



Republic of the Philippines
Department of Environment and Natural Resources
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02 JUL 2021

MEMORANDUM

TO : **The Directors**
Legal Affairs Service
Policy and Planning Service

All Bureau Directors

The General Manager
Laguna Lake Development Authority

The Undersecretary and Administrator
National Mapping and Resource Information Authority

The Executive Director
Palawan Council for Sustainable Development

FROM : **The Assistant Secretary**
Field Operations – Mindanao and Legislative Affairs



SUBJECT : **FOCUS GROUP DISCUSSION ON SECTION 27, PARAGRAPH 8,
OF THE DEPARTMENT OF FISHERIES AND AQUATIC
RESOURCES SUBSTITUTE BILL**

This pertains to the proposed Section 27, Paragraph 8, of the Department of Fisheries and Aquatic Resources (DFAR) Substitute Bill¹ that seeks to transfer to the DFAR all marine and coastal related projects and programs, and all fisheries related functions of the DENR. Hence, **you are invited to a Focus Group Discussion (FGD), via the Zoom videoconference platform (Meeting ID: 929 4622 3280 | Passcode: BILLS), on 07 July 2021 (Wednesday) at 1:30 pm (log in time is 1:00 pm) to present your subsisting projects/ programs/ functions that may be affected by the passage of the said provision of the Bill and discuss the subject to achieve a unified position on the matter.**

For this, the **order of presentation** would be the **BMB**, which will also present to us a brief background on the subject matter, to be followed by the **EMB, MGB, ERDB, FMB, LMB, LLDA, NAMRIA, PCSD** and then our FGD.

Kindly confirm the attendance of your representative(s) on the said FGD to your Legislative Liaison Office² at denrlegislative@yahoo.com on or before 06 July 2021. The Zoom meeting host will accept only those who confirmed their attendance.

For information and appropriate action.


JOAN A. LAGUNDA, DM, DPA


Encl: As stated.
veg

¹ For your convenience and reference, copy of the DFAR substitute bill would be emailed as well.

² Legislative Liaison Office landline number: 8-920-1761

Focus Group Discussion on 7 July 2021 at 1:30PM via Zoom re Section 27, Paragraph 8 of the Department of Fisheries and Aquatic Resources Substitute Bill

From: legis lative (denrlegislative@yahoo.com)

To: las.denr@gmail.com; odpps@yahoo.com; odpps@denr.gov.ph; od@emb.gov.ph; oad.emb@gmail.com; fatima_millan@emb.gov.ph; director@bmb.gov.ph; adirector@bmb.gov.ph; t_tenazas@yahoo.com; criselda.castor@bmb.gov.ph; denrlmb@yahoo.com; lmb.oad@yahoo.com; pimentelxandra26@gmail.com; central@mgb.gov.ph; mgb.lsd@gmail.com; legal@mgb.gov.ph; fmb@denr.gov.ph; denrfmb.ad@gmail.com; nbrocas@gmail.com; odir.erdb@gmail.com; erdb.legal.office@gmail.com; ogm@llda.gov.ph; oed@pcsd.ph; oed@pcsd.gov.ph; irish.villamor@gmail.com; admtr_namria@yahoo.com; fdmacaraeg@namria.gov.ph; leperalta@namria.gov.ph; rmdd@llda.gov.ph; lad@llda.gov.ph; erd@llda.gov.ph; fd@llda.gov.ph

Date: Friday, July 2, 2021, 07:10 AM GMT+8

Dear Sir/Mam,

Good Day!

Please find the attached Memorandum dated 2 July 2021 signed by Assistant Secretary Joan A. Lagunda for your appropriate action. Kindly acknowledge receipt of this email. Thank you.

Department of Environment and Natural Resources
Legislative Liaison Office

Visayas Avenue, Diliman, 1100 Quezon City, Philippines

denr.gov.ph

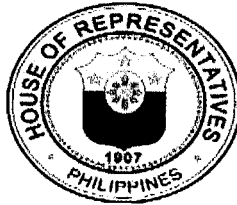
Tel: 9201761



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TWGDraftDFARSubBill-1.pdf
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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. _____

(In substitution of House Bills Numbered 07, 122, 1542, 2827, 3010, 3240, 3471, 4350, 4480, 6185, 6226, 6433 and 7489)

Introduced by Representatives

Alan Peter "Compañero" S. Cayetano, Juan Miguel Macapagal Arroyo, Alfredo A. Garbin Jr., Elizaldy S. Co, Rufus B. Rodriguez, Rep. Raul C. Tupas, Janice Z. Salimbangon, Anna Marie Villaraza-Suarez, David "Jay-Jay" C. Suarez, Vilma Santos-Recto, Michael L. Romero, Ph.D., Ron P. Salo, Argel Joseph T. Cabatbat, Shirlyn Bañas-Nogralles, and Luis Raymund "LRay" F. Villafuerte

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:

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

3 CHAPTER I

4 POLICIES AND DEFINITIONS

5 SEC. 2. Declaration of Policies. — It is hereby declared the policy of the State to protect,
6 conserve, MANAGE AND DEVELOP the nation's FISHERIES AND AQUATIC RESOURCES
7 INCLUDING ITS archipelagic waters, INLAND WATERS, territorial sea, exclusive economic
8 zone (EEZ), and CONTINENTAL SHELF, AND reserve their SUSTAINABLE use and
9 enjoyment exclusively to Filipino citizens.

