Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **4118**

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Introduced by **HON. JORGE DANIEL S. BOCOBO**

EXPLANATORY NOTE

"Again, the kingdom of heaven is like a net that was thrown into the sea and gathered fish of every kind."

Matthew 13:47

The Philippines is one of the world's top producers of fish and aquatic plants, with over 2.2 million square kilometers of territorial waters and 2.29 million registered fisherfolk. Yet despite their vital contribution to the economy, Filipino fisherfolk remain among the country's poorest sectors. And though we have very good people in the Department of Agriculture, the department's priority is more on farming on land. Hence, it is time to have a focused, single-minded, specialized department responsive to the needs and concerns of the fisheries and aquatic resource industry.

The Bureau of Fisheries and Aquatic Resources (BFAR) is a government agency under the Department of Agriculture. It was reconstituted as a line bureau by virtue of Republic Act No. 8550 (Philippine Fisheries Code of 1998). The BFAR is responsible for the development, improvement, management, and conservation of the country's fisheries and aquatic resources. It holds a rich history marked by evolution, reorganization, and legislative milestones.

From its modest beginnings in 1901, BFAR has undergone significant changes, expanding its functional divisions and establishing technology centers that emphasize modern approaches and crucial roles in specialized areas. The Bureau's ongoing initiatives reflect its adaptability to the dynamic needs of the industry, underscoring its enduring commitment to the responsible stewardship of the Philippines' rich aquatic ecosystems.

Under the proposed bill, the proposed department would replace the existing BFAR. The measure would 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.

The proposed measure also ensures that the State commits to safeguard the rights of small-scale fishermen, foster sustainable aquaculture and fisheries development, and support private initiatives in fish production, processing and trade. Finally, the proposed department would also oversee blue economy initiatives such as biotechnology, seaweed farming and marine ecosystem preservation.

Overall, when passed into law, this measure would ensure food security, uplift the lives of our fisherfolk, and protect our marine ecosystems for future generations.

In view of the foregoing, the immediate enactment of this measure is sought.

JORGE DANIEL S. BOCOBO

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HOUSE BILL NO. **4118**

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AN ACT
CREATING A DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES, PROVIDING FOR ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and 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 (DFAR) Act."

Sec. 2. Declaration of Policy. – The following is hereby declared policy of the State that:

(a) The State shall promote sustainable development in the management of all fisheries and marine resources within its national territory;

(b) The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines;

(c) The Philippine waters include its Exclusive Economic Zone (EEZ) and extended continental shelf in the adjacent high seas;

(d) It is the primordial policy to maintain a sound ecological balance, protect and enhance the quality of the environment in its territorial waters. The State shall protect and conserve the nation's marine wealth in its archipelagic waters, territorial sea and EEZ and reserve its use and enjoyment exclusively to Filipino citizens;

(e) The State shall adopt the precautionary principle and to prioritize conservation of the country's marine and aquatic resources, as well as to protect the rights of small-scale fisherfolk in the preferential use of communal marine, fisheries and aquatic resources. Towards this end, it shall provide such fisherfolk with the appropriate technical and financial support; and

(f) Legitimate and recognized non-governmental organizations (NGOs) are considered as partners of the State in the protection and conservation of fisheries and aquatic resources, and the development and the promotion of the welfare of the fisherfolk.

Sec. 3. Creation. – To carry out the above-declared policy, the Department of Fisheries and Aquatic Resources (DFAR) is hereby created structurally and functionally in accordance with the provisions of this Act.

Sec. 4. Jurisdiction of the DFAR. – The DFAR shall have primary jurisdiction over the management, development, 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.

The DFAR shall work closely with the Department of Environment and Natural Resources (DENR) and other relevant agencies to ensure that its policies relating to fishery and aquatic resources are not in conflict with general government policies on the protection, preservation, and conservation of environment and natural resources, and are supportive of the general goal to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos.

Jurisdiction over municipal waters shall be exercised jointly by the DFAR and local government units (LGUs), with the latter managing the same in accordance with national fishery policies, laws, rules, and regulations.

The DFAR shall have the sole 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. It 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; and designation of shipping lanes, protected areas, and marine industry development areas. The regulation of these marine activities, once rationalized by the DFAR, shall reside with the parent agency for the appropriate sector involved.

