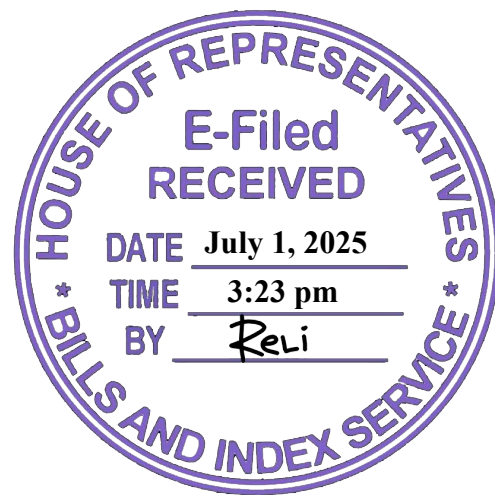




REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

TWENTIETH CONGRESS
First Regular Session

House Bill No. **937**



Introduced by Representative SHIRLYN L. BAÑAS-NOGRALES

EXPLANATORY NOTE

The Philippines is an archipelago composed of 7,641 islands, with a total land area of 301,000 km², surrounded by major bodies of water: the Pacific Ocean to the east, the West Philippine Sea to the west, the Luzon Strait to the north, and the Celebes Sea to the south. Its territorial waters, including its exclusive economic zone (EEZ), cover a total area of 2,200,000 km², while its coastline extends for 36,289 km. These geographical features make the Philippines the world's second largest archipelagic State and establish it as a major fishing nation, with fisheries serving as a significant contributor to the national economy.

The latest foreign trade performance of the Philippine fishery industry indicates a positive trend in imports, with a Compound Annual Growth Rate (CAGR) of 6.3% from 2019 to 2023, accounting for 100% of total fish and seafood imports during this period.¹

In 2021, the value of production in the Philippine fisheries sector was estimated at approximately 236.1 billion pesos, reflecting a decline compared to the previous year. Meanwhile, in 2022, tuna emerged as the country's top fishery export, with a volume of about 106.92 thousand metric tons, followed by seaweeds, which recorded an export volume of around 48.89 thousand metric tons (Philippine Council for Agriculture and Fisheries, 2022).

As of 2023, the fisheries sector contributes approximately 1.3 percent to the Philippines' GDP and supports around 1.6 million jobs, representing about 4 percent of the national labor force, including many low-income families engaged in subsistence fishing. It also supplies over 50 percent of the protein consumed by Filipino households.²

Despite its critical role, the sector has struggled with significant challenges. Over the past decade, fish stocks have declined by an average of 20 percent, primarily due to overfishing,

¹ Philippine Council for Agriculture and Fisheries. (2022). *Phil Agri attachés report trade performance of country's agri-fishery products*. <https://pcaf.da.gov.ph/index.php/2022/01/27/phil-agri-attaches-report-trade-performance-of-countrys-agri-fishery-products/>

² World Bank Group. (2023). *New Fisheries Initiative Will Benefit Over a Million People in the Philippines*.

<https://www.worldbank.org/en/news/press-release/2023/05/31/new-fisheries-initiative-will-benefit-over-a-million-people-in-the-phi>

destructive fishing practices, habitat degradation, and adverse impacts from land-based activities (World Bank Group, 2023).

Moreover, although the country holds substantial potential for aquaculture development, aquaculture production has decreased by roughly 10 percent over the same period. Moreover, an estimated 20 to 40 percent of total fish caught and farmed is lost annually, largely because of inadequate post-harvest handling and processing (World Bank Group, 2023).

The Bureau of Fisheries and Aquatic Resources (BFAR), the primary government agency tasked with the development, conservation, management, and sustainable use of the country's fisheries and aquatic resources, currently operates under the Department of Agriculture. While BFAR continues to diligently pursue its mandate, elevating it to a full-fledged department would provide greater authority, resources, and focus to advance the sector – ultimately benefiting the Filipino people.

