

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



Sixteenth Congress

First Regular Session

House Bill No. 1830

Introduced by Representative Pedro B. Acharon, Jr.

EXPLANATORY NOTE

In accordance with the Fisheries Code of 1998, the State shall ensure to attain the conservation, protection and sustained management of the country's fisheries and aquatic resources.

As an archipelagic country, the Philippines is blessed with enormous amounts of water containing vast amounts of marine resources. It has thus become a target for poachers from other countries who contribute to the depletion of these resources. There is therefore a need to create stricter laws and penalties for those who engage in illegal fishing activities in the country.

The foregoing noble objectives however are hampered by financial constraints as income from the execution of the penal provisions of the Fisheries Code do not accrue to the Bureau of Fisheries and Aquatic Resources (BFAR). Instead these fees, charges, assessments and other receipts collected by the Bureau in the exercise of their functions are remitted to the National Treasury and accrue to the General Fund pursuant to EO 292 and PD No. 1445. Once remitted, said funds may no longer be reallocated for law enforcement purposes.

This bill therefore seeks to create a Fisheries Law Enforcement Support Fund in order to increase the budgetary allocations of BFAR's law enforcement activities as all revenues that can be derived from the apprehensions in violation of the Fisheries Code shall be part of the fund.

In addition, this bill aims to establish Special Courts that shall ensure the speedy resolutions of cases pertaining to poaching in Philippine waters and the violation of Fisheries laws and regulations.

Hence, the approval of this bill is urgently requested.


PEDRO B. ACHARON, JR.

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

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

1 SECTION 1. *Title.* - This Act shall be known as the "Department of Fisheries and
2 Aquatic Resources Act of 2013"

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

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

16
17 It is the policy of the State to protect the rights of municipal fisherfolk in the
18 preferential use of communal marine, fisheries and aquatic resources. It shall also be the
19 policy of the State to encourage private initiatives in aquaculture and fisheries business
20 ventures both in the production, trade, and marketing of export fish and fisheries products

1 and by-products. Towards this end, the State shall provide the fisherfolk /aquaculturists,
2 and other investors with the appropriate technical, financial, marketing and other support
3 services.

4
5 SEC. 4. *Jurisdiction of the Department.* - The Department shall have primary
6 jurisdiction over the management, conservation, development, protection, utilization and
7 disposition of all aquaculture, fisheries and aquatic resources of the country, including the
8 habitats of fish and all other marine life and other activities which impact on these
9 habitats, except for municipal waters, which shall remain under the jurisdiction of local
10 government units. The latter shall manage their municipal waters in accordance with
11 national fisheries policies, laws, rules and regulations.

12
13 The Department shall have the authority to supervise and regulate the production and
14 capture of fish and fisheries products within its jurisdiction, as well as the harvesting,
15 utilization, transport, storage, processing and marketing of all aquaculture, fisheries and
16 other aquatic products in the country.

17
18 The Department shall also have the responsibility of rationalizing all ocean sector
19 initiatives which impact on fish and marine resources or their habitat including, but not
20 limited to: marine energy exploration and development; coastal and marine tourism;
21 designation of shipping lanes; protected areas and marine industry development areas. The
22 regulation of these marine activities, once rationalized by the Department, shall devolve
23 upon the parent agency for the appropriate sector involved.

24
25 SEC. 5. *Powers and Functions.* - To accomplish its mandate, the Department shall
26 have the following powers, functions and responsibilities:

- 27
28 a) Exercise authority and responsibility over oceans use on fisheries and their habitat;
29
30 b) Coordinate the implementation of fisheries and ocean sector policies, plans and laws
31 for all marine components;
32