Sec. 5. Powers and Functions. – To accomplish its mandate, the Department shall have the following powers, functions and responsibilities:

(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) 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;

(f) Establish and maintain a Comprehensive Fishery Information System;

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

(h) 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);

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

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

(k) 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;

(l) 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;

(m) 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;

(n) Enforce all laws, formulate and enforce all rules and regulations governing the conservation and management of fishery resources, including in municipal waters where it shall closely coordinate with the LGUs for such enforcement, and to settle conflicts of resource use and allocation in consultation with the NFARMC, LGUs and local FARMCs;

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

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

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

(r) Formulate and implement rules and regulations for the conservation and management of straddling fish stocks and 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;

(s) 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;

(t) Implement boarding and inspection protocols upon Philippine flagged fishing vessels in order to promote observance to international treaty obligations on food safety, to curb illegal, unreported and unregulated fishing, and to comply with conservation and management measures;

(u) Adopt an appropriate monitoring, control, surveillance and traceability system for municipal fishing vessels supplying exporters with concurrence of the local government units;

(v) 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;

(w) Require performance bonds and impose and collect reasonable fees and charges for laboratory services, inspection, deployment of fisheries observers, and catch documentation and validation, taking into account the balance required between recovering the costs of services rendered and the socioeconomic impact of their imposition, upon prior consultation with stakeholders;

(x) Hear and decide administrative cases before it;

(y) Determine the appropriate levels of administrative and other sanctions, particularly for serious violations, that deprive offenders of economic benefits from their violations of the laws, rules and regulations;

(z) Initiate the criminal prosecution of offenses committed in violation of the Fisheries Code of 1997, as amended, regardless of their status; and

(aa) Perform such other related functions which shall promote the development, conservation, management, protection and utilization of fisheries and aquatic resources.

Sec. 6. Composition. – The DFAR shall be composed of the Office of the Secretary; four (4) Undersecretaries for Fisheries Production and Utilization, for Fisheries Conservation and Management, for Operations, and for Administration and Finance; Assistant Secretaries; Bureaus; and Regional Offices.

Sec. 7. Secretary of Fisheries and Aquatic Resources. – The Secretary of Fisheries and Aquatic Resources, hereinafter referred to as the Secretary, shall be appointed by the President with the consent of the Commission on Appointments. No person shall be appointed Secretary of the Department unless he or she is a Filipino citizen; at least a degree holder in fisheries, public administration, management, economics, law or other equivalent relevant disciplines; has actual experience in administration and management for at least ten (10) years; and has general practical knowledge of fisheries and/or management of aquatic resources.

The Secretary shall have the following functions:

(a) Supervision and control of the Department and the Bureaus, Offices and Institutes under it;

(b) Authority and responsibility for the performance of the powers and functions of the DFAR;

(c) Advise the President on the promulgation of policies, rules and regulations, and other issuances 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, 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. 8. Undersecretaries. – The Secretary shall be assisted by four (4) Undersecretaries:

(a) Undersecretary for Production and Utilization of Fisheries and Aquatic Resources;

(b) Undersecretary for Conservation and Management of Fisheries and Aquatic Resources;

(c) Undersecretary for Operations; and

(d) Undersecretary for Administration and Finance.

The Undersecretaries shall be appointed by the President upon the recommendation of the Secretary. No person shall be appointed Undersecretary of the Department unless he or she is a Filipino citizen and at least a degree holder in fisheries, public administration, management, economics, law or other equivalent relevant disciplines.

The general functions of the Undersecretaries are as follows:

(a) Assist the Secretary on the formulation of policies, programs, plans, rules and regulations, as well as on the promulgation of Department Order, Administrative Orders, and other issuance with respect to his/her area of responsibility;

(b) Exercise supervision and control over the bureaus, offices, services and operating units under his/her responsibility;

(c) Coordinate the functions and activities of the units under his/her responsibility with those of the other units in the Department;

(d) Liaise with concerned government departments, agencies, and offices to ensure effective coordination in the management of the fisheries and aquatic resources sector; and

(e) Perform such other functions as may be provided by law or assigned by the Secretary.