With robust research capabilities, technical expertise, and adequate government support and funding, the proposed Department of Fisheries and Aquatic Resources can drive the fisheries and aquaculture industry toward a more sustainable, resilient, and prosperous future.

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


SHIRLYN L. BAÑAS-NOGRALES



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

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

SECTION 1. *Short Title.* — This Act shall be known as the "*Department of Fisheries and Aquatic Resources Act.*"

CHAPTER I
POLICIES AND DEFINITIONS

SEC. 2. *Declaration of Policies.* — It is the policy of the State to protect and conserve the nation's marine wealth within its archipelagic waters, territorial sea, exclusive economic zone (EEZ), and adjacent high seas, reserving their use and enjoyment exclusively for Filipino citizens. The State shall promote the sustainable development and responsible management of all inland and marine aquaculture and fisheries resources to maintain ecological balance, safeguard environmental quality, and ensure food security and fish self-sufficiency.

The rights of small-scale fisherfolk shall be protected through preferential access to communal marine and aquatic resources. The State shall also encourage private sector participation in fisheries and aquaculture, both in domestic production and in international trade. To this end, it shall provide appropriate technical, financial, and entrepreneurial support to fisherfolk, fish farmers, traders, and other stakeholders to enhance productivity and improve livelihoods in the fisheries sector.

SEC. 3. *Creation and Mandate.* — There is hereby created a Department of Fisheries and Aquatic Resources, hereinafter referred to as the Department, which shall have primary responsibility and jurisdiction over the regulation, management, conservation, preservation,

development, protection, utilization, and disposition of all aquaculture, fisheries, aquatic, coastal and marine resources and ecosystems in the inland and archipelagic waters, territorial seas and EEZ of the country, including the habitats of fish and all other marine life and other activities, which impact on these habitats.

All blue economy activities or initiatives including, but not limited to: ocean energy; seabed extractive activities; offshore or coastal mining; canning; marine resource utilization and development such as biotechnology and bioprospecting, seaweed farming or harvesting, ecosystem (coral reef, mangroves, etc.) preservation; coastal protection; coastal and marine tourism/recreation; designation of shipping lanes and protected areas; and other marine industry development areas shall be under the jurisdiction of the Department.

The Department shall strive to ensure the country's fish security and self-sufficiency, and to contribute to the country's development in general, and the upliftment of the lives of fisherfolks, in particular.

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

- (a) *Ancillary Industries* refer to the firms or companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; fishery machine shops; and other facilities such as hatcheries, nurseries, feed plants, cold storage and refrigeration, processing plants and other pre-harvest and postharvest facilities;
- (b) *Aquaculture* refers to the fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas;
- (c) *Aquatic Resources* refer to the includes fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including, but not limited to, salt and corals;
- (d) *Archipelagic waters* refer to the waters around, between, and connecting the islands of the Philippine Archipelago;
- (e) *Blue Economy* refers to the overall contribution of the oceans to economies, the need to address the environmental and ecological sustainability of the oceans, and the ocean economy as a growth opportunity for both developed and developing countries;
- (f) *Blue economy initiatives or activities* refer to traditional ocean activities such as fisheries, tourism and maritime transport, including emerging industries including renewable energy, aquaculture, seabed extractive activities and marine biotechnology and bioprospecting. Blue economy also includes ocean ecosystem services not captured by the market but provide significant contribution to economic and human activity such as carbon sequestration, coastal protection, ecosystem preservation, waste disposal, and the existence of biodiversity;
- (g) *Coastal Area or Zone* refers to a band of dry land and adjacent ocean space (water and submerged land. in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algal flats, sea grass beds and other soft-bottom areas;