10 The State shall promote and ensure the sustainable development and management of all
11 aquaculture, fisheries, inland and marine resources in Philippine waters, including the EEZ and in

1 the adjacent high seas in order to maintain a sound ecological balance, protect and enhance the
2 quality of the environment, and ensure the country's food security and fish self-sufficiency.

3 It shall protect the rights of small-scale fishermen in the preferential use of communal
4 marine, fisheries, and aquatic resources. It shall also be the policy of the State to SUPPORT private
5 initiative in aquaculture and fisheries business ventures both in the production and in the
6 exportation or importation of fish and fishery products and by-products. Towards this end, the
7 State shall provide the fisherfolk, fish farmers, CANNERIES AND PROCESSORS, traders and
8 other investors THE appropriate technical, financial, entrepreneurial, and other support services in
9 order to improve fish production and to uplift the lives of those dependent in the fish industry.

10 SEC. 3. Creation and Mandate. — There is hereby created a Department of Fisheries and
11 Aquatic Resources, hereinafter referred to as the Department, which shall have primary
12 responsibility and jurisdiction over the regulation, management, conservation, preservation,
13 development, protection, utilization, and disposition of all aquaculture, fisheries, aquatic, coastal
14 and marine resources and ecosystems in the inland and archipelagic waters, and territorial seas,
15 EEZ, AND CONTINENTAL SHELF of the country, including the habitats of fish and all other
16 marine life, and other activities, which impact on these habitats.

17 All blue FOOD? economy activities or initiatives including, but not limited to FISHERIES
18 AND AQUATIC RESOURCES, canning AND PROCESSING; marine resource utilization and
19 development such as biotechnology and bioprospecting, seaweed farming or harvesting,
20 ecosystem SUCH AS coral reef, mangroves preservation; coastal protection; MARINE
21 SCIENTIFIC RESEARCH, and other marine industry development areas shall be under the
22 jurisdiction of the Department.

23 The Department shall strive to ensure the country's fish security and self-sufficiency, and
24 to contribute to the country's development in general, and the upliftment of the lives of fisherfolks,
25 in particular.

26 -FFD

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

28 a) Ancillary Industries? refer to the firms or companies related to the supply, construction
29 and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; fishery machine
30 shops; and other facilities such as feed plants, cold storage and refrigeration, processing plants and
31 other pre-harvest and post-harvest facilities;

32 b) APPROPRIATE FISHING TECHNOLOGIES? - ADAPTABLE TECHNOLOGY,
33 BOTH IN FISHING AND ANCILLARY INDUSTRIES THAT ARE ECOLOGICALLY
34 SOUND, TECHNOLOGY DRIVEN, EFFICIENT, AND PREFERABLY LOCALLY
35 DEVELOPED.

36 c) Aquaculture refers to the fisherIES operations involving all forms of raising
37 PROPAGATING and culturing fish and other fishery species in fresh, brackish WATER, and

1 marine water areas, INCLUDING hatcheries AND nurseries, AND AQUATIC FEED
2 PRODUCTION;

3 d) Aquatic Resources refer to the LIVING RESOURCES IN FRESHWATER,
4 BRACKISH WATER AND MARINE WATERS, INCLUDING FISH AND ALL OTHER
5 AQUATIC FLORA AND FAUNA, salt and corals;

6 e) Archipelagic waters refer to the waters around, between, and connecting the islands of
7 the Philippine Archipelago; (use UNCLOS definition)

8 e) Archipelagic waters refer to the waters enclosed by the archipelagic baselines drawn in
9 accordance with Article 47 of the United Nations Convention on the Law of the Seas (UNCLOS)
10 described as archipelagic waters, regardless of their depth or distance from the coast as contemplated
11 in Article 49 (1) of the UNCLOS;

12 f) Blue Economy refers to the STEWARDSHIP OF OCEAN RESOURCES, AND ITS
13 overall contribution TO the FISHERIES SECTOR, AND MARINE AND COASTAL
14 RESOURCES AS A GROWTH OPPORTUNITY FOR BOTH DEVELOPED AND
15 DEVELOPING COUNTRIES, FOR HUMAN DEVELOPMENT, SOCIAL EQUITY AND
16 ECOLOGICAL WELL-BEING; oceans to economies, the need to address the environmental and
17 ecological sustainability of the oceans, and the ocean economy as a growth opportunity for both
18 developed and developing countries;

19 g) Blue economy initiatives or activities refer to MUTUAL SUPPORTIVENESS
20 BETWEEN FOOD SECURITY, TRADE AND THE ENVIRONMENT INCLUDING
21 ECOSYSTEM SERVICES NOT COVERED BY THE MARKET BUT PROVIDE
22 SIGNIFICANT CONTRIBUTION TO ECONOMIC AND HUMAN ACTIVITY,
23 BIODIVERSITY, AND RECOGNIZES THE OBJECTIVES OF SUSTAINABLE
24 DEVELOPMENT. traditional ocean activities such as fisheries, tourism and maritime transport
25 AND WASTE MANAGEMENT, including emerging industries including SUCH AS renewable
26 energy, aquaculture, seabed extractive activities and marine biotechnology and bioprospecting.
27 Blue economy also includes ocean ecosystem services not captured by the market but provide
28 significant contribution to economic and human activity such as carbon sequestration, coastal
29 protection, ecosystem preservation, MANAGEMENT OF MARINE POLLUTION waste
30 disposal, and the existence of biodiversity.

