

SENATE

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S. B. No. 937

FILED BY: 

INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS
BARAQUEL

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

EXPLANATORY NOTE

The fisheries industry provides both food security and livelihood to millions of Filipinos. The decline in the fish catch from degraded fishery resources significantly contributed to the high incidence of poverty in the sector at 39.2 % in 2014, according to the Comprehensive National Fisheries Industry Development Plan 2016-2020. Some 1.6 million fisherfolks residing in coastal communities are vulnerable to the worsening resource use conflict and the resulting increase in the competition for food. A recent paradigm shift was adopted to address this resource depletion. From exploitative, demand-driven, production-based fisheries, a scientific, sustainable, ecosystems-based fisheries management was adopted.

However, developments in the fishing grounds and markets, such as the ASEAN integration, the short return rates of climate change events and other hazards coupled with the low coping capacity of the fishing industry, and pervasive issues such as the depletion of fish stocks, degradation of fishery habitats, overfishing, and international poaching especially in our contested maritime zones, continue to challenge our current institution, the Bureau of Fisheries and Aquatic Resources, only an attached agency, that is mandated to perform the overwhelming task of managing the utilization of our fishery resources and the protection of our marine life and environment.

With the following objectives of the fisheries industry under the Comprehensive National Fisheries Industry Development Plan 2016-2020, to wit: providing sufficient contributions to national food security; inclusive growth within the industry; sustainable science-based fisheries and aquatic resource management practices; compliance to international laws, policies, and standards, and enforcement of local laws and regulations; strengthened capacities to infrastructure, technologies, human resource, and information sharing, and resilience to environmental hazards, a strengthening of the State's mandate and capacity to regulate the use of the ocean, marine life, and other bodies of water is imperative.

This bill will create a Department of Ocean, Fisheries and Aquatic Resources, an institution that will manage, conserve, and develop our fisheries and aquatic resources and rationalize all ocean sector initiatives within our jurisdiction. The establishment of this body is the response to the challenges that is besetting our fisheries industry and the key to achieve the objectives set in our national fisheries industry development plan.

The passage of this bill is earnestly sought.

ana theresa hontiveros baraquiel
ANA THERESIA "RISA" HONTIVEROS BARAQUEL
Senator



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

CHAPTER I
GENERAL PROVISIONS

1
2
3
4 **SECTION 1.** *Short Title.* This Act shall be known as the "Department of Ocean,
5 Fisheries and Aquatic Resources Act of 2014."
6
7

8 **SECTION 2.** *Declaration of Policies.* It is hereby declared the policy of the State:
9

10 a. to promote the sustainable development and management of all fisheries and marine
11 resources in Philippine waters including the exclusive economic zone (EEZ) and in the
12 adjacent high seas consistent with the objective of maintaining a sound ecological balance,
13 protecting and enhancing the quality of the environment;
14

15 b. to protect and conserve the nation's marine wealth in its archipelagic waters,
16 territorial sea and exclusive economic zone and reserve its use and enjoyment exclusively to
17 Filipino citizens;
18

19 c. to adopt the precautionary principle and to prioritize conservation of the country's
20 marine and aquatic resources;
21

22 d. to protect the rights of small-scale fishermen in the preferential use of communal
23 marine, fisheries and aquatic resources;
24

25 e. to protect fisherfolk communities from the adverse effects of climate change and
26 severe weather disturbances.
27

28 **SECTION 3.** *Department of Ocean, Fisheries and Aquatic Resources.*—To carry
29 out the above-declared policy, there is hereby created the Department of Ocean, Fisheries and
30 Aquatic Resources, hereinafter referred to as the Department,
31

1 **SECTION 4. *Mandate.***- The Department shall exercise primary jurisdiction over the
2 management, conservation, development, protection, utilization and disposition of all fishery
3 and aquatic resources of the country, including the habitats of fish and all other marine life
4 and over activities which impact on these habitats, except for municipal waters, which shall
5 remain under the jurisdiction of local government units. The latter shall manage their
6 municipal waters in accordance with existing national fishery policies, laws, rules and
7 regulations.

8
9 The Department shall have the authority to supervise and regulate the production and
10 capture of fish and fishery products within its jurisdiction, as well as the processing and
11 marketing of all fisheries and aquatic products in the country.

