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HOUSE OF REPRESENTATIVES

H. No. 1427

HOUSE OF REPRESENTATIVES

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Introduced by **Representative Raul C. Tupas**

### EXPLANATORY NOTE


#### **AN ACT PROVIDING FOR THE CREATION OF THE DEPARTMENT OF FISHERIES AND COASTAL RESOURCES, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

The Philippines ranks 11th as top fishing nation in the world. The annual fisheries yield in the country is estimated to be worth around Php 115 B (US \$ 2.5B) contributing to around 4.3% of gross domestic product.<sup>1</sup>

Fishing is considered the next most important livelihood in the agricultural sector providing employment to 1.4 million persons or 3.7 percent of total employment in 2013. Despite this significant contribution, Filipino fishermen were reported the poorest among the basic sectors of the country with 39.2 percent poverty incidence, although this was already a significant improvement from the 41.3 percent recorded in 2009.<sup>2</sup>

To ensure the sustainable development and management of all fisheries, coastal, and marine resources in its archipelagic waters, territorial sea, and exclusive economic zone, this bill proposes the creation of the Department of Fisheries and Coastal Resources (DFCR). The DFCR shall have primary jurisdiction over the conservation, development, exploration, management, policy planning and utilization of all fishery and coastal resources in the country, including the habitats of fish and all other marine life and activities which impact on these marine life.

The creation of the DFCR will help spur rural development and create opportunities to increase the income of fishermen. It will help the government invest in strategic infrastructure for fisheries, coastal, and marine resources. At the same time, it will enable the government to address problems of pollution, destructive fishing practices, habitat destruction, and climate change. It will sustain the country's continuing efforts to increase food production to meet the demands of a fast, growing population. For these reasons, the immediate passage of this bill is earnestly sought.



**RAUL C. TUPAS**

<sup>1</sup> Aliño PM An Overview of Philippine Fisheries. The Marine Science Institute, University of the Philippines.

<sup>2</sup> Department of Agriculture Annual Report 2014 Reforms Taking Root Innovations Bearing Fruit

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**AN ACT PROVIDING FOR THE CREATION OF THE DEPARTMENT OF FISHERIES  
AND COASTAL RESOURCES, DEFINING ITS POWERS AND FUNCTIONS,  
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Department of Fisheries  
2 and Coastal Resources Act of 2016.”  
3

4 **SECTION 2. Declaration of Policy.** – It is hereby declared the policy of the State:  
5

6 (a) To protect and conserve the nation’s fisheries, coastal, and marine wealth in its  
7 archipelagic waters, territorial sea, exclusive economic zone, and the adjacent high  
8 seas;  
9

10 (b) To undertake the sustainable development and management of all fisheries,  
11 coastal, and marine resources in its archipelagic waters, territorial sea, and exclusive  
12 economic zone;  
13

14 (c) To reserve fisheries, coastal, and marine resources for the exclusive use and  
15 enjoyment of Filipino citizens and to protect the rights of small-scale fishermen  
16 subsisting on the nation’s marine resources.;  
17

18 (d) To ensure the rational and sustainable development, management and  
19 conservation of the fishery and aquatic resources in Philippine waters including the  
20 Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the  
21 primordial objective of maintaining a sound ecological balance, protecting and  
22 enhancing the quality of the environment. The Philippines shall pursue its commitment  
23 to international conventions and cooperate with other states and international bodies,  
24 in order to conserve and manage threatened , aquatic species, straddling and highly  
25 migratory fish stocks and other living marine resources.  
26

27 **SECTION 3. Creation of the Department of Fisheries and Coastal Resources.** –  
28 There is hereby created the Department of Fisheries and Coastal Resources,  
29 hereinafter referred to as the Department.

1 **SECTION 4. Jurisdiction of the Department.** – The Department shall have primary  
2 jurisdiction over the conservation, development, exploration, management, policy  
3 planning and utilization of all fishery and coastal resources of the country, including  
4 the habitats of fish and all other marine life and activities which impact on these  
5 marine life.  
6

7 The Department shall have the authority to supervise and regulate the production and  
8 harvesting of fish and fishery products within its jurisdiction, as well as the processing  
9 and marketing of all fisheries and aquatic products in the country.  
10

11 Municipal waters shall remain under the jurisdiction of local government units which  
12 shall manage the municipal waters in accordance with national fishery policies, laws,  
13 rules and regulations.  
14

15 **SECTION 5. Powers and Functions.** – The Department shall have the following  
16 powers, functions and responsibilities:  
17

18 I. Policy and Planning  
19

20 (a) Formulate, recommend. and implement national policies, plans, and programs, and  
21 guidelines on fisheries, coastal, and marine resources;  
22

23 (b) Formulate and implement, consistent with the development framework of the  
24 National Economic and Development Authority (NEDA), a fishery and aquatic  
25 resources development program with the objectives of food security and sustainable  
26 development;  
27

28 (c) Formulate policies and initiatives based on the commitments of the country on  
29 international treaties and agreements;  
30

