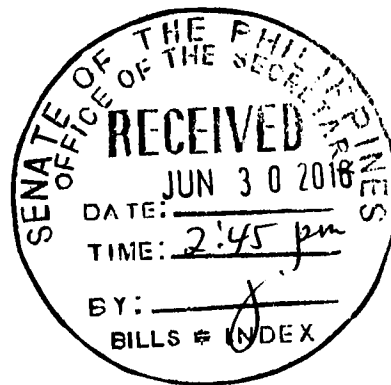


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S.B. No. 51

Introduced by Senator Francis N. Pangilinan

**AN ACT CREATING A DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES,
PROVIDING FOR ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES**

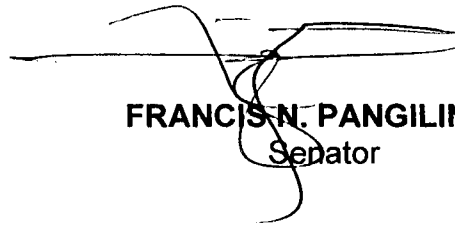
EXPLANATORY NOTE

The Philippines is among the world's largest fish producers, making the fisheries subsector a vital component of the economy. In 2014, the country's total volume of fish production was 4.69 million metric tons, accounting for 17.65% of total agricultural output. The subsector's gross earnings in the same year amounted to Php 242 billion.

According to the Philippine Statistics Authority (PSA), nearly 1.4 million Filipinos depend on fisheries and aquaculture for their livelihood. This constitutes 3.6% of the total employed individuals in the country. However, despite the subsector's vastness, poverty incidence is highest among fishermen estimated at 39.2% in 2012, higher by 14% compared to the poverty incidence of the general population.

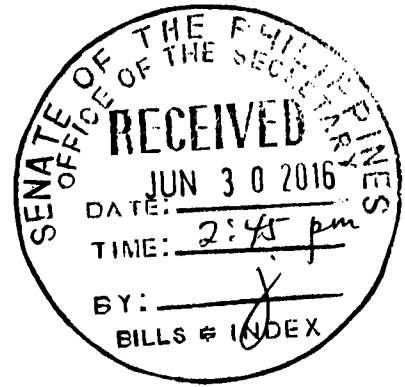
In order to strategically develop and utilize the country's marine resources, and curb poverty in the rural areas where most of the country's fishermen live, this bill proposes the creation of a Department of Fisheries and Aquatic Resources (DFAR). The DFAR shall be responsible for the management, development, improvement, proper utilization and conservation of the country's marine resources. It will also ensure that the needs and concerns of the fisherfolks are adequately addressed, and help them move out of poverty.

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

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed name.

FRANCIS N. PANGILINAN
Senator

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE

S.B. No. 51

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**AN ACT CREATING A DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES,
PROVIDING FOR ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Title.** - This Act shall be known as the "*Department of Fisheries and*
2 *Aquatic Resources Act of 2016.*"

3 **SEC. 2. Creation.** - The Department of Fisheries and Aquatic Resources, hereinafter
4 referred to as the Department, is hereby created structurally and functionally in
5 accordance with the provisions of this Act.

6 **SEC. 3. Declaration of Policies.** - It is hereby declared the policy of the State to
7 promote the sustainable development and management of all fisheries and marine
8 resources in Philippine waters including the exclusive economic zone (EEZ) and in the
9 adjacent high seas, consistent with the primordial objective of maintaining a sound
10 ecological balance, protecting and enhancing the quality of the environment. It is the
11 policy of the State to protect and conserve the nation's marine wealth in its archipelagic
12 waters, territorial sea and exclusive economic zone and reserve its use and enjoyment
13 exclusively to Filipino citizens. It is the policy of the State to adopt the precautionary
14 principle and to prioritize conservation of the country's marine and aquatic resources. It
15 is also the policy of the State to protect the rights of small-scale fishermen in the
16 preferential use of communal marine, fisheries and aquatic resources. Towards this
17 end, it shall provide such fishermen with the appropriate technical and financial support.

