WHEREAS, lobsters are among the most sought high value commodity both in local and international markets. The status of the stocks have resulted to high level of fishing pressure which specifically involved indiscriminate catching, selling and trading of the species. Further, this results to reduction of potential yield from the fishery and decreased economic benefits that could be obtained from the stock;

WHEREAS, significant drop in lobster production was recorded in 2016, from 32.87 metric tons in 2012 to 6.10 MT in 2016 (PSA, 2016) where areas of ARMM, Guimaras, CARAGA, Bicol and Davao Region are the main producers;

WHEREAS, there are 5 common species of spiny lobsters (Palinuridae) in the Philippines, the Ornate spiny lobster (P. ornatus), Scalloped spiny lobster (P. homarus), Longlegged spiny lobster (P. longipes), Painted spiny lobster (P. versicolor), and Pronghorn spiny lobster (P. penicillatus);

WHEREAS, to properly manage our fishery resources, experts expressed that collection of peurulus is much better than collection of juveniles since substantial number can be taken with no impact on recruitment to adult population;

WHEREAS, the hatchery technology for lobsters is yet to be developed, since aquaculture grow-out of this commodity relies solely from wild-sourced fry. Thus, BFAR, academe and other relevant institutions should initiate the development of hatchery technology to provide the need for lobster fry of the aquaculture industry;

WHEREAS, pending the results a comprehensive study to support management of the lobster resources, BFAR and NFRDI should conduct nationwide seed/fry assessment and determine the lobster hotspots including production data in capture and aquaculture assessment;

WHEREAS, section 104 of RA 8550 as amended by RA 10654 states that “Exportation of breeders, spawners, eggs or fry in this Code shall be punished under this Act: Provided, that the export of hatchery-bred or captive-bred breeder, spawner, egg or fry, may be allowed subject to the regulations to be promulgated by the Department;
NOW THEREFORE, the following provisions of this Order are hereby adopted and implemented:

SECTION 1. Definition of Terms

1) Spiny lobster – locally known as banagan, species belonging to family Palinuridae of Subphylum Crustacea, called spiny lobsters due to the many spines on their carapace and basal segments of the long second antennae.

2) Puerulus – swimming and non-feeding transitional stage, short lived and lasting for 2-3 weeks prior to juvenile. Looks like a very small lobster, but is still CLEAR. This is the seed lobster that is fished to supply lobster farming.

3) Length at first maturity (L\textsubscript{m}/L\textsubscript{50}) - length at maturity, defined as minimal size attained at maturity or the size at which 50% of the fish at that size are mature.

4) Juvenile lobster – size of the species that is less than the Length at first maturity (L\textsubscript{m}/L\textsubscript{50}).

5) Carapace Length - measured from the rear of the eye socket to the rear of the carapace on a line parallel to the center line of the body shell (See Figure Below).

SECTION 2. Prohibition. It shall be unlawful for any person, association, cooperative, partnership or corporation to catch, transport, trade and sell Puerulus and juvenile lobsters from the wild measuring less than the maturity Carapace length as prescribed in Table 1 of this Order.

Further, the Exportation of breeders, spawners, eggs or fry are prohibited as per provisions of Section 104 of the Amended Fisheries Law.

SECTION 3. Exemptions. The collection, transporting, selling and trading of Puerulus and juvenile is allowed under following conditions, pending the development of hatchery technology for spiny lobsters:

a. Collection of puerulus and juveniles for local aquaculture purposes provided that growers and collectors should be registered/licensed/permitted and certified by the Local Government Unit. Further, their transport and trading should be accompanied by Local Transport Permit. Furthermore, the LGU through MAO/CAO in consultation with the Fisheries and Aquatic Resources Management Council shall maintain a Registry of consolidators, gatherers, buyers and traders pursuant to Rule 19.1 and 19.3 of Amended Fisheries Code.

b. Collection of Puerulus and juvenile for research and academic purposes is allowed provided Permits to Conduct Research are secured from the Department of Agriculture.

The Secretary of Agriculture through the BFAR Director may also grant an exemption or special permit to collect Puerulus and juvenile to
support the development of hatchery technology of spiny lobsters.

c. For future development of hatchery technology for lobsters, transporting, selling and trading of hatchery-bred or captive-bred lobster puerulus and fry are allowed. (No hatchery technology yet)

SECTION 4. Penal Clause. In accordance with Sec 128 of the amended Fisheries Law, Violation of this Order shall subject the offender to a fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00), depending on the socioeconomic impact and seriousness of the violation, volume and value of the fisheries product, damage to the environment due to the violation, and the habituality of the offender.

In case of exportation of breeders, spawners, eggs or fry, the offender shall be punished, upon conviction by a court of law, of eight (8) to ten (10) years imprisonment, in accordance with Section 104 of the Amended Fisheries Law.

SECTION 5. Repealing clause. All Orders, rules and regulations inconsistent with this Order shall be deemed revoked;

SECTION 6. Separability Clause. If any portion or provision of this Order is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 7. Effectivity. This Order shall take effect fifteen (15) days after its publication in the official gazette and/or in two (2) newspapers of general circulation.

Issued this ___ day of ___, 2019 at Quezon City, Metro Manila, Philippines

Recommending Approval:

EDUARDO B. GONGONA
Undersecretary of Fisheries, DA
Director, Bureau of Fisheries & Aquatic Resources

Approved:

EMMANUEL F. PIÑOL
Secretary
Department of Agriculture
Table 1. List of Lobster species and their corresponding carapace maturity length (cm)

<table>
<thead>
<tr>
<th></th>
<th>Species</th>
<th>Common Name</th>
<th>Carapace Maturity Length (cm) (CL)</th>
<th>Length max (cm) (TL)</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><em>Panulirus homarus</em></td>
<td>scalloped spiny lobster</td>
<td>4.3</td>
<td>31</td>
<td>Sealifebase</td>
</tr>
<tr>
<td>2</td>
<td><em>Panulirus longipes</em></td>
<td>longlegged spiny lobster</td>
<td>Female: 5-5.5</td>
<td>30</td>
<td>Sealifebase</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Male: 5.5-6</td>
<td></td>
<td>E.D. GOMEZ, M.A.R. JUNIO and N.A. BERMAS, 1993</td>
</tr>
<tr>
<td>3</td>
<td><em>Panulirus ornatus</em></td>
<td>ornate spiny lobster</td>
<td>Male: 9.8</td>
<td>50</td>
<td>Sealifebase</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Female: 10.7</td>
<td></td>
<td>A. Kasim, M.Z. Zakaira</td>
</tr>
<tr>
<td>4</td>
<td><em>Panulirus versicolor</em></td>
<td>painted spiny lobster</td>
<td>7.8 cm</td>
<td>40</td>
<td>Sealifebase</td>
</tr>
<tr>
<td>5</td>
<td><em>Panulirus penicillatus</em></td>
<td>pronghorn spiny lobster</td>
<td>Male: 7.2-7.4 cm</td>
<td>40</td>
<td>Sealifebase</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Female: 5.6-6.6 cm</td>
<td></td>
<td>Y. Chang, C. Sun, Y. Chen, S. Yeh, W.C. Chiang, 2006</td>
</tr>
</tbody>
</table>
Figure. Diagram for the measurement of carapace length for lobsters which is measured from the rear of the eye socket to the rear of the carapace on a line parallel to the center line of the body shell.