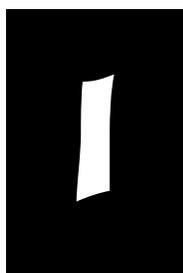




## Chapter 7

# ***INSTITUTIONAL and LEGAL FRAMEWORK***



In the Philippines, CRM is built on a legal framework and state policy mandated by the Philippine Constitution which provides that the State shall protect the nation's marine wealth in its archipelagic waters, territorial seas, and exclusive economic zone, and reserve its use and enjoyment exclusively to the Filipino citizens. To effect this state policy, there are NGAs and LGUs tasked to formulate policies, implement programs and projects to manage and conserve the coastal and marine resources of the country.

This chapter presents the framework for CRM, highlighting the roles of the key organizations at the national, provincial, municipal, and *barangay* governments.

### **National Level Policies and Agencies**

Natural resource management programs in the Philippines fall under the auspices of the Philippine Strategy for Sustainable Development (PSSD). All the national and regional policies related to ICM should conform to the general guidelines set forth in the strategy. Some of the relevant components of the strategy's agenda are as follows:

- Integration of environmental considerations in all decision-making processes;
- Proper valuation of resources used based on the cost of replenishment;
- Promotion of equitable access and tenurial security to resources;
- Rehabilitation of damaged ecosystems;
- Strengthening of pollution control in industry; and
- Promotion of environmental education, as well as citizen's participation in the planning and implementation of government programs.

The Philippines adopted in 1994 a National Marine Policy in order to develop a comprehensive program to properly manage coastal and marine resources in compliance with the United Nations Convention on the Law of the Sea (UNCLOS). This policy calls for an integrated coastal zone management system that considers the archipelagic and coastal nature of the country.

In 1991, RA No. 7160 (Local Government Code of 1991) was enacted to enhance government and corporate powers to the LGUs, particularly on political autonomy and decentralization, and resource generation and mobilization. Its salient provisions with regard to CRM are the following:

- The expansion of the scope of municipal waters to 15 km from 3 nautical miles. This gave the municipal and city governments greater jurisdiction over the municipal waters.
- Devolution of some powers and functions of the DENR, Department of Agriculture (DA) and other concerned national agencies to the LGUs.
- Repeal of anti-conservation policies of the state, as mandated by Presidential Decree 704 (Fisheries Decree of 1976) such as optimum utilization of fishery resources and exportation of fishery products.
- Assigning to the municipalities and cities the right to issue licenses, leases, or permits for the use of municipal waters.
- Preferential treatment to municipal fishers in the grant of fishery licenses.

Another major law enacted with regard to CRM is the RA No. 8550 (Philippine Fisheries Code of 1998). This law repealed Presidential Decree 704 (Fisheries Decree of 1976). This law is more consistent with the provisions of the Constitution. The overriding policies embodied in this Code are the following:

- Food security as the primary goal and consideration in the utilization, management, and conservation of the coastal and fisheries resources.
- Limiting access to the fisheries resources for the exclusive use and enjoyment of Filipino citizens.
- Rational and sustainable development, management, and conservation of coastal and fishery resources.
- Protection of the rights of fishers, especially the coastal communities, with priority given to municipal fishers in the preferential use of the municipal waters. To operationalize this policy, coastal municipalities and cities are mandated to organize Fisheries and Aquatic Resources and Management Councils (FARMCs).
- Management of coastal and fisheries resources in light of the concept and principle of integrated CRM.

Another important law on environmental protection and management is RA No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS). This law governs and classification and administration of all designated protected areas. In the

profile area, there are 2 areas declared as protected areas - the Tañon Strait Protected Seascape (declared under Presidential Proclamation No. 1234) and the Apo Island Protected Landscape/Seascape (declared under Presidential Proclamation No. 856). As protected seascapes, these areas are managed to maintain essential ecological processes and life-support systems, preserve genetic diversity, ensure sustainable use of the resources found therein, and maintain their natural condition.

