

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18th) CONGRESS
First Regular Session

HOUSE BILL NO. 6226



Introduced by MAGSASAKA Party-List Representative
Argel Joseph T. Cabatbat

EXPLANATORY NOTE

This bill was first filed by Representatives Walden F. Bello and Ibarra M. Gutierrez III of AKBAYAN Partylist in the 16th Congress.

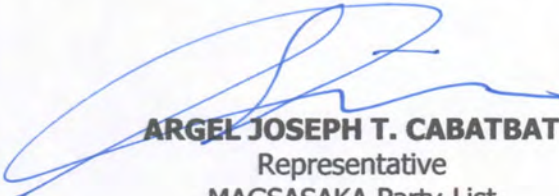
Fish is considered as the second staple food of Filipinos next to rice. This puts fisheries as the second most important subsector of the agriculture industry. It is rather unfortunate then that the management of our natural resources in relation to this remains largely, albeit inadvertently, neglected due to the funding and regulatory scope restrictions of the Bureau of Fisheries and Aquatic Resources (BFAR), the attached agency of the Department of Agriculture tasked to oversee the management of fisheries in the country.

The Philippines' biodiverse ecosystems continue to present vast potentials to millions of Filipinos whose livelihood is dependent on fisheries and thousands more employed through various ancillary industries. Additionally, export earnings derived by the sector contribute significantly to the national economy. However, the continued implementation of ineffective institutional systems to manage these natural and human resources have negatively impacted the sector and our economy.

The crafting of the Comprehensive National Fisheries Industry Development Plan (2006-2025), a 20-year framework aimed at developing a more sustainable industry, is yet to be realized while the multiple key issues and problematic areas it has identified still weigh the industry down. The approaching conclusion of the CNFIDP without significant advances in the fisheries sector provides a clear glimpse of the current policy gaps and weaknesses in their implementation. However, the real and imminent danger of our natural resources reaching its limits places our food production and security as well as social stability further at risk.

Hence, this bill seeks to regulate, capacitate, and strengthen the state's mandate to enable the efficient, holistic, and sustainable use of our ocean, fisheries, and aquatic resources.

In view of the foregoing reasons, the approval of this bill is earnestly sought.



ARGEL JOSEPH T. CABATBAT
Representative
MAGSASAKA Party-List



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AN ACT
CREATING A DEPARTMENT OF OCEAN, FISHERIES AND AQUATIC
RESOURCES, PROVIDING FOR ITS POWERS AND FUNCTIONS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Republic of the Philippines in Congress assembled:

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Short Title. This Act shall be known as the "Department of Ocean, Fisheries and Aquatic Resources Act of 2020."

SECTION 2. Declaration of Policies. It is hereby declared the policy of the State:

a. to promote the sustainable development and management of all fisheries and marine resources in Philippine waters including the exclusive

1 economic zone (EEZ) and in the adjacent high seas consistent with the objective
2 of maintaining a sound ecological balance, protecting and enhancing the quality
3 of the environment;

4
5 b. to protect and conserve the nation's marine wealth in its archipelagic
6 waters, territorial sea and exclusive economic zone and reserve its use and
7 enjoyment exclusively to Filipino citizens;

8
9 c. to adopt the precautionary principle and to prioritize conservation of the
10 country's marine and aquatic resources;

11
12 d. to protect the rights of small-scale fishermen in the preferential use of
13 communal marine, fisheries and aquatic resources;

14
15 e. to protect fisherfolk communities from the adverse effects of climate
16 change and severe weather disturbances.

17
18 **SECTION 3. Department of Ocean, Fisheries and Aquatic**
19 **Resources.** – To carry out the above-declared policy, there is hereby created
20 the Department of Ocean, Fisheries and Aquatic Resources, hereinafter referred
21 to as the Department, which shall operate in accordance with the provisions of
22 this Act.

23
24 **SECTION 4. Mandate.-** The Department shall exercise primary
25 jurisdiction over the management, conservation, development, protection,
26 utilization and disposition of all fishery and aquatic resources of the country,
27 including the habitats of fish and all other marine life and over activities which
28 impact on these habitats, except for municipal waters, which shall remain under
29 the jurisdiction of local government units. The latter shall manage their municipal
30 waters in accordance with existing national fishery policies, laws, rules and
31 regulations.

