

# The Struggle of the Small-Scale Fisherfolk of Masinloc and Oyon Bay for Good Governance in a Protected Seascape

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## Introduction

In 1992, President Fidel Ramos visited the people of Masinloc and took a leisurely dive in the waters of Masinloc Bay. From a backdrop of live corals, a swarm of damselfish, butterflyfish, groupers, lobsters and other creatures took over the chores of welcoming the President to the beautiful waters of bay. The vision of vibrant lifeforms was awe inspiring, considering that the same water was heavily devastated by dynamite and cyanide fishing just a few years before.

The turnaround in the state of the coastal waters was a result of a sanctuary set up in San Salvador Island through the help of a Peace Corp Volunteer. However, the success of the sanctuary can be credited to the determination of the residents of the island to protect and preserve their natural resources. Through a community-based coastal resource management program of the non-government organization (NGO) Haribon Foundation, the local fisherfolk organization called *Samahang Pangkaunlaran ng San Salvador* (SPSS), took it upon themselves to manage the marine sanctuary and reserve. Their effort was legitimized by Municipal Ordinance no. 30, series of 1988.

Local government officials capitalized on the enthusiastic dive of the President by lobbying Congress to declare the Masinloc and Oyon Bay as a Protected Seascape under Republic Act 7586, the National Integrated Protected Areas System (NIPAS) Act. Several consultations and public hearings were then conducted. Eventually, Masinloc and Oyon Bay was declared as a protected seascape through Proclamation No. 231 on August 18, 1993. Thus, the successful marine sanctuary and reserve of San Salvador Island were expanded to cover 7,568 hectares.

The Masinloc and Oyon Bay Protected Seascape covers the prosperous town of Masinloc and parts of the municipality of Palauig in the province of Zambales. Masinloc is a first class municipality with a population of 39,724 (year 2000). Eleven of its thirteen barangays are considered coastal. It is home to one of the largest fish ports in the province and produces an estimated 600 tons of fish per year. On the other hand, Palauig is a third class municipality. Sixteen of its nineteen barangays are coastal. Only three barangays, stretching to almost ten kilometers of coastline, faces Masinloc Bay. The common catch of the two municipalities is composed of a mix of pelagic (e.g., yellowfin tuna, roundscad) and demersal (e.g., groupers) fishes.

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## Protected Seascape

Prior to the proclamation of the Protected Seascape, an information caravan was launched by the Department of Environment and Natural Resources (DENR) in order to disseminate information regarding the proclamation. However, the declaration was met with mixed feelings by the fisherfolk.

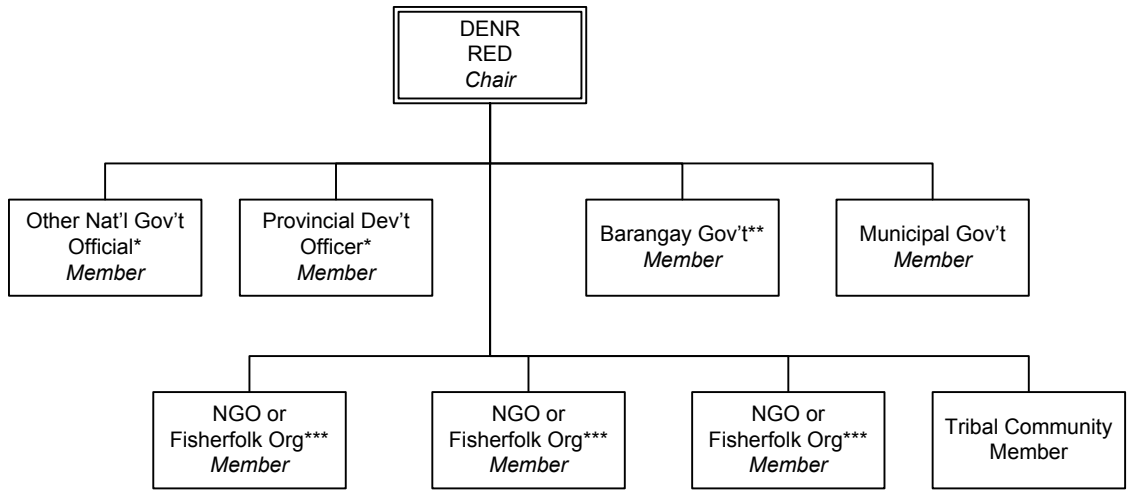
Ka Andoy Tiburcio, the Barangay Captain of San Salvador Island and president of SPSS then, was uncertain of the wisdom behind the declaration. Being aware of the potential beneficial impact on the coastal resources, Ka Andoy participated in the lineup of speakers of the caravan. However, he was wary of the sincerity of DENR in enforcing and managing the protected seascape and the possible marginalization of local fisherfolk in policy-making processes. His doubts increase when he saw the lackluster performance of the DENR in organizing the local fisherfolk.

