

**[BFAR JOINT DA-DENR MEMORANDUM ORDER
NO. 1, S. 2000, May 17, 2000]**

**IDENTIFYING/DEFINING THE AREAS OF COOPERATION AND
COLLABORATION BETWEEN THE DEPARTMENT OF AGRICULTURE
AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES IN THE IMPLEMENTATION OF REPUBLIC ACT NO.
8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES
CODE OF 1998**

WHEREAS, Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, established a legal basis for the development, management, and conservation of the fisheries and aquatic resources of the Philippines;

WHEREAS, the Department of Agriculture (hereinafter referred to as DA), through its Bureau of Fisheries and Aquatic Resources (hereinafter referred to as DA-BFAR), is the primary agency mandated to implement the Philippine Fisheries Code of 1998;

WHEREAS, pursuant to Executive Order (EO) No. 197, Series of 1987 and other existing laws, the Department of Environment and Natural Resources (hereinafter referred to as DENR) is the primary agency mandated to develop, manage, conserve, and promote the proper use of the environment and natural resources of the Philippines;

WHEREAS, DA Administrative Order No. 3, Series of 1998, containing the Implementing Rules and Regulations of the Philippine Fisheries Code of 1998, was issued, mandating in Rule 3.2 thereof that both Departments should jointly promulgate an Order clarifying their respective authorities and jurisdictions over the management of fisheries and aquatic resources;

WHEREAS, in consonance with the above premises, the DENR and the DA agree to identify and define areas of cooperation and collaboration in the implementation of the Philippine Fisheries Code of 1998;

NOW, THEREFORE, WE, the Undersigned, pursuant to the powers vested in us by law, do hereby promulgate the following rules and procedures, to wit:

ARTICLE I

Declaration of Administrative Policy

Section 1. The DA and DENR shall coordinate their efforts, harmonize their policies and cooperate in the implementation of the laws at the operational level.

Section 2. Both Departments shall adopt an integrated and coordinated approach in the management of natural resources. Where numerous possibilities for further cooperation and collaboration exist, the DA and DENR shall commit towards the fulfillment of this collaboration by

complementation, through consultations and a workable referral mechanism.

ARTICLE II

Strategic Planning

Section 1. In accordance with Secs. 2 (f), 3 and 65 (a) of RA 8550, the DA-BFAR shall be responsible for the development of a National Fisheries Plan and local fisheries plans specifically addressing the management of fisheries and aquatic resources within the framework of a National Integrated Coastal and Marine Management Strategy (NICMMS).

Section 2. The DENR shall have the primary responsibility for convening an inter-agency committee for the development and approval of the National Integrated Coastal and Marine Management Strategy that shall lay the foundations for local integrated coastal area management, applicable from the watersheds bordering the coast and out to the marine areas of the Philippines.

Section 3. The National Integrated Coastal and Marine Management Strategy shall have as one of its primary objectives the maintenance and protection of the coastal and marine environment for the purpose of ensuring the sustainable development of fisheries and aquatic resources.

Section 4. The National Integrated Coastal and Marine Management Strategy shall be formulated and promulgated by the DENR and DA-BFAR, in collaboration with other concerned agencies, within eight (8) months from the effectivity of this Order.

ARTICLE III

Operational Standards and Procedures

Section 1. *Identification and Management of Rare, Threatened or Endangered Species.* — Pursuant to Secs. 4 (17), 11 and 97 of RA 8550 and other pertinent laws prohibiting the taking of rare, threatened, or endangered species:

- a) The DA-BFAR shall identify and declare certain marine and aquatic species as rare, threatened or endangered, and manage them together with other CITES-listed marine and aquatic species except dugong, marine turtles and crocodiles, which shall be managed by DENR.
- b) DA-BFAR or DENR, at the instance of the LGUs or other interested parties, may declare as rare, threatened or endangered certain species of aquatic or marine life provided that the process is in accordance with their respective standing procedures.
- c) Any application for the listing and delisting of marine and aquatic species both CITES-listed species and those declared by DA-BFAR species shall require the concurrence of DA-BFAR except for dugong, marine turtles and crocodiles which will be referred to the DENR. Such list shall be furnished to DENR for information and enforcement purposes.

Section 2. *Catch Ceilings and Closed Seasons.* — DA-BFAR shall determine, prescribe and establish catch ceilings and closed seasons in Philippine waters except in municipal waters and those in protected areas under the NIPAS Act; provided that in municipal waters and waters under the jurisdiction of special agencies, catch ceilings and closed seasons may be established upon the concurrence and approval or recommendation of such special agencies and the concerned LGUs in consultations with the FARMC for conservation or ecological purposes.

Section 3. *Code of Practice of Aquaculture.* — Pursuant to Secs. 46, 47 and 48 of RA 8550, a Code of Practice for Aquaculture shall be promulgated by the DA-BFAR. The code shall be published and disseminated by DA-BFAR to all aquaculture operators.

Enforcement of the Code of Practice for Aquaculture shall be the primary responsibility of the DA-BFAR subject to Article V hereof. However, the DENR, on its own behalf or on behalf of interested parties, may file a complaint or initiate proceedings with the DA-BFAR for cancellation of the Fishpond Lease Agreement and such other aquaculture establishment in cases of violation of the standards or guidelines enumerated in Article V hereof and other DENR rules and regulations.

Section 4. *Minimum Standards for Certain Facilities in Accordance with Secs. 57, 60 and 119 of RA 8550.* — In the establishment of minimum standards by the DA-BFAR, the DENR shall recommend such measures and/or components for the construction and operation of certain structures and facilities as may be necessary to ensure compliance with national and international environmental standards.

Section 5. *Biosafety and Biodiversity Standards.* — In the implementation of Sec. 67 (b) of RA 8550, the DA-BFAR and DENR shall jointly establish common criteria and procedures for purposes of biosafety and protecting biodiversity in all marine species, and submit the same for approval by the appropriate inter-agency committee responsible for the biodiversity convention and biosafety protocols.

ARTICLE IV

Mapping, Charting and Identification of Certain Areas

Section 1. *Mapping and charting requirements pursuant to Secs. 18, 26, 41, 51, 56, 105 and 123 of RA 8550:*

a) Consistent with Rule 123.4 of DA Administrative Order No. 3, the DA-BFAR shall allocate to NAMRIA sufficient funds for the mapping and charting of coastal areas for purposes of fisheries management, including:

- 1) municipal waters
- 2) areas of municipal waters suitable for commercial fisheries, i.e. from 10.1 to 15 kilometers from the shoreline and 7 or more fathoms deep
- 3) zonation of existing and/or potential areas for sea ranching, mariculture, or sea farming