12
13 The Department shall have the responsibility of rationalizing all ocean sector initiatives
14 which impact on fish and marine resources or their habitat including, but not limited to:
15 marine energy exploration and development; coastal and marine tourism; designation of
16 shipping lanes; protected areas; and, marine industry development areas. The regulation of
17 these marine activities, once rationalized by the Department, shall reside with the parent
18 agency for the appropriate sector involved.

19
20 **SECTION 5. *Powers and Functions.***- To accomplish its mandate, the Department
21 shall have the following powers, functions and responsibilities:

- 22
23 (a) Authority and responsibility over ocean use on fisheries and their habitat;
24
25 (b) Coordinate the implementation of fisheries and ocean sector policies, plans and
26 laws for all maritime components;
27
28 (c) Promulgate and enforce fisheries and oceans habitat regulations, clarify and amplify
29 the aforementioned departmental mandate in accordance with the published fisheries and
30 oceans management and protection plans within its territorial jurisdiction;
31
32 (d) Prepare and implement a comprehensive Fisheries Management and Protection
33 Plan, based on the precautionary principle and the principle of sustainable development, using
34 scientifically-generated information or best available evidence on the status of the fisheries
35 and marine resources;
36
37 (e) Formulate and implement, consistent with the development framework of the
38 National Economic and Development Authority (NEDA), a fishery industry development
39 program and set policies and standards for the efficient and economic operations of the
40 fishing industry in accordance with the objectives of food security and sustainable
41 development;
42
43 (f) Promulgate laws, rules and regulations governing the conservation and proper
44 utilization of fisheries and aquatic resources except in municipal waters;
45
46 (g) Issue licenses for the operation of commercial fishing vessels and permits for the
47 conduct of fishery activities subject to the specific carrying capacities of the resource as
48 determined by scientific studies or best available evidence with preference given to resource
49 users in the local communities living adjacent or nearest to the municipal waters;
50
51 (h) Issue fish worker licenses and identification cards free of charge to fish workers
52 engaged in commercial fishing;
53
54

1 (i) Implement the provisions of Republic Act No. 8550 and the relevant provisions of
2 Republic Act No. 8435 and enforce all fishery laws, rules and regulations through its fishery
3 officers and guardians who shall be vested with full police powers including arrest, search and
4 seizure and through deputized government officials and employees, punong barangays and
5 officers and members of fisher folk associations who have undergone training on law
6 enforcement;

7
8 j) Perform quasi-judicial and allied functions and settle conflicts of resource use and
9 allocation in consultation with the NFA/ARMC and LGUs;

10
11 (k) Prescribe rules and regulations including visitorial powers, procedures and
12 guidelines concerning the classification, establishment, construction, maintenance and
13 operation of all fishing ports, landing sites and fish markets and the operation of business
14 therein except those that are owned and operated by local government units;

15
16 (l) Establish and maintain a Philippine Fisheries and Aquatic Resources Information
17 System (PFARIS) that will function as the principal depository and information server of all
18 fisheries and ocean-related information in the country, including but not limited to the status
19 of fisheries and marine resources and their habitat, all matters pertaining to fisheries
20 production, processing, marketing and research results and technology advances;

21
22 (m) Develop and implement a Monitoring Control and Surveillance System (MCSS) for
23 Philippine fisheries and oceans at the national and regional levels to ensure that the fisheries
24 and marine resources in Philippine waters are judiciously and wisely utilized and managed on a
25 sustainable basis;

26
27 (n) Actively engage in the conservation, protection and rehabilitation of rare,
28 threatened and endangered marine and fresh-water species as it may determine, including their
29 habitats;

30
31 (o) Implement relevant provisions of international treaties and agreements such as, but
32 not limited to, the Convention on the International Trade in Endangered Species of Wild
33 Flora and Fauna, United Nations Convention on the Law of the Sea, Convention on
34 Biological Diversity, and formulate rules and regulations for the conservation and management
35 of straddling fish stocks and highly migratory species;

36
37 (p) Designate marine areas as protected areas for the special purposes stated in the
38 notice of declaration;

39
40 (q) Formulate and enforce the Code of Practice for Aquaculture and Code of Conduct
41 for Responsible Fisheries;

42
43 (r) Promote international economic and technical cooperation in the fisheries and
44 oceans sectors and in integrated oceans management, especially within the ASEAN region;

