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**THE IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT No. 8550 AS AMENDED BY REPUBLIC ACT No. 10654**

SEC. 1. Title. – This Act shall be known as The Philippine Fisheries Code of 1998 as amended by Republic Act No. 10654, entitled "*An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.*"

Rule 1.1 Title. – *These Rules shall be known and cited as the Rules and Regulations implementing Republic Act No. 8550, as amended by Republic Act No. 10654.*

**CHAPTER I
DECLARATION OF POLICY AND DEFINITIONS**

SEC. 2. Declaration of Policy.–It is hereby declared the policy of the State:

a. to achieve food security as the overriding consideration in the utilization, management, development, conservation and protection of fishery resources in order to provide the food needs of the population. A flexible policy towards the attainment of food security shall be adopted in response to changes in demographic trends for fish, emerging trends in the trade of fish and other aquatic products in domestic and international markets, and the law of supply and demand;

b. to limit access to the fishery and aquatic resources of the Philippines for the exclusive use and enjoyment of Filipino citizens;

c. to ensure the 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. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened aquatic species, straddling and highly migratory fish stocks and other living marine resources (*as amended by RA 10654*) (*aa*);

d. to protect the rights of fisherfolk, specially of the local communities with priority to municipal fisherfolk, in the preferential use of the municipal waters. Such preferential use, shall be based on, but not limited to, Maximum Sustainable Yield (MSY) or Total Allowable Catch (TAC) on the basis of resources and ecological conditions, and shall be consistent with our commitments under international treaties and agreements;

e. to provide support to the fishery sector, primarily to the municipal fisherfolk, including women and youth sectors, through appropriate technology and research, adequate financial, production, construction of post-harvest facilities, marketing assistance, and other services. The protection of municipal fisherfolk against foreign intrusion shall extend to offshore fishing grounds. Fishworkers shall receive a just share for their labor in the utilization of marine and fishery resources;

f. to adopt the precautionary principle and manage fishery and aquatic resources, in a manner consistent with the concept of an ecosystem-based approach to fisheries management and integrated coastal area management in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the State(aa); and,

g. to grant the private sector the privilege to utilize fishery resources under the basic concept that the grantee, licensee or permittee thereof shall not only be a privileged beneficiary of the State but also an active participant and partner of the government in the sustainable development, management, conservation and protection of the fishery and aquatic resources of the country.

The State shall ensure the attainment of the following objectives of the fishery sector:

1. Conservation, protection and sustained management of the country's fishery and aquatic resources;
2. Poverty alleviation and the provision of supplementary livelihood among municipal fisherfolk;
3. Improvement of productivity of aquaculture within ecological limits;
4. Optional utilization of offshore and deep-sea resources; and
5. Upgrading of post-harvest technology.

SEC. 3. Application of its Provisions. – The provisions of this Code shall be enforced in:

- a. all Philippine waters including other waters over which the Philippines has sovereignty and jurisdiction, and the country's 200-nautical mile Exclusive Economic Zone (EEZ) and continental shelf;
- b. all aquatic and fishery resources whether inland, coastal or offshore fishing areas, including, but not limited to, fishponds, fish pens/cages;
- c. all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public lands; and,
- d. all Philippine flagged fishing vessels operating in areas governed by a Regional Fisheries Management Organization (RFMO), in the high seas, or in waters of other coastal states.(aa)

Rule 3.1. Jurisdiction. – *The Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), in cooperation with concerned national agencies, shall have the responsibility and jurisdiction in the management, conservation, development, protection, utilization, and disposition of all fisheries and aquatic resources of the country, and all Philippine flagged fishing vessels operating in areas governed by a Regional Fisheries*

Management Organization (RFMO), in the high seas, or in waters of other coastal states. In municipal waters, the DA-BFAR may coordinate with and assist the Local Government Units (LGUs), Fisheries and Aquatic Resources Management Councils (FARMCs), Integrated FARMCS (IFARMC), and other government agencies concerned in the development, conservation, protection, utilization and management of fisheries and aquatic resources.

Sec. 4. Definition of Terms. – As used in this Code, the following terms and phrases shall mean as follows:

1. *Ancillary Industries* – firms or companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; fishery machine shops; and other facilities such as hatcheries, nurseries, feed plants, cold storage, and refrigeration, processing plants and other pre-harvest and post-harvest facilities.

2. *Appropriate Fishing Technology* – adaptable technology, both in fishing and ancillary industries, that is ecologically sound, locally source-based and labor intensive.

3. *Aquaculture* – fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine areas.

4. *Aquatic Pollution* – the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effects shall also constitute aquatic pollution.

5. *Aquatic resources* – includes fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including but not limited to salt and corals.

6. *Artificial Reefs* – any structure of natural or man-made materials placed on a body of water to serve as shelter and habitat, source of food, breeding areas for fishery species and shoreline protection.

7. *Catch Ceilings* – refer to the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organisms.

8. *Closed Season* – the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in Philippine waters.

9. *Coastal Area/Zone*– is a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa; its geographic extent may include areas within the landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobath to include coral reefs, algal flats, seagrass beds and other soft-bottom areas.

10. *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) GT;

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.

11. *Commercial scale* – a scheme of producing a minimum harvest per hectare per year of milkfish or other species including those raised in pens, cages, and tanks to be determined by the Department in consultation with the concerned sectors.

12. *Community Service* – means any service or activity that is performed for the benefit of the community or its institutions in lieu of payment of fine imposed as administrative or criminal penalty. *(new provision in RA 10654) (n)*

13. *Conservation and Management Measures* – means measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law including those reflected in conventions, RFMO resolutions and laws of other coastal states where Philippine flagged vessels fish. *(n)*

14. *Coral* – hard calcareous substance made up of the skeleton of marine coelenterate polyps which includes reefs, shelves and atolls or any of the marine coelenterate animals living in colonies where their skeletons form a stony mass. They include: (a) skeletons of anthozoan coelenterates characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus *corallium* as represented by the red, pink and white corals which are considered precious corals; (b) skeletons of anthozoan coelenterates characterized by thorny, horny axis such as the antipatharians represented by the black corals which are considered semi-precious corals; and (c) ordinary corals which are any kind of corals that are not precious nor semi-precious.

15. *Coral Reef* – a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal and subtidal marine waters.

16. *Demarcated areas* – boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain specified and limited uses such as:

- a. Aquaculture, sea ranching and sea farming;
- b. Fish aggregating devices;
- c. Fixed and passive fishing gears; and a
- d. Fry and fingerling gathering.

17. *Department* – shall mean the Department of Agriculture.

18. *Distant Water Fishing* – means fishing in the high seas or in waters of other states. *(n)*

19. *Electrofishing* – the use of electricity generated by batteries, electric generators and other source of electric power to kill, stupefy, disable or render unconscious fishery species, whether or not the same are subsequently recovered.

20. *Endangered, Rare and/or Threatened Species* – aquatic plants, including some varieties of corals and sea shells in danger of extinction as provided in existing fishery laws, rules and regulations or in the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources (DENR) and in the Convention of the International Trade of Endangered Species of Flora and Fauna (CITES).

21. *Exclusive Economic Zone (EEZ)* – an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baselines as defined under existing laws.

22. *FARMCs* – the Fisheries and Aquatic Resources Management Councils.

23. *Farm-to-Market Roads* – shall include roads linking the fisheries production sites, coastal landing points and other post-harvest facilities to major market and arterial roads and highways.

24. *Fine Mesh Nets* – net with mesh size of less than three centimeters (3 cm.) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency.

25. *Fish and Fishery/Aquatic Products* – include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.

26. *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.

27. *Fish Corral or "Baklad"*– a stationary weir or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo mattings or wire mattings with one or more enclosures, usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers, purse or bags.

28. *Fish Fingerlings*– a stage in the life cycle of the fish measuring about 6-13 cm. depending on the species.

29. *Fish Fry*– a stage at which a fish has just been hatched usually with sizes from 1-2.5 cm.

30. *Fish pen*– 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 fish.

31. *Fisherfolk*– people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.

32. *Fisherfolk Cooperative* – a duly registered association of fisherfolk with a common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings in accordance with universally accepted cooperative principles.

33. *Fisherfolk Organizations* – an organized group, association, federation, alliance or an institution of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.

34. *Fisheries* – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof.

35. *Fisheries Observer* – refers to a person duly authorized by the Philippine government or under a Regional Observer Program of the RFMO, to collect scientific, technical or fishing-related data, and other information that may be required by the government or the RFMO and/ or in compliance to a conservation and management measure.(n)

36. *Fish Pond* – a land-based facility enclosed with earthen or stone material to impound water for growing fish.

37. *Fishing Vessel/Gear License* – refers to a permit to operate specific types of fishing vessel/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources. (aa)

38. *Fishery Management Areas*– a bay, gulf, lake or any other fishery area which may be delineated for fishery resource management purposes.

39. *Fishery Operator*– one who owns and provides the means including land, labor, capital, fishing gears, and vessels, but does not personally, engage in fishery.

40. *Fishery Refuge and Sanctuaries*– a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.

41. *Fishery Reserve*– a designated area where activities are regulated and set aside for educational and research purposes.

42. *Fishery Species* – all aquatic flora and fauna including, but not restricted to, fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.

43. *Fishing* – the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.

44. *Fishing Gear* – refers to any instrument or device and its accessories utilized in taking fish and other fishery species.

(a) 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 seines, Danish seines, *paaling* and drift gill net.(aa)

(b) 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.(aa)

45. *Fishing Light Attractor* – refers to a fishing aid which employs lights using, among others, mercury vapor, high pressure sodium vapor, standard tungsten, tungsten halogen, fluorescent or light-emitting diode, that are attached to a structure above water or suspended underwater to attract both fish and members of their food chain to specific areas in order to harvest them.(n)

46. *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.

47. *Fishing with Explosives* –the use of the dynamite, other explosives or other chemical compounds that contains combustible elements or ingredients which upon ignition by friction, concussion, percussion or detonation of all or parts of the compound, will kill, stupefy, disable or render unconscious any fishery species. It also refers to the use of any other substance and/or device which causes an explosion that is capable of producing the said harmful effects on any fishery species and aquatic resources and capable of damaging and altering the natural habitat.

48. *Fishing with Noxious or Poisonous Substances* – the use of any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in raw or processed form, harmful or harmless to human beings, which will kill, stupefy, disable or render unconscious any fishery species and aquatic resources and capable of damaging and altering the natural habitat.

49. *Fish worker* – 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 those working in fish pens, fish cages, fish corrals/traps, fishponds, prawn

farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.

50. *Food Security*– refers to any plan, policy or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. Food security may be achieved through self-sufficiency (i.e. ensuring adequate food supplies from domestic production), through self-reliance (i.e. ensuring adequate food supplies through a combination of domestic production and importation), or through pure importation

51. *Foreshore Land* – a string of land margining a body of water, the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide usually marked by a beach scarp or berm.

52. *Fully-developed Fishpond Area* – a clean leveled area enclosed by dikes, at least one foot higher than the highest floodwater level in the locality and strong enough to resist pressure at the highest flood tide; consists of at least a nursery pond, a transition pond, a rearing pond or a combination of any or all said classes of ponds, and a functional water control system and producing in a commercial scale.

53. *Gross Tonnage*– includes the underdeck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessel's 'closed-in' spaces expressed in volume terms on the bases of one hundred cubic feet (that equals one gross ton).

54. *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.(n)

55. *Illegal Fishing* – means fishing activities conducted by Philippine fishing vessels operating in violation of Philippine laws, Regional Fisheries Management Organization resolutions, and laws of other coastal states.(n)

56. *Inland Fishery* – the freshwater fishery and brackishwater fishponds.

57. *Lake* – an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water.

58. *Limited Access* – a fishery policy by which a system of equitable resource use and allocation is established by law through fishery rights granting and licensing procedure as provided by this Code.

59. *Mangroves*– a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps.

60. *Marine Protected Area* – means a defined area of the sea established and set aside by law, administrative regulation, or any other effective means in order to conserve and protect a part of or the entire enclosed environment through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.(n)

61. *Maximum Sustainable Yield (MSY)* – is the largest average quantity of fish that can be harvested from a fish stocks/resource within a period of time (e.g. one year) on a sustainable basis under existing environmental conditions.

62. *Migratory species* – refers to any fishery species which in the course of their life could travel from freshwater to marine water or vice versa, or any marine species which travel over great distances in waters of the ocean as part of their behavioral adaptation for survival and speciation:

- (a) Anadromous species – marine fishes which migrate to freshwater areas to spawn;
- (b) Catadromous species – freshwater fishes which migrate to marine areas to spawn.

63. *Monitoring, Control and Surveillance* –

- a) *Monitoring* – the requirement of continuously observing: (1) fishing effort which can be expressed by the number of days or hours of fishing, number of fishing gears and number of fisherfolk; (2) characteristics of fishery resources; and (3) resource yields (catch);
- b) *Control*– the regulatory conditions (legal framework) under which the exploitation, utilization and disposition of the resources may be conducted; and
- c) *Surveillance* – the degree and types of observations required to maintain compliance with regulations.

64. *Municipal fisherfolk*– persons who are directly or indirectly engaged in municipal fishing and other related fishing activities.

65. *Municipal fishing*– refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.

66. *Municipal waters* – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.

67. *Non-governmental organization (NGO)* – an agency, institution, a foundation or a group of persons whose purpose is to assist peoples organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.

68. *Payao* – a fish aggregating device consisting of a floating raft anchored by a weighted line with suspended materials such as palm fronds to attract pelagic and schooling species common in deep waters.

69. *Pearl Farm Lease* – public waters leased for the purpose of producing cultured pearls.

70. *People's Organization* – a *bonafide* association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to a sector/s voluntarily band themselves together to work for and by themselves for their own upliftment, development and greater good.

71. *Person*– natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations.

72. *Philippine waters* – include all bodies of water within the Philippine territory such as lakes, rivers streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities, and barangays and the waters around, between and connecting the islands of

the archipelago regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all other waters over which the Philippines has sovereignty and jurisdiction including the 200-nautical miles Exclusive Economic Zone and the continental shelf.

73. *Port State Measures* – refers to the requirements established or interventions undertaken by port states, which a Philippine flagged or foreign fishing vessel must comply with as a condition for the use of ports within the port state.(n)

74. *Post-harvest facilities*– these facilities include, but are not limited to, fishport, fishlanding, ice plants and cold storages, fish processing plants.

75. *Purse Seine*– 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 a boat or pair of boats around the school of fish. The bottom of the net is pulled closed 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.

76. *Reference Points* – means benchmark values often based on indicators such as fishery stock size or the level of fishing that serves as standard to compare estimates of a fishery stock size and fishing mortality over time depending on the biological characteristics of the species. Reference points can mark: (a) a limit or a level that should be avoided; (b) a target, which should be achieved and maintained; or (c) a trigger that signals the need to take prescribed actions.(n)

77. *Regional Fisheries Management Organization (RFMO)* – means a multi-lateral organization with responsibility to coordinate management and establish conservation and management measures for highly migratory fish stocks, fish stocks that straddle national fisheries management boundaries and other high seas species.(n)

78. *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.

79. *Sea farming* – the stocking of natural or hatchery-produced marine plants or animals, under controlled conditions, for purposes of rearing and harvesting, but not limited to commercially-important fishes, mollusks (such as pearl and giant clam culture), including seaweeds and seagrass.

80. *Sea ranching* – the release of the young of fishery species reared in hatcheries and nurseries into natural bodies of water for subsequent harvest at maturity or the manipulation of fishery habitat, to encourage the growth of the wild stocks.

81. *Secretary*– the Secretary of the Department of Agriculture.

82. *Serious Violation* – means any of the following violations of the provisions of this Code:

- (a) Fishing without a valid license, authorization or permit;
- (b) Fishing without reporting the catch or misreporting the catch;
- (c) Fishing in a closed area or during a closed season;
- (d) Fishing of prohibited species;
- (e) Fishing with the use of prohibited gear or methods;
- (f) Falsifying, concealing or tampering with vessel markings, identity or registration to conceal vessel identity or lack of registration;
- (g) Concealing, tampering or disposing of evidence relating to an investigation of a violation;
- (h) 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;
- (i) Intentionally tampering with or disabling the vessel monitoring system; and

(j) Committing multiple violations which taken together constitute a serious disregard of this Code.(n)

83. *Superlight*– also called magic light, refers to a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine. (aa)

84. *Transshipment* – refers to the transfer of all or any fish or fishery product from one fishing vessel to another.(n)

85. *Total Allowable Catch (TAC)* – the maximum harvest allowed to be taken during a given period of time from any fishery area, or from any fishery species or group of fishery species, or a combination of area and species and normally would not exceed the MSY.

86. *Trawl* – an active fishing gear consisting of a bag shaped net with or without otter boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water, including all variations and modifications of trawls (bottom, mid-water, and baby trawls) and tow nets.

87. *Unregulated Fishing* –refers to fishing activities conducted by:

- (a) Vessels without nationality but operated by Filipino and/or Filipino corporation;
- (b) Philippine flagged fishing vessels operating in areas managed by RFMOs to which the Philippines is not a party to; or
- (c) Philippine flagged fishing vessels operating in areas or fish stocks where there are no applicable conservation and management measures.(n)

88. *Unreported Fishing* – refers to fishing activities which have not been reported, or have been misreported to the Department, in contravention of national laws and regulations of the Philippines, or undertaken in the area of competence of a relevant RFMO which have not been reported or have been misreported, in contravention of the reporting procedures of that organization and further elaborated by regulations to be promulgated by the Department.(n)

Rule 4.1.Additional Terms. – *Additional terms and their definitions, as used in these Implementing Rules and Regulations (IRR), are as follows:*

- a) *Aquarium ornamental animals* – refer to aquatic animals kept in the aquarium as a hobby or as pets or for ornamental purposes, including fishes, invertebrates, crustaceans, and mollusks.
- b) *Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit* – refers to an automatic tracking device approved by the Bureau to be installed on fishing vessels that utilize a satellite navigation and communication system for the purpose of transmitting information concerning the Philippine flagged fishing vessel positions, fishing activities and any other activity of the vessel as may be required.
- c) *Drift gillnet* – as provided for in Item 45 (a) of Section 4, refers to a large-scale drift gill net which is more than 500 meters in length and has an impact on the by-catch of threatened, protected and endangered species.

