

legal and jurisdictional framework

Chapter 4*

OVERVIEW

Coastal resource management in the Philippines is guided by national laws that define the governance system and management measures that must be implemented by national government agencies and local government units. This national legal framework, which is composed of the Local Government Code, the National Integrated Protected Areas System and the Philippine Fisheries Code provides numerous opportunities for local innovation and initiative and encourage active participation of coastal stakeholders in developing and implementing CRM. Coastal resource management is a dynamic process that improves as it evolves in the *barangay*, municipal, provincial, national or international levels. Many external factors, such as population growth and globalization may also influence the development of local CRM plans and programs.

Under the Local Government Code of 1991, the traditional “top-down” approach has given way to a more “bottom-up” approach. Recent developments witness the increasing role of the LGUs in implementing national programs and enforcing national policies, in the process developing further their capabilities in local governance. This policy shift has opened a variety of opportunities and completely re-modeled natural resource management thrusts. Thus, a much more progressive approach towards resolving CRM issues and problems has been set in place.

This chapter focuses on the legal and jurisdictional mandates of the *barangay*, municipal and provincial government units. It also presents the role of some of the national government agencies that implement CRM-related programs, the coastal protected areas in Bohol and their implications, and a case study report about fishponds in Bohol, where there is clearly a jurisdictional problem.

LGU MANDATES FOR CRM

Municipalities and cities are mandated under national laws as the local government unit primarily responsible for managing coastal resources and municipal waters. Responsibility for CRM general falls under the office of the Municipal Agricultural Office (Figure 4.1), however other municipal offices, in particular, the Municipal Planning and Development Office, are involved

* Note: Portions of this chapter were taken from the Philippine Coastal Management Guidebook Series No. 2 - Legal and Jurisdictional Framework for Coastal Management

Table 4.1. Key national policies and laws on fishery and coastal resources management

Law (Date)	Area of concern
RA 6975 (1990) – Department of Interior and Local Government Act	Created a maritime police unit within the PNP, vested with authority to perform all police functions “over Philippine territorial waters and rivers, coastal areas from the shoreline to one mile inland to include ports and harbors and small islands of two miles in length or diameter with less than 1,000 population”
RA 7160 (1991) – Local Government Code of 1991	Contained provision for pollution control by local authorities subject to supervision, control, and review by the DENR
RA (1992) – National Integrated Protected Areas System	An act providing for the establishment and management of national integrated protected areas system, defining its scope and coverage, and for other purposes. It establishes protected areas in the coastal and marine ecosystems to be managed, conserved and protected with involvement of multi-sector groups and representatives.
RA 8550 (1998) - The Fisheries Code	An Act for the development, management, and conservation of the fisheries and aquatic resources, integrating all laws pertinent thereto, and for other purposes. The code recognizes the principles of ensuring sustainability of fisheries resource utilization with ecological limits and of social justice by providing preferential treatment for municipal fisherfolk and their organizations. The code also aims at providing a sound policy and institutional framework for fisheries resource management as well as long-term sustainable development in the sector.
Fisheries Administrative Order No. 197, Series of 2000	Established rules and regulations governing the lease of public lands for fishpond development. Pursuant to RA 8550, qualified fisherfolk cooperatives/ associations and small and medium enterprises are given primary consideration to apply for FLA covering public lands released for fishpond purposes by the DENR to the BFAR. However, existing FLA holders are given priority to extend for another 25 years.
DAO 17, Series of 2001	Established guidelines for delineating/delimiting municipal waters. Defines the geographic extent of coastal municipalities or cities in order to have a legal basis in implementing law enforcement and overall management of the municipal waters.

in planning, budgeting, and monitoring and evaluating municipal CRM plans and programs. The roles and responsibilities of various municipal offices and local resource management organizations is shown in Box 4.1. It has been well documented, however, that a critical factor in the success of CRM at the local government level can be attributed to the level of commitment and unified support of the Mayor and *Sangguniang Bayan*.

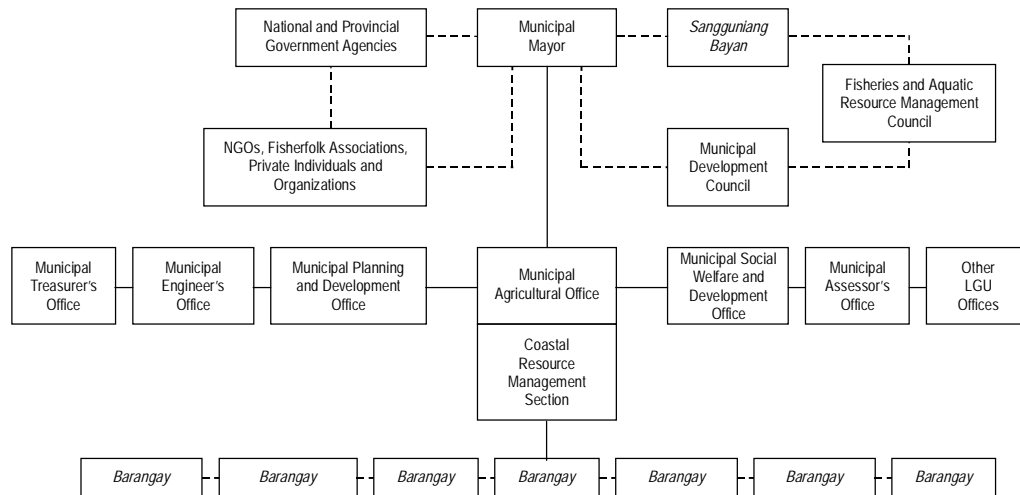


Figure 4.1. Municipal coastal resource management implementing structure

Box 4.1. Roles and responsibilities of the various offices and agencies involved in coastal resource management at the municipal level

