



Republic of the Philippines
Department of Agriculture

Bureau of Fisheries and Aquatic Resources

PCA Compound, Elliptical Road, Diliman, Quezon City
Tel. Nos. 929-95-97 * 929-80-74

FISHERIES ADMINISTRATIVE

ORDER NO. 258

Series of 2018

SUBJECT: ESTABLISHMENT OF TUNA CONSERVATION AND MANAGEMENT ZONES (TCMZ) IN THE MINDANAO/CELEBES SEA.

WHEREAS, the high fishing pressure on juvenile tunas causes growth overfishing, resulting to reduced potential yield from the fishery, decreased economic and other benefits that could be obtained from the stock, and negatively impacts on productivity and sustainability of resources is one of the issues in tuna fisheries;

WHEREAS, the juvenile tunas are usually caught by surface fisheries including purse seine, ringnets and shallow hook and line fishing;

WHEREAS, there is an urgent need to address issues on juvenile catch; the Western and Central Pacific Fisheries Commission (WCPFC) implements several measures including but not limited to CMM 2017-01;

WHEREAS, Fisheries Administrative Order No. 226 sets the ceiling of small tuna by-catch at 10% and regulates the trading of small tunas;

WHEREAS, the Philippines as a signatory to the WCPFC and various RFMOs commits to comply and promote effective management in order to achieve the long-term conservation and sustainable use of highly migratory fish stocks;

WHEREAS, reports of Philippine Fisheries Observer Program (PFOP) indicate high incidence of juvenile skipjack, yellowfin and bigeye tuna catch in Mindanao-Celebes Sea Area;

WHEREAS, the country also implements compatible measures within Exclusive Economic Zone (EEZ) in compliance with the relevant WCPFC CMMs;

WHEREAS, tuna handline fishing is considered as more sustainable fishing method;

WHEREAS, there is a long-time clamor among tuna handliners to have their own fishing zones;

WHEREAS, the Establishment of Tuna Conservation and Management Zones (TCMZ) in the Mindanao - Celebes Sea shall be considered as other fishery management areas;

NOW, THEREFORE, the Tuna Conservation and Management Zones (TCMZ) in the Mindanao - Celebes Sea shall be established and considered as other fishery management areas as a compatible measure in the conservation and protection of small tunas and provide fishing zones to handline fisherfolk for sustainable tuna fish production.

SECTION 1. Definition

- a) TCMZ – refers to the Tuna Conservation and Management Zone initially established in the Mindanao – Celebes Sea; composed of payao clusters that are designated as exclusive fishing zones for tuna handlines and conservation area for small tunas.
- b) Payao or FAD – is a fish aggregating device consisting of a floating raft or drums anchored by a weighted line with suspended materials such as palm fronds which attract pelagic and schooling species of fish.
- c) Tuna handline – is a traditional fishing technique where a single fishing line is held in the hands and targets relatively larger-size and deep dwelling tunas.

SECTION 2. Area. The established TCMZ Clusters in the Mindanao-Celebes Sea are bounded by the following coordinates:

Cluster	Reference Point	Latitude (N)	Longitude (E)
1	1	4° 00' 00"	122° 42' 00"
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SECTION 3. Management. All concerned fishermen groups/ alliances/ cooperatives/ associations, LGUS and BFAR-RFOs 9, 11,12 ARMM are enjoined to implement this policy. A Memorandum of Agreement (MOA) among BFAR, LGUs and beneficiary groups shall form the basis of managing the TCMZ.

SECTION 4. Prohibition. It shall be unlawful to catch tuna in the TCMZ area by means of purse seine, ringnet, or other fishing with the use of nets. The allowed fishing gears are handline, troll line and other hook and line fishing methods.

SECTION 5. Penalty. Pursuant to Section 95 of R.A. 8550 as amended by R.A. 10654, violation of this order upon a summary of administrative liability, the owner, operator, boat captain and master fisherman of the vessel, or the chief executive officer in a corporation, or the managing partner in a partnership shall be punished with confiscation of the catch and fishing gears, and a fine three (3) times the value of the value indicated below, whichever is higher:

- (1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;
- (2) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;
- (3) One hundred thousand pesos (P100,000.00) for medium-scale commercial fishing; and
- (4) Five hundred thousand pesos (P500, 000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of two (2) years to six (6) years and fine equivalent to twice the administrative fine, confiscation and forfeiture of fishing gear and catch.

