

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **3263**



Introduced by Representative **DANTE S. GARCIA**

EXPLANATORY NOTE

The Philippines is an archipelago of more than 7,600 islands and 2,200,000 square kilometers of waters including its Exclusive Economic Zone (EEZ). Its aquatic resources therefore are a major source of food and livelihood for the Filipino people. It is no surprise then that globally, the country is considered one of the top fish producers and the third top producer of aquatic plants (primarily seaweeds). This reflects the importance of the fisheries industry to our economy and shows great growth potential.

The Department of Agriculture has too many sectoral concerns in crops and livestock, thus, there is a prevailing perception that the fisheries sector has not received the support and attention that it deserves. The creation of a Department of Fisheries and Aquatic Resources shall correct the traditional bias for land-based agriculture. Moreover, there is a need to address the following:

1. Global warming, climate change and other concerns such as increase in population have put pressure on our fisheries resources. The country must have a strong regulatory body to adequately guard, conserve and sustainably manage our aquatic resources.
2. The untapped potential in emerging systems and industries in fisheries, such as mariculture parks, sea ranching, sea farming, etc., gives promise to more livelihood opportunities to our people, investments for the public sector, and a boost to our economy. It will take a Department to oversee, regulate and encourage such systems and industries to achieve success in these goals.
3. The country must have adequate representation, backed by a strong Department, in international multilateral and bilateral agreements on fisheries. During international conferences, the Philippines is represented by a Bureau Director, while the other countries are represented by higher-level officials.

Given the above, there is an urgent need for a Department of Fisheries and Aquatic Resources to better protect, utilize, manage and conserve our aquatic resources and improve the fisheries sector.

In view of the foregoing, approval of this bill is earnestly sought.

DANTE S. GARCIA
Representative
2nd District, La Union



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**AN ACT
CREATING THE DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES,
DEFINING ITS MANDATE, POWERS AND FUNCTIONS, AND APPROPRIATING
FUNDS THEREFORE**

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

CHAPTER I

POLICIES AND DEFINITIONS

SEC. 2. *Declaration of Policies.* — It is hereby declared the policy of the State to protect and conserve the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone (EEZ), and reserve their sustainable use and enjoyment exclusively to Filipino citizens.

The State shall promote and ensure the sustainable development and management of all fisheries and marine resources in Philippine waters, including the EEZ and in the adjacent high seas in order to maintain a sound ecological balance, protect and enhance the quality of the environment, and ensure the country's food security and fish self-sufficiency.

It shall protect the rights of small-scale fishermen in the preferential use of communal marine, fisheries, and aquatic resources. It shall also be the policy of the State to support private initiative in aquaculture and fisheries business ventures both in the production and in the exportation or importation of fish and fishery products and by-products. Towards this end, the State shall provide the fisherfolk, fish farmers, processors of marine products, traders and other investors the appropriate technical, financial, entrepreneurial, and other support services in order

1 to improve fish production, fish security and self-sufficiency, and to uplift the lives of those
2 dependent on the fisheries industry.

3 SEC. 3. *Creation and Mandate.* --- To carry out the above-declared policies, there is hereby
4 created a Department of Fisheries and Aquatic Resources, hereinafter referred to as the
5 Department.

6 The Department shall have primary jurisdiction over the development, management,
7 regulation, utilization, and disposition of all fisheries and aquatic resources of the country,
8 including the habitats of fish and all other marine life and over activities which impact on these
9 habitats. The Department shall coordinate with the Department of Environment and Natural
10 Resources (DENR) and other appropriate agencies to ensure that its policies are in consonance
11 with general national government policies on the protection, preservation, and conservation of the
12 environment and natural resources: *Provided*, That the jurisdiction over municipal waters, shall be
13 exercised jointly by the Department and local government units (LGUs), with the latter managing
14 the same in accordance with national fisheries policies, laws, rules and regulations.

15 The Department shall ensure the equitable sharing of the benefits derived from the
16 country's fisheries and aquatic resources for the welfare of the present and future generations of
17 Filipinos.

18 The Department shall have the responsibility of rationalizing all blue economy activities
19 or initiatives which impact on fisheries and aquatic resources including processing; marine
20 resource utilization and development such as biotechnology and bioprospecting, seaweed farming
21 or harvesting; marine ecosystems such as coral reefs; mangroves preservation; coastal protection;
22 marine protected areas; coastal and marine tourism; marine energy exploration and development;
23 marine scientific research; and other areas of marine industry development. The regulation of these
24 marine activities, once rationalized by the Department, shall be exercised by the parent agency for
25 the appropriate sector involved.