- 1 c) Promulgate and enforce fisheries and oceans habitat regulations, which clarify and
2 amplify the aforementioned departmental mandate in accordance with the published
3 fisheries and oceans management plans;
4
- 5 d) Prepare and implement a Comprehensive National Fishery Industry Development Plan
6 (CNFIDP based on the precautionary principle and the principle of sustainable
7 development, using scientifically – generated information or best available evidence
8 on the status of the fisheries and marine resources.
9
- 10 e) Formulate and implement a Comprehensive Fishery Research and Development
11 Program, such as, but not limited to, sea farming, sea ranching, tropical/ornamental
12 fish and seaweed culture, aimed at increasing resource productivity, improving
13 resource use efficiency, and ensuring the long-term sustainability fisheries and aquatic
14 resources;
15
- 16 f) Set policies and standards based on the CNFIDP for the efficient and economic
17 operations of the fishing industries, in accordance with the objectives of food security
18 and rational and sustainable development consistent with the development framework
19 of the National Economic Development Authority (NEDA):
- 20 g) Promulgate rules and regulations governing the conservation, proper utilization, and
21 rehabilitation of fisheries and aquatic resources, except in municipal waters;
22
- 23 h) Issue licenses for the operation of commercial fishing vessels and permits for the
24 conduct of fisheries activities, subject to the specific carrying capacities of the resource
25 as determined by scientific studies or best available evidence with preference given to
26 resource users in the local communities living adjacent or nearest to the municipal
27 waters;
28
- 29 i) Issue fishworker licenses and identification cards free of charge to fishworkers
30 engaged in commercial fishing;
31
- 32 j) Implement the provisions of Republic Act No. 8550 and the relevant provisions of
33 Republic Act Nos. 8435 and 8425 and enforce all fisheries laws, rules and regulations
34 through its fisheries officers and law enforcement agents who shall be vested with full

1 police powers including arrest, search and seizure and through deputized government
2 officials and employees, punong barangays and officers and members of fisherfolk
3 associations who have undergone training on law enforcement;

4
5 k) Perform quasi-judicial and allied functions and settle conflicts of resource use and
6 allocation in consultation with the FARMCs and LGUs;

7 l) Prescribe rules and regulations including visitorial powers, procedures and guidelines
8 concerning the classification, establishment, construction, maintenance and operation
9 of all fishing ports, landing sites and fish markets and the operation of business
10 therein, except those that are owned and operated by local government units;

11
12 m) Coordinate with the LGUs and other concerned agencies for the establishment of
13 productivity-enhancing and market development programs in fishing communities to
14 enable women to engage in other fisheries/economic activities and contribute to
15 development efforts;

16
17 n) Establish and maintain a Philippine Fisheries and Aquatic Resources Information
18 System (PFARIS) that will function as the principal depository and information server
19 of all fisheries and ocean-related information in the country, including but not limited
20 to the status of fisheries and aquatic resources and their habitat, all matters pertaining
21 to fisheries production, processing, marketing and research results and technology
22 advances;

23
24 o) Develop and implement a Monitoring Control and Surveillance System (MCSS) for
25 Philippine fisheries and oceans at the national and regional levels to ensure that the
26 fisheries and aquatic resources in Philippine waters are judiciously and wisely utilized
27 and managed on a sustainable basis;

28
29 p) Actively engage in the conservation, protection and rehabilitation of rare, threatened
30 and endangered aquatic species as it may determine, including their habitats;

31
32 q) Assist the LGUs in developing their technical capabilities in the development,
33 management, regulation, conservation, and protection of the fisheries resources;

