

Republic of the Philippines
Department of Agriculture and Natural Resources
Philippine Fisheries Commission
Manila

FISHERIES ADMINISTRATIVE)
ORDER NO. 48 REVISED)

December 17, 1964

**SUBJECT: Regulating Employment of Foreign
Technicians in Fisheries.**

STATEMENT OF POLICY

To accelerate the development of the fishery resources through the application of modern and improved techniques in fishing, fish culture, fish preservation and processing, and craftsmanship, the Department of Agriculture and Natural Resources, as a national policy, allows the employment of foreign fisheries technicians under certain limitations that will guarantee protection for Philippine labor and technicians in fisheries from undue competition, and maintain the predominant control of the industry in Filipino hands.

For this purpose, the following rules and regulations are hereby promulgated:

1. The Philippine Fisheries Commission is hereby charged with the duty of administering the rules and regulations governing the employment of foreign technicians in fisheries, pursuant to Section 4 of Act No. 4003, as amended, and R.A. No. 3512.

2. Employment of Foreign Technician in fisheries: No person, partnership, association or corporation shall employ foreign technician in fisheries without first obtaining the license or permit provided for in this Order.

3. Filing of applications: Application for employment of foreign technicians in fisheries shall be filed with the Philippine Fisheries Commission by applicant-employer to be known also in this Order as permittee, upon payment of a non-refundable application fee of ₱10.00 for each technician. Application shall be made in a prescribed form in triplicate, and shall include all necessary information regarding the

FAO NO. 48

foreign technicians and shall contain the following:

1. Name of technician
2. Nationality
3. Personal circumstances
4. Educational background
5. Training and experience
6. Records of past employment certified by former employers.
7. Certified true copy of the contract of employment.
8. Four copies of recent passport picture of foreign technician.

In the case of Items 4, 5, 6, and 7, they must be verified or attested by the representative of the Philippine Department of Foreign Affairs in the place of origin of the fisheries technician.

9. A list of Filipino technicians and understudies - at least two for each foreign technician - Containing their names, addresses, qualifications and other pertinent information as attested by the Commissioner of Fisheries.

10. Certified true copies of the Articles of Incorporation and certificate of registration from the Securities and Exchange Commission, in case the employer is an association or corporation or partnership.

4. Who may apply for employment of foreign technicians in fisheries.- A permit to employ foreign technicians in fisheries may be issued to the following:

- a. Citizens of the Philippines and/or of the United States duly authorized or licensed to engage in a particular phase of the fisheries industry.
- b. Associations, corporations or partnership duly registered or incorporated under the laws of the Philippines and duly authorized or licensed to engage in a particular phase of the fisheries industry.

5. Acceptance of application.- Application for employment of foreign technicians in fisheries shall be given consideration only upon:

FAO No. 48

- a. Certification by the Commissioner of Fisheries and the Chief of the Office of Manpower Services of the Department of Labor that no local technicians or experts of equivalent qualifications and skills are available.
- b. Presentation of proofs, such as Commercial Fishing Boat License, fishpond permit, concession license, etc., that applicant-employer is actually engaged, or fully prepared to engage in the particular fishery industry for which he intends to employ such foreign technicians.
- c. Study of documents presented show that the foreign technicians possess the high technical skill and experience necessary for their employment under this Order, in accordance with Section 2-A of Republic Act No. 134.

6. Payment of fees and bond deposit. - Permit to employ foreign technicians may be issued by the Secretary of Agriculture and Natural Resources through the recommendation of the Commissioner of Fisheries, upon payment of a yearly practice-of-fishery-technology fee of ₱10.00 for every foreign technician approved for employment and the filing of a performance bond of ₱1,000.00 for each technician, either in cash or surety.

