

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
FIFTEENTH CONGRESS
First Regular session

HOUSE BILL NO. 2764

Introduced by Representative Nur G. Jaafar

EXPLANATORY NOTE

The Philippines is an archipelagic state, with its 7, 100 islands and islets' 17,460 kms. of coastlines -- one of the longest in the world -- jutting to the Pacific Ocean on the east; the Sulu-Tawi-Tawi-Sulawesi seas in the southwest; the Celebes Sea on the south; the South China Sea on the west and north.

The waters are our historical moorings. Historical migration traced the sea routes of our *balangays*, transporting cultures onto coastal barangays where they chose to reside initially, nurtured by the sustaining seas. Sixty two (62) of our seventy one (71) provinces are coastal. Fisheries became a major produce, and the Philippines is now recognized as "Center of Center of Marine Biodiversity". Since almost all major cities are located along the coasts, robust trading utilized the vast seas as major transport routes, being at the crossroad of international navigational routes. Today, the baselines of the country is national territory zealously guarded; the overriding significance to the fishery sector made emphatic by poaching incidents in our economic zone - encroachments that accentuate the potentials of geological resources in our seabed, but equally of national import, the need to secure and regulate the fishing grounds of our fisherfolk; chemical threats of blastfishing, as well as competition from technically-superior technology utilized by fishing vessels from our neighboring countries. It also highlights the imperative of inland fisheries to augment broodstocks and build hatcheries as spawning grounds to address overfishing of the wild seas, climate change, and environmental threats to marine life.

And yet, we have a paradox that relegated fisheries as mere appendage to agriculture as a consequence of the mere postscript we attach to the significance of the sector.



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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 the House of Representatives in Congress assembled:

SECTION 1. Title. - This Act shall be known as the "Department of Fisheries and Aquatic Resources Act of 2009".

SEC. 2. Creation. - The Department of Fisheries and Aquatic 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 adopt the precautionary principle and 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 fisheries and aquatic resources in Philippine waters including the 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 municipal fisherfolk 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, trade, and marketing of fish and fisheries 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, fisheries and aquatic resources of the country, including the habitats of fish and all other marine life and other 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 fisheries policies, laws, rules and regulations.

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

The Department shall also have the responsibility of rationalizing all ocean sector initiatives which impact on fish and marine resources or their habitat including, but not limited to: marine energy exploration and development; coastal and marine tourism; designation of shipping lanes; protected areas and marine industry development areas. The regulation of these marine activities, once rationalized by the Department, shall devolve upon the parent agency for the appropriate sector involved.

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

- a) Exercise authority and responsibility over oceans use on fisheries and their habitat;
- b) Coordinate the implementation of fisheries and ocean sector policies, plans and laws for all marine components;
- c) Promulgate and enforce fisheries and oceans habitat regulations, which clarify and amplify the aforementioned departmental mandate in accordance with the published fisheries and oceans management plans;
- d) Prepare and implement a comprehensive National 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.
- e) Formulate and implement a Comprehensive Fishery Research and Development Program, such as, but not limited to, sea farming, sea ranching, tropical/ornamental fish and seaweed culture, aimed at increasing resource productivity, improving resource use efficiency, and ensuring the long-term sustainability fisheries and aquatic resources;
- f) Formulate and implement, consistent with the development framework of the National Economic Development Authority (NEDA), a Comprehensive National Fisheries Industry Development Plan (CNFIDP) and set policies and standards for the efficient and economic operations of the fishing industries, in accordance with the objectives of food security and rational and sustainable development;
- g) Promulgate rules and regulations governing the conservation, proper utilization, and rehabilitation of fisheries and aquatic resources, except in municipal waters;
- h) Issue licenses for the operation of commercial fishing vessels and permits for the conduct of fisheries 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;

