

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**NINETEENTH CONGRESS**  
First Regular Session

House Bill No. 1977



---

Introduced by Representative Ron P. Salo

---

#### **EXPLANATORY NOTE**

The Philippines is a country composed of more than 7,100 islands and a coastline extending 36,289 kilometers. As an archipelagic country, fishing is naturally a major source of livelihood for a lot of Filipinos. The fisheries industry employs some 1.4 million Filipino fishing operators nationwide as of May 2022. In 2021, the fishing and aquaculture sector generated a gross value-added (GVA) amounting to around Php 223.2 billion, contributing about 12.6% to the GVA of the agriculture industry in the Philippines. In 2021, total fisheries production was recorded at 4,250.79 thousand metric tons (MT), which translates to a total production value of Php 302.83 billion. In 2018, the Philippines ranked as the 8<sup>th</sup> top fish producing country in the world, with a total production of 4.35 million MT of fish, crustaceans, mollusks, and aquatic plants (including seaweed).

These figures reflect how the fisheries and aquaculture industry contribute significantly to the country's food security, employment, and foreign exchange earnings, as well as the importance of the industry in the country's economy and its potential to grow.

Data from the Food and Agriculture Organization of the United Nations, however, show that the global position of the Philippines in aquaculture production has fallen steadily from 4<sup>th</sup> place in 1985 to 12<sup>th</sup> place in 2022, and the Philippines now contributes only a little over one percent (1%) of global farmed fish production compared to five percent (5%) originally.

This downtrend in the country's production of fisheries and aquatic resources poses a challenge for the State to find more ways on how to sustainably utilize our aquatic resources for economic growth and improved livelihood and employment, while preserving the health of the ocean ecosystem. This economic paradigm, which characterizes a sustainable management of marine resources and the marine-linked sectors in the economy, is referred to as the "blue economy."

Aside from fisheries, the blue economy also encompasses tourism, trade, and other economic activities related to the utilization of our ocean resources. In 2018, the share of the blue economy to the Gross Domestic Product (GDP) was estimated at 4.3%, corresponding to a GVA amounting to Php 789.5 billion, which is higher by 7.7% compared to the 2017 record of Php 578.0 billion. In 2019, the blue economy recorded

a PhP 916.31 billion, accounting for 4.7% of the country's GDP. In 2020, however, the blue economy declined by -32.6%, posting a GVA of PhP 617 billion and accounting for 3.4% of the country's GDP. Among the ocean-based industries, ocean fishing remains as the largest contributor to the country's blue economy. As reflected in the said figures, the blue economy in the Philippines represents an important source of income and resources for the vast majority of the population.

Thus, changes in policies and institutions to provide sustainable conditions to ensure the continuity of marine life and the prosperity of the blue economy are urgently needed. At present, the Department of Agriculture is the main agency in charge of managing and utilizing our marine and aquatic resources. However, the Department's focus is primarily directed towards land-based agriculture to the prejudice of the blue economy and everything that it has to offer. Considering the extent of the blue economy's activities and its contributions to society, it is time that the State provides for a focused and specialized department dedicated to the needs and concerns of the sector.

The proposed measure seeks to create the Department of Fisheries and Aquatic Resources (DFAR) in order to strengthen its institutional capacity as the primary policy and regulatory body on fisheries and aquatic resources. Creating a department solely dedicated to the needs and concerns of the fisheries and aquatic resources of the country will be a significant step in order to better protect, utilize, maximize, and conserve the nation's blue economy, as well as uphold the best interest of the fisher folk.

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



RON P. SALO  
KABAYAN Party List



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

House Bill No. 1977

---

Introduced by Representative Ron P. Salo

---

**AN ACT**

**CREATING THE DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES,  
DEFINING ITS MANDATE, POWERS AND FUNCTIONS, AND APPROPRIATING  
FUNDS THEREFORE**

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

**SECTION 1. Short Title.** — This Act shall be known as the "Department of Fisheries and Aquatic Resources Act."

**CHAPTER I**

**POLICIES AND DEFINITIONS**

**SEC. 2. Declaration of Policies.** — It is hereby declared the policy of the State to protect and conserve the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone (EEZ), and reserve their sustainable use and enjoyment exclusively to Filipino citizens.

The State shall promote and ensure the sustainable development and management of all fisheries and marine resources in Philippine waters, including the EEZ and in the adjacent high seas in order to maintain a sound ecological balance, protect and enhance the quality of the environment, and ensure the country's food security and fish self-sufficiency.

