

NINETEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
First Regular Session

Office of the Secretary

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SENATE

S.B. No. 369

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INTRODUCED BY SENATOR RISA HONTIVEROS

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

EXPLANATORY NOTE

The Philippines is naturally endowed with rich coastal resources. It has a coastline of 36,289 kilometers. Its territorial waters including its Exclusive Economic Zone (EEZ) total 2.2 million square kilometers, of which 266,000 are coastal while the rest are oceanic (Department of Agriculture-Bureau of Fisheries and Aquatic Resources, Philippine Fisheries Profile, 2011:15). The country's coral reef areas are amongst the most extensive in the world, second only to its neighbor Indonesia. It has large tracts of mangrove forests and sizable sea grass areas scattered around its coasts. In fact, the country is considered to be the apex of the Coral Triangle, which is recognized as the world's center of marine biodiversity (National Plan of Action for the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security, 2009:1).

A separate Department must be created to focus on fisheries and aquatic resources. Technically speaking, fisheries deal with the sustainable management of fisheries and other aquatic resources and ensuring an ecosystem-based approach to cover production, through capture and culture, processing and marketing of fish and other living species from the aquatic environment and the livelihoods and settlement of artisanal fisherfolk. On the other hand, agriculture refers to cultivation of land for crops and rearing animals to provide food. A separate department will institutionalize a workforce that is solely dedicated to the management of the country's fisheries and aquatic resources and untapping the potentials of the blue economy. According to Philippine Agriculture 2020 of the National Academy of Science and Technology of the Department of Science and Technology (DOST), "Fisheries is too big of a problem to be handled by the DA which is already beset with many problems and challenges like declining productivity and competitiveness."

For an agency exercising supervision over fisheries and aquatic resources to be truly efficient, it must have necessary funding to undertake and implement comprehensive programs and policies. At present, BFAR has limited funding because it depends on the budgetary allocation of its mother agency, the DA. It covers the function meant for a department but only gets a limited budget meant for a line bureau. BFAR reported that it needs PHP 60 billion to properly implement fisheries law enforcement and management. But for Fiscal Year 2019, out of the DA budget of PHP 47,293,174,000, BFAR was only allocated PHP 5,758,003,000.¹⁰ Elevating the Bureau to a Department will likewise increase its budgetary allocations. The fisheries sector has a significant contribution to the country's economy hence it is only fitting that a government agency exercising authority over it will be equipped with financial muscle to perform its mandate.

A Department of Fisheries and Aquatic Resources can provide institutional support to maximize the potential of the Blue Economy and to implement the Comprehensive National Fisheries Industry Development Plan and the Comprehensive Post Harvest, Marketing and Ancillary Industries Plan. The estimated total contribution of the maritime sector to the Philippine economy, including the fishing industry, was valued at Php210.39 billion in 2019. This accounts for 2.6% of the country's Gross Domestic Product (GDP). To reiterate the findings of the NAST study, potentially, the Net Annual Benefit from our marine ecosystem under the Blue Economy is conservatively estimated at Php 317.33 Billion. The Blue Economy has likewise produced employment to 1.53 million persons in 2019 and directly employs around 1.9 million registered fisherfolk. It still has great potential for growth if a strong institution will provide necessary staffing and funding. There is also a need for strong institutional support to implement the CNFIDP (2016-2020) and the CPHMAIP (2018-2022). Over a 5-year period, given the funding of Php30.6 billion and the staffing, the CNFIDP targets a 1% annual growth in municipal capture fisheries, 5% annual growth in commercial capture fisheries and 10% reduction in post-harvest losses. In aquaculture, the CNFIDP targets a 4% increase in milkfish production, 25% increase in seaweeds production, 10% increase in shellfish production, 5.4% increase in mangrove crab production, 10% increase in shrimp production and 6% increase in tilapia production. In terms of the CPHMAIP, total investment requirement is estimated at Php29 billion with projected accrued benefit at Php74 billion over a 5-year period. Moreover, under the developmental framework of the Blue Economy, DFAR will now have the necessary resources to capitalize the huge potential of our marine resources, thus restoring its condition, enhancing sustainability, and at the same time, providing increased revenues to our country's coffers.

The passage of this bill is earnestly sought.

Risa Hontiveros Sarapede
RISA HONTIVEROS
Senator

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

CHAPTER I

GENERAL PROVISIONS

1
2
3
4 SECTION 1. *Short Title.* This Act shall be known as the "Department of Ocean,
5 Fisheries and Aquatic Resources Act of 2022".

