

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

6433
House Bill No. _____



INTRODUCED BY REPRESENTATIVE SHIRLYN BAÑAS-NOGRALES
1ST DISTRICT SOUTH COTABATO

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

EXPLANATORY NOTE

The Philippines is known as an agricultural country. It has a total land area of 30 million hectares and 47 percent of it is agricultural land. Meanwhile, the Philippines is also surrounded by 220 million hectares of territorial waters, including the exclusive economic zones, which makes fishing a major contributor to the economy. In 2018, the foreign trade performance of the Philippine fishery industry registered a net surplus of 911 million dollars with a total export value of 1,583 million US dollars. Tuna, seaweed, and shrimp/prawn have been ranked as the top three in export commodity and value respectively.¹

Many Filipinos have turned to fishing and aquaculture for their means of livelihood. Thankfully, the waters all over the country are more or less blessed with resources which help both fisher folk and consumers. In 2014, there were about 1,614,000 fishers involved in municipal waters up to 15 km offshore, while 16,500 fishers are involved in commercial fishing operations in waters beyond 15 km.²

In 2018, the Autonomous Region for Muslim Mindanao registered the highest production among all regions with its 899,374 metric tons share to the total fisheries production while this year, General Santos City landed a total of 210,760.85 metric tons of fish, a dramatic rise by 37 percent, setting a 10-year record high – the largest spike in frozen fish landings since local tuna manufacturers began importing

¹ <https://www.bfar.da.gov.ph/publication>

² <http://www.fao.org/fishery/facp/PHL/en#CountrySector-SectorSocioEcoContribution>

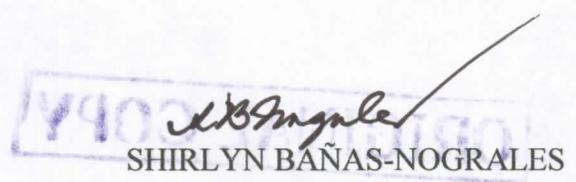
frozen tuna more than a decade ago. It is positive news following the -0.01percent fall of local fish production.³

Meanwhile, a study made by the United Nations in 2004 warned about overfishing in the Asian-Pacific region – the largest producer of both farmed and captured fish accounting to 91 percent and 48 percent respectively. United Nations Food and Agriculture Organization also noted that there have been changes in the composition of fish resources, with larger, more valuable fish declining in number while smaller fish lower down the food chain has notably increased.⁴ This is why the increased protection of the Sarangani Bay Seascape is a remarkable move by the government. As of 2017, the bay is home to 84,546 registered fishers with the majority coming from South Cotabato.⁵ Securing sustainable fishing methods and protecting the balance of marine ecosystem would ensure the survival of fisherfolk living in the bay.

The Bureau of Fisheries and Aquatic Resources – the key government office responsible for sustaining, developing, conserving, and managing the country's fisheries and aquatic resources, still remains under the Department of Agriculture. Although the Bureau is sparing no effort to realize its ideals, elevating its status to a department would further empower and strengthen the sector, which in turn would support the Filipino people.

With appropriate research and technical proficiency along with proper government support and funding, the Department of Fisheries and Aquatic Resources will propel the fisheries and aquaculture industry towards a sustainable and stable future.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



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³ <https://www.pna.gov.ph/articles/1063873>

⁴ <https://news.un.org/en/story/2004/08/111752-un-warns-overfishing-asia-pacific-threatens-vital-food-and-economic-resource>

⁵ https://www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Sustainable-Fisheries-Management-Plan_Sarangani-Bay_March-2019.pdf

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

SECTION 1. *Title.* – This Act shall be known as the “Department of Fisheries and Aquatic Resources Act.”

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

(a) promote the sustainable development and management of all fisheries, marine and aquatic resources including its exclusive economic zones (EEZs), the adjacent high seas and in coastal and inland aquatic resources consistent with the objective of maintaining ecological balance, protecting and enhancing the quality of the environment;

(b) protect the rights of subsistence fishermen, especially local communities, to the preferential use of the communal marine and fishing resources both inland and offshore.

(c) conserve and protect the nation’s aquatic wealth in its waters, territorial seas, EEZs, and reserve use and enjoyment exclusive to Filipino citizens.

(d) protect fishing communities from the harmful effects of climate change and other natural or man-made hazards.

(e) ensure sustainable fisheries production with the objective of securing availability of food staples and achieving food security.

SECTION 3. *Creation.* – The Department of Fisheries and Aquatic Resources, hereinafter referred to as the “Department,” is hereby created in accordance with the provisions of this act.

SECTION 4. *Jurisdiction of the Department.* – The Department shall have primary jurisdiction over the management, conservation, development, protection, utilization, and disposition of all fishery and aquatic resources of the country, including habitats of fish and all other marine life activities, excluding municipal waters, which shall remain under the jurisdiction of local government units (LGUs): *Provided*, that said LGUs shall manage their respective municipal waters in accordance with national fishery policies, laws, rules, and regulations, and in a manner consistent with the policies set forth herein.

