



# Re-examining User Rights in the Philippine Fisheries : Selected Cases in Panay

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# Outline

- Overview of Philippine Fisheries
- Case Study
- Moving Forward: Recommendations



# Philippines in Global Production of Fish, Crustaceans, Molluscs and Aquatic Plants, 2013

Major Countries	TOTAL	
	MT	% share
1. China	73,669,119	38.57
2. Indonesia	19,237,067	10.07
3. India	9,199,291	4.82
4. Viet Nam	6,098,280	3.19
5. USA	5,683,360	2.98
6. Peru	6,002,015	3.14
7. Philippines	4,705,507	2.46
8. Japan	4,768,519	2.50
9. Russian Federations	4,506,749	2.36
10. Myanmar	4,717,620	2.47



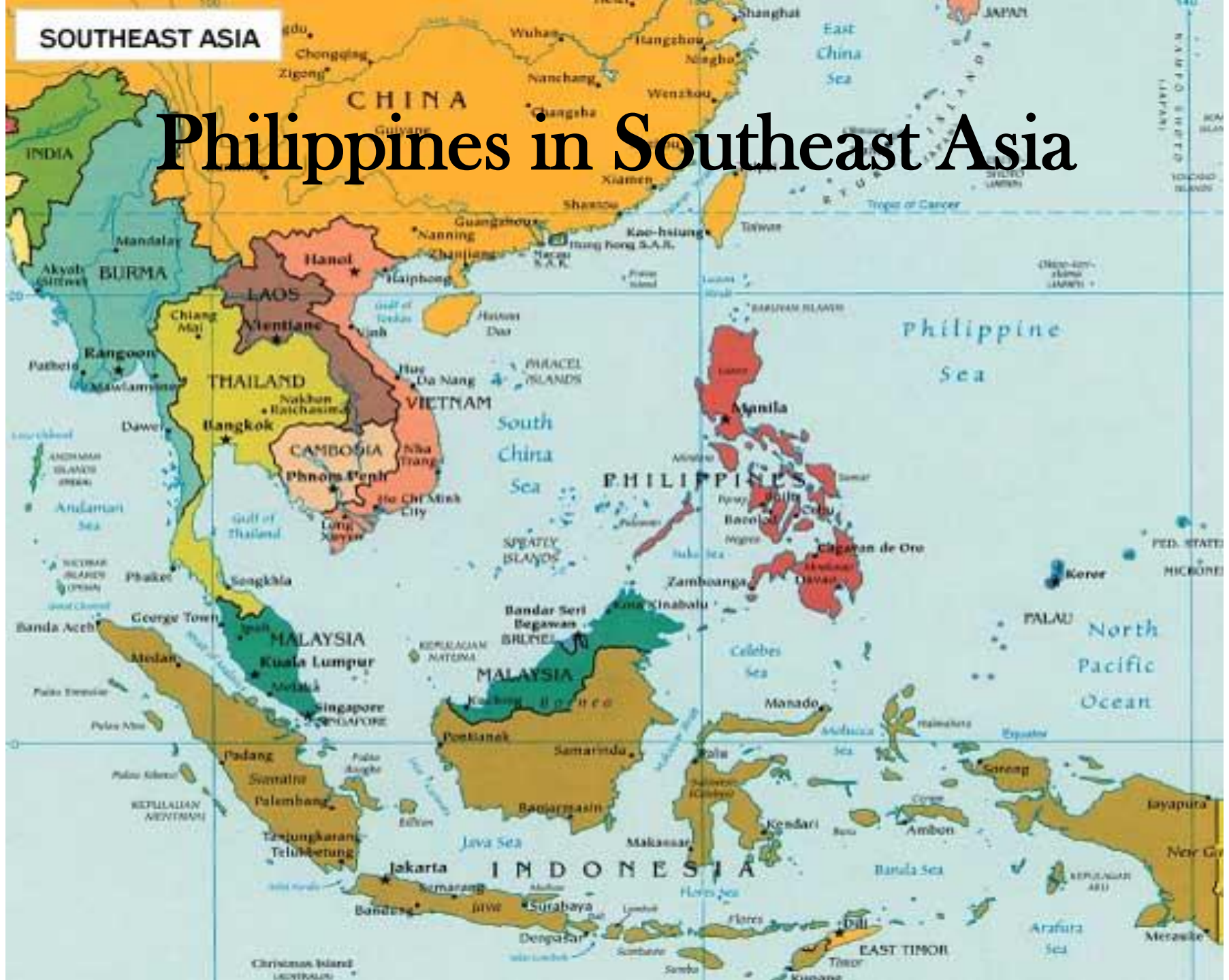
# Fisheries Sector in the Philippines

- The Philippine fishery industry is predominantly of small-scale fisheries.
- Total employment
  - 1,614,368 fishing operators nationwide
  - 1,371,676 municipal
  - 226,195 aquaculture
  - 16,497 commercial



## SOUTHEAST ASIA

# Philippines in Southeast Asia



# Study Site: San Joaquin, Panay, Philippines



# San Joaquin, Iloilo

- a second-class municipality located in the southern tip of Iloilo in the island of Panay.
- is composed of 85 barangays (or villages), twenty-two of these are coastal with a population of 51,645 people (Cordero and Subade, 2018).

*\*The barangay is the basic political unit of government in the Philippines.*



# Marine Protected Areas (MPAs) in San Joaquin

- In 2011, the coastal barangays in the San Joaquin are covered by 15 marine sanctuaries along the coastline with each sanctuary having an area of at least 2 hectares
- Through Municipality Ordinance No. 7 series of 2009, the first three MPAs were built. The remaining 12 marine protected areas were incorporated through Ordinance No. 4 series of 2011.





# Marine Protected Areas (MPAs) in San Joaquin

- The purpose of these ordinances are to:
  - promote the conservation of marine resources
  - protect marine habitats and aquatic resources from all forms of illegal fishing and other harmful activities
  - rehabilitate degraded marine resources
  - support the fish population through the regulation of fishing activities.



# History

- Some of these marine sanctuaries were once used as traditional fishing grounds.
- It was during the late 1970's that destructive fishing methods were practiced in these areas until it became evident that fish catch is slowly diminishing thus the LGU classified some fishing areas as sanctuaries.