32
33 The Department shall have the authority to supervise and regulate the
34 production and capture of fish and fishery products within its jurisdiction, as well
35 as the processing and marketing of all fisheries and aquatic products in the
36 country.

37
38 The Department shall have the responsibility of rationalizing all ocean
39 sector initiatives which impact on fish and marine resources or their habitat
40 including, but not limited to: marine energy exploration and development;
41 coastal and marine tourism; designation of shipping lanes; protected areas; and,
42 marine industry development areas. The regulation of these marine activities,
43 once rationalized by the Department, shall reside with the parent agency for the
44 appropriate sector involved.

1 **SECTION 5. Powers and Functions.** - To accomplish its mandate, the
2 Department shall have the following powers, functions and responsibilities:

- 3
- 4 (a) Authority and responsibility over ocean use on fisheries and their habitat;
- 5
- 6 (b) Coordinate the implementation of fisheries and ocean sector policies,
7 plans and laws for all maritime components;
- 8
- 9 (c) Promulgate and enforce fisheries and oceans habitat regulations, clarify
10 and amplify the aforementioned departmental mandate in accordance
11 with the published fisheries and oceans management and protection plans
12 within its territorial jurisdiction;
- 13
- 14 (d) Prepare and implement a comprehensive Fisheries Management and
15 Protection Plan, based on the precautionary principle and the principle of
16 sustainable development, using scientifically-generated information or
17 best available evidence on the status of the fisheries and marine
18 resources;
- 19
- 20 (e) Formulate and implement, consistent with the development framework of
21 the National Economic and Development Authority (NEDA), a fishery
22 industry development program and set policies and standards for the
23 efficient and economic operations of the fishing industry in accordance
24 with the objectives of food security and sustainable development;
- 25
- 26 (f) Promulgate laws, rules and regulations governing the conservation and
27 proper utilization of fisheries and aquatic resources except in municipal
28 waters;
- 29
- 30 (g) Issue licenses for the operation of commercial fishing vessels and permits
31 for the conduct of fishery activities subject to the specific carrying
32 capacities of the resource as determined by scientific studies or best
33 available evidence with preference given to resource users in the local
34 communities living adjacent or nearest to the municipal waters;
- 35
- 36 (h) Issue fish worker licenses and identification cards free of charge to fish
37 workers engaged in commercial fishing;
- 38
- 39 (i) Implement the provisions of Republic Act No. 8550 and the relevant
40 provisions of Republic Act No. 8435 and enforce all fishery laws, rules and
41 regulations through its fishery officers and guardians who shall be vested
42 with full police powers including arrest, search and seizure and through
43 deputized government officials and employees, punong barangays and

- 1 officers and members of fisher folk associations who have undergone
2 training on law enforcement;
3
- 4 j) Perform quasi-judicial and allied functions and settle conflicts of resource
5 use and allocation in consultation with the NFARMC and LGUs;
6
- 7 (k) Prescribe rules and regulations including visitorial powers, procedures and
8 guidelines concerning the classification, establishment, construction,
9 maintenance and operation of all fishing ports, landing sites and fish
10 markets and the operation of business therein except those that are
11 owned and operated by local government units;
12
- 13 (l) Establish and maintain a Philippine Fisheries and Aquatic Resources
14 Information System (PFARIS) that will function as the principal depository
15 and information server of all fisheries and ocean-related information in the
16 country, including but not limited to the status of fisheries and marine
17 resources and their habitat, all matters pertaining to fisheries production,
18 processing, marketing and research results and technology advances;
19
- 20 (m) Develop and implement a Monitoring Control and Surveillance System
21 (MCSS) for Philippine fisheries and oceans at the national and regional
22 levels to ensure that the fisheries and marine resources in Philippine
23 waters are judiciously and wisely utilized and managed on a sustainable
24 basis;
25
- 26 (n) Actively engage in the conservation, protection and rehabilitation of rare,
27 threatened and endangered marine and fresh-water species as it may
28 determine, including their habitats;
29
- 30 (o) Implement relevant provisions of international treaties and agreements
31 such as, but not limited to, the Convention on the International Trade in
32 Endangered Species of Wild Flora and Fauna, United Nations Convention
33 on the Law of the Sea, Convention on Biological Diversity, and formulate
34 rules and regulations for the conservation and management of straddling
35 fish stocks and highly migratory species;
36
- 37 (p) Designate marine areas as protected areas for the special purposes stated
38 in the notice of declaration;
39
- 40 (q) Formulate and enforce the Code of Practice for Aquaculture and Code of
41 Conduct for Responsible Fisheries;
42
- 43 (r) Promote international economic and technical cooperation in the fisheries
44 and oceans sectors and in integrated oceans management, especially

