



January 21, 2000

FISHERIES ADMINISTRATIVE)
ORDER NO. 196 :
Series of 2000)

SUBJECT : **Guidelines on the Creation and Implementation of Fisheries and Aquatic Resources Management Councils (FARMCs)**

In line with the fisherfolk empowerment program of the government and to achieve sustainable development of fisheries and aquatic resources, attain food security and eradicate poverty among the coastal and inland fishing communities and pursuant to the provisions of Sections 68-79 and other related provisions of Republic Act No. 8550 otherwise known as the Philippine Fisheries Code of 1998, the following rules and regulations are hereby promulgated:

SECTION 1. **Definitions.** As used in this Order, the following words and phrases shall mean:

- a. Aquaculture – fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine areas.
- b. BFAR – Bureau of Fisheries & Aquatic Resources.
- c. Catch Ceilings – refer to the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms.
- d. Closed season – the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in Philippine waters.
- e. Commercial fishing – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 1. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels 3.1 gross tons (GT) up to twenty (20) GT;

2. Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
 3. Large scale commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
- f. DENR – Department of Environment and Natural Resources.
 - g. Department - Department of Agriculture.
 - h. FARMCs - Fisheries and Aquatic Resources Management Councils.
 - i. Fish cage – refers to an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo posts or various types of anchors and floats.
 - j. Fisheries – refers to 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.
 - k. Fish pen – an artificial enclosure constructed within a body of water for the culture of fish and fisheries/aquatic resources. It is made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.
 - l. Fish refuge and sanctuary – a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.
 - m. 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 working in fish pens, fish cages, fish corrals, traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.
 - n. Fisherfolk – people directly or personally and physically engaged in taking and/or culture and processing fishery and/or aquatic resources.
 - o. 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 requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.

- p. Fisherfolk organization – an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
- q. Fishery reserve – a designated area where activities are regulated and set aside for educational and research purposes.
- r. Lake – an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water.
- s. NFARMC - National Fisheries and Aquatic Resources Management Council.
- t. Municipal fisherfolk – persons who are directly or indirectly engaged in municipal fishing and other related fishing activities.
- u. Municipal fishing – refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.
- v. Municipal waters – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, 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 with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shores of the respective municipalities.
- w. NGO – 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, research and/or accessing resources.
- x. People’s Organization – a bona fide association of citizens 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.
- y. Private sector – private sector shall refer to individuals/institutions/entities privately operated/managed whose activities or operations involve the use of or affect the coastal environment and is considered a stakeholder of the coastal resources. These may include but not limited to operators/owners of shipping and navigation companies, ship building, beach resorts, tourist attractions, factories, mining and quarrying operations, logging, oil refineries and hotels.

SEC. 2. 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. 3. Creation of Fisheries and Aquatic Resources Management Councils (FARMCs). To institutionalize the major role of the fisherfolk and other resource users in the planning and formulation of policies and programs for the management, conservation, protection and sustainable development of fisheries and aquatic resources, FARMCs shall be established at the national level and in all municipalities/cities abutting municipal waters.

SEC. 4. Creation and Composition of the National Fisheries and Aquatic Resources Management Council (NFARMC). – There is hereby created a National Fisheries and Aquatic Resources Management Council (NFARMC) as an advisory/recommendatory body to the Department. The NFARMC shall be composed of fifteen (15) members consisting of:

- a. The Undersecretary for Fisheries of the Department as Chairman.
- b. The Undersecretary for Local Government of the Department of Interior and Local Government.
- c. Five (5) members representing the fisherfolk and fishworkers.
 1. The members representing the fisherfolk and fishworkers shall be nominated among the sector in a process that shall be facilitated by BFAR.
 2. Those that are qualified in the selection process are all Regional Fisherfolk Representatives, duly endorsed by their respective BFAR Regional Directors as having been elected by the fisherfolk organizations in their respective regions through a process conducted by the BFAR; and heads of national fisherfolk organizations or their duly authorized representative. National fisherfolk organizations are those organizations of fisherfolk whose activities and membership are national in scope and recognized as such by the BFAR.
- d. Five (5) members representing the commercial fishing, aquaculture operators and the processing sectors.
 1. The five members representing the commercial fishing, aquaculture operators and the processing sectors shall be nominated among the sector in a process that shall be facilitated by BFAR.
 2. Representatives from the commercial fishing sector shall be comprised of the large-scale, medium-scale and small-scale commercial fishing sectors as defined in this Order.
- e. Two (2) members from the academe.

1. The two members from the academe shall be nominated by the academe community involved in fisheries.
- f. One (1) representative of NGOs involved in fisheries.
1. The NGO representative shall be recommended by fisherfolk organizations and shall be nominated among the NGOs in a process that shall be facilitated by BFAR.