18 **SEC. 4. Jurisdiction of the Department.** - The Department shall have primary
19 jurisdiction over the management, conservation, development, protection, utilization and

1 disposition of all fishery and aquatic resources of the country, including the habitats of
2 fish and all other marine life and over activities which impact on these habitats, except
3 for municipal waters, which shall remain under the jurisdiction of local government units.
4 The latter shall manage their municipal waters in accordance with national fishery
5 policies, laws, rules and regulations. The Department shall have the authority to
6 supervise and regulate the production and capture of fish and fishery products within its
7 jurisdiction, as well as the processing and marketing of all fisheries and aquatic
8 products in the country. The Department shall have the responsibility of rationalizing all
9 ocean sector initiatives which impact on fish and marine resources or their habitat
10 including, but not limited to: marine energy exploration and development; coastal and
11 marine tourism; designation of shipping lanes; protected areas; and, marine industry
12 development areas. The regulation of these marine activities, once rationalized by the
13 Department, shall reside with the parent agency for the appropriate sector involved.

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

16 (a) Authority and responsibility over oceans' use on fisheries and their habitat;

17 (b) Coordinate the implementation of fisheries and ocean sector policies, plans and
18 laws for all maritime components;

19 (c) Promulgate and enforce fisheries and oceans habitat regulations, which clarify
20 and amplify the aforementioned departmental mandate in accordance with the
21 published fisheries and oceans management plans within its territorial
22 jurisdiction;

23 (d) Prepare and implement a comprehensive Fisheries Management Plan, based on
24 the precautionary principle and the principle of sustainable development, using
25 scientifically generated information or best available evidence on the status of the
26 fisheries and marine resources;

27 (e) Formulate and implement, consistent with the development framework of the
28 National Economic Development Authority, a fishery industry development
29 program and set policies and standards for the efficient and economic operations
30 of the fishing industry in accordance with the objectives of food security and
31 rational and sustainable development;

- 1 (f) Promulgate laws, rules and regulations governing the conservation and proper
2 utilization of fisheries and aquatic resources except in municipal waters;
- 3 (g) Issue licenses for the operation of commercial fishing vessels and permits for the
4 conduct of fishery activities subject to the specific carrying capacities of the
5 resource as determined by scientific studies or best available evidence with
6 preference given to resource users in the local communities living adjacent or
7 nearest to the municipal waters;
- 8 (h) Issue fish worker licenses and identification cards free of charge to fish workers
9 engaged in commercial fishing;
- 10 (i) Implement the provisions of Republic Act No. 8550 and the relevant provisions of
11 Republic Act No. 8435 and enforce all fishery laws, rules and regulations through
12 its fishery officers and guardians who shall be vested with full police powers
13 including arrest, search and seizure and through deputized government officials
14 and employees, punong barangays and officers and members of fisher folk
15 associations who have undergone training on law enforcement;
- 16 (j) Perform quasi-judicial and allied functions and settle conflicts of resource use
17 and allocation in consultation with the NFARMC and LGUs;
- 18 (k) It shall prescribe rules and regulations including visitorial powers, procedures
19 and guidelines concerning the classification, establishment, construction,
20 maintenance and operation of all fishing ports, landing sites and fish markets and
21 the operation of business therein except those that are owned and operated by
22 local government units;
- 23 (l) Establish and maintain a Philippine Fisheries and Aquatic Resources Information
24 System (PFARIS) that will function as the principal depository and information
25 server of all fisheries and ocean-related information in the country, including but
26 not limited to the status of fisheries and marine resources and their habitat, all
27 matters pertaining to fisheries production, processing, marketing and research
28 results and technology advances;
- 29 (m) Develop and implement a Monitoring Control and Surveillance System (MCSS)
30 for Philippine fisheries and oceans at the national and regional levels to ensure
31 that the fisheries and marine resources in Philippine waters are judiciously and
32 wisely utilized and managed on a sustainable basis;

