

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**THIRTEENTH CONGRESS
Third Regular Session**

HOUSE BILL NO. 5896



Introduced by:

Representatives Luis R. Villafuerte, Benasing O. Macarambon Jr., Federico S. Sandoval II, Generoso DC Tulagan, Janette L. Garin, Arthur D. Celeste, Antonio C. Alvarez, Eduardo C. Firmalo, Alfredo D. Marañon III, Reyлина "Neneng" G. Nicolas, Simeon L. Kintanar, Victoria H. Reyes and Oscar L. Gozos

EXPLANATORY NOTE

This bill seeks to create the Department of Aquaculture and Fisheries Resources (DAFR), providing for the transfer of powers and functions, appropriations, records, properties, equipment, and personnel of the several agencies established by the existing laws, particularly related to aquaculture, fisheries and marine resources matters from the Department of Agriculture and other agencies of government.

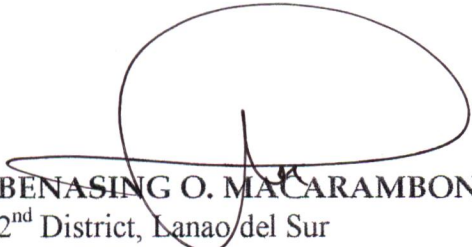
The creation of DAFR is a significant breakthrough to ensure the preservation and proper development of the country's archipelagic waters and marine resources. The Philippines is blessed with enormous bodies of water, covering a total area of 171 million hectares. The vastness of the Philippine maritime zone and its rich resources dictate that we should have a marine-based economy. In spite of this reality, it is ironic that we do not have a department whose primary purpose is to concentrate on serving the needs of the aquaculture and fisheries sector.

Today, our fisherfolk do not earn enough, the consumer cannot buy sufficient and affordable fish, and our fishing grounds are over-fished and being destroyed. We need a department that has the muscle to see to it that our laws and rules are followed, our corals and other marine resources are protected, develop potential areas for mangroves, aquaculture, mariculture and seaweed parks, and spearhead our country's competitiveness in the global market for aquaculture and fisheries products and by-products.

It is high time that we come to terms with our nature as an archipelago, to be in harmony with the seas and the oceans that surround us. The creation of the DFAR will

correct the traditional bias of government for land-based agriculture and provide the long delayed attention to our local fishermen and Philippine water resources.

Approval of this bill is therefore earnestly sought.



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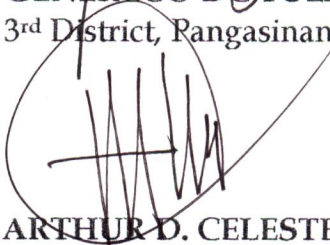
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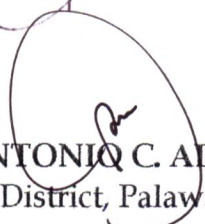
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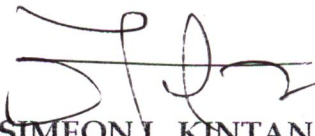
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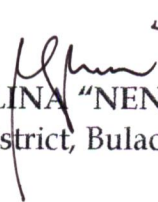
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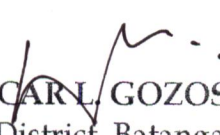
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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Regular Session

HOUSE BILL NO. 5896

Introduced by: Rep. Luis R. Villafuerte, Benasing O. Macarambon Jr., Federico S. Sandoval II, Generoso DC Tulagan, Janette L. Garin, Arthur D. Celeste, Antonio C. Alvarez, Eduardo C. Firmalo, Alfredo D. Marañon III, Reyline "Neneng" G. Nicolas, Simeon L. Kintanar, Victoria H. Reyes and Oscar L. Gozos

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

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

SECTION 1. *Title.* This Act shall be known as the "Department of Aquaculture and Fisheries Resources Act of 2004".

SEC. 2. *Creation.* The Department of Aquaculture and Fisheries Resources, hereinafter referred to as the Department, is hereby created structurally and functionally in accordance with the provisions of this Act.