- Destructive fishing methods, spearfishing, anchoring, and discharge of oil and other harmful substances are not allowed in these areas (Municipal Ordinance, 2009).



- Fishing season in San Joaquin is usually throughout the year with peak seasons on certain species of fish.
- Target fishes are:
  - sardines
  - tuna
  - treadfin bream
  - red snapper
  - mackerel scad
  - two spot banded snapper.

- These fishes are either overexploited or fully exploited.



- Decreasing fishing supply is one of perceived problems in the area.
- Some residents claimed that the decreased fish catch was due to establishment of marine protected areas (MPA) which was also their main fishing ground before.
- Others blamed it to the destructive fishing methods that devastated the coral reefs even before the establishment of MPA.



- Most fishers are from the same barangay or municipality though there are instances that fishers from adjacent municipalities also fish in the area.
- Out of the 22 coastal barangays, there are **more than ten** landing sites of fishers. In fact, fishers are allowed land and sell their catch in their own barangays or adjacent barangays.



- Fishers from these 22 coastal barangays are allowed to fish to other coastal barangays except for the sanctuary areas.
- Considering that fishing areas are open to other coastal communities, the increase in fishers population will also mean that the area will be shared with others eliciting competition between the fishers. Another factor are the commercial fishing vessels that fish within the 15 kilometer municipal waters.



- The competition among fishers (commercial and municipal specifically) for the fishing ground is a significant factor that leads to a decrease in fish catch. It is also for this reason that fishing organization was established that requires all fishers to register.
- Only registered municipal fishers are allowed to fish *within the 15 kilometer zone.*



- The common fish gears used were *hook and lines* and *gillnets*. Some fishermen also use *lift nets* and *seine nets*.
- Most of the fishermen chose fishing grounds near their barangay since most of the boats they used were small motorized boats powered by the engine.
- The boats are outboard engine with less than *100 hp*, *less than 12 meters length* and *less than 10 gross tons*. Currently, there are still fishers who used non-motorized sail boats. There is no cold storage for catch in the boat thus some fishers use *ice box on deck*.





