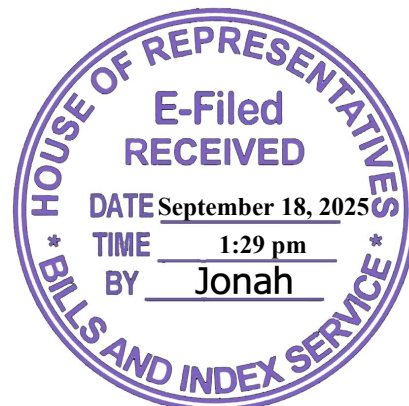




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 4675



Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

AN ACT
CREATING THE DEPARTMENT OF FISHERIES AND AQUATIC
RESOURCES, PROVIDING FOR ITS POWERS AND FUNCTIONS,
APPROPRIATING FUNDS THEREOF

EXPLANATORY NOTE

This bill seeks to mandate the creation of a Department of Fisheries and Aquatic Resources, an institution separate and distinct from the Department of Agriculture (DA), thereby abolishing the Bureau of Fisheries and Aquatic Resources (BFAR), which is reconstituted by Republic Act No. 8550, otherwise known as The Philippine Fisheries Code of 1998.

Despite the presence of the existing laws, there has been a continuing decline in fish catch of both commercial and municipal fishers, which poses a grave threat to food security and greater poverty. There has also been a growing need for sustainable exploration and use of the country's marine and aquatic resources.

With the creation of the Department of Fisheries and Aquatic Resources, there will be a specialized agency with technical expertise that will be focused on addressing the problems and needs in the fisheries sector. This will pave the way for a sustainable livelihood for the local fisherfolk or fish workers, an adequate food

supply for the country, and the sustainable development and protection of fisheries, marine and aquatic resources, and Philippine waters.

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



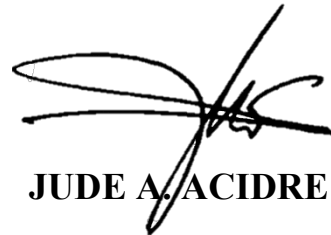
FERDINAND MARTIN G. ROMUALDEZ



YEDDA MARIE K. ROMUALDEZ



ANDREW JULIAN K. ROMUALDEZ



JUDE A. ACIDRE



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*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 Act”.

Section 2. *Declaration of Policy.* It is hereby declared the policy of the State
to:

- (a) promote the sustainable development and management of fisheries, marine and aquatic resources in Philippine waters, including its exclusive economic zones (EEZs), in the adjacent high seas and in coastal and inland aquatic resources consistent with the objective of maintaining a sound ecological balance, protecting, and enhancing the quality of the environment;
- (b) protect and conserve the nation's aquatic wealth in its archipelagic waters, territorial seas, and EEZs, and reserve use and enjoyment exclusive to Filipino citizens;
- (c) safeguard the rights of small-scale fishermen in the preferential use of communal marine, fisheries, and aquatic resources;
- (d) ensure sustainable fisheries production in inland aquatic resources consistent with the objective of ensuring availability of food staples and achieving food security; and
- (e) protect fisherfolk communities from the adverse effects of climate change and natural and man-made hazards.

Section 3. *The Department of Fisheries and Aquatic Resources.* – The Department of Fisheries and Aquatic Resources, hereinafter referred to as the “Department” is hereby created in accordance with the provisions of this Act.

Section 4. *Mandate.* - The Department shall have primary jurisdiction over the management, conservation, development, protection, utilization, and disposition

of all fishery and aquatic resources of the country, including the habitats of fish and all other marine life and other activities which impact on these habitats, with the exception of municipal waters, which shall remain under the jurisdiction of local government units in accordance with national fishery policies, laws, rules, and regulations, and in a manner consistent with the policies set forth therein.

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

The Department shall also have the responsibility of rationalizing all ocean sector initiatives which impact on fish and marine resources or their habitat including, but not limited to: exploration and development of marine energy, promotion and management of coastal and marine tourism, designation of shipping lanes, and identification and management of protected areas and marine industry development areas.

Section 5. *Powers and Functions.* - The Department shall exercise the following powers and functions:

- (a) Exercise authority and responsibility over the utilization of the ocean, including its fisheries and their habitat;
- (b) Coordinate and monitor the implementation of fisheries and ocean sector statutes, policies, plans and programs for all maritime components;

- (c) Promulgate and enforce fisheries and oceans habitat regulations to clarify and amplify the departmental mandate in accordance with the published fisheries and oceans management plans;
- (d) Prepare and implement a comprehensive Fisheries Management Plan, based on precautionary principle and the principle of sustainable development using scientifically generated information or best available evidence on the status of the fisheries and marine resources;
- (e) Formulate and implement a Fishery Industry Development Program consistent with the national development plan, and set policies and standards for the efficient and economic operation of the fishing industry in accordance with the principles of food security and sustainable development;
- (f) Promulgate rules and regulations governing the conservation and proper utilization of fisheries and aquatic resources, except for municipal waters which shall remain under the jurisdiction of the LGUs concerned;
- (g) Issue licenses for the operation of commercial fishing vessels and permits for the conduct of fishery activities, subject to the specific resource carrying capacities as determined through scientific studies or best available evidence: *Provided*, That preference shall be accorded to local communities situated in proximity to the municipal waters;

