



## **Chapter 6**

# ***INSTITUTIONAL and LEGAL FRAMEWORK***



he utilization and management of natural resources are governed by various national and local institutions through the enactment of laws. At the national level, the government agencies mandated to implement laws concerning the utilization, protection, conservation, and management of the country's coastal resources are the DENR and the Bureau of Fisheries and Aquatic Resources (BFAR).

DENR jurisdiction includes forest resources, foreshore areas, and coastal resources such as corals, seagrass, seaweeds, and mangroves, while that of BFAR covers all fisheries-related products harvested in the country's coastal areas and the open sea. These include fishes, mollusks (e.g., squids and cuttlefish), seaweeds, and other invertebrates (e.g., lobsters, sea cucumbers, and sea urchins). It is evident that even at the national level, institutional and legal structures and functions overlap.

In implementing the Philippines' Local Government Code (Republic Act [RA] 7190, 1991), most of the powers of government agencies in utilizing, conserving, and managing resources have been devolved to the LGU, which adds confusion to the already confused structures. Here we attempt to identify the different institutional and legal foundations, which are directly associated with and applicable to Olango Island.

### **CURRENT STATE OF THE PHILIPPINE COASTAL ZONE LAW**

The previous provisions pertaining to fisheries and fisheries-related activities during the Martial Law and early post-Martial Law years were known as Presidential Decrees (PDs). At that time, the nation's fisheries was primarily guided by provisions of PD 704, sections 33 and 34. Under the new democratic setup, the national laws pertaining to fisheries and

fisheries- related activities were ratified or signed into law particularly RA 8550, otherwise known as the Philippine Fisheries Code of 1998. It should be noted that, in legal terms, there are significant differences in the 2 provisions. What is common to both provisions is its definition of what constitutes illegal fishing methods and fine mesh nets.

### LOCAL GOVERNMENT UNITS (LGUs)

Most LGUs from the provincial down to the *barangay* levels have enacted very few ordinances in regard to the protection and conservation of the coastal zone and/or proper utilization of the coastal resources. For example, from July 1972 to September 1993, the Lapu-Lapu City Council passed only 6 ordinances related to the coastal zone of Olango Island. No other ordinances or resolutions were furnished in regard to coastal resource allocation, utilization, management, and implementation. Even if these ordinances are sufficient for the time being, the enforcement of said ordinances, especially the rampant use of dynamite, cyanide, and very fine mesh nets for fishing, is still a problem. Other *barangay*-enacted resolutions and ordinances related to CRM are presented in Table 6.1.

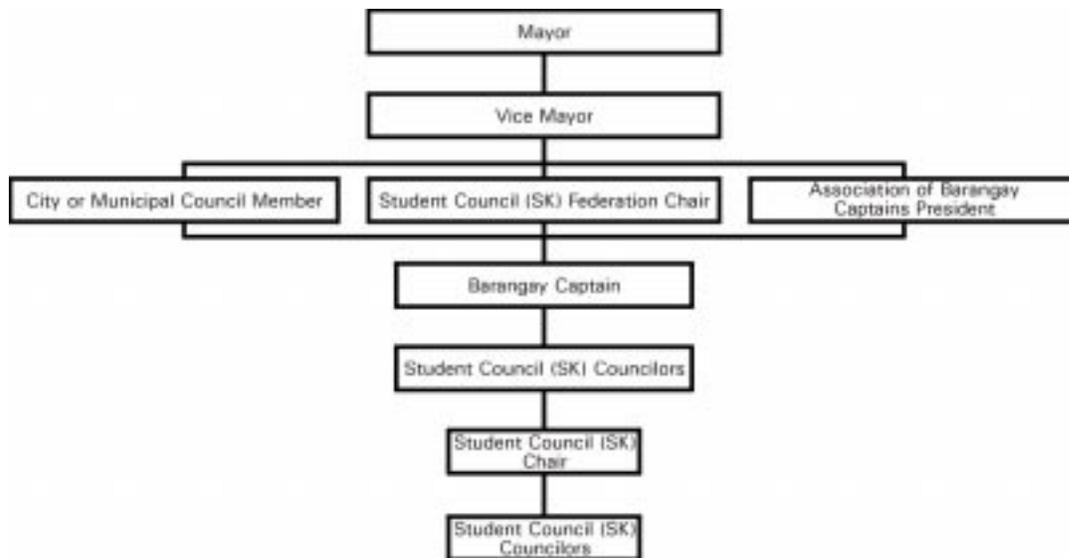


Figure 6.1. Organizational setup of the LGUs in Olango Island and its satellite islets.