# Management of Fisheries and Rights-Based Approach

- In the Philippines, the enactment of the Local Government Code of 1991 or Republic Act 7160 (RA 7160) ushered the formal devolution of powers and responsibilities from the central government to the local government units (LGU) and people's organizations.
- Administrative arrangements resulting from RA 7160 have encouraged environment for co-management to prosper.
- As administrative power shift placed the local governments at the forefront of coastal resource management (CRM) and enabled the local leaders to come together with the community and various stakeholders to plan, enact laws and implement programs suited to the area.



- At present, ***co-management*** is increasingly used in the Philippines to manage resources. In areas where there are shared common resources, co-management utilizes the involvement of several sectors in the society collaborating with inter-LGU partnerships and different resource sharing schemes among stakeholders (Adan 2004; Napilan 2004). Resource sharing schemes and power are delegated among several stakeholders and several LGUs that form alliances or integrated councils. Due to the nature of common coastal resources, problems in coastal areas of a particular local government go beyond its jurisdictional boundaries and can only be addressed effectively through collaborative management with adjacent coastal governments (Christie and White 1997).





# LGU-Led Co-Management

- For the past years, the LGU of San Joaquin initiated a co-management arrangement involving the coastal communities. The LGU has entered into partnership with the community through fisheries ordinances and resolutions.



- LGU has designated an authority structure delegated to the community through a *Municipal Technical Working Group (MTWG)* led by the municipal mayor as the chief administrator.
- The MTWG implements all administrative orders to the community with the help of the Municipal Marine Sanctuary Management Board that consists of the barangay representatives from the coastal communities. Several municipal ordinances and resolutions were passed to manage and protect their coastal resources



- The LGU of San Joaquin together with SICRMC came up with a 5-year coastal resource management plan that serves as a guide in the rehabilitation, protection and preservation of the coastal resources. All barangays with MPAs are tasked to institute Barangay Marine Sanctuary Board under the umbrella of Municipal Marine Sanctuary Management Board which was put in place to oversee activities or programmes in the MPAs or marine sanctuaries (Boeh et al., 2013).



- In particular, the LGU still initiates plans and programmes as well as ensures participation among stakeholders. In response to LGUs management plans, community groups (e.g. barangay council, fisherfolk association, women's group, youth group, senior citizens group, NGOs) were organized at different levels. These community level groups were expected to give their support, cooperation and participation to LGU's activities. The LGU still oversees all management efforts at the municipal and community level.



- The LGU has issued several ordinances for coastal management, one of these is the Municipal Ordinance No. 03 series of 2002. This is an ordinance provides provision for the regulation, development, management, protection and conservation of fisheries and aquatic resources of the Municipality of San Joaquin. Closed season was established to regulate the use of particular fishing gears.
- In MPA areas, no person shall engage in any form of activity within the Core Zone of the Marine Sanctuary except for recreational, educational and research purpose upon payment of a fee (Municipal Ordinance No. 7, 2009).





- Licensing grants fisher the right to gain access to the fishery resource and to engage in fishing activities for a specified period. The legal basis for granting fishing privileges in municipal waters through fishery licensing is embedded in Fisheries Code and the Local Government Code.
- The LGU is tasked to maintain a registry of municipal fisherfolk, who are fishing or may desire to fish in municipal waters, of limiting entry into the municipal waters, and of monitoring fishing activities. In Southern Iloilo, local officials complain of the low number of applicants for fishing permits (Espectato and Napata, 2012). Not all of the fishers are registered or members in the fisherfolk organizations (Cordero and Subade, 2018).



- The physical boundaries of the coastal areas are defined to avoid possible conflicts related to resource utilization and jurisdictional responsibilities. The National Mapping and Resource Information Authority has clearly defined and certified the boundaries of the municipal waters of San Joaquin and officially landmarked it in 2002 (Boeh et al., 2013).



- For the past years, San Joaquin LGU initiated a co-management arrangement involving the coastal communities through fisheries ordinances and resolutions. The municipality has designated an authority structure delegated to the community through a Municipal Technical Working Group (MTWG) led by the municipal mayor as the chief administrator. This group implements all administrative orders to the community with the help of the Municipal Marine Sanctuary Management Board that consists of the barangay representatives from the coastal communities.



