

# **INTERNAL RULES OF PROCEDURE OF THE FMA 5 MANAGEMENT BOARD**

## **TITLE, PURPOSE AND SCOPE**

**TITLE** – These rules shall be known as the Internal Rules of Procedure of the Fisheries Management Area (FMA) 5 Management Board (MB) hereinafter referred to in this document as the Rules.

**PURPOSE AND SCOPE** – These Rules are adopted in accordance with R.A. No. 8550, as amended by R.A. No. 10654 also known as the Amended Fisheries Code of 2015 and Fisheries Administrative Order (FAO) No. 263, series of 2019 establishing Fisheries Management Areas with the objective of providing a science-based, participatory, and transparent governance framework and mechanism to sustainably manage and conserve marine resources particularly in the coastal cities or municipalities of the Provinces of Occidental Mindoro, Palawan, Antique, Municipality of Buruanga in Aklan, and the Municipality of Mapun in Tawi-Tawi. These Rules shall, as far as practicable, govern the internal organization, order of session, terms of reference, and disciplinary procedures to be observed by the Management Board of FMA 5.

## **RULE I COMPOSITION**

Rule 1.1. FMA 5 MB shall be composed of the following sectoral representatives/ stakeholders:

- A. Chairperson, Concerned BFAR Regional Director;
- B. Co-chairperson, Concerned Local Chief Executive
- C. Representative from each of the following sectors:
  - a. Municipal fishing;
  - b. Commercial fishing;
  - c. Aquaculture;
  - d. Processors/Traders/Market Organizations;
  - e. Academe;
  - f. Indigenous People;
  - g. Non-government organization (FMA-based, locally recognized and working on fisheries concerns);
  - h. Chairperson of a Protected Area Management Board (PAMB) in FMA 5;
  - i. Representative of the Integrated Fisheries and Aquatic Resources Management Council (IFARMC) operating with FMA 05; and
  - j. Palawan Council for Sustainable Development (PCSD)

Rule 1.2. FMA 5 Management Board shall be chaired by one of the RDs of BFAR regional offices comprising FMA 5 as the lead agency implementing the FMA. Only Local Chief Executive (LCE) representing the coastal LGUs and selected by and from among their ranks shall Co-Chair the BFAR RD Chair.

Rule 1.3. The representatives of the members coming from paragraph C of the preceding rule shall be determined by themselves, except for PCSD and PAMB which are represented by their respective Executive Director and/or his/her duly authorized representative.

Rule 1.4. The number of representatives per sector under paragraph C of the preceding rule shall initially be one (1) per sector. However, the MB may subsequently decide to increase the number of representatives. Nevertheless, voting shall be limited to one (1) per sector.

Rule 1.5. In selecting the representatives of the different sectors, the stakeholders shall ensure that all regions covered by FMA 5 namely Region 6, MIMAROPA Region and the-Bangsamoro Autonomous Region in Muslim Mindanao, shall be represented in the selection of representative of FMA 5 MB.

Rule 1.6. In no case shall a local chief executive be a member of two or more FMA management bodies. The same rule shall apply to the individual representatives of the above-mentioned sectors. For this purpose, any member of the FMA MB must disclose any membership in other FMAs and accordingly recuse themselves from the selection of the MB.

Rule 1.7. A member of the MB cannot be a member of the Scientific Advisory Group (SAG) at the same time to avoid compromise on decision or judgement on policy formulation.

## **RULE II MINIMUM QUALIFICATIONS**

Rule 2.1. A member of the FMA 5 MB must possess the following minimum qualifications:

- (a) must be a Filipino citizen;
- (b) resident of the coastal city/municipality within the FMA for sectoral representatives of municipal fishing and/or having actual legitimate operations or activities within the FMA for sectoral representatives of commercial fishing, aquaculture, trade/processor, NGOs and academe;
- (c) of legal age;
- (d) of good moral character; and
- (e) must not have been adjudicated, convicted of or admitted to any violations of the Fisheries laws, rules and regulations.