45
46 (s) Impose administrative sanctions including fines for minor fisheries and ocean
47 infractions, in accordance with the schedules and limits as agreed upon by the Department of
48 Justice and embodied in fisheries regulations;

49
50 (t) Acquire, maintain, operate, purchase, lease or dispose, through the Philippine
51 Fisheries Development Authority (PFDA), equipment and facilities such as shipyards, fishing
52 vessels, fishing gears, and refrigerated trucks, ice plants and cold storages, communication, and
53 aquaculture facilities;

1 (u) Fix, assess and collect reasonable fees, tolls, charges, rentals and the like, through
2 the PFDA, for the use, sale of properties, equipment, facilities and services to support the
3 Department's projects and to adjust the same as warranted;

4
5 (v) Provide, through the PFDA, infrastructure support such as municipal fishing ports
6 and markets, farm-to-market roads, quality laboratories in fish ports, marketing facilities, local
7 fisheries shipbuilding and repair facilities, and post-harvest facilities, in cooperation with
8 concerned agencies;

9
10 (w) Establish and implement, through the PFDA, a National Marketing Assistance
11 Program, aimed at ensuring the generation of the highest possible income for fisher folk and
12 fishery-related enterprises, matching supply and demand in both domestic and foreign
13 markets;

14
15 (x) Establish and create fisherfolk settlement areas in coordination with concerned
16 agencies, where certain areas of the public domain, specifically near the fishing grounds, shall
17 be reserved for the settlement of the municipal fisherfolk;

18
19 (y) Administer a fisheries modernization credit program to finance fishery projects of
20 fisher folks, fish farmers, fish processors, commercial fishers and other qualified borrowers;
21 and

22
23 (z) Perform all other functions consistent with this Act and as may be provided by law.
24

25 CHAPTER II

26 THE DEPARTMENT PROPER

27
28 **SECTION 6. Composition.**- The Department shall be composed of the Office of
29 the Secretary and three (3) Undersecretaries for Fisheries Production and Utilization, Fisheries
30 Conservation and Management, and for Operations, three (3) Assistant Secretaries, one
31 council, the National Fisheries and Aquatic Resources Management Council, one institute, the
32 National Fisheries Research and Development Institute, one office, the Office of Ocean and
33 Marine Affairs and the following services: the Philippine Fisheries and Aquatic Resources
34 Information Service, the Fisheries Inspection and Quarantine Service, the Bureau of Fishery
35 Economics and Statistics, Policy Analysis and Planning Service, as well as Personnel, Finance,
36 Legal and Property and General Services.

37
38 The Office of Ocean and Marine Affairs shall have authority and responsibility over
39 ocean use. It shall be the Department's primary agency tasked with the implementation of the
40 National Marine Policy and the relevant provisions of the United Nations Convention on the
41 Law of the Sea. Any and all use of the ocean shall require the assessment and clearance by this
42 Office, which shall rationalize initiatives that will negatively impact on fisheries or their habitat.
43 It shall coordinate the implementation of fisheries and ocean sector policies, plans and laws
44 for all maritime components. It shall be headed by a Director and shall have the following
45 divisions:

- 46
47 (a) Oceans Use Assessment and Clearance Division;
48 (b) National and International Oceans Law and Policy Division;
49 (c) Special Projects Division; and
50 (d) Technical Division.

51
52 The Philippine Fisheries Development Authority (PFDA) created by Presidential
53 Decree No. 977 as amended, shall be an attached agency of the Department of Fisheries and
54 Aquatic Resources under the Office of the Secretary.

1
2 **SECTION 7.- *The Secretary of Fisheries and Aquatic Resources.*** The Secretary
3 of Fisheries and Aquatic Resources, hereinafter referred to as the Secretary, shall be appointed
4 by the President with the consent of the Commission on Appointments, and shall have the
5 following functions:

6
7 (a) Exercise supervision and control of the Department and the Bureaus, Offices and
8 Institutes under it;

9
10 (b) Authority and responsibility for the performance of the powers and functions of
11 the Department;

12
13 (c) Advise the President on the promulgation of policies, rules and regulations, and
14 other issuances relative to the sustainable development and management of fisheries and
15 oceans resources;

16
17 (d) Establish management policies and standards for the efficient and effective
18 operation of the Department in accordance with the programs of the government;

19
20 (e) Promulgate rules, regulations and other issuances in carrying out the Department's
21 mandates, objectives, policies, plans, programs and projects; and

22
23 (f) Perform such other functions as may be provided by law or assigned by the
24 President.

