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SENATE
P. S. RES. NO. 766

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE WELFARE OF
FILIPINO FISHERFOLK IN PANATAG SHOAL, WITH THE END IN VIEW
OF ENACTING MEASURES TO SAFEGUARD THEIR SOCIO-ECONOMIC
RIGHTS AND TO PROVIDE THEM WITH REDRESS MECHANISMS

1 WHEREAS, Article I of the 1987 Constitution states in part that “(t)he national
2 territory comprises the Philippine archipelago, with all the islands and waters
3 embraced therein, and all other territories over which the Philippines has sovereignty
4 or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its
5 territorial sea, the seabed, the subsoil, the insular shelves, and other submarine
6 areas...”;

7 WHEREAS, Article II, Section 7 of the same provides that “(t)he State shall
8 pursue an independent foreign policy. In its relations with other states, the paramount
9 consideration shall be national sovereignty, territorial integrity, national interest, and
10 the right to self-determination”;

11 WHEREAS, Article XIII, Section 7 of the same further posits that “(t)he State
12 shall protect the rights of subsistence fishermen, especially of local communities, to
13 the preferential use of local marine and fishing resources, both inland and offshore...
14 The protection shall extend to offshore fishing grounds of subsistence fishermen
15 against foreign intrusion...”;

16 WHEREAS, Section 2(a) of Republic Act No. 8435, otherwise known as the
17 “Agriculture and Fisheries Modernization Act of 1997”, promotes the principle of
18 poverty alleviation and social equity, providing that “(t)he State shall ensure that the
19 poorer sectors of society have equitable access to resources, income opportunities,

1 basic and support services and infrastructure especially in areas where productivity is
2 low as a means of improving their quality of life compared with other sectors of
3 society”;

4 WHEREAS, Section 17 of Republic Act No. 10654, otherwise known as the “An
5 Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing,
6 Amending Republic Act No. 8550, Otherwise Known as ‘The Philippine Fisheries Code
7 of 1998,’ and for Other Purposes”, states that “(i)t shall be unlawful for any foreign
8 person, corporation or entity to fish or operate any fishing vessel in Philippine waters.
9 The entry of any foreign fishing vessel in Philippine waters shall constitute a *prima*
10 *facie* presumption that the vessel is engaged in fishing in Philippine waters” and
11 punishable by an administrative fine upon summary finding of administrative liability;

12 WHEREAS, Section 3 of Presidential Decree No. 1599, s. 1978 prohibits any
13 person, in relation to the exclusive economic zone, to explore or exploit any resources
14 and perform any act or engage in any activity which is contrary to, or in derogation of,
15 the sovereign rights and jurisdiction herein provided, “except in accordance with the
16 terms of any agreement entered into with the Republic of the Philippines or of any
17 license granted by it or under authority by the Republic of the Philippines”;

18 WHEREAS, Section 1 of Executive Order No. 1047, s. 1985 provides that “(t)he
19 provisions of special or general law to the contrary notwithstanding, all fish caught in
20 waters outside the jurisdiction of the Philippines by vessels of Philippine Registry are
21 hereby considered as Philippine caught fish...”

22 WHEREAS, on 25 April 2018, Rappler reported that the Philippine military
23 unit responsible over Panatag Shoal hosted a maritime forum to encourage local
24 fishermen to go back to the disputed shoal, as China has had practical occupation of
25 Panatag since 2012 and for several years blocked Filipino fishermen access to the
26 shoal, and as a result many local fishermen have not returned due to old fears that they
27 would be harassed by Chinese ships¹;

28 WHEREAS, on 8 June 2018, Rappler reported that the China Coast Guard has
29 been habitually taking the catch of Filipino fishermen in Panatag Shoal off the coast of

¹ Fonbuena, Carmela. 25 April 2018. “PH military encourages fishermen to return to Scarborough”. Rappler. Retrieved from <https://www.rappler.com/nation/201069-nolcom-maritime-forum-lingayen>

1 Zambales province and GMA News obtained a mobile phone video of men in a China
2 Coast Guard speed boat boarding a Filipino vessel to take some of their catch²;

3 WHEREAS, the same report cited another instance when a GMA News team
4 that joined Filipino fishermen to the shoal also came face to face with Chinese who
5 approached their boat for fish, but the foreigners left empty-handed because the
6 fishermen told them they still had no catch at the time³;

7 WHEREAS, on 11 June 2018, GMA News reported that Chinese fishermen have
8 been taking giant clams and have destroyed coral reef in the resource-rich area and
9 National Security Adviser Hermogenes Esperon, the chairman of the National Task
10 Force on the West Philippine Sea, said the government had already told the Chinese
11 authorities about the matter⁴;

12 WHEREAS, on 12 June 2018, Philippine Star reported that China is in control
13 of Panatag Shoal off Zambales and the personnel of its coast guard are seizing the catch
14 of Filipino fishermen in exchange for noodles, cigarettes and water, with one of the
15 fishermen saying the Chinese would check their containers and pick their best catch
16 and that they cannot do anything⁵;

