

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4636



Introduced by Representative **ROLANDO LEDESMA MACASAET**

EXPLANATORY NOTE

The Philippines is a country composed of more than 7,100 islands and a coastline extending 36,289 kilometers (22,549 miles) which makes it the fifth longest coastline in the world. As an archipelago, one of the major sources of livelihood among a lot of Filipinos is fishing. Accordingly, as of February 2025, employment in the fishing and aquaculture industry was recorded at 1.455 million while the 2022 census of agriculture and fisheries reported 830,954 households with fishing operators. The total registered fisherfolk nationwide in 2020 was at 2.08 million. In 2021, the fishing and aquaculture sector generated a gross value-added (GVA) amounting to around 223.2 billion pesos, contributing around 12.6% to the GVA of the agriculture industry. In the same year, total fisheries production was recorded at 4,250.79 thousand metric tons (MT), which translates to a total production value of 302.83 billion pesos. Back in 2018, the Philippines was ranked as the 8th top fish producing country in the world, with a total production of 4.35 million MT. The Philippines is also considered as the 11th largest seafood producer globally and the 4th largest producer of aquatic plants, including seaweed.

These figures reflect the importance of the fisheries and aquaculture industry and how it significantly contributes to the country's food production, employment, foreign exchange earnings and its huge potential to fuel the economy's growth and development.

However, despite the invaluable contribution of our fisherfolk in the country's economy, they remain one of the poorest sectors in our nation. According from the Philippine Statistics Authority, the poverty

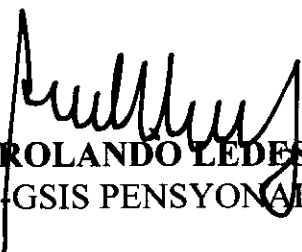
incidence of fisherfolks is at 30.6% which is the highest among all basic sectors in the country.

While there are various initiatives to address poverty in the fishing sector, including drafting of national fishery plans geared towards sustainable fishing practices and improving livelihood methods, only a line bureau in the Department of Agriculture is responsible as the operational arm for the actual implementation and delivery of services concerning fisheries and aquaculture development, the Bureau of Fisheries and Aquatic Resources (BFAR).

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, to replace the existing BFAR. The proposed measure will not only streamline the bureaucratic functions related to the fisheries and aquatic industry, but also equip properly a government agency, separate and distinct from the Department of Agriculture, to focus in the conservation, responsible utilization, and development of the full potential of our marine resources.

Moreover, this proposed legislative measure is the consolidated version of the numerous bills previously filed during the Nineteenth (19th) Congress which was deliberated by the Committee on Government Reorganization and the Committee on Aquaculture and Fisheries Resources.

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


REP. ROLANDO LEDESMA MACASAET
SSS-GSIS PENSYONADO PARTY-LIST

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AN ACT
CREATING THE DEPARTMENT OF FISHERIES AND AQUATIC
RESOURCES, AND THE FISHERIES COMMISSION, DEFINING
THEIR MANDATES, POWERS AND FUNCTIONS, AND
APPROPRIATING FUNDS THEREFOR

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

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

3 **CHAPTER I**

4 **POLICIES AND DEFINITIONS**

5
6 **SEC. 2. *Declaration of Policies.*** — It is hereby declared the policy
7 of the State to protect and conserve the nation's marine wealth in its
8 archipelagic waters, territorial sea, and exclusive economic zone (EEZ),
9 and reserve their sustainable use and enjoyment exclusively to Filipino
10 citizens.

11
12 The State shall promote and ensure the sustainable development and
13 management of all fisheries and marine resources in Philippine waters,
14 including the EEZ and in the adjacent high seas in order to maintain a
15 sound ecological balance, protect and enhance the quality of the
16 environment, and ensure the country's food security and fish self-
17 sufficiency.

18 It shall protect the rights of small-scale fisherfolk in the preferential
19 use of communal marine, fisheries, and aquatic resources. It shall also be
20 the policy of the State to support private initiatives in aquaculture and
21 fisheries business ventures both in the production and in the exportation
22 or importation of fish and fisheries products and by-products. Towards
23 this end, the State shall provide the fisherfolk, fish farmers,
24 processors of marine products, traders, and other investors the appropriate
25 technical, financial, entrepreneurial, and other support services in order to
26 improve fish production, fish security and self-sufficiency, and to uplift
27 the lives of those dependent on the fisheries industry.