31 h) Coastal Area or Zone? refers to a band of dry land and adjacent ocean space (water and
32 submerged land. in which terrestrial processes and uses directly affect oceanic processes and uses,
33 and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer
34 from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps,
35 estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobath to
36 include coral reefs, algal flats, seagrass beds and other soft-bottom areas;

37 i) Code refers to the Philippine Fisheries Code of 1998

38 j) Commercial Fishing? refers to the taking of fishery species by passive or active gear for
39 trade, business & profit beyond subsistence or sports fishing, to be further classified as:

- 1 1) Small scale commercial fishing refers to the fishing with passive or active gear utilizing
2 fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
- 3 2) Medium scale commercial fishing - fishing utilizing active gears and vessels of 20.1
4 GT up to one hundred fifty (150) GT; and
- 5 3) Large commercial fishing - fishing utilizing active gears and vessels of more than one
6 hundred fifty (150) GT.
- 7 k) Department refers to Department of Fisheries and Aquatic Resources;
- 8 l) Endangered, Rare or Threatened Species - aquatic plants, animals, including some
9 varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws,
10 rules and regulations or in the BIODIVERSITY MANAGEMENT BUREAU of the Department
11 of Environment and Natural Resources (DENR. and in the Convention on the International Trade
12 of Endangered Species of Flora and Fauna (CITES);
- 13 m) Exclusive Economic Zone (EEZ) refers to an area beyond and adjacent to the territorial
14 sea which shall not extend beyond 200 nautical miles from the baselines as defined under the
15 UNCLOS;
- 16 n) FARMCs refer to the Fisheries and Aquatic Resources Management Councils;
- 17 o) Fish and Fishery or Aquatic Products refer to finfish, mollusks, crustaceans,
18 echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other
19 products of aquatic living resources in any form;
- 20 p) Fish pen refers to an artificial enclosure constructed within a body of water for culturing
21 fish and fishery or aquatic resources made up of poles closely arranged in an enclosure with
22 wooden materials, screen or nylon netting to prevent escape of fish;
- 23 q) Fisherfolk refers to people directly or personally and physically engaged in taking,
24 culturing and processing fishery and aquatic resources;
- 25 r) Fisherfolk Cooperative refers to a duly registered association of fisherfolk with a
26 common bond of interest, who have voluntarily joined together to achieve a lawful common social
27 or economic end, making equitable contribution to the capital requirement and accepting a fair
28 share of the risks and benefits of the undertakings in accordance with universally accepted
29 cooperative principles;
- 30 s) Fisherfolk Organization refers to an organized group, association, federation, alliance
31 or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a
32 constitution and by-laws, an organizational structure and a program of action;
- 33 t) Fisheries refers to all activities relating to the act or business of fishing, culturing,
34 preserving, processing, marketing, developing, conserving and managing aquatic resources and
35 the fishery areas, including the privilege to fish or take aquatic resourceS thereof;

1 u) Fisheries Adjudication Board refers to the Board CREATED UNDER THIS ACT that
2 shall perform quasi-judicial function and administrative adjudication and shall settle conflicts of
3 resource use and allocation;

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

6 w) Fish pond refers to a land-based facility enclosed with earthen or stone material to
7 impound water for growing fish;

8 x) Fishing VESSEL / Gear License refers to a permit to operate specific types of fishing
9 VESSEL/gear for specific duration in areas beyond municipal waters for demersal or pelagic
10 fishery resources;

11 y) Fishery Management Areas refer to a bay, gulf, lake or any other fishery area which
12 may be delineated for fishery resource management purposes;

13 z) Fishery Operator refers to the one who owns and provides the means including land,
14 labor, capital, fishing gears and vessels, but does not personally engage in fishery FISHING;

15 aa) Fishery Reserve refers to a designated area where activities are regulated and set aside
16 for educational and research purposes;

17 bb) Fishery Species refer to all aquatic flora and fauna including, but not restricted to, fish,
18 algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans;

19 cc) Fishing refers to the taking of fishery species from their wild state of habitat, with or
20 without the use of fishing vessels;

21 dd) Fishing gear refers to any instrument or device and its accessories utilized in taking
22 fish and other fishery species:

23 1) Active fishing gear is a fishing device characterized by gear movements, and/or the
24 pursuit of the target species by towing, lifting, and pushing the gears, surrounding,
25 covering, dredging, pumping and scaring the target species to impoundments; such as,
26 but not limited to, trawl, purse seines, Danish seines, bag nets, paaling, drift gill net and
27 tuna longline.

28 2) Passive fishing gear is characterized by the absence of gear movements and/or the
29 pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and
30 gill nets across the path of the fish.

31 ee) Fishing vessel refers to any boat, ship or other watercraft equipped to be used for taking
32 of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity
33 relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration,
34 transportation and/or processing;

35 ff) Fish worker refers to a person regularly or not regularly employed in commercial
36 fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing

1 basis, including those working in fish pens, fish cages, fish corrals/traps, fishponds, prawn farms,
2 sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants.
3 Excluded from this category are administrators, security guards and overseers;

4 gg) Food Security refers to any plan, policy or strategy aimed at ensuring adequate supplies
5 of appropriate food at affordable prices. Food security may be achieved through self-sufficiency
6 such as ensuring adequate food supplies from domestic production, through self-reliance such as
7 ensuring adequate food supplies through a combination of domestic production and importation,
8 or through pure importation;

9 hh) Inland Fishery refers to the freshwater fishery and brackish water fishponds;

10 ii) Lake refers to an inland body of water, an expanded part of a river, a reservoir formed
11 by a dam, or a lake basin intermittently or formerly covered by water;

12 jj) Monitoring, control and surveillance

13 1) Monitoring refers to the requirement of continuously observing: (1) fishing effort which
14 can be expressed by the number of days or hours of fishing, number of fishing gears
15 and number of fisherfolk; (2) characteristics of fishery resources; and (3) resource
16 yields (catch);

17 2) Control refers to the regulatory conditions (legal framework) under which the
18 exploitation, utilization and disposition of the resources may be conducted; and

19 3) Surveillance refers to the degree and types of observations required to maintain
20 compliance with regulations.

