

Republic of the Philippines
Department of Agriculture and Natural Resources
OFFICE OF THE SECRETARY
Manila

FISHERIES ADMINISTRATIVE)

ORDER NO. 35)

June 4, 1953

SUBJECT: Regulation of the "Kaladkad Pang-biya" and the Conservation of "Biyang Puti" in Laguna de Bay and its tributaries.

Pursuant to the provisions of Sec. 79 A and B of the Administrative Code, of Sec. 4, 7, 13, 19 of Act 4003, entitled "An Act to Amend and Compile the Laws Relating to Fish and Other Aquatic Products of the Philippine Islands and For Other Purposes," as amended by Commonwealth Act 471, and for the protection and conservation of certain species of fish commonly known as "biyang puti" (Glossogobius giurus), and the regulation of the operation and standardization of the cod-end mesh of "kaladkad Pang-biya", the following rules and regulations are hereby promulgated.

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

- (a) "Possession" means actual or constructive possession or any control of the things referred to.
- (b) "Sell" or "Sale" includes bartering, exchanging, or offering or exposing for sale.
- (c) "Transport" or "Transportation" means carrying or moving or causing to be carried or moved.
- (d) "Taking" or "Carrying" includes pursuing, shooting, killing, capturing, trapping, spearing and netting fish and comprises any such act as disturbing, wounding, stupefying or placing, setting, drawing or using any net or other means or device commonly used to catch or collect fish or other aquatic animals, whether they result in the catching or not, and includes every attempt to catch and every act of assistance to every other persons taking or attempting to take or collect fish or other aquatic animals: Provided, that whenever taking is authorized by law, it refers to taking by lawful means or in lawful manner.
- (e) "Mature biya" shall mean gobies which are sexually mature, in spawning condition, or carrying ripe eggs and milt, and measuring 125 millimeters (standard length) or over. Standard length is measured from the tip of the snout to the base of the caudal fin.
- (f) "Immature biya" or "Anak biya" shall include the fry and fingerlings measuring less than 125 millimeters in standard length.

- (g) "Kaladkad pangbiya" or "Bayakus" shall mean the dredge-trawl gear consisting of a cylindrical net fitted into a sled-like iron frame towed by a sailboat or motorized craft, and used in the catching of biya and other demersal fishes in Laguna de Bay.
- (h) "Cod-end" or "Bulsa" shall mean the impounding or landing end of the net proper.
- (i) "Fish trawls" shall include all kinds of trawling gear -- namely, Japanese utase, otter trawl and paranzella used in the catching of demersal fish, towed by a sailboat or motorized craft.
- (j) "Abuyan" shall mean a kind of drive-in net using dog chain scareline, hauled in manually or by two converging motorized crafts.

2. Restrictions:

- (a) No fish corrals, traps, or any device shall be set, constructed or placed across any river, or stream which connects an inland body of water with the Laguna Lake without allowing enough space which in no case shall be less than ten meters for the free passage of full-grown biya to enable them to reach the spawning or breeding grounds.
- (b) No fish corral, fish trap, or "baklad" shall be constructed within 100 meters of another unless they belong to the same licensee, but in no case shall they be less than 60 meters apart.

3. Prohibitions:

- (a) It shall be unlawful for any person, association or corporation to catch or cause to be caught in Laguna de Bay and its tributaries, or purchase, sell, offer or expose for sale "immature biya" measuring less than 125 millimeters long (standard length), except as provided in Section 4 of this Administrative Order. Immature fish that may be included with other kinds of fish in a haul or catch should be set free immediately without killing or hurting them.
- (b) It shall be illegal to use a cod-end of "kaladkad pangbiya" or "bayakus", or the landing bag (bulsa) of "abuyan" with a mesh of less than 35 millimeters stretched out. Mesh is measured diagonally between two opposite knots.
- (c) The frontal opening of the mouth of the frame of the "kaladkad pangbiya" shall be not more than 120 centimeters wide and 20 centimeters high.

- (d) The following fish trawls - namely, beam trawl, otter trawl and paranzella are prohibited to operate in Laguna de Bay and its tributaries.
- (e) The operation of "kaladkad pangbiya" shall be unlawful during night time, or from five o'clock post-meridian to five o'clock ante-meridian.

4. Exemptions:

- (a) The Secretary of Agriculture and Natural Resources may grant, free of charge, to any person, association, institution or corporation of good repute, a permit to catch or cause to be caught biya of any size and age and to operate any trawling gear otherwise prohibited in this Administrative Order, provided they are used exclusively for scientific, or educational purposes and subject to such conditions and limitations as the Secretary of Agriculture and Natural Resources may prescribe for the proper conservation of this species.
- (b) Persons catching biya of any size and age under the aforesaid licenses but found using them for purposes other than those specified in the licenses or permits shall be subject to the same penalty as if no permit had ever been granted.

5. Enforcement: For the purpose of enforcing the provisions of this Administrative Order and of such regulations as may hereafter be promulgated, fish wardens and inspectors, members of the Philippine Navy, members of the Philippine Constabulary and Philippine Army, members of the provincial, city, municipal and municipal district police, members of the secret service force, harbor police and inspectors, guards and wharfingers of the Bureau of Customs, Internal Revenue officers and agents, officers of Coast Guard Cutters, lighthouse keepers, and such other competent officials, employees or persons as may be designated in writing by the Secretary of Agriculture and Natural Resources, are hereby made deputies by said Department Head and empowered:

- (a) To ascertain whether or not persons found engaged in fishing for biya or full-grown biya fry are duly provided with licenses or permits required in this Administrative Order.
- (b) To arrest any person found committing or attempting to commit an offense against the provisions of this Administrative Order.
- (c) To seize or confiscate, when deemed necessary, for evidence or for such purposes as the Secretary of Agriculture and Natural Resources or his duly authorized representative may consider advisable, any fishing gear or apparatus or fishing equipment used

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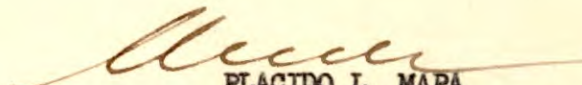
or which may be used to catch, kill or take, any fish, and fish caught or killed or otherwise taken or found in the possession of any person, for export or any other purpose, in violation of this Administrative Order, and Fisheries Administrative Order No. 25.

(d) To file the necessary action in court for any violation of this Administrative Order and otherwise report said violation to the Secretary of Agriculture and Natural Resources or to the Director of Fisheries.

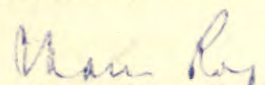
6. Penalty:- Any violation of the provisions of this Administrative Order shall subject the offender to a fine of not more than two hundred pesos (P200.00), or imprisonment for not more than six (6) months, or both, in the discretion of the court, as provided for in Section 83 of Act No. 4003, as amended by Commonwealth Act 471.

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

8. Effectivity.- This Administrative Order shall take effect sixty (60) days after its publication in the Official Gazette.


PLACIDO L. MAPA
Secretary of Agriculture and
Natural Resources

APPROVED by authority of the President:


MARCIANO ROQUE
Acting Executive Secretary

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