Nestor Alvez, the president of a fisherfolk organization based in the nearby town of Palauig called *Mangingisda ng Luan Adhikain ay Lumaya* (MALAYA), believed otherwise. He claims that the DENR-led caravan was instrumental in educating the local fisherfolk of both the advantages and the disadvantages of the protected seascape. This resulted to a supportive fisherfolk constituency in Sitio Luan, Barangay Lipay in Palauig. Through the aid of another NGO called the Service Bureau of Small Fisherfolk (SBSF), the municipal federation of Palauig was able to access a livelihood grant from DENR. MALAYA later was also able to secure US\$875 from the DENR to fund a poultry raising, an alternative livelihood in lieu of the declaration of the protected seascape.

Aside from the financial support for their poultry raising livelihood, MALAYA realized the opportunity of the small-scale fisherfolk to have a say on the management of the bays by participating in the Protected Area Management Board (PAMB). The PAMB serves as the management body that has jurisdiction over the protected seascape. Under the NIPAS law, the PAMB is chaired by the DENR Regional Executive Director (RED) and composed of

*“one (1) representative from the autonomous regional government, if applicable; the Provincial Development Officer; one (1) representative from the municipal government; one (1) representative from each barangay covering the protected area; one (1) representative from each tribal community, if applicable; and at least three (3) representatives from non-government organizations / local community organizations, and if necessary, one (1) representative from other departments or national government agencies involved in protected area management.”*

MALAYA lately was able to secure a seat in the PAMB.



- \* If Applicable or Necessary
- \*\* One representative each from barangay covered
- \*\*\* At least 3 Representatives

**PAMB Organizational Chart**

On the other hand, Nardz Cuaresma, Vice President of another small-scale fisherfolk organization located in the mainland of Masinloc, *Samahan ng Maliliit na Mangingisda ng Riverside Producers Cooperative* (SAMMARIS), narrates how their community of small fisherfolk were opposed to the protected seascape declaration. He believed that declaring the bay as a protected seascape would mean loss of livelihood opportunities for a town considered to be a prime industrialization area. Though the fishery resources would undoubtedly increase and augment their catch, the meager income of the fisherfolk averaging less than US\$2 per day is only a third of the minimum wage of a salaried worker in a factory. With the protected seascape, investors would have little interest in their hometown. Their hope of securing a stable job fizzled away.

However, Ka Nardz changed his mind when he saw the minimal economic impact created by the infamous Masinloc Coal Fire Power Plant of the National Power Corporation. Amidst the protest of local environmentalists and the church, the power plant began operation. However, there was no surge in job availability. Many locals were hired during the transient construction phase but only a few were employed to do menial work when it started operations. Moreover, minimal support industries emerged.

Now, these three leaders are among the active convenors of the Federation of Small-scale fisherfolk of Masinloc and Palauig (FSFMP). The FSFMP, established in April 2002, is composed of seven fisherfolk organizations and cooperatives. It is supported by *Sentro para sa Ikauunlad ng Katutubong Agham at Teknolohiya, Inc.* (SIKAT), an NGO promoting CBCRM in the province of Zambales. The FSFMP's main objective is to promote the rights of the fisherfolk of Masinloc and Palauig and to address the issues of pollution caused by the power plant and the proliferation of fishcages inside the protected seascape.

## Mariculture

With the continuing decline of production in capture fisheries and the decreasing available land and inland waters for inland aquaculture, the Philippine government is actively promoting mariculture or sea farming. The program is intended to address the issue of food security and to uplift the municipal fisherfolk from their poverty.

Mariculture in Masinloc Bay use floating fish cage structures. Fish species being cultured in the bay are milkfish and *Malaga*. Milkfish is harvested every four months. Artificial feeds and stale bread are fed to the cultured fish.

