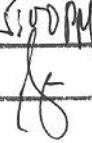


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session
House Bill No. 1925

HOUSE OF REPRESENTATIVES	
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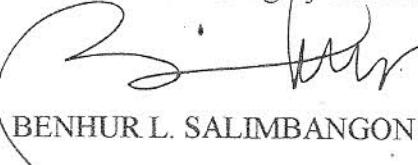
Introduced by Representative Benhur L. Salimbangon

This bill seeks to create the Department of Ocean, Fisheries and Aquatic Resources.

The Philippines is an archipelagic state, it comprises of more than seven thousand islands. Its water is seven times larger than the land area. The abundance of the marine life no doubt plays a major role in helping the country's resources. However, the regulatory power, policy making program and its implementation is not sufficient considering the lack of an inherent authority being run by a bureau under the Department of Agriculture which is a department tasked with huge functions and responsibilities in the field of agriculture alone. Among the Asian countries, only the Philippines is being run by a bureau.

The creation of the department would enable the government to focus more on the development, improvement, management and conservation of the country's ocean, fisheries, marine and aquatic resources. This will put our country at par with the modern fishing industries in Asia.

In view of the foregoing, approval of this bill is highly recommended.



BENHUR L. SALIMBANGON

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1925

Introduced by HON. BENHUR L. SALIMBANGON

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

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

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

3 SEC. 2. *Declaration of Policies.* - It is hereby declared the policy of the State:

- 4 a. to promote the sustainable development and management of all fisheries and marine
5 resources in Philippine waters including the exclusive economic zone (EEZ) and in the
6 adjacent high seas, consistent with the objective of maintaining a sound ecological
7 balance, protecting and enhancing the quality of the environment;
- 8 b. to protect and conserve the nation's marine wealth in its archipelagic waters, territorial
9 sea and exclusive economic zone and reserve its use and enjoyment exclusively to
10 Filipino citizens;
- 11 c. to adopt the precautionary principle and to prioritize conservation of the country's marine
12 and aquatic resources;
- 13 d. to protect the rights of small-scale fishermen in the preferential use of communal marine,
14 fisheries and aquatic resources;
- 15 e. to protect fisherfolk communities from the adverse effects of climate change and severe
16 weather disturbances;
- 17 f. to promote food security and shall adopt a market approach in assisting the fisheries
18 sectors while recognizing the contribution of the sector to food security, environmental
19 protection; and
- 20 g. to promote market-oriented policies in production to encourage fisherfolks to engage in
21 efficient and effective means of livelihood with the end view of developing such sectors
22 while modernizing the fisheries sector in a technology-based industry.

23 SEC. 3. *Creation.* - To carry out the above-declared policy, there is hereby created the
24 Department of Ocean, Fisheries and Aquatic Resources, hereinafter referred to as the
25 Department.

1 SEC. 3. *Creation.* – To carry out the above-declared policy, there is hereby created the
2 Department of Ocean, Fisheries and Aquatic Resources, hereinafter referred to as the
3 Department.

4 SEC. 4. *Jurisdiction of the Department.* - The Department shall have primary jurisdiction
5 over the management, conservation, development, protection, utilization and disposition of
6 all aquaculture, fisheries and aquatic resources of the country, including the habitats of fish
7 and all other marine life and other activities which impact on these habitats, except for
8 municipal waters, which shall remain under the jurisdiction of local government units. The
9 latter shall manage their municipal waters in accordance with national fisheries policies, laws,
10 rules and regulations.

11 The Department shall have the authority to supervise and regulate the production and
12 capture of fish and fisheries products within its jurisdiction, as well as the harvesting,
13 utilization, transport, storage, processing and marketing of all aquaculture, fisheries and other
14 aquatic products in the country.

15 The Department shall also have the responsibility of rationalizing all ocean sector
16 initiatives which impact on fish and marine resources or their habitat including, but not
17 limited to: marine energy exploration and development; coastal and marine tourism;
18 designation of shipping lanes; protected areas and marine industry development areas. The
19 regulation of these marine activities, once rationalized by the Department, shall devolve upon
20 the parent agency for the appropriate sector involved.