- 1 within the ASEAN region;
- 2 (s) Impose administrative sanctions including fines for minor fisheries and
- 3 ocean infractions, in accordance with the schedules and limits as agreed
- 4 upon by the Department of Justice and embodied in fisheries regulations;
- 5
- 6 (t) Acquire, maintain, operate, purchase, lease or dispose, through the
- 7 Philippine Fisheries Development Authority (PFDA), equipment and
- 8 facilities such as shipyards, fishing vessels, fishing gears, and refrigerated
- 9 trucks, ice plants and cold storages, communication, and aquaculture
- 10 facilities;
- 11
- 12 (u) Fix, assess and collect reasonable fees, tolls, charges, rentals and the like,
- 13 through the PFDA, for the use, sale of properties, equipment, facilities and
- 14 services to support the Department's projects and to adjust the same as
- 15 warranted;
- 16
- 17 (v) Provide, through the PFDA, infrastructure support such as municipal
- 18 fishing ports and markets, farm-to-market roads, quality laboratories in
- 19 fish ports, marketing facilities, local fisheries shipbuilding and repair
- 20 facilities, and post-harvest facilities, in cooperation with concerned
- 21 agencies;
- 22
- 23 (w) Establish and implement, through the PFDA, a National Marketing
- 24 Assistance Program, aimed at ensuring the generation of the highest
- 25 possible income for fisher folk and fishery-related enterprises, matching
- 26 supply and demand in both domestic and foreign markets;
- 27
- 28 (x) Establish and create fisherfolk settlement areas in coordination with
- 29 concerned agencies, where certain areas of the public domain, specifically
- 30 near the fishing grounds, shall be reserved for the settlement of the
- 31 municipal fisherfolk;
- 32
- 33 (y) Administer a fisheries modernization credit program to finance fishery
- 34 projects of fisher folks, fish farmers, fish processors, commercial fishers
- 35 and other qualified borrowers; and
- 36
- 37 (z) Perform all other functions consistent with this Act and as may be
- 38 provided by law.
- 39

40 **CHAPTER II**

41 **THE DEPARTMENT PROPER**

42

43 **SECTION 6. Composition.** - The Department Proper shall be composed

44 of the Offices of the Secretary, the Undersecretaries, the Assistant Secretaries,

bureaus, divisions and services of the Department.

SECTION 7. - The Secretary of Fisheries and Aquatic Resources.

The Secretary of Fisheries and Aquatic Resources, hereinafter referred to as the Secretary, shall be appointed by the President with the consent of the Commission on Appointments, and shall have the following functions:

(a) Exercise supervision and control of the Department and the Bureaus, Offices and Institutes under it;

(b) Authority and responsibility for the performance of the powers and functions of the Department;

(c) Advise the President on the promulgation of policies, rules and regulations, and other issuances relative to the sustainable development and management of fisheries and oceans resources;

(d) Establish management policies and standards for the efficient and effective operation of the Department in accordance with the programs of the government;

(e) Promulgate rules, regulations and other issuances in carrying out the Department's mandates, objectives, policies, plans, programs and projects; and

(f) Perform such other functions as may be provided by law or assigned by the President.

SECTION 8. Functions of the Undersecretaries of the Department of Fisheries and Aquatic Resources. - There shall be three (3) Undersecretaries, namely: the Undersecretary for Fisheries Production and Utilization; the Undersecretary for Fisheries Conservation and Management; and the Undersecretary for Operations; who shall be appointed by the President upon the recommendation of the Secretary.

The Undersecretaries for Fisheries Production and Utilization and for Fisheries Conservation and Management shall have the following functions:

(a) Advise the Secretary on the formulation of policies, programs, plans, rules and regulations, as well as on the promulgation of Department Order, Administrative Orders, and other issuances with respect to his/her area of responsibility;

(b) Exercise supervision and control over the bureaus, offices, services and operating units under his/her responsibility;

1 (c) Coordinate the functions and activities of the units under his/her
2 responsibility with those of other units in the Department;

3
4 (d) Liaise with concerned government departments, agencies, and
5 offices to ensure effective coordination in the management of the fisheries and
6 oceans sector; and

7
8 (e) Perform such other functions as may be provided by law or assigned
9 by the Secretary.