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 the nomination of their respective organizations.

SEC. 5. Terms of Office of the members of the NFARMC. - Except for the Undersecretary of Agriculture and the Undersecretary of the Interior and Local Government, the members of the NFARMC shall serve for a term of three (3) years without reappointment.

SEC. 6. 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 fisheries and aquatic resources for the approval of the Secretary;
- b. Assist the Department in the preparation of the National Fisheries and Industry Development Plan;
- c. Be coordinated with by the Department, through BFAR, in assisting the LGUs develop a standard registration form for municipal fishing vessels, gears and fisherfolk.
- d. Be consulted by the BFAR in the settlement of conflicts in resource use and allocation.
- e. Serve as a member of an Inter-Agency Committee, together with the NAMRIA, Philippine Navy, Philippine Coast Guard, MARINA and other concerned agencies to facilitate the designation and charting of navigational lanes.
- f. Serve as a member of an Inter-Agency Committee to implement Sec. 126 (Foreign Grants and Aids) of RA 8550, together with representatives from the National Economic and Development Authority (NEDA), Board of Investments (BOI), Department of Finance (DOF), DOST, DTI, DFA and DA.
- g. Perform such other functions as may be provided by law.

SEC. 7. The Municipal/City Fisheries and Aquatic Resources Management Councils (M/CFARMCs). – The M/CFARMCs shall be created in each of the municipalities/cities abutting municipal waters. However, the LGU may create the Barangay Fisheries and Aquatic Resources Management Councils (BFARMCs) and the Lakewide Fisheries and Aquatic Resources Management Councils (LFARMCs) whenever necessary.

SEC. 8. Organization of the M/CFARMCs. The M/CFARMCs shall be formed by fisherfolk organizations/cooperatives and NGOs in the locality and be assisted by the Local Government Units (LGUs) 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.

- a. The Bureau of Fisheries & Aquatic Resources shall conduct massive information and education campaign on the formation of FARMCs and come up with an implementation strategy and action plan to ensure that FARMCs are formed according to the true spirit of fisherfolk empowerment.
- b. Trainers' Training shall be given to key BFAR implementing personnel, fisherfolk leaders, NGOs and LGUs.
- c. Fisherfolk organizations/cooperatives, and NGOs who shall organize the FARMCs in the locality are those that are duly accredited by their respective LGUs.
- d. The LGU shall maintain a list of all existing fisherfolk organizations in the municipality/city. This list shall be a reference for the consultation and formation of FARMCs.
- e. Before the FARMC is organized, the LGU shall ensure that at least 90% of the fisherfolk/fishworkers in the municipality/city have been consulted and informed.
- f. Government entities who shall assist in the formation of FARMCs are the following: Departments of the Interior and Local Government (DILG), Environment (DENR), Social Work and Development (DSWD), Education, Culture and Sports (DECS), Justice (DOJ), Commission on Human Rights (CHR), League of Municipalities of the Philippines (LMP) and other concerned special agencies.

SEC. 9. Functions of the M/CFARMCs. The M/CFARMCs shall have the following functions:

- a. Assist in the preparation of the municipal fisheries development plan and submit such plan to the Municipal Development Council; The M/CFARMCs shall also evaluate implementation of the plan and submit recommendations for effective implementation.

- b. Recommend the enactment of municipal fishery ordinances to the sangguniang bayan/sangguniang panlungsod through its Committee on Fisheries.
- c. Assist in the enforcement of fishery laws, rules and regulations in municipal waters.
- d. Advise the sangguniang bayan/panlungsod on fishery matters through its Committee on Fisheries, if such has been organized.
- e. Perform such other functions which may be assigned by the sangguniang bayan/panlungsod.
- f. The FARMCs shall be consulted by the LGUs in:
 1. the management, conservation, development, protection, utilization and disposition of all fish and fishery/aquatic resources within their respective municipal waters.
 2. the enactment of appropriate ordinances.
 3. the determination of license fees of fishery activities in municipal waters. The FARMCs may also recommend the appropriate license fees that will be imposed.
 4. the establishment of catch ceiling limitations in municipal waters for conservation and ecological purposes.
 5. the establishment of closed seasons in municipal waters. The FARMCs may also recommend the establishment of closed seasons in fisheries management areas and other areas reserved for the use of municipal fisherfolk.
 6. authorizing or permitting small and medium commercial fishing vessels to operate within the ten point one (10.1) to fifteen (15) kilometer area from the shoreline in municipal waters, through a public hearing.
 7. the formulation of necessary mechanisms for inclusion or exclusion procedures in limiting entry into the municipal waters that shall be most beneficial to the resident municipal fisherfolk. The FARMCs may likewise recommend such mechanisms.
 8. the designation/establishment of zones for the construction of fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery products.
 9. determination of defined migration paths of migratory fish species.

