

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

TWENTIETH CONGRESS
1st Regular Session

House Bill No. 2065



Introduced by Representative HAROLD JAMES T. DUTERTE

EXPLANATORY NOTE

Section 7, Article XIII of the 1987 Constitution commands as follows “The state shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of local marine and fishing resources, both inland and offshore” and “provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services.”

Philippines, as an archipelagic state, does not only boast its vast waters but also its abundant marine and aquatic resources.

Despite the invaluable contribution of our fisherfolk to the country, they remain one of the poorest sectors in our country. According to the Philippine Statistics Authority, the poverty incidence of fisherfolks is at 30.6% — the highest among all basic sectors in the country.

While there are ongoing initiatives to address the poverty in the fishing sector, including development plans and initiatives focused on sustainable fishing practices and improving livelihoods, only a line bureau under the Department of Agriculture, the Bureau of Fisheries and Aquatic Resources (BFAR), is given the mandate to spearhead the said initiatives.

It is in this regard that this proposed bill seeks to create the Department of Fisheries and Aquatic Resources which shall serve as the primary policy and regulatory body on fisheries and aquatic resources in the country, in lieu of the existing Bureau of Fisheries and Aquatic Resources (BFAR). The proposed measure will not only streamline the bureaucratic functions related to the fisheries and aquaculture industry, but also empower an independent government agency that will not only conserve, promote, and develop the industry but also champion the rights of the local Filipino fishermen.

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

A handwritten signature in black ink, appearing to read "HJT", with a long, sweeping horizontal stroke extending to the right.

HON. HAROLD JAMES T. DUTERTE

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

TWENTIETH CONGRESS
1st Regular Session

House Bill No. 2055

Introduced by Representative **HAROLD JAMES T. DUTERTE**

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

Be it enacted by the Senate and 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 hereby declared the policy of the State to protect, conserve, manage, and develop the nation's fisheries and aquatic resources including its archipelagic waters, inland waters, territorial sea, exclusive economic zone (EEZ), and continental shelf, and reserve their sustainable use and enjoyment exclusively to Filipino citizens.

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

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

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, and territorial seas,

EEZ, and continental shelf of the country, including the habitats of fish and all other marine life, and other activities, which impact on these habitats.

All blue food economy activities or initiatives including, but not limited to fisheries and aquatic resources, canning, and processing; marine resource utilization and development such as biotechnology and bioprospecting, seaweed farming or harvesting, ecosystem such as coral reef, mangroves preservation; coastal protection; marine scientific research, 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 feed plants, cold storage and refrigeration, processing plants and other pre-harvest and post-harvest facilities;
- b. ***Appropriate Fishing Technologies*** refers to adaptable technology, both in fishing and ancillary industries that are ecologically sound, technology driven, efficient, and preferably locally developed;
- c. ***Aquaculture*** refers to the fisheries operations involving all forms of propagating and culturing fish and other fishery species in freshwater, brackish water, and marine water areas, including hatcheries and nurseries, and aquatic feed production;
- d. ***Aquatic Resources*** refer to the living resources in freshwater, brackish water, and marine waters, including fish and all other aquatic flora and fauna, including salt and corals;
- e. ***Archipelagic Waters*** refer to the waters enclosed by the archipelagic baselines drawn in accordance with Article 47 of the United Nations Convention on the Law of the Seas (UNCLOS), described as archipelagic waters, regardless of their depth or distance from the coast as contemplated in Article 49 (1) of the UNCLOS;
- f. ***Blue Economy*** refers to the stewardship of ocean resources, and its overall contribution to the fisheries sector, and marine and coastal resources as a growth opportunity for both developed and developing countries, for human development, social equity and ecological well-being; 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;
- g. ***Blue Economy Initiatives or Activities*** mutual supportiveness between food security, trade and the environment including ecosystem services not covered by the market but provide significant contribution to economic and human activity, biodiversity, and recognizes the objectives of sustainable development of traditional ocean activities such as fisheries, tourism and maritime transport and waste management, including emerging industries including such as 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, management of marine pollution waste disposal, and the existence of biodiversity;

- h. **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 isobath to include coral reefs, algal flats, seagrass beds and other soft-bottom areas;
- i. **Code** refers to Republic Act Number 8550, otherwise known as the Philippine Fisheries Code of 1998, as amended by Republic Act Number 10654;
- j. **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 1 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.
- k. **Department** refers to Department of Fisheries and Aquatic Resources;
- l. **Endangered, Rare or Threatened Species** - 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 Biodiversity Management Bureau of the Department Environment and Natural Resources (DENR), and in the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES);
- m. **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 under the UNCLOS;
- n. **FARMCs** refer to the Fisheries and Aquatic Resources Management Councils;
- o. **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;
- p. **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;
- q. **Fisherfolk** refers to people directly or personally and physically engaged in taking, culturing and processing fishery and aquatic resources;
- r. **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 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;

- s. ***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;
- t. ***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 resources therefrom;
- u. ***Fisheries Adjudication Board*** refers to the Board created under this Act that shall perform quasi-judicial functions and administrative adjudication and shall settle conflicts on resource use and allocation;
- v. ***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;
- w. ***Fish pond*** refers to a land-based facility enclosed with earthen or stone material to impound water for growing fish;
- x. ***Fishing Vessel / Gear License*** refers to a permit to operate specific types of fishing vessel /gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources;
- y. ***Fishery Management Areas*** refers to delineated bodies of water in the Philippines based on an approximation of fish stocks and their boundaries, range and distribution and other considerations for the purpose of fisheries management or governance that is science-based, participatory, and transparent, and applying the ecosystem approach to fisheries management;
- z. ***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 fishing;
- aa. ***Fishery Reserve*** refers to a designated area where activities are regulated and set aside for educational and research purposes;
- bb. ***Fishery Species*** refer to all aquatic flora and fauna including, but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans;
- cc. ***Fishing refers*** to the taking of fishery species from their wild state of habitat, with or without the use of fishing vessels;
- dd. ***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.
- ce. **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;
- ff. **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/1 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;
- gg. **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;
- hh. **Inland Fishery** refers to the freshwater fishery and brackish water fishponds;
- ii. **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;
- jj. 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.
- kk. **Municipal fisherfolk** refers to persons who are directly or indirectly engaged in municipal fishing and other related fishing activities;
- ll. **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;
- mm. **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, otherwise known as the “National Integrated Protected Areas System Act of 1992”, 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;