Rule 2.2. The sectoral representatives in the FMA 5 MB must be *bona fide* members of their respective sectors.

## **RULE III TERMS OF OFFICE**

Rule 3.1. The chairperson, co-chairperson and members of the MB shall hold office for a term of 3 years from the date of appointment.



Rule 3.2. The BFAR RD Chair shall serve as ex officio member in the MB. In case of vacancy; suspension, dismissal or retirement, the replacement official shall automatically serve for the remaining term of office. Same with other members representing their respective offices.

Rule 3.3 The Local Chief Executives as Co-Chair will be co-terminus with their elective position. In case of vacancy, his/her successor shall be automatically appointed for the remaining term of office.

Rule 3.4 The Sectoral Representatives (municipal, commercial, aquaculture, market vendors and or association/ trader/ fish processor, academe, IP, IFARMC and NGO) shall be for one term of three (3) years and representation shall be by election among sectoral provincial representatives or sectoral regional representative. In case of an unfinished term the sector shall elect from the pool of provincial sectoral representatives to complete the remaining term. Likewise, the appointed successor is still eligible for another term to synchronize the end of rotation with all provincial representatives of other sectors.

#### **RULE IV THE CHAIRPERSON**

Rule 4.1 The Chairperson of the FMA 5 MB, shall have the following powers and duties:

- a. To preside over meetings of the management body.
- b. To preserve order and decorum over the meetings and to exact from all members present due respect and proper demeanor, prevent disturbance and disorder during meetings.
- c. To decide all questions and to receive queries from members.
- d. To sign all resolutions and orders of the management body.
- e. To declare the session adjourned to some other time or place, when appropriate.

Rule 4.2. The Chairperson shall assist in expediting the conduct of business of the MB and shall, for this purpose, be permitted to make brief remarks on matters or questions without expressing himself for or against said questions.

#### **RULE V THE SECRETARIAT**

Rule 5.1. The Fisheries Management Regulatory Enforcement Division (FMRED) of the BFAR MIMAROPA, supported by the FMRED of BFAR Regional Fisheries Offices 6 and their counterparts at BARMM, shall act as Secretariat to the FMA MB.

Rule 5.2. The Secretariat shall have the following duties:

- a. prepare for and attend the meetings of the MB and all the roll of the members, read the calendar of business and, unless dispensed with, the minutes of the preceding meeting;



- b. send out proper notices of all meetings of the FMA 5 MB;
- c. transmit to the committees all matters referred to them by the MB.
- d. prepare and certify the minutes of the meeting and keep a record of the proceedings of the MB;
- e. furnish each member of the MB with a copy of every resolution, order and other records of official acts of the MB.
- f. keep a database of MB resolutions and other relevant documents or records which should be published regularly through a website or other online platform of the FMA 5.
- g. assist the MB in the creation of SAG, and TWG, together with committees and Sub-groups as deemed necessary.
- h. perform such other duties as the MB or the presiding officer may direct.

Rule 5.3. The Secretariat shall send the notice of the meeting together with the copy of the agenda thereof to every member of the MB at least fifteen (15) working days for regular meeting and five (5) days before the special/emergency meeting.

Rule 5.4. The Secretariat shall also provide Order of Business of the meeting, proof of service of notice of meeting, proof of quorum, reading and approval of the minutes, matters arising from the minutes, regular business, and AOCB (any other continuing business).

## **RULE VI**

### **MEETING, QUORUM AND RESOLUTIONS**

Rule 6.1. The FMA 5 MB shall meet every last friday of the 2nd month of the quarter at the designated location set by the MB during the previous meeting. A special meeting may be called for as necessary, to be convened by the Chairperson or Co-chairperson, through its Secretariat.