21 kk) Municipal fisherfolk refers to persons who are directly or indirectly engaged in
22 municipal fishing and other related fishing activities;

23 ll) Municipal fishing refers to fishing within municipal waters using fishing vessels of three
24 (3) gross tons or less, or fishing not requiring the use of fishing vessels;

25 mm) Municipal waters refer to streams, lakes, inland bodies of water and tidal waters within the
26 municipality which are not included within the protected areas as defined under Republic Act No. 7586
27 otherwise known as the "National Integrated Protected Areas System Act of 1992", public forest, timber
28 lands, forest reserves or fishery reserves, including marine waters between two (2) lines drawn
29 perpendicular to the general coastline from points where the boundary lines of the municipality touch the
30 sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15)
31 kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there
32 is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from
33 opposite shore of the respective municipalities;

34

35 nn) Person refers to natural or juridical entities such as individuals, associations,
36 partnership, cooperatives or corporations;

1 oo) Philippine waters refer to all bodies of water within the Philippine territory such as
2 lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other
3 bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities,
4 and barangays and the waters around, between and connecting the islands of the archipelago
5 regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and
6 all other waters over which the Philippines has sovereignty and jurisdiction including the
7 200-nautical miles Exclusive Economic Zone and the continental shelf;

8 pp) Public waters refer to waters open of right to the use of the general public;

9 qq) Secretary refers to the Secretary of the Department;

10 rr) Self-sufficiency refers to the state of being able to provide for oneself without the
11 necessity of aid from other persons or states; and

12 ss) Territorial seas refer to any area of water over which a state has jurisdiction,
13 including internal waters, the territorial sea, the contiguous zone, the exclusive economic zone and
14 potentially the continental shelf as defined IN the UNCLOS.

15 CHAPTER II

16 THE DEPARTMENT

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

19 a) Promotion of Aquaculture and Fisheries Production

20 i. Formulate and implement a short-term, medium-term and long-term
21 Comprehensive National Fisheries Industry Development Plan;

22 ii. Formulate and implement a Comprehensive Fisheries Research and Development
23 Program, such as, but not limited to, sea farming, sea ranching, tropical OR
24 ornamental fish and seaweed culture, aimed at increasing resource productivity,
25 improving resource use efficiency, and ensuring the long-term sustainability of the
26 country's fishery and aquatic resources;

27 iii. Provide extensive development support services to fishermen and organizations of
28 fishermen, as well as those involved in fisheries production in all aspects,
29 including processing and marketing;

30 iv. Promote the sustainable development, management and production of aquaculture
31 and fisheries products;

- 1 v. Provide advisory services and technical assistance on the improvement of quality
2 of fish from the time it is caught on-board fishing vessel, at landing areas, fish
3 markets, to the processing plants and to the distribution and marketing chain;
- 4 vi. Coordinate efforts relating to fishery production undertaken by the primary fishery
5 producers, LGUs, FARMCs, fishery organizations OR cooperatives;
- 6 vii. Advise and coordinate with LGUs on the maintenance of proper sanitation and
7 hygienic practices in fish markets and fish landing areas;
- 8 viii. Coordinate with LGUs and other concerned agencies for the establishment of
9 productivity enhancing and market development programs in fishing communities
10 to enable women AND YOUTH to engage in other fisheries OR economic
11 activities and contribute significantly to development efforts;
- 12 ix. Assist the LGUs in developing their technical capability in the development,
13 management, regulation, conservation, and protection of the fishery resources;
- 14 x. Establish and maintain a Philippine Fisheries and Aquatic Resources Information
15 System (PFARIS) that will function as the principal repository and information
16 server of all aquaculture, fisheries and marine resources and their habitats, all
17 matters pertaining to aquaculture and fisheries production, processing,
18 distribution, marketing, policies and research results and technological
19 advancements;
- 20 xi. Develop value-added fishery products for domestic consumption and export;
- 21 xii. Develop and implement a Monitoring, Control and Surveillance System (MCSS)
22 for Philippine fisheries and oceans at the national and regional levels to ensure that
23 the fisheries and marine resources in Philippine waters are judiciously and
24 sustainably utilized and managed. xiii. Establish and implement, a National
25 Marketing Assistance Program, aimed at ensuring the generation of the highest
26 possible income for fisherfolk and fishery-related enterprises, matching supply
27 and demand in both domestic and foreign markets;
- 28 xiv. Establish and administer a fisheries modernization credit program to fishery
29 projects of fisherfolk, fish farmers, fish processors, commercial fishers, and other
30 qualified borrowers;
- 31 xv. Formulate planning and investment policy for blue economy, including
32 identification of development, production, and protected areas, and marine spatial
33 plans;

1 xvi. Conduct complete resource inventory and monitoring for strategic planning and
2 programming as well as evaluation and assessment of key initiatives to ensure
3 increased productivity of THE fisheries sector, promote sustainability,
4 conservation, and protection efforts; and

5 xvii. Supervise and monitor the country's production of aquaculture and fisheries
6 products.