- (h) Issue fish worker licenses and identification cards free of charge to fish workers engaged in commercial fishing;
- (i) Enforce all fishery laws, rules, and regulations and coordinate with appropriate government agencies in the enforcement of the same;
- (j) Provide technical and other forms of assistance in the settlement of conflicts arising from the use and allocation of fisheries and other aquatic resources in consultation with the National Fisheries and Aquatic Resources Management Council (NFARMC) and LGUs concerned;
- (k) Prescribe rules and regulations concerning the classification, establishment, construction, maintenance, operation, and inspection of all fishing ports, landing sites and fish markets and the operation of business therein, except for those owned, controlled, or operated by LGUs;
- (l) Establish and maintain a Philippine Fisheries and Aquatic Information System (PFAIS) which shall function as the primary repository of all information pertaining to fisheries, oceanic and other aquatic resources, including, but not limited to: fisheries and aquaculture production, domestic and international fisheries trade; consumption and utilization of fisheries and other aquatic resources, and research on fisheries conservation, production, processing, marketing, and innovations;
- (m) Enforce laws, treaties, rules, and regulations concerning the conservation, protection of rare, threatened, and endangered marine and

- other aquatic species and their respective habitats, including the conservation and management of straddling stocks and other highly migratory marine and aquatic species;
- (n) Designate marine protected areas such as marine sanctuaries, marine reserves, and marine parks pursuant to existing laws, treaties, rules, and regulations;
 - (o) Formulate and enforce a Code of Conduct for Responsible Fisheries and Code of Practice for Responsible Aquaculture;
 - (p) Promote international cooperation in the sector of fisheries and integrated ocean management;
 - (q) Impose administrative sanctions, including fines and penalties, for minor infractions in accordance with the schedules and limits as embodied in fisheries laws, rules, and regulations, and as agreed upon by the Department of Justice;
 - (r) Acquire, maintain, operate, purchase, lease, or dispose fisheries equipment and facilities such as, but not limited to: fish port, shipyard, fishing vessel, fishing gear, refrigerated truck, ice plant, cold storage, and aquaculture facilities through the Philippine Fisheries Development Authority (PFDA);

- (s) Fix, assess, collect, and adjust fees and charges for the use and sale of properties, equipment, facilities, and services to support the programs and projects of the Department;
- (t) Provide infrastructure support such as, but not limited to: municipal fishing port, municipal fish landing site, municipal fish market, fish health and food safety laboratory, local shipbuilding and repair facility, post-harvest facilities and access roads through the PFDA;
- (u) Establish and implement a National Marketing Assistance Program through the PFDA to ensure the generation of highest possible income for fisherfolk, and fishery-related enterprises by harmonizing fisheries supply with the demand from domestic and international markets; and
- (v) To perform such other functions as may be necessary to carry out the purposes of this Act or as may be provided by law.

Section 6. *Composition.* – The Department shall be headed by a Secretary. The Department proper shall be composed of the Office of the Secretary, the Offices of the Undersecretaries, and the assistant secretaries.

Section 7. *The 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 subject to the confirmation of the Commission on Appointments, and shall exercise the following duties and functions:

- (a) Exercise supervision and control over all bureaus, institutes, center, and offices under the Department;
- (b) Exercise authority and assume responsibility for the performance of the powers and functions of the Department;
- (c) Provide advice to the President on the promulgation of policies, rules and regulations, and other matters pertinent to the sustainable development, utilization and management of fisheries and other aquatic resources;
- (d) Establish policies and standards for the efficient and effective operation of the Department in accordance with established plans, programs, and standards of the Government;
- (e) Promulgate rules, regulations, and other issuances to carry out the mandates, objectives, plans, programs, and projects of the Department; and
- (f) Perform such other functions as may be provided by law or assigned by the President.

Section 8. *Undersecretaries.* -The Secretary shall be assisted by three (3) undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary: *Provided,* That two (2) of the undersecretaries shall be career officers.

Section 9. *Assistant Secretaries.* - The Secretary shall be assisted three (3) assistant secretaries who shall be appointed by the President upon the recommendation of the Secretary: *Provided*, That two (2) of the assistant secretaries shall be career officers.

