

# **STREAMLINING MUNICIPAL WATERS DELINEATION**

## **Guidelines for Fast-Tracking Technical Delineation of Municipal Waters**

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### **SUMMARY**

This policy brief challenges the government to fulfil its commitment found in the Philippines Development Plan to complete Municipal Waters Delineation by 2016 and to provide assistance to LGUs to do so. The proposal presents a new draft Joint Administrative Order (JAO) to be adopted by the Department of Agriculture (DA), the Department of Environment and Natural Resources (DENR), and the Department of Interior and Local Government (DILG) that will offer clear guidelines to fast-track the completion of the technical mapping of municipal waters and validation of those maps throughout the country by vesting the authority, as given in RA 8550, to the National Mapping Resources and Information Authority (NAMRIA) to lead the process. This will ensure that Local Government Units have support to undertake their management and enforcement mandate.

### **CONTEXT AND IMPORTANCE OF THE PROBLEM**

Republic Act 8550 or the Philippine Fisheries Code of 1998 provides for preferential use of municipal fisherfolk to the 15-kilometer municipal waters. It is imperative for food security and access to livelihood opportunities that this right of our small-scale fishers is upheld. The first step to properly managing, conserving, and protecting our marine resources is the technical mapping delineation of municipal waters. Without this step, LGUs do not have the boundaries within which to enact management and fisherfolk do not have their preferential use area clarified for enforcement.

As of 2013, 15 years after RA 8550 came into force, only 58 municipalities out of the more than 900 coastal municipalities in the Philippines (or 6.3%) has fully completed the municipal waters delineation process by validating maps made by the NAMRIA and passing an ordinance. This is despite the fact that for more 500 municipalities, NAMRIA has completed technical maps that are ready to use.

At present, there seems to be a deadlock in terms of the process of municipal water delineation by virtue of the necessity for LGUs to issue an ordinance to complete the process. This means in order to achieve full municipal water delineation in the Philippines, 920 coastal cities and municipalities need to take the initiative to concur with the maps of NAMRIA and 920 local ordinances need to be passed to implement RA 8550. This problem is further aggravated since the current guidelines call for the LGUs or provinces to initiate a request from NAMRIA to begin the process. National agencies are, however, also able to initiate this process.

This dismal status of only 58 completed delineations in 15 years underscores the fact that many LGUs seem to have a low appreciation of the value of delineation particularly in terms of fishery law enforcement and indirect impact to fish catch and income from fishing. It is also exacerbated by a lack of simplified guidelines and a continued lack of decision on municipalities with off-shore islands.

Under the current administration of President Benigno Aquino III, the importance of managing the municipal waters has been emphasized by civil society organizations in various consultations leading to the formulation of the Philippine Development Plan (PDP). Provisions related to municipal water delineation can be found under Chapters 4, 8 and 10 of the PDP.

Targets under the PDP include (1) Completion of municipal water delineation for better fishery resource management under Chapter 4 and Chapter 10; (2) Deployment of community organizers in 873 coastal cities and municipalities to speed up the process of municipal water delineation under Chapter 8; (3) Provide assistance to LGUs in delineation (Chapter 8); and (4) Issuance of memorandum circular by the Department of Interior and Local Government (DILG) to encourage local government units to delineate their municipal waters under Chapter 8.

Currently, the only guidelines in force is DAO-01 Series of 2004, released by DA-BFAR after DAO-17 Series of 2001 of DENR was revoked. The process stipulated under DAO-01 calls for municipalities to take the lead on validating the technical maps and to pass an ordinance finalizing the delineation. Many LGUs do not have the capacity to undertake this and have not prioritized this. On a positive note, many hundreds of municipalities are taking the initiative to manage their waters; however, they do so based on certified maps without full delineation completed.

There are currently at least 491 municipalities who have already validated NAMRIA's technical maps, but have yet to pass an ordinance to fully complete the delineation process. Under this proposal, such municipalities would automatically have their waters considered delineated and the information publically available to ensure fishers access rights. The remaining municipalities would work with NAMRIA as the lead agency to complete validation of the technical maps. This separation of the technical mapping and public hearing from the subsequent LGU management responsibility will streamline the process of boundary delineation.

## **RECOMMENDATION**

- Issue a new Joint (DILG, DA, DENR) Administrative Order that gives mandate to NAMRIA to lead the process of technical mapping, ground validation, local public hearings and production of final certified maps.**