6 Sec. 2. *Declaration of Policies.* It is hereby declared the policy of the State:

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

11 b. 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;

14 c. To adopt the precautionary principle and to prioritize conservation of the
15 country's marine and aquatic resources;

16 d. To protect the rights of small-scale fishermen in the preferential use of
17 communal marine, fisheries and aquatic resources;

18 e. To protect fisherfolk communities from the adverse effects of climate
19 change and severe weather disturbances.

20 Sec. 3. *Department of Ocean, Fisheries and Aquatic Resources.* -

21 Sec. 4. *Mandate.* - The Department shall exercise primary jurisdiction over the
22 management, conservation, development, protection, utilization and disposition of all
23 fishery and aquatic resources of the country, including the habitats of fish and other

1 marine life and over activities which impact on these habitats, except for municipal
2 waters, which shall remain under the jurisdiction of local government units. The latter
3 shall manage their municipal waters in accordance with existing national fishery policies,
4 laws, rules and regulations.

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

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

14 *Sec. 5. Powers and Functions.* –To accomplish this mandate, the Department shall
15 have the following powers, functions and responsibilities:

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

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

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

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

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

31 (f) Promulgate laws, rules and regulations governing the conservation and
32 proper utilization of fisheries and aquatic resources except in municipal waters;

33 (g) Issue licenses for the operation of commercial fishing vessels and permits
34 for the conduct of fishery activities subject to the specific carrying capacities of the
35 resource as determined by scientific studies or best available evidence with preference

1 given to resource users in the local communities living adjacent or nearest to the
2 municipal waters;

3 (h) Issue fish worker licenses and identification cards free of charge to fish
4 workers engaged in commercial fishing;

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

11 (j) Perform quasi-judicial and allied functions and settle conflicts of resource
12 use and allocation in consultation with the NFARMC and LGUs.;

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

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

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

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

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

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

1 (q) Formulate and enforce the Code of Practice for Aquaculture and Code of
2 Conduct for Responsible Fisheries;

3 (r) Promote international economic and technical cooperation in the fisheries
4 and oceans sectors and in integrated oceans management, especially within the ASEAN
5 region;

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

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

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

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

20 (w) Establish and implement, through PFDA, a National Marketing Assistance
21 Program, aimed at ensuring the generation of the highest possible income for fisherfolk
22 and fishery-related enterprises, matching supply and demand in both domestic and
23 foreign markets;

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

27 (y) Administer a fisheries modernization credit program to finance fishery
28 projects of fisherfolks, fish farmers, fish processors, commercial fishers and other
29 qualified borrowers; and

30 (z) Perform all other functions consistent with this Act and as may be provided
31 by law.

32
33 **CHAPTER II**
34 **THE DEPARTMENT PROPER**
35

1 Sec. 6. *Composition.* – The Department shall be composed of the Office of the
2 Secretary and three (3) Undersecretaries for Fisheries Production and Utilization, Fisheries
3 Conservation and Management, and for Operations, three (3) Assistant Secretaries; one
4 council, the National Fisheries and Aquatic Resource Management Council, one institute,
5 the National Fisheries Research and Development Institute, one office, the Office of
6 Ocean and Marine Affairs and the following services: the Philippine Fisheries and Aquatic
7 Resources Information Service, the Fisheries Inspection and Quarantine Service, the
8 Bureau of Fishery Economics and Statistics, Policy Analysis and planning Service, as well
9 as Personnel, Finance, Legal and Property and General Services.

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

- 18 (a) Oceans Use Assessment and Clearance Division;
- 19 (b) National and International Oceans Law and Policy Division;
- 20 (c) Special Projects Division;
- 21 (d) Technical Division.

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

25 Sec. 7. *The Secretary of Fisheries and Aquatic Resources.* – The Secretary of
26 Fisheries and Aquatic Resources, hereinafter referred to as the Secretary, shall be
27 appointed by the President with the consent of the Commission on Appointments, and
28 shall have the following functions:

- 29 (a) Exercise supervision and control of the Department and the Bureaus, Offices
30 and Institutes under it;
- 31 (b) Authority and responsibility for the performance of the powers and
32 functions of the Department;
- 33 (c) Advise the President on the promulgation of policies, rules and regulations,
34 and other issuances relative to the sustainable development and management of fisheries
35 and oceans resources;

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

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

5 (f) Perform such other functions as may be provided by law or assigned by the
6 President.

