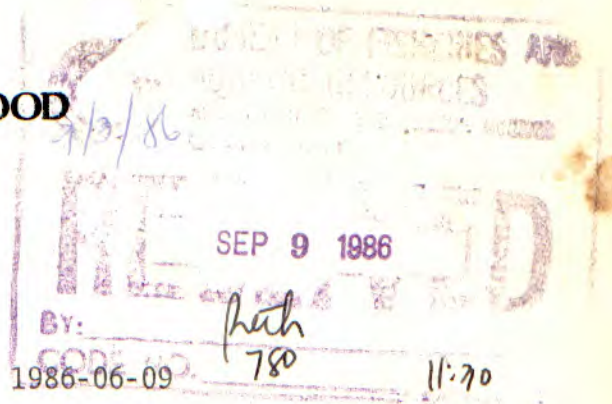




Republic of the Philippines
MINISTRY OF AGRICULTURE AND FOOD
Office of the Minister
Elliptical Road, Diliman, Quezon City



FISHERIES ADMINISTRATIVE)
ORDER NO. 160 :
Series of 1986.)

BY: *hath*
1986-06-09 780 11:70

SUBJECT: Rules and regulations governing the construction, establishment or operation of fishpens and fish cages in Philippine waters.

Pursuant to the provisions of Sections 4, 7 and 27 of Presidential Decree No. 704, as amended, otherwise known as the "Fisheries Decree of 1975," the following rules and regulations governing the construction, establishment or operation of fishpens and fish cages in Philippine waters are hereby promulgated:

SECTION 1. Definition of terms. - For purposes of this Order, the following terms and phrases shall mean:

- (a) Fishpen - fish enclosure made up of closely woven bamboo screens, nylon screens, or other materials attached to poles staked to the water bottom enclosing a given water area for the purpose of growing and/or culturing fish to various sizes.
- (b) Fish cage - a stationary or floating fish enclosure made of synthetic net, wire/bamboo screens or other materials set in the form of an inverted mosquito net (hapa-type) with or without cover with all sides either tied to poles staked to the water bottom or with anchored floats for aquaculture purposes.
- (c) Fishpen or fish cage belt - a definite water area designated by the Director where fishpens or fish cages may be constructed, established or operated.
- (d) Director - Director of the Bureau of Fisheries and Aquatic Resources.

SEC. 2. Prohibition. - No person, corporation, association, partnership or cooperative shall construct, establish or operate fishpens or fish cages in Philippine waters without a license duly issued by the Director.

SEC. 3. Who may apply. - A license to construct, establish or operate a fishpen or fish cage may be issued only to the following:

- (a) Citizens of the Philippines; and
- (b) Corporations, associations, partnerships or cooperatives duly registered in accordance with law and at least sixty (60%) per centum of the authorized capital stock of which belongs wholly to citizens of the Philippines.

SEC. 4. Filing of application. - A duly accomplished application for the construction, establishment or operation of fishpens or fish cages shall be filed with the Provincial Fishery Office where the water area applied for is situated and to be accompanied by the following requirements:

- (a) Location plan of the area applied for within the designated fishpen/fish cage belt;
- (b) Application fee of ₱20.00 either in cash or postal money order payable to the Bureau; and
- (c) Articles of Incorporation, By-Laws and/or Certificate of Registration, when applicable.

SEC. 5. Area that may be granted. -

- (a) For fishpens
 - an individual may be granted an area of not more than THREE (3) hectares.
 - a juridical applicant may be granted an area of not more than TEN (10) hectares.
- (b) For fish cages
 - an individual may be granted an area of not more than TWO HUNDRED (200) square meters.
 - a juridical applicant may be granted an area of not more than ONE THOUSAND (1,000) square meters.

SEC. 6. Annual license fee. -

- (a) For fishpen, the annual license fee shall be Two Hundred (₱200.00) Pesos per hectare or fraction thereof.
- (b) For fish cage, the annual license fee shall be Twenty (₱20.00) Pesos per 100 square meters or fraction thereof.

SEC. 7. Duration of license. - The license to construct, establish or operate fishpens or fish cages shall be for a period of five (5) years, subject to renewal.

SEC. 8. Surcharges. - When the annual license fee is not paid on the date it becomes due, the licensee shall pay a surcharge of One Hundred (100%) per centum.