- 1 r) Implement relevant provisions of international treaties and agreements such as, but not
2 limited to, the Convention on the International Trade in Endangered Species of Wild
3 Flora and Fauna, United Nations Convention on the Law of the Sea, Convention on
4 Biological Diversity, and formulate rules and regulations for the conservation and
5 management of straddling fish stocks and highly migratory species;
6
- 7 s) Designate aquatic areas as protected areas for the special purposes stated in the notice
8 of declaration;
9
- 10 t) Enforce the Code of Practice for Aquaculture and Code of Conduct for Responsible
11 Fisheries;
12
- 13 u) Promote international economic and technical cooperation in the fisheries and oceans
14 sectors and in integrated oceans management, especially within the ASEAN region;
15
- 16 v) Impose administrative sanctions, including fines for fisheries and ocean infractions, in
17 accordance with the schedules and limits in consultation with the Department of
18 Justice and embodied in fisheries regulations;
19
- 20 w) Acquire, build, maintain, operate, purchase, lease or dispose equipment and facilities
21 such as shipyards, fishing vessels, fishing gears, and refrigerated trucks, ice plants and
22 cold storages, laboratories, communication, and aquaculture facilities in support to the
23 fishing industries:
- 24 x) Determine, assess and collect reasonable fees, tolls, charges, rentals and the like for the
25 use, sale of properties, equipment, facilities and services to support the Department's
26 projects and to adjust the same as warranted;
27
- 28 y) Provide infrastructure support such as municipal fishing ports and markets, farm-to-
29 market roads, testing laboratories in fish ports, marketing facilities, local fisheries
30 ship-building and repair facilities, and post-harvest facilities, in cooperation with
31 concerned agencies;
32

1 z) Establish and implement a National Marketing Assistance Program, aimed at ensuring
2 the generation of the highest possible income for fisherfolk and fisheries-related
3 enterprises, by matching supply and demand in both domestic and foreign markets;

4
5 aa) Administer an effective fisheries modernization credit program for business projects of
6 fisherfolk, fish farmers, fish processors, commercial fishers and other qualified
7 borrowers; and

8
9 bb) Perform all other functions consistent with this Act and as may be provided by law.

10
11 **SEC. 6. *Structural Organization.*** - The Department shall consist of the Department its
12 Bureaus, Regional Offices, National Technology Centers and Regional Fisheries Training
13 Centers. The Department Proper shall consist of the Offices of the Secretary, the three
14 Undersecretaries for Operations, Policy and Planning, and Administrative Support
15 Services and External Relations, and the Assistant Secretaries and their immediate staff
16 and the Department Services.

17
18 **SEC. 7. *Functions of the Secretary.*** - The Secretary of the Department of Fisheries
19 and Aquatic Resources, hereinafter referred to as the Secretary, shall be appointed by the
20 President and shall have the following functions:

21
22 a) Exercise jurisdiction over all bureaus, offices, agencies; and corporations under the
23 Department;

24
25 b) Exercise authority and assume responsibility for the performance of the powers and
26 functions of the Department;

27
28 c) Advise the President on the promulgation of the policies, rules and regulations, and
29 other issuances relative to the sustainable development and management of fisheries
30 and aquatic resources;

31
32 d) Establish management policies and standards for the efficient and effective operation
33 of the Department in accordance with the programs of the government;

- 1 e) Promulgate administrative orders, rules, regulations and other issuances in carrying out
2 the Department's mandate, objectives, policies, plans, programs and projects; and
3
4 f) Perform such other functions as may be provided for by law or assigned by the
5 President.
6

7 SEC. 8. *Functions of the Undersecretaries and the Assistant Secretaries.* - The
8 Secretary shall be assisted by three (3) Undersecretaries: the Undersecretary for
9 Operations; the Undersecretary for Policy and Planning; and the Undersecretary for
10 Administrative Support Services and External Relations; and five (5) Assistant
11 Secretaries: the Assistant Secretary for Planning; the Assistant Secretary for Policy and
12 International Affairs; the Assistant Secretary for Operations; the Assistant Secretary for
13 Special Concerns; the Assistant Secretary for Support Services; and the Assistant
14 Secretary for External Relations.
15

- 16 a) Offices of the Undersecretaries. The Undersecretaries shall assist the Secretary in the
17 exercise of the Department's mandate and in the discharge of its powers and functions.
18 Their offices shall:
19

20 1) Provide periodic reports and advice to the Secretary on the plans, programs and
21 offices under their defined areas of responsibility and recommend measures
22 towards greater effectiveness and efficiency;
23