25
26 **SECTION 8. *Functions of the Undersecretaries of the Department of Fisheries***
27 ***and Aquatic Resources.***- There shall be three (3) Undersecretaries, namely: the
28 Undersecretary for Fisheries Production and Utilization; the Undersecretary for Fisheries
29 Conservation and Management; and the Undersecretary for Operations; who shall be
30 appointed by the President upon the recommendation of the Secretary.

31
32 The Undersecretaries for Fisheries Production and Utilization and for Fisheries
33 Conservation and Management shall have the following functions:

34
35 (a) Advise the Secretary on the formulation of policies, programs, plans, rules and
36 regulations, as well as on the promulgation of Department Order, Administrative Orders, and
37 other issuances with respect to his/her area of responsibility;

38
39 (b) Exercise supervision and control over the bureaus, offices, services and operating
40 units under his/her responsibility;

41
42 (c) Coordinate the functions and activities of the units under his/her responsibility
43 with those of other units in the Department;

44
45 (d) Liaise with concerned government departments, agencies, and offices to ensure
46 effective coordination in the management of the fisheries and oceans sector; and

47
48 (e) Perform such other functions as may be provided by law or assigned by the
49 Secretary.

50
51 The Undersecretary for Operations shall have the following functions:

52
53 (a) Exercise supervision and control over the regional offices;

1 (b) Coordinate, harmonize and package the policies, plans, programs and projects of all
2 the Bureaus, Services, Offices and Units of the Department, for the proper implementation by
3 the regional offices;
4

5 (c) Advise the Secretary in the formulation of policies, plans and programs as well as
6 on the promulgation of rules, regulations and orders with respect to his/her area of
7 responsibility;
8

9 (d) Exercise supervision and control over the Fisheries Inspection and Quarantine
10 Service and the Bureau of Fishery Economics and Statistics;
11

12 (e) Establish linkage with local government units, local fisher folk associations and
13 organizations, non-government organization and peoples' organization and supervise support
14 and extension services at the regional, provincial and municipal levels; and
15

16 (f) Perform other functions as may be provided by law or assigned by the Secretary.
17

18 **SECTION 9. Assistant Secretaries.**- There shall be three (3) assistant secretaries,
19 namely, one (1) for The Assistant Secretaries shall be appointed by the President upon the
20 recommendation of the Secretary.
21

22 **SECTION 10. Regional Offices and Functions.**- The Department shall have such
23 department-wide regional offices as may be necessary in the administrative regions, each to be
24 headed by a Regional Director, who shall be assisted by an Assistant Regional Director, each
25 regional office shall have support staffs as may be necessary and four line divisions which shall
26 have the following duties and responsibilities:
27

28 (1) Provide efficient and effective front-line service to the fishery and aquatic industry
29 sector, particularly to the municipal fishermen;
30

31 (2) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects,
32 rules and regulations of the Department;
33

34 (3) Coordinate with the Regional Office of other departments, offices and agencies in
35 the region; and
36

37 (4) Perform other functions as may be provided by law or assigned by the Secretary.
38

39 **SECTION 11. Qualifications.**- No person shall be appointed as Secretary,
40 Undersecretary or Assistant Secretary of the Department unless he or she is a citizen or
41 resident of the Philippines, of good moral character, of at least a degree holder in fisheries,
42 public administration, management, economics, law or any other equivalent relevant discipline,
43 has actual experience in public administration and management for at least ten (10) years.
44

45 The Directors must have a degree in law or Master of Science degree in marine fisheries,
46 oceanography, fisheries biology, marine biology, fisheries technology, microbiology or related
47 sciences, or public administration and at least five years of experience either in the public or
48 private sector, in marine fisheries research and development, or in the fisheries industry.
49

50 **SECTION 12. Bureaus, Offices and Divisions.**-Subject to the power of the Secretary,
51 with the approval of the President, to reorganize, restructure, and redefine the functions of
52 the bureaus, in order for them to effectively carry out their mandate under this Act, the
53 Department shall have the following bureaus and services: Bureau of Aquaculture and Inland
54 Fisheries, Bureau of Post-harvest and Fisheries Product Standards, Bureau of Fisheries

1 Extension, Training, and Support Service, Bureau of Fishing Technology and Capture
2 Fisheries, Fisheries Modernization Credit and Financing Agency, Marine Resources
3 Conservation and Management Bureau, Bureau of Marine Protected Areas and Wildlife,
4 Fisheries Inspection and Quarantine Inspection Service and Bureau of Fishery Economics
5 and Statistics.

