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ADOPTING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8550 AND ITS IMPLEMENTING RULES AND REGULATIONS AND APPROVING CLARIFICATORY GUIDELINES THEREOF

LLDA RESOLUTION NO. 137, S. 2000, June 29, 2000

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WHEREAS, Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, was enacted by the Tenth Congress of the Republic of the Philippines on 25 February 1998, "...Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating All Laws Pertinent Thereto and For Other Purposes";

WHEREAS, Article II of Chapter III of the said law mandates the creation of Fisheries and Aquatic Resources Management Councils (FARMCs) in the national level and in all municipalities/cities abutting municipal waters with the assistance of the Local Government Units (LGUs) and other government entities;

WHEREAS, Republic Act No. 8550 likewise directed other government agencies such as the LLDA to extend technical assistance to the FARMCs which shall include among others, the formation and strengthening of fisherfolks organizations and the provision of other services as may be deemed necessary;

WHEREAS , the Department of Agriculture under its Administrative Order No. 3, Series of 1998, issued the Implementing Rules and Regulations of the Philippine Fisheries Code of 1998, including among others, Rule 69.1 thereof relating to the creation of the Inter-Sectoral Committee to formulate the organizational guidelines on the formation of FARMCs;

WHEREAS, the Department of Agriculture issued Fisheries Administrative Order No. 196 on January 21, 2000 specifying the Guidelines on the Creation and Implementation of Fisheries and Aquatic Resources Management Councils which provides in Sec. 23 thereof that Special Agencies, such as the LLDA, shall integrate the plans and policies formulated by FARMCs into their agency/corporate policies and plans of operation for implementation;

WHEREAS, on 21 October 1998, the Inter-Agency Coordinating Council (IACC) for FARMC Operation in Laguna de Bay was formed to serve as a coordinating and consultative body on the implementation of the Philippine Fisheries Code of 1998 in Laguna de Bay and collaborate towards a cohesive implementation of FARMC activities;

WHEREAS, the LLDA as the lead agency has initiated various activities leading to the formation, effective operation and integration of the Laguna de Bay Integrated Fisheries and Aquatic Resources Management Council (LdBFARMC); and

WHEREAS , in the effective implementation in the Laguna de Bay Region of Fisheries Administrative Order No. 196, Guidelines on the Creation and Implementation of Fisheries and Aquatic Resources Management Councils, there is a need to formally adopt said provision and issue clarificatory guidelines to serve as basic frame of reference for the IACC in the organization, operation and integration of the FARMCs;

NOW, THEREFORE , foregoing premises considered, BE IT RESOLVED, as it is hereby RESOLVED, to adopt

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Article II of Chapter III of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, FAO 196, Guidelines on the Creation and Implementation of FARMCs and approve the following clarificatory guidelines on the implementation of the said provision in the Laguna de Bay Region:

ARTICLE I
TITLE, OBJECTIVES AND DEFINITION

Section 1. Title. — These guidelines shall be known and cited as "Adopting Certain Provisions of Republic Act No. 8550 and its Implementing Rules and Regulations as provided in Fisheries Administrative Order No. 196 and Approving Clarificatory Guidelines Thereof."

Section 2. Objectives . — These Guidelines aim to achieve the following objectives:

1. Develop a set of systems and procedures in the integration and operation of FARMCs in the Laguna de Bay Region;

2. Re-identify responsibilities of agencies concerned in the operation of FARMCs and strengthen networking and linkaging among coordinating agencies;

3. Institutionalize the operation of FARMCs in the Laguna de Bay Region.

Section 3. Definition of Terms. — For the purpose of these guidelines, whenever any of the following words, terms, phrases or abbreviations are used herein or in any amendment or supplementary thereto which may be issued hereafter, they shall have the meaning ascribed in these guidelines:

1. Agreement — the joint undertaking stipulated in the Memorandum of Agreement signed by the members of the Inter-Agency Coordinating Council on FARMC Implementation in the Laguna de Bay Region.

2. Authority or LLDA — the Laguna Lake Development Authority which is one of the "other government entities" referred to in R.A. No. 8550.