- Municipal Mayor***
- Provides overall administrative supervision and control of the office and its staff
 - Prepares budgetary recommendations for specific activities
 - Establishes network between and among the LGUs, NGAs, NGOs, fisherfolk associations and other groups for CRM initiatives
- Sangguniang Bayan (SB)***
- Approves CRM-related resolutions and ordinances
 - Approves and appropriates funds for CRM programs and projects
 - Conducts ocular inspection of the programs and projects to monitor their progress
- Municipal Planning and Development Office (MPDO)***
- Assists in the planning, implementation and monitoring of CRM programs
 - Inspects and monitors the progress of the CRM plan implementation
 - Conducts yearly review of CRM activities and recommends for changes or amendments to the CRM plan
- Philippine National Police, in coordination with the deputized fishwardens***
- Performs the lead role in enforcing fishery laws and prosecuting the offenders
- Municipal Fishery and Aquatic Resources Management Council (MFARMC)***
- Assists the CRM Section in program planning, monitoring and evaluation
 - Recommends proposed programs and projects as well as legislative agenda to the SB Committee on Fisheries
- Municipal Agricultural Office (MAO)***
- Oversees the proper implementation of the CRM programs and projects
 - Prepares work plan and financial review on a yearly basis
 - Facilitates linkage of local CRM initiatives to NGAs and NGOs
- CRM Section of the ENRO (optional as laid out in R. A. 7160)***
- Enforces CRM policies and implements CRM programs and projects
 - Prepares progress reports and submits them to concerned persons and offices
 - Acts as main coordinating office for CRM activities
 - Facilitates communication between and among the LGU, concerned agencies and fisherfolk associations to ensure feedback

Barangay LGU

The village is the smallest political unit in the Philippines. With 367 coastal *barangays* in Bohol, they are very important. The role of the *barangay*:

<p>Legislation</p> <ul style="list-style-type: none"> ▪ Enforce pollution control law and environmental laws
<p>Enforcement</p> <ul style="list-style-type: none"> ▪ Prosecute any violation of the provisions of applicable fishery laws (<i>Barangay Captain</i>) ▪ Enforce laws and regulations relating to pollution control and protection of the environment
<p>Other Services</p> <ul style="list-style-type: none"> ▪ Provide services and facilities related to general hygiene and sanitation, beautification and solid waste collection

Municipal LGU

In Bohol, there are 29 coastal MLGUs and they should be the main coordinator of CRM related activities. The role of the municipal LGUs:

<p>Planning</p> <ul style="list-style-type: none"> ▪ Adopt a comprehensive land use plan ▪ Reclassify land ▪ Enact integrated zoning ordinances in consonance with approved comprehensive land use plan ▪ Conduct cadastral, special and isolated surveys ▪ Develop Agriculture and Fisheries Modernization Plans (AFMPs) ▪ Consolidate with land use and zoning ordinances
<p>Protection/Conservation</p> <ul style="list-style-type: none"> ▪ Recommend to DA-BFAR the inclusion of certain parts of municipal waters as fishery reserves ▪ Establish fishery refuge and sanctuaries in consultation with FARMCs ▪ Establish closed season in consultation with FARMCs ▪ Undertake reclassification of lands ▪ Protect the environment and impose appropriate penalties for the following acts which endanger the environment: <ul style="list-style-type: none"> <input type="checkbox"/> dynamite fishing and other forms of destructive fishing <input type="checkbox"/> illegal logging and smuggling of logs <input type="checkbox"/> smuggling of natural resources products and endangered species of flora and fauna <input type="checkbox"/> slash-and-burn farming <input type="checkbox"/> other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological imbalance ▪ Provide for the establishment, maintenance, protection and conservation of: <ul style="list-style-type: none"> <input type="checkbox"/> communal forests and watersheds <input type="checkbox"/> tree parks <input type="checkbox"/> greenbelts <input type="checkbox"/> mangroves ▪ Implement other similar forest development projects subject to DENR guidelines
<p>Legislation</p> <ul style="list-style-type: none"> ▪ Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Sec. 17 of the Local Government Code ▪ Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province

- Enact appropriate ordinances in consultation with the FARMC and in accordance with the National Fisheries Policy
- Enact a basic Municipal Fisheries Ordinance (MFO) delineating the boundaries of the municipal waters
- Provide the rules and regulations on licensing and permits and other fisheries activities
- Modify or amend existing municipal fisheries ordinances to conform with the Fisheries Code
- Enact ordinance to authorize or permit small and medium commercial fishing vessels to operate within the 10.1 to 15 km area from the shoreline in municipal waters as defined, provided that all the following are met:
 - ❑ No commercial fishing in municipal waters with depth less than 7 fathoms as certified by the appropriate agency;
 - ❑ Fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the DA;
 - ❑ Prior consultation, through public hearing, with the MFARMC has been conducted;
 - ❑ Applicant vessel as well as the ship owner, employer, captain and crew have been certified by the appropriate agency as not having violated the Fisheries Code, environmental laws and related laws