6
7 Under the supervision and control of the Undersecretary for Fisheries Production and
8 Utilization, the following bureaus, services and offices are hereby created:

9
10 (a) **Bureau of Aquaculture and Inland Fisheries (BAIF)** – The BAIF shall,
11 among others, be responsible for:

- 12
13 (1) regulating aquaculture operations in line with the International Code of
14 Conduct for Aquaculture, promoting the intensification of aquaculture
15 operations in existing areas;
16 (2) formulating aquaculture development programs;
17 (3) establishing and maintaining model aquaculture farms and ponds;
18 (4) providing technical assistance to cooperatives and fishpond operators in the
19 development of a viable fishmeal and fish feeds industry, undertaking inland
20 fishery resources evaluation; and
21 (5) recommending management and conservation measures.

22
23 The Bureau shall be headed by a Director and assisted by one Assistant Director. The
24 bureau shall be composed of the following divisions:

- 25
26 (1) Aquaculture Management and Development Division;
27 (2) Inland Fisheries Resource Assessment and Conservation Division;
28 (3) Inland Fishery Development and Extension Division; and the
29 (4) Environmental Impact Assessment and Monitoring Division.

30
31-
32 (b) **Bureau of Post-harvest and Fisheries Product Standards (BPFPS)** – The
33 fishery component of the Bureau of Agriculture and Product Standards created under Section
34 61 of RA 8435 shall be transferred to the BPFPS which shall:

- 35
36 (1) formulate and enforce standards of quality in the processing,
37 preservation, packaging, labeling, importation, exportation, distribution, and advertising
38 of fishery products;
39 (2) conduct research on product standardization, alignment of the local
40 standards with the international standards; and
41 (3) promote and strengthen semi-processing and handling;

42
43
44 The BPFPS shall have a Director, two Assistant Directors, one for Product Standards
45 and Technical Services and the other for Industry Compliance and Consumer Protection and
46 the following divisions:

47
48 Under the Assistant Director for Product Standards and Technical Services are the
49 following:

- 50
51 - Technical Services Division
52 - Fish Processing Technology Division
53 - Standards Development and Promotion Division; and

1 - Value-added Products Development and Promotion Division.

2
3 Under the Assistant Director for Industry Compliance and Consumer Protection are
4 the following:

- 5
6 - Industry Compliance Division;
7 - Consumer Affairs Division; and the
8 - Arbitration and Dispute Resolution Division.
9

10 **(c) Bureau of Fisheries Extension, Training, and Support Service (BFETSS)** – The
11 BFETSS shall:

12
13 (1) coordinate all development activities with respect to fisheries and oceans
14 technology, and shall have a development section for all components including inland and
15 oceans fishing;

16 (2) formulate a National Extension System for Fisheries, which shall be composed
17 of three (3) subsystems: the national government subsystem, the local government subsystem
18 and the private sector subsystem;

19 (3) deliver the following major services: training services; credit and financing
20 support services, business advisory services; demonstration services, and information and
21 communication support services through tri-media.
22

23 It shall have the following divisions:

- 24
25 - Training and Skills Development Division;
26 - Technology Transfer and Demonstration Division;
27 - Business Advisory and Information Support Division; and
28 - Training Centers.
29

30 **(d) The Bureau of Fishing Technology and Capture Fisheries (BFTCF)** - The
31 BFTCF shall have direct supervision and control over the utilization of marine resources
32 including commercial, international and small-scale fisheries. It shall formulate development
33 programs for the expansion of the marine fishery industry; explore new fishery resources and
34 development of environment friendly but efficient fishing gears.
35

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

- 38
39 - Municipal Fisheries Division;
40 - Commercial Fisheries Division;
41 - Fishing Technology Division; and
42 - High Seas Fisheries Division;
43