10
11 The Undersecretary for Operations shall have the following functions:

12
13 (a) Exercise supervision and control over the regional offices;

14
15 (b) Coordinate, harmonize and package the policies, plans, programs
16 and projects of all the Bureaus, Services, Offices and Units of the Department,
17 for the proper implementation by the regional offices;

18
19 (c) Advise the Secretary in the formulation of policies, plans and
20 programs as well as on the promulgation of rules, regulations and orders with
21 respect to his/her area of responsibility;

22
23 (d) Exercise supervision and control over the Fisheries Inspection and
24 Quarantine Service and the Bureau of Fishery Economics and Statistics;

25
26 (e) Establish linkage with local government units, local fisher folk
27 associations and organizations, non-government organization and peoples'
28 organization and supervise support and extension services at the regional,
29 provincial and municipal levels; and

30
31 (f) Perform other functions as may be provided by law or assigned by
32 the Secretary.

33
34 **SECTION 9. Assistant Secretaries.** - There shall be three (3) assistant
35 secretaries, namely, Assistant Secretary for Fisheries Production and Utilization;
36 Assistant Secretary for Fisheries Conservation and Management; and the
37 Assistant Secretary for Operations. The Assistant Secretaries shall be
38 appointed by the President upon the recommendation of the Secretary.

39
40 **SECTION 10. Regional Offices.** - The Department shall have such
41 department-wide regional offices as may be necessary in the administrative
42 regions, each to be headed by a Regional Director, who shall be assisted by an
43 Assistant Regional Director, and each regional office shall have support personnel
44 as may be necessary and four line divisions which shall have the following duties

1 and responsibilities:

2 (1) Provide efficient and effective front-line service to the fishery and
3 aquatic industry sector, particularly to the municipal fishermen;

4
5 (2) Implement in its area of jurisdiction, the laws, policies, plans, programs,
6 projects, rules and regulations of the Department;

7
8 (3) Coordinate with the Regional Office of other departments, offices and
9 agencies in the region; and

10
11 (4) Perform other functions as may be provided by law or assigned by the
12 Secretary.

13
14 **SECTION 11. Qualifications.** - No person shall be appointed as
15 Secretary, Undersecretary or Assistant Secretary of the Department unless he or
16 she is a citizen or resident of the Philippines, of good moral character, at least a
17 degree holder in fisheries, public administration, management, economics, law or
18 any other equivalent relevant discipline, has actual experience in public
19 administration and management for at least ten (10) years.

20
21 The Directors of the Bureau, Offices and Agencies and the Regional Directors
22 shall be appointed by the Secretary, upon recommendation of the
23 Undersecretaries concerned. The Directors must have a degree in law or Master
24 of Science degree in marine fisheries, oceanography, fisheries biology, marine
25 biology, fisheries technology, microbiology or related sciences, or public
26 administration and at least five years of experience either in the public or private
27 sector, in marine fisheries research and development, or in the fisheries industry.

28
29 **SECTION 12. Bureaus, Offices and Divisions.** – Subject to the power
30 of the Secretary, with the approval of the President, to reorganize, restructure,
31 and redefine the functions of the bureaus, in order for them to effectively carry
32 out their mandate under this Act, the Department shall have the following
33 bureaus and services:

34
35 Under the supervision and control of the Undersecretary for Fisheries Production
36 and Utilization, the following bureaus, services and offices are hereby created:

37
38 (1) Bureau of Aquaculture und Inland Fisheries (BAIF) – The BAIF shall,
39 among others, be responsible for:

40
41 1.1. regulating aquaculture operations in line with the International
42 Code of Conduct for Aquaculture, promoting the intensification of
43 aquaculture operations in existing areas;
44

- 1.2. formulating aquaculture development programs; establishing and maintaining model aquaculture farms and ponds;
- 1.3. providing technical assistance to cooperatives and fishpond operators in the development of a viable fishmeal and fish feeds industry, undertaking inland fishery resources evaluation;
- 1.4. and recommending management and conservation measures.

