



Republic of the Philippines  
 DEPARTMENT OF AGRICULTURE  
 Elliptical Road, Diliman, Quezon City



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JOINT DA-DILG ADMINISTRATIVE)  
 ORDER NO. 02 :  
 SERIES OF 2014 -----)

SUBJECT: **Establishing a Closed Season for the Conservation of Small Pelagic Fishes in Davao Gulf.**

**WHEREAS**, studies conducted by the Bureau of Fisheries and Aquatic Resources, Regional Office No. XI, National Stock Assessment Project (BFAR-NSAP) have shown that the catch per unit effort of small pelagic fishes in Davao Gulf is declining;

**WHEREAS**, the Ringnet and Bagnet are the two (2) dominant fishing gears catching small pelagic fishes in the gulf and are exerting high fishing pressure on the resources wherein majority of their catches are juveniles;

**WHEREAS**, time series of historical catches have indicated that current catch landings from the conservation area are beyond the Maximum Potential Yield (MPY);

**WHEREAS**, the fishery resources particularly the small pelagic fishes could not sufficiently provide the demands of fish in the Region thus requires a closed season in Davao Gulf to rehabilitate or regenerate the fishery resources;

**WHEREAS**, biological studies conducted by the Bureau of Fisheries and Aquatic Resources, Regional Stock Assessment Program (BFAR-NSAP) have shown that most small pelagic fishes have exhibited spawning events during the months of June to August;

**WHEREAS**, this order will contribute in reducing, if not eliminating Illegal, Unreported and Unregulated Fishing (IUUF) within Davao Gulf to conserve and protect its declining fishery resource; and,

**WHEREAS**, the dialogue/consultation participated in by the various stakeholders last September 16-18, 2013 unanimously agreed to establish a Closed Season from June 01 to August 31 based on the best available scientific studies;

**WHEREFORE**; in view of these premises, the Department of Agriculture (DA) and the Department of Interior and Local Government (DILG) hereby promulgate the following regulation and implementing guidelines for the conservation of

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*[Signature]*

LOURDES B. PLECHAS  
 OIC, RECORDS DIVISION



small pelagic fishes in Davao Gulf pursuant to Sections 2(c) and (f), 4(8), (10), 9, 95 and 107 of Republic Act No. 8550 and Chapter II Sec. 17 (2-i), Chapter III Article 1 Sec. 26, Article II Sec. 149 (b-3), Article III Sec. 458 (1-VI), Sec. 447 (1-VI) Sec. 447 (2-XI) of Republic Act 7160 – An act providing for a Local Government Code of 1991.

SECTION 1. **Definition.** The following terms as used in this order shall be construed as follows:

- a. **Bagnet** – is a type of fishing gear resembling an inverted mosquito net where the net is lowered under the boat and lifted by a series of pull ropes to the deck of the boat. The fishing operation utilizes surface and/or submerged lights, either incandescent, light emitting diode (LED) or halogen bulbs to attract school of fish.
- b. **Commercial Fishing** – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sport fishing, to be further classified as:
  1. **Small scale commercial fishing** – fishing with passive or active gear utilizing fishing vessels of 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.
- c. **Davao Gulf** - is the conservation area from the gulf's entrance at Talagotong Point, Don Marcelino, Davao del Sur with the coordinates of Latitude 6° 15' 30" and Longitude 125 ° 40' 12"; to Cape San Agustin, Governor Generoso, Davao Oriental, with Latitude of 6 ° 16' 50" and Longitude 126 ° 12' 04" with horizontal distance of approximately 32 nautical miles from point to point with an entire total area of 3,087 km<sup>2</sup> (as shown in Figure 1).
- d. **Fine-meshed nets** – net with mesh size of less than three centimeters (3 cm.) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency.
- e. **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.



