

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 65

Introduced by HONORABLE LUIS R. VILLAFUERTE

EXPLANATORY NOTE

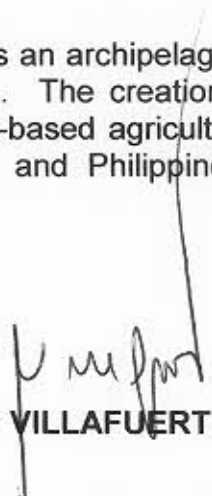
This bill seeks to create the Department of Aquaculture and Fisheries Resources (DAFR), providing for the transfer of powers and functions, appropriations, records, properties, equipment, and personnel of the several agencies established by the existing laws, particularly related to aquaculture, fisheries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


LUIS R. VILLAFUERTE

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Introduced by HONORABLE LUIS R. VILLAFUERTE

**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:*

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

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

6 **SEC. 3. Declaration of Policies.**- It is hereby declared the policy of
7 the State to protect and conserve the nation's marine wealth in its
8 archipelagic waters, territorial sea and exclusive economic zone (EEZ) and
9 reserve their use and enjoyment exclusively to Filipino citizens. The State
10 shall promote the sustainable development and management of all
11 aquaculture, fisheries and marine resources in Philippine waters including
12 the exclusive economic zone (EEZ) and in the adjacent high seas consist
13 with the primordial objective of maintaining a sound ecological balance,

1 protecting and enhancing the quality of the environment, and ensuring
2 food security for our people.

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

11 **SEC. 4. Jurisdiction of the Department.** The Department shall
12 have primary jurisdiction over the management, conservation,
13 development, protection, utilization and disposition of all aquaculture,
14 fishery and aquatic resources of the country, including the habitats of fish
15 and all other marine life and over activities which impact on these
16 habitats, except for municipal waters, which shall remain under the
17 jurisdiction of local government units. The latter shall manage their
18 municipal waters in accordance with national fishery policies, laws, rules
19 and regulations.

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

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

4 a. Prepare and implement a comprehensive National
5 Aquaculture and Fisheries Management Plan, based on the
6 precautionary principle and the principle of sustainable
7 development, using scientifically – generated information or
8 best available evidence on the status of the fisheries and
9 marine resources.

10 b. Formulate and implement, consistent with the development
11 framework of the National Economic Development Authority,
12 a Comprehensive National Fisheries Industry Development
13 Plan and set policies and standards for the efficient and
14 economic operations of the aquaculture and fishing industries
15 in accordance with the objectives of food security and rational
16 and sustainable development;

17 c. Promulgate laws, rules and regulations governing the
18 conservation and proper utilization of aquaculture, fisheries
19 and aquatic resources except in municipal waters;

20 d. Issue licenses for the operation of commercial fishing vessels
21 and permits for the conduct of fishery activities subject to the
22 specific carrying capacities of the resource as determined by
23 scientific studies or best available evidence with preference

- 1 given to resource users in the local communities living
2 adjacent or nearest to the municipal waters;
- 3 e. Issue Fishworker licenses and identification cards free of
4 charge to Fishworkers engaged in commercial fishing;
- 5 f. Implement the provisions of Republic Act No. 8550 and the
6 relevant provisions of Republic Act No. 8435 and enforce all
7 fishery laws, rules and regulations through its fishery officers
8 and guardians who shall be vested with full police powers
9 including arrest, search and seizure and through deputized
10 government officials and employees, punong barangays and
11 officers and members of fisherfolk associates who have
12 undergone training on law enforcement;
- 13 g. Perform quasi-judicial and allied functions and settle conflicts
14 of resource use and allocation in consultation with the
15 National Fisheries and Aquatic Research Management Council
16 (NFARMC) and Local Government Units (LGUs);
- 17 h. Prescribe rules and regulations including visitorial powers,
18 procedures and guidelines concerning the classification,
19 establishment, construction, maintenance and operation of all
20 fishing ports, landing sites and fish markets and the
21 operation of business therein except those that are owned
22 and operated by local government units;
- 23 i. Establish and maintain a Philippine Fisheries and Aquatic
24 Resources Information System (PFARIS) that will function as