Sec. 9. Undersecretary for Production and Utilization of Fisheries and Aquatic Resources. – The Undersecretary for Fisheries Production and Utilization shall assist the Secretary in the overall management of fisheries production, processing, marketing, utilization, development of techniques in the industry, among others.

Under the supervision and control of the Undersecretary for Fisheries Production and Utilization, the following bureaus, services and offices are hereby created:

(a) Bureau of Aquaculture and Inland Fisheries (BAIF) – The BAIF shall, among others, be responsible for: regulating aquaculture operations in line with the International Code of Conduct for Aquaculture, promoting the intensification of aquaculture operations in existing areas; formulating aquaculture development programs; establishing and maintaining model aquaculture farms and ponds; providing technical assistance to cooperatives and fishpond operators in the development of a viable fishmeal and fish feeds industry, undertaking inland fishery resources evaluation; and recommending management and conservation measures.

The Bureau shall be headed by a Director and shall be composed of the following divisions: (1) Aquaculture Management and Development Division; (2) Inland Fisheries Resource Assessment and Conservation Division; (3) Inland Fishery Development and Extension Division; and (4) Environmental Impact Assessment and Monitoring Division.

(b) Bureau of Postharvest and Fisheries Product Standards (BPFPS) – The fishery component of the Bureau of Agriculture and Product Standards created under Section 61 of Republic Act No. 8435 shall be transferred to the BPFPS which shall formulate and enforce standards of quality in the processing, preservation, packaging, labeling, importation, exportation, distribution, and advertising of fishery products; conduct research on product standardization, alignment of the local standards with the international standards; promote and strengthen semi-processing and handling; and shall have a Director, two Assistant Directors - one for Product Standards and Technical Services and the other for Industry Compliance and Consumer Protection.

Under the Assistant Director for Product Standards and Technical Services, the following shall be Divisions: (1) Technical Services Division; (2) Fish Processing Technology Division; (3) Standards Development and Promotion Division; and (4) Value-added Products Development and Promotion Division.

Under the Assistant Director for Industry Compliance and Consumer Protection, the following shall be the following divisions: (1) Industry Compliance Division; (2) Consumer Affairs Division; and (3) Arbitration and Dispute Resolution Division.

(c) Bureau of Fisheries Extension, Training, and Support Service (BFETSS) – The BFETSS shall coordinate all development activities with respect to fisheries and aquatic resources technology, and shall have a development section for all components including inland and ocean fishing, and fishing fears and methods. It shall formulate a National Extension System for Fisheries, which shall be composed of three (3) subsystems: the national government subsystem, the local government subsystem and the private sector subsystem. It shall deliver the following major services: training services; credit and financing support services, business advisory services; demonstration services, and information and communication support services through tri-media.

It shall have the following divisions: (1) Training and Skills Development Division; (2) Technology Transfer and Demonstration Division; (3) Business Advisory and Information Support Division; and (4) Training Centers.

(d) The Bureau of Fishing Technology and Capture Fisheries (BFTCF) – The BFTCF shall have direct supervision and control over the utilization of marine resources including commercial, international and small-scale fisheries. It shall formulate development programs for the expansion of the marine fishery industry; explore new fishery resources and develop environment friendly but efficient fishing gears.

It shall be headed by a Director and two Assistant Directors and shall have the following divisions: (1) Municipal Fisheries Division; (2) Commercial Fisheries Division; (3) Fishing Technology Division; and (4) High Seas Fisheries Division

(e) The Fisheries Modernization Credit and Financing Agency (FMCFA) – The FMCFA shall administer the funds under Sections 108 to 113 of Republic Act No. 8550 as well as the fisheries-related provisions of Sections 20 to 25 of Republic Act No. 8435, harmonizing and integrating the two so as to package and deliver various credit assistance programs for the following:

(1) Fisheries production including processing of fisheries products and inputs;

(2) Acquisition or construction of fishery equipment, machinery, fishing vessels and fishing gears;

(3) Acquisition of fry, fingerlings, fertilizers, feeds and similar items;

(4) Procurement of fisheries products for storage, trading, processing and distribution;