- To operationalize fishery law enforcement, a Law Enforcement Committee was formed. Members of the committee are the Philippine National Police (PNP), Philippine Coast Guard Auxiliary (PCGA) assigned to the Municipality of San Joaquin, the Punong Barangay, Barangay Kagawads and Barangay Tanods/ Barangay Police Security Officer, MFARMC/BFARMC, members of Fisher folks Organization, and members of the Marine Sanctuary Management Board who have undergone fishery law enforcement training conducted by the BFAR and have been designated by the Municipal Mayoras Deputized Fish Wardens



- Each Marine Sanctuary area have organized Deputy Fish Wardens/Bantay Dagat Group, as part of Law Enforcement Committee which shall conduct surveillance and operation. The Law Enforcement Committee is responsible in the enforcement of municipal ordinance.
- On the other hand, the establishment of the Southern Iloilo Coastal Resource Management Council (SICRMC) by the five LGUs to jointly manage their resource was a major factor in strengthening of



- Through the SICRMC, the Maritime Group of the PNP was requested to assist in the fisheries law enforcement by providing massive seaborne operation and patrolling of the waters of Southern Iloilo to apprehend illegal fishers. The SICRMC provided a system where point persons were identified. Mobile phone cards were provided so that they can immediately send text messages to the hotline number of the Maritime Group. As a result, enforcement activities were facilitated and cases were therefore immediately filed in court.



- The violators usually settle and pay the fines. There were convictions that were usually in the form of fines and confiscation of fishing gears.
- However, very few cases have been closed, and where a verdict has already been reached, the accused had to pay the fines or were imprisoned for the offense. Cases that have been dismissed or withdrawn were usually due to the lack of substantial evidence or the failure of prosecution to present evidence. The paid administrative fine is the amount agreed upon by the parties concerned without any court proceeding (Catedrilla et al., 2012).



- The MTWG through the Philippine National Police served as venues for arbitration and resolution of conflicts among fishers in the municipality of San Joaquin, especially those involved in conflicts in resource use and enforcement of the fisheries laws.
- Most of the complaints raised about resource use are brought to the attention of the management board. Cases will be elevated to the Municipal Trial Court if it cannot be resolved in the board. About 50% of concerns brought to the management board were immediately and amicably resolved. The Municipal Judge also confirms that issues are usually resolved peacefully (Boeh et al., 2013).





## Brief history of the former rights-based approaches used in the fishery

- Previous rights based management system among municipal fishers are common in the country and among municipalities. (Barut et al., 2003 )
- Before the institution of a centralized fisheries management by the Spanish and American colonizers, the resource utilization and property rights in the Philippines were based on common property principles within a barangay, and managed by those who belonged to the barangay. The Philippines has a long history of indigenous fisheries and resource management systems where the barangay had jurisdiction over natural resource use and access (Pomeroy and Carlos, 1997).

- When the Spaniards arrived in the country, they established a centralized system of government, including a state-led, centralized system for managing fisheries (Pomeroy and Carlos 1997). The barangays were eliminated as administrative entities and with them went the territorial fishing rights claimed by each barangay. This ushered in the decline of common property management and open access to use of resources.

- Later, American colonizers continued the centralized scheme translated to a development thrust with progressively increasing fishing effort and resource utilization. Thus, several fish companies embarked on large scale (or commercial) fishing, while poor coastal communities were encouraged to intensively exploit their adjacent fisheries resource. This pattern of centralized governance prevailed through the fifties and sixties (Pomeroy and Carlos 1997).

- During the 1970s, the expansion, use and development orientation of the country's fisheries policy continued under Presidential Decree 704 also known as the Fisheries Decree of 1975. The government continued to support the needs of the sector through the Expanded Fish Production Program (EFPP). In the small-scale fisheries sector, the strategy of the program was geared towards enabling the small fishers to venture into deeper waters by equipping them with more efficient boats and fishing gears with the underlying assumption that the fishery resources could support increased fishing effort. However, the effects of a virtually open-access regime began to manifest in declining catches, rent dissipation and increasing poverty among small scale fishers (Barut, et.al 2003).