It shall protect the rights of small-scale fisherfolk in the preferential use of communal marine, fisheries, and aquatic resources. It shall also be the policy of the State to support private initiatives in aquaculture and fisheries business ventures both in the production and in the exportation or importation of fish and fisheries products and by-products. Towards this end, the State shall provide the fisherfolk, fish farmers, processors of marine products, traders, and

other investors the appropriate technical, financial, entrepreneurial, and other support services in order to improve fish production, fish security and self-sufficiency, and to uplift the lives of those dependent on the fisheries industry.

**SEC. 3. *Creation and Mandate.*** — To carry out the above-declared policies, there is hereby created a Department of Fisheries and Aquatic Resources, hereinafter referred to as the Department.

The Department shall have primary jurisdiction over the development, management, regulation, utilization, and disposition of all fisheries and aquatic resources of the country, including the habitats of fish and all other marine life and activities which impact these habitats. The Department shall coordinate with the Department of Environment and Natural Resources (DENR) and other appropriate agencies to ensure that its policies are in consonance with national government policies on the protection, preservation, and conservation of the environment and natural resources: *Provided*, That the jurisdiction over municipal waters, shall be exercised jointly by the Department and local government units (LGUs), with the latter managing the same in accordance with national fisheries policies, laws, rules, and regulations.

The Department shall ensure the equitable sharing of the benefits derived from the utilization and disposition of fisheries and aquatic resources for the welfare of the present and future generations of Filipinos.

The Department shall have the responsibility of rationalizing all blue economy activities or initiatives which impact on fisheries and aquatic resources including processing; marine resource utilization and development such as biotechnology and bioprospecting, seaweed farming or harvesting; protection of marine ecosystems such as coral reefs; mangroves preservation; coastal protection; marine protected areas; promotion and regulation of coastal and marine tourism; marine energy exploration and development; marine scientific research; and other areas of marine industry development. The regulation of these marine activities, once rationalized by the Department, shall be exercised by the parent agency for the appropriate sector involved.

**SEC. 4. *Definition of Terms.*** — As used in this Act:

- a) Aquaculture refers to the fisheries operations involving all forms of propagating and culturing fish and other fisheries species in freshwater, brackish water, and marine water areas, including hatcheries and nurseries, and aquatic feed production;
- b) Aquatic Resources refer to the living resources in freshwater, brackish water, and marine waters, including fish and all other aquatic flora and fauna, including salt and corals;
- c) Archipelagic Waters refer to the waters enclosed by the archipelagic baselines drawn in accordance with Article 47 of the United Nations Convention on the Law of the Seas (UNCLOS), described as archipelagic waters, regardless of their depth or distance from the coast as contemplated in Article 49 (1) of the UNCLOS;

d) Blue Economy refers to the sustainable use of ocean resources for economic growth, improved livelihood and employment, while preserving the health of the ocean ecosystem. It takes into account the overall contribution of the oceans to economies, the need to address the environmental and ecological sustainability of the oceans and the ocean economy as a growth opportunity for human development, social equity, and ecological well-being;

e) Blue Economy Initiatives or Activities refer to traditional ocean activities such as fisheries, tourism, maritime transport, and waste management, including emerging industries such as renewable energy, aquaculture, seabed extractive activities, and marine biotechnology and bioprospecting. Blue economy activities also include ocean ecosystem services not captured by the market but provide significant contribution to economic and human activity such as carbon sequestration, coastal protection, ecosystem preservation, management of marine pollution, waste disposal, and the existence of biodiversity;

f) Code refers to Republic Act Number 8550, otherwise known as the Philippine Fisheries Code of 1998, as amended by Republic Act Number 10654;

g) Fisheries refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving, and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resources therefrom;

h) Fisheries Adjudication Board refers to the Board created under this Act that shall perform quasi-judicial functions and administrative adjudication and shall settle conflicts on resource use and allocation;

i) Fisheries Attaché refers to a diplomat who collects, analyzes, and acts on information on fisheries and other related spheres in a foreign country or countries;

j) Fishery Management Areas refers to delineated bodies of water in the Philippines based on an approximation of fish stocks and their boundaries, range and distribution and other considerations for the purpose of fisheries management or governance that is science-based, participatory, and transparent, and applying the ecosystem approach to fisheries management

k) Food Security refers to a situation that exists when all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food that meets their food preferences and dietary needs for an active and healthy life;