44 **(e) The Fisheries Modernization Credit and Financing Agency (FMCFA)** – The
45 FMCFA shall administer the funds under Sections 108 to 113 of RA 8550 as well as the
46 fisheries related provisions of Sections 20 to 25 of RA 8435, harmonizing and integrating the
47 two so as to package and deliver various credit assistance programs for the following:
48

- 49 - Fisheries production including processing of fisheries products and inputs;
50 - Acquisition or construction of fishery equipment, machinery, fishing vessels and fishing
51 gears;
52 - Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
53 - Procurement of fisheries products for storage, trading, processing and distribution;

- 1 - Construction, acquisition and repair of facilities for production, processing, storage,
2 transportation, communication, marketing and such other facilities in support of
3 fisheries; economic activities; and
4 - Working capital for fisheries graduates to enable them to engage in fisheries-related
5 activities which support marine and freshwater bodies conservation and ecology-
6 enhancing activities such as but not limited to mangrove reforestation, promotion of
7 whale shark and manta ray and other endangered marine species watching and
8 ecotourism; and
9 - Development of appropriate technology, both in fishery and ancillary industries that
10 are ecologically sound, locally source-based and labor intensive, based on the
11 requirements of the Fisheries and Aquatic Management Councils.
12

13 Under the supervision and control of the Undersecretary for Fisheries Conservation and
14 Management, the following bureaus, units, board and services are hereby created:
15

16 **(a) Marine Resources Conservation and Management Bureau** – The Marine
17 Resources Conservation and Management Bureau is a line bureau tasked with the formulation
18 and implementation of a Comprehensive Fisheries Management Plan. It shall undertake
19 marine fishery resources assessment and biological and environmental investigations and
20 formulate conservation measures. In coordination with the National Fisheries Research and
21 Development Institute, it shall determine and establish the carrying capacity and total
22 allowable catch (TAC) for a particular resource and location. It shall set the allowable fishing
23 effort based on the carrying capacity of the resource and TAC and accordingly issue
24 commercial fishing licenses and permits.
25

26 It shall be headed by a Director and two Assistant Directors and shall have the
27 following divisions:
28

- 29 (1) Coastal Resources Management Division;
30 (2) Oceanography Division;
31 (3) Fisheries Licensing Division;
32 (4) Biotechnology, Bio-safety and Bio-prospecting Division; and the
33 (3) Fisheries Law Enforcement Division.
34

35 The Fisheries Law Enforcement Division shall operate the National and Zonal
36 Monitoring Surveillance System. It shall establish fishery air and ocean patrol as well as
37 conduct law enforcement trainings and recommend to the Secretary the deputation of
38 government employees and members of fisher folk associations as fishery guardians. It shall
39 have the supervision and control of fishery officers and guardians and the corps of specialists
40 responsible for the enforcement of fishery laws, rules and regulations and the efficient
41 monitoring and surveillance of fishing activities within Philippine territorial waters. It shall
42 have the following units:
43

44 (a) The National and Fisheries Zone Monitoring and Surveillance Center which shall
45 have a National Coordinating Center and several Fisheries Zones Monitoring and Surveillance
46 Centers. It is further subdivided into the Vessel Tracking and Remote Sensing Office, and the
47 Database and Information Center;
48

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

1
2 **(b) The Bureau of Marine Protected Areas and Wildlife (BMPAW)** – The BMPAW is a
3 line bureau responsible for establishing and maintaining marine protected areas and wildlife
4 sanctuaries. It shall lead in the conduct of scientific researches on the proper strategies for the
5 conservation and protection of marine wildlife and their habitat including breeding or
6 propagation. It shall also establish Marine Wildlife Rescue Centers to take custody of all
7 confiscated, stranded or abandoned marine wildlife. It shall have the authority to issue
8 Committee on International Trade on Endangered Species (CITES) Permits and shall be both
9 the CITES Management and Scientific Authorities of the Philippines. It shall be the lead
10 agency in the fulfillment of the country's obligations under CITES, the Convention on
11 Biological Diversity and other treaties and international agreements. Related functions and
12 activities currently undertaken the Protected Areas and Wildlife Bureau (PAWB) of the
13 Department of Environment and Natural Resources are now transferred to the BMPAW.
14 Likewise, all established marine protected areas currently supervised by the PAWB shall now
15 be transferred to the BMPAW for supervision and management.