SECTION 6. 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 and fifteen (15) days after its registration with the Office of the National Administrative Register.

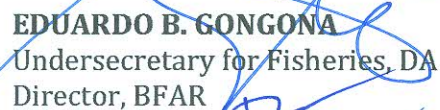
Issued this 6th day of July, 2018 at Quezon City, Metro Manila, Philippines

EMMANUEL F. PIÑOL
Secretary ✓

DEPARTMENT OF AGRICULTURE

in replying pls cite this code :
For Signature: S-06-18-0361
Received : 06/26/2018 03:30 PM

Recommended by:


EDUARDO B. GONGONA
Undersecretary for Fisheries, DA
Director, BFAR
U B T W



Republic of the Philippines
Department of Agriculture
**National Fisheries and Aquatic Resources
Management Council (NFARMC)**
Elliptical Road, Diliman, Quezon City

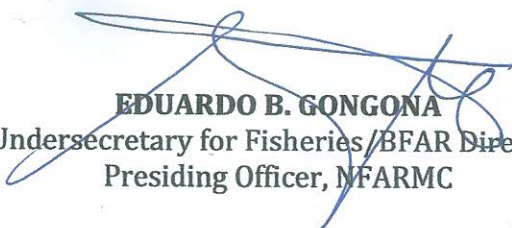
NFARMC RESOLUTION No. 14
Series of 2018

**RESOLUTION RECOMMENDING FISHERIES ADMINISTRATIVE ORDER (FAO) ENTITLED
"ESTABLISHMENT OF TUNA CONSERVATION AND MANAGEMENT ZONES (TCMZ) IN
MINDANAO-CELEBES SEA" TO THE SECRETARY OF THE DEPARTMENT OF
AGRICULTURE FOR APPROVAL**

- WHEREAS,** the National Fisheries and Aquatic Resources Management Council (NFARMC) is a multi-sectoral body composed of representatives from all major stakeholders in Philippine fisheries and serves as an advisory and recommendatory body to the Department of Agriculture (DA);
- WHEREAS,** Section 72 (a) of the Implementing Rules and Regulations of R. A. No. 8550 or The Philippine Fisheries Code, as amended by R. A. No. 10654, states that xxx "NFARMC shall have the following functions: (a) assist in the formulation of national policies for the protection, sustainable development and management of fishery and aquatic resources xxx";
- WHEREAS,** the proposed Fisheries Administrative Order entitled "Establishment of Tuna Conservation and Management Zones (TCMZ) in Mindanao-Celebes Sea" is hereby recommended to contribute to the conservation and protection measure of the country's fisheries and aquatic resources under Chapter I, Section 2 (f) and the last paragraph of Section 2 of R. A. No. 8550 as amended by R. A. No. 10654;
- WHEREAS,** the proposed Fisheries Administrative Order is hereby recommended by the NFARMC for approval by the Secretary of the Department of Agriculture, in accordance with the last paragraph of Section 61 of R. A. No. 8550 as amended by R. A. No. 10654;
- WHEREAS,** the proposed Fisheries Administrative Order has been recommended for approval with the condition that said FAO will be reviewed after one (1) year from its effectivity;
- NOW, THEREFORE, BE IT RESOLVED,** the proposed Fisheries Administrative Order entitled "Establishment of Tuna Conservation and Management Zones (TCMZ) in Mindanao-Celebes Sea" is hereby approved and adopted;
-

RESOLVED, FURTHER, that copies of this resolution be furnished to the Office of the Secretary of the Department of Agriculture, the Office of the Director of the Bureau of Fisheries and Aquatic Resources and other concerned offices; and

UNANIMOUSLY RESOLVED during the second quarter meeting of the council on May 18, 2018 held at the Camp Holiday Resort and Recreation Center, Babak District, Island Garden City of Samal.