21 SEC. 5. *Powers and Functions.* - To accomplish its mandate, the Department shall have
22 the following powers, functions and responsibilities:

- 23 a) Exercise authority and responsibility over oceans use on fisheries and their habitat;
- 24 b) Coordinate the implementation of fisheries and ocean sector policies, plans and laws for
25 all marine components;
- 26 c) Promulgate and enforce fisheries and oceans habitat regulations, which clarify and
27 amplify the aforementioned departmental mandate in accordance with the published
28 fisheries and oceans management plans;
- 29 d) Prepare and implement a Comprehensive National Fishery Industry Development Plan
30 (CNFIDP) based on the precautionary principle and the principle of sustainable
31 development, using scientifically – generated information or best available evidence on
32 the status of the fisheries and marine resources.
- 33 e) Formulate and implement a Comprehensive Fishery Research and Development Program,
34 such as, but not limited to, sea farming, sea ranching, tropical/ornamental fish and

- 1 seaweed culture, aimed at increasing resource productivity, improving resource use
2 efficiency, and ensuring the long-term sustainability fisheries and aquatic resources;
- 3 f) Set policies and standards based on the CNFIDP for the efficient and economic
4 operations of the fishing industries, in accordance with the objectives of food security and
5 rational and sustainable development consistent with the development framework of the
6 National Economic Development Authority (NEDA);
- 7 g) Promulgate rules and regulations governing the conservation, proper utilization, and
8 rehabilitation of fisheries and aquatic resources, except in municipal waters;
- 9 h) Issue licenses for the operation of commercial fishing vessels and permits for the conduct
10 of fisheries activities, subject to the specific carrying capacities of the resource as
11 determined by scientific studies or best available evidence with preference given to
12 resource users in the local communities living adjacent or nearest to the municipal waters;
- 13 i) Issue fishworker licenses and identification cards free of charge to fishworkers engaged in
14 commercial fishing;
- 15 j) Implement the provisions of Republic Act No. 8550 and the relevant provisions of
16 Republic Act Nos. 8435, 8425 and 9147 and enforce all fisheries laws, rules and
17 regulations through its fisheries officers and law enforcement agents who shall be vested
18 with full police powers including arrest, search and seizure and through deputized
19 government officials and employees, punong barangays and officers and members of
20 fisherfolk associations who have undergone training on law enforcement;
- 21 k) Perform quasi-judicial and allied functions and settle conflicts of resource use and
22 allocation in consultation with the FARMCs and LGUs;
- 23 l) Prescribe rules and regulations including visitorial powers, procedures and guidelines
24 concerning the classification, establishment, construction, maintenance and operation of
25 all fishing ports, landing sites and fish markets and the operation of business therein,
26 except those that are owned and operated by local government units;
- 27 m) Coordinate with the LGUs and other concerned agencies for the establishment of
28 productivity-enhancing and market development programs in fishing communities to
29 enable women to engage in other fisheries/economic activities and contribute to
30 development efforts;
- 31 n) Establish and maintain a Philippine Fisheries and Aquatic Resources Information System
32 (PFARIS) that will function as the principal depository and information server of all
33 fisheries and ocean-related information in the country, including but not limited to the

- status of fisheries and aquatic resources and their habitat, all matters pertaining to fisheries production, processing, marketing and research results and technology advances;
- o) Develop and implement a Monitoring Control and Surveillance System (MCSS) for Philippine fisheries and oceans at the national and regional levels to ensure that the fisheries and aquatic resources in Philippine waters are judiciously and wisely utilized and managed on a sustainable basis;
 - p) Actively engage in the conservation, protection and rehabilitation of rare, threatened and endangered aquatic species as it may determine, including their habitats;
 - q) Assist the LGUs in developing their technical capabilities in the development, management, regulation, conservation, and protection of the fisheries resources;
 - r) Implement relevant provisions of international treaties and agreements such as, but not limited to, the Convention on the International Trade in Endangered Species of Wild Flora and Fauna, United Nations Convention on the Law of the Sea, Convention on Biological Diversity, and formulate rules and regulations for the conservation and management of straddling fish stocks and highly migratory species;
 - s) Designate in cooperation with the LGUs marine areas as protected areas for the special purposes stated in the notice of declaration;
 - t) Enforce the Code of Practice for Aquaculture and Code of Conduct for Responsible Fisheries;
 - u) Promote international economic and technical cooperation in the fisheries and oceans sectors and in integrated oceans management, especially within the ASEAN region;
 - v) Impose administrative sanctions, including fines for fisheries and ocean infractions, in accordance with the schedules and limits in consultation with the Department of Justice and embodied in fisheries regulations;
 - w) Acquire, maintain, operate, purchase, ease or dispose, through the Philippine Fisheries Development Authority (PFDA), equipment and facilities such as shipyards, fishing vessels, fishing gears, and refrigerated trucks, ice plants and cold storages, communication, and aquaculture facilities;
 - x) Fix, assess and collect reasonable fees, tolls, charges, rentals and the like, through the PFDA, for the use, sale of properties, equipment, facilities and services to support the Department's projects and to adjust the same as warranted;
 - y) Provide through the PFDA infrastructure support such as municipal fishing ports and markets, farm-to-market roads, quality laboratories in fish ports, marketing facilities,

1 local fisheries ship-building and repair facilities, and post-harvest facilities, in
2 cooperation with concerned agencies;

- 3 z) Establish and implement, through the PFDA, a National Marketing Assistance Program,
4 aimed at ensuring the generation of the highest possible income for fisherfolk and fishery-
5 related enterprises, matching supply and demand in both domestic and foreign markets;
6 aa) Administer an effective fisheries modernization credit program for business projects of
7 fisherfolk, fish farmers, fish processors, commercial fishers and other qualified
8 borrowers; and

9 bb) Perform all other functions consistent with this Act and as may be provided by law.