- i) Issue fishworker licenses and identification cards free of charge to fishworkers engaged in commercial fishing;
- j) Implement the provisions of Republic Act No. 8550 and the relevant provisions of Republic Act Nos. 8435 and 8425 and enforce all fisheries laws, rules and regulations through its fisheries officers and law enforcement agents who shall be vested with full police powers including arrest, search and seizure and through deputized government officials and employees, *punong barangays* and officers and members of fisherfolk associations who have undergone training on law enforcement;
- k) Perform quasi-judicial and allied functions and settle conflicts of resource use and allocation in consultation with the NFARMC and LGUs;
- l) 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;
- m) Coordinate with the LGUs and other concerned agencies for the establishment of productivity-enhancing and market development programs in fishing communities to enable women to engage in other fisheries/economic activities and contribute to development efforts;
- n) Establish and maintain a Philippine Fisheries and Aquatic Resources Information System (PFARIS) that will function as the principal depository and information server of all fisheries and ocean-related information in the country, including but not limited to the status of fisheries and aquatic resources and their habitat, all matters pertaining to fisheries production, processing, marketing and research results and technology advances;
- o) 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 aquatic resources in Philippine waters are judiciously and wisely utilized and managed on a sustainable basis;
- p) Actively engage in the conservation, protection and rehabilitation of rare, threatened and endangered aquatic species as it may determine, including their habitats;
- q) Assist the LGUs in developing their technical capabilities in the development, management, regulation, conservation, and protection of the fisheries resources;
- r) 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;
- s) Designate aquatic areas as protected areas for the special purposes stated in the notice of declaration;

- t) Enforce the Code of Practice for Aquaculture and Code of Conduct for Responsible Fisheries;
- u) Promote international economic and technical cooperation in the fisheries and oceans sectors and in integrated oceans management, especially within the ASEAN region;
- v) Impose administrative sanctions, including fines for fisheries and ocean infractions, in accordance with the schedules and limits in consultation with the Department of Justice and embodied in fisheries regulations;
- w) Acquire, build, maintain, operate, purchase, lease or dispose equipment and facilities such as shipyards, fishing vessels, fishing gears, and refrigerated trucks, ice plants and cold storages, laboratories, communication, and aquaculture facilities;
- x) Determine, assess and collect reasonable fees, tolls, charges, rentals and the like for the use, sale of properties, equipment, facilities and services to support the Department's projects and to adjust the same as warranted;
- y) Provide infrastructure support such as municipal fishing ports and markets, farm-to-market roads, quality laboratories in fish ports, marketing facilities, local fisheries ship-building and repair facilities, and post-harvest facilities, in cooperation with concerned agencies;
- z) Establish and implement a National Marketing Assistance Program, aimed at ensuring the generation of the highest possible income for fisherfolk and fisheries-related enterprises, by matching supply and demand in both domestic and foreign markets;
- aa) Administer a fisheries modernization credit program for business projects of fisherfolk, fish farmers, fish processors, commercial fishers and other qualified borrowers; and
- bb) 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 Department Proper, the Bureaus, the Regional Offices, and the National Technology Centers..

The Department Proper shall consist of the Offices of the Secretary, the three Undersecretaries for Operations, Policy and Planning, and Administrative Support Services and External Relations, and the Assistant Secretaries and their immediate staff and the Department Services.¹

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

- a) Exercise jurisdiction over all bureaus, offices, agencies; and corporations under the Department;
- b) Exercise authority and assume 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 issuances relative to the sustainable development and management of fisheries and aquatic 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 administrative orders, rules, regulations and other issuances in carrying out the Department's mandate, objectives, policies, plans, programs and projects; and
- f) Perform such other functions as may be provided for by law or assigned by the President.

SEC. 8. Functions of The Undersecretaries and the Assistant Secretaries. - 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.

- a) Offices of the Undersecretaries. The Undersecretaries shall assist the Secretary in the exercise of the Department's mandate and in the discharge of its powers and functions. Their offices shall:
 - 1) 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;
 - 2) Exercise delegated authority on matters related to the functions and activities of the units under their defined areas of responsibility, to the extent granted by the Secretary,; and
 - 3) Perform other functions as may be provided for by law or assigned by the Secretary.
- b) Offices of the Assistant Secretaries. With respect to the specific area of responsibility, the Assistant Secretaries shall have the following general functions:
 - 1) 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;
 - 2) Exercise supervision and control over the programs, budget, officers and personnel of the offices, services, operating units under their defined areas of responsibility;
 - 3) Exercise delegated authority on matters related to the functions and activities of the units under their defined areas of responsibility, to the extent granted by the Secretary,; and
 - 4) Perform other functions as may be provided for 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 President, upon the recommendation of the Secretary.