### LGU Organizational Structures

The generalized organizational structure of the City of Lapu-Lapu and the Municipality of Cordova as applied to administrating Olango and its satellite islets is illustrated in Figure 6. For example, the Lapu-Lapu City Council, responsible for any city legislation, is composed of the members of the *Sangguniang Panglungsod*, President of the Association of Barangay Captains (ABC) and Chairperson of the Federation of Student Council or *Sangguniang Kabataan* (SK). If a proposed legislation by the Lapu-Lapu City Council is related specifically to a certain *barangay*, the proposed legislation is communicated in writing to the *Barangay*

Table 6.1. *Barangay* resolutions and ordinances related to CRM in Olango Island and its satellite islets.

| Barangay        | Law and Ordinance | Date  | Description   |
|-----------------|-------------------|---|---|
| Baring          | Res.# 1           | 07 May 89   | Prohibiting the transport of sand to another <i>barangay</i> . Penalty of PhP100 per violator.  |
|                 | Res.# 3           | 07 May 89   | Prohibiting the collection of seaweed ( <i>lumot</i> ) at the seashore of Brgy. Baring. Penalty of PhP30 plus confiscation of seaweed.  |
|                 | Res.# 07-95       | 09 Oct 95   | Obstructing the application for preliminary approval and location clearance of Alenter Resort Hotel Corporation, relative to its foreshore lease application on the shoreline belonging to Brgy. San Vicente.                               |
| Caohagan        | Res. 3            | 21 Oct 95   | Imposing no objection on the Foreshore Lease Application of Alenter Resort Hotel Corporation over a 200-ha foreshore area situated between Sulpa Island and Gilutongan Island and within territorial waters of San Vicente, Lapu-Lapu City. |
| Caw-oy          | Ord.# 12          | 02 Aug 96   | Prohibiting other <i>barangays</i> to glean in the intertidal waters of Tungasan.   |
|                 | Ord.# 02          | 10 Aug 97   | Prohibiting all residents from throwing garbage inside the territorial seawater and seashore of Brgy. Caw-oy. Penalty of PhP200.  |
|                 | Ord.# 10-96       | March 96  | Prohibiting any illegal fishing activities.   |
| Gilutongan      | Res.# 0023-S-91   | 6 Oct 91  | Classifying the area of Gilutongan and Nalusuan Island as fish sanctuary.   |
|                 | Res.# 01,S. '91   | 18 Oct 91   | Resolving to enact the plan of establishing a marine sanctuary in Gilutongan Island, Cordova, Cebu. An ordinance providing the creation of Fish Sanctuary and eventual enforcement of fishery laws.   |
|                 | Ord #1            | 18 Oct 91   | Marine Fish Sanctuary Ordinance of 1991.  |
|                 | Res.# 03,S. '91   | 25 Oct 91   | Approving Ordinance #1, Resolution #01, s. 1991 of the Cordova Resource Management Board, Cordova, Cebu.  |
|                 | Res.# 13,S. '93   | 3 Oct 93  | Resolving to enact the implementation of users fee inside the marine sanctuary in Gilutongan Island, Cebu.  |
|                 | Ord # 03          | 3 Oct 93  | Imposing fee to all persons or group of persons swimming and snorkeling inside the established Marine and Fish Sanctuary in the Island of Gilutongan, Municipality of Cordova, Cebu.  |
|                 | Res.# 07,S. '97   | 6 Jul 97  | Beach resort application of Richelieu C. Mendoza at Nalusuan Island.  |
|                 | Res.# 08,S. '97   | 20 Jul 97   | Requesting the <i>Sangguniang Bayan</i> of Cordova, Cebu to give a copy of its resolution approving the area of marine sanctuary located at Nalusuan beach resort, and Gilutongan Island, Cordova, Cebu.                                    |
| Res.# 08,S. '98 | 2 Aug 98          | Requesting for the allocation of funds in the amount of PhP30,000 for the fishers crossway passage located at Barangay Gilutongan, Cordova, Cebu. |   |
| Pangan-an       | Res.# 5           | 20 Oct 95   | Imposing no objection on the Foreshore Lease Application of Alenter Resort Hotel Corporation over a 200-ha foreshore area situated between Sulpa Island   |