7 b) Fisheries Protection, Conservation and Sustainable Development

8 i. Engage in the conservation, protection and rehabilitation of rare, threatened and
9 endangered aquatic species as it may determine, including their habitats and
10 designate marine and other aquatic areas as protected areas for the special purposes
11 stated in the notice of declaration in compliance with the relevant provisions of
12 international treaties and agreements such as, but not limited to, the Convention on
13 the International Trade in Endangered Species [CITES] of Wild Flora and Fauna,
14 United Nations Convention on the Law of the Sea [UNCLOS], and Convention on
15 Biological Diversity [CBD]. For this purpose, the Aquatic Protected Areas and
16 Wildlife Service is hereby created;

17 ii. Conduct researches for the conservation, protection and management of fisheries
18 products and resources;

19 iii. Establish research institutes for fisheries and aquatic resources production,
20 development, management, conservation, and protection;

21 iv. Adopt and implement a national plan of action to manage fishing capacity,
22 implement the international code of conduct for responsible fisheries, and declare
23 fishery management areas as over-exploited in coordination with the LGUs and
24 FARMCs;

25 v. Formulate policies for the conservation and management of straddling fish stocks,
26 highly migratory fish stocks and threatened living marine resources such as sharks,
27 rays and ludong, inter alia, in the Philippine Exclusive Economic Zone, territorial
28 sea, archipelagic and internal waters, in coordination with LGUs and
29 integrated/municipal/city Fisheries and Aquatic Resources Management Councils;
30 and

31 vi. Develop other blue economy initiatives to conserve, protect, or harness marine and
32 coastal resources and ecosystems.

1 c. Enforcement and Regulation

- 2 i. Enforce all fishery laws, as well as formulate and enforce all rules and regulations
3 governing the conservation and management of fishery resources including
4 municipal waters, and to settle conflicts of resource use and allocation in
5 consultation with the NFARMC, LGUs and local FARMCs;
- 6 ii. Issue rules, regulations and guidelines for the protection and promotion of
7 aquaculture, fisheries, marine and aquatic resources of the country, including the
8 habitats of fish and all other marine life and over activities, which impact on these
9 habitats;
- 10 iii. Regulate the capture and/or production of fish and fishery products in public
11 waters;
- 12 iv. Regulate the leasing of fishponds to qualified persons and fisherfolk organizations
13 OR cooperatives. The Department may collect reasonable fees from the lease
14 agreements;
- 15 v. Arrest, search and seize, through its authorized and designated law enforcement
16 officers, deputized government officials and employees, punong barangays and
17 officers and members of fisherfolk associations who have undergone training on
18 law enforcement all those violating fishery laws; viii. Issue licenses for the
19 operation of commercial fishing vessels;
- 20 ix. Issue identification cards free of charge to fish workers engaged in commercial
21 fishing;
- 22 x. Implement an inspection system for import and export of fishery/aquatic products
23 and fish processing establishments, consistent with international standards to
24 ensure product quality and safety;
- 25 xi. Train, designate and deploy fisheries observers in Philippine flagged fishing
26 vessels engaged in commercial fishing in Philippine waters or distant water
27 fishing to ensure compliance with conservation and management measures
28 adopted by RFMOS and by the Department;
- 29 xii. Adopt an appropriate monitoring, control, surveillance and traceability system for
30 municipal fishing vessels supplying exporters with concurrence of the local
31 government units;
- 32 xiii. Prescribe rules, regulations, procedures and guidelines concerning the
33 classification, establishment, construction, maintenance and operation of all

1 fishing ports, landing sites, fish markets and the operation of business therein,
2 including manual of procedure in the conduct of monitoring and inspection
3 thereof;

4 xiv. Determine the appropriate levels of administrative and other sanctions concerning
5 violations of fisheries laws, rules and regulations, particularly for serious
6 violations that deprive offenders of economic benefits; and

7 xv. Prescribe rules, regulations, procedures and guidelines concerning the
8 classification, establishment, construction, maintenance and operation of blue
9 economy initiatives or activities.

10 For this purpose, the Fisheries Control and Surveillance Center is hereby created
11 as a government-owned and controlled corporation.

12 d) Quasi-judicial Functions

13 i. Perform quasi-judicial function or administrative adjudication under Chapter III
14 of this Act, and settle conflicts of resource use and allocation;

15 ii. Hear and decide administrative cases before it;

16 iii. Initiate the criminal prosecution of offenses committed in violation of this Code;
17 and

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

22 d) Other Powers and Functions

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

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

30 iii. Establish a corps of specialists in collaboration with the Department of National
31 Defense, Department of the Interior and Local Government, Department of
32 Foreign Affairs for the efficient monitoring, control and surveillance of fishing

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

3 iv. Establish and maintain Fisheries Attaché in strategic countries to promote and
4 engage in economic and trade cooperation including negotiating bilateral and
5 multilateral trade agreements, promoting the exports of fish and fishery products
6 and facilitating professional contacts, exchanges, and technology transfer;

7 V. Promote international economic and technical cooperation in the fisheries and
8 oceans sectors and in integrated oceans management, especially within the
9 ASEAN region;

10 vi. Acquire, build, maintain, operate, purchase, lease or dispose equipment such as
11 fishing vessels, fishing gears, and refrigerated trucks, ice plants and cold chain
12 facilities, laboratories, communication, and aquaculture facilities;

13 vii. Acquire, build, maintain, operate, purchase or lease facilities such as shipyards,
14 fish ports, detention centers, and impoundment facilities, and in consideration of
15 which, projects or infrastructure developments may be undertaken in a Public-
16 Private Partnerships (PPPs) scheme; and

17 viii. Perform such other powers and functions which are necessary and relevant
18 in order to achieve its mandate.

