

FISHERIES ADMINISTRATIVE)
ORDER No. 191 :
Series of 1994)

SUBJECT : Employment of foreign crew members aboard highly specialized commercial fishing vessels

Pursuant to Sections 7, 17 and 21 of Presidential Decree No. 704, as amended, and PD 760, as amended by PD 1711, the following guidelines on the employment of foreign crew members on board highly specialized commercial fishing vessels is hereby promulgated.

SECTION 1. Definitions. For purposes of this Order, the following terms shall mean :

- a) Foreign crew member - an alien hired for his expertise in the operation of highly specialized commercial fishing vessels of Philippine registry.
- b) Highly specialized commercial fishing vessels - vessels intended for a specific types of fishing which are considered by BFAR as new/uncommon locally and environment-friendly. They cover vessels with new designs and/or techniques in navigation, fishing operation, post harvest, refrigeration, and hydraulics. These techniques include, but are not limited to, the following :
 - 1) Vessels using refrigerated sea water, chilled seawater, air blast;
 - 2) Vessels using deepsea longlining for catching tuna or other big pelagic/demersal fishes where additional fishing effort may still be allowed;
 - 3) Purse seiners using triplex net rollers; and
 - 4) Technology that allows fishing vessels maneuvering in highly turbulent and agitated waters.
- c) Foreign fisherman's license - an authority issued by the Director of Fisheries and Aquatic Resources in favor of a foreign crew member for employment on board highly specialized commercial fishing vessels for a period of one (1) year.

SECTION 2. Prohibition. It shall be unlawful to employ a foreign crew member on board highly specialized commercial fishing vessels of Philippine registry without a valid license issued for the purpose by the Bureau of Fisheries and Aquatic Resources.

SECTION 3. Application for a foreign crew member's license. All applications for foreign crew member's license shall be filed with the Bureau of Fisheries and Aquatic Resources, accompanied by the following documents :

- a) Two color pictures, passport size (2" x 2"), of the applicant;
- b) Alien Employment Permit (AEP) issued by the Department of Labor;
- c) A certified photocopy of applicant's passport and/or Seaman's Book;
- d) A certified photocopy of Authority to Employ issued by the Bureau of Immigration, Department of Justice.
- e) Bio-data using BFAR Form.

SECTION 4. Validity of license. The license shall be valid for a period of one (1) year from date of issuance, renewable for another year depending upon the turnover rate of understudies, language barriers, and cultural differences between the foreign crew members and their local understudies.

SECTION 5. Allowable number of foreign crew members for each fishing vessel. Not more than four (4) foreign crew members shall be employed aboard each highly specialized commercial fishing vessel, distributed as follows :

- a) One (1) for the engine/machinery;
- b) One (1) for the refrigeration; and
- c) Two (2) for the fishing gear.

SECTION 6. Special qualifications of foreign crew members. The applicant must possess skills and techniques not locally available or, even if locally available, are inadequate or unsuitable to the unique features of the highly specialized commercial fishing vessel, engine or gear.

SECTION 7. Training of Filipino understudies. Each foreign crew member shall train at least two (2) Filipino understudies for the duration of his employment. The understudies shall take over the foreign crew member's job upon the expiration of the latter's employment contract.

SECTION 8. Application and license fees. An application fee of two hundred pesos (P 200.00) and annual license of one thousand pesos (P 1,000.00) shall be collected from each applicant.

SECTION 9. **Non-transferability of license.** The license is non-transferable and shall be carried at all times by its holder during fishing operations, to be readily presented to any authorized fishery law enforcement officer upon demand.

SECTION 10. **Grounds for revocation of license.** The license may be revoked on any of the following grounds :

- a) Failure to use it within three (3) months from the date of issue;
- b) Misrepresentation of facts or false statement in the application;
- c) Violation of the terms and conditions of the employment;
- d) Violation of any provision of this Order; and
- e) When public interest so requires.

SECTION 11. **Penalty.** Violation of any provision of this Order shall subject the offender to a fine from five hundred pesos (P 500.00) to five thousand pesos (P 5,000.00) 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 (P 5,000.00) or cancel his license, or impose both fine and cancellation of license.


SECTION 12. **Repeal.** All previous orders, rules and regulations or their parts inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

SECTION 13. **Effectivity.** This Order takes effect fifteen (15) days after its publication in the Official Gazette and ⁱⁿ two (2) newspapers of general circulation.

ISSUED on this 2nd day of February 1994 at Quezon City, Metropolitan Manila, Philippines.

ROBERTO S. SEBASTIAN
Secretary

Recommended by :


GUILLERMO L. MORALES
Director

Bureau of Fisheries and Aquatic Resources