At the national level, the line agencies most involved with coastal management issues are the DA through the BFAR, the DENR, the Department of the Interior and Local Government (DILG), the Department of Transportation and Communications (DOTC), the Department of National Defense (DND), and the Department of Science and Technology (DOST).

#### **Department of Agriculture - Bureau of Fisheries and Aquatic Resources (DA-BFAR)**

The BFAR is a line bureau of the DA. BFAR's jurisdiction covers all fishery resources and related products from the coastal ecosystems, for example, seaweeds, fishes, squids, and shellfish. Under the Philippine Fisheries Code of 1998, BFAR is mandated to manage the fisheries resources of the country except those within the municipal waters which are under the management of the municipal or city government. As a line bureau, BFAR may establish field offices at the provincial, city, and municipal levels.

#### **Department of Environment and Natural Resources (DENR)**

The DENR's primary concern are the coastal ecosystems, i.e., coral reefs, seagrasses and mangroves. Its mandate includes the full exploration and development, as well as judicious ... utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife ... and other natural resources (Sec. 1 of Title XIV of Executive Order (EO) 292) and the promulgation of rules, regulations, and guidelines on the issuance of licenses, permits, concessions, lease agreements, and such other privileges concerning the development, exploration, and utilization of marine, freshwater, and brackishwater, and over all aquatic resources of the country. The DENR shall also continue to oversee, supervise, and police our natural resources (Sec. 4 of Title XIV of EO 292). The DENR still holds power in policy issuances and program direction with regard to management of mangroves in the coastal area.

As part of its mandate to manage the coastal resources, the DENR started in 1993 implementing the Coastal Environment Program (CEP) which aims to uplift the socioeconomic conditions of the coastal populace through the protection of the environment and the implementation of strategic interventions on coastal management. The DENR is also implementing the NIPAS which aims to manage all protected areas, including seascapes.

### **Department of the Interior and Local Government (DILG)**

The DILG is the agency that has the administrative control over the LGUs. It has also operation control over the Philippine National Police (PNP). Through the PNP Maritime Command (PNP-MARICOM), the DILG, in collaboration with the Philippine Coast Guard (PCG) and the DND, has the authority to perform all police functions over the Philippine territorial waters, rivers, coastal areas.

### **Department of Transportation and Communications (DOTC)**

The DOTC is involved in CRM through its attached agencies - the Maritime Industry Development Authority (MARINA) and the PPA. It is involved in the construction of fish ports, municipal ports, and maintenance of lighthouses in the country. The MARINA is in charge of the promotion and development of maritime industry, regulation of shipping, and maritime safety. The PPA is in charge of the development of ports and supervision and maintenance of port facilities and services.

### **Department of Science and Technology (DOST)**

The DOST is also involved in CRM through its Philippine Council for Aquatic and Marine Research and Development (PCAMRD). The PCAMRD is mandated to monitor aquatic and marine research and development projects, to formulate strategies, policies, plans, programs, and projects for aquatic and marine science technology and to generate funds.

Coastal and marine resource management in the Philippines is an interesting mix of both top-down and bottom-up approaches. On the national level, coastal resources are primarily governed by the DENR and the DA-BFAR, although other national agencies, such as the DILG, DOST, DOTC, and DND are also involved with CRM. With the enactment of the Local Government Code of 1991, however, many of the responsibilities for the management of coastal resources were devolved to the LGUs. Management of these resources fall under the provincial, city, municipal, and *barangay* governments, in collaboration with other line agencies and NGOs whose primary concern is the preservation, conservation, and management of the coastal resources.

### **Provincial Level Mandate and Offices**

With the enactment of RA No. 7160 (Local Government Code) in 1999, the LGUs were given significant roles in the management of the coastal environment, particularly within the municipal waters. LGUs include the province, city, municipality, and *barangay*. Some of the powers and functions of national agencies were devolved to the LGUs.