24 2) Exercise delegated authority on matters related to the functions and activities of the
25 units under their defined areas of responsibility, to the extent granted by the
26 Secretary;; and
27

28 3) Perform other functions as may be provided for by law or assigned by the
29 Secretary.
30

- 31 b) Offices of the Assistant Secretaries. With respect to the specific area of responsibility,
32 the Assistant Secretaries shall have the following general functions:
33

- 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 Comprehensive National Fisheries Industry Development Plan (CNFIDP). 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 Post-harvest 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

1 development of institutional mechanisms for periodic program assessment, and in
2 identifying, developing and packaging development projects for implementation. It
3 shall develop and implement reliable and cost-effective information and
4 communication technology systems and establish and maintain the Philippine Fisheries
5 and Aquatic Resources Information System which shall be the principal depository and
6 information server of all aquaculture and fisheries-related information in the country.
7 The Office shall have direct supervision and control over the Planning Service, the
8 Monitoring and Evaluation Service, and the Project Development Service.

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

18
19 d) *The Fisheries Modernization Credit and Financing Agency (FMCFA)*. – The FMCFA
20 shall administer the funds under Sections 109 to 113 of RA 8550 as well as the
21 fisheries-related provisions of Sections 20 to 25 of RA 8435, harmonizing and
22 integrating the two so as to package and deliver various credit assistance programs for
23 the following:

- 24
25 1) Aquaculture and fisheries production including processing of fisheries products
26 and inputs;
27
28 2) Acquisition or construction of fisheries equipment, machinery, fishing vessels and
29 fishing gears;
30
31 3) Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
32 4) Procurement of fisheries products for storage, trading, processing and distribution;
33

- 1 5) Construction, acquisition and repair of facilities for production, processing,
2 storage, transportation, communication, marketing and such other facilities in
3 support of fisheries;
4
- 5 6) Working capital for fisheries graduates to enable them to engage in fisheries-
6 related economic activities;
7
- 8 7) Activities which support marine and freshwater bodies conservation and ecology-
9 enhancing activities such as but not limited to mangrove reforestation, promotion
10 of whale shark and manta ray and other endangered marine species watching and
11 eco-tourism; and
12
- 13 8) Development of appropriate technology in aquaculture, fisheries and ancillary
14 industries that are ecologically sound, technically feasible and socially acceptable,
15 based on the requirements of the Fisheries and Aquatic Resources Management
16 Councils.
17

18 SEC. 11. *Office of the Undersecretary for Operations.* - The Office of the
19 Undersecretary for Operations shall provide leadership in the translation and
20 implementation of the Comprehensive National Fisheries Industry Development Plan
21 (CNFIDP) into operational plans and programs. It shall exercise direct supervision and
22 control over the Office of the Assistant Secretary for Operations, Office of the Assistant
23 Secretary for Special Concerns, the regional field offices, the Regional Fisheries Training
24 Center) the Bureau of Aquaculture and Inland Fisheries (BAIF); the Bureau of Fishing
25 Technology and Capture Fisheries (BFTCF); the Bureau of Fisheries Extension, Training,
26 and Support Services (BFETSS), the Marine Resources Conservation, Management and
27 Enforcement Bureau; the Bureau of Post-Harvest and Fisheries Product Standards; and the
28 Fisheries Inspection, Quarantine and Fish Health Service (FIQFHS).
29

30 a) *Office of the Assistant Secretary for Operations.* - The Office of the Assistant
31 Secretary for Operations shall assist the Undersecretary to ensure integration of
32 functions and activities and adherence to national policies and programs. The Office
33 shall assist in the supervision of the regional field units and in developing a framework

1 of cooperation and linkage with regional development councils, LGUs and national
2 agencies in the management of the aquaculture, fisheries and marine sectors;

3
4 b) *Office of the Assistant Secretary for Special Concerns*. - The Office of the Assistant
5 Secretary for Special Concerns shall develop and implement programs and projects for
6 the national fisherfolk operation centers, the Young Fisherfolk, and Women in
7 Fisheries;

