



Republic of the Philippines
Department of Agriculture
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
Quezon City, 1100 Philippines

**FISHERIES ADMINISTRATIVE
ORDER NO. 265
Series of 2020**

SUBJECT: REGULATION ON THE CATCHING, POSSESSION, TRANSPORTING, SELLING, TRADING AND EXPORTING OF PUERULUS, JUVENILE AND GRAVID SPINY LOBSTERS (*Palinuridae*).

WHEREAS, Section 2(c) of the Republic Act No. 8550 as amended by RA No. 10654, provides for rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment;

WHEREAS, lobster is among the most sought high-value commodities both in the local and international markets. The increasing demand has resulted in a high level of fishing pressure which involves indiscriminate catching, selling and trading of the species. This further resulted to reduction of potential yield from the fishery and decreased in economic benefits that could be obtained from the stock;

WHEREAS, a significant drop in lobster production was recorded in 2016, from 71.88 metric tons in 2008 to 6.10 metric tons (PSA, 2016), where areas of ARMM, Western Visayas, CARAGA, Bicol and Davao Regions are the main producers;

WHEREAS, there are five (5) common species of spiny lobsters (*Palinuridae*) in the Philippines: the ornate spiny lobster (*Panulirus ornatus*), scalloped spiny lobster (*P. homarus*), longlegged spiny lobster (*P. longipes*), painted spiny lobster (*P. versicolor*), and pronghorn spiny lobster (*P. penicillatus*);

WHEREAS, there is a great prospect to develop sustainable lobster aquaculture due to high species diversity and the availability of puerulus. As aquaculture grow-out relies solely on wild-sourced fry/seed at present, the lobster industry recognizes the need for the BFAR, the National Fisheries Research and Development Institute, the academe, and other relevant institutions to initiate the development of the first hatchery and nursery technology;

WHEREAS, Section 104 of the amended Fisheries Code provides for the prohibition of the exportation of breeders, spawners, eggs or fry except for the hatchery or captive-bred breeder, spawner, egg or fry, which may be allowed subject to the regulations to be promulgated by the Department;

NOW THEREFORE, the following provisions of this Order are hereby adopted and

implemented:

SECTION 1. Definition of Terms

- 1) **Breeders/Spawners** – mature spiny lobsters which are physiologically highly developed and ready to spawn or produce eggs and sperm for reproduction.
- 2) **Carapace Length**–measurement from the rear of the eye socket to the rear of the carapace on a line parallel to the centerline of the body shell (see Figure 1).
- 3) **Gravid** – female spiny lobsters which are considered pregnant or carrying eggs in cluster at its belly.
- 4) **Juvenile lobster** –the size of the species that is less than the length at first sexual maturity.
- 5) **Length at first sexual maturity (L_m)** - defined as minimal size attained at first sexual maturity or the size at which 50% of the lobsters at that size are mature (see Table 1).
- 6) **Puerulus** – the fry stage, pre-juvenile, swimming and non-feeding transitional stage, short-lived and lasting for 2-3 weeks prior to juvenile. It looks like a very small lobster but is still translucent.
- 7) **Spiny lobster** – locally known as *banagan*, species belonging to family *Palinuridae* of Subphylum *Crustacea*, called spiny lobsters due to the many spines on their carapace and basal segments of the long second antennae.

SECTION 2. Prohibition. It shall be unlawful for any person, association, cooperative, partnership or corporation to undertake the following:

- a. Catching, transporting, possessing, trading and selling of gravid spiny lobsters, and juvenile spiny lobsters from the wild measuring less than the maturity Carapace Length (CL) at first sexual maturity as prescribed in Table 1 of this Order;
- b. Exportation of wild-sourced puerulus of spiny lobsters; and
- c. Exportation of spiny lobsters' breeders, spawners, eggs or fry as per provisions of Section 104 of the amended Fisheries Code.