## **CHAPTER II**

### **THE DEPARTMENT**

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

a) Formulate and implement short-term, medium-term and long-term Comprehensive National Fisheries Industry Development Plans (CNFIDP) pursuant to R.A. No. 8850, as amended, for the efficient and economic operations of the fishing industries, in accordance

with the objectives of food security and rational and sustainable development, consistent with the development framework of the National Economic and Development Authority (NEDA);

b) Formulate and implement a Comprehensive Fisheries Research and Development Program such as sea farming, sea ranching, and tropical or ornamental fish and seaweed culture, aimed at increasing resource productivity, improving resource use efficiency, and ensuring the long-term sustainability of the country's fisheries and aquatic resources;

c) Establish and implement a National Marketing Assistance Program aimed at ensuring the generation of the highest possible income for fisherfolk and fisheries-related enterprises, and matching supply and demand in both domestic and foreign markets;

d) Establish and maintain a Philippine Fisheries and Aquatic Resources Information System (PFARIS) that will function as the principal repository and information server of all aquaculture, fisheries, and marine resources and their habitats, all matters pertaining to aquaculture and fisheries production, processing, distribution, marketing, policies, and research results and technological advancements;

e) Conduct complete resource inventory and monitoring for strategic planning and programming as well as evaluation and assessment of key initiatives to ensure increased productivity of the fisheries sector, promote sustainability, conservation, and protection efforts;

f) Develop value-added fisheries products for export and domestic consumption;

g) Promote international economic and technical cooperation in the fisheries and ocean sectors and in integrated oceans management, especially within the ASEAN region;

h) Appoint Fisheries Attachés in strategic countries to promote and engage in economic and trade cooperation including negotiating bilateral and multilateral trade agreements, promoting the exports of fish and fisheries products, and facilitating professional contacts, exchanges, and technology transfer;

i) Enter into contracts, joint venture agreements, public-private partnerships and such other memoranda of agreements or understanding, either domestic or foreign, under such terms and conditions as the Department may deem proper and reasonable and subject to existing laws;

j) Receive, take and hold by bequest, device, gift, purchase or lease, either absolutely or in trust for any of its purposes from foreign and domestic sources, any asset, grant or property, real or personal, subject to such limitations as are provided under existing laws and regulations;

k) Monitor the implementation of joint fishing agreements between Filipino citizens and foreigners who conduct fishing activities in international waters, and ensure that such agreements are not contrary to Philippine commitments under treaties or international agreements to which the Philippines is a party thereto;

l) Formulate planning and investment policy for blue economy initiatives or activities, including identification of development, production, and protected areas, and marine spatial plans;

m) Develop other blue economy initiatives to conserve, protect, or harness marine and coastal resources and ecosystems;

n) Prescribe rules, regulations, procedures, and guidelines concerning the classification, establishment, construction, maintenance and operation of blue economy initiatives or activities.

o) Provide development support services to fishermen and organizations of fishermen as well as those involved in all aspects of fisheries production, including processing and marketing, in collaboration with LGUs and related agencies;

p) Provide advisory services and technical assistance to the LGUs in developing their technical capability in the development, management, regulation, conservation, and protection of the fisheries resources and in the improvement of quality of fish from the time they are caught on-board fishing vessels, at landing areas, in fish markets, to the processing plants, and to the distribution and marketing chain;

q) Advise and coordinate with LGUs on the maintenance of proper sanitation and hygienic practices in fish markets and fish landing areas;

r) Coordinate with LGUs and other concerned agencies for the establishment of inclusive productivity enhancing and market development programs in fishing communities to enable women and youth to engage in fisheries or other economic activities and contribute significantly to development efforts;

s) Establish and administer a fisheries modernization credit program to fisheries projects of fisherfolk, fish farmers, fish processors, commercial fishers, and other qualified borrowers;

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

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

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

w) Conserve, protect, and rehabilitate rare, threatened and endangered aquatic species as it may determine, including their habitats and designate marine and other aquatic areas as protected areas for the special purposes stated in the notice of declaration in compliance with the relevant provisions of international treaties and agreements such as, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), United Nations Convention on the Law of the Sea (UNCLOS), and Convention on Biological Diversity (CBD);

x) Adopt and implement a national plan of action to manage fishing capacity, implement the Code of Practice for Aquaculture and the Code of Conduct for Responsible Fisheries; and determine and declare fishery management areas as over-exploited in coordination with the LGUs and FARMCs;

