



'17 MAY -4 P2:06

SENATE
S. B. No. 1437

RECEIVED BY: _____

INTRODUCED BY SENATOR ALAN PETER "COMPANERO" S. CAYETANO

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

EXPLANATORY NOTE

Filipinos have always relied upon fish as a basic resource and commodity. In fact, in 1986, when former President Corazon Aquino was just running for President, one of the most recognizable campaign statements she made was about the 'poor man's fish', *galunggong*. She noted that in 1965, one kilo of *galunggong* was just P1.50; but in 1986, one kilo of *galunggong* was already at P26; and asked, "who took *galunggong* away from the dining tables of the poor?"

The price of the poor man's fish has still steadily increased since then. Data from the Philippine Statistics Authority revealed that by the time President Benigno Aquino had assumed presidency in July 2010, a kilo of *galunggong* cost P84.34; and by the time he stepped down in June 2016, a kilo of *galunggong* already cost P111.9.¹

As an archipelago, one of the major sources of livelihood in the country is fishery. Based on DA-BFAR statistics, the fisheries industry employs some 1,614,368 Filipino fisheries operators.² In 2014, the Philippines ranked 8th among the top fish producing countries in the world with its total production of 4.7 million metric tons of fish, crustaceans, mollusks, and aquatic plants (including seaweeds)³. However, since 2014, fisheries production suffered streak of declining growth. In 2016, volume of fisheries production was reduced by 6.34 percent from its previous year's level.⁴ In terms of value, the industry has contributed P240 billion in 2015 as compared to P242 billion in 2014 and P244.6 billion in 2013.⁵

While we have very good people in the Department of Agriculture, the department's focus is more on land-based farming. It is time that the government provides for a focused, single-minded, specialized department responsive to the needs and concerns of the fisheries industry.

Because of this, there is a need to create the Department of Fisheries and Aquatic Resources (DFAR) in order to strengthen the institutional capacities of BFAR as the primary policy and regulatory body on fisheries and aquatic resources. As with any administrative agency, DFAR will serve public purpose, efficiency and the best interest of the industry. Hence, this will serve as a step in order to better protect, utilize, maximize, and conserve the nation's marine resources as well as uphold the best interest of the fisher folk.

In view of the foregoing, the immediate enactment of this measure is sought.

ALAN PETER "COMPANERO" S. CAYETANO
Senator

¹ Fish: Retail Prices, by Region and by Province at <http://countrystat.psa.gov.ph/?cont=10&pageid=1&ma=N10PRRPC>
² NSO 2002 Census for Fisheries
³ BFAR Philippine Fisheries Profile 2015
⁴ PSA Fisheries Situationer <https://psa.gov.ph/fisheries-situationer>
⁵ BFAR Philippine Fisheries Profile 2015

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Be it 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 Aquatic Resources*
2 *Act of 2017*".

3
4 **SECTION 2. Declaration of Policy.** The following is hereby declared policy of the State:

- 5
6 a) The State shall promote sustainable development in the management of all fisheries and marine
7 resources within its national territory;
- 8
9 b) The national territory comprises the Philippine archipelago, with all the islands and waters
10 embraced therein, and all other territories over which the Philippines has sovereignty or
11 jurisdiction, consisting of its terrestrial, fluvial and aerial domains, including its territorial sea, the
12 seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between,
13 and connecting the islands of the archipelago, regardless of their breadth and dimensions, form
14 part of the internal waters of the Philippines;
- 15
16 c) The Philippine waters include its Exclusive Economic Zone (EEZ) in the adjacent high seas;
- 17
18 d) It is the primordial policy to maintain a sound ecological balance, protect and enhance the quality
19 of the environment in its territorial waters. The State shall protect and conserve the nation's
20 marine wealth in its archipelagic waters, territorial sea and EEZ and reserve its use and enjoyment
21 exclusively to Filipino citizens;
- 22
23 e) The State shall adopt the precautionary principle and to prioritize conservation of the country's
24 marine and aquatic resources, as well as to protect the rights of small-scale fisher folk in the
25 preferential use of communal marine, fisheries and aquatic resources. Towards this end, it shall
26 provide such fisher folk with the appropriate technical and financial support; and
- 27
28 f) Legitimate and recognized non-governmental organizations (NGOs) are considered as partners of
29 the State in the protection and conservation of fisheries and aquatic resources. These NGOs are
30 likewise partners of the State in development and the promotion of the welfare of the fisher folk.

