

**JOINT DA-DENR-DILG ADMINISTRATIVE ORDER NO. 1**  
**Series of 2008**

**DEFINING/IDENTIFYING THE AREAS OF COOPERATION AND COLLABORATION AMONG THE DEPARTMENT OF AGRICULTURE (DA), DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) IN THE PLANNING, MANAGEMENT AND CONTROL OF AQUACULTURE DEVELOPMENT TO MITIGATE IMPACTS ON THE ENVIRONMENT.**

Pursuant to the provisions of the Local Government Code of 1991 (Republic Act 7160), National Integrated Protected Areas System Act of 1992 (Republic Act 7586), The Philippine Fisheries Code of 1998 (Republic Act 8550), Wildlife Resources Conservation and Protection Act of 2001 (Republic Act 9147), the Philippine Forestry Code (Presidential Decree 705, as amended), the Environmental Impact Statement (EIS) System (Presidential Decree 1586), Ecological Solid Waste Management Act of 2000 (Republic Act 9003), Philippine Clean Water Act of 2004 (Republic Act 9275), and Executive Order 292 (Administrative Code of 1987), we the undersigned, by the powers vested in us by the aforementioned laws and other relevant laws agree to identify and define areas of cooperation and collaboration to implement a responsible code of practice for fisheries in mitigating impacts from aquaculture as well as management, monitoring and control of aquaculture development .

**Article I**  
**Declaration of Policy**

**Section 1:** The DA, DENR and DILG have agreed to coordinate their efforts, harmonize their policies, and cooperate in the implementation of the laws, rules and regulations at the operational level aimed at adopting an integrated and coordinated approach on aquaculture development in order to mitigate impacts on the environment.

**Section 2:** The three Departments together with the League of Municipalities/League of Cities of the Philippines (LMP/LCP) shall commit to fulfill this collaboration through consultations and workable referral systems.

**Article II**  
**Definition of Terms**

**Section 3: Definition of Terms.** For purposes of this Joint Administrative Order, the following terms shall mean:

*a) Aquatic Pollution is defined as the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment, which results or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which similar hazards and deleterious effects shall also constitute aquatic pollution.*

*b) **Invasive Alien Species (IAS)** are species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete natives and endemic species and take over the new environments.*

*c) **Genetically Modified Organism (GMO)** refers to organism whose genes are manipulated to produce certain desired characteristics and be propagated for experimental purposes.*

*d) **Fish Kill** is any unusual and noticeable increase of mortality due to infectious or non-infectious causes in wild or captive fish or shellfish population.*

*e) **Fishpond Lease Agreement (FLA)** areas are mangrove forest lands and other swamps released to the Department of Agriculture/Bureau of Fisheries and Aquatic Resources (DA/BFAR) by the Department of Environment and Natural Resources (DENR) for fishpond purposes.*

*f) **Fishpond Lease Agreement (FLA)** is an agreement entered into by and between the Secretary of Agriculture (DA) and qualified fishpond applicant for the use of public land for fishpond development purposes for a period of twenty-five (25) years.*

*g) **Undeveloped Fishpond** area is an area not enclosed by dikes or enclosed by dikes without functional water control structures or enclosed by dikes with functional water control structures but the water level required for production on a commercial scale cannot be maintained either by high tides or by pumping, or a larger area enclosed with a simple perimeter dike which has not been subdivided, which may or may not be vegetated with mangrove species and is not producing on a commercial scale.*

### **Article III Code of Practice for Aquaculture**

**Section 4: Adoption of the Code of Practice for Aquaculture.** Pursuant to the Philippine Fisheries Code (RA 8550), the Code of Practice for Aquaculture as provided for in Fisheries Administrative Order No. 214-2001 promulgated by the Secretary of Agriculture outlining the general principles and guidelines for environmentally-sound design and operation for the sustainable development of the industry shall be adopted by DENR and DILG for implementation/enforcement in their respective areas of jurisdiction subject to existing rules and regulations.

