

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City

HOUSE OF REPRESENTATIVES

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SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2465

Introduced by **REPRESENTATIVE ARTHUR C. YAP**

EXPLANATORY NOTE

The Philippines, with an island-dwelling population of more than 93 million and more than 7,100 islands, is a major fishing nation and the world's second largest archipelagic State. In 2012, the Philippines ranked among the major fish producing countries in the world with a total production of 3.1 million tons of fish, crustaceans, mollusks and other aquatic animals. The fisheries and aquaculture industry employed an estimated 1.5 million people in 2010 nationwide; with fisheries accounting for more than 1 million. It contributes an estimated 1.8 percent (valued at 196 billion pesos) to the country's Gross Domestic Product (GDP) at current prices in 2012. In 2013, exports of fish and fishery products were valued at USD 1.2 billion. (*Food and Agriculture Organization of the United Nations*)

The Philippine fishing industry comprises marine capture fisheries, inland capture fisheries, and aquaculture. Marine capture fisheries can be further divided into municipal fisheries and commercial fisheries. While, the Philippines has vast fishery resources at its disposal, most of the country's main fish species and marine organisms are showing signs of overfishing and coastal habitats are showing signs of degradation because of multiple human activities taking place in coastal areas.

The Comprehensive National Fisheries Industry Development Plan (2006-2025) recognizes that, despite a long history of attempts, Philippine fisheries have yet to be sustainably managed. Unsustainable management results in greater poverty, more resource use conflicts, and reduced contributions of the fisheries sector to the economy. The main cause of the above problems is the inadequate management systems and structures. Hence,

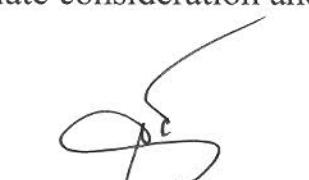
all these problems can be traced to an institutional system that is not yet fully effective.

Fisheries management in the Philippines rests jointly on two authorities: the Bureau of Fisheries and Aquatic Resources (BFAR) under the Department of Agriculture that has regional offices nation-wide, and the local government units (LGUs) that operate under the Local Government Code of 1991. Under the Fisheries Code, BFAR formulates and enforces rules and regulations governing the conservation and management of fishery resources, except in municipal waters. On the other hand, the Local Government Code (LGC) devolved authority over the management of municipal waters to LGUs within the parameters set by national fisheries legislation and policies.

To ensure the preservation and development of the country's waters and marine resources, this bill proposes the creation of the Department of Fisheries and Aquatic Resources (DFAR), which will be separate from the Department of Agriculture.

For a country surrounded by water, proper management of aquatic resources should be a priority, both for food security and livelihood improvement. The creation of a department of fisheries is an acknowledgment that the fishery sector has distinct problems and issues apart from land-based farming that need more focused attention. It is also consistent with the national policy and effort to curb corruption sourced from unnecessary bureaucracy.

For the foregoing reasons, the immediate consideration and passage of this bill is earnestly urged.



ARTHUR C. YAP
Representative

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AN ACT
CREATING A DEPARTMENT OF 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
2 Fisheries and Aquatic Resources Act of 2016".

3 **SECTION 2. Creation.** - The Department of Fisheries and Aquatic
4 Resources, hereinafter referred to as the Department, is hereby created
5 structurally and functionally in accordance with the provisions of this Act.

6 **SECTION 3. Declaration of Policies.** - It is hereby declared the policy
7 of the State to promote the sustainable development and management of all
8 fisheries and marine resources in Philippine waters including the exclusive
9 economic zone (EEZ) and in the adjacent high seas, consist with the
10 primordial objective of maintaining a sound ecological balance, protecting
11 and enhancing the quality of the environment. It is the policy of the State to

1 protect and conserve the nation's marine wealth in its archipelagic waters,
2 territorial sea and exclusive economic zone and reserve its use and enjoyment
3 exclusively to Filipino citizens. It is the policy of the State to adopt the
4 precautionary principle and to prioritize conservation of the country's marine
5 and aquatic resources. It is also the policy of the State to protect the rights of
6 small-scale fishermen in the preferential use of communal marine, fisheries
7 and aquatic resources. Towards this end, it shall provide such fishermen with
8 the appropriate technical and financial support.