- d) *Ecosystem-based approach to fisheries management* – means an approach to fisheries that strives to balance diverse societal objectives or needs by taking account of the knowledge and uncertainties about biotic, abiotic, and human components of ecosystems and their interaction and applying an integrated approach to fisheries management within ecologically meaningful boundaries. It may be synonymously used with “ecosystem approach to fisheries management” (EAFM).
- e) *Fishing for daily food sustenance* – refers to fishing in which the fish caught, and/or the proceeds thereof, are consumed directly by the families and kin rather than being bought by intermediaries and sold at the next larger market.
- f) *Group Seine Operation/ Group Seining* – refers to the fishing operations of purse seine or ring net fishing fleet consisting of a group of vessels that include the catcher vessel and its support vessels such as carriers, rangers, sonar boats, search boats, scout boats and light boats.
- g) *Lumen* – is a measure of the total amount of visible light emitted by a source.
- h) *Marine habitat* – refers to an ecological or environmental area inhabited by one or more living species of marine life. It can be divided into coastal and open ocean habitats.
- i) *Coastal habitats* are found in the area that extends from as far as the tide comes in on the shoreline out to the edge of the continental shelf.
- ii) *Open ocean habitats* are found in the deep ocean beyond the edge of the continental shelf, including the extended continental shelf. Marine habitat includes the very organisms that make it up such as but not limited to corals, seagrass, seaweeds, and mangroves.
- i) *Migration path* – means the migration route of spawning, schooling or feeding migratory species, going downstream or upstream migration.
- j) *Multiple violations* – as provided in Item 82 (j) of Section 4, refer to the commission by an offender at any one instance, of three (3) or more violations as defined in this Code, which are not enumerated under (a) to (i) of Item 82 of Section 4, resulting to actual damage of at least PhpFive (5) Million, which, taken together constitute a serious disregard of the Code, and therefore qualify as a serious violation.
- k) *Obstruction to navigation and flow of water* – refers to all forms of water and land-based structures, whether permanent or movable, constructed without proper authorization from an appropriate government agency, which obstruct navigation or impede the flow of water, causing water stagnation, pollution or massive flooding, provided, that in the case of rivers or streams, the structures are constructed at least one-fourth (1/4) of the width of the river or stream measured from where the structure is erected or constructed.
- l) *"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.

- m) *"Sabalo" – refers to wild milkfish measuring at least sixty (60) cm from snout to end of caudal fin.*
- n) *Single Seine Operation/ Single Seining –refers to the fishing operations of a purse seine catcher vessel having the capacity to store or preserve its catch, including the search and support operations of its skiff boats, fast craft, aircraft, drone or any other support vessel.*
- o) *"Sudsud" or Push net – refers to a fishing gear also known as "sakay", "suro" or "patono", consisting of a synthetic or natural fiber material attached to a rigid framed bamboo pole or wooden post or log, operated either manually or by the use of a motorized boat with single piston engine of not more than sixteen (16) horsepower, and used to catch acetes, small shrimps, anchovies and other fish.*
- p) *Three highest officers – for purposes of this Code, the Captain or Maestro shall be considered the highest officer and the Master Fisherman the second highest officer. The third highest officer shall be the next highest responsible person after the Master Fisherman and determined to have been responsible for decision-making in fishery operations. The three (3) officers must be on board the vessel.*
- q) *Value of species –except for threatened, endangered or rare species, this refers to the regional market value of the species for the previous year as determined by the Philippine Fisheries Development Authority (PFDA) or in other cases, as the evidence may warrant.*
- r) *Vessel Monitoring Measure –means a method or a system used to track and monitor the position, course and speed of the vessels at any given time for the purpose of management of fishing effort and fisheries resources and for traceability.*
- s) *Vessel Monitoring System –refers to a satellite-based system used to track and monitor the position, course and speed of the vessels at any given time for the purpose of management of fishing effort and fisheries resources and for traceability.*
- t) *Vessels without nationality – means vessels without registration from any State or those bearing more than one registration or flying the flag of a state where it is not registered.*

CHAPTER II

UTILIZATION, MANAGEMENT, DEVELOPMENT, CONSERVATION AND ALLOCATION SYSTEM OF FISHERIES AND AQUATIC RESOURCES

SEC. 5. Use of Philippine Waters. – The use and exploitation of the fishery and aquatic resources in Philippine waters shall be reserved exclusively to Filipinos: Provided, however, That research and survey activities may be allowed under strict regulations, for purely research, scientific, technological and educational purposes that would also benefit Filipino citizens.

SEC. 6. Fees and Other Fishery Charges. – The rentals for fishpond areas covered by the Fishpond Lease Agreement (FLA) or other tenurial instrument and license fees for Commercial Fishing Vessel Licenses (CFVL) shall be set at levels that reflect resource rent accruing from the utilization of resources and shall be determined by the Department: Provided, That the Department shall also prescribe fees and other fishery charges and issue the corresponding license or permit for fishing gear, fishing accessories and other fishery activities beyond the municipal waters: *Provided, further*, That the license fees of fishery activity in municipal waters shall be determined by the Local Government Units (LGUs) in consultation with the FARMCs. The FARMCs may also recommend the appropriate license fees that will be imposed.(aa)

Rule 6.1. Determination of license fees, rentals and other charges. – *License fees, rentals and other charges shall be determined in accordance with Rule 65.2. The regulation setting the amount of the charges shall not result in double payment involving the same area.*

Rule 6.2. Review. – *The DA-BFAR shall review and update the rental rates, license fees and other charges based on studies on resource rent and other applicable methods as may be deemed appropriate. The review may be undertaken once every five (5) years following the process stated in Rule 65.2.*

SEC. 7. Access to Fishery Resources. – The Department shall issue such number of licenses and permits for the conduct of fishery activities subject to harvest control rules and reference points as determined by scientific studies or best available evidence. Preference shall be given to resource users in the local communities adjacent or nearest to the municipal waters. (aa)

Rule 7.1. Determination of Number of licenses. – *The number of licenses and permits for the conduct of fishery activities shall be determined in accordance with Rule 65.2 and the reference points and harvest control rules to be established under Section 8 of this Code.*

Rule 7.2. National Fishing Vessel Registry. – *Within one (1) year from the effectivity of this IRR, the DA-BFAR shall complete the registry of all Philippine flagged commercial fishing vessels, gears, and areas of operation; Provided, that the LGUs shall furnish DA-BFAR and the Maritime Industry Authority (MARINA) the list of registered and licensed municipal fishing vessels pursuant to Executive Order No. 305, Series of 2004.*

Rule 7.3. Application of Preference. – *Upon the determination of the carrying capacity of the fishery management area, and the number of fishing licenses that may be issued therein, resource users of local communities nearest or adjacent to the fishing area shall have preference in the issuance of licenses over resources users of other communities, but not to the exclusion of the latter, except when otherwise required by the harvest control rules.*

Rule 7.4. Priority Rights of Present Licensees. – *The DA-BFAR shall grant priority rights in the allocation of licenses to existing Commercial Fishing Vessel License (CFVL) holders for renewal of their license; Provided, that they have no record of violation of the terms and conditions of their license.*

SEC.8. Harvest Control Rules and Reference Points. – The Secretary may establish reference points and harvest control rules in a fishery management area or for a fishery; *Provided, however*, That in municipal waters and fishery management areas, and waters under the

jurisdiction of special agencies, Harvest Control Rules and Reference Points may be established upon the concurrence and approval or recommendation of such special agency and the concerned LGU in consultation with the FARMC for conservation or ecological purposes. (aa)

Rule 8.1. Reference Points.– *Within one (1) year from the effectivity of this IRR, the DA-BFAR shall determine the Target Reference Points (TRP) and the Limit Reference Points (LRP), and the Harvest Control Rules (HCR) to achieve TRP and to avoid LRP in all fishing grounds or fishery management areas, based on the results of national stock assessments, the precautionary principle and the process stated in Rule 65.2, among others.*

Rule 8.2. Harvest Control Rules for Limit Reference Points. – *Once the LRP is reached, the following HCR shall be implemented after compliance with Rule 65.2:*

- a) *Limitation on fishing effort. – The fishing effort per fishing ground or fishery management area shall be maintained at existing levels and no additional new licenses shall be issued;*
- b) *Determination of priority access for renewal of licenses. – Licensees of CFVL who have been timely and consistently submitting catch reports shall have priority access to the fishing ground through the renewal of their licenses. However, licenses shall not be renewed if the licensees have been found guilty by a court of a serious violation as defined in this Code;*
- c) *Declaration of a closed season. – A closed season, either spatial, temporal or by gear or fishing method, may be declared as appropriate;*
- d) *Reduction by attrition. – As an extreme measure when the resource is at its critical level, decommissioned vessels shall not be replaced; and,*
- e) *Other measures. – Other measures may be adopted when necessary.*

Rule 8.3. Review. – *The reference points shall be regularly reviewed to determine the necessity of revising the HCR.*

Rule 8.4. Harvest Control Rules in Municipal Waters. – *The DA-BFAR shall assist the LGUs and special agencies in establishing HCR in municipal waters and waters under the jurisdiction of special agencies.*

SEC. 9. Establishment of Closed Season. – The Secretary may declare, through public notice in at least two (2) newspapers of general circulation or in public service announcements, whichever is applicable, at least (5) days before the declaration, a closed season in any or all Philippine waters outside the boundary of municipal waters and in bays, for conservation and ecological purposes. The Secretary may include waters under the jurisdiction of special agencies, municipal waters and bays, and/or other areas reserved for the use of the municipal fisherfolk in the areas to be covered by closed season: *Provided, however,* That this shall be done only upon the concurrence and approval or recommendation of such special agency and the concerned LGU and FARMC: *Provided, further,* That in municipal waters, fishery management areas and other areas reserved for the use of the municipal fisherfolk, closed season may be established by the concerned LGU in consultation with the FARMC for conservation or ecological purposes. The FARMCs may also recommend the establishment of closed seasons in municipal waters, fisheries management and other areas reserved for the use of municipal fisherfolk.

Rule 9.1. Establishment of Closed Season. – *The DA-BFAR may issue regulations declaring a closed season in areas where no closed season exists in accordance with Rule 65.2. An assessment may be undertaken upon the expiration of the closed season to determine its impact on the resource and for the adjustment of HCR.*

Rule 9.2. Closed Season in Municipal Waters and Areas Under the Jurisdiction of Special Agencies. – *A closed season may be established in municipal waters, fishery management areas, or areas under the jurisdiction of special agencies, upon concurrence of the LGUs or the special agency and in accordance with Rule 65.2.*

SEC. 10. Introduction of Foreign Aquatic Species. – No foreign finfish, mollusk, crustacean or aquatic plants shall be introduced in Philippine waters without a sound ecological, biological and environmental justification based on scientific studies subject to the bio-safety standards as provided for by existing laws: Provided, however, That the Department may approve the introduction of foreign aquatic species for scientific/research purposes.

Rule 10.1. Regulation – *The DA-BFAR shall, within one (1) year from the effectivity of this IRR, review existing regulations on the introduction of foreign aquatic species and promulgate a regulation when necessary, following the process stated in Rule 65.2.*

SEC. 11. Protection of Rare, Threatened and Endangered Species. – The Department shall declare closed seasons and take conservation and rehabilitation measures for rare, threatened and endangered species, as it may determine, and shall ban the fishing and/or taking of rare, threatened and/or endangered species, including their eggs/offspring as identified by existing laws in concurrence with concerned government agencies.

Rule 11.1. List of Rare, Endangered and Threatened Aquatic Species. – *The DA-BFAR shall update the list of Rare, Endangered and Threatened Aquatic Species appended to this IRR as Annex I.*

SEC. 12. Environmental Impact Statement (EIS). – All government agencies as well as private corporations, firms and entities who intend to undertake activities or projects which will affect the quality of the environment shall be required to prepare a detailed Environmental Impact Statement (EIS) prior to undertaking such development activity. The preparation of the EIS shall form an integral part of the entire planning process pursuant to the provisions of Presidential Decree No. 1586 as well as its implementing rules and regulations.

SEC. 13. Environmental Compliance Certificate (ECC). – All Environmental Impact Statements (EIS) shall be submitted to the Department of Environment and Natural Resources (DENR) for review and evaluation. No persons, natural or juridical, shall undertake any development project without first securing an Environmental Compliance Certificate (ECC) from the Secretary of the DENR.

SEC. 14. Monitoring, Control and Surveillance (MCS) of Fishing in all Philippine Waters and Philippine Flagged Distant Water Fishing Vessels. – A monitoring, control and surveillance system shall be established by the Department in coordination with LGUs, FARMCs, the private sector and other agencies concerned to ensure that the fisheries and aquatic resources in Philippine waters are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefit and enjoyment exclusively of Filipino

citizens. The MCS system shall encompass all Philippine flagged fishing vessels regardless of fishing area and final destination of catch. (aa)

Rule 14.1. Inter-Agency Coordination. – *The DA-BFAR shall be the primary agency responsible for inter-agency coordination in the enforcement of fishery laws and other MCS functions. It shall ensure that the Fisheries Law Enforcement Manual of Operations (FLEMOP) and its updates and/or revisions as may hereinafter be adopted, shall be implemented for the protection of our fisheries and marine environment.*

Rule 14.2. Law Enforcement Boarding and Inspection Procedure. – *Government law enforcement officers enforcing fishery laws shall observe the proper boarding and inspection procedures as provided in the Fisheries Law Enforcement Manual of Operations (FLEMOP) and its updates and/or revisions as may hereinafter be adopted. The procedures shall be properly documented for evidentiary purposes.*

Rule 14.3. Fisheries Monitoring Center (FMC). –*The existing FMCs in the Central and Regional Offices shall be enhanced for the management of fishing effort and fisheries resources.*

SEC. 15. Auxiliary Invoices - All fish and fishery products must have an auxiliary invoice to be issued by the LGUs or their duly authorized representatives prior to their transport from their point of origin to their point of destination in the Philippines and/or export purposes upon payment of a fee to be determined by the LGUs to defray administrative costs therefor.

Rule 15.1. Issuance and Exemptions. – *The municipal/city government shall issue auxiliary invoices for the transport of fish and fishery products and provide a monthly summary thereof to the Provincial Fisheries Office; provided, that no auxiliary invoice shall be issued to culture pearls, products transported or unloaded by Philippine-registered fishing vessels, products caught or gathered in violation of this Code or declared as health hazard.*

ARTICLE I MUNICIPAL FISHERIES

SEC. 16. Jurisdiction of Municipal/City Governments. – The municipal/city government shall have jurisdiction over municipal waters as defined in this Code. The municipal/city government, in consultation with the FARMC, shall be responsible for the management, conservation, development, protection, utilization, and disposition of all fish and fishery/aquatic resources within their respective municipal waters.

The municipal/city government may, in consultation with the FARMC, enact appropriate ordinances for this purpose and in accordance with the National Fisheries Policy. The ordinances enacted by the municipality and component city shall be reviewed pursuant to Republic Act No. 7160 by the *sanggunian* of the province which has jurisdiction over the same.

The LGUs shall also enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipality/city council.

The management of contiguous fishery resources such as bays which straddle several municipalities, cities or provinces, shall be done in an integrated manner, and shall not be

based on political subdivisions of municipal waters in order to facilitate their management as single resource systems. The LGUs which share or border such resources may group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management. The Integrated Fisheries and Aquatic Resources Management Councils (IFARMCs) established under Section 76 of this Code shall serve as the venues for close collaboration among LGUs in the management of contiguous resources.

Rule 16.1. Basic Municipal Fisheries Ordinance. – *The municipal/city government shall, in consultation with the FARMCs and stakeholders, enact a basic Municipal Fisheries Ordinance (MFO), that at the minimum, delineates the boundaries of the municipal waters, and provides the rules and regulations on licensing and permits for other fisheries activities, including the number of licenses and permits that may be issued, in accordance with HCR and reference points that may be adopted for the municipal waters.*

Rule 16.2. Delineation of Municipal Boundaries. – *In municipalities whose waters are adjacent or contiguous to international borders, the delineation of boundaries shall be done after consultation with the Department of Foreign Affairs, the National Coast Watch Council, concerned agencies and stakeholders following the process stated in Rule 65.2.*

Rule 16.3. Other MFOs for Fisheries Management. – *The municipal/city government,, in consultation with DA-BFAR, M/CFARMC and stakeholders, shall enact MFOs declaring demarcated fisheries areas, closed season, marine protected areas, fish refuge and sanctuaries, fishery reserves, and environmentally critical areas and sanctuaries;*

Rule 16.4. Mediation. – *In the resolution of overlapping boundaries of municipal waters and settlement of conflicts of resource use and allocation, the concerned city/ municipal governments shall allow mediation by DA-BFAR in consultation with the NFARMC, local FARMC and stakeholders, pursuant to Section 65 (n) of this Code;*

Rule 16.5. Integrated Fisheries Ordinance. – *Concerned city/municipal governments, bordering Fishery Management Areas (FMA), shall enact Integrated Fisheries Ordinances for the management of contiguous fishery areas. The management shall not be based on political subdivisions of municipal waters but on the policy objectives of an ecosystem approach to fisheries management and integrated coastal area management of single resource systems. For this purpose, the municipal/city governments shall ensure the implementation of Sec. 76 of this Code on IFARMCs.*

Rule 16.6. Color Coding and Marking System. – *The city/municipal governments shall be guided by the implementing rules and regulations of E.O. No. 305, Series of 2004, in the registration, color coding, and marking of municipal fishing vessels.*

SEC. 17. Grant of Fishing Privileges in Municipal Waters. – *The duly registered fisherfolk organizations/cooperatives shall have preference in the grant of fishery rights by the Municipal/City Council pursuant to Section 149 of the Local Government Code: Provided, That in areas where there are special agencies or offices vested with jurisdiction over municipal waters by virtue of special laws creating these agencies such as, but not limited to, the Laguna Lake Development Authority and the Palawan Council for Sustainable Development, said offices and agencies shall continue to grant permits for proper management and implementation of the aforementioned structures.*

SEC. 18. Users of Municipal Waters. – All fishery activities in municipal waters, as defined in this Code, shall be utilized by municipal fisherfolk and their cooperatives/organizations who are listed as such in the registry of municipal fisherfolk.

