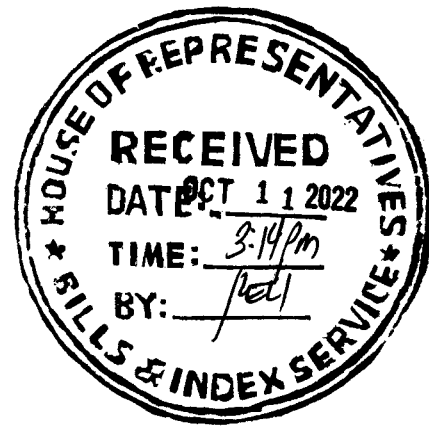


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5531



Introduced by Representative Wilbert T. Lee

AN ACT
ESTABLISHING THE NATIONAL MARICULTURE PROGRAM AND
PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

Article XIII, Section 7 of the 1987 Constitution explicitly provides that the State shall protect the rights of subsistence fisherfolk, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fisherfolk through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The right of fish workers to receive a just share of their labor in the utilization of marine and fishing resources is likewise expressly affirmed in the same provision.

Fishing is inevitably part of our way of life as an archipelago. Undeniably, the country enjoys the vastness of the oceans and seas that surround its peripheral territories. Suffice to say that the country is truly blessed with its bounty of natural resources thriving in these water bodies. It is one of our major sources of food and nourishment, as well as livelihood for many of our countrymen.

The fishing industry contributes roughly 1.5% to the country's gross domestic product (GDP) at both current and constant 2018 prices¹, as the sector provides employment and livelihood to more than two million Filipinos. The country also ranks among the top fish producing countries in the world, and one of the biggest producers of aquatic plants, including seaweed.

Mariculture refers to an integrated branch of aquaculture designed to produce fish through sea cages, long lines and other culture structures in marine and coastal areas. This method is usually used to grow high value species, such as *bangus*, *siganid*, seaweeds, oysters, mussels, red snappers, groupers, among others.

As early as 2000, Mariculture or Marine Aquaculture started in the Philippines and has been promoted by the government by establishing the mariculture park program. Implemented

¹ Department of Agriculture Fisheries Profile 2020

by the Bureau of Fisheries and Aquatic Resources (BFAR), it aims to develop efficient and regulated mariculture operation, at the same time provide employment and alternative livelihood to the marginalized fisherfolks.²

Mariculture parks are areas in the sea that are similar to industrial parks or estates on land where the appropriate infrastructure such as roads, other facilities, and support services are provided to attract entrepreneurs/investors. In mariculture parks, the infrastructure provided is a mooring (anchoring) system for floating fish cages, fish landings, cold storage, etc. and support services for processing, transport, and marketing.

With the continued threats and impact of climate change on marine capture and acknowledging the need to increase local food production and ensure food security, this bill seeks to establish by legislation, a National Mariculture Program which is a current program being implemented at scale by the Bureau of Fisheries and Aquatic Resources (BFAR). Through this bill, the program shall be expanded throughout the country in areas that are deemed conducive for mariculture.

Mariculture, if implemented correctly and scientifically, will provide an affordable and scalable source of food for our country and provide a sustainable livelihood for our countrymen in fishing and coastal communities.

It is the hope of this representation that this program can significantly contribute to the food security of our country as well as our local economy.

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



HON. WILBERT T. LEE
Representative
AGRI PARTYLIST

² Ferrer, A, Francisco, H Et al. (2015) *Attitudes Towards Mariculture Among Men and Women in Mariculture Areas in the Philippines*. Retrieved last 7 October 2022 from:
<https://genderaquafish.files.wordpress.com/2016/06/36-ferrer.pdf>

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

1 **SECTION. 1. *Short Title.*** This Act shall be known as "The National Mariculture
2 Program Act."

3 **SEC. 2. *Declaration of Policy.*** The State shall ensure food security for everyone by
4 utilizing and developing the country's natural wealth, and by protecting the country's aquatic
5 resources as a valuable food resource. Towards this end, the State shall ensure the utmost
6 protection of the country's marine environment and optimize its potential as a major contributor
7 to food security. Likewise, the State shall uphold the rights and interests of Filipino fisherfolk
8 through the preferential use of marine and fishing resources in the country. Pursuant to this,
9 there shall be a comprehensive program on marine fisheries and aquaculture technology
10 implemented by the national government, which shall include research, financial and
11 marketing assistance, and other services for the benefit of fisherfolk and local communities.

