

**FISHERIES ADMINISTRATIVE  
ORDER NO. \_\_\_\_\_ :  
Series of 2019**

**SUBJECT : AMENDED RULES AND REGULATIONS GOVERNING  
DISTANT-WATER FISHING BY PHILIPPINE-  
FLAGGED FISHING VESSELS**

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Whereas, Section 32 of Republic Act No. 8550 allows fishing vessels of Philippine registry to operate in international waters or water of other countries which allow such fishing operations;

Whereas, Executive Order No. 154, series of 2013 adopting the “*National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*” requires the implementation of flag State responsibilities such as ensuring that Philippine-flagged fishing vessels do not engage in illegal, unreported and unregulated fishing and undertaking comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination;

Whereas, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 05, 2000, which was subsequently ratified by the Senate in 2005;

Whereas, the Philippines is a member of good standing of the Western and Central Pacific Fisheries Commission (WCPFC), Indian Ocean Tuna Commission (IOTC) and the International Convention on the Conservation of Atlantic Tunas (ICCAT);

Wherefore, in view of these premises, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR), hereby adopts and promulgates the following rules and regulations on distant-water fishing by Philippine-flagged fishing vessels for the information, guidance and compliance of all concerned.

**Section 1. Definition of Terms.** For purposes of this Order, the following terms and acronyms shall mean and shall be construed as follows:

- a. ALC or MTU – Automatic Location Communicator or Mobile Tracking Transceiver Unit which is an approved-type one-way or two-way automatic tracking device utilizing a satellite navigation and communication system for the purpose of transmitting information concerning the Philippine-flagged fishing vessels’ positions, fishing activities, and any other activity as may be required;
- b. Carrier – a type of fishing vessel designed for the purpose of carrying and transporting fish and other supplies to and from the fishing ground;

- c. Catcher – a type of fishing vessel solely used to catch or harvest fish from the marine environment;
- d. Coastal State – the country or State where a fishing vessel conducts its fishing operations;
- e. Distant-water fishing – fishing in the high seas, areas managed by Regional Fisheries Management Organizations and waters of other Coastal States;
- f. High seas – the area beyond Philippine waters which does not belong to the jurisdiction of any other State;
- g. ICCAT – International Commission for the Conservation of Atlantic Tunas;
- h. IOTC – Indian Ocean Tuna Commission;
- i. Fishing vessel – any boat, ship or other watercraft equipped to be used for taking fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, transportation and/or processing;
- j. FAD – Fish Aggregating Device;
- k. Flag State – the country or State which entitles the fishing vessel to fly its flag and records that fishing vessel in its registry of ships;
- l. GHP – Good Handling Practices;
- m. HSP1 – High Seas Pocket No. 1 as referred to in WCPFC CMM 2013-01;
- n. Landing Declaration – an official document issued by the competent port authority that has jurisdiction over the port where the fish is landed that contains information such as, but not limited to, name of landing vessel, date/s of landing, species and quantity.
- o. Purse seine or ring net – a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from the boat or a pair of boats around the school of fish. The bottom of the net is pulled close with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag;
- p. PCG – Philippine Coast Guard;
- q. PFDA – Philippine Fisheries Development Authority;
- r. PNA – refers to the Parties to the Nauru Agreement which is an international organization composed of the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu;
- s. Regional Fisheries Observer – an RFMO accredited Fisheries Observer;
- t. RFMO – Regional Fisheries Management Organization;
- u. Transshipment Declaration – an official document issued by the competent port authority that has jurisdiction over the port where the fish is transshipped that contains information such as, but not limited to, name of the transshipping vessel, name of the receiving vessel, date/s of transshipment, species and quantity/volume;
- v. WCPFC – Western and Central Pacific Fisheries Commission.

**Section 2. Scope and Application.** This Order covers all Philippine-flagged fishing vessels, regardless of type, engaged in distant-water fishing as defined in Section 1 hereof.

