

SUBJECT: Revised rules and regulations governing the lease of public lands for fishpond and mangrove-friendly aquaculture

Pursuant to Section 16, Article II of the 1987 Constitution, Sections 3, 6, 12, 13, 45, 46, 50, 55, 57, 65, 103 (b) and 107 of Republic Act 8550, Republic Act 8289 as amended by Republic Act 9501 and Executive Order 26 series of 2011, the following rules and regulations governing the lease of public lands for fishpond and mangrove-friendly aquaculture are hereby promulgated for the guidance of all concerned:

I. WORDS AND TERMS DEFINED

SECTION 1. Definitions. – For purposes of this Order, the words and terms herein shall be construed as follows:

- 1.1 Abandoned fishpond – refers to public land released for fishpond development where there is no occupation, possession or operational activity by the lessee or any of his or her lawful representative as manifested by any of, but not limited to, the following conditions: (1) failure by the lessee to submit to the Bureau within ten (10) days after six months from the approval of the lease the required initial report under oath relative to the fishpond development, operation and production, duly verified by the concerned Regional Director or his or her authorized representative; (2) subleasing; or, (3) where there is absence of clear indication of fish production operations in the area;
- 1.2 Aquasilviculture Stewardship Contract (ASC) – a contract entered into by and between the Secretary and qualified fisherfolk cooperatives/associations and micro, small and medium enterprises for the use of public land for mangrove-friendly aquaculture;
- 1.3 Areas released for fishpond development – portions of public land transferred by the DENR to the Bureau for fishpond development by virtue of the following: (a) certifications issued by the Director of the Bureau of Forest Development (BFD) now the Forest Management Bureau (FMB), for releases made prior to the issuance of Presidential Decree 705; (b) BFD/FMB Administrative Orders; and, (c) individual releases of alienable and disposable areas under the Bureau of Lands, now the Land Management Bureau, made prior to the effectivity of Republic Act 8550;
- 1.4 Authorized representatives – include personnel of the Bureau or Department duly authorized by the Regional Director, the Director, the Undersecretary for Fisheries or the Secretary as the case may be;
- 1.5 Bureau – Bureau of Fisheries and Aquatic Resources;
- 1.6 Commercial-scale production – aquaculture production of fish in the required volume or its equivalent per hectare per year;
- 1.7 Department – Department of Agriculture;
- 1.8 DENR – Department of Environment and Natural Resources;

- 1.9 Developed fishpond – refers to public land released for fishpond development where the area is enclosed by dikes with functional water control structures and not vegetated with mangrove species;
- 1.10 Director – Director of the Bureau;
- 1.11 Environmental Compliance Certificate - a permit issued by the President or his duly authorized representative certifying that the new fishpond development will not bring about unacceptable environmental impact and that the proponent has complied with the requirements of Presidential Decree 1586 and its implementing rules and regulations;
- 1.12 Fish – includes not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of the aquatic flora and fauna;
- 1.13 Fisherfolk – people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources;
- 1.14 Fisherfolk cooperative – a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles;
- 1.15 Fisherfolk organization – an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action;
- 1.16 Fishpond – a land-based facility enclosed with earthen, stone or concrete material to impound water for the growing of fish;
- 1.17 Fishpond Lease Agreement (FLA) – an agreement entered into by and between the Secretary and a qualified applicant for the use of developed public fishpond areas;
- 1.18 Foreshore land – a string of land margining a body of water, the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide usually marked by a beach scarp or berm;
- 1.19 Fully developed fishpond – refers to public land released for fishpond development where the area is clean, leveled and enclosed with dikes at least one foot higher than the highest flood water level in the locality and strong enough to resist water pressure at the highest flood tide, and consists of at least a nursery pond, a transition pond, a rearing pond, or a combination of any or all of said classes of ponds and a functional water control system and producing in a commercial scale;
- 1.20 Mangroves/tidal swamps/marshes – a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps;
- 1.21 Mangrove-friendly aquaculture – aquaculture method having minimal adverse impact on the mangrove environment, which may include but is not

