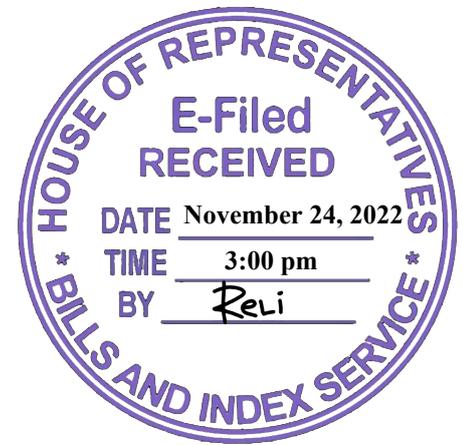


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6359



Introduced by REPRESENTATIVE LORDAN G. SUAN

EXPLANATORY NOTE

The aquatic resources of the Philippines are broadly divided into marine resources and inland resources. Our country's unique geographic feature as an archipelago promises abundance of these resources and opportunities for economic growth. For a long time, we have enjoyed these blessings. We thought they're limitless, until scarcity and poverty started banging our doors.

Based on the available data of the Bureau of Fisheries and Aquatic Resources, the volume of our country's fisheries production had been declining year after year, except for the years 2018 and 2019 wherein we saw slight recoveries. It means the growth of the fisheries industry which is attributed to production of aquaculture, the municipal capture fisheries, and the commercial capture fisheries, is on the negative. In 2020, our fishery export was at 261,495.23 MT but our total fishery import was at 405,570 MT.

The importance of the aquatic resources in terms of the demands of our growing population and the country's need to propel economic development cannot be undermined. The fishing industry is contributing Php266B to our economy. It shared 12.54% of the Gross Value Added (GVA) in the Aquaculture, Hunting, Forestry, and Fishing Group of our agricultural sector in 2021. Aside from the pressure of feeding 111M Filipinos, more than 2M fisherfolks rely on this industry.

Over the years, the Bureau of Fisheries and Aquatic Resources has ballooned into nine (9) functional divisions and eight (8) technology centers. The need to elevate this Bureau into a Department, separate and distinct from the Department of Agriculture is not just a recognition of the enormous task we have lodged upon its shoulders but to acknowledge the importance of our aquatic resources in securing food security for today and tomorrow's generation. As a Department, sufficient resources can be allocated to develop, manage, utilize, protect and conserve these valuable resources. Additionally, this legislative action, will address the poverty incidence besetting the aquatic industry sector.

In view of the foregoing, the passage of this Bill is earnestly, sought.


HON. LORDAN G. SUAN
1st District
Cagayan de Oro City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6359

Introduced by REPRESENTATIVE LORDAN G. SUAN

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

AN ACT CREATING THE DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THERFOR, AND FOR OTHER PURPOSES

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

SECTION 2. *Declaration of Policy.* It is hereby declared the policy of the State to regulate, protect, conserve, and develop its aquatic resources to provide a healthy and balanced ecology for its people and to ensure that their benefits will be enjoyed by succeeding generations.

All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. Their exploration, development, and utilization are under the full control and supervision of the State.

The state shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens. The utilization and development of these resources shall be based on real contribution to economic growth and the general welfare of the people.

The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services.

SECTION 3. *Creation of the Department of Fisheries and Aquatic Resources.* The Department of Fisheries an Aquatic Resources hereinafter referred to as the Department is hereby created in accordance with the provisions of this Act.

SECTION 4. *Mandate.* The Department shall develop, manage, conserve, and protect the nation's aquatic resources for the country's economic growth and the general welfare of the people.

The Department shall ensure the sustainable utilization and development of aquatic resources to increase productivity, attain food security, achieve a balanced ecosystem, and secure the availability of these resources for the benefit of future generations.

The Department shall provide efficient and effective administrative and technical services necessary for the utilization, management, protection, and preservation of aquatic resources.

The Department shall adopt policies and measures that will engage the active participation of relevant stakeholders, ensure that the rights of fisherfolks are protected, and adequate support are guaranteed to them.

The Department shall invest in appropriate technology, research, marketing, and financial support services to fulfill the mandate of the agency.