31 (d) Prepare and implement a Comprehensive Fisheries and Aquatic Resources  
32 Management Plan;  
33

34 II. Enforcement, Regulation and Industry Development  
35

36 (e) Implement the provisions of Republic Act No. 8550 and the relevant provisions of  
37 Republic Act No. 8435 and enforce all fishery laws, rules and regulations;  
38

39 (f) Promulgate rules and regulations pertaining to the classification, construction,  
40 maintenance and operation of all fishing ports, landing sites and fish markets and the  
41 operations of business therein except those owned and operated by LGUs;  
42

43 (g) Exercise quasi-judicial functions to resolve and settle conflicts on resource use and  
44 allocation in consultation with the National Fisheries Regulatory and Adjudication  
45 Board (NFRAB) and LGUs;  
46

47 (h) Regulate and issue licenses and permits for the operation of commercial fishing  
48 vessels and fishery related activities;

(i) Provide a fisheries modernization credit program to finance fishery projects of fishermen, fish farmers, fish processors, commercial fishers, and other stakeholders in the fishing industry;

(j) Acquire, maintain, operate, purchase or dispose equipment and facilities such as slupyards, fishing vessels, fishing equipments, refrigerated trucks, ice plants and cold storages, communication, and aquaculture facilities;

(k) Fix, assess and collect reasonable fees, tolls, charges, rentals and the like for the use, sale, lease or properties, equipment, facilities and services;

(l) Provide infrastructure support such as municipal fishing ports, farm to market roads, quality laboratories in fish ports, marketing facilities, local fisheries shipbuilding and repair facilities, and post-harvest facilities, in cooperation with concerned agencies;

(m) Implement a National Marketing Assistance Program aimed at providing a steady market for fishermen, fish farmers and fishery –related enterprises;

### III. Resource Sharing and Capability-Building

(n) Ensure knowledge, information and resource-sharing, and database-building on fisheries, coastal and marine-related information;

(o) Develop the Philippine Fisheries and Aquatic Resources Information System (PFARIS) that will serve as the depository and information server of all fisheries, aquatic, and marine-related information;

(p) Assist and provide technical expertise to government agencies and local government units ;

### IV. Fisheries Conservation and Management

(q) Promulgate rules, and regulations governing the conservation, exploration, and utilization of all fishery and coastal resources except in municipal waters;

(r) Designate marine sanctuaries and marine protected areas;

(s) Engage in the conservation, protection and rehabilitation of rare, threatened and endangered marine species as it may determine, including their habitats;

(t) Institutionalize a monitoring control and surveillance system to ensure that fisheries, aquatic, and marine resources are utilized and managed on a sustainable basis;

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

**SECTION 6. Composition.** - The Department shall be headed by a Secretary. The Department proper shall be composed of the Office of the Secretary, the Offices of the Undersecretaries, and the Assistant Secretaries .



1 **SECTION 7. Secretary of Fisheries and Coastal Resources.** -The Secretary shall  
2 be appointed by the President, subject to confirmation by the Commission on  
3 Appointments. The Secretary shall have the following functions:  
4

5 (a) Provide executive direction and supervision over the entire operations of the  
6 Department and its attached agencies;  
7

8 (b) Establish policies and standards for the effective, efficient, and economical  
9 operation of the Department, in accordance with the programs of the government;  
10

11 (c) Review and approve requests for financial and manpower resources of all  
12 operating offices of the Department;  
13

14 (d) Designate and appoint officers and employees of the Department, excluding the  
15 undersecretaries, assistant secretaries, regional and assistant regional directors, in  
16 accordance with civil service laws, rules and regulations;  
17

18 (e) Exercise disciplinary powers over officers and employees of the Department in  
19 accordance with law including their investigation and designation of a committee or  
20 officer to conduct such investigation;  
21

22 (f) Coordinate with LGUs, other agencies and public and private interest groups,  
23 including nongovernment organizations (NGOs) and people's organizations (POs) on  
24 Department policies and initiatives;  
25

26 (g) Prepare and submit to the President through the Department of Budget and  
27 Management (DBM) an estimate of the necessary expenditures of the Department  
28 during the next fiscal year, on the basis of the reports and estimates by bureaus and  
29 offices;  
30

31 (h) Advise the president on the promulgation of executive and administrative orders  
32 and formulation of regulatory and legislative proposals on matters pertaining to  
33 fisheries and coastal resources;  
34

35 (i) Promulgate rules, regulations and other issuances in carrying out the Department's  
36 mandate, objective, policies, plans, programs and projects; and  
37

38 (j) Perform such other functions as may be provided by law or assigned by the  
39 President.  
40

41 **SECTION 8. Undersecretaries.** - The Secretary shall be assisted by three (3)  
42 Undersecretaries, who shall be appointed by the President upon recommendation of  
43 the Secretary: Provided, That two (2) of the Undersecretaries shall be career officers.  
44

45 **SECTION 9. Assistant Secretaries** - The Secretary shall be assisted by four (4)  
46 Assistant Secretaries who shall be appointed by the President upon recommendation  
47 of the Secretary: Provided, That two (2) of the Assistant Secretaries shall be career  
48 officers.