The municipal or city government, however, may, through its local chief executive and acting pursuant to an appropriate ordinance, authorize or permit small and medium commercial fishing vessels to operate within the ten point one (10.1) to fifteen (15) kilometer area from the shoreline in municipal waters as defined herein, provided, that all the following are met:

- a. no commercial fishing in municipal waters with depth less than seven (7) fathoms as certified by the appropriate agency;
- b. fishing activities utilizing methods and gears that are determined to be consistent with national policies set by the Department;
- c. prior consultation, through public hearing, with the M/CFARMC has been conducted; and
- d. The applicant vessel as well as the shipowner, employer, captain and crew have been certified by the appropriate agency as not having violated this Code, environmental laws and related laws.

In no case shall the authorization or permit mentioned above be granted for fishing in bays as determined by the Department to be in an environmentally critical condition and during closed season as provided for in Section 9 of this Code.

Rule 18.1. Guidelines. – *The municipality/city government, which intends to allow the entry of commercial fishing boats in 10.1 to 15 km. from the coastline of municipal waters, shall:*

- a. *Establish the boundaries of the allowable areas for commercial fishing. The concerned municipality and city government may seek the assistance of the Department and/or the National Mapping and Resource Information Authority (NAMRIA) in establishing the boundaries and isobath depth of waters;*
- b. *Conduct a public hearing, in consultation with FARMCs, to present the following: (1) a map showing the areas of the municipal waters where small and medium commercial fishing vessels may be allowed to operate; (2) the type of fishing vessels and gears that may be allowed in such waters; and (3) the draft municipal fisheries ordinance permitting such commercial fishing operations;*
- c. *Enact appropriate municipal fisheries ordinance.*

Rule 18.2. Fishing Methods and Gears. – *For purposes of Section 18 (b) and Rule 18.1. b.(2), in addition to passive gears, small and medium commercial fishing vessels, may be allowed to use active gears such as purse seine or "pangulong", ring net or "taksay" and such other gears that do not touch the sea bottom.¹*

SEC. 19. Registry of Municipal Fisherfolk. – The LGU shall maintain a registry of municipal fisherfolk, who are fishing or may desire to fish in municipal waters for the purpose of determining priorities among them, of limiting entry into the municipal waters, and of

¹Minutes of the Bicameral Committee Conference of the Tenth Congress on SB No. 1708 and HB No. 7366, Feb. 18, 1998, pages 83 to 85

monitoring fishing activities and/or other related purposes: Provided, That the FARMC shall submit to the LGU the list of priorities for its consideration.

Such list or registry shall be updated annually or as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to public inspection, for the purpose of validating the correctness and completeness of the list. The LGU, in consultation with the FARMCs, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fisherfolk. The FARMCs may likewise recommend such mechanisms.

The LGUs shall also maintain a registry of municipal fishing vessels by type of gear and other boat particulars with the assistance of the FARMC.

Rule 19.1. National Registration Program. – *The DA-BFAR, in coordination with the M/CFARMC, shall continue to assist the LGUs in implementing the national program for the registration of municipal fishing vessels, gears, fisherfolk, and fishery operators.*

Rule 19.2. Criteria for Preference. – *A fisherfolk who has resided in the municipality/city for at least six (6) months, and has registered as a fisherfolk therein, shall have preference in the grant of municipal fishing license or permit to engage in fisheries activities.*

Rule 19.3. Use of Registry. – *The registries of Municipal Fisherfolk, fishing vessel, fishing gear and fishery operators, shall serve as bases for the identification of priority access among municipal fisherfolk to fish or to engage in fisheries activities in municipal waters. The registries shall be taken into consideration by the LGUs in the management, regulation, conservation and protection of fishery resources and in establishing a comprehensive fisheries information system. Registration in such registries is not equivalent to a permit or a license to fish or operate their vessels and gears, which permit and license must be separately obtained by the registered fisherfolk or operator.*

SEC. 20. Fisherfolk Organizations and/or Cooperatives. – Fisherfolk organizations/cooperatives whose members are listed in the registry of municipal fisherfolk, may be granted use of demarcated fishery areas to engage in fish capture, mariculture and/or fish farming: Provided, however, That an organization/cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative.

SEC. 21. Priority of Resident Municipal Fisherfolk. – Resident municipal fisherfolk of the municipality concerned and their organizations/cooperatives shall have priority to exploit municipal and demarcated fishery areas of the said municipality.

SEC. 22. Demarcated Fishery Right. – The LGU concerned shall grant demarcated fishery rights to fishery organizations/cooperatives for mariculture operation in specific areas identified by the Department.

Rule 22.1. Identification of Mariculture Areas. – *The DABFAR, in cooperation with the LGUs, shall identify municipal waters suitable for mariculture operations and establish the linear boundaries of the area to be declared as demarcated fishery area.*

SEC. 23. Limited Entry Into Overfished Areas. –Whenever it is determined by the LGUS and the Department that a municipal water is overfished based on available data or information or in danger of being overfished, and that there is a need to regenerate the fishery resources in that water, the LGU shall prohibit or limit fishery activities in the said waters.

Rule 23.1. *Implementation.* – *This Section shall be implemented in accordance with the HCR and Reference Points to be established in municipal waters and fishery management areas.*

SEC. 24. Support to Municipal Fisherfolk.– The Department and the LGUs shall provide support to municipal fisherfolk through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to training for additional/supplementary livelihood.

Rule 24.1. *Technology Transfer and Verification Studies.* –*The DA-BFAR, in collaboration with LGUs and other agencies, shall transfer to municipal fisherfolk, technologies in aquaculture, post-harvest, fishing, and other aspects of fisheries management, through training and extension in BFAR’s fisheries demonstration farms, National Fisheries Technology Centers, Regional Fishermen Training Centers and Regional Fisheries Outreach Station, as well as the conduct of technology verification studies and the establishment of pilot demonstration projects.*

Rule 24.2. *Marketing and Technical Assistance.* – *The DA-BFAR shall provide and/or facilitate the provision of production, market and credit information assistance for fish and fishery products to municipal fisherfolk. Technical assistance shall be provided to local fisherfolk organizations to facilitate their access to credit, and to LGUs and FARMCs in the establishment of fisheries management systems in municipal waters.*

Rule 24.3. *Organizing/Strengthening of Local Organizations.* – *The DA-BFAR shall provide assistance in organizing/strengthening fisherfolk organizations, associations and cooperatives in coordination with the Cooperative Development Authority (CDA), Non-Government Organizations (NGOs), People Organizations (POs) and other concerned agencies.*

SEC 25. Rights and Privileges of Fishworkers. – The fishworkers shall be entitled to the privileges accorded to other workers under the Labor Code, Social Security System and other benefits under other laws or social legislation for workers: Provided, That fishworker on board any fishing vessels engaged in fishing operations are hereby covered by the Philippine Labor Code, as amended.

Rule 25.1. *Working Hours of Fishworkers.* – *Fishworkers, on board any fishing vessels engaged in fishing operations, shall be classified as field personnel as defined under Section 82 of the Philippine Labor Code, as amended, and shall not be subject to the regulations on normal working hours and overtime.*

ARTICLE II COMMERCIAL FISHERIES

SEC. 26. 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 licenses: *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.

Rule 26.1. Vessel/Gear Licensing and Exemption. – *The DA-BFAR shall issue to qualified applicants commercial fishing vessel licenses (CFVL) or commercial gear licenses (CGL) to engage in commercial fishing in fishing areas beyond municipal waters; provided, that skiff boats shall be exempted from the license requirement.*

Rule 26.2. Requirements for Skiffboats.– *The owners and operators of commercial fishing vessels shall, include in their CFVL application, the complete information on their skiff boats. Such skiff boats shall be ad-measured, identified and indicated in the CFVL of the catcher vessels.*

Rule 26.3. Requirements for "Pakura."–*The owners and operators of commercial handline vessels shall, indicate in their CFVLs, the number of "Pakura".*

Rule 26.4. Number of CFVL. – *The DA-BFAR shall issue the corresponding number of CFVL based on HCR, reference points such as MSY, MEY, TAC, or other indicators as maybe determined in accordance with Rule 65.2.*

Rule 26.5. Fisherman's License. –*No person shall be engaged or seek employment as fishworker on board a commercial fishing vessel without a Fisherman License from DA-BFAR. CFVL owners or operators shall ensure that all their fishworkers are duly licensed by DA-BFAR to work in commercial fishing vessels.*

Rule 26.6. Application and Requirements. –*The DA-BFAR shall grant and issue the Fisherman's License to fishworkers intending to work in commercial fishing vessels, upon approval of the application. The Fisherman's License shall be in the form of a Fisherman's Identification Card to be issued upon compliance with the following requirements:*

- (a) Completed application form;*
- (b) 2 copies of 1" by 1" ID picture;*
- (c) Valid government-issued ID or Barangay Clearance; and,*
- (d) Payment of license fee in the amount of One Hundred Pesos (Php 100).*

The license fee shall be subject to a reasonable adjustment by DA-BFAR following the process stated in Rule 65.2. The license number, official receipt number, as well as the date and place of payment, shall be indicated in the Fisherman's Identification Card.

Rule 26.7. Validity. – *The validity of Fisherman's License shall be three (3) years from the date of payment of the license fee.*

Rule 26.8. Renewal of Fisherman's License. – *A Fisherman's License 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.*

Rule 26.9. Fishworker's Identification. – *For fishworkers employed in fish processing plants and/or packing plants, aquaculture farms, or other land based allied industries, a fishworker or fisherfolk identification card may be issued by DA-BFAR.*

SEC. 27. Persons Eligible for Commercial Fishing Vessel License. – No commercial fishing vessel license shall be issued except to citizens of the Philippines, partnership or to associations, cooperatives or corporations duly registered in the Philippines at least sixty percent (60%) of the capital stock of which is owned by Filipino citizens. No person to whom a license has been issued shall sell, transfer or assign, directly or indirectly, his stock or interest therein to any person not qualified to hold a license. Any such transfer, sale or assignment shall be null and void and shall not be registered in the books of the association, cooperative or corporation.

For purposes of commercial fishing, fishing vessel owned by citizens of the Philippines, partnerships, corporations, cooperatives or associations qualified under this section shall secure Certificates of Philippine Registry and such other documents as are necessary for fishing operations from the concerned agencies: *Provided*, That the commercial fishing vessel license shall be valid for a period to be determined by the Department.

SEC. 28. Commercial Fishing Vessel Registration. – 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.

SEC 29. Registration and Licensing of Fishing Gears Used in Commercial Fishing. – Before a commercial fishing holding a commercial fishing vessel license may begin fishing operations in Philippine waters, the fishing gear it will utilize in fishing shall be registered and a license granted therefor. The Department shall promulgate guidelines to implement this provision within sixty (60) days from approval of this Code.

Rule 29.1. Regulation for Fishing Gear Registration and Licensing. – *The DA-BFAR shall, within one (1) year from the effectivity of the IRR, review and revise Fisheries Administrative Order (FAO) No. 198, Series of 2000, to implement this Section in accordance with the process stated in Rule 65.2.*

SEC. 30. Renewal of Commercial Fishing Vessel License. – The commercial fishing vessel 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. (aa)

Rule 30.1. Guidelines for Renewal of CFVL. – *The following guidelines shall be adhered to in the renewal of CFVL:*

- a. *At least sixty (60) calendar days prior to the expiry of their CFVL, the licensees 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 licensees may also receive in their email a notification from the Fishing Vessel Electronic Licensing System (FELIS) that the CFVL 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 the expiry of their CFVL and upon receipt of the Inspection Report showing compliance with the requirements, the licensees 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 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.*

Rule 30.2. Effect of non-renewal of CFVL. – *Non- renewal of CFVL shall not be penalized unless the owner or operator operates a commercial fishing vessel without a license.*

SEC. 31. 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 person. Failure of the owner to do so shall not extinguish any existing or pending sanction or liability with respect to said fishing vessel. (aa)

SEC. 32. Distant Water Fishing. – Fishing vessels of Philippine registry may engage in distant water fishing as defined in this Code: 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 landing sites established prior to the effectivity of this Code 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.(aa)

Rule 32.1. Regulation. – *The DA-BFAR shall, within one (1) year from the effectivity of the IRR, revise FAO No. 252, Series of 2014, as rules for the implementation of this Section. In the meantime, distant water fishing shall be governed by FAO 252.*

Rule 32.2. List of Authorized Landing Sites. –*The DA-BFAR shall, within one (1) month from the effectivity of this IRR, make available publicly, the list of all authorized ports and landing sites, including landing ports established by canneries, seafood processors, and all fish landing sites approved prior to the effectivity of this Code.*

Rule 32.3. Workers Classification. – *Fishermen on board Philippine flagged fishing vessels fishing beyond the Exclusive Economic Zone (EEZ) are not considered as overseas Filipino workers, and shall not be covered by the Migrant Workers and Overseas Filipino Act of 1995 and its implementing rules and regulations.*

Rule 32.4. Exception from Applicable Immigration and Customs Regulations. – *Philippine flagged fishing vessels engaged in fishing operations in the Philippine 200 miles Exclusive Economic Zone and beyond shall be exempted from applicable immigration and customs laws and its implementing rules.*

SEC. 33. Importation, Construction of New Fishing Vessels and Gears and Conversion of Other Vessels. – Prior to the importation or the construction of new fishing vessels or gears, or the conversion into a fishing vessel, the approval/clearance of the Department must first be obtained in order to manage fishing capacity. (aa)

Rule 33.1. Regulation. – *The DA-BFAR shall, within one (1) year from the effectivity of this IRR, revise FAO No. 198, Series of 2000, as rules for the implementation of this Section. In the meantime, an applicant shall secure from DA-BFAR a clearance to import, construct, or convert a vessel subject to the provisions of FAO No. 253, Series of 2014.*

Rule 33.2. Approval of Application for Clearance. – *Unless otherwise disapproved for cause, a complete application for clearance is deemed approved, if not acted upon within fifteen (15) working days from receipt of the completed application and documentary requirements.*

SEC. 34. Incentives for Municipal and Small Scale Commercial Fisherfolk. – Municipal and small scale commercial fisherfolk shall be granted incentives which shall include, but are not limited to the following:

- a. at least ten percent (10%) of the credit and the guarantee funds of government financing institutions shall be made available for post-harvest and marketing projects for the purpose of enhancing our fisherfolk competitiveness by reducing post-harvest losses. Qualified projects shall include, but shall not be limited to, ice plants, cold storage, canning, warehouse, transport and other related infrastructure projects and facilities, and,
- b. the Department shall undertake the following programs:

1. a capability building program for targeted parties shall be developed by the Department to promote greater bankability and worthiness of municipal and small scale commercial fishers. Such program shall include organizing activities, technology transfer, and skills training related to commercial fishing as well as credit management. Groups and cooperatives organized under the program shall have priority access over credit and guarantee funds established under this Code; and
2. an information campaign shall be conducted to promote the capability-building and credit programs. The campaign shall ensure greater information dissemination and accessibility to targeted fisherfolk.

Rule 34.1. Credit Facilitation and Capability Building. – *The DA-BFAR shall assist the municipal and smallscale commercial fisherfolk in accessing credit from financial institutions and implement capability building programs for them.*

SEC. 35. Incentives for Commercial Fishers to Fish Further into the Exclusive Economic Zone (EEZ). – In order to encourage fishing vessel operators to fish farther in the EEZ and beyond, new incentives for improvement of fishing vessels and acquisition of fishing equipment shall be granted in addition to incentives already available from the Board of Investments (BOI). Such incentives shall be granted subject to exhaustive evaluation of resource and exploitation conditions in the specified areas of fishing operations. The incentive shall include, but not be limited to:

- a. long term loans supported by guarantee facilities to finance the building and acquisition and/or improvement of fishing vessels and equipment;
- b. commercial fishing vessel operators of Philippine registry shall enjoy a limited period of tax and duty exemptions on the importation of fishing vessels not more than five (5) years old, equipment and paraphernalia, the period of exemption and guidelines shall be fixed by the Department within ninety (90) days from effectivity of this Code.
- c. commercial fishing operator of Philippine registry engaged in fisheries in the high seas shall be entitled to duty and tax rebates on fuel consumption for commercial fisheries operations. Guidelines shall be promulgated within ninety (90) days from the effectivity of this Code by the Department; and
- d. all applicable incentives available under the Omnibus Investment Code of 1987: Provided, That the fishing operation project is qualified for registration and is duly registered with the BOI.

Rule 35.1. Revocation of Incentives. – *An incentive granted to a CFVL or CGL holder under this Section or any other provision of law, including E.O. No. 376, Series of 1997, shall, upon compliance with due process, be revoked once the vessel is listed in an RFMO IUUF list of vessels or in the IUUF list of DA-BFAR.*

SEC. 36. Complement of Fishing Vessels. – Every commercial fishing vessel of Philippine registry when actually operated, shall be manned in accordance with the requirements of the Philippine Merchant Marine rules and regulations.

SEC. 37. Medical Supplies and Life-Saving Devices. – All fishing vessels shall be provided with adequate medical supplies and life-saving devices to be determined by the Occupational Safety and Health Center: Provided, That a fishing vessel of twenty (20) GT or more shall have as a member of its crew a person qualified as a first aider duly certified by the Philippine National Red Cross.

Rule 37.1. *Medical Supplies and Life-Saving Devices.* – *In the implementation of this Section, the list of medical supplies and life-saving devices as provided for in existing laws, rules and regulations, shall be adopted.*

SEC. 38. Reportorial Requirements. – Each commercial fishing vessel shall keep a 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. Detailed information shall be duly certified by the vessel’s captain and transmitted to BFAR within the period prescribed in the implementing rules and regulations promulgated by the Department. Failure to comply shall result to administrative and penal sanctions. (aa)

Rule 38.1. *Catch Documentation System (CDS).* – *A Catch Documentation System² (CDS) shall be developed following the process stated in Rule 65.2. Non-compliance with the system shall be included as one of the grounds for suspension or revocation of CFVL and CGL of the catcher vessel. The CDS shall be included in the rules and regulations on commercial fishing: provided, however, that subsistence fishers are exempted from the CDS.*

Rule 38.2. *Record of Catch and Transmittal.* – *The recording of catches shall be accomplished on a daily basis in accordance with the format of the CDS. Records shall be made available to any authorized fisheries officer or observer, at any time upon demand, during and after each fishing operation. A summary of the records shall be transmitted manually on a quarterly basis to DA-BFAR.*

Rule 38.3. *Report on the Value and Spoilage of Fish Caught.* – *The CFVL holders shall have the duty to indicate the value and spoilage of fish caught upon landing at port. In the absence of the estimated value of the catch for the day, the PFDA average landed prices of the previous year may be used as the indicative value.*

Rule 38.4. *Publication of Production Data.* – *Publication of production from commercial fishing shall be based on the aggregate data by species and by type of fisheries.*

Rule 38.5. *Technical Assistance.* – *Within one (1) year from the effectivity of this IRR, the DA-BFAR shall develop guidelines for a municipal CDS in coordination with the LGUs.*

Rule 38.6. *Transition.* – *Pending the adoption of the CDS and the conduct of stakeholders’ orientation, non-compliance with CDS shall not be penalized. Existing regulations on reportorial requirements shall be observed in the interim.*

SEC. 39. Report of Meteorological and Other Data. – All vessels and crafts passing navigational lanes or engaged in fisheries activity shall be required to contribute to meteorological and other data, and shall assist the Department in documentation or reporting of information vital to navigation and the fishing industry.