31
32 **SECTION 3. Creation.** To carry out the above-declared policy, the Department of Fisheries and
33 Aquatic Resources, hereinafter referred to as the Department, is hereby created structurally and
34 functionally in accordance with the provisions of this Act.

35
36 **SECTION 4. Jurisdiction of the Department.** The Department shall have primary jurisdiction over
37 the management, development, utilization and disposition of all fishery and aquatic resources of the
38 country, including the habitats of fish and all other marine life and over activities which impact on these
39 habitats. *Provided*, That the Department shall work closely with the Department of Environment and

1 Natural Resources and other relevant agencies to ensure that its policies relating to fishery and aquatic
2 resources are not in conflict with general government policies on the protection, preservation and
3 conservation of environment and natural resources, and are supportive of the general goal to ensure
4 equitable sharing of the benefits derived therefrom for the welfare of the present and future generations
5 of Filipinos. *Provided further*, That the jurisdiction over municipal waters shall be exercised jointly by the
6 Department and local government units (LGUs), with the latter managing the same in accordance with
7 national fishery policies, laws, rules and regulations.
8

9 The Department shall have the sole authority to supervise and regulate the production and capture
10 of fish and fishery products within its jurisdiction, as well as the processing and marketing of all fisheries
11 and aquatic products in the country. It shall also have the responsibility of rationalizing all ocean sector
12 initiatives which impact on fish and marine resources or their habitat including, but not limited to: marine
13 energy exploration and development; coastal and marine tourism; designation of shipping lanes;
14 protected areas; and, marine industry development areas. The regulation of these marine activities, once
15 rationalized by the Department, shall reside with the parent agency for the appropriate sector involved.
16

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

- 20 a) prepare and implement a Comprehensive National Fisheries Industry Development Plan;
- 21 b) issue licenses for the operation of commercial fishing vessels;
- 22 c) issue identification cards free of charge to fishworkers engaged in commercial fishing;
- 23 d) monitor and review joint fishing agreements between Filipino citizens and foreigners who
24 conduct fishing activities in international waters, and ensure that such agreements are not
25 contrary to Philippine commitment under international treaties and convention on fishing in the
26 high seas;
- 27 e) formulate and implement a Comprehensive Fishery Research and Development Program, such as,
28 but not limited to, sea farming, sea ranching, tropical/ornamental fish and seaweed culture,
29 aimed at increasing resource productivity, improving resource use efficiency, and ensuring the
30 long-term sustainability of the country's fishery and aquatic resources;
- 31 f) establish and maintain a Comprehensive Fishery Information System;
- 32 g) provide extensive development support services in all aspects of fisheries production, processing
33 and marketing;
- 34 h) provide advisory services and technical assistance on the improvement of quality of fish from the
35 time it is caught (i.e. on board fishing vessel, at landing areas, fish markets, to the processing
36 plants and to the distribution and marketing chain);
- 37 i) coordinate efforts relating to fishery production undertaken by the primary fishery producers,
38 LGUs, FARMCs, fishery and organizations/cooperatives;
- 39 j) advise and coordinate with LGUs on the maintenance of proper sanitation and hygienic practices
40 in fish markets and fish landing areas;
- 41 k) establish a corps of specialists in collaboration with the Department of National Defense,
42 Department of the Interior and Local Government, Department of Foreign Affairs for the efficient
43 monitoring, control and surveillance of fishing activities within Philippine territorial waters and
44 provide the necessary facilities, equipment and training therefor;
- 45 l) implement an inspection system for import and export of fishery/aquatic products and fish
46 processing establishments, consistent with international standards to ensure product quality and
47 safety;
- 48 m) coordinate with LGUs and other concerned agencies for the establishment of productivity
49 enhancing and market development programs in fishing communities to enable women to engage
50 in other fisheries/economic activities and contribute significantly to development efforts;
- 51 n) enforce all laws, formulate and enforce all rules and regulations governing the conservation and
52 management of fishery resources, including in municipal waters where it shall closely coordinate
53 with the LGUs for such enforcement, and to settle conflicts of resource use and allocation in
54 consultation with the NFARMC, LGUs and local FARMCs;