**Section 3. Fishing in the High Seas or in International Waters or in maritime areas under the jurisdiction of other Coastal States.** Fishing vessels of Philippine

registry with valid Commercial Fishing Vessel License may engage in distant-water fishing provided:

- 3.1. That the fishing vessel is registered with the RFMO and/or authorized by the Coastal State;
- 3.2. That the fishing vessel is compliant with the rules and regulations of the RFMO or the Coastal State which has jurisdiction over the waters where it operates;
- 3.3. That the fishing vessel is compliant with the safety, manning and other requirements of MARINA and other concerned agencies;
- 3.4. That the fishing vessel holds a valid International Fishing Permit (IFP) and where applicable, authorization from the Coastal State having jurisdiction over waters where it intends to operate and that the fish caught by such vessels shall be considered as caught in Philippine waters and are not subject to all import duties and taxes when the same are landed in duly designated fish ports in the Philippines;
- 3.5. That the owner of the fishing vessel has submitted to the BFAR authorization and/or fishing access agreement, including conditions on Vessel-Day Scheme.

The International Fishing Permit (IFP) shall be issued by the BFAR National Director. The IFP shall be valid for a period of one (1) year unless suspended, revoked, terminated or cancelled for cause.

#### **Section 4. Requirements for the issuance of an International Fishing Permit:**

- 4.1. A valid CFVGL;
- 4.2. Duly accomplished IFP application form;
- 4.3. Copy of the authorization and/or fishing access agreement;
- 4.4. Ship Station License;
- 4.5. Payment of application fee of P1,000.00;
- 4.6. Payment of permit fee;
- 4.7. Payment of authorization fee; and
- 4.8. Affidavit of Undertaking that the vessel shall not, except when otherwise authorized by the BFAR, operate in Philippine waters, including the Exclusive Economic Zone during the duration of the IFP.

**Section 5. Vessel Marking and Specifications.** Fishing vessels operating in the high seas or international waters shall comply with the vessel marking and specification requirements of the RFMO that governs that area. Fishing vessels operating in the waters of other Coastal States shall comply with the vessel marking and specification requirements of that Coastal State. However, the International Radio Call Sign as stated in the Ship Station License issued by the Philippine competent authority shall be marked on the fishing vessel in accordance with the standards of the Food and Agriculture Organization.

**Section 6. Observer Coverage.** All catcher vessels shall have fisheries observer coverage in accordance with the conservation and management measures of the RFMO which has jurisdiction over the area. Fisheries observers shall be deployed from the Philippine Fisheries Observer Program. Fishing vessels operating in waters of other Coastal States shall comply with the observer coverage requirement of that Coastal State.

**Section 7. Vessel Monitoring System.** All catcher and carrier vessels shall be equipped with a two-way ALC in accordance with the conservation and management measures of the RFMO which has jurisdiction over the area where these vessels operate. Lightboats shall also be equipped with a one-way ALC.

**Section 8. Timely Reporting of Catch, Vessel Entry and Exit.** The Master of the catcher vessel shall record its catches in the prescribed logsheet and shall submit it to the BFAR on a monthly basis. The owner shall report to the BFAR in a timely manner the following:

- 8.1. Notice of entry of vessels to the high seas twenty four (24) hours prior to entry in accordance with the following format: VID Entry to \_\_\_\_\_ high seas; Date and Time; Latitude/Longitude;
- 8.2. Notice of exit of vessels from the high seas six (6) hours prior to exit in accordance with the following format: VID Exit from \_\_\_\_\_ high seas; Date & Time; Latitude/Longitude.

**Section 9. Inspection and Monitoring of Port Landings.** Catches of distant water fishing vessels shall be landed only in authorized fishports under jurisdiction of the PFDA, provided that unloading of catches shall only be made in the presence of a Fish Inspector who shall verify the weight of the fish landed. To ensure traceability, landings shall be inspected and monitored by the BFAR, in coordination with the PFDA.

