

Conference Paper 18

Paralegal Work: A Community-Based Approach to Fisheries Law Enforcement in Negros Occidental, Philippines¹

Joseph Anthony G. Loot*

*Assistant Professor in Political Science, Division of Social Sciences, University of the Philippines in the Visayas, Miag-ao, Iloilo, Philippines

¹This research is funded by the Center for Integrative and Development Studies, University of the Philippines System, Diliman, Quezon City, Philippines.

ABSTRACT

The depletion and degradation of the State marine and aquatic resources due to uncontrolled exploitation are the primary reasons for the enactment of fisheries laws. There are two approaches to the enforcement of these laws. Traditional law enforcement involves the intervention or actual performance by government through its designated and deputized agents. However, government activities are directed mainly at preventing further resource depletion. This is a shortcoming that prompted the conduct of alternative law enforcement strategies aimed at resource development.

Paralegalism is a concept that pursues developmental legal aid, which is provided for the poor and marginalized sectors of society, such as a fishing community. This aid is provided by paralegals who are non-lawyers but with sufficient understanding of the law after having undertaken paralegal training. In coordination with the local government unit, non-governmental organizations conduct paralegal activities in the community. The residents undergo paralegal training, which includes education on the substantive and procedural aspects of the fisheries laws. The empowerment of community residents prompts them to initiate or participate in the apprehension and litigation of fisheries law offenders. The community involvement manifests the social acceptability of paralegal work. On the other hand, financial and/or logistical support is provided by the local government unit. This expresses its political acceptability to paralegal work in the community. The acceptability of both the community and the local government unit are indicators for determining effectiveness of paralegal work as a community based approach to fisheries law enforcement.

INTRODUCTION

There is important national legislation designed to protect the marine environment, develop the fisheries resources, and manage resource users' conflicts. However, the enforcement of these laws is slow and inadequate. Illegal fishing and habitat destruction continuously proliferate with the existence, or lack of, enforcement plans and programs of Local Government Units (LGU). This condition prompted the pursuit of non-governmental undertakings that empower residents in coastal communities to participate in the enforcement of fisheries laws. One of these undertakings is pursued by Non-Governmental Organizations (NGO) in which paralegals initiate and develop the capacities of local fishing communities in fisheries law enforcement. The success of the community law enforcement effort depends upon the nature of paralegal work, which is determined in terms of NGO capability, the levels of community acceptability and participation, and the degree or extent of local government support.

Except for some success stories narrated by NGOs engaged in paralegal work, there is limited research and literature on the subject matter. Available information generally describes the qualifications of paralegals and the nature of their work,

which are mainly providing assistance to lawyers and individuals needing legal assistance. Thus, there is the need to look into the nature of paralegal work as an independent and empowering initiative and how paralegal activities are geared towards achieving the goal of increasing community participation in fisheries law enforcement.

FISHERIES LAW ENFORCEMENT: BASIS, ISSUES AND PROBLEMS

The Philippines is an archipelago comprised of more than 7,100 interrelated islands that are interconnected by bodies of water and forming one single geographical, economic and political entity.² The bodies of water that form part of the national internal waters and territorial sea are rich with marine and aquatic resources. These resources are vital in at least three ways: as food to a population that depends on fish and fish products as a major sources of protein,³ as alternatives to expensive common animal meat sources (cow, chicken), and as significant sources of income needed to buy other needs.

The Need for Fisheries Law Enforcement

The abundance of marine and aquatic resources surrounding the Philippine archipelago during the 1930s is the primary reason for the government to pursue a framework of development that is based not on availability but on access to the resource employing certain technologies.⁴ However, this kind of development resulted in depletion of fish stocks and destruction of marine habitats. In response to this resource condition, legislation has been enacted to promote resource protection along with resource exploitation. Unfortunately, this response is inadequate as resource exploitation continues to be uncontrolled.⁵

In 1998, Republic Act 8550 or the Philippine Fisheries Code is enacted to address the continuing critical problems of resource depletion and degradation. Chapter VI of the Code provides for certain prohibitions (and corresponding penalties) in fishery⁶ practices and the use of fishery technologies that have adverse effects on fish and aquatic resources.⁷ These prohibitions apply to both Municipal and Commercial fishers who are engaged in fishing activities.⁸

² 1982 United Nations Law of the Sea Convention, Part V, Article 46.

³ IBON Databank and Research Center, *The Philippine Fisheries* (Manila: IBON Foundation, Inc., 1997) p. 11. 60% of national protein consumption is from fish.

⁴ Asuncion Siam and Alan T. White, "Evolution and continuing challenges of coastal management in the Philippines," *Over Seas* 7, no. 7 (July 2005) <<http://www.oceocean.org/overseas/200507/evolution.html>> 15 February 2005.

⁵ Ibid.

⁶ By fisheries, the Code includes those activities that relate to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas (such as bays, gulfs, and lakes).

⁷ The Code defines aquatic resources as including fish and all living resources in the aquatic environment such as salt and corals. Fish and/or fishery products under the Code include finfish, mollusks, crustaceans, echinoderms, and other marine mammals.

⁸ Municipal fishers are those engaged in fishing within the Municipal waters. The Fisheries Code prohibits commercial fishing within the 15-kilometer Municipal waters, unless the municipal government permits them

The Fisheries Code devolves a broad range of powers and responsibilities to the local government unit, specifically the municipality and city, in order to empower them to directly manage the fisheries resources within their jurisdiction.⁹ Section 16 grants the Municipality (and City) with authority and jurisdiction over fishery resources within their maritime boundaries or Municipal waters. In pursuit of this devolution, the Code requires every LGU to enact appropriate ordinances that are consistent with the fisheries law. Two types of ordinances are required to be enacted under the Implementing Rules and Regulations of the Fisheries Code. One, the Basic Municipal Fisheries Ordinance (Rule 16.1) delineates the boundaries of municipal waters and provides for rules and regulations on licensing and permits and other fisheries activities. Two, the Special Municipal Fisheries Ordinance (Rule 16.3) declares special demarcated fisheries areas, closed season and environmentally critical areas and sanctuaries. A Unified Fisheries may be enacted by LGUs that border bays, lakes and gulfs for an integrated management of the marine areas.

Moreover, the Fisheries Code does not only recognize and enhance the inherent legislative power of local governments but also directs the latter to exercise its executive power. In the exercise of this executive power, the LGUs are obligated to enforce not only the ordinances it enacted but also the entire Fisheries Code and other fishery rules and regulations.

Models, Approaches and Obstacles to Law Enforcement

Generally, law enforcement refers to the involvement of individual entities in providing for measures that will accomplish the objectives of the law. In the Philippines, there are two models of law enforcement, which are herein referred to as the “traditional” and “alternative.”

The “traditional” model is context-specific as law enforcement is identified to include solely the interventions by government that are aimed at achieving compliance with the requirements of the law.¹⁰ These interventions follow a “continuum of activities ranging from ‘soft’ preventive measures such as public education to ‘hard’ sanctions imposed by apprehension, prosecution, and conviction.”¹¹ “Soft” law enforcement essentially is intervention that utilizes non-judicial measures in order to promote voluntary compliance. Such compliance includes restraints from illegal activities due to the continued presence of enforcement authorities (e.g., police) and acceptance of

within the 10.1 to 15 kilometer area (Article I, Section 18). Further, the Code defines fishing as those activities that involve the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.

⁹ This is a reinforcement of the role of the local governments that is first stipulated in the 1991 Local Government Code, which implements the Constitutional provision on decentralization and democratization of governmental powers.

¹⁰ Department of Environment and Natural Resources, Bureau of Fisheries and Aquatic Resources of the Department of Agriculture, and Department of Interior and Local Government, *Philippine Coastal Management Guidebook No. 8: Coastal Law Enforcement* (Cebu City, Philippines: Coastal Resource Management Project of the Department of Environment and Natural Resources, 2001) p. 22.

