

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **1753**



INTRODUCED BY HONORABLE JANICE V. DEGAMO

EXPLANATORY NOTE

As an archipelagic country, the Philippines' history and continuing existence is inextricably tied to its coasts, internal waters, and the marine bodies that surround it. Our territorial waters consist of 2,200,000 square kilometers including our Exclusive Economic Zone (EEZ), shelf areas, and coral reef areas, while our country's inland resources total to 646,336 hectares, including swamplands, existing fishponds, and other inland resources.

With 429 fishing ports and 821 commercial ports scattered across the Philippines, it cannot be denied that fisheries and aquatic resources are a critical part of many, if not all, of its regional economies. As of 2018, 927,612 Filipinos reportedly rely on capture fishing. Thus, it is safe to say that our national economy, not to mention a significant number of our population, largely depends on fisheries, marine, and aquatic populations for sustenance and survival.

More than its profound significance to our economy and national identity, however, the fisheries, aquatic, and marine resources industry is a pool of potential for national economic development and global competitiveness. In 2018, the Philippines ranked 11th in marine capture worldwide, accounting for 2% of the world's total marine capture production and 1% of global inland capture production.

Pre-pandemic data from 2019 reports that the country produced 4.415 million metric tons of fisheries production, amounting to P281,652 Billion. 53.42% of that total number came from aquaculture, 25.49% from municipal fisheries, and 21.10% from commercial fisheries. In February 2022 alone, with the recent lifting of closed fishing season in various major fishing grounds, Philippine Fisheries Development Authority (PFDA) Regional Fish Ports (RFP) recorded 43,568.27 metric tons (MT) of fish and fishery products.

It is thus incumbent upon the State to ensure that such a critical area of the country's wealth and natural resources is utilized to primarily serve the interest of the Filipino people: by ensuring that marine and inland aquatic resources help ensure local food security and local employment and by ensuring that our industry remains globally competitive in terms of technology, efficiency, and sustainability. It is also the responsibility of the State that such resources be protected and reasonably

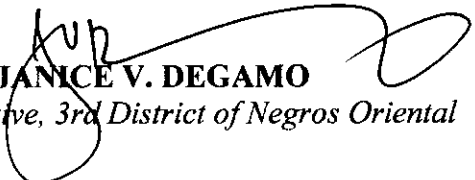
conserved for the enjoyment of future generations, even as we use such resources to supply present needs.

Achieving these goals of equal and significant importance is a matter which requires the independence, expertise, and resources of a stand-alone National Government Agency established for such a purpose. The establishment of such an institution is the Spirit of this Bill, the goal of which has been shared by similar Bills from previous iterations of the Esteemed Representatives of this House.

Truly, the establishment of an empowered and independent Department of Fisheries and Aquatic Resources has been long overdue. As we empower the People's collective will to become better stewards of our Common Home, it is also our hope that in the process, we also alleviate poverty for all members of the fisheries and aquatic resources sector, especially those who are the most vulnerable and most dependent on our coasts and waters.

With the help of my fellow Representatives, as well as like-minded Legislators in the Senate, our Office is confident that we can awaken and realize the promise and potential of these Blessed Waters we were given as a Nation.

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


JANICE V. DEGAMO
Representative, 3rd District of Negros Oriental

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Introduced by **HONORABLE JANICE V. DEGAMO**

AN ACT
CREATING THE DEPARTMENT OF FISHERIES AND AQUATIC
RESOURCES, PROVIDING FUNDS THEREFOR AND FOR OTHER
PURPOSES

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

Section 1. Title. This Act shall be known as the “Department of Fisheries and Aquatic Resources Act.”

Section 2. Declaration of Policies. It shall be the policy of the State to:

- (a) Promote the sustainable development and management of all fisheries, marine and aquatic resources, ensuring a steady and sufficient supply of fish, and other fishery products, primarily for local demand and supplementarily for the global market;
- (b) Promote the country’s food security and the industry’s competitiveness in the global economy, using both market-oriented and people-centered policies in order to provide an efficient and effective means of livelihood while upholding the integrity of the environment and its profound importance to human society;
- (c) Maintain in Philippine waters including its exclusive economic zone (EEZ) and in the adjacent high seas, the integrity of ecosystems and sustainability in the utilization of all fisheries, marine and aquatic resources, reserving the primary enjoyment of marine wealth in the country’s archipelagic waters, territorial sea and EEZ exclusively to Filipino citizens;
- (d) spearhead the modernization of the fisheries sector in a technology-based industry through the discovery and utilization of scientific and technological breakthroughs and best practices, including the provision of appropriate technical and financial support to all members of the fisheries sector so that they may sustainably cultivate marine resources; and
- (e) empower members of the fisheries sector to participate and share in the fruits of development and growth in a manner that enables social mobility and greater

financial independence, including the protection of the rights of small-scale fishermen in the preferential use of communal marine, fisheries and aquatic resources.