- 1 o) develop value-added fishery-products for domestic consumption and export;
2 p) recommend measures for the protection/enhancement of the fishery industries;
3 q) assist the LGUs in developing their technical capability in the development, management,
4 regulation, conservation, and protection of the fishery resources;
5 r) formulate and implement rules and regulations for the conservation and management of
6 straddling fish stocks and highly migratory fish stocks; and threatened living marine resources
7 such as sharks, rays and *ludong*, inter alia, in the Philippine Exclusive Economic Zone, territorial
8 sea, archipelagic and internal waters, in coordination with LGUs and integrated/municipal/city
9 Fisheries and Aquatic Resources Management Councils;
10 s) train, designate and deploy fisheries observers in Philippine flagged fishing vessels engaged in
11 commercial fishing in Philippine waters or distant water fishing to ensure compliance with
12 conservation and management measures adopted by RFMOS and by the Department;
13 t) implement boarding and inspection protocols upon Philippine flagged fishing vessels in order to
14 promote observance to international treaty obligations on food safety, to curb illegal, unreported
15 and unregulated fishing, and to comply with conservation and management measures;
16 u) adopt an appropriate monitoring, control, surveillance and traceability system for municipal
17 fishing vessels supplying exporters with concurrence of the local government units;
18 v) adopt and implement a national plan of action to manage fishing capacity, implement the
19 international code of conduct for responsible fisheries, and declare fishery management areas as
20 over-exploited in coordination with the LGUs and FARMCs;
21 w) require performance bonds and impose and collect reasonable fees and charges for laboratory
22 services, inspection, deployment of fisheries observers, and catch documentation and validation,
23 taking into account the balance required between recovering the costs of services rendered and
24 the socioeconomic impact of their imposition, upon prior consultation with stakeholders;
25 x) hear and decide administrative cases before it;
26 y) determine the appropriate levels of administrative and other sanctions, particularly for serious
27 violations, that deprive offenders of economic benefits from their violations of the laws, rules and
28 regulations;
29 z) initiate the criminal prosecution of offenses committed in violation of the Fisheries Code of 1997,
30 as amended, regardless of their status; and
31 aa) perform such other related functions which shall promote the development, conservation,
32 management, protection and utilization of fisheries and aquatic resources.

33 **SECTION 6. Composition.** The Department shall be composed of the Office of the Secretary, three
34 (3) Undersecretaries for Fisheries Production and Utilization, Fisheries Conservation and Management,
35 and for Operations, the National Fisheries and Aquatic Resources Management Council, the National
36 Fisheries Research and Development Institute, the Office of Ocean and Marine Affairs, and the following
37 services: the Philippine Fisheries and Aquatic Resources Information Service; Policy Analysis and
38 Planning Service; the Personnel, Finance, Legal and Property and General Services.
39

40 **SECTION 7. Attached Agencies.** The Office of Ocean and Marine Affairs shall be the Department's
41 primary agency tasked with the implementation of the National Marine Policy and the relevant provisions
42 of the United Nations Convention on the Law of the Sea. Any and all use of the ocean shall require the
43 assessment and clearance by this Office, which shall rationalize initiatives that will negatively impact the
44 fisheries or their habitat. It shall coordinate the implementation of fisheries and ocean sector policies, as
45 well as plans and laws for all maritime components. It shall be headed by a Director and shall have the
46 following divisions:
47

- 48 (a) Ocean-Use Assessment and Clearance Division;
49 (b) National and International Ocean Law and Policy Division;
50 (c) Special Projects Division; and
51 (d) Technical Division
52

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

1 The National Fisheries Research and Development Institute (NFRDI) created by Republic Act No.
2 8550, as amended, shall also be an attached agency of the Department of Fisheries and Aquatic Resources,
3 to serve as the primary research arm thereof. To ensure the independent and objective implementation of
4 its research activities, the NFRDI shall have a separate budget specific to its manpower requirements and
5 operations.