1 **SECTION 10. Qualifications** - No person shall be appointed Secretary,  
2 Undersecretary, or Assistant Secretary of the department unless he or she is a  
3 resident of the Philippines, of good moral character, of proven integrity, and with at  
4 least seven (7) years of competence and expertise in any of the following: fisheries,  
5 biology, agriculture, public administration, management, economics, law or other  
6 equivalent relevant disciplines.

7  
8 **SECTION 11. Regional Offices.** - The Department shall have such department-wide  
9 regional offices as may be necessary in the administrative regions, each to be headed  
10 by a Regional Director, who shall be assisted by one (1) Assistant Director, appointed  
11 by the President. The regional offices shall, within their respective administrative  
12 regions, the following functions:

13  
14 (a) Provide efficient and effective front-line service to the fishery and coastal sector,  
15 particularly to fisher folks;

16  
17 (b) Implement laws, policies, plans, programs, projects, rules and regulations of the  
18 Department;

19  
20 (c) Coordinate with the Regional Offices of the other departments, offices, agencies  
21 and LGUs in the region; and

22  
23 (d) Perform other functions as may be provided by law or assigned by the Secretary.

24  
25 **SECTION 12. Transfer of Agencies and Personnel. –**

26  
27 The following agencies are hereby abolished, and their powers and functions,  
28 applicable funds and appropriations, records, equipment, property, and personnel  
29 transferred to the Department:

30  
31 (1) Bureau of Fisheries and Aquatic Resources;

32  
33 (2) Philippine Fisheries Development Authority;

34  
35 (3) National Fisheries Research and Development Institute;

36  
37 (4) National and Municipal Fisheries and Aquatic Resources Management Councils  
38 created under Republic Act No. 8550;

39  
40 (5) The Philippine Technical Advisory Committee of the SEAFDEC Aquaculture  
41 Department created under Executive Order No. 834 dated October 04, 1982;

42  
43 (6) The fisheries related functions of the Laguna Lake Development Authority;

44  
45 (7) The Philippine Council for Aquatic and Marine Research and Development;

46

(8) The Marine Research and Conservation Division and the different sections there under and the Coastal Environment Program, all marine and coastal related projects and programs of the Department of Environment and Natural Resources (DENR), and all fisheries related functions of the DENR;

(9) The fisheries related functions of the Bureau of Agricultural Research, Bureau of Agricultural Statistics, and the Agricultural Institute of the Department of Agriculture (DA).

The laws and rules on government reorganization as provided under Republic Act No. 6656, otherwise known as the Reorganization Law, shall govern the reorganization process of the Department.

**SECTION 13. Structure and Staffing Pattern.** – Subject to the approval of the DBM, the Department shall determine its organizational structure, staffing pattern, qualification standards, and placement of personnel in the Department, its bureaus, services, and offices. Officers and employees of the department shall be appointed in accordance with the civil service law, rules, and regulations.

**SECTION 14. Separation and Retirement from Service.** - Employees who are separated from service within six (6) months from the effectivity of this Act as a result of the abolition/reorganization under the provisions of this Act shall receive separation benefits to which they may be entitled under Executive Order No. 366, s. 2004: Provided, that those who are qualified to retire under existing retirement laws shall be allowed to retire and receive retirement benefits to which they may be entitled under applicable laws and issuances.

**SECTION 15. Transition Period.** – The transfer of functions, assets, funds, equipment, properties, transactions and personnel of the affected agencies, and the formulation of the internal organic structure, staffing pattern, and revised budget of the Department shall be completed within six (6) months from the effectivity of this Act, during which time, the existing personnel shall continue to assume their posts in holdover capacities until new appointments are issued: Provided, That after the abolition of the agencies as specified in Section 12 of this Act, the Department in coordination with the DBM, shall determine and create new positions, the funding requirements of which should not exceed the equivalent cost of positions abolished.

**SECTION 16. Appropriations.** – The amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation of agencies as specified in Section 12 of this Act. Thereafter, the amount needed for the operation and maintenance of the Department shall be included in the General Appropriations Act.

**SECTION 17. Implementing Rules and Regulations.** – The duly appointed Secretary of the Department shall immediately create an organization committee composed of representatives from the Department of Budget and Management, Department of Agriculture, Department of Environment and Natural Resources, Civil Service Commission, representative from the fishing sector, and the academe, for the

1 formulation of the necessary rules and regulations for the effective implementation of  
2 this Act.

3  
4 **SECTION 18. Separability Clause.** – If any provision of this Act shall be declared  
5 unconstitutional or inoperative, the other provisions not so affected shall remain in  
6 force and effect.

7  
8 **SECTION 19. Repealing Clause.** – All laws, degrees, executive orders, rules and  
9 issuances or parts thereof inconsistent with this Act or the rules and regulations  
10 promulgated pursuant thereto are hereby repealed, amended, or modified  
11 accordingly.

12  
13 **SECTION 20. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its  
14 publication in at least two (2) national newspapers of general circulation.

15  
16 Approved,