



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

FISHERIES ADMINISTRATIVE)
ORDER NO. 216 :
Series of 2001 (.....)

SUBJECT: **Obstruction to navigation in streams, rivers, lakes and bays**

Pursuant to Sections 55 and 103 (d) of RA 8550, this order governing the obstruction to navigation in streams, rivers, lakes and bays of the country is hereby promulgated for the information and guidance of all concerned.

SECTION 1. Definition of terms. For the purpose of this order, the following terms shall mean:

- a. *Bay.* – An inlet of the sea or other bodies of water usually smaller than a gulf but usually with the same general characteristics where navigation for big and small crafts are defined.
- b. *Canal.* – Deepest part of the river.
- c. *Fishpen.* – An artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged in an enclosure with wooden materials, screen or nylon netting to prevent escape of the fish.
- d. *Fish cage* – refers to an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo posts or various types of anchors and floats.
- e. *Fishpond.* – A land-based facility enclosed with earthen or stone material to impound water for growing fish.
- f. *Fish trap.* – Fixed impounding nets, usually supported by either bamboo or wood stakes or held in place and maintained in form by a combination of floats or buoys and weights or anchor. The catch is naturally confined in a collecting unit and escape is prevented by labyrinths and/or non-return devices where entrance is such that fish has easy entrance but difficult escape.

- g. *Fisheries Structures.* – All forms of water and land-based fisheries structures stationary or movable including but not limited to fish cages, fish pens, fishponds, fish corrals, and fish shelters which may obstruct the free navigational passage of any water craft along defined waterways or impede the flow of tide to and from the area.
- h. *Lake.* – An inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or permanently covered by water where designated navigational passages are defined.
- i. *Obstruction to free flow of tide.* – All forms of water and land based structures constructed within one-fourth (¼) distance along one side of streams and river embankments, whether permanent or movable which impede the free flow of tide to and from the area causing water stagnation and pollution and eventually causing fish kill.
- j. *Obstruction to navigation.* – All forms of water-based structures, whether permanent or movable, which obstruct the free navigational passages of water transportation in waterways.
- k. *River.* – A natural surface stream of water of considerable volume and a permanent or seasonal flow where navigational lanes are defined.
- l. *Streams.* – A body of running water flowing in a channel on the surface of the ground, which could be a portion of a river, lake or bay.
- m. *Tide.* – The alternating rise and fall of the surface water of the ocean, gulf, bays, estuaries connected with the ocean caused by the gravitational pull of the sun and the moon.

SECTION 2. Prohibition. – It shall be unlawful for any person, lessee, licensee or permittee, to undertake or place any construction which will obstruct the free navigation in any stream, river, lake or bays flowing through or adjoining fish pens, fish traps and fishponds or impede the flow of the tide to and from the area. Any obstruction made in violation thereof shall be removed upon the order of the Secretary of Agriculture in coordination with other government agencies concerned at the expense of the lessee, licensee or occupants thereof, whenever applicable.

SECTION 3. Penalty. – Violation of this order shall hold the offender liable to prosecution and upon conviction shall suffer the penalty from two thousand (P2,000.00) pesos to ten thousand (P10,000.00) pesos or imprisonment from one month and one day to six (6) months or both such fine and imprisonment in the discretion of the court.

SECTION 4. Repealing clause. – All existing administrative orders, rules, regulations and guidelines which are inconsistent with the provisions of this Order are hereby repealed or amended accordingly.

SECTION 5. 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 registration with the Office of the National Administrative Register.

ISSUED on this 17th day of September, 2001 at Quezon City, Philippines.

Leonardo Q. Montemayor
LEONARDO Q. MONTEMAYOR
Secretary

MS

Recommended by:

Malcolm I. Sarmiento, Jr.
MALCOLM I. SARMIENTO, JR.
Director
Bureau of Fisheries
and Aquatic Resources

Cesar M. Drilon, Jr.
CESAR M. DRILON, JR.
Undersecretary for Fisheries
and concurrently
Chairman, NFARMC

PUBLISHED: Sept. 27, 2001
Phil. Daily Inquirer
Philippine Star

Oct. 01, 2001
ONAR - UP Law Center