²The Drafting Committee of this IRR did not agree on an electronic CDS.

SEC. 40. Color Code and Radio Frequency. - For administrative efficiency and enforcement of regulations, registered fishing vessels shall bear a color code as may be determined by the Department and may be assigned a radio frequency specific and distinct to its area of operation.

Rule 40.1. Demarcation of Fishing Areas. – *The DA-BFAR shall demarcate the Philippine waters into distinct fishing areas, in coordination with NAMRIA, and produce a map of the Philippine waters, with each fishing area being designated with a number code and color code.*

Rule 40.2. Assignment of Radio Frequency. – *The DA-BFAR may coordinate with the National Telecommunication Commission (NTC) on the assignment of radio frequencies for the area of operation of the fishing vessels.*

SEC. 41. Passage. – Commercial and other passage not in the regular conduct of fisheries activity shall be made at designated navigational lanes.

SEC. 42. Port State Measures. – The Department is authorized to adopt port state measures that must be complied with by foreign fishing vessels. These measures shall include: prior notification of port entry; use of designated ports; restrictions on port entry and landing or transshipment of fish; restrictions on supplies and services; catch and other documentation requirements; port inspections; and other related measures.

Transshipment by Philippine Flagged Fishing Vessels shall be regulated by the Department in a manner consistent with the Philippines' commitment to conventions and international agreements.(aa)

Rule 42.1. Establishment of Port State Measures. – *The DA-BFAR, in coordination with other port state authorities, shall establish port state measures consistent with existing international agreements and protocol. These measures shall amend FAO No. 199, Series of 2000, on transshipment.*

Rule 42.2. Transshipment Authorization. – *Transshipment by Philippine flagged fishing vessels in waters beyond national jurisdiction shall require a transshipment authorization issued by DA-BFAR. However, group seining or other net to hatch operation involving brailing or 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 in Philippine waters, is not considered transshipment, and will not require said authorization. Furthermore, a transshipment authorization is not required in cases of emergency when there is a need to save lives and/or property; in which cases, a mere notification will suffice.*

Rule 42.3. Review. – *The rules on port state measures shall be reviewed periodically in order to adapt its objectives, protocols, and scope of inspection activities, to evolving fisheries activities and international and regional practices.*

SEC. 43. Operation of Radio Communication Facilities on Board Fishing Vessels. – The Department shall promulgate guidelines in the operation of radio communication facilities on board fishing vessels and the assignment of radio frequencies specific and distinct to area of operation in coordination with the National Telecommunications Commission.

Rule 43.1. Regulation. – *The DA-BFAR, in cooperation with National Telecommunications Commission, shall issue, within one (1) year from the effectivity of this IRR, the appropriate regulation on the qualifications of the Fishing Vessel Radio Operator, in accordance with the process stated in Rule 65.2.*

SEC. 44. Use of Superlight or Fishing Light Attractor. – The number and candle light power or intensity of superlight and fishing light attractor used in commercial fishing vessels shall be regulated by the Department: Provided, That the use of superlight is banned within municipal waters and bays. The use of fishing light attractor in municipal waters shall be regulated by the local government units. (aa)

Rule 44.1. Determination of Appropriate Limits. – *The DA-BFAR shall, within eighteen (18) months from the effectivity of this IRR, determine the appropriate limits for superlights and fishing light attractors in all fishing grounds. The determination shall be undertaken in coordination with the civil society organizations, the fishing industry, and the scientific community, by conducting studies determining the effect of superlights and fishing light attractors. Pending this determination, the existing regulation on superlights is suspended: provided, however, that superlights shall still be banned in municipal waters and bays during the said period.*

Rule 44.2. Regulation. – *All other fishing light attractors using existing technology shall also be regulated after the completion of study, including those using technologies that may hereinafter be developed or become available.*

Rule 44.3. Technical Assistance to LGUs. – *The DA-BFAR shall assist the LGUs in regulating the use of fishing light attractors in municipal waters.*

ARTICLE III AQUACULTURE

SEC. 45. Disposition of Public Lands for Fishery Purpose. – Public lands such as tidal swamps, mangroves, marshes, foreshore lands and ponds suitable for fishery operations shall not be disposed or alienated. Upon effectivity of this Code, FLA may be issued for public lands that may be declared available for fishpond development primarily to qualified fisherfolk cooperative/associations: Provided, however, That upon the expiration of existing FLAs the current lessees shall be given priority and be entitled to an extension of twenty-five (25) years in the utilization of their respective leased areas. Thereafter, such FLAs shall be granted to any Filipino citizen with preference, primarily to qualified fisherfolk cooperatives/associations as well as small and medium enterprises as defined under Republic Act No. 8289: *Provided, further,* That the Department shall declare as reservation, portions of available public lands certified as suitable for fishpond purposes for fish sanctuary, conservation, and ecological purposes: Provided, finally, that two (2) years after the approval of this Act, no fish pens or fish cages or fish traps shall be allowed in lakes.

Rule 45.1. Declaration of Reserved Areas.–*The DA-BFAR, in coordination with DENR, shall determine areas or portions of available public lands certified as suitable for fishpond purposes to be declared as reservation, fish sanctuary or for conservation, and ecological purposes.*

Rule 45.2. Preference in the Issuance of New FLAs. – *The DA-BFAR shall give preference*

to qualified fisherfolk cooperatives/associations in the issuance of new FLAs covering public lands declared available for fishpond development.

Rule 45.3 Preference in the issuance of Expired FLAs. – *In the awarding of expired FLAs, the DA-BFAR shall give preference to qualified fisherfolk cooperatives/associations as well as micro, small and medium enterprise.*

SEC. 46. Lease of Fishponds. – Fishpond leased to qualified persons and fisherfolk organizations/cooperatives shall be subject to the following conditions:

- a. Areas leased for fishpond purposes shall be no more than 50 hectares for individuals and 250 hectares for corporations or fisherfolk organizations;
- b. The lease shall be for a period of twenty-five (25) years and renewable for another twenty-five (25) years: Provided, That in case of the death of the lessee, his spouse and/or children, as his heirs, shall have preemptive rights to the unexpired term of his Fishpond Lease Agreement subject to the same terms and conditions provided herein provided that the said heirs are qualified;
- c. Lease rates for fishpond areas shall be determined by the Department: Provided, That all fees collected shall be remitted to the National Fisheries Research and Development Institute and other qualified research institutions to be used for aquaculture research development;
- d. The area leased shall be developed and producing on a commercial scale within three (3) years from the approval of the lease contract: Provided, however, That all areas not fully producing within five (5) years from the date of approval of the lease contract shall automatically revert to the public domain for reforestation;
- e. The fishpond shall not be subleased, in whole or in part, and failure to comply with this provision shall mean cancellation of FLA;
- f. The transfer or assignment of rights to FLA shall be allowed only upon prior written approval of the Department;
- g. The lessee shall undertake reforestation for river banks, bays, streams and seashore fronting the dike of his fishpond subject to the rules and regulations to be promulgated thereon; and
- h. The lessee shall provide facilities that will minimize environmental pollution, i.e., settling ponds, reservoirs, etc.: Provided, That failure to comply with this provision shall mean cancellation of FLA.

Rule 46.1. Reforestation. – *The DA-BFAR, in coordination with the DENR, within one (1) year from the effectivity of this IRR, shall issue the guidelines, on the reforestation of river banks, bays, streams and seashores fronting the dike of the fishpond area covered by the FLA.*

SEC. 47. Code of Practice for Aquaculture. – The Department shall establish a code of practice for aquaculture that will outline general principles and guidelines for environmentally-sound design and operation to promote the sustainable development of the industry. Such Code shall be developed through a consultative process with the DENR, the fishworkers, FLA holders, fishpond owners, fisherfolk cooperatives, small-scale operators, research institutions and the academe, and other potential stakeholders. The Department may consult with specialized international organizations in the formulation of the code of practice.

SEC. 48. Incentives and Disincentives for Sustainable Aquaculture Practices. – The Department shall formulate incentives and disincentives, such as, but not limited to, effluent charges, user fees and negotiable permits, to encourage compliance with the environmental standards and to promote sustainable management practices.

Rule 48.1. *Incentive/Disincentive System.* – *The DA-BFAR, in coordination with the DENR, within eighteen (18) months from the effectivity of this IRR, shall establish a disincentive system, including but not limited to, fines and penalties for pollutants and effluents traceable to the government leased and privately owned fishponds and a system of incentives or awards for compliance with environmental regulation.*

SEC. 49. Reversion of All Abandoned, Undeveloped or Underutilized Fishponds. - The DENR, in coordination with the DA-BFAR , LGUs, other concerned agencies and FARMCs shall determine which abandoned, undeveloped or underutilized fishponds covered by FLAs can be reverted to their original mangrove state and after having made such determination shall take all steps necessary to restore such areas in their original mangrove state.

Rule 49.1. *Joint Guidelines.* – *The DA-BFAR, in coordination with the DENR, shall be guided in the implementation of this Section by the Joint DA-DENR General Memorandum Order No. 3, Series of 1991, which shall be reviewed and revised accordingly.*

Rule 49.2. *Identification of Abandoned, Undeveloped, Underutilized Fishponds.* – *The DA-BFAR, in coordination with the DENR, shall review and update fishpond surveys and identify abandoned, undeveloped or underutilized fishponds, which, after due process, canbeset aside for Aquaculture Stewardship Contracts to be awarded primarily to qualified fisherfolk cooperatives/associations as well as micro, small and medium enterprises, for the cultivation of mangroves to strengthen the habitat and the spawning grounds of fish pursuant to Section 81 of this Code, or reverted to forest lands where applicable.*

SEC. 50. Absentee Fishpond Lease Agreement Holders. – Holders of fishpond lease agreements who have acquired citizenship in another country during the existence of the FLA shall have their lease automatically cancelled and the improvements thereon to be forfeited in favor of the government and disposed of in accordance with rules and regulations promulgated thereon.

Rule 50.1. *Proof of Citizenship.* – *In accordance with the process stated in Rule 65.2, the DA-BFAR shall issue a regulation requiring all fishpond leaseholders to submit proof of citizenship.*

SEC. 51. License to Operate Fish Pens, Fish Cages, Fish Traps and Other Structures for the Culture of Fish and Other Fishery Products. - Fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery products shall be constructed and shall operate only within established zones duly designated by LGUs in consultation with the FARMCs concerned consistent with national fisheries policies after the corresponding licenses thereof have been secured. The area to be utilized for this purpose for individual person shall be determined by the LGUs in consultation with the concerned FARMC: *Provided, however,* That not over ten percent (10%) of the suitable water surface area of all lakes and rivers shall be allotted for aquaculture purposes like fish pens, fish cages and fish traps; and the stocking density and feeding requirement which shall be controlled and determined by its carrying capacity: *Provided further,* That fish pens and fish cages

located outside municipal waters shall be constructed and operated only within fish pen and fish cage belts designated by the Department and after corresponding licenses therefore have been secured and the fees thereof paid.

Rule 51.1. Carrying Capacity of Lakes. – *The DA-BFAR, in coordination with relevant research centers, shall determine the carrying capacity of lakes and inland waters. The determination may serve as guidance for the LGUs in delimiting the suitable water surface area for aquaculture purposes.*

SEC. 52. Pearl Farm Leases. – The foregoing provisions notwithstanding, existing pearl farm leases shall be respected and allowed to operate under the terms thereof. New leases may be granted to qualified persons who possess the necessary capital and technology, by the LGUs having jurisdiction over the area.

Rule 52.1. Inventory. – *The DA-BFAR shall conduct an inventory of existing pearl farms.*

Rule 52.2. Regulation. – *The DA-BFAR shall prepare a model municipal fisheries ordinance that the LGUs may adopt as basis for their issuance of permits for the operation of pearl farms.*

SEC. 53. Grant of Privileges for Operations of Fish Pens, Cages, Corrals/Traps and Similar Structures. – No new concessions, licenses, permits, leases and similar privileges for the establishment or operation of fish pens, fish cages, fish corrals/traps and other similar structures in municipal areas shall be granted except to municipal fisherfolk and their organizations.

SEC. 54. Insurance for Fishponds, Fish Cages, and Fish Pens, Inland fishponds, fish cages and fish pens shall be covered under the insurance program of the Philippine Crop Insurance Corporation for losses caused by force majeure and fortuitous events.

Rule 54.1. Coverage. – *The DA-BFAR shall coordinate with the Philippine Crop Insurance Corporation (PCIC) to include as eligible for insurance coverage, fishpens, fish cages, seaweed farms, other aquaculture projects and non-agricultural assets such as ice plants, cold storage and other post-harvest facilities.*

SEC. 55. Non-Obstruction to Navigation. – Nothing in the foregoing sections shall be construed as permitting the lessee, licensee, or permittee to undertake any construction which will obstruct the free navigation in any stream, river, lakes or bays flowing through or adjoining the fish pens, fish cages, fish traps, and fishponds, or impede the flow of the tide to and from the area. Any construction made in violation hereof shall be removed upon the order of the Department in coordination with the other government agencies concerned at the expense of the lessee, or occupants thereof, whenever applicable. The Department shall within thirty (30) days after the effectivity of this Code formulate and implement rules and regulations for the immediate dismantling of existing obstruction to navigation.

Rule 55.1. Regulation. – *The DA-BFAR, in consultation with LGUs and/or other agencies and FARMCs, shall update FAO No. 216, Series of 2001, for purposes of this Section.*

SEC. 56. Non-Obstruction to Defined Migration Paths. – Nothing in the foregoing sections shall be construed as permitting the lessee, permittee, or licensee to undertake any

construction which will obstruct any defined migration path of migratory fish species such as river mouths and estuaries within a distance determined by the concerned LGUs in consultation with and upon the recommendation of the FARMCs.

Rule 56.1. Regulation. – *The DA-BFAR, in consultation with LGUs and/or other agencies and FARMCs concerned, shall update FAO No. 217, Series of 2001, for purposes of this Section.*

SEC. 57. Registration of Fish Hatcheries and Private Fishponds, etc. – All fish hatcheries, fish breeding facilities and private fishponds must be registered with the LGUs which shall prescribe minimum standards for such facilities in consultation with the Department: Provided, That the Department shall conduct a yearly inventory of all fishponds, fish pens and fish cages whether in public or private lands: Provided, further That all fishpond, fish pen and fish cage operators shall annually report to the Department the type of species and volume of production in areas devoted to aquaculture.

Rule 57.1. Power of DA-BFAR to Issue Rules and Regulations.– *The DA-BFAR, in coordination with the LGUs, shall issue regulations on the registration and operation of fish hatcheries, fish breeding facilities and private fishponds in accordance with Rule 65.2 of this Code and Section 16 (b) of RA 10611 or the Food Safety Act of 2013.*

ARTICLE IV POST-HARVEST FACILITIES, ACTIVITIES AND TRADES

SEC. 58. Comprehensive Post-Harvest and Ancillary Industries Plan. – The Department shall conduct a regular study of fisheries post-harvest operations and ancillary industries, in the formulation of a comprehensive plan for post-harvest and ancillary industries. It shall take into account, among others, the following:

- a. detailed and clear guidelines on the distribution, construction, maintenance and use of post-harvest infrastructure facilities;
- b. extension of credit and incentives for post-harvest operations;
- c. promotion and strengthening of semi-processing, processing and handling;
- d. development of domestic fishmeal industry;
- e. development of fisheries ship-building and repair as a viable industry;
- f. development and strengthening of marketing facilities and activities, including the pricing system, with emphasis on collective marketing and the elimination of middlemen;
- g. increased participation of cooperatives and non-governmental organizations in post-harvest operations and ancillary industries;
- h. integration of fisheries post-harvest operations into the national fisheries plan.

Rule 58.1. Plan. – *The DA-BFAR and DA-PFDA, in consultation with concerned agencies and the private sector, within two (2) years from the effectivity of this IRR, shall prepare and complete the Comprehensive Post Harvest and Ancillary Industries Plan (CPHAIP).*

SEC. 59. Establishment of Post-Harvest Facilities for Fishing Communities. - The LGUs shall coordinate with the private sector and other concerned agencies and FARMCs in the establishment of post-harvest facilities for fishing landing sites, fish ports, ice plants and cold

storage and other fish processing establishments to serve primarily the needs of municipal fisherfolk: Provided, That such post-harvest facilities shall be consistent with the Comprehensive Post-Harvest and Ancillary Industries Plan.

Rule 59.1. Guidelines. – *The DA-BFAR shall assist the LGUs in the implementation of this section and in the formulation of a comprehensive development plan that is consistent with the Comprehensive Post-Harvest and Ancillary Industries Plan.*

SEC. 60. Registration and Licensing of all Post-Harvest Facilities. – All post-harvest facilities such as fish processing plants, ice plants, and cold storages, fish ports/landings and other fishery business establishments must register with and be licensed by the LGUs which shall prescribe minimum standards for such facilities in consultation with the Department.

Rule 60.1. Standards. – *The DA-BFAR and the DA-PFDA in coordination with the LGUs, shall establish the minimum standards for post-harvest facilities, using as reference, among others, the Hazard Analysis Critical Control Points (HACCP)-based system.*

Rule 60.2. Guidelines. – *The DA-BFAR shall coordinate with the LGUs in the implementation of these standards in the licensing and registration of fish processing plants, ice plants and cold storages, fish ports/landings and other fishery business establishments.*

SEC. 61. Importation and Exportation of Fishery Products. –

- a. Export of fishery products shall be regulated whenever such exportation affects domestic food security and production: Provided, that the exportation of live fish shall be prohibited except those which are hatched or propagated in accredited hatcheries and ponds;
- b. To protect and maintain the local biodiversity or ensure the sufficiency of domestic supply, spawners, breeders, eggs and fry of bangus, prawn and other endemic species, as may be determined by the Department, shall not be exported or caused to be exported by any person;
- c. Fishery products may be imported only when the importation has been certified as necessary by the Department, in consultation with the FARMC, and all the requirements of this Code, as well as all existing rules and regulations have been complied with: Provided, That fish imports for canning/processing purposes only may be allowed without the necessary certification, but within the provisions of Section 61 (d) of this Code; and
- d. No person shall import and/or export fishery products of whatever size, stage or form for any purpose without securing a permit from the Department.