Regulatory

- Issue auxiliary invoices for the transport of fish and fishery products except those caught in violation of the provisions of the Fisheries Code or are declared as health hazards
- Make available to the Provincial Fishery Office (PFO) the monthly summary of auxiliary invoices
- Design a color coding system for municipal waters, such color code system to include identifiable markings to be carried by the municipal fishing boats
- Authorize or permit small and medium commercial fishing vessels to operate within the 10.1 to 15 km area from the shoreline in municipal waters as defined, provided that all the following are met:
 - ❑ No commercial fishing in municipal waters with depth less than 7 fathoms as certified by the appropriate agency;
 - ❑ Fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the DA;
 - ❑ Prior consultation, through public hearing, with the MFARMC has been conducted;
 - ❑ Applicant vessel as well as the ship owner, employer, captain and crew have been certified by the appropriate agency as not having violated the Fisheries Code, environmental laws and related laws
- Establish the boundaries of the allowable areas for commercial fishing
- Seek the assistance of the DA-BFAR and/or the NAMRIA in establishing the boundaries and isobath depth of waters
- Maintain a registry of municipal fishers, who are fishing or who may desire to fish in municipal waters, provided, that the FARMC shall submit to the LGU the list of priorities for its consideration
- Formulate the necessary mechanisms for inclusion or exclusion procedures; FARMC may recommend such mechanisms
- Maintain a registry of municipal fishing vessels by type of gear and other boat particulars with the assistance of the FARMC
- Grant use of demarcated fishery areas to engage in fish capture, mariculture and/or fish farming
- Grant priority to resident municipal fishers and their organizations/cooperatives in the exploitation of municipal and demarcated fishery areas
- Grant demarcated fishery rights to fishery organizations/cooperatives for mariculture operation in specific areas identified by the DA
- Grant new concessions, licenses, permits, leases and similar privileges for the establishment or operation of fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery products within established zones only to municipal fishers and their organizations in consultation with FARMCs
- Issue permits for the operation of pearl farms
- Determine defined migration path of migratory fish species such as river mouths and estuaries in consultation with FARMCs

<ul style="list-style-type: none"> ▪ Implement solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation
<p>Enforcement</p> <ul style="list-style-type: none"> ▪ Enforce rules and regulations relating to agriculture and aquaculture ▪ Provide agricultural extension and on-site research services and facilities which include the: (Municipal Mayor) <ul style="list-style-type: none"> ❑ organization of farmers and fishers cooperatives and other organizations ❑ transfer of appropriate technology ▪ Enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipal council
<p>Extension/Technical Assistance</p> <ul style="list-style-type: none"> ▪ Provide extension and on-site research services and facilities related to agriculture and fishery activities which include: <ul style="list-style-type: none"> ❑ dispersal of livestock, poultry, fingerlings and other seeding materials for aquaculture ❑ water and soil resource utilization and conservation projects ❑ enforcement of fishery laws in municipal waters including the conservation of mangroves ▪ Provide support to municipal fishers through appropriate technology and research, credit, production and marketing assistance and other services ▪ Prepare the Strategic Agriculture and Fisheries Development Zone (SAFDZ)
<p>Intergovernmental Relations</p> <ul style="list-style-type: none"> ▪ Formulate with other LGUs having jurisdiction over municipalities bordering bays, lakes and gulfs a unified MFO for an integrated resource management
<p>Relations with POs and NGOs</p> <ul style="list-style-type: none"> ▪ Enact appropriate ordinances in consultation with the FARMC and in accordance with the National Fisheries Policy ▪ Determine, in consultation with the FARMCs, the license fees of fisheries activities in municipal waters ▪ Consult FARMCs in the enactment of municipal fisheries ordinance ▪ Conduct public hearing in consultation with FARMCs to present the following: <ul style="list-style-type: none"> ❑ map showing the area of municipal waters where small and medium commercial fishing vessels may be allowed to operate ❑ type of fishing vessels and gear that may be allowed in such waters ❑ draft MFO permitting/allowing such commercial fishing operations

Sangguniang Bayan

<p>Protection/Conservation</p> <ul style="list-style-type: none"> ▪ Ensure conservation of mangroves
<p>Regulatory</p> <ul style="list-style-type: none"> ▪ Regulate activities relative to the use of land, buildings and structures within the municipality
<p>Enforcement</p> <ul style="list-style-type: none"> ▪ Enforce all laws and ordinances relating to pollution control and protection of the environment

City LGU

Tagbilaran City is Bohol's only coastal city. As a fast developing city, its concerns should also focus on food security and CRM. With its very own Environment planning and management office, it should have great success in the future. The role of the city:

Planning

- Adopt a comprehensive land use plan
- Reclassify land
- Enact integrated zoning ordinances in consonance with approved comprehensive land use plan
- Conduct cadastral, special and isolated surveys
- Develop AFMPs
- Consolidate with land use and zoning ordinances