**Section 5: Water Management:** All waters shall be maintained in a safe and satisfactory condition in accordance with water quality criteria for freshwater, coastal and marine waters as defined under DENR Administrative Order No. 34-1990 on Revised Water Usage and Classification/Water Quality Criteria. The DA and DILG shall make sure that this is enforced strictly in their respective areas of jurisdictions.

**Section 6: Water Discharge and Sludge/Effluent Management** – The DA/BFAR, DENR, DILG, League of Municipalities/Cities of the Philippines (LMP/LCP), Fisheries and Aquatic Resources Management Council (FARMC), and other concerned agencies and NGOs shall help in increasing awareness of the proper waste management in the aquaculture industry through the following practices:

- a. Effluents, sediments and other wastes shall be properly disposed of through the use of wastewater treatment and settling ponds;
- b. Outfall shall be so designed that no significant impact of effluents on natural waters occurs beyond the mixing zone;
- c. Sediment from ponds, canals or settling basins shall be put back into the area from which it was eroded, used as earth fill or disposed of through some other environmentally-responsible way; and

- d. Discharged water shall meet water quality standards under DENR Administrative Order No. 35-90 on Revised Effluent Regulations of 1990.

**Section 7: Introduction of Aquatic Exotic, Invasive Alien Species (IAS) and Genetically Modified Organisms (GMO).** The introduction of aquatic exotic, IAS and GMOs shall be made after a sound ecological, biological and environmental justification based on scientific studies and subject to the bio-safety standard including but not limited to quarantine as provided for by existing laws and regulations. The DA/BFAR together with DENR and in consultation with the different stakeholders, shall develop a national management strategy regarding the introduction of aquatic exotic, invasive alien species and genetically modified organisms to mitigate its impacts in the ecosystem in consonance with DA AO No. 8-2002 on rules and regulations for the importation and release into the environment of plants and plant products derived from the use of modern biotechnology. Imported live commodities shall, likewise be subjected to Import Risk Analysis (IRA) by agencies concerned.

**Section 8 : Feed, Feed Use and Management** – To improve the efficiency of supplemental feeds and feed management in aquaculture and reduce the amount of waste entering the ponds, lakes and culture areas, the practices as embodied in FAO 214-2001 shall be adopted and strictly followed by the three agencies.

The DA/BFAR shall assist the Bureau of Animal Industry (BAI) in the monitoring of aquafeeds as well as registration, evaluation, investigation and inspection of establishments engaged in the manufacture, distribution, and sale of aquatic animal feeds and drugs as per Memorandum of Agreement. Accreditation and certification of bona fide aqua-feed millers should be instituted by DA/BFAR, and manufacturers found to have produced, supplied, sold or disposed substandard feeds for aquaculture use shall be conditionally banned until such time that they have complied with the aquafeeds standardization.

The DILG shall assist the DA/BFAR in the implementation of the afore noted measures which shall be considered in the renewal of FLAs as well as permits for marine culture structures and aquaculture operations.

**Section 9: Carrying Capacity.** The criteria for the determination of the carrying capacity of lakes and other bodies of water to control stocking density and feeding requirements are the following:

- a. The carrying capacity of a lake and other bodies of water shall be determined through the conduct of physico-chemical and biological study to determine plankton/algae density, nutrients and transparency and fish biomass and composition;
- b. The carrying capacity of fish pens, cages in the lake shall be based on the physico-chemical and biological productivity measured in terms of biomass ( $\text{gm}/\text{m}^2$ ) and nutrient uptake ( $\text{gmC}/\text{m}^2$ ); and
- c. The level of primary productivity in inland water that could support the good growth of planktivorous species like tilapia, carp, and milkfish shall be less than  $10 \text{ gmC}/\text{m}^2$ .
- d. Standard carrying capacity models for coastal/marine aquaculture operations shall, likewise be established jointly by BFAR, the DENR with the assistance of the academe.

The determination of carrying capacity in bodies of water shall be undertaken jointly by a composite team composed of DA/BFAR, DENR and DILG within their areas of jurisdiction.