1 the principal depository and information server of all
2 aquaculture, fisheries and marine resources and their
3 habitats, all matters pertaining to aquaculture and fisheries
4 production, processing, marketing and research results and
5 technology advances;

- 6 j. Develop and implement a Monitoring Control and Surveillance
7 System (MCSS) for Philippine fisheries and oceans at the
8 national and regional levels to ensure that the fisheries and
9 marine resources in Philippine waters are judiciously and
10 wisely utilized and managed on a sustainable basis;
- 11 k. Actively engage in the conservation, protection and
12 rehabilitation of rare, threatened and endangered marine
13 species as it may determine, including their habitats;
- 14 l. Implement relevant provisions of international treaties and
15 agreements such as, but not limited to, the Convention on
16 the International Trade in Endangered Species of Wild Flora
17 and Fauna, United Nations Convention on the Law of the Sea,
18 Convention on Biological Diversity, and formulate rules and
19 regulations for the conservation and management of
20 straddling fish stocks and highly migratory species;
- 21 m. Designate marine areas as protected areas for the special
22 purposes stated in the notice of declaration;
- 23 n. Formulate and enforce the Code of Practice for Aquaculture
24 and Code of Conduct for Responsible Fisheries;

- 1 o. Promote international economic and technical cooperation in
2 the fisheries and oceans sectors and in integrated oceans
3 management, especially within the ASEAN region;
- 4 p. Impose administrative sanctions, including fines for minor
5 fisheries and ocean infractions, in accordance with the
6 schedules and limits as agreed by the Department of Justice
7 and embodied in fisheries regulations;
- 8 q. Acquire, build, maintain, operate, purchase, lease or dispose,
9 through the Philippine Fisheries Development Authority
10 (PFDA), equipment and facilities such as shipyards, fishing
11 vessels, fishing gears, and refrigerated trucks, ice plants and
12 cold storages, laboratories, communication, and aquaculture
13 facilities;
- 14 r. Fix, assess and collect reasonable fees, tolls, charges, rentals
15 and the like, through the PFDA, for the use, sale of
16 properties, equipment, facilities and services to support the
17 Department's projects and to adjust the same as warranted;
- 18 s. Establish and implement, through the PFDA, a National
19 Marketing Assistance Program, aimed at ensuring the
20 generation of the highest possible income for fisherfolk and
21 fishery-related enterprises, matching supply and demand in
22 both domestic and foreign markets;

- 1 t. Administer a fisheries modernization credit program to
2 fishery projects of fisherfolk, fish farmers, fish processors,
3 commercial fishers and other qualified borrowers; and
4 u. Perform all other functions consistent with this Act and as
5 may be provided by law.

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

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

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

- 22 a. Supervision and control of the Department and the
23 Bureaus, Offices and Institutes under it;

1 b. Authority and responsibility for the performance of the
2 powers and functions of the Department;

3 c. Advise the President on the promulgation of the policies,
4 rules and regulations, and other issuance relative to the
5 sustainable development and management of fisheries and
6 oceans resources;

7 d. Establish management policies and standards for the
8 efficient and effective operation of the Department in
9 accordance with the programs of the government;

10 e. Promulgate rules, regulations and other issuance in
11 carrying out the Department's mandate, objectives,
12 policies, plans, programs and projects; and

13 f. Perform such other functions as may be provided by law or
14 assigned by the President.

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

1 8.1 *Office of the Undersecretary.* - The Undersecretary shall assist the
2 Secretary in the exercise of the Department's mandate and in the
3 discharge of its powers and functions. The office shall:

- 4 a. provide periodic reports and advice to the Secretary on the
5 plans, programs and offices under their defined areas of
6 responsibility and recommend measures towards greater
7 effectiveness and efficiency;
- 8 b. to the extent granted by the Secretary, exercise delegated
9 authority on matters related to the functions and activities of
10 the units under their defined areas of responsibility; and
- 11 c. perform other functions as may be provided by law or
12 assigned by the Secretary.