12 **SEC. 3. *National Mariculture Program.*** The National Government, through the
13 Bureau of Fisheries and Aquatic Resources of the Department of Agriculture (BFAR-DA),
14 shall undertake a National Mariculture Program, guided by the following objectives:

- 15 a. To promote mariculture as a major source of livelihood for fishermen;
16 b. To identify and establish mariculture parks in suitable areas in consultation with
17 the local government units (LGUs) concerned;
18 c. To ensure food security and enhance socioeconomic growth through a
19 sustainable mariculture industry;

- d. To adopt the ecosystem-based approach to fisheries management which shall ensure that the marine environment remains conducive to sustainable fisheries, species management and mariculture investment;
- e. To develop procedures in order to minimize the adverse effects of mariculture in view of the multiple uses of marine and coastal areas;
- f. To develop the technical skills of fishermen throughout the production, harvesting, processing, storage, and transport stages in the value chain;
- g. To provide appropriate infrastructure and equipment for postharvest technology;
- h. To provide stakeholders easy access to financial institutions; and
- i. To enable stakeholders to implement activities that will enhance climate change resiliency and increase capabilities for disaster risk reduction and management.

SEC. 4. Definition of Terms. - as used in this Act:

- a. *Ecosystem-Based Approach to Fisheries Management* - refers to an approach to fisheries that strives to balance diverse societal objectives or needs by taking into account the knowledge and uncertainties about biotic, abiotic, and human components of ecosystems and their interaction, and applying an integrated approach to fisheries management within ecologically meaningful boundaries. It may be synonymously used with "ecosystem approach to fisheries management" (EAFM);
- b. *Mariculture* - refers to an integrated branch of aquaculture designed to produce fish through sea cages, long lines, and other culture structures in marine and coastal areas to grow high-value species, such as *bangus*, *siganid*, seaweeds, oysters, mussels, red snappers, groupers, and other related species;
- c. *Mariculture Park or zone* - refers to duly designated fishery areas where mariculture is undertaken; and
- d. *Mooring space* - refers to a unit of space within a mariculture park or zone to which vessels, sea cages, lines of other culture structures can be moored or secured in place;

SEC. 5. Mariculture Development Parks or Zones. Subject to the limitations set forth under Sections 20 and 22 of Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998"; Section 149 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991"; and relevant provisions of Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992", the LGU shall supervise the establishment of mariculture parks and zones in duly designated areas located within the municipal waters. In case of waters located outside of municipal waters, the DA shall designate and supervise the respective mariculture areas.

The technical, social, environmental, and economic viability and sustainability of the project shall be taken into consideration in selecting an area for a mariculture park or zone: Provided, that no mariculture park or zone shall be established in marine protected areas identified by the Department of Environment and Natural Resources (DENR) and the BFAR.

In the establishment of a mariculture park or zone, the province, city or municipality shall enter into a lease agreement, joint venture or other modalities with registered fisherfolk cooperatives or private investors. The terms and conditions, as well as profit sharing terms, shall be specified therein.

65 In determining the rental ceiling in the mariculture park or zone, the BFAR, in
66 consultation with the Local Sanggunian concerned, shall take into consideration its
67 affordability to ordinary fisherfolks and its economic viability for continued operation. LGUs
68 shall give preference to local fisherfolks in awarding lease agreements to the mariculture parks.

69 Applicants for the development of the mariculture park shall submit a comprehensive
70 business and development plan to the concerned LGUs.

71 Considering the competing uses of seas and ocean space, the Philippine Coast Guard
72 shall be required to determine if a proposed mariculture park or zone and its facilities therein
73 pose a significant navigational hazard or obstruct safe travel, and to issue a certification of its
74 findings and recommendations and submit the same to the DA.

75 **SEC. 6. Mooring Spaces.** The establishment of mariculture zone areas shall be based
76 on mooring spaces to ensure that usage of the area for sea cages, long lines and other culture
77 structures is limited to the granted space provided. Granted mooring spaces not developed or
78 installed with culture structures within six (6) months will be forfeited and awarded to other
79 qualified applicants. The BFAR shall prescribe the guidelines in the installation of sea cages,
80 long lines and other culture structures.

