

Republic of the Philippines  
Department of Agriculture and Natural Resources  
BUREAU OF FISHERIES  
Manila

FISHERIES ADMINISTRATIVE )

ORDER NO. 22 )

November 18, 1947

SUBJECT: RULES AND REGULATIONS GOVERNING  
THE PROMULGATION OF DECISIONS AND ORDERS  
BY THE DIRECTOR OF FISHERIES AND THE FI-  
LING OF APPEAL THEREFROM TO THE SECRETARY  
OF AGRICULTURE AND NATURAL RESOURCES.

Pursuant to the provisions of Section 4 of Act 4003, as amended by Commonwealth Act 471, 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 governing the promulgation of decisions and orders by the Director of Fisheries, and the filing of appeals therefrom in connection with fishing licenses, fishpond permits or leases, special or ordinary permits, concessions, bonds, and adverse claims or conflicts on fishing and fisheries, both National and Municipal and for other purposes, are hereby promulgated for the information and guidance of all concerned:

1.- When order or decision shall be rendered.- The rejection or disapproval of applications either for fishing and fishery licenses, permits or leases in general; the rejection, suspension or cancellation of such licenses, permits or leases; the imposition of fines upon the holders thereof, for violation of its terms and conditions; the reduction of areas covered by fishpond permits or leases; and the disposition of fishing and fisheries in general; shall be decided by the Director of Fisheries after receipt of the report of investigation except when the issue raised are of law and not of facts and when the case can be properly decided without said report. A copy of the order or decision shall be sent by the Director of Fisheries to every party interested in the case.

2.- When order or decision becomes final.- The order or decision of the Director of Fisheries shall become final after thirty (30) days from the date ~~a copy thereof is received~~ by the interested party unless an appeal therefrom is taken or motion for reconsideration is filed in the manner prescribed in Section 3 hereof.

3.- Appeals from the order or decision of the Director of Fisheries; motion for reconsideration.- An appeal shall lie from an order or decision of the Director of Fisheries to the Secretary of Agriculture and Natural Resources within a period of thirty (30) days to be counted from the date the interested party received a copy thereof, unless a motion for reconsideration is filed within the said period, in which case the appeal shall be made within thirty (30) days from the receipt of the notice of the order or decision of the Director of Fisheries disposing of the motion for reconsideration. The notice of appeal may be delivered or sent to (1) The Director of Fisheries or (2) the Secretary of Agriculture and Natural Resources. The date of filing the same with any of the said officials shall be considered as the date when the appeal is taken. In case the notice of appeal is sent directly to the Secretary of Agriculture and Natural Resources, the appellant shall serve the Director of Fisheries with a copy thereof.

4.- Adverse claim.- Any person who believes himself to be the owner of the land subject of an application for the issuance of a fishpond permit, lease or concession or who claims to have a prior right to apply for the same shall file within a period of (90) days but not later than six (6) months after the issuance of said permit, lease or concession, in writing and under oath his objection to the application either in the Office of the Director of Fisheries in Manila or with the District Fishery Officer in the

*And all others falling within the jurisdiction of the Div. of Fisheries.  
The jurisdiction of the Bureau of Fisheries*



province where the land or concession is situated. In this written petition the claimant should state therein clearly the right he claims to have, the grounds on which his claim is based, and submitting in support thereof the necessary written declaration or statement of at least two credible witnesses and his muniments of title, if any, or certified copies thereof, and such other papers or documents which he may care to present. PROVIDED, that in case the Director of Fisheries is officially notified of a claim, the applicant or permittee shall be given a period of not less than thirty (30) days nor more than ninety (90) days within which to file his answer in due form, copy or copies of which shall be furnished the other parties in interest at the same time. Adverse claim or protest filed after the period herein specified and not in the manner herein indicated shall not be considered. This provision applies to all adverse claim or claims on fishing and fisheries.

5.- Conflicts.- A permittee, licensee or concessionaire, who believes that another permittee, licensee or concessionaire, or any other person encroaching upon his rights, shall report the matter to the Director of Fisheries or the District Fishery Officer concerned within ninety (90) days after the alleged encroachment commenced; otherwise, his complaint shall not be considered.

6.- Investigation of claim and conflicts.- Adverse claims when properly asserted and reports of conflicts received within the time specified in Section 4 and 5 hereof shall be caused to be investigated if this has not yet been done, by the Director of Fisheries. The investigation shall be made whenever possible on the very ground or premises and after the parties have been advised of the hour, date and place where it will be held, as well as of the nature of the case. The notice of investigation shall be served upon them at least one week before the date set for the investigation.

