

Republic of the Philippines
Department of Agriculture and Natural Resources
Office of the Secretary
Manila

FISHERIES ADMINISTRATIVE)

ORDER NO. 38)

June 7, 1954

SUBJECT: Prohibiting the operation of trawl
of any kind in the municipal waters of Cal-
bayog City and Sta. Margarita, Province of
Samar until December 31, 1954.

Pursuant to the provisions of Section 4 of the Fisheries Act, as amended, and for the protection and conservation of demersal fishes in the municipal waters of Calbayog City and Sta. Margarita, Province of Samar, the following regulation is hereby promulgated:

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

Trawl is a kind of fishing net made in the form of a conical bag with the mouth kept open by a beam or a pair of otter doors or vessels towed by one or two fishing crafts over the sea floor to capture demersal species that naturally live at or near the bottom.

2.- Prohibition.- It shall be unlawful for all kinds of trawl to operate in the municipal waters of Calbayog City and the Municipality of Sta. Margarita, Province of Samar, except as provided for in Section three of this Order.

3.- Exemption.- (a) For scientific, educational or propagation purposes, any person, association, institution, or corporation of good repute may be granted by the Secretary of Agriculture and Natural Resources, free of charge, a permit to catch or take or cause to be caught or taken fishes of all sizes or aquatic animals or plants, otherwise prohibited in this Administrative Order, subject to such conditions as the Secretary of Agriculture and Natural Resources may deem wise to impose for the proper conservation of the fisheries.

(b) Any person who shall catch fish under any or all of these licenses but uses the same for purposes other than those mentioned herein-above shall be subject to the same penalty as if no permit has been granted.

4.- Enforcement.- For the purpose of enforcing the provisions of this Administrative Order and of such regulations that may hereafter be promulgated, fishery inspectors, agents or officers; members of the Philippine Constabulary; members of the municipal and municipal district police; members of the secret service force, inspectors, guards, wharf-

ingers of the customs service; Internal Revenue officers and agents; officers of the 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 Natural Resources are hereby made deputies of said Department Head and empowered to:

(a) Ascertain whether person or persons found engaged in fishing are duly provided with license or licenses required in this Administrative Order.

(b) Arrest any person found committing or attempting to commit an offense in violation of this Administrative Order.

(c) Seize, when deemed necessary for evidence or for purposes as the Secretary of Agriculture and Natural Resources or his duly authorized representative or representatives may consider advisable, any fishing gear or apparatus used or which may be used to catch, kill or take any fish or other aquatic animals or plants in said areas, and fish caught or killed or aquatic animals or plants taken or found in the possession of any person in violation of the rules and regulations.

(d) Administer oaths and take testimonies in any official matters in any investigation conducted by them or any of them, touching any matter under the authority of Fisheries Act and this Administrative Order; and

(e) File the necessary complaint or complaints in proper court and report such violation or violations to the Secretary of Agriculture and Natural Resources for appropriate action.

5.- Penalty.- Any violation 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, as amended, which is 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.

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

7. Effectivity.- This Administrative Order shall take effect upon its approval and shall be strictly enforced until December 31, 1954.

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SALVADOR ARANETA
Secretary of Agriculture and
Natural Resources

APPROVED:

July 1, 1954

By authority of the President:

Fred Ruiz Castro
FRED RUIZ CASTRO
Executive Secretary