

Republic of the Philippines  
Department of Agriculture and Natural Resources  
PHILIPPINE FISHERIES COMMISSION  
Intramuros, Manila

FISHERIES ADMINISTRATIVE )

ORDER NO. 76 s. 1964: )

April 1, 1964

SUBJECT: Regulations governing the collecting  
and gathering of Marine Turtles

Pursuant to the provision of Sections 4 and 8 of Republic Act No. 3512, the following rules and regulations are hereby promulgated for the information and guidance of all concerned:

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

a) Marine turtles shall include those which belong to the species Chelonia japonica or mydas, Eretmochelys imbricata, Caretta olivacea, and Dermochelys coriacea and Hawks-bill turtle, Eretmochelys imbricata penant.

b) Turtle shell shall include shells of turtles of the species mentioned under Section 1 (a).

Section 2. Collecting or gathering marine turtles. When authorized. Except as otherwise provided herein, no person, association, or corporation shall be allowed to take, collect, gather, remove, or have in his/her/its possession or to purchase, offer or expose for sale, transport, ship or export, marine turtles as defined in Section 1(a).

Section 3. License for exclusive use of licensee. A license issued under the provision of this Order shall be for the exclusive use of the licensee and shall entitle him for a certain period of time to enter upon a definite area of the territorial waters of the Philippines and to gather or collect therefrom marine turtles under the conditions stated in the permit or license.

Section 4. License non-transferrable. Licenses issued under this Order shall not be transferable and shall expire upon the date specified thereon or upon the death of the licensee, or in the case of association or corporation, upon the dissolution of the same, unless sooner suspended, cancelled, or revoked or otherwise duly terminated by the Commissioner of Fisheries.

Section 5. Kinds of licenses under this Order. There shall be two classes of licenses under this Order. Commercial license and gratuitous license. A commercial license



shall be issued for commercial purposes, while a gratuitous license shall be issued for personal, educational, scientific or similar purposes.

Section 6. Who may be granted commercial license.  
A commercial license shall be granted by the Commissioner of Fisheries, only to:

a) Citizens of the Philippines or of the United States;

b) Association or corporations that are duly registered or incorporated under the laws of the Philippines or of the United States, or of any state thereof and authorized to transact business in the Philippines and at least sixty-one per centum of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippines or of the United States, or citizens of countries the laws of which grant similar rights to citizens of the Philippines;

c) Unincorporated companies or unregistered copartnership, all the members of which are citizens of the Philippines or of the United States and possess individually all the qualifications required of an individual applicant, and

d) An individual applying for a license who is at least 21 years of age or the head of a family. A married woman must first obtain the marital consent of her husband unless she shows by affidavit of herself and two other witnesses some good and sufficient causes satisfactory to the Commissioner of Fisheries that said consent is not legally necessary or cannot be feasibly obtained.

Section 7. Gratuitous license. The Commissioner of Fisheries shall have the power to issue a gratuitous license to any branch of the Philippine Government or to any scientific or educational institution or to any person of good repute who is qualified under this Order to collect or gather marine turtles in the territorial waters of the Philippines for educational and scientific purposes or for personal use, which license may cover any water area regardless whether or not the same is covered by another license to gather or collect marine turtles provided it shall not exceed five turtles daily. Such license or permit shall remain in force for a period of one year from date of issue, shall not be transferable, and shall be subject to such other restrictions as may be imposed by the Commissioner of Fisheries. The taking of marine turtles by the holder of such permit for other than scientific, educational or personal purposes or for propagation shall be sufficient cause for the nullification of the permit or license.