6 **SECTION 8. Secretary of Fisheries and Aquatic Resources.** The Secretary of Fisheries and Aquatic
7 Resources, hereinafter referred to as the Secretary, shall be appointed by the President with the consent
8 of the Commission on Appointments, and shall have the following functions:

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

20
21 **SECTION 9. Undersecretaries.** There shall be three (3) Undersecretaries: the Undersecretary for
22 Fisheries Production and Utilization; the Undersecretary for Fisheries Conservation and Management; and
23 the Undersecretary for Operations; who shall be appointed by the President upon the recommendation of
24 the Secretary. No person shall be appointed Undersecretary of the Department unless he or she is a
25 Filipino citizen; at least a degree holder in fisheries, public administration, management, economics, law
26 or other equivalent relevant disciplines; has actual experience in administration and management for at
27 least ten (10) years; and has general practical knowledge of fisheries.

28
29 The Undersecretaries for Fisheries Production and Utilization and for Fisheries Conservation and
30 Management shall have the following functions:

- 31
32 (a) Assist the Secretary on the formulation of policies, programs, plans, rules and regulations, as well
33 as on the promulgation of Department Order, Administrative Orders, and other issuance with
34 respect to his/her area of responsibility;
35 (b) Exercise supervision and control over the bureaus, offices, services and operating units under
36 his/her responsibility;
37 (c) Coordinate the functions and activities of the units under his/her responsibility with those of the
38 other units in the Department;
39 (d) Liaise with concerned government departments, agencies, and offices to ensure effective
40 coordination in the management of the fisheries and aquatic resources sector; and
41 (e) Perform such other functions as may be provided by law or assigned by the Secretary.

42
43 The Undersecretary for Operations shall have the following functions:

- 44
45 (a) Exercise supervision and control over the regional offices;
46 (b) Coordinate, harmonize and package the policies, plans, programs and projects of all the Bureaus,
47 Services, Offices and Units of the Department, for the proper implementation by the regional
48 offices;
49 (c) Advise the Secretary in the formulation of policies, plans and programs as well as on the
50 promulgation of rules, regulations and orders with respect to his/her area of responsibility;
51 (d) Exercise supervision and control over the Fisheries Inspection and Quarantine Service and the
52 Bureau of Fishery Economics and Statistics;
53 (e) Establish linkage with local government units, local fisher folk associations and organizations,
54 non-government organization and peoples' organization and supervise support and extension
55 services at the regional, provincial and municipal levels; and
56 (f) Perform other functions as may be provided by law or assigned by the Secretary.

57
58 **SECTION 10. Organizational Structure of the Department.** The functions of the Department
59 under this Act shall be carried out by the bureaus, agencies and services created in the Department.

60
61 Under the supervision and control of the Undersecretary for Fisheries Production and Utilization,

the following bureaus, services and offices are hereby created:

- (a) Bureau of Aquaculture and Inland Fisheries (BAIF) - The BAIF shall, among others, be responsible for: regulating aquaculture operations in line with the International Code of Conduct for Aquaculture, promoting the intensification of aquaculture operations in existing areas; formulating aquaculture development programs; establishing and maintaining model aquaculture farms and ponds; providing technical assistance to cooperatives and fishpond operators in the development of a viable fishmeal and fish feeds industry, undertaking inland fishery resources evaluation; and recommending management and conservation measures.

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

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

- (b) Bureau of Postharvest and Fisheries Product Standards (BPFPS) - The fishery component of the Bureau of Agriculture and Product Standards created under Section 61 of RA 8435 shall be transferred to the BPFPS which shall formulate and enforce standards of quality in the processing, preservation, packaging, labeling, importation, exportation, distribution, and advertising of fishery products; conduct research on product standardization, alignment of the local standards with the international standards; promote and strengthen semi-processing and handling; and shall have a Director, two Assistant Directors - one for Product Standards and Technical Services and the other for Industry Compliance and Consumer Protection.

Under the Assistant Director for Product Standards and Technical Services, the following shall be Divisions:

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

Under the Assistant Director for Industry Compliance and Consumer Protection, the following shall be the following divisions:

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

- (c) Bureau of Fisheries Extension, Training, and Support Service (BFETSS) - The BFETSS shall coordinate all development activities with respect to fisheries and aquatic resources technology, and shall have a development section for all components including inland and ocean fishing, and fishing gears and methods. It shall formulate a National Extension System for Fisheries, which shall be composed of three (3) subsystems: the national government subsystem, the local government subsystem and the private sector subsystem. It shall deliver the following major services: training services; credit and financing support services, business advisory services; demonstration services, and information and communication support services through tri-media.