16
17 The Bureau shall have the following divisions:

- 18
19 (1) Marine Protected Areas Division;
20 (2) Marine Wildlife Rescue Centers;
21 (3) CITES Management Authority;
22 (4) Endangered Marine Species Captive Breeding Centers;
23 (5) Endangered Marine Wildlife Research Center shall be the Department's CITES
24 Scientific Authority which shall coordinate with academic institutions designated as
25 scientific authorities; and the
26 (6) Biodiversity Division
27

28 The Undersecretary for Operations shall have direct control and supervision over
29 all regional offices and the following unit and bureau:
30

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

43
44 It shall have the following units:

- 45
46 (1) Regional fishery Inspection and Quarantine Offices;
47 (2) Cyanide Detection Centers;
48 (3) Product Standards Enforcement Division;
49 (4) Regional Fish Health Centers.
50

51 **(b) The Bureau of Fishery Economics and Statistics (BFES)** – The BFES shall be a line
52 bureau responsible for establishing benchmark data on the structure of the fishery industry. It
53 shall conduct research and studies on the socio-economics of various fishery operations, collect
54 data on fishery production, and establish a network of fishery information, documentation and

1 dissemination.

2

3 It shall have the following divisions:

4

5 (1) Fishery Statistics Division;

6 (2) Socioeconomic Division; and the

7 (3) Fishery Information Division.

8

9 There shall be an Office of Ocean and Marine Affairs shall have authority and
10 responsibility over ocean use. It shall be the Department's primary agency tasked with the
11 implementation of the National Marine Policy and the relevant provisions of the United
12 Nations Convention on the Law of the Sea. Any and all use of the ocean shall require the
13 assessment and clearance by this Office, which shall rationalize initiatives that will negatively
14 impact on fisheries or their habitat. It shall coordinate the implementation of fisheries and
15 ocean sector policies, plans and laws for all maritime components. It shall be headed by a
16 Director and shall have the following divisions:

17

18 (a) Oceans Use Assessment and Clearance Division;

19 (b) National and International Oceans Law and Policy Division;

20 (c) Special Projects Division; and

21 (d) Technical Division.

22

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

26

27

28 CHAPTER IV 29 TRANSITORY PROVISIONS

30

31 **SECTION 13. *Abolition, Transfer and Merger.*** The Bureau of Fisheries and Aquatic
32 Resources reconstituted by Republic Act No 8550, is hereby abolished and its relevant
33 functions, appropriations, records, properties, equipment and personnel are hereby transferred
34 to the Department of Fisheries and Aquatic Resources: Provided, however, That no official or
35 employee of the BFAR shall be laid off in the implementation of this section. The National
36 and Municipal Fisheries and Aquatic Resources Management Councils created by Republic Act
37 No. 8550 shall be transferred to the Office of the Secretary of the Department of Fisheries
38 and Aquatic Resources.

38

39 The National Fisheries Research and Development Institute created by Republic Act
40 No.8550 is transferred to the Department and shall serve as its principal research arm. The
41 Philippine Fisheries Development Authority created by Presidential Decree No. 977 including
42 its relevant functions, appropriations, records, properties, equipment and personnel, is hereby
43 transferred to the Department of Fisheries and Aquatic Resources as an attached agency
44 under the Office of the Secretary: Provided, however, That the Secretary of the Department
45 of Fisheries and Aquatic Resources shall be the new chairman of the Board: Provided,
46 further, That no official or employee of the PIFDA shall be laid off in the implementation of
47 this Section.

48

49 The Philippine Technical Advisory Committee of the SEAFDEC Aquaculture
50 Department created under Executive Order No. 834 dated October 4, 1982, including its
51 relevant functions, appropriations; records, properties, equipment and personnel, is hereby
52 transferred and attached to the Department of Fisheries and Aquatic Resources: Provided,
53 That no official or employee of the Board shall be laid off in the implementation of this
54 section.