10. the establishment of post-harvest facilities for fishing communities.
 11. recommending to the Department that portion of the municipal waters for declaration as fishery reserves for special or limited use, for educational, research and/or special management purposes.
 12. the establishment and designation of areas for fishery refuges and sanctuaries.
- g. Submit to the LGU the list of priorities for consideration in determining priorities among those who will be allowed to fish in municipal waters.
 - h. Assist the LGU in maintaining a registry of municipal fishing vessels by type of gear and other boat particulars.
 - i. Be coordinated with by the BFAR in the development, conservation, protection, utilization and management of fisheries and aquatic resources. The FARMCs shall also be coordinated with by the BFAR in:
 1. the establishment of a monitoring, control and surveillance system.
 2. the determination of overfished areas or areas in danger of being overfished or in need of regeneration in municipal waters.
 3. the settlement of conflicts in resource use and allocation.
 - j. Be coordinated with by the DENR in determining which abandoned, undeveloped, or unutilized fishponds covered by FLAs can be reverted to their original mangrove state.
 - k. The FARMCs, through the NFARMC, shall also be consulted by the BFAR in the promulgation of Fisheries Administrative Orders (FAOs) or regulations for the conservation, preservation, management and sustainable development of fisheries and aquatic resources. These include, but not limited to: issuance of FAO regarding Non-Obstruction to Navigation, Non-Obstruction of Defined Migration Paths, in the drafting of the Code of Practice for Aquaculture, in certifying the necessity of importing fishery products, and in the promulgation of rules and regulations on the importation and exportation of fish and fishery/aquatic resources. Consultations with FARMCs regarding the promulgation of FAOs shall be facilitated by BFAR.
 - l. The FARMC may recommend to the Department that portion of the municipal waters to be declared as fishery reserves for special or limited use, for educational, research and/or special management purposes.

SEC. 10. Composition of the M/CFARMCs. – The regular members of the M/CFARMCs shall be composed of:

- a. Municipal/City Planning and Development Officer;
- b. Chairperson, Agriculture/Fishery Committee of the Sangguniang 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) fishworker, three (3) commercial fishers] in each municipality/city which include the representative from youth and women sector.

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

SEC. 11. Selection Criteria for Regular Members of M/CFARMCs. – Regular members of M/CFARMCs shall be selected in accordance with the following:

- a. For fisherfolk/fishworker members: The fisherfolk/fishworker members shall include the youth and women sectors. They shall belong to a fisherfolk organization/cooperative/association duly accredited by the LGU; they must carry an endorsement from their respective organizations/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 fisherfolk youth and women organizations duly accredited by the LGU.
- c. For representatives from 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 to fisherfolk members.

- e. Where the membership of FARMCs exceed the above allocated minimum, the proportion of fisherfolk members 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.

SEC. 12. Officers of the M/CFARMCs. The M/CFARMCs shall constitute the following officers that shall come from among the Council's regular fisherfolk members: Chairperson, Vice Chairperson, Secretary, Treasurer, Auditor, Press Relations Officer and Sergeant-at-Arms.

SEC. 13. Structural Framework. For a more effective Council, the FARMCs may adopt the following framework: First Level – the Council to be assisted by an advisory body; and Second Level – task forces/committees/services (Figure 1). 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 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 FARMCs 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.

SEC. 14. Creation of BFARMCs/LFARMCs. Whenever necessary, the LGUs may create Barangay Fisheries and Aquatic Resources Management Councils (BFARMCs) and Lakewide Fisheries and Aquatic Resources Management Councils (LFARMCs). The BFARMCs and LFARMCs shall serve in an advisory capacity to the LGU.

SEC. 15. Functions of the BFARMCs/LFARMCs. – The BFARMCs/LFARMCs shall have the following functions:

- a. Assist in the preparation of the Barangay/Municipal Development Plan and submit such plan to the Barangay/Municipal Development Council;
- b. Recommend the enactment of municipal fishery ordinances to the Sangguniang Barangay/Bayan through its Committee on Fisheries;
- c. Assist in the enforcement of fishery laws, rules and regulations in municipal waters; and

- d. Advise the Sangguniang Barangay/Bayan on fishery matters through its Committee on Fisheries.

SEC. 16. Composition of the BFARMCs and LFARMCs. The regular members of the BFARMC/LFARMC shall be composed of:

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

SEC. 17. The Integrated Fisheries and Aquatic Resources Management Councils (IFARMCs). - Integrated Fisheries and Aquatic Resources Management Councils shall be created in bays, gulfs, lakes, rivers and dams bounded by two (2) or more municipalities/cities. The IFARMCs shall serve as the venues for close collaboration among LGUs in the management of contiguous resources to achieve the objectives of integrated fishery resource management.