10 **SEC. 6. Structural Organization.** - The Department shall consist of the Department
11 Proper, its Bureaus, the Regional Offices, National Technology Centers and Regional
12 Fisheries Training Centers.

13 The Department Proper shall consist of the Offices of the Secretary, the three
14 Undersecretaries for Operations, Policy and Planning, and Administrative Support Services
15 and External Relations, and the Assistant Secretaries and their immediate staff and the
16 Department Services.

17 **SEC. 7. Functions of the Secretary.** - The Secretary of the Department of Fisheries and
18 Aquatic Resources, hereinafter referred to as the Secretary, shall be appointed by the
19 President and shall have the following functions:

- 20 a) Exercise jurisdiction over all bureaus, offices, agencies; and corporations under the
21 Department;
22 b) Exercise authority and assume responsibility for the performance of the powers and
23 functions of the Department;
24 c) Advise the President on the promulgation of the policies, rules and regulations, and other
25 issuances relative to the sustainable development and management of fisheries and
26 aquatic resources;
27 d) Establish management policies and standards for the efficient and effective operation of
28 the Department in accordance with the programs of the government;
29 e) Promulgate administrative orders, rules, regulations and other issuances in carrying out
30 the Department's mandate, objectives, policies, plans, programs and projects; and
31 f) Perform such other functions as may be provided for by law or assigned by the President.

32 **SEC. 8. Functions of the Undersecretaries and the Assistant Secretaries.** - The Secretary
33 shall be assisted by three (3) Undersecretaries: the Undersecretary for Operations; the
34 Undersecretary for Policy and Planning; and the Undersecretary for Administrative Support

1 Services and External Relations; and five (5) Assistant Secretaries: the Assistant Secretary
2 for Planning; the Assistant Secretary for Policy and International Affairs; the Assistant
3 Secretary for Operations; the Assistant Secretary for Special Concerns; the Assistant
4 Secretary for Support Services; and the Assistant Secretary for External Relations.

5 a) Offices of the Undersecretaries. The Undersecretaries shall assist the Secretary in the
6 exercise of the Department's mandate and in the discharge of its powers and functions.
7 Their offices shall:

- 8 1) Provide periodic reports and advice to the Secretary on the plans, programs and
9 offices under their defined areas of responsibility and recommend measures towards
10 greater effectiveness and efficiency;
- 11 2) Exercise delegated authority on matters related to the functions and activities of the
12 units under their defined areas of responsibility, to the extent granted by the
13 Secretary;; and
- 14 3) Perform other functions as may be provided for by law or assigned by the Secretary.

15 b) Offices of the Assistant Secretaries. With respect to the specific area of responsibility, the
16 Assistant Secretaries shall have the following general functions:

- 17 1) Provide periodic reports and advice to the Undersecretary on the programs and offices
18 under their defined areas of responsibility and recommend measures towards greater
19 effectiveness and efficiency;
- 20 2) Exercise supervision and control over the programs, budget, officers and personnel of
21 the offices, services, operating units under their defined areas of responsibility;
- 22 3) Exercise delegated authority on matters related to the functions and activities of the
23 units under their defined areas of responsibility, to the extent granted by the Secretary;
24 and
- 25 4) Perform other functions as may be provided for by law or assigned by the Secretary.

26 SEC. 9. *Qualifications and Appointment.* - No person shall be appointed Secretary or
27 Undersecretary of the Department unless he is a Filipino citizen; must have a degree in law or
28 a Masters degree in fisheries, public administration, management, economics or other
29 equivalent relevant disciplines; has actual experience in administration and management for
30 at least ten (10) years; and has general practical knowledge of fisheries. The Secretary and
31 Undersecretary shall be appointed by the President of the Philippines in the manner
32 prescribed by law.

33 No person shall be appointed Assistant Secretary, Bureau Director or Assistant Bureau
34 Director, unless he is a Filipino citizen; must have a degree in law or at least a Masters degree

1 in fisheries, public administration, management, economics, statistics, engineering, law or
2 other equivalent relevant disciplines; with at least seven (7) years actual experience, either in
3 the public or private sector, in administration and management, in marine fisheries research
4 and development, or in the aquaculture and fisheries industries. The Assistant Secretary,
5 Bureau or Assistant Bureau Director shall be appointed by the President, upon the
6 recommendation of the Secretary.