SEC. 3. *Declaration of Policies.* It is hereby declared the policy of the State to protect and conserve the nation's marine wealth in its archipelagic waters, territorial sea and exclusive economic zone (EEZ) and reserve their use and enjoyment exclusively to Filipino citizens. The State shall promote the sustainable development and management of all aquaculture, fisheries and marine resources in Philippine waters including the exclusive economic cone (EEZ) and in the adjacent high seas, consist with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment, and ensuring food security for our people.

It is the policy of the State to protect the rights of small-scale fishermen in the preferential use of communal marine, fisheries and aquatic resources. It shall also be the policy of the State to encourage private initiative in aquaculture and fisheries business ventures both in the production and the exportation/importation of fish and fishery products and by-products. Towards this end, the State shall provide the fishermen, aquaculturists, and other investors with the appropriate technical, financial, marketing and other support services.

SEC. 4. *Jurisdiction of the Department.* The Department shall have primary jurisdiction over the management, conservation, development, protection, utilization and disposition of all aquaculture, fishery and aquatic resources of the country, including the habitats of fish and all other marine life and over activities which impact on these habitats, except for municipal waters, which shall remain under the jurisdiction of local government

units. The latter shall manage their municipal waters in accordance with national fishery policies, laws, rules and regulations.

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 aquaculture, fisheries and other aquatic products in the country.

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

- (a) Prepare and implement a comprehensive National Aquaculture and Fisheries Management Plan, based on the precautionary principle and the principle of sustainable development, using scientifically – generated information or best available evidence on the status of the fisheries and marine resources.
- (b) Formulate and implement, consistent with the development framework of the National Economic Development Authority, a Comprehensive National Fisheries Industry Development Plan and set policies and standards for the efficient and economic operations of the aquaculture and fishing industries in accordance with the objectives of food security and rational and sustainable development;
- (c) Promulgate laws, rules and regulations governing the conservation and proper utilization of aquaculture, fisheries and aquatic resources except in municipal waters;
- (d) Issue licenses for the operation of commercial fishing vessels and permits for the conduct of fishery activities subject to the specific carrying capacities of the resource as determined by scientific studies or best available evidence with preference given to resource users in the local communities living adjacent or nearest to the municipal waters;
- (e) Issue Fishworker licenses and identification cards free of charge to Fishworkers engaged in commercial fishing;
- (f) Implement the provisions of Republic Act No. 8550 and the relevant provisions of Republic Act No. 8435 and enforce all fishery laws, rules and regulations through its fishery officers and guardians 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 associates who have undergone training on law enforcement;
- (g) Perform quasi-judicial and allied functions and settle conflicts of resource use and allocation in consultation with the NFARMC and LGU's;
- (h) Prescribe rules and regulations including visitorial powers, procedures and guidelines concerning the classification, establishment, construction, maintenance and operation of all fishing ports, landing sites and fish markets and the operation of business therein except those that are owned and operated by local government units;
- (i) Establish and maintain a Philippine Fisheries and Aquatic Resources Information System (PFARIS) that will function as the principal depository and information server

of all aquaculture, fisheries and marine resources and their habitats, all matters pertaining to aquaculture and fisheries production, processing, marketing and research results and technology advances;

- (j) 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 marine resources in Philippine waters are judiciously and wisely utilized and managed on a sustainable basis;
- (k) Actively engage in the conservation, protection and rehabilitation of rare, threatened and endangered marine species as it may determine, including their habitats;
- (l) 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;
- (m) Designate marine areas as protected areas for the special purposes stated in the notice of declaration;
- (n) Formulate and enforce the Code of Practice for Aquaculture and Code of Conduct for Responsible Fisheries;
- (o) Promote international economic and technical cooperation in the fisheries and oceans sectors and in integrated oceans management, especially within the ASEAN region;
- (p) Impose administrative sanctions, including fines for minor fisheries and ocean infractions, in accordance with the schedules and limits as agreed by the Department of Justice and embodied in fisheries regulations;
- (q) Acquire, build, maintain, operate, purchase, lease 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, laboratories, communication, and aquaculture facilities;
- (r) 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
- (s) Establish and implement, through the PFDA, a National Marketing Assistance Program, aimed at ensuring the generation of the highest possible income for fisherfolk and fishery-related enterprises, matching supply and demand in both domestic and foreign markets;
- (t) Administer a fisheries modernization credit program to fishery projects of fisherfolk, fish farmers, fish processors, commercial fishers and other qualified borrowers; and
- (u) Perform all other functions consistent with this act and as may be provided by law.