Rule 6.2. In case of the absence or unavailability of the Chairperson, the Co-Chair may preside over the meeting. In case of the absence or unavailability of both the Chair and the Co-Chair, the MB will designate among the present members a presiding officer through an election.

Rule 6.3. Notice of regular or special meetings, whether written or through electronic means, shall be prepared and sent by the Secretariat to the members at least fifteen (15) working days prior to the conduct of regular meetings and at least five (5) days before the special meeting together with a copy of the agenda.

Rule 6.4. The need for special meetings may be jointly decided by the Chair and Co-Chair where there are urgent matters that require immediate action and approval, or a motion for such has been raised and approved at a regular meeting of the FMA MB.

Rule 6.5. Online meetings, in cases of pandemic or health emergency, security concerns, calamity, and in special cases as may be determined by the MB shall be permissible. These meetings may be conducted through Zoom, Google Meet, Microsoft Teams, Messenger, Conference Call, and other effective media; *Provided*, that digital security shall be ensured among the participants including the invited



observers; *Provided further*, that rules shall be established at the beginning and be followed throughout the meeting; *Provided finally*, that the meeting shall be recorded, and resolutions or documents being deliberated and signed through e-signatures shall form part of the rules in FMA 05.

Rule 6.6. There must be a quorum for the proper conduct of business of the MB. A quorum shall constitute 50% + 1 of the members MB.

Rule 6.7. The adoption of policies and measures within the FMA 05 shall be made by consensus. Consensus shall mean the absence of formal objection at the time the decision was made.

If all efforts to adopt a management policy and measures by consensus have been exhausted, decisions by voting will be undertaken by the MB, provided that the objecting party has been heard and defended the issue.

Rule 6.8. All other decisions of the MB shall also be made through a resolution and upon approval of majority members; *Provided* that there exists a quorum.

Such resolutions shall be provided to all coastal cities and municipalities, National Government Agencies (NGAs) and other pertinent instrumentalities via electronic mail (email) for information, perusal and adoption through appropriate Executive Orders, Municipal Ordinances or other regulations as may be necessary).

Rule 6.9. The Resolutions of the MB shall be jointly prepared by the chair and the co-chair of the FMA 5 MB. The Secretariat shall prepare copies of the resolution and furnish copies thereof to each member of the MB.

Rule 6.10. The Secretariat shall be responsible for the publication of the resolution in the website of BFAR MIMAROPA, Region 6 and BARMM.

## **RULE VII ORDER OF BUSINESS**

Rule 7.1. The order of business in the MB shall be as follows:

- i. Preliminaries
- ii. Roll Call
- iii. Declaration of Quorum
- iv. Call to Order
- v. Reading of minutes of the previous meeting
  - a. Unfinished business arising from the minutes
  - b. Approval of the minutes
- vi. Business and Agenda
  - a. Business of the day
  - b. Unfinished business/Actionable Items from the previous meeting
- vii. Committee Report
- viii. Other matters
- ix. Adjournment

Rule 7.2. The minutes of every meeting shall be read and approved by the majority of the members present at the meeting at which they are read, and if there are corrections, the same shall be corrected by the concerned member. Clerical errors may, however, be corrected upon motion of any member of the MB without need for a vote.

Rule 7.3. The reading of the meeting may be dispensed with upon approval by majority vote of all the members present.

Rule 7.4. The business of the day shall consist of matters set on the calendar for the consideration of the MB taken up in the order in which it is set in the calendar.

Rule 7.5. The consideration of unfinished business shall be resumed and so at each succeeding meeting until the unfinished business is disposed of.

Rule 7.6. The Technical Working Group and/or Sub-Group or Committee reports shall be rendered in the order they are listed in the Rules of the FMA 05 MB.

Rule 7.7. No person may address the FMA 5 MB, without having previously obtained the permission of the Chairperson presiding over the FMA 5 MB meeting. The Chairperson may call the person to order if remarks of the speaker are not relevant to the subject under discussion.