- Due to overexploitation of the resource and the extreme perishability of the catch, fisheries policy gradually shifted towards decentralized management.
- Although the Fisheries Decree of 1975 granted overall control over management and regulation of fisheries to the then Secretary of Agriculture and Natural Resources, the Decree recognized that small scale or municipal fishing was within the jurisdiction of municipalities. The latter had the authority to issue licenses and grant fishing rights to small scale fishers (which can operate within 7 km from shore). From the mid-1980s, the policy environment for fisheries was generally characterized by the following shifts: a. from centralized governance to localized system; b. from open access to limited access, and; c. from development focus to management (Barut, et.al 2003).

## Rights-based approach: allocation and characteristics

- The enactment of the Local Government Code (LGC) of 1991 firmly established the jurisdiction of municipalities over small scale fishing. The LGC expanded the coverage of *municipal waters* from 7 km from the shoreline to 15 km from the shoreline. The expansion of municipal waters was to limit the access of commercial fishers and to provide a more equitable distribution of benefits to the marginalized municipal fishers.



## FISHERIES CODE

- The *Philippine Fisheries Code of 1998* reinforces provisions in the LGC that are aimed at strengthening local governance of municipal fisheries. The Fisheries Code also seeks to encourage and institutionalize community participation through the creation of Fisheries and Agriculture Management Councils (FARMCs) at the barangay, municipal, regional and national levels.



Fisheries Resource Access limitations are more straightforward in the Fisheries Code with mechanisms such as:

- (1) registry of municipal fisherfolk;
- (2) exclusion of non-resident fishers in certain municipal waters with the attendant coding of vessels;
- (3) mapping and delineation of municipal waters;
- (4) traditional limitations such as closed areas and seasons; and
- (5) non-traditional access limitations such as use of economic rent indicators to set production targets for the fishery.



- These provisions for access limitation in the Code indicate a progressive shift in policy from full development to co-management (Barut, et.al 2003).
- The devolution is to give substantial participation for the fisherfolk who actually utilize the resources. The old centralized set-up was the reason why some national policies did not succeed since the complex situations at the local levels had never been considered (Martinez, 1998).



- In addition to the Local Government Code, the Fisheries Code and the Implementing Rules and Regulations of the Fisheries Code, fisheries are also governed by various fisheries administrative orders issued by the Bureau of Fisheries and Aquatic Resources and Municipal Ordinances issued by LGUs.
- The LGU of San Joaquin together with SICRMC came up with a 5-year coastal resource management plan that serves as a guide in the rehabilitation, protection and preservation of the coastal resources. The plan was subjected to series of public consultations to incorporate relevant comments and suggestions from the communities.





- All barangays with MPAs are tasked to institute *Barangay Marine Sanctuary Board* (BMSB) under the umbrella of Municipal Marine Sanctuary Management Board which was put in place to oversee activities or programmes in the MPAs or marine sanctuaries.
- Then *the Integrated Coastal Resource Management Plan (ICRMP)* was formulated. This ICRMP covers major components in coastal management that includes among others: legal aspects, livelihood, zoning and tourism and waste management. The ICRMP also include programmes on livelihoods and food security of the community, eliminate illegal fishing, regulate activities in the different zones and control the entry of fishing vessels and transient fishers in the municipal waters (Boeh, et al. 2013).



- The Municipal fishing area of the Municipality refers to the area fifteen (15) kilometers from the low water line on toward the sea. These area may be utilized by the Municipal Fisher folks and the Peoples Organization or cooperative who are listed as such in the registry of Municipal Fisher folks. Commercial fishers are not allowed to fish within this area.
- The use and exploitation of fishery and aquatic resources in the Municipal waters is reserved exclusively to bonafide residents of the Municipality. However, research and survey activities may be allowed under strict regulation for purely research, scientific, technological and educational purposes that would also benefit the residents of the Municipalities.



