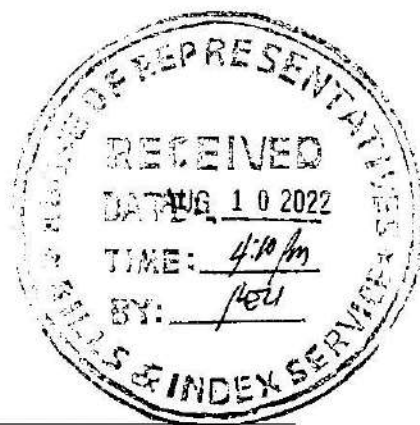


NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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HOUSE OF REPRESENTATIVES

H. B. No. 3485



Introduced by Representative Ralph G. Recto

**AN ACT
REORGANIZING GOVERNMENT AGENCIES AND INSTRUMENTALITIES
INVOLVED IN THE DEVELOPMENT, REGULATION AND PROMOTION OF THE
AGRICULTURE AND FISHERIES SECTOR, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Agriculture serves as the bedrock of the rural economy and a critical component of the urban and industrial economy. The sector provides employment to 22% of the total labor force and comprises almost a tenth of the Philippine economy. The sector also provides food staple for Filipino households and raw materials for local industries.

The agricultural sector, however, incessantly faces a wide spectrum of risks. Farmers, fisherfolk and other agricultural stakeholders have consistently voiced their concerns about high cost of agricultural inputs; low farmgate prices; inaccessible formal credit; usurious informal lending; unfair and illegal trade practices; aging farmer population; inadequate agricultural facilities and infrastructure; and increasing exposure to climate change, pests, diseases, and natural hazards; among others. These problems have caused the disruption of rural livelihoods, reduction of farm incomes, exacerbation of countryside poverty and social inequality, and ultimately, affected food security and economic development.

The multifarious problems that besiege the agricultural sector, however, are further aggravated by the convoluted and disproportional organizational structures of agencies mandated to address these problems. On the one hand, interventions on the production, utilization, conservation, and disposition of agricultural resources are

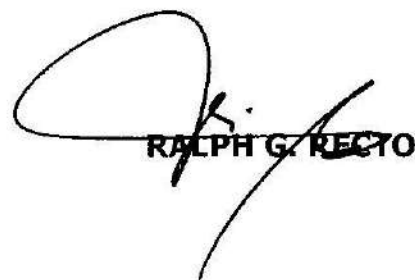
being channeled into two separate departments, causing overlaps in public service delivery and fragmentation of agricultural interventions. On the other hand, the overwhelming tasks of stemming the chronic decline of fisheries supply, improving the productivity of the fisheries industry, conserving our marine and aquatic resources, and protecting the welfare of small-scale fishermen and local fishing communities are being largely relegated to a small bureau that lacks the much-needed institutional focus, technical expertise, and government support and funding.

This bill seeks to ensure that agencies tasked to address issues and challenges confronting the agriculture sector are well-positioned, well-equipped and well-organized to perform their mandates. Under this bill, the mandate, functions, and resources of the Department of Agrarian Reform shall be consolidated with those of the Department of Agriculture, strengthening the mechanisms for coordination and targeting of government interventions while addressing the problems of redundancy and fragmentation of programs and projects in the sector. This bill also creates 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. The bill also sets stringent standards for critical officials of the departments while providing a comprehensive mandate that provides for a wider latitude in responding to the exigencies of the times.

Ultimately, this bill seeks to realize two important objectives: to ensure sustainable livelihood for Filipino farmers, fisherfolk, and other agricultural workers that will allow them to lead a comfortable, dignified lives; and to maintain adequate accessible and affordable food supply for all Filipinos in the years to come.