- 1 (n) Actively engage in the conservation, protection and rehabilitation of rare,
2 threatened and endangered marine species as it may determine, including their
3 habitats;
- 4 (o) Implement relevant provisions of international treaties and agreements such as,
5 but not limited to, the Convention on the International Trade in Endangered
6 Species of Wild Flora and Fauna, United Nations Convention on the Law of the
7 Sea, Convention on Biological Diversity, and formulate rules and regulations for
8 the conservation and management of straddling fish stocks and highly migratory
9 species;
- 10 (p) Designate marine areas as protected areas for the special purposes stated in the
11 notice of declaration;
- 12 (q) Formulate and enforce the Code of Practice for Aquaculture and Code of
13 Conduct for Responsible Fisheries;
- 14 (r) Promote international economic and technical cooperation in the fisheries and
15 oceans sectors and in integrated oceans management, especially within the
16 ASEAN region;
- 17 (s) Acquire, maintain, operate, purchase, lease or dispose, through the Philippine
18 Fisheries Development Authority (PFDA), equipment and facilities such as
19 shipyards, fishing vessels, fishing gears, and refrigerated trucks, ice plants and
20 cold storages, communication, and aquaculture facilities;
- 21 (t) Fix, assess and collect reasonable fees, tolls, charges, rentals and the like,
22 through the PFDA, for the use, sale of properties, equipment, facilities and
23 services to support the Department's projects and to adjust the same as
24 warranted;
- 25 (u) Provide, through the PFDA, infrastructure support such as municipal fishing ports
26 and markets, farm-to-market roads, quality laboratories in fish ports, marketing
27 facilities, local fisheries shipbuilding and repair facilities, and post-harvest
28 facilities, in cooperation with concerned agencies;
- 29 (v) Establish and implement, through the PFDA, a National Marketing Assistance
30 Program, aimed at ensuring the generation of the highest possible income for
31 fisher folk and fishery-related enterprises, matching supply and demand in both
32 domestic and foreign markets;

1 (w) Administer a fisheries modernization credit program to finance fishery projects of
2 fisher folk, fish farmers, fish processors, commercial fishers and other qualified
3 borrowers; and

4 (x) Perform all other functions consistent with this Act and as may be provided by
5 law.

6 **SEC. 6. Structural Organization.** - The Department shall consist of the Office of the
7 Secretary and three (3) Undersecretaries for Fisheries Production and Utilization,
8 Fisheries Conservation and Management, and for Operations; one (1) council, the
9 National Fisheries and Aquatic Resources Management Council, one (1) institute, the
10 National Fisheries Research and Development Institute, one (1) office, the Office of
11 Ocean and Marine Affairs and the following services: the Philippine Fisheries and
12 Aquatic Resources Information Service, Policy Analysis and Planning Service, as well
13 as Personnel, Finance, Legal and Property and General Services. The Office of Ocean
14 and Marine Affairs shall have authority and responsibility over ocean use. It shall be the
15 Department's primary agency tasked with the implementation of the National Marine
16 Policy and the relevant provisions of the United Nations Convention on the Law of the
17 Sea. Any and all use of the ocean shall require the assessment and clearance by this
18 Office, which shall rationalize initiatives that will negatively impact on fisheries or their
19 habitat. It shall coordinate the implementation of fisheries and ocean sector policies,
20 plans and laws for all maritime components. It shall be headed by a Director and shall
21 have the following divisions:

22 (a) Oceans Use Assessment and Clearance Division;

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

24 (c) Special Projects Division; and

25 (d) Technical Division.

26 The Philippine Fisheries Development Authority created by Presidential Decree No.
27 977 as amended, shall be an attached agency of the Department of Fisheries and
28 Aquatic Resources under the Office of the Secretary.

29 **SEC. 7. Functions of the Secretary of Fisheries and Aquatic Resources.** - The
30 Secretary of Fisheries and Aquatic Resources, hereinafter referred to as the Secretary,
31 shall be appointed by the President with the consent of the Commission on
32 Appointments, and shall have the following functions:

- 1 (a) Supervision and control of the Department and the Bureaus, Offices and
2 Institutes under it;
- 3 (b) Authority and responsibility for the performance of the powers and functions of
4 the Department;
- 5 (c) Advise the President on the promulgation of policies, rules and regulations, and
6 other issuances relative to the sustainable development and management of
7 fisheries and oceans resources;
- 8
9 (d) Establish management policies and standards for the efficient and effective
10 operation of the Department in accordance with the programs of the
11 government;
- 12 (e) Promulgate rules, regulations and other issuance in carrying out the
13 Department's mandate, objectives, policies, plans, programs and projects; and
- 14 (f) Perform such other functions as may be provided by law or assigned by the
15 President.