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 shall be responsible for the development of national aquaculture and fisheries policies and their integration and translation into the National Fisheries and Aquatic Resources 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 Fisheries 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 fisheries sector. It shall be responsible for the crafting of national 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 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 fisheries and aquatic resources 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 Fisheries and Aquatic Resources 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, Fisheries Economics and Statistics Service, and the Project Development Service.
- c) *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.
- d) The Fisheries Modernization Credit and Financing Agency (FMCFA) – The FMCFA shall administer the funds under Sections 109 to 113 of RA 8550 as well as the fisheries-related provisions of Sections 20 to 25 of RA 8435, harmonizing and integrating the two so as to package and deliver various credit assistance programs for the following:
- 1) Aquaculture and fisheries production including processing of fisheries products and inputs;
 - 2) Acquisition or construction of fisheries equipment, machinery, fishing vessels and fishing gears;
 - 3) Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
 - 4) Procurement of fisheries products for storage, trading, processing and distribution;
 - 5) Construction, acquisition and repair of facilities for production, processing, storage, transportation, communication, marketing and such other facilities in support of fisheries;
 - 6) Working capital for fisheries graduates to enable them to engage in fisheries-related economic activities;
 - 7) 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

- 8) Development of appropriate technology in aquaculture, fisheries and ancillary industries that are ecologically sound, technically feasible and socially acceptable, 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 Fisheries and Aquatic Resources Management Plan (NFARMP) 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, Office of the Assistant Secretary for Special Concerns, the regional field offices, the Bureau of Aquaculture and Inland Fisheries (BAIF); the Bureau of Fishing Technology and Capture Fisheries (BFTCF); the Bureau of Fisheries Extension, Training, and Support Services (BFETSS), the Marine Resources Conservation, Management and Enforcement Bureau; the Bureau of Post-Harvest and Fisheries Product Standards; 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) Office of the Assistant Secretary for Special Concerns. The Office of the Assistant Secretary for Special Concerns shall develop and implement programs and projects for the national fisherfolk operation centers, the Young Fisherfolk and Women in Fisheries .
- c) 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 Responsible Aquaculture, promoting the appropriate 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 fisheries 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 Fisheries Regulation and Licensing Division.

- d) 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 Fisheries and Aquaculture, 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.

- e) 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 fisheries industry, explore new fisheries 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.
- f) Marine Resources Conservation, Management and Enforcement Bureau.(MRCMEB) – The MRCMEB is tasked with the implementation and enforcement of the Comprehensive National Fisheries and Aquatic Resources Management Plan. It shall undertake marine fisheries 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, fisheries 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 Fisheries 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 to deputize government employees and members of fisherfolk organizations as fisheries guardians. It shall be responsible for the enforcement of fisheries laws, rules and regulations and the monitoring, control and surveillance of fishing activities within Philippine territorial waters. The Fisheries Officers shall have full police powers relative to the enforcement of fisheries laws, rules and regulations including arrest, search and seizure, and shall have the authority to directly file complaints for violation of fisheries laws, rules and regulations.

- g) The Fisheries Inspection, Quarantine and Fish Health Service (FIQFHS). - The FIQFHS shall be responsible for the inspection and quarantine of all fisheries related activities including the conduct of quarantine and quality inspection of all fish and fisheries/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. These activities will ensure the following :

- 1) the freshness, safety, quality, and conformity to the standards prescribed by the Department;
- 2) the provision of fish health services to the aquaculture sector;
- 3) the quarantine of aquatic animals and fisheries products determined or suspected to be with fisheries pest and diseases, and
- 4) the prevention of the movement or trade from and/or into the country of 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 Fisheries Inspection and Quarantine Offices; Cyanide Detection Centers; Regional Fish Health Centers; and the Product Standards Enforcement Division.