SEC. 9. Restrictions and/or limitations. -

- (a) No fishpen or fish cage shall be constructed, established or operated outside the designated fishpen/fish cage belt designated for the purpose.
- (b) No licensee shall construct, establish or operate fishpens/fish cages within thirty (30) meters distance from each other for purposes of free passage and/or navigation.

SEC. 10. Gratuitous license. - A gratuitous license may be issued by the Director to any government agency or institution of learning to construct, establish or operate fishpens or fish cages in the designated fishpen/fish cage belt for scientific, research or educational purposes, subject to such terms and conditions as may be imposed.

SEC. 11. Submission of semi-annual report. - The licensee shall submit a semi-annual report to the Director or his duly authorized representative of the production in his area for statistical purposes.

SEC. 12. Grounds for rejection of application. - An application for license to construct, establish or operate fishpens and fish cages may be rejected on any of the following grounds:

- (a) Lack or loss of interest of the applicant;
- (b) Voluntary written request of the applicant;
- (c) Applicant is not qualified in accordance with this Order;
- (d) Failure to comply with the requirements as provided in this Order;
- (e) Fraudulent, false or misleading statements in the application;
- (f) Death of the natural applicant or dissolution of the juridical applicant; and
- (g) When public interest so requires.

SEC. 13. Grounds for cancellation of license. - A license to construct, establish or operate fishpens and fish cages may be cancelled on any of the following grounds:

- (a) Violation of any provisions of this Order;
- (b) Death of the licensee: Provided that a new license may be issued to the qualified heirs or assignees upon filing of an application within ninety (90) days from the death of the licensee;
- (c) Dissolution of the juridical licensee;
- (d) Failure to comply with the terms and conditions of the license;
- (e) Fraudulent, false or misleading statements in the application;
- (f) Failure to pay the license fee and/or surcharges;
- (g) Abandonment of the area;
- (h) Failure to submit semi-annual report; and
- (i) When public interest so requires.

SEC. 14. Grace Period. - Any person, natural or juridical, operating fishpens and fish cages prior to the effectivity of this Order, shall be given a grace period of three (3) months from the effectivity hereof to comply with the provisions of this Order; otherwise, the fishpen or fish cage shall be ordered removed by the Director at the expense of the offender.

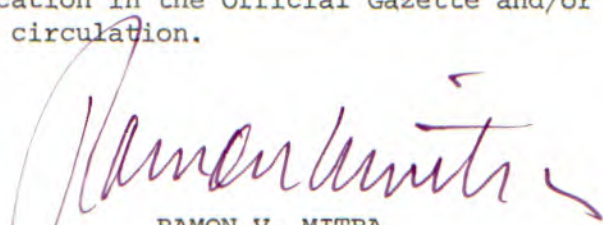
SEC. 15. Exemption. - This Order shall not apply to bodies of waters covered by special laws over which the Bureau of Fisheries and Aquatic Resources has no jurisdiction.

SEC. 16. Penal provisions. - Violation of any provision of this Order shall subject the offender to a fine of not less than Five Hundred (₱500.00) Pesos but not more than Five Thousand (₱5,000.00) Pesos or imprisonment from six (6) months to four (4) years, or both such fine and imprisonment in the discretion of the Court: Provided, that the Director is hereby empowered to impose upon the offender an administrative fine of not more than Five Thousand (₱5,000.00) Pesos.

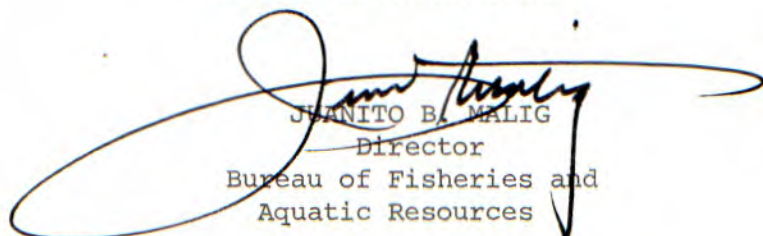
SEC. 17. Separability clause. - The provisions of this Order are hereby declared to be separable and, if any clause, sentence, provision or section of this Order or application thereof to any person or circumstance should for any reason be held invalid, such invalidity shall not affect the other provisions or application of this Order.

SEC. 18. 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.

SEC. 19. Effectivity. - This Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation.


RAMON V. MITRA
Minister
Ministry of Agriculture and Food

RECOMMENDING APPROVAL:


JUANITO B. MALIG
Director
Bureau of Fisheries and
Aquatic Resources