EDUARDO B. GONGONA
Undersecretary for Fisheries/BFAR Director
Presiding Officer, NFARMC


DR. YASMIN P. TIROL
Academe


ROSANNA BERNADETTE B. CONTRERAS
Aquaculture



FELIZARDO C. LIM
Fisherfolk - Luzon


ROMEO M. GUPONG
Fisherfolk - Luzon


MARTHA E. CADANO
Fisherfolk - Visayas


CABILI K. ABO
Fisherfolk - Mindanao


DINO H. BARRIENTOS
Small Scale Commercial Fisheries


ROBERTO A. BAYLOSIS
Alternate Member, Medium Scale
Commercial Fisheries


FERDINAND Y. LIM
Large Scale Commercial Fisheries


JOAQUIN T. LU
Fish Processing


JULIO G. TAN
Non-Government Organization



FISHERIES ADMINISTRATIVE
ORDER NO. 258
 Series of 2018

SUBJECT: ESTABLISHMENT OF TUNA CONSERVATION AND MANAGEMENT ZONES (TCMZ) IN THE MINDANAO-CELEBES SEA.

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SECTION 6. 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 and fifteen (15) days after its registration with the Office of the National Administrative Register.

Issued this 5th day of July, 2018 at Quezon City, Metro Manila, Philippines

EMMANUEL F. PINOL
 Secretary

DEPARTMENT OF AGRICULTURE
 BUREAU OF FISHERIES AND AQUATIC RESOURCES
 Issuing Office: Manila, Philippines
 For Signature: 8-08-18-0261
 Received: 09/02/2018 03:30 PM

Recommended by:

EDUARDO B. GONGONA
 Undersecretary for Fisheries, DA
 Director, BFAR

THE PHILIPPINE STAR

DATE: JULY 12, 2018

FISHERIES ADMINISTRATIVE
ORDER NO. 236-5
 Series of 2018

SUBJECT: EXTENSION OF FAO 236-4 SERIES OF 2015 ON THE RULES AND REGULATIONS ON THE OPERATIONS OF PURSE SEINE AND RING NET VESSELS USING FISH AGGREGATING DEVICES (FADS) LOCALLY KNOWN AS PAYAOS DURING THE FAD CLOSURE PERIOD AS COMPATIBLE MEASURES TO WCPFC CMM 2017-01.

WHEREAS, the Western and Central Pacific Fisheries Commission (WCPFC) adopted CMM 2017-01 entitled "Conservation and Management Measure for Bigeye, Yellowfin and Skipjack in the Western and Central Pacific Ocean";

- Paragraph 16 states that "A three-month (July, August and September) prohibition of deploying, servicing or setting on FADs shall be placed between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels fishing in the exclusive economic zones and the high seas in the area between 20°N and 20°S."
- Paragraph 17 states that "In addition to the three-month FAD closure in paragraph 16, except for those vessels flying the Kiribati flag in the high seas adjacent to the Kiribati exclusive economic zone, and Philippine vessels operating in HSP 1 in accordance with attachment 2, it shall be prohibited to deploy, service or set on FADs in the high seas for two additional sequential months of the year. Each CCM shall decide which two sequential months (either April - May or November- December) shall be closed to setting on FADs by their fleets in the high seas for 2018, and notify the secretariat of that decision by March 1, 2018."
- Paragraph 25 states that "Coastal CCMs within the Convention Area shall restrict purse seine effort and/or catch of skipjack, yellowfin and bigeye tuna within their EEZs in accordance with the effort limits established and notified to the Commission and set out in Table 1 of Attachment 1. Those coastal CCMs that have yet to notify limits to the Commission shall do so by 31 December 2018".

WHEREAS, FAO 236, FAO 236-1, FAO 236-2, and FAO 236-3 and FAO 236-4 were enacted as compatible measures to CMMs 2008-01, 2011-01, 2012-01, 2013-01, 2014-01, 2015-01 and 2016-01, respectively.

WHEREAS, in view of the adoption and implementation of CMM 2017-01, there is a need to establish the FAD closure period within the EEZ of the Philippines on July, August and September as a compatible measure to CMM 2017-01.

