



April 27, 2016 (*First Draft*)

FISHERIES ADMINISTRATIVE)

ORDER NO. _____:

Series of 2016)

SUBJECT: AMENDED RULES AND REGULATIONS ON COMMERCIAL FISHING IN PHILIPPINE WATERS AND DISTANT WATER FISHING

In accordance with **Republic Act No. 8550** as amended by **Republic Act No. 10654**, entitled “*An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Amending Republic Act No. 8550, Otherwise Known as the Philippine Fisheries Code of 1998 and for Other Purposes*”, the following implementing rules and regulations on commercial fishing in the Philippines are hereby promulgated and adopted for compliance of all concerned.

Chapter I
General Provisions

Section 1. Objectives. This Order has the following objectives:

- a. To establish a licensing system for commercial fishing vessels, fishworkers and gears that defines who could be part of the industry, including specifying priorities for granting access rights;
- b. To develop the database on commercial fishing vessels, gears and fishworkers;
- c. To establish a system of permanent marking and identification of fishing vessels for fisheries management;
- d. To establish the legally prescribed revenue generating scheme based on resource rent ;
- e. To regulate the capture fisheries sector towards achieving long term resource sustainability;
- f. To enhance monitoring of fishing operations for fisheries management through the establishment of a vessel monitoring measures ; and
- g. To implement policies embodied in the Republic Act No. 8550, as amended by Republic Act No. 10654 and its implementing rules and regulations, which directly refers to registration and licensing of commercial fishing vessels.

Section 2. Scope. This order shall apply to all Philippine-flagged fishing vessels with 3.1 gross tons and above which conduct fishing operation in Philippine waters beyond 15 kilometers, high seas or waters of other Coastal States allowing such fishing operations.



Section 3. Definition of Terms. As used in this Order, the following terms and acronyms shall mean:

- 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' position, fishing activities, and any other activity as may be required.
- b. Bureau -Bureau of Fisheries and Aquatic Resources.
- c. Cash Bond - a specific amount of money deposited by the applicant as guarantee of good faith and for satisfactory compliance with the terms and conditions of the license.
- d. Catcher vessel- a type of fishing vessel with fishing gear on board and does the actual catching of fish.
- e. Certificate of Clearance - document issued by the Bureau to licensed fishing vessels before departure from any port to the fishing ground for the purpose of ensuring compliance with documentary/regulatory requirements.
- f. Commercial Fishing- the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 1. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) gross tons,
 2. Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT, and
 3. Large scale commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
- g. Commercial Fishing Vessel License (CFVL) - Refers to a permit to operate specific types of fishing vessel for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources
- h. Commercial Fishing Gear License (CFGL) - Refers to a permit to operate specific types of fishing gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources
- i. Department -the Department of Agriculture
- j. Director -the Director of the Bureau of Fisheries and Aquatic Resources
- k. Distant-water fishing – means fishing in the high seas or in waters of other coastal states.
- l. Fisherfolk – people directly or personally and physically engaged in taking and/or culturing and processing of fishery and/or aquatic resources
- m. Fisherman's License - license issued to fishworkers employed onboard commercial fishing vessels
- n. Fishing -the taking of fishery species from their wild state or habitat, with or without the use of fishing vessel.
- o. Fishing Gear -any instrument or device and its accessories utilized in taking fish and other fishery species.
 1. Active fishing gear – is a fishing device characterized by the pursuit of the target species by towing, pushing the gears, surrounding, covering, dredging and scaring the target species to impoundments: such as, but not limited to trawl, purse seine, Danish seines, *paaling* and drift gill net.

