across the world. It also exposed the vulnerabilities of marginalized groups who have been historically excluded from social protection, such as small-scale fishers. In the Philippines, PhilHealth responded by providing a benefit package for Covid-19 testing,<sup>159</sup> as well as for inpatient care for probable and confirmed severe cases of Covid-19.<sup>160</sup> Services in its benefit package include accommodation, management and monitoring of illness, laboratory/diagnostic/imaging services, medicines, and supplies and equipment.<sup>161</sup> Medical frontliners and allied workers are then entitled to full hospitalization coverage in case they contract Covid-19, for the whole duration of the pandemic.<sup>162</sup>

To further prevent the spread of the virus, the government in March 2020 placed the entire Luzon region under a stringent lockdown to avoid the contamination of the two other major islands in the country: Visayas and Mindanao. This was made possible through the enactment of Republic Act No. 11469, Bayanihan to Heal as One Act, also known as the Bayanihan Act, by Congress. The law granted President Rodrigo Duterte specific emergency powers for a period of three months.

The enactment of said law was to enable the Chief Executive to deal with the public health emergency by authorizing him to undertake temporary urgent measures. These measures include the implementation of effective education, detection, prevention and treatment following the World Health Organization's guidelines; expediting and streamlining public and private testing; treating and isolating patients afflicted with the disease, with their treatment to be covered by the National Health Insurance Program under the Philippine Health Insurance Corporation; allocating the approved national budget; temporarily taking over direct operations of public utilities and private-owned health facilities 'when the public interest so requires'; and providing emergency subsidy in the amount of PHP18 million to low-income households.<sup>163</sup>

The cost of the national government's Covid-19 response was estimated at PHP27.1 billion.<sup>164</sup> One of the programmes is the Social Amelioration Package (SAP). Several government agencies were tasked to implement the SAP, with the Department of Social Welfare and Development as the head. The SAP is intended to support 18 million Filipinos affected by Covid-19. The beneficiaries are persons with disabilities, pregnant women, solo parents, OFWs (distress at repatriated), indigenous people, the homeless, farmers, fisherfolk, self-employed persons, informal settlers and those under No Work-No Pay arrangements (e.g. drivers, house help, construction workers, etc.).

Other Covid-19 mitigating measures have been adopted by the Department of Labor and Employment. Together with the Department of Trade and Industry, the agencies issued the 'DTI and DOLE Interim Guidelines on Workplace Prevention and Control of COVID-19' to assist private institutions that are allowed to operate during the Enhanced Community Quarantine and General Community Quarantine in developing the minimum health protocols and standards in the context of the pandemic.<sup>165</sup> The Department of Labor and Employment was also able to issue multiple Department Orders that prescribe 1) guidelines on adjustment measure programmes for affected workers due to the pandemic;<sup>166</sup> 2) guidelines for the implementation of the tulong panghanapbuhay sa ating displaced/disadvantaged workers programme (TUPAD);<sup>167</sup> 3) guidelines governing the provision of hotel accommodation for distressed land- and sea-based Filipino workers;<sup>168</sup> and 4) guidelines on the provision of financial assistance for displaced land- and sea-based Filipino workers.<sup>169</sup>

In relation to fisheries, the Department of Agriculture–Agricultural Credit Policy Council (ACPC) provided loan facilities and financial assistance as part of the national government's Covid-19 response. ACPC loan programmes are designed to avoid serious disruption to rural economies.

It has rolled out immediate interventions for food production and availability, food accessibility and affordability, and food price stabilization as the Department of Agriculture proposed a PHP66 billion stimulus package.