7 No person shall be appointed Regional Director or Assistant Regional Director, unless he
8 is a Filipino citizen; has any of the educational qualifications above prescribed for Assistant
9 Secretary, Bureau Director or Assistant Bureau Director; and with at least five (5) years
10 actual experience either in the public or private sector, in administration and management,
11 fisheries research and development, or in the aquaculture and fisheries industries. The
12 Regional Director or Assistant Regional Director shall be appointed by the President of the
13 Philippines upon the recommendation of the Secretary.

14 Subordinate Officials and Employees of the Department shall be appointed by the
15 Secretary in accordance with Civil Service laws, rules and regulations.

16 SEC. 10. *Office of the Undersecretary for Policy and Planning.* - The Office of the
17 Undersecretary for Policy and Planning shall provide policy advice to the Secretary and shall
18 be responsible for the development of national aquaculture and fisheries policies and their
19 integration and translation into the Comprehensive National Fisheries Industry Development
20 Plan (CNFIDP). The Office shall provide periodic public reports of achievements in
21 aquaculture and fisheries. The Office shall have direct supervision over Office of the
22 Assistant Secretary for Policy and International Affairs, the Office of the Assistant Secretary
23 for Planning, the Bureau of Fisheries Economics and Statistics (BFES), the Bureau of Post-
24 harvest and Fisheries Product Standards (BPFPS), and the Fisheries Modernization Credit
25 and Financing Agency (FMCFCA);

26 a) *Office of the Assistant Secretary for Policy and International Affairs.* The Office of the
27 Assistant Secretary for Policy and International Affairs shall lead in the policy
28 development of the Department to attain the goals of the fisheries sector. It shall be
29 responsible for the crafting of national fisheries policy and provide periodic reports on the
30 country's performance relative to the sector. It shall evaluate international developments
31 and assess their potential impact on Philippine fisheries. It shall be responsible for
32 developing and managing bilateral and multilateral affairs of the Department, including
33 trade, investment and cooperation agreement negotiations and the coordination of their
34 implementation. The Service shall be responsible for advocating the Philippine fisheries

1 and aquatic resources agenda in international organizations and bodies. The Office shall
2 have direct control over the Policy Service and the International Affairs Service.

3 b) *Office of the Assistant Secretary for Planning.* The Office of the Assistant Secretary for
4 Planning shall lead in the development of national aquaculture and fisheries plans and
5 budgets consistent with national policies. The Office shall be responsible for the
6 development of institutional mechanisms for periodic program assessment, and in
7 identifying, developing and packaging development projects for implementation. It shall
8 develop and implement reliable and cost-effective information and communication
9 technology systems and establish and maintain the Philippine Fisheries and Aquatic
10 Resources Information System which shall be the principal depository and information
11 server of all aquaculture and fisheries-related information in the country. The Office shall
12 have direct supervision and control over the Planning Service, the Monitoring and
13 Evaluation Service, and the Project Development Service.

14 c) *Bureau of Fisheries Economics and Statistics (BFES).* – The BFES shall be a line bureau
15 responsible for establishing benchmark data on the structure of the aquaculture and
16 fisheries industries. It shall conduct research and studies on the socio-economics of
17 various aquaculture and fisheries operations, collect data on aquaculture and fisheries
18 production, and establish a network of aquaculture and fisheries information,
19 documentation and dissemination. It shall have the following divisions: the Aquaculture
20 and Fisheries Statistics Division; the Socioeconomic Division; and the Aquaculture and
21 Fisheries information Division.

22 d) *The Fisheries Modernization Credit and Financing Agency (FMCFA).* – The FMCFA
23 shall administer the funds under Sections 109 to 113 of RA 8550 as well as the fisheries-
24 related provisions of Sections 20 to 25 of RA 8435, harmonizing and integrating the two
25 so as to package and deliver various credit assistance programs for the following:

- 26 1) Aquaculture and fisheries production including processing of fisheries products and
27 inputs;
- 28 2) Acquisition or construction of fisheries equipment, machinery, fishing vessels and
29 fishing gears;
- 30 3) Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
- 31 4) Procurement of fisheries products for storage, trading, processing and distribution;
- 32 5) Construction, acquisition and repair of facilities for production, processing, storage,
33 transportation, communication, marketing and such other facilities in support of
34 fisheries;

- 1 6) Working capital for fisheries graduates to enable them to engage in fisheries-related
- 2 economic activities;
- 3 7) Activities which support marine and freshwater bodies conservation and ecology-
- 4 enhancing activities such as but not limited to mangrove reforestation, promotion of
- 5 whale shark and manta ray and other endangered marine species watching and eco-
- 6 tourism; and
- 7 8) Development of appropriate technology in aquaculture, fisheries and ancillary
- 8 industries that are ecologically sound, technically feasible and socially acceptable,
- 9 based on the requirements of the Fisheries and Aquatic Resources Management
- 10 Councils.

