

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

March 25, 1998

FISHERIES ADMINISTRATIVE)
ORDER NO. 193 :
Series of 1998)

SUBJECT : Ban on the taking or catching, selling, purchasing and possessing, transporting and exporting of Whale sharks and Manta Rays.

Pursuant to Sections 65 and 107 RA No. 8550 otherwise known as the Philippine Fisheries Code of 1998, the following rules and regulations for the protection and conservation of whale sharks and manta rays in Philippine waters are hereby promulgated:

SECTION I. Definition. - The terms used herein shall be construed as follows:

- a) *Whale shark* - a large elasmobranch of the family Rhincodontidae, of the species *Rhincodon typus* characterized externally by a broad, flattened head, a very large and nearly terminal mouth, very large gill slits, three prominent longitudinal ridges on its upper flanks, a large first dorsal fin, a semi-lunate caudal fin and a unique 'checkerboard' pattern of light spots and stripes on a dark background.
- b) *Manta rays* - a large elasmobranch of the family Mobulidae, synonymous with the giant Atlantic manta (*Manta birostris*)
- c) *Take or catch* - includes the killing, capturing, trapping, snaring and netting of whale shark and manta rays.
- d) *Sell* - includes barter, exchange, or offering or exposing for sale.
- e) *Possess* - means to have actual or constructive possession or control thereof.
- f) *Transport* - means to carry or move or cause to be carried or moved.
- g) *Export* - means to send or ship out of the country.

SEC. 2. Prohibition. – It shall be unlawful to take or catch whale shark and manta rays in Philippine waters or to sell, purchase, possess, transport, or export the same whether dead or alive, in any state or form whether raw or processed.


It shall likewise, be unlawful to wound or to kill whale shark and manta rays in the course of catching other species of fish. Whale shark and manta rays which are accidentally included in the catch by any gear shall immediately be released unharmed in the sea; otherwise the liability shall be deemed to still exist. Dead whale shark and manta rays which are drifted to the seashore shall be surrendered to the nearest Department of Agriculture (DA) Regional Field Unit or Bureau of Fisheries Regional or Provincial Fishery Office, as the case may be for proper disposition.

SEC. 3 Issuance of Permit to Conduct Research and/or Collect Specimens for Research/Scientific Purposes. The Secretary or his duly appointed representative, upon the recommendation of the Director of the Bureau of Fisheries and Aquatic Resources (BFAR), may issue a Special Permit in favor of any government or private institution engaged in purely research work on whale shark and manta rays, subject to such terms and conditions as the DA Secretary may deem wise to impose.


SEC. 4. Penalty. – Violation of this Order shall subject the offender to a fine of not less than five hundred (P500.00) pesos to not more than five thousand (P5,000.00) pesos or imprisonment from six (6) months to four (4) years, or both such fine and imprisonment depending on 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 not more than five thousand (P5,000.00) pesos or to cancel his permit or license or to impose such fine and to cancel his permit or license at his discretion including the confiscation of the whale shark and/or manta rays for proper disposition/documentation of the government.

SEC. 5 Repealing Clause. – All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed.

SEC. 6. Effectivity.- This Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspaper of general circulation.


SALVADOR H. ESCUDERO III
Secretary

RECOMMENDED BY:


DENNIS B. ARAULLO
Director
Bureau of Fisheries and Aquatic Resources