16 **SEC. 8. Functions of the Undersecretaries of the Department of Fisheries and**
17 **Marine Resources.** - There shall be three (3) Undersecretaries: (1) the Undersecretary
18 for Fisheries Production and Utilization; (2) the Undersecretary for Fisheries
19 Conservation and Management; and (3) the Undersecretary for Operations; who shall
20 be appointed by the President upon the recommendation of the Secretary. The
21 Undersecretaries for Fisheries Production and Utilization and for Fisheries Conservation
22 and Management shall have the following functions:

- 23 (a) Advise the Secretary on the formulation of policies, programs, plans, rules and
24 regulations, as well as on the promulgation of Department Orders, Administrative
25 Orders, and other issuances with respect to his/her area of responsibility;
- 26 (b) Exercise supervision and control over the bureaus, offices, services, and
27 operating units under his/her responsibility;
- 28 (c) Coordinate the functions and activities of the units under his/her responsibility
29 with those of the other units in the Department;
- 30 (d) Liaise with concerned government departments, agencies, and offices to ensure
31 effective coordination in the management of the fisheries and oceans sector; and

1 (e) Perform such other functions as may be provided by law or assigned by the
2 Secretary.

3 The Undersecretary for Operations shall have the following functions:

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

5 (b) Coordinate, harmonize and package the policies, plans, programs and projects of
6 all the Bureaus, Services, Offices and Units of the Department, for the proper
7 implementation by the regional offices;

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

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

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

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

18 **SEC. 9. Qualifications of the Undersecretaries.** - No person shall be appointed
19 Undersecretary of the Department unless he or she is a Filipino citizen; at least a
20 degree holder in fisheries, publication administration, management, economics, law or
21 other equivalent relevant disciplines; has actual experience in administration and
22 management for at least ten (10) years; and has general practical knowledge of
23 fisheries.

24 **SEC. 10. Organizational Structure of the Department.** - The functions of the
25 Department under this Act shall be carried out by the bureaus, agencies and services
26 created in the Department.

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

29 (a) **Bureau of Aquaculture and Inland Fisheries (BAIF)** - The BAIF shall, among
30 others, be responsible for regulating aquaculture operations in line with the

1 International Code of Conduct for Aquaculture; promoting the intensification of
2 aquaculture operations in existing areas; formulating aquaculture development
3 programs; establishing and maintaining model aquaculture farms and ponds;
4 providing technical assistance to cooperatives and fishpond operators in the
5 development of a viable fishmeal and fish feeds industry, undertaking inland
6 fishery resources evaluation; and recommending management and conservation
7 measures.

8 The Bureau shall be headed by a Director and shall be composed of the following
9 divisions:

- 10 (1) Aquaculture Management and Development Division;
11 (2) Inland Fisheries Resource Assessment and Conservation Division;
12 (3) Inland Fishery Development and Extension Division; and the
13 (4) Environmental Impact Assessment and Monitoring Division.

14 (b) **Bureau of Postharvest and Fisheries Product Standards (BPFPS)** - The
15 fishery component of the Bureau of Agriculture and Product Standards created
16 under Section 61 of R.A. No. 8435 shall be transferred to the BPFPS which shall
17 formulate and enforce standards of quality in the processing, preservation,
18 packaging, labeling, importation, exportation, distribution, and advertising of
19 fishery products; conduct research on product standardization, alignment of the
20 local standards with the international standards; promote and strengthen semi-
21 processing and handling; and shall have a Director, two (2) Assistant Directors,
22 one for Product Standards and Technical Services and the other for Industry
23 Compliance and Consumer Protection and the following divisions:

24 Under the Assistant Director for Product Standards and Technical Services-

- 25 (1) Technical Services Division;
26 (2) Fish Processing Technology Division;
27 (3) Standards Development and Promotion Division; and the
28 (4) Value-added Products Development and Promotion Division.

