

[DA JOINT ADMINISTRATIVE ORDER NO. 2 (DA-DENR-DILG-DOJ), April 22, 1996]

IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 240

Pursuant to Executive Order No. 240 "Creating Fisheries and Aquatic Resources Management Councils (FARMSs) in Barangays, Cities and Municipalities, Their Composition and Functions," issued on 28 April 1995, the following Implementing Rules and Regulations (IRR) are hereby promulgated:

SECTION 1. Definition of Terms.

(a) *Ancillary Industries* — Firms or companies related to the manufacture, supply and maintenance of fishing vessels, gears, nets and other fishing paraphernalia, fishery machine shops; and other facilities, processing plants and other pre-harvest and post-harvest facilities.

(b) *Aquaculture* — fishery operations involving all forms of raising and culture of fish and other fishery species in flesh, brackish and marine water areas.

(c) *Demarcated Areas* — areas with boundaries defined by markers, such as buoys and other similar devices and assigned to specific individuals or organizations for certain limited uses such as:

- 1) fish culture production in fish cages, fish pens, including seaweeds/mollusk culture or sea ranching;
- 2) fish attracting and aggregating devices such as artificial reefs and fish shelters; and
- 3) fixed and passive fishing gears such as hook and line, fish corrals, and stationary lift nets.

(d) *Fish Cage* — any method of culture of fish and fishery/aquatic resources in a fish enclosure that is either stationary or floating made up of netting or screens sewn or fastened together and installed in the water with opening or cover at the surface and held in place by wooden/bamboo posts or various types of anchors and floats.

(e) *Fish Pen* — an artificial enclosure constructed within a body of water for the culture of fish and fishery/aquatic resources made of bamboo poles closely arranged in an enclosure with either fine bamboo materials, screen or nylon netting to prevent escape of fish.

(f) *Fish Refuge or Sanctuary* — a designated area where fishing and other forms of activities that may damage the ecosystem of the area are prohibited.

(g) *Fish Worker* — a person who is regularly or not regularly employed in commercial fishing and ancillary industries, whose income is either in wage, profit-sharing or stratified sharing-basis, including workers in fish pens, fishponds, prawn farms, sea farms, salt beds, fish ports fish corrals/traps, fishing boat or trawlers, or fish processing and/or packing plants, excluding administrators, security guards and overseers.

(h) *Fisherfolk* — person directly or personally and physically engaged in taking and/or culture of fish and processing of fishery and/or aquatic resources.

(i) *Fisherfolk Cooperative* — a voluntary organization of fisherfolk recognized by the government.

(j) *Fisherfolk Organization* — an organized group, association, federation, alliance or an institution of fisherfolk which has at least 15 members, a set of officers, constitution and bylaws, organizational structure and program of action.

(k) *Fishery License* — a permit to operate specific types of fishing boats and/or fishing gears and other paraphernalia for specific duration in areas in Philippine waters.

(l) *Fishery Operator* — one who owns and provided the means to engage in fishery, including capital, fishing gears and vessels, but may or may not personally engage in fishing.

(m) *Fishery Reserve* — a designated area or areas where fishing activities are regulated and set aside for special purpose such as educational and research.

(n) *Fishing Gear* — any instrument or device, including its accessories, used in taking fish and fishery products.

(1) *Active Fishing Gear* — characterized by active gear movements and/or pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments, such as, but not limited to trawls, purse seines, Danish seines, bag nets, push nets, cast nets, harvesting machineries, beach seines, pa-aling, drift fill net and tuna longline.

(2) *Passive Fishing Gear* — characterized by the absence of gear movements and/or pursuit of the target species, such as, but not limited to hook and line, fish pots, traps and gill nets across the path of the fish.

(o) *Municipal Waters* — include not only streams, rivers, lakes and tidal waters within the municipality that are not the subject of private ownership and not included within national parks, protected areas, brackish water fishpond leased by the government, and national fishery reserves, refuge and sanctuaries, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel to the general coastline including other islands which are parts of the municipality concerned and extending to fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores such

that there is less than thirty (30) kilometers of marine waters between them, the third line shall be a line equidistant from the opposite shores of the respective municipalities.

(p) *Non-Government Organization (NGO)* — refers to an agency, institution, a foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to organizing, education, training, and research and/or access to resources.

(q) *People's Organization* — a bona fide association of citizen with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to a sector/s who voluntarily band themselves together to work for and by themselves for their own upliftment, development and greater good.

SECTION 2. Creation of FARMCs. — To institutionalize the major role of the local fisherfolk and other resource users in the community-based planning and implementation of policies and programs for the management, conservation, development and protection of fisheries and aquatic resources of the municipal waters as defined by the Local Government Code, there is hereby created FARMCs in all barangays, municipalities and cities abutting municipal waters. In bays, gulfs, lakes, and rivers bounded by two or more barangays or municipalities/cities, integrated/lakewide FARMCs shall be created.

SECTION 3. How to Organize the FARMCs. — The FARMCs shall be formed by fisherfolk organizations in the locality to be assisted by the local government units and other government entities. Before organizing the FARMCs, the LGUs NGOs, fisherfolk and other concerned POs shall undergo consultation and orientation on the formation of FARMCs.