11 SEC. 11. *Office of the Undersecretary for Operations.* - The Office of the
12 Undersecretary for Operations shall provide leadership in the translation and implementation
13 of the Comprehensive National Fisheries Industry Development Plan (CNFIDP) into
14 operational plans and programs. It shall exercise direct supervision and control over the
15 Office of the Assistant Secretary for Operations, Office of the Assistant Secretary for Special
16 Concerns, the regional field offices, the Regional Fisheries Training Centers, the Bureau of
17 Aquaculture and Inland Fisheries (BAIF); the Bureau of Fishing Technology and Capture
18 Fisheries (BFTCF); the Bureau of Fisheries Extension, Training, and Support Services
19 (BFETSS), the Marine Resources Conservation, Management and Enforcement Bureau; the
20 Bureau of Post-Harvest and Fisheries Product Standards; and the Fisheries Inspection,
21 Quarantine and Fish Health Service (FIQFHS).

22 a) *Office of the Assistant Secretary for Operations.* - The Office of the Assistant Secretary
23 for Operations shall assist the Undersecretary to ensure integration of functions and
24 activities and adherence to national policies and programs. The Office shall assist in the
25 supervision of the regional field units and in developing a framework of cooperation and
26 linkage with regional development councils, LGUs and national agencies in the
27 management of the aquaculture, fisheries and marine sectors;

28 b) *Office of the Assistant Secretary for Special Concerns.* - The Office of the Assistant
29 Secretary for Special Concerns shall develop and implement programs and projects for
30 the national fisherfolk operation centers, the Young Fisherfolk, and Women in Fisheries;

31 c) *Bureau of Aquaculture and Inland Fisheries (BAIF).* - The BAIF shall, among others, be
32 responsible for: regulating aquaculture operations in line with Best Aquaculture Practices
33 and the International Code of Conduct for Responsible Aquaculture, promoting the
34 appropriate aquaculture operations in existing areas; formulating aquaculture

1 marine special economic zones; providing technical assistance to cooperatives and
2 fishpond operators in the development of viable fishmeal and fish feeds industry,
3 undertaking inland fisheries resources evaluation; and recommending management and
4 conservation measures.

5 The Bureau shall be composed of the following divisions: the Aquaculture Development
6 and Management Division; the Inland Fisheries Resource Assessment, Development and
7 Conservation Division; and the Aquaculture and Inland Fisheries Regulation and
8 Licensing Division.

9 d) *Bureau of Fishing Technology and Capture Fisheries (BFTCF).* – The BFTCF shall have
10 direct supervision and control over the utilization of marine resources including
11 commercial, international and small-scale fisheries. It shall formulate development
12 programs for the expansion of the marine fisheries industry, explore new fisheries
13 resources and develop environment-friendly but efficient fishing gears. It shall have the
14 following divisions: the Municipal Fisheries Division; the Commercial Fisheries
15 Division; the High Seas Fisheries Division; and the Fishing Technology Division

16 e) *Bureau of Fisheries Extension, Training, and Support Services (BFETSS).* – The BFETSS
17 shall coordinate all development activities with respect to aquaculture, fisheries and
18 oceans technology, and shall have a development section for all components including
19 inland and oceans fishing, fishing gears and methods and new aquaculture and fisheries
20 research and technology. The Bureau shall establish linkages with local government units,
21 local fisherfolk associations and organizations, non-government organization and
22 people's organization and supervise support and extension services at the regional,
23 provincial and municipal level. It shall formulate a National Extension System for
24 Fisheries and Aquaculture, which shall be composed of three (3) subsystems: the national
25 government subsystem, the local government subsystem and the private sector subsystem.
26 It shall deliver the following major services: training services; credit and financing
27 support services, demonstration services, and information and communication support
28 services through tri-media. It shall have the following units: the Training and Skills
29 Development Division; the Technology Transfer and Demonstration Division; Training
30 Centers.

31 f) *Marine Resources Conservation, Management and Enforcement Bureau (MRCMEB).* –
32 The MRCMEB is tasked with the implementation and enforcement of the Comprehensive
33 National Fisheries Industry Development Plan. It shall undertake marine fisheries
34 resources assessment and biological and environmental investigations and formulate

1 conservation measures. Pursuant to Section 81 of RA 8550, the Bureau shall also be
2 responsible for establishing and maintaining marine protected areas, fisheries refuges and
3 sanctuaries, and assist LGUs in identifying and establishing fish sanctuaries in municipal
4 waters. It shall be the lead agency in the fulfillment of the country's obligations under the
5 Convention on International Trade on Endangered Species (CITES) for marine and
6 aquatic species, the Convention on Biological Diversity and other such treaties and
7 international agreements.

