

COMMONWEALTH OF THE PHILIPPINES  
Department of Agriculture and Commerce  
Bureau of Science  
FISH AND GAME ADMINISTRATION  
Manila

FISH AND GAME ADMINISTRATIVE )

March 9, 1935

ORDER NO. 3 )

SUBJECT: Regulations for the conservation  
of dalag, kanduli and banak. ✓

Pursuant to the provisions of Sections 4, 13 and 19 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", and for the protection and conservation of certain species of fishes known as (1) "Dalag" by the Tagalogs and Ilocanos; "aluan" "haluan" or "aruan" by the Moros and Visayans; and "haruan", "torabe", "terebog" or "talusog" by the Bicolanos and scientifically called Ophicephalus striatus Block (Ophicephalidae); (2) "Kandule" Arias sp. (Ariidae) of Laguna de Bay, Laguna; and (3) "Banak" belonging to the genus Mugil of the family Mugilidae, the following rules and regulations are hereby promulgated for the information and guidance of all concerned:

1. Definitions. - For the purpose of this Administrative Order, the following terms as used herein shall be construed as follows:

(a) "Aligasin" shall mean the fry and fingerlings or young of mullets (banak) belonging to the family Mugilidae.

(b) "Anak-dalag" shall mean the fry or newly hatched larvae of dalag, (banak) belonging to the family Mugilidae.

(c) "Brooding kanduli" shall mean male catfishes which are in the act of incubating eggs, embryos and fry in their mouths.

(d) "Pukot", "pukot-laot" or "puko-alangan" shall mean drag-seine<sup>s</sup> used in the open portions of fresh water lakes or rivers.

(e) "Spawning banak" shall mean mullets which are sexually mature and which carry ripe eggs and milt and are making seaward migration for the purpose of breeding in the salt-water.

(f) "Spawning kandule" shall mean catfishes which are sexually mature carrying ripe eggs and milt and are at the state of breeding.

(g) "Sakat" shall mean a type of scissors-net (sakag, Tagalog) employed to catch fishes and other animals in Laguna de Bay used in conjunction with an iron or any kind of chain feathered with leaves of banana plants or buri palm or other materials.

(h) "Tiguiti" shall mean immature kanduli measuring less than 160 millimeters long, measured from the tip of the snout to the end of the tail.

(i) "Undersized dalag" shall mean young dalag the length of which, measured from the tip of the snout to the end of the caudal fin (tail), is less than 200 millimeters.

2. Restrictions. - Licenses and permits issued under Act No. 4003, shall contain provisions to the effect that:

(a) No fish corral or "baklad" shall be constructed within two hundred (200) meters or another in marine fisheries; or one hundred (100) meters in fresh water fisheries, unless they belong to the same licensee but in no case shall they be less than sixty (60) meters apart, unless previously approved by the Secretary of Agriculture and Commerce or his duly authorized representative.

(b) Fish corrals or traps shall be entirely open during the closed season period for the free passage of fishes to enable a reasonable number to reach the spawning grounds.

(c) The licensee or permittee shall be responsible for any and all the acts of his agents and employees, contractors, and employees of the contractors connected with his fishing operation.

(d) The terms and conditions of the license, permit or contract shall be subject to change at the discretion of the Secretary of Agriculture and Commerce.

3. Prohibitions. - (a) It shall be unlawful at all times or during the closed season period given below, for any person, association, or corporation to catch or cause to be caught, purchase, sell, offer or expose for sale any of the fishes mentioned below, dead or alive, or have in possession any part of same, except as provided in Section 4 of this Administrative Order:

(1) Aligasin caught by fishing gears of all descriptions, any aligasin that may be included with other kinds of fish, on a haul or catch should be set free immediately without killing or hurting them.

(2) Banak-dalag or undersized dalag anywhere in the Philippine Islands.

(3) Spawning banak during the period from November 15 to December 14, inclusive, of each year. Spawning banak which may be included with other kinds of fish in a haul or catch should be set free immediately without killing or hurting them.

(4) Tiguiti measuring less than one hundred and sixty (160) millimeters long.

(b) It shall be unlawful during the closed season period, for any person, association or corporation to use "sakat" and "pukot", "pukot-laot" or "pukot-dangan" in Laguna de Bay from April 15 to July 15 of each year.

4. Exemptions. - (a) For scientific, educational, personal or propagation purposes any person, association, institution or corporation of good repute may be granted by the Secretary of Agriculture and Commerce, free of charge, a permit to catch or cause to be caught fishes of all sizes otherwise prohibited in this Administrative Order, subject to such conditions as the Secretary of Agriculture and Commerce may deem wise to impose for the proper conservation of these species.

(b) For propagation purposes not connected with any scientific or educational purposes, the proper municipal official or officials may issue licenses in accordance with Section 67 and 69 or 70 of Act No. 4003, the Fisheries Act, for taking fry of all species for which fees may be fixed and collected, subject to such conditions as the Secretary of Agriculture and Commerce may deem wise to impose.

(c) Fish caught under these licenses but used for purposes other than those mentioned herein above shall be subject to the same penalty as if not permit had been granted.

5. Enforcement. - For the purpose of enforcing the provisions of this Administrative Order, and of such regulations as may be hereafter promulgated. Game wardens; members of the Philippine Constabulary; members of municipal and municipal district police; members of the secret service force, inspectors, guards, wharfingers

of the Customs Service; Internal Revenue Officers and agents; officers of coast guard cutters and lighthouse keepers; and such other competent officials, employees or persons as may be designated in writing by the Secretary of Agriculture and Commerce, are hereby made deputies of said Department Head and empowered: (a) to ascertain whether persons found engaged in fishing are duly provided with licenses required in the fisheries Act; (b) to arrest any person found committing or attempting to commit an offense against the provisions of Act No. 4003, and of this Administrative Order; (c) to seize, when deemed necessary, for evidence or for such purposes as the Secretary of Agriculture and Commerce or his duly authorized representative may consider advisable, any fishing gear or apparatus used or which may be used to catch, kill or take, any protected fish and fish caught or killed or otherwise taken or found in possession of any person in violation of the laws and regulations; and (d) to file the necessary complaint in Court and report such violations to the Secretary of Agriculture and Commerce or to the Director of Science, for appropriate action, or to the Collector of Internal Revenue in cases of non-payment of fees (Secs. 5, Act No. 4003).

6. Penalty. - Any violations of the provisions of this Administrative Order shall subject the offender to prosecution and, upon conviction, he shall suffer the penalty provided in Section 83 of Act No. 4003, which is a fine of not more than two hundred pesos. or imprisonment of not more than six months, or both, in the discretion of the Court.

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

8. Effectivity - This Administrative Order shall take effect on June 16, 1935.

(SGD.) EULOGIO RODRIGUEZ  
Secretary of Agriculture  
and Commerce

APPROVED:

(SGD.) J. R. HAYDEN  
Acting Governor-General