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

/mdg



RALPH G. RECTO

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THEREFOR, AND FOR OTHER PURPOSES

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

TITLE I

GENERAL PROVISION

Section 1. *Short Title.* – This Act shall be known as the “*Agricultural and Fisheries Sector Rationalization Act.*”

Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote comprehensive rural development and agrarian reform. Towards this end, the State shall reorganize government agencies and instrumentalities involved in the regulation, promotion and development of the agriculture and fisheries sector in line with the objectives of improving the delivery of public goods and services, ensuring food security, reducing poverty and social inequality, and promoting rural and countryside development.

TITLE II

DEPARTMENT OF AGRICULTURE

Sec. 3. *The Department of Agriculture.* – The Department of Agriculture (DA), reorganized under Presidential Decree No. 461 s.1974, as amended, is hereby further reorganized in accordance with the provisions of this Act.

Sec. 4. *Mandate.* – The DA shall have primary jurisdiction in the promotion of agricultural development by providing the policy framework, directing public

1 investments, and extending support services to ensure the profitability of agriculture
2 and agri-based enterprises.

3 In the fulfillment of this mandate, the improvement of farm income and
4 generation of economic opportunities for farmers, agrarian reform beneficiaries and
5 other rural agricultural workers shall be the primary concern of the DA. The DA shall
6 likewise carry out the policy of establishing owner-cultivatorship and the economic
7 family size farm as the basis of Philippine agriculture, maintaining dignified existence
8 for the small farmers free from pernicious institutional restraints and practices, and
9 creating a truly viable social and economic structure in agriculture conducive to greater
10 productivity and higher farm incomes, with the end in view of establishing
11 independent, self-reliant and responsible small farmers as a source of genuine
12 strength in the Philippine democratic society.

13 The DA shall encourage people's participation in agricultural development
14 through sectoral representation in agricultural policy-making bodies to ensure the
15 effectiveness of the policies, plans and programs of the DA in addressing the needs
16 and concerns of the agricultural sector. The DA shall likewise establish and adopt a
17 bottom-up self-reliant farm system approach that will emphasize social justice, equity,
18 and productive and sustainable use of agricultural resources.

19 *Sec. 5. Powers and Functions.* – The DA shall exercise the following powers and
20 functions:

21 (a) Provide integrated services to farmers and other food producers on
22 production, utilization, conservation, and disposition of agricultural resources;

23 (b) Plan, formulate, execute, regulate, and monitor programs and activities
24 relating to agriculture, food production and supply;

25 (c) Promulgate and enforce all rules and regulations governing the
26 conservation and proper utilization of agricultural resources;

27 (d) Exercise control over particular agriculture-related areas and concerns in
28 line with the objectives of protecting the health and safety of the population, averting
29 over-utilization of agricultural resources, preventing or containing the spread of plant
30 and animal pests and diseases, safeguarding small farmers and local agricultural
31 producers from sudden or extreme price fluctuations of agricultural products,

1 implementing international agreements acceded to by the Philippines, and ensuring
2 the quality of agricultural products for international and domestic consumption;

3 (e) Establish central and regional information systems to serve the production,
4 marketing, and financing data requirements of the farmers as well as domestic and
5 foreign investors in agri-business ventures;

6 (f) Provide comprehensive and effective extension services and training to
7 farmers and other agricultural entrepreneurs on the production, marketing, and
8 financing aspects of agricultural enterprises;

9 (g) Conduct, coordinate, and disseminate research studies on appropriate
10 technologies for the improvement and development of agricultural crops and other
11 allied commodities;

12 (h) Develop, produce, and distribute superior crop varieties and livestock
13 breeds suited to Philippine conditions;

14 (i) Provide necessary agricultural infrastructure support to encourage private
15 sector investments in agriculture;

16 (j) Facilitate market access and promote agro-based enterprises through the
17 establishment of processors-purchaser networks, promotion of access to the
18 international market, and improving access to finance, credit guarantee and insurance
19 facilities;

20 (k) Develop and promote mechanisms for the participation of farmers and
21 entrepreneurs at all levels of policy-making, planning and program formulation;