y) Formulate policies for the conservation and management of straddling fish stocks, highly migratory fish stocks and threatened living marine resources such as sharks, rays and ludong, *inter alia*, in the Philippine Exclusive Economic Zone, territorial sea, archipelagic and internal waters, in coordination with LGUs and integrated/municipal or city Fisheries and Aquatic Resources Management Councils (FARMCs); and

z) Enforce all fisheries laws, rules and regulations through its fishery officers and guardians who shall be vested with full police powers including arrest, search and seizure and through deputized government officials and employees, punong barangays and officers and, members of fisherfolk associations who have undergone training on law enforcement;

aa) Develop and implement a Monitoring, Control and Surveillance System (MCSS) for Philippine fisheries and oceans at the national and regional levels to ensure that the fisheries and marine resources in Philippine waters are judiciously and sustainably utilized and managed;

bb) Establish a corps of technical specialists in collaboration with the Department of National Defense, Department of the Interior and Local Government, and the Department of Foreign Affairs for the efficient monitoring, control and surveillance of fishing activities

within Philippine territorial waters and provide the necessary facilities, equipment and training therefor;

cc) Issue licenses for the operation of commercial fishing vessels;

dd) Exercise jurisdiction over all Philippine flagged fishing vessels operating in areas governed by a Regional Fisheries Management Organization (RFMO) in the high seas, or in waters of other coastal states;

ee) Train, designate and deploy fisheries observers in Philippine flagged fishing vessels engaged in commercial fishing in Philippine waters or distant water fishing to ensure compliance with conservation and management measures adopted by RFMOS and by the Department;

ff) Implement boarding and inspection protocols upon Philippine flagged fishing vessels in order to promote observance to international treaty obligations on food safety, to curb illegal, unreported and unregulated fishing (IUUF), and to comply with conservation and management measures;

gg) Determine the appropriate levels of administrative and other sanctions concerning violations of fisheries laws, rules and regulations, particularly for serious violations that deprive offenders of economic benefits;

hh) Perform quasi-judicial function or administrative adjudication under Chapter III of this Act, and settle conflicts of resource use and allocation in consultation with the NFARMC, LGUs and local FARMCs;

ii) Oversee the country's Fisheries Management Areas which shall be managed by FMA Boards. The FMA Boards shall have rule-making, enforcement and quasi-judicial powers in their respective jurisdiction. Decisions of FMA Boards shall be appealed to the Fisheries Adjudication Board.

jj) Issue rules, regulations and guidelines for the protection and promotion of aquaculture, fisheries, marine and aquatic resources of the country, including the habitats of fish and all other marine life and over activities, which impact on these habitats; and

kk) Perform such other powers and functions which are necessary and relevant in order to achieve its mandate.

**SEC. 6. Structural Organization.** — The Department shall consist of the Office of the Secretary and four (4) Undersecretaries supported by five (5) Assistant Secretaries.

The Department shall be supported by bureaus, divisions, services, and institutes.

**SEC. 7. *Secretary of the Department.*** — The Secretary of Fisheries and Aquatic Resources, hereinafter referred to as the Secretary, shall be appointed by the President of the Philippines subject to confirmation by the Commission on Appointments.

**SEC. 8. *Powers and Functions of the Secretary.*** — The Secretary shall:

- a) Ensure that the mandate of the Department is achieved;
- b) Exercise supervision and control over the Department, its Bureaus, Offices, Services, and Institutes to ensure the effective performance of the powers and functions of the office;
- c) Advise the President on the policies, rules and regulations, and other issuance relative to the sustainable development and management of fisheries and aquatic resources;
- d) Establish management policies and standards for the efficient and effective operation of the Department in accordance with the programs of the government;
- e) Promulgate rules and regulations and other issuance in carrying out the Department's mandate objectives, policies, plans, programs and projects; and
- f) Perform such other functions as may be provided by law or assigned by the President.

**SEC. 9. *Undersecretaries.*** — The Secretary shall be assisted by four (4) undersecretaries, specifically the undersecretaries for policy and planning; operations and technical services; fisheries protection, conservation and sustainable development; and regulations and enforcement, who shall be appointed by the president upon the recommendation of the secretary.

The Undersecretaries shall assist the Secretary in the exercise of the Department's mandate and in the discharge of its powers and functions such as:

- a) Provide periodic reports and advice to the Secretary on the plans and programs of their offices and the respective functions under their defined areas of responsibility, and recommend measures towards greater effectiveness and efficiency;
- b) Exercise delegated authority, to the extent granted by the Secretary, on matters related to the functions and activities of the units under their defined areas of responsibility; and
- c) Perform other functions as may be provided by law or assigned by the Secretary.