**Section 8. Issuance of license.** A license may be issued or granted only after the application therefor is duly filed in triplicate under oath with the Commissioner of Fisheries, accompanied by application fee of ₱5.00 which application must contain, among other things, the following information:

a) For individual applicant. Name, residence, age, citizenship, occupation, cedula number, place of issue and date, kind of license applied for.

b) For association or corporation. Names of officers, members, domicile, citizenship, cedula number, share, or participation of each in the company, and that said company is organized under the laws of the Philippines or of the United States. A certified copy of the articles of incorporation or copartnership shall be submitted with the application.

c) For both individual and association or corporation. Extent and description of concession applied for, giving the longitude and latitude, and how it is marked at the corners and boundaries; whether it is in conflict with any applied area already granted or occupied, capital stock available for investment, etc. The application shall be accompanied by a chart of the water area desired, the latest chart published by the Bureau of Coast and Geodetic Survey is to be taken as the basis.

**Section 9. Specific instruction in license.** Each license shall contain specific instructions and rules to be observed and reports to be submitted as the Commissioner of Fisheries may deem necessary.

**Section 10. Number of licenses allowable.** Not more than one license shall be issued to an individual, association or corporation.

**Section 11. Bond.** Before any commercial license is issued, the applicant shall, as guaranty of good faith in filing his application and for satisfactory compliance with the Fisheries Act and regulations and the terms and conditions of the license and the payment of annual rental or fee due, be required to deposit with the Philippine Fisheries Commission the amount of ₱20.00 per square kilometer or fraction thereof in cash.

**Section 12. Causes for forfeiture of bond.** The Commissioner of Fisheries may confiscate or forfeit a bond deposit to the government for any of the following reasons:

a) For violation of any provision of any existing laws or those that may hereafter be enacted or of this Order, rules and regulations promulgated thereunder, or terms and conditions of the license;



- b) For failure to fulfill the conditions and requirements under which the license is issued;
- c) For fraud or false or misleading statements made by the applicant or licensee;
- d) For failure to pay the rentals due;
- e) For failure to submit the required quarterly report of marine turtles collected or ~~gather~~ as specified in the permit or license issued and of this Order within reasonable time without satisfactory explanation therefor;
- f) Failure to use the license within four months after its issuance; or
- g) Collecting or catching undersized turtles below 12 inches in diameter measured across the body.

Section 13. Charges of marine turtles collected or caught. There shall be paid to the Philippine Fisheries Commission or to the Regional Offices an amount equivalent to 5% of the selling price per turtle and, except in accordance with the provision of this Order, shall be subject to a surcharge of 100% of the regular fee herein above provided, without prejudice to any criminal proceeding that may be taken against the offender in accordance with Section 6 of Republic Act 3512. The charges and surcharges shall be collected and remitted in a manner provided in Section 25-1 FAO No. 2-1.

Section 14. Annual rental. There shall be paid to the Philippine Fisheries Commission an annual rental in the amount of P5.00 per square kilometer or a fraction thereof. This fee shall be paid in advance.

Section 15. Maximum area that may be applied for by a person, association or corporation. A license issued under this regulation shall be for a marine turtle ground not more than ten (10) square kilometers in the case of individual applicant and not more than thirty (30) square kilometers for association or corporation.

Section 16. Duration of the license. A license for collecting or catching of marine turtles in the territorial waters of the Philippines issued by the Commissioner of Fisheries shall be for a period not exceeding one year from the date of issuance thereof.

Section 17. Renewal of license. Upon the expiration of the term granted in the license, the same may be renewed at the discretion of the Commissioner of Fisheries and upon the filing of a renewal application, with the application fee of P5.00. The application must be accomplished with all the requirements provided in Section 7(a) of this Order.



The licensee must also surrender the original permit to be marked in this Office "cancelled". A renewal license will be issued for a period not exceeding the period granted in the original license, provided that the licensee has not been guilty of any violation of this Order, the terms and conditions of the original license, related laws, rules and regulations of the Philippine Fisheries Commission.