26
27 SEC. 4. *Definition of Terms.* — As used in this Act:
28

29 a) *Aquaculture* refers to the fisheries operations involving all forms of propagating and
30 culturing fish and other fisheries species in freshwater, brackish water, and marine water areas,
31 including hatcheries and nurseries, and aquatic feed production;

32 b) *Aquatic Resources* refer to the living resources in freshwater, brackish water and marine
33 waters, including fish and all other aquatic flora and fauna, including salt and corals;

34 c) *Archipelagic Waters* refer to the waters enclosed by the archipelagic baselines drawn
35 in accordance with Article 47 of the United Nations Convention on the Law of the Seas
36 (UNCLOS), described as archipelagic waters, regardless of their depth or distance from the coast
37 as contemplated in Article 49 (1) of the UNCLOS;
38

39 d) *Blue Economy* refers to the sustainable use of ocean resources for economic growth,
40 improved livelihoods and employment, while preserving the health of the ocean ecosystem. It

1 takes into account the overall contribution of the oceans to economies, the need to address the
2 environmental and ecological sustainability of the oceans, and the ocean economy as a growth
3 opportunity for human development, social equity and ecological well-being;

4 e) *Blue Economy Initiatives or Activities* refer to traditional ocean activities such as
5 fisheries, tourism, maritime transport, and waste management, including emerging industries
6 including such as renewable energy, aquaculture, seabed extractive activities and marine
7 biotechnology and bioprospecting. Blue economy activities also include ocean ecosystem services
8 not captured by the market but provide significant contribution to economic and human activity
9 such as carbon sequestration, coastal protection, ecosystem preservation, management of marine
10 pollution, waste disposal, and the existence of biodiversity;

11 f) *Code* refers to Republic Act Number 8550, otherwise known as the Philippine Fisheries
12 Code of 1998, as amended by Republic Act Number 10654;

13 g) *Fisheries* refers to all activities relating to the act or business of fishing, culturing,
14 preserving, processing, marketing, developing, conserving and managing aquatic resources and
15 the fishery areas, including the privilege to fish or take aquatic resources therefrom;

16 h) *Fisheries Adjudication Board* refers to the Board created under this Act that shall
17 perform quasi-judicial function and administrative adjudication and shall settle conflicts on
18 resource use and allocation;

19 i) *Fisheries Attaché* refers to a diplomat who collects, analyzes, and acts on information
20 on fisheries and other related spheres in a foreign country or countries;

21 j) *Fishery Management Areas* refer to delineated bodies of water in the Philippines based
22 on an approximation of fish stocks and their boundaries, range and distribution and other
23 considerations for the purpose of fisheries management or governance that is science-based,
24 participatory, and transparent, and applying the ecosystem approach to fisheries management;
25

26 k) *Food Security* refers to a situation that exists when all people, at all times, have physical,
27 social, and economic access to sufficient, safe, and nutritious food that meets their food preferences
28 and dietary needs for an active and healthy life;

30 CHAPTER II

31 THE DEPARTMENT

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

34 a) Formulate and implement short-term, medium-term and long-term Comprehensive
35 National Fisheries Industry Development Plans (CNFIDP) pursuant to RA No. 8850, as amended,
36 for the efficient and economic operations of the fishing industries, in accordance with the
37 objectives of food security and rational and sustainable development, consistent with the
38 development framework of the National Economic and Development Authority (NEDA);

b) Formulate and implement a Comprehensive Fisheries Research and Development Program, such as sea farming, sea ranching, and tropical or ornamental fish and seaweed culture, aimed at increasing resource productivity, improving resource use efficiency, and ensuring the long-term sustainability of the country's fisheries and aquatic resources;

