

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

FISHERIES ADMINISTRATIVE ORDER)

OK

NO. 39-1

:

August 13, 1954

SUBJECT: Amending certain sections of Fisheries
Administrative Order No. 39.

Section 1.- Sections 1 (Paragraph f), 3, 4, 6, 7, 10, 13, 15 and 22, and paragraph (c) of Section 26, and (e) of Section 29, are hereby amended, and paragraph (j) inserted under Section 1, and Section 15-A inserted between Sections 15 and 16, to read as follows:

"Section 1.-

"(f) 'Official master plan' refers to the plan prepared by the Bureau of Lands based on the scheme submitted by J. M. Arellano, architect-planner, in accordance with the map of the U.S. Coast and Geodetic Survey No. 4255 (Manila Bay and approaches) showing the different blocks or parcels, the proposed canals, waterways, seawalls, and reserves of the project, and which embraces the public domain from the present line of existing fishponds to the proposed outer seawalls of the blocks, not within the alienable and disposable portion of the public domain, and, which may be amended from time to time upon recommendation of the Director of Fisheries and approved by the Secretary."

"(j) 'Applicant' refers either to an individual applicant or to a duly organized cooperative registered under the existing laws."

"Sec. 3.- Classes of lease - A lease for fishpond purposes issued in accordance with these regulations may be one of the following classes:

"(a) Ordinary fishpond permits for areas within the project for a term not exceeding one (1) year renewable yearly may be issued by the Director with the approval of the Secretary, subject to the terms and conditions of this order. Permits to be issued to individual applicants shall be subject to the condition that within a period of two years from the issuance of the first permit within the block the holders shall regroup and organize themselves

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into a cooperative association for the common good of the individual applicants and for such other purposes as building of seawalls, or paying corresponding contributions for the construction of seawalls. The construction of the seawall in blocks with seawall ^{shall} start during the year the cooperative shall have been duly organized and shall be completed on the fifth year from the date of issuance of the first permit within the block.

"(b) Lease agreements shall only be issued by the Secretary upon recommendation of the Director to permittees who have improved the area equivalent to one fifth (1/5) of the total improvements needed to convert the whole area into a **finished** fishpond, and in blocks or parcels with seawalls, wherein at least one fifth (1/5) of the entire seawall has been constructed. The term of the lease shall be for a period of ten (10) years, renewable for another similar period of ten (10) years, but not exceeding a total of forty (40) years."

"Sec. 4.- When permit or lease agreement may be executed - No permit or lease agreement shall be executed unless a written request therefor has been duly filed with the Bureau of Fisheries and the required fees thereof paid."

"Sec. 16.- Maximum area allowed each applicant - An individual applicant shall be allowed twenty-five (25) hectares only; a cooperative shall be allowed such number of hectares as there are members of the cooperative on the basis of a maximum area of twenty-five (25) hectares each member, Provided, however, that if the block or parcel applied for is in excess of the above requirement, the Director shall require the applicant-cooperative to increase its membership in order to cover up the whole block or parcel. If within thirty (30) days from receipt of the notice to increase membership the cooperative shall fail to comply, the excess area may be made available to other interested applicants."

"Sec. 7.- Who are entitled to obtain permits or leases - A permit or lease under the project may be issued either to an individual, or to a cooperative duly organized and registered under the existing laws, which embody in their Articles of Incorporation and By-Laws, the requirements and conditions of this Special Rules and Regulations, subject to such amendments as may be made from time to time upon recommendation of the Director and approved by the Secretary. A person or a member of the cooperative who is a holder of a fishpond permit or lease issued by the Bureau of Fisheries or the Bureau of Lands shall be barred from acquiring interest in any form within the project."

"Sec. 10.- Fee to accompany application - An application must be accompanied by a duly certified check, or post office money order payable to the Director of Fisheries, Manila, or cash in the amount provided therefor.

"Sec. 13.- Priority of applications - In determining the priority of application or right to a permit or lease, the following rules shall be observed:

"(a) Individual applicants for fishpond permits for areas within the project duly filed with the Bureau of Fisheries and/or the Bureau of Lands on or before June 14, 1954, shall have priority claims. Provided, however, that should they fail to file individual applications for an area within a particular block or portion, or to regroup and organize themselves into cooperative associations within one hundred and eighty (180) days from June 14, 1954, they shall lose their right of priority.

"Applications of individuals or of duly registered cooperatives, other than those cooperatives formed in accordance with the preceding paragraph received by the Bureau of Fisheries on or before December 13, 1954, shall be considered duly filed and registered as of December 13, 1954. Applications received after December 13, 1954 shall come under the provisions of Section 11 hereof.

"(b) If two or more applications are filed for the same area at the same time, the applicant who can best meet the requirements of the Fishery Laws and regulations, and who is more financially capable to convert the area applied for into a fishpond, in the case of individual, and in addition, which has the most number of members, in the case of cooperative, shall have preference to the area.

"(c) When two or more applications which have equal priorities for the same area are filed, the first applicant shall have the right of preference thereto."

"IV. FEES, RENTALS AND CONTRIBUTIONS

"Sec. 15.- Schedule of fees, rentals and contributions - The application fee shall be ₱5.00 per member of the cooperative and ₱5.00 for individual applicant.

"The annual rentals for blocks with seawall per hectare or fraction thereof shall be ₱5.00 for the first five (5) years and ₱10.00 beginning with the sixth year.

"The annual rentals for inner blocks or blocks without seawall per hectare or fraction thereof shall be the same as those for blocks with seawalls. Proportionate contributions shall, however, be imposed upon the individuals or the cooperatives holding these inner

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blocks in consideration of the benefits to be derived from the construction of the seawall of the blocks in front of them, to be determined by the Director and approved by the Secretary.

"Additional rental shall be charged on appraisals and reappraisals made in accordance with Section 19 hereof."

"Sec. 15-A- Contributions - Cooperatives holding blocks without seawalls shall be required to deposit with the Bureau of Fisheries their contributions to answer for their proportionate share of expenses with the cooperatives holding blocks with seawalls as provided in the preceding section. This provision shall, likewise, apply to individual permittees."

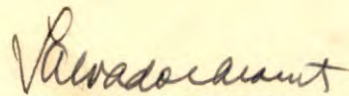
"Sec. 22.- Schedule of bond - The bond deposit required for fishpond permits and lease agreements shall be ₱10.00 per hectare or fraction thereof: Provided, That at the end of five (5) years if the permittee or lessee shall have made valuable permanent improvements on the premises and it had satisfactorily complied with all the requirements of the law and regulations and terms of the permit or lease, including payment of annual rentals, the bond may be reduced to ₱5.00 per hectare or fraction thereof; or after 20 years waive it entirely, if the improvements and payments of rentals warrant."

"Sec. 26.-

"(c) A fishpond lease agreement shall run for a period of ten (10) years, renewable for another period of ten (10) years, but not to exceed a total of forty (40) years, after the expiration of which no further renewal shall be allowed.


Sec 29-"(e) No title acquired - A permittee or lessee shall acquire no title of any sort whatsoever over the land and its improvements covered by permit or lease. No such land shall be deemed to be occupied within the meaning of the Public Land Act but shall remain under the administration and supervision of the Director of Fisheries in consonance with the provisions of the Fishery Laws and Regulations."

Sec. 2.- This Administrative Order shall take effect upon its approval.



SALVADOR ARANETA
Secretary of Agriculture
and Natural Resources

RECOMMENDED BY:


D. V. VILLADOLID
Director of Fisheries

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