1
2 The fisheries related functions of the Laguna Lake Development Authority, including its
3 relevant appropriations, records, and personnel, are hereby transferred to the Department of
4 Fisheries and Aquatic Resources: Provided, however, that no official or employee of the
5 LLDA shall be laid off in the implementation of this Section.
6

7 The Philippine Council for Aquatic and Marine Research and Development is abolished
8 and all its personnel, records, appropriations, property and equipment are transferred to the
9 National Fisheries Research and Development Institute of the Department of Fisheries and
10 Aquatic Resources.
11

12 The Marine Research and Conservation Division and the different Sections and the
13 Coastal Environment Program including its relevant appropriations, personnel, records,
14 property and equipment, all marine and coastal related projects and programs of the
15 Department of Environment and Natural Resources, and all fisheries related functions of the
16 DENR under Executive Orders No. 192 and 292, except the functions of the enforcement of
17 water pollution laws, rules and regulations, are hereby transferred to the Department of
18 Fisheries and Aquatic Resources.
19

20 The fisheries-related sections of the Bureau of Agricultural Research, the Bureau of
21 Agricultural Statistics and the Agricultural Training Institute of the Department of Agriculture
22 are hereby abolished and all its personnel, records, appropriations, property and equipment are
23 transferred to the Department of Fisheries and Aquatic Resources.
24

25 **SECTION 14. *Transitory Provisions.*** In accomplishing the acts of organizing the
26 department as herein prescribed, the following provisions shall be complied with:
27

28 (a) The transfer of a government unit or agency shall include the functions,
29 appropriations, funds, records, equipment, facilities, chooses in action rights, other assets and
30 liabilities, if any, of the transferred unit or agency as well as the personnel thereof, as may be
31 necessary, who shall, pending reappointment, continue to perform their respective duties and
32 responsibilities and receive the corresponding salaries and benefits in a hold-over capacity;
33

34 (b) The transfer of functions which results in the abolition of the government unit or
35 agency that has exercised them, shall include the appropriations, funds, records, equipment,
36 facilities, chooses in action, rights, other assets and personnel as may be necessary to the
37 proper discharge of the transferred functions. Its liabilities, if any, shall likewise be treated in
38 accordance with the Government Auditing Code and other pertinent laws, rules and
39 regulations. Its personnel shall, pending reappointment, continue to perform their duties and
40 responsibilities and receive the corresponding salaries and benefits in a holdover capacity.
41

42 **SECTION 15. *Organization Committee.*** The duly appointed Secretary of Fisheries
43 and Aquatic Resources shall immediately create an organization committee which shall study
44 and formulate the staffing pattern, qualification standards, and placement of personnel in the
45 Department, its services, bureaus, and offices. The Committee shall be composed of
46 representatives from the Department of Budget and Management, Civil Service Commission,
47 the fishery industry and the academe.
48

49 **SECTION 17. *Appropriations.*** For the effective implementation of this Act, the
50 amount of \$5 billion pesos is hereby appropriated from the unappropriated funds of the
51 National Treasury and the current budgetary appropriations of the Bureau of Fisheries and
52 Aquatic Resources, including its regional offices, the appropriations of the Philippine Fishing
53 Development Authority, and the budgetary provision of the Philippine Council for Aquatic
54 and Marine Research Development. The amount necessary for the construction of a national

1 office of the Department of Fisheries and Aquatic Resources equivalent to P500,000,000.00 is
2 hereby appropriated from the unappropriated funds of the National Treasury. The revenues
3 which the Department will generate from its licensing operations, the fees collected & the
4 proprietary services delivered by the Department, and the administrative fines imposed by the
5 National Fisheries Regulatory and Adjudication Bond shall constitute the Department's
6 revolving fund from which amounts necessary to carry out the special research projects,
7 management and conservation programs, staff development programs, and the acquisition of
8 equipment, vessels, and airplanes, helicopters of the Monitoring and Surveillance Center shall
9 be taken: Provided, however, That the fishpond rentals shall accrue to the National Fisheries
10 Research and Development Institute as provided under Section 46 (c) of Republic Act No.
11 8550. The use of such funds shall be subject to COA rules and regulations.

12
13 **SECTION 18. *Separability Clause.*** If any provision of this Act is declared
14 unconstitutional, or inoperative, the other provisions not so declared shall remain in full force
15 and effect.

16
17 **SECTION 19. *Repealing Clause.*** All laws, decrees, orders, rules and regulations or
18 parts thereof inconsistent with this Act or the rules and regulations promulgated pursuant
19 thereto are hereby repealed or amended accordingly.

20
21 **SECTION 20. *Effectivity.*** This Act shall take effect fifteen (15) days after publication
22 in two (2) national newspapers of general circulation.

23
24 Approved,