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NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 25 A10 :21

SENATE

RECEIVED BY: 

S. No. 790

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
ESTABLISHING THE NATIONAL MARICULTURE PROGRAM AND
PROVIDING FUNDS THEREFOR**

EXPLANATORY NOTE

The Philippine archipelago of 7,641 islands is endowed with vast marine resources. In fact, the country has 2.2 million square kilometers of total territorial water area and 17,460 kilometers of shoreline. Hence, it is no surprise that fishing figures heavily in the Filipino way of life.

The fishing industry contributes roughly 1.5% to the country's gross domestic product (GDP), as the sector provides employment and livelihood to more than two million Filipinos. The country also ranks among the top fish producing countries in the world, and one of the biggest producers of aquatic plants, including seaweed¹.

This bill seeks to further strengthen the sector through the establishment of a National Mariculture Program.

Mariculture refers to an integrated branch of aquaculture designed to produce fish through sea cages, long lines and other culture structures in marine and coastal areas. This method is usually used to grow high value species, such as bangus, siganid, seaweeds, oysters, mussels, red snappers, groupers, among others.

While a mariculture program is already being implemented by the Bureau of Fisheries and Aquatic Resources (BFAR) since it was introduced in the early 2000, its potential to substantially contribute to food production and food security can be

¹ Philippine Fisheries Profile 2020. <https://www.bfar.da.gov.ph/wp-content/uploads/2022/02/2020-Fisheries-Profile-Final.pdf>

optimized to benefit both the fisherfolk and the consuming public. Considering the trend in total fisheries production for the past ten years (2010-2020), aquaculture registered the biggest contribution among the three subsectors (including municipal and commercial) both in volume and value². In 2019, BFAR bared plans of developing 300 fish cages in every region as the agency encouraged industry stakeholders to engage in mariculture “to increase our production in the next three to five years³.” Apart from boosting food production, a national program promoting and developing mariculture could also mean more stable and higher income for our fisherfolk considering the expected increase in productivity and yield, and the higher value of species being cultivated.

This measure was already passed by the House of Representatives on Third and Final Reading during the Seventeenth Congress.

The passage of this legislation is earnestly sought.



JINGGOY EJERCITO ESTRADA

² Philippine Fisheries Profile 2020. <https://www.bfar.da.gov.ph/wp-content/uploads/2022/02/2020-Fisheries-Profile-Final.pdf>

³ “BFAR to develop 300 fish cages in every region.” May 8, 2019. <https://www.pna.gov.ph/articles/1069289>

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

1 Section 1. *Short Title.* – This Act shall be known as "*The National Mariculture*
2 *Program Act.*"

3 Sec. 2. *Declaration of Policy.* – The State shall ensure food security for
4 everyone by utilizing and developing the country's natural wealth, and by protecting
5 the country's aquatic resources as a valuable food resource. Towards this end, the
6 State shall ensure the utmost protection of the country's marine environment and
7 optimize its potential as a major contributor to food security.

8 Likewise, the State shall uphold the rights and interests of Filipino fisherfolk
9 through the preferential use of marine and fishing resources in the country. Pursuant
10 to this, there shall be comprehensive program on marine fisheries and aquaculture
11 technology, to include research, financial and marketing assistance, and other
12 services for the benefit of fisherfolk and local communities.

13 Sec. 3. *National Mariculture Program.* – The National Government, through
14 the Bureau of Fisheries and Aquatic Resources of the Department of Agriculture
15 (BFAR-DA), shall undertake a National Mariculture Program, guided by the following
16 objectives:

- 17 a) To promote mariculture as a major source of livelihood for fishermen;

- 1 b) To identify and establish mariculture parks in suitable areas in consultation
2 with the local government units (LGUs) concerned;
- 3 c) To ensure food security and enhance socioeconomic growth through a
4 sustainable mariculture industry;
- 5 d) To adopt the ecosystem-based approach to fisheries management which
6 shall ensure that the marine environment remains conducive to
7 sustainable fisheries, species management and mariculture investment;
- 8 e) To develop procedures in order to minimize the adverse effects of
9 mariculture in view of the multiple uses of marine and coastal areas;
- 10 f) To develop the technical skills of fishermen throughout the production,
11 harvesting, processing, storage, and transport stages in the value chain;
- 12 g) To provide appropriate infrastructure and equipment for postharvest
13 technology;
- 14 h) To provide stakeholders easy access to financial institutions; and
- 15 i) To enable stakeholders to implement activities that will enhance climate
16 change resiliency and increase capabilities for disaster risk reduction and
17 management.