Protection/Conservation

- Recommend to DA-BFAR the inclusion of certain parts of municipal waters as fishery reserves
- Establish fishery refuge and sanctuaries in consultation with FARMCs
- Establish closed season in consultation with FARMCs
- Protect the environment and impose appropriate penalties for the following acts which endanger the environment:
 - ❑ dynamite fishing and other forms of destructive fishing
 - ❑ illegal logging and smuggling of logs
 - ❑ smuggling of natural resources products and endangered species of flora and fauna
 - ❑ slash-and-burn farming
 - ❑ other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological imbalance
- Provide for the establishment, maintenance, protection and conservation of:
 - ❑ communal forests and watersheds
 - ❑ tree parks
 - ❑ greenbelts
 - ❑ mangroves
- Implement other similar forest development projects subject to DENR guidelines

Legislation

- Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Sec. 17 of the Local Government Code
- Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province
- Enact appropriate ordinances in consultation with the FARMC and in accordance with the National Fisheries Policy
- Enact a basic Municipal Fisheries Ordinance (MFO) delineating the boundaries of the municipal waters
- Provide the rules and regulations on licensing and permits and other fisheries activities
- Modify or amend existing municipal fisheries ordinances to conform with the Fisheries Code
- Enact ordinance to authorize or permit small and medium commercial fishing vessels to operate within the 10.1 to 15 km area from the shoreline in municipal waters as defined, provided that all the following are met:
 - ❑ No commercial fishing in municipal waters with depth less than 7 fathoms as certified by the appropriate agency;
 - ❑ Fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the DA;
 - ❑ Prior consultation, through public hearing, with the CFARMC has been conducted;
 - ❑ Applicant vessel as well as the ship owner, employer, captain and crew have been certified by the appropriate agency as not having violated the Fisheries Code, environmental laws and related laws

Regulatory

- Issue auxiliary invoices for the transport of fish and fishery products except those caught in violation of the provisions of the Fisheries Code or are declared as health hazards
- Make available to the Provincial Fishery Office (PFO) the monthly summary of auxiliary invoices
- Design a color coding system for municipal waters, such color code system to include identifiable markings to be carried by the municipal fishing boats

- Enact ordinance to authorize or permit small and medium commercial fishing vessels to operate within the 10.1 to 15 km area from the shoreline in municipal waters as defined, provided that all the following are met:
 - ❑ No commercial fishing in municipal waters with depth less than 7 fathoms as certified by the appropriate agency;
 - ❑ Fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the DA;
 - ❑ Prior consultation, through public hearing, with the CFARMC has been conducted;
 - ❑ Applicant vessel as well as the ship owner, employer, captain and crew have been certified by the appropriate agency as not having violated the Fisheries Code, environmental laws and related laws
- Establish the boundaries of the allowable areas for commercial fishing
- Seek the assistance of the DA-BFAR and/or the NAMRIA in establishing the boundaries and isobath depth of waters
- Maintain a registry of municipal fishers, who are fishing or who may desire to fish in municipal waters, provided, that the FARMC shall submit to the LGU the list of priorities for its consideration
- Formulate the necessary mechanisms for inclusion or exclusion procedures; FARMC may recommend such mechanisms
- Maintain a registry of municipal fishing vessels by type of gear and other boat particulars with the assistance of the FARMC
- Grant use of demarcated fishery areas to engage in fish capture, mariculture and/or fish farming
- Grant priority to resident municipal fishers and their organizations/cooperatives in the exploitation of municipal and demarcated fishery areas
- Grant demarcated fishery rights to fishery organizations/cooperatives for mariculture operation in specific areas identified by the DA
- Grant new concessions, licenses, permits, leases and similar privileges for the establishment or operation of fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery products within established zones only to municipal fishers and their organizations in consultation with FARMCs
- Issue permits for the operation of pearl farms
- Determine defined migration path of migratory fish species such as river mouths and estuaries in consultation with FARMCs
- Implement solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation

Enforcement

- Provide agricultural extension and on-site research services and facilities which include the: (City Mayor)
 - ❑ organization of farmers and fishers cooperatives and other organizations
 - ❑ transfer of appropriate technology
- Enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the city council
- Enforce forestry laws in community-based forestry areas
- Enforce small-scale mining laws, subject to policies of the DENR
- Verify and adjudicate conflicts on guano collection
- Verify and adjudicate conflicts on sand, gravel and other quarry resources

Extension/Technical Assistance

- Provide extension and on-site research services and facilities related to agriculture and fishery activities which include:
 - ❑ dispersal of livestock, poultry, fingerlings and other seeding materials for aquaculture
 - ❑ water and soil resource utilization and conservation projects
 - ❑ enforcement of fishery laws in municipal waters including the conservation of mangroves

<ul style="list-style-type: none"> ▪ Provide support to municipal fishers through appropriate technology and research, credit, production and marketing assistance and other services ▪ Prepare the Strategic Agriculture and Fisheries Development Zone (SAFDZ)
<p><i>Intergovernmental Relations</i></p> <ul style="list-style-type: none"> ▪ Formulate with other LGUs having jurisdiction over municipalities bordering bays, lakes and gulfs a unified MFO for an integrated resource management
<p><i>Relations with POs and NGOs</i></p> <ul style="list-style-type: none"> ▪ Enact appropriate ordinances in consultation with the FARMC and in accordance with the National Fisheries Policy ▪ Determine, in consultation with the FARMCs, the license fees of fisheries activities in municipal waters ▪ Consult FARMCs in the enactment of municipal fisheries ordinance ▪ Conduct public hearing in consultation with FARMCs to present the following: <ul style="list-style-type: none"> ❑ map showing the area of municipal waters where small and medium commercial fishing vessels may be allowed to operate ❑ type of fishing vessels and gear that may be allowed in such waters ❑ draft MFO permitting/allowing such commercial fishing operations

Sangguniang Panlungsod

<p><i>Protection/Conservation</i></p> <ul style="list-style-type: none"> ▪ Ensure conservation of mangroves
<p><i>Enforcement</i></p> <ul style="list-style-type: none"> ▪ Enforce all laws and ordinances relating to pollution control and protection of the environment

Provincial LGU

Governor Erico B. Aumentado conducting an ocular inspection of fishing boats and mangroves in BaClayon.

