
Ban on Commercial Fishing in Municipal Waters under Republic Act No. 10654

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Republic Act No. 10654, which amended the Philippine Fisheries Code of 1998, includes a major safeguard for small-scale fishers. Section 15 of the law reserves municipal waters, defined as those extending up to 15 kilometers from the shoreline, for the exclusive use of registered municipal fisherfolk and their organizations.

Commercial fishing vessels, defined as those weighing more than 3 gross tons, are not allowed to operate within this zone. The aim is to protect the livelihoods of small fishers and conserve nearshore marine ecosystems.

Section 86 of the same law makes it a punishable offense for commercial fishing vessels to operate in these areas, with corresponding administrative penalties and fines for violations.^[1] Despite these legal protections, enforcement has been weak. Reports of commercial vessels encroaching on municipal waters persist due to limited patrol capabilities, lack of surveillance tools, and, at times, local officials turning a blind eye.

This legal framework took a sharp turn in 2024, when the Supreme Court issued a controversial ruling in *Mercidar Fishing Corporation v. Department of Agriculture* (G.R. No. 270929, August 19, 2024).^[2] The Court ruled that municipal waters could not be entirely off-limits to commercial fishing if local ordinances and national policies allowed it. The justices held that the fixed 15-kilometer restriction was an undue limitation on the State's control over its natural resources. The decision replaced the distance-based rule with one based on water depth. Commercial fishing may now take place in municipal waters, provided the depth is at least seven fathoms.^[3]

This ruling alarmed many fisherfolk and environmental groups. Organizations like Pamalakaya criticized it for opening the door to more aggressive fishing methods, such as trawling and purse seining, which rapidly deplete fish stocks and damage coastal habitats.^[4] Traditional fishers, who rely on simpler and more sustainable gear, stand to lose both their catch and their way of life.

^[1] Rep. Act No. 10654 (2015), available at https://lawphil.net/statutes/repacts/ra2015/ra_10654_2015.html (last visited June 2, 2025)

^[2] *Mercidar Fishing Corporation v. Department of Agriculture*, G.R. No. 270929, August 19, 2024

^[3] FA Angelo, Court Ruling Opens Municipal Waters to Commercial Fishing, January 8, 2025, Available at <https://dailyguardian.com.ph/court-ruling-opens-municipal-waters-to-commercial-fishing/> (last visited June 2, 2025)

^[4] J. Kayguan, Why fishers are against the SC ruling allowing commercial fishing within municipal waters, Jan. 15, 2025, Available at <https://www.bulatlat.com/2025/01/15/why-fishers-are-against-the-sc-ruling-allowing-commercial-fishing-within-municipal-waters/> (last visited June 2, 2025)

The Karapat-Dagat report by the John J. Carroll Institute on Church and Social Issues also raised concerns. It noted that some local governments had already begun issuing permits to commercial fishers in exchange for economic gains such as increased supply and local revenue.^[5] However, these short-term benefits may come at the cost of long-term sustainability and equity.

The Court's decision relied heavily on the principle that natural resources are owned by the State, not local governments. The Regional Trial Court had earlier ruled that only national agencies, not LGUs, have authority over municipal waters. The Supreme Court upheld this view in its November 7, 2024 resolution.^[6] As a result, national bodies like the Department of Agriculture - Bureau of Fisheries and Aquatic Resources (DA-BFAR) now hold primary regulatory power, with LGUs limited to consultative roles.

In its decision, the Court issued a directive stating that the Philippine National Police, the Philippine Coast Guard, and local government units are permanently prohibited from enforcing the 15-kilometer limit.^[7] The ruling cited President Ferdinand Marcos Jr.'s 2023 State of the Nation Address, where he proposed amendments to the Fisheries Code to introduce science-based zoning.^[8]

DA-BFAR filed a motion for reconsideration to overturn the decision, warning that allowing commercial fishing in previously protected areas would worsen overfishing and cause irreversible damage to fish habitats.^[9] However, the Court ruled that these concerns could not outweigh constitutional principles regarding state ownership and control of natural resources

Although the legal landscape has changed, the original goal of Section 15 remains important: to prioritize small-scale fishers and protect marine life. Whether this new system, based on depth rather than distance, will strike the right balance between development and conservation remains to be seen.

^[5] M.A. Ramos, Poor fishers should have preferential access to municipal waters, Phil. Daily Inquirer, January 29, 2025, Available at <https://opinion.inquirer.net/180405/poor-fishers-should-have-preferential-access-to-municipal-waters> (last visited June 2, 2025)

^[6] Supreme Court Decision - G.R. No. 270929, November 7, 2024

^[7] Ibid.

^[8] Marcos Jr., F. (2023). State of the Nation Address.

^[9] Department of Agriculture (DA) Press Office, DA appeals SC ruling allowing commercial fishing in municipal waters, Jan. 17, 2025, Available at <https://www.da.gov.ph/da-appeals-sc-ruling-allowing-commercial-fishing-in-municipal-waters/> (last visited June 2, 2025)

TOWARDS CREATING A RESPECTFUL COMMUNITY BEHAVIOR: A Critical Review of the Safe Spaces Act's Enforcement and Challenges

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Republic Act No. 11313 otherwise known as Safe Spaces Act or the Bawal Bastos Law was enacted in 2019 that aims to combat all forms of gender based sexual harassment in various public and private places which includes streets, educational institution, office or workplace, online platforms, among others. The law covers a broad scope that would ensure that everyone is safeguarded and protected from unwanted sexual actions or remarks in multiple environments and of different form of sexual harassment. Violation of the law imposes penalties such as imprisonment or fines.