**SEC. 10. *Undersecretary for Policy and Planning.*** — the Undersecretary for Policy and Planning shall provide policy advice to the secretary and shall be responsible for the development of national aquaculture and fisheries policies and their integration and translation

into the comprehensive national fisheries industry development plan (CNFIDP), and provide periodic public reports of the achievements in aquaculture and fisheries.

The Undersecretary shall:

- a) Evaluate international developments and assess their potential impact on Philippine fisheries;
- b) Be responsible for developing and managing bilateral and multilateral affairs of the department, including trade, investment, and cooperation agreement negotiations and the coordination of their implementation;
- c) Advocate for the Philippine fisheries and aquatic resources agenda in international organizations and bodies;
- d) Lead in the development of national aquaculture and fisheries plans and budgets consistent with national policies; develop institutional mechanisms for periodic program assessment, and identify, develop and package development projects for implementation; f) develop and implement reliable and cost-effective information and communication technology systems; and
- e) Establish and maintain the Philippine fisheries and aquatic resources information system which shall be the principal depository and information server of all aquaculture and fisheries-related information in the country.

*SEC. 11. Undersecretary for Operations and Technical Support Services.* –The Undersecretary for Operations and Technical support services shall primarily assist the secretary in the promotion of aquaculture and fisheries production as specified in section 6 of this act. The undersecretary shall:

- a) Assist the fisheries industries in the translation and implementation of the CNFIDP into operational plans and programs as well as appropriate technologies;
- b) Develop a framework of cooperation and linkages with regional development councils, LGUs and national agencies in the management of the aquaculture, fisheries, and marine sectors; and
- c) Assist primarily, the secretary in supervising the operations of the regional offices.

*SEC. 12. Undersecretary for Fisheries Protection, Conservation and Sustainable Development.* – The Undersecretary for Fisheries Protection, Conservation and Sustainable Development shall assist the Secretary primarily in the development and implementation of conservation, protection and sustainability efforts of the department.

The Undersecretary shall:

a) Lead in the conduct of scientific research on the proper strategies for the conservation and protection of marine wildlife and their habitat including breeding and propagation.

b) Have the authority to issue CITES permits and shall both be the CITES management and scientific authorities of the Philippines.

**SEC. 13. *Undersecretary for Regulations and Enforcement.*** – the Undersecretary for Regulations and Enforcement shall assist the secretary in performing the regulatory functions of the department. the undersecretary shall:

a) Exercise supervision and control of fisheries officers and guardians and the corps of specialists responsible for the enforcement of fishery laws, rules and regulations and the efficient monitoring and surveillance of fishing activities within Philippine territorial waters;

b) Exercise quasi-judicial functions to resolve and settle conflicts on the allocation and use of resources in consultation with the fisheries adjudication board and LGUs; and

Institutionalize a monitoring control and surveillance system to ensure that fisheries, aquatic, and marine resource are utilized and managed on a sustainable basis.

**SEC. 14. *Assistant Secretaries.*** — The Secretary shall be assisted by five (5) Assistant Secretaries who shall be appointed by the President upon the recommendation of the Secretary.

**SEC. 15. *Functions of the Assistant Secretaries.*** — Each of the FOUR (4) undersecretaries shall be assisted by an Assistant Secretary who shall have the following functions:

a) Provide periodic reports and advice to the Undersecretary on the programs and offices under their defined and designated areas of responsibility and recommend measures towards greater effectiveness and efficiency;

b) Exercise supervision and control over the programs, budget, officers and personnel of the offices, services, operating units under their defined and designated areas of responsibility;

c) Exercise delegated authority, to the extent granted or delegated by the Secretary, on matters related to the functions and activities of the units under their defined areas of responsibility;

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

The fifth Assistant Secretary shall be in charge of the Finance and Administrative Support Services of the Department.

*SEC. 16. Qualifications and Appointment.* - No person shall be appointed Secretary or Undersecretary of the Department unless a Filipino citizen; has a degree in law or a master's degree in fisheries, public administration, management, economics or other equivalent relevant disciplines; has relevant experience in administration and management for at least ten (10) years; and has general practical knowledge of fisheries. The Secretary and Undersecretaries shall be appointed by the President of the Philippines in the manner prescribed by law.