The Provincial Government of Bohol has a huge mandate in environmental management and through its Bohol Environment Management Office, it is hoped it will be successful. Here are the roles of the Provincial LGU with respect to CRM.



<p><i>Planning</i></p> <ul style="list-style-type: none"> ▪ Review AFMPs
<p><i>Protection/Conservation</i></p> <ul style="list-style-type: none"> ▪ Undertake reclassification of lands
<p><i>Legislation</i></p> <ul style="list-style-type: none"> ▪ Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Sec. 17 of the Local Government Code ▪ Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province ▪ Review ordinances enacted by the municipal/city government

<p>Regulatory</p> <ul style="list-style-type: none"> ▪ Issue permit and collect fees for guano collection ▪ Issue permit to extract sand, gravel and other quarry resources
<p>Enforcement</p> <ul style="list-style-type: none"> ▪ Provide agricultural extension and on-site research services and facilities which include the: (Governor) <ul style="list-style-type: none"> ❑ organization of farmers and fishers cooperatives and other collective organizations ❑ transfer of appropriate technology ▪ Prescribe a criminal penalty therefore in accordance with the provisions of the Fisheries Code ▪ Enforce forestry laws in community-based forestry areas ▪ Enforce small-scale mining laws, subject to policies of the DENR ▪ Verify and adjudicate conflicts on guano collection ▪ Verify and adjudicate conflicts on sand, gravel and other quarry resources
<p>Power of Taxation and Revenue Generation</p> <ul style="list-style-type: none"> ▪ Impose taxes on sand, gravel and other quarry resources which include those located in littoral and coastal areas
<p>Extension/Technical Assistance</p> <ul style="list-style-type: none"> ▪ Provide agricultural extension and on-site services and facilities which include the: <ul style="list-style-type: none"> ❑ organization of farmers and fishers cooperatives and other organizations ❑ transfer of appropriate technology ▪ Integrate the operations for the agricultural extension services ▪ Undertake an annual evaluation of all municipal extension programs

Sangguniang Panlalawigan

<p>Protection/Conservation</p> <ul style="list-style-type: none"> ▪ Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province
<p>Enforcement</p> <ul style="list-style-type: none"> ▪ Enforce all laws and ordinances relating to pollution control and protection of the environment ▪ Protect the environment and impose appropriate penalties for the following acts which endanger the environment: <ul style="list-style-type: none"> ❑ dynamite fishing and other forms of destructive fishing ❑ illegal logging and smuggling of logs ❑ smuggling of natural resources products and of endangered species of flora and fauna ❑ slash-and-burn farming ❑ other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological balance

All Levels

<p>Power of Taxation and Revenue Generation</p> <ul style="list-style-type: none"> ▪ Define the geographic criteria for application of LGU taxes and levies based on the location of the transaction or the operation branch, outlet or office ▪ Formulate special levies on real property and the procedure for allocating the proceeds ▪ Receive share from the internal revenue allocation (IRA) ▪ Receive share of proceeds from government agencies or government owned and controlled corporations (GOCCs) ▪ Create special funds or special accounts in the general fund <p>Intergovernmental Relations</p> <ul style="list-style-type: none"> ▪ Group together, consolidate or coordinate efforts, services and resources for commonly beneficial purposes ▪ Group together and coordinate with each other to achieve the objectives of integrated fishery resource management

<ul style="list-style-type: none"> ▪ Share with the National Government the responsibility in the management and maintenance of ecological balance within the territorial jurisdiction
<p>Relations with POs and NGOs</p> <ul style="list-style-type: none"> ▪ Promote the establishment and operation of POs and NGOs ▪ Enter into joint ventures and such other cooperative arrangements with POs and NGOs ▪ Develop local enterprises ▪ Provide assistance, financial or otherwise, to POs and NGOs

Province of Bohol, Their Actual Mandates

Box 4.2. Vision, mission and goal of the province of Bohol

<p>Vision</p> <p>Bohol is a prime eco-cultural tourist destination and a strong agro-industrial province with an empowered and self-reliant people who are God-loving, law-abiding, proud of their cultural heritage, and committed to the growth and protection of the environment.</p>
<p>Mission</p> <p>To continuously transform its social, economic, political and cultural life through effective collaboration of people from various sectors of the province to achieve and sustain its vision.</p>
<p>Goals</p> <ol style="list-style-type: none"> 1. To establish the importance and contribution of Bohol to the nation's socio-cultural and political growth and economic competitive edge; 2. To establish sustainable eco-cultural tourism and agro-industrial sites in the province to encourage investments and employment; 3. To ensure sustainable growth in revenues from major industries that adhere to a sustainable framework for developing, utilizing and managing the environment and natural resources of the province; 4. To enrich and continuously develop the dynamic and creative Boholano culture in all municipalities and in the capital city of Bohol; and 5. To develop a well-informed citizenry in healthy communities, aware and proud of its competencies that will enable them to be much more productive, enterprising and participative in attaining the vision and goals of Bohol