8
9 c) *Bureau of Aquaculture and Inland Fisheries (BAIF)*. - The BAIF shall, among others,
10 be responsible for: regulating aquaculture operations in line with Best Aquaculture
11 Practices and the International Code of Conduct for Responsible Aquaculture,
12 promoting the appropriate aquaculture operations in existing areas; formulating
13 aquaculture development programs; establishing and maintaining model aquaculture
14 farms and ponds; promoting and developing, with private sector participation,
15 mariculture parks and/or marine special economic zones; providing technical
16 assistance to cooperatives and fishpond operators in the development of viable
17 fishmeal and fish feeds industry, undertaking inland fisheries resources evaluation;
18 and recommending management and conservation measures.

19
20 The Bureau shall be composed of the following divisions: the Aquaculture
21 Development and Management Division; the Inland Fisheries Resource Assessment,
22 Development and Conservation Division; and the Aquaculture and Inland Fisheries
23 Regulation and Licensing Division.

24
25 d) *Bureau of Fishing Technology and Capture Fisheries (BFTCF)*. - The BFTCF shall
26 have direct supervision and control over the utilization of marine resources including
27 commercial, international and small-scale fisheries. It shall formulate development
28 programs for the expansion of the marine fisheries industry, explore new fisheries
29 resources and develop environment-friendly but efficient fishing gears. It shall have
30 the following divisions: the Municipal Fisheries Division; the Commercial Fisheries
31 Division; the High Seas Fisheries Division; and the Fishing Technology Division

32
33 e) *Bureau of Fisheries Extension, Training, and Support Services (BFETSS)*. - The
34 BFETSS shall coordinate all development activities with respect to aquaculture,

1 fisheries and oceans technology, and shall have a development section for all
2 components including inland and oceans fishing, fishing gears and methods and new
3 aquaculture and fisheries research and technology. The Bureau shall establish linkages
4 with local government units, local fisherfolk associations and organizations, non-
5 government organization and people's organization and supervise support and
6 extension services at the regional, provincial and municipal level. It shall formulate a
7 National Extension System for Fisheries and Aquaculture, which shall be composed of
8 three (3) subsystems: the national government subsystem, the local government
9 subsystem and the private sector subsystem. It shall deliver the following major
10 services: training services; credit and financing support services, demonstration
11 services, and information and communication support services through tri-media. It
12 shall have the following units: the Training and Skills Development Division; the
13 Technology Transfer and Demonstration Division; Training Centers.

14
15 *f) Marine Resources Conservation, Management and Enforcement Bureau (MRCMEB).*

16 – The MRCMEB is tasked with the implementation and enforcement of the
17 Comprehensive National Fisheries Industry Development Plan. It shall undertake
18 marine fisheries resources assessment and biological and environmental investigations
19 and formulate conservation measures. Pursuant to Section 81 of RA 8550, the Bureau
20 shall also be responsible for establishing and maintaining marine protected areas,
21 fisheries refuges and sanctuaries, and assist LGUs in identifying and establishing fish
22 sanctuaries in municipal waters. It shall be the lead agency in the fulfillment of the
23 country's obligations under the Convention on International Trade on Endangered
24 Species (CITES) for marine and aquatic species, the Convention on Biological
25 Diversity and other such treaties and international agreements.

26
27 In coordination with the National Fisheries Research and Development Institute,
28 the Bureau shall conduct stock assessment of fish and marine resources and determine
29 and establish the carrying capacity and total allowable catch (TAC) for a particular
30 resource and lead in the conduct of scientific researches on the proper strategies for the
31 conservation and protection of marine wildlife and their habitat including breeding and
32 propagation of the same. It shall set the allowable fishing effort based on the carrying
33 capacity of the resource and TAC and accordingly issue commercial fishing licenses

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

3
4 The MRCMEB shall have the following units: the Coastal Resources Management
5 Division; the Fisheries Licensing Division; the Oceanography Division; the Marine
6 Protected Areas Division; the Fisheries Law Enforcement Division; the Marine
7 Wildlife Rescue Centers; and the Endangered Marine Species Captive Breeding
8 Centers.