¹¹ *Ibid.*

the law due to adequate knowledge and proper attitude. On the other hand, “hard” law enforcement utilizes legal sanctions in order to impose involuntary compliance. Fines and/or imprisonment are penalties imposed in order to achieve some level of deterrence.

There are two approaches in the “traditional” model. One approach involves the government directly performing law enforcement. This includes the law enforcement agents (government authorized public employees) actually conducting arrests and seizures, public attorneys prosecuting, or government employees conducting public lectures. Another approach is when government initiates the conduct of an activity through a commissioned private entity (individual consultants, business group, NGO, or people’s organization). In this model, the government is a distinct actor with distinct goal and value system, that is, as the regulator. A vertical hierarchy of power exists with the government at the helm.

The weakness of the “traditional” model is its perennial shortcomings that mainly address the issue of resource depletion: the ambiguity and lack of clarity in policy objectives, the participation of too many actors and overlapping authorities, the lack of motivation from enforcers, and the inefficiencies of the judicial system. These can be further understood in terms of specific obstacles as follows¹²:

- Conflicting policies and laws and implementation programs
- Lack of political will to implement laws and enforcement programs
- Padrino or incentive system that promotes illegal activities
- Lack of patrol boats and other basic equipment to conduct monitoring and patrols
- Lack of trained law enforcement units
- Weak coordination between and among law enforcement agencies
- Lack of clear “lead” agency in coastal law enforcement
- Slow justice system with judiciary and prosecutors unfamiliar with fisheries and other laws
- Lack of public awareness of laws and consequences of illegal activities
- Slow economic development in coastal areas and lack of livelihood alternatives for fishers and those dependent directly on coastal resources

The advent of new information technology providing easy access to more liberal ideas and the adoption of measures that decentralize government powers to local governments are the significant sources of the “alternative” model. In this, the concept of enforcement is understood to be non-static, context-free,¹³ and takes into account changing social patterns and development. This model is geared more towards the establishment of social equity (the empowerment of stakeholders to participate in the entire law enforcement continuum) rather than mere resource

¹² Ibid., p. 20.

¹³ Christoph Demmke, “Towards Effective Environmental Regulation: Innovative Approaches in Implementing and Enforcing European Environmental Law and Policy,” Jean Monnet Working Paper 5/01 of the Jean Monnet Program, Harvard Law School, Cambridge, MA., 2001 <<http://www.jeanmonnetprogram.org/apapers/01/010501-02.html>> August 04, 2004.

depletion. It is more adaptive to the transformations in society brought about by increasing public awareness to the dangers of environmental degradation and to the support for environmental protection.

Just like the traditional model, the alternative model also employs “soft” and “hard” preventive measures. However, the latter model broadens law enforcement as other actors, apart from government, are taking significant participative roles. Government no longer remains the regulator as the private sector shares with the former the same goals and value systems.¹⁴ Thus, no hierarchy of power exists as both the regulator and regulatee aid each other in achieving compliance to the requirements of the law.

The alternative model is approached in two ways. One is when the private sector (essentially the civil society organizations or CSO, though sometimes the business entity) initiates an activity and the government merely performing coordinating functions. The government role is necessary to acquire legitimacy and authority for the activity. Another approach is when the private sector solely conducts law enforcement (such as the academe pursuing “soft” law enforcement or individuals performing citizen’s arrest).

Community-Based Approach to Fisheries Law Enforcement

The local government political structure in the Philippines is subdivided into the province, municipality/city, and barangay. The community in this study is confined mainly to the barangay, which is the basic political subdivision. Consequently, the coastal community is confined mainly to the barangay situated in the coastal area.¹⁵

The coastal community is an essential element that can contribute significantly to effective enforcement of the fisheries laws. This is because the marine resource users mainly come from the coastal areas which offer opportunities to them in terms of food and livelihood. Coastal environmental degradation adversely affects the access of the users to the marine resource. Thus, as the direct beneficiaries of the marine resources, community participation in efforts towards resource protection and preservation is vital.

The community is incapable by itself to initiate the enforcement due to a number of factors. First, it lacks the organization necessary to mobilize and pursue concerted efforts. The absence of organization, coupled with the inefficiencies of law enforcement agents, prompt the proliferation of illegal activities committed by residents as well as outsiders. The second factor is the prevailing ignorance or lack of understanding of the law among the residents due to economic and social priorities. Since knowledge of the law is not determined in terms of financial or economic returns, as such it does not directly put food on the table, so is considered as a lesser priority. This priority manifests the prevailing poverty conditions in the

¹⁴ Ibid.

¹⁵ The Fisheries Code defines the geographic extent of the coastal area as the landmark limit of one (1) kilometer from the shoreline at high tide, and seaward limit of 200 meters isobath.

coastal areas¹⁶ and the culture that inhibits motivation to engage in political undertakings. Finally, the absence of organization and motivation preclude opportunities for the development of skills and resources. Without the social infrastructure that will arrange priorities and directions, the community does not possess the collective initiative to participate in fisheries protection.

Given the above conditions, the representatives of government and NGOs bring to the community tools and methods that will involve the latter in the fisheries law enforcement. This is the community-based approach, which is intended primarily to address the inadequacies of the coastal community and thereby empowering individual stakeholder therein to participate, collectively or individually, in law enforcement and realize the objective of resource and environmental preservation.

PARALEGALISM, PARALEGAL WORK AND COMMUNITY-BASED LAW ENFORCEMENT

Lawyers provide legal services to private clients for an equivalent fee. However, when the clients are the poor and marginalized sectors of society, lawyers provide legal aid, where monetary payments are a secondary consideration. There are two types of legal aid in the Philippines: traditional legal aid and developmental legal aid. Traditional legal aid focuses on the protection of the rights of the poor through the law. It works on the assumption that injustice is the result of human “greed and weaknesses”¹⁷ and their ignorance of the law rather than the weaknesses inherent in the law. Thus, injustice can be redressed through the litigation process whereby the rights of the poor can be protected against the forces that undermine them. These forces include the political and economic elites who either use the state to advance their private interests or who profit from the inaction and inefficiency of the state. Public interest lawyering is an example of traditional legal aid.¹⁸

The second type of legal aid is not a distinction of the first but a complement since litigation is also a necessary means to provide for social justice. However, developmental legal aid goes beyond the provision of legal assistance in court. It further aims to change the social and legal systems that deprive the poor of their right to decide for themselves. Alternative lawyering is a particular legal practice that provides for developmental legal aid. In this practice, the law is treated not just a given but a critical tool to promote the democratic and just distribution of power, wealth and other related values. This can be done by resolving social issues, changing society through the law or changing the unjust law itself, and changing people and communities.¹⁹ Alternative lawyering involves the community being served not only in law reform but in law enforcement as well. The empowerment of

¹⁶ IBON Databank and Research Center, *supra* note 2., p. 23.

¹⁷ Jose W. Diokno, “Developmental Legal Aid in Rural ASEAN: Problems and Prospects,” working paper, International Commission of Jurists, Penang, Malaysia, 1981.

¹⁸ Marlon J. Manuel, “Lawyering with the poor,” *From the Grassroots: The Justice Reform Agenda of the Poor and Marginalized* (n.p., n.d.).

¹⁹ *Ibid.*

the people in the community is an essential objective that will lead to the goal of development.

Paralegals and Paralegalism

Generally, it is the lawyer who performs legal aid. When the lawyer is not available, certain legal work not acknowledged as part of the practice of law is done by either the legal assistants or paralegals. But unlike legal assistants who simply perform clerical service for the lawyer, a paralegal is a person who:

- is not a lawyer and, therefore, not accredited to practice law;
- possesses basic knowledge of the law and the legal and conflict resolution procedures;
- is either a resident of the community or works with an organization; and,
- is committed to do developmental legal aid.