28
29 **SEC. 3. *Creation and Mandate.*** — To carry out the above-declared
30 policies, there is hereby created a Department of Fisheries and Aquatic
31 Resources, hereinafter referred to as the Department.

32
33 The Department shall have primary jurisdiction over the
34 development, management, regulation, utilization, and disposition of all
35 fisheries and aquatic resources of the country, including the habitats of
36 fish and all other marine life and activities which impact these habitats.
37 The Department shall coordinate with the Department of Environment
38 and Natural Resources (DENR) and other appropriate agencies to ensure
39 that its policies are in consonance with national government policies on
40 the protection, preservation, and conservation of the environment and
41 natural resources: *Provided*, That the use of municipal waters for fisheries
42 shall be governed by Article I of Republic Act No. 8550, otherwise
43 known as the Philippine Fisheries Code of 1998, as amended, and by
44 Republic Act No. 7160, otherwise known as the Local Government Code,
45 as amended, and municipal fisherfolk shall retain the right to preferential
46 use of municipal waters for fisheries: *Provided further*, that the
47 development and management of municipal waters shall be undertaken
48 jointly by the Department and local government units (LGUs), while the
49 regulation and preservation, including the setting of rules, standards, and
50 restrictions on their use, development, and management, shall be
51 primarily the responsibility of the Department.

52
53 The Department shall ensure the equitable sharing of the benefits
54 derived from the utilization and disposition of fisheries and aquatic
55 resources for the welfare of the present and future generations of
56 Filipinos.

57
58 The Department shall have the responsibility of rationalizing all blue
59 economy activities or initiatives which impact fisheries and aquatic
60 resources including processing; marine resource utilization and

development such as biotechnology and bioprospecting, seaweed farming or harvesting; protection of marine ecosystems such as coral reefs; mangroves preservation; coastal protection; marine protected areas; promotion and regulation of coastal and marine tourism; marine energy exploration and development; marine scientific research; and other areas of marine industry development. The regulation of these marine activities, once rationalized by the Department, shall be exercised by the parent agency for the appropriate sector involved.

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

- (a) ***Aquaculture*** refers to the fisheries operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish, and marine water areas, including hatcheries and nurseries, and aquatic feed production;
- (b) ***Aquatic Resources*** refer to the living resources in freshwater, brackish water, and marine waters, including fish, all other aquatic flora and fauna, and other living resources of the aquatic environment, including but not limited to salt and corals;
- (c) ***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;
- (d) ***Blue Economy*** refers to the sustainable use of ocean resources for economic growth, improved livelihood and employment, while preserving the health of the ocean ecosystem. It takes into account the overall contribution of the oceans to economies, the need to address the environmental and ecological sustainability of the oceans and the ocean economy as a growth opportunity for human development, social equity, and ecological well-being;
- (e) ***Blue Economy Initiatives or Activities*** refer to traditional ocean activities such as fisheries, tourism, maritime transport, and waste management, including emerging industries such as renewable energy, aquaculture, seabed extractive activities, and marine biotechnology and bioprospecting. Blue economy

activities also include 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;

(f) **Code** refers to Republic Act Number 8550, otherwise known as the Philippine Fisheries Code of 1998, as amended by Republic Act Number 10654;

(g) **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 - fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;

(2) Medium scale commercial fishing - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and

(3) Large commercial fishing - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.

(h) **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;

(i) **Fisheries Commission** refers to the Commission created under this Act, an independent, regulatory and oversight body exercising quasi-judicial functions or administrative adjudication over matters related to fisheries, as defined under this Act;

(j) **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;

- (k) ***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.
- (l) ***Food Security*** refers to a situation that exists when all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food that meets their food preferences and dietary needs for an active and healthy life;

CHAPTER II THE DEPARTMENT

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

- (a) Formulate and implement short-term, medium-term and long-term Comprehensive National Fisheries Industry Development Plans (CNFIDP) pursuant to R.A. No. 8850, as amended, for the efficient and economic operations of the fishing industries, in accordance with the objectives of food security and rational and sustainable development, consistent with the development framework of the National Economic and Development Authority (NEDA);
- (b) Formulate and implement a Comprehensive Fisheries Research and Development Program such as sea farming, sea ranching, and 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 fisheries and aquatic resources;
- (c) Establish and implement a National Marketing Assistance Program aimed at ensuring the generation of the highest possible income for fisherfolk and fisheries-related enterprises, and matching supply and demand in both domestic and foreign markets;
- (d) Establish and maintain a Philippine Fisheries and Aquatic Resources Information System (PFARIS) that will function as the principal repository and information server of all

aquacultures, 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;

(e) Create a Fisheries National Administrative Register under the PFARIS 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.