No person shall be appointed Assistant Secretary, Bureau Director and Assistant Bureau Director unless a Filipino citizen; has a degree in law or at least a master's degree in fisheries, public administration, management, economics, statistics, engineering, law or other equivalent relevant disciplines; with at least seven (7) years relevant experience, either in the public or private sector, in administration and management, in marine fisheries research and development, or in the aquaculture and fisheries industries.

The Bureau Director, Assistant Bureau Director, Regional Executive Director, or Assistant Regional Executive Director shall be appointed by the Secretary upon the recommendation of the Undersecretary concerned.

No person shall be appointed Regional Executive Director or Assistant Regional Executive Director, unless a Filipino citizen; and with at least five (5) years relevant experience either in the public or private sector, in administration and management, fisheries research and development, or in the aquaculture and fisheries industries.

All other officials and employees of the Department shall be appointed in accordance with the Civil Service law, rules, and regulations.

*Sec. 17. Regional, Provincial, and Municipal Offices and Functions.* — In the same manner as mandated in Section 66 of Republic Act No. 8550, as amended, otherwise known as “The Philippine Fisheries Code of 1998”, by Republic Act No. 10654 entitled, An Act To Prevent, Deter And Eliminate Illegal, Unreported And Unregulated Fishing, Amending Republic Act No. 8550, Otherwise Known As “The Philippine Fisheries Code Of 1998,” And For Other Purposes, hereinafter referred to as the Code, the Department shall establish regional, provincial and municipal offices as may be appropriate and necessary to carry out effectively and efficiently the provisions of this Code.

Each regional office shall be headed by a regional executive director, who shall be assisted by an assistant regional executive director. Each regional office shall have support

staff and line divisions as may be necessary which shall have the following duties and responsibilities:

- a) provide efficient and effective front-line service to the aquaculture, fishery and aquatic industry sectors, particularly to the municipal fishermen;
- b) implement the laws, policies, plans, programs, projects, rules and regulations of the department;
- c) coordinate with the regional office of the other departments, offices, and agencies in the region; and
- d) perform other functions as may be provided by law or assigned by the secretary.

### **CHAPTER III**

#### **FISHERIES ADJUDICATION BOARD**

**SEC. 18. *Fisheries Adjudication Board.*** — The Department is hereby empowered to hear and impose administrative fines and penalties provided in the Code.

For this purpose, the Department shall organize a Fisheries Adjudication Board, herein after referred to as the Board, which shall have original jurisdiction to hear and adjudicate cases arising from violations of the Code, and other fisheries laws, rules, and regulations.

The Board shall be composed of a Chairperson and four (4) members. The Chairperson shall be designated by the Secretary from any of the Undersecretaries or Assistant Secretaries of the Department. The four (4) other members of the Board shall be appointed by the Secretary and shall have a rank equivalent to a Director IV. Except for the Chairperson, the four (4) members of the Board shall serve for a non-renewable term of six (6) years. The Board shall be supported by a sufficient number of personnel to enable it to perform its mandate.

The Board shall promulgate its rules and regulations for the conduct of administrative adjudication and the disposition of confiscated catch, gears, equipment, and other paraphernalia. It shall also issue subpoena *duces tecum* and *ad testificandum* in administrative cases before it.

**Sec. 19. *Appeal of the Decision of the Board.*** — Except for cases initiated by the Secretary, the decision of the Board may be appealed to the Secretary of the Department within thirty (30) days from receipt by the parties of the decision. The cases initiated by the Secretary shall be directly appealed to the Office of the President.

**SEC. 20. *Commencement of Summary Administrative Action.*** — The Secretary, on his own instance, or upon the filing of a verified complaint by any person, shall institute administrative proceedings with the Board against any person who violates the Code, the Philippine Fisheries Code of 1998, and other fisheries laws, rules, and regulations.

**SEC. 21. Power to Issue Cease and Desist Orders and to Summarily Evict Without the Necessity of Judicial Order.** — The Board shall, subject to the requirements of administrative due process, issue cease and desist orders upon violators and to summarily eject, without the necessity of judicial order, the holder of a Fishpond Lease Agreement (FLA), other tenurial instrument, permit or license from areas of the public domain covered by such FLA, tenurial instrument, permit or license.

**SEC. 22. Authority of the Board or their Duly Authorized Representative to Issue Notice of Violation and Order Confiscation.** - In all cases of violations of the Code or other fisheries laws, rules, and regulations, the Board or their duly authorized representative, may issue notice of violation and order the confiscation of any fish, fishery species or aquatic resources illegally caught, taken, or gathered, and all equipment, paraphernalia, and gears in favor of the Department, academic institutions or LGUs and to dispose of the same in accordance with pertinent laws, rules, regulations, and policies on the matter.