29 Under the Assistant Director for Industry Compliance and Consumer Protection –

- 30 (1) Industry Compliance Division;
31 (2) Consumer Affairs Division; and the
32 (3) Arbitration and Dispute Resolution Division.

1
2 **(c) Bureau of Fisheries Extension, Training, and Support Service (BFETSS) –**

3 The BFETSS shall coordinate all development activities with respect to fisheries
4 and oceans technology, and shall have a development section for all
5 components including inland and oceans fishing, and fishing gears and methods.
6 It shall formulate a National Extension System for Fisheries, which shall be
7 composed of three (3) subsystems: (1) the national government subsystem, (2)
8 the local government subsystem and (3) the private sector subsystem. It shall
9 deliver the following major services: training services; credit and financing
10 support services; business advisory services; demonstration services; and
11 information and communication support services through tri-media. It shall have
12 the following divisions:

- 13 (1) Training and Skills Development Division;
14 (2) Technology Transfer and Demonstration Division;
15 (3) Business Advisory and Information Support Division; and
16 (4) Training Centers.

17 **(d) Bureau of Fishing Technology and Capture Fisheries (BFTCF) -** The BFTCF
18 shall have direct supervision and control over the utilization of marine resources
19 including commercial, international and small-scale fisheries. It shall formulate
20 development programs for the expansion of the marine fishery industry; explore
21 new fishery resources and development environment friendly but efficient fishing
22 gears. It shall be headed by a Director and two (2) Assistant Directors and shall
23 have the following divisions:

- 24 (1) Municipal Fisheries Division;
25 (2) Commercial Fisheries Division;
26 (3) Fishing Technology Division and the
27 (4) High Seas Fisheries Division.

28 **(e) Fisheries Modernization Credit and Financing Agency (FMCFA) -** The
29 FMCFA shall administer the funds under Sections 108 to 113 of R.A. No. 8550
30 as well as the fisheries related provisions of Sections 20 to 25 of R.A. No. 8435,
31 harmonizing and integrating the two so as to package and deliver various credit
32 assistance programs for the following:

- 33 (1) Fisheries production including processing of fisheries products and inputs;

- 1 (2) Acquisition or construction of fishery equipment, machinery, fishing
2 vessels and fishing gears;
- 3 (3) Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
- 4 (4) Procurement of fisheries products for storage, trading, processing and
5 distribution;
- 6 (5) Construction, acquisition and repair of facilities for production, processing,
7 storage, transportation, communication, marketing and such other facilities
8 in support of fisheries and economic activities;
- 9 (6) Working capital for fisheries graduates to enable them to engage in
10 fisheries-related activities which support marine and freshwater bodies
11 conservation and ecology-enhancing activities such as but not limited to
12 mangrove reforestation, promotion of whale shark and manta ray and
13 other endangered marine species watching and eco-tourism; and
- 14 (7) Development of appropriate technology, both in fishery and ancillary
15 industries that are ecologically sound, locally source based and labor
16 intensive, based on the requirements of the Fisheries and Aquatic
17 Management Councils.

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

20 (a) **Marine Resources Conservation and Management Bureau.** - The Marine
21 Resources Conservation and Management Bureau is a line bureau tasked with
22 the formulation and implementation of a Comprehensive Fisheries Management
23 Plan. It shall undertake marine fishery resources assessment and biological and
24 environmental investigations and formulate conservation measures. In
25 coordination with the National Fisheries Research and Development Institute, it
26 shall determine and establish the carrying capacity and total allowable catch
27 (TAC) for a particular resource. It shall set the allowable fishing effort based on
28 the carrying capacity of the resource and TAC and accordingly issue commercial
29 fishing licenses and permits. It shall be headed by a Director and two (2)
30 Assistant Directors and shall have the following divisions:

- 31 (1) Coastal Resources Management Division;
- 32 (2) Oceanography Division;
- 33 (3) Fisheries Licensing Division;
- 34 (4) Biotechnology, Biosafety and Bioprospecting Division; and the
- 35 (5) Fisheries Law Enforcement Division.