SEC. 6. *Structural Organization.* The Department shall consist of the Office of the Secretary and three Undersecretaries for Operations, Policy and Planning, and Administrative Support Services and External Relations; one council, the National Fisheries and Aquatic Research Management Council, one institute, the National Fisheries Research and Development Institute, and the following services: the Philippine Fisheries and Aquatic Resources Information Service, Public Relations and Protocol Service, as well as Personnel, Finance, Legal and Property and General Services.

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

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

- (a) Supervision and control of the Department and the Bureaus, Offices and Institutes under it;
- (b) Authority and responsibility for the performance of the powers and functions of the Department;
- (c) Advise the President on the promulgation of the policies, rules and regulations, and other issuance relative to the sustainable development and management of fisheries and oceans resources;
- (d) Establish management policies and standards for the efficient and effective operation of the Department in accordance with the programs of the government;
- (e) Promulgate rules, regulations and other issuance in carrying out the Department's mandate, objectives, policies, plans, programs and projects; and
- (f) Perform such other functions as may be provided by law or assigned by the President.

SEC. 8. *Assistance to the Secretary.* The Secretary shall be assisted by three (3) Undersecretaries: the Undersecretary for Operations; the Undersecretary for Policy and Planning; and the Undersecretary for Administrative Support Services and External Relations; and five (5) Assistant Secretaries: the Assistant Secretary for Planning; the Assistant Secretary for Policy and International Affairs; the Assistant Secretary for Operations; the Assistant Secretary for Support Services; and the Assistant Secretary for External Relations.

8.1 *Office of the Undersecretary.* The Undersecretary shall assist the Secretary in the exercise of the Department's mandate and in the discharge of its powers and functions. The office shall:

- (a) provide periodic reports and advice to the Secretary on the plans, programs and offices under their defined areas of responsibility and recommend measures towards greater effectiveness and efficiency;

- (b) to the extent granted by the Secretary, exercise delegated authority on matters related to the functions and activities of the units under their defined areas of responsibility; and
- (c) perform other functions as may be provided by law or assigned by the Secretary.

8.2 *Office of the Assistant Secretary.* With respect to the specific area of responsibility, the Assistant Secretary shall have the following general functions:

- (a) provide periodic reports and advice to the Undersecretary on the programs and offices under their defined areas of responsibility and recommend measures towards greater effectiveness and efficiency;
- (b) exercise supervision and control over the programs, budget, officers and personnel of the offices, services, operating units under their defined areas of responsibility;
- (c) to the extent granted by the Secretary, exercise delegated authority on matters related to the functions and activities of the units under their defined areas of responsibility; and
- (d) perform other functions as may be provided by law or assigned by the Secretary.

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

No person shall be appointed Assistant Secretary, Bureau Director or Assistant Bureau Director, unless he is a Filipino citizen; must have a degree in law or at least a masters degree in fisheries, public administration, management, economics, statistics, engineering, law or other equivalent relevant disciplines; with at least seven (7) years actual experience, either in the public or private sector, in administration and management, in marine fisheries research and development, or in the aquaculture and fisheries industries. The Assistant Secretary, Bureau or Assistant Bureau Director shall be appointed by the Secretary upon the recommendation of the Undersecretary concerned.

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

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

SEC. 10. *Office of the Undersecretary for Policy and Planning.* The Office of the Undersecretary for Policy and Planning shall provide policy advice to the Secretary and be responsible for the development of national aquaculture and fisheries policies and their integration and translation into the National Aquaculture and Fisheries Management Plan. The Office shall provide periodic public reports of achievements in aquaculture and fisheries; The Office shall have direct supervision over Office of the Assistant Secretary for Policy and International Affairs, the Office of the Assistant Secretary for Planning, the Bureau of Fishery Economics and Statistics (BFES), the Bureau of Postharvest and Fisheries Product Standards (BPFPS), and the Fisheries Modernization Credit and Financing Agency (FMCFA);