- h) *The Bureau of Postharvest and Fisheries Product Standards (BPFPS)*. The fisheries 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 fisheries products; conduct research on product standardization, implement farm-based Hazards Analysis and Critical Control Points (HACCP) and align local standards with international standards; promote and strengthen semi-processing and handling; and develop valued-added aquaculture and fisheries 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 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; and the Consumer Affairs Division.

- i) *The Office of Ocean and Marine Affairs.* The Office of Ocean and Marine Affairs shall have authority and responsibility over ocean use. It shall be the department's primary agency tasked with the implementation of the National Marine Policy and the relevant provisions of the United Nations Convention on the Law of the Sea. Any and all use of the ocean shall require the assessment and clearance by this Office which shall evaluate initiatives that will negatively impact on fisheries or their habitat. It shall coordinate the implementation of fisheries and ocean sector policies, plans and laws for all maritime components. It shall coordinate with other concerned government agencies such as but not limited to the Philippine Navy and the Philippine Coast Guard. It shall be headed by a Director and shall have the following divisions: Oceans Use Assessment and Clearance Division; National and International Oceans Law and Policy Division; Special Projects Division and Technical Division.

SEC. 12. *Office of the Undersecretary for Administrative Support Services.* - 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 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.

SEC. 13. *Regional Offices and Functions.* - The Department shall have such 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, fisheries and aquatic industry sectors, particularly to the municipal fisherfolk;
- b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects, rules and regulations of the Department;
- c) Coordinate with other departments, offices and agencies in the region; and
- d) Perform other functions as may be provided for by law or assigned by the Secretary.

SEC. 14. *National Technology Centers.* - The following technology centers shall be under the supervision and control of the Secretary:

- a) National Marine Fisheries Development Center,
- b) National Freshwater Fisheries Technology Center,
- c) National Brackishwater Aquaculture Technology Center;
- d) Mindanao Freshwater Fisheries Technology Center,
- e) National Seaweeds Technology Development Center, and
- f) National Inland Fisheries Technology Center.

These technology centers shall perform the following functions:

- a) Conduct applied research / studies and other development and management work on marine, freshwater, brackishwater, and inland fisheries technologies;
- b) Verify and package economically-viable and socially acceptable technologies for technology transfer;
- c) Establish show windows of projects with proven technologies for transfer and dissemination;
- d) Provide technical support and services to the regional fisheries offices, the NFRDI, Regional Fishermen's Training Centers and concerned local government units.
- e) Serve as the conduit / network to bridge the technology gap among the research institutions, the academe, and the fisheries industry; and
- f) Serve as the depository of aquaculture and marine genetic materials.

SEC. 15. *Advisory Bodies.* - The Artisanal Fisherfolk Sectoral Council of National Anti-Poverty Council and the National Fisheries and Aquatic Resources Management Council (NFARMC) shall serve as advisory bodies to the Secretary.

SEC. 16. *Attached Agencies.* - The National Fisheries Research and Development Institute, the Philippine Fisheries Development Authority (PFDA) and the Philippine Technical Advisory Committee of the SEAFDEC Aquaculture Department are hereby attached to the Department.

SEC. 17. *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: 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 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.

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 as an attached agency under the Office of the Secretary: Provided, however, that the Secretary of the Department 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: 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: Provided, That no official or employee of the LLDA shall be laid off in the implementation of this Section.

All fishery-related functions of the Philippine Council for Aquatic and Marine Research and Development are transferred to the National Fisheries Research and Development Institute of the Department .

The Marine Research and Conservation Division and the different Sections hereunder 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 .

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 .

SEC. 18. *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; and

- 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. 19. *Organization Committee.* - The duly appointed Secretary 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 fisheries industry and the academe.

SEC. 20. *Appropriations.* - For the effective implementation of this Act, the amount of TEN BILLION PESOS (P10,000,000,000.00) 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,. The amount necessary for the construction of a national office of the Department of Fisheries and Aquatic 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. 21. *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. 22. *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. 23. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after publication in two (2) national newspapers of general circulation.

Approved,