- 2. Passive fishing gear – is characterized by the absence of pursuit of the target species such as, but not limited to, hook and line, fishpots, traps and gill nets set across the path of the fish.
- p. Fishing Logsheet – official daily record of fish catch and spoilage, landing points, and quantity and value of fish caught, and off-loaded for transshipment, sale and/or other disposal.
- q. Fishing vessel– any boat, ship or other watercraft equipped to be used for taking of 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, refrigeration, transportation and/or processing.
- r. Fishworker - a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including licensed patrons, marine engineers, radio operators and cooks. Excluded from this category are administrator, security guards, and overseers.
- s. Harvest Control Rules – refers to actions or set of actions to be taken to achieve a medium or long term target reference point while avoiding reaching or breaching a limit reference point.
- t. High Seas – that part of the sea which extends beyond the Exclusive Economic Zone (EEZ) of a State.
- u. Special Fishing Permit –a special fishing permit issued to commercial fishing vessels which operates in High Seas Pocket No. 1 after complying with the regulatory requirements.
- v. MARINA – Maritime Industry Authority
- w. NTC – National Telecommunications Commission
- x. “*Pakura*” – means a small motorized boat, three (3) gross tons (GT) or less, using handline fishing gear and operates in conjunction with a commercial tuna handline vessel.
- y. *Skiff Boat* – a flat bottomed boat attached to one extremity of the purse seine and having one extremity of the purse line cable, which is kept on the top of the net on board the sloped part of the stern of the vessel.
- z. Person – natural or juridical entities such as individuals, associations, partnerships, cooperatives or corporations.
- aa. Resource rent – the difference between the value of the products produced from harvesting a publicly owned resource less the cost of producing it, where cost includes the normal return to capital and normal return to labor.
- bb. Secretary – The Secretary of the Department of Agriculture.

Chapter II

Registration of Fishing Vessels and Gears

Section 4. Registration of Commercial Fishing Vessels. The registration, documentation, inspection and manning of the operation of all types of fishing vessels plying Philippine waters shall be in accordance with existing laws, rules and regulations.

Section 5. Fishing Gear Registration. Fishing gears used for commercial fishing purposes shall be registered with the Bureau pursuant to Section 29 of Republic Act 8550 Registration and licensing of fishing gears used in Commercial Fishing

Section 6. Requirements for Fishing Gear Registration:

- a. Payment of application fee;
- b. Duly accomplished and notarized BFAR Fishing Gear Registration Form;
- c. Fishing gear technical design and specifications duly certified by the master net mender and owner;

Chapter III

Licensing of Commercial Fishing Vessels, Gears and Fishworkers

Section 7. Commercial Fishing Vessel License and Other Licenses. No person shall operate a commercial fishing vessel, pearl fishing vessel or fishing vessel for scientific, research or educational purposes, or engage in any fishery activity, or seek employment as a fishworker or pearl diver without first securing a license from the Department, the period of which shall be prescribed by the Department; Provided, that no such license shall be required of a fishing vessel engaged in scientific research or educational purposes within Philippine waters and pursuant to an international agreement of which the Philippines is a signatory and which agreement defines the status, privileges and obligations of said vessel and its crew and the non-Filipino officials of the international agency under which vessel operates; Provided further, that members of the crew of a fishing vessel used for commercial fishing except the duly licensed and/or authorized patrons, marine engineers, radio operators and cooks shall be considered as fisherfolk: Provided furthermore, that all skippers/master fishers shall be required to undertake an orientation training on detection of fish caught by illegal means before they can be issued their fishworker license: Provided finally, that the large commercial fishing vessel license herein authorized to be granted shall allow the licensee to operate only in Philippine waters seven (7) or more fathoms deep, the depth to be certified by the NAMRIA, and subject to the conditions that may be stated therein and the rules and regulations that may be promulgated by the Department.

Section 8. Vessel/Gear Licensing and Exemption. The DA-BFAR shall issue to qualified applicants commercial Fishing Vessel License (CFVL) or Commercial Fishing Gear License (CFGL) to engage in commercial fishing in fishing areas beyond municipal waters; provided that, skiffboats shall be exempted from the license requirement.

Section 9. Requirements for Skiffboats and “Pakura”. The owners and operators of commercial fishing vessels shall, include in their CFVL application, the complete information on their skiffboats. Such skiff boats shall be ad-measured, identified and indicated in the CFVL of the catcher vessel. The owner and operator of commercial handline vessels shall, indicate in their CFVL, the number of “pakura”.