9
10 The Fisheries Law Enforcement Division shall establish the Fisheries Air and
11 Oceans Patrol, and the Regulatory Staff composed of Fisheries Officers, Deputized
12 Fisheries Guardians and the corps of specialists from the DND, PNP-MARICOM,
13 DILG, DFA and DOJ. The Division shall conduct law enforcement trainings and
14 recommend to the Secretary the deputization of government employees and members
15 of fisherfolk organizations as fisheries guardians. It shall be responsible for the
16 enforcement of fisheries laws, rules and regulations and the monitoring, control and
17 surveillance of fishing activities within Philippine territorial waters. The Fisheries
18 Officers shall have full police powers relative to the enforcement of fisheries laws,
19 rules and regulations including arrest, search and seizure, and shall have the authority
20 to directly file complaints for violation of fisheries laws, rules and regulations.

21
22 g) *The Fisheries Inspection, Quarantine and Fish Health Service (FIQFHS).* - The
23 FIQFHS shall be responsible for the inspection and quarantine of all fisheries related
24 activities including the conduct of quarantine and quality inspection of all fish and
25 fisheries/aquatic products coming into and going out of the country by air or water
26 transport to detect the presence of residue of banned substances, fish pest, and
27 diseases, the regular inspection of primary production areas processing plants, storage
28 facilities, abattoirs, as well as public and private markets. These activities will ensure
29 the following :

30
31 1) the freshness, safety, quality, and conformity to the standards prescribed by the
32 Department;

- 2) the provision of fish health services to the fish and fishery industries, including aquatic plants;
- 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 enforcement of 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 and safety in the handling, transport, storage processing, preservation, packaging, labeling, importation, exportation, and distribution of aquaculture and fisheries products; conduct research on product standardization, implement the Hazards Analysis and Critical Control Points (HACCP) from system farm to fork and align local standards with international standards; promote and strengthen semi-processing and handling; and develop value 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

1 primary agency tasked with the implementation of the National Marine Policy and the
2 relevant provisions of the United Nations Convention on the Law of the Sea. Any and
3 all use of the ocean shall require the assessment and clearance by this Office which
4 shall evaluate initiatives that will negatively impact on fisheries or their habitat. It shall
5 coordinate the implementation of fisheries and ocean sector policies, plans and laws
6 for all maritime components. It shall coordinate with other concerned government
7 agencies such as but not limited to the Philippine Navy and the Philippine Coast
8 Guard. It shall be headed by a Director and shall have the following divisions: Oceans
9 Use Assessment and Clearance Division; National and International Oceans Law and
10 Policy Division; Special Projects Division and Technical Division.

11
12 SEC. 12. *Office of the Undersecretary for Administrative Support Services and*
13 *External Relations.* - The Office of the Undersecretary for Administrative Support
14 Services and External Relations shall provide effective staff support services to all the
15 Department's offices and agencies at all levels of implementation. It shall develop and
16 implement systems and procedures to ensure transparency, accountability, and
17 predictability in the administrative and financial transactions of the Department. The
18 Office shall serve as the liaison office with the legislative branch of government. The
19 Office shall exercise direct supervision and control over the Office of the Assistant
20 Secretary for Support Services and the Office of the Assistant Secretary for External
21 Relations.

22
23 a) *Office of the Assistant Secretary for Support Services.* - The Office of the Assistant
24 Secretary for Support Services shall oversee the effective provision of staff support
25 services to all the Department's offices and agencies at all levels of implementation to
26 achieve cost-efficiency and cost-effectiveness. It shall develop and implement systems
27 and procedures to ensure transparency, accountability and predictability in the
28 administrative and financial transactions of the Department. The Office shall have
29 direct supervision over the Human Resource Management Service, Finance and
30 Management Service, Legal Service, and Property and General Services.