7 *Sec. 8. Functions of the Undersecretaries of the Department of Fisheries and*
8 *Aquatic Resources.* – There shall be three (3) Undersecretaries, namely: the
9 Undersecretary for Fisheries Production and Utilization; the Undersecretary for Fisheries
10 Conservation and Management; and the Undersecretary for Operations; who shall be
11 appointed by the president upon the recommendation of the Secretary.

12 The Undersecretaries for Fisheries Production and Utilization and for Fisheries
13 Conservation and Management shall have the following functions:

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

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

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

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

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

25 The Undersecretary for Operations shall have the following functions:

26 (a) Exercise supervision and control over regional offices;

27 (b) Coordinate, harmonize and package the policies, plans, programs and
28 projects of all Bureaus, Services, Offices and units of the Department, for the proper
29 implementation by the regional offices;

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

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

1 (e) Establish linkage with local government units, local fisherfolk associations
2 and organizations, non-government organization and people's organization and supervise
3 support and extension services at the regional, provincial and municipal levels; and

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

6 Sec. 9. *Assistant Secretaries.* – There shall be three (3) assistant secretaries,
7 namely, one (1) for The Assistant Secretaries shall be appointed by the President upon
8 the recommendation of the Secretary.

9 Sec. 10. *Regional Offices and Functions.* – The Department shall have such
10 department-wide regional offices as may be necessary in the administrative regions, each
11 to be headed by a Regional Director, who shall be assisted by an Assistant Regional
12 Director, each regional office shall have 'support staffs' as may be necessary and four line
13 division which shall have the following duties and responsibilities:

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

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

18 (3) Coordinate with the Regional Office of other departments, offices and
19 agencies in the region; and

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

22 Sec. 11. *Qualifications.* – No person shall be appointed as Secretary,
23 Undersecretary or Assistant Secretary of the Department unless he or she is a citizen or
24 resident of the Philippines, of good moral character, at least a degree holder in fisheries,
25 public administration, management, economics, law or any other equivalent relevant
26 discipline, has actual experience in public administration and management for at least ten
27 (10) years.

28 The Directors must have a degree in law or Master of Science degree in marine
29 fisheries, oceanography, fisheries biology, marine biology, fisheries technology,
30 microbiology or related sciences, or public administration and at least five years of
31 experience either in the public or private sector, in marine fisheries research and
32 development, or in the fisheries industry.

33 Sec. 12. *Bureaus, Offices and Divisions.* – Subject to the power of the Secretary,
34 with the approval of the President, to reorganize, restructure, and redefine the functions
35 of the bureaus, in order for them to effectively carry out their mandate under this Act,
36 the Department shall have the following bureaus and services: Bureau of Aquaculture

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

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

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

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

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

- 23
- 24 (1) Aquaculture Management and Development Division;
- 25 (2) Inland Fisheries Resource Assessment and Conservation Division;
- 26 (3) Inland Fishery Development and Extension Division; and the
- 27 (4) Environmental Impact Assessment and Monitoring Division.

28 (b) Bureau of Post-harvest and Fisheries Product Standards (BPFPS) – The
29 fishery component of the Bureau of Agriculture and Product Standards created under
30 Section 61 of RA 8435 shall be transferred in the BPFPS which shall:

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

1 The BPFPS shall have a Director, two Assistant Directors, one for Product
2 Standards and Technical Services and the other for Industry Compliance and Consumer
3 Protection and the following divisions:

4 Under the Assistant Director for Product Standards and Technical Services are the
5 following:

- 6 - Technical Services Division
- 7 - Fish Processing Technology Division
- 8 - Standards Development and Promotion Division; and
- 9 - Value-added Products Development and Promotion Division.

10 Under the Assistant Director for Industry Compliance and Consumer Protection are
11 the following:

- 12 - Industry Compliance Division
- 13 - Consumer Affairs Division; and the
- 14 - Arbitration and Dispute Resolution Division.

15 (c) Bureau of Fisheries Extension, Training, and Support Service (BFETSS) –

16 The BFETSS shall:

17
18 (1) Coordinate all development activities with respect to fisheries and
19 oceans technology, and shall have a development section for all components
20 including inland and oceans fishing;

21 (2) Formulate a National Extension System for Fisheries, which shall be
22 composed of three (3) subsystems: the national government subsystem, the local
23 government subsystem and the private sector subsystem;

24 (3) Deliver the following major services: training services; credit and
25 financing support services, business advisory services; demonstration services;
26 and information and communication support services through tri-media

27 It shall have the following divisions:

- 28 - Training and Skills Development Division;
- 29 - Technology Transfer and Demonstration Division;
- 30 - Business Advisory and Information Support Division; and
- 31 - Training Centers.