9 **SECTION 4. *Jurisdiction of the Department.*** - The Department shall
10 have primary jurisdiction over the management, conservation, development,
11 protection, utilization and disposition of all fishery and aquatic resources of
12 the country, including the habitats of fish and all other marine life and over
13 activities which impact on these habitats, except for municipal waters, which
14 shall remain under the jurisdiction of local government units. The latter shall
15 manage their municipal waters in accordance with national fishery policies,
16 laws, rules and regulations. The Department shall have the authority to
17 supervise and regulate the production and capture of fish and fishery products
18 within its jurisdiction, as well as the processing and marketing of all fisheries
19 and aquatic products in the country. The Department shall have the
20 responsibility of rationalizing all ocean sector initiatives which impact on fish
21 and marine resources or their habitat including, but not limited to: marine-
22 energy exploration and development; coastal and marine tourism; designation
23 of shipping lanes; protected areas; and, marine industry development areas.
24 The regulation of these marine activities, once rationalized by the Department,
25 shall reside with the parent agency for the 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 (a) Authority and responsibility over oceans use on fisheries and their habitat;

4 (b) Coordinate the implementation of fisheries and ocean sector policies, plans

5 and laws for all maritime components;

6 (c) Promulgate and enforce fisheries and oceans habitat regulations, which

7 clarify and amplify the aforementioned departmental mandate in

8 accordance with the published fisheries and oceans management plans

9 within its territorial jurisdiction;

10 (d) Prepare and implement a comprehensive Fisheries Management Plan,

11 based on the precautionary principle and the principle of sustainable

12 development, using scientifically-generated information or best available

13 evidence on the status of the fisheries and marine resources;

14 (e) Formulate and implement, consistent with the development framework of

15 the National Economic Development Authority, a fishery industry

16 development program and set policies and standards for the efficient and

17 economic operations of the fishing industry in accordance with the

18 objectives of food security and rational and sustainable development;

19 (f) Promulgate laws, rules and regulations governing the conservation and

20 proper utilization of fisheries and aquatic resources except in municipal

21 waters;

22 (g) Issue licenses for the operation of commercial fishing vessels and permits

23 for the conduct of fishery activities subject to the specific carrying

24 capacities of the resource as determined by scientific studies or best

- 1 available evidence with preference given to resource users in the local
2 communities living adjacent or nearest to the municipal waters;
- 3 (h) Issue fish worker licenses and identification cards free of charge to fish
4 workers engaged in commercial fishing;
- 5 (i) Implement the provisions of Republic Act No. 8550 and the relevant
6 provisions of Republic Act No. 8435 and enforce all fishery laws, rules
7 and regulations through its fishery officers and guardians who shall be
8 vested with full police powers including arrest, search and seizure and
9 through deputized government officials and employees, *punong barangays*
10 and officers and members of fisher folk associations who have undergone
11 training on law enforcement;
- 12 (j) Perform quasi-judicial and allied functions and settle conflicts of resource
13 use and allocation in consultation with the NFARMC and LGUs;
- 14 (k) It shall prescribe rules and regulations including visitorial powers,
15 procedures and guidelines concerning the classification, establishment,
16 construction, maintenance and operation of all fishing ports, landing sites
17 and fish markets and the operation of business therein except those that are
18 owned and operated by local government units;
- 19 (I) Establish and maintain a Philippine Fisheries and Aquatic Resources
20 Information System (PF ARIS) that will function as the principal
21 depository and information server of all fisheries and ocean-related
22 information in the country, including but not limited to the status of
23 fisheries and marine resources and their habitat, all matters pertaining to
24 fisheries production, processing, marketing and research results and
25 technology advances;