- (h) *Code* refers to the Philippine Fisheries Code of 1998;
- (i) *Commercial Fishing* refers to the taking of fishery species by passive or active gear for trade, business & profit beyond subsistence or sports fishing, to be further classified as:
 1. Small scale commercial fishing refers to the fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
 2. Medium scale commercial fishing - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
 3. Large commercial fishing - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
- (j) *Department* refers to Department of Fisheries and Aquatic Resources;
- (k) *Endangered Rare or Threatened Species* refer to aquatic plants, animals, including some varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations or in the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources (DENR. and in the Convention on the International Trade of Endangered Species of Flora and Fauna (CTES);
- (l) *Exclusive Economic Zone (EEZ)* refers to an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baselines as defined by the United Nation on the Law of the Seas (UNCLOS);
- (m) *FARMCs* refer to the Fisheries and Aquatic Resources Management Councils;
- (n) *Fish and Fishery or Aquatic Products* refer to finfish, mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form;
- (o) *Fish pen* refers to an artificial enclosure constructed within a body of water for culturing fish and fishery or aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish;
- (p) *Fisherfolk* refers to people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources;
- (q) *Fisherfolk Cooperative* refers to a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles;
- (r) *Fisherfolk Organization* refers to an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action;
- (s) *Fisheries* refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof;
- (t) *Fisheries Adjudication Board* refers to the Board that shall perform quasi-judicial function and administrative adjudication and shall settle conflicts of resource use and allocation;

- (u) *Fisheries Attaché* refers to a diplomat who collects, analyzes, and acts on information on fisheries and other related spheres in a foreign country or countries;
- (v) *Fish pond* refers to a land-based facility enclosed with earthen or stone material to impound water for growing fish;
- (w) *Fishing Boat or Gear License* refers to a permit to operate specific types of fishing boat/gear for specific duration in areas beyond municipal waters for demersal or pelagic fisher} resources;
- (x) *Fishery Management Areas* refer to a bay, gulf, lake or any other fishery area which may be delineated for fishery resource management purposes;
- (y) *Fishery Operator* refers to the one who owns and provides the means including land, labor, capital, fishing gears and vessels, but does not personally engage in fishery;
- (z) *Fishery Reserve* refers to a designated area where activities are regulated and set aside for educational and research purposes;
- (aa) *Fishery Species* refer to all aquatic flora and fauna including, but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans;
- (bb) *Fishing* refers to the taking of fishery species from their wild state of habitat, with or without the use of fishing vessels;
- (cc) *Fishing gear* refers to any instrument or device and its accessories utilized in taking fish and other fishery species:
 1. Active fishing gear is a fishing device characterized by gear movements, and/or the pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, bag nets, paaling, drift gill net and tuna longline.
 2. Passive fishing gear is characterized by the absence of gear movements and/or the pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets across the path of the fish.
- (dd) *Fishing vessel* refers to any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1. or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing;
- (ee) *Fish worker* refers to a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fish pens, fish cages, fish corrals/traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers;
- (ff) *Food Security* refers to any plan, policy or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. Food security may be achieved through self-sufficiency such as ensuring adequate food supplies from domestic production, through self-reliance such as ensuring adequate food supplies through a combination of domestic production and importation, or through pure importation;