81 **SEC. 7. Support Infrastructures.** To ensure reliable access, cost-effective location, and
82 economic feasibility of the mariculture park or zone, the LGUs or private investors, or both, as
83 the case may be, shall cause the establishment of support infrastructures, such as fish hatcheries
84 and/or nurseries, security facilities, onshore feed warehouse, net mending and drying sheds,
85 ice plants and cold storage facilities.

86 **SEC. 8. Aquaculture Technical Assistance and Training to Local Government Units,**
87 **Fisherfolk Cooperatives/Associations, and Non-governmental Organizations.** — The DA
88 shall provide technical training, and marketing support to the LGUs, fisherfolk
89 cooperatives/associations, and nongovernment organizations with respect to the establishment,
90 utilization, and management of mariculture systems in their respective jurisdictions.

91 Through a memorandum of agreement between the Southeast Asian Fisheries
92 Development Center - Aquaculture Department (SEAFDEC-AQD) and the BFAR,
93 SEAFDEC-AQD shall facilitate the transfer of the latest aquaculture technologies and assist in
94 the DA's training programs for sustainable mariculture while promoting the adoption of good
95 aquaculture practices.

96 **SEC. 9. Private Sector as Economic Partners.** Private individual investors or
97 enterprises shall be encouraged to take an active role in the establishment, utilization, and
98 management of mariculture systems. For this purpose, qualified private investors or
99 entrepreneurs shall coordinate with the local government officials concerned, the local fishing
100 community, and appropriate government agencies.

102 **SEC. 10. Financing Scheme.** The Land Bank of the Philippines (LBP) shall provide
103 loan assistance to qualified fisherfolk organizations/cooperatives for the construction of the
104 fish cage, the procurement of the initial stocks and feeds, and for related expenses.

105 **SEC. 11. Continuing Research and Development.** The BFAR, in coordination with
106 fisheries schools and/or state universities and colleges in the area, and the concerned LGUs,

shall conduct continuing research and development as well as application of technological advancements in the mariculture Industry.

SEC. 12. *Monitoring and Evaluation.* - The DA shall monitor the implementation of research and development programs and mariculture projects. A technical advisory committee composed of the BFAR, the SEAFDEC-AQD, the National Fisheries Research and Development Institute, and the academe, shall review all existing mariculture parks or zones every four (4) years to determine their viability or effectiveness.

SEC. 13. *Appropriations.* The amount needed for the implementation of this Act shall be included in the budgets of the concerned departments/agencies in the annual General Appropriations Act.

The implementation of the Program at the local level shall be funded from the National Tax Allotment (NTA) and other internally generated funds of the LGUs concerned.

SEC. 14. *Identification of Mariculture Areas.* Within six (6) months from the effectivity of this Act, the BFAR shall identify the LGUs which have potential areas for the establishment of mariculture parks: Provided, that not later than one (1) year from the effectivity of this Act, the BFAR, in coordination with the LGUs concerned, shall complete the master plan of each mariculture park in the Identified areas: Provided, further, that the number of fish cages to be installed in the duly designated mariculture parks shall be determined by the LGUs concerned through the enactment of an ordinance.

SEC. 15. *Annual Report.* After three (3) years of implementation of this Act and every three (3) years thereafter, the DA, through the BFAR, shall submit an annual report to Congress on the accomplishment of the program. The report shall contain a continuing review on the viability of the program and an updated list of mariculture park and possible areas suitable for the establishment of mariculture parks in the country.

SEC. 16. *Information Campaign.* The BFAR shall undertake an intensive public information campaign within three (3) months from the effectivity of this Act.

SEC. 17. *Implementing Rules and Regulations.* Within ninety (90) days upon the approval of this Act, the DA, through the BFAR, together with the Department of the Interior and Local Government (DILG) and the representatives of the League of Provinces, League of Cities, and League of Municipalities, shall adopt rules and regulations necessary to implement the provisions of this Act.

SEC. 18. *Repealing Clause.* All laws, decrees, orders, or regulations, or part thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 19. *Effectivity.* This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.

Approved,