8 In coordination with the National Fisheries Research and Development Institute, the
9 Bureau shall conduct stock assessment of fish and marine resources and determine and
10 establish the carrying capacity and total allowable catch (TAC) for a particular resource
11 and lead in the conduct of scientific researches on the proper strategies for the
12 conservation and protection of marine wildlife and their habitat including breeding and
13 propagation of the same. It shall set the allowable fishing effort based on the carrying
14 capacity of the resource and TAC and accordingly issue commercial fishing licenses and
15 permits. The Bureau shall also have the authority to take custody of confiscated, stranded
16 or abandoned marine wildlife.

17 The MRCMEB shall have the following units: the Coastal Resources Management
18 Division; the Fisheries Licensing Division; the Oceanography Division; the Marine
19 Protected Areas Division; the Fisheries Law Enforcement Division; the Marine Wildlife
20 Rescue Centers; and the Endangered Marine Species Captive Breeding Centers.

21 The Fisheries Law Enforcement Division shall establish the Fisheries Air and Oceans
22 Patrol, and the Regulatory Staff composed of Fisheries Officers, Deputized Fisheries
23 Guardians and the corps of specialists from the DND, PNP-MARICOM, DILG, DFA and
24 DOJ. The Division shall conduct law enforcement trainings and recommend to the
25 Secretary the deputation of government employees and members of fisherfolk
26 organizations as fisheries guardians. It shall be responsible for the enforcement of
27 fisheries laws, rules and regulations and the monitoring, control and surveillance of
28 fishing activities within Philippine territorial waters. The Fisheries Officers shall have
29 full police powers relative to the enforcement of fisheries laws, rules and regulations
30 including arrest, search and seizure, and shall have the authority to directly file
31 complaints for violation of fisheries laws, rules and regulations.

- 32 g) *The Fisheries Inspection, Quarantine and Fish Health Service (FIQFHS).* - The FIQFHS
33 shall be responsible for the inspection and quarantine of all fisheries related activities
34 including the conduct of quarantine and quality inspection of all fish and fisheries/aquatic

products coming into and going out of the country by air or water transport to detect the presence of residue of banned substances, fish pest, and diseases, the regular inspection of primary production areas, processing plants, storage facilities, abattoirs, as well as public and private markets. These activities will ensure the following :

- 1) the freshness, safety, quality, and conformity to the standards prescribed by the Department;
- 2) the provision of fish health services to the fish and fishery industries, including aquatic plants;
- 3) the quarantine of aquatic animals and fisheries products determined or suspected to be with fisheries pest and diseases; and
- 4) the prevention of the movement or trade from and/or into the country of products so prohibited or regulated under existing laws, rules or regulations and enforcement of international agreements of which the Philippine is a State Party.

The Bureau shall have the following units: Regional Fisheries Inspection and Quarantine Offices; Cyanide Detection Centers; Regional Fish Health Centers; and the Product Standards Enforcement Division.

- h) *The Bureau of Postharvest and Fisheries Product Standards (BPFPS).* - The fisheries component of the Bureau of Agriculture and Product Standards created under Section 61 of RA 8435 shall be transferred to the BPFPS which shall formulate and enforce standards of quality and safety in the handling, transport, storage, processing, preservation, packaging, labeling, importation, exportation, and distribution of aquaculture and fisheries products; conduct research on product standardization, implement the Hazards Analysis and Critical Control Points (HACCP) system from farm to fork and align local standards with international standards; promote and strengthen semi-processing and handling; and develop value-added aquaculture and fisheries products for domestic consumption and export.

The Bureau shall have a Director and two Assistant Directors. The Assistant Director for the Product Standards and Technical Services shall have supervision and control over the Standards Development and Promotion Division; the Technical Services Division; the Products Development and Promotion Division; and the Fish Processing Technology Division. The Assistant Director for Industry Compliance and Consumer Protection shall have supervision and control over the Industry Compliance Division and the Consumer Affairs Division.

1 i) *The Office of Ocean and Marine Affairs.* - The Office of Ocean and Marine Affairs shall
2 have authority and responsibility over ocean use. It shall be the Department's primary
3 agency tasked with the implementation of the National Marine Policy and the relevant
4 provisions of the United Nations Convention on the Law of the Sea. Any and all use of
5 the ocean shall require the assessment and clearance by this Office which shall evaluate
6 initiatives that will negatively impact on fisheries or their habitat. It shall coordinate the
7 implementation of fisheries and ocean sector policies, plans and laws for all maritime
8 components. It shall coordinate with other concerned government agencies such as but
9 not limited to the Philippine Navy and the Philippine Coast Guard. It shall be headed by a
10 Director and shall have the following divisions: Oceans Use Assessment and Clearance
11 Division; National and International Oceans Law and Policy Division; Special Projects
12 Division and Technical Division.