### **Provincial Government**

A province is composed of municipalities and component cities within an area. Each province is charged with developing itself into an agro-industrialized state, taking natural resources into consideration. As a result, the province is theoretically charged with preserving and utilizing resources in a sustainable fashion. In addition, nature tourism is being looked into

as an emerging and important part of the economy of the province, and therefore, the province should recognize that care must be taken with their resources in order to maximize the potential revenues in this sector. At the provincial government, the offices involved in CRM are the Office of the Governor, the *Sangguniang Panlalawigan* (SP), and the Provincial Development Council (PDC).

### **Office of the Governor**

The Office of the Governor has the general supervision and control over all programs, projects, services, and activities of the provincial government, including formulation of plans and policies on coastal management at the provincial level. The Office is mandated to enforce all laws and ordinances relative to the governance of the province. The Office should also initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives, and priorities, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress. In the Office of the Governor of the Province of Negros Oriental, CRM-related activities are being carried out by the Provincial Agriculturist's Office (PAO) and the Environment and Natural Resources Management Division (ENRMD).

The PAO is a regular office in the provincial government as mandated by the Local Government Code of 1991. In the province of Negros Oriental, under the PAO is the Fisheries Division whose tasks include formulation and implementation of programs that ensure the delivery of basic services on fisheries, development of plans and strategies, and provision of technical assistance to municipalities and *barangays* on fisheries management, both marine and inland fisheries.

The ENRMD, on the other hand, was created in 1993 through an EO issued by the then Governor Emilio C. Macias. It is directly under the Office of the Governor. The ENRMD provides assistance to municipalities on coastal law enforcement, enterprise development, marine sanctuary establishment, training, and Information, Education and Communication (IEC) activities.

Although the PAO and ENRMD work closely with each other in some activities, the PAO is in charge of the production aspects of agriculture and fisheries while the ENRMD is responsible for the protection and rehabilitation of degraded resources. Both have their respective budget to work on (Gov. George Arnaiz, pers. comm.)

### ***Sangguniang Panlalawigan* (SP)**

The SP is the legislative branch of the provincial government. Its responsibilities for CRM include imposition of penalties for acts which endanger the environment, adoption of measures for conservation, and review of ordinances of the municipalities. The SP translates its responsibilities through ordinances and resolutions.

### **Provincial Development Council (PDC)**

Another important body in the coastal management process is the PDC. The PDC is headed by the governor and composed of all mayors of component cities and municipalities, the chairman of the committee on appropriations of the SP, the congressman or his representatives, and representatives of NGOs operating in the province.

The PDC performs the following functions:

- Formulate long-term, medium-term, and annual socioeconomic development plans and policies;
- Formulate medium-term and annual public investment programs;
- Appraise and prioritize socioeconomic development programs and projects;
- Formulate local investment incentives to promote the inflows and direction of private investment plan;
- Coordinate, monitor, and evaluate the implementation of development programs and projects; and
- Perform such other functions as may be provided by law or competent authority.

The PDC has an executive committee that represents and acts in behalf of the PDC when it is not in session. The executive committee is composed of the governor, as chairman, the representative of component city, and municipal mayors to be chosen from among themselves, the chairman of the committee on appropriation of the SP, the president of the provincial league of *barangays* and a representative of NGOs that are represented in the council, as members. The executive committee ensures that the direction of the council is faithfully carried out and implemented and formulates policies, plans, and programs based on the general principles laid down by the council. The PDC may also form sectoral or functional committees, such as a committee on CRM, to assist in the performance of their functions.

All policies, programs, and projects proposed by the PDC are submitted to the SP for appropriate action. Approved development plans of the province are submitted to the Regional Development Council (RDC), a higher level of local development council, for integration to the regional development plan for submission to the National Economic and Development Authority (NEDA), in accordance with existing laws.