1 The Fisheries Law Enforcement Division shall operate the National and Zonal
2 Monitoring Surveillance System. It shall establish fishery air and ocean patrol as well as
3 conduct law enforcement trainings and recommend to the Secretary the deputation of
4 government employees and members of fisher folk associations as fishery guardians. It
5 shall have the supervision and control of fishery officers and guardians and the corps of
6 specialists responsible for the enforcement of fishery laws, rules and regulations and
7 the efficient monitoring and surveillance of fishing activities within Philippine territorial
8 waters. It shall have the following units:

9 (i) The National and Fisheries Zone Monitoring and Surveillance Center which
10 shall have a National Coordinating Center and several Fisheries Zones
11 Monitoring and Surveillance Centers. It is further subdivided into the Vessel
12 Tracking and Remote Sensing Office, and the Database and Information Center;

13 (ii) The Fisheries Air Patrol and Oceans Patrol, and the Regulatory Staff composed
14 of Fishery Officers, Deputized Fisheries Guardians and the corps of specialists
15 from the DND, PNP-MARICOM, DILG, DFA and DOJ. The Fishery Officers shall
16 have full police powers relative to the enforcement of fishery laws, rules and
17 regulations including arrest, search and seizure, and shall have the authority to
18 directly file complaints for violation of fishery laws, rules and regulations.

19 (b) **The Bureau of Marine Protected Areas and Wildlife (BMPAW)** - The BMPAW
20 is a line bureau responsible for establishing and maintaining marine protected
21 areas and wildlife sanctuaries, It shall lead in the conduct of scientific researches
22 on the proper strategies for the conservation and protection of marine wildlife and
23 their habitat including breeding or propagation. It shall also establish Marine
24 Wildlife Rescue Centers to take custody of all confiscated, stranded or
25 abandoned marine wildlife. It shall have the authority to issue Committee on
26 International Trade on Endangered Species (CITES) Permits and shall be both
27 the CITES Management and Scientific Authorities of the Philippines. It shall be
28 the lead agency in the fulfillment of the country's obligations under CITES, the
29 Convention on Biological Diversity and other treaties and international
30 agreements. It shall have the following divisions:

31 (i) Marine Protected Areas Division;

32 (ii) Marine Wildlife Rescue Centers;

33 (iii) CITES Management Authority;

34 (iv) Endangered Marine Species Captive Breeding Centers;

- 1 (v) Endangered Marine Wildlife Research Center shall be the
2 Department's CITES Scientific Authority which shall coordinate with
3 academic institutions designated as scientific authorities; and the
4 (v) Biodiversity Division

5 The Undersecretary for Operations shall have direct control and supervision over all
6 regional offices and the following unit and bureau:

7 (a) **Fisheries Inspection and Quarantine Inspection Service (FIQIS)** - The FIQIS
8 shall have the line functions and shall be responsible for the inspection and
9 quarantine of all fishery related activities including the conduct of quarantine and
10 quality inspection of all fish and fishery/aquatic products coming into and going
11 out of the country by air or water transport to detect the presence of fish pest and
12 diseases, the regular inspection of processing plants, storage facilities, abattoirs,
13 as well as public and private markets in order to ensure freshness, safety and
14 quality of products and to ensure that these products conform to the standards
15 prescribed by the Department; and the quarantine of aquatic animals and fishery
16 products determined or suspected to be with fishery pest and diseases and
17 prevent the movement or trade from and or into the country of these products so
18 prohibited or regulated under existing laws, rules or regulations and international
19 agreements of which the Philippines is a State Party. It shall have the following
20 units:

- 21 (i) Regional fishery Inspection and Quarantine Offices;
22 (ii) Cyanide Detection Centers;
23 (iii) Product Standards Enforcement Division; and the
24 (iv) Regional Fish Health Centers.