(f) Conduct complete resource inventory and monitoring for strategic planning and programming as well as evaluation and assessment of key initiatives to ensure increased productivity of the fisheries sector, promote sustainability, conservation, and protection efforts;

(g) Develop value-added fisheries products for export and domestic consumption;

(h) Promote international economic and technical cooperation in the fisheries and ocean sectors and in integrated oceans management, especially within the ASEAN region;

(i) Appoint Fisheries Attachés 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 fisheries products, and facilitating professional contacts, exchanges, and technology transfer;

(j) Enter into contracts, joint venture agreements, public-private partnerships and such other memoranda 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;

(k) 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

- 230 or personal, subject to such limitations as are provided under
231 existing laws and regulations;
- 232 (l) Monitor the implementation of joint fishing agreements
233 between Filipino citizens and foreigners who conduct fishing
234 activities in international waters, and ensure that such
235 agreements are not contrary to Philippine commitments under
236 treaties or international agreements to which the Philippines is a
237 party thereto;
238
- 239 (m) Formulate planning and investment policy for blue economy
240 initiatives or activities, including identification of development,
241 production, and protected areas, and marine spatial plans;
242
- 243 (n) Develop other blue economy initiatives to conserve, protect, or
244 harness marine and coastal resources and ecosystems;
245
- 246 (o) Prescribe rules, regulations, procedures, and guidelines
247 concerning the classification, establishment, construction,
248 maintenance and operation of blue economy initiatives or
249 activities.
250
- 251 (p) Provide development support services to fishermen and
252 organizations of fishermen as well as those involved in all
253 aspects of fisheries production, including processing and
254 marketing, in collaboration with LGUs and related agencies;
255
- 256 (q) Provide advisory services and technical assistance to the LGUs
257 in developing their technical capability in the development,
258 management, regulation, conservation, and protection of the
259 fisheries resources and in the improvement of quality of fish
260 from the time they are caught on-board fishing vessels, at
261 landing areas, in fish markets, to the processing plants, and to
262 the distribution and marketing chain;
263
- 264 (r) Advise and coordinate with LGUs on the maintenance of
265 proper sanitation and hygienic practices in fish markets and fish
266 landing areas;
267
- 268 (s) Coordinate with LGUs and other concerned agencies for the
269 establishment of inclusive productivity enhancing and market
270 development programs in fishing communities to enable

- 271 women and youth to engage in fisheries or other economic
272 activities and contribute significantly to development efforts;
273
- 274 (t) Establish and administer a fisheries modernization credit
275 program to fisheries projects of fisherfolk, fish farmers, fish
276 processors, commercial fishers, and other qualified borrowers;
277
- 278 (u) Acquire, maintain, operate, purchase, lease or dispose, through
279 the Philippine Fisheries Development Authority (PFDA),
280 equipment and facilities such as shipyards, fishing vessels,
281 fishing gears, and refrigerated trucks, ice plants and cold
282 storages, communication, and aquaculture facilities;
283
- 284 (v) Fix, assess and collect reasonable fees, tolls, charges, and
285 rentals, through the PFDA, for the use, sale of properties,
286 equipment, facilities and services to support the Department's
287 projects and to adjust the same as warranted;
288
- 289 (w) Provide through the PFDA infrastructure support such as
290 municipal fishing ports and markets, farm-to-market roads,
291 quality laboratories in fish ports, marketing facilities, local
292 fisheries ship-building and repair facilities, and post-harvest
293 facilities, in cooperation with concerned agencies;
294
- 295 (x) Conserve, protect, and rehabilitate rare, threatened and
296 endangered aquatic species as it may determine, including their
297 habitats and designate marine and other aquatic areas as
298 protected areas for the special purposes stated in the notice of
299 declaration in compliance with the relevant provisions of
300 international treaties and agreements such as, the Convention on
301 International Trade in Endangered Species of Wild Fauna and
302 Flora (CITES), United Nations Convention on the Law of the
303 Sea (UNCLOS), and Convention on Biological Diversity
304 (CBD);
305
- 306 (y) Adopt and implement a national plan of action to manage
307 fishing capacity, implement the Code of Practice for
308 Aquaculture and the Code of Conduct for Responsible
309 Fisheries; and determine and declare fishery management areas
310 as over-exploited in coordination with the LGUs and FARMCs;
311
- 312 (z) Formulate policies for the conservation and management of
313 straddling fish stocks, highly migratory fish stocks and