13 8.2 *Office of the Assistant Secretary.* - With respect to the specific area
14 of responsibility, the Assistant Secretary shall have the following
15 general functions:

- 16 a. provide periodic reports and advice to the Undersecretary on
17 the programs and offices under their defined areas of
18 responsibility and recommend measures towards greater
19 effectiveness and efficiency;
- 20 b. exercise supervision and control over the programs, budget,
21 officers and personnel of the offices, services, operating units
22 under their defined areas of responsibility;

1 c. to the extent granted by the Secretary, exercise delegated
2 authority on matters related to the functions and activities of
3 the units under their defined areas of responsibility; and
4 d. perform other functions as may be provided by law or
5 assigned by the Secretary.

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

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

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

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

12 **SEC. 10. Office of the Undersecretary for Policy and Planning.**

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

1 *a. Office of the Assistant Secretary for Policy and International*
2 *Affairs.* - The Office of the Assistant Secretary for Policy and
3 International Affairs shall lead in the policy development of the
4 Department to attain the goals of the aquaculture and fisheries
5 sector. It shall be responsible for the crafting of national
6 aquaculture and fisheries policy and provide periodic reports on
7 the country's performance relative to the sector. It shall
8 evaluate international developments and assess their potential
9 impact on Philippine aquaculture and fisheries. It shall be
10 responsible for developing and managing bilateral and
11 multilateral affairs of the Department, including trade,
12 investment and cooperation agreement negotiations and the
13 coordination of their implementation. The Service shall be
14 responsible for advocating the Philippine aquaculture and
15 fisheries agenda in international organizations and bodies. The
16 Office shall have direct control over the Policy Service and the
17 International Affairs Service.

18 *b. Office of the Assistant Secretary for Planning.* - The Office of
19 the Assistant Secretary for Planning shall lead in the
20 development of national aquaculture and fisheries plans and
21 budgets consistent with national policies. The Office shall be
22 responsible for the development of institutional mechanisms for
23 periodic program assessment, and in identifying, developing and
24 packaging development projects for implementation. It shall

1 develop and implement reliable and cost-effective information
2 and communication technology systems and establish and
3 maintain the Philippine Aquaculture and Fisheries Information
4 System which shall be the principal depository and information
5 server of all aquaculture and fisheries-related information in the
6 country. The Office shall have direct supervision and control
7 over the Planning Service, the Monitoring and Evaluation Service
8 and the Project Development Service.

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

19 d. *The Bureau of Postharvest and Fisheries Product Standards*
20 *(BPFPS).* - The fishery component of the Bureau of Agriculture
21 and Product Standards created under Section 61 of RA 8435
22 shall be transferred to the BPFPS which shall formulate and
23 enforce standards of quality in the processing, preservation,
24 packaging, labeling, importation, exportation, distribution, and

1 advertising of aquaculture and fishery products; conduct
2 research on product standardization, implement farm-based
3 HACCP and align local standards with international standards;
4 promote and strengthen semi-processing and handling; and
5 develop new valued-added aquaculture and fishery products for
6 domestic consumption and export.

7 The Bureau shall have a Director and two Assistant Directors.
8 The Assistant Director for the Product Standards and Technical
9 Services shall have supervision and control over the Standards
10 Development and Promotion Division; the Technical Services
11 Division; the Value-added Products Development and Promotion
12 Division; and the Fish Processing Technology Division. The
13 Assistant Director for Industry Compliance and Consumer
14 Protection shall have supervision and control over the Industry
15 Compliance Division; the Consumer Affairs Division; and the
16 Arbitration and Dispute Resolution Division.