22 (l) Administer the acquisition and distribution of agricultural lands, including
23 those lands covered by Notices of Coverage in accordance with Republic Act No. 6657,
24 as amended, and other relevant laws;

25 (m) Develop plans and initiate actions for the speedy distribution and titling of
26 agricultural lands covered by agrarian reform program to qualified farmer-
27 beneficiaries;

28 (n) Adjudicate and make a determination on matters involving the
29 implementation of agrarian reform programs except those falling under the exclusive
30 jurisdiction of the Department of Environment and Natural Resources (DENR);

31 (o) Coordinate with and enlist the cooperation and assistance of public and
32 private agencies on matters affecting the policies, plans and programs of the DA; and

1 (p) Perform such other functions as may be necessary to carry out the purposes
2 of this Act or as may be provided by law.

3 Sec. 6. *Composition.* – The DA shall be headed by a Secretary. The DA Proper
4 shall be composed of the Office of the Secretary, and the Offices of the
5 Undersecretaries and Assistant Secretaries.

6 Sec. 7. *The Secretary of Agriculture.* – The Secretary of Agriculture shall be
7 appointed by the President subject to the confirmation of the Commission on
8 Appointments, and shall exercise the following duties and functions:

9 (a) Exercise supervision and control over all bureaus, institutes, centers and
10 offices under the DA;

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

13 (c) Provide advice to the President and the Presidential Agrarian Reform
14 Committee (PARC) on the promulgation of policies, rules and regulations, and other
15 matters pertinent to the sustainable production, utilization, conservation, and
16 disposition of agricultural resources, the implementation of agrarian reform laws, and
17 the protection of the interests of the small farmers and agrarian reform beneficiaries;

18 (d) Formulate policies and standards for the efficient and effective operation of
19 the DA in accordance with established plans, programs and standards of the
20 Government;

21 (e) Promulgate rules, regulations, and other issuances to carry out the
22 mandates, objectives, plans, programs and projects of the DA; and

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

25 Sec. 8. *Undersecretaries.* – The Secretary of Agriculture shall be assisted by
26 eight (8) undersecretaries, who shall be appointed by the President upon the
27 recommendation of the Secretary of Agriculture: *Provided*, That four (4) of the
28 undersecretaries shall be career officers: *Provided, further*, That an undersecretary
29 shall be assigned to administer the acquisition and distribution of lands covered under
30 the Comprehensive Agrarian Reform Program (CARP) and other similar programs of
31 the government, the implementation of leasehold agreements and other land tenure

1 improvement services, and the extension of legal assistance and support services to
2 agrarian reform beneficiaries in accordance with existing laws, rules and regulations.

3 Sec. 9. *Assistant Secretaries.* – The Secretary of Agriculture shall be assisted by
4 seven (7) assistant secretaries who shall be appointed by the President upon the
5 recommendation of the Secretary of Agriculture: *Provided,* That five (5) of the
6 assistant secretaries shall be career officers.

7 Sec. 10. *Regional Offices.* – The DA may establish, operate, and maintain
8 regional offices in different administrative regions of the country as may be necessary.
9 Each regional office shall be headed by a Regional Director, who may be assisted by
10 three (3) Assistant Regional Directors. The Regional Director and Assistant Regional
11 Directors shall be appointed by the President upon the recommendation of the
12 Secretary of Agriculture. The regional offices shall have support staffs as may be
13 necessary to perform the following duties and functions:

14 (a) Implement laws, policies, plans, programs, projects, rules and regulations
15 of the DA;

16 (b) Provide efficient and effective frontline services, particularly to small
17 farmers and agrarian reform beneficiaries;

18 (c) Coordinate with regional offices of other departments, offices, and
19 agencies, as well as with local government units (LGUs) within their respective
20 jurisdictions; and

21 (d) Perform such other functions as may be provided by law or assigned by the
22 Secretary of Agriculture.