314 threatened living marine resources such as sharks, rays and
315 ludong, inter alia, in the Philippine Exclusive Economic Zone,
316 territorial sea, archipelagic and internal waters, in coordination
317 with LGUs and integrated/municipal or city Fisheries and
318 Aquatic Resources Management Councils (FARMCs);

319
320 (aa) Enforce all fisheries laws, rules and regulations through its
321 fishery officers and guardians, deputized government officials
322 and employees, punong barangays and officers, and members
323 of fisherfolk associations who have undergone training on law
324 enforcement; and seek the assistance of other law enforcement
325 agencies for the efficient and effective implementation of this
326 Act.

327
328 (bb) Develop and implement a Monitoring, Control and
329 Surveillance System (MCSS) for Philippine fisheries and
330 oceans at the national and regional levels to ensure that the
331 fisheries and marine resources in Philippine waters are
332 judiciously and sustainably utilized and managed;

333
334 (cc) Establish a corps of technical specialists in collaboration with
335 the Department of National Defense, Department of the Interior
336 and Local Government, and the Department of Foreign Affairs
337 for the efficient monitoring, control and surveillance of fishing
338 activities within Philippine territorial waters and provide the
339 necessary facilities, equipment and training therefor;

340
341 (dd) Issue identification cards free of charge to fish workers engaged
342 in commercial fishing;

343
344 (ee) Issue licenses for the operation of commercial fishing vessels;

345
346 (ff) Exercise jurisdiction over all Philippine flagged fishing vessels
347 operating in areas governed by a Regional Fisheries
348 Management Organization (RFMO) in the high seas, or in
349 waters of other coastal states;

350
351 (gg) Train, designate and deploy fisheries observers in Philippine
352 flagged fishing vessels engaged in commercial fishing in
353 Philippine waters or distant water fishing to ensure compliance
354 with conservation and management measures adopted by
355 RFMOs and by the Department;

- (hh) 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 (IUUF), and to comply with conservation and management measures;
- (ii) 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;
- (jj) Perform quasi-judicial function or administrative adjudication under Chapter III of this Act, and settle conflicts of resource use and allocation in consultation with the NFARMC, LGUs and local FARMCs;
- (kk) 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 Commission.
- (ll) 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; and
- (mm) 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 two (2) Undersecretaries supported by five (5) 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 two (2) Undersecretaries, specifically the Undersecretary for Development responsible for policy and planning, operations and technical services, fisheries protection, conservation and sustainable development, and Undersecretary for Regulations and Enforcement, who shall be appointed by the President upon the recommendation of the Secretary.

The 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

- 443
444 (c) Perform other functions as may be provided by law or assigned
445 by the Secretary.
446

447 **SEC. 10. *Undersecretary for Development.*** – The Undersecretary
448 for Development shall provide policy advice to the Secretary and shall be
449 responsible for the development of national aquaculture and fisheries
450 policies and their integration and translation into the Comprehensive
451 National Fisheries Industry Development Plan (CNFIDP), promotion of
452 aquaculture and fisheries production, development and implementation of
453 conservation, protection and sustainability efforts of the department, and
454 provide periodic public reports of the achievements in aquaculture and
455 fisheries. The Undersecretary shall:
456