continued

Table 6.1 continued

| Barangay    | Laws and Ordinances  | Date  | Description   |
|-------------|--|---|---|
| Pangan-an   | Res.# 30-94  | 09 Sep 94   | and Gilutongan Island and within territorial waters of San Vicente, Lapu-Lapu City.<br>Authorizing the Brgy. Chairperson to execute contract with Pangan-an constituents for the deepening of the passage boundary of the Olango Channel near Sulpa Island. Towards the extending <i>awo</i> within the jurisdiction of Brgy. Pangan-an and for other purposes.                                 |
| Sabang      | Res.# 1  | Oct 95  | Imposing no objection on the Foreshore Lease Application of Alenter Resort Hotel Corporation over a 200-ha foreshore area situated between Sulpa Island and Gilutongan Island and within territorial waters of San Vicente, Lapu-Lapu City.   |
| San Vicente | Ord.# 06-95/<br>Res.# 22-95                                | 06 Sep 95   | Declaring the fishing ground of San Vicente as Fish Sanctuary and Marine Reserve and imposing penal sanctions for violating prohibitive acts thereof. 1st offense - PhP50, 2nd offense - PhP1,000 and 3rd offense - PhP1,500 or 1 month imprisonment or both.   |
| Santa Rosa  | Ord.# 03-97<br><br>Ord.# 34-96<br><br>Res.# 17-93          | 09 Sep 97<br><br>02 Jun 96<br><br>10 Oct 93       | Levying wharfage fee to all boat owners/operators docking in causeway port for business transaction.<br>Interposing vehement objection against application of foreshore lease by Mr. Antonio Dy, along the shore of Santa Rosa wharf.<br>Favorably endorsing the application of Mr. Samuel Regual to the Office of Provincial Governor of Cebu to extract sand from the seawater of Santa Rosa. |
| Talima      | none related to CRM  | None  | None  |
| Tingo       | none related to CRM  | None  | None  |
| Tungasan    | Ord.# 24<br>Ord.# 28<br><br>Ord.# 27<br>Res # 04, S.<br>98 | 18 Apr 95<br>Jul 95<br><br>27 Jun 95<br>17 Jun 98 | Enforcing <i>Bantay Dagat</i> to implement rules.<br>Landing fee. Selling of <i>kolon</i> - PhP5, <i>nipa</i> - PhP10, fruits - PhP5 and wood - PhP5<br>Planting of coastal trees for environmental concerns.<br>Not allowing people from other islands to culture <i>guso</i> within the jurisdiction of Gilutongan, Cordova, Cebu   |

Captain who in turn communicates and consults with the Barangay Councilors and the SK Chairperson. On matters pertaining to youth development and activities, the SK Chairperson, in turn, consults the SK councilors especially. The Barangay Council examines the proposed legislation, may suggest some revisions, and sends it back to the City Council for final approval. Once approved, it becomes an ordinance and will be implemented by the LGU.

#### **Budget Allocated for ICM**

The Lapu-Lapu City Annual Budget has no funds allocated for CRM. However, the City Agricultural Officer (CAO) occasionally conducts CRM activities (i.e., lectures, field trips,

etc.) in connection with the OIWS. Most of the funding for CRM programs in Olango come from projects currently implemented by various nongovernment organizations (NGOs) operating in the island.

### **NONGOVERNMENT ORGANIZATIONS INVOLVED IN ICM**

Several NGOs presently work on Olango Island. The International Marinelife Alliance (IMA) gathers data on live reef fish industry in the area while providing seminar workshops on Cyanide Fishing Reform Program (CFRP) - an alternative to fishers previously engaged in cyanide fishing. With the help of IMA, cyanide fishers tried to form a marketing cooperative for aquarium fish collectors, after completing training on sustainable capture practices involving aquarium fishers in November 1998.

The USC-MBS initiated several alternative livelihood projects and a literacy program for the women fishers in Barangay Caw-oy assisted by a U.S. Peace Corps volunteer assigned to Olango.

The Save Nature Society, Inc. (SNS) focuses on wetlands and wildlife conservation particularly IEC through the teacher facilitators; wetlands research and community organizing. It maintains the Field Office and Community Center located in Sitio Suba, Barangay Sabang, near OIWS.

The Philippine Wetland and Wildlife Conservation Foundation focuses on conservation with particular reference to waterfowl.

The Self-Help Foundation through SNS extends development services, particularly in Sitio Suba, Barangay Sabang, where it maintains a community center together with the CRMP and other local groups.

The Island Ventures Incorporated promotes education and mangrove rehabilitation with funding from the European Community (EC). There are groups (women in handicraft industry) in Metro Cebu wanting to extend enterprise assistance (production skills and marketing) to Olango residents.

There are 4 local NGOs in Olango Island, including the Caw-oy Women's Group, with around 50 members engaged in backyard vegetable and fruit gardening and various livelihood activities.