**Section 10. Declaration of Landing in Foreign Ports.** Philippine-flagged fishing vessels authorized to engage in distant-water fishing may land their catch in ports of other states subject to the following conditions:

- 10.1. Fishing companies shall notify the BFAR in writing of any landing in the foreign port and shall submit the following information seven (7) working days before the scheduled landing date:
  - a. Name, registration number, and call sign of the fishing vessel;
  - b. Specific name of port;
  - c. Port State (if landing in foreign ports);
  - d. Scheduled date of landing;
  - e. Estimated quantity/volume of fish to be landed; and,
  - f. Buyer/Destination
- 10.2. Catches shall only be landed in duly designated ports and shall be covered by a Landing Declaration duly attested by the competent authority of the

Port State. The subject Landing Declaration shall be submitted to the BFAR within twenty-four (24) hours after landing.

**Section 11. Catch Allocation.** The BFAR shall closely monitor the catch quota allocated by the concerned RFMO and/or number of vessel days allocated by the PNA-member countries and ensure that allocation is not exceeded. For this purpose, distant-water fishing companies operating in the waters of PNA-member countries shall provide the BFAR information on catch allocation of their fishing vessels every year.

**Section 12. Advance Notice for Monitoring of Transshipment of Catch.** Fishing companies shall request the BFAR for authorization to transship at port and shall submit the following information seven (7) working days before the scheduled transshipment:

- 12.1. Name, registration number and other identification of the transshipping or landing vessel;
- 12.2. Name, registration number and other identification of the receiving vessel (if transshipment-at-port);
- 12.3. Transshipment date;
- 12.4. Specific name of transshipment port and Port State; and
- 12.5. Estimated quantity/volume of fish to be transshipped.

The BFAR shall provide such authorization to transship in accordance with existing rules and regulations on transshipment. The fishing company shall provide the BFAR a copy of the "Declaration of Transshipment" issued by the competent port authority within forty-eight (48) hours after completion of the transshipment activity.

**Section 13. Group Seining Operation.** Group seining operation which involves the transfer of fish from the fishing net of a catcher vessel directly to the hatch/hold of the carrier vessel, either on the high seas or inside Philippine waters, is not considered transshipment. However, for purposes of traceability, group seining operations shall be properly documented by the master of the catcher and carrier vessels and, whenever applicable, verified by an authorized fisheries observer on board.

**Section 14. Bilateral Cooperation with Other Coastal or Port State.** To ensure effective monitoring of landing and transshipment at sea or at port, the BFAR shall coordinate and cooperate with other Coastal or Port State in sharing information and documents related to landing and transshipment of catch by Philippine-flagged fishing vessels in waters or ports of that Coastal or Port State.

The BFAR shall ensure that a bilateral agreement between the Philippines and the other coastal or Port State is in place before any document on landing or transshipment is recognized and used in catch certification in the Philippines.

**Section 15. Prohibitions and Penalties.** Fishing vessels found to have committed the following prohibited acts shall be imposed with the corresponding penalties stated herein.

- A. For the purpose of this Order, the following are considered serious violations:

1. Engaging in distant-water fishing without International Fishing Permit (IFP) in High Seas Pocket 1;
2. Engaging in distant-water fishing without International Fishing Permit (IFP) and authorization from Coastal State for fishing vessels operating in waters of that Coastal State;
3. Engaging in distant-water fishing without Fisheries Observer onboard as required by the RFMO or the Coastal State;
4. Engaging in distant-water fishing with no functional ALC and/or without being enrolled in the Vessel Monitoring System of the DA-BFAR, or intentionally switching off, disabling or tampering the ALC;
5. Transshipment in the High Seas or transshipment in violation of the laws or regulations of the Philippines or the Coastal State;
6. Transshipment or landing of fish catch without permission from the BFAR;
7. Fishing during FAD Closure Period;
8. Fishing with the use of prohibited or unauthorized gear;
9. Failure to report the catch or misreporting of catch;
10. Setting on Whale Shark or intentionally fishing species prohibited by either the concerned RFMO or the Coastal State ;
11. Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer, or other duly authorized government officer; and
12. For fishing vessels operating in the IOTC managed area: (a) non-recording of catch data in accordance with the procedure provided under IOTC resolution 13/3, and (b) longline fishing without the use of at least two (2) mitigation measures to reduce seabird by-catch in accordance with IOTC Resolution 12/6.