- 1 (m)Develop and implement a Monitoring Control and Surveillance System
 - 2 (MCSS) for Philippine fisheries and oceans at the national and regional
 - 3 levels to ensure that the fisheries and marine resources in Philippine waters
 - 4 are judiciously and wisely utilized and managed on a sustainable basis;
 - 5 (n) Actively engage in the conservation, protection and rehabilitation of rare,
 - 6 threatened and endangered marine species as it may determine, including
 - 7 their habitats;
 - 8 (o)Implement relevant provisions of international treaties and agreements
 - 9 such as, but not limited to, the Convention on the International Trade in
 - 10 Endangered Species of Wild Flora and Fauna, United Nations Convention
 - 11 on the Law of the Sea, Convention on Biological Diversity, and formulate
 - 12 rules and regulations for the conservation and management of straddling
 - 13 fish stocks and highly migratory species;
 - 14 (p)Designate marine areas as protected areas for the special purposes stated
 - 15 in the notice of declaration;
 - 16 (q)Formulate and enforce the Code of Practice for Aquaculture and Code of
 - 17 Conduct for Responsible Fisheries;
 - 18 (r) Promote international economic and technical cooperation in the fisheries
 - 19 and oceans sectors and in integrated oceans management, especially within
 - 20 the ASEAN region;
 - 21 (s) Determine oceanic fractions, in accordance with the schedules and limits
 - 22 as agreed upon by the Department of Justice and embodied in fisheries
 - 23 regulations;
 - 24 (t) Acquire, maintain, operate, purchase, lease or dispose, through the
 - 25 Philippine Fisheries Development Authority, equipment and facilities such

- 1 as shipyards, fishing vessels, fishing gears, and refrigerated trucks, ice
2 plants and cold storages, communication, and aquaculture facilities;
- 3 (u) Fix, assess and collect reasonable fees, tolls, charges, rentals and the like,
4 through the PFDA, for the use, sale of properties, equipment, facilities and
5 services to support the Department's projects and to adjust the same as
6 warranted;
- 7 (v) Provide, through the PFDA, infrastructure support such as municipal
8 fishing ports and markets, farm-to-market roads, quality laboratories in
9 fish ports, marketing facilities, local fisheries shipbuilding and repair
10 facilities, and post-harvest facilities, in cooperation with concerned
11 agencies;
- 12 (w) Establish and implement, through the PFDA, a National Marketing
13 Assistance Program, aimed at ensuring the generation of the highest'
14 possible income for fisher folk and fishery-related enterprises, matching
15 supply and demand in both domestic and foreign markets;
- 16 (x) Administer a fisheries modernization credit program to finance fishery
17 projects of fisher folk, fish farmers, fish processors, commercial fishers
18 and other qualified borrowers; and
- 19 (y) Perform all other functions consistent with this Act and as may be provided
20 by law.

21 **SECTION 6. Structural Organization.** - The Department shall consist
22 of the Office of the Secretary and three Undersecretaries for Fisheries
23 Production and Utilization, Fisheries Conservation and Management, and for
24 Operations; one council, the National Fisheries and Aquatic Resources
25 Management Council, one institute, the National Fisheries Research and

1 Development Institute, one office, the Office of Ocean and Marine Affairs
2 and the following services: the Philippine Fisheries and Aquatic Resources
3 Information Service, Policy Analysis and Planning Service, as well as
4 Personnel, Finance, Legal and Property and General Services. The Office of
5 Ocean and Marine Affairs shall have authority and responsibility over ocean
6 use. It shall be the Department's primary agency tasked with the
7 implementation of the National Marine Policy and the relevant provisions of
8 the United Nations Convention on the Law of the Sea. Any and all use of the
9 ocean shall require the assessment and clearance by this Office, which shall
10 rationalize initiatives that will negatively impact on fisheries or their habitat.

11 It shall coordinate the implementation of fisheries and ocean sector policies,
12 plans and laws for all maritime components. It shall be headed by a Director
13 and shall have the following divisions:

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

18 The Philippine Fisheries Development Authority created by
19 Presidential Decree No. 977 as amended, shall be an attached agency of the
20 Department of Fisheries and Aquatic Resources under the Office of the
21 Secretary.

