

DEVOLVING TO MUNICIPAL AND CITY GOVERNMENTS THE REGISTRATION OF FISHING VESSELS THREE (3) GROSS TONNAGE BELOW

EXECUTIVE ORDER NO. 305, April 02, 2004

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WHEREAS, the Maritime Authority (MARINA) is mandated under Section 12 (f) Executed Order No. 125, as amended Executed Order No. 125-A, to register vessels;

WHEREAS, The Philippines Coast Guard (PCG) has been deputized by the MARINA to register fishing vessels three (3) gross tonnage and below pursuant to Department Order No. 98-1180 of the Department of Transportation and Communication and MARINA Memorandum Circular No. 139;

WHEREAS, Section 139 (3) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the Sangguniang Bayan shall issue licenses for the operation of fishing vessels three (3) gross tonnage or less, and Section 16, 17 and 18 of RA No. 8550, otherwise known as the "Philippine Fisheries Code of 1998", provide that the LGU shall have the Jurisdiction on municipal water;

WHEREAS, the marginalized fisherfolks nationwide are faced with the difficulty of registration of fishing vessels three (3) gross tonnage and below with the national government, especially in areas where the PCG offices are inaccessible;

WHEREAS, the League of Municipalities of the Philippines, the League of Cities of the Philippines and the National Anti-Poverty Commission Fisherfolk Sectoral Council strongly recommend that the authority to undertake the registration of fishing vessels three (3) gross tonnage and below presently being performed by the PCG by authority of MARINA be devolved to the LGUs in line with their mandates under R.A. 7160 and No. 8550.

NOW THEREFORE, I Gloria Macapal-Arroyo, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Devolution to Local Government Units. The Municipal/City Government shall undertake the registration of fishing vessels three (3) gross tonnage and below. Said LGUs, in consultation with the Municipal/City Fisheries and Aquatic Resource Management Council (FARMC), shall enact ordinance prescribing the procedures of registration and imposing penalties for non-registration.

Section 2. Transition Period. There shall be a transition period not to exceed the one (1) year of effectivity hereof, during which time the Municipal/City Governments shall train the technical personnel with the assistance of the MARINA and PCG and prepare the appropriate officers of the full discharge of this devolved functions. The DOTC, through the MARINA and PCG, is hereby directed to extend its assistance and support to ensure that the services needed by the public are not disrupted.

Section 3. Record Keeping and Submission of Reports. The Municipal/City shall maintain up-to-date records of fishing vessels (3) gross tonnage and below under their jurisdiction, and regularly submit to the MARINA Regional Office concerned, the PCG Station/Detachment and DA-BFAR the list of vessels registered

Section 4. Implementing Guidelines. The Department of Justice, Department of the Interior and Local Government, Department of Transportation and Communications, Department of Agriculture-Bureau of fisheries and Aquatic Resources, Maritime Industry Authority, Philippine Coast Guard, PNP Maritime Group, NAPC-Fisherfolk Sector, the League of the Municipalities of the Philippines and League Cities of the Philippines, shall jointly formulate the guidelines to implement this Order.

SECTION 5. Repealing Clause. All Executive Orders, Department Orders, Memorandum Circular, Rules and Regulations or parts thereof contrary to or inconsistent with this Executive Order and its implementing Guidelines are hereby repealed or modified accordingly.

SECTION 6. Effectivity. This Executive Order shall take effect fifteen days after its publication in the Official Gazette, or in two (2) newspapers of general circulation and upon its filing with the Office of the National Administrative Register.

Done in the City of Manila, Philippines, this 2nd day of April in the year of Our Lord, two thousand and four.

(SGD.) GLORIA MACAPAGAL-ARROYO

President of the Philippines

By the President:

(SGD.) ALBERTO G. ROMULO Executive Secretary

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