



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium II, EDSA, Diliman, Quezon City

OFFICE OF THE SECRETARY

November 18, 2010

MEMORANDUM CIRCULAR

NO. 2010 - 131

TO : ALL CITY MAYORS, MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS, THE REGIONAL GOVERNOR OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND OTHERS CONCERNED

SUBJECT : PROTECTION OF SMALL FISHERFOLKS, AND FISHERIES AND AQUATIC RESOURCES OF THE MUNICIPAL WATERS

In line with the Presidential directive to ensure that the laws, rules and regulations on the protection of small fisherfolks and water systems are upheld, the following laws, rules and regulations as embodied in Section 149 (b) of the Local Government Code of 1991, Presidential Executive Order No. 240, s. 1996 and its Implementing Rules and Regulations, and DENR Administrative Order No. 03, series of 1996 are hereby reiterated, for strict compliance of local government units.

On the Creation of FARMC (Sections 1 and 2, OP Executive Order No. 240, s., 1995)

To institutionalize the major role of the local fisherfolks and other resource users in the community-based planning and implementation of policies and programs for the management, conservation, development and protection of fisheries and aquatic resources of the municipal waters as defined by the Local Government Code, there is hereby created a Fisheries and Aquatic Resources Management Council in every barangay, municipality and city abutting municipal waters and an Integrated FARMC in bays, gulfs, lakes, rivers and dams bounded by two or more barangays or municipalities or cities.

At least 3/4 of the regular members of the Council shall be representatives of the local municipal fisherfolk.

On the Granting of Preferential Treatment to Small Fisherfolk Relative to the 15-KM Municipal Water (Sections 1 and 2, Department of Environment and Natural Resources Administrative Order No. 03, s., 1996)

The preferential right to erect fish corrals, oyster, mussel or aquatic beds or bangus fry areas within the 15 km municipal waters, which include both marine and inland waters, shall be granted in accordance with the following procedure:

- a. The FARMC shall determine a definite zone or zones within the municipal waters for purposes of erecting fish corrals, oyster, mussel or aquatic beds or bangus fry areas. The local Sanggunian shall pass a water zoning ordinance based on the determination made by FARMC.
- b. The FARMC shall maintain a registry of municipal fisherfolk and their organizations.
- c. The local Sanggunian shall post in the city or municipal 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 to be 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 local Sanggunian to avail of the preferential right.
- e. Should two (2) or more groups signify their intent to avail of the right, the FARMC shall accommodate them, if possible. If this should not be possible, the FARMC shall draw up the criteria of selecting qualified applicants.
- f. Only when no qualified applicants who have signified their intent to avail the right shall other parties be invited to participate in a public bidding. Provided, however, that the participating bidders should come from the same municipality or city.
- g. The chosen organization or cooperative shall pay a reasonable amount to the municipality or city for the rights.

On the Evaluation of Projects and Applications (Section 25, IRR, OP EO No. 240, s., 1996)

The FARMC shall be guided with the following rules in evaluating projects and issuances of permit or licenses for the appropriate use and sustainable development of fisheries and aquatic resources:

- (a) It shall be limited to provide protection to the capability of the particular resource to renew itself to optimum harvestable levels.
- (b) It shall not endanger the economic and ecological viability of the resources in a designated area.
- (c) It shall protect the rights of fisherfolk for preferential use of the resources.
- (d) All projects that will have an impact on fish and fishery/aquatic resources are required to submit an Environmental Impact Statement (EIS) for evaluation by the local government unit concerned and FARMC for the issuance of a certification to proceed with the project, in addition to the requirements of other concerned government agencies.

On Licensing Procedure (Section 26, IRR, OP EO No. 240, s., 1996)

- (a) The FARMC shall determine the fishery resources, fishery areas, fishing vessels and their tonnage, and fishing gears for which fishing and licenses shall be issued by appropriate government agencies.
- (b) The FARMC shall make public areas or fishery resources subject for fishery licensing within two (2) months prior to the acceptance of applications for designated fishery.
- (c) Fishery license or permits shall be granted only to qualified individual fisherfolk, fisherfolk organization or cooperative residing in the coastal or lakeshore areas for at least three (3) years, and is renewable on condition that the provisions of the license are fulfilled.
- (d) Fishery license or permit shall not be transferred by lease, sale or mortgage. Violation of this rule shall constitute as a ground for the cancellation of the license granted and a disqualification of subsequent applications by the same person, organization or cooperative.

In view of the above provisions of laws, rules and regulations, all City Mayors, Municipal Mayors and Punong Barangays are enjoined to:

1. Create or activate their Fisheries and Aquatic Resources Management Council in accordance with OP Executive Order No. 240, s. 1995;
2. Ensure that the rights of small fisherfolks for preferential use of the resources are protected;
3. Promote and protect the economic and ecological viability of the fisheries and aquatic resources of the municipal waters; and
4. Strictly implement the procedure embodied in DENR Administrative Order No. 3, s. 1996 on the granting of preferential treatment to small fisherfolk relative to the 15- kilometer municipal waters and the procedure in the evaluation of application and licensing pursuant to the Implementing Rules and Regulations of Executive Order No. 240, s. 1996.

All DILG Regional Directors and the ARMM Regional Governor are directed to cause the immediate and widest dissemination of this Memorandum Circular to all local government units within their regional jurisdictions.


JESSE M. ROBREDO
Secretary



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AND LOCAL GOVERNMENT
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