SECTION 4. How to Elect Fisherfolk Representative to the Council. — The Council's regular fisherfolk members shall be elected through a general election among the members of fisherfolk organizations in the locality to be administered by the Sangguniang Barangay in coordination with fisherfolk organizations. To be qualified to vote for and be voted upon as a fisherfolk representative to the Council, a fisherfolk must possess the following qualifications:

- (a) Must not be less than eighteen (18) years of age;
- (b) Must have been a resident of the barangay for at least one (1) year; and
- (c) Must be directly or personally engaged in taking or culture of fish and other fishery products in municipal waters as their main source of livelihood.

SECTION 5. Selection Criteria for Regular Members of FARMCs. — Regular members of FARMCs shall be selected in accordance with the following:

- (a) For fisherfolk representatives, including the youth and the women sectors, they shall belong to a fisherfolk organization; residents of the barangay for at least one (1) year; engaged in fishing or fish culture which is their main source of livelihood; and with good moral character and reputation in the community.

(b) For the representatives from the NGOs and the private sector, they shall be endorsed/recommended by fisherfolk organizations based on their involvement, expertise in fisheries, track record in helping municipal fisherfolk and in protecting the fishery and aquatic resources.

SECTION 6. Structural Framework. — The FARMCs may follow the following framework: First Level - the Council to be assisted by an advisory body; and Second Level — task forces/committees/services (refer to Annex A*). The advisory body shall be selected from the academe and research institutions, national government agencies, local government units, NGOs and POs based on their involvement, expertise in fisheries and track record in helping the fisherfolk. The FARMCs may be supported or assisted by a secretariat to be appointed by the Council.

The task force/committees/services which may be created in support to the operational activities of FARMCs may include, but not limited to the following: law enforcement (or bantay dagat/lawa/kalikasan), rehabilitation and conservation, livelihood, research, education and training, legislative and prosecution, pollution control land and water use/zonation and resettlement.

SECTION 7. Officers of FARMCs. — The FARMCs shall constitute the following officers that come from among the Council's regular fisherfolk members: Chairperson, Vice-Chairperson, Secretary, Treasurer, Auditor, Press Relations Officer and Sergeant-at-Arms, who shall be elected among themselves.

SECTION 8. Tenure, Meetings and Compensation. — The FARMC members shall serve the Council, in its initial formative years, for three (3) years. Thereafter, the members shall be elected yearly.

The FARMCs shall hold regular meetings every month and may hold special meetings whenever necessary.

The FARMCs may set aside funds for allowance of its members for every meeting actually attended as funds become available.

SECTION 9. Barangay Fisheries and Aquatic Resource Management Councils (BFARMCs). - There is hereby created in every fishing barangay a BFARMC.

SECTION 10. Composition. — The regular members of the Barangay FARMCs shall be composed of:

- (a) Chairperson of Sangguniang Barangay Agriculture/Fisheries Committee
- (b) Representative from an accredited non-government organization
- (c) Representative from private sectors
- (d) At least eight (8) representatives of the fisherfolk including the youth and women sectors

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

SECTION 11. Powers and Functions. —

- (a) Formulate and submit Barangay Fisheries and Aquatic Resources Development Plan (BFARDP) to the Barangay Development Council and implement it.
- (b) Formulate and submit fisheries and aquatic resources policies and management measures to the Sangguniang Barangay.
- (c) Screen qualified applicants and evaluate applications for fishing permits and/or licenses and recommend/endorse applications to appropriate offices of the municipality/city for approval.
- (d) Participate in the conduct of fishery resources management studies or researches that need to be undertaken in the barangay.
- (e) Create a law enforcement task force/committee in coordination with LGUs and law enforcement as its enforcement arm.
- (f) In collaboration with the designed prosecutor, file complaints with administrative and/or judicial bodies against those who commit violations of fisheries and environmental laws, rules and regulations.
- (g) Participate in the protection of fishery reserve and sanctuaries, and manage the sustainable use of fisheries and aquatic resources.
- (h) Assist in the arbitration of disputes between and among fisherfolk over fishery rights and sharing contracts.
- (i) Source funds for the implementation of BRARDP.
- (j) Take active participation in establishing fishing zones, demarcated areas and in delineating navigational lanes.
- (k) Recommend and submit resolutions to the Sangguniang Bayan/panlungsod concerning fisheries and aquatic resources management and conservation measures for adoption into municipality/city ordinance.
- (l) Monitor and gather data in fish landing points as basis for the formulation of management plans policies.
- (m) Participate in the regulation of fishing effort in designated fishing grounds as may be determined by studies of concerned groups and/or agencies.
- (n) Maintain a registry of barangay fisherfolk and their organizations.
- (o) Promulgated guidelines, screen fisherfolk organizations and recommend to Sangguniang Bayan/Panlungsod for accreditation.
- (p) Monitor and evaluate the implementation of BFARDP.

SECTION 12. Municipal/City Fisheries and Aquatic Resources Management Councils (M/CFARMCs). - There is hereby created in every fishing municipality or city a