25
26 (b) **Bureau of Fishery Economics and Statistics (BFES)** - The BFES shall be a
27 line bureau responsible for establishing benchmark data on the structure of the
28 fishery industry. It shall conduct research and studies on the socio-economics of
29 various fishery operations, collect data on fishery production, and establish a
30 network of fishery information, documentation and dissemination. It shall have
31 the following divisions:

- 32 (i) Fishery Statistics Division;
33 (ii) Socio-economic Division; and the
34 (iii) Fishery Information Division.

1 **SEC. 11. Regional Offices and Functions.** - The Department shall have such
2 department-wide regional offices as may be necessary in the administrative regions,
3 each to be headed by a Regional Director, who shall be assisted by an Assistant
4 Regional Director, each regional office shall have support staffs as may be necessary
5 and four (4) line divisions which shall have the following duties and responsibilities:

6 (a) Provide efficient and effective front-line service to the fishery and aquatic industry
7 sector, particularly to the municipal fishermen;

8 (b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects,
9 rules and regulations of the Department;

10 (c) Coordinate with the Regional Office of the other departments, offices and
11 agencies in the region; and

12 (d) Perform other functions as may be provided by law or assigned by the Secretary.

13 **SEC. 12. Appointment and Qualification of Directors.** - The Directors of the
14 Bureau, Offices and Agencies and the Regional Directors shall be appointed by the
15 Secretary, upon recommendation of the Undersecretaries concerned. The Directors
16 must have a degree in law or Master of Science degree in marine fisheries,
17 oceanography, fisheries biology, marine biology, fisheries technology, microbiology or
18 related sciences, or public administration and at least five (5) years of experience either
19 in the public or private sector, in marine fisheries research and development, or in the
20 fisheries industry.

21 **SEC. 13. Abolition, Transfer and Merger.** - The Bureau of Fisheries and Aquatic
22 Resources reconstituted by Republic Act No. 8550, is hereby abolished and its relevant
23 functions, appropriations, records, properties, equipment and personnel are hereby
24 transferred to the Department of Fisheries and Aquatic Resources: *Provided*, however,
25 That no official or employee of the BFAR shall be laid off in the implementation of this
26 section.

27 The National and Municipal Fisheries and Aquatic Resources Management Councils
28 created by Republic Act No. 8550 shall be transferred to the Office of the Secretary of
29 the Department of Fisheries and Aquatic Resources.

30 The National Fisheries Research and Development Institute created by Republic Act
31 No. 8550 is transferred to the department and shall serve as its principal research arm.

1 The Philippine Fisheries Development Authority (PFDA) created by Presidential
2 Decree No. 977 including its relevant functions, appropriations, records, properties,
3 equipment and personnel, is hereby transferred to the Department of Fisheries and
4 Aquatic Resources as an attached agency under the Office of the Secretary: *Provided*,
5 however, That the Secretary of the Department of Fisheries and Aquatic Resources
6 shall be the new chairman of the Board: *Provided, further*, That no official or employee
7 of the PFDA shall be laid off in the implementation of this Section.

8 The Philippine Technical Advisory Committee of the SEAFDEC Aquaculture
9 Department created under Executive Order No. 834 dated October 4, 1982, including its
10 relevant functions, appropriations; records, properties, equipment and personnel, is
11 hereby transferred and attached to the Department of Fisheries and Aquatic Resources:
12 *Provided*, That no official or employee of the Board shall be laid off in the
13 implementation of this Section.

14 The fisheries related functions of the Laguna Lake Development Authority (LLDA),
15 including its relevant appropriations, records, and personnel, are hereby transferred to
16 the Department of Fisheries and Aquatic Resources: *Provided, however*, that no official
17 or employee of the LLDA shall be laid off in the implementation of this Section.

18 The Philippine Council for Aquatic and Marine Research and Development is
19 abolished and all its personnel, records, appropriations, property and equipment are
20 transferred to the National Fisheries Research and Development Institute of the
21 Department of Fisheries and Marine Resources.