Section 3. *Creation of the Department.* To carry out the foregoing policy, the Department of Fisheries and Aquatic Resources is hereby created structurally and functionally in accordance with the provisions of this Act, and shall be headed by a Secretary to be appointed by the President of the Republic of the Philippines. It shall hereinafter be referred as the “Department”.

Section 4. *Jurisdiction of the Department.* The Department shall have primary jurisdiction over the management, conservation development, protection utilization and disposition of all fishery and aquatic resources of the country, including the habitats of fish and all other marine life and over activities which impact on these habitats, provided, that municipal waters shall remain under the jurisdiction of local government units (LGUs) concerned. The said LGUs shall manage their respective municipal waters in accordance with national fishery policies, laws, rules and regulations and in a manner consistent with the policies set forth herein.

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

The Department shall also have the responsibility of rationalizing all ocean sector initiatives which impact on fish and marine resources or their habitat including, but not limited to: marine energy exploration and development; coastal and marine tourism; designation of shipping lanes; protected areas and marine industry development areas. The regulation of these marine activities, once rationalized by the Department, shall devolve upon the parent agency for the appropriate sector involved.

Section 5. *Powers and Functions.* The Department shall perform the following:

- (a) Prepare and implement a Comprehensive National Fisheries industry Development Plan;
- (b) Issue licenses for the operation of commercial fishing vessels;
- (c) Issue identification cards free of charge to fishworkers engaged in commercial fishing;
- (d) Monitor and review 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 commitment under international treaties and convention on fishing in the high seas;
- (e) Enter into contracts, joint venture agreements, public-private partnerships, and such other memorandum of agreements or understanding, either domestic or

foreign, under such terms and conditions as the Department may deem proper and reasonable and subject to existing laws;

(f) 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;

(g) Establish and maintain a Comprehensive Fishery Information system;

(h) Provide extensive development support services in all aspects of fisheries production, processing and marketing;

(i) 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);

(j) Coordinate efforts relating to fishery production undertaken by the primary fishery producers, LGUs, FARMCs, fishery and organizations/cooperatives;

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

(l) 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;

(m) 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;

(n) 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;

(o) Enforce all laws, formulate and enforce all rules and regulations governing the conservation and management of fishery resources, except in municipal waters, and to settle conflicts of resource use and allocation in consultation with the NFARMC, LGUs and local FARMCs;

(p) Receive, take and hold by bequest, device, gift, purchase or lease, either absolutely or in trust for any of its purposes from foreign and domestic sources,

any asset, grant or property, real or personal, subject to such limitations as are provided under existing laws and regulations;

(q) Exercise oversight function, coordinate, monitor and evaluate the policies and programs of all its attached agencies;

(r) Monitor local and government compliance with housing and urban development laws, standards, and guidelines, as well with their judicious and fair application of local fisheries and aquatic resource ordinances;

(s) Effect and oversee a single regulatory system that shall govern all activities relative to the planning, production, marketing, and management of fisheries and aquatic resources;

(t) Develop value-added fishery-products for domestic consumption and export;

(u) Recommend measures for the protection/enhancement of the fishery industries;

(v) Assist the LGUs in developing their technical capability in the development, management, regulation, conservation, and protection of the fishery resources;

(w) Formulate rules and regulations for the conservation and management of straddling fish stocks and highly migratory fish stocks; and

(x) Perform such other related functions which shall promote the development, conservation, management, protection and utilization of fisheries and aquatic resources, as may be provided by law.

Section 6. *Composition.* The Department shall be composed of the Office of the Secretary, its immediate staff, the Offices of the Undersecretaries and Assistant Secretaries with respect to their areas of responsibilities, and their respective staff, and the Offices directly supporting the Office of the Secretary.

Section 7. *The Secretary.* The Secretary shall:

(a) Advise the president on the promulgation of rules, regulations and other issuances relative to matters under the jurisdiction of the Department;

(b) Establish policies and standards for the efficient and effective operations of the Department in accordance with the programs of the government;

(c) Promulgate rules, regulations, and other issuances necessary in carrying out the Department's mandate, objectives, policies, plans, programs, and projects;

(d) Exercise control and supervision over all personnel and functions of the Department;

- (e) Delegate authority for the performance of any administrative or substantive function to the subordinate officials of the Department;
- (f) Call on other agencies and instrumentalities of the government and private entities for cooperation and assistance in the performance of its functions;
- (g) Perform such other functions as may be provided by law or assigned by the President.

Section 8. *The Undersecretaries.* Taking into account the requirements of the Department and subject to the approval of the President, the Secretary shall be assisted by:

- (a) One (1) Undersecretary for Finance and Administration;
- (b) One (1) Undersecretary for Policy, Planning, and Project Development;
- (c) One (1) Undersecretary for Operations;
- (d) One (1) Undersecretary for Research and Development.