SECTION 3. Exemptions. The following acts are exempted from the above provisions:

- a. Collection of puerulus and juvenile spiny lobster for local aquaculture intended for grow-out purposes. Provided, the growers and collectors are registered/licensed/permitted and certified by the Local Government Unit, and that the transport and trading of the same shall be accompanied by the Local Transport Permit. Provided further, the Local Government Unit



(LGU) through City/Municipal Agriculturist Office (CAO/MAO), in consultation with the Fisheries and Aquatic Resources Management Council (FARMC), shall maintain a registry of consolidators, gatherers, buyers, and traders pursuant to Rules 19.1 and 19.3 of the amended Fisheries Code.

- b. Collection of puerulus, juveniles and gravid spiny lobsters for research and academic purposes is allowed. Provided that Permits to Conduct Research are secured from the City/Municipal Agriculturist Office in consultation with the FARMC and/or, if applicable, in compliance with the Fisheries Administrative Order No. 233 series of 2010; and,
- c. Possession, transporting, selling, and trading of hatchery or captive-bred lobster puerulus and fry are allowed, once the hatchery technology for lobster has been established.

SECTION 4. Penal Clause.

- a. For violation of Section 2(a) and (b), the offender shall be subject to a fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00), depending on the socioeconomic impact and seriousness of the violation, volume and value of the fisheries product, damage to the environment due to the violation, and the habituality of the offender, in accordance with Sec 128 of the amended Fisheries Law.
- b. In case of violation of Section 2(c), the offender, upon a summary finding of administrative liability, shall be punished with an administrative fine equivalent to three (3) times the value of the spiny lobsters' breeders, spawners, eggs, or fry exported or One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, confiscation of breeders, spawners, eggs or fry, suspension or revocation of license for commercial fishing and/or registration as exporter.

Upon conviction by a court of law, the offender shall be punished by imprisonment of eight (8) years to ten (10) years, confiscation of spiny lobsters' breeders, spawners, eggs or fry, a fine equivalent to twice the amount of the administrative fine, revocation of the fishing license, and/or suspension or revocation of registration as exporter.

SECTION 5. Repealing Clause. All Orders, rules and regulations inconsistent with this Order shall be deemed revoked;

SECTION 6. Separability Clause. If any portion or provision of this Order is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 7. 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.



Issued this 10th day of MARCH 2020 at Quezon City, Metro Manila, Philippines.


WILLIAM D. DAR, Ph.D.
Secretary
Department of Agriculture

DEPARTMENT OF AGRICULTURE

In replying pls cite this code :
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Recommending Approval:

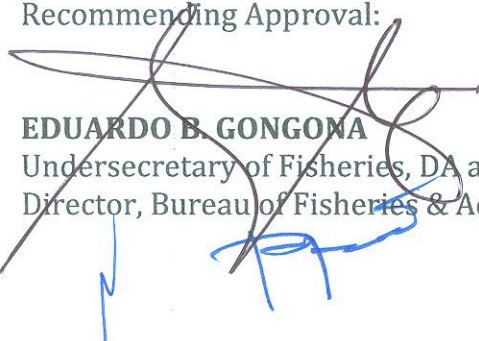

EDUARDO B. GONGONA
Undersecretary of Fisheries, DA and
Director, Bureau of Fisheries & Aquatic Resources

Table1. List of Lobster species and their corresponding Carapace Length (CL) first sexual maturity (cm)

		Species	Common Name	Carapace Length at first sexual maturity (cm)
1		<i>Panulirus ornatus</i>	ornate spiny lobster	10.7
2		<i>Panulirus versicolor</i>	painted spiny lobster	8.8
3		<i>Panulirus penicillatus</i>	pronghorn spiny lobster	7.2
4		<i>Panulirus longipes</i>	longlegged spiny lobster	6.0
5		<i>Panulirus homarus</i>	scalloped spiny lobster	5.2