Fishcage workers get their wage pay from any of four modes of payment. Daily wage earners get an equivalent of US\$2.70 to US\$4.50 per day, depending if the owner provides food or not. Monthly wage earners get US\$45 to US\$80, depending on other food benefits such as a sack of rice or canned goods. Workers can also be paid based on a percentage of the catch. The last mode of payment is a mixture of any of the three mentioned modes.

In Masinloc, municipal records revealed that twelve fishcage operators were provided permits. The total area covered by the fish cages is 16,400 square meters (m<sup>2</sup>). The fishcages range from 500 m<sup>2</sup> to 5,000 m<sup>2</sup>, but the most common size is 1,200 m<sup>2</sup>. In Palauig, fifteen operators were issued permits, with the total area covering more than 25 hectares. Aside from these, the fishers were alarmed to see numerous frames of fishcages ready to be operated or being assembled.

Local researchers from FSFMP noticed that only two of the listed operators reside in Masinloc or Palauig. Most of the operators were Filipino-Chinese investors and politicians, including corporation of Speaker Jose de Venecia. Philippine Center for Investigative Journalism reported that they encountered some fishcage fishworkers who were even Chinese nationals.

FSFMP, together with the provincial fisherfolk federation, *Pampangisdaang Reporma Adhikain ng mga Samahang Mangingisda ng Zambales* (PARASAMAZA) is vehemently against the construction of fishcages inside Masinloc Bay. Their livelihoods are directly affected in three ways. First, there is the threat of fish kill. Unconsumed feeds and excretory wastes from fish cage activities have the potential to enrich coastal ecosystems. This can bring about changes in the community structure of the benthic macrofauna, physical and chemical changes in the sediment, oxygen depletion of bottom water, and eutrophication. Images of the widespread fishkill in the town of Bolinao in Pangasinan caused by marine fish cages haunt the fishers. In fact, fishworkers have observed that corals in Sitio Panglit at San Miguel have already been smothered by the unconsumed feeds from the fish cages. This was verified by divers of BFAR when they visited the site during a recent Techno Caravan. If unabated, the damage may spread to other adjacent coral reefs.

Second, the mushrooming of fishcages in the bay may make navigation difficult for the municipal fishers. This translates to increase operational expenses for the municipal fishers to reach their fishing grounds.

Third, small fishers using hook and lines and other gears employing baits will be forced to shift to other fishing gears since the fish will already be too full to be enticed by the bait. These fishers will have to switch to nets and traps to be able to partake of the sea's bounty.

It was clear for the fisherfolk in the federation that the fruits of the mariculture industry in Masinloc Bay will benefit mostly non-resident investors and that employment opportunities will be limited to a few. Their effort to protect and rehabilitate the coastal resources of the bay would be negated by the aquatic pollution brought by these industries.

## **Turf War**

The advocacy of the small-scale fisherfolk against the fishcages revealed a much deeper conflict, that of who has jurisdiction over the waters of Masinloc and Oyon Bay. In this case, the conflict is between the local government units and the Bureau of Fisheries and Aquatic Resources (BFAR) versus DENR.

Under Section 4.58 of Republic Act 8550 (R.A. 8550) or the Fisheries Code, Municipal waters are defined to:

*“include not only streams, lakes, inland bodies of water and tidal waters within the municipality **which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law)**, public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shore of the respective municipalities.”* (Emphasis added)

Clearly, the Fisheries Code intentionally did not include areas covered by the NIPAS Law as part of the municipal waters. Hence, management of these is not under the jurisdiction of the local government unit but under the multi-sectoral PAMB. As earlier mentioned, the local government unit and the BFAR are provided representatives in the PAMB.

Despite having no jurisdiction over Masinloc and Oyon Bay, the municipal governments of Masinloc and Palauig still issued several resolutions that permitted the construction of fish cages inside the protected seascape. To appease protest of local fishers, the municipal government of Masinloc issued Ordinance # 2002-73 which gives priority

rights to residents of Masinloc in constructing fish cages and the allotment of 30% of the annual and filing fees of fish cages to the respective barangay local governments.

The municipal governments rationalize their move by claiming that the PAMB has been inactive for several years and that it is the moral responsibility to fill the vacuum in managing these waters for the betterment of the residents.

