



MAFAR
Administrative Order
No. 01, s. 2021

**CREATION OF INTERIM ADJUDICATION COMMITTEE TASKED TO
HEAR AND DECIDE ON THE ADMINISTRATIVE FISHERY LAW CASES**

WHEREAS, Sec. 2, Article XII of the Philippine Constitution provides that, “The State shall protect the nation’s marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens”;

WHEREAS, Sec. 1, Art. 5 of R.A. 11054 provides that, “Powers of the National Government– All powers, functions, and responsibilities not granted by the Constitution or by the national law to the Bangsamoro Government shall be vested in the National Government”;

WHEREAS, Sec. 2, Art. 5 of R.A. 11054 provides that, “Powers of the Bangsamoro Government – Subject to Sec. 20, Art. X of the Constitution and this Organic Law, the Bangsamoro Government shall exercise its authority over the [(y) Fishery, Marine, and aquatic resources] without prejudice to the general supervision of the President of the Republic of the Philippines;

WHEREAS, Sec. 3. Of the Bangsamoro Administrative Code provides that, “Powers and Functions. - The Ministry of Agriculture, Fisheries and Agrarian Reform shall have the following powers and functions: xxx c. Promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural, livestock, and fishery resources; xxx m. Regulate and supervise the production, capture, and gathering of fish and fishery/aquatic products;

WHEREAS, the Ministry of Agriculture, Fisheries, and Agrarian Reform is the main agency of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) responsible for the development, improvement, management and conservation of the fisheries and aquatic resources in the Bangsamoro area;

WHEREAS, Sec. 130 of R.A. 10654 provides that the Department of Agriculture, the counterpart of which in the BARMM is MAFAR, is empowered to impose the administrative fines and penalties provided in the Fisheries Code through the Adjudication Commission.

WHEREAS, considering that BARMM is on its period of transition, MAFAR is still in the process of institutionalizing all its mandate, including the setting up of mechanism to ensure that the utilization of the fisheries and aquatic resources of the BARMM waters are properly regulated.

WHEREFORE, in view of these premises, and as part of curbing illegal, unreported and unregulated (IUU) fishing in the BARMM waters, an Interim Adjudication Committee (the Committee), pending the constitution of a regular Adjudication Committee, is hereby established purposely to hear and decide on the administrative fisheries laws cases in the BARMM area.

Section 1. Composition of the Interim Adjudication Committee. The following shall compose the Interim Adjudication Committee:



Chairperson: **Bangsamoro Director General (BDG) of the Fisheries Services** (pending his/her assumption to duty, the Minister shall act on his/her stead)

Member: **Macmod Mamalangkap, PhD.**
Director II – Fisheries Services

Atty. Sandy Balucan Sendad, RL, LPT
Section Chief, Legal Assistance Section

Chairperson, BARMM-Regional Agri-Fisheries Council

Chairperson, Provincial Agri-Fisheries Council
Of the province where the violation was committed

Section 2. Powers and Functions.

- a. The Committee shall have jurisdiction to hear and decide administrative and adjudicative actions related to fisheries laws, citizen's suit and Strategic Lawsuit Against Public Participation (SLAPP).
- b. In the exercise of its jurisdiction, the Committee shall have the power to determine and impose appropriate penalties, as well as additional accompanying administrative sanctions in case of serious violations as defined in the Fisheries Code, approve settlement offers and dispose confiscated catch, gears, equipment and other paraphernalia, the issuance of subpoenas, cease and desist orders, and summary ejectment orders. It may perform such other powers and functions inherent to or necessary in the exercise of its jurisdiction.
- c. The Committee shall immediately promulgate rules and regulations for the conduct of administrative adjudication and the disposition of confiscated catch, gears, equipment and other paraphernalia. It shall also issue subpoena duces tecum and ad testificandum in administrative case before it.
- d. The Committee shall promulgate the rules regarding the imposition of the alternative penalty of community service in lieu of the fines and penalties prescribed for the offenses. The Adjudication Committee may impose the alternative penalty of community service only upon the application of the offending municipal fisherfolk or upon the application and proof by an offender who has no property.
- e. The Committee shall designate, among the personnel of the Ministry, and through a resolution, the following support staff:
 1. **Hearing Officer** – tasked to provide assistance in the handling of cases for administrative adjudication, including: reception of all pleadings, except the initiatory pleading or complaint; service of summons, subpoena and other processes; reception and evaluation of evidence; review of



records for completeness prior to submission to the Adjudication Committee for decision; and such other responsibilities that the Committee may assign. During the pendency of a case, the Hearing Officers shall not be assigned any other task related to regulation, licensing or enforcement.

2. **Special Investigators** – preferably from law enforcement division of the Fisheries Services, tasked to conduct the following activities to determine whether there is a prima facie case that warrants the commencement of administrative action:
 - a. Monitor compliance by any person with the laws, rules, regulations, circulars and orders being implemented by the Ministry, and request the submission of certain documents relevant and material to the inquiry;
 - b. Hold conferences and interviews with the complainant, possible witnesses, person being investigated, and other relevant persons;
 - c. Conduct surveillance and/or ocular inspection;
 - d. Seek assistance from other government agencies and instrumentalities in the conduct of such investigation or proceedings;
 - e. Request any person to execute a sworn statement as to facts and circumstances under investigation;
 - f. Request for technical assistance for the needed expertise on a matter subject of and relevant to the investigation; and
 - g. Perform such other acts necessary in the conduct of such investigation.

3. **Secretariat** – tasked to provide administrative support to the Adjudication Committee. Upon designation as secretariat staff, the Ministry personnel shall not be assigned any other task related to regulation, licensing or enforcement.

MINISTRY OF AGRICULTURE, FISHERIES AND AGRARIAN REFORM

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Section 3. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed.

Section 4. Effectivity. This Order shall take effect immediately after posting in the conspicuous areas in the BARMM and in the website of MAFAR, or publication in a newspaper of regional circulation.

ISSUED this 3rd day of November, 2021 in Cotabato City, Philippines.


MOHAMMAD S. YACOB, PhD.
 Minister
 Ministry of Agriculture, Fisheries, and Agrarian Reform

BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
 MINISTRY OF AGRICULTURE, FISHERIES, AND AGRARIAN REFORM
 Office of the Minister
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