### **Municipal/City Level Mandate and Offices**

With the enactment of the Local Government Code (LGC) of 1991 (RA 7160), the municipal/city government has the primary responsibility for CRM. The LGC delegated the management of the municipal waters to the municipalities and cities. In general, the municipality/city has the following CRM responsibilities:

- Legislate for the general welfare;
- Impose penalties for acts which endanger the environment;
- Grant permits for fish corrals, fish pens, aquatic beds, and taking of fish/prawn fry;

- Adopt measures for conservation;
- Enforce fishery laws in municipal waters;
- Research services and facilities related to fishery activities;
- Conserve mangroves;
- Exercise exclusive authority to grant fishery privileges in municipal waters;
- License fishing vessels of three tons or less;
- Issue permits to construct fish cages in municipal waters;
- Issue permits to gather aquarium fishes within municipal waters;
- Establish fishing seasons in municipal waters;
- Issue permits to collect mollusks;
- Issue licenses for seaweed farms within municipal boundaries; and
- Issue auxiliary invoices to transport fishery.

### **Fisheries and Aquatic Resources Management Council (FARMC)**

To enhance community participation in the management of coastal resources, the President of the Philippines in 1996 signed Executive Order 240 regarding the establishment of FARMCs at the local government levels. With the enactment of the Fisheries Code of 1998, FARMCs are institutionalized at the municipal, city, and bay areas. The formation of the FARMC at the *barangay* level is optional.

The FARMC, as an advisory body of LGUs, exercises the following functions:

- Assist in the preparation of the Municipal Fishery Development Plan and submit such plan to the Municipal Development Councils;
- Recommend the enactment of municipal fishery ordinances to the *Sangguniang Bayan/Panlungsod* through its Committee on Fisheries;
- Assist in the enforcement of fishery laws, rules, and regulations in municipal waters;
- Advise the *Sangguniang Bayan/Panlungsod* on fishery matters through its Committee on Fisheries, if such has been organized; and
- Perform such other functions which may be assigned by the *Sangguniang Bayan/Panlungsod*

The FARMC is composed of the

- Municipal/City Planning Development Officer;
- Chairperson, Agriculture/Fishery Committee of the *Sangguniang Bayan/Panlungsod*;
- Representative of the Municipal/City Development Council;
- Representative from the accredited NGO;
- Representative from the private sector;
- Representative from the DA; and
- At least 11 fisherfolk representatives (7 municipal fisherfolk, 1 fishworker, and 3 commercial fishers) in each municipality/city which include representatives from the youth and women sectors.

The rationale for this type of council was to give local resource users a conduit to local officials and a voice in the management of coastal resources within the municipal waters. The FARMC also strengthens and supports the LGC provision that allows different LGUs to coordinate and collaborate with each other on relevant issues.

In the province of Negros Oriental, there is an advisory body called Coastal Resource Management Advisory Council which reports to the PDC and whose chair is the Provincial Planning and Development Officer (PPDO). This advisory council is comprised of the representatives of the following: ENRD, PAO-Fisheries Division, DENR; BFAR; the TMF; Silliman University and the CRMP. The CRMP-TMF Advisory Council serves as a policy-making and coordinating body at the provincial level. However, it does not report to the PDC. On the other hand, pursuant to SP Res. No. 395, Series of 1994, there is a provincial CRM committee composed of various GOs and NGOs.

**Other Institutions in the Profile Area:**

**Silliman University Marine Laboratory (SUML)**

SUML is one of the leading academic institutions in the country in the field of marine science. It was primarily established as a research facility of the university.

The thrusts of the SUML are to:

1. Conduct research in the marine sciences with emphasis on conservation management and sustainable aquaculture;
2. Develop management and conservation measures;
3. Provide laboratory space and facilities for field-oriented courses of the university;
4. Promote local and international exchange of researches and specialists in marine science;
5. Assist public and private agencies in marine development projects;
6. Provide academic linkages between the marine sciences and humanities; and
7. Serve as the environmental watchdog in the province and the Central Visayas region.

