



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

20th CONGRESS
1st Regular Session

HOUSE BILL NO. 9050



Introduced by Representative SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

AN ACT

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

EXPLANATORY NOTE

Our fishing sector is in crisis. A crisis so severe, stakeholders, including many local government officials, warn that enforcement alone is not enough. Fisheries production data collected by the Philippine Statistics Authority (PSA) for the last 20 years show a consistent decline in catch volumes of the top species.

We are all aware that the recorded decline in commonly caught fish is caused by overfishing, habitat destruction, and widespread illegal fishing, including the intrusion of commercial fishing vessels into municipal waters.

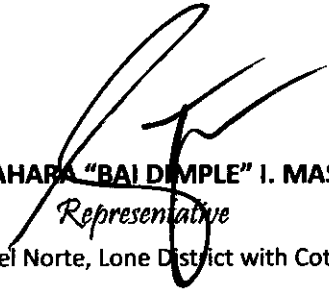
A multifaceted approach is therefore needed to address this crisis, including relentless and full implementation of vessel monitoring measures, stricter enforcement, application of existing laws, and, last but not most important, the protection, preservation, and conservation of marine habitats.

Against this backdrop, there is now the underlying need, long overdue in fact, to push for the creation of the Department of Fisheries and Aquatic Resources, an institution that is separate and distinct from the Department of Agriculture (DA), abolishing for this purpose the Bureau of Fisheries and Aquatic Resources (BFAR) reconstituted via Republic Act No. 8550, otherwise known as the "Philippine Fisheries Code".

The principles of rightsizing should be applied in the migration of BFAR into a full-pledged department so that the agency's efforts to address the growing needs of the fishing sector, existing problems, issues, and concerns, are more focused and streamlined, equipped with the requisite resources and authority.

This bill has been proposed in the 19th Congress and in every Congress before it. This proposed legislation is an iteration of the substitute bill that fell short of enactment due to a lack of material time.

Food security is a priority of this administration, and has been for every administration prior; thus, the passage of this bill will greatly contribute to the attainment of this goal.



SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

Representative

Maguindanao del Norte, Lone District with Cotabato City



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

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

CHAPTER I
POLICIES AND DEFINITIONS

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

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

It shall protect the rights of small-scale fisherfolk in the preferential use of communal marine, fisheries, and aquatic resources. It shall also be the policy of the State to support private initiatives in aquaculture and fisheries business ventures, both in the production and in the exportation or importation of fish and fisheries products and by-products.

Towards this end, the State shall provide the fisherfolk, fish farmers, processors of marine products, traders, and other investors with the appropriate technical, financial, entrepreneurial, and other support services to improve fish production, fish security, and self-sufficiency, and to uplift the lives of those dependent on the fisheries industry.

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

The Department shall have primary jurisdiction over the development, management, regulation, utilization, and disposition of all fisheries and aquatic resources of the country, including the habitats of fish and all other marine life and activities that impact these habitats. The Department shall coordinate with the Department of Environment and Natural Resources (DENR) and other appropriate agencies to ensure that its policies are in consonance with national government policies on the protection, preservation, and conservation of the environment and natural resources: Provided, That the use of municipal waters for fisheries shall be governed by Article I of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, as amended, and by Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended, and municipal fisherfolk shall retain the right to preferential use of municipal waters for fisheries: Provided further; that the development and management of municipal waters shall be undertaken jointly by the Department and local government units (LGUs), while the regulation and preservation, including the setting of rules, standards, and restrictions on their use, development, and management, shall be primarily the responsibility of the Department.

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

The Department shall have the responsibility of rationalizing all blue economy activities or initiatives which impact fisheries and aquatic 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 (I) 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 a 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 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 industry, 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 about 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 or personal, subject to such limitations as are provided under existing laws and regulations;

