

Commonwealth of the Philippines
Department of Agriculture and Commerce
OFFICE OF THE SECRETARY

Manila
FISH AND GAME ADMINISTRATIVE)

December 2, 1935
ORDER NO. 11

SUBJECT: Rules and regulations for the protection of marine mollusca.

Pursuant to the provisions of Sections 4, 34, and 35 of Act No. 4003, entitled "An Act to amend and compile the laws relating to fish and other aquatic resources of the Philippine Islands, and for other purposes", the following rules and regulations regarding marine mollusca are hereby promulgated for the information and guidance of all concerned:

1. Definitions. - Words and terms used in this Order shall be construed as follows: (a) "Philippine waters, or territorial waters of the Philippines" includes all waters pertaining to the Philippine Archipelago, as defined in the treaties between the United States and Spain, dated respectively the tenth of December, eighteen hundred ninety-eight and the seventh of November, nineteen hundred.

(b) "Open" applies to beds, banks, shell fields, and areas in the Philippine waters which have not been brought within the operation of an order of closure which has been or may hereafter be promulgated by the Secretary of Agriculture and Commerce.

(c) "Sell and sale" includes barter, exchange and offering, or exposing, for sale.

(d) "Pearling boat" includes shell fishing boat, "pearl diver" includes marine mollusca shall diver.

(e) "Marine mollusca" includes the hard and soft parts of the animal.

2. Deputies and their duties. - For the purpose of enforcing the provisions of this Order and of such regulations on the same subject, as may hereafter be promulgated, officials of the Fish and Game Administration, Bureau of Science, members of the Philippine Constabulary; members of the municipal and municipal district police; internal revenue agents; provincial treasurers and their deputies; lighthouse inspectors and light-keepers of the Division of Navigation; members of the secret service force, inspectors, guards and wharfingers of the Bureau of Customs, foresters, rangers and forest guards of the Bureau of Forestry;

and other persons deputized by the Secretary of Agriculture and Commerce, are hereby empowered to arrest all persons found violating any of the provisions of this Order, and to file the necessary complaints in court and to report such violations to the Director of the Bureau of Science, for appropriate action; and to seize, when deemed necessary for evidence or for such other purposes considered advisable, any shell taken, or any gear or apparatus used or which may be used to take shells and found in the possession of any person in violation of the laws and regulations.

3. Licenses to take marine mollusca and applications therefor. - All applications for licenses to take marine mollusca or their shells shall be filed in triplicate with the Fish and Game Administration, Bureau of Science, licenses for taking marine mollusca, or shells of such, may be issued by the Secretary of Agriculture and Commerce upon the recommendation of the Director, Bureau of Science, to a properly qualified applicant, after all the fees prescribed in Section 11 hereof have been fully paid. The making of any false statement in the application for any permit shall subject the offender to the forfeiture of his license or permit in addition to other penalty provided therefor; Provided, That the taking of marine mollusca without the use of boat, submarine dredge, rake or submarine armor, or the taking by any device whatever of marine mollusca whose shells have a value of less than twenty-five pesos per ton shall be exempt from the payment of fees.

The license issued hereunder shall run for the remainder of the calendar year, following the date of issuance, and shall authorize the holder thereof to take pearls, marine mollusca or shells of same in Philippine waters, subject to the provisions of Act No. 4003, and to such restrictions, rules or regulations promulgated thereunder or which may hereafter be promulgated by the Secretary of Agriculture and Commerce for the protection and conservation of marine mollusca. The license shall not be transferable. (Sec. 25, Act No. 4003)

4. Persons eligible for pearling or shell fishing license. - A pearling or shell fishing boat license may, upon payment of the proper fee prescribed in Section 11 hereof, be issued to the following:

- (a) Citizens of the Philippines or of the United States.
- (b) Associations or corporations duly registered or incorporated under the laws of the Philippines or of the United States, or of any State thereof, and authorized to transact business in

the Philippines and at least 61 per cent of whose capital stock or interest in said capital stock belongs wholly to citizens of the Philippines or of the United States.

(c) Citizens of countries the laws of which grant similar rights to citizens of the Philippines. For this purpose, an alien applicant must submit a copy of the pertinent law of his State or country, or commonly received in that State or country or sovereign, or proof of the recognition of such law in some public act of the Chief Executive of the Philippines or of the United States. (Sec. 20, Act No. 4003; Sec. 313, Act No. 190)

(d) Persons who do not possess the qualifications mentioned in the next preceding paragraphs but who had legally obtained a license under the provision of any laws governing marine mollusca fisheries may be granted renewals of such licenses so long as they have not been guilty of any violation of such laws, Act No. 4003, the Fisheries Act, or the customs laws or the regulations promulgated thereunder, or the provisions of this Order; Provided, That no such license shall be issued to any vessel or both owned or operated in whole or in part by a person who has been twice convicted for violating the provisions of the Fisheries Act governing "marine mollusca fisheries", Article VI of Act No. 4003.