Rule 7.8. The MB, through the Secretariat, may invite the Scientific Advisory Group (SAG) members or its designated focal person/s whenever appropriate, to present their technical advice to the MB during their regular or special meetings.

Rule 7.9. Apart from the Scientific Advisory Group, Technical Working Group, and the other Sub-Groups, officials and staff from BFAR Central and Regional Fisheries Offices within FMA 5, other stakeholders, partners and experts the FMA 5 MB, if the need arise, may be invited as *observers and resource persons* to the MB meetings to assist in the deliberation of scientific data, policy and governance matters mechanisms and other activities and/or observe the proceedings of the FMA 5 MB.

Rule 7.10. The lists of resource persons and the observers shall be included in the calendar of business or agenda.

## **RULE VIII MANNER OF VOTING**

Rule 8.1. As a general rule, the MB shall adopt policies and measures within the FMA by consensus. For this purpose, consensus means the absence of any formal objection at the time the decision was made.

Rule 8.2. Otherwise, the MB shall decide by voting. For this purpose, "members present and voting" shall mean those members present and casting affirmative or negative votes. Members who abstain from voting are considered as not voting.

Rule 8.3. Each member of the MB shall have one vote. In cases where a representative of a sector has been increased, such sectors shall have only one vote.



Rule 8.4. In any case proxy voting is not allowed. Members of the MB may however designate representatives to sit in meetings of the FMA 5 MB but the same shall be treated as observers without the right to vote.

Rule 8.5. The votes shall be entered in the minutes of the meeting.

### **RULE IX**

#### **RESPONSIBILITIES AND FUNCTIONS OF THE FMA 5 MANAGEMENT BOARD**

Rule 9.1. The FMA 5 Management Board shall have the following responsibilities and functions:

- a. Develop and implement policies and programs for the FMA 5, particularly the development of the FMA Plan applying EAFM, the establishment of the Reference Points and the Harvest Control Rules as well as other conservation and management measures.
- b. Ensure that science-based fisheries management is applied in the FMA 5, founded upon the advice of the Scientific Advisory Group and Science Providers guided by the FMA Plan.
- c. Establish Scientific Advisory Group (SAG) and appoint the members thereof from among scientist/researcher/technical representatives from BFAR through its National Stock Assessment Program (NSAP), academic institutions, LGUs, commercial and municipal fishing sector, aquaculture and NGOs.
- d. Establish Reference Points for key species found in the FMA 5 based on scientific studies from National Stock Assessment Program (NSAP) of the Bureau of Fisheries and Aquatic Resources (BFAR) and National Fisheries Research and Development Institute (NFRDI), as well as academic and research institutions both at the national and regional levels.
- e. Ensure the harmonization and integration in the FMA Plan of existing policies under the NIPAS and E-NIPAS Act governing marine protected areas within FMA 5, and such other policies for the effective management of marine resources.
- f. Consider established management models such as, but not limited to, Framework for Integrated Stock and Habitat Evaluation (FISHE), Harvest Strategies (HS) and Management Procedures (MP), depending on the best available scientific data and needs of FMA 5.
- g. Decide and agree on financing mechanisms. Funding requirements for specific actions in the FMA Plan shall be according to the functions and responsibilities of BFAR, LGUs, other NGAs, industry, NGOs and other stakeholders as agreed upon in the implementation and monitoring scheme of the FMA Plan.
- h. Create a Technical Working Group for FMA 5 and such other subgroups as may be necessary.