18 *Sec. 4. Definition of Terms. – As used in this Act:*

- 19 a) *Ecosystem-Based Approach to Fisheries Management* – refers to an
20 approach to fisheries that strives to balance diverse societal objectives or
21 needs by taking into account the knowledge and uncertainties about
22 biotic, abiotic, and human components of ecosystems and their
23 interaction, and applying and integrated approach to fisheries
24 management within ecologically meaningful boundaries. It may be
25 synonymously used with “ecosystem approach to fisheries management”
26 (EAFM);
- 27 b) *Mariculture* – refers to an integrated branch of aquaculture designed to
28 produce fish through sea cages, long lines and other culture structures in
29 marine and coastal areas to grow high value species, such as bangus,
30 siganid, seaweeds, oysters, mussels, red snappers, groupers, and other
31 related species;

1 c) *Mariculture park or zone* – refers to duly designated fishery areas where
2 mariculture is undertaken; and

3 d) *Mooring space* – refers to a unit of space within a mariculture park or zone
4 to which vessels, sea cages, lines of other culture structures can be
5 moored or secured in place;

6 Sec. 5. *Mariculture Development Parks or Zones.* – Subject to the limitations
7 set forth under Sections 20 and 22 of Republic Act No. 8550, otherwise known as
8 “The Philippine Fisheries Code of 1998”; Section 149 of Republic Act No. 7160,
9 otherwise known as the “Local Government Code of 1991”; and relevant provisions
10 of Republic Act No. 7586, otherwise known as the “National Integrated Protected
11 Areas System Act of 1992”, the LGU shall supervise the establishment of mariculture
12 parks and zones in duly designated areas located within the municipal waters. In
13 case of waters located outside of municipal waters, the DA shall designate and
14 supervise the respective mariculture areas.

15 The technical, social, environment, and economic viability and sustainability of
16 the project shall be taken into consideration in selecting an area for a mariculture
17 park or zone: Provided, That no mariculture park or zone shall be established in
18 marine protected areas identified by the Department of Environment and Natural
19 Resources (DENR) and the BFAR.

20 In the establishment of a mariculture park or zone, the province, city or
21 municipality shall enter into a lease agreement with registered fisherfolk
22 cooperatives or private investors. The terms and conditions, as well as profit sharing
23 terms, shall be specified therein. The lease agreement shall be valid for a period of
24 ten (10) years, renewable for another ten (10) years.

25 In determining the rental ceiling in the mariculture park or zone, the BFAR, in
26 consultation with the Sanggunian concerned, shall take into consideration its
27 affordability to ordinary fisherfolk and its economic viability for the continued
28 operation, in granting lease agreement, LGUs shall give preference to local
29 fisherfolk.

30 A development plan shall always be required of applicant to form part of the
31 bases for the grant of a license to operate by the concerned LGUs.

1 Considering the competing uses of seas and ocean space, the Philippine Coast
2 Guard shall be required to determine if a proposed mariculture park or zone and its
3 facilities therein pose a significant navigational hazard or obstruct safe travel, and to
4 issue a certification of its findings and recommendations and submit the same to the
5 DA.

6 *Sec. 6. Mooring Spaces.* – The establishment of mariculture zone areas shall
7 be based on mooring spaces to ensure that usage of the area for sea cages, long
8 lines and other culture structures is limited to the granted space provided. Granted
9 mooring spaces not developed or installed with culture structures within six (6)
10 months will be forfeited and awarded to other qualified applicants. The BFAR shall
11 prescribe the guidelines in the installation of sea cages, long lines and other culture
12 structures.

13 *Sec. 7. Support Infrastructures.* – To ensure reliable access, cost-effective
14 location, and economic feasibility of the mariculture park or zone, the LGUs or
15 private investors, or both, as the case may be, shall cause the establishment of
16 support infrastructures, such as fish hatcheries and/or nurseries, security facilities,
17 onshore feed warehouse, net mending and drying sheds, ice plants and cold storage
18 facilities.

