

Republic of the Philippines
Department of Agriculture
Elliptical Road, Diliman, Quezon City 1100
Phillipines

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DA Administrative Order No. 1
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Subject: Guidelines for Delineating/Delimiting Municipal Waters for Municipalities and Cities without Offshore Islands.

Pursuant to section 123 of Republic Act Number 8550 (RA 8550), otherwise known as the Philippine fisheries Code of 1998, and Rule 123.2 of its Implementing Rules and Regulations, this guideline on the delineation and delimitation of municipal waters for Municipalities and cities of the country is hereby promulgated to implement the constitutional and Statutory State policy of protecting the rights of the people, especially of the local communities with priority to marginal fisherfolks, in the preferential use of the municipal waters and to ensure the attainment of the objectives of the fishery sector as declared in Section 2 and 16 of RA 8550.

However, the management of contiguous fishery resources such as bays, which straddle several municipalities, cities or provinces, shall be executed in an integrated manner, and shall not be based on political subdivisions of municipal waters in order to facilitate their management as single resource systems. The Local Government units (LGU), which share or boarder such resources, may group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management with ecological integrity having paramount consideration over political autonomy. The Integrated fisheries and Aquatic Resources management Councils (IFARMC) established under Section 76 of RA 8550 shall serve as the venues for close collaboration among LGUs in the management of contiguous resources.

Section 2. Definition of Terms:

For the purposes of this guideline, the following definition of terms shall be used:

Adjacent municipalities – coastal municipalities sharing a common land boundary point on the coast

Baseline – the line from which the outer limits of municipal waters are projected

Basepoint - a point on land from which baselines are drawn

Cay – a low, fat island of sand, coral, or other material which is awash or dries during low water

City – a local government unit as defined under the local government code

Coast – the edge or margin of land next to the sea

Coast terminal point – a boundary point on the coast, common to two adjacent municipalities

Coastline – the line where the shore and water meet at mean lower lowtide.

Construction line – a temporary drawing lined used in determining a final line e.g., a boundary line, or points used to determine that final line

Delimitation – the determination of boundaries of municipal waters between adjacent or opposite municipalities where the delineation of their respective waters show that their respective waters overlap

Delineation – the determination of the outer limits of the municipal waters of a municipality

Demarcation – the determination of the boundaries where is a depth of at least fathoms

Fringing reef - a reef directly attached to the shore or located in its immediate vicinity

General Coastline of the municipality or city without offshore islands – refers to the points where the boundary lines of the municipality touch the sea at low tide

High Water or high tide – refers to highest level reached at a place by the water surface in one oscillation

Island – a naturally formed area of land, surrounded by water, provided that where the island is surrounded by the sea, the same should also always be above the water at high tide

Lateral Boundary – the municipal water boundary between two adjacent municipalities

Low water or low tide – refers to lowest level reached at a place by the water surface in one oscillation

Low water line or low water mark - the intersection of the plane of low water with the shore; the line along a coast or beach to which the sea recedes at low water

Municipality – a local government unit as defined under the local government code.

Median line or equidistance line - a line every point of which is equidistant from the nearest points on the coasts of two municipalities

Normal baseline – the baseline described by the coastline of a municipality, where such coastline is relatively smooth and simple and there are no outlying or fringing islands, reefs, rocks, pinnacles, or other abutting features.

Opposite municipalities – municipalities not sharing land boundaries but having coastlines which face each other and are less than thirty (30) kilometers apart.

Pinnacle rock – a sharp pointed rock rising from the bottom, which may extend above the surface of the water

Reef - a mass of rock or coral which either reaches to close to the sea surface or is exposed at low tide

Rock Awash – rock awash according to chart datum (usually low water)

Sandbar – a shallow portion of the coast largely made of loose sand that is near the surface of the water

Shoal – an offshore hazard to navigation on which there is a depth of ten (10) fathoms or twenty (20) meters or less, composed of unconsolidated material except coral or rock

Straight baseline – a baseline used in cases where the coastline is deeply indented or cut into

Tidal Wave – any water the level of which changes periodically due to tidal action

Section 3. Coverage

The coverage of this administrative order shall be all the municipal waters of municipalities and cities without off – shore islands, as defined by Sec. 4(58) of RA 8550, which 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 RA 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 shall be equally distant from opposite shores of the respective municipalities. This administrative order shall not be construed to preclude special agencies or offices in exercising their jurisdiction over municipal waters by virtue of special laws creating these agencies such as but, not limited to, the Laguna Lake Development Authority and the Palawan Council for Sustainable Development, pursuant to Sec. 17 of RA 8550.