13 SEC. 12. *Office of the Undersecretary for Administrative Support Services and External*
14 *Relations.* - The Office of the Undersecretary for Administrative Support Services and
15 External Relations shall provide effective staff support services to all the Department's
16 offices and agencies at all levels of implementation. It shall develop and implement systems
17 and procedures to ensure transparency, accountability, and predictability in the administrative
18 and financial transactions of the Department. The Office shall serve as the liaison office with
19 the legislative branch of government. The Office shall exercise direct supervision and control
20 over the Office of the Assistant Secretary for Support Services and the Office of the Assistant
21 Secretary for External Relations.

22 a) *Office of the Assistant Secretary for Support Services.* – The Office of the Assistant
23 Secretary for Support Services shall oversee the effective provision of staff support
24 services to all the Department's offices and agencies at all levels of implementation to
25 achieve cost-efficiency and cost-effectiveness. It shall develop and implement systems
26 and procedures to ensure transparency, accountability and predictability in the
27 administrative and financial transactions of the Department. The Office shall have direct
28 supervision over the Human Resource Management Service, Finance and Management
29 Service, Legal Service, and Property and General Services.

30 b) *Office of the Assistant Secretary for External Relations.* – The Office of the Assistant
31 Secretary for External Relations shall provide leadership in formulating a Department-
32 wide public information program to generate public support for the Department's
33 policies, programs and projects. The Office shall also liaise with the legislative branch of
34 government in the advocacy for laws, policies and programs supportive of the

1 development and growth of the aquaculture and fisheries sector and shall supervise the
2 Public Relations and Protocol Service.

3 SEC. 13. *Regional Offices and Functions.* - The Department shall have such regional
4 offices as may be necessary in the administrative regions, each to be headed by a Regional
5 Director, who shall be assisted by an Assistant Regional Director. Each regional office shall
6 have support staff and line divisions as may be necessary which shall have the following
7 duties and responsibilities:

- 8 a) Provide efficient and effective front-line service to the aquaculture, fisheries and aquatic
9 industry sectors, particularly to the municipal fisherfolk;
- 10 b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects, rules
11 and regulations of the Department;
- 12 c) Coordinate with other departments, offices and agencies in the region; and
- 13 d) Perform other functions as may be provided for by law or assigned by the Secretary.

14 SEC. 14. *National Technology Centers.* – The following technology centers shall be
15 under the supervision and control of the Secretary:

- 16 a) National Marine Fisheries Development Center;
- 17 b) National Freshwater Fisheries Technology Center;
- 18 c) National Brackishwater Aquaculture Technology Center;
- 19 d) Mindanao Freshwater Fisheries Technology Center;
- 20 e) National Seaweeds Technology Development Center; and
- 21 f) National Inland Fisheries Technology Center.

22 These technology centers shall perform the following functions:

- 23 a) Conduct applied research / studies and other development and management work on
24 marine, freshwater, brackish water, and inland fisheries technologies;
- 25 b) Verify and package economically-viable and socially acceptable technologies for
26 technology transfer;
- 27 c) Establish show windows of projects with proven technologies for transfer and
28 dissemination;
- 29 d) Provide technical support and services to the regional fisheries offices, the NFRDI,
30 Regional Fisheries Training Centers and concerned local government units.
- 31 e) Serve as the conduit/network to bridge the technology gap among the research
32 institutions, the academe, and the fisheries industry; and
- 33 f) Serve as the depository of aquaculture and marine genetic materials.

1 SEC. 15. *Advisory Bodies.* - The Artisanal Fisherfolk Sectoral Council of the National
2 Anti-Poverty Commission (NAPC) and the National Fisheries and Aquatic Resources
3 Management Council (NFARMC) shall serve as advisory bodies to the Secretary.

4 SEC. 16. *Attached Agencies.* - The National Fisheries Research and Development
5 Institute, the Philippine Fisheries Development Authority (PFDA) and the Philippine
6 Technical Advisory Committee of the SEAFDEC Aquaculture Department are hereby
7 attached to the Department.

8 SEC. 17. *Abolition, Transfer and Merger.* - The Bureau of Fisheries and Aquatic
9 Resources reconstituted by Republic Act No. 8550, is hereby abolished and its relevant
10 functions, appropriations, records, properties, equipment and personnel are hereby transferred
11 to the Department: Provided, however, that no official or employee of the BFAR shall be laid
12 off in the implementation of this Section.

13 The position of Undersecretary for Fisheries and Aquatic Resources in the Department of
14 Agriculture created under Section 63 of Republic Act No. 8550 is hereby abolished.

15 The National Fisheries and Aquatic Resources Management Council (NFARMC) created
16 by Republic Act No. 8550 shall be transferred to the Office of the Secretary of the
17 Department.

18 The National Fisheries Research and Development Institute created by Republic Act No.
19 8550 shall be transferred to the Department and shall serve as its principal research arm.