It shall have the following divisions:

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

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

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

- (1) Municipal Fisheries Division;

- 1 (2) Commercial Fisheries Division;
- 2 (3) Fishing Technology Division; and
- 3 (4) High Seas Fisheries Division

4
5 (e) The Fisheries Modernization Credit and Financing Agency (FMCFA) - The FMCFA shall administer
6 the funds under Sections 108 to 113 of RA 8550 as well as the fisheries-related provisions of
7 Sections 20 to 25 of RA 8435, harmonizing and integrating the two so as to package and deliver
8 various credit assistance programs for the following:

- 9 (1) Fisheries production including processing of fisheries products and inputs;
- 10 (2) Acquisition or construction of fishery equipment, machinery, fishing vessels and fishing
11 gears;
- 12 (3) Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
- 13 (4) Procurement of fisheries products for storage, trading, processing and distribution;
- 14 (5) Construction, acquisition and repair of facilities for production, processing, storage,
15 transportation, communication, marketing and such other facilities in support of fisheries;
16 economic activities; High Seas Fisheries Division;
- 17 (6) Working capital for fisheries graduates to enable them to engage in fisheries-related;
- 18 (7) Activities which support marine and freshwater bodies conservation and ecology-enhancing
19 activities such as but not limited to mangrove reforestation, promotion of whale shark and
20 manta ray and other endangered marine species watching and ecotourism; and the
21 (8) Development of appropriate technology, both in fishery and ancillary industries that are
22 ecologically sound, locally source based and labor intensive, based on the requirements of the
23 Fisheries and Aquatic Management Councils. Under the supervision and control of the
24 Undersecretary for Fisheries Conservation and Management, the following bureaus, units,
25 board and services are hereby created.

26
27
28 (f) Marine Resources Conservation and Management Bureau - The Marine Resources Conservation
29 and Management Bureau is a line bureau tasked with the formulation and implementation of a
30 Comprehensive Fisheries Management Plan. It shall undertake marine fishery resources
31 assessment and biological and environmental investigations and formulate conservation
32 measures. In coordination with the National Fisheries Research and Development Institute, it shall
33 determine and establish the carrying capacity and total allowable catch (TAC) for a particular
34 resource. It shall set the allowable fishing effort based on the carrying capacity of the resource and
35 TAC and accordingly issue commercial fishing licenses and permits.

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

- 38 (1) Coastal Resources Management Division;
- 39 (2) Oceanography Division;
- 40 (3) Fisheries Licensing Division;
- 41 (4) Biotechnology, Biosafety and Bioprospecting Division; and the
- 42 (5) Fisheries Law Enforcement Division -

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

- 52
53 i. The National and Fisheries Zone Monitoring and Surveillance Center which shall have a
54 National Coordinating Center and several Fisheries Zones Monitoring and Surveillance
55 Centers. It is further subdivided into the Vessel Tracking and Remote Sensing Office, and
56 the Database and Information Center;
- 57 ii. The Fisheries Air Patrol and Ocean Patrol, and the Regulatory Staff composed of Fishery
58 Officers, Deputized Fisheries Guardians and the corps of specialists from the DND, PNP-
59 MARICOM, DILG, DFA and DOJ. The Fishery Officers shall have full police powers relative to
60 the enforcement of fishery laws, rules and regulations including arrest, search and seizure,
61 and shall have the authority to directly file complaints for violation of fishery laws, rules

1 and regulations.

- 3 (g) The Bureau of Marine Protected Areas and Wildlife (BMPAW) - The BMPAW is a line bureau
4 responsible for establishing and maintaining marine protected areas and wildlife sanctuaries. It
5 shall lead in the conduct of scientific researches on the proper strategies for the conservation and
6 protection of marine wildlife and their habitat including breeding or propagation. It shall also
7 establish Marine Wildlife Rescue Centers to take custody of all confiscated, stranded or abandoned
8 marine wildlife. It shall have the authority to issue Committee on International Trade on
9 Endangered Species (CITES) Permits and shall be both the CITES Management and Scientific
10 Authorities of the Philippines. It shall be the lead agency in the fulfillment of the country's
11 obligations under CITES, the Convention on Biological Diversity and other treaties and
12 international agreements.

