

Republic of the Philippines
MINISTRY OF AGRICULTURE AND FOOD
Diliman, Quezon City

FISHERIES ADMINISTRATIVE)

ORDER No. 157 :

1986-06-13

Series of 1986)

SUBJECT: Rules and regulations on the gathering, taking, removing, or collecting of "kapis" of the species Placuna placenta in Philippine waters.

Pursuant to the provisions of Sections 4 and 7 of Presidential Decree No 704, as amended, otherwise known as the Fisheries Decree of 1975, the following rules and regulations are hereby promulgated for the protection and conservation of "kapis":

Section 1. Definition. - For the purpose of this Order, the following words shall refer to:

- a) "*Kapis*" (windowpane shells) - bivalve mollusks belonging to the species *Placuna placenta* with thin, almost colorless and semitransparent valves with rounded outline, one valve more or less flattened and the other valve slightly convex;
- b) *Person* - natural person;
- c) *Bureau* - Bureau of Fisheries and Aquatic Resources;
- d) *Director* - Director of Fisheries and Aquatic Resources;
- e) *Minister* - Minister of Agriculture and Food.

Section 2. Issuance of permit. - It shall be unlawful for any person to gather, take, remove or collect "kapis" in Philippine waters without a permit duly issued by the Director or his duly authorized representative.

Section 3. Prohibition. - The gathering, taking, removing or collecting of kapis less than 80 millimeters in diameter measured from the base perpendicular towards the top edge of the shell, and the use of mechanical rakes and dredges, or the use thereof on board a motorized boat are hereby prohibited.

Section 4. Application fee. - An application to gather, take, remove or collect kapis shall be filed with the Bureau upon payment of a fee of P20.00.

Section 5. Permit fee. - A permit to gather, take, remove or collect kapis shall be issued for a period of 1 year subject to renewal upon payment of a fee of P30.00.

Section 6. Restricted areas. - The Minister, upon recommendation of the Director may, from time to time, designate restricted areas in Philippine waters where the gathering, taking, removing or collecting of kapis shall be prohibited for the purpose of conservation.

Section 7. Auxiliary invoice. - All shipments of kapis shells shall be covered by an auxiliary invoice which shall be secured from the nearest Fishery Office upon payment of P10.00 per fifty (50) kilos.

Section 8. Penalty. - Violation of any provision of this Order shall subject the offender to a fine of not less than P500, but not more than P5,000 or imprisonment from 6 months to 4 years, or both such fine and imprisonment in the discretion of the Court: *Provided,* That the Director of Fisheries and Aquatic Resources is hereby empowered to impose upon the offender an administrative fine of not less than P500 but not more than P5,000, revoke the permit, confiscate the gear and other paraphernalia used therein including the kapis gathered for proper disposition: *Provided, Further,* That the Director or his duly authorized representative is likewise empowered to confiscate gathered undersized kapis shells as prohibited under Section 3 hereof without prejudice to the imposition of a similar fine against the possessor thereof.

Section 9. Repealing clause. - All existing administrative orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Order are hereby repealed or amended accordingly.

Section 10. Effectivity. - This administrative order shall take effect 15 days after its publication in the Official Gazette and/or in 2 newspapers of general circulation.

(SGD.)

RAMON V. MITRA

Minister

RECOMMENDED BY:

(SGD.)

JUANITO B. MALIG

Director

Bureau of Fisheries and

Aquatic Resources

PUBLISHED: SEPTEMBER 1, 1986

1. MANILA CHRONICLE

2. ANG PAHAYAGANG MALAYA

EFFECTIVITY: SEPTEMBER 17, 1986