The Department in consultation with the FARMC shall promulgate rules and regulations on importation and exportation of fish and fishery/aquatic resources with the Government's export/import simplification procedures.

SEC. 62. Trade-Related Measures. – Standards for weights, volume, quality and other measurements for all fishery transactions and trade shall be set by the Department.

All fish and fishery products for export, import and domestic consumption shall meet the quality grades/ standards and labeling and information requirements as determined by the Department.

The LGU concerned shall, by appropriate ordinance, penalize fraudulent practices and unlawful possession or use of instrument of weights and measures.

The Department may prescribe trade-related measures to reduce or eliminate trade in fish and fishery products derived from illegal, unregulated and unreported (IUU) fishing.(aa)

Rule 62.1. Standards. – *The standards for weights, volume, quality and other measurements for all fishery transactions and trade shall be based on the Philippine National Standards (PNS) set by the DA-Bureau of Agriculture and Fisheries Standards (DA-BAFS) and by the DA-BFAR as well as international standards set by the Codex Alimentarius Commission. The DA-BFAR, the DA-BAFS and the National Fisheries Research and Development Institute (NFRDI), shall collaborate in the establishment, development and updating of relevant standards for fish and fishery products.*

All other standards not yet set shall be determined in subsequent regulations.

Rule 62.2. Updating of Trade-Related Measures. – *The DA-BFAR, shall update, if necessary, existing trade-related measures such as the catch certification scheme, to reduce or eliminate trade in fish and fishery products derived from illegal, unregulated and unreported fishing.*

Rule 62.3. LGU Ordinances. – *The DA-BFAR shall coordinate with the Union of Local Authorities of the Philippines and the LGUs for the drafting of ordinances to implement this section and shall develop and maintain a database of all ordinances enacted by the LGUs.*

CHAPTER III RECONSTITUTION OF THE BUREAU OF FISHERIES AND AQUATIC RESOURCES AND CREATION OF FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCILS

ARTICLE I RECONSTITUTION OF THE BUREAU OF FISHERIES AND AQUATIC RESOURCES

SEC. 63. Creation of the Position of Undersecretary for Fisheries and Aquatic Resources. – There is hereby created in the Department of Agriculture the position of Undersecretary for Fisheries and Aquatic Resources, solely for the purpose of attending to the needs of the fishing industry, to be appointed by the President. Such Undersecretary shall have the following functions:

- a. set policies and formulate standards for the effective, efficient and economical operations of the fishing industry in accordance with the programs of the government;
- b. exercise overall supervision over all functions and activities of all offices and instruments and other offices related to fisheries including its officers;
- c. establish, with the assistance of the director, such regional, provincial and other fishery offices as may be necessary and appropriate and organize the internal structure of BFAR in such manner as is necessary for the efficient and effective attainment of its objectives and purposes; and
- d. perform such other functions as maybe necessary or proper to attain the objectives of this Code.

Rule 63.1. Undersecretary for Fisheries and Aquatic Resources. – *The position of the Undersecretary for Fisheries and Aquatic Resources in the DA is hereby created solely for the purpose of attending to the needs of the fishing industry.*

SEC. 64. Reconstitution of the BFAR. – The Bureau of Fisheries and Aquatic Resources (BFAR) is hereby reconstituted as a line bureau under the Department of Agriculture.

Rule 64.1. Reconstitution of the Bureau. – *The BFAR is hereby reconstituted as a line bureau under the DA. Its organizational structure shall consist of a head office, regional fisheries offices, provincial fisheries offices, and where and when, if necessary, municipal fisheries offices.*

SEC. 65. Functions of the Bureau of Fisheries and Aquatic Resources. – As a line bureau, the BFAR shall have the following functions;

- a. prepare and implement a Comprehensive National Fisheries Industry Development Plan;
- b. issue licenses for the operation of commercial fishing vessels;
- c. issue identification cards free of charge to fishworkers engaged in commercial fishing;
- d. monitor and review joint fishing agreements between Filipino citizens and foreigners who conduct fishing activities in international waters, and ensure that such agreements are not contrary to Philippine commitment under international treaties and convention on fishing in the high seas;
- e. formulate and implement a Comprehensive Fishery Research and Development Program, such as, but not limited to, seafarming, sea ranching, tropical/ornamental fish and seaweed culture, aimed at increasing resource productivity, improving resource use efficiency, and ensuring the long-term sustainability of the country's fishery and aquatic resources;
- f. establish and maintain a Comprehensive Fishery Information System;
- g. provide extensive development support services in all aspect of fisheries production, processing and marketing;
- h. provide advisory services and technical assistance on the improvement of quality of fish from the time it is caught (i.e. on board fishing vessel, at landing areas, fish markets, to the processing plants and to the distribution and marketing chain);
- i. coordinate efforts relating to fishery production undertaken by the primary fishery producers, LGUs, FARMCs, and fishery organizations/cooperatives;
- j. advise and coordinate with LGUs on the maintenance of proper sanitation and hygienic practices in fish markets and fish landing areas;
- k. establish a corps of specialists in collaboration with the Department of National Defense, Department of Interior and Local Government, Department of Foreign Affairs for the efficient monitoring, control and surveillance of fishing activities within Philippine territorial waters and provide the necessary facilities, equipment and training therefor;
- l. implement an inspection system for import and export of fishery/aquatic products and fish processing establishments consistent with international standards to ensure product quality and safety;
- m. coordinate with LGUs and other concerned agencies for the establishment of productivity enhancing and market development programs in fishing communities to

- enable women to engage in other fisheries/economics activities and contribute significantly to development efforts;
- n. enforce all laws, formulate and enforce all rules and regulations governing the conservation and management of fishery resources, except in municipal waters, and to settle conflicts of resource use and allocation in consultation with the NFARMC, LGUs and local FARMCs;
 - o. develop value-added fishery-products for domestic consumption and export;
 - p. recommend measures for the protection/enhancement of the fishery industries;
 - q. assist the LGUs in developing their technical capability in the development, management, regulation, conservation and protection of the fishery resources;
 - r. formulate and implement rules and regulations for the conservation and management of straddling fish stocks, highly migratory fish stocks and threatened living marine resources such as sharks, rays and *ludong*, inter alia, in the Philippine Exclusive Economic Zone, territorial sea, archipelagic and internal waters, in coordination with LGUs and integrated/municipal/city Fisheries and Aquatic Resources Management Councils; *(aa)*
 - s. train, designate and deploy fisheries observers in Philippine flagged fishing vessels engaged in commercial fishing in Philippine waters or distant water fishing to ensure compliance with conservation and management measures adopted by RFMOs and by the Department; *(n)*
 - t. implement boarding and inspection protocols upon Philippine flagged fishing vessels in order to promote observance to international treaty obligations on food safety, to curb illegal, unreported and unregulated fishing, and to comply with conservation and management measures; *(n)*
 - u. adopt an appropriate monitoring, control, surveillance and traceability system for municipal fishing vessels supplying exporters with concurrence of the local government units; *(n)*
 - v. adopt and implement a national plan of action to manage fishing capacity, implement the international code of conduct for responsible fisheries, and declare fishery management areas as over-exploited in coordination with the LGUs and FARMCs; *(n)*
 - w. require performance bonds and impose and collect reasonable fees and charges for laboratory services, inspection, deployment of fisheries observers, and catch documentation and validation, taking into account the balance required between recovering the costs of services rendered and the socioeconomic impact of their imposition, upon prior consultation with stakeholders; *(n)*
 - x. hear and decide administrative cases before it; *(n)*
 - y. determine the appropriate levels of administrative and other sanctions, particularly for serious violations, that deprive offenders of economic benefits from their violations of the laws, rules and regulations; *(n)*
 - z. initiate the criminal prosecution of offenses committed in violation of this Code regardless of their *situs*; and *(n)*
 - aa. perform such other related functions which shall promote the development, conservation, management, protection and utilization of fisheries and aquatic resources. *(aa)*

Rule 65.1. Committee to Review and Update the Comprehensive National Fisheries Industry Development Plan (CNFIDP). – *A committees hall be formed to review and update the CNFIDP. The Committee shall be comprised of representatives from the aquaculture*

sector, commercial fishing sector, municipal fishing sector, post-harvest sector, civil society organizations, concerned BFAR Offices and other government agencies, among others.

Rule 65.2. Formulation of Rules and Regulations. – In formulating rules and regulations, the DA-BFAR shall observe these principles:

- a. The regulation shall be based on scientific studies. In the conduct of scientific studies, stakeholders in the affected region shall be informed of the conduct of the study, its duration and the expert/s who will conduct the same. The stakeholders may nominate their own scientist/s to participate in the study or will be given the chance to provide comments on the scientist who will conduct the study;
- b. The consultation shall be conducted in all affected regions as may be practicable, taking into consideration the safety and accessibility of the venue to the stakeholders;
- c. Stakeholders shall be given at least fifteen (15) days prior notice of the date and venue of the consultation including the subject matter of the proposed regulation. The notice shall be published in a newspaper of general circulation in the region, where feasible; and,
- d. The proposed regulation shall be made publicly available at the BFAR website and BFAR Regional Offices at least seven (7) days prior to the consultation.

Rule 65.3. Approval of Applications for Permits, Licenses and Certifications. – Unless otherwise provided in this IRR, and unless otherwise disapproved for cause, a complete application for a permit, license or certification timely filed shall be deemed approved and converted into a permit, license, or certification pending the issuance thereof, if not acted upon within thirty (30) days from receipt of the completed application and its requirements.

Rule 65.4. Initiation of Prosecution. – The DA-BFAR may file criminal cases for violations of this Code committed in municipal waters, and in waters beyond national jurisdiction, by Philippine flagged vessels and vessels without nationality owned by a Filipino or a Filipino corporation.

SEC. 66. Composition of BFAR. – As a line bureau, the BFAR shall be headed by a Director and assisted by two (2) Assistant Directors who shall supervise the administrative and technical services of the bureau respectively. It shall establish regional, provincial and municipal offices as may be appropriate and necessary to carry out effectively and efficiently the provisions of this Code.

Rule 66.1. Composition of BFAR. – The DA-BFAR, in consultation and coordination with concerned agencies and representatives from the private sector, within three (3) months from the effectivity of this IRR, shall establish the appropriate organizational structure to carry out its functions as mandated in this Code, and to provide services including but not limited to investment financing, information, regulation, fisheries management, fish production, post-harvest and market development, training and extension, policy and planning, international relations.

Rule 66.2. Organizational Structure. – The BFAR shall be headed by a Director and assisted by an Assistant Director for Administrative Services and an Assistant Director for Technical

Services. BFAR shall have the following divisions: Legal Division, Administrative Division, Finance Division, Fisheries Resources Management Division, Fisheries Policy and Economics Division, Fisheries Resources Evaluation and Environment Services Division, Fisheries Regulatory and Quarantine Division, Fishing Technology Division, Fisheries Post Harvest Technology Division, Inland Fisheries and Aquaculture Division and Fisheries Industry Development Support Division. The BFAR shall also have fisheries technology centers, such as but not limited to: National Brackishwater Fisheries Technology Center, National Freshwater Fisheries Technology Center, National Inland Fisheries Technology Center, National Marine Fisheries Development Center, National Integrated Fisheries Technology and Development Center, National Seaweeds Technology and Development Center, Fisheries Biological Center and Mindanao Freshwater Fisheries Technology Center.

Rule 66.3. Regional Fisheries Office. –*The DA-BFAR shall establish Regional Fisheries Office (RFO) in each administrative region that shall be headed by a Fisheries Regional Director and an Assistant Fisheries Regional Director. The RFO shall have functions such as but not limited to extension and training, regulations and monitoring, control and surveillance.*

Rule 66.4. Provincial and Municipal Fisheries Office. – *The DA-BFAR shall establish provincial fisheries offices and municipal fisheries offices, as may be appropriate and necessary.*

SEC. 67. Fisheries Inspection and Quarantine Service. – For purposes of monitoring and regulating the importation and exportation of fish and fishery/aquatic resources , the Fisheries Inspection and Quarantine Service in the BFAR is hereby strengthened and shall have the following functions:

- a. conduct fisheries quarantine and quality inspection of all fish and fishery/aquatic products coming into and going out of the country by air or water transport, to detect the presence of fish pest and diseases and if found to harbor fish pests or diseases shall be confiscated and disposed of in accordance with environmental standards and practices;
- b. implement international agreements/commitments on bio-safety and bio-diversity as well as prevent the movement or trade of endemic fishery and aquatic resources to ensure that the same are not taken out of the country;
- c. quarantine such aquatic animals and other fishery products determined or suspected to be with fishery pests and diseases and prevent the movement or trade from and/or into the country of these products so prohibited or regulated under existing laws, rules and regulations as well as international agreements of which the Philippines is a State Party;
- d. examine all fish and fishery products coming into or going out of the country which may be a source or medium of fish pests or diseases and/or regulated by existing fishery regulations and ensure that the quality of fish import and export meet international standards; and
- e. document and authorize the movement or trade of fish and fishery products when found free of fish pests or diseases and collect necessary fees prescribed by law and regulations.

Rule 67.1. Safety and Quality Standards. – *The DA-BFAR shall establish and enforce safety and quality standards on aquatic organisms and fishery products for domestic consumption and international trade, consistent with the international trade agreements such as but not limited to: World Trade Organization-General Agreement on Tariff and Trade, Sanitary and Phyto-Sanitary measures, World Health Organization, and Food and Agriculture Organization Codex Alimentarius Commission.*

Rule 67.2. Laboratories. – *The DA-BFAR shall establish fisheries laboratories for surveillance, inspection and fish disease diagnosis during handling, transport, manufacturing and storage including but not limited to processing facilities, fish port and landing areas and markets.*

Rule 67.3. Fish Inspection. – *The DA-BFAR shall establish and implement an HACCP-based fish inspection to include export and import certification system in accordance with established international standards and requirement.*

Rule 67.4. Laboratory Fees. – *The DA-BFAR shall issue a regulation on the collection of charges and fees for laboratory examination of fish and fishery products following the process stated in Rule 65.2.*

Rule 67.5. Transport and Movement of Living Aquatic Organisms. –*The DA-BFAR shall update the guidelines for the transport and movement of living aquatic organisms consistent with the National Aquatic Animal Health Code and international agreements with Office International des Epizootics, International Council for Exploration of the Sea and European Inland Fisheries Advisory Commission.*

Rule 67.6. Quarantine and Inspection. –*The DA-BFAR shall establish the Fisheries Inspection and Quarantine Service to implement this Section.*

ARTICLE II THE FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCILS (FARMCs)

SEC. 68. Development of Fisheries and Aquatic Resources in Municipal Waters and Bays. – Fisherfolk and their organizations residing within the geographical jurisdiction of the barangays, municipalities or cities with the concerned LGUs shall develop the fishery/aquatic resources in municipal waters and bays.

SEC. 69. Creation of Fisheries and Aquatic Resources Management Councils (FARMCs). – FARMCs shall be established in the national level and in all municipalities/cities abutting municipal waters as defined by this code. The FARMCs shall be formed by fisherfolk organizations/cooperatives and NGOs in the locality and be assisted by the LGUs and other government entities. Before organizing FARMCs, the LGUs, NGOs, fisherfolk, and other concerned POs shall undergo consultation and orientation on the formation of FARMCs.

SEC. 70. Creation and Composition of the National Fisheries and Aquatic Resources Management Council (NFARMC). – There is hereby created a National Fisheries and Aquatic Resources Management Council hereinafter referred to as NFARMC as an advisory/recommendatory body to the Department. The NFARMC shall be composed of fifteen (15) members consisting of:

- a. the Undersecretary of Agriculture, as Chairman;
- b. the Undersecretary of the Interior and Local Government;
- c. five (5) members representing the fisherfolk and fishworkers;
- d. five (5) members representing commercial fishing and aquaculture operators and the processing sectors;
- e. two (2) members from the academe; and
- f. one (1) representative of NGOs involved in fisheries.

The members of the NFARMC, except for the Undersecretary of Agriculture and Undersecretary of the Interior and Local Government, shall be appointed by the President upon the nomination of their respective organizations.

Rule 70.1. Undersecretary for Fisheries. – *The Undersecretary of Agriculture referred to in Section 70 (a) shall pertain to the appointee to the position of DA Undersecretary for Fisheries and Aquatic Resources created pursuant to Section 63 of this Code.*

SEC. 71. Terms of Office. – The members of NFARMC, except the Undersecretary of Agriculture and the Undersecretary of the Interior and Local Government, shall serve for a term of three (3) years without reappointment.

SEC. 72. Functions of the NFARMC. – The NFARMC shall have the following functions:

- a. assist in the formulation of national policies for the protection, sustainable development and management of fishery and aquatic resources for the approval of the Secretary;
- b. assist the Department in the preparation of the National Fisheries and Industry Development Plan; and
- c. perform such other functions as may be provided by law.

SEC. 73. The Municipal/City Fisheries and Aquatic Resources Management Councils (M/CFARMCs). – The M/CFARMCs shall be created in each of the municipalities and cities abutting municipal waters. However, the LGU may create the Barangay Fisheries and Aquatic Resources Management Councils (BFARMCs) and the Lakewide Fisheries and Aquatic Resources Management Councils (LFARMCs) whenever necessary. Such BFARMCs and LFARMCs shall serve in an advisory capacity to the LGUs.

SEC. 74. Functions of the M/CFARMCs. – The M/CFARMCs shall exercise the following functions:

- a. assist in the preparation of the Municipal Fishery Development Plan and submit such plan to the Municipal Development Council;
- b. recommend the enactment of municipal fishery ordinances to the sangguniang bayan/sangguniang panlungsod through its Committee on Fisheries;
- c. assist in the enforcement of fishery laws, rules and regulations in municipal waters;
- d. advise the sangguniang bayan/panlungsod on fishery matters through its Committee on Fisheries, if such has been organized; and
- e. perform such other functions which may be assigned by the sangguniang bayan/panlungsod.

