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CHAPTER III

ARTICLE 1  
RECONSTITUTION OF THE BUREAU OF  
FISHERIES AND AQUATIC RESOURCES, MANAGEMENT COUNCILS

ARTICLE 1

ARTICLE 1 RECONSTITUTION OF THE BUREAU OF  
FISHERIES AND AQUATIC RESOURCES

**Sec. 63. Creation of the Position of Undersecretary for Fisheries and Aquatics Resources** - There is hereby created in the Department of Agriculture the position of Undersecretary for Fisheries and Aquatic Resources, solely for the purpose of attending to the needs of the fishing industry, to be appointed by the President. Such Undersecretary shall have the following functions:

- a. set policies and formulate standards for the effective, efficient and economical operations of the fishing industry in accordance with the programs of the government;
- b. exercise overall supervision over all functions and activities of all offices and instrumentalities and other offices related to fisheries including its officers;
- c. establish, with the assistance of the director, such regional, provincial and other fishery officers as may be necessary and appropriate and organize the internal structure of BFAR in such manner as is necessary for the efficient and effective attainment of its objectives and purposes; and
- d. perform such other functions as maybe necessary or proper to attain the objectives of this code.

**Sec. 64. Reconstitution of the BFAR** - The Bureau of Fisheries and Aquatic Resources (BFAR) is hereby reconstituted as a line bureau under the Department of Agriculture.

**Sec. 65. Functions of the Bureau of Fisheries and Aquatic Resources** - As a line bureau, the BFAR shall have the following functions.

- a. prepare and implement a Comprehensive National Fisheries Industry Development Plan;
- b. issue licenses for the operation of commercial fishing vessels;

c. issue identification cards free of charge to fishworkers engaged in commercial fishing;

d. monitor and review 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 commitment under international treaties and convention on fishing in the high seas;

e. formulate and implement a Comprehensive Fishery Research and Development Program, such as, but not limited to, sea farming, sea ranching, tropical/ornamental fish and seaweed culture, aimed at increasing resource productivity, improving resource use efficiency and ensuring the long-term sustainability of the country's fishery and aquatic resources;

f. establish and maintain a Comprehensive Fishery Information System;

g. provide extensive development support services in all aspects of fisheries production, processing and marketing;

h. provide advisory services and technical assistance on the improvement of quality of fish from the time it is caught (i.e. on board fishing vessel, landing areas, fish markets, to the processing plants and to the distribution and marketing chain);

i. coordinate efforts relating to fishery production undertaken by the primary fishery producers, LGUs, FARMCs, fishery and organization/cooperatives;

j. advise and coordinate with LGUs on the maintenance of proper sanitation and hygienic practices in fish markets and fish landing areas;

k. establish a corps of specialists in collaboration with the Department of National Defense, Department of Interior and Local Government, 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 thereof;

l. implement an inspection system for import and export of fishery/aquatic products and fish processing establishments consistent with international standards to ensure product quality and safety;

m. coordinate with LGUs and other concerned agencies for the establishment of productivity enhancing and market development programs in fishing communities to enable women to engage in other fisheries/economics activities and contribute significantly to development efforts;

n. enforce all laws, formulate and enforce all rules and regulations governing the conservation and management of fishery resources, except in municipal waters, and to

settle conflicts of resource use and allocation in consultation with the NFARMC, LGUs and local FARMCS;

- o. develop value-added fishery-products domestic consumption and export;
- p. recommend measures for the protection/enhancement of the fishery industries;
- q. assist the LGUs developing their technical capability in the development, management, regulation, conservation, and protection of the fishery resources;
- r. formulate rules and regulations for the conservation and management of straddling fish stocks and highly migratory fish stocks; and
- s. perform such other related functions which shall promote the development, conservation, management, and protection and utilization of fisheries and aquatic resources.

**Sec. 66. Composition of BFAR** - As a line bureau, the BFAR shall be headed by a Director and assisted by two (2) Assistant directors who shall supervise the administrative and technical services of the bureau respectively. It shall establish regional, provincial and municipal offices as may be appropriate and necessary to carry out effectively and efficiently the provisions of this Code.

**Sec. 67. Fisheries Inspection and Quarantine service** - For purposes of monitoring and regulating the importation and exportation of fish and fishery/aquatic resources, the Fisheries Inspection and Quarantine Service in the BFAR is hereby strengthened and shall have the following functions:

- a. conduct fisheries quarantine and quality inspection of all fish and fishery/aquatic products coming into and going out of the country by air or water transport, to detect the presence of fish pest and diseases and if found to harbor fish pests or disease shall be confiscated and disposed of in accordance with environmental standards and practices;
- b. implement international agreements/commitments on bio-safety and bio-diversity as well as prevent the movement or trade of endemic fishery and aquatic resources to ensure that the same are not taken out of the country;
- c. quarantine such aquatic animals and other fishery products determined or suspected to be with fishery pests and diseases and prevent the movement or trade from and/or into the country of these products so prohibited or regulated under existing laws, rules and regulations as well as international agreements of which the Philippines is a State Party;

- d. examine all fish and fishery products coming into or going out of the country which may be source or medium of fish pests or diseases and/or regulated by existing fishery regulations and ensure that the quality of fish import and export meet international standards; and
- e. document and authorized the movement or trade of fish and fishery products when found free of fish pests or diseases and collect necessary fees prescribed by law and regulations.

