

S. No. 1708
H. No. 7366

Republic of the Philippines
Congress of the Philippines
Metro Manila

Tenth Congress

Fifth Special Session

Begun and held in Metro Manila, on Tuesday the seventeenth day of
February, nineteen hundred and ninety-eight.

[REPUBLIC ACT No. 8550]

AN ACT PROVIDING FOR THE DEVELOPMENT,
MANAGEMENT AND CONSERVATION OF THE
FISHERIES AND AQUATIC RESOURCES
INTEGRATING ALL LAWS PERTINENT THERETO,
AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

SECTION 1. Title.-This Act shall be known as” The Philippine
Fisheries Code of 1998.”

CHAPTER 1.

DECLARATION OF POLICY AND DEFINITIONS

SEC. 2. Declaration of Policy.- it is hereby declared
the policy of the State:

a. to achieve food security as the overriding in the consideration in the utilization, management, development, conservation and protection of fishery resources in order to provide the food needs of the population. A flexible policy towards the attainment of food security shall be adopted in response to changes in demographic trends for fish, emerging trends in the trade of fish and other aquatic products in domestic and international markets, and the law of supply and demand;

b. to limit access to the fishery and aquatic resources of the Philippines for the exclusive use and enjoyment of Filipino citizens;

c. to ensure the rational and sustainable development, management and conservation of fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment.

d. to protect the rights of fisherfolk, especially of the local communities with priority to municipal fisherfolk, in the preferential use of municipal waters. Such preferential use, shall be based on, but not limited to, Maximum Sustainable Yield (MSY) or Total Allowable Catch (TAC) on the basis of resources and ecological conditions, and shall be consistent with our commitments under international treaties and agreements;

e. to provide support to the fishery sector, primarily to the municipal fisherfolk, including women and youth sectors, through appropriate technology research, adequate financial, production, construction of post-harvest facilities, marketing assistance, and other services. The protection of municipal fisherfolk against foreign intrusion shall extend to offshore fishing grounds. Fishworkers shall receive a just share for their labor in the utilization of marine and fishery resources;

f. to manage fishery and aquatic resources, in a manner consistent with the concept of an integrated coastal area management areas, appropriately supported by research, technical services and guidance provided by the State; and

g. to grant the private sector the privilege to utilize fishery resources under the basic concept that the grantee, licensee or permittee thereof shall not only be a privileged beneficiary of the State but also an active participant and partner of the Government in the sustainable development, management, conservation and protection of the fishery and aquatic resources of the country.

The State shall ensure the attainment of the following objectives of the fishery sector:

1. Conservation, protection and sustained management of the country's fishery and aquatic resources;

2. Poverty alleviation and the provision of supplementary livelihood among municipal fisherfolk;

3. Improvement of productivity of aquaculture within ecological limits;
4. Optimal utilization of offshore and deep-sea resources; and
5. Upgrading of post-harvest technology.

SEC. 3. Application of its Provisions - The provisions of this Code shall be enforced in:

- a. all Philippine waters including other waters over which the Philippines has sovereignty and jurisdiction, and the country's 200-nautical mile Exclusive Economic Zone (EEZ) and continental shelf;
- b. all aquatic and fishery resources whether inland, coastal or offshore fishing areas, including but not limited to fishponds, fish pens/cages; and
- c. all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public lands.

SEC. 4. Definition of Terms - As used in this Code, the following terms and phrases shall mean as follows:

1. Ancillary Industries - firms or companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; fishery machine shops; and other facilities such as hatcheries, nurseries, feed plants, cold storage and refrigeration, processing plants and other pre-harvest and post-harvest facilities.

2. Appropriate Fishing Technology - adaptable technology, both in fishing and ancillary industries, that is ecologically sound, locally source-based and labor intensive.

3. Aquaculture - fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.

4. Aquatic Pollution - the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effects shall also constitute aquatic pollution.

5. Aquatic Resources - includes fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including, but not limited to, salt and corals.

6. Artificial Reefs - any structure of natural or man-made materials placed on a body of water to serve as shelter and habitat, source of food, breeding areas for fishery species and shoreline protection.

7. Catch Ceilings - refer to the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms.

8. Closed Season - the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in Philippine waters.

9. Coastal Area/Zone - is a band of dry land and adjacent ocean space (water submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa; its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobath to include coral reefs, algae flats, sea grass beds and other soft-bottom areas.