- f. **Maximum Potential Yield** – the largest average harvest that can be taken from a fish stock on a sustainable basis, allowing for variable environmental conditions. This may be estimated in various ways, from taking an average of a time series of historical catches to use of sophisticated mathematical models.
- g. **Ringnet** – is a type of surrounding net having a line at the bottom passing through rings attached to the net which can be drawn or pursed. The net is hauled either manually or mechanically using winch. The bunt or bag is located at the center of the net.
- h. **Small Pelagic Fishes** – are fishes that live near the surface or in the water column of coastal, ocean, usually caught by both commercial and municipal fishing gears like bagnet, ringnet, and other modified fishing gears of similar fishing operations. Small pelagic fishes shall include but not limited to variety of mackerel species under the genus *Rastrelliger*, known under their local names of “karabalyas”, “kabalyas”, “hasa-hasa”, “buraw”, “anduhaw”, “kapisnon”, “lumahan” and “anduhan”; variety of roundscad species under the genus *Decapterus*, known under their local names of “galonggong”, “moro-moro”, “borot”, “alumahan”, “budburon”, “burot-burot”; and variety of big eye scad species under the genus *Selar*, known under their local names of “matang baka”, “atulay”, “matambaka”, “tamarong” and “budlatan”.

**SECTION 2: Prohibition** – It shall be unlawful for any person, association, or corporation to catch, or caught or taken, any small pelagic fishes as defined in section 1(h) in the conservation area using ringnet and bagnet, regardless of tonnage and/or modified fishing gears with similar fishing operations during the closed season from June 01 to August 31, commencing in the year 2014 and or thereafter, subject to the outcome of the peer review before and after said closed season referred to in Section 3 of this JAO. Likewise, the use of fine mesh net for ringnets and bagnets and similar fishing gears or operation throughout the years is prohibited.

**SECTION 3: Transitory Provision.** The closed season for the first year shall be from June 1, 2014 to August 31, 2014, subject to the conduct of peer review before and after this period, by scientists/technical staff from the Bureau of Fisheries and Aquatic Resources (BFAR), the National Fisheries Research and Development Institute (NFRDI), Davao Gulf Management Council (DGMC), BAROG Katawhan Multi-Purpose Cooperative, Academe, and Industry Experts, to determine whether to continue or amend the closed season. Where the peer reviews favor the imposition of a modified closed season within June to August, succeeding closed seasons shall be adjusted through an amendment of this order.



Monitoring before and after succeeding closed season shall be conducted to assess the small pelagic population in the conservation area and to monitor municipal and commercial fishing activities, the results of which will be used to evaluate the impact of the closed season as a conservation measure.

**SECTION 4: Implementation Arrangement** – All Local Government Units abutting Davao Gulf and other government law enforcement agencies deputized under Section 124 of RA 8550 and Davao Gulf Management Council are hereby enjoined to implement this Order, and shall closely coordinate with and submit reports/updates to BFAR Regional Office No. XI for monitoring and evaluation purposes.

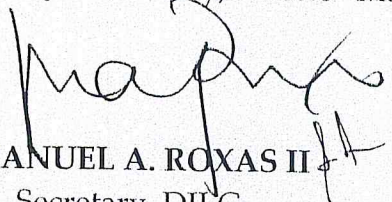
**SECTION 5: Penal Clause** – The operator; boat captain/master fisherman or three (3) highest officers of the boat violating this Order shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and/or a fine of Six Thousand Pesos (Php 6,000.00) and by forfeiture of catch and cancellation of fishing permit or license.

**SECTION 6: Repealing Clause** – All administrative orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Order are hereby repealed.

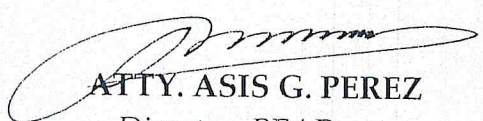
**SECTION 7: Effectivity.** This administrative order shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and fifteen (15) days upon registration with the National Administrative Register.

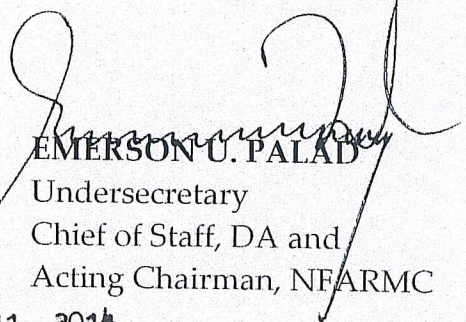
Issued this 15<sup>th</sup> day of May 2014 in Quezon City, Metro Manila, Philippines.