- (gg) *Inland Fishery* refers to the freshwater fishery and brackish water fishponds;
- (hh) *Lake* refers to an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water;
- (ii) *Monitoring, control and surveillance* —
1. *Monitoring* refers to the requirement of continuously observing: (1) fishing effort which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fisherfolk; (2) characteristics of fishery resources; and (3) resource yields (catch);
 2. *Control* refers to the regulatory conditions (legal framework) under which the exploitation, utilization and disposition of the resources may be conducted; and
 3. *Surveillance* refers to the degree and types of observations required to maintain compliance with regulations.
- jj) *Municipal fisherfolk* refers to persons who are directly or indirectly engaged in municipal fishing and other related fishing activities;
- kk) *Municipal fishing* refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels;
- ll) *Municipal waters* refer to streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 or the NIPAS Law, public forest, timber lands, forest reserves or fishery reserves, including marine waters between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities;
- mm) *Person* refers to natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations;
- nn) *Philippine waters* refer to all bodies of water within the Philippine territory such as lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities, and barangays and the waters around, between and connecting the islands of the archipelago regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all other waters over which the Philippines has sovereignty and jurisdiction including the 200-nautical miles Exclusive Economic Zone and the continental shelf;
- oo) *Public waters* refer to waters open of right to the use of the general public;
- pp) *Secretary* refers to the Secretary of the Department;
- qq) *Self-sufficiency* refers to the state of being able to provide for oneself without the necessity of aid from other persons or states; and
- rr) *Territorial seas* refer to any area of water over which a state has jurisdiction, including internal waters, the territorial sea, the contiguous zone, the exclusive economic zone and potentially the continental shelf as defined under the United Nations Law of the Seas (UNCLOS).

CHAPTER II THE DEPARTMENT

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

a) Promotion of Aquaculture and Fisheries Production

- i. Formulate and implement a short-term, medium term and long-term Comprehensive National Fisheries Industry Development Plan;
- ii. Formulate and implement a Comprehensive Fishery Research and Development Program, such as, but not limited to, sea farming, sea ranching, tropical/ornamental fish and seaweed culture, aimed at increasing resource productivity, improving resource use efficiency, and ensuring the long-term sustainability of the country's fishery and aquatic resources;
- iii. Provide extensive development support services to fishermen and organizations of fishermen, as well as those involved in fisheries production in all aspects, including production, processing and marketing;
- iv. Promote the sustainable development, management and production of aquaculture and fisheries products;
- v. Provide advisory services and technical assistance on the improvement of quality of fish from the time it is caught (i.e., on-board fishing vessel, at landing areas, fish markets, to the processing plants and to the distribution and marketing chain);
- vi. Coordinate efforts relating to fishery production undertaken by the primary fishery producers, LGUs, FARMCs, fishery and organizations/cooperatives;
- vii. Advise and coordinate with LGUs on the maintenance of proper sanitation and hygienic practices in fish markets and fish landing areas;
- viii. Coordinate with LGUs and other concerned agencies for the establishment of productivity enhancing and market development programs in fishing communities to enable women to engage in other fisheries/economic activities and contribute significantly to development efforts;
- ix. Assist the LGUs in developing their technical capability in the development, management, regulation, conservation, and protection of the fishery resources;
- x. 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;
- xi. Develop value-added fishery-products for domestic consumption and export;
- xii. Develop and implement a Monitoring Control and Surveillance System (MCSS) for Philippine fisheries and oceans at the national and regional levels to ensure that the fisheries and marine resources in Philippine waters are judiciously and sustainably utilized and managed. For this purpose, Fisheries Control and Surveillance Center is hereby created as government-owned and controlled corporation;

- xiii. Establish and implement, a National Marketing Assistance Program, aimed at ensuring the generation of the highest possible income for fisherfolk and fishery-related enterprises, matching supply and demand in both domestic and foreign markets;
- xiv. Establish and administer a fisheries modernization credit program to fishery projects of fisherfolk, fish farmers, fish processors, commercial fishers and other qualified borrowers;
- xv. Formulate planning and investment policy for blue economy, including identification of development/production and protected areas and marine spatial plans;
- xvi. 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 fisheries sector, promote sustainability and conservation and protection efforts; and
- xvii. Supervise and monitor the country's production of aquaculture and fisheries products.