20 The Philippine Fisheries Development Authority created by Presidential Decree No. 977
21 including its relevant functions, appropriations, records, properties, equipment and personnel,
22 is hereby transferred to the Department as an attached agency under the Office of the
23 Secretary: Provided, however, that the Secretary of the Department shall be the new
24 Chairman of the PFDA Board: Provided, further, that no official or employee of the PFDA
25 shall be laid off in the implementation of this Section.

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

31 The fisheries related functions of the Laguna Lake Development Authority (LLDA),
32 including its relevant appropriations, records, and personnel are hereby transferred to the
33 Department: Provided, That no official or employee of the LLDA shall be laid off in the
34 implementation of this Section.

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

4 All functions of the Maritime Industry Authority (MARINA) pertaining to the
5 registration, licensing, documentation, inspection and manning and all other matters
6 concerning all types of fishing boats plying Philippine and international waters, including the
7 relevant appropriations, records, and personnel, are hereby transferred to the Department of
8 Fisheries and Aquatic Resources: Provided, That no official or employee of the MARINA
9 shall be laid off in the implementation of this Section.

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

16 The fisheries-related sections of the Bureau of Agricultural Research, the Bureau of
17 Agricultural Statistics and the Agricultural Training Institute, the National Agricultural and
18 Fisheries Council of the Department of Agriculture are hereby abolished and all its personnel,
19 records, appropriations, property and equipment are transferred to the Department.

20 SEC. 18. *Transitory Provisions.* - In accomplishing the acts of organizing the Department
21 as herein prescribed, the following provisions shall be complied with:

22 a) The transfer of a government unit or agency shall include the function, appropriations,
23 funds, records, equipment, facilities, chooses in action, rights, other assets and liabilities,
24 if any, of the transferred unit or agency as well as the personnel thereof, as may be
25 necessary, who shall, pending reappointment, continue to perform their respective duties
26 and responsibilities and receive the corresponding salaries and benefits in a hold-over
27 capacity; and

28 b) The transfer of functions which results in the abolition of the government unit or agency
29 that has exercised them, shall include the appropriations, funds, records, equipment,
30 facilities, chooses in action, rights, other assets and personnel as may be necessary to the
31 proper discharge of the transferred functions. Its liabilities, if any, shall likewise be
32 treated in accordance with the Government Auditing Code and other pertinent laws, rules
33 and regulations. Its personnel shall, pending reappointment, continue to perform their

1 duties and responsibilities and receive the corresponding salaries and benefits in a hold-
2 over capacity.

3 SEC. 19. *Organization Committee*. - The duly appointed Secretary shall immediately
4 create an organization committee which shall study and formulate the staffing pattern,
5 qualification standards, and placement of personnel in the Department, its services, bureaus,
6 and offices. The Committee shall be composed of representatives from the Department of
7 Budget and Management, Civil Service Commission, the fisheries industry and the academe.

8 SEC. 20. *Appropriations*. - For the effective implementation of this Act, the amount of
9 ten billion pesos (PhP10,000,000,000.00) is hereby appropriated from the unappropriated
10 funds of the National Treasury and the current budgetary appropriations of the Bureau of
11 Fisheries and Aquatic Resources, including its regional offices, the appropriations of the
12 Philippine Fishing Development Authority, and the budgetary provision of the Philippine
13 Council for Aquatic and Marine Research Development.

14 The amount necessary for the construction of a national office of the Department of
15 Fisheries and Aquatic Resources equivalent to five hundred million pesos
16 (PhP500,000,000.00) is hereby appropriated from the unappropriated funds of the National
17 Treasury.

18 The revenues that the Department will generate from its licensing operations, the fees
19 collected from the propriety services delivered by the Department, and the administrative
20 fines imposed by the National Fisheries Regulatory and Adjudication Board shall constitute
21 the Department's revolving fund from which amounts necessary to carry out the special
22 research projects, management and conservation programs, staff development programs, and
23 the acquisition of equipment, vessels, helicopters and airplanes of the Monitoring and
24 Surveillance Center shall be taken: Provided, however, That the fishpond rentals shall accrue
25 to the National Fisheries Research and Development Institute as provided under Section 46[c]
26 of Republic Act No. 8550. The use of such funds shall be subject to COA rules and
27 regulations.

28 SEC. 21. *Separability Clause*. - If any provision of this Act is declared unconstitutional or
29 invalid, the other provisions not so declared shall remain in force and effect.

30

31 SEC. 22. *Repealing Clause*. - All laws, decrees, orders, rules and regulations or parts
32 thereof inconsistent with the Act or rules and regulations promulgated pursuant thereto are
33 hereby repealed or amended accordingly.

1 SEC. 23. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after publication
2 in two (2) national newspapers of general circulation.

3 Approved,

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