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SENATE

P. S. Res. No. 798

RECEIVED BY:

Introduced by Senator Loren B. Legarda

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON AGRICULTURE, FOOD AND AGRARIAN REFORM TO CONDUCT A FOLLOW-UP INQUIRY, IN AID OF LEGISLATION, ON THE PROTECTION OF MUNICIPAL WATERS, THE IMPLEMENTATION OF FISHERIES ENFORCEMENT AND VESSEL MONITORING MEASURES, AND ACTIONS ARISING FROM PRIOR SENATE DELIBERATIONS TO IMPROVE THE WELFARE OF MUNICIPAL FISHERFOLK

WHEREAS, Article XIII, Section 7 of the 1987 Constitution directs the State to protect the rights of subsistence fisherfolk, especially local communities, to the preferential use of communal marine and fishing resources, both inland and offshore, and to provide appropriate technology, financing, production and marketing assistance, and other services necessary to improve their welfare;

WHEREAS, Republic Act (RA) No. 8550, or the Philippine Fisheries Code of 1998, as amended by RA No. 10654, establishes the legal framework for protecting municipal fishing grounds, regulating commercial fishing activities, and assigning responsibilities to national government agencies and local government units (LGUs) in the conservation and management of fisheries resources;

WHEREAS, municipal waters extending 15 kilometers from the coastline are particularly important to small-scale fisherfolk who depend on these fishing grounds for their daily livelihood, while the existing Fisheries Code permits qualified small and medium commercial fishing vessels to operate within the 10.1-to-15-kilometer zone under specified conditions;

WHEREAS, the December 2023 decision of the Regional Trial Court (RTC) of Malabon City in the Mercidar Fishing Corporation case, followed by the Supreme Court's

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procedural disposition in G.R. No. 270929 in August 2024, raised serious concerns regarding the legal protection of municipal waters and the authority of LGUs to regulate commercial fishing, prompting calls for legislative clarification and stronger safeguards for subsistence fisherfolk;

WHEREAS, the Senate has already undertaken legislative and oversight efforts to address these concerns, including the filing of Proposed Senate Resolution (PSR) No. 11 by Senator Francis N. Pangilinan on 14 July 2025, seeking an inquiry into the effects of commercial fishing within municipal waters on small-scale fisherfolk, food security, and marine resources;

WHEREAS, on 18 February 2026, the Senate Committee on Agriculture, Food and Agrarian Reform conducted a hearing on proposals concerning municipal waters, during which senators, government agencies, local officials, fisherfolk representatives, and scientific institutions discussed the effects of commercial fishing, the protection of municipal fisherfolk, and the need for clearer regulatory and enforcement measures;

WHEREAS, during the said hearing, Senator Loren Legarda raised concerns regarding the government's procedural lapses in the Mercidar proceedings and emphasized the need to restore legal clarity, uphold the constitutional preferential rights of municipal fisherfolk, and ensure that the officials responsible for implementing fisheries laws directly account for their decisions and actions;

WHEREAS, the Senate subsequently pursued additional information from the Bureau of Fisheries and Aquatic Resources (BFAR), including updates on the implementation of the Fisheries Code and the availability and sharing of vessel-monitoring information, with these matters taken up in the Committee's technical working group (TWG) process in February 2026;

WHEREAS, during the 18 February 2026 hearing, the Committee Chair called for BFAR to formalize vessel-monitoring data sharing with concerned LGUs through a memorandum of agreement (MOA) between the Department of Agriculture (DA) and the League of Municipalities of the Philippines (LMP), while Senator Legarda proposed that qualified fisherfolk and civil society organizations also be considered for

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accreditation as recipients of appropriate monitoring information, subject to necessary safeguards;

WHEREAS, the continuing questions surrounding fisheries surveillance were likewise raised in PSR No. 324, filed by Senator Risa Hontiveros in March 2026, which sought an examination of BFAR's implementation of Vessel Monitoring Measures (VMM), particularly the use and sharing of monitoring information among agencies responsible for enforcing fisheries laws;

WHEREAS, the Senate's earlier discussions have therefore identified matters requiring specific follow-through, including the status of BFAR's requested reports, the proposed formal arrangements for sharing vessel-monitoring information with concerned LGUs, the consideration of accreditation for fisherfolk and civil society groups, and the extent to which monitoring resources have translated into actual enforcement;

WHEREAS, Senator Legarda filed Senate Bill No. 522 (SBN 522), or the proposed Municipal Fisherfolk Protection Act, seeking to strengthen the protection of the 15-kilometer municipal fishing zone, reaffirm the preferential rights of subsistence fisherfolk, and clarify the statutory powers and responsibilities necessary to safeguard municipal waters from unauthorized commercial fishing;