(5) Construction, acquisition and repair of facilities for production, processing, storage, transportation, communication, marketing and such other facilities in support of fisheries; economic activities; High Seas Fisheries Division;

(6) Working capital for fisheries graduates to enable them to engage in fisheries-related;

(7) Activities which support marine and freshwater bodies conservation and ecology-enhancing activities such as but not limited to mangrove reforestation, promotion of whale shark and manta ray and other endangered marine species watching and ecotourism; and

(8) Development of appropriate technology, both in fishery and ancillary industries that are ecologically sound, locally source based and labor intensive, based on the requirements of the Fisheries and Aquatic Management Councils. Under the supervision and control of the Undersecretary for Fisheries Conservation and Management, the following bureaus, units, board and services are hereby created.

Sec. 10. Undersecretary for Conservation and Management of Fisheries and Aquatic Resources. – The Undersecretary for Fisheries Conservation and Management shall assist the Secretary primarily in the development and implementation of conservation and protection of the fisheries and aquatic resources industry.

Under the supervision and control of the Undersecretary for Conservation and Management, the following bureaus, services and offices are hereby created:

(a) Marine Resources Conservation and Management Bureau - The Marine Resources Conservation and Management Bureau is a line bureau tasked with the formulation and implementation of a Comprehensive Fisheries Management Plan. It shall undertake marine fishery resources assessment and biological and environmental investigations and formulate conservation measures. In coordination with the National Fisheries Research and Development Institute, it shall determine and establish the carrying capacity and total allowable catch (TAC) for a particular resource. It shall set the allowable fishing effort based on the carrying capacity of the resource and TAC and accordingly issue commercial fishing licenses and permits.

It shall be headed by a Director and two Assistant Directors and shall have the following divisions:

(1) Coastal Resources Management Division;

(2) Oceanography Division;

(3) Fisheries Licensing Division;

(4) Biotechnology, Biosafety and Bioprospecting Division; and

(5) Fisheries Law Enforcement Division.

The Fisheries Law Enforcement Division shall operate the National and Zonal Monitoring Surveillance System. It shall establish fishery air and ocean patrol as well as conduct law enforcement trainings and recommend to the Secretary the deputation of government employees and members of fisherfolk associations as fishery guardians. It shall have the supervision and control of fishery officers and guardians and the corps of specialists responsible for the enforcement of fishery laws, rules and regulations and the efficient monitoring and surveillance of fishing activities within Philippine territorial waters. It shall have the following units:

(i) The National and Fisheries Zone Monitoring and Surveillance Center which shall have a National Coordinating Center and several Fisheries Zones Monitoring and Surveillance Centers. It is further subdivided into the Vessel Tracking and Remote Sensing Office, and the Database and Information Center;

(ii) The Fisheries Air Patrol and Ocean Patrol, and the Regulatory Staff composed of Fishery Officers, Deputized Fisheries Guardians and the corps of specialists from the DND, PNP-MARICOM, DILG, DFA and DOJ. The Fishery Officers shall have full police powers relative to the enforcement of fishery laws, rules and regulations including arrest, search and seizure, and shall have the authority to directly file complaints for violation of fishery laws, rules and regulations.

(b) The Bureau of Marine Protected Areas and Wildlife (BMPAW) – The BMPAW is a line bureau responsible for establishing and maintaining marine protected areas and wildlife sanctuaries. It shall lead in the conduct of scientific research on the proper strategies for the conservation and protection of marine wildlife and their habitat including breeding or propagation. It shall also establish Marine Wildlife Rescue Centers to take custody of all confiscated, stranded or abandoned marine wildlife. It shall have the authority to issue Committee on International Trade on Endangered Species (CITES) Permits and shall be both the CITES Management and Scientific Authorities of the Philippines. It shall be the lead agency in the fulfilment of the country's obligations under CITES, the Convention on Biological Diversity and other treaties and international agreements.

It shall have the following divisions:

(1) Marine Protected Areas Division;

(2) Marine Wildlife Rescue Centers;

(3) CITES Management Authority;

(4) Endangered Marine Species Captive Breeding Centers;

(5) Endangered Marine Wildlife Research Center - The Endangered Marine Wildlife Research Center shall be the Department's CITES Scientific Authority which shall coordinate with academic institutions designated as scientific authorities; and

(6) Biodiversity Division.