Section 10. *Regional Offices.* – The Department may establish, operate, and maintain a regional office in the different administrative regions of the country as may be necessary. Each regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The Regional Director and Assistant Regional Director shall be appointed by the President upon the recommendation of the Secretary. The regional offices shall have support staff as may be necessary to perform the following duties and functions:

- (a) Implement laws, policies, plans, programs, projects, rules, and regulations of the Department;
- (b) Provide efficient and effective frontline services to the fisheries sector, particularly to municipal fishermen;
- (c) Coordinate with regional offices of other departments, offices, and agencies, as well as with the LGUs within their respective jurisdictions; and
- (d) Perform such other functions as may be provided by law or assigned by the Secretary.

Section 11. *Qualifications.* – No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless the appointee is a citizen and resident of the Philippines, of good moral character, of proven integrity, and with at least seven (7) years of competence and expertise in any of the following: biology, ecology, biogeochemistry, biotechnology, marine sciences, limnology, oceanography, fisheries management, or other related disciplines, either in the private or public sector.

No person shall be appointed Director of the Department unless the appointee is a citizen and resident of the Philippines, of good moral character, proven integrity, and with at least a degree in law or a graduate degree in biology, ecology, biogeochemistry, biotechnology, marine sciences, limnology, oceanography, fisheries management, or other experience in marine conservation, fisheries management, or related fields, either in the private or public sector.

Section 12. *Abolition, Transfer, and Merger of Agencies and Personnel.* – The Bureau of Fisheries and Aquatic Resources (BFAR) reconstituted by Republic Act No. 8550, is hereby abolished. All relevant functions, appropriations, records, properties, equipment, and personnel shall be transferred to the Department: *Provided*, That no official or employee of the BFAR shall be separated from the service in a manner inconsistent with Section 13 of this Act.

The National Fisheries and Aquatic Resources Management Council (NFARMC) created by Republic Act No. 8550 shall be transferred to the Department: *Provided*, That an Undersecretary in the Department shall be appointed as the Chairperson of the NFARMC.

The National Fisheries Research and Development Institute (NFRDI) created by Republic Act No. 8550 shall be transferred to the Department and shall serve as the principal research arm of the Department: *Provided*, That an Undersecretary of the Department and the Executive Director of the NFRDI shall be appointed as Chairperson and Vice-Chairperson of the NFRDI Governing Board: *Provided, further*, That no official or employee of the NFRDI shall be separated from the service in a manner inconsistent with Section 13 of this Act.

The Philippine Fisheries Development Authority (PFDA) created by Presidential Decree No. 977, as amended, shall be transferred as an attached government corporation equipment and personnel: *Provided*, That the Secretary shall be appointed as the Chairperson of the PFDA Board of Directors: *Provided, further*, That no official or employee of the PFDA shall be separated from the service in a manner inconsistent with Section 13 of this Act.

All other operating units of the Department of Agriculture (DA) with functions and responsibilities dealing with fisheries and aquatic resources, including units under its attached agencies and corporations, are hereby transferred to the Department: *Provided*, That no official or employee of the DA shall be separated from the service in a manner inconsistent with Section 13 of this Act.

Section 13. *Separation and Retirement from Service.* – Employees who are separated from service within six (6) months from the effectivity of this Act as a result of the consolidation and/or reorganization under the provisions of this Act shall receive separation benefits to which they may be entitled under Executive

Order No. 366, s. 2004: *Provided*, That those who are qualified to retire under existing retirement laws shall be allowed to retire and receive retirement benefits to which they may be entitled under applicable laws and issuances.

Section 14. *Organizational 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 bureaus, divisions, or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with the civil service law, rules, and regulations.

Section 15. *Transition Period.* – The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of the affected agencies, and the formulation of the internal organic structure, staffing pattern, operating system, and revised budget of the Department, shall be completed within six (6) months from the effectivity of this Act, during which time, the existing personnel shall continue to assume their posts in holdover capacities until new appointments are issued: *Provided*, That the Department, in coordination with the DBM, shall determine and create new positions, the funding requirements of which shall not exceed the equivalent cost of positions that may be abolished or reorganized.

Section 16. *Appropriations.* – The amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation of the BFAR and all agencies herein absorbed by or attached to the Department. Thereafter, the amount needed for the operation and maintenance of the Department shall be included in the General Appropriations Act.

Section 17. *Implementing Rules and Regulations* – Within sixty (60) days from the effectivity of this Act, the BFAR, Civil Service Commission (CSC), and DBM shall, in coordination with the DA, PFDA, NFRDI, NFARMC, and other government agencies concerned, promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

Section 18. *Separability Clause*. – If, for any reason, any provision of this Act or any part thereof shall be held unconstitutional and invalid, the other parts or provisions of this Act, which are not affected thereby, shall remain in full force and effect.

Section 19. *Repealing Clause*. – All laws, decrees, orders, rules, and regulations or parts thereof that are inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 20. *Effectivity*. – This Act shall take effect fifteen (15) days after its complete publication in at least (2) newspapers of general circulation or in the *Official Gazette*.

Approved,