Section 10. Filing of Application for New Commercial Fishing Vessel License (CFVL) and Commercial Fishing Gear License (CFGL). Application for New CFVL and CFGL shall be filed at BFAR Regional Fisheries Office which has jurisdiction over the homeport of the fishing vessel and endorsed to BFAR Central Office. An application is considered New if the fishing vessel applied for has never been issued with a CFVL/CFGL before or has changed its vessel name, owner,

fishing vessel classification, type of fishing gear employed and/or any vessel specifications.

Section 11. Documentary Requirements for New CFVL:

- a. Duly accomplished BFAR CFVL application form;
- b. Two (2) copies of 8"x10" vessel unaltered pictures showing the port, starboard and required identification and marking as specified in Annex 1 of this Order;
- c. Grid map indicating the proposed fishing ground/s;
- d. Original or authenticated photocopy of the following:
 - d.1 Certificate of Philippine Registry (CPR));
 - d.2 Certificate of Ownership (CO); and
 - d.3 Valid/Unexpired Fishing Vessel Safety Certificate (FVSC).
- e. Approved Articles of Incorporation and By-Laws for corporation, the primary or secondary purpose of which is to engage in fishing, or business name registration, certificate for single proprietorship or partnership to accompany the first vessel of the applicant to be licensed;
- f. Fishing logsheet for catcher vessel for registration and approval by BFAR upon payment of registration fee of fifty pesos (P50.00);
- g. Affidavit specifying that the vessel has no pending criminal, civil or administrative case;
- h. BFAR Certification stating that the vessel has no pending administrative case;
- i. Importation or construction clearance (in case the fishing vessel is imported or newly constructed); and
- j. Copy of official receipts covering payment of application and license fees
- k. Tax Identification Number of the owner

Section 12. Fishing Vessel Identification and Marking. Prior to issuance of CFVL, fishing vessels shall be painted and marked on the hull with its registered name and registration number as appears in the Certificate of Philippine Registry and, where applicable, International Radio Call Sign as appears in the Ship Station License in accordance with the technical specifications set out in Annex 1 of this Order.

Section 13. Vessel Monitoring Measures and/or Observer Coverage. Prior to the issuance of CFVL, the fishing vessel must comply with Vessel Monitoring Measures and/or observer coverage in accordance with existing rules and regulations.

Section 14. Requirements for Commercial Fishing Gear License (CFGL).

- a. Completed application form;
- b. Fishing gear inspection report;
- c. Fishing gear markings;
- d. Payment of license fee.

Section 15. Requirements for Fisherman's License.

- a. Completed application form;
- b. Two (2) copies of 1" X 1" ID picture;
- c. Valid government-issued ID or Barangay Clearance; and
- d. Payment of license fee in the amount of One Hundred Pesos (PhP100.00).

Section 16. Validity and Renewal of Fisherman's License. The validity of Fisherman's License shall be three (3) years from the date of payment of the license fee. It may be renewed three (3) months before its expiration. The non-appearance of the licensee may be allowed during applications for renewal: provided that the person appearing on his behalf must present a certificate of employment of the licensee issued by the company or operator.

Section 17. Grounds for rejection or non-issuance of CFVL.

- a. Non-compliance to the provisions of this Order and other established fishery laws, rules and regulations,
- b. Has pending civil or administrative case, and
- c. Has been found guilty of illegal, unreported and unregulated fishing.

Section 18. Validity of CFVL and CFGL. The Commercial Fishing Vessel License and Commercial Fishing Gear License shall be valid for a period of three (3) years starting from the date of payment of the license fees unless suspended, revoked, terminated or cancelled for cause.