23 Sec. 11. *Qualifications.* – No person shall be appointed Secretary,
24 Undersecretary, or Assistant Secretary of the DA unless the appointee is a citizen and
25 resident of the Philippines, of good moral character, of proven integrity, and with at
26 least five (5) years of competence and expertise in any of the following: agronomy,
27 agricultural science, agricultural biotechnology, agricultural chemistry, agricultural
28 communication, agricultural economics, agricultural education, agricultural
29 engineering, agricultural entrepreneurship, agroforestry, agroecology, agrogeology,
30 agrology, animal science, crop science, food security, genetics, horticultural science,
31 land reform administration, plant breeding, plant pathology, rural sociology, rural

1 resource management, soil science, or other related disciplines, either in the private
2 or public sector.

3 No person shall be appointed Director of the DA unless the appointee is a citizen
4 and resident of the Philippines, of good moral character, of proven integrity, with at
5 least a degree in law or a graduate degree in agronomy, agricultural science,
6 agricultural biotechnology, agricultural chemistry, agricultural communication,
7 agricultural economics, agricultural education, agricultural engineering, agricultural
8 entrepreneurship, agroforestry, agrogeology, agrology, agroecology, animal science,
9 crop science, food security, genetics, horticultural science, plant breeding, plant
10 pathology, rural sociology, rural resource management, soil science, or other related
11 disciplines, or public administration, and with at least three (3) years of relevant
12 experience in agricultural economics, agricultural resource conservation and
13 management, or related fields, either in private or public sector.

14 *Sec. 12. Land Tenure Services Administration.* – A Land Tenure Services
15 Administration (LTSA) shall be created as an agency attached to the DA for purposes
16 of policy and program coordination. The LTSA shall be responsible for the acquisition
17 and distribution of the remaining agricultural lands covered under the CARP and other
18 similar programs of government, and the provision of other land tenure services,
19 including agrarian legal assistance, to the agrarian reform beneficiaries.

20 The LTSA shall be headed by an Administrator, who may be assisted by two
21 (2) Assistant Administrators. The Administrator and the Assistant Administrator of the
22 LTSA shall be appointed by the President upon the recommendation of the Secretary
23 of Agriculture: *Provided*, That no person shall be appointed Administrator or Assistant
24 Administrator of the LTSA unless the appointee is a citizen and resident of the
25 Philippines, of good moral character, of proven integrity, and with at least three (3)
26 years of competence and expertise in land reform administration, rural resource
27 management, or related fields.

28 *Sec. 13. Abolition, Transfer and Merger of Agencies and Personnel.* – The
29 Department of Agrarian Reform (DAR) created by Republic Act No. 6389, is hereby
30 abolished. All relevant functions, appropriations, records, assets, properties,
31 equipment and personnel shall be transferred to the DA and the LTSA as may be
32 applicable.

1 The Agrarian Reform Adjudication Board (ARAB), created by Executive Order
2 No. 129-A s. 1987, including its secretariat, shall be transferred to the DA: *Provided*,
3 That the composition of the ARAB shall be reconstituted as follows: the Secretary of
4 Agriculture as Chairman; and two (2) DA Undersecretaries, the Head of DA Legal
5 Service or its equivalent agency, the Administrator of the LTSA; and two (2) board
6 members to be appointed by the President upon the recommendation of the Secretary
7 of Agriculture as Board Members.