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

d) Establish and maintain a Philippine Fisheries and Aquatic Resources Information System (PFARIS) that will function as the principal repository and information server of all aquaculture, fisheries and marine resources and their habitats, all matters pertaining to aquaculture and fisheries production, processing, distribution, marketing, policies, and research results and technological advancements;

e) Conduct complete resource inventory and monitoring for strategic planning and programming as well as evaluation and assessment of key initiatives to ensure increased productivity of the fisheries sector, promote sustainability, conservation, and protection efforts;

f) Develop value-added fisheries products for export and domestic consumption;

g) Promote international economic and technical cooperation in the fisheries and ocean sectors and in integrated oceans management, especially within the ASEAN region;

h) Appoint Fisheries Attachés in strategic countries to promote and engage in economic and trade cooperation including negotiating bilateral and multilateral trade agreements, promoting the exports of fish and fisheries products, and facilitating professional contacts, exchanges, and technology transfer;

i) Enter into contracts, joint venture agreements, public-private partnerships and such other memoranda of agreements or understanding, either domestic or foreign, under such terms and conditions as the Department may deem proper and reasonable and subject to existing laws;

j) Receive, take and hold by bequest, device, gift, purchase or lease, either absolutely or in trust for any of its purposes from foreign and domestic sources, any asset, grant or property, real or personal, subject to such limitations as are provided under existing laws and regulations;

k) Monitor the implementation of joint fishing agreements between Filipino citizens and foreigners who conduct fishing activities in international waters, and ensure that such agreements are not contrary to Philippine commitments under treaties or international agreements to which the Philippines is a party thereto;

l) Formulate planning and investment policy for blue economy initiatives or activities, including identification of development, production, and protected areas, and marine spatial plans;

m) Prescribe rules, regulations, procedures and guidelines concerning the classification, establishment, construction, maintenance and operation of blue economy initiatives or activities.

n) Provide development support services to fishermen and organizations of fishermen as well as those involved in all aspects of fisheries production, including processing and marketing, in collaboration with LGUs and related agencies;

o) Provide advisory services and technical assistance to the LGUs in developing their technical capability in the development, management, regulation, conservation, and protection of the fisheries resources and in the preservation of the quality of fish from the time they are caught

1 on-board fishing vessels, at landing areas, in fish markets, to the processing plants, and to the
2 distribution and marketing chain;

3 p) Advise and coordinate with LGUs on the maintenance of proper sanitation and hygienic
4 practices in fish markets and fish landing areas;

5 q) Coordinate with LGUs and other concerned agencies for the establishment of inclusive
6 productivity enhancing and market development programs in fishing communities to enable all
7 sectors in fishing communities to engage in fisheries or other economic activities and contribute
8 significantly to development efforts;

9 r) Establish and administer a fisheries modernization credit program to fisheries projects
10 of fisherfolk, fish farmers, fish processors, commercial fishers, and other qualified borrowers;

11 s) Acquire, maintain, operate, purchase, lease or dispose, through the Philippine Fisheries
12 Development Authority (PFDA), equipment and facilities such as shipyards, fishing vessels,
13 fishing gears, and refrigerated trucks, ice plants and cold storages, communication, and
14 aquaculture facilities;

15 t) Fix, assess and collect reasonable fees, tolls, charges, rentals, and the like, through the
16 PFDA, for the use, sale of properties, equipment, facilities and services to support the
17 Department's projects and to adjust the same as warranted;

18 u) Provide through the PFDA infrastructure support such as municipal fishing ports and
19 markets, farm-to-market roads, quality laboratories in fish ports, marketing facilities, local
20 fisheries ship-building and repair facilities, and post-harvest facilities, in cooperation with
21 concerned agencies;

22 v) Conserve, protect and rehabilitate rare, threatened and endangered aquatic species as
23 it may determine, including their habitats and designate marine and other aquatic areas as
24 protected areas for the special purposes stated in the notice of declaration in compliance with the
25 relevant provisions of international treaties and agreements such as, but not limited to, the
26 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),
27 United Nations Convention on the Law of the Sea (UNCLOS), and Convention on Biological
28 Diversity (CBD);

29 w) Adopt and implement a national plan of action to manage fishing capacity, implement
30 the Code of Practice for Aquaculture and the Code of Conduct for Responsible Fisheries; and
31 determine and declare fishery management areas as over-exploited in coordination with the LGUs
32 and Fisheries and Aquatic Resources Management Councils (FARMCs);

33 x) Formulate policies for the conservation and management of straddling fish stocks,
34 highly migratory fish stocks and threatened living marine resources such as sharks, rays, and
35 ludong, *inter alia*, in the Philippine Exclusive Economic Zone, territorial sea, archipelagic and
36 internal waters, in coordination with LGUs and integrated/municipal/city FARMCs; and

37 y) Develop other blue economy initiatives to conserve, protect, or harness marine and
38 coastal resources and ecosystems.