31
32 b) *Office of the Assistant Secretary for External Relations.* - The Office of the Assistant
33 Secretary for External Relations shall provide leadership in formulating a Department-
34 wide public information program to generate public support for the Department's

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

5
6 SEC. 13. *Regional Offices and Functions.* - The Department shall have such regional
7 offices as may be necessary in the administrative regions, each to be headed by a Regional
8 Director, who shall be assisted by an Assistant Regional Director. Each regional office
9 shall have support staff and line divisions as may be necessary which shall have the
10 following duties and responsibilities:

- 11
12 a) Provide efficient and effective front-line service to the aquaculture, fisheries and
13 aquatic industry sectors, particularly to the municipal fisherfolk;
14
15 b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects, rules
16 and regulations of the Department;
17
18 c) Coordinate with other departments, offices and agencies in the region; and
19
20 d) Perform other functions as may be provided for by law or assigned by the Secretary.

21
22 SEC. 14. *National Technology Centers.* - The following technology centers shall be
23 under the supervision and control of the Secretary:

- 24
25 a) National Marine Fisheries Development Center;
26
27 b) National Freshwater Fisheries Technology Center;
28
29 c) National Brackishwater Aquaculture Technology Center;
30
31 d) Mindanao Freshwater Fisheries Technology Center;
32 e) National Seaweeds Technology Development Center; and
33
34 f) National Inland Fisheries Technology Center.

1
2 These technology centers shall perform the following functions:

- 3
4 a) Conduct applied research / studies and other development and management work on
5 marine, freshwater, brackishwater, and inland fisheries technologies;
6
7 b) Verify and package economically-viable and socially acceptable technologies for
8 technology transfer;
9
10 c) Establish show windows of projects with proven technologies for transfer and
11 dissemination;
12
13 d) Provide technical support and services to the regional fisheries offices, the NFRDI,
14 Regional Fisheries Training Centers and concerned local government units.
15
16 e) Serve as the conduit/network to bridge the technology gap among the research
17 institutions, the academe, and the fisheries industry; and
18
19 f) Serve as the depository of aquaculture and marine genetic materials.
20

21 SEC. 15. *Advisory Bodies.* - The Artisanal Fisherfolk Sectoral Council of the National
22 Anti-Poverty Commission (NAPC) and the National Fisheries and Aquatic Resources
23 Management Council (NFARMC) shall serve as advisory bodies to the Secretary.
24

25 SEC. 16. *Attached Agencies.* - The National Fisheries Research and Development
26 Institute, the Philippine Fisheries Development Authority (PFDA) and the Philippine
27 Technical Advisory Committee of the SEAFDEC Aquaculture Department are hereby
28 attached to the Department.
29

30 SEC. 17. *Abolition, Transfer and Merger.* - The Bureau of Fisheries and Aquatic
31 Resources reconstituted by Republic Act No. 8550, is hereby abolished and its relevant
32 functions, appropriations, records, properties, equipment and personnel are hereby
33 transferred to the Department: Provided, however, that no official or employee of the
34 BFAR shall be laid off in the implementation of this Section.

1
2 The position of Undersecretary for Fisheries and Aquatic Resources in the Department
3 of Agriculture created under Section 63 of Republic Act No. 8550 is hereby abolished.

4
5 The National Fisheries and Aquatic Resources Management Council (NFARMC)
6 created by Republic Act No. 8550 shall be transferred to the Office of the Secretary of the
7 Department.

8
9 The National Fisheries Research and Development Institute created by Republic Act
10 No. 8550 shall be transferred to the Department and shall serve as its principal research
11 arm.

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

19
20 The Philippine Technical Advisory Committee of the SEAFDEC Aquaculture
21 Department created under Executive Order No. 834 dated October 4, 1982, including its
22 relevant functions, appropriations, records, properties, equipment and personnel, is hereby
23 transferred and attached to the Department: Provided, That no official or employee of the
24 Committee shall be laid off in the implementation of this Section.