3. Crater Lakes — the Seven Lakes of San Pablo City and Tadlak Lake in Los Baños, Laguna.

4. DA-BFAR Region IV — Department of Agriculture-Bureau of Fisheries and Aquatic Resources Region IV (Southern Tagalog Region).

5. FARMC — The Fisheries and Aquatic Resource Management Council.

6. Fisherfolks — people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.

7. Fisherfolk Cooperative — a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirements and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.

8. Fisherfolks Organizations — an organized and legitimate group, association, federation, alliance or institution of fisherfolks which has at least fifteen (15) members, a set of officers, constitutions and by-laws, an organizational structure and a program of action.

9. Fisheries — all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resources thereof.

10. Fishery Operator — one who owns and provides the means including the land, labor, capital, fishing gear and vessel but not personally engage in fishery.

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11. Fishworker — A person regularly or not regularly employed in commercial fishing and related industries whose income is either in wage, profit sharing or stratified sharing basis, including those fish vendors, working in fish pens, fish cages, fish corrals/traps and fishponds.

12. Inter-Agency Coordinating Council — a body composed of the Laguna Lake Development Authority, Commission on Human Rights Region IV, Department of Agriculture-Bureau of Fisheries and Aquatic Resources Region IV, Department of Interior and Local Government Region IV, Department of Justice Region IV, Fisherfolk organization and concerned Local Government Units in the Provinces of Laguna, Rizal and National Capital Region which is tasked to ensure the substantial implementation of the Fisheries Code of 1998 in the Laguna de Bay Region.

13. Laguna Lake or lake — the Laguna de Bay

14. Laguna de Bay Region — comprises the whole Provinces of Rizal and Laguna, the cities of San Pablo, Pasay, Caloocan, Quezon, Manila, Marikina, Pasig, Muntinlupa, Antipolo and Tagaytay, the towns of Tanauan, Sto. Tomas and Malvar in Batangas, the towns of Silang and Carmona in Cavite, Lucban in Quezon and the towns of Taguig and Pateros in Metro Manila;

15. National Capital Region or NCR — the cities and municipalities of Metro Manila that fall within the jurisdictional boundary of Laguna de Bay Region namely, Muntinlupa, Taguig, Pateros and Pasig.

16. NGOs — legitimate Non-Governmental Organizations directly involved in fishery related activities within the Laguna de Bay Region.

17. POs — legitimate people’s organizations directly involved in fishery related activities within the Laguna de Bay Region.

ARTICLE II
CREATION OF THE FISHERIES AQUATIC RESOURCES MANAGEMENT COUNCILS

Section 4. Organization Guidelines. — The FARMCs in the Laguna de Bay Region shall be formed by fisherfolks organizations, cooperatives and Non-Government Organizations in the locality and shall be assisted by the Local Government Units and the LLDA. Before organizing the FARMCs, the LLDA, LGU, NGOs, fisherfolks and other concerned POs shall undergo consultation and orientation on the formation of FARMC.

Section 5. Barangay Fishery Aquatic Resource Management Council (BFARMC). — The BFARMC shall be organized in all lakeshore barangays in Laguna de Bay Region. The BFARMCs shall serve in an advisory capacity to the LGUs and the LLDA.

Section 6. Integration of Municipality/City FARMCs. — For each lakeshore town around Laguna de Bay, the BFARMCs shall consolidate/federate into a Municipal/City FARMC. The latter shall then integrate into a province-wide FARMC to form the Integrated Rizal FARMC, Integrated Laguna FARMC and Integrated Metro Manila FARMC. Consequently, the three province-wide FARMCs shall constitute the Laguna de Bay Integrated FARMC (LdBIFARMC).

Section 7. FARMCs for the Seven Crater Lakes of San Pablo City, Nagcarlan and Rizal, Laguna . For the Seven Crater Lakes of San Pablo City, Nagcarlan and Rizal, Laguna, the BFARMCs in each lake shall consolidate/federate to form the Lakewide FARMC (LFARMC). The Lakewide FARMC shall then integrate to form the Seven Lakes Integrated FARMC (SLIFARMC).