NOW THEREFORE, the following provisions of this Order are hereby adopted and implemented:

Section 1. FAD Closure Period. The FAD closure period under FAO 236-5 shall take effect for the period of three (3) months starting from July 1 to September 30, 2018.

Section 2. Net Inspection/Accreditation. The BFAR shall conduct annual inspection/re-inspection and marking of purse seine and ring net fishing gears to ensure compliance to the reduced net depth established under FAO 236 which is 115 fathoms.

Section 3. Monitor/Observer Coverage. All purse seine and ringnet catcher vessels fishing on FADs during the FAD closure period shall carry onboard accredited Monitors/Fisheries Observers who shall gather data and recommend further improvements during the aforementioned period.

Section 4. Prohibitions. The following acts shall be prohibited under this FAO:

- Setting on FADs without annual inspection/re-inspection of nets;
- Using unauthorized nets during FAD closure period (authorized/allowed reduced net depth shall be 115 fathoms and below as established in FAO 236), and;
- Setting on FADs without Observers as they are required.

Section 5. Sanctions. Any fishing company or individual who commits any of the above prohibited acts shall be subjected to a fine of One hundred thousand pesos (Php 100,000.00) to Three hundred thousand pesos (Php 300,000.00) for small-scale commercial fishing, Four hundred thousand pesos (Php 400,000.00) to Seven hundred thousand pesos (700,000.00) for medium-scale commercial fishing, and Eight hundred thousand pesos (800,000.00) to One million pesos (1,000,000.00) for large scale commercial fishing. The minimum fine shall be imposed for the first-time offenders. However, BFAR may impose the maximum fine for the fishing company who violated for the fourth time, including confiscation of catch and cancellation of CFVGL.

Section 6. Effectivity. This Order shall take effect fifteen (15) days after the publication in the Official Gazette and/or in two (2) newspapers of general circulation and upon registration with the National Administrative Register and shall be deemed coterminous with CMM 2017-01.

Issued this 5th day of July 2018 at Quezon City, Metro Manila, Philippines

EMMANUEL F. PINOL
 Secretary

DEPARTMENT OF AGRICULTURE
 BUREAU OF FISHERIES AND AQUATIC RESOURCES
 Issuing Office: Manila, Philippines
 For Signature: 8-08-18-0388
 Received: 06/15/2018 03:06 PM

Recommending Approval:

EDUARDO B. GONGONA
 Undersecretary of Fisheries, DA
 Director, BFAR



Republic of the Philippines
Department of Agriculture
Bureau of Fisheries and Aquatic Resources
PCA Compound, Elliptical Road, Diliman, Quezon City
Tel. Nos. 929-95-97, 929-80-74

FISHERIES ADMINISTRATIVE
ORDER NO.258
Series of 2018

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Issued this 6th day of July, 2018 at Quezon City, Metro Manila, Philippines

EMMANUEL F. PIÑOL

Secretary

Recommended by:

EDUARDO E. SONGOMA
Undersecretary for Fisheries, DA
Director, BFAR

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRICULTURE
BUREAU OF FISHERIES AND AQUATIC RESOURCES
PCA Compound, Elliptical Road, Diliman, Quezon City
Tel. Nos. 929-95-97, 929-80-74



Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES
PCA Bldg., Elliptical Road, Diliman, Quezon City

DELIVERY FORM

Document Tracking Number:

TO : ATTY. FLODELIZA C. VARGAS-TRINIDAD

CC:

POSITION: Director

COMPANY: Office of the National Administrative Registrar

ADDRESS: Bocobo Hall, UP Law Cente, Diliman, Quezon City

SUBJECT: *Filing of Fisheries Administrative Order No. 258 s. 2018 re: "Establishment of Tuna Conservation and Management Zones (TCMZ) in the Mindanao/Celebes Sea" which was published on July 12, 2018 in the Philippine Star and July 13, 2018 on Manila Times.*

(To be filled up by Records Section)

DELIVERED BY: 
A. Villanueva
Printed Name and Signature

DATE: _____

RECEIVED BY: _____

DATE: _____