Box 4.3. Key provisions of the Bohol Environment Code (Provincial Ordinance No. 98-01, otherwise known as the Bohol Environment Code)

Article Number	Title
I	Title of the Ordinance
II	Authority and Purpose
III	Forest Resources
IV	Mineral Resources
V	Water Resources
VI	Integrated Solid Waste Management
VII	Coastal Resources
VIII	Air and Noise Pollution Management
IX	Ecotourism
X	Environmental Impact Assessment
XI	Land Use Planning
XII	Organization
XIII	Penalties and Miscellaneous Provisions
XIV	<i>Sustainable Agriculture Development Framework (newly initiated to be included in the IRR as decided by TWGs on environment)</i>

Box 4.4. Mandate and functions of the BEMO as provided under Provincial Ordinance No. 98-01

Section 111. **Creation of the Bohol Environment Management Office (BEMO).** For the purpose of implementing the provisions of this Code and pursuant to Sections 463 and 484, RA 7160, the coastal, mineral, forestry, and water resources management, solid and liquid waste management, air and noise pollution control, environmental impact assessment, and ecotourism functions of the various offices and departments under the Office of the Provincial Governor, including applicable appropriations, records, equipment, property, and such personnel as may be necessary, are hereby merged into a single office to be known as the Bohol Environment Management Office, referred to in this Code as the BEMO.

Section 112. **Jurisdiction of the BEMO.** The BEMO shall have jurisdiction and authority over all environment and natural resources in the province, subject to the provisions of RA 7160 and all other applicable national laws, rules and regulations.

Pursuant to Section 16, RA 7160 and in ensuring that the provisions of the 1997 Bohol Covenant for Sustainable Development and the proceedings of the Bohol Environment Summit of 1997 are pursued, it shall share responsibility with the municipal governments, the Department of Environment and Natural Resources and other cognizant national government agencies for the effective protection, development, management, rehabilitation, and conservation of environment and natural resources in the province, the regulation and supervision of the operation of licensees, lessees and permittees for the taking or use of natural resources; the implementation of local government-driven coastal, forest, mineral, ecotourism, and water resources management, including waste management and the control of air and noise pollution; and enforcement of environment and natural resources laws, rules and regulations; and perform the functions prescribed in Section 484, RA 7160.

Specifically, the BEMO shall undertake the following:

- a. **Organizational Development.** Assist municipal governments and *barangay* councils, including environmental organizations through the provision of technical assistance such as, but not limited to, development of environmental management organizational capability, participatory formulation of environmental programs, mobilization of local and external pool of environmental specialists, and guidance in the formulation and implementation of environmental laws.
- b. **Program Development.** Develop a multi-year environment management framework plan for the promotion of local government-driven community-based and livelihood-oriented initiatives, particularly in tree enterprises, watershed management, ecotourism, coastal resources management, solid waste management, and participatory land use planning.
- c. **Linkaging.** Establish an operational internal and external linkages and networking system that will maintain and expand local government-driven environmental initiatives.
- d. **Showcasing.** Develop and implement environmental programs through the promotion of best-as-of-the-moment methods, processes, and approaches by establishing showcases within the province for LGUs to adopt in their respective jurisdictions.
- e. **Fund sourcing.** Establish linkages with national and international institutions for purposes of fund sourcing, network building, research, and information/data bank generation.
- f. **Policy Advocacy.** Organize a network of lobby/advocacy groups by maintaining provincial network of environmental organizations.

- g. **Management Review.** facilitate and coordinate the holding of Provincial Environment Summits to be held in June and July of each year where a cross section of the *Boholano* community will resolve issues with regard to natural resource utilization and management.
- h. **One-Stop-Shop.** Install a one-stop-shop and quick response desk that will be manned by an interdisciplinary, interagency and multisectoral team whose task will be to facilitate calls for fact-finding missions, monitoring and investigation of controversial issues in the province.
- i. **LGU Clustering.** Encourage municipalities to group themselves into clusters to address common concerns, such as law enforcement in municipal waters, protection of river systems, watershed management, and pollution control, as stipulated in Section 3(f), RA 7160.
- j. **IRR.** Recommend to the Governor implementing rules and regulations (IRR) for the Bohol Environment Code.
- k. Perform such other acts that are necessary to carry out its functions.

LEGAL DECLARATIONS

Protected Areas in the Coastal Ecosystem

Because of its diverse ecosystem, Bohol has many national protected areas declared through either a Presidential Decree (PD) or Presidential Proclamation (PP). National protected areas located within the coastal ecosystem of Bohol are declared by virtue of PP 2151 and/or PP 2152.

PP 2151 establishes a certain area into the initial component of the National Integrated Protected Areas System (NIPAS) under the category of strict nature reserve and classifies such as wilderness area. As defined under Section 2 (Declaration of Policy) of Department Administrative Order (DAO) No. 25, Series of 1992 — the Implementing Rules and Regulations (IRR) of Republic Act 7586, otherwise known as the NIPAS Act of 1992 — a strict nature reserve is *“an area possessing some outstanding ecosystem, features and/or species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state.”*

PP 2152 establishes an area under the category of protected landscape/seascape and classifies such area as mangrove swamp forest reserve. Protected landscapes/seascapes are *“areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas.”*

Both categories of protected areas take into consideration the various habitats in the area (mangroves, mudflats, seagrass beds and coral reefs), ensuring protection and management of such bio-physical resources.