## **Article IV Aquatic Pollution**

**Section 10: Proper Disposal of Fishery Structures and Other Paraphernalia.** No person shall throw, run, drain, or otherwise dispose into any of the water, or cause, permit, suffer to be thrown, run, drain, allow to see or otherwise dispose into such waters, any organic or inorganic matter or any substance in gaseous or liquid form that shall cause pollution of such waters, land or atmospheric air as per Section 9 of RA 3931 of 1964 creating the National Pollution Commission now Environment Management Bureau.

Discharging, depositing or causing to be deposited material of any kind directly or indirectly into the water bodies or along the margins of any surface water, where the same shall likely be washed into such surface water, either by tide action or by storm, floods or otherwise which could cause water pollution or impede natural flow in the water body, shall be dealt with in accordance with RA 9275 (Philippine Clean Water Act) and RA 8550 (Philippine Fisheries Code).

The LGUs shall implement and enforce the law within their respective jurisdiction as regards segregation and collection of wastes. For segregation and collection of biodegradable, compostable and reusable wastes, the same shall be undertaken at the barangay level while collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city concerned in accordance with RA 9003.

The DENR and the DA/BFAR shall assist the LGU concerned in the implementation of the above mentioned provisions.

**Section 11: Fish Kills and Other Aquatic Pollution Cases.** The Joint Quick Response Team that was created per DA-DENR Joint Memorandum Order No.1, Series of 2000 on Identifying/Defining the Areas of Cooperation and Collaboration between the DA and the DENR in the Implementation of R.A. No. 8550 (Philippine Fisheries Code of 1998) and Joint DA-DENR Special Order No. 259-2004 on the Creation of Joint Quick Response Teams, Defining Their Membership and Functions, shall be the Team that will address aquatic pollution cases and shall identify their respective focal units to perform oversight functions. The said team shall be strengthened/reconstituted as per Article VII, Section 15 of this Joint Administrative Order to include DILG, LMP/LCP or LGU concerned and FARMC representative.

## **Article V Environmental Impact Assessment (EIA)**

**Section 12: Conduct of Environmental Impact Assessment (EIA).** The conduct of Environmental Impact Assessment (EIA) shall be the main responsibility of the proponent with assistance from DA/BFAR for fisheries related activities, or where the coastal development shall have direct impact on the management of the fisheries and aquatic resources of the area. The proponent in coordination with LGU concerned shall ensure public participation through the conduct of public hearings and dissemination of information pertinent to the project in consultation and coordination with the respective Municipal FARMCs.

A project development plan of any proposed aquaculture establishment within the LGU jurisdictions shall be required for submission to and review by the BFAR Regional Offices. Operators shall further be required to a compulsory self-monitoring report on a regular basis for validation of agencies concerned.

The DENR shall issue corresponding Environmental Compliance Certificate (ECC) in accordance with DAO No. 2003-30 on Strengthening Environmental Impact Assessment (EIA) System and existing rules and regulations. Where the subject areas for development precludes the establishment of a Mariculture Park or Aquaculture Zones, a Programmatic

EIA maybe considered for approval upon a satisfactory survey/monitoring report from the LGU as concurred by BFAR.

Pursuant to DAO No. 96-37, proponents of Fishery or Aquaculture Projects under Group I category or those considered as Environmentally Critical Projects (ECP) shall be required to prepare and submit an Environment Impact Statement (EIS) to the EMB Central Office. However, if said projects fall under Group II category or projects for Environmentally Critical Areas (ECAS), an Initial Environmental Examination (IEE) or a Project Description shall be required and submitted to the concerned Regional Office of the Environmental Management Bureau.

**Section 13: Composite Monitoring of Compliance to EIS.** A multi-partite monitoring team (MMT) may be formed if required in the ECC for the purpose of monitoring compliance by the proponent. The composition of the MMT shall be composed of DENR, DA/BFAR, LGU concerned, FARMC, and/or other stakeholders including but not limited to the academe. The DENR Regional Office with the project proponent shall initiate the formation of the MMT to provide general oversight over the requirements imposed in the ECC.