13 It shall have the following divisions:

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

22 The Undersecretary for Operations shall have direct control and supervision over all regional offices
23 and the following units and bureau:

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

35 It shall have the following units:

- 36 (1) Regional fishery Inspection and Quarantine Offices;
37 (2) Cyanide Detection Centers;
38 (3) Product Standards Enforcement Division; and the
39 (4) Regional Fish Health Centers

- 40 (b) The Bureau of Fishery Economics and Statistics (BFES) - The BFES shall be a line bureau
41 responsible for establishing benchmark data on the structure of the fishery industry. It shall
42 conduct research and studies on the socio-economics of various fishery operations, collect data on
43 fishery production, and establish a network of fishery information, documentation and
44 dissemination. It shall have the following divisions:

- 45 (1) Fishery Statistics Division;
46 (2) Socioeconomic Division; and the
47 (3) Fishery Information Division

48 **SECTION 11. Regional Offices and Functions.** The Department shall have such department-wide
49 regional offices as may be necessary in the administrative regions, each to be headed by a Regional
50 Director, who shall be assisted by an Assistant Regional Director, each regional office shall have support
51 staffs as may be necessary and four line divisions which shall have the following duties and
52 responsibilities:

- 53 (a) Provide efficient and effective front-line service to the fishery and aquatic industry sector,

- 1 particularly to the municipal fishermen;
- 2 (b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects, rules and
- 3 regulations of the Department;
- 4 (c) Coordinate with the Regional Office of the other departments, offices and agencies in the region;
- 5 and
- 6 (d) Perform other functions as may be provided by law or assigned by the Secretary.
- 7

8 **SECTION 12. Appointment and Qualification of Directors.** The Directors of the Bureau, Offices

9 and Agencies and the Regional Directors shall be appointed by the Secretary, upon recommendation of the

10 Undersecretaries concerned. The Directors must have a degree in law or Master of Science degree in

11 marine fisheries, oceanography, fisheries biology, marine biology, fisheries technology, microbiology or

12 related sciences, or public administration and at least five years of experience either in the public or

13 private sector, in marine fisheries research and development, or in the fisheries industry.

14

15 **SECTION 13. Abolition, Transfer and Merger.** - The Bureau of Fisheries and Aquatic Resources

16 reconstituted by Republic Act No 8550, is hereby abolished and its relevant functions, appropriations,

17 records, properties, equipment and personnel are hereby transferred to the Department of Fisheries and

18 Aquatic Resources: Provided, however, That no official or employee of the BFAR shall be laid off in the

19 implementation of this section.

20

21 The National and Municipal Fisheries and Aquatic Resources Management Councils created by

22 Republic Act No. 8550 shall be transferred to the Office of the Secretary of the Department of Fisheries

23 and Aquatic Resources.

24

25 The National Fisheries Research and Development Institute created by Republic Act No. 8550 is

26 transferred to the department and shall serve as its principal research arm.

27

28 The Philippine Fisheries Development Authority created by Presidential Decree No. 977 including

29 its relevant functions, appropriations, records, properties, equipment and personnel, is hereby

30 transferred to the Department of Fisheries and Aquatic Resources as an attached agency under the Office

31 of the Secretary: Provided, however, That the Secretary of the Department of Fisheries and Aquatic

32 Resources shall be the new chairman of the Board: Provided, further, That no official or employee of the

33 PFDA shall be laid off in the implementation of this Section.

34

35 The Philippine Technical Advisory Committee of the SEAFDEC Aquaculture Department created

36 under Executive Order No. 834 dated October 4, 1982, including its relevant functions, appropriations;

37 records, properties, equipment and personnel, is hereby transferred and attached to the Department of

38 Fisheries and Aquatic Resources: Provided, That no official or employee of the Board shall be laid off in

39 the implementation of this section.