19 SEC. 6. *Structural Organization.* — The Department shall consist of the Office of the
20 Secretary and three (3) Undersecretaries supported by four (4) Assistant Secretaries.

21 The Office of Secretary shall be supported by bureaus, divisions, services, and institutes.

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

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

- 26 a) Ensure that the mandate of the Department is achieved;
- 27 b) Exercise supervision and control over the Department, its Bureaus, Offices, Services
28 and Institutes to ensure the effective performance of the powers and functions of the
29 office;
- 30 c) Advise the President on the policies, rules and regulations, and other issuance relative
31 to the sustainable development and management of fisheries and ocean resources;
- 32 d) Establish management policies and standards for the efficient and effective operation
33 of the Department in accordance with the programs of the government;

- 1 e) Promulgate rules and regulations and other issuance in carrying out the Department's
2 mandate objectives, policies, plans, programs and projects; and
3 f) Perform such other functions as may be provided by law or assigned by the President.

4 SEC. 9. *Undersecretaries.* — The Secretary shall be assisted by three (3)
5 Undersecretaries, specifically the Undersecretary for Operations and Technical Support Services;
6 the Undersecretary for Fisheries Protection, Conservation and Sustainable Development; and
7 Undersecretary for Enforcement and Regulations, who shall be appointed by the President upon
8 recommendation of the Secretary.

9 The Offices of the Undersecretaries shall assist the Secretary in the exercise of the
10 Department's mandate and in the discharge of its powers and functions. The office shall:

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

18 SEC. 10. *Office of the Undersecretary for Operations and Technical Support Services.* —
19 The Office of the Undersecretary for Operation and Technical Support Services shall primarily
20 assist the Secretary in the promotion of aquaculture and fisheries production as specified in
21 Section 5 (a) of this Act. It shall be primarily responsible in developing and implementing
22 programs and projects, as well as appropriate technologies, in order to assist the fisherfolks.

23 The Undersecretary for Operations and Technical Services shall primarily assist the
24 Secretary in supervising the operations of the Regional Offices.

25 SEC. 11. *Office of the Undersecretary for Fisheries Protection, Conservation and*
26 *Sustainable Development.* — The Office of the Undersecretary for Fisheries Protection,
27 Conservation and Sustainable Development shall primarily assist the Secretary in the
28 development and implementation of conservation, protection and sustainability efforts of the
29 Department as specified under Section 5 (b) of this Act.

30 SEC. 12. *Office of the Undersecretary for Enforcement and Regulation.* — The Office of
31 the Undersecretary for Enforcement and Regulations shall assist the Secretary in performing the
32 regulatory functions of the Department as specified under Section 5 (c) of this Act.

1 SEC. 13. *Assistant Secretaries*. — The Secretary shall be assisted by four (4) Assistant
2 Secretaries who shall be appointed by the President upon recommendation of the Secretary.

3 SEC. 14. *Functions of the Assistant Secretaries*. — Each of the three (3) undersecretaries
4 shall be assisted by an Assistant Secretary who shall have the following functions:

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

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

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

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

15 The fourth Assistant Secretary shall be in charge of the Department's Finance and
16 Administrative Support Services.

17 SEC. 15. *Qualifications and Appointment* - No person shall be appointed Undersecretary
18 of the Department unless he is a Filipino citizen; must have a degree in law or a master's degree
19 in fisheries, public administration, management, economics or other equivalent relevant
20 disciplines; has relevant experience in administration and management for at least ten (10) years;
21 and has general practical knowledge of fisheries. The Secretary and Undersecretaries shall be
22 appointed by the President of the Philippines in the manner prescribed by law.

23 No person shall be appointed Assistant Secretary, Bureau Director and Assistant Bureau
24 Director unless he is a Filipino citizen; must have a degree in law or at least a master's degree in
25 fisheries, public administration, management, economics, statistics, engineering, law or other
26 equivalent relevant disciplines; with at least seven (7) years relevant experience, either in the
27 public or private sector, in administration and management, in marine fisheries research and
28 development, or in the aquaculture and fisheries industries. The Bureau Director, Assistant
29 Bureau Director, Regional Executive Director or Assistant Regional Executive Director shall be
30 appointed by the Secretary upon the recommendation of the Undersecretary concerned.

31 No person shall be appointed Regional Executive Director or Assistant Regional
32 Executive Director, unless he is a Filipino citizen; has any of the educational qualifications above
33 prescribed for Assistant Secretary, Bureau Director or Assistant Bureau Director; and with at least

1 five (5) years relevant experience either in the public or private sector, in administration and
2 management, fisheries research and development, or in the aquaculture and fisheries industries.