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

The Department shall also have the responsibility of rationalizing all ocean sector initiatives which impact on fish and marine resources of their habitat including, but not limited to: coastal and marine tourism, shipping lane designation, marine energy exploration and development, and management of protected areas and marine industry development areas.

SECTION 5. *Powers and Functions of the Department.* – The Department shall exercise the following powers and functions:

(a) Exercise responsibility and authority over the utilization of the ocean, including its fisheries and their habitat;

(b) Coordinate and monitor the implementation of fisheries and ocean sectors statutes, policies, plans, and programs for all maritime components;

(c) Promulgate and enforce fisheries and ocean habitat regulations to clarify and amplify the aforementioned departmental mandate in accordance with the published fisheries and oceans management plans;

(d) Issue licenses for the operation of commercial fishing vessels;

(e) Establish and maintain a comprehensive Philippine Fisheries and Aquatic Information System (PFARIS) which shall function as the primary repository of all information pertaining to fisheries, oceanic and other aquatic resources, including, but not limited to: fisheries and aquaculture production, domestic and international fisheries trade, consumption, and utilization of fisheries and other aquatic resources, and researches on fisheries conservation, production, processing, marketing, and innovations.

(f) Provide technical and other forms of assistance in the settlement of conflicts arising from the use and allocation of fisheries and other aquatic resources in consultation with the National Fisheries and Aquatic Resources Management Council (NFARMC) and LGUs concerned;

(g) Coordinate efforts relating to fishery production undertaken by the primary fishery producers, LGUs, FARMCs, fishery and organization or cooperatives;

(h) Designate marine protected areas such as marine sanctuaries, marine reserves, and marine parks pursuant to existing laws, treaties, rules, and regulations;

(i) Issue identification cards free of charge to fishworkers engaged in commercial fishing;

(j) Monitor and review joint fishing agreements between Filipino citizens foreigners who conduct fishing activities in international waters and ensure that such agreements are not contrary to Philippine commitment under international treaties and convention on fishing in the high seas;

(k) Fix, assess, collect, and adjust fees and charges for the use and sale of properties, equipment, facilities, and service to support the programs and projects of the department.

(l) Implement and inspection system for import and export of fishery and aquatic products and fish processing establishments consistent with international standards to ensure product quality and safety;

(m) Establish and implement a National Marketing Assistance Program through Philippine Fisheries Development Authority (PFDA) to ensure the generation of highest possible income for fisherfolk, and fishery-related enterprises by harmonizing fisheries supply with the demand from domestic and international markets;

(n) Formulate and enforce a Code of Conduct for Responsible Fisheries an Code of Practice for Responsible Aquaculture.

(o) Acquire, maintain, operate, purchase, lease, or dispose fisheries equipment and facilities such as, but not limited to: fish port, shipyard, fishing vessel, fishing gear, refrigerated truck, ice plant, cold storage, and aquaculture facilities through PFDA;

(p) Impose administrative sanctions for minor infractions in accordance with schedules and limits as embodied in fisheries laws, rules, and regulations and as agreed upon by the Department of Justice;

(q) Fix, assess, and adjust fees and charges for the use and sale of properties , equipment, facilities, and services to support the programs and projects of the department;

(r) Provide extensive development support services in all aspects of fisheries production, processing, and marketing;

(s) Provide advisory services and technical assistance on the improvement of quality of fish from the time it is caught.

(t) Prepare and implement a comprehensive Fisheries Management Plan, based on precautionary principle and the principle of sustainable development using scientifically generated information or researched evidence on the status of the fisheries and marine resources.

(u) Implement the provisions of Republic Act No. 8550 and the relevant provisions of Republic Act Nos. 8435, 8425, and 9147 and enforce all fisheries laws, miles and regulations through its fisheries officers and law enforcement agents who shall be vested with full police powers including arrest, search, and seizure and through deputized government officials and employees , punong-barangays and officers, and members of fisherfolk associations who have undergone training on law enforcement;

(v) Perform quasi-judicial and allied functions and settle conflicts of resource use and allocation in consultation with the FARMCs and LGUs;

(w) To perform such other functions as may be necessary to carry out the purposes of this Act or as may be provided by law.

SECTION 6. Structural Organization. – 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.

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 subject to the confirmation of the Commission on Appointments, and shall exercise the following duties and functions:

- (a) Exercise supervision and control over all bureaus, institutes, center, and offices under the Department;
- (b) Exercise authority and assume responsibility for the performance of the powers and functions of the Department;
- (c) Provide advice to the President on the promulgation of policies, rules and regulations, and other matters pertinent to the sustainable development, utilization and management of fisheries and other aquatic resources;
- (d) Establish policies and standards for the efficient and effective operation of the Department in accordance with established plans, programs, and standards of the Department;
- (e) Promulgate rules, regulations, and other issuances to carry out the mandates, objectives, plans, programs, and projects of the Department;
- (f) Perform other functions as may be provided by law or assigned by the President.

