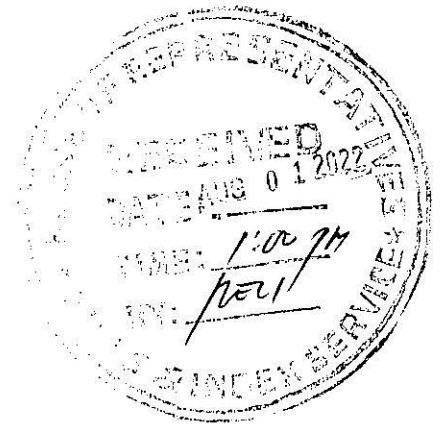


NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



HOUSE OF REPRESENTATIVES

H. B. No. 2834

Introduced by Representative Ralph G. Recto

**AN ACT
CREATING THE DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES,
PROVIDING FOR ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Given its geographical characteristics, the Philippines has been regarded as one of the major fish-producing countries of the world. The Philippines is blessed with some

220 million hectares of territorial waters, 18.46 million hectares of continental shelf area and 2.7 million hectares of coral reefs. Inland, the Philippines hosts about 246,063 hectares of swamplands, 253,854 hectares of fishponds and about 250,000 hectares of other inland resources. The Food and Agriculture Organization of the United Nations (FAO UN) projected that the country would produce about 3.23 million tonnes of fish by 2030.

The fisheries industry is a critical socioeconomic sector in terms of its role in production of food and generation of household income. On the one hand, an average Filipino household annually spends about P11,950 on fish and other seafood, and consumes about 17.79 kilogram of tuna, 11.11 kg of *tilapia*, 10.13 kg of *bangus*, and 5.86 kg of *galunggong*. On the other hand, the fisheries and aquaculture sector contribute P248.27 billion to the national economy, or about 12.70% of the total Gross Value Added (GVA) of the Agriculture, Hunting, Forestry and Fishing in 2021.

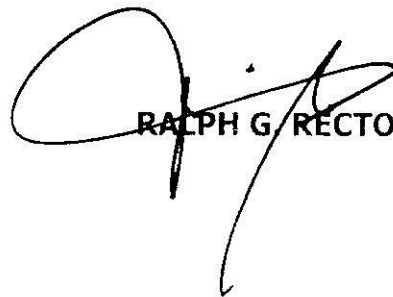
Despite the importance of the sector to Filipinos in terms of sustenance and livelihood, the Philippine fisheries industry experiences nominal growth without improvements in productivity. While the Gross Value Added (GVA) of fisheries and aquaculture increased by an average of 1.07% per annum from 2011 to 2021 in real terms, the volume of fisheries production actually declined by an average of 1.33% annually during the same period. This seemingly-ironic situation reveals a deep-seated problem in the sector – one where the price inflation is one of the primary drivers of 'growth.'

This predicament calls for a stronger government agency to maintain sufficient and sustainable food supply, to improve the productivity of the fisheries industry, to conserve our marine and aquatic resources, and to protect the welfare of small-scale fishermen and local fishing communities.

This bill seeks to create a Department of Fisheries and Aquatic Resources, a government agency distinct from the Department of Agriculture, to address the needs of the Philippine fisheries sector. Through this intervention, proper institutional focus, sufficient technical expertise and adequate government support and funding can be extended on matters concerning the Philippine fishery sector.

Ultimately, this bill seeks to realize two noble objectives: ensuring sustainable livelihood for Filipino fisherfolk, and maintaining an adequate food supply for the country in the years to come.

In view of the foregoing, immediate passage of the bill is earnestly sought.



RALPH G. RECTO

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AN ACT

**CREATING THE DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES,
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*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."

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

4 (a) promote the sustainable development and management of all fisheries,
5 marine and aquatic resources in Philippine waters including its exclusive economic
6 zones (EEZs), in the adjacent high seas and in coastal and inland aquatic resources
7 consistent with the objective of maintaining a sound ecological balance, protecting
8 and enhancing the quality of the environment;

9 (b) protect and conserve the nation's aquatic wealth in its archipelagic waters,
10 territorial seas, and EEZs and reserve use and enjoyment exclusive to Filipino citizens;

11 (c) safeguard the rights of small-scale fishermen in the preferential use of
12 communal marine, fisheries and aquatic resources;

13 (d) ensure sustainable fisheries production in inland aquatic resources
14 consistent with the objective of ensuring availability of food staples and achieving food
15 security; and

16 (e) protect fisherfolk communities from the adverse effects of climate change
17 and natural and man-made hazards.