Paralegals work in any of the areas of law, such as criminal law, labour law, patent and copy right, real estate, etc. They work in either private (corporations, law firms, NGOs) or public organizations.

From the NGO concept,²⁰ a paralegal has finished paralegal training (PLT) that provides the basic knowledge and experience for paralegal work. Paralegal training is distinguished from training about the law.²¹ The latter is only limited to the specific provisions of the law or the law itself. On the other hand, PLT follows a module that includes components on substantive aspects (the content and interpretation of the law), on procedural aspects (search and seizure, evidence, affidavit making, process of prosecution), and on paralegalism.

Paralegalism is a concept in pursuit of developmental legal aid.²² Specifically, paralegals participate in alternative lawyering by performing specific duties, which include organizing and mobilization of people, establishing people and lawyer partnerships, providing support for legal assistance, and advocating for social change and law reform. These activities are based on realities that promote social and economic inequities, uphold unjust laws, and prevent the marginalized sectors from access to social justice. Paralegalism is strengthened by its exclusivity in achieving developmental objectives. This is because paralegals cannot engage in the practice of law and the provision of legal assistance that are the exclusive work of lawyers. This inability directs paralegals to engage predominantly in developmental legal aid, and engage, partially, in purely traditional legal aid. Moreover, while the lack of time and opportunities for financial or monetary returns make lawyers least attracted to engage in alternative lawyering, paralegals are exception from these attractions. Instead, the latter are directed to be more focused on developmental work.

While paralegals pursue developmental legal aid, they are engaged in either traditional or alternative law enforcement. Thus, public servants are also engaged in

²⁰ Atty. Cecile Sabig, interview by the author, 05 November 2004.

²¹ Ibid.

²² Sentro ng Alternatibong Lingap Panlegal (SALIGAN), "Philosophy of Paralegalism," *Manual for Paralegals: Violence Against Women*, 1999, p. 17-20.

paralegal work. It is when the government is inadequate to pursue the work (due invariably to the inherent weakness of traditional law enforcement) that CSOs, NGOs and private individuals pursuing advocacy work acquires prominent roles in pursuing alternative law enforcement.

Community-Based Paralegal Work

One of the activities of alternative lawyers is the provision and enhancement of legal literacy at the grassroots level. The purpose is to develop the legal capacity of identified stakeholders (such as farmers, fisherfolk, women, youth) so they can freely express their rights and fully participate in community development. These lawyers usually are engaged in the conduct of the activities of NGOs to which they belong or they, as individuals, participate in NGO activities.

When the lawyers are not available, legal work is delegated to the paralegals. The legal services provided are usually free and involve a wide range of work including the giving of basic legal advice, community education, and referral service (which may include conduct of research and investigation, referral to a lawyer, and assistance in the disposition of cases).

Paralegal work is community based because of the conduct of paralegal activities in the barangay, the participation of barangay residents (more particularly those who have stakes in the utilization and management of the marine environment), and with the activities geared primarily at empowering these residents so they can fully participate in the effective enforcement of fisheries laws. It is vital that the residents are educated about the law and its ramifications so they can perform their obligations and enjoy their rights. Furthermore, an empowered community can provide government with practical inputs for decision-making and facility for the implementation of plans and programs.

PARALEGAL WORK IN NEGROS OCCIDENTAL, PHILIPPINES

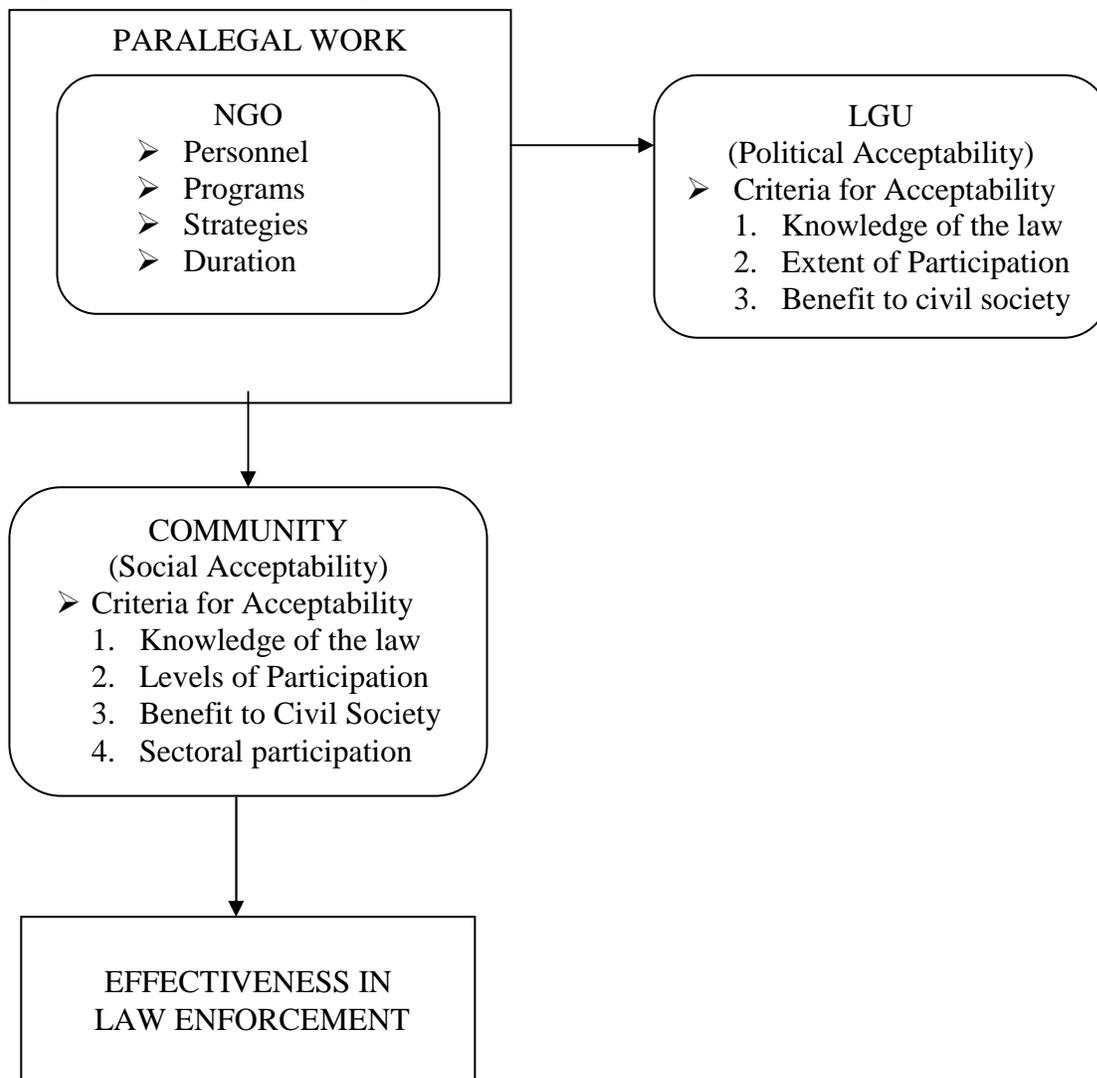
The following discussion is the result of a study that seeks to describe the paralegal work conducted by NGOs in the coastal community, the community response, and the contributions of the undertaking to effective enforcement of fisheries laws. NGOs in this study are engaged in either traditional or alternative law enforcement in the pursuit of paralegal activities.