SECTION 8. *Undersecretaries.*—The Secretary shall be assisted by three (3) undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary: *Provided*, That two (2) of the assistant secretaries shall be career officers.

SECTION 9. *Assistant Secretaries.* – The Secretary shall be assisted by three (3) assistant secretaries who shall be appointed by the President upon the recommendation of the Secretary: *Provided*, That two (2) of the assistant secretaries shall be career officers.

SECTION 10. *Regional Offices.* – The Department may establish, operate, and maintain a regional office in the different administrative regions of the country as may be necessary. Each regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The Regional Director and Assistant Regional Director shall be appointed by the President upon the recommendation of the Secretary. The regional offices shall have support staffs as may be necessary to perform the following duties and functions:

- (a) Implement laws, policies, plans, programs, projects, rules and regulations of the Department;
- (b) Provide efficient and effective frontline services to the fisheries sector, particularly to municipal fishermen;
- (c) Coordinate with regional offices of other departments, offices, and agencies, as well as with the LGUs within their respective jurisdictions; and
- (d) Perform such other functions as may be provided by law or assigned by the Secretary.

SECTION 11. *Qualifications.* – No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless the appointee is a citizen and resident of the Philippines, of good moral character, of proven integrity, and with at least seven (7) years of competence and expertise in any of the following: biology, ecology, biogeochemistry, biotechnology, marine sciences, limnology, oceanography, fisheries management or other related disciplines, either in the private or public sector.

No person shall be appointed Director of the Department unless the appointee is a citizen and resident of the Philippines, of good moral character, of proven integrity, with at least a degree in law or a graduate degree in biology, ecology, biogeochemistry, biotechnology, marine sciences, limnology, oceanography, fisheries management or other related disciplines, or public administration, and with at least three (3) years of relevant experience in marine conservation, fisheries management or related fields, either in private or public sector.

SECTION 12. *Abolition, Transfer and Merger of Agencies and Personnel.* – The Bureau of Fisheries and Aquatic Resources (BFAR) reconstituted by Republic Act No. 8550, is hereby abolished. All relevant functions. Appropriations, records, properties, equipment, and personnel shall be transferred to the Department; *Provided*, That no official or employee of the BFAR shall be separate from the service in a manner inconsistent with Section 13 of this Act.

The National Fisheries and Aquatic Resources Management Council (NFARMC) created by Republic Act No. 8550 shall be transferred to the Department; *Provided*, That an Undersecretary of the Department shall be appointed as the Chairperson of the NFARMC.

The National Fisheries Research and Development Institute (NFRDI) created by Republic Act No. 8550 shall be transferred to the Department and shall serve as the principal research arm of the Department; *Provided*, That an Undersecretary of the Department and the Executive Director of the

NFRDI shall be appointed as Chairperson and Vice-Chairperson of the NFRDI Governing Board: *Provided, further,* That no official or employee of the NFRDI shall be separated from the service in a manner inconsistent with Section 13 of this Act.

The Philippine Fisheries Development Authority (PFDA) created by Presidential Decree No. 977, as amended, shall be transferred as an attached government corporation to the Department, including its relevant functions, appropriations, records, properties, equipment and personnel: *Provided,* That the Secretary shall be appointed as the Chairperson of the PFDA Board of Directors; *Provided, further,* That no official or employee of the PFDA shall be separated from the service in a manner inconsistent with Section 13 of this Act.

All other operating units of the Department of Agriculture (DA) with the functions and responsibilities dealing with fisheries and aquatic resources, including units under its attached agencies and corporations, are hereby transferred to the Department: *Provided,* That no official or employee of the DA shall be separated from the service in a manner inconsistent with Section 13 of this Act.

SECTION 13. Separation and Retirement from Service. – Employees who are separated from the service within six (6) months from the effectivity of this Act as a result of the consolidation and/or 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 14. Organization Structure and Staffing Pattern. – Subject to the approval of the Department of Budget and Management (DBM), the Department shall determine its organizational structure and create new bureaus, divisions or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with the civil service law, rules, and regulations.

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, operating system, 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 the

Department, in coordination with the DBM, shall determine and create new positions, the funding requirements of which shall not exceed cost of positions that may be abolished or reorganized.

SECTION 16. *Appropriations*. – The amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation of the BFAR and all agencies herein absorbed by or attached to the Department. 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*. – Within sixty (60) days from the effectivity of this Act, the BFAR, Civil Service Commission (CSC) and DBM shall, in coordination with the DA, PFDA, NFRDI, NFARMC and other government agencies concerned, promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SECTION 18. *Separability Clause*. – If, for any reason, any provision of this Act or any part thereof shall be held unconstitutional and invalid, the other parts or provisions of this Act, which are not affected thereby, shall remain in full force and effect.

SECTION 19. *Repealing Clause*. – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with any of the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 20. *Effectivity*. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation or in the *Official Gazette*.

Approved,