- nn. **Person** refers to natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations;
- oo. **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;
- pp. **Public waters** refer to waters open of right to the use of the general public;
- qq. **Secretary** refers to the Secretary of the Department;
- rr. **Self-sufficiency** refers to the state of being able to provide for oneself without the necessity of aid from other persons or states; and
- ss. **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 in the 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 Fisheries Research and Development Program, such as, but not limited to, sea farming, sea ranching, tropical or ornamental fish and seaweed culture, aimed at increasing resource productivity, improving resource use efficiency, and ensuring the long-term sustainability of the country's 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 processing and marketing;

- iv. Promote the sustainable development, management and production of aquaculture and fisheries products;
- v. Provide advisory services and technical assistance on 1 the improvement of quality of fish from the time it is caught 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 organizations or 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 and youth to engage in other fisheries OR 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;
- 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 1 planning and programming as well as evaluation and assessment of key initiatives to ensure increased productivity of THE fisheries sector, promote sustainability, conservation, and protection efforts; 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 or 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;
- vi. Issue licenses for the operation of commercial fishing vessels;
- vii. Issue identification cards free of charge to fish workers engaged in commercial fishing;
- viii. 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;
- ix. 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;
- x. Adopt an appropriate monitoring, control, surveillance and traceability system for municipal fishing vessels supplying exporters with concurrence of the local government units;
- xi. 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;
- xii. 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
- xiii. Prescribe rules, regulations, procedures and guidelines concerning the classification, establishment, construction, maintenance and operation of blue economy initiatives or activities.

For this purpose, the Fisheries Control and Surveillance Center is hereby created as a government-owned and controlled corporation.

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.
- e. 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 four (3) Undersecretaries supported by five (4) Assistant Secretaries.

The Department 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. *Powers and 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 aquatic 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 four (3) undersecretaries, specifically the Undersecretary for policy and planning; operations and technical services; fisheries protection, conservation and sustainable development; and regulations and enforcement, who shall be appointed by the president upon the recommendation of the secretary.

The Office of Undersecretaries shall assist the Secretary in the exercise of the Department's mandate and in the discharge of its powers and functions such as:

- a. Provide periodic reports and advice to the Secretary on the plans and programs of their offices and the 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 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 the recommendation of the Secretary.

SEC. 14. *Functions of the Assistant Secretaries.* — Each of the four (4) 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 Finance and Administrative Support Services of the Department.

SEC. 15. *Qualifications and Appointment.* — No person shall be appointed Secretary or Undersecretary of the Department unless a Filipino citizen; has 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 a Filipino citizen; has 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 a Filipino citizen; 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, Provincial, and Municipal Offices and Functions.* – In the same manner as mandated in Section 66 of Republic Act No. 8550, as amended, otherwise known as “The Philippine Fisheries Code of 1998”, by Republic Act No. 10654 entitled, “An Act To Prevent, Deter And Eliminate Illegal, Unreported And Unregulated Fishing, Amending Republic Act No. 8550, Otherwise Known As ‘The Philippine Fisheries Code Of 1998,’ And For Other Purposes,” hereinafter referred to as the Code, 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 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 the Code.

For this purpose, the Department shall organize a Fisheries Adjudication Board, herein referred to as the Board, which shall have original jurisdiction to hear and adjudicate cases arising from violations of the Code, and other fisheries 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 Chairperson, the four (4) 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, 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. The cases initiated by the Secretary 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 the filing of a verified complaint by any person, shall institute administrative proceedings with the Board against any person who violates the Code, the Philippine Fisheries Code of 1998, and other fisheries 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 a Fishpond Lease Agreement (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 fisheries 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 illegal, unreported, and unregulated (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 case, the Board may impound the vessel or 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 to be rendered shall be 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 under Republic Act No. 8550, as amended by Republic Act No. 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 Republic Act No. 8550, as amended by Republic Act No. 10654 shall be transferred to the Office of the Secretary of the Department.

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

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 under Presidential Decree No. 977, s. 1976 entitled, “Creating The Philippine Fish Marketing Authority, Defining Its Functions And Powers, And For Other Purposes”, 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 Chairperson 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 and Advisory Committee of the Southeast Asian Fisheries Development Center, Aquaculture Department (SEAFDEC/AQD) created under Executive Order No. 834, s. 1982 entitled, "Creating A National Board On The SEAFDEC Aquaculture Department Programs, Budget And Operations", 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 Order No. 192, s. 1987 Entitled, "Providing For The Reorganization Of The Department Of Environment, Energy And Natural Resources, Renaming It As The Department Of Environment And Natural Resources, And For Other Purposes" And Executive Order No 292 s.1987 Entitled Instituting The "Administrative Code Of 1987", 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, the provision of 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 Department of Budget and Management (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 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 the Presidential Legislative Liaison Office and the 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 the effectivity of this Act. 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. 36. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in the official gazette or in two (2) national newspapers of national circulation.

Approved,