Safe Spaces Act or the Bawal Bastos Law has marked its purpose showing strength through its comprehensive coverage that extends to a broad scope of protection that includes the streets, public spaces, workplaces, schools, and online environment. It sends a clear message that any forms of harassment will not be tolerated whether a simple catcalling on the streets, improper behavior in schools, and unwarranted online advances. Its intent to cover physical and online spaces acknowledges the realities of modern harassment especially in the online community which is equally serious and damaging as physical harassment. With the increasing use of internet and social media, this is a crucial aspect of the law. Vulnerable groups are also given particular protection where it reinforces the law's commitment to protect human dignity and ensure that everyone enjoy the public spaces without fear of harassment. The inclusive nature of the law, as provided in its comprehensive definition of harassment, ensures that it adapts to various form of harassment making it more difficult for perpetrators to escape accountability and hide behind the gray areas of the law. By addressing sexual harassment in areas of less attention, responsibility is not just projected towards victims to avoid harassment, but is an idea of shared responsibility enjoining society as a whole to ensure that public areas remain free from harassment.

While the law takes a significant step toward addressing such issues, its implementation is facing several challenges hindering its effectiveness. Despite mandating institutions to establish policies and mechanisms in the addressing and reporting complaints, many educational institutions and workplaces have failed to effectively implement mandates. Several testimonies from educational institutions show inconsistent enforcement and institutional accountability. One instance happened in one of the schools in Bacoar where one student had reported of being harassed by one of his physical education teachers however, despite courageously exposing the predatory behaviors of faculty members, faculty members of the school favored the teacher accusing the student of tarnishing the teacher's honor. Administrators outright dismissed their complaints and said they were just overthinking.

Instead of immediate action, the school officials failed to conduct immediate investigation and provide psychological intervention.^[1] Said instances indicate that perpetrators face minimal consequences, some merely being transferred to a different school rather than facing criminal or administrative charges. The lack of accountability shouts for stronger policies and strict implementation of the law, to create a systematized investigatory procedure that would instill bravery rather than fear when faced with such unwanted sexual advances.

One factor that deters effective implementation of the law is the deep-rooted cultural norms such that institutions and workplaces prioritize reputation over the safety of its constituents, discouraging victims from telling their stories then end up secluding themselves contrary to the goal of the law to protect human dignity. Such resistance in reporting is often seen in environment with hierarchical structures. To break such resistance, the law should emphasize a comprehensive approach that would incorporate effective legal enforcement, educational initiatives, and community engagement that would help shift culture-based perceptions and promote respect and inclusivity.

In the efforts of strengthening public education and awareness, the law's reach and effectiveness remain limited. Such gap in the widespread understanding of the law prevents people from realizing their rights and the protections afforded to them. One way to inform the people of the provisions of the law, is to hold awareness sessions, seminars, or public information drive. For example, the Department of Trade and Industry (DTI) organized an awareness session to educate their employees of the significance of the law and emphasizing discussion in creating safer environments for all individuals.^[2]

Such efforts are recognized, however the wider audience can be found on the community, the law should have extended efforts to reach educational discussions to the community incorporating lessons on consent, respect, and gender equality. To promote community engagement and localized implementation, the law should provide intensified approach in compelling community leaders such as barangay officials to make sure that they have a strong foundation of the law and a clear understanding of their roles in its enforcement.

The law also failed to include the provision of institutional support to the victims that would encourage them in reporting and ensuring that justice be served. Aside from the perpetrators, victims should be given attention more through establishment of support services such as counseling, legal assistance and financial support the victims of harassment. Through these

^[1] G. David, How Lax Implementation of Safe Spaces Act Fails to Exact Justice for Survivors (2024) available at <https://phkule.org/article/1213/uncovering-how-legal-systems-fail-to-exact-justice-for-sexual-harassment-survivors/> (last visited June 3, 2025)

^[2] <https://www.dti.gov.ph/pab/pab-news/dti-pab-holds-awareness-session-on-safe-spaces-act-in-celebration-of-womens-month/#:~:text=In%20celebration%20of%20this%20year's,Makati%20City.>

policies that protect victims, it can help mitigate the trauma associated with harassment and ensure that they feel safe when reporting sexual harassment incidents.

Same with some of our laws, the Safe Spaces Act also operates alongside other laws addressing sexual harassment and gender-based violence such as the Anti-Violence Against Women and Children Act. While these laws complement each other, they also show overlapping provisions that can lead to confusion regarding jurisdiction and what appropriate legal recourse to be availed by the victim that potentially complicates seeking for justice. To address these issues, it is essential for law enforcement agencies and legal practitioners to know the distinctions between these laws.

Though the Safe Spaces Act entails a progressive move in addressing gender-based sexual harassment in the Philippines, its effectiveness is compromised with its enforcement, cultural resistance, victim support, and overlapping legal frameworks. The Safe Spaces Act is not just a piece of legislation but a tool for cultural transformation. The success of its implementation depends on changing the perspective and attitude of people towards harassment and setting the norm of respectful behavior.