5. Shell diver 's license. - A shell diver's license authorizing the holder thereof to take marine mollusca or their shells in Philippine waters, may be issued to any person upon application filed with the Fish and Game Administration, Bureau of Science, upon payment of the fee of two pesos; Provided, That no such license shall be issued to any person who does not possess the qualifications required in Section 24 of Act No. 4003 and Section 4 of this Order, nor to any person who has been twice convicted of violating the provisions of Article VI of Act No. 4003; Provided, further, That it shall be unlawful for any vessel holding pearling or shell fishing license to employ any unlicensed diver. (Sec. 27-28, Act No. 4003)

6. Letters or symbols and figures on licensed vessels. - Vessels operated under a pearling or shell fishing boat license shall exhibit plainly on each side not less than 20 centimeters high the letters or symbols assigned to each pearling district and the number of the pearling boat license. (Sec. 29, Act No. 4003)

7. Pearling districts. - The Philippines shall be divided into twenty-eight pearling districts and to each district shall be assigned a letter or symbol as follows:

A. Mindanao and Sulu	O. Tayabas
B. Surigao	P. Camarines Sur
C. Palawan	and Camarines Norte
D. Antique	Q. Albay
E. Capiz	R. Sorsogon
F. Iloilo	S. Batangas
G. Occidental Negros	T. Cavite
H. Oriental Negros	U. Bataan
I. Cebu	V. Zambales
J. Bohol	W. Pangasinan
K. Leyte	X. La Union
L. Samar	Y. Ilocos Sur
M. Masbate	Z. Ilocos Norte
AA. Cagayan	
BB. Isabela	

The license shall be issued in serial order, beginning with Number 1 for each pearling boat district. In the upper left hand corner of each license shall appear the letter or symbol corresponding to the district, and the number of the license. For example, the third license issued in Surigao would be B-3. (Section 30, Act No. 4003)

8. Special permit. - A special permit may be granted by the Secretary of Agriculture and Commerce to any person of good repute, authorizing the holder thereof to take marine mollusca of any kind or size for scientific, educational or personal purposes or for propagation. Such permit shall remain in force for a period of only one year from the date of issue, shall not be transferable and shall be subject to such other restrictions as may be imposed by the Secretary of Agriculture and Commerce.

The taking of marine mollusca by the holder of such permit for purposes other than those mentioned above shall be sufficient cause for the cancellation of the permit. (Sec. 32, Act No. 4003)

9. Licenses or permits to be carried at all times. - All holders of licenses or permits granted under this Order must at all times carry the same ready to exhibit them upon demand by any officer designated in Section 2 hereof. Failure to comply with this requirement shall be sufficient cause for the cancellation of the licenses or permits. Should any such licenses or permits be found with defaced, erased, or illegible date of issue, they shall be seized at once by any such officer who becomes aware of this fact, and said licenses or permits shall be declared null and void. (Sec. 33, Act No. 4003)

10. Restrictions. - If public interest so requires, the Secretary of Agriculture and Commerce may restrict the number of licenses which may be issued, and cause any application to be refused for the taking of marine mollusca in Philippine waters, or the number of licenses who may be allowed to operate therein. He may also

restrict the collection of one or more species in all Philippine waters or in a particular marine area, or areas, therein. (Sec. 34, Act No. 4003)

11. Scale of fees. - The Director, Bureau of Science, Collector of Internal Revenue, or any other person or officer duly authorized to collect money for the government or designated by the Secretary of Agriculture and Commerce, shall collect the following fees and issue the corresponding General Official Receipt therefor:

- (a) For pearling boat license ₱100.00 annually
- (b) For ordinary shell fishing boat license ₱ 20.00 annually
- (c) Pearl or shell diver's license ₱ 2.00 annually

Fees for pearling and ordinary shell fishing boat licenses may be paid quarterly in advance, in the manner prescribed for, and subject to the same penalties for delinquency as fixed internal revenue taxes under Section 1455 of the Revised Administrative Code. Pearl and shell diver's license fees shall be paid annually in advance. (Sec. 35, Act No. 4003)

- (d) Fees or charges for shells gathered or collected 10 per centum of the selling price.

For shells taken in small quantities and without the use of licensed boats, submarine dredge, rake or submarine armor or any device whatsoever, the charges or fees hereinabove provided, shall be paid by those dealers buying and re-selling them, upon presentation of an auxiliary invoice covering same to any of the officials named above.