10. Commercial Fishing - the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:

1. Small scale commercial fishing - fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;

2. Scale commercial fishing - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT;

3. Large scale commercial fishing - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT;

11. Commercial Scale - a scheme of producing a minimum harvest per hectare per year of milkfish or other species including those raised in pens, cages, and tanks to be determined by the Department in consultation with the concerned sectors;

12. Coral - the hard calcareous substance made up of the skeleton of marine coelenterate polyps which include reefs, shelves and atolls or any of the marine coelenterate animals living in colonies where their skeletons form a stony mass. They include:(a) skeletons of anthozoan coelenterates characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus corallium as represented by the red, pink, and white corals which are considered precious corals; (b.). skeletons of anthozoan coelenterates characterized by thorny, horny axis such as the antipatharians represented by the black corals which are considered semi-precious corals; and (c.) ordinary corals which are any kind of corals that are not precious nor semi-precious.

13. Coral Reef - a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal and subtidal marine waters.

14. Demarcated Areas - boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain specified and limited uses such as:

- a. Aquaculture, sea ranching and sea farming;
- b. Fish aggregating devices;
- c. Fixed and passive fishing gears; and
- d. Fry and fingerlings gathering.

15. Department - shall mean the Department of Agriculture.

16. Electrofishing - the use of electricity generated by batteries electric generators and other source of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same are subsequently recovered.

17. Endangered, Rare and/or Threatened Species - aquatic plants, animals, including some varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations or in the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources (DENR) and in the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).

18. Exclusive Economic Zone (EEZ) - an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baselines as defined under existing laws.

19. FARMCs - the Fisheries and Aquatic Resources Management Councils.

20. Farm-to-Market Roads - shall include roads linking the fisheries production sites, coastal landing points and other post-harvest facilities to major market and arterial roads and highways.

21. Fine Mesh Net - net with mesh size of less than three centimeters (3 cm) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency.

22. Fish and Fishery/Aquatic Products - include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.

23. Fish Cage - refers to an enclosure which either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo posts or various types of anchors and floats.

24. Fish Corral or "Baklad" - a stationary weir or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo mattings or wire mattings with one or more enclosures, usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers, purse or bags.

25. Fish Fingerlings - a stage in the life cycle of the fish measuring to about 6-13 cm, depending on the species.

26. Fish Fry - a stage at which a fish has just been hatched usually with sizes from 1-2.5 cm.

27. Fish Pen - an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of polesb closely arrange in an enclosure with wooden materials, screen or nylon netting to prevent escape of fish.

28. Fisherfolk - people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.

29. Fisherfolk Cooperative - a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.

30. Fisherfolk Organization - an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, and organizational structure and a program of action.

31. Fisheries - refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, development, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof.

32. Fish Pond - a land -based facility enclosed with earthen or stone material to impound water for growing fish.

33. Fishing Boat/Gear License - a permit to operate specific types of fishing boat/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources.

34. Fishery Management Areas - a bay, gulf, lake or any other fishery area which may be delineated for fishery resource management purposes.

35. Fishery Operator - one who owns and provides the means including land, labor, capital, fishing gears and vessels, but does not personally engage in fishery.

36. Fishery Refuge and Sanctuaries - a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access maybe restricted.

37. Fishery Reserve - a designated area where activities are regulated and set aside for educational and research purposes.

38. Fishery Species - all aquatic flora and fauna including, but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.

39. Fishing - the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.

40. Fishing Gear - any instruments or device and its accessories utilized in taking fish and other fishery species.

a. Active fishing gear – is a fishing device characterized by gear movements, and/or the pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments; such as, but not limited to trawl, purse seines, Danish seines, bag nets, paaling, drift gill net and tuna longline.

b. Passive fishing gear - is characterized by the absence of gear movements and/or the pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets set across the path of the fish.

41. Fishing Vessel - any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.

42. Fishing with Explosives - the use of the dynamite, other explosives or other chemical compounds that contains combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound, will kill, stupefy, disable or render unconscious any fishery species. It also refer to the use of any other substance and/or devise which cause an explosion that is capable or producing the said harmful effects on any fishery species and aquatic resources and capable of damaging and altering the natural habitat.

43. Fishing with Noxious or Poisonous Substances - the use of any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in a raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any fishery species and aquatic resources and capable of damaging and altering the natural habitat.

44. Fishworker - a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fishpens, fish cages, fish corrals/traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.