This statement is not entirely accurate. It is true that the PAMB has been inactive since minutes of the PAMB meeting show that they always fail to muster a quorum to make any substantial policy decision. However, the lack of quorum can be attributed to the absence of the local government representatives. Thus, the problem is not the negligence of the PAMB but the lack of support from local government unit to make the PAMB work.

The fishcages spell big money for the local municipal government. For example, Masinloc municipal ordinance 2002-02 imposed a tax amounting to US\$180 per hectare for the 30 hectares of fish cages of Food-Pro Asia. This is approximately equivalent to US\$3,800 per year for the municipality and US\$1,600 for the concerned barangay. The fisherfolk leaders claim that this revenue from taxes is the primary reason for the conflict over the jurisdiction of Masinloc and Oyon Bay. It is the perception of the local government unit (LGU) that the income generated from permits, licenses and leases transferred will not be brought into the coffers of the LGU.

This fear of the LGU may not be baseless. Fisherfolk representatives in the PAMB complained that their organizations were not able to secure a promised concession from the income generated from tourism activities in the bay. They say that this share was supposed to recognize the participation and contribution of the fisherfolk organizations in the PAMB. However, the resulting PAMB policy shows that 75% of the revenue goes to the national government while 25% returns to the PAMB.

The analysis of the fisherfolk is that the LGU continues to defy the NIPAS law because of three factors. First, the Community Environment and Natural Resource Officer (CENRO), a crucial player in the PAMB, is employed by the local government. This is a result of R.A. 7160 or the Local Government Code. With the CENRO devolved to the LGUs, they are obliged to follow the orders of the LGU lest they risk being transferred to another municipality or position. This has been the case for the previous CENROs.

Second, the residents believe that the DENR has no moral ascendancy in managing the protected seascape since the department itself is instrumental in allowing highly pollutive industries to operate inside it. The decision of the DENR to issue an Environmental Compliance Certificate (ECC) to the Masinloc Coal Fire Power Plant tainted the sincerity of the DENR in implementing its mandate to protect and preserve the natural resources of the bay.

Third, an official of BFAR is adding fuel to the conflict. The LGUs are being encouraged by the Provincial Fishery Officer of the BFAR, Mr. Pedro Aguillon, to

question the legality of the protected seascape proclamation. Alvez recalls how Mr. Aguillon misinforms fisherfolk that they would lose their livelihood because the protected seascape prohibits them from fishing inside the bay. During PAMB meetings, Mr. Aguillon continuously challenges the authority of the PAMB. During a Municipal Fisheries and Aquatic Resource Management Council (FARMC) training, Mr. Aguillon downplayed the DENR's legal interpretation of the law said that BFAR can always issue its own legal opinion to counter any claim against the jurisdiction of local governments. Such moves not only mislead fisherfolk and local government units, it also highlights the turf war between the DENR and the BFAR. It also shows that the Fisheries Code does not necessarily resolve this inter-agency intramurals and may even have escalated it when it reconstituted the BFAR from a staff agency to a line agency. As a line agency, BFAR now has more control over financial and human resources

Thus, the vertical (i.e., DENR-LGU) and horizontal (i.e., DENR-BFAR) turf war inside the bay is preventing proper management of the bay. Dedicated and enthusiastic fisherfolk organizations are caught in the middle and used as pawns by government institutions in their respective multi-sectoral resource management bodies.

## **Fisherfolk Participation**

At first glance, the NIPAS Act and the Fisheries Code offer ample opportunities for consultations and deliberations on resource management. The PAMB and the various levels of FARMC provide formal venues for participation and direct representation for the small-scale fisherfolk.

The PAMB is mandated by the NIPAS Act to:

*“decide the allocations for budget, approve proposals for funding, decide matters relating to planning, peripheral protection and general administration of the area in accordance with the general management strategy.”*

On the other hand, the Municipal FARMC is mandated by the Fisheries Code to:

- a. assist in the preparation of the Municipal Fishery Development Plan and submit such plan to the Municipal Development Council;*
- b. recommend the enactment of municipal fishery ordinances to the sangguniang bayan/sangguniang panlungsod through its Committee on Fisheries;*
- c. assist in the enforcement of fishery laws, rules and regulations municipal waters;*
- d. advise the sangguniang bayan/panlungsod on fishery matters thru its Committee on Fisheries, if such as been organized; and*
- e. perform such other functions which may be assigned by the sangguniang bayan/panlungsod.”*

Informed fisherfolk leaders prefer the PAMB over the Municipal FARMC since the PAMB is a policy-making body while the FARMC is merely a policy recommendatory council. In the set-up of the FARMC, the policy-making body is still the Sangguniang Bayan (which is represented by the Chairperson of the Committee on Agriculture/Fisheries of the Sangguniang Bayan).