8 The composition of PARC created under Republic Act No. 6657, as amended,
9 shall be reconstituted as follows: the President of the Philippines as Chairperson, the
10 Secretary of Agriculture as Vice-Chairperson and the following as members: Secretary
11 of the Environment and Natural Resources; Secretary of Budget and Management;
12 Secretary of the Interior and Local Government; Secretary of Public Works and
13 Highways; Secretary of Trade and Industry; Secretary of Finance; Secretary of Labor
14 and Employment; Secretary of Socioeconomic Planning; President of the Land Bank
15 of the Philippines; Administrator of the LTSA; Administrator of the National Irrigation
16 Administration (NIA); Administrator of the Land Registration Authority; six (6)
17 representatives of affected landowners to represent Luzon, Visayas and Mindanao;
18 and six (6) representatives of agrarian reform beneficiaries (ARB) to represent Luzon,
19 Visayas and Mindanao: *Provided*, That at least one (1) of the ARB representatives shall
20 be a member of Indigenous Cultural Communities/Indigenous Peoples: *Provided*,
21 *further*, That at least one (1) of the ARB representatives shall be selected from duly
22 recognized national organization of rural women or a national organization of agrarian
23 reform beneficiaries with a substantial number of women members: *Provided*,
24 *furthermore*, That at least twenty percent (20%) of the members of the PARC shall
25 be women but in no case shall they be less than two (2): *Provided, finally*, That the
26 PARC Secretariat shall be transferred to the DA.

27 The following government agencies and corporations shall remain attached to
28 the DA for purposes of policy and program coordination:

29 (a) Agricultural Credit Policy Council created by Executive Order No. 113
30 s. 1986;

31 (b) Fertilizer and Pesticide Authority created by Presidential Decree No. 1144
32 s. 1977;

1 (c) National Meat Inspection Service, created by Republic Act No. 9296, as
2 amended, otherwise known as "*The Meat Inspection Code of the Philippines*;"

3 (d) Philippine Carabao Center created by Republic Act No. 7307, otherwise
4 known as the "*Philippine Carabao Act of 1992*";

5 (e) Philippine Center for Postharvest Development and Mechanization
6 reorganized by virtue of Executive Order No. 366 s. 2004;

7 (f) Philippine Fiber Industry Development Authority reorganized by virtue of
8 Executive Order No. 366 s. 2004;

9 (g) Philippine Rubber Research Institute created by Republic Act No. 10089,
10 otherwise known as the "*Philippine Rubber Research Institute Act of 2010*";

11 (h) National Dairy Authority created by Republic Act No. 7884, otherwise known
12 as the "*National Dairy Development Act of 1995*;"

13 (i) National Food Authority reconstituted by Presidential Decree No. 1770
14 s. 1981, otherwise known as the "*National Food Authority Act*";

15 (j) National Tobacco Administration created by Executive Order No. 245
16 s. 1987;

17 (k) Philippine Coconut Authority created by Presidential Decree No. 232
18 s. 1973, as amended;

19 (l) Philippine Crop Insurance Corporation created by Presidential Decree
20 No. 1467 s. 1978, as amended;

21 (m) Philippine Rice Research Institute created by Executive Order No. 1061
22 s. 1985; and

23 (n) Sugar Regulatory Administration created by Executive Order No. 18
24 s. 1986.

25 The operating units of the Philippine Council for Agriculture and Fisheries
26 (PCAF) created by virtue of Executive Order No. 366 s. 2004, whose functions and
27 responsibilities are related to agriculture shall be transferred to the DA.

28 The NIA, created by Republic Act No. 3601, as amended, shall be attached to
29 the DA for purposes of policy and program coordination.

1 **TITLE III**

2 **DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES**

3 Sec. 14. *The Department of Fisheries and Aquatic Resources.* – The Department
4 of Fisheries and Aquatic Resources (DFAR) is hereby created in accordance with the
5 provisions of this Act.

6 Sec. 15. *Mandate.* – The DFAR shall have primary jurisdiction over the
7 management, conservation, development, protection, utilization and disposition of all
8 fishery and aquatic resources of the country, including the habitats of fish and all other
9 marine life and other activities which impact on these habitats, with the exception of
10 municipal waters, which shall remain under the jurisdiction of LGUs: *Provided, That*
11 LGUs shall manage their respective municipal waters in accordance with national
12 fishery policies, laws, rules, and regulations, and in a manner consistent with the
13 policies set forth herein.