22 **SECTION 7. *Functions of the Secretary of Fisheries and Aquatic***
23 ***Resources.*** - The Secretary of Fisheries and Aquatic Resources, hereinafter
24 referred to as the Secretary, shall be appointed by the President with the

- 1 consent of the Commission on Appointments, and shall have the following
2 functions:
- 3 (a) Supervision and control of the Department and the Bureaus, Offices and
4 Institutes under it;
- 5 (b) Authority and responsibility for the performance of the powers and
6 functions of the Department;
- 7 (c) Advise the president on the promulgation of policies, rules and regulations,
8 and other issuance relative to the sustainable development and
9 management of fisheries and oceans resources;
- 10 (d) Establish management policies and standards for the efficient and effective
11 operation of the Department in accordance with the programs of the
12 government;
- 13 (e) Promulgate rules, regulations and other issuance in carrying out the
14 Department's mandate, objectives, policies, plans, programs and projects;
15 and
- 16 (f) Perform such other functions as may be provided by law or assigned by
17 the President.

18 **SECTION 8. Functions of the Undersecretaries of the Department**

19 **of Fisheries and Marine Resources.** - There shall be three (3)
20 Undersecretaries: the Undersecretary for Fisheries Production and Utilization;
21 the Undersecretary for Fisheries Conservation and Management; and the
22 Undersecretary for Operations; who shall be appointed by the President upon
23 the recommendation of the Secretary. The Undersecretaries for Fisheries
24 Production and Utilization and for Fisheries Conservation and Management
25 shall have the following functions:

- 1 (a) Advise the Secretary on the formulation of policies, programs, plans, rules
- 2 and regulations, as well as on the promulgation of Department Order,
- 3 Administrative Orders, and other issuance with respect to his/her area of
- 4 responsibility;
- 5 (b) Exercise supervision and control over the bureaus, offices, services and
- 6 operating units under his/her responsibility;
- 7 (c) Coordinate the functions and activities of the units under his/her
- 8 responsibility with those of the other units in the Department;
- 9 (d) Liaise with concerned government departments, agencies, and offices to
- 10 ensure effective coordination in the management of the fisheries and
- 11 oceans sector; and
- 12 (e) Perform such other functions as may be provided by law or assigned by
- 13 the Secretary.

14 The Undersecretary for Operations shall have the following functions:

- 15 (a) Exercise supervision and control over the regional offices;
- 16 (b) Coordinate, harmonize and package the policies, plans, programs and
- 17 projects of all the Bureaus, Services, Offices and Units of the Department,
- 18 for the proper implementation by the regional offices;
- 19 (c) Advise the Secretary in the formulation of policies, plans and programs as
- 20 well as on the promulgation of rules, regulations and orders with respect
- 21 to his/her area of responsibility;
- 22 (d) Exercise supervision and control over the Fisheries Inspection and
- 23 Quarantine Service and the Bureau of Fishery Economics and Statistics;
- 24 (e) Establish linkage with local government units, local fisher folk
- 25 associations and organizations, non-government organization and peoples'

1 organization and supervise support and extension services at the regional,
2 provincial and municipal levels; and

3 (f) Perform other functions as may be provided by law or assigned by the
4 Secretary.

5 **SECTION 9. *Qualifications of the Undersecretaries.*** - No person
6 shall be appointed Undersecretary of the Department unless he is a Filipino
7 citizen; at least a degree holder in fisheries, publication administration,
8 management, economics, law or other equivalent relevant disciplines; has
9 actual experience in administration and management for at least ten (10)
10 years; and has general practical knowledge of fisheries.

11 **SECTION 10. *Organizational Structure of the Department.*** - The
12 functions of the Department under this Act shall be carried out by the bureaus,
13 agencies and services created in the Department.

14 Under the supervision and control of the Undersecretary for Fisheries
15 Production and Utilization, the following bureaus, services and offices are
16 hereby created:

17 (a) **Bureau of Aquaculture und Inland Fisheries (BAIF)** - The BAIF shall,
18 among others, be responsible for: regulating aquaculture operations in line
19 with the International Code of Conduct for Aquaculture, promoting the
20 intensification of aquaculture operations in existing areas; formulating
21 aquaculture development programs; establishing and maintaining model
22 aquaculture farms and ponds; providing technical assistance to
23 cooperatives and fishpond operators in the development of a viable
24 fishmeal and fish feeds industry, undertaking inland fishery resources
25 evaluation; and recommending management and conservation measures.