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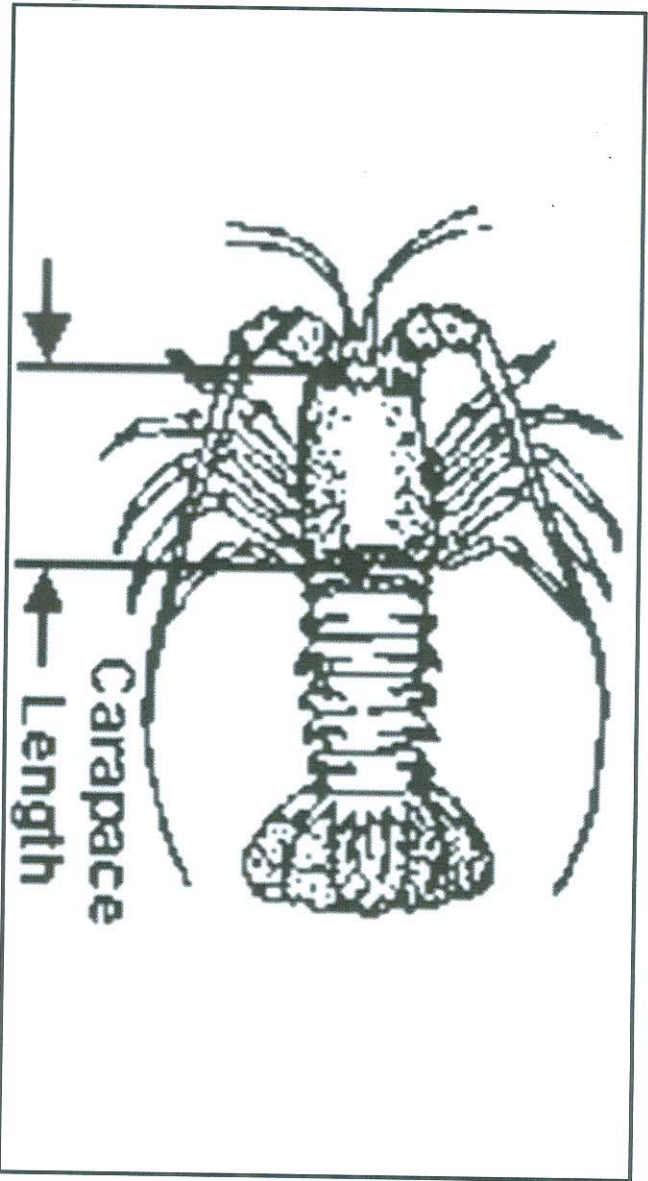


Figure 1. Diagram for the measurement of carapace length for lobsters which is measured from the rear of the eye socket to the rear of the carapace on a line parallel to the center line of the body shell



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WHEREAS, lobster is among the most sought high-value commodities both in the local and international markets. The increasing demand has resulted in a high level of fishing pressure which involves indiscriminate catching, selling and trading of the species. This further resulted to reduction of potential yield from the fishery and decreased in economic benefits that could be obtained from the stock;

WHEREAS, a significant drop in lobster production was recorded in 2016, from 71.88 metric tons in 2008 to 6.10 metric tons (PSA, 2016), where areas of ARMM, Western Visayas, CARAGA, Bicol and Davao Regions are the main producers;

WHEREAS, there are five (5) common species of spiny lobsters (*Palinuridae*) in the Philippines: the ornate spiny lobster (*Panulirus ornatus*), scalloped spiny lobster (*P. homarus*), longlegged spiny lobster (*P. longipes*), painted spiny lobster (*P. versicolor*), and pronghorn spiny lobster (*P. penicillatus*);

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Agriculturist Office in consultation with the FARMC and/or, if applicable, in compliance with the Fisheries Administrative Order No. 233 series of 2010; and,

- c. Possession, transporting, selling, and trading of hatchery or captive-bred lobster puerulus and fry are allowed, once the hatchery technology for lobster has been established.

