

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

FISHERIES ADMINISTRATIVE ORDER )

NO. 39

June 14, 1954

SUBJECT: Special rules and regulations governing the issuance of fishpond permits and/or leases within the areas affected by the Fishpond Project of Manila Bay.

Pursuant to the provisions of Sections 4 and 63 of Act 4003, the Fisheries Act, as amended, the following special rules and regulations governing the issuance of fishpond permits and/or leases for the special use of public lands for fishpond purposes within the Manila Bay Fishpond Project, are hereby promulgated for the information and guidance of all concerned:

I. WORDS AND TERMS DEFINED

Section 1.- Definitions - In applying the provisions of this Administrative Order, the words and terms herein used shall be construed as follows:

(a) "Lease" includes all permits and lease agreements.

(b) "Fishpond" means an artificially constructed pond wherein fry or fish of any species and stage are, or may be impounded, cultured and raised.

(c) "Seawall" refers to the wall that will serve to protect the fishpond from the action of the waves from Manila Bay along the line of the proposed road and with the following specifications: base - from 5 to 7 meters (variable); height - from 2 to 2-1/2 meters (variable); width (top) - 1.75 meters (fixed), made of concrete or adobe or quarry stones and clay-earth, or any other permanent material that will serve the purpose of a protective seawall.

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"River or channel walls" pertains to the walls or dikes that will enclose the areas on the sides under permit and although not subject to any given specifications, must be strong enough to protect the fishpond from the actions of the waves, flood, etc.

"Backwalls" refers to the walls or dikes at the back part of the block or parcel opposite the seawall.

(d) "Project" means the Manila Bay Fishpond Project.

(e) "Cooperative" refers to association or corporation organized under Act 3425, otherwise known as the Cooperative Law, provided that cooperatives may be organized with the primary objective of constructing and maintaining the seawall, river and channel walls, and backwalls of the fishponds and the marketing of its produce.

(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 parcels or blocks, together with the proposed canals, waterways, and seawall of the project which may be amended from time to time upon recommendation of the Director of Fisheries and approved by the Secretary.

(g) "Blocks or parcels" refers to the definite blocks or parcels appearing in the official master plan.

(h) "Director", unless otherwise specified, refers to the Director of Fisheries.

(i) "Secretary", unless otherwise specified,

refers to the Secretary of Agriculture and Natural Resources.

## II. PERMITS AND LEASES

Sec. 2.- Use of public land - It shall be unlawful to use any portion of the area covered by the Manila Bay Project, for fishpond purposes, without first securing therefor a permit or lease in accordance with the provisions of this Order.

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 permit for a block or parcel within the project for a term not exceeding one (1) year renewable for another period of one (1) year may be issued by the Director with the approval of the Secretary, subject to the terms and conditions of this order, and to the principal condition that the permittee shall build the seawalls and river and channel walls and backwalls of the particular block or parcel and have them completed within a period of two (2) years from the issuance of the original permit.

(b) Lease agreements shall only be issued by the Secretary upon recommendation of the Director to permittees upon completion of the construction of the seawalls, river and channel walls, and backwalls for a period of twenty (20) years renewable for another period of ten (10) years.

Sec. 4.- When permit or lease agreement may be executed - No permit or lease agreement shall be executed unless an application therefor has been duly filed with the Bureau of Fisheries and the necessary fees thereof paid. An ordinary fishpond permit or lease agreement for any block or parcel in the project shall be granted only to cooperatives applying for the development of a block or parcel as determined in the "official master

plan" of the project.

Sec. 5.- Rights of permittees or lessees - Unless otherwise specified, a permit or lease shall confer upon the holder thereof only the right to use for a certain stated period of time the definite block or parcel within the project as described in the permit or lease exclusively for the purpose therein stated and under the terms and conditions therein contained.

Sec. 6.- Maximum area allowed each applicant - A cooperative shall be allowed such number of hectares as there are members of the cooperative on the basis of a maximum area of forty (40) 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 or may be declared government reserves.

Sec. 7.- Who are entitled to obtain permits or leases - A permit or lease under the project may be issued only to cooperatives 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 cooperative having members which are holders of permits or leases from the Bureau of Fisheries shall be barred from acquiring interests in any form within the project.

### III. APPLICATIONS

Sec. 8.- Form and contents of application - All applications for permit or lease within the project shall be submitted on forms prescribed therefor and shall be accompanied with certified copies of the cooperative's organization and registration papers and other

documents relative thereto.