WHEREAS, the deliberations on SBN 522 have also brought forward scientific and technical considerations concerning the conditions under which commercial fishing may be authorized, the protection of ecologically sensitive shallow waters, and the importance of evaluating both environmental and socioeconomic impacts before allowing activities that could affect municipal fishing communities;

WHEREAS, the ability to enforce municipal fishing restrictions depends in part on knowing where commercial vessels actually operate, whether they possess the required permits, and whether their activities comply with legally established fishing boundaries, making reliable vessel monitoring and appropriate access to enforcement data essential to effective fisheries governance;

WHEREAS, in its Decision dated 21 January 2026 in Republic v. Royale Fishing Corporation, G.R. Nos. 256282, 256559, and 257049, the Supreme Court upheld the invalidation of Fisheries Administrative Order (FAO) No. 266 concerning vessel

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monitoring and electronic reporting, raising questions regarding the statutory basis and constitutional safeguards required for an effective fisheries surveillance system;

WHEREAS, the same Supreme Court Decision expressly directed the DA, through BFAR, to take immediate steps to rectify deficiencies in FAO No. 266 and report to the Court on the action taken, making the status of the corrective measures and the required report a concrete matter for legislative follow-up;

WHEREAS, in response to this legal and regulatory concern, Senator Legarda subsequently filed Senate Bill No. 2521 (SBN 2521), or the proposed Fisheries Vessel Monitoring Act, which seeks to establish clearer statutory authority for vessel monitoring and electronic reporting, provide safeguards for sensitive monitoring information, and strengthen accountability for unlawful fishing activities, including appropriate responsibility on the part of commercial vessel owners and operators;

WHEREAS, the introduction of these legislative measures provides an opportunity to examine the relationship between the protection of municipal fishing rights and the enforcement mechanisms necessary to make those rights effective, taking into account the findings of previous Senate deliberations and subsequent developments in law and policy;

WHEREAS, the effectiveness of vessel-monitoring programs cannot be assessed solely from the number of monitoring devices purchased or installed, since their practical value depends on whether reliable information reaches authorized enforcement agencies, suspected violations are investigated, and appropriate actions are taken against vessels found to have violated the law;

WHEREAS, satellite-based monitoring initiatives, including Oceana's Karagatan Patrol, continue to identify apparent commercial fishing activity within municipal waters, underscoring the need to determine whether government monitoring systems are capable of verifying such detections, identifying actual violations, and supporting timely enforcement;

WHEREAS, the protection of municipal fishing grounds also requires sufficient personnel, operational resources, officially delineated boundaries, coordination among

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enforcement agencies, and support for LGUs and Bantay Dagat teams, whose responsibilities cannot be effectively discharged without adequate national assistance;

WHEREAS, the concerns affecting municipal fisherfolk extend to the economic value of their catch, as inadequate ice supply, storage, processing, transport, and marketing arrangements may result in fish being sold at very low prices or spoiling before reaching consumers, reducing the income that fishing households receive from their labor;

WHEREAS, in April 2026, a substantial harvest of tamban or lawlaw in Bulan, Sorsogon resulted in spoilage and market losses when local processing facilities temporarily suspended operations during Holy Week, illustrating how inadequate arrangements for storage, processing, and alternative marketing can leave fisherfolk unable to benefit from an abundant catch;

WHEREAS, subsequent government interventions, including the operationalization of additional ice-production and storage facilities at the Bulan Fish Port Complex in July 2026, warrant assessment to determine whether these improvements have adequately addressed local cold-chain requirements and whether similar assistance is needed in other fishing communities;

WHEREAS, the Philippine Statistics Authority (PSA) reported a poverty incidence of 27.4% among fisherfolk in 2023, demonstrating the continuing importance of ensuring that public investments in fisheries protection, infrastructure, technology, and market access translate into tangible improvements in household income and economic security;

WHEREAS, women engaged in fish vending, processing, trading, and related enterprises likewise require appropriate access to financing, facilities, training, and representation in fisheries institutions, while effective post-harvest handling and distribution can improve the availability of affordable and nutritious fish for Filipino households;

WHEREAS, in view of the hearings already conducted, the legislative proposals filed, and the subsequent actions undertaken by government agencies, there is a need for the Senate to determine the progress achieved, identify commitments and recommendations that remain unimplemented, and establish the additional legislative,

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administrative, and financial measures necessary to protect municipal waters and improve fisherfolk livelihoods;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the Senate Committee on Agriculture, Food and Agrarian Reform, in coordination with other appropriate committees, to conduct a follow-up inquiry, in aid of legislation, taking into consideration the findings, recommendations, agency submissions, and matters raised in earlier Senate deliberations on municipal waters and vessel monitoring, particularly:

(a) Status of previous Senate hearings and agency undertakings. The actions taken by BFAR, the DA, and other concerned agencies following the Senate Committee hearing of 18 February 2026 and subsequent TWG discussions, including the reports and technical assessments requested, their submission dates, the undertakings acted upon, those still pending, the officials responsible, and any timetable or explanation provided for outstanding commitments;