- (a) *Office of the Assistant Secretary for Policy and International Affairs.* The Office of the Assistant Secretary for Policy and International Affairs shall lead in the policy development of the Department to attain the goals of the aquaculture and fisheries sector. It shall be responsible for the crafting of national aquaculture and fisheries policy and provide periodic reports on the country's performance relative to the sector. It shall evaluate international developments and assess their potential impact on Philippine aquaculture and fisheries. It shall be responsible for developing and managing bilateral and multilateral affairs of the Department, including trade, investment and cooperation agreement negotiations and the coordination of their implementation. The Service shall be responsible for advocating the Philippine aquaculture and fisheries agenda in international organizations and bodies. The Office shall have direct control over the Policy Service and the International Affairs Service.
- (b) *Office of the Assistant Secretary for Planning* The Office of the Assistant Secretary for Planning shall lead in the development of national aquaculture and fisheries plans and budgets consistent with national policies. The Office shall be responsible for the development of institutional mechanisms for periodic program assessment, and in identifying, developing and packaging development projects for implementation. It shall develop and implement reliable and cost-effective information and communication technology systems and establish and maintain the Philippine Aquaculture and Fisheries Information System which shall be the principal depository and information server of all aquaculture and fisheries-related information in the country. The Office shall have direct supervision and control over the Planning Service, the Monitoring and Evaluation Service and the Project Development Service.
- (c) *The Bureau of Fishery Economics and Statistics (BFES).* The BFES shall be a line bureau responsible for establishing benchmark data on the structure of the aquaculture and fishery industries. It shall conduct research and studies on the socio-economics of various aquaculture fishery operations, collect data on aquaculture and fishery production, and establish a network of aquaculture and fishery information, documentation and dissemination. It shall have the following divisions: the Aquaculture and Fishery Statistics Division; the Socioeconomic Division, and the Aquaculture and Fishery Information Division.
- (d) *The Bureau of Postharvest and Fisheries Product Standards (BPFPS).* The fishery component of the Bureau of Agriculture and Product Standards created under Section 61 of RA 8435 shall be transferred to the BPFPS which shall formulate and enforce standards of quality in the processing, preservation, packaging, labeling, importation, exportation, distribution, and advertising of aquaculture and fishery products; conduct

research on product standardization, implement farm-based HACCP and align local standards with international standards; promote and strengthen semi-processing and handling; and develop new valued-added aquaculture and fishery 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 Value-added 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; the Consumer Affairs Division; and the Arbitration and Dispute Resolution Division.

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

- i. Aquaculture and fisheries production including processing of fisheries products and inputs;
- ii. Acquisition or construction of fishery equipment, machinery, fishing vessels and fishing gears;
- iii. Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
- iv. Procurement of fisheries products for storage, trading, processing and distribution;
- v. Construction, acquisition and repair of facilities for production, processing, storage, transportation, communication, marketing and such other facilities in support of fisheries;
- vi. Working capital for fisheries graduates to enable them to engage in fisheries-related economic activities;
- vii. Activities which support marine and freshwater bodies conservation and ecology-enhancing activities such as but not limited to mangrove reforestation, promotion of whale shark and manta ray and other endangered marine species watching and eco-tourism; and
- viii. Development of appropriate technology in aquaculture, fishery and ancillary industries that are ecologically sound, locally source based and labor intensive, based on the requirements of the Fisheries and Aquatic Resources Management Councils.

SEC. 11. *Office of the Undersecretary for Operations.* The Office of the Undersecretary for Operations shall provide leadership in the translation and implementation of the National Aquaculture and Fisheries Management Plan (NAFMP) and

the Comprehensive National Fisheries Industry Development Plan (CNFIDP) into operational plans and programs. It shall exercise direct supervision and control over the Office of the Assistant Secretary for Operations, the regional field offices, the Bureau of Aquaculture and Inland Fisheries (BAIF); the Bureau of Fishing Technology and Capture Fisheries (BFTCF); the Bureau of Aquaculture and Fisheries Extension, Training, and Support Services (BFETSS), the Marine Resources Conservation, Management and Enforcement Bureau; and the Fisheries Inspection, Quarantine and Fish Health Service