7. Scope of employment and number of foreign fisheries technicians allowed. The number of foreign technicians allowed hereunder may be increased if a greater number is necessary to meet the requirements of a project. (As amended by FAO 48-B)

<u>Fishing Method</u>	<u>Number of Technicians</u>
Tuna long-line fishing	4 ✓
Tuna pole-end-line	4 ✓
Deepwater or ocean trawling (one boat or two-boat trawling)	4 ✓
Trap set net (daido-ami and otoshi-ami)	4 ✓

<u>Fishing Method</u>	<u>Number of Technicians</u>
Stick-hold dip net (boki-ami)	2 ✓
Shell diving	4 ✓
Mechanized PURSE SEINING	6 (as amended by FAO 48-A)
<u>Fish and Shellfish Culture</u>	
Bañgon fishpond	1 ✓
Freshwater fishpond	1 ✓
Pearl Culture	3 ✓
Culture of seaweeds and/or other aquatic products	1 ✓
<u>Fish Processing</u>	
Fish canning (construction and operation)	2 ✓
Other method of processing	1 ✓
Fish preservation in Transit	1 ✓
<u>Net Manufacturing</u>	
Synthetic fiber manufacture and weaving .	2 ✓
Cotton, abaca or coconut coir twine and net making	1 ✓
<u>Fishing Boat Designing and Construction</u>	
	3
<u>Artcraft Based on Marine Products</u>	
	1

8. Duration of employment.— Foreign technicians admitted into the country for employment in the fisheries industry shall be allowed a period of one year of continuous employment in the first instance subject to extension for another one year upon application with the Philippine Fisheries Commission and approval by the Secretary of Agriculture and Natural Resources and the Chief of Manpower Services of the Department of Labor and concurred in by the Commissioner of Immigration, the total duration of residence and employment not to exceed two years. The period of employment shall be counted from the date of issuance of permit or in case of foreign technicians already in the Philippines, counted from the date of actual employment of permittee if it is the earlier.

8. Training of Filipino technicians and understudies.-

The permittee shall observe faithfully the principle under which he is privileged to employ foreign technicians; namely, he shall employ such technicians mainly to teach and demonstrate the particular techniques or methods in which they are highly trained and experienced and to train Filipino understudies employed by the permittee in such a way that these understudies will be able to take over the work of the foreign technicians when their term of employment expires. Permittee shall allow the training of Filipino technicians from the private sector of the industry, students or graduates of government educational institutions giving instructions in fisheries and technicians of the Philippine Fisheries Commission upon the request and recommendation of the Commissioner of Fisheries. This provision shall be included in the contract of services entered into between the permittee and the technicians and in the terms of the permit.

9. Report and inspection of activities of foreign technicians.- The permittee shall, upon approval of his permit, submit to the Commissioner of Fisheries a master plan of work for one year to be performed by the foreign technician together with a training program of his understudies and a copy of the contract of employment of said understudies with the permittee. The permittee shall also submit to the Commissioner of Fisheries within one week after the close of each month a report of technicians' activities including the training of understudies, the report to be signed by the technician and certified to by the permittee.

The permittee shall allow and facilitate periodic inspection by representatives of the Philippine Fisheries Commission and the Office of Manpower Services of the Department of Labor of his sites and facilities where he employs such foreign technicians.

"The provisions of Sections 7, 8, and 9, insofar as pearl culture is concerned, of Fisheries Administrative Order No. 48, are hereby suspended for a period of three (3) years from date of approval of this Order, (June 14, 1962) without prejudice to the extension thereof to another period of two (2) years should circumstances so warrant." (As amended by FAO 48-1)

10. Transfer of employment.- Foreign technicians employed under this Order may transfer from the original employer-permittee to another or from one place to another as required

by the business of their employer, Provided that the total duration of stay in the country shall not exceed the length stipulated in Section 7 of this Order; Provided also that the foreign technicians are not diverted by any of their employers from the particular field of specialization for which they were originally engaged and allowed entry in the Philippines; and Provided further, that said transfer of employment is also approved by the Bureau of Immigration and the Office of Manpower Services of the Department of Labor.

