

**[ BFAR DA ADMINISTRATIVE ORDER NO. 01,  
SERIES OF 2004, January 14, 2004 ]**

**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 (LGUs), which share or border 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, flat 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 line 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 municipal waters overlap

**Delineation** - the determination of the outer limits of the municipal waters of a municipality

**Demarcation** - the determination of the boundaries where there is a depth of at least seven 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 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 water** - 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 parallel with the general coastline and fifteen (15) kilometers from such coastline. Where two (2) municipalities are 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 opposite shore 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

#### *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 the public hearing; approve an official copy of maps, charts, and technical descriptions 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