45. Food Security - refers to any plan, or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. Food security may be achieved through self-sufficiency (i.e. ensuring adequate food supplies from domestic production), through self-reliance (i.e. ensuring adequate food supplies through a combination of domestic production and importation), or through pure importation.

46. Foreshore Land - a string of land margining a body of water; the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash a high tide usually marked by a beach scarp or berm.

47. Fully-developed Fishpond Area - a clean leveled area enclosed by dikes, at least one foot higher than the highest floodwater level in the locality and strong enough to resist pressure at the highest flood tide; consists of at least a nursery pond, a transition pond, a rearing pond or a combination of any or all said classes of ponds, and a functional water control system and producing in a commercial scale.

48. Gross Tonnage - includes the underdeck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessel's 'closed-in' spaces expressed in volume terms on the bases of one hundred cubic feet (that equals one gross ton).

49. Inland Fishery - the freshwater fishery and brackishwater fishponds.

50. Lake - an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water.

51. Limited Access - a fishery policy by which a system of equitable resource use and allocation is established by law through fishery rights granting and licensing procedure as provided by this Code.

52. Mangroves - a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps.

53. Maximum Sustainable Yield (MSY) - is the largest average quantity of fish that can be harvested from a fish stocks/resource within a period of time (e.g. one year) on a sustainable basis under existing environmental conditions.

54. Migratory species - refers to any fishery species which in the course of their life could travel from freshwater to marine water or vice versa, or any marine species which travel over great distances in waters of the ocean as part of their behavioral adaptation for survival and speciation:

(a.) Anadromous species - marine fishes which migrate to freshwater areas to spawn;

(b.) Catadromous species - freshwater fishes which migrate to marine areas to spawn.

55. Monitoring, control and surveillance –

a. Monitoring - the requirement of continuously observing: (1) fishing effort which can be expressed by the numbers of days or hours of fishing, number of fishing gears and number of fisherfolk; (2) characteristics of fishery resources; and resource yields (catch);

b. Control - the regulatory condition (legal framework) under which the exploitation, utilization and disposition of the resources may be conducted; and

c. Surveillance - the degree and types of observations required to maintain compliance with regulations.

56. Municipal fisherfolk - persons who are directly or indirectly engaged in municipal fishing and other related fishing activities.

57. Municipal fishing - refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.

58. Municipal waters - include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under the Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so suited on opposite shores that there is less than thirty (30)

kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.

59. Non-governmental organization (NGO) - an agency, institution, a foundation or a group of persons whose purpose is to assist peoples organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.

60. Payao - a fish aggregating device consisting of a floating raft anchored by a weighted line with suspended materials such as palm fronds to attract pelagic and schooling species common in deep waters.

61. Pearl Farm Lease - public waters leased for the purpose of producing cultured pearls.

62. People's Organization - a bonafide association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to a sector/s who voluntarily band themselves together to work for and by themselves for their own upliftment, development and greater good.

63. Person - natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations.

64. Philippine waters - include all bodies of water within the Philippine territory such as lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities and barangays and the waters around, between and connecting the islands of the archipelago regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all others waters over which the Philippines has sovereignty and jurisdiction including the 200-nautical miles Exclusive Economic Zone and the continental shelf.

65. Post-harvest facilities - these facilities include, but are not limited to, fishport, fishlanding, ice plants and cold storages, fish processing plants.

66. Purse Seine - a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.

67. Resource Rent - the difference between the value of the products produced from harvesting a publicly owned resource less the cost of producing it, where cost includes the normal return to capital and normal return to labor.

68. Sea farming - the stocking of natural or hatchery - produced marine plants or animals, under controlled conditions, for purposes of rearing and harvesting, but not limited to commercially important fishes, mollusks (such as pearl and giant clam culture), including seaweeds and seagrasses.

69. Sea ranching - the release of the young of fishery species reared in hatcheries and nurseries into natural bodies of water for subsequent harvest at maturity or the manipulation of fishery habitat, to encourage the growth of the wild stocks.

70. Secretary - the Secretary of the Department of Agriculture.

71. Superlight - also called magic light, is a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.

72. Total Allowable Catch (TAC) - the maximum harvest allowed to be taken during a given period of time from any fishery area, or from any fishery species or group of fishery species, or a combination of area and species and normally would not exceed the MSY.

73. Trawl - an active fishing gear consisting of a bag shaped net with or without otter boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water, including all variations and modifications of trawls (bottom, mid-water, and baby trawls) and tow nets.