Sec. 11. Undersecretary for Operations. – The Undersecretary for Fisheries Operations shall assist the Secretary in the overall supervision and control over all regional offices.

The Undersecretary for Operations shall have direct control and supervision of the following units and bureau:

(a) The Fisheries Inspection and Quarantine Inspection Service (FIQIS) – The FIQIS shall have the line functions and shall be responsible for the inspection and quarantine of all fishery related activities including the conduct of quarantine and quality inspection of all fish and fishery/aquatic products corning into and going out of the country by air or water transport to detect the presence of fish pest and diseases, the regular inspection of processing plants, storage facilities, abattoirs, as well as public and private markets in order to ensure freshness, safety and quality of products and to ensure that these products conform to the standards prescribed by the Department; and the quarantine of aquatic animals and fishery products determined or suspected to be with fishery pest and diseases and prevent the movement or trade from and or into the country of these products so prohibited or regulated under existing laws, rules or regulations and international agreements of which the Philippine is a State Party. It shall have the following units:

(1) Regional fishery Inspection and Quarantine Offices;

(2) Cyanide Detection Centers;

(3) Product Standards Enforcement Division; and

(4) Regional Fish Health Centers.

(b) The Bureau of Fishery Economics and Statistics (BFES) – The BFES shall be a line bureau responsible for establishing benchmark data on the structure of the fishery industry. It shall conduct research and studies on the socio-economics of various fishery operations, collect data on fishery production, and establish a network of fishery information, documentation and dissemination. It shall have the following divisions: (1) Fishery Statistics Division; 92) Socioeconomic Division; and (3) Fishery Information Division.

Sec. 12. Undersecretary for Administration and Finance. – The Undersecretary for Administration and Finance shall provide the Department with efficient, effective, and economical services relating to records management, supplies, equipment, collections, disbursements, building administration and maintenance, security, and custodial work; as well as administer personnel programs including selection and placement development, performance evaluation, and employee relations and welfare.

Sec. 13. Attached Agencies. – The Office of Ocean and Marine Affairs shall be the Department's primary agency tasked with the implementation of the National Marine Policy and the relevant provisions of the United Nations Convention on the Law of the Sea. Any and all use of the ocean shall require the assessment and clearance by this Office, which shall rationalize initiatives that will negatively impact the fisheries or their habitat. It shall coordinate

the implementation of fisheries and ocean sector policies, as well as plans and laws for all maritime components. It shall be headed by a Director and shall have the following divisions:

(a) Ocean-Use Assessment and Clearance Division;

(b) National and International Ocean Law and Policy Division;

(c) Special Projects Division; and

(d) Technical Division

The Philippine Fisheries Development Authority created by Presidential Decree No. 977 as amended, shall be an attached agency of the Department of Fisheries and Aquatic Resources under the Office of the Secretary.

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.

Sec. 14. Organizational Structure of the Department. – The functions of the Department under this Act shall be carried out by the bureaus, agencies and services created in the Department.

Sec. 15. Regional Offices and Functions. – The DFAR shall have such department-wide regional offices as may be necessary in the administrative regions, each to be headed by a Regional Director, who shall be assisted by an Assistant Regional Director, each regional office shall have support staffs as may be necessary and four line divisions which shall have the following duties and responsibilities:

(a) Provide efficient and effective front-line service to the fishery and aquatic industry sector, particularly to the municipal fishermen;

(b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects, rules and regulations of the DFAR;

(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.

Sec. 16. Appointment and Qualification of Directors. – The Directors of the Bureau, Offices and Agencies and the Regional Directors shall be appointed by the Secretary, upon recommendation of the Undersecretaries concerned. The Directors must have a degree in law or Master of Science degree in marine fisheries, oceanography, fisheries biology, marine biology, fisheries technology, microbiology or related sciences, or public administration and at least five years of experience either in the public or private sector, in marine fisheries research and development, or in the fisheries industry.

