

## CREATING THE PHILIPPINE FISH MARKETING AUTHORITY, DEFINING ITS FUNCTIONS AND POWERS, AND FOR OTHER PURPOSES

*PRESIDENTIAL DECREE NO. 977, August 10, 1976*

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WHEREAS, it is recognized that fish is a staple food and major source of protein of the Filipino people;

WHEREAS, there is an imperative need to increase fish supply and stabilize consumer prices through the improvement of handling and marketing practices in fish landings and fish markets throughout the country, particularly in major centers of population;

WHEREAS, Filipino and foreign marketing experts are unanimous in their observation that there is a need for a more organized marketing and distribution system for fish that would coordinate the interests of fishing boat operators, fishpond and fishpen owners, brokers, wholesalers, retailers and consumers; and

WHEREAS, it is necessary to provide a modern organizational and marketing framework 'to supplement current and future development programs in the fishing industry.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, in order to effect the desired changes and reforms in the social, economic and political structure of our society, do hereby decree and order that the following be adopted and make part of the laws of the land:

SECTION 1. Declaration of Policy.—It is hereby declared to be the policy of the Government to promote the development of the fishing industry and improve efficiency in the handling, preserving, marketing and distribution of fish and fishery/aquatic products through the establishment and operation of fish markets and the efficient operation of fishing ports' harbors and other marketing facilities.

SEC. 2. Creation of the Philippine Fish Marketing Authority.—To carry out the above policy, there is hereby created the Philippine Fish Marketing Authority, hereafter referred to as the Authority, which shall be under the direct control and supervision of the Secretary of Natural Resources.

SEC. 3. Principal Office.—The Authority shall establish its principal office in the Metro Manila area and may establish such branches and agencies within the Philippines which may be necessary to carry out its objectives and functions.

SEC. 4. Functions and Powers.—The Authority shall have the following functions and powers:

- a) To manage, administer, operate, improve and modernize, coordinate and otherwise govern the activities, operations and facilities in the fishing ports, markets and landings that may hereinafter be placed under, or transferred to, the Authority and such other fish markets, fishing ports/harbors and infrastructure facilities as may be established under this Decree; to investigate, prepare, adopt, implement and execute a comprehensive plan for the overall development of fishing port and market complexes and update such plan as may be necessary from time to time; to construct or authorize the construction in the land area under its jurisdiction, of infrastructure facilities, factory buildings, warehouses, cold storage and ice plants, and other structures related

to the fishing industry or necessary and useful in the conduct of its business or in the attainment of the purposes and objectives of this Decree; to acquire, hold and dispose real and personal property in the exercise of its functions and powers;

b) To provide market intelligence, market information and advisory and promotional services to individuals and groups involved in the fishing industry, both in the private and public sectors;

c) To determine, regulate, control and supervise the operation of the enterprises which the Authority may authorize to be established within the fish markets and other fishery facilities;

d) To fix, assess, collect fees, tolls, charges, rentals, and the like, for the use, lease or sale of property, equipment, facilities and services in order to raise revenues for the Authority, and to adjust the same when so warranted;

e) To contract indebtedness and issue bonds, upon recommendation of the Secretary of Finance and approval by the President of the Philippines, whenever essential to the proper administration of its corporate affairs, and necessary to carry out the purposes of this Decree;

f) To promulgate rules and regulations on the use of wharves, piers and anchorages by fishing boats and other floating equipment and on the movement of fishing boats therein, as well as the stevedoring and arrastre services in the fish markets;

g) To have perpetual succession under its corporate name;

h) To prescribe and amend its by-laws; to adopt and use corporate seal; to sue and be sued; to enter into contracts; and to, exercise the general corporate powers conferred by the law upon private and government-owned or controlled corporations;

i) To acquire, maintain, operate, purchase, dispose or lease vessels, fishing gears, refrigerated trucks, ice and cold storage plants, barges, fish plants, communication facilities, refrigerated trains, and related facilities;

j) To undertake, when public interest so requires and to attain the national economic objectives, the marketing of fish and fishery/ aquatic products, both for domestic consumption and for export; and

k) To exercise the right of eminent domain and to do and perform any and all things that may be necessary to carry out the purpose of this Decree.

**SEC. 5. Capitalization.**—The capitalization of the Authority shall consist of (1) the existing assets of the Navotas Fish Landing and such other property existing or which may be transferred to the Authority by the Bureau of Fisheries and Aquatic Resources and other agencies of the Government; and (2) cash contribution by the Government in the amount needed for the development and expenditures of the Authority as approved by the Office of the President and incorporated in the annual Appropriation Act.