39 z) Enforce all fisheries laws, rules and regulations through its fishery officers and
40 guardians who shall be vested with full police powers including arrest, search and seizure and
41 through deputized government officials and employees, punong barangays and officers and
42 members of fisherfolk associations who have undergone training on law enforcement;

- 1 aa) Develop and implement a Monitoring, Control and Surveillance System (MCSS) for
2 Philippine fisheries and oceans at the national and regional levels to ensure that the fisheries and
3 marine resources in Philippine waters are judiciously and sustainably utilized and managed;
- 4 bb) Establish a corps of technical specialists in collaboration with the Department of
5 National Defense, Department of the Interior and Local Government, and the Department of
6 Foreign Affairs for the efficient monitoring, control and surveillance of fishing activities within
7 Philippine territorial waters and provide the necessary facilities, equipment and training therefor;
- 8 cc.) Issue licenses for the operation of commercial fishing vessels;
- 9 dd) Exercise jurisdiction over all Philippine flagged fishing vessels operating in areas
10 governed by a Regional Fisheries Management Organization (RFMO) in the high seas, or in
11 waters of other coastal states;
- 12 ee) Train, designate and deploy fisheries observers in Philippine flagged fishing vessels
13 engaged in commercial fishing in Philippine waters or distant water fishing to ensure compliance
14 with conservation and management measures adopted by RFMOs and by the Department;
- 15 ff) Implement boarding and inspection protocols upon Philippine flagged fishing vessels
16 in order to promote observance to international treaty obligations on food safety, to curb illegal,
17 unreported and unregulated fishing (IUUF), and to comply with conservation and management
18 measures;
- 19 gg) Determine the appropriate levels of administrative and other sanctions concerning
20 violations of fisheries laws, rules and regulations, particularly for serious violations that deprive
21 offenders of economic benefits;
- 22 hh) Perform quasi-judicial function or administrative adjudication under Chapter III of
23 this Act, and settle conflicts of resource use and allocation in consultation with the NFARMC,
24 LGUs and local FARMCs;
- 25 ii) Oversee the country's Fisheries Management Areas which shall be managed by FMA
26 Boards. The FMA Boards shall have rule-making, enforcement and quasi-judicial powers in their
27 respective jurisdiction. Decisions of FMA Boards shall be appealed to the Fisheries Adjudication
28 Board.
- 29 jj) Issue rules, regulations and guidelines for the protection and promotion of aquaculture,
30 fisheries, marine and aquatic resources of the country, including the habitats of fish and all other
31 marine life and over activities, which impact on these habitats; and
- 32 kk) Perform such other powers and functions which are necessary and relevant in order
33 to achieve its mandate.
- 34

35 SEC. 6. *Structural Organization.* — The Department shall consist of the Office of the
36 Secretary and four (4) Undersecretaries supported by five (5) Assistant Secretaries.

37 The Office of the Secretary shall be supported by bureaus, divisions, services, and
38 institutes.

39

40 SEC. 7. *Secretary of the Department.* — The Secretary of Fisheries and Aquatic
41 Resources, hereinafter referred to as the Secretary, shall be appointed by the President of the
42 Philippines subject to confirmation by the Commission on Appointments.

43

1 SEC. 8. *Functions of the Secretary.* — The Secretary shall:

- 2 a) Ensure that the mandate of the Department is achieved;
- 3 b) Exercise supervision and control over the Department, its Bureaus, Offices, Services
4 and Institutes to ensure the effective performance of the powers and functions of the
5 office;
- 6 c) Advise the President on the policies, rules and regulations, and other issuance relative
7 to the sustainable development and management of fisheries and aquatic resources;
- 8 d) Establish management policies and standards for the efficient and effective operation
9 of the Department in accordance with the programs of the government;
- 10 e) Promulgate rules and regulations and other issuance in carrying out the Department's
11 mandate objectives, policies, plans, programs and projects; and
- 12 f) Perform such other functions as may be provided by law or assigned by the President.