Sec. 17. Abolition, Transfer and Merger. – The Bureau of Fisheries and Aquatic Resources (BFAR) reconstituted by Republic Act No 8550, is hereby abolished and its relevant functions, appropriations, records, properties, equipment and personnel are hereby transferred to the DFAR: Provided, however, That no official or employee of the BFAR shall be laid off in the implementation of this section.

The following National Centers managed by the BFAR shall be transferred to the DFAR: (a) National Mariculture Center; (b) National Freshwater Technology Center; (c) National Inland Fisheries Technology Center; (d) Marine Fisheries Development and Vessel Operations Center; (e) National Brackishwater Fisheries Technology Center; (f) National Fisheries Development Center; and (g) National Seaweeds Technology Development Center.

The National and Municipal Fisheries and Aquatic Resources Management Councils created by Republic Act No. 8550 shall be transferred to the Office of the Secretary of the DFAR.

The National Fisheries Research and Development Institute created by Republic Act No. 8550 is transferred to the DFAR and shall serve as its principal research arm.

The National Fisheries and Aquatic Resources Management Council created by Executive Order No. 240 is transferred to the DFAR.

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

The Philippine Technical Advisory Committee of the SEAFDEC Aquaculture Department 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 DFAR: Provided, That no official or employee of the Board shall be laid off in the implementation of this section.

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

The Marine Research and Conservation Division and the different Sections there under and the Coastal Environment Program including its relevant appropriations, personnel, records, property and equipment, all marine and coastal related projects and programs of the DENR, and all fisheries related functions of the DENR 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 DFAR.

The fisheries-related sections of the Bureau of Agricultural Research, the Bureau of Agricultural Statistics, Agricultural Training Institute, Bureau of Agricultural and Fisheries Engineering, Bureau of Agriculture and Fisheries Standards, and the Philippine Council for Agriculture and Fisheries of the Department of Agriculture shall be transferred to DFAR. All the personnel, records, appropriations, property and equipment of each section shall be transferred to the DFAR.

Sec. 18. Transitory Provisions. – In accomplishing the acts of organizing the department as herein prescribed, the following provisions shall be complied with:

(a) The transfer of a government unit or agency shall include the functions, Appropriations, funds, records, equipment, facilities, chooses 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 abolition of the government unit or agency that has exercised them, shall include the appropriations, funds, records, equipment, facilities, chooses in action, rights, other assets and personnel as may be necessary to the proper discharge of the transferred functions. Its liabilities, if any, shall likewise be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. Its personnel shall, pending reappointment, continue to perform their duties and responsibilities and receive the corresponding salaries and benefits in a holdover capacity.

Sec. 19. Organization Committee. – The duly appointed Secretary of Fisheries and Aquatic Resources shall immediately create an organization committee which shall study and formulate the staffing pattern, qualification standards, and placement of personnel in the DFAR, its services, bureaus, and offices. The Committee shall be composed of representatives from the Department of Budget and Management, Civil Service Commission, the fishery industry and the academe.

Sec. 20. Appropriations. – For the effective implementation of this Act, the amount of Php5 Billion is hereby appropriated from the funds of the National Treasury and the current budgetary appropriations of the BFAR, including its regional offices, and the appropriations of the PFDA.

The revenues which the DFAR will generate from its licensing operations, the fees collected & the proprietary services delivered by the Department, and the administrative fines imposed by the National Fisheries Regulatory and Adjudication Bond shall constitute the DFAR's revolving fund from which amounts necessary to carry out the special research projects, management and conservation programs, staff development programs, and the acquisition of equipment, vessels, and airplanes, helicopters of the Monitoring and Surveillance Center shall be taken: Provided, however, That the fishpond rentals shall accrue to the National Fisheries Research and Development Institute as provided under Section 46 (c) of Republic Act No. 8550. The use of such funds shall be subject to COA rules and regulations.

Sec. 21. Separability Clause. – If any provision of this Act is declared unconstitutional inoperative, the other provisions not so declared shall remain in force and effect.

Sec. 22. Repealing Clause. – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act or the rules and regulations promulgated pursuant thereto are hereby repealed or amended accordingly.

Sec. 23. Effectivity Clause. – This Act shall take effect fifteen (15) days after publication in two (2) national newspapers of general circulation.

Approved,