Sec. 9.- Place of filing - All applications for fishpond permit or lease for an area within the project shall be filed in the office of the Director of Fisheries, Manila.

Sec. 10.- Fee to accompany application - An application must be accompanied by a duly certified check, post office money order, or cash in an amount based on the number of members of the applicant-cooperative at five (P5.00) pesos each member as application fee, payable to the Director of Fisheries, Manila.

Sec. 11.- When application is considered filed - An application shall not be considered filed on the date when it is prepared or mailed, but on the date the original thereof is stamped received and duly registered in the Office of the Director of Fisheries, Manila. Provided, however, that application received without the required application fee, or not fully accomplished, is not considered filed until the said fee is fully paid, or the application is fully accomplished, in which case, the date of receipt of the application fee, or the date when the application is fully accomplished shall be considered the date of filing. Applications filed without the required application fee shall not be recorded in the registry book.

Sec. 12.- Recording of applications - All applications received shall be given serial numbers and shall be duly recorded in the registry book provided for the purpose in chronological order.

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) Applications within the project duly filed by individuals with the Bureau of Fisheries shall lose all priority claim if they do not re-group themselves into a cooperative and file their corresponding application for a block or parcel, within a period of two (2) months (60 days) from the approval of this order.

(b) If two or more applications are filed for the

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same area at the same time, the applicant with the most number of members and financially capable to convert the area applied for into a fishpond 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.

Sec. 14.- Conflicting applications: when area may be advertised under public auction - When the area is covered by two or more conflicting applications, or when in the opinion of the Director the most equitable disposition of same would be made by public auction, he shall advertise the public auction for the lease and shall make award thereof at such auction to the highest qualified bidder in accordance with Section 7 hereof.

#### IV. FEES AND RENTALS

Sec. 15.- Schedule of fees and rentals -

The application fee shall be ₱5.00 per member of the cooperative.

The annual rentals for blocks with seawall per hectare or fraction thereof shall be ₱5.00 for the first and second years and ₱10.00 beginning with the third year.

The annual rentals for blocks without seawall per hectare or fraction thereof shall be ₱40.00 for the first two years only and ₱10.00 thereafter.

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

Sec. 16.- Rental: when due and payable - The initial rental shall accrue on the first day of the quarter in which the permit or lease agreement becomes effective and shall be paid in advance in the manner prescribed in the following paragraph prior to the issuance of such permit or lease. After the initial rental is paid, the annual rental shall become due and payable on the first

day of January of each year, unless otherwise provided.

Sec. 17.- Rental: to whom payable - Payment of rental shall be made to the Director of Fisheries, Manila.

Sec. 18.- Rental: certificate of payment - Upon payment of any fee or rental, a permittee, lessee or applicant, as the case may be, shall secure an official receipt from the collecting officer of the Bureau of Fisheries, Manila.

Sec. 19.- Appraisal and reappraisal - The rental prescribed in Section 16 hereof shall be subject to change, based on the appraisal or reappraisal of the land under lease and its improvements, by the Director of Fisheries or his duly authorized representative, approved by the Secretary of Agriculture and Natural Resources, as the case may be: Provided, That the rental for the ensuing term, if an appraisal or reappraisal has been made, shall not be less than three per centum (3%) of the appraised or reappraised value of the land, and one (1%) per centum of the value of the improvements: Provided, however, that the Secretary, in his discretion may waive the collection of the latter charge: Provided, further, That a reappraisal may be made on the tenth (10th) year, and every five (5) years thereafter, and that in no case shall the rental based on appraisal or reappraisal be less than ₱10.00 after the tenth year and ₱15.00 after the fifteenth year.

The Director of Fisheries may request the assistance of the assessor of any province or city, or may appoint a committee for the appraisal or reappraisal required herein.

Sec. 20.- Additional charges for default in payment of rentals for permits expiring December 31st - Failure to pay the annual rental on or before January 31 shall subject the permittee or lessee to an additional charge based on the amount of the original rental according to the following schedule:

Rental paid from February 1 to March 31 ...	15% surcharge	
Rental paid from April 1 to June 30 .....	20%	"
Rental paid from July 1 to Sept. 30 .....	25%	"
Rental paid from Oct. 1 to Dec. 31 .....	50%	"
Rental paid after one year .....	100%	"

In the case of permit expiring on dates other than December 31st, the additional charge shall be computed and adjusted accordingly following the above schedule.