Framework of Analysis

Figure 1 below presents the framework of analysis. NGOs conduct paralegal work in a particular community or barangay in a city or municipality. The conduct of paralegal work is done in two approaches. One is when the NGO directly involve themselves in the community and mobilize the people to organize and act on identified issues. The second approach is when the NGO cooperates with the local government by way of either facilitating or actually implementing the latter's program and project. Paralegals are either regular employees of the NGO or are contracted to conduct the

facilitation or implementation of the LGU program and project. In the implementation of these programs, certain strategies are employed. Lastly, the duration of paralegal work contributes to the over all content of the NGO undertaking.

Figure 1. Schematic Diagram of Framework of Analysis



Paralegal work conducted by NGOs generates positive or negative reactions from the local government unit, particularly from the local executive officials (of the city, municipality, or barangay), the police force, and the deputized fish wardens (or Bantay Dagat). Regardless of which entity initiates a paralegal activity, the reaction is both on the manner by which the NGO facilitates and implements an LGU program and project and the conduct of the program and project of the concerned NGO. The reaction, classified as political acceptability, is determined in terms of certain criteria for acceptability: the knowledge about fisheries laws, the extent of participation in the paralegal activities, and the identified benefit to the civil society.

On the other hand, the beneficiaries of paralegal work, the community, may either accept or reject the undertaking. The social acceptability of the NGO paralegal work by the relevant civil society sectors (fisherfolk, women, and youth) in the community is determined in terms of certain criteria for acceptability: their knowledge of fisheries laws, the levels of participation in the paralegal activities, the identified benefits to the civil society, and the number of sectors participating.

Social acceptability determines the effectiveness of paralegal work in the community in the enforcement of fisheries law. However, effectiveness is not cited as a conclusion. Rather, it describes the prospects. This means that the level of community participation will contribute to the success of the endeavor to enforce the fisheries laws.

Participants

The participants in this research include local government units in the selected cities and municipalities in the Province of Negros Occidental, NGOs that are conducting paralegal work in the Province, and civil society sectoral organizations (fisherfolk, women, and youth) in identified coastal barangays of the concerned LGUs where paralegal work is done.

Negros Occidental is one of the two provinces in Negros Island located in central Philippines. It has thirteen (13) cities, twelve (12) of which are coastal. It also has nineteen (19) municipalities and thirteen (13) of which are coastal. Two coastal cities (Victorias and Talisay) and two (2) coastal municipalities (Hinigaran and Cauayan) are randomly selected to comprise the local government institutions. The selection is done after identifying those cities and municipalities where NGOs do paralegal work. The cities and municipalities are distinguished from each other for the purpose of describing the paralegal work therein.

Political acceptability is determined from the responses from interviews with concerned local government officials who serve as key informants. These include the City/Municipal Agriculturist, the Barangay Captain (village head), the officer-in-charge on maritime affairs in the Philippine National Police (PNP) of the LGU, and representatives from the deputized fish warden (Bantay Dagat) of the LGU.

On the other hand, one coastal barangay from each of the local government institutions is purposely selected as study area for determining social acceptability. The basis for the barangay selection is the concentration of paralegal work done by the NGO. The respondents from the barangays include ten (10) active members, randomly selected from a list, from each of the sectoral organizations abovementioned. An active member is one who regularly attends meetings and participates in the group activities. The sectors, classified into organizations, are distinguished as follows in order to avoid duplication in respondent selection:

- Fisherfolks are males engaged in the actual extraction of fish and fisheries resources on sea and who are eighteen (18) years old or older;

- Women are females who are eighteen years old or older and who are engaged in any other occupation except the extraction of fish and fisheries resources on sea;
- Youth are males or females who are fifteen (15) years old but below eighteen (18) years old.

There are presently 145 NGOs that operate all over the province. Ten (10) of these are engaged in paralegal work in the coastal communities of a particular city or municipality. NGOs conducting community paralegal work with the selected LGUs are purposely selected for the study. These are the World Wildlife Fund (with Talisay City and Victorias City), the University of St. La Salle (USLS) Balayan (with Cauayan) and the Philippine Rural Reconstruction Movement (with Hinigaran). The officers of the NGOs are interviewed about their paralegal activities in the selected communities.

Sources of Data

Research data are taken from the following:

Official documents (NGO programs, strategies, transcripts of dialogues, consultations, discussion with local communities, LGU executive enactments)

Interview (key informant) of NGO officials, LGU Executive Officials, PNP, Bantay Dagat and Deputies

Interview of purposely selected residents in the community who are either officers or members of Peoples Organizations (POs) classified under fisherfolk, women, and youth sectors

Interview of experts (lawyers, community workers)

NGO Profiles and Paralegal Activities

There are particular NGOs conducting paralegal work in the purposely identified coastal communities. These are the World Wildlife Fund (WWF) that operates in Talisay City and Victorias City, the Philippine Rural Reconstruction Movement (PRRM) in the Municipality of Hinigaran, and the Balayan in the Municipality of Cauayan. Generally, the paralegal activities of these NGOs are similar: the conduct of PLTs in both substantive and procedural components, informal dialogues and discussions on issues and problems relating to the fisheries law and its enforcement, facilitating or actually engaging in the building of people's organization (PO), assistance to the LGU Bantay Dagat in the conduct of legal procedures, assistance to the barangay in the prevention and resolution of conflicts (intra and inter), bridging the community and the law enforcement agents (wardens, lawyers).

Philippine Rural Reconstruction Movement²³

Founded in 1952, PRRM is a national NGO with 20 branches and chapters. It is funded by national and international agencies to engage in development work, which are pursued mainly from four approaches: education, health, livelihood, and self-government. Paralegal work is concentrated on pursuing policy reforms and

²³ Edwin Balajadia, interview by the author, 10 April 2005.

strengthening voluntary action in order to enhance community capacity to participate in the planning, advocacy and implementation of sustainable development.

In the Municipality of Hinigaran, PRRM involves itself directly with the selected barangays upon prior permission from the LGU. In particular instances, the “convergence approach” is utilized by PRRM with both the Municipality and the Barangay. This approach refers to the coordination of NGO and LGU activities in “converging” areas such as the formation of the Fisheries and Aquatic Resource Management Council (FARMC),²⁴ Bantay Dagat operations, development of Coastal Resource Management (CRM) Plan, consultation on livelihood programs, and enactment of fisheries ordinances in conformity with the Fisheries Code.

PRRM does not have a particular PLT program. Rather, it integrates the education of community residents on the marine environment and self-governance in the implementation of the program on Environmental Protection and Resource Base Management. This program builds on the capacity of the community to organize and address technical matters. As a result, existing POs are initiating the implementation of LGU programs and activities, which include those that pertain to fisheries law enforcement. Moreover, financial and logistical supports are provided by the NGO related to the implementation of the Fisheries Code.

“Balayan”²⁵

Balayan is the community development and volunteer formation office of the University of St. La Salle (USLS)²⁶ in Bacolod City. Founded in 1987, it is the arm for the university’s direct involvement in community development efforts. While USLS provides support to LGU activities, Balayan initiates and implements its two major extension programs that are mainly implemented by volunteers. One program is the university-based “in-reach” that includes volunteer formation, social awareness and advocacy, institutional community extension, and the Christian values learning and formation. On the other hand, the community-based “out-reach” programs cater to street children, fisherfolk, and solid waste management.

Balayan generally operates separately from the LGU. It establishes a direct partnership with the fisherfolk organizations in the ten coastal barangays in the Municipality of Cauayan. Community education on the fisheries laws is provided to these POs in collaboration with NGO partner associations. In order to protect the rights of the fisherfolks, support to law enforcement agents is given, with the assistance of partner associations, particularly in the conduct of apprehensions and prosecution of fisheries violators.

²⁴ The Philippine Fisheries Code directs the formation of FARMC in the local government to function as a consultative body to the LGU in the determination of fishing activities.