Section 18. Transfer of interest. No person or association or corporation granted a license to collect or catch marine turtles in the territorial waters of the Philippines shall transfer, lease or assign his/her or its interest or sell his/her or its stock directly or indirectly to person, association or corporation not qualified under the terms of this Order under penalty of cancellation of his/her or its license and the forfeiture of the government of the bond therefor; provided, that the transfer made by a stockholder or member of an association or corporation of his/her or its stock or interest in violation of this Order, shall not be cause of the cancellation of the license of the association or corporation but said transfer shall be null and void and shall not be registered in the books of such association or corporation.

Section 19. Records of marine turtles collected or caught. All persons, associations or corporations licensed under this Order, shall keep book or books, wherein to enter daily the number, size, weight and species of marine turtles collected or caught, like green turtles, hawksbill turtles and other kinds of marine turtles, collected or caught. The name and address of buyers, if any, the date of sale, the quantity sold and the selling price thereof shall be indicated. The pages of said record books shall be numbered consecutively and before using them, the same shall be approved by the Regional Director or Fishery Officer who has jurisdiction over the area, on the first page thereof, which approval shall be more or less in the following terms:

"This book containing \_\_\_\_\_ pages is approved to serve as record book of marine turtles collected or caught as well as those disposed of under License No. \_\_\_\_\_ issued on \_\_\_\_\_."

\_\_\_\_\_  
Signature of Officer examining the book".

Section 20. Inspection of record book. Said record books shall be kept at all times open to inspection by the Commissioner of Fisheries, or his duly authorized representative or by the collector of Internal Revenue or his duly authorized representative or by the Philippine Constabulary and such other Officer of the Government as may be duly authorized to do so.



Section 21. Quarterly reports. Each holder of a license shall submit quarterly reports of the marine turtles collected or caught and those disposed of by him either by sale or donation as shown by the records required in this Order.

Section 22. Certificate of marine turtles collected or caught. A license under this Order shall, before any marine turtle is disposed of by him execute a certificate under oath to the effect that the same is collected or caught from the area under his license.

Section 23. Shipment of marine turtles. The shipment or exportation of marine turtles collected or caught under license granted under this Order, or commercial products derived from marine turtles shall be unlawful unless such shipment or exportation is properly effected thru the Custom House at one of the ports of entry in the Philippines.

Section 24. Water area under license open to authorize fishing, or gathering of aquatic products not mentioned in the license or permit. The water area covered by any license granted under this Order shall not be closed to navigation nor withdrawn from entry for the purpose of authorized catching of fish or gathering of other aquatic products or animals or gathering of seaweeds. The Commissioner of Fisheries may grant permit or license for other sea products covering the same area or portion thereof as provided in the Fisheries Act 4003, as amended, and the rules and regulations promulgated thereunder.

Section 25. License or permit subject to change or limitation. The Commissioner of Fisheries may, any time, alter or reduce the area under permit or license or change the terms and conditions thereof, when public interests so require.

Section 26. Licenses to carry license at all times. The license must be carried at all times during the collecting or catching of marine turtles and shall be presented upon demand by any peace officer or by other person authorized or designated by the Commissioner of Fisheries to enforce the provisions of this Order or other related rules and regulations. Failure to comply with this requirement without satisfactory reason therefore may be sufficient cause for the cancellation of the license as the case may be. Should any such license be found with defaced, erased, or illegible date of issue the same shall be seized at once by the peace officer or the authorized person who became aware of this fact, and said license may be declared null and void.

Section 27. Responsibility of licensee. No license shall be granted except upon the express condition that the licensee assumes responsibility for the acts of all persons operating under the license. Each licensee must supervise the operation of his employee either personally or thru a competent agent. The name, citizenship, address and cadastral number of such agent must be furnished the Commissioner of Fisheries before operation shall be started.