1 The Bureau shall be headed by a Director and shall be composed of
2 the following divisions:
3 • Aquaculture Management and Development Division;
4 • Inland Fisheries Resource Assessment and Conservation Division;
5 • Inland Fishery Development and Extension Division; and the
6 • Environmental Impact Assessment and Monitoring Division

7 **(b) Bureau of Postharvest and Fisheries Product Standards (BPFPS) -**

8 The fishery component of the Bureau of Agriculture and Product
9 Standards created under Section 61 of RA 8435 shall be transferred to the
10 BPFPS which shall formulate and enforce standards of quality in the
11 processing, preservation, packaging, labelling, importation, exportation,
12 distribution, and advertising of fishery products; conduct research on
13 product standardization, alignment of the local standards with the
14 international standards; promote and strengthen semi-processing and
15 handling; and shall have a Director, two Assistant Directors, one for
16 Product Standards and Technical Services and the other for Industry
17 Compliance and Consumer Protection and the following divisions:

18 Under the Assistant Director for Product Standards and Technical
19 Services -

- 20 • Technical Services Division
21 • Fish Processing Technology Division.
22 • Standards Development and Promotion Division;
23 • Value-added Products Development and Promotion Division; and

24 Under the Assistant Director for Industry Compliance and
25 Consumer Protection –

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

4 **(c) Bureau of Fisheries Extension, Training, and Support Service**

5 **(BFETSS)** - The BFETSS shall coordinate all development activities with
6 respect to fisheries and oceans technology, and shall have a development
7 section for all components including inland and oceans fishing, and
8 fishing fears and methods. It shall formulate a National Extension System
9 for Fisheries, which shall be composed of three (3) subsystems: the
10 national government subsystem, the local government subsystem and the
11 private sector subsystem. It shall deliver the following major services:
12 training services; credit and financing support services, business advisory
13 services; demonstration services, and information and communication
14 support services through tri-media. It shall have the following divisions:

- 15 • Training and Skills Development Division;
- 16 • Technology Transfer and Demonstration Division;
- 17 • Business Advisory and Information Support Division;
- 18 • Training Centers;

19 **(d) The Bureau of Fishing Technology and Capture Fisheries (BFTCF)-**

20 The BFTCF shall have direct supervision and control over the utilization
21 of marine resources including commercial, international and small-scale
22 fisheries. It shall formulate development programs for the expansion of
23 the marine fishery industry; explore new fishery resources and
24 development environment friendly but efficient fishing gears. It shall be

1 headed by a Director and two Assistant Directors and shall have the
2 following divisions:

- 3 • Municipal Fisheries Division;
- 4 • Commercial Fisheries Division;
- 5 • Fishing Technology Division
- 6 • High Seas Fisheries Division; and the

7 **(e) The Fisheries Modernization Credit and Financing Agency**

8 **(FMCFA)** - The FMCFA shall administer the funds under Sections 108
9 to 113 of RA 8550 as well as the fisheries-related provisions of Sections
10 20 to 25 of RA 8435, harmonizing and integrating the two so as to package
11 and deliver various credit assistance programs for the following:

- 12 • Fisheries production including processing of fisheries products and
13 inputs;
- 14 • Acquisition or construction of fishery equipment, machinery, fishing
15 vessels and fishing gears;
- 16 • Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
- 17 • Procurement of fisheries products for storage, trading, processing and
18 distribution;
- 19 • Construction, acquisition and repair of facilities for production,
20 processing, storage, transportation, communication, marketing and
21 such other facilities in support of fisheries; economic activities;
- 22 • Working capital for fisheries graduates to enable them to engage in
23 fisheries-related
- 24 • Activities which support marine and freshwater bodies conservation
25 and ecology-enhancing activities such as but not limited to mangrove

1 reforestation, promotion of whale shark and manta ray and other
2 endangered marine species watching and ecotourism; and
3 • Development of appropriate technology, both in fishery and ancillary
4 industries that are ecologically sound, locally source based and labor
5 intensive, based on the requirements of the Fisheries and Aquatic
6 Management Councils. Under the supervision and control of the
7 Undersecretary for Fisheries Conservation and Management, the
8 following bureaus, units, board and services are hereby created.