7.- Report of investigation.- In addition to other matters, the report of investigation shall state, in the case of fishpond or concession conflicts as to (a) who is in the actual possession of the land or area in controversy; (b) how its occupant obtained possession thereof and when it was so obtained; (c) whether the occupant, if a licensee or permittee, is utilizing the area occupied under the terms and conditions of the license or permit; (d) to what extent the licensee or permittee has utilized the resources of the area occupied by him and when the same commenced; (e) what improvements are found on the area, if any, when introduced, and by whom; (f) what muniments of title thereto, if any, each of the claimants or occupants have. There shall be attached to the report a sketch showing (1) the dimensions of the land or area (2) the relative position of each claim and (3) its physical conditions. The report shall also be accompanied by copies of the notice sent to the parties and evidence of their receipt of the original thereof together with the declaration of the parties and their respective witnesses who testified during the investigation and with other papers relevant thereto, such as documentary evidence, etc. In the case of fishing boat conflicts, (a) papers or documents of ownership of vessels; (b) Customs' certificates or other documents issued by the Bureau of Customs, (c) detailed description of the vessel; (d) and such other documents as may be necessary to the proper determination of the conflict shall be attached to the report of investigation. In other conflicts, such facts and matters as are relevant and necessary in the proper determination of the conflict shall be attached.

8.- Mode of filing memorandum or statement of brief.- Unless the written notice of appeal presents a satisfactory reason for allowing a longer time for the preparation of the case, the appellant shall file within ten (10) days from the filing of the notice of appeal a memorandum containing a concise statement of the facts in the case and setting forth the arguments supporting his appeal. He shall furnish the appellee with a copy of his brief or memorandum. All papers comprising the records of the case shall then be forwarded to the Secretary of Agriculture and Natural Resources for his decision thereon.



9.- Stay of execution.- Except by special order of the Director of Fisheries or of the Secretary of Agriculture and Natural Resources, no execution shall issue upon a decision or order of the former until after the period for perfecting an appeal or for filing a motion for reconsideration thereof has expired. But the filing of an appeal from or a motion for reconsideration of, a decision or order of the Director of Fisheries or of the Secretary of Agriculture and Natural Resources, shall not of itself stay execution before the final determination of the case, unless the Director of Fisheries or of the Secretary of Agriculture and Natural Resources shall order that execution be stayed, in which event either official may, if he shall deem it necessary for a stay of the execution, require that a bond, reasonably sufficient to secure the performance of the order or decision in case it be affirmed in part or wholly and to answer for any damage that may be caused by the suspension of the effect of such order or decision, be given by the party appealing or moving for reconsideration.

10.- Finality of decision promulgated by the Secretary.- The decision of the Secretary of Agriculture and Natural Resources on an appealed case shall become final, unless otherwise specifically stated therein, after the lapse of thirty (30) days from the date of the receipt of a copy thereof by the interested parties.

11.- Reconsideration of final decision.- After a decision of the Director of Fisheries has become final, no motion or petition for reconsideration of such decision or for reinvestigation of the case shall be entertained by the Director of Fisheries or the Secretary of Agriculture and Natural Resources, except as provided in Section 12, 13 and 14 hereof.

12.- Relief from effect of decisions and orders of the Director of Fisheries.- The Director of Fisheries or the Secretary of Agriculture and Natural Resources may relieve a party or his legal representative from a decision, order or other proceeding taken against him through fraud, accident, mistake or excusable negligence; Provided, That a petition to this effect must be filed within sixty (60) days after the petitioner learns of the decision, order, or other proceeding to be set aside, but not more than six (6) months after such decision or order was rendered, or such proceeding taken; and must be accompanied with affidavits showing the fraud, accident, mistake or excusable negligence relied upon, and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be, which he may prove if his petition be granted.


13.- Order to file an answer.- If the petition is sufficient in form and substance, the Director of Fisheries or the Secretary of Agriculture and Natural Resources shall issue an order requiring those against whom the petition is filed to answer the same within fifteen (15) days from the receipt thereof.

14.- Action after answer if filed.- Once the answer is filed, or the time for its filing has expired, the Director of Fisheries or the Secretary of Agriculture and Natural Resources shall investigate the case. If after such investigation, it is found that the allegations in the petition are not true, the petition shall be dismissed; should it be found that the allegations are well founded, the Director of Fisheries or the Secretary of Agriculture and Natural Resources shall order the decision, order, or other proceeding complained of to be set aside, upon such terms, as may be just, and shall investigate the case upon its merits.


15.- Repealing provisions.- All administrative orders and regulations or parts thereof, inconsistent with the provisions of this Administrative Order, are hereby revoked.



16.- Date of taking effect.- This Order shall take effect upon its approval.

  
MARIANO GARCHITORENA  
Secretary of Agriculture and  
Natural Resources

RECOMMENDED BY:

  
S. V. VILLADOLID  
Director of Fisheries

*approved 11-22-47*