Section 19. Renewal of licenses. The Commercial Fishing Vessel License and Commercial Fishing Gear License shall be renewed every three (3) years. The owner/operator of a fishing vessel has a period of sixty (60) days prior to the expiration of the license within which to renew the same. Non-renewal of CFVL and CFGL shall not be penalized unless the owner or operator operates a commercial fishing vessel and gear without a license.

- a. At least sixty (60) calendar days prior to the expiry of its CFVL and CFGL, the licensee shall express to the DA-BFAR Regional Office having jurisdiction of the fishing vessel's homeport, their intent to renew the license and request for an inspection of the fishing vessel. The licensee may also receive in their email a notification from the Fishing Vessel Electronic Licensing System (*FeLiS*) that the CFVL/CFGL will expire in sixty (60) calendar days. The DA-BFAR Regional Office shall conduct the inspection within thirty (30) calendar days from receipt of such request.
- b. At least thirty calendar (30) days prior to the expiry of their CFVL and CFGL and upon receipt of the Inspection Report showing compliance with the requirements; the licensee shall file the complete documentary requirements for renewal and pay the license fees and charges.
- c. The DA-BFAR Regional Office shall evaluate the application for renewal within thirty (30) calendar days from receipt of its complete submission and compliance with the requirements. Otherwise, it shall be deemed automatically approved.
- d. Licensees who have not renewed their CFVL and CFGL within sixty (60) days prior to its expiration may still apply for renewal subject to the Harvest Control Rules in place at the time of application.

Section 20. Documentary Requirements for Renewal of CFVL:

- a. Duly accomplished BFAR application for fishing vessel license;
- b. Two (2) copies of 8"x10" vessel unaltered pictures showing the port, starboard and required identification and marking as specified in Annex 1 of this Order;
- c. Grid map indicating the proposed fishing ground/s;
- d. Original or authenticated photocopy of valid/unexpired Fishing Vessel Safety Certificate (FVSC);
- e. New fishing logsheets for catcher vessel for registration and approval by BFAR upon payment of registration fee of fifty pesos (P50.00);
- f. Affidavit specifying that the vessel has no pending criminal, civil or administrative case;
- g. BFAR Certification stating that the vessel has no pending administrative case;
- h. Copy of official receipts covering payment of application and license;
- i. Duly accomplished fishing logsheets; and
- j. Original copy of the previous expired CFVL.

Section 21. Color Code and Radio Frequency. For administrative efficiency and enforcement of regulations, registered and licensed fishing vessels shall bear a color code and may be assigned a radio frequency specific and distinct to its area of operation.

Section 22. Surrender of CFVL. The CFVL shall be surrendered to BFAR upon its expiration or when the fishing vessel is intended to be used for purposes other than fishing.

Section 23. Display of the CFVL. The original copy of CFVL shall be framed and exhibited in a conspicuous place onboard the fishing vessel and shall always be made ready for inspection by authorized fishery law enforcers.

Section 24. Transfer of Ownership. The owner/operator of a registered fishing vessel shall notify the Department in writing of any intention to transfer the ownership of the vessel within ten (10) days before its intended transfer to another entity/person. Failure of the owner to do so shall not extinguish any existing or pending sanction or liability with respect to said fishing vessel.

Section 25. Responsibilities of the License Holder. The license holder has the following responsibilities:

- a. recording of fish catch and spoilage, landing points, quantity and value of fish caught, and off-loaded for transshipment, sale and/ or other disposal and other information in the prescribed fishing logsheet for entire duration of the fishing license;
- b. recording of details of vessel operations and maintenance in their roll and deck/engine logbooks;
- c. display the original licenses in conspicuous places on board the fishing vessel;
- d. keeping of fishing logsheets on board and be made readily available for inspection by authorized fishery law enforcers at all times, except when the boat is dry docked or undergoing repairs;

- e. submission of an affidavit to prove that the vessel is not involved in any administrative or judicial case upon renewal of CFVL;
- f. submission of an affidavit stating the owner has complied with Sec. 25 of RA 8550, as amended by RA 10654;
- g. subject the fishing vessel and gear for inspection prior to the issuance of a Certificate of Clearance to depart to the fishing ground;
- h. notify the BFAR of a transfer of ownership of the vessel and/or gear;
- i. allow deputized fishery law enforcement officers to take fish samples for on-the-spot examinations;
- j. submit original fishing logsheet;
- k. comply with the vessel monitoring measure, as applicable;
- l. comply with the observer requirement, as applicable;
- m. comply with labor and other related laws; and
- n. comply with the harvest control rules and reference points.