SECTION 5. *Powers and Functions.* To accomplish the mandate of the Department, it shall have the following powers, functions, and responsibilities:

- a) Prepare and implement a Comprehensive Aquatic Resources Development Plan;
- b) Issue regulations on the conduct of research and survey activities on aquatic resources;
- c) Issue licenses and permits on the utilization of aquatic resources and all activities related to it;
- d) Set and collect fees and other charges on activities related to the exploration, utilization and development of aquatic resources;
- e) Establish a Comprehensive Aquatic Resources Information System;
- f) Coordinate with LGUs and concerned agencies on the utilization, development, rehabilitation and conservation of aquatic resources;
- g) Prescribe ceilings, limitations and restrictions on the exploitation of aquatic resources;
- h) Conduct an inventory and set regulations for rare, threatened and endangered aquatic resources;
- i) Conduct an Environmental and Impact Assessment Study prior to the implementation of all activities and projects;
- j) Establish a monitoring, control and surveillance system;
- k) Exercise quasi-judicial functions on resource use and allocation in coordination with the LGUs;
- l) Assist the LGUs in determining municipal water boundaries;
- m) Establish marine protected areas;
- n) Provide technical assistance and developmental support services to fisherfolk and the LGUs; and
- o) Perform other functions consistent with this Act and as may be provided by law.

SECTION 6. *Structure.* The Department shall be composed of the Office of the Secretary, Offices of Undersecretaries and Assistant Secretaries, Attached Agencies, the Regional Offices, and Administrative Offices.

SECTION 7. Qualifications. The Secretary, Undersecretaries and Assistant Secretaries shall be Filipino citizens of good moral character and of proven competence and integrity. They shall be appointed by the President of the Republic of the Philippines.

SECTION 8. Bureaus. The following Bureaus shall be created to carry out the functions of the Department:

- a. Bureau of Aquaculture and Inland Fisheries
- b. Bureau on Licenses and Regulations
- c. Bureau of Training, Support and Extension Services
- d. Conservation Management Bureau
- e. Aquatic Resources Research Bureau

SECTION 9. Abolition and Transfer. The Bureau of Fisheries and Aquatic Resources under the Department of Agriculture shall be abolished, and its functions, appropriations, records, liabilities, properties, equipment, and personnel shall be transferred to the Department of Fisheries and Aquatic Resources. All personnel of BFAR shall enjoy the security of tenure and shall be absorbed by the Department in accordance with the staffing pattern and the selection process as prescribed under Republic Act 6656 on the Rules on Government Reorganization.

SECTION 10. Offices, functions, and personnel to be completely subsumed by the Department.

The following offices and agencies with their powers, functions, personnel, applicable funds and appropriations, records, equipment and property are to be subsumed by the Department:

- a) The National and Municipal Fisheries and Aquatic Resources Management Councils created by Republic Act 8550;
- b) The National Fisheries Research and Development Institute created by Republic Act 9550;
- c) The Philippine Fisheries Development Authority created by Presidential Decree No. 977;
- d) The Philippine Technical Advisory Committee of the SEAFDEC Aquaculture Department created under Executive Order No. 834;
- e) The Philippine Council for Aquatic and Marine Resources and Development;
- f.) The Marine Research and Conservation Division and the Coastal Environment Program of the Department of Environment and Natural Resources;
- g.) The fisheries-related sections of the Laguna Lake Development Authority; and
- h.) The fisheries-related sections of the Bureau of Agricultural Research, the Bureau of Agricultural Statistics, and the Bureau of Agricultural Training Institute of the Department of Agriculture.

SECTION 11. Transitory Provision. The transfer of functions, assets, funds, transactions, equipment, properties, and personnel as herein provided shall take effect within 6 months from the effectivity of this Act. As such, all affected agencies/offices/units shall continue to function under their present mandates until the transition is fully in effect.

SECTION 12: Appropriations. The sum of Five Billion Pesos (P5,000,000,000.00) from the available funds of the National Treasury and the current appropriations of the Bureau of Fisheries and Aquatic Resources, the Philippine Fishing Development Authority, and the Philippine Council for Aquatic and Marine Research Development is hereby appropriated and authorized to be released for the organization of the Department and its initial operations. Thereafter, the Department shall submit its annual budget to fully carry out its powers and functions and achieve its objectives, to the Office of the President, for approval, provided, it shall not be less than the amount provided for in its initial implementation.

SECTION 13. Implementing Rules and Regulations. The Bureau of Fisheries and Aquatic Resources and other relevant agencies and departments charged with carrying out the provisions of this Act shall formulate the Implementing Rules and Regulations, within sixty (60) days after its effectivity.

SECTION 14. Repealing Clause. — All laws, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 15. Separability Clause. — If any provisions of this Act or the application of such provision to any person or circumstances be declared unconstitutional, the remainder of this Act or the application of such provision to other person or circumstances shall not be affected by such declaration.

SECTION 16. Effectivity. — This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,