The Bureau shall be headed by a Director and assisted by one Assistant Director. The bureau shall be composed of the following divisions: Aquaculture Management and Development Division; Inland Fisheries Resource Assessment and Conservation Division; Inland Fishery Development and Extension Division; and the Environmental Impact Assessment and Monitoring Division.

(2) Bureau of Post-harvest and Fisheries Product Standards (BPFPS) – The fishery component of the Bureau of Agriculture and Product Standards created under Section 61 of RA 8435 shall be transferred to the BPFPS which shall:

- 2.1. formulate and enforce standards of quality in the processing, preservation, packaging, labeling, importation, exportation, distribution, and advertising of fishery products;
- 2.2. conduct research on product standardization, alignment of the local standards with the international standards;
- 2.3. promote and strengthen semi-processing and handling;

The BPFPS shall have a Director, two Assistant Directors, one for Product Standards and Technical Services and the other for Industry Compliance and Consumer Protection and the following divisions:

Under the Assistant Director for Product Standards and Technical Services are the:

1. Technical Services Division;
2. Fish Processing Technology Division;
3. Standards Development and Promotion Division; and
4. the Value-added Products Development and Promotion Division.

Under the Assistant Director for Industry Compliance and Consumer Protection are the:

1. Industry Compliance Division;
2. Consumer Affairs Division; and
3. the Arbitration and Dispute Resolution Division.

(3) Bureau of Fisheries Extension, Training, and Support Service (BFETSS) –
The BFETSS shall:

- 3.1. coordinate all development activities with respect to fisheries and oceans technology, and shall have a development section for all components including inland and oceans fishing;
- 3.2. formulate a National Extension System for Fisheries, which shall be composed of three (3) subsystems: the national government subsystem, the local government subsystem and the private sector subsystem;
- 3.3. deliver the following major services: training services; credit and financing support services, business advisory services; demonstration services, and information and communication support services through tri-media. I

It shall have the following divisions:

1. Training and Skills Development Division;
2. Technology Transfer and Demonstration Division;
3. Business Advisory and Information Support Division; and
4. Training Centers.

(4) The Bureau of Fishing Technology and Capture Fisheries (BFTCF) - The BFTCF shall have direct supervision and control over the utilization of marine resources including commercial, international and small-scale fisheries. It shall formulate development programs for the expansion of the marine fishery industry; explore new fishery resources and development of environment friendly but efficient fishing gears.

It shall be headed by a Director and two Assistant Directors and shall have the following divisions: Municipal Fisheries Division; Commercial Fisheries Division; Fishing Technology Division and the High Seas Fisheries Division.

(5) The Fisheries Modernization Credit and Financing Agency (FMCFA) – The FMCFA shall administer the funds under Sections 108 to 113 of RA 8550 as well as the fisheries related provisions of Sections 20 to 25 of RA 8435, harmonizing and integrating the two so as to package and deliver various credit assistance programs for the following:

- 5.1. Fisheries production including processing of fisheries products and inputs;
- 5.2. Acquisition or construction of fishery equipment, machinery, fishing vessels and fishing gears;

1 5.3. Acquisition of fry, fingerlings, fertilizers, feeds and similar items;

2 5.4. Procurement of fisheries products for storage, trading, processing and
3 distribution;

4
5 5.5. Construction, acquisition and repair of facilities for production,
6 processing, storage, transportation, communication, marketing and such other
7 facilities in support of fisheries; economic activities;

8
9 5.6. Working capital for fisheries graduates to enable them to engage in
10 fisheries-related activities which support marine and freshwater bodies
11 conservation and ecology-enhancing activities such as but not limited to
12 mangrove reforestation, promotion of whale shark and manta ray and other
13 endangered marine species watching and ecotourism;

14
15 5.7. Development of appropriate technology, both in fishery and ancillary
16 industries that are ecologically sound, locally source-based and labor intensive,
17 based on the requirements of the Fisheries and Aquatic Management Councils.