Section 4. Role/Responsibility of Agencies

In order to have an efficient and effective flow of activities in the delineation/delimitation of municipal waters, the role of the agencies involved are herein provided:

- A. The Department of Agriculture (DA) shall hereby authorize the NAMRIA to assist in the delineation of municipal Waters, under the provisions of this guideline. For this purpose, the NAMRIA is authorized to utilize any and all technical means to achieve the ends of this guideline. The DA shall also provide the implementation mechanism for the delineation/delimitation and provide financial assistance subject to availability of funds, technical assistance when available and participate in the conduct of public hearing through its field offices, units, agencies, programs and projects.

- B. National mapping and Resource information Authority (NAMRIA), in accordance with the authority granted by the DA under Section 123 of RA 8550, shall delineate or delimit the boundaries of municipal Waters on maps or charts of appropriate scale as well as demarcate areas where seven fathoms of sea depth is found as requested by the local government units and as a result, provide the local government units the proposed maps and technical descriptions of the maps before the conduct of the public hearing; approve the maps, charts, and technical descriptions as a result of delineation/delimitation of municipal waters; participate in public hearings and consultations conducted in relation to the delineation/delimitation of municipal waters and take note of comments, inputs, suggestions, reactions or objections to the proposed delineation/delimitation; and as a result, revise maps, charts, or technical descriptions as a result of public hearing; approve an official copy of maps, charts, and technical description and provide the approved

maps to the municipality/city and other concerned agencies; provide technical assistance relevant to delineation and delimitation of municipal waters; act as the repository of all technical descriptions and corresponding original maps or charts of all municipal waters; and finally, conduct actual verification of boundary limits as required.

- C. Local Government Units shall request the NAMRIA to delineate/delimit the boundaries of their municipal waters; conduct public hearings and consultation in relation to the proposed delineation/delimitation; settle disputes with adjacent or opposite municipalities arising from the delineation/delimitation through the Sangguniang Bayang/Panglungsod or Panlalawigan or in any appropriate body; and enact the corresponding ordinances setting forth the exact location and boundary of its municipal waters, incorporating therein the maps or charts and technical descriptions.

- D. Other agencies and/or Entities

Using participatory approach, other agencies and/or entities such as the Barangay/municipal/City Integrated FARMCs, People's Organizations, Non-Government Organizations, and the academe, that are involved or may have a stake in the management and development of municipal waters, should assist in the delineation/delimitation of municipal waters. Information (map, technical descriptions, etc.) of areas under their administrative jurisdiction should be provided.

Section 5. Systems and procedures

- A. Requirements to start Delineation Process

1. Filing of Request for Delineation

All requests for delineation and delimitation of municipal waters shall be directed to the Administrator of the NAMRIA, through the director of the Coast and Geodetic Survey Department.

A request may be made by any of the following:

- a) a city or municipality individually or jointly with other cities/municipalities with whom common boundaries are shared, through a resolution of the Sangguniang Panglungsod or Sangguniang Bayan;
- b) a province on behalf of all of its coastal municipalities, through a resolution of the Sangguniang Panlalawigan;
- c) a national government agency (NGA) on behalf of any city or municipality, through a formal letter/request signed by the head of the agency, but only with the conformity of the affected local government units, expressed in form of a resolution of the Sangguniang concerned which shall be attached to the letter/request.

A copy of the resolution or letter/request shall be furnished by the requesting LGU or NGA to:

- a) the DENR community Environment and Natural Resources Office (CENRO) and/or the relevant DENR Regional Office;

- b) the BFAR;
- c) any adjacent or opposite municipality which may be affected by the delineation and/or delimitation;
- d) the Regional Office of the Philippine National Police Maritime Group (PNP-MARIG);
- e) any special agency having jurisdiction over coastal waters which may be excluded from municipal waters in accordance with the Fisheries Code (e.g. the Protected Area Management Board (PAMB) with respect to areas under the NIPAS Act);
- f) any affected private parties or sectors which the city or municipality may deem fit to notify.

2. Basic Technical Requirements for Requesting Entity

The filing of request for delineation must include a copy of the legislation/proclamation and any related available data/information creating or evidencing the creation or existence of the municipality or city.

3. Response

The NAMRIA through the director of the Coast and Geodetic survey Department shall schedule the delineation and delimitation of the municipal waters of the municipality. A copy of the response shall also be furnished to any adjacent or opposite municipality, which may be affected by the delineation and or delimitation.

B. Procedure for Delineation and Delimitation of Municipal Waters

1. Delineation of Municipal Waters

a) Use of normal baselines

- i. Where the coastline is not deeply indented or cut into, and there are no outlying or fringing islands, reefs, or rocks, the normal baseline shall be the low water line
- ii. The normal baseline shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii. The outer limits of the municipal waters of the municipality shall be determined the a line parallel to the normal baselines and fifteen (15) kilometers therefrom.

b) Use of straight baselines.