In addition, the PAMB is also able to provide an integrated management approach over the fishing ground which is covered by two separate municipalities. Although the Fisheries Code provides an Integrated FARMC to supposedly address this issue, such an integrated council is merely a diluted version of the recommendatory council.

Fisherfolk leaders agree that both bodies have the potential to effectively manage the bay, as long as the members are true representatives of the fisherfolk and not mere appointees of the mayor or the Barangay Captain. However, implementation of the law and recognition of the critical value of community participation are far from ideal.

To their credit, the LGU through the Municipal Agriculture Office (MAO), has been diligent in sending invitations to organizations to attend FARMC meetings. However, fisherfolk leaders have observed that in communities where no fisherfolk organization exists, there has been no initiative to call for informal representatives.

The policy-making powers of the PAMB have effectively been diluted by the municipal governments. Implementation of policies has been difficult without a cooperative LGU. Some of the fisherfolk leaders are willing to engage in the MFARMC since this body is recognized by the LGU.

The frequent change in Regional Environmental Director (RED) adversely affected the management of the protected seascape. As a member of the PAMB, Ka Andoy remembers that they would always start from scratch whenever a new RED was appointed. He was frustrated when previous discussions and resolutions of the PAMB were not reviewed and recognized by incoming REDs. He described the attitude of the government officials inside the PAMB as “wala sa puso ang pag-implementa.” (Implementation does not come from the heart).

Surprisingly, members of the fisherfolk organizations in the community are sometimes more knowledgeable about the Fisheries Code than local government officials. Ka Nardz claims that from his informal survey in coastal communities in Masinloc, barangay captains were not familiar with the Fisheries Code or the NIPAS Act. Ka Nestor adds that the same situation can be found in Palauig. The Barangay Captains have mastery only over the Local Government Code but have little knowledge regarding other laws. Leaders try to share information regarding the Fisheries Code and NIPAS act by providing primers and copies of the law.

This awkward situation can be attributed to trainings provided by PARASAMAZA and SIKAT for the fisherfolk organizations. With such a predicament, it was expected that most of the unorganized fisherfolk were also not familiar with these laws that affect their livelihood.

## **Law Enforcement**

Enforcement of the law relies heavily on the deputized fish wardens or the Bantay Dagat. Members of the Philippine National Police conduct sea patrols whenever they receive requests from the Bantay Dagat for assistance.



The municipal government of Palauig provides support to these local heroes in the Bantay Dagat by supplying 50 liters of fuel per month and making available a patrol boat.

The affluent municipal government of Masinloc provides more incentives to the members of the Bantay Dagat. A budget of US\$3,215 per year has been allotted as compensation for the vigilance of the Bantay Dagat. Team Leaders and members would respectively receive US\$16 and US\$12.50 per quarter if they participate in at least four patrols per month.

Special arrangements were made with SPSS wherein they divide US\$107 to US\$160 per quarter amongst the 36 members. Though such compensation has been useful in ensuring the constant patrol of the bay, Ka Andoy has observed that in-fighting became more prominent within SPSS when these incentives were provided.

There has been much success in limiting illegal fishing activities in Masinloc Bay. Only three illegal fishers were caught and apprehended based on a report by BFAR from January to October of 2003. However, Bantay Dagat members complain about the difficulty in apprehending fishers who employ sodium cyanide in collecting live tropical reef fishes. The tropical reef fishes are sold at relatively high prices to aquarium hobbyists. These illegal fishers are almost undetectable since they discreetly bring their poison underwater. The fish wardens grumble about the difficulty in collecting evidence that can pin down these fishers.

In terms of handing out sanctions, the Bantay Dagat follows an internal policy. First-time offenders will have their catch and paraphernalia confiscated. They are also subjected to informal lectures regarding fishery laws. Ka Andoy even remembers how an apprehended illegal fisher was obliged to sit-in during an environmental training they were having. On the other hand, repeat offenders get the full sanction of the law.