Shells gathered, collected or removed except in accordance with the provisions of this Order shall be subject to a surcharge of one hundred (100) per centum of the regular fee hereinabove provided, without prejudice to any criminal proceedings that may be taken against the offender in accordance with the penal provision hereof.

12. Minimum sizes of shells. - It shall be unlawful for any person to take, sell, transfer or have in possession for any purpose shell or valve smaller than the minimum sizes hereinbelow prescribed:

- (a) Pinctada maxima (Jameson) - commonly known as the gold-lip pearl shell or "concha blanca"; nineteen centimeters, maximum outside long axis measurement, taken at right angle to the base. (See diagram.)

- (b) Pinctada margaritifera (Linnaeus) - commonly known as the black-lip pearl shell or "concha negra"; eleven centimeters, maximum outside long axis measurements taken at right angles to the base. (See diagram.)
- (c) Trochus niloticus (Linnaeus) - commonly known as the smooth top shell, "simong" or "trocha", smooth variety; eight centimeters across the least diameter of the base, measured at right angles to the axis. (See diagram.)
- (d) Trochus maximus Koch - commonly known as the rough top shell, trochus shell, "simong" or "trocha", rough variety; SEVEN AND ONE-HALF centimeters across the least diameter of the base, measured at right angles to the axis. (See diagram.)
- (e) Trochus noduliferus Lamarck - commonly known as "babae" or female and in the export trade as "hirose" shell; five centimeters across the least diameter of the base, taken at right angles to the axis. (See diagram.)
- (f) Turbo marmoratus (Linnaeus) - commonly known as green snail shells, turban shell, "lalong" or "bolalo"; nine centimeters across the least diameter of the base, measured at right angles to the axis.

Any undersized shell or valve removed from the water through accident, or in ignorance of its size, shall be returned to the water immediately without being opened; otherwise, the offender will be penalized, in accordance with the provisions of the law and this Order, and such offense shall be sufficient cause for the cancellation of the license. (Sec. 27-36, Act No. 4003)

13. Records of shells collected. - Every licensed vessel shall keep a daily record of the kind and quantity (in kilograms) of shells collected each day. Such record shall be examined, verified and compared with the auxiliary invoice or invoices by a Bureau of Customs Officer, Internal Revenue Officer, or other deputy of the Secretary of Agriculture and Commerce, at any port where the licensee, or master of the vessel, the buyer or owner of the shells, may desire to ship, sell, or otherwise dispose of them.

14. Shipment of shells. - The shipment or exportation from the Philippines of shells of any species mentioned in Section 12 hereof, or any other species, shall be unlawful unless such ship-

ment or exportation is properly effected thru the customshouse at a port of entry duly inspected or verified by any official or employee mentioned in Section 20 hereof.

15. Monthly statements of shells and other marine products shipped from open ports. - Collectors of customs shall prepare and submit to the Secretary of Agriculture and Commerce, or his duly authorized representative, monthly statements of all shells and other marine products shipped from their ports to foreign countries or to other ports of the Philippines, giving the following information:

Monthly statement of shells and other marine products shipped thru the port of _____ during the month of _____, 193_____

Name and Address:	Kind of (a):	Quantity:	Value:	Destination
Shipping : of Shipper :		(kilos):	Pesos:&	Consignee
(a) Shell shall be listed by the names given in paragraph 12 of this Order, tortoise shells, shark fins and other marine products shall be included.				

Signature
Collector of Customs
Port of _____

16. Auxiliary invoice. - Before transporting from the fishing grounds shells gathered under license issued in accordance with the provisions of this Administrative Order, the licensee shall list such shells on blank form or auxiliary invoice to be furnished him by the Fish and Game Administration, Bureau of Science. The auxiliary invoice shall be made in quadruplicate and shall accompany the products described therein, from which they must not be separated until the products arrive at their destination.

If the licensee or his agent failed to prepare the auxiliary invoice, the officer who inspects the shipment shall prepare same from the vessel's log or record book, and note same accordingly.

17. Presentation of invoice at destination; permit to discharge. - No owner or master of any vessel shall discharge or otherwise dispose of the shells aboard without inspection and without any permit to discharge issued by a duly authorized officer.

Every shipment shall be accompanied by an auxiliary invoice and a discharge permit or commercial invoice. Each office shall for discharge permits one series of numbers, namely: a game en from W-1, up; customs agent from C-1, up; deputy provincial

treasurers, D-1 up, followed by the name of the municipality where the discharge permit is issued, as the case may be.