SEC. 75. Composition of the M/CFARMC. – The regular member of the M/CFARMCs shall be composed of:

- a. Municipal/City Planning Development Officer;
- b. Chairperson, Agriculture/Fishery Committee of the Sangguniang Bayan/Panlungsod
- c. representative of the Municipal/City Development Councils;
- d. representative from the accredited non-government organization;
- e. representative from the private sector;
- f. representative from the Department of Agriculture; and
- g. at least eleven (11) fisherfolk representatives (seven (7) municipal fisherfolk, one (1) fishworker and three (3) commercial fishers) in each municipality/city which include representative from youth and women sector.

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

SEC. 76. The Integrated Fisheries and Aquatic Resources Management Councils (IFARMCs). – The IFARMCs shall be created in bays, gulf, lakes, and rivers and dams bounded by two (2) or more municipalities/cities.

SEC. 77. Functions of the IFARMCs. – The IFARMC shall have the following functions:

- a. assist in the preparation of the Integrated Fishery Development Plan and submit such plan to the concerned Municipal Development Councils;
- b. recommend the enactment of integrated fishery ordinances to the concerned sangguniang bayan/ panlungsod through its Committee of Fisheries, if such has been organized;
- c. assist in the enforcement of fishery laws, rules and regulations in concerned municipal waters;
- d. advice the concerned sangguniang bayan/panlungsod on fishery matters through its Committee on Fisheries, if such has been organized; and
- e. perform such other functions which may be assigned by the concerned sangguniang bayan/panlungsod.

SEC. 78. Composition of the IFARMCs. – The regular members of the IFARMCs shall be composed of the following:

- a. the Chairperson of the Committee on Agriculture/Fisheries of the concerned sangguniang bayan/panlungsod;
- b. the Municipal/City Fisheries Officers of the concerned municipalities/cities;
- c. the Municipal/City Development Officers of the concerned municipalities/cities;
- d. one (1) representative from NGO;
- e. one (1) representative from private sector; and
- f. at least nine (9) representatives from the fisherfolk sector which include representatives from the youth and women sector.

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

SEC. 79. Source of Funds of the FARMCs. – A separate fund for the NFARMC, IFARMCs and M/CFARMCs shall be established and administered by the Department from the regular annual budgetary appropriations.

CHAPTER IV FISHERIES RESERVES, REFUGE AND SANCTUARIES

SEC. 80. Fishing Areas/Reserves for Exclusive Use of Government.– The Department may designate area or areas in Philippine waters beyond fifteen (15) kilometers from shoreline as fishery reservation for the exclusive use of the government or any of its political subdivisions, agencies or instrumentalities, for propagation, educational, research and scientific purposes: *Provided*, That in municipalities or cities, the concerned LGUs in consultation with the FARMCs may recommend to the Department that portion of the municipal waters be declared as fishery reserves for special or limited use, for educational, research, and/or special management purposes. The FARMCs may recommend to the Department portions of the municipal waters which can be declared as fisheries reserves for special or limited use for educational, research and special management purposes.

Rule 80.1. Regulations. – *The DA-BFAR shall issue a regulation in accordance with Rule 65.2, designating fishery reservations for the exclusive use of the government or any of its political subdivisions, agencies or instrumentalities, for propagation, educational, research and scientific purposes.*

SEC. 81. Fish Refuge and Sanctuaries. – The Department may establish fish refuge and sanctuaries to be administered in the manner to be prescribed by the BFAR at least twenty-five percent (25%) but not more than forty percent (40%) of bays, foreshore lands, continental shelf or any fishing ground shall be set aside for the cultivation of mangroves to strengthen the habitat and the spawning grounds of fish. Within these areas no commercial fishing shall be allowed. All marine fishery reserves, fish sanctuaries and mangrove swamp reservations already declared or proclaimed by the President or legislated by the Congress of the Philippines shall be continuously administered and supervised by the concerned agency: *Provided, however*, That in municipal waters, the concerned LGU in consultation with the FARMCs may establish fishery refuge and sanctuaries: The FARMCs may also recommend fishery refuge and sanctuaries: *Provided, further*, That at least fifteen percent (15%) where applicable of the total coastal areas in each municipality shall be identified, based on the best available scientific data and in consultation with the Department, and automatically designated as fish sanctuaries by the LGUs in consultation with the concerned FARMCs.

Rule 81.1. Regulation. – *The DA-BFAR, following the process stated in Rule 65.2, shall promulgate a regulation identifying the fisheries, industrial and other economic activities that may be prohibited to be undertaken in areas declared as fish refuge and sanctuaries.*

CHAPTER V FISHERIES RESEARCH AND DEVELOPMENT

SEC. 82. Creation of a National Fisheries Research and Development Institute (NFRDI). – In recognition of the important role of fisheries research in the development, management, conservation and protection of the country's fisheries and aquatic resources, there is hereby created a National Fisheries Research and Development Institute (NFRDI).

The Institute shall form part of the National Research and Development Network of the Department of Science and Technology (DOST).

The Institute, which shall be attached to the Department, shall serve as the primary research arm of the BFAR. The overall governance of the Institute shall be vested in the Governing Board which shall formulate policy guidelines for its operation. The plans, programs and operational budget shall be passed by the Board. The Board may create such committees as it may deem necessary for the proper and effective performance of its functions. The composition of the Governing Board shall be as follows:

- a. Undersecretary for Fisheries – Chairman
- b. BFAR Director - Vice Chairman
- c. NFRDI Executive Director – Member
- d. [PCAMRD] PCAARRD Director General – Member
- e. Representative from the academe – Member
- f. four (4) representatives from the private sector who shall come from the following subsectors – Members
 - Municipal Fisherfolk
 - Commercial Fishing Operator
 - Aquaculture Operator
 - Post-Harvest/Processor

The NFRDI shall have a separate budget specific to its manpower requirements and operations to ensure the independent and objective implementation of its research activities.

Rule 82.1. Organizational Structure. – *The DA Secretary shall propose an organizational structure for the NFRDI for approval and funding of concerned agencies.*

SEC. 83. Qualification Standard. – The Institute shall be headed by an Executive Director to be appointed by the President of the Philippines upon the recommendation of the governing board. The Executive Director shall hold a Doctorate degree in fisheries and or/other related disciplines. The organizational structure and staffing pattern shall be approved by the Department: Provided however, That the staffing pattern and remunerations for scientific and technical staff shall be based on the qualification standards for science and technology personnel.

SEC. 84. Research and Development Objectives.– Researches to be done by the NFRDI are expected to result in the following:

- a. to raise the income of the fisherfolk and to elevate the Philippines among the top five (5) in the world ranking in the fish productions;
- b. to make the country’s fishing industry in the high seas competitive;
- c. to conduct social research on fisherfolk families for a better understanding of their conditions and needs and;
- d. to coordinate with the fisheries schools, LGUs and private sectors regarding the maximum utilization of available technology, including the transfer of such technology to the industry particularly the fisherfolk.

SEC. 85. Functions of the NFRDI. – As a national institute, the NFRDI shall have the following functions:

- a. establish a national infrastructure unit complete with technologically-advanced features and modern scientific equipment, which shall facilitate, monitor, and implement various research needs and activities of the fisheries sector;
- b. provide a venue for intensive training and development of human resources in the field of fisheries, a repository of all fisheries researches and scientific information;
- c. provide intensive training and development of human resources in the field of fisheries for the maximum utilization of available technology;
- d. hasten the realization of the economic potential of the fisheries sector by maximizing developmental research efforts in accordance with the requirements of the national fisheries conservation and development programs, also possibly through collaborate effort with international institutions; and
- e. formally establish, strengthen and expand the network of fisheries-researching communities through effective communication linkages nationwide.

CHAPTER VI PROHIBITIONS AND PENALTIES

SEC. 86. Unauthorized Fishing. – (a) It shall be unlawful for any person to capture or gather or to cause the capture or gathering of fish, fry or fingerlings of any fishery species or fishery products without license or permit from the Department or LGU.

Except in cases specified under this Code, it shall also be unlawful for any commercial fishing vessel to fish in municipal waters.

The discovery of any person in possession of a fishing gear or operating a fishing vessel in a fishing area where he has no license or permit shall constitute a prima facie presumption that the person is engaged in unauthorized fishing: Provided, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

Upon a summary finding of administrative liability, the boat captain and the three (3) highest officers of the commercial fishing vessel and the owner or operator who violate this provision shall be penalized with confiscation of catch and gear, and an administrative fine of five (5) times the value of the catch or the amount indicated below, whichever is higher:

(1) Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;

(2) One hundred fifty thousand pesos (P150,000.00) to Five hundred thousand pesos (P500,000.00) for medium-scale commercial fishing; and

(3) One million pesos (P1,000,000.00) to Five million pesos (P5,000,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the boat captain and the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and confiscation of catch and gear and twice the amount of the administrative fine.

(b) It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters.

Upon a summary finding of administrative liability, the offender of this provision shall be punished with an administrative fine equivalent to twice the value of catch or Five thousand pesos (P5,000.00), whichever is higher, and confiscation of the catch and fishing gear: Provided, That if the offender fails to pay the fine, he shall render community service.(aa)

Rule 86.1. Regulation. – *Within one (1) year from the effectivity of this IRR, all unregistered vessels may still register and obtain a license; provided, that a vessel caught fishing without registration and license shall be penalized accordingly.*

Rule 86.2. Regulating Fishing in Municipal Waters. – *Within one (1) year from the effectivity of this IRR, the DA-BFAR, in coordination with LGUs and stakeholders, shall formulate rules governing the capture of fish, including that for live fish trade in municipal waters, to ensure that they are caught using legal, sustainable and proper fishing methods as a prerequisite for the grant of license or permit by the LGU.*

Rule 86.3. Application of the Prima Facie Presumption.– *The prima facie presumption will not apply if the gear of the vessel is not engaged in fishing or deployed, or in cases of authorized and supervised sea and net trials: provided, that there is prior authorization for such sea and net trials granted by the BFAR Central Office and Regional Offices.*

SEC. 87. Engaging in Unauthorized Fisheries Activities. – It shall be unlawful for any person to exploit, occupy, produce, breed or culture fish, fry or fingerlings of any fishery species or fishery products or construct and operate fish corrals, fish traps, fish pens and fish cages or fishponds without a license, lease or permit.

The discovery of any person engaging in any of the above activities without a lease, license or permit shall constitute a prima facie presumption that the person is engaged in unauthorized fisheries activity.

Upon a summary finding of administrative liability, the offender shall be penalized with an administrative fine of Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00), the dismantling or removal of the structure at the expense of the offender, the rehabilitation of the area affected by the activity and confiscation of stocks.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment of six (6) months, a fine equivalent to twice the amount of the administrative fine, the dismantling or removal of the structure at the expense of the offender, the rehabilitation of the area affected by the activity and confiscation of stocks. (n)

Rule 87.1. Regulation. –*The DA-BFAR shall, within one (1) year from the effectivity of the IRR, formulate regulations on the necessary permits following the process stated in Rule 65.2.*

SEC. 88. Failure to Secure Fishing Permit Prior to Engaging in Distant Water Fishing. – (a) It shall be unlawful for any person to fish in the high seas, in the territorial seas, archipelagic waters, and Exclusive Economic Zones of other states using a Philippine flagged fishing

vessel without first securing a fishing permit from the Department and authorization from the coastal state.

The discovery of any person in possession of a fishing gear or operating a fishing vessel in the abovementioned areas without a fishing permit from the Department or authorization from the coastal state shall constitute a prima facie presumption that the person is in violation of this provision.

(b) It shall be unlawful for an owner or operator, and the three (3) highest officers, of a commercial fishing vessel to commit acts that are in contravention of the terms and conditions stated in the fishing permit or as may be promulgated by the Department.

Upon a summary finding of administrative liability, the owner, operator, and the three (3) highest officers of the commercial fishing vessel who violate this section, shall be punished with confiscation of the catch and gear and an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below, whichever is higher:

(1) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;

(2) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and

(3) Sixteen million pesos (P16,000,000.00) to Twenty million pesos (P20,000,000.00) for large-scale commercial fishing vessels less than seven hundred fifty (750) gross tons, and Twenty-five million pesos (P25,000,000.00) to Forty-five million pesos (P45,000,000.00) for large-scale commercial fishing vessels seven hundred fifty (750) gross tons or more.

Upon conviction by a court of law, the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and a fine equivalent to twice the amount of the administrative fine, and confiscation of catch and gear. (n)

Rule 88.1. Monitoring. – *The fishing vessel/company that was able to obtain a fishing license/permit to conduct fishing in the waters of another coastal state shall submit a copy of such license/permit to fish to the DA-BFAR, within thirty (30) days from the actual receipt of the license. Upon failure of the grantee to explain the reason for the non-compliance, within thirty (30) calendar days from receipt of the demand from DA-BFAR, the company will be subjected to administrative action in accordance with law.*

SEC. 89. Unreported Fishing. – It shall be unlawful for any person to engage in unreported fishing or to fail to comply with the reportorial requirements in Section 38 of this Code.

Upon a summary finding of administrative liability, the owner or operator of the municipal or commercial fishing vessel and the three (3) highest officers of the commercial fishing vessel who commit unreported fishing within waters of national jurisdiction shall be punished by an administrative fine equivalent to the value of the catch or the amount indicated below, whichever is higher:

(1) Five thousand pesos (P5,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;

- (2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;
- (3) Two hundred thousand pesos (P200,000.00) for medium-scale commercial fishing; and
- (4) Five hundred thousand pesos (P500,000.00) for large-scale commercial fishing.

In case of unreported fishing committed in waters beyond national jurisdiction, the owner, operator, and the three (3) highest officers of the commercial fishing vessel shall be penalized with an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below, whichever is higher:

- (1) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;
- (2) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and
- (3) Sixteen million pesos (P16,000,000.00) to Twenty million pesos (P20,000,000.00) for large-scale commercial fishing vessels less than seven hundred fifty (750) gross tons, and Twenty-five million pesos (P25,000,000.00) to Forty-five million pesos (P45,000,000.00) for large-scale commercial fishing vessels seven hundred fifty (750) gross tons or more.

Upon conviction by a court of law, the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and a fine equivalent to twice the amount of the administrative fine, and confiscation of catch and gear. (n)

Rule 89.1. Reportorial Requirements for CFVL holder. – *The owners and operators of commercial fishing vessels issued with CFVL by the DA-BFAR shall comply with the reportorial requirements provided in Section 38 of this Code.*

Rule 89.2. Reportorial Requirements for Distant Water Fishing Permittee. – *The owners and operators of distant water fishing vessels issued with distant water fishing permits shall comply with the reportorial requirements of the coastal state or the relevant RFMO in addition to the reportorial requirements provided in Section 38 of this Code.*

Rule 89.3. Terms and Conditions. – *The DA-BFAR, shall incorporate in the terms and conditions of the CFVL and the Distant Water Fishing Permit, the compliance by the holder with the reportorial requirements provided in Section 38, and those of the coastal state or the relevant RFMO. If practicable, the specific procedures for the compliance of the reportorial requirements must also be stated in the terms and conditions of the license or permit.*

SEC. 90. Unregulated Fishing. – It shall be unlawful for any person to engage in unregulated fishing in waters within and beyond national jurisdiction.

Upon a summary finding of administrative liability, the owner, operator, of the municipal or commercial fishing vessel and the three (3) highest officers of the commercial fishing vessel who commit unregulated fishing within waters of national jurisdiction shall be punished by confiscation of catch and gear and an administrative fine equivalent to the value of the catch or amount indicated below, whichever is higher:

- (1) Five thousand pesos (P5,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;
- (2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;
- (3) Two hundred thousand pesos (P200,000.00) for medium-scale commercial fishing; and
- (4) Five hundred thousand pesos (P500,000.00) for large-scale commercial fishing.

In case of unregulated fishing committed in waters beyond national jurisdiction, the owner, operator, and the three (3) highest officers of the commercial fishing vessel shall be penalized with confiscation of catch and gear, and an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below, whichever is higher:

- (1) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;
- (2) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and
- (3) Sixteen million pesos (P16,000,000.00) to Twenty million pesos (P20,000,000.00) for large-scale commercial fishing vessels less than seven hundred fifty (750) gross tons, and Twenty-five million pesos (P25,000,000.00) to Forty-five million pesos (P45,000,000.00) for large-scale commercial fishing vessels seven hundred fifty (750) gross tons or more.

Upon conviction by a court of law, the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and a fine equivalent to twice the amount of the administrative fines, confiscation of catch and gear. (n)

Rule 90.1. Jurisdiction. – *Unregulated fishing as defined in Section 4 (87) of this Code, committed in waters beyond national jurisdiction, by a Filipino or a Filipino corporation, shall be prosecuted exclusively by the Philippine government. If the unregulated fishing was committed in a coastal state, there shall be concurrent jurisdiction for purposes of prosecution.*

Rule 90.2. Unregulated Fishing in Philippine Waters. – *The following are considered unregulated fishing in Philippine waters:*

1. *the act of a fisherman or fisherfolk of working in an unregistered fishing vessel; or*
2. *the act of a corporation or enterprise of operating an unregistered fishing vessel.*

SEC. 91. Poaching in Philippine Waters. – It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

The entry of any foreign fishing vessel in Philippine waters shall constitute a prima facie presumption that the vessel is engaged in fishing in Philippine waters.

Upon a summary finding of administrative liability, any foreign person, corporation or entity in violation of this section shall be punished by an administrative fine of Six hundred

thousand US dollars (US\$600,000.00) to One million US dollars (US\$1,000,000.00) or its equivalent in Philippine currency.

Upon conviction by a court of law, the offender shall be punished with a fine of One million two hundred thousand US dollars (US\$1,200,000.00), or its equivalent in Philippine currency, and confiscation of catch, fishing equipment and fishing vessel.