Although some may call this approach lenient for first-time offenders, Bantay Dagat members claim that the approach is effective in correcting small-time illegal fishers who are often negligent of the law. These offenders never come back to the bay to practice their illegal ways.

However, the case is different for illegal fishers who have friends and relatives in government or the police. These offenders would dare to repeat their destructive practices in the bay and even arrogantly threaten the apprehending members of the Bantay Dagat. The deputized fish wardens were discouraged when they discovered that some penalties for illegal fishers were reduced with the passage of the Fisheries Code. They complain that illegal fishers could easily post bail because of this.

Cases are always filed against apprehended illegal fishers. However, the fisherfolk leaders are not satisfied with the performance of the courts. They get the impression that cases are often unresolved or the apprehended fishers are set free. The fisherfolk leaders suspect that personal connections with the police and local government officials and

bribery are the main causes for such failures in delivering justice. Some justices may not also be sensitive to the severity of the crime and its impact on the environment and livelihoods of the fishers. Bantay Dagat members are disappointed with such developments, realizing that they stake their neck on the line whenever they patrol or when a suspect is set free.

As a precaution, some Bantay Dagat leaders carry a weapon such as a knife or a licensed firearm during patrols. Lawsuits have also been filed against the Bantay Dagat. Cases filed against them, such as illegal detention, are means for the illegal fisher to retaliate and to scare the Bantay Dagat from pursuing the case.

## **Local Action**

The small-scale fisherfolk realized that if the bay would be protected and managed, they would have to be the catalyst. The fisherfolk knew that the PAMB and municipal FARMC were fora that can be used to express their views and opinions but they would have to use other means to create changes.

After consolidating their forces amongst the affected fisherfolk, the FSFMP interacted with other sectors and institutions in order to form a broader sector. Backed up by the PARASAMAZA and SIKAT, they were able to secure the support of unorganized fishers, beach resort owners, concerned citizens and other NGOs such as PAMANA-KA and Kadre ng Kalikasan.

The FSFMP filed a complaint to the DENR regarding the proliferation of fishcages. The main argument is that the municipalities of Masinloc and Palauig do not have the proper jurisdiction over the protected seascape to issue the necessary permits. They also cited the fact that the fishcages do not have the necessary ECC.

The Provincial Council issued a resolution ordering the DENR to conduct an investigation. It called on all local governments, fisherfolk organizations, NGOs and Municipal FARMCs to conduct a review of municipal ordinances, especially those pertaining to the establishment of fishcages. It also accepted its mistake in approving the resolution filed by the towns of Masinloc and Palauig in issuing permits for fishcage operation inside the protected seascape.

The coalition organized a rally on October 23, 2002 in celebration of the Fish Conservation Week and World Food Day. Organizers estimate that around two thousand people coming from various towns of Zambales attended the rally. No less than the Vice Governor of Zambales, Ramon Lacbain, spoke in solidarity with the fisherfolk during the rally. The rallyists were warmly welcomed inside Palauig's municipal hall where they were able to address their resolution to the *Sangguniang Bayan*. The resolution of FSFMP for the LGUs included a five-point agenda, namely:

1. Remove the fishcages and penalize operators due to the absence of public consultation and Environmental Clearance Certificate;

2. Create a zonation plan for the protected seascape, deliberated in a public hearing, that will determine among other things a Multiple Use Zone where fishcage operations can be regulated;
3. Create a policy environment that upholds the preferential rights of small-scale fisherfolk organizations and cooperatives to the use of coastal resources of the bay;
4. Strengthen the PAMB as a resource management body, with the appropriate representation of the LGUs; and
5. Allocate substantive financial resources for the management of the protected seascape in order to ensure that future generations will benefit from coastal resources of Masinloc and Oyon Bay.

Councilors of the Palauig asked the rallyists to give them time to review the resolution and address the issue. Eventually, the local government tried to appease the federation by offering MALAYA with eight hectares which they can use for their own fishcage project. It was clear for the fishers that the municipal government did not address the issue. MALAYA accepted the token offer, even though they have no plan of setting up their own fish cage, in order to ensure that these eight hectares will not be filled fishcages by other investors.

On the other hand, the Sangguniang Bayan of Masinloc took offense at the rally and issued a resolution which condemns the participation of the Vice Governor and three Provincial councilors in the rally. It also declared one of the prominent fisherfolk leaders, Henry Mania, and an American resident who sympathized with the rallyists, as *persona non grata*.