All protected areas established as initial components of the NIPAS are still subject to the decision of the Congress to become regular components of the system.

Table 4.2. Coastal protected areas in Bohol under NIPAS

Name of Protected Area	Coverage
<p>Pres. Proclamation No. 2151</p> <p>Calape Group of Islands Strict Nature Reserve Candijay Group of Islands Strict Nature Reserve Candijay-Mabini Strict Nature Reserve Clarin Group of Islands Strict Nature Reserve Getafe Group of Islands Strict Nature Reserve Inabanga Group of Islands Strict Nature Reserve Pres. Carlos P. Garcia Group of Islands Strict Nature Reserve Talibon Group of Islands Strict Nature Reserve Tubigon Group of Islands Strict Nature Reserve Ubay Strict Nature Reserve</p>	<p>Poom Point, Basihan Islet Catiil, Colanggoman and Tabangdio Islands Lumisli Island Cabgan, Cancostino, Tabaon, Maagpit and Silo-siloan Islands Nasingin and Banacon Islands Bugatusan, Pangahoy-kahoyan and Hambongan Islands Pamasau and Budlaan Islands Tambu, Banbanon, Bansaon and Sag Islands Budlaan Island, Hayaan and Inanuran Islets Tintinan Island</p>
<p>Presidential Proclamation No. 2152</p> <p>Albuquerque-Loay-Loboc Protected Landscape/Seascape Loon Group of Islands Protected Landscape/Seascape Pangangan Island Protected Landscape/Seascape Pres. Carlos P. Garcia Protected Landscape/Seascape Tubigon Protected Landscape/Seascape Ubay Protected Landscape/Seascape</p>	<p>Albur, Loay, Loboc Cabilao and Sandingan Islands Pangangan Island (Calape) Bonoon Island Batasan Island Lapinig Chico Island</p>

The aforementioned PAs have their respective Initial Protected Area Plan (IPAP) prepared with the involvement of communities within and adjacent to the boundaries of the protected area and endorsed by members of the Protected Area Management Board (PAMB) for the approval of the DENR Secretary. The IPAP includes, aside from the socio-economic, bio-physical and geographical attributes of the protected area, the proposed management zones. The protected area can have one or more management zones (i.e. strict protection, sustainable use, restoration, habitat management, multiple use, buffer, cultural, recreational and special use zones). Every proposed zone has its own management objectives and strategies to address the key habitat management issues. It is important to note that all PAs should have a buffer zone “to provide a social fence that prevents encroachment into the protected area by outsiders,” which “should be treated as an integral part of the protected area in management planning” (Section 10 (f), DAO 25, S. 1992).

Strict nature reserves or wilderness areas were declared prior to the upsurge of human settlement in these areas. However, all the protected areas in Bohol are currently being occupied regardless of the existing legal declarations. Although IPAPs for the coastal PAs in Bohol have already been submitted, not even one has been approved yet.

Issues and Concerns

Presently, a lot of management issues still crop up in these areas. Encroachment activities within the boundaries of the protected areas in Bohol are very much apparent, e.g. mangrove cutting, sand extraction and other illegal activities.

- All protected areas in Bohol, not to mention throughout the country, are faced with the issue of tenurial security. Titling of lands within protected areas, after these have been legally declared by the state, is pending. However, prior rights are respected by the state.
- The continued exploitation of the resources within the bounds of the protected areas threaten the sustainability of the resources.
- Traditional human practices (e.g. cutting of mangroves for everyday use) are limited by the declarations supporting the protected areas, which in turn aggravate environmental degradation as some people would resort to encroachment and other illegal activities.
- Despite being declared many years ago, the proposed management zones in each protected area are not yet approved. Proposed zones, such as strict protection and habitat management zones, are still subjected to human exploitation.
- Some of the PAMBs are not fully functional, need capability-building activities and must work with the LGUs concerned and share in planning activities and revenue generation.
- There is a need for more involvement of the local and municipal LGUs, NGOs and other agencies to help get the PAMBs up and moving, and implement their mandates.

Fishponds

Bohol is identified as one of the provinces once rich in primary or old growth mangrove forests. Now, a great bulk of the existing mangrove cover is secondary growth, i.e. replanted.

With the advent of the "Blue Revolution" whose main thrust was to increase fishery production for export, huge areas of mangroves were surveyed and proposed for fishpond development. Under this program, the national government encouraged any interested investor to apply for a Fishpond Lease Agreement (FLA). Field technicians from the BFAR provided information and technical assistance on new improved technologies on brackishwater fishpond development including post-harvest and fish handling. Initially, the fishpond owners experienced high production and large profits. However, due to their intensive nature (coupled with various

Abandoned fishpond - San Isidro, Calape, showing original mangrove tree stumps



other issues), the fishponds slowly became more unproductive (Soils will slowly degrade until they are useless, five to ten years from the fishpond establishment).