9 **(f) Marine Resources Conservation and Management Bureau.** - The
10 Marine Resources Conservation and Management Bureau is a line bureau
11 tasked with the formulation and implementation of a Comprehensive
12 Fisheries Management Plan. It shall undertake marine fishery resources
13 assessment and biological and environmental investigations and formulate
14 conservation measures. In coordination with the National Fisheries
15 Research and Development Institute, it shall determine and establish the
16 carrying capacity and total allowable catch (TAC) for a particular resource.
17 It shall set the allowable fishing effort based on the carrying capacity of
18 the resource and TAC and accordingly issue commercial fishing licenses
19 and permits. It shall be headed by a Director and two Assistant Directors
20 and shall have the following divisions:

- 21 • Coastal Resources Management Division;
22 • Oceanography Division; • Fisheries Licensing Division;
23 • Biotechnology, Biosafety and Bio-prospecting Division; and the
24 • Fisheries Law Enforcement Division.

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

- (i) The National and Fisheries Zone Monitoring and Surveillance Center which shall have a National Coordinating Center and several Fisheries Zones Monitoring and Surveillance Centers. It is further subdivided into the Vessel Tracking and Remote Sensing Office, and the Database and Information Center;
- (ii) The Fisheries Air Patrol and Oceans Patrol, and the Regulatory Staff composed of Fishery Officers, Deputized Fisheries Guardians and the corps of specialists' from the DND, PNP-MARICOM, DILG, DFA and DOJ. The Fishery Officers shall have full police powers relative to the enforcement of fishery laws, rules and regulations including arrest, search and seizure, and shall have the authority to directly file complaints for violation of fishery laws, rules and regulations.

(g) The Bureau of Marine Protected Areas and Wildlife (BMPAW) - The BMPAW is a line bureau responsible for establishing and maintaining

1 marine protected areas and wildlife sanctuaries, It shall lead in the conduct
2 of scientific researches on the proper strategies for the conservation and
3 protection of marine wildlife and their habitat including breeding or
4 propagation. It shall also establish Marine Wildlife Rescue Centers to take
5 custody of all confiscated, stranded or abandoned marine wildlife. It shall
6 have the authority to issue Committee on International Trade on
7 Endangered Species (CITES) Permits and shall be both the CITES
8 Management and Scientific Authorities of the Philippines, It shall be the
9 lead agency in the fulfillment of the country's obligations under CITES,
10 the Convention on Biological Diversity and other treaties and
11 international agreements. It shall have the following divisions:

- 12 • Marine Protected Areas Division;
- 13 • Marine Wildlife Rescue Centers;
- 14 • CITES Management Authority;
- 15 • Endangered Marine Species Captive Breeding Centers; Endangered
16 Marine Wildlife Research Center shall be the Department's CITES
17 Scientific Authority which shall coordinate with academic institutions
18 designated as scientific authorities; and the
- 19 • Biodiversity Division

20 The Undersecretary for Operations shall have direct control and
21 supervision over all regional offices and the following unit and bureau:

22 **(h) The Fisheries Inspection and Quarantine Inspection Service (FIQIS)**

23 - The FIQIS shall have the line functions and shall be responsible for the
24 inspection and quarantine of all fishery related activities including the
25 conduct of quarantine and quality inspection of all fish and fishery/aquatic

1 products coming into and going out of the country by air or water transport
2 to detect the presence of fish pest and diseases, the regular inspection of
3 processing plants, storage facilities, abattoirs, as well as public and private
4 markets in order to ensure freshness, safety and quality of products and to
5 ensure that these products conform to the standards prescribed by the
6 Department; and the quarantine of aquatic animals and fishery products
7 determined or suspected to be with fishery pest and diseases and prevent
8 the movement or trade from and or into the country of these products so
9 prohibited or regulated under existing laws, rules or regulations and
10 international agreements of which the Philippine is a State Party. It shall
11 have the following units:

- 12 • Regional fishery Inspection and Quarantine Offices;
13 • Cyanide Detection Centers; • Product Standards Enforcement
14 Division.
15 • Regional Fish Health Centers; and the