b) Fisheries Protection, Conservation and Sustainable Development

- i. Engage in the conservation, protection and rehabilitation of rare, threatened and endangered aquatic species as it may determine, including their habitats and designate marine and other aquatic areas as protected areas for the special purposes stated in the notice of declaration in compliance with the relevant provisions of international treaties and agreements such as, but not limited to, the Convention on the International Trade in Endangered Species [CITES] of Wild Flora and Fauna, United Nations Convention on the Law of the Sea [UNCLOS], and Convention on Biological Diversity [CBD]. For this purpose, the Aquatic Protected Areas and Wildlife Service is hereby created;
- ii. Conduct researches for the conservation, protection and management of fisheries products and resources;
- iii. Establish research institutes for fisheries and aquatic resources production, development, management, conservation, and protection;
- iv. Adopt and implement a national plan of action to manage fishing capacity, implement the international code of conduct for responsible fisheries, and declare fishery management areas as over-exploited in coordination with the LGUs and FARMCs;
- v. Formulate policies for the conservation and management of straddling fish stocks, highly migratory fish stocks and threatened living marine resources such as sharks, rays and ludong, inter alia, in the Philippine Exclusive Economic Zone, territorial sea, archipelagic and internal waters, in coordination with LGUs and integrated/municipal/city Fisheries and Aquatic Resources Management Councils; and
- vi. Develop other blue economy initiatives to conserve, protect, or harness marine and coastal resources and ecosystems.

c. Enforcement and Regulation

- i. Enforce all fishery laws, as well as formulate and enforce all rules and regulations governing the conservation and management of fishery resources including municipal waters, and to settle conflicts of resource use and allocation in consultation with the NFARMC, LGUs and local FARMCs;
- ii. Issue rules, regulations and guidelines for the protection and promotion of aquaculture, fisheries, marine and aquatic resources of the country, including the habitats of fish and all other marine life and over activities, which impact on these habitats;
- iii. Regulate the capture and/or production of fish and fishery products in public waters;
- iv. Regulate the leasing of fishponds to qualified persons and fisherfolk organizations/cooperatives. The Department may collect reasonable fees from the lease agreements;
- v. Arrest, search and seize, through its authorized and designated law enforcement officers, deputized government officials and employees, punong barangays and officers and members of fisherfolk associations who have undergone training on law enforcement all those violating fishery laws;
- viii. Issue licenses for the operation of commercial fishing vessels;
- vi. Issue identification cards free of charge to fish workers engaged in commercial fishing;
- vii. Implement an inspection system for import and export of fishery/aquatic products and fish processing establishments, consistent with international standards to ensure product quality and safety;
- viii. Train, designate and deploy fisheries observers in Philippine flagged fishing vessels engaged in commercial fishing in Philippine waters or distant water fishing to ensure compliance with conservation and management measures adopted by RFMOS and by the Department;
- ix. Adopt an appropriate monitoring, control, surveillance and traceability system for municipal fishing vessels supplying exporters with concurrence of the local government units;
- x. Prescribe rules, regulations, procedures and guidelines concerning the classification, establishment, construction, maintenance and operation of all fishing ports, landing sites, fish markets and the operation of business therein, including manual of procedure in the conduct of monitoring and inspection thereof;
- xi. Determine the appropriate levels of administrative and other sanctions concerning violations of fisheries laws, rules and regulations, particularly for serious violations that deprive offenders of economic benefits; and
- xii. Prescribe rules, regulations, procedures and guidelines concerning the classification, establishment, construction, maintenance and operation of blue economy initiatives or activities.

d) Quasi-judicial Functions

- i. Perform quasi-judicial function or administrative adjudication under Chapter III of this Act, and settle conflicts of resource use and allocation;
- ii. Hear and decide administrative cases before it;
- iii. Initiate the criminal prosecution of offenses committed in violation of this Code; and
- iv. Oversee the country's Fisheries Management Areas which shall be managed by FMA Boards. The FMA Boards shall have rule-making, enforcement and quasi-judicial powers in their respective jurisdiction. Decisions of FMA Boards shall be appealed to the Fisheries Adjudication Board.