1 *Sec. 3. The Department of Fisheries and Aquatic Resources.* – The Department
2 of Fisheries and Aquatic Resources, hereinafter referred to as the "Department," is
3 hereby created in accordance with the provisions of this Act.

4 *Sec. 4. Mandate.* – The Department shall have primary jurisdiction over the
5 management, conservation, development, protection, utilization and disposition of all
6 fishery and aquatic resources of the country, including the habitats of fish and all other
7 marine life and other activities which impact on these habitats, with the exception of
8 municipal waters, which shall remain under the jurisdiction of local government units
9 (LGUs): *Provided*, That LGUs shall manage their respective municipal waters in
10 accordance with national fishery policies, laws, rules, and regulations, and in a manner
11 consistent with the policies set forth herein.

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

15 The Department shall also have the responsibility of rationalizing all ocean
16 sector initiatives which impact on fish and marine resources or their habitat including,
17 but not limited to: exploration and development of marine energy, promotion and
18 management of coastal and marine tourism, designation of shipping lanes, and
19 identification and management of protected areas and marine industry development
20 areas.

21 *Sec. 5. Powers and Functions.* – The Department shall exercise the following
22 powers and functions:

23 (a) Exercise authority and responsibility over the utilization of the ocean,
24 including its fisheries and their habitat;

25 (b) Coordinate and monitor the implementation of fisheries and ocean sector
26 statutes, policies, plans and programs for all maritime components;

27 (c) Promulgate and enforce fisheries and oceans habitat regulations to clarify
28 and amplify the aforementioned departmental mandate in accordance with the
29 published fisheries and oceans management plans;

30 (d) Prepare and implement a comprehensive Fisheries Management Plan,
31 based on precautionary principle and the principle of sustainable development using

1 scientifically-generated information or best available evidence on the status of the
2 fisheries and marine resources;

3 (e) Formulate and implement a Fishery Industry Development Program
4 consistent with the national development plan, and set policies and standards for the
5 efficient and economic operation of the fishing industry in accordance with the
6 principles of food security and sustainable development;

7 (f) Promulgate rules and regulations governing the conservation and proper
8 utilization of fisheries and aquatic resources, with the exception of municipal waters
9 which shall remain under the jurisdiction of LGUs concerned;

10 (g) Issue licenses for the operation of commercial fishing vessels and permits
11 for the conduct of fishery activities, subject to the specific resource carrying capacities
12 as determined through scientific studies or best available evidence: *Provided, That*
13 preference shall be accorded to local communities situated in proximity to the
14 municipal waters;

15 (h) Issue fish worker licenses and identification cards free of charge to fish
16 workers engaged in commercial fishing;

17 (i) Enforce all fishery laws, rules and regulations and coordinate with
18 appropriate government agencies in the enforcement of the same;

19 (j) Provide technical and other forms of assistance in the settlement of conflicts
20 arising from the use and allocation of fisheries and other aquatic resources in
21 consultation with the National Fisheries and Aquatic Resources Management Council
22 (NFARMC) and LGUs concerned;

23 (k) Prescribe rules and regulations concerning the classification, establishment,
24 construction, maintenance, operation, and inspection of all fishing ports, landing sites
25 and fish markets and the operation of business therein, with the exception of those
26 owned, controlled, or operated by LGUs;

27 (l) Establish and maintain a Philippine Fisheries and Aquatic Information
28 System (PFARIS) which shall function as the primary repository of all information
29 pertaining to fisheries, oceanic and other aquatic resources, including, but not limited
30 to: fisheries and aquaculture production, domestic and international fisheries trade,
31 consumption and utilization of fisheries and other aquatic resources, and researches
32 on fisheries conservation, production, processing, marketing and innovations;

1 (m) Enforce laws, treaties, rules and regulations concerning the conservation,
2 protection of rare, threatened and endangered marine and other aquatic species and
3 their respective habitats, including the conservation and management of straddling
4 stocks and other highly migratory marine and aquatic species;

5 (n) Designate marine protected areas such as marine sanctuaries, marine
6 reserves and marine parks pursuant to existing laws, treaties, rules and regulations;

7 (o) Formulate and enforce a Code of Conduct for Responsible Fisheries and
8 Code of Practice for Responsible Aquaculture;

9 (p) Promote international cooperation in the sector of fisheries and integrated
10 ocean management;

11 (q) Impose administrative sanctions, including fines and penalties, for minor
12 infractions in accordance with the schedules and limits as embodied in fisheries laws,
13 rules and regulations and as agreed upon by the Department of Justice;