19 *Sec. 8. Aquaculture Technical Assistance and Training to Local Government*
20 *Units, Fisherfolk Cooperatives/Associations, and Nongovernment Organizations.* –
21 The DA shall provide technical training, and marketing support to the LGUs,
22 fisherfolk cooperatives/associations, and nongovernment organizations with respect
23 to the establishment, utilization, and management of mariculture systems in their
24 respective jurisdictions.

25 Through a memorandum of agreement between the Southeast Asian Fisheries
26 Development Center – Aquaculture Department (SEAFDEC-AQD) and the BFAR,
27 SEAFDEC-AQD shall facilitate the transfer of the latest aquaculture technologies and
28 assist in the DA's training programs for sustainable mariculture while promoting the
29 adoption of good aquaculture practices.

30 *Sec. 9. Private Sector as Economic Partners.* – Private individual investors or
31 enterprises shall be encouraged to take an active role in the establishment,
32 utilization, and management of mariculture systems. For this purpose, qualified

1 private investors or entrepreneurs shall coordinate with the local government
2 officials concerned, the local fishing community, and appropriate government
3 agencies.

4 Sec. 10. *Financing Scheme.* – The Land Bank of the Philippines (LBP) shall
5 provide loan assistance to qualified fisherfolk organizations/cooperatives for the
6 construction of the fish cage, the procurement of the initial stocks and feeds, and for
7 related expenses.

8 Sec. 11. *Continuing Research and Development.* – The BFAR, in coordination
9 with fisheries schools and/or state universities and colleges in the area, and the
10 concerned LGUs, shall conduct continuing research and development as well as
11 application of technological advancements in the mariculture industry.

12 Sec. 12. *Monitoring and Evaluation.* – The DA shall monitor the
13 implementation of research and development programs and mariculture projects. A
14 technical advisory committee composed of the BFAR, the SEAFDEC-AQD, the
15 National Fisheries Research and Development Institute, and the academe, shall
16 review all existing mariculture parks or zones every four (4) years to determine their
17 viability or effectiveness.

18 Sec. 13. *Appropriations.* – The amount needed for the implementation of this
19 Act shall be included in the budgets of the concerned departments/agencies in the
20 annual General Appropriations Act.

21 The LGUs, the implementation of the Program shall be funded from their
22 National Tax Allotment (NTA) and other internally generated funds.

23 Sec. 14. *Identification of Mariculture Areas.* – Within six (6) months from the
24 effectivity of this Act, the BFAR shall identify the LGUs which have potential areas for
25 the establishment of mariculture parks: Provided, That not later than one (1) year
26 from the effectivity of this Act, the BFAR, in coordination with the LGUs concerned,
27 shall complete the master plan of each mariculture park in the identified areas:
28 Provided, further, That the number of fish cages to be installed in the duly
29 designated mariculture parks shall be determined by the LGUs concerned through
30 the enactment of an ordinance.

31 Sec. 15. *Annual Report.* – The DA, through the BFAR, shall render an annual
32 report to Congress on the accomplishment of the program. a review on the viability

1 of the program which includes a complete list of areas suitable for the establishment
2 of mariculture parks in the country with their respective feasibility study shall be
3 made by the agencies concerned after three (3) years of implementation of this Act.

4 Sec. 16. *Information Campaign.* – The BFAR shall undertake an intensive
5 public information campaign within three (3) months from the effectivity of this Act.

6 Sec. 17. *Implementing Rules and Regulations.* – Within ninety (90) days upon
7 the approval of this Act, the DA, through the BFAR, together with the Department of
8 the Interior and Local Government (DILG) and the representatives of the League of
9 Provinces, League of Cities, and League of Municipalities, shall adopt rules and
10 regulations necessary to implement the provisions of this Act.

11 Sec. 18. *Separability Clause.* – If any provision of this Act is declared invalid
12 or unconstitutional, the remaining provision not affected thereby shall continue to be
13 in full force and effect.

14 Sec. 19. *Repealing Clause.* – All laws, decrees, orders or regulations or part
15 thereof inconsistent with this Act are hereby repealed or modified accordingly.

16 Sec. 20 . *Effectivity.* – This Act shall take effect fifteen (15) days following the
17 completion of its *publication* in the *Official Gazette* or in a national newspaper of
18 general circulation.

Approved,