d) Other Powers and Functions

- i. Exercise jurisdiction over all Philippine flagged fishing vessels operating in areas governed by a Regional Fisheries Management Organization (RFMO) in the high seas, or in waters of other coastal states;
- ii. 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;
- iii. Establish a corps of specialists in collaboration with the Department of National Defense, Department of the Interior and Local Government, Department of Foreign Affairs for the efficient monitoring, control and surveillance of fishing activities within Philippine territorial waters and provide the necessary facilities, equipment and training therefor;
- iv. Establish and maintain Fisheries Attaché 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 fishery products and facilitating professional contacts, exchanges, and technology transfer;
- v. Promote international economic and technical cooperation in the fisheries and oceans sectors and in integrated oceans management, especially within the ASEAN region;
- vi. Acquire, build, maintain, operate, purchase, lease or dispose equipment such as fishing vessels, fishing gears, and refrigerated trucks, ice plants and cold chain facilities, laboratories, communication, and aquaculture facilities;
- vii. Acquire, build, maintain, operate, purchase or lease facilities such as shipyards, fish ports, detention centers, and impoundment facilities, and in consideration of which, projects or infrastructure developments may be undertaken in a Public-Private Partnerships (PPPs) scheme; and
- viii. Perform such other powers and functions which are necessary and relevant in order to achieve its mandate.

SEC. 6. *Structural Organization.* — The Department shall consist of the Office of the Secretary and three (3) Undersecretaries supported by four (4) Assistant Secretaries.

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

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

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

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

SEC. 9. *Undersecretaries.* — The Secretary shall be assisted by three (3) Undersecretaries, specifically the Undersecretary for Operations and Technical Support Services; the Undersecretary for Fisheries Protection, Conservation and Sustainable Development; and Undersecretary for Enforcement and Regulations, who shall be appointed by the President upon recommendation of the Secretary.

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

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

SEC. 10. *Office of the Undersecretary for Operations and Technical Support Services.* — The Office of the Undersecretary for Operation and Technical Support Services shall primarily assist the Secretary in the promotion of aquaculture and fisheries production as specified in Section 5 (a) of this Act. It shall be primarily responsible in developing and implementing programs and projects, as well as appropriate technologies, in order to assist the fisherfolks.

The Undersecretary for Operations and Technical Services shall primarily assist the Secretary in supervising the operations of the Regional Offices.

SEC. 11. *Office of the Undersecretary for Fisheries Protection, Conservation and Sustainable Development.* – The Office of the Undersecretary for Fisheries Protection, Conservation and Sustainable Development shall primarily assist the Secretary in the development and implementation of conservation, protection and sustainability efforts of the Department as specified under Section 5 (b) of this Act.

SEC. 12. *Office of the Undersecretary for Enforcement and Regulation.* — The Office of the Undersecretary for Enforcement and Regulations shall assist the Secretary in performing the regulatory functions of the Department as specified under Section 5 (c) of this Act.

SEC. 13. *Assistant Secretaries.* — The Secretary shall be assisted by four (4) Assistant Secretaries who shall be appointed by the President upon recommendation of the Secretary.

SEC. 14. *Functions of the Assistant Secretaries.* — Each of the three (3) undersecretaries 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 fourth Assistant Secretary shall be in charge of the Department's Finance and Administrative Support Services.

SEC. 15. *Qualifications and Appointment* - No person shall be appointed Undersecretary 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 and Undersecretaries shall be appointed by the President of the Philippines in the manner prescribed by law.

No person shall be appointed Assistant Secretary, 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. 16. *Regional Offices, Provincial and Municipal and Functions.* — In the same manner, as mandated in Section 66 RA 8550, as amended by RA 10654, 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 Code. Each Regional Office shall be headed by a Regional Executive Director, who shall be assisted by an Assistant Regional Executive Director. Each regional office shall have support staff and line divisions as may be necessary which shall have the following duties and responsibilities:

- (a) Provide efficient and effective front-line service to the aquaculture, fishery and aquatic industry sectors, particularly to the municipal fishermen;
- (b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects, rules and regulations of the Department;
- (c) Coordinate with the Regional office of the other departments, offices and agencies in the region; and
- (d) Perform other functions as may be provided by law or assigned by the Secretary.