**SEC. 23. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions.** — No injunction or restraining order from the Municipal Trial Courts and Regional Trial Courts shall lie against the decision of the Board.

**SEC. 24. Accompanying Administrative Sanctions for Serious Violations.** — The Board may impose the following additional sanctions to the administrative penalties imposed for serious violations:

- a) confiscation of fishing gear;
- b) impoundment of fishing vessel;
- c) temporary suspension or permanent revocation of license or permit;
- d) temporary or permanent ban from the availment of applicable duty and tax rebates;
- e) inclusion in the illegal, unreported, and unregulated (IUU) fishing vessel list;
- f) denial of entry and other port services;
- g) blacklisting; and
- h) increase in the amount of fines but not to exceed five (5) times the value of the catch.

In case of repeated violations within a five-year period, the amount of fine may be increased up to eight (8) times the value of the catch.

During the pendency of the administrative case, the Board may impound the vessel or conveyance, gear, and other paraphernalia used in the commission of the offense.

In applying these accompanying sanctions, the Board shall take into account the seriousness of the violation as defined in Paragraph 82 of Section 4 of the Code, the habituality or repetition of violation, manner of commission of the offense, severity of the impact on the fishery resources and habitat, socioeconomic impact, cases of concealment or destruction of evidence, eluding arrest, resisting lawful orders, and other analogous circumstances.

The overall level of sanctions and accompanying sanctions shall be calculated in a manner that is proportionate, effective, and dissuasive to deprive the offender of the economic benefits derived from the serious violation.

**SEC. 25. *Lien Upon Personal and Immovable Properties of Violators.*** — Fines and penalties imposed pursuant to the Code shall constitute a lien upon the personal and immovable properties of the violator.

**SEC. 26. *Community Service.*** — In case the offender is a municipal fisher-folk or has no property over which the Board may impose the fines and penalties prescribed for the offense, community service may be rendered in lieu of the fine.

The Board shall promulgate the rules and regulations for this purpose, taking into account that the service to be rendered shall be in accordance with needs of the community where the offense is committed and computed based on the fine and the prevailing minimum wage in the community, among others.

**SEC. 27. *Fisheries National Administrative Register.*** — The Board shall create a Fisheries National Administrative Register which shall be accessible online. All decisions, resolutions, or orders involving violations of the Code, particularly serious violations committed by Philippine flagged vessels or by Philippine nationals and cases on poaching or involving foreigners, including the penalties imposed shall be uploaded.

## **CHAPTER IV**

### **MISCELLANEOUS PROVISIONS**

**SEC. 28. *Abolition, Transfer and Merger.*** — The Bureau of Fisheries and Aquatic Resources (BFAR) that was reconstituted under Republic Act No. 8550, as amended by Republic Act No. 10654, is hereby abolished and its relevant functions, appropriations, records, properties, equipment and personnel are hereby transferred to the Department: *Provided, however,* That no official or employee of the BFAR shall be demoted or laid off in the implementation of this Section.

The position of Undersecretary for Fisheries and Aquatic Resources in the Department of Agriculture (DA) created under Section 63 of Republic Act No. 8550 is hereby abolished.

The National Fisheries and Aquatic Resources Management Council created by Republic Act No. 8550, as amended by Republic Act No. 10654 shall be transferred to the Office of the Secretary of the Department.

The National Fisheries Research and Development Institute (NFRDI) created under Republic Act No. 8550, as amended, shall be attached to the Department of Fisheries and Aquatic Resources, to serve as its primary research arm.

To ensure the independent and objective implementation of its research activities, the NFRDI shall have a separate budget specific to its manpower requirements and operations.

The Philippine Fisheries Development Authority created under Presidential Decree No. 977, s. 1976 entitled, "**Creating The Philippine Fish Marketing Authority, Defining Its Functions And Powers, And For Other Purposes**", including its relevant functions, appropriations, records, properties, equipment and personnel, is hereby transferred as an attached agency of the Department: *Provided, however,* That the Secretary of the Department shall be the new Chairperson of the PFDA Board: *Provided, further,* That no official or employee of the PFDA shall be demoted or laid off in the implementation of this Section.