17 e. *The Fisheries Modernization Credit and Financing Agency*
18 *(FMCFA)* – The FMCFA shall administer the funds under Sections
19 108 to 113 of RA 8550 as well as the fisheries-related provisions
20 of Section 20 to 25 of RA 8435, harmonizing and integrating the
21 two so as to package and deliver various credit assistance
22 programs for the following:

- 23 i Aquaculture and fisheries production including
24 processing of fisheries products and inputs;

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

23 **SEC. 11. Office of the Undersecretary for Operations.** - The
24 Office of the Undersecretary for Operations shall provide leadership in the

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

11 *a. Office of the Assistant Secretary for Operations.* The Office of
12 the Assistant Secretary for Operations shall assist the
13 Undersecretary to ensure integration of functions and activities
14 and adherence to national policies and programs. The Office
15 shall assist in the supervision of the regional field units and in
16 developing a framework of cooperation and linkage with regional
17 development councils, LGUs and national agencies in the
18 management of the aquaculture, fisheries and marine sectors,

19 *b. Bureau of Aquaculture and Inland Fisheries (BAIF)* - The BAIF
20 shall, among others, be responsible for: regulating aquaculture
21 operations in line with Best Aquaculture Practices and the
22 International Code of Conduct for Aquaculture, promoting the
23 intensification of aquaculture operations in existing areas;
24 formulating aquaculture development programs; establishing

1 and maintaining model aquaculture farms and ponds; promoting
2 and developing, with private sector participation, mariculture
3 parks and/or marine special economic zones; providing technical
4 assistance to cooperatives and fishpond operators in the
5 development of viable fishmeal and fish feeds industry,
6 undertaking inland fishery resources evaluation; and
7 recommending management and conservation measures.

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

14 *c. Bureau of Fisheries Extension, Training, and Support Services*
15 *(BFETSS)* – The BFETSS shall coordinate all development
16 activities with respect to aquaculture, fisheries and oceans
17 technology, and shall have a development section for all
18 components including inland and oceans fishing, fishing gears
19 and methods and new aquaculture and fisheries research and
20 technology. The Bureau shall establish linkages with local
21 government units, local fisherfolk associations and
22 organizations, non-government organization and people's
23 organization and supervise support and extension services at
24 the regional, provincial and municipal level. It shall formulate a

1 National Extension System for Aquaculture and Fisheries, which
2 shall be composed of three (3) subsystems: the national
3 government subsystem, the local government subsystem and
4 the private sector subsystem. It shall deliver the following major
5 services: training services; credit and financing support services,
6 demonstration services, and information and communication
7 support services through tri-media. It shall have the following
8 units: the Training and Skills Development Division; the
9 Technology Transfer and Demonstration Division; Training
10 Centers.

11 *d. The Bureau of Fishing Technology and Capture Fisheries (BFTCF)*

12 - The BFTCF shall have direct supervision and control over the
13 utilization of marine resources including commercial,
14 international and small-scale fisheries. It shall formulate
15 development programs for the expansion of the marine fishery
16 industry, explore new fishery resources and develop
17 environment-friendly but efficient fishing gears. It shall be
18 headed by a Director and two Assistant Directors and shall have
19 the following divisions: the Municipal Fisheries Division; the
20 Commercial Fisheries Division; the High Seas Fisheries Division;
21 and the Fishing Technology Division.

22 *e. Marine Resources Conservation, Management and Enforcement*

23 *Bureau.* - The Marine Resources Conservation, Management and
24 Enforcement Bureau is a line bureau tasked with the

1 implementation and enforcement of the Comprehensive National
2 Aquaculture and Fisheries Management Plan. It shall undertake
3 marine fishery resources assessment and biological and
4 environmental investigations and formulate conservation
5 measures. Pursuant to Section 81 of RA 8550, the Bureau shall
6 also be responsible for establishing and maintaining marine
7 protected areas, fishery refuges and sanctuaries, and assist
8 LGUs in identifying and establishing fish sanctuaries in municipal
9 waters. It shall be the lead agency in the fulfillment of the
10 country's obligations under the Convention on International
11 Trade on Endangered Species (CITES) for marine and aquatic
12 species, the Convention on Biological Diversity and other such
13 treaties and international agreements.