13
14 SEC. 9. *Undersecretaries.* — The Secretary shall be assisted by four (4) Undersecretaries,
15 specifically the Undersecretary for Policy and Planning, the Undersecretary for Operations and
16 Technical Services; the Undersecretary for Fisheries Protection, Conservation and Sustainable
17 Development; and the Undersecretary for Regulations and Enforcement, who shall be appointed
18 by the President upon recommendation of the Secretary.

19 The Offices of the Undersecretaries shall assist the Secretary in the exercise of the
20 Department's mandate and in the discharge of its powers and functions. Their offices shall:

- 21 a) Provide periodic reports and advice to the Secretary on the plans, programs, offices
22 and their respective functions under their defined areas of responsibility and
23 recommend measures towards greater effectiveness and efficiency;
- 24 b) Exercise delegated authority, to the extent granted by the Secretary, on matters related
25 to the functions and activities of the units under their defined areas of responsibility;
26 and
- 27 c) Perform other functions as may be provided by law or assigned by the Secretary.

28
29 SEC. 10. *Office of the Undersecretary for Policy and Planning.* — The office of the
30 Undersecretary for Policy and Planning shall provide policy advice to the Secretary and shall be
31 responsible for the development of national aquaculture and fisheries policies and their integration
32 and translation into the Comprehensive National Fisheries Industry Development Plan (CNFIDP).
33 The office shall provide periodic public reports of achievements in aquaculture and fisheries.

34 It shall evaluate international developments and assess their potential impact on Philippine
35 fisheries. It shall be responsible for developing and managing bilateral and multilateral affairs of
36 the Department, including trade, investment, and cooperation agreement negotiations and the
37 coordination of their implementation. It shall be responsible for advocating the Philippine
38 fisheries and aquatic resources agenda in international organizations and bodies.

39 It shall lead in the development of national aquaculture and fisheries plans and budgets
40 consistent with national policies. The office shall be responsible for the development of
41 institutional mechanisms for periodic program assessment, and in identifying, developing and
42 packaging development projects for implementation. It shall develop and implement reliable and
43 cost-effective information and communication technology systems and establish and maintain the

1 Philippine fisheries and aquatic resources information system which shall be the principal
2 depository and information server of all aquaculture and fisheries-related information in the
3 country.
4

5 *Sec. 11. Office of the Undersecretary for Operations and Technical Support Services. –*
6 The Office of the Undersecretary for Operations and Technical Support Services shall primarily
7 assist the Secretary in the promotion of aquaculture and fisheries production and in supervising
8 the operations of the regional offices.

9 It shall provide leadership in the translation and implementation of the CNFIDP into
10 operational plans and programs as well as appropriate technologies, in order to assist the fisheries
11 industry.

12 The office shall develop a framework of cooperation and linkages with regional
13 development councils, LGUs and national agencies in the management of the aquaculture,
14 fisheries, and marine sectors.
15

16 *Sec. 12. Office of the Undersecretary for Fisheries Protection, Conservation and*
17 *Sustainable Development. –* The Office of the Undersecretary for Fisheries Protection,
18 Conservation and Sustainable Development shall assist the Secretary primarily in the
19 Development and implementation of conservation, protection and sustainability efforts of the
20 Department.

21 It shall lead in the conduct of scientific researches on the proper strategies for the
22 conservation and protection of marine wildlife and their habitat including breeding and
23 propagation.

24 It shall have the authority to issue cites permits and shall both be the CITES management
25 and scientific authorities of the Philippines.
26

27 *Sec. 13. Office of the Undersecretary for Regulations and Enforcement. –* The office of
28 the Undersecretary for Regulations and Enforcement shall assist the Secretary in performing the
29 regulatory functions of the Department.

30 It shall have the supervision and control of fisheries officers and guardians and the corps
31 of specialists responsible for the enforcement of fishery laws, rules and regulations and the
32 efficient monitoring and surveillance of fishing activities within Philippine territorial waters.

33 It shall exercise quasi-judicial functions to resolve and settle conflicts on resource use and
34 allocation in consultation with the Fisheries Adjudication Board and LGUs.

35 The office shall institutionalize a monitoring control and surveillance system to ensure
36 that fisheries, aquatic, and marine resource are utilized and managed on a sustainable basis.
37

38 *SEC. 14. Assistant Secretaries.* The Secretary shall be assisted by five (5) Assistant
39 Secretaries who shall be appointed by the President upon recommendation of the Secretary.
40

41 *SEC. 15. Functions of the Assistant Secretaries. ----* Each of the four (4) Undersecretaries
42 shall be assisted by an Assistant Secretary who shall have the following functions:

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

The fifth Assistant Secretary shall be in charge of the Department's Finance and Administrative Support Services.