- i. Where the coastline is deeply indented/or there are outlying or fringing reefs or rocks, the outermost points of the coastline may be connected by straight baselines, provided that the length of such baselines does not exceed thirty (30) kilometers.
- ii. In such cases, the straight baselines shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii. Reefs, rocks, cays, shoals, sandbars, and any other features which are submerged during hightide shall not be used as basepoints. Neither shall these have their own coastlines.

c) Combination of baselines

A combination of normal and straight baselines, may be used depending on the circumstances and in the interest of simplicity in determining the general coastline and delineating municipal waters.

2. Delimitation of Adjacent Municipal Waters

a) Where the general coastline is not curved or irregularly-shaped at the coastal terminal point of the land boundary common to two (2) adjacent municipalities, the lateral boundary shall be determined by a line perpendicular to the general coastline at the terminal point.

b) Where the general coastline at the point where the land boundary touches the sea is curved or irregularly shaped, making the determination of a perpendicular line impossible, the lateral boundary between two (2) adjacent municipalities may be determined by either of the following methods, depending on the complexity of the coastline:

i. Simplified bisection

The lateral boundary shall be determined as follows:

i.a) Examine the direction of the general coastline on both sides of the common coastal terminal point. On each side of the common point, draw a straight line, a short baseline, whose length shall be limited to the point where the direction of the general coastline changes significantly or veers to another quadrant.

i.b) Draw perpendicular lines to the coastlines on both sides of the common terminal point, passing through this common terminal point. Bisect the angle formed by the two perpendicular lines. The bisector is the lateral boundary of the municipal waters between the adjacent municipalities. The bisector will extend fifteen (15) kilometers if the coastlines beyond to short baseline will no longer affect its equidistance from both coastlines; otherwise, it will extend only up to a distance beyond which the equidistance line method shall already be applied.

ii. Equidistance Line

The lateral boundary shall be determined by line equidistant from the coastlines of the adjacent municipalities, as determined through the use of the baselines under Paragraphs 1a through 1c of section 5B.

3. Delimitation of Opposite Municipal Waters

In the case of opposite municipalities which are less than thirty (30) kilometers apart, the municipal water boundaries between them shall be determined by the median or equidistance line between the general coastlines of the respective municipalities, as determined through the use of the baselines under Paragraphs 1a through 1c of Section 5B.

4. Delimitation of Municipal Waters of Three or More Adjacent and Opposite Municipalities.

In case where three or more municipalities are so situated that they have overlapping municipal water, the delimitation of the laterall and offshore boundaries of their municipal waters shall be determined by the equidistance line method. The lateral boundaries will usually end at a point that is common to three or more municipalities, at the offshore boundary.

5. Finalization Only after Approval

The technical description of municipal waters shall be deemed finall only after the boundaries of municipal waters have been duly approved by the city municipality as evidenced by a final and executory ordinance embodying the same. Each boundary corner common to two (2) adjacent or opposite municipalities shall have exactly the same geographic position.

6. Depth Curve

Where practicable, the seven (7) fathom depth curve within the municipal waters shall be clearly indicated on the charts provided by the NAMRIA.

7. Demarcation of Marine Reserves, sanctuaries, or Other Special Areas

If within or overlapping with the municipal waters, there is a marine reserve, sanctuary, or other special area under the exclusive jurisdiction of an entity other than the municipality, a clearance shall be obtained by NAMRIA from said entity prior to the inclusion of the boundaries of such reserve, sanctuary, or special area, or such part thereof which overlaps with the municipal waters so as to effectively exclude the same from the computation of the area of municipal waters. Provided that the protected seascape or marine reserve area shall be managed by local governments according to the mandate and responsibilities as provided in the NIPAS Law. Nothing in this provision shall prevent the National Government from declaring any portion of municipal waters as Protected Areas or Marine Reserves.

C. Publication and Public hearing

1. Public Hearing

The NAMRIA shall submit to the requesting city or municipality a preliminary delineation of the municipal waters, and delimitation thereof with respect to any adjacent or opposite municipality, drawn on maps or charts of appropriate scale, and accompanied by a technical description, Such delineation and/or delimitation shall be in accordance with the technical guidelines set forth in Section 5B hereof.

The requesting city or municipality shall cause the publication of the map or chart clearly showing the delineation and /or delimitation of municipal waters, through

- a) posting in prominent places in the city or municipality;
- b) dissemination of copies of the same to all the component barangays; and
- c) furnishing copies, through regular channels, to any cities or municipalities affected.