25
26 The fisheries related functions of the Laguna Lake Development Authority (LLDA),
27 including its relevant appropriations, records, and personnel are hereby transferred to the
28 Department: Provided, That no official or employee of the LLDA shall be laid off in the
29 implementation of this Section.

30
31 The Philippine Council for Aquatic and Marine Research and Development is
32 abolished and all its personnel, records, appropriations, property and equipment are
33 transferred to the National Fisheries Research and Development Institute of the
34 Department.

1

2 All functions of the Maritime Industry Authority (MARINA) pertaining to the
3 registration, licensing, documentation, inspection and manning and all other matters
4 concerning all types of fishing boats plying Philippine and international waters, including
5 the relevant appropriations, records, and personnel, are hereby transferred to the
6 Department of Fisheries and Aquatic Resources: Provided, That no official or employee
7 of the MARINA shall be laid off in the implementation of this Section.

8

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

16

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

22

23 SEC. 18. *Transitory Provisions.* - In accomplishing the acts of organizing the
24 Department as herein prescribed, the following provisions shall be complied with:

25

26 a) The transfer of a government unit or agency shall include the function, appropriations,
27 funds, records, equipment, facilities, chooses in action, rights, other assets and
28 liabilities, if any, of the transferred unit or agency as well as the personnel thereof, as
29 may be necessary, who shall, pending reappointment, continue to perform their
30 respective duties and responsibilities and receive the corresponding salaries and
31 benefits in a hold-over capacity; and

32

33 b) The transfer of functions which results in the abolition of the government unit or
34 agency that has exercised them, shall include the appropriations, funds, records,

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

7
8 SEC. 19. *Organization Committee.* - The duly appointed Secretary shall immediately
9 create an organization committee which shall study and formulate the staffing pattern,
10 qualification standards, and placement of personnel in the Department, its services,
11 bureaus, and offices. The Committee shall be composed of representatives from the
12 Department of Budget and Management, Civil Service Commission, the fisheries industry
13 and the academe.

14
15 SEC. 20. *Appropriations.* - For the effective implementation of this Act, the amount of
16 TEN BILLION PESOS (P10,000,000,000.00) is hereby appropriated from the
17 unappropriated funds of the National Treasury and the current budgetary appropriations of
18 the Bureau of Fisheries and Aquatic Resources, including its regional offices, the
19 appropriations of the Philippine Fishing Development Authority, and the budgetary
20 provision of the Philippine Council for Aquatic and Marine Research Development.

21
22 The amount necessary for the construction of a national office of the Department of
23 Fisheries and Aquatic Resources equivalent to FIVE HUNDRED MILLION PESOS
24 (P500,000,000.00) is hereby appropriated from the unappropriated funds of the National
25 Treasury.

26
27 The revenues that the Department will generate from its licensing operations, the fees
28 collected from the propriety services delivered by the Department, and the administrative
29 fines imposed by the National Fisheries Regulatory and Adjudication Board shall
30 constitute the Department's revolving fund from which amounts necessary to carry out the
31 special research projects, management and conservation programs, staff development
32 programs, and the acquisition of equipment, vessels, helicopters and airplanes of the
33 Monitoring and Surveillance Center shall be taken: Provided, however, That the fishpond
34 rentals shall accrue to the National Fisheries Research and Development Institute as

1 provided under Section 46[c] of Republic Act No. 8550. The use of such funds shall be
2 subject to COA rules and regulations.

3

4 SEC. 21. *Separability Clause.* - If any provision of this Act is declared
5 unconstitutional or invalid, the other provisions not so declared shall remain in force and
6 effect.

7

8 SEC. 22. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts
9 thereof inconsistent with the Act or rules and regulations promulgated pursuant thereto are
10 hereby repealed or amended accordingly.

11

12 SEC. 23. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
13 publication in two (2) national newspapers of general circulation.

14

15 Approved,

16