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

5 SEC. 16. *Regional Offices, Provincial and Municipal and Functions.* — In the same
6 manner, as mandated in Section 66 of Republic Act No. 8550 otherwise known as “The Philippine
7 Fisheries Code of 1998”, as amended by Republic Act No. 10654 entitled AN ACT TO
8 PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED
9 FISHING, AMENDING REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS “THE
10 PHILIPPINE FISHERIES CODE OF 1998,” AND FOR OTHER PURPOSES, and hereinafter
11 referred to as the Code, the Department shall establish regional, provincial and municipal offices
12 as may be appropriate and necessary to carry out effectively and efficiently the provisions of this
13 Code. Each Regional Office shall be headed by a Regional Executive Director, who shall be
14 assisted by an Assistant Regional Executive Director. Each regional office shall have support staff
15 and line divisions as may be necessary which shall have the following duties and responsibilities:

- 16
- 17 a) Provide efficient and effective front-line service to the aquaculture, fishery and
18 aquatic industry sectors, particularly to the municipal fishermen;
- 19 b) Implement in its area of jurisdiction, the laws, policies, plans, programs, projects,
20 rules and regulations of the Department;
- 21 c) Coordinate with the Regional office of the other departments, offices and agencies
22 in the region; and
- 23 d) Perform other functions as may be provided by law or assigned by the Secretary.
- 24

25 CHAPTER III

26 FISHERIES ADJUDICATION BOARD

27 SEC. 17. *Fisheries Adjudication Board.* — The Department is hereby empowered to hear
28 and impose administrative fines and penalties provided in the Code. Republic Act No. 8550, as
29 amended by Republic Act 10654. or "The Philippine Fisheries Code of 1998", herein referred to
30 as the Code.

31 For this purpose, the Department shall organize a Fisheries Adjudication Board, herein
32 after referred to as the Board, which shall HAVE original jurisdiction to hear and adjudicate cases

1 arising from violations of the Code, Philippine Fisheries Code of 1998, and other fishery laws,
2 rules and regulations.

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

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

12 *Sec. 18. Appeal of the Decision of the Board.* — Except for cases initiated by the Secretary
13 himself, the decision of the Board may be appealed to the Secretary of the Department within
14 thirty (30) days from receipt by the parties of the decision. In cases where the Secretary initiated
15 the case, the same shall be directly appealed to the Office of the President.

16 *SEC. 19. Commencement of Summary Administrative Action.* — The Secretary, on his
17 own instance, or upon verified complaint by any person, institute administrative proceedings with
18 the Board against any person who violates the Code, Philippine Fisheries Code of 1998, and other
19 fishery laws, rules and regulations.

20 *SEC. 20. Power to Issue Cease and Desist Orders and to Summarily Evict Without the*
21 *Necessity of Judicial Order.* — The Board shall, subject to the requirements of administrative due
22 process, issue cease and desist orders upon violators and to summarily eject, without the necessity
23 of judicial order, the holder of FLA, other tenurial instrument, permit or license from areas of the
24 public domain covered by such FLA, tenurial instrument, permit or license.

25 *SEC. 21. Authority of the Board or their Duly Authorized Representative to Issue Notice*
26 *of Violation and Order Confiscation.* - In all cases of violations of the Code or other fishery laws,
27 rules and regulations, the Board or their duly authorized representative, may issue notice of
28 violation and order the confiscation of any fish, fishery species or aquatic resources illegally
29 caught, taken or gathered, and all equipment, paraphernalia and gears in favor of the Department,
30 academic institutions or LGUs and to dispose of the same in accordance with pertinent laws, rules,
31 regulations and policies on the matter.

1 SEC. 22. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary*
2 *Injunctions, and Preliminary Mandatory Injunctions.* — No injunction or restraining order from
3 the Municipal Trial Courts and Regional Trial Courts shall lie against the decision of the Board.

4 SEC. 23. *Accompanying Administrative Sanctions for Serious Violations.* — The Board
5 may impose the following additional sanctions to the administrative penalties imposed for serious
6 violations:

- 7 1) confiscation of fishing gear;
- 8 2) impoundment of fishing vessel;
- 9 3) temporary suspension or permanent revocation of license or permit;
- 10 4) temporary or permanent ban from the availment of applicable duty and tax rebates;
- 11 5) inclusion in the IUU fishing vessel list;
- 12 6) denial of entry and other port services;
- 13 7) blacklisting; and
- 14 8) increase in the amount of fines but not to exceed five (5) times the value of the
15 catch. In case of repeated violations within a five-year period, the amount of fine
16 may be increased up to eight (8) times the value of the catch.

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

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

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

27 SEC. 24. *Lien Upon Personal and Immovable Properties of Violators.* — Fines and
28 penalties imposed pursuant to the Code shall constitute a lien upon the personal and immovable
29 properties of the violator.

30 SEC. 25. *Community Service.* — In case the offender is a municipal fisher-folk or has no
31 property over which the Board may impose the fines and penalties prescribed for the offense,
32 community service may be rendered in lieu of the fine.

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

5 SEC. 26. *Fisheries National Administrative Register.* — The Board shall create a Fisheries
6 National Administrative Register, which shall be accessible online. All decisions, resolutions or
7 orders involving violations of the Code, particularly serious violations committed by Philippine
8 flagged vessels or by Philippine nationals and cases on poaching or involving foreigners,
9 including the penalties imposed shall be uploaded.

10 CHAPTER IV

11 MISCELLANEOUS PROVISIONS

12
13 SEC. 27. *Abolition, Transfer and Merger.* — The Bureau of Fisheries and Aquatic
14 Resources (BFAR) that was reconstituted by Republic Act No. 8550, as amended by Republic
15 Act No. 10654, is hereby abolished and its relevant functions, appropriations, records, properties,
16 equipment and personnel are hereby transferred to the Department: *Provided, however,* That no
17 official or employee of the BFAR shall be demoted or laid off in the implementation of this
18 Section.