In accordance with regular processes and practices, the requesting city or municipality shall conduct a public hearing and consultation for the purpose of receiving comments, inputs, suggestions, reactions, or objections to the proposed

delineation and/or delimitation. The NAMRIA shall be present at the public hearing to document and consider such comments, inputs, suggestions, reactions, or objections.

Adjacent or opposite municipalities may, if they so decide for purposes of convenience and practicality, jointly hold the public hearings.

2. Disputes with Adjacent or Opposite Municipalities

If adjacent or opposite municipalities, as well as agencies having jurisdiction over defined coastal waters, or any interested parties, raise any objection to the preliminary delineation and/or delimitation of municipal waters, such objection shall be made in writing, in the form of a Resolution of the Sangguniang Bayan or Panglungsod concerned, or an official letter from the responsible officer or person, and officially presented at public hearing.

The dispute shall be resolved in the same manner provided in the local government code and other applicable laws.

a) Amicable Settlement Encouraged

In case of boundary conflict or prior to certification to final boundaries, this guideline shall not prevent the municipalities concerned from negotiating or mutually agreeing to a common municipal water boundaries provided there is substantial compliance with the provisions of the law. Such negotiated boundaries shall be submitted to the NAMRIA for verification. The NAMRIA may also provide technical assistance and advice to the municipalities in the course of their negotiations.

The delimitation of municipal water boundaries in accordance with a negotiated settlement shall be certified by the NAMRIA prior to its final and submission for enactment as an ordinance. Certification of such negotiated boundaries shall not be denied under normal circumstances.

b) Irreconcilable Differences

In case the municipalities cannot settle their differences amicably through negotiation; and the differences are based on the proper application of technical rules and guidelines, they shall jointly submit the issue to the sangguniang Panlalawigan (SP) for decision, pursuant to their plenary review powers under Sec. 118 of RA 7160 (Local Government Code) of 1991. the NAMRIA shall provide the technical support to the SP. The SP shall decide on the issue within the time frame mandated under Section 118 of the Local Government Code.

c) Dispute Before Other Fora

Where the time of the delineation and/or delimitation, the dispute is pending before another forum on account of substantial issues that go beyond the application of technical rules and guidelines (e.g., when there is a pending case before a regular court), the NAMRIA may, in the meantime, delineate and determine the temporary municipal water boundaries between the contesting municipalities, without considering the contested features, provided that the affected municipalities agree to

such temporary delimitation, provided further that the temporary delimitation shall be subject to the outcome of the dispute as determined by the concerned forum.

D. Revision and Finalization

1. Certification of Final Map

The NAMRIA, after considering the inputs from the public hearing, or the outcome of the dispute settlement mechanics set forth in Paragraph 2 of section 2C, shall revise the delineation and/or delimitation, and within thirty (30) days from the date of the last public hearing or last meeting under Paragraph 1 of section 5C, provide an official copy of the revised maps, charts, and technical descriptions to the requesting city or municipality. Such maps, charts, and technical description shall be duly certified by the NAMRIA Administrator as comprising the final and definitive delineation and or/or delimitation of municipal waters.

2. Enactment of Ordinance

After the receipt of the revised and certified delineation/delimitation. If any, or of the date of the last public hearing if no revision was necessary, the requesting city or municipality shall enact an ordinance setting forth the extent of its municipal waters, incorporating the maps, charts, and technical descriptions prepared and verified by NAMRIA as an integral part of the ordinance, provided that in enacting the ordinance, no amendments shall be made to the maps, charts, or technical descriptions prepared and approved by NAMRIA. Once the ordinance has become final and executory, the original copy must be submitted to the NAMRIA and official copies thereof shall be provided to the following:

- a) any adjacent or opposite municipalities affected by the delimitation;
- b) the BFAR;
- c) the Regional Office of PNP-MARIG;
- d) any concerned special agency having Jurisdiction over coastaql waters which may be excluded from municipal waters;
- e) any affected party or sector the city or municipality may deem fit to notify;
- f) The DENR field office

3. Respiratory Function

The NAMRIA shall be the repository of all technical descriptions and corresponding maps or charts of all municipal waters. An official copy of such technical descriptions and maps or charts shall be provided to the municipality concerned.

Section 6. Fees and Costs

Applicable fees and costs shall be determined and charged by the NAMRIA

Section 7. Repealing Clause

All administrative orders, rules, and regulations inconsistent with or contrary to the provisions of this Guideline are hereby repealed or modified accordingly.

Section 8. Separability Clause

If any portion or provision of this administrative order is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

Section 9. Effectivity

This administrative Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation and upon its filing with the Office of the National Administrative register.

(SGD.) LUIS P. LORENZO, JR
Secretary

Recommending Approval:

(SGD.) CESAR M. DRILON, JR
Undersecretary

(SGD.) MALCOLM I. SARMIENTO, JR.
BFAR National Director