12. Cancellation of permit and confiscation of bond.-
The Commissioner of Fisheries shall cancel the permit and confiscate or forfeit permittee's bond, or part thereof, in favor of the Government for Violations stated in Section 12 and for any of the following reasons:

- a. Failure to comply with any of the conditions and requirements under which the employment permit is issued to him.
- b. Violation of any provision of the Fisheries Laws or this Administrative Order or the terms of the permit.
- c. Diversion of foreign technicians from work for which they are allowed to enter the Philippines.
- d. Failure to submit monthly report of activities of alien technicians working under him.
- e. Refusal to admit understudies whether from the government or from the private sector for training under foreign technicians and recommended by the Commissioner of Fisheries.
- f. Misrepresentation or false statement made in connection with the application and approval for employment of foreign technicians and in the course of his business during the period of employment of such technicians.

Any permittee found guilty of violating any provisions of this Order shall be barred from future employment of foreign fisheries technicians.

13. Deportation of foreign technicians.- Foreign Technicians admitted under this Order shall be subject to deportation by virtue of Clause (7) of Section 37 of the Philippine Immigration Act of 1940, as amended, for violation of or non-compliance with conditions stated in Sections 8, 9, 10 and 11 of this Order, upon recommendation of the Commissioner of Fisheries or of the Secretary of Agriculture and Natural Resources, and especially for violations stated below:

- a. Refusal to give training to understudies recommended by the Commissioner of Fisheries and by the Chief of Manpower of the Department of Labor.
- b. Refusal to submit to routine inquiries and inspection by representatives of the Philippine Fisheries Commission and the Office of Manpower Services of the Department of Labor of activities relative to their employment under this Order.
- c. Lack of sincerity and active cooperation in improving the level of technology of the particular field of fisheries wherein they are employed.
- d. Demonstrated incompetence in the work they have been engaged as technicians or specialists.
- e. Misrepresentation and false statement regarding their personal circumstances and qualifications which enabled them to obtain employment under this Order.
- f. For habitual misdemeanors and violations of Philippine laws which make them undesirable aliens.

All expenses incurred by the Philippine Fisheries Commission in connection with the deportation proceedings instituted by the proper authorities against the foreign technicians shall be borne by the permittee.

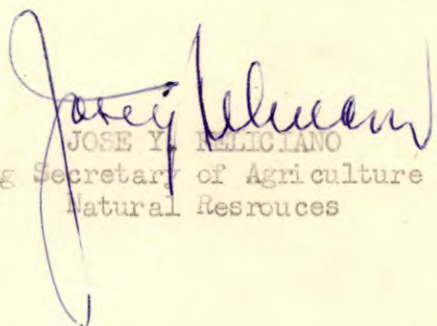
14. Penalty.- Any violation of the provisions of this Order shall be subject the offender to an administrative fine of one thousand pesos (P1,000.00) as provided for in Section 6 of Republic Act No. 3512, in addition to the penalty provided for in Section 11 of this Order.

15. Repealing Clause.- All rules and regulations inconsistent herewith are hereby repealed.


16. This Administrative Order repeals the "Guiding Principle on the Admittance of Alien Technicians on Fisheries" as revised, June 16, 1956.

17. This Administrative Order shall take effect fifteen (15) days after its publication in the Official Gazette.

Issued at Diliman, Quezon City this 18th day of November, 1965.

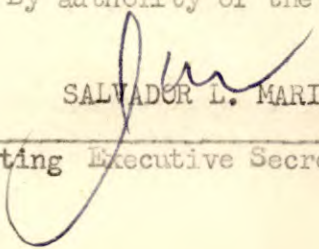

JOSE Y. MELICIANO
Acting Secretary of Agriculture and
Natural Resources

RECOMMENDED BY:


ARSENIO N. ROLDAN, JR.
Acting Commissioner of Fisheries

APPROVED:

By authority of the President:


SALVADOR L. MARIÑO.
Acting Executive Secretary