- l) Monitor the implementation of joint fishing agreements between Filipino citizens and foreigners who conduct fishing activities in international waters, and ensure that such agreements are not contrary to Philippine commitments under treaties or international agreements to which the Philippines is a party thereto;
- m) Formulate planning and investment policy for blue economy initiatives or activities, including identification of development, production, and protected areas, and marine spatial plans;
- n) Develop other blue economy initiatives to conserve, protect, or harness marine and coastal resources and ecosystems;
- o) Prescribe rules, regulations, procedures, and guidelines concerning the classification, establishment, construction, maintenance and operation of blue economy initiatives or activities.
- p) Provide development support services to fishermen and organizations of fishermen as well as those involved in all aspects of fisheries production, including processing and marketing, in collaboration with LGUs and related agencies;
- q) Provide advisory services and technical assistance to the LGUs in developing their technical capability in the development, management, regulation, conservation, and protection of the fisheries resources and in the improvement of quality of fish from the time they are caught on-board fishing vessels, at landing areas, in fish markets, to the processing plants, and to the distribution and marketing chain;
- r) Advise and coordinate with LGUs on the maintenance of proper sanitation and hygienic practices in fish markets and fish landing areas;
- s) Coordinate with LGUs and other concerned agencies for the establishment of inclusive productivity enhancing and market development programs in fishing communities to enable women and youth to engage in fisheries or other economic activities and contribute significantly to development efforts;
- t) Establish and administer a fisheries modernization credit program to fisheries projects of fisherfolk, fish farmers, fish processors, commercial fishers, and other qualified borrowers;
- u) Acquire, maintain, operate, purchase, lease or dispose, through the Philippine Fisheries Development Authority (PFDA), equipment and facilities such as shipyards, fishing vessels, fishing gears, and refrigerated trucks, ice plants and cold storages, communication, and aquaculture facilities;
- v) Fix, assess and collect reasonable fees, tolls, charges, and rentals, through the PFDA, for the use, sale of properties, equipment, facilities and services to support the Department's projects and to adjust the same as warranted;
- w) Provide through the PFDA infrastructure support such as municipal fishing ports and markets, farm-to-market roads, quality laboratories in fish ports, marketing facilities, local fisheries ship-building and repair facilities, and post-harvest facilities, in cooperation with concerned agencies;
- x) Conserve, protect, and rehabilitate rare, threatened and endangered aquatic species as it may determine, including their habitats and designate marine and other aquatic areas as protected areas for the special purposes stated in the notice of declaration in compliance with the relevant provisions of international treaties and agreements such as, the Convention on International Trade in Endangered Species of Wild Fauna and

Flora (CITES), United Nations Convention on the Law of the Sea (UNCLOS), and Convention on Biological Diversity (CBD);

- y) Adopt and implement a national plan of action to manage fishing capacity, implement the Code of Practice for Aquaculture and the Code of Conduct for Responsible Fisheries; and determine and declare fishery management areas as overexploited in coordination with the LGUs and FARMCs;
- z) Formulate policies for the conservation and management of straddling fish stocks, highly migratory fish stocks and threatened living marine resources such as sharks, rays and ludong, inter alia, in the Philippine Exclusive Economic Zone, territorial sea, archipelagic and internal waters, in coordination with LGUs and integrated/municipal or city Fisheries and Aquatic Resources Management Councils (FARMCs),
- aa) Enforce all fisheries laws, rules and regulations through its fishery officers and guardians, deputized government officials and employees, punong barangays and officers, and members of fisherfolk associations who have undergone training on law enforcement; and seek the assistance of other law enforcement agencies for the efficient and effective implementation of this Act.
- bb) Develop and implement a Monitoring, Control and Surveillance System (MCSS) for Philippine fisheries and oceans at the national and regional levels to ensure that the fisheries and marine resources in Philippine waters are judiciously and sustainably utilized and managed;
- cc) Establish a corps of technical specialists in collaboration with the Department of National Defense, Department of the Interior and Local Government, and the 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;
- dd) Issue identification cards free of charge to fish workers engaged in commercial fishing;
- ee) Issue licenses for the operation of commercial fishing vessels;
- ff) Exercise jurisdiction over all Philippine flagged fishing vessels operating in areas governed by a Regional Fisheries Management Organization (RFMO) in the high seas, or in waters of other coastal states;
- gg) 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;
- 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
- (c) Perform other functions as may be provided by law or assigned by the Secretary.

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

- (a) Evaluate international developments and assess their potential impact on Philippine fisheries;
- (b) Be responsible for developing and managing bilateral and multilateral affairs of the department, including trade, investment, and cooperation agreement negotiations and the coordination of their implementation;
- (c) Advocate for the Philippine fisheries and aquatic resources agenda in international organizations and bodies;
- (d) Lead in the development of national aquaculture and fisheries plans and budgets consistent with national policies; develop institutional mechanisms for periodic program assessment, and identify, develop and package development projects for implementation;
- (e) Develop and implement reliable and cost-effective information and communication technology systems;
- (f) Establish and maintain the Philippine fisheries and aquatic resources information system which shall be the principal depository and information server of all aquaculture and fisheries-related information in the country;
- (g) Assist the fisheries industries in the translation and implementation of the CNFIDP into operational plans and programs as well as appropriate technologies;
- (h) Develop a framework of cooperation and linkages with regional development councils, LGUs and national agencies in the management of the aquaculture, fisheries, and marine sectors;
- (i) Assist primarily, the secretary in supervising the operations of 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 resources 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, and 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 of 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:

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

CHAPTER III FISHERIES COMMISSION

SEC. 16. *Fisheries Commission.* — The Department is hereby empowered to hear and decide cases and impose administrative fines and penalties provided in the Fisheries Code, as amended, and other fisheries laws, rules, and regulations.

For this purpose, the Department shall organize a Fisheries Commission, hereinafter referred to as the Commission, an independent, regulatory and oversight body exercising quasi-judicial functions or administrative adjudication. The Commission shall be fiscally attached to the Department for policy and program coordination.

Parties to commercial fisheries-related disputes may also mutually and voluntarily seek arbitration from the Fisheries Commission for other fisheries-related disputes where the Fisheries Commission does not have automatic jurisdiction: Provided, that the arbitration of the Fisheries Commission on such disputes shall be binding on the parties that sought its arbitration.