Section 9. *Qualifications and Appointment.* The Secretary and Undersecretaries shall be citizens and residents of the Philippines, of good moral character, and of proven competence and integrity. They shall all be appointed by the President. The Undersecretaries shall be career officers.

Section 10. *Department Bureaus and Regional Offices.* The Department shall establish, operate, and maintain Bureaus under it such as but not limited to:

- (a) Fisheries Resources Management Bureau;
- (b) Licenses and Regulations Bureau;
- (c) Fisheries Policy Industry Development Support Bureau;
- (d) Inland Fisheries and Aquaculture Bureau;
- (e) Fisheries Research Bureau.

Section 11. *Staffing Patterns.* The development of the staffing pattern shall be based on an assessment of the personnel requirements of the entire Department as recommended by the Secretary and as approved by the Department of Budget and Management (DBM). The remuneration structure of the positions in the staffing pattern shall strictly conform to the Salary Standardization Law, as amended.

Section 12. *National Technology Centers.* The following national technology centers, which are operated and maintained for activities related to technology generation, field testing of technologies, extension services, demonstration and

training / seminars in support of policy formulation and project implementation on fisheries development and conservation in coordination with concerned agencies and organizations, are hereby attached to the Department but shall continue to perform their respective functions and powers not otherwise inconsistent with this Act:

- (a) National Integrated Fisheries Technology Development Center;
- (b) National Inland Fisheries Technology Center;
- (c) National Marine Fisheries Development Center;
- (d) National Freshwater Fisheries Technology Center;
- (e) National Seaweeds Technology Center;
- (f) National Brackishwater Fisheries Technology Center;
- (g) Fisheries Biological Station Complex;
- (h) Mindanao Freshwater Fisheries Technology Center;
- (i) Fisheries Information Management Center.

All actions taken by the foregoing Centers with respect to investment, allocation and disposition of funds, issuance of credit instruments, and such matters as may bear directly or indirectly on the policies, programs, and rules and regulations adopted by the Department shall require the prior approval of the Secretary.

Section 13. *The Fisheries and Aquatic Resources Management Councils (FARMCs).* The Municipal, City, or National FARMCs are hereby attached to the Department but shall continue to perform their respective functions, powers, terms of office, and composition not otherwise inconsistent with this Act. All actions taken by the FARMCs with respect to investment, allocation and disposition of funds, issuance of credit instruments, and such matters as may bear directly or indirectly on the policies, programs, and rules and regulations adopted by the Department shall require the prior approval of the Secretary.

Section 14. *Composition of the National Fisheries and Aquatic Resources Management Council.* The NFARMC shall be composed of fifteen (15) members consisting of:

- (a) Secretary of the Department of Fisheries and Aquatic Resources;
- (b) Secretary of the Interior and Local Government;
- (c) Undersecretary for Policy, Planning, and Project Development;
- (d) Five (5) members representing the fisherfolk and fishworkers;

(e) Five (5) members representing commercial fishing and aquaculture operators and the processing sectors;

(f) Two (2) members from the academe; and

(g) One (1) representative of NGOs involved in fisheries.

Section 17. *Transition Period.* All transfer of functions, assets, funds, personnel, equipment, properties, transactions, and personnel in the affected national government agencies and the formulation and implementation of the internal organic structures, staffing patterns, operating systems, and revised budgets of the Department shall be completed within six (6) months from the effectivity of this Act, during which existing personnel shall continue to assume their posts in holdover capacities until new appointments are issued.

Section 18. *Separation from the Service.* Employees separated and/or phased out from the service as a result of the consolidation and/or reorganization under the provisions of this Act shall within one (1) month from their separation and/or phase out from the service, receive separation benefits in accordance with existing laws. In addition, those who are qualified to retire shall be allowed to retire and be entitled to all benefits provided, under any of the existing retirement laws.

Section 19. *Formulation of Implementing Rules and Regulations.* The Secretary shall prepare and issue the implementing rules and regulations (IRR) of the Department within sixty (60) days upon the effectivity of this Act.

Section 20. *Implementing Authority.* The Secretary is hereby authorized to undertake the implementation of the provisions of this Act and implement the necessary organizational changes within the specified six (6) month transition period.

Section 21. *Funding.* The amount necessary for the initial implementation of the provisions of this Act shall be charged against the current year's appropriations of the BFAR. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 22. *Mandatory Review of the Implementation of this Act.* - The Department shall conduct and submit a report to Congress a review of the implementation of this Act at the end of the second year from the date of its effectivity.

Section 23. *Repealing Clause.* All laws, decrees, orders, rules and regulations or parts thereof, which are inconsistent with or contrary to the provision of this Act are hereby repealed, amended or modified accordingly.

Section 24. *Separability Clause.* If, for any reason or reasons, any portion of provision of this Act shall be held unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.



Section 25. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,