In an emotional move against the resolution, the FSFMP launched a T-Shirt Campaign. Sympathizers wore t-shirts stating, “*Sapagkat ang taong nangangalaga ng Masinloc at Oyon Bay ay idineklarang persona non grata, ako rin ay persona non grata* (Because people who care for Masinloc and Oyon Bay are declared as *persona non grata*, then I am also a *persona non grata*).”

In December 2002, the results of the DENR regional office investigation validated the fisherfolk’s claim that the fish cages were operating in the area without the required environmental compliance certificate and a permit from PAMB. At least 190 illegal fish cages and pens were built in the protected seascape.

In May 2003, officials of the BFAR validated the fear of the FSFMP over the possible outbreak of fish kill due to the proliferation of illegal fish cages. BFAR Regional Director Remedios Ongtango said that the quality of the waters of Masinloc and Oyon Bay would deteriorate if fish pen and cage operators would continue building structures in the area. She also agreed with the DENR report that the fish cages were illegally established and undermined the NIPAS law.

Eventually, the Sangguniang Bayan of Masinloc issued a moratorium in the issuing of permits for fishcages in the bay.

FSFMP forged a partnership with Tanggol Kalikasan, an alternative and environmental lawyers' group, and raised their complaint to Secretary Elisea Gozun of the DENR. The request reiterates their position of:

- “1. The issuance of Notice of Violation and Cease and Desist Orders (CDO) against Fish cage owners and operators in order to arrest the continuing pollution of the protected area;
2. Should any of the CDOs be issued, that these be immediately implemented concurrently with a demolition clause against fish cages so as to ensure the rehabilitation of the Bay; and
3. The imposition of the US\$890 fine as mandated by PD 1586 for each fish cage that was built within Masinloc and Oyon Bay without any Environmental Compliance Certificate.”

In November 2003, the nightmare of the small-scale fisherfolk of Masinloc and Oyon Bay became a reality. A fishkill was reported inside the bay. Initial reports attribute the fishkill to water pollution. Still, the federation is still awaiting the answer of the office of the Secretary.

### **Upscaling CBCRM for better governance**

The experience of the fisherfolk of Masinloc and Oyon Bay shows the hardship they faced in managing their coastal resources and engaging their respective local government. It also displays the various efforts made by the fisherfolks to push for their right for a sustainable livelihood through proper management of their natural capital.

At the smallest unit, fisherfolks from the same barangay would have to get organized not only to avail of local government support and incentives but also to push for their right to a say and their right to be heard. With the proper political space, the fisherfolk organizations were recognized as influential institutions within their communities and were able to access meager government resources.

Given the relatively small geographical base of each, the fisherfolk organizations of Masinloc and Oyon bay upscaled horizontally by federating. Although a common fishing ground may serve as a natural pull to bond together, the fact that these organizations have been organized by different NGOs or government agency with different political ideologies and motivations could actually spark conflict amongst the fisherfolk. The political debates in Philippine progressive movements cuts deep into the hearts of local leaders and have lately divided instead of unified grassroots movements. However, their differences were set aside for a common advocacy agenda for natural resource management and against development aggression. Such posturing of a unified fisherfolk sector through the FSFMP is crucial in harnessing the fisherfolk's power of number.

However, this upscaling is insufficient to engage the local government in even terms. With the local government's power and resources, there is a need for the fisherfolks to engage government at different levels. They would have to be recognized not only as a

sector but as varied stakeholders. Further horizontal upscaling was done by creating tactical alliances with beach resort owners and other residents of the two municipalities.

FSFMP would also have to gain access to provincial and national government agencies in order to expose irregularities of the local government. Vertical upscaling was pursued by strengthening their solidarity with the provincial fisherfolk federation, PARASAMAZA. This created openings in the provincial government. Partnerships with a national-based federation (i.e., PAMANA-KA) and NGOs (i.e., SIKAT, Tanggol Kalikasan) initiated national-level pressure. From this, local and national media has monitored their condition and have reported incidents that would support their case.

Although the struggle of FSFMP is still far from over, the basic foundation has been laid out for them to confront threats and challenges. The fisherfolks are making the most of their social capital to manage their natural capital and secure their livelihoods.