14 (r) Acquire, maintain, operate, purchase, lease, or dispose fisheries equipment
15 and facilities such as, but not limited to: fish port, shipyard, fishing vessel, fishing
16 gear, refrigerated truck, ice plant, cold storage, and aquaculture facilities through the
17 Philippine Fisheries Development Authority (PFDA);

18 (s) Fix, assess, collect and adjust fees and charges for the use and sale of
19 properties, equipment, facilities and services to support the programs and projects of
20 the Department;

21 (t) Provide infrastructure support such as, but not limited to: municipal fishing
22 port, municipal fish landing site, municipal fish market, fish health and food safety
23 laboratory, local shipbuilding and repair facility, post-harvest facilities and access roads
24 through the PFDA;

25 (u) Establish and implement a National Marketing Assistance Program through
26 the PFDA to ensure the generation of highest possible income for fisherfolk, and
27 fishery-related enterprises by harmonizing fisheries supply with the demand from
28 domestic and international markets; and

29 (v) Perform such other functions as may be necessary to carry out the purposes
30 of this Act or as may be provided by law.

1 Sec. 6. *Composition.* – The Department shall be headed by a Secretary. The
2 Department proper shall be composed of the Office of the Secretary, the Offices of
3 the Undersecretaries and the Assistant Secretaries.

4 Sec. 7. *The Secretary of Fisheries and Aquatic Resources.* – The Secretary of
5 Fisheries and Aquatic Resources, hereinafter referred to as the Secretary, shall be
6 appointed by the President subject to the confirmation of the Commission on
7 Appointments, and shall exercise the following duties and functions:

8 (a) Exercise supervision and control over all bureaus, institutes, center and
9 offices under the Department;

10 (b) Exercise authority and assume responsibility for the performance of the
11 powers and functions of the Department;

12 (c) Provide advice to the President on the promulgation of policies, rules and
13 regulations, and other matters pertinent to the sustainable development, utilization
14 and management of fisheries and other aquatic resources;

15 (d) Formulate policies and standards for the efficient and effective operation of
16 the Department in accordance with established plans, programs and standards of the
17 Government;

18 (e) Promulgate rules, regulations, and other issuances to carry out the
19 mandates, objectives, plans, programs and projects of the Department; and

20 (f) Perform such other functions as may be provided by law or assigned by the
21 President.

22 Sec. 8. *Undersecretaries.* – The Secretary shall be assisted by three (3)
23 Undersecretaries, who shall be appointed by the President upon the recommendation
24 of the Secretary: *Provided,* That two (2) of the Undersecretaries shall be career
25 officers.

26 Sec. 9. *Assistant Secretaries.* – The Secretary shall be assisted by three (3)
27 Assistant Secretaries who shall be appointed by the President upon the
28 recommendation of the Secretary: *Provided,* That two (2) of the Assistant Secretaries
29 shall be career officers.

30 Sec. 10. *Regional Offices.* – The Department may establish, operate, and
31 maintain a regional office in the different administrative regions of the country as may
32 be necessary. Each regional office shall be headed by a Regional Director, who may

1 be assisted by one (1) Assistant Regional Director. The Regional Director and Assistant
2 Regional Director shall be appointed by the President upon the recommendation of
3 the Secretary. The regional offices shall have support staffs as may be necessary to
4 perform the following duties and functions:

5 (a) Implement laws, policies, plans, programs, projects, rules and regulations
6 of the Department;

7 (b) Provide efficient and effective frontline services to the fisheries sector,
8 particularly to municipal fishermen;

9 (c) Coordinate with regional offices of other departments, offices, and
10 agencies, as well as with the LGUs within their respective jurisdictions; and

11 (d) Perform such other functions as may be provided by law or assigned by the
12 Secretary.

13 Sec. 11. *Qualifications.* – No person shall be appointed Secretary,
14 Undersecretary, or Assistant Secretary of the Department unless the appointee is a
15 citizen and resident of the Philippines, of good moral character, of proven integrity,
16 and with at least seven (7) years of competence and expertise in any of the following:
17 biology, ecology, biogeochemistry, biotechnology, marine sciences, limnology,
18 oceanography, fisheries management or other related disciplines, either in the private
19 or public sector.

20 No person shall be appointed Director of the Department unless the appointee
21 is a citizen and resident of the Philippines, of good moral character, of proven integrity,
22 with at least a degree in law or a graduate degree in biology, ecology,
23 biogeochemistry, biotechnology, marine sciences, limnology, oceanography, fisheries
24 management or other related disciplines, or public administration, and with at least
25 three (3) years of relevant experience in marine conservation, fisheries management
26 or related fields, either in private or public sector.