**SEC. 6. Board of Directors.**—The corporate powers of the Authority shall be vested in and exercised by a Board of Directors, hereinafter referred to as the Board, to be composed of the following:

a) Secretary of Natural Resources

Chairman

b) Secretary of Public Works, Transportation & Communications

Vice-Chairman

c) Secretary of Trade or representative

Member

d) President, Food Terminal, Inc. or representative

Member

e) Director of Fisheries & Aquatic Resources

Member

f) Two representatives of the private sector of the fishery industry to be appointed by the President of the Philippines

Member

In the absence of the Chairman, the Vice-Chairman shall be the Acting Chairman.

SEC. 7. Powers and Duties of the Board.—The Board shall have the following powers and duties:

a) To adopt and amend its by-laws;

b) To promulgate policies and prescribe such rules and regulations as may be necessary to implement the intent and provisions of this Decree and loan agreement with banks and such other agreements/ memoranda that may hereinafter be entered into by the Board;

c) To approve the annual budget and such supplementary budgets of the Authority which may be submitted by the General Manager;

d) To assess and fix charges, tolls and fees, including rentals for lease, use or occupancy of lands, buildings structures, facilities and other property owned and administered by the Authority;

e) Upon the recommendation of the General Manager, to organize, reorganize and determine the Authority's staffing pattern, including the officials and employees of the fish markets and other fishery facilities under its jurisdiction; to fix their salaries and emoluments and define their powers and duties; to appoint the General Manager and Assistant General Manager;

f) To approve contracts or agreements as may be necessary for the proper, efficient and stable administration and operation of the Authority and the fish markets;

g) To submit to the President of the Philippines periodic reports and such special reports as may from time to time be necessary; and

h) To exercise all the powers necessary or incidental to attain the purposes of this Decree.

SEC. 8. Management.—The management of the Authority shall be vested in the General Manager, who shall be appointed by the Board of Directors, and who shall not be removed except for cause. He shall be directly responsible to the Board. He shall be assisted in the performance of his work by the Assistant General Manager. The Assistant General Manager shall act as the General Manager of the Authority in the absence of the General

Manager.

SEC. 9. Powers, Functions and Duties of the General Manager.—The General Manager shall have the following powers, functions and duties:

- a) To implement and enforce the policies, programs, guidelines, standards, decisions, rules and regulations prescribed by the Board;
- b) To manage tin day-to-day affairs of the Authority, subject to the provisions of this Decree and applicable laws, rules and regulations;
- c) To undertake studies and researches to determine the needs of the fish markets and other related facilities and services and to ensure their operational efficiency;
- d) Subject to the approval of the Board, to determine the staffing pattern and number of personnel of the Authority, define their duties and responsibilities, and fix their salaries and emoluments; to study and update the manpower requirements and corresponding staffing pattern of the Authority;
- e) To appoint, dismiss, promote, and transfer personnel below the rank of the Assistant General Manager;
- f) Perform such other duties as the Board may assign, and such other duties as may be necessary and proper to implement this Decree;
- g) To submit to the Board periodic reports and such special reports as may from time to time be necessary; and
- h) To exercise all the powers necessary or incidental to attain the purposes of this Decree.

SEC. 10. Non-profit Character of the Authority; Exemption from Taxes.—The Authority shall be non-profit. After providing for the amortization of the loans with the Asian Development Bank and other financial institutions to finance the Navotas Fisheries Port Project, it shall use the balance of the returns from its capital investment and from the excess revenues from its operations for the development, improvement and maintenance of the fish ports and other related expenditures of the Authority, provided that such outlays and expenditures are incorporated in the Annual

The Authority shall be exempted from the payment of income tax.

The foregoing exemption may however be entirely or partly lifted by the President of the Philippines, upon recommendation of the Secretary of Finance, not earlier than five years from the approval of this Decree, if the President shall find the Authority to be self-sustaining and financially capable to pay such tax after providing for debt service requirements of the Authority and its projected capital and operating expenditures.

SEC. 11. The Navotas Fishing Port and Fish Market; Other Fish Markets Facilities/Infrastructures.—The Navotas Fish Market which is bounded on the North, by the Manila Bay, on the East, by the (proposed) Roxas Boulevard Extension, on the South, by the Manila Bay, and on the West, by the breakwater, including all lands, piers, wharves, quays, landings, anchorages, basin, breakwaters, markets, and other infrastructure facilities therein, is hereby transferred to and placed under the exclusive jurisdiction, control, administration, and supervision of the Authority. Other fish markets and related facilities may be establish by the Board, with the approval of the President of the Philippines, to be governed and operated by the Authority under this Decree.

SEC. 12. Repealing Clause.—All Acts, executive orders, proclamations, administrative orders, rules and regulations, or parts thereof, which are inconsistent with the provisions of this Decree are hereby repealed.

SEC. 13. Effectivity.—This Decree shall take effect upon its promulgation.

Done in the City of Manila, this 11th day of August, in the year of Our Lord, nineteen hundred and seventy-six.

(Sgd.) FERDINAND E. MARCOS  
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE  
Presidential Executive Assistant.

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