Section 8. Composition of BFARMC and LFARMC. — The BFARMC and the LFARMC shall be composed of the following:

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a) Representative from the Barangay Development Council
b) Chairperson — Committee on Agriculture and Fisheries
c) Representative from the accredited Non-Government Organizations (NGO)
d) Representative from the Private Sector
e) Representative from the Municipal Agricultural Office
f) At least eleven (11) barangay fisherfolk representatives which include representatives from youth and women sectors.

Section 9. Functions of BFARMC and LFARMC . — The BFARMC and LFARMC shall have the following functions:

1. Assist in the preparation of the integrated fishery development plan in coordination with the concerned Barangay Development Council and Municipal FARMCs;

2. Advise the concerned Sangguniang Barangay/Bayan/Lungsod in fishery matters through its Committee on Fisheries;

3. Recommend for the enactment of the integrated fishery ordinances to the concerned Sangguniang Barangay and Sangguniang Pambayan/Panlungsod through their respective Committee on Fisheries and the LLDA;

4. Assist in the enforcement of fishery laws, rules and regulations in the particular lake where they operate;

5. Perform such other functions which may be assigned by the concerned Sangguniang Barangay/Bayan/Lungsod and the LLDA.

Section 10. Municipal/City Fishery Aquatic Resource Management Council (MFARMC/CFARMC). — The MFARMC/CFARMC shall be created in each of the lakeshore municipalities and cities and shall serve in advisory capacity to the LGUs and the LLDA.

Section 11. Composition of MFARMCs . — The MFARMCs shall be composed of the following:

a) Municipal/City Planning and Development officer

b) Chairperson, Committee on Fisheries and Agriculture of the Sangguniang Bayan/Lungsod

c) Representative of the Municipal/City Development Council

d) Representative of accredited Non-Government Organizations

e) Representative from the Private Sector

f) Representative from the Municipal/City Agricultural Office

g) At least eleven fisherfolks representatives to be composed of seven barangay fisherfolks representatives which include representatives from youth and women sectors.

Section 12. Functions of the MFARMC. — The MFARMC shall have the following functions:

1. Assist in the preparation of the municipal fishery development plan in coordination with the Municipal Development Council;

2. Advise the Sangguniang Bayan/Lungsod on fishery matters through its Committee on Fisheries, if such has been organized;

3. Recommend for the enactment of municipal fishery ordinances to the Sangguniang Bayan/Lungsod through its Committee on Fisheries;

4. Assist in the enforcement of fishery laws, rules and regulations in municipal waters; and

5. Perform such other functions which may be assigned by the Sangguniang Bayan/Panlungsod.

Section 13. Province-Wide Integrated Fisheries and Aquatic Resource Management Councils (PIFARMCs) and Integrated Lakewide FARMC (ILFARMC). — The PIFARMCs and ILFARMCs shall be created in the provinces of Laguna, Rizal and Metro Manila.

Section 14. Composition of PIFARMC and ILFARMC . — The PIFARMC and ILFARMC shall be composed of the following:

Section 15. Functions of the PIFARMC and ILFARMC . — The PIFARMC and ILFARMC shall have the following functions:

1. Assist in the preparation of the integrated fishery development plan in coordination with the concerned provincial development councils;

2. Recommend for the enactment of integrated fishery ordinances to the concerned Sangguniang Panlalawigan through its Committee on Fisheries, if such has been organized;

3. Assist in the enforcement of fishery laws, rules and regulations in the lake and its watershed;

4. Advise the concerned Sangguniang Panlalawigan on fishery matters through its Committee on Fisheries, if such has been organized;

5. Perform such other functions which may be assigned by the concerned Sangguniang Panlalawigan.

Section 16. The Laguna de Bay Integrated FARMC. — The Laguna de Bay Integrated FARMC hereinafter referred to as LdBIFARMC shall be created as an advisory/recommendatory body to the Inter-Agency Coordinating Council (IACC) and the Authority.