18
19 Under the supervision and control of the Undersecretary for Fisheries
20 Conservation and Management, the following bureaus, units, board and services
21 are hereby created:

22
23 (1) Marine Resources Conservation and Management Bureau – The Marine
24 Resources Conservation and Management Bureau is a line bureau tasked with
25 the formulation and implementation of a Comprehensive Fisheries Management
26 Plan. It shall undertake marine fishery resources assessment and biological and
27 environmental investigations and formulate conservation measures. In
28 coordination with the National Fisheries Research and Development Institute, it
29 shall determine and establish the carrying capacity and total allowable catch
30 (TAC) for a particular resource and location. It shall set the allowable fishing
31 effort based on the carrying capacity of the resource and TAC and accordingly
32 issue commercial fishing licenses and permits.

33
34 It shall be headed by a Director and two Assistant Directors and shall have the
35 following divisions:

- 36
37 (1) Coastal Resources Management Division;
38 (2) Oceanography Division;
39 (3) Fisheries Licensing Division;
40 (4) Biotechnology, Bio-safety and Bio-prospecting Division; and the
41 (3) Fisheries Law Enforcement Division.
42

1 The Fisheries Law Enforcement Division shall operate the National and Zonal
2 Monitoring Surveillance System. It shall establish fishery air and ocean patrol as
3 well as conduct law enforcement trainings and recommend to the Secretary the
4 deputation of government employees and members of fisher folk associations as
5 fishery guardians. It shall have the supervision and control of fishery officers and
6 guardians and the corps of specialists responsible for the enforcement of fishery
7 laws, rules and regulations and the efficient monitoring and surveillance of
8 fishing activities within Philippine territorial waters. It shall have the following
9 units:

10
11 (a) The National and Fisheries Zone Monitoring and Surveillance
12 Center which shall have a National Coordinating Center and several
13 Fisheries Zones Monitoring and Surveillance Centers. It is further
14 subdivided into the Vessel Tracking and Remote Sensing Office,
15 and the Database and Information Center;

16
17 (b) The Fisheries Air Patrol and Oceans Patrol, and the Regulatory
18 Staff composed of Fishery Officers, Deputized Fisheries Guardians
19 and the corps of specialists from the DND, PNP-MARICOM, DILG,
20 DFA and DOJ. The Fishery Officers shall have full police powers
21 relative to the enforcement of fishery laws, rules and regulations
22 including arrest, search and seizure, and shall have the authority to
23 directly file complaints for violation of fishery laws, rules and
24 regulations.

25
26 (2) The Bureau of Marine Protected Areas and Wildlife (BMPAW) – The
27 BMPAW is a line bureau responsible for establishing and maintaining marine
28 protected areas and wildlife sanctuaries. It shall lead in the conduct of scientific
29 researches on the proper strategies for the conservation and protection of
30 marine wildlife and their habitat including breeding or propagation. It shall also
31 establish Marine Wildlife Rescue Centers to take custody of all confiscated,
32 stranded or abandoned marine wildlife. It shall have the authority to issue
33 Committee on International Trade on Endangered Species (CITES) Permits and
34 shall be both the CITES Management and Scientific Authorities of the Philippines.
35 It shall be the lead agency in the fulfillment of the country's obligations under
36 CITES, the Convention on Biological Diversity and other treaties and international
37 agreements. Related functions and activities currently undertaken the Protected
38 Areas and Wildlife Bureau (PAWB) of the Department of Environment and
39 Natural Resources are now transferred to the BMPAW. Likewise, all established
40 marine protected areas currently supervised by the PAWB shall now be
41 transferred to the BMPAW for supervision and management.

1 The Bureau shall have the following divisions:

- 2 (1) Marine Protected Areas Division;
- 3 (2) Marine Wildlife Rescue Centers;
- 4 (3) CITES Management Authority;
- 5 (4) Endangered Marine Species Captive Breeding Centers;
- 6 (5) Endangered Marine Wildlife Research Center shall be the Department's
- 7 CITES Scientific Authority which shall coordinate with academic
- 8 institutions designated as scientific authorities; and the
- 9 (6) Biodiversity Division

10
11 The Undersecretary for Operations shall have direct control and supervision over
12 all regional offices and the following unit and bureau:

13
14 (1) The Fisheries Inspection and Quarantine Inspection Service (FIQIS) – The
15 FIQIS shall have line functions and shall be responsible for the inspection and
16 quarantine of all fishery related activities including the conduct of quarantine and
17 quality inspection of all fish and fishery/aquatic products coming into and going
18 out of the country by air or water transport to detect the presence of fish pest
19 and diseases, the regular inspection of processing plants, storage facilities,
20 abattoirs, as well as public and private markets in order to ensure freshness,
21 safety and quality of products and to ensure that these products conform to the
22 standards prescribed by the Department; and the quarantine of aquatic animals
23 and fishery products determined or suspected to be with fishery pest and
24 diseases and prevent the movement or trade from and or into the country of
25 these products so prohibited or regulated under existing laws, rules or
26 regulations and international agreements of which the Philippine is a State Party.