The SUML has conducted the following research projects:

1. Polyculture of giant clams and groupers with seaweeds;
2. National Products Programs, in collaboration with the United States National Cancer Institute;
3. Sarangani Bay (Mindanao) Fish Stock Assessment Project;
4. Resource and Ecological Assessment of CRMP Learning Sites;
5. Coral Reef Surveys;
6. *Crocodylus mindorensis* Breeding Project;
7. Project Evaluation of Central Visayas Regional Project;
8. Marine Mammal Program;
9. Monitoring of Coliform in Dumaguete Coastal Waters; and
10. Impacts of Fish Cages in Siit Bay.

Silliman University, with the assistance of the USAID, is now developing itself into a Center of Excellence in Coastal Resource Management (COE-CRM) in the country. As a center of excellence, it is leading in creating management initiatives through continuing researches and extension work in the field of CRM. Other organizations operating in Negros Oriental are listed in Table 7.1.

**Table 7.1. Nongovernment organizations, people's organizations, and government organizations operating in the profile area.**

Name of organization	Head office	Areas of concern
Rotarian Martin "Ting" Matiao Foundation	Dumaguete City	Institutional Development; Environmental and Resource Management; Livelihood Development; Infrastructure and Health
St. Joseph Fishermen's Association	Sibulan, Negros Oriental	
Punong Villareal Fishermen's Multi-Purpose Cooperative		
<i>Bantay Dagat</i> of Negros Oriental	Sibulan	Fishery law Enforcement
Municipal Fisheries and Aquatic Resources Management Council	Sibulan	CRM Advocacy, Plan Formulation, and Law Enforcement
St. Catherine Family Helper Project, Inc.	Dumaguete City	CRM Advocacy, Livelihood Development, Cooperative Development
Bais City Multi-Purpose Cooperative	Bais City	<i>Barangay</i> -based Health Project, Livelihood Program
Bais City Multi-Purpose Agricultural Cooperative	Bais City	Livelihood Assistance
Tamisu Small Farmers' Multi-Purpose Cooperative	Bais City	Agrarian Reform, Livelihood Program, Crop Production
HINDUNGAWAN	Bais City	Livelihood Assistance
<i>Gabayan</i> Foundation Inc.	Bais City	Education and Training, Community Organizing and Community Development, Livelihood Development, Coastal Management
BANIKA	Dumaguete City	Community Development
Social Economic Environmental Development Foundation, Inc.	Dumaguete City	
Negros Rural Assistance Program	Dumaguete City	Agricultural Technology
Appropriate Technology Center for Rural Development	Dumaguete City	Community Development and Organizing, Environmental Education and Training
Bantayan Sustenance Fishermen's Association	Dumaguete City	Coastal Resource Management and Livelihood Development
<i>Bantay Dagat</i> Federation	Dumaguete City	Fishery Law Enforcement
<i>Bantay Dagat</i> Association	Dumaguete City	Fishery Law Enforcement
<i>Bantay Dagat</i> Commission	Dumaguete City	Fishery Law Enforcement
Development Through Active Women Networking - Silliman University	Dumaguete City	Livelihood, Community Organizing and Development, Training, Networking and Advocacy
Negros Oriental Development Center (NODC)	Dumaguete City	Leadership Development, Capability Building, Skills Development, Cooperative Development
Young Men's Christian Association of Negros Oriental (YMCA)	Dumaguete City	Community Development, Education and Training, Livelihood Development, CRM Advocacy, Local Governance
Banilad, Bagacay, Junob and Bajumpandan Development Foundation, Inc. (BABAJUBA)	Dumaguete City	Community Organization, Education and Training, Skills and Training
<i>Kapunungan Alang sa Malamboong Amlan</i> (KASAMA)	Amlan	Health and Nutrition, Values Education, Community Organizing, Advocacy, Environment

