



Republic of the Philippines
Department of Agriculture
Office of the Secretary
Elliptical Road, Diliman, Quezon City

FISHERIES ADMINISTRATIVE)
ORDER NO. 206 :
Series of 2001)

• **SUBJECT:** Disposal of confiscated fish and other items in fishing through explosives and noxious or poisonous substances

Pursuant to Section 88 of R.A. No. 8550, this order on the disposal of fish and other items impounded in the case of blast fishing and fishing by means of noxious substances is hereby issued for the information and guidance of all concerned.

SECTION 1. On blast fishing cases. –

a) Whenever the Director of Fisheries and Aquatic Resources, a fish warden deputized by the Department of Agriculture/Bureau of Fisheries and Aquatic Resources (BFAR) or a BFAR Law Enforcement Officer seizes without warrant fish suspected to have been caught by means of explosives in a fishing boat, marketplace or elsewhere, he shall take adequate samples thereof, which shall immediately be examined for determination whether or not the same have been caught by means of explosives. Pending the result of the examination, the fish shall not be allowed to be unloaded from the boat or sold if in the marketplace.

b) Samples taken for examination shall at least be 100 grams in weight. The ideal number of fish samples is three to five (3-5) pieces for big-sized fish or ten to twenty (10-20) pieces for small fish or fingerlings. These should be frozen or packed in ice then submitted to the nearest Fish Examiner specially trained to examine fish caught by explosives or to any municipal health offices or crime/hospital laboratory for examination.

c) If the examination shows that the fish sample is positive for blast fishing, the same shall be preserved for evidence. The samples shall be preserved in formalin solution using 37% concentration of commercial formalin. The solution shall be prepared by mixing 3% of said formalin with 7% water. A higher formalin concentration will change the above ratio to come up with a 10% preservative solution. The preserved samples shall be properly labeled and the species identified in its scientific, English and local names, whenever and whichever applicable. The captain or incharge of the boat, or vendor or possessor of the fish if in the marketplace or elsewhere shall be required to countersign the labeled evidence. In case of refusal, an affidavit to this effect shall be prepared by the apprehending officer, attested by two witnesses.

SEC. 2. On fish caught by means of noxious substances. -

a) Fish caught by means of noxious substances like sodium cyanide exhibit no outward manifestation to that effect visible to the naked eye. Upon seizure without warrant, at least 100 grams of fish, either three to five pieces in case of big-sized fish or ten to twenty small-sized fish or fingerlings shall be taken as samples. Water sample of about one liter may likewise be collected from the scene of the offense, which sample should reach the laboratory within four (4) hours from collection. Fish samples must be packed in polyethylene plastic, either frozen or placed in a closed container or bottle with proportionate ratio of ice. In the absence of ice, ethyl alcohol or absolute alcohol may be used. Formalin must not be used at this stage. The internal organs of the fish samples must never be removed. The samples must be brought to the BFAR Laboratory or any government crime/hospital laboratory for examination the soonest possible time.

b) If positive for cyanide or other noxious substances, the samples may be preserved in formalin and labeled, in the manner indicated in Section 1(c). It is not advisable that the same or any part or portion thereof be distributed to charitable and penal institutions as the safety of those who will consume the same cannot be assured, and in most cases, fish laced with cyanide is proven to be injurious to humans and animals alike. Those still briskly alive shall be returned to their habitat and those in worse condition shall be disposed of properly. The disposal shall be done by the apprehending officer in the presence of a third-ranking BFAR official, and representatives from the Office of the Prosecutor (Department of Justice) or the Philippine National Police (PNP), and shall be documented properly.

SEC. 3. Disposition of illegally-caught fish and items seized. -

a) If the examination shows that the samples were caught by blast fishing, the apprehending officer shall confiscate the fish haul for distribution to charitable institutions. Those willing to accept the dynamited fish still safe to eat shall execute promissory notes of their willingness to return the value of the fish in case of acquittal of the accused in court. In case such charitable institutions demur, the same may be given to penal institutions instead, with the same promissory note of repayment in case of acquittal of the accused.

b) Fish caught by means of blast fishing no longer fit for human consumption shall be disposed of properly by observing the process outlined in Section 2 (b), so as not to contaminate the environment nor pose any danger to humans and animals alike.

c) In all the two major fishing violations, the apprehending officer shall likewise immediately seize, impound and take possession of the fishing vessel, tackle and appurtenances thereto, as well as the explosives, noxious or poisonous substances, or and other tools and the proceeds of the offense. He shall prepare an inventory of the items seized and issue a receipt to be countersigned by the captain, master or incharge of the boat. Should the latter refuse, this fact shall be manifested in an affidavit

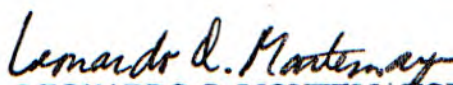
attested by two witnesses. The seized items, documents and fish samples shall be kept in safe custody by the apprehending officer prior to being turned over to the investigating prosecutor or the PNP Prosecutor. Copy of the registration papers and pertinent vessel licenses, its make and description, other relevant information and a photograph thereof shall be taken prior to its being ceded to the PNP-Maritime Group (MARIG) for the latter's safekeeping during the course of the trial, pursuant to the Memorandum of Agreement of the National Law Enforcement Coordinating Committee (NALECC).

SEC. 4. Application. – Reference to the provisions of this Order may be resorted to by fish wardens deputized by the local governments and by other law enforcement officers, in the absence of an ordinance or rule covering the subject matter. It may be applied as well, in the disposition of confiscated fish and impounded items in cases of other fishery law violations, *Provided that*, local governments may enact an ordinance providing a different mode of disposition of fish catch and the vessel seized, *Provided further*, that the same is within constitutional and legal bounds.

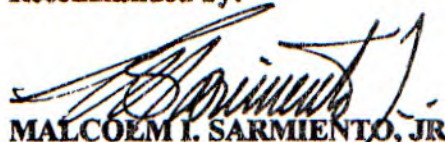
SEC. 5. Repeal. – Circular 130, all orders, rules or regulations or parts thereof, which are inconsistent with this Order are hereby repealed or modified accordingly.

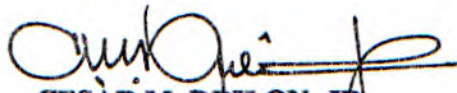
SEC. 6. Effectivity. – This order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation and fifteen (15) days after its registration with the Office of the National Administrative Register.

ISSUED this 17th day of MAY, 2001 at Quezon City, Metropolitan Manila, Philippines.


LEONARDO Q. MONTEMAYOR
Secretary

Recommended by:


MALCOEM I. SARMIENTO, JR.
Director
Bureau of Fisheries
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CESAR M. DRILON, JR.
Undersecretary for Fisheries
and concurrently
Chairman, NFARMC

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