

Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Elliptical Road, Diliman, Quezon City

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SUBJECT: Rules and regulations governing the gathering, culture and exportation of shelled mollusks (Phylum Mollusca)

Pursuant to the provisions of Sections 4, 7, 16 and 18 of Presidential Decree No. 704, otherwise known as the "Fisheries Decree of 1975," and Section 18 of Executive Order No. 116, dated January 30, 1987, the following rules and regulations governing the gathering, culture and exportation of shelled mollusks (Phylum Mollusca) are hereby promulgated:

Section 1. Definition of terms and phrases. - For purposes of this Order, the following terms and phrases as used herein shall mean:

- a) Shelled mollusks - refer to all species of univalves and bivalves including nautiloid mollusks of the genera Nautilus and Argonauta. They include, but are not limited to the following genera: Univalves - Haliotis, Trochus, Voluta, Mitra, Strombus, Murex, Oliva, Conus, Cypraea, Lambis and Harpa; Bivalves. - Tridacna, Hippopus, Pinctada, Pteria, Placuna, Amusium, Paphia, Katelsia, Atrina, Tapes, Anadara and Pharella.
- b) Tridacna gigas. - A species of giant clam having the following characteristics: sub-oval to fan-shaped; valves equilateral, moderately thin in small specimens, extremely heavy and thick in large individuals, byssal orifice small to nearly closed; edge with 4-7 folds; concentric sculpture lacking or limited to a few tubular spines near umbos; radiating sculpture deeply folded.
- c) Tridacna derasa. - A species of giant clam having the following characteristics: semi-circular shape; valves are inequilateral, usually very heavy and often thickened at umbos; byssal orifice narrow and short; edge with 6 - 7 folds; concentric sculpture absent or in low erect ridges; umbonal area massive; umbos nearer posterior end.
- d) Hippopus porcellanus. - A species of giant clam having the following characteristics; semi-circular in outline; smoother and proportionately lighter in weight than the species Hippopus hippopus which is elongated to ovate-triangular or sub-rhomboidal in shape.
- e) Shelled mollusk gathering. - The taking or removal of any shell from natural or wild areas.
- f) Shelled mollusk culture. - The culture of any kind of shelled mollusks in specific areas for commercial purposes.
- g) Permit to gather - Authority issued by the Regional Director concerned to take or remove shelled mollusks in natural or wild areas, except those areas covered by existing license to culture.

- h) License to culture. - Authority issued by the Regional Director concerned to culture or grow shelled mollusks in specific areas.
- i) Gratuitous permit.- An authority issued by the Regional Director concerned, free of charge, in favor of any government agency or institution to gather or culture shelled mollusks for research or educational purposes.
- j) Regional Director - refers to the Regional Director of the Department of Agriculture.
- k) CITES. - Acronym for "Convention on International Trade on Endangered Species of Wild Flora and Fauna."

Sec. 2. Gathering and/or culturing of shelled mollusks. - No person, partnership, association, corporation, or cooperative shall gather and/or culture shelled mollusks in Philippine waters without any permit, license or gratuitous permit issued by the Regional Director. Provided, however, That the gathering of wild *Tridacna derasa*, *Tridacna gigas* and *Hippopus porcellanus* is prohibited.

Sec. 3. Who are entitled to gather and/or culture shelled mollusks. - a) Citizens of the Philippines; b) Partnerships, associations or corporations duly registered in accordance with law, at least sixty per centum (60%) of the authorized capital stock of which belongs to citizens of the Philippines; c) Cooperatives duly registered in accordance with law, at least sixty per centum (60%) of the authorized capital stock of which belongs to citizens of the Philippines; c) Cooperatives duly registered in accordance with law.

- Sec. 4. Restrictions on the culture of shelled mollusks. -
- a) The size of an area for the culture of shelled mollusks shall not be more than one (1) hectare for individuals nor more than five (5) hectares for partnerships, associations, corporations, or cooperatives.
 - b) No area for the culture of shelled mollusks shall be established at a distance of less than five hundred (500) meters from each other.
 - c) No area for the culture of shelled mollusks shall be established so as to obstruct designated navigational lanes or where there is conflict of water rights.