The Philippine Technical and Advisory Committee of the Southeast Asian Fisheries Development Center, Aquaculture Department (SEAFDEC/AQD) created under Executive Order No. 834, s. 1982 entitled, "**Creating A National Board On The SEAFDEC Aquaculture Department Programs, Budget And Operations**", including its relevant functions, appropriations, records, properties, equipment, and personnel, is hereby transferred and attached to the Department: *Provided,* That no official or employee of the Board shall be removed in the implementation of this section.

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

The Marine Research and Conservation Division and the different sections and the Coastal Environment Program of the DA including its relevant appropriations, personnel, records, property and equipment, all marine and coastal related projects and programs of the Department of Environment and Natural Resources (DENR), and all fisheries related functions under Executive Order No. 192, s. 1987 Entitled, "**Providing For The Reorganization Of The Department Of Environment, Energy And Natural Resources, Renaming It As The Department Of Environment And Natural Resources, And For Other Purposes**" And Executive Order No 292 s.1987 Entitled **Instituting**

**The “Administrative Code Of 1987”, except the functions of the enforcement of water pollution laws, rules, and regulations, are hereby transferred to the Department.**

The fisheries-related functions of the Laguna Lake Development Authority, including its relevant appropriations, records, and personnel, are hereby transferred to the Department: *Provided, however,* That no official or employee of the LLDA shall be laid off in the implementation of this Section.

The Philippine Council for Aquatic and Marine Research and Development is abolished and all its personnel, records, appropriations, property and equipment are transferred to the National Fisheries Research and Development Institute of the Department, to the extent granted by the Secretary.

The Fisheries Technology Centers and Outreach Stations of the Department of Agriculture shall be transferred to the Department which shall function as the research and testing centers for new technologies, and shall provide extension services and technology transfer at the field levels.

**SEC. 29. *Transitory Provisions.*** — In accomplishing the acts of organizing the Department as herein prescribed, the provision of Republic Act No. 6656 or the Government Reorganization Law, the following provisions shall be complied with:

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

The transfer of functions which results in the change of agency management, choses in action, rights, and other assets as may be necessary to the proper discharge of the transferred functions. Its personnel shall, pending complete transfer, continue to perform their duties and responsibilities.

The transfer of functions which results in the change of agency management, choses in action, rights, and other assets as may be necessary to the proper discharge of the transferred functions. Its personnel shall, pending complete transfer, continue to perform their duties and responsibilities.

**SEC. 30. *Absorption, Separation and Retirement from Service.*** — The existing employees of the transferred, consolidated, and merged agencies under this Act shall enjoy security of tenure and shall be absorbed by the Department, in accordance with their staffing

patterns and the selection process as prescribed under Republic Act. No. 6656 or the Government Reorganization Law.

Employees who are affected by the creation of the Department and are separated from service within six (6) months from the effectivity of this Act as a result of the organization and reorganization under this Act, shall receive separation benefits under Republic Act No. 6656, or the Government Reorganization Law, and other applicable Civil Service Law, rules and regulations: *Provided*, That those who are qualified to retire and receive retirement benefits under existing retirement laws shall be allowed to retire.

SEC. 31. *Structure and Staffing Pattern.* — Subject to the approval of the Department of Budget and Management (DBM), the Department shall determine its organizational structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with Civil Service laws, rules, and regulations. Republic Act No. 6656 shall govern the reorganization of the Department, and the reorganization of affected agencies.

SEC. 32. *Appropriations.* — The amount needed for the initial implementation of this Act shall be taken from the current year's appropriations of the agencies, entities, divisions, sections or bodies abolished or transferred to the Department by virtue of this Act. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 33. *Implementing Rules and Regulations.* — The Secretary of the Department of Fisheries and Aquatic Resources, in consultation with concerned government agencies and stakeholders including the Presidential Legislative Liaison Office and the members of the academe and the fishing industry, shall formulate rules and regulations for the full implementation of this Act within one hundred twenty (120) days from the effectivity of this Act. Such rules and regulations shall take effect upon publication in a newspaper of general circulation.

SEC. 34. *Separability Clause.* — If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

SEC. 35. *Repealing Clause.* — Sections 130-140 of Republic Act No. 8550, as amended by Republic Act No. 10654 are hereby repealed. All other laws, decrees, orders, rules and regulations or parts thereof inconsistent with the Act or rules and regulations promulgated pursuant thereto are hereby repealed or amended accordingly.

SEC. 36. *Effectivity.* — This Act shall take effect fifteen (15) days after publication in the official gazette or in newspaper of national circulation.

Approved.