²⁵ Dexter Ian Tabujara, interview by the author, 11 April 2005.

²⁶ USLS is a private university located in Bacolod City, the capital of Negros Occidental Province.

World Wildlife Fund²⁷

WWF in Negros Occidental is one of the offices of WWF-Philippines. As a national NGO, it is engaged in various environmental activities aiming at conservation and community empowerment. One of its active involvements is on education, information and communication. In Negros Occidental, WWF is involved in researches and extension such as, among others, sources of energy (including ocean waves) and fishery production and protection (particularly blue crab which is a significant fishery export).

In the conduct of paralegal work in the cities of Talisay and Victorias, WWF does not involve itself in the community directly. Rather, it engages in a cooperative effort with the LGU and the Department of Agriculture (a national government agency). It cooperates with the LGU in the planning of seminars and trainings on the fisheries laws and, in partnership, they engage with the residents of the community in carrying out information dissemination and trainings either in the form of structured lectures or informal talks. Apart from community education, WWF is not engaged in other paralegal activities.

Community Information

Negros Occidental is one of the six provinces in Western Visayas or Region VI. It is bounded on the north by the Visayan Sea, on the south by the Sulu Sea, on the southeast by the Guimaras Strait that separates it from Panay Island, and on the east by the Tanon Strait and the Province of Negros Oriental.²⁸ Its long stretch of land has a total area of 7,926.07 square kilometers or 792,607 hectares.

The province is populated by 2.6 million Negrenses, and their annual growth rate continues at 1.13%. The labour force population of fifteen years old and over is 1.875 million. Though basically an agricultural province, only 51.7% (571,000) are working on agriculture, while 39.8% (439,000) and 8.5% (94,000) are in the service and industry sectors, respectively. Of those working in agriculture, 78.6 (449,000) are situated in the urban areas and 21.3% in the rural areas. The large agricultural labour force in the urban areas is due to the congestion of population in the thirteen cities that covers a land area of 52.69% (417,602) of the provincial total. Agricultural products are primarily sugarcane and rice. However, fisheries are a major source of food and livelihood in the province. The supply comes from fishing in the surrounding municipal and national waters as well as from production of cultured species such as tilapia, milkfish, oyster and prawn.

²⁷ Based on interviews with the fishery officers, police officers and fish wardens in the cities of Victorias and Talisay.

²⁸ All technical data are taken from Province of Negros Occidental EDP Division, "Province of Negros Occidental," <<http://www.negros-occ.gov.ph>> 07 August 2004. Also in National Statistics and Coordinating Board, "Philippine Standard Geographic Code: Negros occidental Province," <<http://www.ncsb.gov.ph>> 15 January 2005.

Table A. Community Information

	Talisay City	Victorias City	Municipality of Hinigaran	Municipality of Cauayan
Income Classification	5th class	5th class	2nd class	1st class
No. of Coastal Barangays	5	4	5	13
Coastal Length	7 kms	5 kms	15 kms	52.5 kms
Fisheries Ordinance	Ordinance No. 281 (2004) ²⁹	Ordinance No. 95-01 (1995), Ordinance No. 95-02 (1995) ³⁰	Ordinance No. 02 (1993) ³¹	Ordinance No. 2003-78 (2003) ³²
Common Illegal Fishing Activities	Hulbot-hulbot de mano, super hulbot, baby trawling	Unauthorized fishing, Use of fine mesh nets, use of active gear	Unauthorized fishing, trawling on prohibited zone, use of fine mesh net, use of active gear	Unauthorized fishing, use of fine mesh net, use of active gear
Purposely Selected Barangay and Classification ³³	Barangay Bubog (Rural)	Barangay 6A (Urban)	Barangay Gargato (Rural)	Barangay Isio (Urban)
Fisherfolk Organization in Selected Barangay	Nakad Fisheries Multi Purpose	Barangay FARMC	Fisheries Association for Coastal Development	Talanganan Small Fisherfolk Association
Women Organization in Selected Barangay	Nakad Fisheries Multi Purpose	Barangay FARMC	Fisheries Association for Coastal Development	Talanganan Small Fisherfolk Association

²⁹ “An Act Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources and Regulating Fishing and/or Fisheries Activities in the City of Talisay, Province of Negros Occidental.”

³⁰ Municipal ordinances that are still in force: Municipal Ordinance 95-01 (An Ordinance Regulating Fishing and/or fisheries in the Municipality of Victorias, Negros Occidental and For other Purposes) and Municipal Ordinance 95-02 (An Ordinance Creating the Municipal Bantay Dagat Council for Purpose of Fully Implementing and Enforcing All Existing Laws, and Regulations Relative to the Preservation, Conservation and Protection of Aquatic Life and Marine Resources, and Eradicate and Prosecute Fishing Practices Within the Municipality of Victorias).

³¹ “An Ordinance Regulating Fishing and/or Fisheries in the Municipality of Hinigaran, Province of Negros Occidental.”

³² An Ordinance Amending and Consolidating All Fishery and Aquatic Ordinances of the Municipality of Cauayan, Negros Occidental.”

³³ NCSB, *supra* at note 27.

Talisay is a 5th class city and the site of fast growing residential and industrial complex developments that are largely situated contiguous to the coastal area. The City of Victorias earns a large part of its income from the Victorias Milling Company, a sugar refinery that is the source of milling discharges that threaten the city's limited municipal waters from major marine pollution. The Municipality of Hinigaran is a growing community with sugarcane production as one of its major sources of income. The Panay Gulf provides the stretch of coastal communities in Hinigaran and Cauayan with a variety of fishery resources. This is one of the vital sources of income for Cauayan on top of the tourism potentials of its lengthy coastal area.

Each of the four LGU has enacted its fishery laws with specific prohibitions and penalties against destructive fishing and fishing practices. The ordinances of Talisay City and Cauayan implement the 1998 Fisheries Code. Victorias City and Hinigaran, on the other hand, are yet to amend their ordinances to conform with the Code.

There is only one PO that exists in each of the purposely-selected barangay. These POs involve the (male) fisherfolk and women, except in Barangay 6A due to the understanding that both men and women are involved in fishing and related activities such as marketing (which the women traditionally do). In the case of Barangay 6A, the Barangay FARMC serves the purpose of PO in addition to its functions as provided for in the Fisheries Code. From observation, the POs in Hinigaran and Cauayan are well organized due to the active involvement of the PRRM and Balayan, respectively, in community organizing. Whereas in Talisay and Victorias, WWF operates more often in cooperation with the LGU in order to implement the latter's programs.

Acceptability of Paralegal Work

Acceptability provides value to NGO paralegal work. There are two providers of acceptability: the local government officials and deputies providing political acceptability; and, the community residents, classified according to sectors, providing social acceptability. Generally, there are three (3) criteria that establish acceptability:

- Knowledge and understanding of the law. Awareness of the existence of the law, objective knowledge about the relevant provisions of the law, and appreciation of the importance of the law are vital to compliance, empowerment and mobilization.
- Participation in the propagation of the law and in the judicial process. The community residents, along with their individual interests and social values, inform, educate and communicate the law to the entire community. They involve themselves in community organizing, conflict resolution, and the process of apprehension and prosecution.
- Knowledge of the benefit of paralegal work to the community. Identification of the benefit of participation in paralegal work identifies the social value the participant attaches to the approach.

The above criteria of acceptability are drawn from the four (4) principles of effective law enforcement identified by Antonio A. Oposa.³⁴ These principles are:

- Law is an agreement of minds or a “social product” that must be deemed desirable and supported by mental and emotional agreement by individuals and society at large.
- Legal marketing or selling the law is necessary to promote voluntary compliance.
- Socio-cultural sensitivities and pressure points must be considered in the manner used for implementing the law.
- Swift, painful, and public punishment must be carried out in order to modify behaviour and serve as a deterrent.