14 In coordination with the National Fisheries Research and
15 Development Institute, the Bureau shall conduct stock
16 assessment of fish and marine resources and determine and
17 establish the carrying capacity and total allowable catch (TAC)
18 for a particular resource and lead in the conduct of scientific
19 researches on the proper strategies for the conservation and
20 protection of marine wildlife and their habitat including breeding
21 and propagation of the same. It shall set the allowable fishing
22 effort based on the carrying capacity of the resource and TAC
23 and accordingly issue commercial fishing licenses and permits.

1 The Bureau shall also have the authority to take custody of
2 confiscated, stranded or abandoned marine wildlife.

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

10 The Fisheries Law Enforcement Division shall establish the
11 Fisheries Air and Oceans Patrol, and the Regulatory Staff
12 composed of Fishery Officers, Deputized Fisheries Guardians and
13 the corps of specialists from the DND, PNP-MARICOM, DILG,
14 DFA and DOJ. The Division shall conduct law enforcement
15 trainings and recommend to the Secretary the deputation of
16 government employees and members of fisherfolk organizations
17 as fishery guardians. It shall have the supervision and control
18 of fishery laws, rules and regulations and the efficient
19 monitoring, control and surveillance of fishing activities within
20 Philippine territorial waters. The Fishery Officers shall have full
21 police powers relative to the enforcement of fishery laws, rules
22 and regulations including arrest, search and seizure, and shall
23 have the authority to directly file complaints for violation of
24 fishery laws, rules and regulations.

1 f. *The Fisheries Inspection, Quarantine and Fish Health Service*

2 (*FIQFHS*). The FIQFHS shall have line functions and shall be
3 responsible for the inspection and quarantine of all fishery
4 related activities including the conduct of quarantine and quality
5 inspection of all fish and fishery/aquatic products coming into
6 and going out of the country by air or water transport to detect
7 the presence of fish pest and diseases, the regular inspection of
8 processing plants, storage facilities, abattoirs, as well as public
9 and private markets in order to ensure freshness, safety and
10 quality of products and to ensure that these products conform to
11 the standards prescribed by the Department; the provision of
12 fish health services to the aquaculture sector; and the
13 quarantine of aquatic animals and fishery products determined
14 or suspected to be with fishery pest and diseases and prevention
15 of the movement or trade from and/or into the country of these
16 products so prohibited or regulated under existing laws, rules or
17 regulations and international agreements of which the Philippine
18 is a State Party. The Bureau shall have the following units:
19 Regional Fishery Inspection and Quarantine Offices; Cyanide
20 Detection Centers; Regional Fish Health Centers; and the
21 Product Standards Enforcement Division.

22 **SEC. 12. Office of the Undersecretary for Administrative**
23 **Support Services and External Relations.** - The Office of the
24 Undersecretary for Administrative Support Services and External Relations

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

9 a. *Office of the Assistant Secretary for Support Services.* The Office
10 of the Assistant Secretary for Support Services shall oversee the
11 effective provision of staff support services to all the
12 Department's offices and agencies at all levels of
13 implementation to achieve cost-efficiency and cost-
14 effectiveness. It shall develop and implement systems and
15 procedures to ensure transparency, accountability and
16 predictability in the administrative and financial transactions of
17 the Department. The Office shall have direct supervision over
18 the Human Resource Management Service, Finance and
19 Management Service, Legal Service, and Property and General
20 Services.

21 b. *Office of the Assistant Secretary for External Relations.* The
22 Office of the Assistant Secretary for External Relations shall
23 provide leadership in formulating a Department-wide public
24 information program to generate public support for the

1 Department's policies, programs, and projects. The Office shall
2 also liaise with the legislative branch of government in the
3 advocacy for laws, policies and programs supportive of the
4 development and growth of the aquaculture and fisheries sector
5 and shall supervise the Public Relations and Protocol Service.