CHAPTER III FISHERIES ADJUDICATION BOARD

SEC. 17. *Fisheries Adjudication Board.* — The Department is hereby empowered to hear and impose administrative fines and penalties provided in Republic Act No. 8550, as amended by RA 10654 or "The Philippine Fisheries Code of 1998", herein referred to as the Code.

For this purpose, the Department shall organize a Fisheries Adjudication Board, herein after referred to as the Board, which shall original jurisdiction to hear and adjudicate cases arising from violations of the Philippine Fisheries Code of 1998, and other fishery laws, rules and regulations.

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

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

Sec. 18. *Appeal of the Decision of the Board.* — Except for cases initiated by the Secretary himself, the decision of the Board may be appealed to the Secretary of the Department

within thirty (30) days from receipt by the parties of the decision. In cases where the Secretary initiated the case, the same shall be directly appealed to the Office of the President.

SEC. 19. *Commencement of Summary Administrative Action.* — The Secretary, on his own instance, or upon verified complaint by any person, institute administrative proceedings with the Board against any person who violates the Philippine Fisheries Code of 1998, and other fishery laws, rules and regulations.

SEC. 20. *Power to Issue Cease and Desist Orders and to Summarily Evict Without the Necessity of Judicial Order.* — The Board shall, subject to the requirements of administrative due process, issue cease and desist orders upon violators and to summarily eject, without the necessity of judicial order, the holder of FLA, other tenurial instrument, permit or license from areas of the public domain covered by such FLA, tenurial instrument, permit or license.

SEC. 21. *Authority of the Board or their Duly Authorized Representative to Issue Notice of Violation and Order Confiscation.* - In all cases of violations of the Code or other fishery laws, rules and regulations, the Board or their duly authorized representative, may issue notice of violation and order the confiscation of any fish, fishery species or aquatic resources illegally caught, taken or gathered, and all equipment, paraphernalia and gears in favor of the Department, academic institutions or LGUs and to dispose of the same in accordance with pertinent laws, rules, regulations and policies on the matter.

SEC. 22. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions.* — No injunction or restraining order from the Municipal Trial Courts and Regional Trial Courts shall lie against the decision of the Board.

SEC. 23. *Accompanying Administrative Sanctions for Serious Violations.* — The Board may impose the following additional sanctions to the administrative penalties imposed for serious violations:

- (a) confiscation of fishing gear;
- (b) impoundment of fishing vessel;
- (c) temporary suspension or permanent revocation of license or permit;
- (d) temporary or permanent ban from the availment of applicable duty and tax rebates;
- (e) inclusion in the IUU fishing vessel list;
- (f) denial of entry and other port services;
- (g) blacklisting; and
- (h) increase in the amount of fines but not to exceed five (5) times the value of the catch.
In case of repeated violations within a five-year period, the amount of fine may be increased up to eight (8) times the value of the catch.

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

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

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

SEC. 24. *Lien Upon Personal and Immovable Properties of Violators.* — Fines and penalties imposed pursuant to the Code shall constitute a lien upon the personal and immovable properties of the violator.

SEC. 25. *Community Service.* — In case the offender is a municipal fisher-folk or has no property over which the Board may impose the fines and penalties prescribed for the offense, community service may be rendered in lieu of the fine.

The Board shall promulgate the rules and regulations for this purpose, taking into account that the service should be rendered in accordance with needs of the community where the offense is committed and computed based on the fine and the prevailing minimum wage in the community, among others.

SEC. 26. *Fisheries National Administrative Register.* — The Board shall create a Fisheries National Administrative Register, which shall be accessible online. All decisions, resolutions or orders involving violations of the Code, particularly serious violations committed by Philippine flagged vessels or by Philippine nationals and cases on poaching or involving foreigners, including the penalties imposed shall be uploaded.