- Suba Women's Group has about 16 members, all residing in Sitio Suba. Newly formed, it is engaged in activities that support livelihood development of members, particularly the OIWS ecotourism product developed with support from CRMP
- Fishermen's Federation in San Vicente is a fishers' organization affiliated with PEGAMASU or *Pederasyon sa Gagmay'ng mga Mangingisda sa Sugbu*

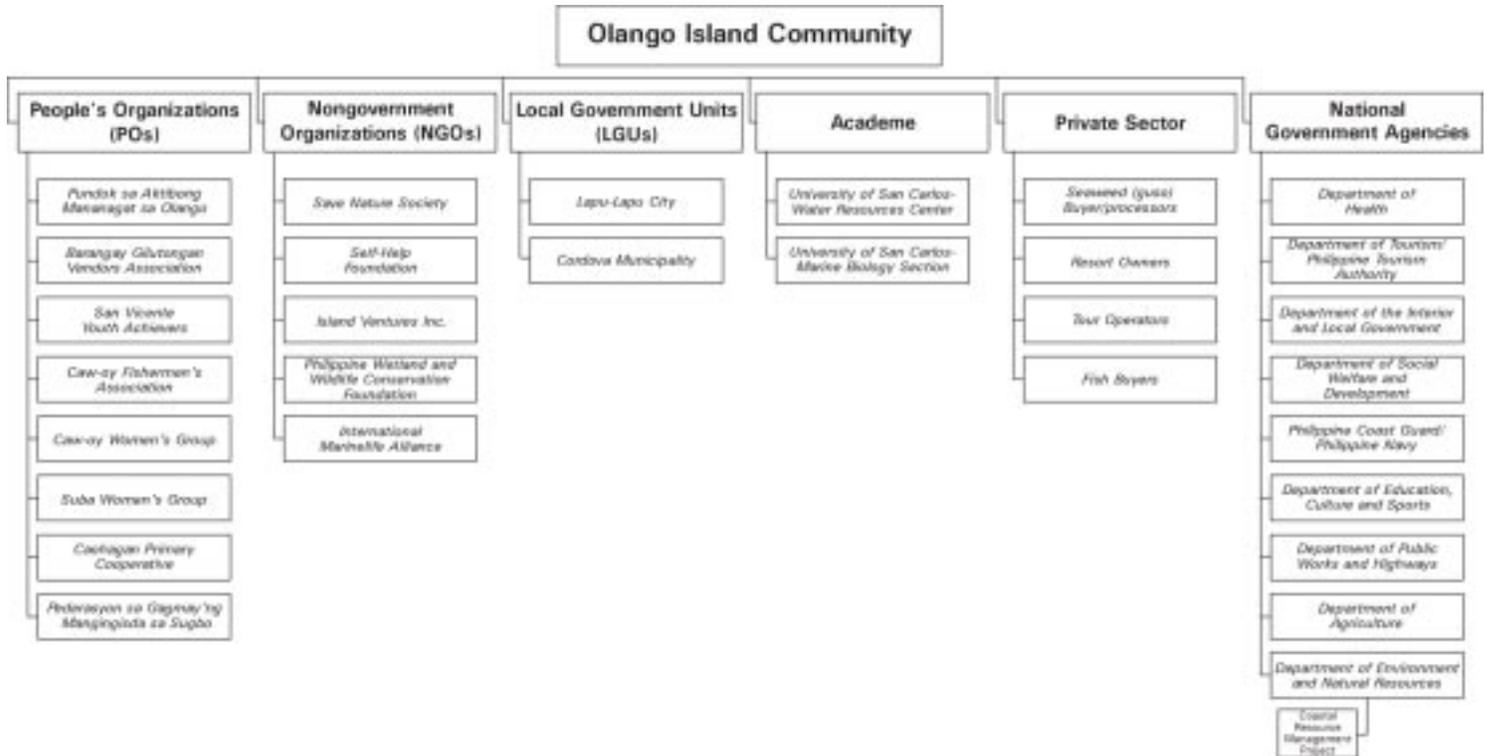


Figure 6.2. The institutional members of Olango Island community.

- Caw-oy Fishermen's Association is engaged in reef fishing (*panggal*), deep-sea fishing and sea ranching (fish pens/cages) for livelihood

The generalized institutional structure of Olango is shown in Figure 6.2.

### COOPERATIVES AND PEOPLE'S ORGANIZATIONS

There are several people's organizations in Olango, including the Caw-oy Consumers Cooperative, DSWD-Livelihood Project, San Vicente Water Association, Suba Olango Ecotour Cooperative, Barangay Gilutongan Vendors Association and the Caohagan Primary Cooperative. Most of these organizations operate like a cooperative unit whose main purpose is to provide livelihood for their members. These organizations are not directly involved in CRM, but they can be tapped as the need arises.

### SUMMARY

The fundamental laws and policies that guide the use, development, and management of coastal resources as embodied in the institutional and legal setups are already in place in Olango. But clearly there are overlaps in the structure and functions of the various groups and institutions mandated to enforce these laws and policies that hamper effectiveness, leaving both the implementers and the island residents more confused. There is, therefore, the need to clarify the roles and functions of these various institutions. A strong inter-agency/group linkaging and networking among those who are involved in environmental projects in the island is wanting. A multisectoral council for sustainable development and collaborative partnership could be formed which could better address Olango-wide CRM issues.