- 457 (a) Evaluate international developments and assess their potential
458 impact on Philippine fisheries;
459 (b) Be responsible for developing and managing bilateral and
460 multilateral affairs of the department, including trade,
461 investment, and cooperation agreement negotiations and the
462 coordination of their implementation;
463 (c) Advocate for the Philippine fisheries and aquatic resources
464 agenda in international organizations and bodies;
465 (d) Lead in the development of national aquaculture and fisheries
466 plans and budgets consistent with national policies; develop
467 institutional mechanisms for periodic program assessment, and
468 identify, develop and package development projects for
469 implementation;
470 (e) Develop and implement reliable and cost-effective information
471 and communication technology systems;
472 (f) Establish and maintain the Philippine fisheries and aquatic
473 resources information system which shall be the principal
474 depository and information server of all aquaculture and
475 fisheries-related information in the country;
476 (g) Assist the fisheries industries in the translation and
477 implementation of the CNFIDP into operational plans and
478 programs as well as appropriate technologies;
479 (h) Develop a framework of cooperation and linkages with regional
480 development councils, LGUs and national agencies in the
481 management of the aquaculture, fisheries, and marine sectors;
482 (i) Assist primarily, the secretary in supervising the operations of
483 the regional offices;

- (j) Lead in the conduct of scientific research on the proper strategies for the conservation and protection of marine wildlife and their habitat including breeding and propagation; and
- (k) Have the authority to issue CITES permits and shall both be the CITES management and scientific authorities of the Philippines.

SEC. 11. *Undersecretary for Regulations and Enforcement.* – The Undersecretary for Regulations and Enforcement shall assist the Secretary in performing the regulatory functions of the Department. The Undersecretary shall:

- (a) Exercise supervision and control of fisheries 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;
- (b) Exercise quasi-judicial functions to resolve and settle conflicts on the allocation and use of resources in consultation with the Fisheries Commission and LGUs; and institutionalize a monitoring control and surveillance system to ensure that fisheries, aquatic, and marine resource are utilized and managed on a sustainable basis.

SEC. 12. *Assistant Secretaries.* — The Secretary shall be assisted by five (5) Assistant Secretaries who shall be appointed by the President upon the recommendation of the Secretary.

SEC. 13. *Functions of the Assistant Secretaries.* — Each of the two (2) Undersecretaries shall be assisted by two (2) Assistant Secretaries 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 fifth Assistant Secretary shall be in charge of the Finance and Administrative Support Services of the Department.

SEC. 14. *Qualifications and Appointment.* - No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless a Filipino citizen and a resident of the Philippines, of good moral character, of proven integrity, and with at least five (5) years significant experience in the fishing sector.

The Secretary, Undersecretary, and Assistant Secretary shall be appointed by the President of the Philippines in the manner prescribed by law.

The Bureau Director, Assistant Bureau Director, Regional Executive Director, or Assistant Regional Executive Director shall be appointed by the President upon the recommendation of the Secretary.

All other officials and employees of the Department shall be appointed in accordance with the Civil Service law, rules, and regulations.

Sec. 15. *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:

- 568
- 569 (a) provide efficient and effective front-line service to the
- 570 aquaculture, fishery and aquatic industry sectors, particularly to
- 571 the municipal fishermen;
- 572 (b) implement the laws, policies, plans, programs, projects, rules
- 573 and regulations of the Department;
- 574 (c) coordinate with the regional office of the other departments,
- 575 offices, and agencies in the region; and
- 576 (d) perform other functions as may be provided by law or assigned
- 577 by the Secretary.
- 578

579 **CHAPTER III**

580 **FISHERIES COMMISSION**

581 **SEC. 16. *Fisheries Commission.*** — The Department is hereby

582 empowered to hear and decide cases and impose administrative fines and

583 penalties provided in the Fisheries Code, as amended, and other fisheries

584 laws, rules, and regulations.

585

586 For this purpose, the Department shall organize a Fisheries

587 Commission, hereinafter referred to as the Commission, an independent,

588 regulatory and oversight body exercising quasi-judicial functions or

589 administrative adjudication. The Commission shall be fiscally attached to

590 the Department for policy and program coordination.

591 Parties to commercial fisheries-related disputes may also mutually

592 and voluntarily seek arbitration from the Fisheries Commission for other

593 fisheries-related disputes where the Fisheries Commission does not have

594 automatic jurisdiction: *Provided*, that the arbitration of the Fisheries

595 Commission on such disputes shall be binding on the parties that sought

596 its arbitration.