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

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

23 Sec. 16. *Powers and Functions.* – The DFAR shall exercise the following powers
24 and functions:

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

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

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

1 (d) Prepare and implement a comprehensive Fisheries Management Plan,
2 based on precautionary principle and the principle of sustainable development using
3 scientifically-generated information or best available evidence on the status of the
4 fisheries and marine resources;

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

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

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

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

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

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

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

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

1 consumption and utilization of fisheries and other aquatic resources, and researches
2 on fisheries conservation, production, processing, marketing and innovations;

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

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

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

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

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

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

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

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

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

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

1 Sec. 17. *Composition.* – The DFAR shall be headed by a Secretary. The DFAR
2 proper shall be composed of the Office of the Secretary, the Offices of the
3 Undersecretaries and the Assistant Secretaries.

4 Sec. 18. *The Secretary of Fisheries and Aquatic Resources.* – The Secretary of
5 Fisheries and Aquatic Resources, shall be appointed by the President subject to the
6 confirmation of the Commission on Appointments, and shall exercise the following
7 duties and functions:

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

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

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 DFAR 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 DFAR; and

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

22 Sec. 19. *Undersecretaries.* – The Secretary of Fisheries and Aquatic Resources
23 shall be assisted by three (3) undersecretaries, who shall be appointed by the
24 President upon the recommendation of the Secretary of Fisheries and Aquatic
25 Resources: *Provided,* That two (2) of the undersecretaries shall be career officers.

26 Sec. 20. *Assistant Secretaries.* – The Secretary of Fisheries and Aquatic
27 Resources shall be assisted by three (3) assistant secretaries who shall be appointed
28 by the President upon the recommendation of the Secretary of Fisheries and Aquatic
29 Resources: *Provided,* That two (2) of the assistant secretaries shall be career officers.

30 Sec. 21. *Regional Offices.* – The DFAR may establish, operate, and maintain a
31 regional office in the different administrative regions of the country as may be
32 necessary. Each regional office shall be headed by a Regional Director, who may be

1 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 of Fisheries and Aquatic Resources. The regional offices shall have
4 support staffs as may be necessary to perform the following duties and functions:

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

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 of Fisheries and Aquatic Resources.

13 Sec. 22. *Qualifications.* – No person shall be appointed Secretary,
14 Undersecretary, or Assistant Secretary of the DFAR unless the appointee is a citizen
15 and resident of the Philippines, of good moral character, of proven integrity, and with
16 at least five (5) years of competence and expertise in any of the following: biology,
17 ecology, biogeochemistry, biotechnology, marine sciences, limnology, oceanography,
18 fisheries management or other related disciplines, either in the private or public sector.

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

26 Sec. 23. *Abolition, Transfer and Merger of Agencies and Personnel.* – The
27 Bureau of Fisheries and Aquatic Resources (BFAR) reconstituted by Republic Act No.
28 8550, is hereby abolished. All relevant functions, appropriations, records, assets,
29 properties, equipment and personnel shall be transferred to the DFAR.

30 The National Fisheries and Aquatic Resources Management Council (NFARMC)
31 created by Republic Act No. 8550 shall be transferred to the DFAR: *Provided, That an*
32 Undersecretary of the DFAR shall be appointed as the Chairperson of the NFARMC.

1 The National Fisheries Research and Development Institute (NFRDI) created by
2 Republic Act No. 8550, as amended, shall be attached to the DFAR for purposes of
3 policy and program coordination and shall serve as the principal research arm of the
4 DFAR: *Provided*, That an Undersecretary of the DFAR and the Executive Director of
5 the NFRDI shall be appointed as Chairperson and Vice-Chairperson of the NFRDI
6 Governing Board, respectively.

7 The PFDA created by Presidential Decree No. 977, as amended, shall be
8 attached as a government corporation to the DFAR for purposes of policy and program
9 coordination: *Provided*, That the Secretary of Fisheries and Aquatic Resources shall be
10 appointed as the Chairperson of the PFDA Board of Directors.

