IMPLEMENTING GUIDELINES ON THE GRANTING OF PREFERENTIAL TREATMENT TO SMALL FISHERFOLK RELATIVE TO THE 15-KM. MUNICIPAL WATER

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WHEREAS, the Philippine Constitution provides for the preferential option for the poorest of the poor sector of our society;

WHEREAS, the municipal fishing sector, through having a significant contribution to the Philippine economy, is one of the marginalized sectors in our society;

WHEREAS, 40 percent of the country's population are found in the coastal areas and 8 to 10 million of them are directly and indirectly relying on fisheries for subsistence livelihood;

WHEREAS, 80 percent of these communities are characterized by extreme poverty, lack of alternative livelihood and inadequate basic service delivery;

WHEREAS, the Local Government Code of 1991 grant organizations and cooperatives of marginal fisherfolk preferential right to erect fish corrals, oyster, mussel or aquatic beds or bangus fry areas, within a definite zone of the municipal waters;

NOW THEREFORE, pursuant to the directive of the President of the Philippines issued to the secretaries of the department of Agriculture and Department of interior and Local Government dated 15 March 1996 and in consonance with Section 149 (b) of the LGC of 1991, the following guidelines are hereby issued:

SECTION 1. Coverage. — The 15 KM municipal water shall include both marine and inland waters.

SECTION 2. Process of Granting Preferential Right.

a. The Municipality/City Fisheries and Aquatic Resources Management Council (MFARMC) shall determine a definite zone or zones within the municipal waters for the purpose above provide. The Sangguniang Bayan/Panlungsod (SB) shall pass a water zoning ordinance based on the determination made by MFARMC.

b. The MFARMC shall maintain a registry of municipal fisherfolk and their organizations.

c. The SB,shall post in the municipality hall and at least two (2) other strategic places a notice to fisherfolk's organizations or cooperatives to apply for the rights. The same notice shall be posted in at least two (2) strategic places in every fishing barangay and announced once a week for four (4) consecutive weeks.

d. Interested parties shall have a period of 45 days from the posting of the notice to signify their intention to the SB to avail of the preferential rights.

e. Should two (2) or more groups signify their intent to avail the right, the MFARMC shall accommodate them, if possible. If this should not be possible, the MFARMC draw up the criteria of selecting qualified applicants.

f. Only when no qualified applicants who have signified their intent to avail of the right shall other parties be

invited to participate in a public bidding. Provided, however, that the participating bidder should come from the same municipality/city

g. The chosen organization or cooperative shall pay a reasonable amount to the municipality or city for the rights.

SECTION 3. Repealing Clause. — All orders, rules and regulations or parts thereof, inconsistent with the provisions of this Joint Administrative Order are hereby repealed or modified accordingly.

SECTION 4. Effectivity. — This Order shall take effect immediately upon approval.

Adopted: 25 Apr. 1996

(SGD.) SALVADOR H. ESCUDERO III
Secretary Department of Agriculture

(SGD.) ROBERT M. BARBERS
Secretary Department of Interior and Local Government

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