The licensee, or his agent, shall, upon arrival of the shipment of shells at destination, present the auxiliary invoice to the Insular Game Warden, Bureau of Science, Manila, or to the local game warden or customs officer or agent or, in their absence, to the deputy provincial treasurer of the municipality of destination, before whom such auxiliary invoice shall be sworn to; pay any fee which may be required upon issuance of official receipts; and request a permit to discharge the shells by filling in the blank spaces provided for that purpose on the auxiliary invoice. If any excesses of undersized shells are found, he shall note his finding on the invoice and take action as provided in Sections 21 and 22 hereof and Sections 79 and 80 of Act No. 4003; grant a permit to discharge the shells described therein or any portion thereof by dating and signing in ink the form of permit printed below the auxiliary invoice; and return the original and duplicate to the licensee, consignee or agent of either for his protection and as authority to discharge the products. He shall also note this fact in the vessel's log or record book. A copy of the auxiliary invoice shall be retained for the files of the officer or agent who issues the discharge permit; one copy shall be forwarded to the Director, Bureau of Science, Manila.

18. Issuance of commercial invoices for shells collected and sold. - All persons, associations or corporations operating under license, as herein provided, shall issue commercial invoices to buyers and shall show in such commercial invoices the variety, the quantity and weight in kilograms of shells sold, the price per kilogram or picul paid as indicated in the auxiliary invoice; the number and date of the corresponding auxiliary invoice; and discharging permit and the total amount covered by such invoice and permit. Copies of such commercial invoice certified by the persons issuing the same, shall be rendered together with the monthly reports to the Fish and Game Administration, Bureau of Science, Manila. Duplicate manifold copies of those commercial invoices shall be kept on file with duplicates of the auxiliary invoices by the dealer issuing the same, for a period of one year and shall be available for inspection at any time within one year upon demand of the Secretary of Agriculture and Commerce, or any of his duly authorized representatives.

19. Monthly installments. - For the purpose of this Or all persons, associations or corporations engaged in buying

selling marine mollusca shells, deposited with them, bought by them, in their possession, during the month, showing the name and address of depositor or seller, date of deposit or purchase, kind of shell, quantity (number of sacks, crates, or boxes) and weight, place or origin and number of license under which collected and final disposition of the same. (Sec. 31, Act No. 4003)

20. Inspection of marine mollusca shells for exportation.
The shipment or exportation from the Philippines of shells of any species mentioned in Section 12 hereof shall be unlawful unless such shipment or exportation is properly effected through the customhouse at a port of entry. No marine mollusca shells shall be accepted for shipment and exportation abroad by the customs authorities unless the shipment is covered by a certification of inspection issued by a representative of the Secretary of Agriculture and Commerce, of the Director, Bureau of Science, or a deputy provincial treasurer. Applications for such inspection accompanied with the export entry for shells to be exported shall be filed with the Chief, Fish and Game Administration, Bureau of Science, Manila, or the nearest deputy provincial treasurer, at least five (5) days prior to the probable date of exportation. An inspection fee equivalent to two per centum of the declared value of the exportation shall be collected, but such fee shall in no case be less than ₱1.00 for each inspection. Inspected shells shall be properly sealed.

21. Penalties. - Any person who shall take marine mollusca, or any shell or valve thereof, in Philippine waters contrary to the provisions of the Fisheries Act or of this Order, or otherwise violates any provision hereof shall suffer the penalty provided in Section 79 of Act No. 4003, the Fisheries Act, which is a fine of not more than one hundred pesos, or imprisonment for not more than one month, or both, in the discretion of the court; and if the offense consists in the taking, possessing, selling or transferring of undersized shells, the offenders shall be fined five pesos for each valve of any shell the subject of the illegal act, and such shells shall be confiscated. (Sec. 79, Act No. 4003)

22. Compromise. - With the approval of the Secretary of Agriculture and Commerce, the Director of the Bureau of Science may, at any stage, compromise any case arising under the provisions of this Order. (Sec. 80, Act No. 4003)

23. Repealing provisions. - Department Administrative Order No. 83, dated March 10, 1932, and all other orders and regulations, or parts thereof, inconsistent with the provisions of this Order, are hereby revoked.

24. Effectivity. - This Administrative Order shall take effect sixty days after its publication in the Official Gazette.

(SGD.) EULOGIO RODRIGUEZ
Secretary of Agriculture
and Commerce

Recommended by:

(SGD.) A. S. ARGUELLES
Director

Concurred in:

(SGD.) ANTONIO DE LAS ALAS
Secretary of Finance

(SGD.) ELPIDIO QUIRINO
Secretary of the Interior

NOTE: For illustrations of the different kinds of shells, see attached diagrams.

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