CHAPTER IV MISCELLANEOUS PROVISIONS

SEC. 27. *Abolition, Transfer and Merger.* — The Bureau of Fisheries and Aquatic Resources (BFAR) that was reconstituted by Republic Act No. 8550, as amended by; RA 10654, is hereby abolished and its relevant functions, appropriations, records, properties, equipment and personnel are hereby transferred to the Department: *Provided, however,* That no official or employee of the BFAR shall be demoted or laid off in the implementation of this Section.

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

The National Fisheries and Aquatic Resources Management Council created by the Republic Act No. 8550, as amended by RA 10654 shall be transferred to the Office of the Secretary of the Department.

The National Fisheries Research and Development Institute (NFRDI) created by Republic Act No. 8550, as amended, shall also be an attached agency of the Department of Fisheries and Aquatic Resources, to serve as the primary research arm thereof.

To ensure the independent and objective implementation of its research activities, the NFRDI shall have a separate budget specific to its manpower requirements and operations.

The Philippine Fisheries Development Authority created by Presidential Decree No. 977 including its relevant functions, appropriations, records, properties, equipment and personnel, is hereby transferred as an attached agency of the Department: *Provided, however,* That the Secretary of the Department shall be the new Chairman of the PFDA Board: *Provided, further,* That no official or employee of the PFDA shall be demoted or laid off in the implementation of this Section.

The Philippine Technical Advisory Committee of the Southeast Asian Fisheries Development Center, Aquaculture Department (SEAFDEC/AQD) created under Executive Order No. 834 dated October 4, 1982, including its relevant functions, appropriations; records, properties, equipment and personnel, is hereby transferred and attached to the Department: *Provided,* That no official or employee of the Board shall be removed in the implementation of this section.

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

The Marine Research and Conservation Division and the different sections and the Coastal Environment Program of the DA including its relevant appropriations, personnel, records, property and equipment, all marine and coastal related projects and programs of the Department of Environment and Natural Resources (DENR), and all fisheries related functions under Executive Orders No. 192 and 292, except the functions of the enforcement of water pollution laws, rules and regulations, are hereby transferred to the Department.

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

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

SEC. 28. *Transitory Provisions.* — In accomplishing the acts of organizing the Department as herein prescribed and pursuant to Republic Act No. 6656 or the Government Reorganization Law, the following provisions shall be complied with:

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

transferred functions. Its personnel shall, pending complete transfer, continue to perform their duties and responsibilities.

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

SEC. 29. *Absorption, Separation and Retirement from Service.* — The existing employees of the transferred, consolidated, and merged agencies under this Act shall enjoy security of tenure and shall be absorbed by the Department, in accordance with their staffing patterns and the selection process as prescribed under Republic Act. No. 6656 or the Government Reorganization Law.

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

SEC. 30. *Structure and Staffing Pattern.* — Subject to the approval of the DBM, the Department shall determine its organizational structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with Civil Service laws, rules, and regulations. Republic Act No. 6656, or the Government Reorganization Law shall govern the reorganization of the Department, and the reorganization of affected agencies.

SEC. 31. *Appropriations.* — The amount needed for the initial implementation of this Act shall be taken from the current year's appropriations of the agencies, entities, divisions, sections or bodies abolished or transferred to the Department by virtue of this Act. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

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

SEC. 33. *Separability Clause.* — If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

SEC. 34. *Repealing Clause.* — Sections 130-140 of Republic Act No. 8550, as amended by Republic Act No. 10654, are hereby repealed. All other laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act or rules and regulations promulgated pursuant thereto are hereby repealed or amended accordingly.

SEC. 35. *Effectivity.* — This Act shall take effect fifteen (15) days after publication in the Official Gazette or in the two (2) national newspapers of general circulation.

Approved,