SEC. 17. *Organizational Structure.* —

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

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

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

SEC. 19. Compensation and Other Emolument. — The compensation of the members of the Commission and its staff shall conform to the provisions of RA 6758, as amended, otherwise known as the Compensation and Position Classification Act of 1989, as amended, and other relevant laws.

SEC. 20. Powers and Functions. – The Commission shall exercise the following powers and functions:

- (a) Exercise exclusive authority and original jurisdiction to hear and decide cases involving violations of the Code, and other fisheries laws, rules, and regulations;
- (b) Issue and promulgate rules, regulations, and guidelines as may be necessary to implement and enforce the powers and functions of the Commission;

- (c) Fix reasonable fees, and impose administrative fines and surcharges as may be necessary for achieving the purposes, powers, and functions of the Commission;
- (d) Issue and review licenses authorizing the operation of commercial vessels;
- (e) Impose penalties and fines against any licensee or against its owners, officers, agents, or representatives for any violation of this Act or of the license, order, rule, regulation, or requirement issued by the Commission;
- (f) Promulgate rules and regulations for the conduct of 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 partnerships, 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 initiative, 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.

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

SEC. 24. *Accompanying Administrative Sanctions for Serious Violations.* – The Commission may impose the following additional sanctions in addition to the administrative penalties imposed for serious violations:

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

In case of repeated violations within five years, the amount of fine may be increased up to eight (8) times the value of the catch.

During the pendency of the administrative case, the Commission may order the impounding of the vessel or conveyance, gear, and other paraphernalia used in the commission of the offense. In applying these accompanying sanctions, the Commission shall take into account the seriousness of the violation as defined in Paragraph 82 of Section 4 of the Code, the habitually or repetition of violation, manner of commission of the offense, severity of the impact on the fishery resources and habitat, socioeconomic impact, cases of concealment or destruction of evidence, eluding arrest, resisting lawful orders, and other analogous circumstances. The overall level of sanctions and accompanying sanctions shall be calculated in a manner that is proportionate, effective, and dissuasive to deprive the offender of the economic benefits derived from the serious violation.

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 instead 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 that 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:

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

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

- (2) The Philippine Fisheries Development Authority created under Presidential Decree No. 977, s. 1976 entitled, "Creating The Philippine Fish Marketing Authority, Defining Its Functions And Powers, And For Other Purposes", including its relevant functions, appropriations, records, properties, equipment and personnel, is hereby attached to the Department: Provided, however, That the Secretary of the Department shall be the new Chairperson of the PFDA Board: Provided, further, That no official or employee of the PFDA shall be demoted or laid off in the implementation of this Section.
- (3) The Philippine Technical and Advisory Committee of the Southeast Asian Fisheries Development Center, Aquaculture Department (SEAFDEC/AQD) created under Executive Order No. 834, s. 1982 entitled, "Creating A National Board On The SEAFDEC Aquaculture Department Programs, Budget And Operations", including its relevant functions, appropriations, records, properties, equipment, and personnel, is hereby attached to the Department: Provided, That no official or employee of the Board shall be removed in the implementation of this section.

SEC. 27. *Transitory Provisions.* – In accomplishing the acts of organizing the Department as herein prescribed, the provisions of Republic Act No. 6656 or the Government Reorganization Law shall be complied with, particularly:

- (a) The transfer of a government unit or agency shall include the function, appropriations, funds, records, equipment, facilities, choses in action, rights, other assets and liabilities, if any, of the transferred unit or agency as well as the personnel thereof, as may be necessary, who shall, pending reappointment, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits in a hold- over capacity.
- (b) The transfer of functions which results in the change of agency management, choses in action, rights, and other assets as may be necessary to the proper discharge of the transferred functions. Its personnel shall, pending complete transfer, continue to perform their duties and responsibilities.
- (c) The transfer of functions which results in the change of agency management, choses in action, rights, and other assets as may be necessary to the proper discharge of the transferred functions. Its personnel shall, pending complete transfer, continue to perform their duties and responsibilities.

SEC. 28. *Absorption, Separation, and Retirement from Service.* The existing employees of the transferred, consolidated, and merged agencies under this Act shall enjoy security of tenure and shall be absorbed by the Department, in accordance with their staffing patterns and the selection process as prescribed under the Republic Act. No. 6656 or the Government Reorganization Law.

Employees who are affected by the creation of the Department and are separated from service within six (6) months from the effectivity of this Act as a result of the organization and reorganization under this Act, shall receive separation benefits under Republic Act No. 6656, or the Government Reorganization Law, and other applicable Civil Service Law, rules

and regulations: Provided, That those who are qualified to retire and receive retirement benefits under existing retirement laws shall be allowed to retire.

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

SEC. 30. *Appropriations.* — The amount needed for the initial implementation of this Act shall be taken from the current year's appropriations of the agencies, entities, divisions, sections, or bodies abolished or transferred to the Department by virtue of this Act. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

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

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

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

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

Approved,