When the acceptability criteria are articulated by the providers, paralegal work is acceptable. This acceptability of paralegal work becomes instrumental in contributing to the effectiveness of law enforcement. However, it is not the political acceptability but the social acceptability of paralegal work (as a community based approach) that can contribute to effective fisheries law enforcement. This is because the civil society contribution to fisheries law enforcement is vital given its non-political nature and the inadequacies of the political organization of the local government unit. Political acceptability mainly provides collaboration so the NGO can commence and pursue their programs or those that the LGU initiate.

Political Acceptability

Selected key informants were interviewed to determine the political acceptability of NGO paralegal work in the selected coastal communities in Negros Occidental. Three (3) operationally established criteria³⁵ were used.

Knowledge of the existence and importance of the Philippine Fisheries Code and the Municipal/City Fisheries Ordinance and its relevant provisions.

All the key informants are knowledgeable of the national law and the local government ordinance. The knowledge of the laws is important for it serves a number of important purposes:

- it serves to remind them of the source of their functions and existence as fisheries law enforcers;
- it identifies the particular tasks that need to be performed;
- it is directly related to the complete performance of the functions;
- it provides for the human rights that need to be protected through the effective enforcement of the law;
- it identifies the activities necessary to protect the marine environment in coordination with the other stakeholders and agencies of government;

³⁴ A.A. Oposa, “Legal marketing of environmental law,” *Journal of Comparative and International Law* 6 (1996) 273-291. In Department of Environment and Natural Resources, *supra* note 9, p. 5.

³⁵ Atty. Cecile Sabig, interview by the author, 05 November 2004.

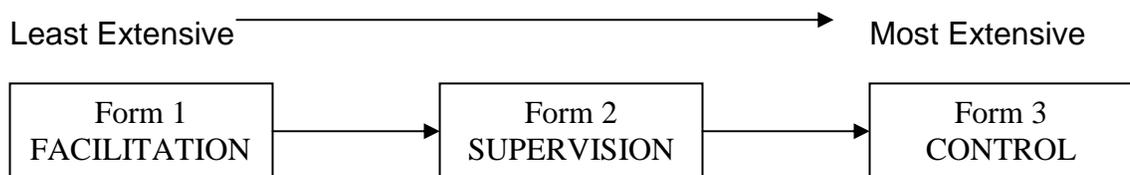
- it provides specific rules on how to address issues and problems (including complaints); and,
- it serves as a basis for liability for failure to enforce the law.

While the respondents have no full mastery of the law, they possess basic understanding of the provisions related to enforcement. This includes the provisions on the municipal waters, prohibited fishing, and the processes of apprehension and prosecution. Their knowledge of the laws are sourced from attendance in seminars and trainings conducted by the NGO, the LGU and the national government agencies such as the Bureau of Fisheries and Aquatic Resources (of the Department of Agriculture) and the Department of Environment and Natural Resources. The mass media, particularly the radio, is a critical source of information as well. It is from radio that analyses of the law and its application can be gained. Failures from personal experiences also enhance the understanding of the law. This understanding is further enhanced during the sharing of the experiences within the particular group that the respondent belongs to and with the community at large.

Extent of Participation in Paralegal Work.

There are three (3) forms by which local government officials participate in NGO paralegal work (see Figure 2 below). Participation in each of these forms vary and, thus, distinguishing the extent. Facilitation involves the provision of material (financial and logistics such as equipments and manpower) and technological (know-how) support. In the implementation of programs, facilitation is the most common and basic participation since there is no employment of authority except the provision of the needed assistance. The public official need not be present at any time in the implementation of the program. Facilitation is the least extensive form of participation.

Figure 2. Extent of Participation in Paralegal Work



Political authority becomes expressed when the extent of participation involves Supervision. Supervision includes facilitation and the effort to ensure the execution of the program. It requires the presence of the public official in the implementation of the activities at such instance when there is need to check on the progress. This will also require the personal contact of the public official with the NGO personnel involved in the program implementation. Some requirements are imposed on the NGO to quantify the progress of implementation. Supervision requires a more extensive form of participation.

The most extensive form of participation is Control. On top of facilitation and supervision, control involves the acts of modifying, altering, and/or nullifying the program and its implementation. Modifying results in a change that is not totally different from the existing condition. When the change becomes different, there is an alteration of the existing condition. Nullifying results to total rejection of the existing condition. Control requires the application of heavier authority in order to effect the changes.

The Municipal/City Agriculture Office is tasked with addressing matters related to coastal and fisheries management. Per the interview with the Agricultural Officers of each of the four selected municipalities and cities, they participate in the implementation of the program. However, the extent of participation varies depending on whose program is being implemented. If the program is the NGO's, the participation is at the extent of Facilitation. This includes the provision of support by way of money, food, supplies, motorboats, and manpower. Expertise and information data are also provided, such as during the conduct of seminars and trainings. On the other hand, there is Supervision if the program is that of the LGU. Meetings with, and regular updating of performance by, the NGO are conducted and required, respectively. Control is always exercised by the Municipal/City Mayor, and the Agriculture Officer advises the former whenever necessary.

The participation of the agents of the Philippine National Police (PNP) and the Bantay Dagat is at the extent only of facilitation, that is, the provision of manpower, logistic and technological (expertise) support. They point to the Agriculture Officer when it comes to Supervision. However, they have coordinating relations with the Office of the Municipal/City Agriculture. Procedurally, their main function is the execution of orders coming from authority. Their power to decide is limited only to carrying out the orders given to them.

Understanding of the benefits of participation in paralegal work.

Participation in paralegal work generally³⁶ does not entail any form of monetary compensation to LGU personnel. However, the respondents identify their participation as both responsibility and obligation due to either or both of the following: it is the implementation of the programs of the LGU from which hierarchy they belong (a "call for duty"), and it is a source of essential information and experience. As a result of this participation, the respondents gain satisfaction for performance of a function, self worth as leaders in the community and appreciation and respect from the LGU and the community residents

Social Acceptability

The social acceptability of paralegal work in the selected local government units in Negros Occidental was determined in terms of knowledge of the existence and importance of the Philippine Fisheries Code and the Municipal/City Fisheries Ordinance and its relevant provisions.

³⁶ In some instances, monetary rewards are given as incentives for performance in apprehension of fisheries law violators.

Knowledge of the Philippine Fisheries Code and the corresponding local government ordinances is manifested by the actual identification of its existence. In support of this, there is also actual identification and description of the prominent provisions. Such knowledge is acquired through various means. Trainings and seminars about the laws conducted by NGO and LGU are formal or semi formal and structured sources of such knowledge. There are also the informal sources such as discussions with peers, family members, barangay and/or municipal officials, national government agents, and NGO personnel. The mass media (television, radio and newspaper), which are available in the subject coastal communities, are also effective tools in disseminating information about the existence of the laws. Knowledge of the laws can be acquired and enhanced by the importance the individual community resident attaches to it.

In the studied barangays, there is a higher frequency of knowledge among the selected respondents about the Philippine Fisheries Code. The knowledge about the national law is mainly sourced from informal discussions with friends and neighbours within the community. The NGO is also a source of information either through the formal and structured processes in trainings and seminars or through the informal discussions with NGO personnel. Moreover, the radio is an effective medium in making the national law known to the respondents.

There is a comparatively lower knowledge by the respondents of the local government fisheries ordinances. As in the knowledge on the national law, sources of information are basically similar. However, since radio and mass media broadcasts include mainly the national conditions rather than the municipal or city, the sources of information are limited to informal discussions with barangay residents and local government officials.