Almost every coastal town in Bohol has at least one existing fishpond. Currently, not all of the fishponds are productive or operational. Based on the records of the Regional Office of the BFAR, the total area granted for fishpond development is 2,909.97 ha, with only 1,672.36 ha developed and 430.63 ha undeveloped. These data, however, are still subject for verification as BFAR is conducting an ongoing inventory of fishpond areas in Bohol (pers comm. Cres Pahamutang, Provincial Fishery Officer).

The joint DA-BFAR and DENR General Memorandum Order No. 3, Series of 1991, tries to respond to the problem of idle, unproductive, abandoned and/or illegal fishpond areas by reverting them into their original classification of timberland. Fishpond areas with FLAs that are found to be violating this policy will be reverted to the administration of the DENR. All applications for FLA within timberlands, which have not been released for fishpond development by DENR, shall automatically be returned without being acted upon.

On the other hand, the DA-DAR Administrative Order No. 18, Series of 1991, prescribes the guidelines in the redistribution of cancelled and/or expired FLAs to agrarian reform beneficiaries. Cancelled FLAs can only be transferred to the administration of the Department of Agrarian Reform (DAR) if the fishpond is within alienable and disposable (A & D) land.



Fishponds cannot be sold or have ownership changed by law, this signboard in Cortez tells a different story, however.

In Bohol, however, not even one idle, unproductive, abandoned or illegal fishpond has been reverted to the category of timberland. Neither has one FLA been cancelled. This situation has concerned the LGUs and FARMCs of Calape, Loon, Anda, Candijay and Mabini, which have all applied for reversion. According to the law, FLAs are not transferable to new entities once the fishpond areas have been abandoned yet the practice of changing the names of FLA holders continues.

As an initial step in the reversion process, a Technical Working Group (TWG) was created, the membership of which was composed of the DENR, DA-BFAR, BEMO, Mangrove Management Component of the CRMP, Environmental Legal Assistance Center (ELAC) and Environmental Science for Social Change (ESSC). Several meetings were conducted to identify focus issues vis-à-vis the mandate of the TWG to implement the DA-BFAR-DENR memorandum order.

The TWG, after being fed with relevant data and information by BFAR and DENR, chose Boyoan, Candijay and U-og, Inabanga as pilot sites for the implementation of the joint memorandum order. These areas were chosen based on certain criteria, to wit: 1) should have been abandoned for more than five years; 2) unproductive; 3) at least 20% remaining mangrove cover; and 4) initial efforts made by the community against fishpond development.

The BFAR, as chairman of the group, have continued some activities but is waiting for the special orders from the regional offices of the DENR and BFAR before further action can be taken.

It is important to know that for every hectare of illegal, abandoned or disused fishpond means a loss of about 600-700 kg of fishes, crustaceans and mollusks every year. For example, if there are about 1,000 ha of fishponds in Bohol left unproductive, there is a loss of about 600,000 kg of fishery products per year excluding other economic losses associated with this. Each year of inaction therefore means another year of 600,000 kg being lost for Bohol's coastal production.

Issues and Concerns

- Overlapping policies of the DA-BFAR and the DENR
- The implementation of joint DA-BFAR and DENR General Memorandum Order No. 3, Series of 1991, is currently an extremely difficult activity that takes considerable time and resources to accomplish because it is not a priority of either the two agencies.
- The role of the LGU and FARMC is not properly defined. Despite the FARMC and LGU resolutions of Calape, Loon, Anda, Candijay and Mabini, no action has been taken as regards illegal or abandoned fishponds.
- The provincial BFAR is aware of some illegally constructed and illegally occupied fishponds. However, exact figures could not be established as inventory on fishpond development in the province is not part of their workplan for the year 2001. BFAR-Bohol intends to include this activity as part of the major targets for 2002. On the other hand, fishpond inventory needs adequate funding in order to come up with a truly comprehensive and complete data.

Recommendations

- Operationalize the joint General Memorandum Order No. 3, S. 1991, of the DA-BFAR and DENR and re-activate the TWG established in Bohol.

- It should be made clear that abandoned fishponds are ecologically and economically useless, thus these need to be reverted to the category of timberland for the benefit and management of interested communities, and, possibly, in association with the CBFM Program of the DENR.
- Clear up problems on policy jurisdiction and define jurisdictional mandates.
- The inventory and assessment of the remaining mangrove cover in Bohol should be undertaken as soon as possible.
- LGUs should be encouraged to initiate and strongly support the activities for fishpond reversion, in coordination with the MFARMCs.
- There is a need to compare maps, and standardize data collection techniques and mapping system, perhaps with the use of GPS, as the base maps of the DENR, BFAR and province are all different.

SUMMARY

The implementation of a holistic coastal resource management in the province needs a sustained collaboration among all concerned sectors of the society. The respective mandates of each administrative level should not become instruments of undivided efforts but should form the basis for setting out a common direction for a sustained CRM implementation in Bohol.

The MLGU is mandated to take the lead in the implementation of CRM in the municipality. However, it needs to work with the province, *barangay* and other agencies to ensure a holistic CRM.

There are still some policy and agency overlaps that have to be worked out in the future, perhaps with the piloting of fishpond reversion in Bohol and amplifying the learnings up to the national level for nation-wide replication.

Sometimes, PAMBs and other protected areas should be considered by NGOs, LGUs and other agencies as good opportunities for capability-building, and strengthening and more joint collaborations would be good to see.