

May 15, 1939

SUBJECT: Regulations governing issuance of fishpond permits and lease on public forest lands and for other purposes.

1. Section 1 of Fish and Game Administrative Order No. 14, of May 3, 1937, is hereby amended to read as follows:

1. Definitions. - In applying the provisions of this administrative Order, the words and terms herein used shall be construed as follows:

"(a) Lease - Includes all permits and lease agreements.

"(b) Forest lands is synonymous with timberlands and vacant public lands not declared agricultural or alienable.

"(c) Timberland as defined in Act 2874, embraces all public forest lands coming under the preventive and permanent jurisdiction of the Bureau of Forestry and classified, for purposes of administration, as forest zone, and other special forests.

"(d) Forest reserve- Timberlands surveyed or not surveyed in accordance with the Bureau of Lands standard shall, after its proclamation as 'forest reserve', be designated as such.

"(e) Public purposes includes any purpose declared by the proper authorities to be for public purposes.

"(f) Person, the plural or singular, as the case demands, includes natural persons, individuals, corporations, associations or partnership.

"(h) Permanent improvements includes those which are permanently annexed to the land under lease in such a manner that they cannot be separated therefrom without causing damage thereto.

"(i) Temporary improvement refers to those which can be removed without causing damage to or diminishing the usefulness of the land under lease and to which the same has been attached.

"(j) Unoccupied refers to an area which is not reserved for public purposes or/and which is not occupied by any persons or is occupied by a person disqualified to acquire or enter upon it, or by a person who, being qualified to occupy or use it, refused or failed to exercise his preferential right thereto.

"(k) Fishpond means an artificially constructed or natural pond wherein fry or fishes of any stage are or may be impounded and raised.

"(l) Fishery is the business of catching, taking, handling, marketing, and preserving fish or other aquatic products, the fishing grounds, and the right to fish and take such products therefrom.

"(m) Director - Unless otherwise specified, refers to the Director of the Bureau of Science.

"(n) Game warden includes the insular game warden, the deputy insular game warden, fish and game wardens and deputy game wardens."

2. Section 20 of Fish and Game Administrative Order No. 14, of May 3, 1937, is hereby amended to read as follows:

"20. Appraisal and reappraisal. - The rental prescribed in Section 16 hereof shall be subject to change, based on the appraisal or reappraisal of the land under lease and its improvements by the Director or his duly authorized representative, approved by the Secretary of Under-Secretary of Agriculture and Commerce, as the case may be: Provided, That the rental for the ensuing term, if an appraisal or reappraisal has been made, shall not be less than three per centum (3%) of the appraised or reappraised value of the land and one per centum (1%) of the value of the improvements: Provided, However, That the Secretary of Agriculture and Commerce, in his discretion may waive the collection of the latter charge: Provided, further, that a reappraisal may be made every five years and that in no case shall the rental based on

Appraisal or reappraisal be less than ₱2.25 after the fifth year and ₱3.40 after the tenth year, and Provided, finally, That the rental shall never exceed five pesos per hectare or fraction thereof.

"The Director may request the assistance of the provincial treasurer of the province or any other official, or may appoint a committee for the appraisal or reappraisal required therein."

3. Section 23 of Fish and Game Administrative Order No. 14, of May 3, 1937, is hereby amended to read as follows:

"23. Form of bond. - Before any permit is issued or entered into between the government and the applicant, the latter shall, as guaranty of good faith in filing the application and for satisfactory compliance with the Fishery and Forestry laws and the regulations promulgated or which may later be promulgated thereunder, and the terms and conditions of the permit or lease and the payment of rental and additional charges due as provided in Sections 16 and 21 hereof, be required to deposit with the Director a cash bond, in accordance with the rate fixed in the following section: Provided, however, That for any amount of bond deposit required or any part thereof a certificate of guaranty of deposit account in the Philippine Postal Savings Bank as outlined in Section 970-B of the Government of the Philippines or any political subdivisions thereof, or bonds issued by the Philippine National Bank of similar bonds may be accepted: Provided, further, That in case the cash bond required exceeds ₱200.00 a surety bond duly executed by a surety company may be accepted which shall be increased by not less than 25 per cent nor more than 50 per cent in the discretion of the Director, Should the bond delivered be not satisfactory to the Director and/or to the Under-Secretary or Secretary of Agriculture and Commerce, the lessee may be required to furnish a new bond or bonds within thirty (30) days upon demand in sureties solvent and satisfactory."

4. Section 24 of fish and Game Administrative Order No. 14, of May 3, 1937, is hereby amended to read as follows:

"24. Schedule of bond. - The bond deposit required for fishpone permits and lease agreements shall be ₱10.00 per hectare or fraction thereof: Provided, That at the end of 5 years

and/or seven the permittee or leases shall have made valuable permanent improvements on the premises of not less than ₱100 per hectare and the had satisfactorily complied with all the requirements of the law and regulations and terms of the permit or lesse, including payment of annual rentals on time, the Secretary of Agriculture and Commerce or his authorized representative, in his discretion, may reduce the bond to ₱5.00 per hectare or fraction thereof; or after 10 years waive it entirely, of the improvements and payments of rentals warrant.

5. Section 25-A is hereby inserted between Sections 25 and 26 of Fish and Game Administrative Order No. 14, to read as follows:

"25-A. Refund or transfer of bond deposit.

Any bond deposit or any residue or part thereof may be refunded upon the request of the permittee, assigns, heirs, or administrator, and upon the return of the official receipt or receipts issued therefor, for which, if lost, an affidavit stating the circumstances of the loss may be submitted.

"With such request for the refund or transfer of any bond deposit or any part thereof to any heir, the administrator, or guardians, the appointment or designation of same as such by the court (guardian or administrator) or by other heirs, as the case may be, shall be submitted as the case may be. The request of any heir of a deceased permittee for the refund or the transfer of a bond deposit and designation of an assignee shall be subject to the approval of the Auditor General." ✓

6. This Administrative Order shall take effect on July 1, 1939.

(SGD.) BENIGNO S. AQUINO  
Secretary of Agriculture  
and Commerce

RECOMMENDED BY:

(SGD.)  
A. S. ARGUELLES  
Director