40

41 The fisheries-related functions of the Laguna Lake Development Authority, including its relevant

42 appropriations, records, and personnel, are hereby transferred to the Department of Fisheries and

43 Aquatic Resources: Provided, however, that no official or employee of the LLDA shall be laid off in the

44 implementation of this Section.

45

46 The Philippine Council for Aquatic and Marine Research and Development is abolished and all its'

47 personnel, records, appropriations, property and equipment are transferred to the National Fisheries

48 Research and Development Institute of the Department of Fisheries and Marine Resources.

49

50 The Marine Research and Conservation Division and the different Sections there under and the

51 Coastal Environment Program including its relevant appropriations, personnel, records, property and

52 equipment, all marine and coastal related projects and programs of the Department of Environment and

53 Natural Resources, and all fisheries related functions 'of the DENR under Executive Orders No. 192 and

54 292, except the functions of the enforcement of water pollution laws, rules and regulations, are hereby

55 transferred to the Department of Fisheries and Aquatic Resources.

56

57 The fisheries-related sections of the Bureau of Agricultural Research, the Bureau of Agricultural

58 Statistics and the Agricultural Training Institute of the Department of Agriculture are hereby abolished

59 and all its personnel, records, appropriations, property and equipment are transferred to the Department

60 of Fisheries and Marine Resources.

61

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

- 3
4 a) The transfer of a government unit or agency shall include the functions, Appropriations, funds,
5 records, equipment, facilities, chooses in action, rights, other assets and liabilities, if any, of the
6 Transferred unit or agency as well as the personnel thereof, as may be necessary, who shall,
7 pending reappointment, continue to perform their respective duties and responsibilities and
8 receive the 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 agency that has
10 exercised them, shall include the appropriations, funds, records, equipment, facilities, chooses in
11 action, rights, other assets and personnel as may be necessary to the proper discharge of the
12 transferred functions. Its liabilities, if any, shall likewise be treated in accordance with the
13 Government Auditing Code and other pertinent laws, rules and regulations. Its personnel shall,
14 pending reappointment, continue to perform their duties and responsibilities and receive the
15 corresponding salaries and benefits in a holdover capacity.

16
17 **SECTION 15. Organization Committee.** The duly appointed Secretary of Fisheries and Aquatic
18 Resources shall immediately create an organization committee which shall study and formulate the
19 staffing pattern, qualification standards, and placement of personnel in the Department, its services,
20 bureaus, and offices. The Committee shall be composed of representatives from the Department of Budget
21 and Management, Civil Service Commission, the fishery industry and the academe.

22
23 **SECTION 16. Appropriations.** For the effective implementation of this Act, the amount of Php5
24 billion pesos is hereby appropriated from the funds of the National Treasury and the current budgetary
25 appropriations of the Bureau of Fisheries and Aquatic Resources, including its regional offices, the
26 appropriations of the Philippine Fishing Development Authority, and the budgetary provision of the
27 Philippine Council for Aquatic and Marine Research Development.

28
29 The revenues which the Department will generate from its licensing operations, the fees collected &
30 the proprietary services delivered by the Department, and the administrative fines imposed by the
31 National Fisheries Regulatory and Adjudication Bond shall constitute the Department's revolving fund
32 from which amounts necessary to carry out the special research projects, management and conservation
33 programs, staff development programs, and the acquisition of equipment, vessels, and airplanes,
34 helicopters of the Monitoring and Surveillance Center shall be taken: Provided, however, That the
35 fishpond rentals shall accrue to the National Fisheries Research and Development Institute as provided
36 under Section 46 (c) of Republic Act No. 8550. The use of such funds shall be project to COA rules and
37 regulations.

38
39 **SECTION 17. Separability Clause.** If any provision of this Act is declared unconstitutional
40 inoperative, the other provisions not so declared shall remain in force and effect.

41
42 **SECTION 18. Repealing Clause.** All laws, decrees, orders, rules and regulations or parts thereof
43 inconsistent with the Act or the rules and regulations promulgated pursuant thereto are hereby repealed
44 or amended accordingly.

45
46 **SECTION 19. Effectivity Clause.** - This Act shall take effect fifteen (15) days after publication in
47 two (2) national newspapers of general circulation.

Approved,