- i. Develop internal rules in a peer-reviewed compliance monitoring to ensure adherence to policies and management measures are adopted.
- j. Submit an annual summary report highlighting – the policies and measures, accomplishments and status of FMA 5, and the fish stocks – on or before February 15 of each year to DA-BFAR.
- k. Establish a platform to disseminate or publish the annual report to ensure accountability and transparency of the FMA Management Board.
- l. May adopt other relevant measures to ensure that only fishery products harvested in accordance with the management policies and plans adopted by the FMA will enter the market.
- m. Ensure that plans, programs, management measures and ordinances are consistent with the FMA Plan.
- n. Regularly conduct consultations, negotiations and/or coordination with stakeholders in the FMA in accordance with internal rules.
- o. Increase the number of members of the Board.
- p. Formulate and promulgate internal operational rules and regulations for the conduct of regular business of the MB in FMA 5.

Rule 9.2 The members of the FMA 5 MB shall serve and act as a collegial body for the interest and benefit of the stakeholders of the FMA 5.

## **RULE X** **FUNCTIONS AND RESPONSIBILITIES OF EACH MEMBER**

Rule 10.1. **DA-BFAR-RFO** – The BFAR-RFO MIMAROPA shall be the chair in the FMA 5 Management Board with the following functions and responsibilities:

- a. BFAR Regional Fisheries Office (BFAR – RFO) shall convene the stakeholders to organize themselves into a management board three (3) months before the end of the term of office of the MB.
- b. Formulate Fisheries Administrative Orders in accordance with the management plan of FMA 5.
- c. Provide capacity-building and render technical assistance, as a priority, to covered LGUs and stakeholders of FMA 5 in the implementation of the FMA management policies and plans and the fulfillment of obligations as determined and recommended by the FMA 5 Management Board.

Rule 10.2. **LOCAL GOVERNMENT UNITS** – The Local Government Units (LGUs) in the MB shall have the following functions and responsibilities:

- a. Enact and implement ordinances and policies consistent with Management Board Resolutions and Administrative Circulars/ Fisheries Administrative Orders, as may be necessary, and shall effectively



- implement the same in their municipal waters unilaterally or in cooperation with other LGUs and/or other stakeholders of the FMA.
- b. Ensure that ordinances and other local issuances as well as local plans and programs are consistent or compatible with policies and measures adopted by the Management Board of the FMA 5.
- c. With NATIONAL GOVERNMENT AGENCIES: Shall cooperate and undertake pooling or sharing of resources with other NGA/LGU in the conduct of management activities, including law enforcement activities within their respective municipal waters.
- d. Conduct consultations and feed backing activities to ensure accountability of the LGU representatives to the constituencies they represent in the FMA 5 Management Board.
- e. The LGUs shall guarantee cooperation in the establishment of FMA 5.
- f. Annually submit a report to the FMA Management Board on their compliance with the FMA Plan and conservation and management measures for review and assessment.

**Rule 10.3. REPRESENTATIVE/S FROM EACH SECTOR IN THE MB** – The representative from each sector shall perform the following responsibilities among others:

- a. The representatives from each sector shall conduct consultations and feed-backing to their stakeholders to ensure accountability of the stakeholder representative to the constituencies they represent in the FMA Management Board.
- b. Submit an annual report to the FMA Management Board on their compliance with the FMA Plan and conservation and management measures for review and assessment.

**Rule 10.4. DENR AND OTHER NATIONAL/ SPECIAL AGENCIES** – The functions and responsibility of the DENR and other national or special agencies shall include but not be limited to the following:

- a. Areas covered by the NIPAS Act and other special laws shall be under the jurisdiction of the DENR and other special agencies.
- b. Ensure the harmonization of the FMA 5 Management plans, policies and regulations with the agencies' policies.

**Rule 10.5. BFAR RFOs, LGU, industry, fisherfolk organization and all stakeholders** - Annually submit reports to the FMA MB on their compliance with the FMA Plan and conservation and management measures for review and assessment through the agreed management mechanism/structure.

**Rule 10.6. COALITIONS OF EXISTING ORGANIZATIONS (IFARMCS, LGU ALLIANCES, MANAGEMENT BODIES)** – Coalitions of existing organizations established under existing laws prior to the approval of FAO No. 263 shall be recognized and shall form part of FMA 05 as coalitions.