## ARTICLE II

### THE FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCILS (FARMCs)

**Sec. 68. Development of Fisheries and Aquatic Resources in Municipal Waters and Bays** - Fisherfolk and their organizations residing within the geographical jurisdiction of the barangays, municipalities or cities with the concerned LGUs shall develop the fishery/aquatic resources in municipal waters and bays.

**Sec. 69. Creation of fisheries and Aquatic Resources Management Councils (FARMCs)** - FARMCs shall be established in the national level and in all municipalities/cities abutting municipal waters as defined by this Code. The FARMCs shall be formed by fisherfolk organizations/cooperatives and NGOs, in the locality and be assisted by the LGUs and other government entities. Before organizing FARMCs, the LGUs, NGOs, fisherfolk, and other concerned POs shall undergo consultation and orientation on the formation of FARMCs.

**Sec. 70. Creation and Composition of the National Fisheries And Aquatic Resources Management Council (NFARMC).** - There is hereby created a National Fisheries and Aquatic Management Council hereinafter referred to as NFARMC as an advisory/recommendatory body to the Department. The NFARMC shall be composed of fifteen (15) members consisting of:

- a. the Undersecretary of Agriculture, as Chairman;
- b. the Undersecretary of the Interior and local Government;
- c. five (5) members representing the fisherfolk and fishworkers;
- d. five (5) members representing commercial fishing and aquaculture operators and the processing sectors;
- f. two (2) members from the academe; and
- g. one (1) representative of NGOs involved in fisheries.

The members of the NFARMC, except for the Undersecretary of Agriculture and the Undersecretary of the Interior and local Government, shall be appointed by the President upon nomination of their respective organizations.

**Sec. 71. Terms of Office** - The members of NFARMC, except the Undersecretary of Agriculture and the Undersecretary of the Interior and Local Government, shall serve for a term of three (3) years without reappointment.

**Sec. 72. Functions of the NFARMC** - The NFARMC shall have the following functions:

- a. assist in the formulation of national policies for the protection, sustainable development and management of fishery and aquatic resources for the approval of the secretary;
- b. assist the Department in the preparation of the National Fisheries and Industry Development Plan; and
- c. perform such other functions as may be provided by law.

**Sec. 73. The Municipal/City Fisheries and Aquatic Resources Management Councils (M/CFARMCs)** - The M/CFARMCs shall be created in each of the municipalities and cities abutting municipal waters. However, the LGU may create the Barangay Fisheries and Aquatic Resources Management Council (BFARMCs) and the Lakewide Fisheries and Aquatic Management Councils (LFARMCs) whenever necessary. Such BFARMCs and LFARMCs shall serve in an advisory capacity to the LGUs.

**Sec. 74. Functions of the M/CFARMCs** - The M/CFARMCs shall exercise the following functions:

- a. assist in the preparation of the Municipal Fishery Development Plan and submit such plan to the Municipal Development Council;
- b. recommended the enactment of municipal fishery ordinances to the sangguniang bayan/sangguniang panlungsod through its Committee of Fisheries;
- c. assist in the enforcement of fishery laws, rules and regulations in municipal waters;
- d. advise the sangguniang bayan/panlungsod of fishery matters through its Committee on Fisheries, if such has been organized, and
- e. perform such as other functions which may be assigned by the sangguniang bayan/panlungsod

**SEC. 75. Composition of the M/CFARMC** - The regular member of the M/CFARMCs shall be composed of: - The regular member of the M/CFARMCs shall be composed of:

- a. Municipal/City Planning Development Officer;
- b. Chairperson, Agriculture/Fishery Committee of the Sanggunian Bayan/Panlungsod;
- c. Representative of the Municipal/City Development Council;
- d. Representative from the accredited non-government organization;
- e. Representative from the private sector;
- f. Representative from the Department of Agriculture; and
- g. At least eleven (11) fisherfolk representatives (seven (7) municipal fisherfolk, one (1) fisherworker and three (3) commercial fishers) in each municipality/city which include representative from youth and women sector.

The council shall adopt rules and regulations necessary to government proceedings and election.

**SEC. 76. The Integrated Fisheries and Aquatic Resources Management Councils (IFARMCs)** - The IFARMCs shall be created in bays, gulfs, lakes and rivers and dams bounded by two (2) or more municipalities/cities.

**SEC. 77. Functions of the IFARMCs** - The IFARMC shall have the following functions:

- a. assist in the preparation of the Integrated Fishery Development Plan and submit such plan to the concerned Municipal Development Councils;
- b. recommended the enactment of integrated fishery ordinances to the concerned sangguniang bayan/panlungsod through its Committee on Fisheries, if such has been organized;
- c. assist in the enforcement of fishery laws, rules and regulations in concerned municipal waters;
- d. advice the concerned sangguniang bayan/ panlungsod on fishery matters through its committee on Fisheries, if such has been organized; and

e. perform such other functions which may be assigned by the concerned sangguniang bayan/panlungsod.

**SEC. 78. Composition of the IFARMCs** - The regular members of the IFARMCs shall be composed of the following:

- a. the chairperson of the Committee on Agriculture/Fisheries of the concerned sangguniang bayan/panlungsod;
- b. the Municipality/City Fisheries Officers of the concerned municipalities/cities;
- c. the Municipality/City Development Officers of the concerned municipalities/cities;
- d. one (1) representative from NGO;
- e. one (1) representative from the private sector, and
- f. at least nine (9) representatives from the fisherfolk sector which include representatives from the youth and women sector.

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

**SEC. 79. Source of Funds of the FARMCs** - A separate fund for the NFARMC, IFARMCs and M/CFARMCs shall be established and administered by the Department from the regular annual budgetary appropriations.