For the violations stated above, the imposable penalty, in addition to the immediate cancellation of the International Fishing Permit, shall include payment of fine in the amount equivalent to five times the value of the catch or the amount provided below, whichever is higher:

- i. Two hundred fifty thousand pesos (P250,000.00) to five hundred thousand pesos (P500,000.00) for small-scale commercial fishing;
- ii. Seven hundred fifty thousand pesos (P750,000.00) to one million pesos (P1,000,000.00) for medium-scale commercial fishing; and

- iii. One million two hundred thousand pesos (P1,200,000.00) to three million pesos (P3,000,000.00) for large-scale commercial fishing;

Provided that, the BFAR may impose, as the gravity of the offense permits, other accompanying administrative sanctions as provided for in Section 135 of RA 8550, as amended.

B. Violations mentioned in Section 13 of Fisheries Administrative Order No. 245-2, series of 2014, committed by fishing vessels engaged in distant fishing, shall remain to be penalized under said FAO.

C. The following acts not covered by the immediately preceding paragraphs shall also be punishable under this Order:

1. Violation of prior notification requirement stated in Sections 10 and 12 of this Order;
2. Failure to submit Landing Declaration;
3. Failure to submit Transshipment Certificate and/or Captain/Mate's Certificate;
4. Landing in unauthorized ports or landing sites; and
5. Failure to comply with prescribed vessel marking including marking of international call sign per FAO standards.

For said violations, the following penalties, aside from the suspension of the CFVL or IFP for a period determined by the BFAR Director, a fine equivalent to twice the value of catch or the following amounts, whichever is higher, shall be imposed:

- i. Fifty thousand pesos (P50,000.00) to two hundred thousand pesos (P200,000.00) for small-scale commercial fishing;
- ii. Two hundred fifty thousand pesos (P250,000.00) to five hundred thousand pesos (P500,000.00) for medium-scale commercial fishing; and
- iii. Seven hundred thousand pesos (P700,000.00) to one million pesos (P1,000,000.00) for large-scale commercial fishing.

**Section 16. Creation of IUUF List of Vessels and Philippine Nationals found to have supported IUUF.** An IUUF List of Vessels and Philippine Nationals found to have supported IUUF is hereby established. A Philippine-flagged fishing vessel or Philippine national found to have committed a prohibited act/s under this Order for three (3) times shall be listed in the said List. Such List shall be posted to the BFAR website and shall be made accessible to the public.

**Section 17. Separability Clause.** If any section or provision of this Circular or part thereof is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected shall continue to be in full force and effect.

**Section 18. Repealing Clause.** All existing administrative orders, rules and regulations, which are inconsistent with the provisions of this Circular are hereby repealed or modified accordingly, except FAO 245-2, which shall continue to govern Philippine fishing vessels operating in HSP1-SMA. However, in case of serious violations or other matters not covered by FAO 245-2 such as landing declaration, this Circular shall be applied suppletorily.

**Section 19. Effectivity.** This Circular shall take effect fifteen (15) days after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Registrar.

Issued this \_\_\_\_\_ at Quezon City, Metro Manila, Philippines.

**EMMANUEL F. PIÑOL**  
Secretary  
Department of Agriculture

*Recommending approval:*

**EDUARDO B. GONGONA**  
Undersecretary for Fisheries  
and BFAR National Director