## **RULE XI**

### **GROUND FOR REMOVAL OR REVOCATION OF MEMBERSHIP**

**Rule 11.1.** A member may be removed or his membership revoked due to any of the following grounds:



- a. Commission of graft and corrupt practices
- b. More than three (3) consecutive and unjustified absences in scheduled meetings;
- c. Possession of any of the disqualifications; and
- d. Other grounds as may be determined by the MB.

Rule 11.2. The sector whose representative was removed or disqualified shall select their new representative to the MB from among the original nominees of their sector, where applicable, or from among their ranks in a meeting called for the specific purpose, as may be facilitated by the FMA 5 Secretariat/TWG.

## **RULE XII ADMINISTRATIVE ARRANGEMENTS**

Rule 12.1. FMA 5 MB shall have a high level of personal and professional integrity and shall have a broad perspective of the issues and concerns of the FMA 5.

Rule 12.2. All MB members shall serve without compensation except for actual and necessary traveling and subsistence expenses incurred by other non-government MB members. Other sectors may be provided by the FMA 5 MB, through the Lead BFAR Regional Office, with the needed logistical support such as transportation vehicle or its equivalent fare going to and from the residence and venue of meetings.

Rule 12.3. MB Members who are government employees shall be required to meet their own costs.

## **RULE XIII FMA 5 MANAGEMENT BOARD OFFICE**

Rule 13.1. The FMA 5 Management Board official office shall be located in the BFAR MIMAROPA Regional Office.

## **RULE XIV AMENDMENTS OF THE RULES**

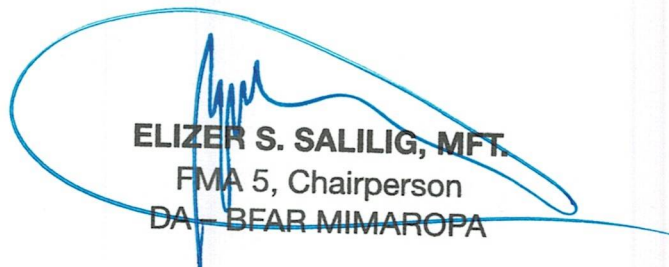
Rule 14.1 Amendments to the Internal Rules or any provisions shall be by a vote of two-thirds (2/3) of all the MB members; provided that the proposed amendment has been included in the notice of the meeting.

## **RULE XV EFFECTIVITY CLAUSE**

Rule 15.1. These rules shall take effect immediately and shall remain unless revoked or amended. Let copies of this be furnished to all concerned for their information, guidance and action.



*It is hereby certified that the foregoing Internal Rules of Procedures was duly passed by the Management Board of Fisheries Management Area 5 on the \_\_\_ day of (month) 2021.*



**ELIZER S. SALILIG, MFT.**  
FMA 5, Chairperson  
DA - BEAR MIMAROPA

**MARY JEAN N. TE**  
FMA 5, Co- Chairperson  
Municipal Mayor - Libertad, Antique

**SECTORAL REPRESENTATIVES:**

**ROWEL N. SALDAJENO**  
Municipal Fishing Sector

**AVELINO D.FULGENCIO JR.**  
Commercial Fishing Sector

**CELSO S. SALGADO**  
Aquaculture Sector

**ANTONETTE P. HERDILES**  
Processors/Traders/Market Sector

**ROSANMI C. LABNAO**  
Academic Sector

**RHODA E. PON-AN**  
Non-Government Organization

**ROSANETTE O. GERONA**  
Indigenous People

**BERNARD A. MAYO**  
IFARMCs

**GOVERNMENT AGENCIES:**

**ATTY. TEODORO JOSE S. MATA**  
Executive Director  
Palawan Council for Sustainable Development

**MA. LOURDES G. FERRER**  
Regional Executive Director  
DENR MIMAROPA