Chapter IV Fees and Cash bonds

Section 26. Application and Registration Fees. The initial application for Commercial Fishing Vessel License (CFVL), Commercial Fishing Gear (CFGL), shall be Four Hundred (P400.00), and Two Hundred (P200.00) Pesos, respectively, payable to the Bureau which is non-transferable and non-refundable. Also, the application for registration of the fishing gear shall be Two Hundred (P200.00) Pesos, payable to the Bureau which is non-transferable and non-refundable.

Section 27. License Fees. The license fees shall be payable to the Bureau annually in accordance with the following rates:

a. *For Commercial Fishing Vessel License.* A phased implementation scheme over five years from the effectivity of this Order shall be applied. The rates are as follows:

Phased Implementation of New License Fees

Tonnage Category (GT)	Year 1 to 2	Year 3	Year 4	Year 5
3.1 to 10	500	1,000	2,000	2,500
10.1 to 20	750	1,500	3,000	6,000
20.1 to 50	1,750	3,500	7,000	14,000
50.1 to 100	1,875	3,750	7,500	15,000
> 100	5,000	10,000	20,000	40,000

By year 6 and every year thereafter, annual license fees shall be subjected to an increase taking into account the average annual rate of inflation of the previous year.

b. *For Gear License.*

- 1) Small-scale commercial fishing - P200.00 for the first year, and an increase taking into account the average annual inflation rate of the previous year.
- 2) Medium-scale commercial fishing - P400.00 for the first year, and an increase taking into account the average annual inflation rate of the previous year.

3) Large-scale commercial fishing - P600.00 for the first year, and an increase taking into account the average annual inflation rate of the previous year.

Section 28. Cash Bond Deposit for Fishing Vessel. Before a license is issued, the applicant, as guaranty of good faith and for satisfactory compliance with the terms and conditions of the license, shall post a cash bond deposit, equivalent to resource rent estimates, to the Bureau which shall be non-transferable in accordance with the following rates:

- a. For vessels of 3.1 to 10 GT - P2,500.00
- b. For vessels 10.1 to 20 GT – P6,000.00
- c. For vessels of 20.1 to 50 GT - P14,000.00
- d. For vessels of 50.1 to 100 GT - P15,000.00
- e. For vessels of 100.1 and above - P40,000.00

Section 29. Forfeiture of Cash Bond Deposit. The Director may forfeit the cash bond deposit in favor of the government upon the cancellation of the license for cause.

Section 30. Refund of Cash Bond Deposit. A cash bond deposit may be refunded upon the retirement of the fishing vessel or cessation of operation and submission of the original Official Receipt therefore, to the Director.

Section 31. Clearance Fee. The issuance of the Certificate of Clearance in accordance with **Section 44** hereof shall be charged with a clearance fee of One Hundred Pesos (P100.00) regardless of tonnage.

Chapter V

Reportorial Requirements, Catch Documentation and Inspection of Fishing Logsheets

Section 32. Reportorial Requirements and Catch Documentation. Each commercial fishing vessel shall keep *fishing logsheets* or daily records of fish catch and spoilage, landing points, and quantity and value of fish caught, and off-loaded for transshipment, sale and/ or other disposal. Detailed information shall be duly certified by the vessel's captain and transmitted to BFAR manually on a quarterly basis. Failure to comply shall result to administrative and penal sanctions.