SEC. 16. *Qualifications and Appointment* - No person shall be appointed Secretary or Undersecretary, or Assistant Secretary of the Department unless he is a Filipino citizen; must have a degree in law or a master's degree in fisheries, public administration, management, economics or other equivalent relevant disciplines; has relevant experience in administration and management for at least ten (10) years; and has general practical knowledge of fisheries. The Secretary, Undersecretaries, and Assistant Secretaries shall be appointed by the President of the Philippines in the manner prescribed by law.

No person shall be appointed Bureau Director and Assistant Bureau Director unless he is a Filipino citizen; must have a degree in law or at least a master's degree in fisheries, public administration, management, economics, statistics, engineering, law or other equivalent relevant disciplines; with at least seven (7) years relevant 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 Bureau Director, Assistant Bureau Director, Regional Executive Director or Assistant Regional Executive Director shall be appointed by the Secretary upon the recommendation of the Undersecretary concerned.

No person shall be appointed Regional Executive Director or Assistant Regional Executive 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 relevant experience either in the public or private sector, in administration and management, fisheries research and development, or in the aquaculture and fisheries industries.

All other officials and employees of the Department shall be appointed in accordance with the Civil Service law, rules and regulations.

SEC. 17. *Regional, Provincial, and Municipal Offices and Functions.* — The Department shall establish regional, provincial and municipal offices as may be appropriate and necessary to carry out effectively and efficiently the provisions of this Act.

1 Each regional office shall be headed by a Regional Executive Director, who shall be
2 assisted by an Assistant Regional Executive Director. Each regional office shall have support staff
3 and line divisions as may be necessary which shall have the following duties and responsibilities:

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

6 b. Implement in its area of jurisdiction the laws, policies, plans, programs, projects, rules
7 and regulations of the department;

8 c. Coordinate with the regional office of the other departments, offices and agencies in the
9 region; and

10 d. Perform other functions as may be provided by law or assigned by the Secretary.
11

12 CHAPTER III

13 FISHERIES ADJUDICATION BOARD

14 SEC. 18. *Fisheries Adjudication Board*. — The Department is hereby empowered to hear
15 and impose administrative fines and penalties provided in the Code.

16 For this purpose, the Department shall organize a Fisheries Adjudication Board, herein
17 after referred to as the Board, which shall have original jurisdiction to hear and adjudicate cases
18 arising from violations of the Code and other fishery laws, rules and regulations.

19 The Board shall be composed of a Chairman and four (4) members. The Chairman shall
20 be designated by the Secretary from any of the Undersecretaries or Assistant Secretaries of the
21 Department. The four (4) other members of the Board shall be appointed by the Secretary and
22 shall have a rank equivalent to a Director IV. Except for the Chairman, the four (4) other members
23 of the Board shall serve for a non-renewable term of six (6) years. The Board shall be supported
24 by a sufficient number of personnel to enable it to perform its mandate.

25 The Board shall promulgate its rules and regulations for the conduct of administrative
26 adjudication and the disposition of confiscated catch, gears, equipment and other paraphernalia.
27 It shall also issue subpoena *duces tecum* and *ad testificandum* in administrative cases before it.
28

29 Sec. 19. *Appeal of the Decision of the Board*. — Except for cases initiated by the Secretary
30 himself, the decision of the Board may be appealed to the Secretary of the Department within
31 thirty (30) days from receipt by the parties of the decision. In cases where the Secretary initiated
32 the case, the same shall be directly appealed to the Office of the President.
33

34 SEC. 20. *Commencement of Summary Administrative Action*. — The Secretary, on his
35 own instance, or upon verified complaint by any person, institute administrative proceedings with
36 the Board against any person who violates the Code and other fishery laws, rules and regulations.
37

38 SEC. 21. *Power to Issue Cease and Desist Orders and to Summarily Evict Without the*
39 *Necessity of Judicial Order*. — The Board shall, subject to the requirements of administrative due
40 process, issue cease and desist orders upon violators and to summarily eject, without the necessity
41 of judicial order, the holder of a Fishpond Lease Agreement (FLA), other tenurial instrument,

1 permit or license from areas of the public domain covered by such FLA, tenurial instrument,
2 permit or license.