The following are the support programs:

- a) **Expanded SURE Aid and Recovery Project (SURE Covid-19).** This provides micro and small enterprises (MSEs) with working capital to enable them to continue their operations. It is a zero-interest loan of up to PHP10 million, payable in five years.<sup>170</sup>
- b) **Agri-Negosyo (ANYO) Loan Program.** The Agri-Negosyo Loan Program offers zero-interest loans for small farmers and fishers and registered micro and small agri-fishery enterprises. Eligible individuals may borrow a maximum loanable amount of PHP300,000, while registered MSEs, depending on their size, may borrow up to PHP15 million. Loans are payable in five years.<sup>171</sup>
- c) **The Kapital Access for Young Agripreneurs (KAYA) Loan Program.** The KAYA Loan Program offers zero-interest loans of up to PHP500,000, payable in five years. Borrowers must be 18–30 years old and graduates of agriculture and fishery degrees.<sup>172</sup>

## 4.2. Challenges to the National Government's Response

The Philippines has earned the undesirable world record of having the longest lockdown in response to Covid-19.<sup>173</sup> Yet, the containment of the virus is still far-fetched, as the tally of infections and Covid-related deaths remains one of the highest in Southeast Asia.<sup>174</sup>

The implementation of the government's response to Covid-19 was done through the Inter-Agency Task Force on Emerging Infectious Disease (IATF-EID).<sup>175</sup> It issues national guidelines on quarantine-related restrictions. The IATF-EID was created through E.O. No. 168 s. 2014, under President Benigno Aquino III, to respond to the 'need for an inter-sectoral collaboration to establish preparedness and ensure efficient government response to assess, monitor, contain, control, and prevent the spread of any potential epidemic'.

A number of its policy pronouncements were heavily criticized, particularly the imposition of restrictions, for being militaristic and without basis in science.<sup>176</sup> For instance, a group of jeepney drivers filed a petition before the Supreme Court to question the constitutionality of memorandum circulars issued by the Land Transportation Franchising and Regulatory Board, as well as guidelines from the Department of Transportation and IATF, for being violative of equal protection. Jeepney drivers and operators claim that they have been deprived of their livelihood and right to work due to the ban on plying their regular route, while other public transportation modes, like buses and taxis, have been allowed to resume operations.<sup>177</sup> Even health professionals debunked the exclusion of jeepneys. According to them, traditional jeepneys are a safe public transport option, as they allow for better flow of air owing to their large windows and doorless entrance. In contrast, the riding public has a higher chance of contracting Covid-19 in air-conditioned buses and modern jeepneys, due to limited ventilation.<sup>178</sup>

The implementation of Social Amelioration Programs (SAP) was saddled with operational and administrative difficulties at the local level. Listing and validation alone of qualified beneficiaries and coordination between the national government and LGUs took a long time, and LGUs bore the brunt of not being able to deliver cash or goods promised by the national government in the midst of the clamor from people, especially those who were forced to abandon work due to the lockdown.

Meanwhile, PhilHealth was heavily criticized for alleged corrupt practices within the agency. Allegations of 'widespread corruption' were made by its anti-fraud legal officer in July 2020, who resigned because of the same reason.<sup>179</sup> These allegations of corruption led to the formation of an investigative panel,<sup>180</sup> which, up to now, has yet to report any findings. In January 2021,

PhilHealth denied the allegations of corruption, stating that the allegedly missing sum was, in fact, used in healthcare facilities nationwide as part of the Covid-19 response.<sup>181</sup>

At the height of lockdown, it was reported that fishing was one of the sources of livelihood of people who lost jobs and returned to their communities in the rural areas.<sup>182</sup> However, there were accounts of fisherfolk who got arrested while doing their fishing activities or who complained of catch spoilage due to logistical challenges like the closure of ice plants and long queues at checkpoints.<sup>183</sup> Although fishing activities are allowed during the lockdown and fisherfolk are also considered frontliners (being food producers themselves), they also have to contend with the plunge in prices and sales of their harvest. Demand from fish processing companies has gone down due to the reduction of operation of cold storage facilities and port congestion.<sup>184</sup>

In the early months of the lockdown, a network of CSOs<sup>185</sup> called on the national government to undertake several measures to ease economic difficulties and the lack of logistical support for municipal fishers. Some of these recommendations are to:

- a) Fast-track the distribution of cash and food subsidies detailed in the SAP under the Bayanihan to Heal as One Act. This is for fisherfolk families affected by the lockdown throughout Metro Manila, the coastal provinces of Luzon and all other affected provinces and coastal local governments.
- b) Facilitate transportation to move fish products from the communities to the designated markets. Although fishers are exempted from quarantine and are allowed to sail amid the ongoing curfews, they find it difficult to market their harvest due to limited buyers and traders.
- c) Encourage government support in consolidation and absorption of fishery products from small fisherfolk operations, as some local governments are doing in buying fish from fisherfolk for distribution as food packs.
- d) Provide ice-making machines and other necessary post-harvest facilities. Special exemptions should be issued for ice-making companies, so they can operate and supply fisherfolk and traders with much needed ice to preserve their catch and ensure quality fish products.
- e) Have continuous fishery law enforcement. LGUs, in coordination with the BFAR, the Philippine Coast Guard, the Philippine National Police and other law enforcement agencies should continue seaborne operations, especially in municipal waters, as some coastal municipalities are doing in partnership with national enforcement agencies.

## 5. Conclusion and Recommendations

In the Philippines, social development policies in support of the basic sectors, including small-scale/artisanal fisherfolk, have strong legal foundations with defined institutional support. However, much improvement is needed for implementation and translation into concrete economic gains and social protection. Despite the laws on social protection and poverty alleviation specifically targeting artisanal fisherfolk, among other groups comprising the basic sectors, the fisherfolk sector has the highest poverty incidence. It is at 40 percent, compared to the national average of 26.3 percent.

The impact of CBMS, an evidence-based tool for evaluating economic and social protection, on sector-specific poverty alleviation measures has yet to be realized, given the infancy of its implementation. The institutionalization of CBMS should be matched with effective capacity building for LGUs in terms of developing their comprehensive local development plans and the national government's commitment to the 17 SDGs.

The rights and remedies for small fishers are spelled out by national policies and specific laws to operationalize them. For instance, the 1987 Constitution grants subsistence fishermen preferential use of the state-owned communal marine and fishing resources, both inland and offshore, supported with appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The Fisheries Code of 1998 as amended by RA 10654, which intends to alleviate poverty in the fisheries sector, grants municipal fisherfolk preferential access to municipal waters. The Local Government Code of 1991 grants preferential treatment to organizations or cooperatives of marginal fishermen with respect to access and use rights to a number of fishery resources within the jurisdiction of LGUs. Under the Magna Carta for the Poor, small fishers are given the right to demand poverty-alleviation programmes as the state commits to the progressive realization of the following five rights: right to food, right to decent work, right to housing, right to relevant education and right to the highest attainable standard of health.

It is interesting how these statutory rights have brought about change in the quality of life of small fishers. The enjoyment of their rights and privileges with respect to accessing fishery resources are also dependent on the condition of fishery and aquatic resources. This is not lost in the sector-specific intervention under the Social Reform and Poverty Alleviation Act, wherein the legislated programme for artisanal fisherfolk is management and conservation of fishery and aquatic resources.

The conflict in the use of municipal waters should be resolved, the tenurial rights of municipal fisherfolk secured. Among others, their access to municipal waters is constantly challenged by the intrusion of commercial fishers and the unmitigated impacts of aquaculture fishing to municipal capture fishing. Effective monitoring of regulatory standards, law enforcement and active prosecution of violations also determine the enjoyment by fishers of their collective and individual rights over these fragile and finite resources.

The governance and institutional arrangement in the fisheries sector in the Philippines also affect the management and conservation of fishery and aquatic resources. It is administratively under the Department of Agriculture, with the BFAR as the policy and implementing agency on fisheries-related concerns. Under this set-up, the fisheries sector must compete with other agriculture sub-sectors for budgeting and policy implementation.

The sector is composed of the municipal, commercial and aquaculture sectors. The Fisheries Code, as amended by RA 10564, though intended as a codification of all fisheries laws and policies, fails to cover specific concerns of fishworkers and women engaged in fisheries. There must be a reliance on a broad human rights-based approach to determine their rights and remedies in the context of fisheries.