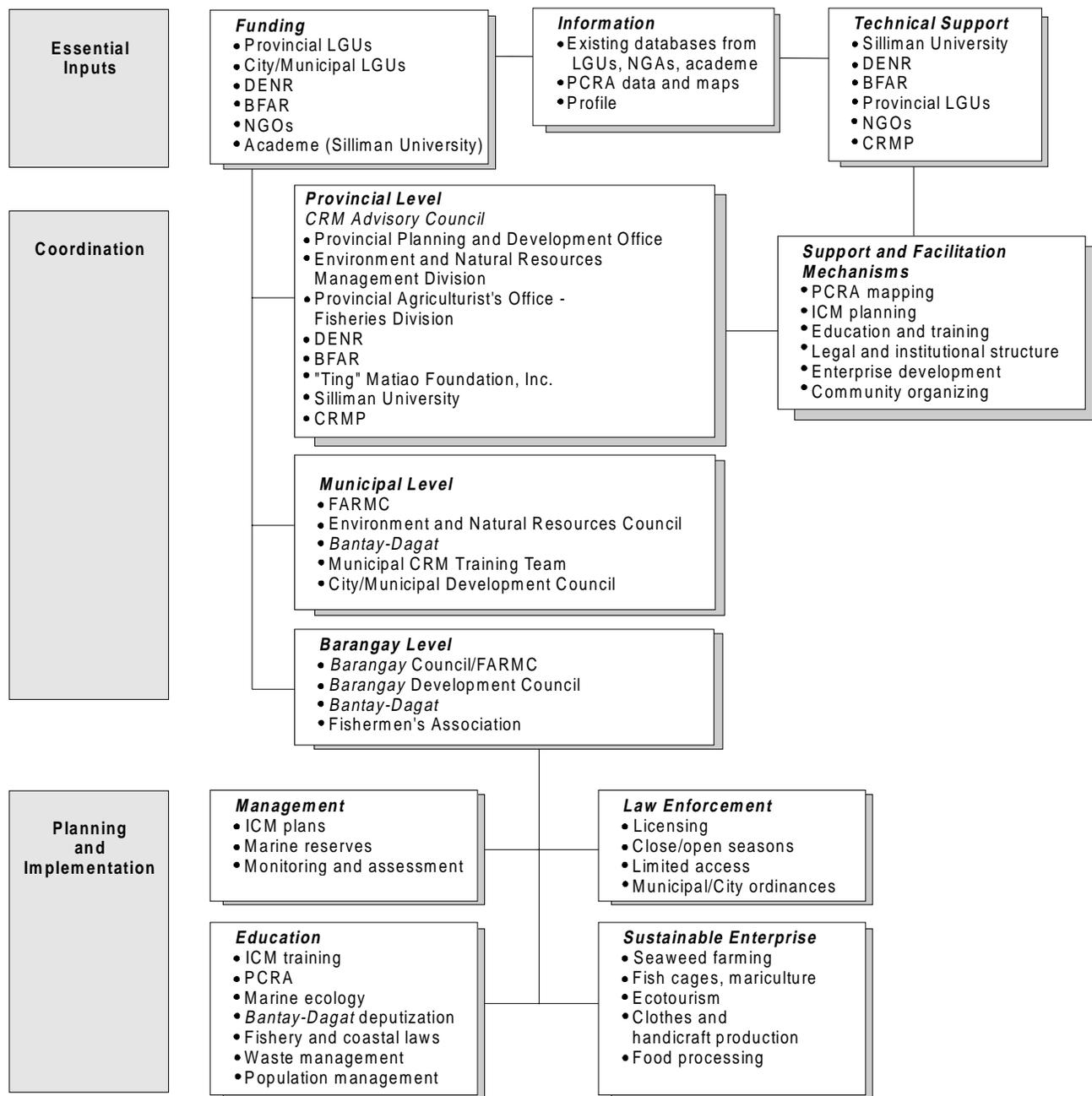
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Table 7.1. continued