Section 33. Registration of Fishing Logsheet. The fishing logsheet mentioned in the preceding section shall be registered with their pages numbered consecutively and kept intact with no missing pages/numbers and shall be presented to the Director or his duly authorized representatives for registration upon payment of the registration fee of Fifty (P50.00) pesos for each book. Such approval shall be indicated in the inner side of the cover opposite the first page thereof as follows:

*Approved in accordance with the Fisheries Administrative Order No. _____
consisting of _____ pages.*

Director of Fisheries and Aquatic Resources

Registration Fee: _____

O.R. No. _____

Date: _____

Section 34. Inspection of Fishing Logsheets. The fishing logsheet shall be kept on board the fishing vessel at all times and shall always be made readily available for inspection by duly authorized fishery law enforcers except when the boat is dry-docked or undergoing repairs and therefore not operating.

Section 35. Obstruction in the Performance of Official Duty. The Director or any duly authorized fishery law enforcement officer in the performance of his official duties, shall not be obstructed or hindered from lawfully boarding fishing vessels, whether licensed or not.

Chapter VI Institutional Linkages

Section 36. Linkage Mechanism. The Department and the Bureau shall coordinate and enter into agreements, where necessary, with other government agencies, industrial sector and other concerned sectors in the furtherance of the objectives of this Order and functions specified hereunder:

- a. The Bureau, in coordination with the local government units (LGUs), MARINA, Philippine National Police (PNP) and Philippine Coast Guard (PCG) through a Memorandum of Agreement (MOA), shall conduct an intensive campaign to secure licenses by calling owners/operators of all unlicensed vessels to participate in the registration and licensing activities of the Bureau;
- b. The Bureau, in coordination with LGUs, MARINA, PNP and PCG through a MOA, shall complete the inventory of fishing vessels, gears and fisherfolk that are currently operating outside municipal waters;
- c. The Bureau, in coordination with MARINA, shall develop and manage the licensing database;
- d. The Bureau, in coordination with MARINA, shall determine the maximum number of licenses to be issued;
- e. The Bureau, in coordination with MARINA, PCG, and PNP-Maritime Group through a MOA, shall inspect, monitor and enforce compliance with license requirements in accordance with this Order, and apprehend fishing violators;
- f. The Bureau, in coordination with MARINA and LGUs, shall conduct an intensive information and education campaign on the limited entry rule from the first to the third month from the effectivity of this Order;
- g. The Bureau, together with MARINA, shall implement the limited entry rule, particularly on non-registration of fishing vessels and non-issuance of licenses during the five-year moratorium period following the effectivity of this Order; and,

- h. The Bureau, in coordination with MARINA, PCG, PNP-MG, PN, DOJ and the Judiciary, shall develop appropriate training programs for enforcement agencies and the judiciary to improve monitoring and enforcement capabilities, and efficiency in prosecution of fishing violations.

Chapter VII Liabilities and Sanctions

Section 37. Grounds for Cancellation or Revocation of the CFVL and/or CFGL. The licenses issued pursuant to this Order shall be subjected to cancellation or revocation on any of the following grounds:

- (a) Willful violation of existing fishery laws, decrees, letters of instruction or its implementing rules and regulations;
- (b) Non-compliance with the terms and conditions of the license which shall include, but not to be limited to, the following:
 - i. Use of gear other than that specified in the license.
 - ii. Tampering or alteration of CFVL and/or CFGL.
 - iii. Unauthorized modification that substantially changes vessel structure or size.
 - iv. Fishing outside the area specified in the license.
 - v. Non-recording of fish catch in prescribed fishing logsheets.
 - vi. Failure to display of the original of the CFVL and/or CFGL in conspicuous places on the boat.
 - vii. Refusal to be subjected to inspection of fishing logsheets.
 - viii. Refusal to let deputized fishery law enforcement officers to take fish samples for on-the-spot examinations.
- (c) False or fraudulent statements in the application thereof by the applicant or his duly authorized representative; and,
- (d) When public interest so requires.

Provided, however, that for items (b) (iv) to (viii) above automatic revocation shall be imposed only on the third violation.