Section 17. Composition . — The Laguna de Bay Integrated FARMC shall be composed of the following:

1. Chairperson of the Committee on Agriculture and Fisheries of the Provinces of Rizal and Laguna;

2. One Fisheries officer each from the provinces of Rizal, Laguna and National Capital Region;

3. One representative each from the Provincial Government of Rizal and Laguna and Metro Manila;

4. One representative from accredited Non-Government Organizations (NGO) to be determined by the DA-BFAR Region IV and the LLDA;

5. One representative from Private Organizations to be determined by the DA-BFAR Region IV, LLDA and the LdBIFARMC;

6. Five representatives each from the MFARMC of the Provinces of Laguna, Rizal and NCR.

Section 18. Functions . — The LdBIFARMC shall have the following functions:

1. Assist the Laguna Lake Development Authority in the formulation of regional policies for the protection, sustainable development and management of the fishery and aquatic resources of the lake;

2. Recommend to the Authority the enactment of integrated fishery ordinances in Laguna de Bay; and

3. Perform such other functions that may be assigned by the Authority.

ARTICLE III
MEMBERSHIP, QUALIFICATION AND TERMS OF OFFICE

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Section 19. Membership . — The Selection Criteria for regular members of FARMCs pursuant to Section 11 of the FAO No. 196 are hereby adopted:

a. For fisherfolks/fishworker members: The fisherfolks/fishworker members shall include the youth and women sectors. They shall belong to a fisherfolks organizations/cooperative/association duly accredited by the LGU; they must carry an endorsement from their respective organization/cooperative/association that they are their duly designated representative to the FARMC; residents of the barangay/municipality/city for at least one (1) year, engaged in fishing or fish culture/processing as their main source of livelihood; and with good moral character and reputation in the community.

b. Representatives from the youth and women sectors must come from fisherfolks youth and women organizations duly accredited by the LGU.

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

d) Commercial fishing operators who shall be members of the FARMC shall be nominated by a duly recognized association of the Commercial Fishing Sector. If there are no resident commercial fishers in the city/municipality, associations of commercial fishing operators from a neighboring city/municipality may nominate a representative. If after three consultations/meetings of the FARMC and the commercial fishing sector fails to send their representative, the slot shall be given fisherfolks members.

e) Where the memberships of FARMCs exceed the above allocated minimum, the proportion of fisherfolks member vis-à-vis that of the commercial fishing members shall be maintained.

f) The representative from the DA to the M/CFARMC shall come from the devolved DA fisheries personnel of the concerned LGU.

Section 20. Officers . All FARMCs shall elect from among the fisherfolks representatives their set of officers consisting of a Chairperson, Vice-Chairperson, Secretary, Treasurer, Auditor, Public Relations Officer and two (2) Sergeant-at-Arms.

Section 21. Term of Office. — Elected officers of FARMC shall serve for a period of two (2) years. They may be elected for two succeeding terms after which there will be no re-election.

Section 22. By Laws. — The FARMC officers with two-thirds vote of its members shall set its by-laws consistent with the overall objectives of the Philippine Fisheries Code of 1998 (RA 8550), the LLDA (RA 4850) and the Local Government Code (RA 7160).

Section 23. Structural Frameworks. — The provisions under Section 13, FAO 196 are hereby adopted for consistency and clarity: For a more effective Council, the FARMCs may adopt the following: First Level – the Council to be assisted by an advisory body; and the Second Level – task forces/committees/services (Figure 1). The advisory body shall be selected from the academe and research institution, national government agencies, local government units, NGOs and POs based on their involvement, expertise in fisheries and track record in helping the fisherfolks. The FARMCs may be assisted and supported by a Secretariat to be appointed by the Council.

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

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ARTICLE IV
CREATION OF A COMELEC AND A TECHNICAL COMMITTEE

Section 24. Committee on Election . — The election of all FARMC officers in the region shall be governed by the rules and regulations to be formulated and administered by the Committee on Election (COMELEC). The COMELEC shall be composed of representatives from the LLDA and the DA-BFAR Region IV.