#### V. BONDS

Sec. 21.- Form of Bond - Before any permit is issued or entered into between the government and the applicant, the latter shall, as guaranty of good faith in filing the application and for satisfactory compliance with the Fishery laws and the regulations promulgated thereunder, including the building of the ~~seawalls~~, and the terms and conditions of the permit or lease and the payment of the rental and additional charges due as provided in Sections 15, 19, and 20 hereof, be required to deposit with the Director of Fisheries, a cash bond, in accordance with the rate fixed in the following section: Provided, however, That for any amount of bond deposit required or any part thereof, a certificate of guaranty of deposit account in the Philippine Postal Savings Bank in accordance with the Postal laws, or bond issued by the Philippine National Bank or similar bond may be accepted: Provided, further, That in case the cash bond required amounts to P200.00 or more, a surety bond duly executed by a surety company may be accepted which shall be increased by not less than twenty-five (25%) per cent nor more than fifty (50%) per cent in the discretion of the Director of Fisheries. Should the bond delivered be not satisfactory to the Director, the lessee may be required to furnish a new bond or bonds within thirty (30) days upon demand in sureties that are solvent and satisfactory.

Sec. 22.- Schedule of bond - The bond deposit required for fishpond permits and lease agreements shall be P10.00 per hectare or fraction thereof: Provided, That at the end of two (2) 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 on time, and

complete construction of seawalls, river and channel walls, and back-walls, the bond may be reduced to P5.00 per hectare or fraction thereof; or after 20 years waive it entirely, if the improvements and payments of rentals warrant.

Sec. 23.- Forfeiture of bond - The Director of Fisheries may confiscate or forfeit a bond or part thereof, to the government for any of the following reasons:

- (a) Failure to fulfill any condition and requirement under which the permit or lease is issued;
- (b) Failure to pay the rentals due; or
- (c) Violation of any provision of the Fisheries Law or this Administrative Order or any term of the permit or lease.

Sec. 24.- Refund or transfer of bond deposit - Any bond or any residue or part thereof may be refunded upon the request of the permittee, assignee, or administrator, and upon the return of the official receipt or receipts issued therefor, for which, if lost, an affidavit stating the circumstances of the loss may be submitted. The request and designation of any assignee of a permittee for the refund or the transfer of a bond deposit shall be subject to the approval of the Auditor General.

#### VI. EXPIRATION: RENEWAL OR EXTENSION

Sec. 25.- Date of expiration of permit or lease - Yearly permits shall expire within one year from the date of issue and which date shall be specified thereon.

Sec. 26.- Extension or renewal - Application for renewal or extension shall be submitted to the Director of Fisheries, accompanied by a postal money order or cash sent by insured registered mail covering the rental for the following year or for the period to be covered by the renewal or extension.

(a) A permit or lease renewed as herein below provided shall be subject to the same conditions imposed in the original one, as well as to such additional conditions as the Director or the Secretary

may impose, as the case may be.

(b) An ordinary fishpond permit issued under these regulations may be renewed upon the expiration of the term granted therein for another period not exceeding that for which the original was issued. Further renewals may be granted as the case may require and public interests would warrant.

(c) A fishpond lease agreement shall run for a period of twenty (20) years, but may be renewed for another period of ten (10) years. After the expiration of these terms (30 years) no further renewal shall be allowed.

Sec. 27.- Return of expired permit or lease agreement - If payment of rentals is not made on or before the expiration of the permit or application for its renewal is not submitted within thirty (30) days after the expiration, or for certain reason it cannot be further extended, same must be returned to the Director of Fisheries, Manila, and the area shall be vacated.

#### VII. APPROPRIATION OF REVENUE

Sec. 28.- Collection and appropriation - Eighty (80%) per cent of the revenue which accrue to the National Government in accordance with the provisions of this Administrative Order shall be paid and credited to the Bureau of Fisheries and appropriated in accordance with the provisions of Section 65 and 66 of Act 4003, known as the Fisheries Act, as amended; and twenty (20%) per cent of the revenue shall be paid and credited to the respective municipal council.

#### VIII. GENERAL PROVISIONS

Sec. 29.- General conditions under which permits or leases are issued - Every permit or lease shall be governed by the provisions of this Administrative Order, as well as by those which may hereafter be issued aside from the terms and conditions which may be stipulated in the application, permit or lease, especially by the following terms and conditions:

(a) Power of the Director or Secretary - The permits or leases

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limit in no way the power of the Director or Secretary to reserve any area within the project and to impose such terms as it may consider necessary for public interest in the use of the block or parcel granted.