3
4 *SEC. 22. Authority of the Board or their Duly Authorized Representative to Issue Notice*
5 *of Violation and Order Confiscation.* - In all cases of violations of the Code or other fishery laws,
6 rules and regulations, the Board or their duly authorized representative, may issue notice of
7 violation and order the confiscation of any fish, fishery species or aquatic resources illegally
8 caught, taken or gathered, and all equipment, paraphernalia and gears in favor of the Department,
9 academic institutions or LGUs and to dispose of the same in accordance with pertinent laws, rules,
10 regulations and policies on the matter.

11
12 *SEC. 23. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary*
13 *Injunctions, and Preliminary Mandatory Injunctions.* — No injunction or restraining order from
14 the Municipal Trial Courts and Regional Trial Courts shall lie against the decision of the Board.

15
16 *SEC. 24. Accompanying Administrative Sanctions for Serious Violations.* — The Board
17 may impose the following additional sanctions to the administrative penalties imposed for serious
18 violations:

- 19 1) confiscation of fishing gear;
- 20 2) impoundment of fishing vessel;
- 21 3) temporary suspension or permanent revocation of license or permit;
- 22 4) temporary or permanent ban from the availment of applicable duty and tax rebates;
- 23 5) inclusion in the Illegal, Unreported, and Unregulated (IUU) fishing vessel list;
- 24 6) denial of entry and other port services;
- 25 7) blacklisting; and
- 26 8) increase in the amount of fines but not to exceed five (5) times the value of the
27 catch. In case of repeated violations within a five-year period, the amount of fine
28 may be increased up to eight (8) times the value of the catch.

29 During the pendency of the administrative, the Board may impound the vessel or
30 conveyance, gear and other paraphernalia used in the commission of the offense.

31 In applying these accompanying sanctions, the Board shall take into account the
32 seriousness of the violation as defined in Paragraph 82 of Section 4 of the Code, the habituality
33 or repetition of violation, manner of commission of the offense, severity of the impact on the
34 fishery resources and habitat, socioeconomic impact, cases of concealment or destruction of
35 evidence, eluding arrest, resisting lawful orders, and other analogous circumstances.

36 The overall level of sanctions and accompanying sanctions shall be calculated in a manner
37 that is proportionate, effective and dissuasive to deprive the offender of the economic benefits
38 derived from the serious violation.

39
40 *SEC. 25. Lien upon Personal and Immovable Properties of Violators.* — Fines and
41 penalties imposed pursuant to the Code shall constitute a lien upon the personal and immovable
42 properties of the violator.

1 its relevant functions, appropriations; records, properties, equipment and personnel, is hereby
2 transferred and attached to the Department: *Provided*, That no official or employee of the Board
3 shall be removed in the implementation of this Section.

4 The fisheries-related sections of the Bureau of Agricultural Research and the Agricultural
5 Training Institute of the Department of Agriculture are hereby abolished, and all its personnel,
6 records, appropriations, property and equipment are transferred to the Department.

7 The Marine Research and Conservation Division and the different sections thereunder and
8 the Coastal Environment Program including its relevant appropriations, personnel, records,
9 property and equipment, all marine and coastal related projects and programs of the Department
10 of Environment and Natural Resources (DENR), and all fisheries related functions under
11 Executive Order No. 192, s. 1987 entitled "PROVIDING FOR THE REORGANIZATION OF
12 THE DEPARTMENT OF ENVIRONMENT, ENERGY AND NATURAL RESOURCES,
13 RENAMING IT AS THE DEPARTMENT OF ENVIRONMENT AND NATURAL
14 RESOURCES, AND FOR OTHER PURPOSES" and Executive Order No 292 s.1987 entitled
15 "INSTITUTING THE "ADMINISTRATIVE CODE OF 1987", except the functions of the
16 enforcement of water pollution laws, rules and regulations, are hereby transferred to the
17 Department.

18 The fisheries-related functions of the Laguna Lake Development Authority, including its
19 relevant appropriations, records, and personnel, are hereby transferred to the Department:
20 *Provided*, That no official or employee of the LLDA shall be laid off in the implementation of
21 this Section.