Aside from the usual problem surrounding the implementation of existing laws and policies, the sectoral approach in fisheries governance should integrate a human rights–based approach in its development planning.

Although the Magna Carta for the Poor framed the five statutory rights of the poor as ‘fundamental rights’ for progressive implementation and realization, if its implementation is done right, it could influence fisheries management. The said rights are aligned with the broad range of internationally recognized human rights.

The following recommendations are put forward to assist fishing communities and the fisheries sectors in their recovery from the social and economic impacts of the Covid-19 pandemic and to further strengthen the resiliency of the sector:

1. Strengthen local fish production systems by:
  - a. Organizing and strengthening fisherfolk associations, savings clubs and cooperatives to serve as local consolidators
  - b. Assist LGUs to establish/develop local markets for fish products
  - c. Shorten the supply chain by directly linking producers to the market (i.e., local restaurants, food establishments, grocers, cafeterias/canteens of schools, hospitals and government offices, feeding programs, etc.)
2. Establish a Department of Fisheries and Aquatic Resources (DFAR) to upgrade the Agency’s capacity and resources to ensure timely response to the needs of the industry and to develop and implement new ways of ensuring food security
3. Conduct a national assessment by the BFAR, in collaboration with LGUs, partner NGOs and fisherfolk organizations, on the impact of Covid-19 on local fishers
4. Establish a comprehensive Social Protection Package for Fisherfolk, consisting of:
  - a. Health insurance
  - b. Health support package (face masks, alcohol, vitamins, etc.)
  - c. Cash subsidies
5. Continue the implementation of fisherfolk registration/updating of the registry of fishers, boats and gear to:
  - a. Identify fishing vessels and gear to be allowed during lockdowns
  - b. Reduce IUU fishing by regulating fishers, boats and gear
  - c. Help identify qualified beneficiaries for assistance such as SAP and relief goods distribution
6. LGUs (through their 20 percent development funds) and the BFAR to establish fish-processing plants and community fish landing centres with ice-making machines, cold storage facilities and freezers
7. Absorb displaced fisherfolk in the newly established community fish landing centres, ice-plants, fish-processing plants, etc.
8. Recruit fisherfolk in food-for-work type programmes for coastal cleanups and MPA maintenance and protection



9. Strengthen fishery law enforcement through the installation and utilization of Vessel Monitoring Mechanisms (VMM) and Visible Infrared Imaging Radiometer Suites (VIIRS)
10. Enact House Bill No. 5023: 'An Act Granting Benefits and Incentives to Accredited Bantay-Dagar and for Other Purposes' by Cong. Francisco Matugas, which would not only strengthen and ensure continued enforcement of fishery laws but also provide additional income for Bantay-Dagat volunteer fish wardens.

In relation to the implementation of the Fisheries Code, as amended by RA 1054 and other social protection measures needed by small-scale fishers, the following are the key recommendations to strengthen government programmes and policies:

