



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

FISHERIES ADMINISTRATIVE)
ORDER NO. 188 :
Series of 1993.)

SUBJECT: Regulations governing the operation of commercial fishing boats in Philippine waters using Tuna Purse Seine Nets.

WHEREAS, Section 2 of Chapter I of Presidential Decree No. 704 declared the policy of the State to accelerate and promote the integrated development of the fishery industry and to keep the country's fishery resources in optimum productive condition through proper conservation and protection;

WHEREAS, Fisheries Administrative Order No. 155, s. of 1986, prohibits any person/association/partnership or cooperative to fish in Philippine waters with the use of fine mesh nets, defined as a mesh size less than three (3) centimeters measured between two (2) opposite knots of a full mesh when stretched;

WHEREAS, the National Agricultural and Fishery Council, Committee on Fisheries and Aquaculture (NAFC-CFA) and the Bureau of Fisheries and Aquatic Resources have determined the severe depletion of our tuna resources in our fishing grounds;

WHEREAS, the NAFC-CFA submitted a resolution proposing an increase in mesh size for tuna nets;

WHEREAS, BFAR/NAFC conducted three (3) public hearings in General Santos City, Quezon City and Zamboanga City, respectively, wherein concerned sectors, individuals and associations expressed their views and observations on the NAFC-CFA resolution;

NOW, THEREFORE, pursuant to Sections 4, 7 and 34 of Presidential Decree No. 704, as amended, the following rules and regulations governing the operation of commercial fishing boats in Philippine waters using tuna purse seine nets are hereby promulgated:

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

a) Tuna Purse Seine Net - refers to a fishing gear to catch tuna consisting of a long net buoyed by floats at the upper portion and provided with leads or chain weights at the lower portion with the bunt or landing piece located in any side of the net and a pursing device which consists of a series of purse rings attached to the footrope by straps or ring bridles that closes the bottom of the seine when pulled.

b) Mesh - refers to the rhombic (diamond-shaped) opening enclosed by four bars of twines of equal length firmly knotted and/or knotless at the four corners.

c) Tuna - refers to yellowfin, big-eyed or skipjack.

SEC. 2. Prohibition. - It shall be unlawful for any person, association, cooperative, partnership or corporation to operate commercial fishing boats using tuna purse seine net in Philippine waters with mesh size less than three and a half (3.5) inches.


SEC. 3. Grace Period. - Persons, associations, cooperatives, partnerships or corporations now engaged in commercial fishing operation using tuna purse seine nets with mesh size less than three and a half (3.5) inches shall be given a grace period of five (5) years from the effectivity of this Order within which to change or replace their nets to comply with this Order. This grace period, however, shall apply only to nets with mesh sizes of three (3) cm. or more in accordance with FAO 155.

SEC. 4. Repealing Clause. - Fisheries Administrative Order No. 155 regulating the use of fine meshed nets in fishing is hereby modified insofar as commercial fishing boats using tuna purse seine nets are concerned.

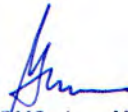
SEC. 5. Penal Clause. - Violation of Section 2 of this Order shall subject the offender to a fine of from five hundred pesos (P500.00) to five thousand pesos (P5,000.00) or imprisonment from six (6) months to four (4) years, or both such fine and imprisonment in the discretion of the court: Provided, That the Director of Fisheries and Aquatic Resources is hereby empowered to impose upon the offender an administrative fine of not more than five thousand pesos (P5,000.00) or to cancel his permit or license, or to impose such fine and to cancel his permit or license in the discretion of the Director.

SEC. 6. 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.

Issued this 17th day of September, 1993,
in Quezon City, Metro Manila, Philippines.


ROBERTO S. SEBASTIAN
Secretary

Recommending Approval:


GUILLERMO L. MORALES
Director
Bureau of Fisheries and
Aquatic Resources