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

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

- 3 - Municipal Fisheries Division;
- 4 - Commercial Fisheries Division;
- 5 - Fishing Technology Division; and
- 6 - High Seas Fisheries Division.

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

- 11 - Fisheries production including processing of fisheries products and inputs;
- 12 - Acquisition or construction of fishery equipment, machinery, fishing vessels and
13 fishing gears;
- 14 - Acquisition of fry, fingerlings, fertilizers, feeds and similar items;
- 15 - Procurement of fisheries products for storage, trading, processing and
16 distribution;
- 17 - Construction, acquisition and repair of facilities for production, processing,
18 storage, transportation, communication, marketing and such other facilities in
19 support of fisheries; economic activities; and
- 20 - Working capital for fisheries graduates to enable them to engage in fisheries-
21 related activities which support marine and freshwater bodies conservation and
22 ecology-enhancing activities such as but not limited to mangrove reforestation,
23 promotion of whale shark and manta ray and other endangered marine species
24 watching and ecotourism; and
- 25 - Development of appropriate technology, both in fishery and ancillary industries
26 that are ecologically sound, locally source-based and labor intensive, based on
27 the requirements of the Fisheries and Aquatic Management Councils.

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

30 (a) Marine Resources Conservation and Management Bureau – The Marine
31 Resources Conservation and Management Bureau is a line bureau tasked with the
32 formulation and implementation of a Comprehensive Fisheries Management Plan. It shall
33 undertake marine fishery resources assessment and biological and environmental
34 investigations and formulate conservation measures. In coordination with the National
35 Fisheries Research and Development Institute, it shall determine and establish the
36 carrying capacity and total allowable catch (TAC) for a particular resource and location.

1 It shall set the allowable fishing effort based on the carrying capacity of the resource and
2 TAC and accordingly issue commercial fishing licenses and permits.

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

5 (1) Coastal Resources Management Division;

6 (2) Oceanography Division;

7 (3) Fisheries Licensing Division;

8 (4) Biotechnology, Bio-safety and Bio-prospecting Division; and the

9 (5) Fisheries Law Enforcement Division.

10 The Fisheries Law Enforcement Division shall operate the National and Zonal
11 Monitoring Surveillance System. It shall establish fishery air and ocean patrol as well as
12 conduct law enforcement trainings and recommend to the Secretary the deputation of
13 government employees and members of fisherfolk association as fishery guardians. It
14 shall have the supervision and control of fishery officers and guardians and the corps of
15 specialists responsible for the enforcement of fishery laws, rules and regulations and the
16 efficient monitoring and surveillance of fishing activities within Philippine territorial
17 waters. It shall have the following units:

18 (a) The National and Fisheries Zone Monitoring and Surveillance Center which
19 shall have a National Coordinating Center and several Fisheries Zones Monitoring and
20 Surveillance Centers. It is further subdivided into the Vessel Tracking and Remote Sensing
21 Office, and the Database and Information Center;

22 (b) The Fisheries Air Patrol and Oceans Patrol, and the Regulatory Staff
23 composed of Fishery Officers, Deputized Fisheries Guardians and the corps of specialists
24 from the DND, PNP-MARICOM, DILG, DFA and DOJ. The Fishery Officers shall have full
25 police powers relative to the enforcement of fishery laws, rules and regulations including
26 arrest, search and seizure, and shall have the authority to directly file complaints for
27 violation of fishery laws, rules and regulations.

28 (b) The Bureau of Marine Protected Areas and Wildlife (BMPAW) – The BMPAW
29 is a line bureau responsible for establishing and maintaining marine protected areas and
30 wildlife sanctuaries. It shall lead in the conduct of scientific researches on the proper
31 strategies for the conservation and protection of marine wildlife and their habitats
32 including breeding or propagation. It shall also establish Marine Wildlife Rescue Centers
33 to take custody of all confiscated, stranded or abandoned marine wildlife. It shall have
34 the authority to issue Committee on International Trade on Endangered Species (CITES)
35 Permits and shall be both the CITES Management and Scientific Authorities of the
36 Philippines. It shall be the lead agency in the fulfillment of the country's obligations under

1 CITES, the Convention on Biological Diversity and other treaties and international
2 agreements. Related functions and activities currently undertaken the Protected Areas
3 and Wildlife Bureau (PAWB) of the Department of Environment and Natural Resources
4 are now transferred to the BMPAW. Likewise, all established marine protected areas
5 currently supervised by the PAWB shall now be transferred to the BMPAW for supervision
6 and management.