Section 38. Limitation on the Transfer, Lease, or Assignment of Interest. The licensee of any fishing vessel and gear involved in any judicial or administrative case shall not transfer, lease or assign his interest thereon during the existence of the case.

Chapter VIII

Distant Water Fishing

Section 39. Distant Water Fishing. Fishing vessels of Philippine registry may engage in distant water fishing as defined in this Order: Provided, that they comply with the safety, manning and other requirements of the Philippine Coast Guard, Maritime Industry Authority and other agencies concerned: Provided, however, that they secure a fishing permit, gear license and other clearances from the Department: Provided, further, that the fish caught by such vessels shall be considered as caught in Philippine waters and therefore not subject to all import duties and taxes only when the same is landed in duly-designated fish landings and fish ports in the Philippines: Provided, furthermore, that landing ports established by canneries, seafood processors and all fish landings sites established prior to the effectivity of the IRR of R.A. No. 10654 shall be considered authorized landing sites: Provided, finally, that fishworkers on board Philippine registered fishing vessels conducting fishing activities beyond the Philippine Exclusive Economic Zone are not considered as overseas Filipino workers.

Distant water fishing vessels shall comply with the monitoring, control and surveillance requirements, conservation and management measures and fishing access conditions of the Department, the RFMO, or other coastal states.

Section 40. Requirements for Distant Water Fishing Permit (DWFP):

- a. Accreditation as Distant Water Fishing Vessel by the BFAR Director;
- b. A valid CFVL and/or CFGL;
- c. Duly accomplished and notarized Distant Water Fishing Permit application form;
- d. Copy of the fishing permit/license from the coastal State (for fishing vessels operating in waters of other coastal States);
- e. Ship Station License issued by NTC;
- f. Payment of application Fee of P1,000.00;
- g. Payment of permit Fee of P1,500.00;
- h. Payment of authorization fee for Special Fishing Permit to operate on the high seas (for catcher vessels operating in WCPFC HSP-1 only);
- i. Affidavit of Undertaking that the vessel shall not, except when otherwise authorized by BFAR, operate in Philippine waters, including Exclusive Economic Zone during the duration of the DWFP.

Section 41. Validity of Distant Water Fishing Permit. The validity of Distant Water Fishing Permit shall be in consonance with the fishing license issued by the coastal state and shall expire/terminate at the same time as the fishing license of the coastal state.

Section 42. Vessel Markings for Fishing Vessels Engaged in Distant Water Fishing. Fishing vessels engaged in distant-water fishing shall comply with the vessel marking and specifications required by the concerned Regional Fisheries Management Organization (RFMO) and/or by the coastal state, whichever is applicable.

Chapter IX

Miscellaneous Provisions

Section 43. Moratorium. The Department shall, upon the recommendation of the Bureau, have the power to declare a moratorium on the issuance of licenses for commercial fishing vessels to operate in specified area or areas in Philippine waters in a limited period of time if there are indications of overfishing brought about by a decrease in the volume and sizes of fish caught therein or for conservation or ecological purposes.

No new licenses and similar privileges on exploitation of specific fisheries areas in Philippine waters and aquaculture production areas shall be issued in accordance with this Code. Such moratoria shall not exceed five (5) years from the effectivity of Republic Act No. 10654 and its IRR.

Section 44. Certificate of Clearance. No fishing boat shall depart from its homeport or any port of departure to the fishing ground without first securing the prescribed Certificate of Clearance either from the Regional Office or Provincial Office. A Certificate of Clearance shall only be issued upon verification of the documents of the fishing vessel. A Certificate of Clearance shall be valid for thirty (30) days from the date of issuance. Provided, however fishing vessels operating more than thirty (30) days, shall be issued clearance valid until return to any port in the Philippines.

Section 45. Importation, Construction of New Fishing Vessels and Gears and Conversion of Other Vessels. Prior to the importation or the construction of fishing vessels or gears or the conversion into a fishing vessel, the approval or clearance of the Department must first be obtained in order to manage fishing capacity.