Section 25. Creation of a Technical Committee . — A Technical Committee shall be created to review the mechanics of the election and the Implementing Rules and Regulations (IRR) for the operation of the FARMCs in the Laguna de Bay Region.

Section 26. Membership of the Technical Committee . — A seven-member Technical Committee shall be composed of the LLDA as the Chairman, DA-BFAR Region IV as the Vice-Chairman and one member representative each from the Provincial Government of Rizal, Laguna and NCR, the Regional Fisherfolks Representative and the Chairperson of the Laguna de Bay Integrated FARMC.

ARTICLE V
SOURCE OF FUNDS FOR OPERATION

Section 27. Appropriation of Funds. — Legitimate FARMCs shall be appropriated funds by the DA and the LGUs and subsidy from the Aprofishtech Fund of the Department of Agriculture as provided in Sections 79, 109 and 112, Chapter VII of the Code.

Section 28. LLDA Fund. — The LLDA shall appropriate from its corporate funds the necessary financial assistance for the operation of the Laguna de Bay Integrated FARMC or LdBIFARMC upon approval of the LLDA Board of Directors subject to the availability of funds and to the existing rules and regulations.

Section 29. Allocation from the LGUs Fishpen/Fishcage Fee Share . — From the fishpen fee share released by the LLDA, the Local Government Units shall allocate funds to the FARMC the amount of which shall be mutually agreed upon by two parties. The FARMCs' fishcage fee share shall be distributed in accordance with the allocation scheme approved by the LLDA Board of Directors upon the recommendation of the LLDA General Manager.

Section 30. Fund Administration . — All appropriated fund shall be administered by the FARMCs through their respective offices subject to the existing government auditing and accounting rules and regulations.

Section 31. Fund Releases. — Releases of funds for the FARMC operations shall be based on the annual work program and budget of the FARMCs to be approved by its officers. The same shall be submitted to the LLDA and other concerned agencies/LGUs three months before the closing of the fiscal year.

ARTICLE VI
LAW ENFORCEMENT

Section 32. Law Enforcement . — The Technical Committee shall initiate the formulation of law enforcement program in the Laguna de Bay and crater lakes including but not limited to activities such as training, regular monitoring and surveillance, information campaign through proper coordination and team efforts for review by the Technical Committee. Aside from the LLDA, the Technical Committee shall ensure involvement of other agencies concerned in the Laguna de Bay Region such as the Local Government Units (LGUs), Department of Agriculture (DA), Department of Justice (DOJ), Department of Interior and Local Government (DILG) and the Commission on Human Rights (CHR), the Philippine Coast Guard and MARICOM for the effective enforcement of fishery related laws. Likewise, the Technical Committee shall ensure the availment of privileges of deputized

FARMC members and access for free legal services in protecting their rights while carrying out their functions.

Section 33. Existing Fisheries and Aquatic Resources Management Councils (FARMCs). — Fisheries and Aquatic Resources Management Councils already existing and organized before the approval of this Resolution shall be duly recognized as FARMCs: Provided, however, that such councils shall be reconstituted/reorganized according to the provisions of these rules.

ARTICLE VII
ANNUAL REPORT AND EVALUATION

Section 34. The LdBIFARMC shall prepare a semi-annual accomplishment report furnishing copies to all its members on record and the concerned LGUs. The same shall be submitted to the LLDA, copy furnished the Department of Agriculture.

ARTICLE VIII
TRANSITORY AND MISCELLANEOUS PROVISIONS

Section 35. Hold Over Capacity of Existing Officers . — Officers of existing FARMCs at all levels within the Laguna de Bay Region shall serve until December 31, 2001. However, election for the new set of officers shall proceed as provided in Section 21, Article 3 of these guidelines three (3) months prior to the closing of the said year.

Section 36. Effectivity . — These guidelines shall take effect fifteen days from the date of publication in a newspaper of general circulation and shall remain in force until revoked or superseded.

APPROVED.

Adopted: 29 June 2000

(SGD.) JOSE D. LINA, JR.
Chairman

(SGD.) ROSELLER S. DELA PEÑA
Vice-Chairman

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