- a. Only one (1) Integrated FARMC shall be formed within a body of water (bays, gulfs, lakes, rivers, dams).
- b. Other Fisheries Management or Development Councils that may be organized in gulfs, bays, rivers and dams shall adopt the composition and structure of the IFARMC.

SEC. 18. Functions of the IFARMCs. The IFARMCs 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. Recommend 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. Advise the concerned sangguniang bayan/panlungsod on fishery matters through its Committee on Fisheries, if such has been organized.
- e. Perform such other functions which may be assigned by the concerned sangguniang bayan/panlungsod.

SEC. 19. 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/panglungsod.
 1. In areas covering two or more provinces, each province shall nominate a representative to the IFARMC. Such representative shall be nominated among the chairpersons of the Committee on Agriculture/Fisheries of the province.
- b. The Municipal/City Fisheries Officers of the concerned municipalities/cities.
 1. In the absence of a Fisheries Officer, the Municipal or City Agricultural Officer.
 2. In areas covering two or more provinces, each province shall nominate a representative to the IFARMC. Such representative shall be nominated from among the Fisheries Officers/MAOs or City Agricultural Officers of the province.
- c. Municipal/City Development Officers of the concerned municipalities/cities.
 1. In areas covering two or more provinces, each province shall nominate a representative to the IFARMC. Such representative shall be nominated from among the Municipal/City Development Officers of the province.
- d. One (1) representative from NGO.
 1. the representative from NGO must be a member of the M/CFARMC.
 2. In areas covering two or more provinces, each province shall send one NGO representative. From among them, the fisherfolk members of the IFARMC shall elect the NGO representative to the IFARMC.
- e. One (1) representative from the private sector.
 1. The private sector representative must be a member of the M/CFARMC.
 2. In areas covering two or more provinces, each province shall send one private sector representative. From among them, the fisherfolk members of the IFARMC shall elect the private sector representative to the IFARMC.
- f. At least nine (9) representatives from the fisherfolk sector which include representatives from the youth and women sector.

1. At least one fisherfolk representative shall come from every municipality covered by the IFARMC, preferably the Chairperson of the M/CFARMC or his duly designated representative.
2. Youth and Women sector representatives should come from a duly accredited youth/women's organizations and are members of the M/CFARMC.
3. The number of youth and women sector representatives and the manner of their inclusion to the IFARMC shall be determined by the regular fisherfolk members of the IFARMC.

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

SEC. 20. Existing Fisheries and Aquatic Resources Management Councils (FARMCs). - Fisheries and Aquatic Resources Management Councils already existing and organized before the approval of this Order shall be duly recognized as FARMCs: Provided, however, that such councils shall be reconstituted/reorganized according to the provisions of this Order.

SEC. 21. Registry of Municipal Fisherfolk. - In close coordination with the LGUs, FARMCs shall also maintain a registry of barangay/municipal fisherfolk and fisherfolk organizations/cooperatives.

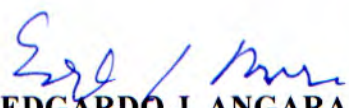
SEC. 22. Technical Assistance. – The Departments of Agriculture, Environment and Natural Resources, Interior and Local Government, Justice, Transportation and Communication, the Commission on Human Rights, the Philippine Coast Guard and the MARICOM, including other government agencies concerned with the management, protection, conservation and development of fisheries and aquatic resources shall provide continuous technical assistance to FARMCs and fisherfolk organizations/cooperatives. The assistance shall include, but not limited to organizational strengthening, project planning and development, monitoring and evaluation, training, research, law enforcement, legal and human rights assistance, post-harvest and marketing facilities, fund sourcing, access to credits, fisherfolk settlement, medical, education and other services. BFAR shall monitor the assistance extended to FARMCs at all levels.

SEC. 23. Government Agencies. – Government agencies or offices such as DENR, DA/BFAR, LGUs, LLDA and other special agencies having jurisdiction over municipal waters by virtue of special laws shall integrate the plans and policies formulated by FARMCs into their agency/corporate policies and plans of operation for implementation.

SEC. 24. **Source of Funds of the FARMCs.** A separate fund for the NFARMC, IFARMCs and M/CFARMCs shall be established and administered by the Department/BFAR from the regular annual budgetary appropriations.


SEC. 25. **Repealing Clause.** All Orders, rules and regulations or parts thereof inconsistent with the provisions of this Fisheries Administrative Order are hereby repealed or modified accordingly.

SEC. 26. **Effectivity.** This Order takes effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation.


EDGARDO J. ANGARA
Secretary

RECOMMENDED BY:


MALCOLM I. SARMIENTO, JR.
Director
Bureau of Fisheries & Aquatic Resources


CESAR M. DRILON, JR.
Undersecretary for Fisheries and
Chairman, NFARMC

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