1. Support programme for CFLC. Sec. 153 of the Fisheries Code, as amended by RA 10654, provides for infrastructure support for municipal fisherfolk. This includes the establishment of Community Fish Landing Centers (CFLCs). This will help improve the social and economic situation of small-scale fishers. FARMCs can be a platform for monitoring the CFLCs and NGOs can assist in capacity building on coastal resource management and social enterprise development. Municipal fishers should be given full recognition of their roles at all levels of CFLC implementation. Memorandums of Agreement should specify the roles of beneficiaries in the implementation and operation of CFLCs.
2. Provision of social insurance for municipal fishers. The development of social protection programmes should go beyond addressing short-term needs. They must address the survival needs of fishing households by giving them access to sustainable livelihood and steady incomes. Many coastal municipalities are practising community-based management of MPAs and community-based coastal resource management (CBCRM).
3. Implementing guidelines on fisherfolk settlement areas. Most fisherfolk families just settled into the land they are now occupying with minimal documentation. These are public lands and form part of the salvage/ easement zones. Those fishing families are not the only ones facing the threat of displacement and relocation. Even those who are settling in coastal lands beyond the salvage/easement zones are facing these threats. Many of these settlers had been residing in their communities for years, some for generations, without any guarantee of tenure. Some are even paying taxes for their land. There have been instances where private claimants secured title over public coastal lands, with some resorting to land grabbing.
4. Adopt the archipelagic principle in the delineation of municipal waters with offshore islands. The delineation of municipal waters for municipalities and cities with offshore islands is long overdue. It is but logical that the archipelagic principle be used in defining municipal waters, particularly those municipalities with offshore islands. This was also recommended by the National Mapping and Resource Information Authority, the central mapping agency of the government and duly mandated by the Fisheries Code. This will ensure LGUs are able to manage clearly defined areas of municipal waters.
5. Implement and enforce DOLE DO 156-16. Preventive measures against labour issues of fish workers on board commercial fishing vessels (CFV) with Philippine registry is addressed by DO 156-16. It is aligned with ILO C188 in protecting fish workers. It provides the normative regulations and standards on employee-employer relations, compensation and benefits, and occupational safety.
6. Promote coastal resiliency programmes. Systems to address socio-economic and environmental risks in fisheries are being developed and installed. However, climate change and natural disasters pose serious threats. Responding to these challenges means that the impacts of climate change and disasters on coastal and near-shore fishery resources are considered in coastal resource management to ensure the maintenance of coastal or marine biodiversity.

7. Social protection and recovery from the impacts of the pandemic. Covid-19 has subjected the fisheries industry to several challenges and difficulties. The imposition of a nation-wide community quarantine effectively shut down the fishing industry, as the physical movement of people was limited. The shutdown of other sectors and facilities upon which the fishing industry is highly reliant (i.e., transport sector, ice plants, wet markets, fish landing centres, suppliers of fishing equipment/paraphernalia, etc.) also greatly hampered fishing activities and productivity.

The paralysis of the transport sector and the set-up of blockades at provincial boundaries prevented the transport of fishery products from fish landing centres to intended markets. The closure of ice plants/lack of ice shortened the period to preserve fish products, which resulted in greater spoilage or being forced to sell at lower prices. The initial closure of wet markets, grocers and restaurants also cut off markets for fish products. The closure of suppliers also prevented fishers from acquiring needed fishing equipment and paraphernalia. These factors have greatly affected the productivity of the sector, which, in turn, resulted in loss of income for fisherfolk households. There is, therefore, a need for social protection measures to prevent fish workers from experiencing the socio-economic impacts of the pandemic.

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categories: 'The above definitions shall be subject to review and adjustment by the said Council *moto proprio* or upon recommendation of sectoral organization(s) taking into account inflation and other economic indicators. The Council may use as variables the number of employees, equity capital and asset size.'

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# Social Development and Sustainable Fisheries: Philippines

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The study is a part of a series of original research on social development and sustainable fisheries undertaken by ICSF in eight countries. The study documented the status of social development and decent work programmes, schemes, policies, legislation and institutional support (including community-based initiatives) to demonstrate how they strengthen the environmental pillar of sustainable development. With a detailed review and analysis of schemes, legislation and reports for the protection of human rights in small-scale fisheries, the study demonstrates the contextual reality on social development of small-scale fishing communities in the country context and stresses on the need for concerted effort to improve social development indicators to ensure sustainable development.



ICSF ([www.icsf.net](http://www.icsf.net)) is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's special list of Non-Governmental Organizations. It also has Liaison status with the FAO. ICSF works towards the establishment of equitable, gender-just, self-reliant and sustainable fisheries, particularly in the small-scale, artisanal sector.

ICSF draws its mandate from the historic International Conference of Fishworkers and their Supporters (ICFWS), held in Rome in 1984, parallel to the World Conference on Fisheries Management and Development organized by the Food and Agriculture Organization of the United Nations (FAO). As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and action, as well as communications.