16 (i) **The Bureau of Fishery Economics and Statistics (BFES)** - The BFES
17 shall be a line bureau responsible for establishing benchmark data on the
18 structure of the fishery industry. It shall conduct research and studies on
19 the socio-economics of various fishery operations, collect data on fishery
20 production, and establish a network of fishery information,
21 documentation and dissemination. It shall have the following divisions:

- 22 • Fishery Statistics Division;
23 • Socioeconomic Division; and the
24 • Fishery Information Division

1 **SECTION 11. *Regional Offices and Functions.*** - The Department

2 shall have such department-wide regional offices as may be necessary in the
3 administrative regions, each to be headed by a Regional Director, who shall
4 be assisted by an Assistant Regional Director, each regional office shall have
5 support staffs as may be necessary and four line divisions which shall have
6 the following duties and responsibilities:

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

15 **SECTION 12. *Appointment and Qualification of Directors.*** - The

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

24 **SECTION 13. *Abolition, Transfer and Merger.*** - The Bureau of

25 Fisheries and Aquatic Resources reconstituted by Republic Act No 8550, is

1 hereby abolished and its relevant functions, appropriations, records,
2 properties, equipment and personnel are hereby transferred to the Department
3 of Fisheries and Aquatic Resources: Provided, however, That no official or
4 employee of the BF AR shall be laid off in the implementation of this section.

5 The National and Municipal Fisheries and Aquatic Resources
6 Management Councils created by Republic Act No. 8550 shall be transferred
7 to the Office of the Secretary of the Department of Fisheries and Aquatic
8 Resources.

9 The National Fisheries Research and Development Institute created by
10 Republic Act No.8550 is transferred to the department and shall serve as its
11 principal research arm.

12 The Philippine Fisheries Development Authority created by
13 Presidential Decree No. 977 including its relevant functions, appropriations,
14 records, properties, equipment and personnel, is hereby transferred to the
15 Department of Fisheries and Aquatic Resources as an attached agency under
16 the Office of the Secretary: Provided, however, That the Secretary of the
17 Department of Fisheries and Aquatic Resources shall be the new chairman of
18 the Board: Provided, further, That no official or employee of the PFDA shall
19 be laid off in the implementation of this Section.

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

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

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

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

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

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

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

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

24 **SECTION 16. *Appropriations.*** For the effective implementation of
25 this Act, the amount of P5 Billion Pesos is hereby appropriated from the

1 inappropriate funds of the National Treasury and the current budgetary
2 appropriations of the Bureau of Fisheries and Aquatic Resources, including
3 its regional offices, the appropriations of the Philippine Fishing Development
4 Authority, and the budgetary provision of the Philippine Council for Aquatic
5 and Marine Research Development. The amount necessary for the
6 construction of a national office of the Department of Fisheries and Aquatic
7 Resources equivalent to P500, 000,000.00 is hereby appropriated from the un-
8 appropriated funds of the National Treasury.

9 The revenues which the Department will generate from its licensing
10 operations, the fees collected & the proprietary services delivered by the
11 Department, and the administrative fines imposed by the National Fisheries
12 Regulatory and Adjudication Bond shall constitute the Department's
13 revolving fund from which amounts necessary to carry out the special research
14 projects, management and conservation programs, staff development
15 programs, and the acquisition of equipment, vessels, and airplanes, helicopters
16 of the Monitoring and Surveillance Center shall be taken: Provided, however,
17 That the fishpond rentals shall accrue to the National Fisheries Research and
18 Development Institute as provided under Section 46 (c) of Republic Act No.
19 8550. The use of such funds shall be project to COA rules and regulations.

20 **SECTION 17. Separability Clause** - If any provision of this Act is
21 declare unconstitutional inoperative, the other provisions not so declared shall
22 remain in force and effect.

23 **SECTION 18. Repealing Clause.** - All laws, decrees, orders, rules and
24 regulations or parts thereof inconsistent with the Act or the rules and

1 regulations promulgated pursuant thereto are hereby repealed or amended
2 accordingly.

3 **SECTION. 19. Effectivity Clause.** - This Act shall take effect fifteen
4 (15) days after publication in two (2) national newspapers of general
5 circulation.

Approved.