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Recommending Approval:

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Undersecretary of Fisheries, DA and
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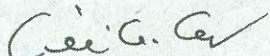
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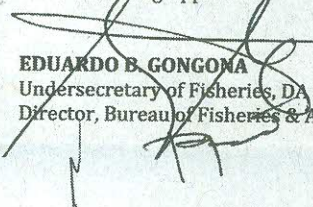
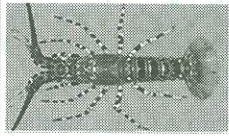





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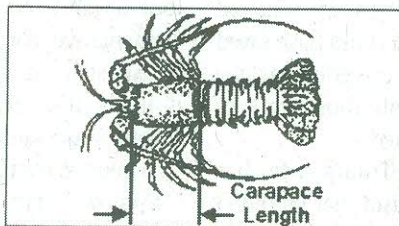


Figure 1. Diagram for the measurement of carapace length for lobsters which



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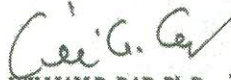
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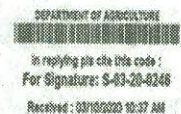
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 Secretary
 Department of Agriculture



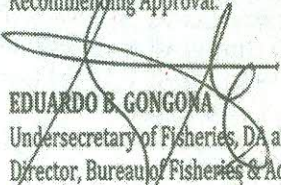
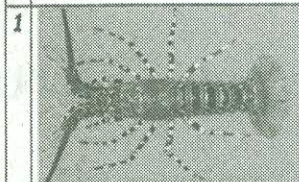




Recommending Approval:

EDUARDO B. GONGONA
 Undersecretary of Fisheries, DA and
 Director, Bureau of Fisheries & Aquatic Resources

Table 1. List of Lobster species and their corresponding Carapace Length (CL) first sexual maturity (cm)

	Species	Common Name	Carapace Length at first sexual maturity (cm)
1	 <i>Panulirus ornatus</i>	ornate spiny lobster	10.7
2	 <i>Panulirus versicolor</i>	painted spiny lobster	8.8
3	 <i>Panulirus penicillatus</i>	pronghorn spiny lobster	7.2
4	 <i>Panulirus longipes</i>	longlegged spiny lobster	6.0
5	 <i>Panulirus homarus</i>	scaloped spiny lobster	5.2

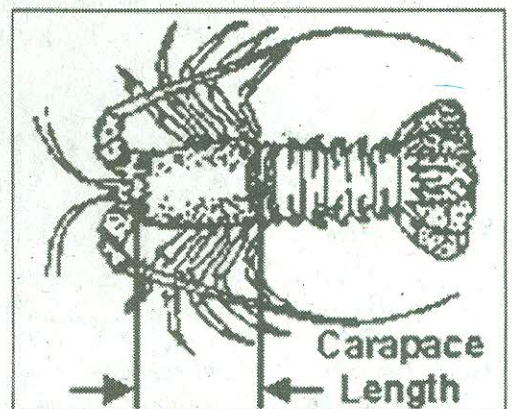


Figure 1. Diagram for the measurement of carapace length for lobsters which is measured from the rear of the eye socket to the rear of the carapace on a line parallel to the center line of the body shell



Republic of the Philippines
Department of Agriculture
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June 09, 2020

Atty. Flordeliza C. Vargas-Trinidad
Director
Office of National Administrative Registrar
Rm., 208, Bocobo Hall, University of the Philippines-Law Center
Diliman, Quezon City

Dear Atty. Vargas - Trinidad:

On behalf of the Bureau of Fisheries and Aquatic Resources (BFAR), I am hereby filing three (3) certified photocopies and an electronic copy of Fisheries Administrative Orders No. 264 and 265 s. 2020 re: **"Regulation on the catching, possession, transporting, selling, trading and exporting of mangrove crablets, juvenile mangrove crabs and gravid mangrove crabs "** and **" Regulation on the catching, possession, transporting, selling, trading and exporting of puerulus, juvenile and gravid spiny lobsters (Palinuridae)"**. Which was published on April 14, 2020 in Philippine Star and Manila Times.

Please find the attached amount of P40.00 in cash payment for the filing fee.

Very truly yours,


RAFAEL V. RAMISCAL
Chief, Capture Fisheries Division