Section 28. Suspension, revocation, or cancellation of license or permit. Any license or permit may, at any time, be suspended, revoked or cancelled by the Commissioner of Fisheries on the following grounds:

- a) For violation of any provision of any existing laws, rules and regulations or those that may hereafter be enacted, or the terms and condition of the license.
- b) For failure to fulfill the conditions and requirements under which the license is issued.
- c) For fraud or false or misleading statement made by the licensee.
- d) For failure to pay the rental due.
- e) Failure to submit quarterly report or marine turtles collected or caught as specified in the license or permit.
- f) Upon death of licensee.
- g) Failure to use the permit within four months from date of issue.
- h) Collecting or catching of marine turtle less than 12 inches in diameter.
- i) Upon request of the licensee.

Section 29. Notification from the licensee. The licensee shall notify this Office of his desire to renew his license or permit thirty (30) days before the expiration date after which he shall file his application for renewal as required in Section 16 of this Order, or else his failure to notify this Office shall be presumed that he is not interested to renew his permit and same is considered terminated on the date of expiration and the area is therefore open to any interested and qualified applicant. Applications for renewal filed by the licensee thirty (30) days after the permit has expired, will not be accepted but instead he may file a new application for the same area for consideration by the Commissioner of Fisheries. But if application has been filed by other persons or association or corporation covering the same water area, the prior applicant is given preference for the area. The former license or permit issued shall not give the licensee a preferential right over the area after he has filed to give notice of his desire to continue his operation on the area for the period specified in this Order.

Section 30. Surrender of license. A licensee retiring from the business must surrender the license or permit with a statement that he no longer desires to use it. Any other applicant for the area or the successor to



the business should apply for the license or submit the information required of an applicant for a license. The Commissioner of Fisheries must be promptly notified of the death of the licensee or dissolution of the association or corporation. In the meantime, the heirs or successor of the licensee may make an invoice of the marine turtles collected or caught by the deceased licensee. In case the heirs or successors are not entitled to a license, the Commissioner of Fisheries shall take action as he may deem expedient under the circumstances.

Section 31. Delivery of licenses terminated or cancelled. If, for any reason, the license is terminated or cancelled, the licensee shall deliver it to the Commissioner of Fisheries for filing.

Section 32. Prohibition. It shall be prohibited and declared unlawful:

a) To fish, take, wound or kill in all waters of the Philippine Islands, or hold in possession, living or dead or to purchase, offer, or expose for sale, transport, ship, or export, alive or dead, undersized marine turtles.

b) To capture any marine turtles by means of line and sinker.

Section 33. Minimum sizes of marine turtles. It shall be unlawful for any person to take, sell, transfer, or have in possession, for any purpose, marine turtles or any of the species mentioned in this Order smaller than the minimum size of twelve (12) inches measured across the body.

Section 34. Designated places for the collecting or catching of marine turtles. The catching or collecting of marine turtles is allowed throughout the Philippines.

Section 35. Power of the Commissioner of Fisheries to refuse application over certain reserve areas. The Commissioner of Fisheries is empowered to designate as he deem proper for public interest, certain areas as reserved and to refuse applications thereat.

Section 36. Compromise. The Commissioner of Fisheries may, at any stage, compromise any case arising under the provision of this Order. (Sec. 80, Act No. 4003).

Section 37. Penalties. Any person who shall take marine turtles in Philippine waters contrary to the provision of the Fisheries Act or of this Order or otherwise violates any provision hereof shall suffer the penalty provided in Section 83 of Act No. 4003, the Fisheries Act, imprisonment for not more than six months, or both, in the discretion of the court.



Section 38. Repealing provision. All other orders and regulations or parts thereof, inconsistent with the provisions of this Order, are hereby revoked.

Section 39. Effectivity. This Philippine Fisheries Administrative Order shall take effect sixty days after its publication in the Official Gazette.

JOSE Y. FELICIANO  
Acting Secretary of Agriculture  
and Natural Resources

Recommended by:

ORIGINAL SIGNED

ARSENIO N. ROLDAN, Jr.  
Acting Commissioner of Fisheries

FD/REBS/lds