27
28 It shall have the following units:

- 29
30 (1) Regional fishery Inspection and Quarantine Offices;
- 31 (2) Cyanide Detection Centers;
- 32 (3) Product Standards Enforcement Division;
- 33 (4) Regional Fish Health Centers.

34
35 (2) The Bureau of Fishery Economics and Statistics (BFES) – The BFES shall
36 be a line bureau responsible for establishing benchmark data on the structure of
37 the fishery industry. It shall conduct research and studies on the socio-economics
38 of various fishery operations, collect data on fishery production, and establish a
39 network of fishery information, documentation and dissemination.

1 It shall have the following divisions:

- 2
3 (1) Fishery Statistics Division;
4 (2) Socioeconomic Division; and the
5 (3) Fishery Information Division.
6

7 There shall be an Office of Ocean and Marine Affairs shall have authority and
8 responsibility over ocean use. It shall be the Department's primary agency tasked
9 with the implementation of the National Marine Policy and the relevant provisions
10 of the United Nations Convention on the Law of the Sea. Any and all use of the
11 ocean shall require the assessment and clearance by this Office, which shall
12 rationalize initiatives that will negatively impact on fisheries or their habitat. It
13 shall coordinate the implementation of fisheries and ocean sector policies, plans
14 and laws for all maritime components. It shall be headed by a Director and shall
15 have the following divisions:

- 16
17 (a) Oceans Use Assessment and Clearance Division;
18 (b) National and International Oceans Law and Policy Division;
19 (c) Special Projects Division; and
20 (d) Technical Division.
21

22 The Philippine Fisheries Development Authority (PFDA) created by Presidential
23 Decree No. 977 as amended, shall be an attached agency of the Department of
24 Fisheries and Aquatic Resources under the Office of the Secretary.
25

26 **CHAPTER IV** 27 **TRANSITORY PROVISIONS** 28

29 **SECTION 13. Abolition, Transfer and Merger.** The Bureau of
30 Fisheries and Aquatic Resources reconstituted by Republic Act No. 8550, is
31 hereby abolished and its relevant functions, appropriations, records, properties,
32 equipment and personnel are hereby transferred to the Department of Fisheries
33 and Aquatic Resources: Provided, however, That no official or employee of the
34 BFAR shall be laid off in the implementation of this section. The National and
35 Municipal Fisheries and Aquatic Resources Management Councils created by
36 Republic Act No. 8550 shall be transferred to the Office of the Secretary of the
37 Department of Fisheries and Aquatic Resources.
38

39 The National Fisheries Research and Development Institute created by Republic
40 Act No.8550 is transferred to the Department and shall serve as its principal
41 research arm. The Philippine Fisheries Development Authority created by
42 Presidential Decree No. 977 including its relevant functions, appropriations,
43 records, properties, equipment and personnel, is hereby transferred to the
44 Department of Fisheries and Aquatic Resources as an attached agency under the

Office of the Secretary: Provided, however, That the Secretary of the Department of Fisheries and Aquatic Resources shall be the new chairman of the Board: Provided, further, That no official or employee of the PFDA shall be laid off in the implementation of this Section.

The Philippine Technical Advisory Committee of the SEAFDEC Aquaculture Department created under Executive Order No. 834 dated October 4, 1982, including its relevant functions, appropriations; records, properties, equipment and personnel, is hereby transferred and attached to the Department of Fisheries and Aquatic Resources: Provided, That no official or employee of the Board shall be laid off in the implementation of this section.

The fisheries related functions of the Laguna Lake Development Authority, including its relevant appropriations, records, and personnel, are hereby transferred to the Department of Fisheries and Aquatic Resources: Provided, however, that no official or employee of the LLDA shall be laid off in the implementation of this Section.