(b) Permittee or lessee shall comply with general regulations particularly, construction of seawall, river and channel walls, and backwalls - The permittee or lessee agrees unconditionally to comply with all the rules and regulations governing fisheries now or hereafter in force for the proper use of the area granted, particularly, to answer for the construction of the seawall, river and channel walls and backwalls, in accordance with the specifications.

(c) Reservations - The permittee or lessee agrees to reserve twenty (20) meters on his side of the seawall for the proposed national highway.

(d) Legal status of land - The area granted is public land to the best knowledge and belief of the Director of Fisheries, except those covered by existing titles.

(e) No title acquired - A permittee or lessee shall have no right to a title or claim of any sort whatsoever on the land and the seawalls and river and channel walls covered by the 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.

(f) Survey and location of fishpond blocks - The staking out of the corners of the blocks or parcels, in accordance with the official master plan, may be executed by the Bureau of Lands, at the expense of the lessee or permittee, or by a licensed private land surveyor with the approval of the Director of Lands.

(g) Adjudication of area and damage - The Director of Fisheries or the Secretary of Agriculture and Natural Resources, as the case may be, shall not be responsible for any loss occasioned by an adjudication of the area in favor of any claimant by the competent court and the permittee or lessee shall have no right to claim for damages arising from such decision.

(h) Statements in application as part of conditions of lease -

Any or all of the statements made in the corresponding application shall be considered as essential conditions and parts of the permit or lease issued. Any false statement in the application or material omissions of facts, altering, changing, or modifying the consideration of any or all the conditions mentioned therein shall ipso facto cause the cancellation of the permit or lease.

(i) Exclusive privilege - No license or permit which may be detrimental to the interest of the permittee or lessee shall be granted to other parties to exploit any other resources within the area granted.

(j) Free access of area - The Secretary of Agriculture and Natural Resources or any of his authorized representatives shall have free access at all time to the land which is the subject of the permit or lease.

(k) Public roads and canals - All the existing roads, trails, canals, and other means of transportation which pass through or adjoin the area under permit or lease shall be kept from obstruction of all kinds for public use. The width of canals separating side-walls and backwalls must be maintained at a minimum of one hundred twenty (120) meters wide.

(l) Free navigation - The permittee or lessee shall not obstruct the free navigation of rivers canals creeks and any stream adjoining or flowing through the area, prohibit or interfere with the passage of people along them or the banks thereof, or impede the flow and ebb of the tide to and from the interior of the swamps.

(m) Conflicts between applicants, permittees and claimants - In case of any conflict between applicants, permittees, lessees and/or claimants, the Director of Fisheries shall decide the matter after investigation has been made and a report thereof has been received except when the issue raised are of law and not of facts and the case can be properly decided without investigations.

All actions of the Director approving, rejecting, reinstating or cancelling an application, or deciding a conflict shall become final after thirty (30) days from the date a copy thereof is received

by the interested party, unless a motion for reconsideration is filed or an appeal therefrom is taken to the Secretary in accordance with the standing rules and regulations governing such matters.

(n) Disposition of improvements -

(1) The grantee shall have no right by virtue of the said permit or lease, to claim reimbursement for the expense incurred for improvement for whatever kind which he may have introduced on the land, before or after the expiration of the permit or lease, including the seawalls, river and channel walls, and backwalls.

(2) Upon the expiration or cancellation of the permit or lease, the improvements existing thereon shall become the property of the government.

(3) Such improvements shall be appraised accordingly and in case the area is granted to another permittee or lessee, the new grantee shall either rent them or pay the government the price thereof from which any amount due the government and the expense incurred in the sale shall be deducted. The former permittee or lessee shall be entitled to the reimbursement of the residue of the proceeds of the sale.

Sec. 30.- Duties of permittees and lessees - Every permittee or lessee shall be governed by, and subject to, these regulations. Among his duties shall be:

(a) To take precaution as may be necessary to prevent damage or destruction to the public lands.

(b) To accept responsibility for any damage or destruction to the public lands covered by his permit or lease which may be caused by his operation or by his agent, representative, or workmen, such damage or destruction to be assessed by the proper officials.

(c) To submit to the Director in duplicate in a proper prescribed form a quarterly report of his catch of fish made during the quarter, within the first 10 days of the month following the quarter for which the report is made, and any other statement on his operations as may

be required from time to time.

(d) To report to the Director of Fisheries:

(1) The name and address of any person found using explosives or poisonous substances in fishing within or adjoining the area covered by the permit;

(2) The place and date of explosion or using of poisonous substances; and

(3) The kind and quantity of fish killed or gathered as a result of the use of explosives or poisonous substances.