22 The Marine Research and Conservation Division and the different Sections
23 thereunder and the Coastal Environment Program including its relevant appropriations,
24 personnel, records, property and equipment, all marine and coastal related projects and
25 programs of the Department of Environment and Natural Resources, and all fisheries
26 related functions of the DENR under Executive Orders No. 192 and 292, except the
27 functions of the enforcement of water pollution laws, rules and regulations, are hereby
28 transferred to the Department of Fisheries and Aquatic Resources.

29 The fisheries-related sections of the Bureau of Agricultural Research, the Bureau of
30 Agricultural Statistics and the Agricultural Training Institute of the Department of
31 Agriculture are hereby abolished and all its personnel, records, appropriations, property
32 and equipment are transferred to the Department of Fisheries and Marine Resources.

1 **SEC. 14. *Transitory Provisions.*** - In accomplishing the acts of organizing the
2 department as herein prescribed, the following provisions shall be complied with:

3 (a) The transfer of a government unit or agency shall include the functions,
4 appropriations, funds, records, equipment, facilities, choses in action, rights,
5 other assets and liabilities, if any, of the transferred unit or agency as well as the
6 personnel thereof, as may be necessary, who shall, pending reappointment,
7 continue to perform their respective duties and responsibilities and receive the
8 corresponding salaries and benefits in a hold-over capacity.

9 (b) The transfer of functions which results in the abolition of the government unit or
10 agency that has exercised them, shall include the appropriations, funds, records,
11 equipment, facilities, choses in action, rights, other assets and personnel as may
12 be necessary to the proper discharge of the transferred functions. Its liabilities, if
13 any, shall likewise be treated in accordance with the Government Auditing Code
14 and other pertinent laws, rules and regulations. Its personnel shall, pending
15 reappointment, continue to perform their duties and responsibilities and receive
16 the corresponding salaries and benefits in a hold-over capacity.

17 **SEC. 15. *Organization Committee.*** - The duly appointed Secretary of Fisheries and
18 Aquatic Resources shall immediately create an organization committee which shall
19 study and formulate the staffing pattern, qualification standards, and placement of
20 personnel in the Department, its services, bureaus, and offices. The Committee shall be
21 composed of representatives from the Department of Budget and Management, Civil
22 Service Commission, the fishery industry and the academe.

23 **SEC. 16. *Appropriations.*** For the effective implementation of this Act, the amount
24 of Five Billion pesos (₱ 5,000,000,000.00) is hereby appropriated from the
25 unappropriated funds of the National Treasury and the current budgetary appropriations
26 of the Bureau of Fisheries and Aquatic Resources, including its regional offices, the
27 appropriations of the Philippine Fishing Development Authority, and the budgetary
28 provision of the Philippine Council for Aquatic and Marine Research Development. The
29 amount necessary for the construction of a national office of the Department of
30 Fisheries and Aquatic Resources equivalent to Five Hundred Million Pesos (₱ 500,
31 000,000.00) is hereby appropriated from the unappropriated funds of the National
32 Treasury.

33 The revenues which the Department will generate from its licensing operations, the
34 fees collected and the proprietary services delivered by the Department, and the

1 administrative fines imposed by the National Fisheries Regulatory and Adjudication
2 Bond shall constitute the Department's revolving fund from which amounts necessary to
3 carry out the special research projects, management and conservation programs, staff
4 development programs, and the acquisition of equipment, vessels, and airplanes,
5 helicopters of the Monitoring and Surveillance Center shall be taken: *Provided*,
6 however, That the fishpond rentals shall accrue to the National Fisheries Research and
7 Development Institute as provided under Section 46 (c) of Republic Act No. 8550. The
8 use of such funds shall be subject to COA rules and regulations.

9 **SEC. 17. *Separability Clause*** - If any provision of this Act is declared
10 unconstitutional or inoperative, the other provisions not so declared shall remain in force
11 and effect.

12 **SEC. 18. *Repealing Clause***. - All laws, decrees, orders, rules and regulations or
13 parts thereof inconsistent with the Act or the rules and regulations promulgated
14 pursuant thereto are hereby repealed or amended accordingly.

15 **SEC. 19. *Effectivity Clause***. - This Act shall take effect fifteen (15) days after its
16 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,