There is higher frequency of knowledge among the respondents of the prominent provisions of the national and local government legislation. These include the designation of the municipal waters, the different prohibited fishing gears and practices, the fishing rights, the apprehension and prosecution processes, and the creation and functions of FARMC.

The knowledge of the law is deemed important by the respondents as a motivation for their participation in paralegal activities and in the general management of the fisheries resources. There is a general concern that the availability of the resources is dependent upon the regulation and control imposed upon the exploitation of the resources. Both the national and local government legislations are effective tools for regulation and control. Thus, enforcement is most vital and necessary.

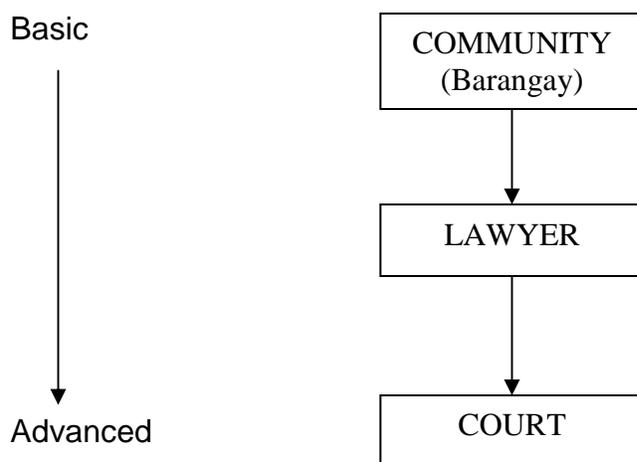
Levels of participation in paralegal work

Figure 3 presents the three (3) levels in which the community residents participate in paralegal work. Participation is basic with the community and becomes more

advanced with the lawyer and the court. Participation is basic because it is easier to do. It involves the performance of common tasks of organizing, educating, assisting and mobilizing residents of the community. The participant and the community residents are more or less related and familiar with each other. On the other hand, participation becomes advanced when the task performed becomes uncommon since it requires objective knowledge of a particular expertise and involves people and experts from outside the community. These conditions render the task more difficult to perform.

Knowledge of the NGO paralegal work is necessary for participation. While the fisherfolk and the women have this knowledge, only those youths who are engaged in fishing possess it. The majority of youths are in school, and this deters them from being informed about NGO activities related to fisheries management.

Figure 3. Levels of Participation in Paralegal Work



In the barangay, paralegal work involves the following specific activities: help build and develop POs, disseminate information about the law, educate barangay residents on the law, engage them in value formation on resource preservation, provide legal advice, help in the conduct of law training, and help resolve conflicts. Respondent participation is more prominent on value formation, which is reinforced during training and gatherings when the fisheries laws are discussed and their essence analyzed. There are also trainings and seminars where the state of the environment is discussed which leads to attention towards the value of the laws. The non-formal forms of information, education and communication are essential in directing the respondents' concern towards the environment. Small group discussions, whether impromptu or habitually done (such as the afternoon gatherings where discussions are done over glasses of coconut wine), are means by which issues are discussed.

At the level of the lawyer, the following are the paralegal activities that involve respondent participation: help in getting access to the lawyer, help in getting expert legal advice, and help in getting close relationship. Research data shows that there is a gap between the respondents and the lawyer. There are four identified reasons for this. First, when the NGOs conduct paralegal work in the subject communities, they bring with them lawyers who are non-residents and who involve themselves for the most part on the provision of information about the fisheries laws. Second, there is no regular conduct of seminars and trainings where the lawyers are usually present to lecture on the law. Third, most often, the lawyers involved are practicing criminal or civil law rather than environmental law, and, thus, there are separate interests. Fourth, there are no regular lawyers brought by the NGO in the community due to the availability of the former.

Lawyers practice law either in the capital of the city or the poblacion (centre) of the municipality, and thus, outside of the respondents' barangays. Availability, distance and costs are the common reasons for the lack of effort to bring the community closer to the lawyer. With regard to costs, NGOs are not regularly present in the community and the financially handicapped respondents could not take action. Usually, it is the officers of POs that act on the matter using the organization's limited funds.

The demand for lawyers for litigation purposes is limited primarily because most fisheries violations are settled in the local government by payment of fines. Imprisonment is seldom, if not at all, an option due to the factors of time and cost. While time can be sustained with the support of NGOs the financial costs are least attractive compared to the revenues collected from fines by the local government unit.

At the level of the Court, participation is identified in the extension of the following: gathering of evidence, interview of witnesses, making witnesses available, and following up pending cases in court. The assistance given by the respondents are mainly those that involve evidences and witnesses that are situated only in the community. This is so since most fisheries violations are committed in the municipal waters adjacent to the coastal barangay and the witnesses to the violations are barangay residents.

The respondents do not assist in the following up of cases pending in court due to lack of expertise, time and money. The following up of cases is determined as the work of the NGO or the lawyer, and the respondents are not involved by the former in this activity. Moreover, pursuing such assistance individually by the respondents, or collectively through their organizations, will entail time prejudicial to their occupations as well as expense prejudicial to their financial needs.

Understanding of the benefits of participation in paralegal work.

Paralegal work can generate participation if there is a conscious understanding of its purpose and benefits. The purpose is not only the ultimate protection of the marine environment. Rather, this protection can be effected if the participants in the

community identify that such protection is both a responsibility and an obligation. On the other hand, participation can also effect benefits since the protection of the resources can bring about the needed security of the community.

From the interviews, there is high frequency of responses that indicate participation is both a responsibility and obligation. For the respondents, they see participation as essential to resource protection. However, the benefits are not outrightly available. The respondents identify politics as a foremost constraint to protection. For instance, violators caught for illegal fishing are just meted very cheap fines instead of imprisonment. The fines imposed are those within the authority of the local government unit. Yet these are cheap compared to the value of catch from illegal fishing in case the violation is not caught. The imposition of fines is most convenient but this does not deter the commission of illegal fishing. From this, it is identified by the respondents that while paralegal work may be important, there are serious constraints to achieve the objective.

Sectoral participation including the fisherfolk, women and youth sectors.

Sectoral participation is also vital to determining social acceptability. Occupation, gender and age are factors that determine individual interests or stakes in the management of marine resources. Also, direct and indirect relations with fisheries resources can affect commitment to resource protection and preservation. Thus, multi sectoral participation in marine resource management can contribute to a stronger community collective effort.

A significant number of the respondents in the three sectors have knowledge about the Philippine Fisheries Code as explained earlier. The provisions most common to them are those that involve about the municipal waters, which are identified as belonging to the municipality or city, as the case may be. There is also a high frequency of knowledge about prohibited fishing, fishing rights, apprehension and prosecution of fisheries law violations, and the FARMC.

On the other hand, knowledge about the Municipal/City Fisheries Ordinance is higher among the fisherfolk respondents. This is an expected outcome since by their occupation they are provided certain privileges in terms of rights over resources in the municipality of their residence. Since the local government fisheries laws are localized versions of the national law, then the knowledge as to the relevant provisions in the former law is basically the same as in the latter law.

The importance of knowing about the existence of the fisheries laws are considered more by the fisherfolk and women sectors and less by the youth sector. This is because the former are directly involved with fishing activities while the latter are indirectly involved. Fifty percent (50%) of the youth respondents are studying, which limit them from actually doing fishing activities. Although the respondents are helping in the hauling of fish catch early in the morning or in the marketing of the catch during weekends, there is limited opportunity for them to learn about the fisheries laws.

That there is a higher frequency of knowledge about the Fisheries Code among the respondents is explained by their attendance in seminars conducted by their organization and the NGO, by the broadcast in the radio, and by discussion within the family. The mass media, more prominently by radio, is an effective means of information dissemination. Moreover, while the local government ordinances are basically restatements of the national law, it is usually the latter law that are subject of family discussions or those that are heard from informal discussions by the elders in the community.