## **Article VI Fishpond Lease Agreements (FLAs)**

**Section 14: Strengthening of an Inter Agency Technical Working Group for Identification of Fishpond Lease Agreement (FLA) Areas and Other Swamps Released to the Bureau of Fisheries and Aquatic Resources (BFAR).** There is hereby created an inter agency technical working group to be headed by DA/BFAR and composed of DENR and the DILG representatives, National Fisheries and Aquatic Resources Management Councils (NFARMC) and/or other parties interested such as but not limited to the NGO, LGU Leagues and academe to undertake the following tasks:

- identify sources of pollution in aquaculture areas covered by FLAs or FLAs that are affected by pollution.
- identify FLA areas that are flooded due to natural calamities and/or global climate change and recommend measures to mitigate impacts of the same and or determine the best beneficial use of the area.

Further, an inter agency technical working group to be chaired by the DENR, with members from DA/BFAR, LGUs concerned and FARMCs, shall likewise be created to identify FLA areas which have been abandoned for five (5) years from the date of approval of the lease contract. These areas, upon proper notice to the respective lease holders, shall automatically revert to the mass of the public domain for eventual reforestation under the administration of DENR.

Said inter agency technical working group shall develop and prepare guidelines for the reversion of the identified abandoned, underutilized and undeveloped areas covered by FLAs that can be reverted to their original mangrove state. All steps necessary to restore such areas in their original mangrove state shall thus be undertaken.

## **Article VII Strengthening of the Joint Quick Response Team and Focal Units**

**Section 15: Strengthening of the Joint Quick Response Team.** The Joint Quick Response Team composed of DA/BFAR and DENR shall be reconstituted and strengthened to include DILG, LMP/LCP or LGU concerned and FARMC representatives. The team shall be headed by the DA/BFAR to address aquatic pollution cases who shall identify their respective focal units to perform oversight functions, coordinate with their counterparts and initiate the formulation of manual of operations that will serve as guide/procedures to be followed in the investigation and monitoring of aquatic pollution. The

team shall coordinate closely with the Philippine Coast Guard (PCG) and the Philippine National Police (PNP) Maritime Group.

**Article VIII**  
**Roles and Obligations of the Three (3) Departments**

**Section 16: Roles and Responsibilities of the DA/BFAR, DENR and DILG.**

**1. DA/BFAR**

- a) shall disseminate information to ensure the safe and satisfactory condition of waters in aquaculture areas and develop ways and means of increasing awareness for the proper waste management in the aquaculture industry including but not limited to used fish pens, cages and other fishery structures;
- b) convene the inter agency group that will work on the guidelines for the proper disposal of fishery structures and paraphernalia;
- c) conduct on the spot inspection of FLA areas for proper feeding management and recommend mitigating measures to address the concern;
- d) convene the inter agency TWG created under Article VI, Section 14 of this Order that is tasked to identify FLA areas released to the DA/BFAR;
- e) together with LGU concerned, DENR and FARMC shall identify construction and/or structures that obstruct the free navigation in any stream, river, lakes, bays and/or bodies of water and recommend appropriate measures to address the concern pursuant to FAO 216-2001;
- f) subject all imported aquatic species to quarantine, import risk analysis and pilot farming and coordinate closely with the Bureau of Customs for aquatic exotic, invasive alien species that are entering the country and undertake appropriate study and bio safety standards;
- g) develop and implement a national management strategy on the introduction of aquatic exotic, invasive alien species and genetically modified organisms collaboratively with the DENR and DILG;
- h) together with the concerned LGU, the DENR and FARMC shall identify obstructions in defined migratory paths of migratory aquatic species such as river mouths and estuaries and recommend to the DILG the dismantling thereof as well as other appropriate measures pursuant to FAO No. 217-2001;
- i) lead in the strengthening of the Quick Response Team with DENR and expand composition to include DILG, FARMC, LMP/LCP and/or LGU concerned and initiate the preparation of manual that will serve as guide / procedures to be followed in the investigation and monitoring of aquatic pollution in the regions;
- j) enforce the provisions of RA 8550 and Sections 1-10 of FAO No. 214-2001 on the Code of Practice for Aquaculture or any amendments thereof;
- k) shall coordinate with the DENR in the formulation of guidelines for the re-use of wastewater for irrigation and other agricultural uses and for the prevention, control and abatement of pollution from agricultural and aquaculture activities, *Provided*, that discharges coming from non-point sources be categorized and further defined pursuant to this afore noted Act and *Provided further*, that the Bureau of Fisheries and Aquatic Resources ( BFAR) of the DA shall be primarily responsible for the prevention and control of water pollution for the development, management and conservation of the fisheries and aquatic resources. (Section 22 c Chapter 3 of RA 9275 or the Philippine Clean Water Act of 2004);
- l) shall develop guidelines jointly with the DENR in the management of aquaculture in protected areas.