## **Policy Recommendations**

From a policy perspective, the following are noteworthy issues that must be assessed during the review of local and national fisheries policies:

### ***Fisheries Management over protected areas covered by the NIPAS Law***

Although it is clear that the jurisdiction over protected areas covered by the NIPAS law is under the DENR, the power of both the local government and the fisherfolk are undermined. Representation in the policy making body would not be sufficient for effective participation. The constituency of the members of the PAMB (i.e., resident municipal fisherfolk, local government) must also be provided their equitable share in the benefits of managing the protected area. This is in recognition of their participation in the policy making process and their use of resources to ensure the proper implementation of these policies.

### ***Function of Municipal FARMCs***

Fisherfolk representatives would sacrifice their time for FARMC activities instead of going to sea to earn a living because of their deep concern for their coastal resources. It is a shame that their effort may land only on deaf ears of the Sangguniang Bayan. There is a need for the law to provide an option of granting adequate powers to the Municipal FARMC to make policies, especially if the council is composed of legitimate and well-informed representatives of fisherfolk organizations. It is recognized that not all fisherfolk are organized and that some Municipal FARMCs are composed of appointees of the mayors. However, a mechanism (e.g., well-defined criteria, accrediting body) can be created that would allow FARMCs with adequate representation to make their own policies.

### ***Regulation of Mariculture Activities***

Given the fact that more and more investors are going into mariculture and that BFAR is promoting the industry, the Fisheries Code must provide the necessary policies to

regulate the industry. A Code of Conduct for Responsible Mariculture must be issued separate from that of other aquaculture industries that are based in inland waters. Again, main consideration for the regulation policies is the sustainable use of marine waters and the preferential rights of small-scale fisherfolk.

### ***Special Court for Fisheries***

Considering the unfamiliarity of some judges to the severity of illegal fishing issues, there is a need to set up a Special Court for Fisheries. This will ensure the speedy resolution of cases, hopefully without prejudice to the apprehending officers and deputized fish wardens.

### ***Protection from Strategic Legal Action Against Public Participation (SLAPP) suits***

Using the Solid Waste Management Act as a precedent, the Fisheries Code should also incorporate a provision which protect Bantay Dagat and FARMC members from SLAPP suits.

### ***Penalties***

The case study shows that visibility of law enforcers and the Bantay Dagat, education and a little warning can effectively prevent and correct illegal fishing practices of small fishers, the case is not the same for those with cash and connections. There is a need for stiffer penalties in order to provide the court an opportunity to sanction illegal fishers based on the severity and frequency of their actions.

## **Concluding Remarks**

From dynamite fishers to coal-fired power plants to fishcages, the fisherfolks of Masinloc and Oyon Bay have remained vigilant in their effort to protect and manage their coastal resources of Masinloc and Oyon Bay. They have faced many challenges and they expect more to come in the future. They owe their life to the sea and their fellow fishers. They find hope and inspiration in the eyes of their children frolicking in the waters. Their struggle has been personal. They have dedicated their lives to save their environment. Neo-liberal politicians often speak of creating a policy environment conducive for business. It is about time that a policy environment be created which is conducive to such value formation.

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## List of Acronyms

BFAR	Bureau of Fisheries and Aquatic Resources
CDO	Cease and Desist Orders
CENRO	Community Environment and Natural Resource Officer
DENR	Department of Environment and Natural Resources
ECC	Environmental Compliance Certificate
FARMC	Fisheries and Aquatic Resource Management Council
FSFMP	Federation of Small-scale fisherfolk of Masinloc and Palauig
LGU	Local Government Unit
MALAYA	<i>Mangingisda ng Luan Adhikain ay Lumaya</i>
MAO	Municipal Agriculture Office
NGO	Non-Government Organization
NIPAS	National Integrated Protected Areas System
PAMANA-KA	Pamana KA- sa Pilipinas
PAMB	Protected Area Management Board
PARASAMAZA	<i>Pampangisdaang Reporma Adhikain ng mga Samahang Mangingisda ng Zambales</i>
RA	Republic Act
RED	Regional Executive Director
SAMMARIS	<i>Samahan ng Maliliit na Mangingisda ng Riverside Producers Cooperative</i>
SBSF	Service Bureau of Small Fisherfolk
SIKAT	Sentro para sa Ikaunlad ng Katutubong Agham at Teknolohiya, Inc.
SLAPP	Strategic Legal Action Against Public Participation
SPSS	<i>Samahang Pangkaunlaran ng San Salvador</i>