Frequency of knowledge and participation in NGO paralegal work is higher among the fisherfolk and women respondents and lesser among the youth. Again, this is explained by the direct involvement of the fisherfolks and women in almost all aspects of fishing activities (that is, from catching/gathering to marketing). The youth respondents who participate more often are those who are engaged full time in fishing activities and are not studying, as well as those who are engaged in part time fishing activities (such as during week ends, holidays, and occasionally when there is need to earn money during weekdays) and are studying.

Sectoral participation is more concentrated at the barangay level. There is more prominent participation by each sector in the information and education of Barangay residents about the fisheries laws and the formation of values necessary for marine environmental protection. At the level of the Lawyer, the fisherfolk respondents are more involved since this is regarded by the women respondents as primarily a male activity, and by the youth respondents as primarily an elder (not necessarily male) activity. Finally, at the level of the Court, there were a number of respondents participating by sector mainly because of the activities being barangay based.

The fisherfolk respondents have indicated agreement as to the responsibility and benefit from participation in paralegal work. But there are more women respondents who indicated the same agreement not because all of them are participating. Rather, their agreement is a proposal for more intense campaign and effort to conduct paralegal work and involve more community residents in the endeavour. This proposal is echoed by the youth respondents.

SUMMARY and CONCLUSION

Negros Occidental is an island province surrounded by rich fisheries resources that are open for exploitation and abuse. While the respective local governments in the province are enforcing fisheries laws, these are insufficient to curtail illegal fishing, habitat destruction and resource depletion.

Three non-governmental organizations conduct paralegal work in the particular municipalities and cities in Negros Occidental: the “Balayan” of the University of St. La Salle operating in the Municipality of Cauayan, the Philippine Rural Reconstruction Movement in the Municipality of Hinigaran, and the World Wildlife Fund in the Cities of Victorias and Talisay. These NGOs pursue either their

programs or facilitate the implementation of programs of the LGU to empower community residents through community organizing, information and education residents (more particularly the fisherfolk and women) on the national and local fisheries laws, and mobilization to ascertain and protect their rights over the resources legally guaranteed them.

NGO paralegal activities receive political acceptability from the Municipal/City Agriculture Officers, the Philippine National Police and the deputized fish wardens or Bantay Dagat. These LGU agents possess the knowledge of the national and local fisheries laws that are necessary for the performance of their functions as law enforcers. They facilitate the accomplishment of NGO paralegal work by providing financial, manpower, logistics and technological support. In the instance when the NGO implements the LGU program, the Agriculture Officer provides supervision. From this extent, the power to control the activity rests upon the local chief executive.

On the other hand, NGO paralegal activities receive social acceptability from randomly selected community residents who are identified from three sectors, namely: fisherfolk, women and youth. Each of these sectors possesses a certain amount of knowledge of the national and local government fisheries laws. This knowledge is sourced from the NGOs in both formal and informal settings, as well as from the broadcast media. This knowledge is essential for the respondents to participate in NGO paralegal work at the level of the community. Moreover, there is a high frequency of sectoral participation at the barangay level. However, participation is less frequent at the levels of the lawyer and the court.

Community Effectiveness in Fisheries Law Enforcement

Theoretically, paralegal work is an approach that can contribute to effective fisheries law enforcement given the shortcomings of government and the limitations of lawyers. Since it is essentially community based, the empowerment and mobilization of community residents, across sector, provide further strength to enforcement. This is because these residents are the direct users and beneficiaries of the resources and, thus, they hold a direct stake in imposing protection for the resources in order to enjoy the benefits.

Paralegal work in the selected coastal communities in Negros Occidental is made possible because of the active role played by NGOs. The LGU by itself does not possess the manpower and expertise to pursue the undertaking. The LGU support supplements the NGO efforts. However, there is a deficiency in the paralegal work because the community is not completely involved. While there is knowledge of the law, the respondents participate only at the basic (barangay) level. Paralegal work still has to address the economic and political reasons that inhibit the respondents from participating in activities at the advanced levels. Limited participation in the advanced levels will weaken the community and permit the continued violations of the fisheries laws. This is because the violator is able to escape with minimal penalty and without stringent opposition from the large mass of stakeholders in the community. Further, there is also the lack of sectoral participation in paralegal work,

especially with the general exclusion of the youth. Limited sectoral participation fails to cause any collective effort towards compliance from the resource users.

At the outset, the above mentioned deficiency of NGO paralegal work in the study area could restrain the community from contributing to the effectiveness of fisheries law enforcement. However, the existing social acceptability shows that there are already efforts exerted to empower the stakeholders. There is significant participation, across sectors at the barangay level, and participation is beginning at the levels of the lawyer and the court. While these are significant steps, consistent and continuous efforts are needed to achieve full empowerment.

REFERENCES

Primary Material

Republic Act 8550. The Philippine Fisheries Code of 1998.
1982 United Nations Law of the Sea Convention

Secondary Materials

Araya, A.A., Jr. "Empowering the Grassroots by Demystifying the Law." December 6, 2001 <http://www.cyberdyaryo.com.features/f2001_1206_02.htm> July 9, 2004.

Demmke, C. "Towards Effective Environmental Regulation: Innovative Approaches in Implementing and Enforcing European Environmental Law and Policy." Jean Monnet Working Paper 5/01 of the Jean Monnet Program. Harvard Law School, Cambridge, MA., 2001 <<http://www.jeanmonnetprogram.org/apapers/01/010501-02.html>> August 04, 2004.

Diokno, J.W. "Developmental Legal Aid in Rural ASEAN: Problems and Prospects." Working paper, International Commission of Jurists, Penang, Malaysia, 1981.

Department of Environment and Natural Resources, Bureau of Fisheries and Aquatic Resources of the Department of Agriculture, and Department of Interior and Local Government. Philippine Coastal Management Guidebook No. 8: Coastal Law Enforcement (Cebu City, Philippines: Coastal Resource Management Project of the Department of Environment and Natural Resources, 2001).

IBON Databank and Research Center. The Philippine Fisheries (Manila: IBON Foundation, Inc., 1997)

Lynch, O.J. "Building Alliances between the Local People and Lawyers." <<http://www.ciel.org/Publications/olpaper4.html>> August 8, 2004.

Manuel, M.J. "Lawyering with the poor." From the Grassroots: The Justice Reform Agenda of the Poor and Marginalized (n.p., n.d.).

National Statistics and Coordinating Board, "Philippine Standard Geographic Code: Negros Occidental Province." <<http://www.ncsb.gov.ph>> 15 January 2005.

Province of Negros Occidental EDP Division. "Province of Negros Occidental." <<http://www.negros-occ.gov.ph>> 07 August 2004.

Sentro ng Alternatibong Lingap Panlegal (SALIGAN). "Philosophy of Paralegalism." Manual for Paralegals: Violence Against Women, 1999, p. 17-20.

Siam, A. and A. T. White. "Evolution and continuing challenges of coastal management in the Philippines." *Over Seas* 7, no. 7 (July 2005) <<http://www.oceocean.org/overseas/200507/evolution.html>> 15 February 2005.

Interviews

Balajadia, E. Interview by the author. 10 April 2005.

Fuentebella, E., M. Ellaga and R. Dignadice. Interview by the author. 09 April 2005.

Moreno, E., R. Abellar and D. Jayme. Interview by the author. 05 April 2005.

Parcon, E., A. Sampit and R. Santiago. Interview by the author. 06-07 April 2005.

Sabig, C. Interview by the author. 05 November 2004.

Dexter Ian Tabujara, D. I. Interview by the author. 11 April 2005.

Vasquez, M., R. Jamon and B. Heramis, Sr. Interview by the author. 08 April 2005.