11 All other operating units of DA and PCAF with functions and responsibilities
12 dealing with fisheries and aquatic resources, including units under its attached
13 agencies and corporations, are hereby transferred to the DFAR.

14 **TITLE IV**

15 **OTHER PROVISIONS**

16 *Sec. 24. Separation and Retirement from Service.* – The affected personnel,
17 who would opt retire or be separated as a result of the reorganization under the
18 provisions of this Act, shall be entitled, at the option of the employee concerned, to
19 retirement benefits and separation incentives under Republic Act No. 1616, as
20 amended; Republic Act No. 660; and Republic Act No. 8291, as amended.

21 In addition to said retirement benefits, the affected personnel who would opt
22 to retire or be separated shall be entitled to the following applicable separation
23 incentives:

24 (a) One hundred percent (100%) of the actual monthly basic salary for every
25 year of government service, for those who have rendered less than eleven (11) years
26 of service;

27 (b) One hundred fifty percent (150%) of the actual monthly basic salary for
28 every year of government service, computed starting from the first (1st) year, for those
29 who have rendered eleven (11) years to less than twenty-one (21) years of service;

30 (c) Two hundred percent (200%) of the actual monthly basic salary for every
31 year of government service, computed starting from the first (1st) year, for those who
32 have rendered twenty-one (21) years to less than thirty-one (31) years of service;

1 (d) Two hundred fifty percent (250%) of the actual monthly basic salary for
2 every year of government service, computed starting from the first (1st) year, for those
3 who have rendered at least thirty-one (31) years of service;

4 Sec. 25. *Organizational Structure and Staffing Pattern.* – Subject to the approval
5 of the Department of Budget and Management (DBM), the DA, LTSA and DFAR shall
6 determine their respective organizational structure and create new bureaus, divisions
7 or units as may be necessary, and shall appoint officers and employees of their
8 respective departments in accordance with the civil service law, rules, and regulations.

9 Sec. 26. *Transition Period.* – The transfer of functions, assets, funds,
10 equipment, properties, transactions, and personnel of the affected agencies, and the
11 formulation of the internal organic structure, staffing pattern, operating system, and
12 revised budget of the DA, LTSA and DFAR, shall be completed within six (6) months
13 from the effectivity of this Act, during which time, the existing personnel shall continue
14 to assume their posts in holdover capacities until new appointments are issued:
15 *Provided,* That the DA, LTSA and DFAR, in coordination with the DBM, shall determine
16 and create new positions as may be necessary within their respective departments:
17 *Provided, further,* That the funding requirements of which shall not exceed the
18 equivalent cost of positions that may be declared redundant and abolished or
19 reorganized.

20 Sec. 27. *Appropriations.* – The amount needed for the initial implementation of
21 this Act shall be taken from the current fiscal year's appropriation of the DA, DAR,
22 BFAR and all agencies herein absorbed by or attached to the departments created
23 under this Act. Thereafter, the amount needed for the operation and maintenance of
24 the DA, LTSA and DFAR shall be included in the General Appropriations Act.

25 Sec. 28. *Implementing Rules and Regulations.* – Within sixty (60) days from the
26 effectivity of this Act, the DA, BFAR, Civil Service Commission and DBM shall, in
27 coordination with the DAR, PARC and other government agencies concerned,
28 promulgate the necessary rules and regulations to effectively implement the provisions
29 of this Act.

1 **TITLE V**

2 **FINAL PROVISIONS**

3 Sec. 29. *Separability Clause.* - If, for any reason, any provision of this Act or
4 any part thereof shall be held unconstitutional and invalid, the other parts or provisions
5 of this Act, which are not affected thereby, shall remain in full force and effect.

6 Sec. 30. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or
7 parts thereof inconsistent with any of the provisions of this Act are hereby repealed,
8 amended or modified accordingly.

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

Approved,