**2. DENR**

- a) shall assist the DA/BFAR in the dissemination of information to ensure the safe and satisfactory condition of waters in aquaculture areas and the necessary waste management therein;

- b) actively participate in the inter agency group that will work on the guidelines for the proper disposal of fishery structures and paraphernalia;
- c) together with the DILG, LMP/LCP or LGU concerned and FARMC at the national level actively participate in the inter agency TWG that will identify FLA areas released by the DENR to the DA/BFAR;
- d) assist the DA/BFAR together with concerned LGU and FARMC in identifying construction/structures that obstruct the free navigation in any stream, river, lakes and bays and recommend appropriate measures to address the concern in accordance with FAO No. 216-2001;
- e) develop and implement a national management strategy on the introduction of aquatic exotic, invasive alien species and genetically modified organisms collaboratively with the DA and DILG;
- f) together with DA/BFAR, LGU concerned and FARMC shall identify obstructions in defined migratory paths of migratory species such as river mouths and estuaries and recommend appropriate measures in accordance with FAO 217- 2001;
- g) actively participate in the expansion and strengthening of the New Quick Response Team composed of DA/BFAR, DENR, DILG, FARMC and LMP/LCP representative and initiate the preparation of manual that will serve as guide to be followed in the investigation and monitoring of aquatic pollution in the regions;
- h) enforce the provisions of RA 7586 (NIPAS Act) and RA 9275 (Clean Water Act) and other pollution laws in so far as environment and natural resources are concerned including FAO 214-2001 Code of Practice for Aquaculture;
- i) shall develop guidelines jointly with the DA/BFAR in the management of aquaculture in protected areas.

### **3. DILG**

- a) shall assist the DA/BFAR in the dissemination of information to ensure the safe and satisfactory condition of waters in aquaculture areas and the necessary waste management therein;
- b) actively participate in the inter agency group that will work on the guidelines for the proper disposal of fishery structures and paraphernalia;
- c) together with the DENR, LMP/LCP or LGU concerned and NFARMC, actively participate in the inter agency TWG that will identify FLA areas released by the DENR to the DA/BFAR;
- d) assist the DA/BFAR together with DENR and FARMC in identifying construction and/or structures that obstruct the free navigation in any stream, river, lakes and bays and recommend appropriate measures to address the concern pursuant to FAO No. 216-2001;
- e) assist DA/BFAR and DENR, in close coordination with PNP in identifying obstructions in defined migratory paths of migratory aquatic species such as river mouths and estuaries and recommend appropriate measures pursuant to FAO No. 217- 2001;
- f) encourage LGUs to pass appropriate resolutions or ordinances adopting FAO 214 to 218-2001, respectively, on the Code of Practice on Aquaculture; on obstruction to navigation in streams, rivers, lakes and bays; on defined migration paths and submission of yearly report on aquaculture projects for implementation and/or enforcement in the municipalities and /or cities concerned;
- g) direct LGUs to enforce the provisions of RA 7160 (Local Government Code) in so far as fisheries, environment and natural resources within their respective municipal waters are concerned;
- h) encourage LGUs to ensure and/or pass appropriate ordinance to prohibit anyone to throw, run, drain, or otherwise dispose into any of the water, or cause, permit, suffer to be thrown, run, drain, allow to see or otherwise dispose into such waters, any organic or inorganic matter or any substance in gaseous or liquid form that shall cause pollution of such waters, land or atmospheric air as provided for under Section 9 of RA 3931 of 1964 on the Creation of National Water and Air Pollution Control Commission now Environment Management Bureau);