(e) To supervise the operation of the employee, either personally or through competent agents, whose names, addresses, and numbers of residence certificates for the current year shall be sent to the issuing officer or to the Director of Fisheries, Manila.

(f) To assume responsibility for any and all acts of his agents and employees, contractors and employees of the contractors connected with his operation.

(g) To keep records of transaction in connection with his permit or lease as may be required.

(h) To permit at any time the Director or Secretary or their duly authorized representatives to inspect all the records having any bearing on the data or information required in connection with his operation as a permittee or lessee, with the understanding that the information thus obtained shall be considered as confidential.

(i) To appear and to be present or to send a representative whenever required by the Duly authorized representative of the Director during an inspection of the area under permit or lease or in the investigation of matters pertaining thereto.

#### IX. REJECTION, SUSPENSION OR CANCELLATION

Sec. 31.- Suspension or cancellation - The application, permit or lease may be suspended or cancelled for any of the following reasons:

(a) Serious or continued violation of the Fishery Laws, the special regulations promulgated thereunder and the terms of the per-

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mit or lease.

(b) Repudiation or abandonment of the area granted.

(c) Request of the permittee or lessee.

(d) When the public interests so require.

(e) Failure to pay without justifiable cause, the fee, rental, additional charges, or/and bond deposit as provided herein or within 120 days from the date the required fee, rental and bond deposit become due and payable, without prejudice to any action the Government take to recover the amount due.

The cancellation of the permit for any of the causes mentioned in paragraphs (a), (b), or/and (c) hereof shall carry with it the forfeiture of the bond to the government.

The cancellation of a permit or lease agreement shall be made by the Director of Fisheries.

Sec. 32.- When a transfer of sub-lease of area and improvements may be allowed - If the permittee or lessee had, unless otherwise specifically provided, hold the permit or lease and actually operated and made improvements on the area for at least one year, it may request permission to sub-lease or transfer the area and improvements under certain conditions.

(a) Transfer subject to approval - A sub-lease or transfer shall only be valid when first approved by the Director of Fisheries under such terms and conditions as may be prescribed, otherwise, it shall be null and void. A transfer not previously approved or reported shall be considered sufficient cause for the cancellation of the permit or lease and forfeiture of the bond and for granting the area to a qualified applicant or bidder, as provided in sub-section (q) of Section 29 of this Order.

### **X3. LEGAL PROCEEDINGS AND PENALTY**

Sec. 23.- Authority of the Director of Fisheries -

(a) Administrative action- The Director of Fisheries may take administrative action for the recovery of damages caused by unintentional violation.

(b) Civil action - Unless otherwise instructed or provided, all

cases requiring the institution of civil proceedings shall be reported to the Director of Fisheries, Manila, for reference to the Solicitor General or the proper authority, as the case may be, for action.

(c) Criminal Action - For the purposes of this Administrative Order, fishery inspectors shall file the necessary criminal complaints in courts or shall submit a report thereof to the Director for appropriate action, as the case may be.

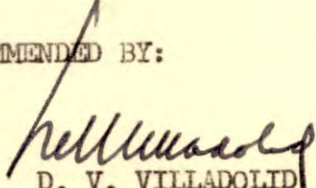
(Sec. 34.- Illegal occupation of public lands or construction of fishponds - Any person, who shall violate any of the provisions of this Order by occupation or construction of fishpond within the project, shall be liable to prosecution and upon conviction shall suffer the penalty provided in Section 83 of Act 4003, as amended, which is a fine of not more than ₱200.00 or imprisonment of not more than six (6) months, or both, in the discretion of the court. If the violation includes any construction constituting an encroachment upon waters in violation of public rights, the removal thereof shall be effected by or under the order and direction of the Director.

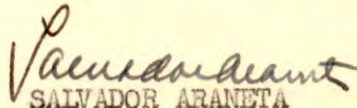
#### XI. FINAL PROVISIONS

Sec. 35.- Repealing provision - All existing rules and regulations governing fishpond applications, permits or leases, inconsistent with these provisions, as they apply to the Project, are hereby revoked; and all pending applications except permits and leases, duly issued prior to the approval of this Administrative Order shall be subject to, and governed by the provisions of this administrative order.

Sec. 36.- Date of taking effect - This Administrative Order shall take effect upon its approval.

RECOMMENDED BY:

  
D. V. VILLADOLID  
Director of Fisheries

  
SALVADOR ARANETA  
Secretary of Agriculture  
and Natural Resources

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