The Philippine Council for Aquatic and Marine Research and Development is abolished and all its personnel, records, appropriations, property and equipment are transferred to the National Fisheries Research and Development Institute of the Department of Fisheries and Aquatic Resources.

The Marine Research and Conservation Division and the different Sections and the Coastal Environment Program including its relevant appropriations, personnel, records, property and equipment, all marine and coastal related projects and programs of the Department of Environment and Natural Resources, and all fisheries related functions of the DENR under Executive Orders No. 192 and 292, except the functions of the enforcement of water pollution laws, rules and regulations, are hereby transferred to the Department of Fisheries and Aquatic Resources.

The fisheries-related sections of the Bureau of Agricultural Research, the Bureau of Agricultural Statistics and the Agricultural Training Institute of the Department of Agriculture are hereby abolished and all its personnel, records, appropriations, property and equipment are transferred to the Department of Fisheries and Aquatic Resources.

SECTION 14. Transitory Provisions. In accomplishing the acts of organizing the department as herein prescribed, the following provisions shall be complied with:

(a) The transfer of a government unit or agency shall include the functions, appropriations, funds, records, equipment, facilities, chooses in action rights, other assets and liabilities, if any, of the transferred unit or agency as well as the personnel thereof, as may be necessary, who shall, pending reappointment,

1 continue to perform their respective duties and responsibilities and receive the
2 corresponding salaries and benefits in a hold-over capacity.

3 (b) The transfer of functions which results in the abolition of the government unit
4 or agency that has exercised them, shall include the appropriations, funds,
5 records, equipment, facilities, chooses in action, rights, other assets and
6 personnel as may be necessary to the proper discharge of the transferred
7 functions. Its liabilities, if any, shall likewise be treated in accordance with the
8 Government Auditing Code and other pertinent laws, rules and regulations. Its
9 personnel shall, pending reappointment, continue to perform their duties and
10 responsibilities and receive the corresponding salaries and benefits in a holdover
11 capacity.

12
13 **SECTION 15. Organization Committee.** The duly appointed Secretary
14 of Fisheries and Aquatic Resources shall immediately create an organization
15 committee which shall study and formulate the staffing pattern, qualification
16 standards, and placement of personnel in the Department, its services, bureaus,
17 and offices. The Committee shall be composed of representatives from the
18 Department of Budget and Management, Civil Service Commission, the fishery
19 industry, fisherfolk organizations, non-government organizations and the
20 academe.

21
22 **SECTION 17. Appropriations.** For the effective implementation of this
23 Act, the amount of Php 5 billion pesos is hereby appropriated from the
24 unappropriated funds of the National Treasury and the current budgetary
25 appropriations of the Bureau of Fisheries and Aquatic Resources, including its
26 regional offices, the appropriations of the Philippine Fishing Development
27 Authority, and the budgetary provision of the Philippine Council for Aquatic and
28 Marine Research Development. The amount necessary for the construction of a
29 national office of the Department of Fisheries and Aquatic Resources equivalent
30 to P500,000,000.00 is hereby appropriated from the unappropriated funds of the
31 National Treasury. The revenues which the Department will generate from its
32 licensing operations, the fees collected and the proprietary services delivered by
33 the Department, and the administrative fines imposed by the National Fisheries
34 Regulatory and Adjudication Bond shall constitute the Department's revolving
35 fund from which amounts necessary to carry out the special research projects,
36 management and conservation programs, staff development programs, and the
37 acquisition of equipment, vessels, and airplanes, helicopters of the Monitoring
38 and Surveillance Center shall be taken: Provided, however, That the fishpond
39 rentals shall accrue to the National Fisheries Research and Development Institute
40 as provided under Section 46 (c) of Republic Act No. 8550. The use of such
41 funds shall be subject to COA rules and regulations.

1 **SECTION 18. Separability Clause.** If any provision of this Act is
2 declared Unconstitutional, or inoperative, the other provisions not so declared
3 shall remain in force and effect.
4

5 **SECTION 19. Repealing Clause.** All laws, decrees, orders, rules and
6 regulations or parts thereof inconsistent with this Act or the rules and regulations
7 promulgated pursuant thereto are hereby repealed or amended accordingly.
8

9 **SECTION 20. Effectivity.** This Act shall take effect fifteen (15) days
10 after publication in two (2) national newspapers of general circulation.

Approved,