- (a) *Office of the Assistant Secretary for Operations.* The Office of the Assistant Secretary for Operations shall assist the Undersecretary to ensure integration of functions and activities and adherence to national policies and programs. The Office shall assist in the supervision of the regional field units and in developing a framework of cooperation and linkage with regional development councils, LGUs and national agencies in the management of the aquaculture, fisheries and marine sectors,
- (b) *Bureau of Aquaculture and Inland Fisheries (BAIF)* - The BAIF shall, among others, be responsible for: regulating aquaculture operations in line with Best Aquaculture Practices and the International Code of Conduct for Aquaculture, promoting the intensification of aquaculture operations in existing areas; formulating aquaculture development programs; establishing and maintaining model aquaculture farms and ponds; promoting and developing, with private sector participation, mariculture parks and/or marine special economic zones; providing technical assistance to cooperatives and fishpond operators in the development of viable fishmeal and fish feeds industry, undertaking inland fishery resources evaluation; and recommending management and conservation measures.

The Bureau shall have a Director and an Assistant Director and shall be composed of the following divisions: the Aquaculture Development and Management Division;; the Inland Fisheries Resource Assessment, Development and Conservation Division; and the Aquaculture and Inland Fishery Regulation and Licensing Division.

- (c) *Bureau of Fisheries Extension, Training, and Support Services (BFETSS)* – The BFETSS shall coordinate all development activities with respect to aquaculture, fisheries and oceans technology, and shall have a development section for all components including inland and oceans fishing, fishing gears and methods and new aquaculture and fisheries research and technology. The Bureau shall establish linkages with local government units, local fisherfolk associations and organizations, non-government organization and people's organization and supervise support and extension services at the regional, provincial and municipal level. It shall formulate a National Extension System for Aquaculture and Fisheries, which shall be composed of three (3) subsystems: the national government subsystem, the local government subsystem and the private sector subsystem. It shall deliver the following major services: training services; credit and financing support services, demonstration services, and information and communication support services through tri-media. It shall have the following units: the Training and Skills Development Division; the Technology Transfer and Demonstration Division; Training Centers.
- (d) *The Bureau of Fishing Technology and Capture Fisheries (BFTCF)* – The BFTCF shall have direct supervision and control over the utilization of marine resources including commercial, international and small-scale fisheries. It shall formulate development

programs for the expansion of the marine fishery industry, explore new fishery resources and develop environment-friendly but efficient fishing gears. It shall be headed by a Director and two Assistant Directors and shall have the following divisions: the Municipal Fisheries Division; the Commercial Fisheries Division; the High Seas Fisheries Division; and the Fishing Technology Division.

- (e) *Marine Resources Conservation, Management and Enforcement Bureau.* – The Marine Resources Conservation, Management and Enforcement Bureau is a line bureau tasked with the implementation and enforcement of the Comprehensive National Aquaculture and Fisheries Management Plan. It shall undertake marine fishery resources assessment and biological and environmental investigations and formulate conservation measures. Pursuant to Section 81 of RA 8550, the Bureau shall also be responsible for establishing and maintaining marine protected areas, fishery refuges and sanctuaries, and assist LGUs in identifying and establishing fish sanctuaries in municipal waters. It shall be the lead agency in the fulfillment of the country's obligations under Convention on International Trade on Endangered Species (CITES) for marine and aquatic species, the Convention on Biological Diversity and other such treaties and international agreements.

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

It shall be headed by a Director and two Assistant Directors and shall have the following units: the Coastal Resources Management Division; the Fisheries Licensing Division, the Oceanography Division; the Marine Protected Areas Division, the Fisheries Law Enforcement Division; the Marine Wildlife Rescue Centers; and the Endangered Marine Species Captive Breeding Centers.

The Fisheries Law Enforcement Division shall establish the Fisheries Air 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 Division shall conduct law enforcement trainings and recommend to the Secretary the deputation of government employees and members of fisherfolk organizations as fishery guardians. It shall have the supervision and control of fishery laws, rules and regulations and the efficient monitoring, control and surveillance of fishing activities within Philippine territorial waters. 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.