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

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

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

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

29 The Philippine Fisheries Development Authority created by Presidential Decree No. 977,
30 s. 1976 entitled CREATING THE PHILIPPINE FISH MARKETING AUTHORITY, DEFINING
31 ITS FUNCTIONS AND POWERS, AND FOR OTHER PURPOSES, including its relevant
32 functions, appropriations, records, properties, equipment and personnel, is hereby transferred as
33 an attached agency of the Department: *Provided, however,* That the Secretary of the Department

1 shall be the new Chairman of the PFDA Board: *Provided, further,* That no official or employee
2 of the PFDA shall be demoted or laid off in the implementation of this Section.

3 The Philippine Technical Advisory Committee of the Southeast Asian Fisheries
4 Development Center, Aquaculture Department (SEAFDEC/AQD) created under Executive Order
5 No. 834, s. 1982 entitled CREATING A NATIONAL BOARD ON THE SEAFDEC
6 AQUACULTURE DEPARTMENT PROGRAMS, BUDGET AND OPERATIONS, including
7 its relevant functions, appropriations; records, properties, equipment and personnel, is hereby
8 transferred and attached to the Department: *Provided,* That no official or employee of the Board
9 shall be removed in the implementation of this section.

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

14 The Marine Research and Conservation Division and the different sections and the Coastal
15 Environment Program of the DA including its relevant appropriations, personnel, records,
16 property and equipment, all marine and coastal related projects and programs of the Department
17 of Environment and Natural Resources (DENR), and all fisheries related functions under
18 Executive Order No. 192, s. 1987 entitled PROVIDING FOR THE REORGANIZATION OF
19 THE DEPARTMENT OF ENVIRONMENT, ENERGY AND NATURAL RESOURCES,
20 RENAMING IT AS THE DEPARTMENT OF ENVIRONMENT AND NATURAL
21 RESOURCES, AND FOR OTHER PURPOSES and Executive Order No 292 s.1987 entitled
22 INSTITUTING THE "ADMINISTRATIVE CODE OF 1987", except the functions of the
23 enforcement of water pollution laws, rules and regulations, are hereby transferred to the
24 Department.

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

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

1 SEC. 28. *Transitory Provisions.* — In accomplishing the acts of organizing the
2 Department as herein prescribed and pursuant to Republic Act No. 6656 or the Government
3 Reorganization Law, the following provisions shall be complied with:

- 4 a) The transfer of a government unit or agency shall include the function,
5 appropriations, funds, records, equipment, facilities, choses in action, rights, other
6 assets and liabilities, if any, of the transferred unit or agency as well as the
7 personnel thereof, as may be necessary, who shall, pending reappointment,
8 continue to perform their respective duties and responsibilities and receive the
9 corresponding salaries and benefits in a hold- over capacity.
- 10 b) The transfer of functions which results in the change of agency management,
11 choses in action, rights, and other assets as may be necessary to the proper
12 discharge of the transferred functions. Its personnel shall, pending complete
13 transfer, continue to perform their duties and responsibilities.
- 14 c) The transfer of functions which results in the change of agency management,
15 choses in action, rights, and other assets as may be necessary to the proper
16 discharge of the transferred functions. Its personnel shall, pending complete
17 transfer, continue to perform their duties and responsibilities.

18 SEC. 29. *Absorption, Separation and Retirement from Service.* — The existing employees
19 of the transferred, consolidated, and merged agencies under this Act shall enjoy security of tenure
20 and shall be absorbed by the Department, in accordance with their staffing patterns and the
21 selection process as prescribed under Republic Act. No. 6656 or the Government Reorganization
22 Law.

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

29 SEC. 30. *Structure and Staffing Pattern.* — Subject to the approval of the DBM,
30 the Department shall determine its organizational structure and create new divisions or units as it
31 may deem necessary, and shall appoint officers and employees of the Department in accordance
32 with Civil Service laws, rules, and regulations. Republic Act No. 6656, or the Government

1 Reorganization Law shall govern the reorganization of the Department, and the reorganization of
2 affected agencies.

3 SEC. 31. *Appropriations.* — The amount needed for the initial implementation of this Act
4 shall be taken from the current year's appropriations of the agencies, entities, divisions, sections or
5 bodies abolished or transferred to the Department by virtue of this Act. Thereafter, such sums as
6 may be necessary for its continued implementation shall be included in the annual General
7 Appropriations Act.

8 SEC. 32. *Implementing Rules and Regulations.* — The Secretary of the Department of
9 Fisheries and Aquatic Resources, in consultation with concerned government agencies and
10 stakeholders including the Presidential Legislative Liaison Office and the members of the academe
11 and the fishing industry, shall formulate rules and regulations for the full implementation of this
12 Act within one hundred twenty (120) days from his appointment as Secretary. Such rules and
13 regulations shall take effect upon publication in a newspaper of general circulation.

14 SEC. 33. *Separability Clause.* — If any portion or provision of this Act is declared
15 unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby,
16 shall continue in full force and effect.

17 SEC. 34. *Repealing Clause.* — Sections 130-140 of Republic Act No. 8550, as amended
18 by Republic Act No. 10654 are hereby repealed. All other laws, decrees, orders, rules and
19 regulations or parts thereof inconsistent with the Act or rules and regulations promulgated pursuant
20 thereto are hereby repealed or amended accordingly.

21 SEC. 35. *Effectivity.* — This Act shall take effect fifteen (15) days after publication in two
22 (2) national newspapers of general circulation.

23 Approved.