7 The Bureau shall have the following divisions:

- 8 (1) Marine Protected Area Division;
- 9 (2) Marine Wildlife Rescue Centers;
- 10 (3) CITES Management Authority;
- 11 (4) Endangered Marine Species Captive Breeding Centers;
- 12 (5) Endangered Marine Wildlife Research Center shall be the Department's CITES
13 Scientific Authority which shall coordinate with academic institutions
14 designated as scientific authorities; and the
- 15 (6) Biodiversity Division.

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

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

30 It shall have the following units:

- 31 (1) Regional Fishery Inspection and Quarantine Offices;
- 32 (2) Cyanide Detection Centers;
- 33 (3) Product Standards Enforcement Division;
- 34 (4) Regional Fish Health Centers.

35 (b) The Bureau of Fishery Economics and Statistics (BFES) – The BFES shall
36 be a line bureau responsible for establishing benchmark data on the structure of fishery

1 industry. It shall conduct research and studies on the socio-economics of various fishery
2 operations, collect data on fishery production, and establish a network of fishery
3 information, documentation and dissemination

4 It shall have the following divisions:

- 5 (1) Fishery Statistics Division;
- 6 (2) Socio-economic Division, and the
- 7 (3) Fishery Information Division.

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

- 16 (a) Ocean Use Assessment and Clearance Division;
- 17 (b) National and International Oceans Law and Policy Division;
- 18 (c) Special Projects Division; and
- 19 (d) Technical Division.

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

23

24

CHAPTER IV

25

TRANSITORY PROVISIONS

26

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

35 The National Fisheries Research and Development Institute created by Republic
36 Act No. 8550 is transferred to the Department and shall serve as its principal research

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

14 The fisheries related functions of the Laguna Lake Development Authority,
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 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 Aquatic Resources.

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

29 The fisheries-related sections of the Bureau of Agricultural Research, the Bureau
30 of 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 Aquatic Resources.

33 *Sec. 14. Transitory Provisions.* – In accomplishing the acts of organizing the
34 department as herein prescribed, the following provisions shall be complied with:

35 (a) The transfer of a government unit or agency shall include the functions,
36 appropriations, funds, records, equipment, facilities, chooses in action rights, other assets

1 and liabilities, if any, of the transferred unit or agency as well as the personnel thereof,
2 as may be necessary, who shall, pending reappointment, continue to perform their
3 respective duties and responsibilities and receive the corresponding salaries and benefits
4 in a hold-over capacity;

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

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

19 *Sec. 16. Appropriations.* – For the effective implementation of this Act, the amount
20 of \$5 billion pesos is hereby appropriated from the unappropriated funds of the national
21 Treasury and the current budgetary appropriations of the Bureau of Fisheries and Aquatic
22 Resources, including is regional offices, the appropriations of the Philippine Fishing
23 Development Authority, and the budgetary provision of the Philippine Council for Aquatic
24 and Marine Research Development. The amount necessary for the construction of a
25 national office of the Department of Fisheries and Aquatic Resources equivalent to
26 P500,000,000.00 is hereby appropriated from the unappropriated funds of the national
27 Treasury. The revenues which the Department will generate from its licensing operations,
28 the fees collected and the proprietary services delivered by the Department, and the
29 administrative fines imposed by the National Fisheries Regulatory and Adjudication Bond
30 shall constitute the Department's revolving fund from which amounts necessary to carry
31 out the special research projects, management and conservation programs, staff
32 development programs, and the acquisition of equipment, vessels, and airplanes,
33 helicopters, of the Monitoring and Surveillance Center shall be taken: Provided, however,
34 That the fishpond rentals shall accrue to the National Fisheries Research and
35 Development Institute as provided under Section 46 (c) of the Republic Act No. 8550.
36 The use of such funds shall be subject to COA rules and regulations.

1 Sec. 17. *Separability Clause.* If any provision of this Act is declared
2 unconstitutional, or inoperative, the other provisions not so declared shall remain in full
3 force and effect.

4 Sec. 18. *Repealing Clause.* All laws, decrees, orders, rules and regulations or parts
5 thereof inconsistent with this Act or the rules and regulations promulgated pursuant
6 thereto are hereby repealed or amended accordingly.

7 Sec. 19. *Effectivity.* This Act shall take effect fifteen (15) days after publication in
8 two (2) national newspapers of general circulation.

Approved,