Section 46. Requirements for Importation/Construction/Conversion Clearance:

- a. Letter of Intent to the Director with the name of the fishing vessel to be imported/constructed/converted, type of vessel, gross tonnage and country of origin;
- b. Certificate of Deletion from Philippine Registry of the scrapped/sunken fishing vessel;
- c. Certificate of Deletion from Vessel Registry of the vessel to be imported from the country of origin (for second hand fishing vessels);

Section 47. Creation of IUUF List of Fishing Vessels. There is hereby created an IUUF list of vessels and Philippine Nationals, which is a list of fishing vessels and Philippine nationals found to have engaged in or supported illegal, unreported and unregulated activities. A Philippine National or Philippine-flagged fishing vessel found to have committed three (3) prohibited acts and convicted accordingly shall be listed in the IUUF list. The said IUUF list shall be published in the BFAR website.

Section 48. Repealing Clause. Fisheries Administrative Order No. 198 is hereby repealed. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this order are hereby repealed or modified accordingly.

Section 49. Effectivity. This Order shall take effect fifteen (15) days after publication in one (1) newspaper of general circulation and upon filing with the Office of the National Administrative Register.

EMMANUEL F. PIÑOL
Secretary

Recommended by:

EDUARDO B. GONGONA
Director
Bureau of Fisheries and Aquatic Resources

Chairman, NFARMC

PUBLISHED:

EFFECTIVITY STARTS:

ANNEX I

Fishing Vessel Identification and Marking Technical Requirements and Specifications

- A. The fishing vessel registered name, Registration Number or International Radio Call Sign (IRCS) and number code shall be placed on the following location:
1. on the vessel's side or superstructure, port and starboard; fixtures inclined at an angle to the vessel's side or superstructure would be considered as suitable provided that the angle of inclination would not prevent sighting of the sign from another vessel or from the air, and
 2. on deck. Should an awning or other temporary cover be placed so as to obscure the mark on a deck, the awning or cover shall also be marked. These marks should be placed athwartship with the top of the numbers or letters towards the bow.
- B. Markings shall be placed as high as possible above the waterline on both sides. Such parts of the hull as the bow and the stern shall be avoided. The marks shall:
1. be so placed that they are not obscured by the fishing gear whether it is stowed or in use;
 2. be clear of flow from scupper pipes freeing water on deck or overboard discharges including areas which might be prone to damage or discoloration from the catch of certain types of species; and
 3. not extend below the load waterline.
- C. In case the fishing vessel is without deck, one or more partial decks shall not be required to display the markings on a horizontal surface. However, owners should be encouraged, where practical, to fit a board on which the markings may be clearly seen from the air. Vessels fitted with sails may display the markings on the sail in addition to the hull.
- D. The vessel markings shall use block lettering and numbering throughout. The width of the letters and numbers shall be in proportion to the height. The height (h) of the letters and numbers shall be in proportion to the size of the exposed part of the vessel in accordance with the following:

1. for marks to be placed on the hull, superstructure and/or inclined surfaces:

Length overall (LOA) of the vessel (in meters)	Height of letters and numbers in meters (m) to be not less than
25 m and over	1.0 m
20 m but less than 25 m	0.8 m
15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m
5 m but less than 12 m	0.3 m
Under 5 m	0.1 m

2. for marks to be placed on deck: the height shall not be less than 0.3 m for all vessels of 5 m and over.
3. The length of the hyphen shall be half the height of the letters and numbers. The width of the stroke for all letters, numbers and the hyphen shall be $h/6$. The space between letters and/or numbers shall not exceed $h/4$ nor be less than $h/6$ and the space between adjacent letters having sloping sides shall not exceed $h/8$ nor be less than $h/10$.
4. The marks shall be white on a black background; or black on a white background using a durable marine paint. The background shall extend to provide a border around the mark of not less than $h/6$.
5. The marks and the background shall be maintained in good condition at all times.

First Draft

First Draft