- i) assist DA/BFAR and DENR to develop, disseminate and implement a national management strategy on the introduction of aquatic exotic, invasive alien species and genetically modified organisms.

**Article IX**  
**Management of the Lakes and Other Bodies of Water Within the Protected Areas Covered Under NIPAS**

**Section 14: Fish Structures in Protected Areas.** Management of the lakes and other bodies of water within the protected areas shall be under the respective jurisdiction of the Protected Areas Management Board (PAMB) concerned. In protected areas where existing fish structures are in place, i.e. Taal Lake, Lake Sebu and the like, the respective LMP/LCP or LGUs concerned, in close coordination with the DILG, Philippine National Police (PNP) Maritime Group, Philippine Coast Guard and FARMC, shall assist the Protected Areas Management Board (PAMB) in dismantling any structures that will cause obstruction to navigation, impede the natural tidal flow and/or cause pollution in the area.

It shall be compulsory for the concerned FARMCs to integrate into an ecosystem-based management body, the lakeshore and the riverine system traversing the boundaries of municipalities/cities, which shall be known as Integrated FARMC (IFARMC). The DA/BFAR and the DENR shall jointly develop guidelines in the management of aquaculture in protected areas in collaboration with IFARMCs.

**Article X**  
**Common Provisions**

**Section 15: Common Provisions.** It shall be the duty and responsibility of the three(3) departments authorizing or involved in the planning and implementation of any project or programs that may cause pollution, climatic change, depletion of non renewable resources, loss of cropland, rangeland or forest covers and extinction of animal and plant species to consult with the Local Government Units, NGOs and other sectors concerned and explain the goals and objectives of the project or program, its impact on the community in terms of environmental or ecological balance and the measures that will be undertaken to prevent, minimize and mitigate the adverse effects thereof.

**Article XI**  
**Amendment**

Amendments to this Joint Administrative Order shall be promulgated jointly by and upon consultation among the three (3) departments.

**Article XII**  
**Repealing Clause**

All existing administrative orders, rules and regulations and guidelines which are inconsistent with the provisions of this Joint Administrative Order (JAO) are hereby repealed or amended accordingly.

**Article XIII**  
**Effectivity**

This Order shall take effect immediately after fifteen (15) days from its publication in the Official Gazette and in two (2) newspapers of general circulation and fifteen (15) days after registration with the National Administrative Register.



Issued this 31st day of January in the year of our Lord 2008 at Quezon City, Philippines.

---

**ARTHUR C. YAP**  
Secretary  
Department of Agriculture (DA)

---

**JOSE L. ATIENZA, JR.**  
Secretary  
Department of Environment  
& Natural Resources (DENR)

---

**RONALDO V. PUNO**  
Secretary  
Department of Interior and Local Government (DILG)

**Recommending Approval**

---

**MALCOLM I. SARMIENTO, JR.**  
Director  
Bureau of Fisheries & Aquatic Resources  
(BFAR)

---

**JULIAN D. AMADOR**  
Director  
Environment Management Bureau  
(EMB)

---

**MANUEL Q. GOTIS**  
Director  
Bureau of Local Government Development (BLGD)

Concurred by:

---

**RAMON N. GUICO**  
President  
League of Municipalities of the Philippines  
(LMP)

---

**BENJAMIN C. ABALOS, JR.**  
President  
League of Cities of the Philippines  
(LCP)