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

- 12 a. Provide efficient and effective front-line service to the
13 aquaculture, fishery and aquatic industry sectors,
14 particularly to the municipal fishermen;
- 15 b. Implement in its area of jurisdiction, the laws, policies,
16 plans, programs, projects, rules and regulations of the
17 Department;
- 18 c. Coordinate with the Regional office of the other
19 departments, offices and agencies in the region; and
- 20 d. Perform other functions as may be provided by law or
21 assigned by the Secretary.

22 **SEC. 14. Abolition, Transfer and Merger.** - The Bureau of
23 Fisheries and Aquatic Resources (BFAR) reconstituted by Republic Act No.
24 8550, is hereby abolished and its relevant functions, appropriations,

1 records, properties, equipment and personnel are hereby transferred to
2 the Department of Aquaculture and Fisheries Resources: Provided,
3 however, that no official or employee of the BFAR shall be laid off in the
4 implementation of this Section.

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

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

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

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

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

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

13 The Philippine Council for Aquatic and Marine Research and
14 Development is abolished and all its personnel, records, appropriations,
15 property and equipment are transferred to the National Fisheries
16 Research and Development Institute of the Department of Fisheries and
17 Marine Resources.

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

1 hereby transferred to the Department of Aquaculture and Fisheries
2 Resources.

3 The fisheries-related sections of the Bureau of Agricultural
4 Research, the Bureau of Agricultural Statistics and the Agricultural
5 Training Institute of the Department of Agriculture are hereby abolished
6 and all fisheries related functions of the DENR under Executive Orders No.
7 192 and 292, except the functions of the enforcement of water pollution
8 laws, rules and regulations, are hereby transferred to the Department of
9 Aquaculture and Fisheries Resources.

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

13 a. The transfer of a government unit or agency shall include the
14 function, appropriations, funds, records, equipment, facilities,
15 chooses in action, rights, other assets and liabilities, if any, of
16 the transferred unit or agency as well as the personnel thereof,
17 as may be necessary, who shall, pending reappointment,
18 continue to perform their respective duties and responsibilities
19 and receive the corresponding salaries and benefits in a hold-
20 over capacity.

21 b. The transfer of functions which results in the abolition of the
22 government unit or agency that has exercised them, shall
23 include the appropriations, funds, records, equipment, facilities,
24 chooses in action, rights, other assets and personnel as may

1 necessary to the proper discharge of the transferred functions.
2 Its liabilities, if any shall likewise be treated in accordance with
3 the Government Auditing Code and other pertinent laws, rules
4 and regulations. Its personnel shall, pending reappointment,
5 continue to perform their duties and responsibilities and receive
6 the corresponding salaries and benefits in a hold-over capacity.

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

15 **SEC. 17. Appropriations.** - For the effective implementation of this
16 Act, the amount of FIVE BILLION (P5,000,000,000.00) PESOS is hereby
17 appropriated from the unappropriated funds of the National Treasury and
18 the current budgetary appropriations of the BFAR, including its regional
19 offices, the appropriations of the Philippine Fishing Development
20 Authority, and the budgetary provision of the Philippine Council for
21 Aquatic and Marine Research Development. The amount necessary for the
22 construction of a national office of the Department of Aquaculture and
23 Fisheries Resources equivalent to P500,000,000.00 is hereby appropriated
24 from the unappropriated funds of the National Treasury.

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

13 **SEC. 18. Separability Clause.** - If any provision of this Act is
14 declared unconstitutional or invalid, the other provisions not so declared
15 shall remain in force and effect.

16 **SEC. 19. Repealing Clause.** - All laws, decrees, orders, rules and
17 regulations or parts thereof inconsistent with the Act or rules and
18 regulations promulgated pursuant thereto are hereby repealed or
19 amended accordingly.

20 **SEC. 20. Effectivity Clause.** - This Act shall take effect fifteen
21 (15) days after publication in two (2) national newspapers of general
22 circulation.

23 Approved,