597 **SEC. 17. *Organizational Structure.*** —

- 598 (a) *Composition, Qualification, and Tenure* - The Commission
- 599 shall be composed of a Chairperson and four (4) members to be
- 600 appointed by the President of the Philippines who shall be
- 601 natural-born citizens and residents of the Philippines, persons
- 602 of good moral character, and of recognized competence.
- 603 Except for the Chairperson, the four (4) members of the

Commission shall serve for a non-renewable term of six (6) years: *Provided*, That any member whose term has expired as specified herein shall serve as such until a successor shall have been appointed and qualified: *Provided further*, That any appointment to fill a vacancy in the Commission arising from death, removal, retirement or resignation shall be made only for the unexpired term: *Provided finally*, That in no case shall any member serve for more than six (6) years in the Commission.

- (b) *Meetings, Quorum, and Voting Requirements* - The Commission shall meet as often as may be necessary on such day or days as the Chairperson may fix. The presence of at least four (4) members of the Commission shall constitute a quorum, which shall be necessary for the transaction of any business. The affirmative vote of majority of the members of the Commission where a quorum is present shall be necessary for the adoption of any order, resolution, decisions, or other act of the Commission in the exercise of its quasi-judicial functions: *Provided*, That in promulgating rules, regulations, guidelines and in exercising its quasi-legislative functions, an affirmative vote of four (4) members shall be required.

- (c) *Organization of the Commission.* - The Chairperson of the Commission shall exercise general executive control and supervision over the Commission and its members, staff and personnel, agents and representatives. Within three (3) months from the creation of the Commission and the appointment of all Members of the Commission, the Chairperson shall determine and establish the organizational structure and *plantilla* positions necessary to carry out the powers and functions of the Commission subject to the review and approval of the Department of Budget and Management (DBM). The *plantilla* positions of the Commission shall be filled by regular appointments in accordance with Civil Service laws, rules, and regulations. Members of the Commission shall enjoy security of tenure and shall not be suspended or removed from office except for just cause as specified by law.

641 **SEC. 18. *Secretariat.*** - The Commission shall be provided with a
642 Secretariat to render technical and support services and shall be headed
643 by an Executive Director who shall:

- 644 (a) implement effectively the policies, plans, programs, rules,
645 regulations and directives of the Commission;
- 646 (b) coordinate and supervise the activities of the different operating
647 units under the Commission;
- 648 (c) keep and maintain the official records of the Commission, and
649 render a report on the proceedings of the Commission;
- 650 (d) administer oaths in all matters falling within the jurisdiction of
651 the Commission; and
- 652 (e) perform such functions as may be assigned by the Chairperson
653 or other members of the Commission.

654
655 **SEC. 19. *Compensation and Other Emoluments.*** - The
656 compensation of the members of the Commission and its staff shall
657 conform to the provisions of RA 6758, as amended, otherwise known as
658 the *Compensation and Position Classification Act of 1989*, as amended,
659 and other relevant laws.

660
661 **SEC. 20. *Powers and Functions.*** - The Commission shall exercise
662 the following powers and functions:

- 663 (a) Exercise exclusive authority and original jurisdiction to hear
664 and decide cases involving violations of the Code, and other
665 fisheries laws, rules, and regulations;
- 666 (b) Issue and promulgate rules, regulations and guidelines as may
667 be necessary to implement and enforce the powers and
668 functions of the Commission;
- 669 (c) Fix reasonable fees, and impose administrative fines and
670 surcharges as may be necessary for achieving the purposes,
671 powers and functions of the Commission;
- 672 (d) Issue and review licenses authorizing the operation of
673 commercial vessels;
- 674 (e) Impose penalties and fines against any licensee or against its
675 owners, officers, agents or representatives for any violation of
676 this Act or of the license, order, rule regulation or requirement
677 issued by the Commission;
- 678 (f) Promulgate rules and regulations for the conduct of
679 administrative adjudication, voluntary arbitration, and the

disposition of confiscated catch, gears, equipment, and other paraphernalia;

- (g) 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;
- (h) 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, subject to the requirements of administrative due process;
- (i) Issue *subpoena duces tecum* and *subpoena ad testificandum* in administrative cases before it;
- (j) Exercise power to cite any person in contempt for failure to comply with its lawful orders, *subpoenas*, or other directives, or for any act obstructing the performance of its functions;
- (k) Review contracts, joint ventures agreements, public-private partnership, and other memoranda of agreements or understanding, either domestic or foreign entered into by the Department upon petition or *motu proprio* when public interest so dictates; and
- (l) Perform such other incidental powers and functions as may be necessary to attain the objectives of this Act.