17 WHEREAS, on 12 June 2018, Rappler reported that China said it has allowed
18 Filipino fishermen to fish in Panatag Shoal in the West Philippine Sea out of goodwill,
19 and the Chinese side is now conducting an investigation on the incidents mentioned
20 in the media⁸;

21 WHEREAS, on 15 June 2018, Philippine Star reported the destruction of
22 Scarborough Shoal can be seen on Google Earth, that according to Professor Jay
23 Batongbacal of the University of the Philippines Institute for Maritime Affairs and Law
24 of the Sea, "considerable scarring and reef damage [is] visible, all inflicted after China

² Fonbuena, Carmela. 8 June 2018. "Video captures China Coast Guard taking PH fishermen's catch". Rappler. Retrieved from <https://www.rappler.com/nation/204383-china-coast-guard-taking-filipino-fishermen-catch-scarborough-shoal-video>

³ *Ibid.*

⁴ GMA News. 11 June 2018. "Chinese taking giant clams, destroying reefs in Scarborough". Retrieved from <http://www.gmanetwork.com/news/news/nation/656510/chinese-taking-giant-clams-destroying-reefs-in-scarborough/story/>

⁵ Romero, Alexis. 12 June 2018. "China in control of Panatag shoal, say Filipino fishermen". Philippine Star. Retrieved from <https://www.philstar.com/headlines/2018/06/12/1823895/china-control-panatag-shoal-say-filipino-fishermen#4OPTiUjevCWajoDM.99>

⁸ Esmaguél, Paterno II. 12 June 2018. "China allows Filipinos to fish in Panatag 'out of goodwill'". Rappler. Retrieved from <https://www.rappler.com/nation/204725-china-allows-filipino-fishermen-panatag-shoal-goodwill>

1 took control of the reef, kept all other boats from entering the shoal, and allowed only
2 Chinese fishing boats to operate in the area”⁹;

3 WHEREAS, on 15 June 2018, ABS-CBN News reported that calling for common
4 agreement on the shoal, Acting Chief Justice Antonio Carpio stressed that the
5 Permanent Court of Arbitration has ruled that Scarborough Shoal is a common fishing
6 ground (traditional fishing ground) for Philippines, China and Vietnam, saying, “[t]he
7 one thing that’s lacking is there’s no common agreement between these three nations.
8 They should sit down and discuss the rules of fishing within that shoal because we have
9 to preserve the fish stocks so there will be sustainable fishing. But the Chinese don’t
10 want to discuss that with us”¹⁰;

11 WHEREAS, it must be noted that the shoal became part of the United States
12 territory when the Philippines was made an American colony through the Treaty of
13 Paris in 1898 and transferred to the Philippines upon independence in 1946.
14 Furthermore, a United Nations-backed tribunal ruled in 2016 that China’s claims to
15 the South China Sea had no legal basis and that blocking Filipino fishermen at the
16 shoal was illegal ¹¹;

17 WHEREAS, upholding national interest is the essence of preserving democratic
18 institutions, and while diplomacy remains an important component of foreign policy,
19 government should unquestionably put the welfare of our Filipino fishermen at the
20 forefront and be steadfast in asserting their rights at any circumstance;

21 WHEREAS, in deference to the State’s sovereign rights, government policy
22 must be aligned with its laws and amid bilateral agreements with China, the
23 administration should champion the economic situation of our fisherfolk by standing
24 up for their losses, enforcing mechanisms that boost their profit, and promote
25 sustainable fishing in the disputed area;

⁹ Viray, Patricia. 15 June 2018. “Destruction of Scarborough Shoal seen on Google Earth”. Philippine Star. Retrieved from <https://www.philstar.com/headlines/2018/06/15/1824890/destruction-scarborough-shoal-seen-google-earth#OpRDB4KF6EJvJbh.99>

¹⁰ Reformina, Ina. 15 June 2018. “Carpio calls for ‘common agreement’ on Scarborough shoal”. ABS-CBN News. Retrieved from <http://news.abs-cbn.com/news/06/15/18/carpio-calls-for-common-agreement-on-scarborough-shoal>

¹¹ Agence France-Presse. 8 February 2017. “5 Facts on Scarborough Shoal”. Retrieved from <http://news.abs-cbn.com/news/02/07/17/5-facts-on-scarborough-shoal>

1 WHEREAS, with fisheries being a major industry in the country, it is incumbent
2 upon government to take positive action to preserve this trade and take a stand in
3 protecting our fisherfolk from any untoward action;

4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
5 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
6 welfare of Filipino fisherfolk in Panatag Shoal, with the end in view of enacting
7 measures to safeguard their socio-economic rights and to provide them with redress
8 mechanisms.

Adopted,


LEILA M. DE LIMA