  
**PROCESO J. ALCALA**  
Secretary, DA

  
**MANUEL A. ROXAS II**  
Secretary, DILG

RECOMMENDING APPROVAL:

  
**ATTY. ASIS G. PEREZ**  
Director, BFAR

  
**EMERSON U. PALAD**  
Undersecretary  
Chief of Staff, DA and  
Acting Chairman, NFARMC

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UP Law Center (ONAR) - June 11, 2014

  
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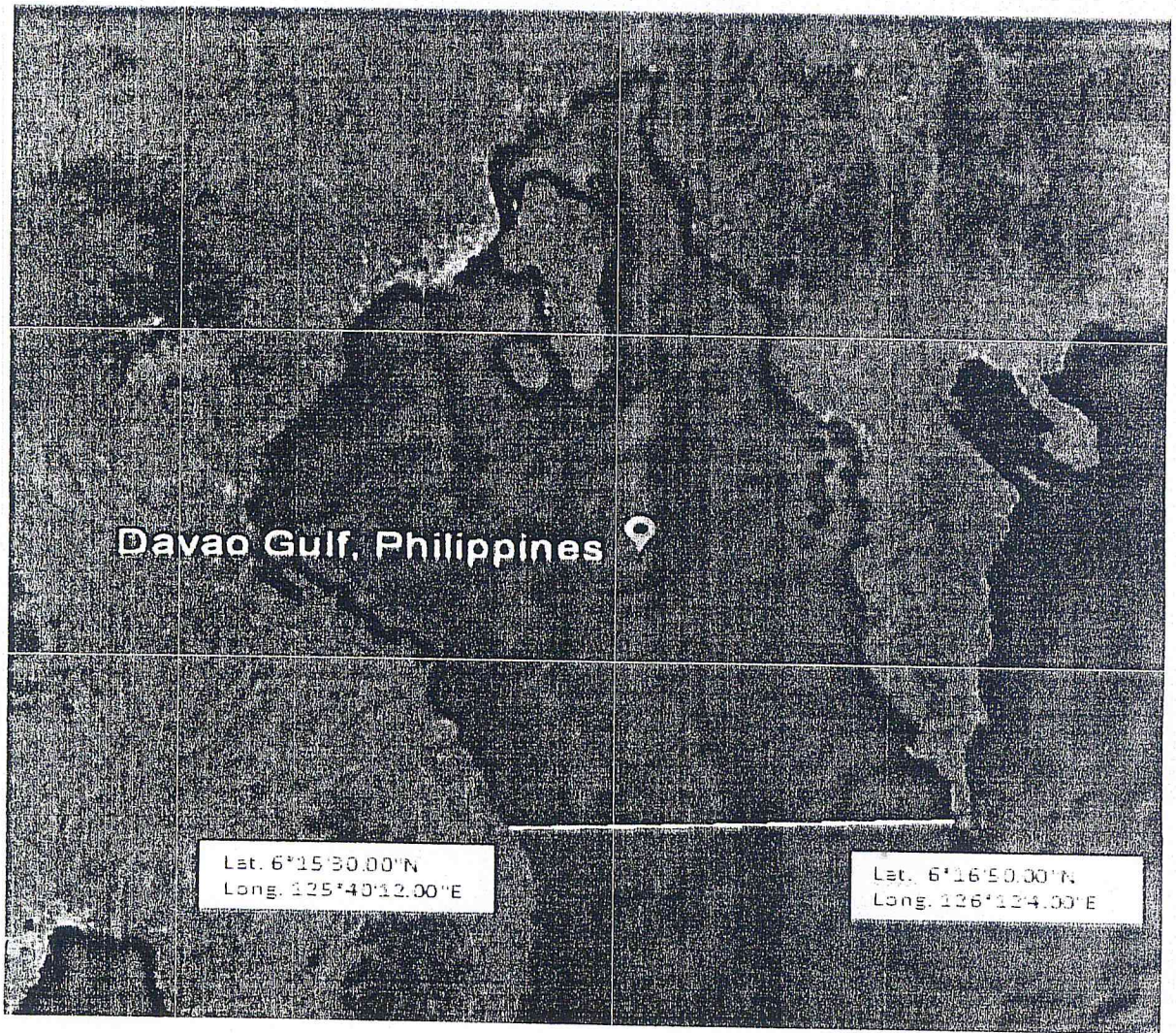



Figure 1: Map of Davao Gulf

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OIC, RECORDS DIVISION