22 The Philippine Council for Aquatic and Marine Research and Development is abolished
23 and all its personnel, records, appropriations, property and equipment are transferred to the
24 National Fisheries Research and Development Institute of the Department, to the extent granted
25 by the Secretary.

26 The National Fisheries Technology Centers and Technology Outreach Stations under the
27 Bureau of Fisheries and Aquatic Resources and all its personnel, records, appropriations, property
28 and equipment are transferred to the Department. *Provided*, That no official or employee of the
29 Centers and Stations shall be demoted or laid off in the implementation of this Section.

30
31 SEC. 29. *Transitory Provisions.* — In accomplishing the acts of organizing the
32 Department as herein prescribed and pursuant to Republic Act No. 6656 or the Government
33 Reorganization Law, the following provisions shall be complied with:

- 34 a) The transfer of a government unit or agency shall include the function, appropriations,
35 funds, records, equipment, facilities, choses in action, rights, other assets and liabilities,
36 if any, of the transferred unit or agency as well as the personnel thereof, as may be
37 necessary, who shall, pending reappointment, continue to perform their respective
38 duties and responsibilities and receive the corresponding salaries and benefits in a hold-
39 over capacity.
- 40 b) The transfer of functions which results in the change of agency management, choses
41 in action, rights, and other assets as may be necessary to the proper discharge of the
42 transferred functions. Its personnel shall, pending complete transfer, continue to
43 perform their duties and responsibilities.

1 c) The transfer of functions which results in the change of agency management, choses
2 in action, rights, and other assets as may be necessary to the proper discharge of the
3 transferred functions. Its personnel shall, pending complete transfer, continue to
4 perform their duties and responsibilities.
5

6 SEC. 30. *Absorption, Separation and Retirement from Service.* — The existing employees
7 of the transferred, consolidated, and merged agencies under this Act shall enjoy security of tenure
8 and shall be absorbed by the Department, in accordance with their staffing patterns and the
9 selection process as prescribed under Republic Act. No. 6656 or the Government Reorganization
10 Law.

11 Employees who are affected by the creation of the Department and are separated from
12 service within six (6) months from the effectivity of this Act as a result of the organization and
13 reorganization under this Act, shall receive separation benefits under Republic Act No. 6656, or
14 the Government Reorganization Law, and other applicable Civil Service Law, rules and
15 regulations: *Provided*. That those who are qualified to retire and receive retirement benefits under
16 existing retirement laws shall be allowed to retire.
17

18 SEC. 31. *Structure and Staffing Pattern.* — Subject to the approval of the Department of
19 Budget and Management, the Department shall determine its organizational structure and create
20 new divisions or units as it may deem necessary, and shall appoint officers and employees of the
21 Department in accordance with Civil Service laws, rules, and regulations. Republic Act No. 6656,
22 or the Government Reorganization Law shall govern the reorganization of the Department, and
23 the reorganization of affected agencies.
24

25 SEC. 32. *Appropriations.* — The amount needed for the initial implementation of this Act
26 shall be taken from the current year's appropriations of the agencies, entities, divisions, sections or
27 bodies abolished or transferred to the Department by virtue of this Act. Thereafter, such sums as
28 may be necessary for its continued implementation shall be included in the annual General
29 Appropriations Act.
30

31 SEC. 33. *Implementing Rules and Regulations.* — The Secretary of the Department of
32 Fisheries and Aquatic Resources, in consultation with concerned government agencies and
33 stakeholders including the members of the academe and the fishing industry, shall formulate rules
34 and regulations for the full implementation of this Act within one hundred twenty (120) days from
35 his appointment as Secretary. Such rules and regulations shall take effect upon publication in the
36 *Official Gazette*.
37

38 SEC. 34. *Separability Clause.* — If any portion or provision of this Act is declared
39 unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby,
40 shall continue in full force and effect.
41

42 SEC. 35. *Repealing Clause.* — Sections 130-140 of Republic Act No. 10654 are hereby
43 repealed. All other laws, decrees, orders, rules and regulations or parts thereof inconsistent with

1 the Act or rules and regulations promulgated pursuant thereto are hereby repealed or amended
2 accordingly.

3
4 SEC. 36. *Effectivity.* — This Act shall take effect fifteen (15) days after publication in the
5 *Official Gazette* or in two (2) newspapers of general publication.

6
7 Approved,