Sec. 21. *Appeal of the Decision of the Commission.* — Except for cases initiated by the Secretary, the decision of the Commission 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. 22. *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 Commission against any person who violates the Philippine Fisheries Code of 1998, as amended, and other fisheries laws, rules, and regulations.

719 **SEC. 23. *Prohibition on the Issuance of Temporary Restraining***
720 ***Orders, Preliminary Injunctions, and Preliminary Mandatory***
721 ***Injunctions.*** — No injunction or restraining order from the Municipal
722 Trial Courts and Regional Trial Courts shall lie against the decision of the
723 Commission.

724 **SEC. 24. *Accompanying Administrative Sanctions for Serious***
725 ***Violations.*** — The Commission may impose the following additional
726 sanctions to the administrative penalties imposed for serious violations:

- 727 (a) confiscation of fishing gear;
- 728 (b) impoundment of fishing vessel;
- 729 (c) temporary suspension or permanent revocation of license or
730 permit;
- 731 (d) temporary or permanent ban from the availment of applicable
732 duty and tax rebates;
- 733 (e) inclusion in the illegal, unreported, and unregulated (IUU)
734 fishing vessel list;
- 735 (f) denial of entry and other port services;
- 736 (g) blacklisting; and
- 737 (h) increase in the amount of fines but not to exceed five (5) times
738 the value of the catch.

739 In case of repeated violations within a five-year period, the amount
740 of fine may be increased up to eight (8) times the value of the catch.

741 During the pendency of the administrative case, the Commission
742 may order to impound the vessel or conveyance, gear, and other
743 paraphernalia used in the commission of the offense. In applying these
744 accompanying sanctions, the Commission shall take into account the
745 seriousness of the violation as defined in Paragraph 82 of Section 4 of the
746 Code, the habituality or repetition of violation, manner of commission of
747 the offense, severity of the impact on the fishery resources and habitat,
748 socioeconomic impact, cases of concealment or destruction of evidence,
749 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.

Fines and penalties imposed pursuant to the Code shall constitute a lien upon the personal and immovable properties of the violator.

In case the offender is a municipal fisher or lacks property for the imposed fines, community service may be rendered in lieu of the fine. The Commission shall issue rules and regulations ensuring the service aligns with the community's needs, where the offense occurred, and is calculated based on the fine and prevailing minimum wage.

SEC. 25. Fisheries National Administrative Register. — The Commission shall regularly update the Fisheries National Administrative Register. All information on 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 and kept current.

CHAPTER IV ABOLITION, TRANSFER, AND ATTACHMENT

SEC. 26. (a) Abolition – (a) The following offices shall be abolished:

- (1) 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.
- (2) 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.
- (3) 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, and all its personnel, records, appropriations, property, and equipment are hereby subsumed and transferred to the Department.

(b) The following offices shall be transferred to the Department:

(1) The advisory functions of 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.

(2) 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.

(3) 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.

(4) The Fisheries Technology Centers and Outreach Stations of the Department of Agriculture shall be transferred to the Department which shall function as the research and testing centers for new technologies and shall provide extension services and technology transfer at the field levels.

(c) The following offices shall be attached to the Department:

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

834
835 To ensure the independent and objective implementation of its
836 research activities, the NFRDI shall have a separate budget
837 specific to its manpower requirements and operations.
838

- 839 (2) The Philippine Fisheries Development Authority created under
840 Presidential Decree No. 977, s. 1976 entitled, "Creating The
841 Philippine Fish Marketing Authority, Defining Its Functions
842 And Powers, And For Other Purposes", including its relevant
843 functions, appropriations, records, properties, equipment and
844 personnel, is hereby attached to the Department: *Provided,*
845 *however,* That the Secretary of the Department shall be the new
846 Chairperson of the PFDA Board: *Provided, further,* That no
847 official or employee of the PFDA shall be demoted or laid off
848 in the implementation of this Section.
849