(b) Implementation of municipal-water protections. The measures undertaken following the Mercidar proceedings to clarify and implement the protection of municipal waters, including the guidance issued to LGUs, the status of relevant judicial proceedings, and the legal or administrative issues that continue to affect the exercise of municipal fisheries regulatory powers;

(c) Progress of legislative measures on municipal waters. The status of the deliberations on SBN 522, or the proposed Municipal Fisherfolk Protection Act, including the consideration of recommendations submitted during earlier committee proceedings, the scientific and socioeconomic safeguards necessary to protect municipal fishing grounds, and any remaining issues requiring resolution before the measure may advance;

(d) Implementation of vessel-monitoring commitments. The status of government vessel-monitoring programs, including the number of commercial fishing vessels equipped with operational monitoring devices, the reliability of transmitted information, the actual use of such information by BFAR, and the extent to which monitoring investments have improved the detection and prevention of unlawful fishing;

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(e) **Fulfillment of vessel-monitoring data-sharing commitments.** Whether the DA and the LMP have concluded or advanced the proposed MOA for sharing vessel-monitoring information with concerned LGUs; which authorized enforcement agencies and LGUs currently have timely and usable access; and what standards, accreditation arrangements, and safeguards may permit appropriate access by qualified fisherfolk organizations and civil society groups, consistent with applicable privacy, maritime security, confidentiality, and due process requirements;

(f) **Compliance with the Supreme Court's directive and the legislative framework for monitoring.** The corrective steps taken by the DA, through BFAR, in response to the Supreme Court's 21 January 2026 directive to rectify deficiencies in FAO No. 266, including the content and dates of any compliance reports filed with the Court or reasons why such reports remain pending; the status of any subsequent judicial proceedings; and the progress of SBN 2521, or the proposed Fisheries Vessel Monitoring Act, in providing a legally sound vessel-monitoring and electronic-reporting framework;

(g) **Actual fisheries enforcement outcomes.** The number and nature of verified violations involving commercial fishing vessels within municipal waters, the investigations and enforcement actions undertaken, and the penalties imposed, including the identification of difficulties in gathering evidence, coordinating among agencies, and prosecuting unlawful fishing activities;

(h) **Capacity of BFAR and coastal LGUs.** The progress of initiatives to strengthen fisheries enforcement personnel, equipment, operational funding, municipal water delineation, and technical assistance to Bantay Dagat and local government units, including whether appropriations and assistance programs are reaching areas where enforcement capacity remains inadequate;

(i) **Action on post-harvest fisheries losses.** The implementation and effectiveness of government programs addressing fish spoilage and loss of market value, including the actual utilization, operational condition, and maintenance of fish landing centers, ice plants, cold storage facilities, processing equipment, and related infrastructure;

(j) **Results of recent fisheries infrastructure interventions.** The lessons from the April 2026 fish oversupply in Bulan, Sorsogon, including the adequacy of

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subsequent government responses and newly operationalized facilities, and the need for practical measures to address similar seasonal gluts and disruptions in the processing, preservation, and marketing of fish elsewhere in the country;

(k) Income and livelihood support for fisherfolk. The extent to which existing and proposed government interventions, including fisheries cooperatives, financing, fuel assistance, market access, value-added processing, and support for women-led fisheries enterprises, have improved the economic conditions of municipal fishing communities;

(l) Use of public resources and accountability. The adequacy and actual utilization of funds allocated for fisheries enforcement, vessel-monitoring technology, infrastructure, and fisherfolk support, including whether government performance assessments reflect measurable results and improvements in services and enforcement rather than procurement and administrative accomplishments alone; and

(m) Remaining legislative and policy measures. The specific gaps identified in earlier Senate proceedings that remain unresolved, the legislative measures needed to address them, and the coordination required to advance SBN 522, SBN 2521, and other relevant proposals concerning fisheries governance, municipal fishing rights, post-harvest infrastructure, and fisherfolk welfare.

RESOLVED, FURTHER, to request the concerned Senate committees to review the records of previous hearings and TWG proceedings and obtain from BFAR, DA, the Department of the Interior and Local Government (DILG), the National Mapping and Resource Information Authority (NAMRIA), the Philippine Fisheries Development Authority (PFDA), PCG, the PNP Maritime Group, and other relevant agencies the status and dates of earlier submissions and commitments; copies and implementation details of any DA-LMP data-sharing agreement and related access protocols; reports or submissions made to the Supreme Court concerning FAO No. 266; vessel-monitoring and enforcement records; budget utilization; and other information needed to determine progress and unresolved matters;

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RESOLVED, FINALLY, that copies of this Resolution be furnished to the agencies concerned for their information and appropriate action.

Adopted,

LOREN LEGARDA

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