- Fishers are also given preferential rights in the utilization and management of coastal resources at the municipal waters in compliance with municipal regulations. Women were also allowed to fish particularly on the use of beach seine or “*sahid*”. Most gleaners are women and children, however, this activity is now regulated.
- Fisher folk from other Municipalities maybe allowed undertaking fishing activities within the 10.1 kilometers to fifteen (15) kilometers area through a permit issued by the Municipal mayor or his duly assigned representative upon recommendation of the MFARMC. They are also required to pay fees for the permit.



- The Fishery License is renewed annually. Fishing rights cannot be leased or sold but it can be inherited. There are no limitations on how many fishing rights can be held by one person, corporation or community.
- Closed season was established to regulate the use of particular fishing gears rather than to specifically regulate catching of specific species of fish.
- A municipal ordinance stipulates that beach seines operation may be allowed to operate starting October of the year to March 15 of the following year. Before and beyond this period beach seines operators shall be considered illegal unless the legal size mesh nets is used.



- Danish seines (Hulbot-Hulbot) and encircling gill nets (Likos) are absolutely prohibited in the territorial waters of the municipality. It shall be unlawful for payao owner to have his/her payao which is installed within the ten 10 km exclusive zone drive by any commercial vessel and it is unlawful to engage in fishing with the use of superlights in the municipal waters” (Municipal Ordinance No. 3, 2002).



- Compliance and non-compliance among fishers can be viewed as a result of the interplay of several factors, which include the uniqueness of a fishery in terms of its institutional design and control and enforcement system (Nielsen, 2003). Some fishers have violated ordinance by fishing inside the core zone of MPA.





- For some fishermen certain stipulations in the Fisheries Code and in their respective Municipal Fisheries Ordinances are difficult to follow or obey. These were the stipulations on the use of fine-mesh nets, poaching in municipal waters by commercial fishers, and use of active gears.
- Non-compliance are usually due to:
  - 1) many of the fishers have fishing as their only source of livelihood
  - 2) poverty
  - 3) rich and powerful men own the active gears
  - 4) the existing confusion on fine-mesh net sizes (Catedrilla et al., 2012).



# Contribution of the rights-based approach to achieving sustainability

## Sustainable use of the resources

- The local community depends mostly on the coastal resource for their economic activities (fishing and gleaning) and recreation (swimming). Sand and stones are occasionally being quarried and used as building materials for local constructions.
- Due to problem of declining fish catch and degradation of the coral reef areas in the coastal waters of the municipality, the municipality of San Joaquin established the MPAs for resource conservation and protection of marine habitats and aquatic resources. Each MPA has a 2-ha core zone or no-take zone. While it is the municipal LGU that initiated the establishment of the MPAs, the responsibility of sustaining the initiative was turned over to the local community.

- Despite that no stock assessment for fishery has been conducted, according to fishermen, *size of target species increased since the establishment of MPAs and regulation of fishing area and gears.*
- This was validated by results of a study on MPAs that reveals an overall increase of 1-5 times in terms of fish biomass from 2007. This is attributed to both an increase in abundance and in fish size particularly from 2011 to 2013. (Espectato et al., 2017).



- Initial study of three MPAs recorded a total of 202 reef fish species belonging to 35 families. Overall reef fish abundances ranged from 571 to 1038 ind/500m<sup>2</sup>, which registered an overall mean abundance of 841 ind/500 m<sup>2</sup>. Results of the biological assessment conducted in this study showed an increase in abundance and fish size consequently resulting in significant increase in biomass. These results on fish biomass and abundance are much higher than other MPAs in the country (Espectato et al., 2017). This is an indicative that the protection accorded by the no-take zones of the small-sized MPAs can be effective. The increase in the average sizes of target species in the coastal area is attributed from the spillover effects of MPA.



# Economic Viability of Fishery

- The municipality has **1,065 municipal fishers** based on the municipality's 2016 Fish Registration (FishR) data (Espectato et al., 2017). As of 2018, the number of municipal fishers increased to 1298. The increase in fishing population will also mean that the area will be shared, eliciting competition between the fishers. This competition is also an important factor that could lead to decrease in fish catch.