27 Sec. 12. *Abolition, Transfer and Merger of Agencies and Personnel.* – The
28 Bureau of Fisheries and Aquatic Resources (BFAR) reconstituted under Republic Act
29 No. 8550, is hereby abolished. All relevant functions, appropriations, records,
30 properties, equipment and personnel shall be transferred to the Department:
31 *Provided,* That no official or employee of the BFAR shall be separated from the service
32 in a manner inconsistent with Section 13 of this Act.

1 The National Fisheries and Aquatic Resources Management Council (NFARMC)
2 created by Republic Act No. 8550 shall be transferred to the Department: *Provided,*
3 That an Undersecretary of the Department shall be appointed as the Chairperson of
4 the NFARMC.

5 The National Fisheries Research and Development Institute (NFRDI) created by
6 Republic Act No. 8550 shall be transferred to the Department and shall serve as the
7 principal research arm of the Department: *Provided,* That an Undersecretary of the
8 Department and the Executive Director of the NFRDI shall be appointed as
9 Chairperson and Vice-Chairperson of the NFRDI Governing Board: *Provided, further,*
10 That no official or employee of the NFRDI shall be separated from the service in a
11 manner inconsistent with Section 13 of this Act.

12 The Philippine Fisheries Development Authority (PFDA) created by Presidential
13 Decree No. 977, as amended, shall be transferred as an attached government
14 corporation to the Department, including its relevant functions, appropriations,
15 records, properties, equipment and personnel: *Provided,* That the Secretary shall be
16 appointed as the Chairperson of the PFDA Board of Directors: *Provided, further,* That
17 no official or employee of the PFDA shall be separated from the service in a manner
18 inconsistent with Section 13 of this Act.

19 All other operating units of the Department of Agriculture (DA) with functions
20 and responsibilities dealing with fisheries and aquatic resources, including units under
21 its attached agencies and corporations, are hereby transferred to the Department:
22 *Provided,* That no official or employee of the DA shall be separated from the service
23 in a manner inconsistent with Section 13 of this Act.

24 Sec. 13. *Separation and Retirement from Service.* – Employees who are
25 separated from service within six (6) months from the effectivity of this Act as a result
26 of the consolidation and/or reorganization under the provisions of this Act shall receive
27 separation benefits to which they may be entitled under Executive Order No. 366, s.
28 2004: *Provided,* That those who are qualified to retire under existing retirement laws
29 shall be allowed to retire and receive retirement benefits to which they may be entitled
30 under applicable laws and issuances.

31 Sec. 14. *Organizational Structure and Staffing Pattern.* – Subject to the approval
32 of the Department of Budget and Management (DBM), the Department shall

1 determine its organizational structure and create new bureaus, divisions or units as it
2 may deem necessary, and shall appoint officers and employees of the Department in
3 accordance with the civil service law, rules, and regulations.

4 Sec. 15. *Transition Period.* – The transfer of functions, assets, funds,
5 equipment, properties, transactions, and personnel of the affected agencies, and the
6 formulation of the internal organic structure, staffing pattern, operating system, and
7 revised budget of the Department, shall be completed within six (6) months from the
8 effectivity of this Act, during which time, the existing personnel shall continue to
9 assume their posts in holdover capacities until new appointments are issued: *Provided,*
10 That the Department, in coordination with the DBM, shall determine and create new
11 positions, the funding requirements of which shall not exceed the equivalent cost of
12 positions that may be abolished or reorganized.

13 Sec. 16. *Appropriations.* – The amount needed for the initial implementation of
14 this Act shall be taken from the current fiscal year's appropriation of the BFAR and all
15 agencies herein absorbed by or attached to the Department. Thereafter, the amount
16 needed for the operation and maintenance of the Department shall be included in the
17 General Appropriations Act.

18 Sec. 17. *Implementing Rules and Regulations.* – Within sixty (60) days from the
19 effectivity of this Act, the BFAR, Civil Service Commission (CSC) and DBM shall, in
20 coordination with the DA, PFDA, NFRDI, NFARMC and other government agencies
21 concerned, promulgate the necessary rules and regulations to effectively implement
22 the provisions of this Act.

23 Sec. 18. *Separability Clause.* – If, for any reason, any provision of this Act or
24 any part thereof shall be held unconstitutional and invalid, the other parts or provisions
25 of this Act, which are not affected thereby, shall remain in full force and effect.

26 Sec. 19. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
27 parts thereof inconsistent with any of the provisions of this Act are hereby repealed,
28 amended or modified accordingly.

29 Sec. 20. *Effectivity.* – This Act shall take effect fifteen (15) days after its
30 complete publication in at least two (2) newspapers of general circulation or in the
31 *Official Gazette.*

Approved,