Sec. 5. Filing of application to gather shelled mollusks. - An application to gather shelled mollusks shall be filed with the office of the Regional Director concerned where the area is located and accompanied by four (4) 1" X 1" latest picture of the applicant.

Sec. 6. Filing of application to culture shelled mollusks. - An application to culture shelled mollusks shall be filed with the office of the Regional Director concerned where the area is located and accompanied by the following requirements:

- a) Bureau of Technical Survey Map (BTSM) chart indicating the approximate location and boundaries (longitude and latitude) of the area;
- b) Xerox copy of the Articles of Incorporation and/or Certificate of Registration duly approved by the offices concerned.

Sec. 7. Fees. - The following fees shall be collected whenever applicable:

- a) Application fee to gather P 30.00
- b) Permit fee to gather P 70.00
- c) Application fee for license
to culture P100.00
- d) License fee to culture P200.00/hectare/year

Sec. 8. Surcharge. - 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. Duration of the permit/license. - A license to culture shelled mollusks in any water area of the Philippines shall be for a period of five (5) years, renewable for a similar period, and a permit to gather shall be for a period of one (1) year.

Sec. 10. Obligations of shell gatherers. -

- a) For monitoring purposes, the permittee shall submit to the Regional Director a monthly statement of shelled mollusks gathered in a prescribed form.
- b) A permit to gather shall be carried at all times and shall be presented upon demand by any authorized inspecting officer.

Sec. 11. Obligations of licensee to culture shelled mollusks. -

- a) The licensee shall comply with all pertinent existing laws, rules and regulations and those which may hereafter be promulgated.
- b) The licensee shall assume responsibility for any and all acts of his agents, employees or laborers in the establishment, management, or operation of the shell farm lots.
- c) The licensee shall keep a book or books for recording of all kinds of shells cultured and harvested from the area under license, indicating therein the date of culture, the kind, quantity, date of harvest, and the capital invested. The book or books shall be numbered consecutively and shall be subject to inspection and verification by the Regional Director or his duly authorized representatives. The licensee shall also submit a monthly statement of production of all shelled mollusks cultured and harvested to the Regional Director in a prescribed form.

Sec. 12. Gratuitous permit. - A gratuitous permit to gather or culture shelled mollusks may be issued by the Regional Director for a period of one (1) year, subject to renewal for the same period, but may be terminated sooner for cause under the succeeding section.

Sec. 13. Grounds for rejection of application and cancellation of permit to gather, license to culture, or gratuitous permit, when applicable. -

- a) Giving false or misleading statement.
- b) Abandonment of the area.
- c) Dissolution of the juridical licensee.
- d) Voluntary request of the applicant/licensee.
- e) Non-use of the permit or license within one (1) year from the issuance thereof.
- f) Violation of the provisions of existing fishery laws, rules and regulations and the terms and conditions of the permit or license.
- g) When public interest so requires.

Sec. 14. Exportation of shelled mollusks. - The exportation of shelled mollusks and/or any of their derivatives shall be allowed, except those species which are prohibited under Section 2 of this Order and those listed in the CITFS: Provided, however, That shelled mollusks listed in the CITFS or in any international agreement wherein the Philippines is a signatory may be exported upon submission of proof that the same have been cultured.

Sec. 15. Transitory provisions. - All corporations, associations, or cooperatives culturing shelled mollusks are hereby given a grace period of six (6) months from the effectivity of this Order within which to restructure and/or comply with the provisions hereof. For purposes of uniformity, the Director of Fisheries and Aquatic Resources shall prepare the application, license and gratuitous permit forms as mentioned in this order for the official use of the regional directors who shall reproduce the same for their own use.

Sec. 16. Penal provision. - Any violation of this Order shall subject the offender to a fine of not less than five hundred (P500.00) pesos nor more than five thousand (P5,000.00) 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 Regional Director is hereby empowered to impose upon the offender an administrative fine of not more than five thousand (P5,000.00) pesos and/or cancel the permit or license, when applicable, and to confiscate the shelled mollusks including the clam meat thereof, if any.

Sec. 17. 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. 18. 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.

(SIGNED)
SEMMEN C. BACANI
Secretary

Recommended by:

(SIGNED)
JUANITO B. MALIC
Director
Bureau of Fisheries
and Aquatic Resources

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1. The Daily Inquirer
2. The Philippine Star

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