- Fishing activity has not changed much despite implementation of coastal resource management in the area. Average fishing trip and distance travelled by municipal fishers has not changed.
- Although there are restrictions on the type of fishing gears to be used, some fishers still used the gears that they are familiar or accustomed with despite the fact that some gears are prohibited.
- The use of fish aggregating device has not changed despite of municipal ordinance prohibiting the use of such to be driven by a commercial vessel. Some payao owners enter into an agreement with commercial fishers to have their payao driven by kubkoban or ring nets for a certain share in the total catch. Adjacent municipalities has different regulations on the use and establishment of payao. In reality, fishers cannot be separated from their livelihood for a long time, thus, there is a need to have a shorter but optimally effective closed season for fishing gears

- Despite increase in the number of fishers and gears, income from fishing is still low and seasonal. Poverty and hunger is still one of the major problems of fishermen. Still a number of the municipal fishers are still below the poverty line (Cordero and Subade, 2018). The lack of alternative livelihood only exacerbate the situation. Fishers also have several health problems associated with their occupation and they cannot even afford or have access to quality healthcare (Cordero and Subade, 2018).
- The number of fishing vessels without engine has decreased while vessels with inboard engine has increased. Vessels characteristics in length, gross tonnage and horse power (HP) has not changed. Fishing vessels owned and operated by a paid crew has increased while those owned by individual and leased out to fishers has decreased. This is about the catch sharing system which results to low income for fishing labourers who can neither own a vessel or gear.

# Social equality/Social Equity

- Fishing rights held by individual fishers and fishing vessels have increased. Legally recognized fishing rights take into consideration the ability of poor and vulnerable communities to access their basic livelihood needs.
- The privilege for catching Bangus Fry or Prawn Fries is open for free to all fisher folks in the municipality. Provided that the registration fees and permit fees for every unit of their fry-sweeping device used for the said operation are paid annually.





- Rights to fish for the next generation of fishers is taken into consideration. However, more women than men involved in fishery recognized the need to manage the sea and the marine resources sustainably for the future generations (Espectato, et al. 2017).



- In case of a hazardous event to occur, it is possible to identify individual fishing rights holders in order to deliver aid (e.g. emergency relief, cash transfer, replacement of equipment and infrastructure, etc.). The BFARMC has the list of all registered fishers in the barangay thus it is easier to identify fishers that are in need in times of calamities. Fortunately the municipality was not hit by super typhoon Yolanda.



# Challenges and Way Forward

- *What types of interactions between small- and large-scale fishers exist?*  
Competition of access and resources.
- *What types of conflicts exist between small- and large-scale fishers? If there are no conflicts, please describe the nature of the positive relationships between these two types of fishers and the benefits of that relationship for this fishery.*
- *What is the cause of the conflict(s)?* --- *Illegal fishing.* Use of payao by municipal fishers dragged by commercial
  - Encroachment of commercial fishers sa municipal waters. Overlapping fishing area
- *What challenges has this conflict(s) created for the fishery?*
- To whom does the fishing area belong. Whom to prioritize. Coherent policy on various fishing gears and fish access. Addressing poverty of coastal fishers. Conflict on ownership and access outside MPAs fishing area.
- Barangays communities are overprotected of their own MPA area. They do not want other barangays fishers to have access on their area.

- *Has the introduction of a rights-based management system improved the conflict(s) or introduced new conflict between small- and large-scale fishers?*
- Reduced the conflict because when rules were implemented. Confusion with the law. Not clear. Conflict with local officials with the rules.
- *Have hazardous events affected small-scale and large-scale fishers differently?*
- There was a tsunami in 1948 Lady Caycay magnitude 8.2 earthquake but during that time the population was low thau they were not heavily affected.

# Improving fishery sustainability in the future

- Transdisciplinary studies for monitoring and inputs for managing the fishery (partnership with University of the Philippines Visayas by LGU and other stakeholders need be undertaken and formalized)
- Continuous and improved marine conservation through MPAs
- Addressing and alleviating coastal poverty among fishers household
- Alternative and complementary livelihood

# Recommendations

- Continuous application of user rights / tenure rights in fisheries & CR mgt, with continuous coaching and peer review to iterate and fine tune CRM/ FM



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THANK YOU.

감사합니다

ありがとう

谢谢

Gracias

Salamat