Amlan Multi-Purpose Agricultural Cooperative, Inc.	Amlan	Agriculture, Livelihood, and Education
Tanjay Community Credit Cooperative, Inc.	Tanjay City	Livelihood, Health, Environment
Municipal Fisheries and Aquatic Resources Management Council	Tanjay City	CRM Advocacy, Plan Formulation, and Law Enforcement
Municipal Fisheries and Aquatic Resources Management Council	Manjuyod	CRM Advocacy, Plan Formulation, and Law Enforcement
Bolisong Fishermen's Association	Manjuyod	Fish Sanctuary Management, Livelihood
Manjuyod Multi-Purpose Cooperative	Manjuyod	Livelihood
SIDLAKAN	Manjuyod	Livelihood
NORDEVCO	Manjuyod	Livelihood
City Fisheries and Aquatic Resources Management Council	Bais City	CRM Advocacy, Plan Formulation, and Law Enforcement
City Fisheries and Aquatic Resources Management Council	Dumaguete City	CRM Advocacy, Plan Formulation, and Law Enforcement
Municipal Fisheries and Aquatic Resources Management Council	Amlan	CRM Advocacy, Plan Formulation, and Law Enforcement
Municipal Fisheries and Aquatic Resources Management Council	Bacong	CRM Advocacy, Plan Formulation, and Law Enforcement
Municipal Fisheries and Aquatic Resources Management Council	Dauin	CRM Advocacy, Plan Formulation, and Law Enforcement
Municipal Fisheries and Aquatic Resources Management Council	Siaton	CRM Advocacy, Plan Formulation, and Law Enforcement
Mabata Bay Ecotourism Technical Working Group	Bais City, Tanjay City and Manjuyod	Ecotourism
CRM Plan Technical Working Group	Tanjay City	CRM Planning
CRM Plan Technical Working Group	Bais City	CRM Planning
CRM Plan Technical Working Group	Manjuyod	CRM Planning
<i>Bantay Dagat</i> Federation	Amlan	Fishery Law Enforcement
<i>Bantay Dagat</i> Federation	Bais City	Fishery Law Enforcement
<i>Bantay Dagat</i> Federation	Manjuyod	Fishery Law Enforcement
<i>Bantay Dagat</i> Federation	Dauin	Fishery Law Enforcement
Jugno Fishermen's Association	Amlan	CRM, Livelihood Development
Buntis Fisherfolks' Association	Bacong	CRM, Livelihood Development
Lipayo Fishermen's Association	Dauin	CRM, Livelihood Development
Tandayag Small Fishermen's Association	Amlan	CRM, Livelihood Development
Siit Bay Fishermen's Association	Siaton	CRM, Livelihood Development
Tambobo Bay Marine Reserve Association	Siaton	CRM, Livelihood Development
<i>Bantay Dagat</i> Federation	Siaton	Fishery Law Enforcement

## SUMMARY

ICM is being implemented in Negros Oriental through the collaboration of national agencies, the province, municipalities, NGOs, and academe (Silliman University). The mandate and votes of each level of government are being clearly defined through the experience of CRM implementation in the province. The arrangements for coordination, the essential inputs, and proposed results are summarized in Figure 7.1. It is noted that *barangay*, municipal, and provincial levels of government are all essential to ICM in the province.



**Legend:**

BFAR	Bureau of Fisheries and Aquatic Resources	ICM	integrated coastal management
CRM	coastal resource management	LGU	local government unit
CRMP	Coastal Resource Management Project	NGA	national government agency
DENR	Department of Environment and Natural Resources	NGO	nongovernment organization
FARMC	Fisheries and Aquatic Resources Management Council	PCRA	Participatory Coastal Resource Assessment

**Figure 7.1. CRM coordination, inputs, and results for Negros Oriental.**

Source: Murphy et al. (1999)