- (f) *The Fisheries Inspection, Quarantine and Fish Health Service (FIQFHS).* The FIQFHS shall have line functions and shall be responsible for the inspection and quarantine of all fishery related activities including the conduct of quarantine and quality inspection of all

fish and fishery/aquatic products coming into and going out of the country by air or water transport to detect the presence of fish pest and diseases, the regular inspection of processing plants, storage facilities, abattoirs, as well as public and private markets in order to ensure freshness, safety and quality of products and to ensure that these products conform to the standards prescribed by the Department; the provision of fish health services to the aquaculture sector; and the quarantine of aquatic animals and fishery products determined or suspected to be with fishery pest and diseases and prevention of the movement or trade from and/or into the country of these products so prohibited or regulated under existing laws, rules or regulations and international agreements of which the Philippine is a State Party. The Bureau shall have the following units: Regional Fishery Inspection and Quarantine Offices; Cyanide Detection Centers; Regional Fish Health Centers; and the Product Standards Enforcement Division.

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

- (a) *Office of the Assistant Secretary for Support Services.* The Office of the Assistant Secretary for Support Services shall oversee the effective provision of staff support services to all the Department's offices and agencies at all levels of implementation to achieve cost-efficiency and cost-effectiveness. It shall develop and implement systems and procedures to ensure transparency, accountability and predictability in the administrative and financial transactions of the Department. The Office shall have direct supervision over the Human Resource Management Service, Finance and Management Service, Legal Service, and Property and General Services.
- (b) *Office of the Assistant Secretary for External Relations.* The Office of the Assistant Secretary for External Relations shall provide leadership in formulating a Department-wide public information program to generate public support for the Department's policies, programs, and projects. The Office shall also liaise with the legislative branch of government in the advocacy for laws, policies and programs supportive of the development and growth of the aquaculture and fisheries sector and shall supervise the Public Relations and Protocol Service.

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

- (a) Provide efficient and effective front-line service to the aquaculture, fishery and aquatic industry sectors, particularly to the municipal fishermen;

- (b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects, rules and regulations of the Department;
- (c) Coordinate with the Regional office of the other departments, offices and agencies in the region; and
- (d) Perform other functions as may be provided by law or assigned by the Secretary.

SEC. 14. *Abolition, Transfer and Merger.* The Bureau of Fisheries and Aquatic Resources reconstituted by Republic Act No. 8550, is hereby abolished and its relevant functions, appropriations, records, properties, equipment and personnel are hereby transferred to the Department of Aquaculture and Fisheries Resources: Provided, however, that no official or employee of the BFAR shall be laid off in the implementation of this Section.

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

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

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

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

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

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

The Philippine Council for Aquatic and Marine Research and Development is abolished and all its personnel, records, appropriations, property and equipment are

transferred to the National Fisheries Research and Development Institute of the Department of Fisheries and Marine Resources.

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

The fisheries-related sections of the Bureau of Agricultural Research, the Bureau of Agricultural Statistics and the Agricultural Training Institute of the Department of Agriculture are hereby abolished and all fisheries related functions of the DENR under Executive Orders No. 192 and 292, except the functions of the enforcement of water pollution laws, rules and regulations, are hereby transferred to the Department of Aquaculture and Fisheries Resources.

SEC. 15. *Transitory Provisions.* In accomplishing the acts of organizing the Department as herein prescribed, the following provisions shall be complied with:

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

SEC. 16. *Organization Committee.* The duly appointed Secretary of Aquaculture and Fisheries Resources shall immediately create an organization committee which shall study and formulate the staffing pattern, qualification standards, and placement of personnel in the Department, its services, bureaus, and offices. The Committee shall be composed of representatives from the Department of Budget and Management, Civil Service Commission, the fishery industry and the academe.

SEC. 16. *Appropriations.* For the effective implementation of this Act, the amount of FIVE BILLION PESOS (P5,000,000,000.00) is hereby appropriated from the unappropriated funds of the National Treasury and the current budgetary appropriations of the Bureau of Fisheries and Aquatic Resources, including its regional offices, the appropriations of the Philippine Fishing Development Authority, and the budgetary provision of the Philippine Council for Aquatic and Marine Research Development. The

amount necessary for the construction of a national office of the Department of Aquaculture and Fisheries Resources equivalent to P 500,000,000.00 is hereby appropriated from the unappropriated funds of the National Treasury.

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

SEC. 17. *Separability Clause.* If any provision of this Act is declared unconstitutional or invalid, the other provisions not so declared shall remain in force and effect.

SEC. 18. *Repealing Clause.* All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act or rules and regulations promulgated pursuant thereto are hereby repealed or amended accordingly.

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

Approved,