- 850 (3) The Philippine Technical and Advisory Committee of the
851 Southeast Asian Fisheries Development Center, Aquaculture
852 Department (SEAFDEC/AQD) created under Executive Order
853 No. 834, s. 1982 entitled, "Creating A National Board On The
854 SEAFDEC Aquaculture Department Programs, Budget And
855 Operations", including its relevant functions, appropriations,
856 records, properties, equipment, and personnel, is hereby
857 attached to the Department: *Provided,* That no official or
858 employee of the Board shall be removed in the implementation
859 of this section.
860

861 **SEC. 27. Transitory Provisions.** — In accomplishing the acts of
862 organizing the Department as herein prescribed, the provision of Republic
863 Act No. 6656 or the Government Reorganization Law, shall be complied
864 with, particularly:
865

- 866 (a) The transfer of a government unit or agency shall include the
867 function, appropriations, funds, records, equipment, facilities,
868 choses in action, rights, other assets and liabilities, if any, of the
869 transferred unit or agency as well as the personnel thereof, as
870 may be necessary, who shall, pending reappointment, continue
871 to perform their respective duties and responsibilities and

872 receive the corresponding salaries and benefits in a hold- over
873 capacity.

874
875 (b) The transfer of functions which results in the change of agency
876 management, choses in action, rights, and other assets as may
877 be necessary to the proper discharge of the transferred
878 functions. Its personnel shall, pending complete transfer,
879 continue to perform their duties and responsibilities.

880
881 (c) The transfer of functions which results in the change of agency
882 management, choses in action, rights, and other assets as may
883 be necessary to the proper discharge of the transferred
884 functions. Its personnel shall, pending complete transfer,
885 continue to perform their duties and responsibilities.

886
887 **SEC. 28. *Absorption, Separation and Retirement from Service.***

888 — The existing employees of the transferred, consolidated, and merged
889 agencies under this Act shall enjoy security of tenure and shall be
890 absorbed by the Department, in accordance with their staffing patterns
891 and the selection process as prescribed under Republic Act. No. 6656 or
892 the Government Reorganization Law.

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

901 **SEC. 29. *Structure and Staffing Pattern.*** — Subject to the
902 approval of the Department of Budget and Management (DBM), the
903 Department shall determine its organizational structure and create new
904 divisions or units as it may deem necessary, and shall appoint officers
905 and employees of the Department in accordance with Civil Service laws,
906 rules, and regulations. Republic Act No. 6656 or the Government
907 Reorganization Law shall govern the reorganization of the Department,
908 and the reorganization of affected agencies.

909 **SEC. 30. *Appropriations.*** — The amount needed for the initial
910 implementation of this Act shall be taken from the current year's
911 appropriations of the agencies, entities, divisions, sections or bodies
912 abolished or transferred to the Department by virtue of this Act.

913 Thereafter, such sums as may be necessary for its continued
914 implementation shall be included in the annual General Appropriations
915 Act.

916 **SEC. 31. *Implementing Rules and Regulations.*** — The Secretary
917 of the Department of Fisheries and Aquatic Resources, in consultation
918 with concerned government agencies and stakeholders including the
919 Presidential Legislative Liaison Office and the members of the academe
920 and the fishing industry, shall formulate rules and regulations for the full
921 implementation of this Act within one hundred twenty (120) days from
922 the effectivity of this Act. Such rules and regulations shall take effect
923 upon publication in a newspaper of general circulation.

924 **SEC. 32. *Separability Clause.*** — If any portion or provision of
925 this Act is declared unconstitutional or invalid, the other portions or
926 provisions hereof, which are not affected thereby, shall continue in full
927 force and effect.

928 **SEC. 33. *Repealing Clause.*** — Sections 130-140 of Republic Act
929 No. 8550, as amended by Republic Act No. 10654 are
930 hereby repealed. All other laws, decrees, orders, rules and regulations or
931 parts thereof inconsistent with the Act or rules and regulations
932 promulgated pursuant thereto are hereby repealed or amended
933 accordingly.

934
935 **SEC. 34. *Effectivity.*** — This Act shall take effect fifteen (15) days
936 after publication in the official gazette or in newspaper of national
937 circulation.

938
939 Approved,