If the offender is caught within internal waters, an additional penalty of imprisonment of six (6) months and one (1) day to two (2) years and two (2) months shall be imposed. If apprehended for the second time within internal waters, the offender shall be punished with imprisonment of three (3) years and a fine of Two million four hundred thousand US dollars (US\$2,400,000.00) or its equivalent in Philippine currency: Provided, That no foreign person shall be deported without the payment of the imposed judicial and/or administrative fines and service of sentence, if any. (aa)

Rule 91.1. Prima Facie Presumption of Poaching. – *The entry of any foreign fishing vessel (FFV) in the Philippine waters shall constitute a prima facie presumption that the vessel is engaged in poaching in Philippine waters under the following circumstances:*

- a. *Entry of an FFV into Philippine waters under the following circumstances:*
 - i. *Navigating with its fishing gear deployed and/or not stowed;*
 - ii. *Navigating with an irregular track or route;*
 - iii. *Navigating through Philippine territorial waters without prior notice to, clearance of, or permission from the appropriate Philippine authority;*
 - iv. *Navigating in a manner that does not qualify as innocent passage nor navigating outside traditional routes or in identified fishing grounds;* or
 - v. *Navigating without flying its national flag.*
- b. *When an FFV is found within Philippine waters:*
 - i. *Under the circumstances enumerated in the previous paragraph;*
 - ii. *Lying-to or anchoring without any valid reasons or circumstances that may indicate the existence of force majeure, distress, or for the purpose of rendering assistance to persons, ships or any sea craft that is endangered or in distress;*
 - iii. *Lying-to, anchoring at, or anchoring near to or within known fishing grounds or marine protected areas.*
- c. *When an FFV, after having been inspected within Philippine waters, in accordance with the procedures set forth in this IRR, is found to contain freshly caught fish, corals or mollusks, on deck or in storage.*

Rule 91.2. Exceptions to the Prima Facie Presumption. –*The following are considered exceptions to the prima facie presumption of the existence of poaching:*

- a. *Exercise of right of innocent passage by an FFV, provided that the FFV has secured entry clearance from the Department of Foreign Affairs (DFA) or its duly designated agency before entering Philippine territorial waters, and notified the Bureau of*

Immigration (BI) and DA-BFAR of the name of the vessel, its registry number, its last port of call, the names of its skipper and all its crew and their nationalities;

- b. Passage for purposes of dry docking, servicing, or unloading of catch by foreign flagged catcher vessels, provided, the 24-hour prior entry notification shall be complied with in accordance with Port State Measures;*
- c. In case of duly authorized marine scientific research using an FFV;*
- d. an FFV taking shelter or having been drifted in Philippine waters as a result of force majeure or distress;*
- e. an FFV entering Philippine waters for reason of rendering assistance to persons, ships or aircraft in danger or distress;*
- f. In case of duly organized and established game or leisure fishing conducted by foreign nationals.*

In cases falling under (d) and (e), the FFV is required to issue distress signal/call or notify the competent authority prior to entry in Philippine waters.

Rule 91.3. Submission of Reports to NCIE/RCIE/PCIE. – *The member agencies of the National Committee on Illegal Entrants, Regional Committee on Illegal Entrants and Provincial Committee on Illegal Entrants, shall periodically submit status reports of the cases they initiated, in order to update the other agencies.*

SEC. 92. Fishing Through Explosives, Noxious or Poisonous Substance, or Electricity. – (a) It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered fish or any fishery species in Philippine waters with the use of explosives, noxious or poisonous substance such as sodium cyanide, which will kill, stupefy, disable or render unconscious fish or fishery species: Provided, That the Department, subject to such safeguards and conditions deemed necessary and with the endorsement from the concerned LGUs, may allow, for research, educational or scientific purposes only, the use of poisonous or noxious substances to catch, take or gather fish or fishery species: Provided, further, That the use of poisonous or noxious substances to eradicate predators and pests in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed as illegal fishing.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electrofishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fishworker shall constitute a prima facie presumption that any of these devices was used for fishing in violation of this Code.

The discovery in any fishing vessel of fish caught or killed with the use of explosives, noxious or poisonous substances, or by electricity shall constitute a prima facie presumption that the fisherfolk, operator, boat official or fishworker is fishing with the use thereof.

Upon a summary finding of administrative liability, any person found liable for the actual use of explosives, noxious or poisonous substances shall be punished with confiscation of catch including those not caught illegally if co-mingled with those caught illegally, gear, explosives and noxious or poisonous substances, or electrofishing devices and paraphernalia and gear, and an administrative fine equivalent to five (5) times the value of the catch or the amount of fine indicated below whichever is higher:

- (1) Thirty thousand pesos (P30,000.00) for municipal fishing;
- (2) Three hundred thousand pesos (P300,000.00) for small-scale commercial fishing;
- (3) One million five hundred thousand pesos (P1,500,000.00) for medium scale commercial fishing; and
- (4) Three million pesos (P3,000,000.00) for large scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment from five (5) to ten (10) years, confiscation of catch, including those not caught illegally if commingled with those caught illegally, gear, explosives and noxious or poisonous substances, or electrofishing devices and paraphernalia, gear, and a fine equivalent to twice the amount of the administrative fine, without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.

The actual use of electrofishing devices for illegal fishing shall be punished with imprisonment of six (6) months and a fine of Five thousand pesos (P5,000.00).

(b) It shall be unlawful for any person to possess explosives, and noxious or poisonous substances for illegal fishing.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch, gear, and an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below whichever is higher:

- (1) Ten thousand, pesos (P10,000.00) for municipal fishing;
- (2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;
- (3) Five hundred thousand pesos (P500,000.00) for medium scale commercial fishing; and
- (4) One million pesos (P1,000,000.00) for large scale commercial fishing.

Violation of this provision shall be punished with imprisonment from six (6) months to two (2) years, and a fine equivalent to twice the amount of the administrative fine and confiscation of catch and gear. (aa)

Rule 92.1. Determination of Fish Caught through Explosives. – Only fish examiners duly authorized by DA-BFAR shall be qualified to determine that the fish are caught by explosives.

Rule 92.2. Collection and Testing of Samples. – The protocols for the collection and testing of samples stated in Fisheries Administrative Order No. 206, Series of 2001, shall be observed. A review of the protocols shall be undertaken following the process stated in Rule 65.2, and a modification of the protocols, as may be appropriate or when necessary, shall be implemented through a regulation.

Rule 92.3. Testing Laboratories. – Only testing laboratories accredited by the Philippine Accreditation Office and recognized by the DA-BFAR are qualified to determine if the fish

are caught by noxious or poisonous substances. The recognition scheme developed by DA-BFAR for government and private testing laboratories shall be adopted.

SEC. 93. Use of Fine Mesh Net. – It shall be unlawful to engage in fishing using nets with mesh smaller than that which may be determined by the Department: Provided, That the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, tabios, and alamang and other species that by their nature are small but already mature, as identified in the implementing rules and regulations by the Department.

The discovery of a fine mesh net in a fishing vessel shall constitute a prima facie presumption that the person or fishing vessel is engaged in fishing with the use of fine mesh net.

Upon a summary finding of administrative liability, the Department shall penalize the owner, operator, captain or master fisherman in case of commercial fishing vessel, or the municipal fisherfolk, with confiscation of the catch and fishing gear, and an administrative fine equivalent to three (3) times the value of the catch or the value indicated below, whichever is higher:

- (1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the municipal fisherfolk fails to pay the fine, he shall render community service;
- (2) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;
- (3) One hundred thousand pesos (P100,000.00) for medium-scale commercial fishing;
- (4) Two hundred thousand pesos (P200,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the captain or master fisherman in case of commercial fishing vessel, or the municipal fisherfolk, shall be punished by imprisonment of six (6) months to two (2) years and a fine equivalent to twice the administrative fine, and confiscation of catch and gear.(aa)

Rule 93.1. Exceptions. – *As an exception to this provision, the use of fine mesh net shall be allowed through a specific gear license or permit granted for this purpose, only in the following circumstances:*

1. If the net is used to catch:

- a. Padas (Siganidae), bangus fry (Chanos chanos), sugpo fry (Penaeidae), banak fry (Mugilidae), glass eels and elvers (Anguillidae) and such other immature species for culture purposes;*
- b. Aquarium/ornamental animals; and*
- c. Other species already mature such as, but not limited to, alamang (Acetes spp.), tabios (Pandaca pygmaea), sinarapan (Mistichthys luzonensis), dilis (Engraulidae), and snails (Ampularia luzonica and Vivipora spp.).*

2. In cases of ring nets, purse seines for sardines, mackerels and scads, and bagnets, wherein the mesh size is 1.9 centimeters (17 knots), measured between two opposite knots of a full mesh when stretched: provided, however, that the operator is required to take measures to ensure that no juvenile will be caught.

SEC. 94. Fishing in Overexploited Fishery Management Areas. – It shall be unlawful for any person to fish in fishery management areas declared as overexploited.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and fishing gears, and an administrative fine equivalent to the value indicated below:

(1) Three (3) times the value of catch or Twenty thousand pesos (P20,000.00), whichever is higher, for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;

(2) Five (5) times the value of catch or One hundred thousand pesos (P100,000.00), whichever is higher, for small-scale commercial fishing;

(3) Five (5) times the value of catch or Three hundred thousand pesos (P300,000.00), whichever is higher, for medium-scale commercial fishing;

(4) Five (5) times the value of catch or Five hundred thousand pesos (P500,000.00), whichever is higher, for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and fine of Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), confiscation of the catch and fishing equipment used, and cancellation of fishing permit or license. *(aa)*

Rule 94.1. Scientific Basis. –*The DA-NFRDI and DA-BFAR, in coordination with concerned stakeholders, LGUs and other government agencies, whenever appropriate, shall continue to conduct resource assessments in fishery management areas to determine whether they are overexploited, and to declare them as such, in accordance with this Section.*

SEC. 95. Use of Active Gear in Municipal Waters, Bays and Other Fishery Management Areas. – It shall be unlawful to engage in fishing in municipal waters and in all bays as well as other fishery management areas using active fishing gears as defined in this Code.

Upon a summary finding of administrative liability, the owner, operator, boat captain and master fisherman of the vessel, or the chief executive officer in a corporation, or the managing partner in a partnership shall be punished with confiscation of the catch and fishing gears, and a fine three (3) times the value of the catch or the value indicated below, whichever is higher:

(1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;

(2) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;

(3) One hundred thousand pesos (P100,000.00) for medium-scale commercial fishing; and

(4) Five hundred thousand pesos (P500,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of two (2) years to six (6) years and fine equivalent to twice the administrative fine, confiscation and forfeiture of fishing gear and catch. (aa)

Rule 95.1. Review of Regulations. – *The DA-BFAR shall review and revise FAO No. 201, Series of 2000, to implement this section in accordance with Rule 65.2: provided, that said FAO shall be implemented pending the promulgation of the revised regulation.*

Rule 95.2. Exceptions. –*The following gears are not covered by the prohibition:*

1. *Gill nets, other than bottom-set gill nets, not more than 500 meters in length per boat used by registered municipal fisherfolk, which shall be regulated by the LGU;*
2. *"Sudsud" or push net used to catch Acetes sp. "alamang" and Stolephorus sp. "dilis," which is operated by a registered municipal fisherfolk/fisherfolk cooperative/association, either manually or by the use of a registered and licensed municipal motorized boat with single piston engine of not more than sixteen (16) horsepower, during approved fishing season for the species, and covered by a management plan duly approved by the LGU;*
3. *Active gears such as purse seine or "pangulong", ring net or "taksay" and such other gears that do not touch the sea bottom, used by small and medium commercial fishing vessels authorized by the LGU pursuant to Section 18 of this Code and pertinent rules,³ to fish in the 10.1 to 15 km. of municipal waters only, as reckoned from the general coastline.*

SEC. 96. Ban on Coral Exploitation and Exportation. – It shall be unlawful for any person or corporation to gather, possess, commercially transport, sell or export ordinary, semi-precious and precious corals, whether raw or in processed form, except for scientific or research purposes. It shall also be unlawful for any person, corporation or entity to commit any activity that damage coral reefs.

Upon a summary finding of administrative liability, the owner/operator of the fishing vessel/s, boat captain, master fisherman, and recruiter or organizer of fishworkers shall be punished with an administrative fine equivalent to eight (8) times the value of the corals gathered, possessed, commercially transported, sold, or exported, or the amount of Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), whichever is higher, and forfeiture of the subject corals. The offender shall also pay compensation for the restoration of the damaged corals reefs.

Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fishworkers, shall be punished by imprisonment from ten (10) years to twenty (20) years and a fine equivalent to twice the administrative fine and forfeiture of the subject corals.

The offender shall also be required to pay the cost of restoration of the damaged coral reefs based on available studies and as determined by the Department. (aa)

³Minutes of the Bicameral Committee Conference of the Tenth Congress on SB No. 1708 and HB No. 7366, Feb. 18, 1998, pages 83 to 85

Rule 96.1. Coral Farming or Propagation. – *Coral farming or propagation shall only be allowed through the issuance of an Aquatic Wildlife Farm Permit by the Department. Commercial coral farming or propagation shall only be allowed if undertaken simultaneously with conservation breeding or propagation.*

Rule 96.2. Rules on Coral Farming or Propagation. – *The rules on coral farming or propagation shall be promulgated in accordance with this Section in relation to Section 102 hereof and its implementing rules and regulations, following the process stated in Rule 65.2.*

Rule 96.3. Value of the Corals. – *The value of corals shall be based on the value of its ecosystem services as may be later on determined or other bases as may be appropriate.*

SEC. 97. Ban on Muro-ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. – (a) It shall be unlawful for any person, natural or juridical, to fish with gear or method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department. ‘Muro-ami’ and any of its variation, and such similar gears and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

Upon a summary finding of administrative liability, the owner, operator, boat captain, master fisherman, and recruiter or organizer of fishworkers who violate this provision shall suffer the penalty of an administrative fine equivalent to five (5) times the value of the fish caught or Two million pesos (P2,000,000.00), whichever is higher, and confiscation of catch and gear. The fishworkers who serve as pounders shall be penalized with a fine of Twenty thousand pesos (P20,000.00) or community service in case of failure to pay the fine.

Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fishworkers shall be punished with imprisonment of two (2) years to ten (10) years and a fine equivalent to twice the amount of the administrative fine.

(b) Except in cases allowed by law, it shall be unlawful for any person, natural or juridical, to gather, possess, commercially transport, sell or export coral sand, coral fragments, coral rocks, silica, and any other substances which make up any marine habitat.

Upon a summary finding of administrative liability, the person or corporation who violates this provision shall be punished with an administrative fine of Five million pesos (P5,000,000.00) or five (5) times the value of the coral rocks, sand, or silica gathered, possessed, commercially transported, sold, or exported, whichever is higher, and confiscation of the substance.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from two (2) years to ten (10) years and a fine equivalent to twice the administrative fine, confiscation of catch or substances and equipment or gear used. (aa)

Rule 97.1. Determination of Other Destructive Methods and Gears. – *The following fishing gears/methods and their variations are considered destructive to coral reefs, seagrass, seabeds, and other fishery marine life habitat:*

a. *Muro-ami and Kayakas; and*

b. Danish Seine and modified Danish Seine.

Rule 97.2. Scientific Studies. – *The DA-BFAR may identify other fishing gears/methods as destructive based on scientific studies.*

SEC. 98. Illegal Use of Superlights or Fishing Light Attractor. – It shall be unlawful to engage in fishing with the use of superlight in municipal waters, or to fish with fishing light attractor using candlelight power or intensity beyond the standards set by the Department in consultation with the LGUs for fishing in municipal waters, or in violation of the rules promulgated by the Department for fishing with the use of superlight or fishing light attractor outside municipal waters.

Upon a summary finding of administrative liability, the offender shall be punished by a fine of Twenty thousand pesos (P20,000.00) per superlight or fishing light attractor, and confiscation of catch, superlight or fishing light attractor and gears: Provided, That if the offender is a municipal fisherfolk, he may render community service in lieu of fine.

Upon conviction by a court of law, the offender shall be punished with imprisonment from six (6) months to two (2) years and a fine of Forty thousand pesos (P40,000.00) per superlight or fishing light attractor, and confiscation of catch, superlight or fishing light attractor and gears: Provided, That if the offender is a municipal fisherfolk, he may render community service in lieu of fine or imprisonment. (*aa*)

SEC. 99. Conversion of Mangroves. – It shall be unlawful for any person to convert mangroves into fishponds or for any other purpose.

Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to the ecological value of a hectare of mangrove based on available studies or administrative fine of Ten million pesos (P10,000,000.00) per hectare, whichever is higher: Provided, That if the area requires rehabilitation or restoration as determined by the Department, the offender shall also be required to restore or pay for the restoration of the damaged area.

Upon conviction by a court of law, the offender shall pay a base fine of Eighty thousand pesos (P80,000.00), a fine equivalent to the administrative penalties, and shall suffer the penalty of imprisonment of six (6) months and one (1) day to twelve (12) years: Provided, That if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or pay for the restoration of the damage. The offender shall be liable for environmental damages computed at Five hundred thousand pesos (P500,000.00) per hectare per year until the area is restored. (*aa*)

Rule 99.1. Exceptions. – *For purposes of this section, the prohibition on conversion does not apply to any of the following:*

- 1. Areas covered by Fishpond Lease Agreements (FLA), Aquasilviculture Stewardship Contract (ASC) or Gratuitous Permit and other tenurial instruments;*
- 2. Private property not classified as mangrove forest; and*
- 3. Development activities duly covered and approved by competent authorities.*

SEC. 100. Fishing During Closed Season. – It shall be unlawful to fish during closed season.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear and an administrative fine of:

(1) Three times the value of the catch or Twenty thousand pesos (P20,000.00) for municipal fishing, whichever is higher: Provided, That if the offender fails to pay the fine, community service shall be rendered;

(2) Five times the value of the catch or One hundred thousand pesos (P100,000.00), whichever is higher for small-scale commercial fishing;

(3) Five times the value of catch or Three hundred thousand pesos (P300,000.00), whichever is higher for medium-scale commercial fishing; and

(4) Five times the value of catch or Five hundred thousand pesos (P500,000.00), whichever is higher for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of six (6) months and one (1) day to six (6) years, confiscation of catch and gear, and fine twice the amount of the administrative fine and cancellation of license or permit. *(aa)*

Rule 100.1. Scientific Basis. – *The DA-NFRDI and DA-BFAR, in coordination with the concerned stakeholders, LGUs and other government agencies, whenever appropriate, shall conduct resource assessments to determine whether there is a need to establish or continue declaring a closed season for fishing or for the use of some fishing gears and/or methods for some fishery species.*

SEC. 101. Fishing in Marine Protected Areas, Fishery Reserves, Refuge and Sanctuaries. – It shall be unlawful to fish in marine protected areas, fishery reserves, refuge, or fish sanctuaries as declared by the Department or the LGUs.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear, and administrative fine of twice the value of the catch or the amount indicated below, whichever is higher:

(1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, community service shall be rendered;

(2) Two hundred thousand pesos (P200,000.00) for small-scale commercial fishing;

(3) Six hundred thousand pesos (P600,000.00) for medium-scale commercial fishing; and

(4) One million pesos (P1,000,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, violation of this provision shall be punished by imprisonment of two (2) years to six (6) years and a fine twice the amount of the administrative fine, confiscation of catch and gear, and cancellation of license or permit. *(aa)*

Rule 101.1. Maintenance of a Database. – *The DA-BFAR shall consolidate, maintain and update a list of marine protected areas, fishery reserves, refuge and sanctuaries declared by the Department, other government agencies, and LGUs. Such list shall be made available to the public.*

SEC. 102. Fishing or Taking of Rare, Threatened or Endangered Species. – (a) It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.

Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.

(b) It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.

Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.

(c) It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.

Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.

Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.(aa)

Rule 102.1. Scope. – *The prohibition in this Section applies to parts and derivatives of the species. The list of species is appended as Annex I of this IRR. Other species may be added to the list upon recommendation of the Philippine Aquatic Red List Committee created pursuant to Republic Act 9147 of the Wildlife Act, its IRR, and Section 4 of FAO No. 233, Series of 2010, subject to the consultation process stated in Rule 65.2.*

Rule 102.2. Value of Species.– *The National Aquatic Wildlife Management Committee, created under the IRR of the Wildlife Act, shall determine the value of the species based on accepted scientific methodology for the purpose of implementing the pertinent penalties to be imposed on the offender.*

Rule 102.3. Scientific Assessments. – *Scientific assessments, as provided in paragraph (b) of this section, shall be conducted to determine whether the population of the species in the wild cannot remain viable under pressure of collection and trade in accordance with recognized scientific methodologies.*

Rule 102.4. Transplanted Captive-Bred Species. – *Within one (1) year from the effectivity of this IRR, the DA-BFAR, in consultation with stakeholders, shall promulgate the rules and regulations to implement Section 102 (c), subject to the process stated in Rule 65.2.*

SEC. 103. Capture of Sabalo and Other Breeders/Spawners. – It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or sabalo and other breeders or spawners of other fishery species as may be determined by the Department: Provided, That catching of sabalo and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines that shall be promulgated by the Department.

Upon a summary finding of administrative liability, an offender shall be punished with a fine equivalent to five (5) times the value of the sabalo, other breeders, or spawners gathered or captured, or Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture of catch and gear.

Upon conviction by a court of law, the offender shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and a fine equivalent to twice the amount of the administrative fine, forfeiture of catch and fishing equipment used, and suspension or revocation of license. (aa)

SEC. 104. Exportation of Breeders, Spawners, Eggs or Fry. – Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall be punished under this Act: Provided, That the export of hatchery-bred or captive-bred breeder, spawner, egg or fry, may be allowed subject to the regulations to be promulgated by the Department.

Failure on the part of the shipping or forwarding company from whose possession the breeders, spawners, eggs, or fry are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities on the matter shall create a

presumption that there is connivance or conspiracy between the company and the shipper to violate the provisions of this section.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine equivalent to three (3) times the value of the 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 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. (aa)

Rule 104.1. Prohibited Eggs and Fry. – *The eggs and fry, prohibited for exportation under this section, shall refer to viable or live eggs or fry, intended for breeding, propagation or culture purposes.*

Rule 104.2. Exportation of Hatchery-Bred or Captive-Bred Spawner, Egg or Fry. – *The DA-BFAR may allow the exportation of hatchery-bred or captive-bred spawner, egg or fry: provided, that the exporter shall comply with the following requirements:*

- a. *Registration of the hatchery or captive breeding facility;*
- b. *Registration of exporter with DA-BFAR;*
- c. *Issuance of health certificate as may be required by the importing country;*
- d. *Issuance of export commodity clearance; and*
- e. *Clearance of the outgoing commodity at the border inspection.*

Rule 104.3. Full Cooperation of Shipping or Forwarding Company. – *A shipping or forwarding company, in whose possession the breeders, spawners, eggs, or fry are discovered or seized, shall be considered as fully cooperating in the investigation if, upon five (5) days from receipt of a written request by the DA-BFAR, the following documents covering the transactions are submitted:*

- a. *Cargo booking advice;*
- b. *Master airway bill (MAWB) or transfer manifest;*
- c. *Articles of Incorporation/ Partnership or DTI registration;*
- d. *Copy of the latest General Information Sheet/Financial Statement of the corporation;*
- e. *Latest address of exporter on record;*
- f. *Copy of latest statement of account of the exporter;*
- g. *List of employees of exporter on record;*
- h. *Contact numbers of exporter on record; and*
- i. *A written undertaking of the owner of the shipping or forwarding company to provide other assistance, which may include among others, the appearance of any officer of the company during the investigation process.*

SEC. 105. Importation or Exportation of Fish or Fishery Species. – Any importation or exportation of fish or fishery species in violation of this Code shall be unlawful.

Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of five (5) times the value of the species or Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.

Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, That offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department. (aa)

Rule 105.1 Regulation. –*Within one (1) year from the effectivity of this IRR, the DA- BFAR, subject to process stated in Rule 65.2, shall promulgate a regulation identifying the species that are not allowed for export or importation. The list of species shall be regularly updated.*

Rule 105.2. Full Cooperation of Shipping or Forwarding Company. – *A shipping or forwarding company, in whose possession the fish or fishery species imported or exported in violation of the Code or rules, are discovered or seized, shall be considered as fully cooperating in the investigation if, upon five (5) days from receipt of a written request by the DA-BFAR, the documents required in Rule 104.3 shall be submitted.*

SEC. 106. Violation of Harvest Control Rules. – It shall be unlawful for any person to fish in violation of harvest control rules as determined by the Department.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and fishing gear, revocation of license and an administrative fine of:

(1) Three times the value of the catch or Twenty thousand pesos (P20,000.00) for municipal fishing, whichever is higher: Provided, That if the offender fails to pay the fine, community service shall be rendered;

(2) Five times the value of the catch or One hundred thousand pesos (P100,000.00) whichever is higher for small-scale commercial fishing;

(3) Five times the value of the catch or One million pesos (P1,000,000.00), whichever is higher for medium-scale commercial fishing; and

(4) Five times the value of the catch or Five million pesos (P5,000,000.00), whichever is higher, for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of six (6) months and one (1) day to six (6) years and a fine twice the administrative fine, confiscation of catch and fishing gear, and revocation of license. (n)

Rule 106.1. Regulation. – *This Section shall be implemented in accordance with Sections 7 and 8 of this Code, as amended.*

SEC. 107. Aquatic Pollution. – Aquatic pollution, as defined in this Code, shall be unlawful.

Upon a summary finding of administrative liability, the offender shall be punished with fine of Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00) and an additional fine of Fifteen thousand pesos (P15,000.00) per day until the violation ceases and the fines are paid, the imposition of cease and desist order, closure or suspension of the development, construction or facility, or cessation of operations, or disconnection of water supply. The order may be issued ex parte pending resolution of the case.

Upon conviction by a court of law, the offender shall be punished with imprisonment of six (6) years and one (1) day to twelve (12) years and a fine twice the amount of the administrative fine and an additional fine of Fifteen thousand pesos (P15,000.00) per day until the violation ceases and the fines are paid, the imposition of cease and desist order, closure or suspension of the development, construction or facility, or cessation of operations, or disconnection of water supply. The order may be issued ex parte pending resolution of the case. (aa)

Rule 107.1. Creation of Technical Committee. – *A Technical Committee is hereby created and authorized to perform the following functions:*

- a. *Assist the Adjudication Committee in determining whether the activity: results to such deleterious effects as to harm living and non-living aquatic resources; poses potential and/or real hazard to human health; hinders the conduct of aquatic activities, such as fishing and navigation; or constitutes dumping/disposal of waste and other marine litters, or discharge of petroleum, or residual products of petroleum or carbonaceous materials/substances, and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure;*
- b. *Assist the Adjudication Committee in assessing the extent of damage for purposes of imposing the penalty and rehabilitation; and*
- c. *Monitor and ensure compliance with the rehabilitation plan until the area is fully restored.*

Rule 107.2. Composition of the Technical Committee. – *The Technical Committee shall be composed of:*

1. *A representative from the Environmental Management Bureau of the Department of Environment and Natural Resources (DENR);*
2. *A representative from the Philippine Coastguard (Marine Pollution Unit);*
3. *A representative from the NFARMC, to be designated by the NFARMC;*
4. *A representative from the NFRDI; and*
5. *A representative from the academe to be chosen by the academic institutions.*

The members shall be entitled to travel allowance, honorarium, and per diem for their attendance to the meetings, subject to government accounting and auditing rules. The Committee may invite experts to assist in the performance of its functions.

SEC. 108. Failure to Comply with Minimum Safety Standards. – The owner and captain of a commercial fishing vessel engaged in fishing who, upon demand by proper authorities, fails to exhibit or show proof of compliance with the safety standards provided in this Code shall be liable administratively and criminally.

Upon apprehension, the fishing vessel shall be escorted to the nearest port or landing point and prevented from continuing with the fishing activity.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of One hundred thousand pesos (P100,000.00) and suspension or cancellation of permit or license and impoundment of the vessel until the safety standard has been complied with.

Upon conviction by a court of law, the offender shall suffer the penalties of imprisonment from one (1) month and one (1) day to six (6) months and a fine of twice the amount of the administrative fine, suspension or cancellation of permit or license and impoundment of the vessel until the safety standard has been complied with. (n)

Rule 108.1. Regulation. – *Within one (1) year from the effectivity of this IRR, the DA-BFAR, Maritime Industry Authority, Philippine Coast Guard and the National Telecommunications Commission and other relevant agencies, following the process stated in Rule 65.2, shall promulgate a joint administrative order to implement this Section.*

SEC. 109. Failure to Submit a Yearly Report on All Fishponds, Fish Pens and Fish Cages. – It shall be unlawful for owners and operators of fishponds, fishpens and fish cages to fail to submit an annual report to the Department pursuant to Section 57 of this Code.

Upon summary finding of administrative liability, the owner of the fishpond, fishpen or fish cage shall be imposed a fine of Five thousand pesos (P5,000.00) per unreported hectare. In case the fishpond is covered by FLA, non-submission of a report for two (2) consecutive years shall result to its cancellation.

Upon conviction by a court of law, the offender shall be punished with twice the amount of the administrative fine. (aa)

Rule 109.1. Submission of Yearly Report. – *The owners or operators of fishponds, fish pens, and fish cages are required to submit an annual report covering the production during the period from January 1 to December 31. This report shall be submitted not later than January 31 of the succeeding year to the DA-BFAR, through its regional offices. This report shall follow the format prescribed by DA-BFAR attached hereto as Annex II.*

Rule 109.2. Implementation. – *Upon failure of the fishpond, fishpen, and/or fishcage owner to submit the required report, the DA-BFAR may give notice of such deficiency and a grace period of two (2) months from receipt of the notice to comply with the requirement. Otherwise, the appropriate administrative and/or criminal charges shall be filed against such fishpond, fishpen and/or fishcage owner.*

SEC. 110. Gathering and Marketing of Shell Fishes or Other Aquatic Species.– It shall be unlawful for any person to gather, take, sell, transfer, possess, commercially transport, export, forward or ship out any sexually mature shell fish or other aquatic species identified by the

Department, or below the minimum size, or above the maximum quantities prescribed for the species. Other parameters for the protection of heavily traded aquatic species may be promulgated by the Department.

Upon a summary finding of administrative liability, the penalty of an administrative fine equivalent to the value of the species or Fifty thousand pesos (P50,000.00), whichever is higher, and confiscation of the same, cancellation of permit or license shall be imposed upon the offender.

Upon conviction by a court of law, the offender shall be punished by imprisonment from one (1) month and one (1) day to six (6) months and fine equivalent to twice the amount of the administrative fine, and cancellation of the permit or license. *(aa)*

Rule 110.1. Regulation. – *The DA-BFAR, within eighteen (18) months from the effectivity of this IRR, shall promulgate the regulation identifying the heavily traded species covered by this Section and impose the corresponding management measures following the process stated in Rule 65.2.*

SEC. 111. Obstruction to Navigation or Flow or Ebb of Tide in any Stream, River, Lake or Bay. – It shall be unlawful for any person to cause obstruction to navigation or flow or ebb of tide.

Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) and the dismantling of the obstruction, fish corrals/traps, fish pens or fish cages at the expense of the offender.

Upon conviction by a court of law, the offender shall be punished with imprisonment from one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine, confiscation of stocks and dismantling of the obstruction, fish corrals/traps, fish pens or fish cages at the expense of the violator. *(aa)*

Rule 111.1. Regulation. – *Existing fisheries structures not prohibited by law are not considered as obstruction to navigation and free flow of water.*

Rule 111.2. Technical Assistance. – *The DA-BFAR shall provide technical assistance to the LGUs in the implementation of this Section.*

SEC. 112. Non-Compliance with Good Aquaculture Practices. – Fishery operations involving the breeding and farming of fish and other fishery species shall comply with good aquaculture practices and the guidelines for environmentally-sound design and operation for the sustainable development of the aquaculture industry which shall be promulgated by the Department.

Upon a summary finding of administrative liability, the offender who commits any violation of the rules and regulations, or provisions thereof, shall be punished with an administrative fine of Ten Thousand pesos (P10,000.00) to One Hundred Thousand Pesos (P100,000.00) per day until the violation ceases and the fines are paid.

Upon conviction by a court of law, the offender shall be punished with imprisonment of three (3) years and fine of twice the amount of the administrative fine.*(n)*

Rule 112.1. Non-Compliance with Good Aquaculture Practices. –For purposes of this section, non-compliance with good aquaculture practice and environmentally-sound design shall refer to violations of standards, which, after failure of the owner or operator to comply thereto and to adopt the required remedial measures, despite prior written notice of such violations, result into any of the following situations:

- a. 50% mortality of the cultured fish stocks of an aquaculture zone comprised of several contiguous farms owned by different individuals;
- b. Poisoning of wild fish population;
- c. Widespread contamination of pests and diseases; or
- d. Aquatic pollution as defined under this Code.

SEC. 113. Commercial Fishing Vessel Operators Employing Unlicensed Fisherfolk, Fishworker or Crew. – (a) The owner or operator of a commercial fishing vessel employing unlicensed fisherfolk or fishworker or crew shall, upon a summary finding of administrative liability, be fined Four thousand pesos (P4,000.00) for each unlicensed fisherfolk or fishworker or crew and suspension or revocation of license for commercial fishing.

(b) It shall likewise be unlawful for Philippine flagged fishing vessels engaged in distant water fishing to employ unlicensed fisherfolk or fishworker or crew.

The owner and operator of the distant water fishing vessel, upon a summary finding of administrative liability, shall be fined Forty thousand pesos (P40,000.00) for each unlicensed fisherfolk, fishworker or crew and suspension or cancellation of license.

The owner and operator of the commercial fishing vessel or distant water fishing vessel shall upon conviction by a court of law, be fined with twice the amount of the administrative fine and suspension or cancellation of license.(aa)

Rule 113.1. Coverage. – All crew on board a commercial fishing vessel shall be required a Fisherman’s License, except the following:

- a. Captain or Master;
- b. Cook, unless he is also involved in fishing;
- c. Crew declared in the manifest, unless he is also involved in fishing; and
- d. Non-crew passengers declared in the manifest.

Rule 113.2. Documents. –The presentation of an official receipt covering a completed application for renewal of a Fisherman’s License and a certification from the DA-BFAR that the renewal is being processed shall be accepted as proof to negate liability under this Section.

SEC. 114. Obstruction of Defined Migration Paths. – It shall be unlawful for any person to obstruct any defined migration path of anadromous, catadromous and other migratory species.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of One Hundred Fifty Thousand Pesos (P150,000.00) to Five Hundred

Thousand Pesos (P500,000.00), dismantling of the obstruction at the expense of the offender, and the suspension or revocation of the permit or license.

Upon conviction by a court of law, the offender shall be punished with imprisonment of seven (7) years to twelve (12) years and fine of twice the amount of the administrative fine, dismantling of the obstruction at the expense of the offender, and the suspension or revocation of the permit or license. (aa)

Rule 114.1. Scope. – *This Section covers all migratory passages of anadromous and catadromous species as provided in FAO No. 217, Series of 2001, and other migratory passages that may later on be declared or identified.*

SEC. 115. Obstruction to Fishery Law Enforcement Officer. – The fishing vessel owner, master or operator or any other person acting on behalf of any fishing vessel who assaults, resists, intimidates, harasses, seriously interferes with, or unduly obstructs or delays a fishery law enforcement officer, authorized inspector or observer, the deputized fishwarden of the LGU, or any lawfully-boarding government officers, in the exercise of their duties shall be penalized under this Code. Any person who does not allow any authorized officer or an observer to exercise any of the legal duties shall be deemed to be obstructing that officer or person.

Upon a summary finding of administrative liability, the offender shall be punished with cancellation of license or permit and an administrative fine of One Million Pesos (P1,000,000.00) for fishing vessels operating in Philippine waters or Two Million Pesos (P2,000,000.00) for fishing vessels operating beyond Philippine waters.

Upon conviction by a court of law, the offender shall be punished with imprisonment from six (6) months to two (2) years and a fine twice the amount of the administrative fine and cancellation of license or permit. (n)

Rule 115.1. Authorization. – *For purposes of this Section, a fishery law enforcement officer, authorized inspector or observer, a deputized fishwarden of the LGU, or any lawfully-boarding government officers, shall only refer to properly appointed and authorized officer by competent authorities, properly identified as an officer by wearing the proper uniform and/or by possessing an identification card indicating his appointment and authorization. In addition, the law enforcement officer should observe the proper boarding and inspection procedures as provided in the approved manual of operations.*

Rule 115.2. Presumption of Regularity. – *A fishery law enforcement officer, as described above, shall enjoy the presumption of regularity under Section 3(m), Rule 131 of the Rules of Court when enforcing the provisions of this Code and other fishery laws.*

SEC. 116. Non-Compliance with Fisheries Observer Coverage.– (a) It shall be unlawful for Philippine distant water fishing vessel to sail without a fisheries observer on board as required by RFMO conservation and management measures.

(b) It shall be unlawful for commercial fishing vessels to sail without a fisheries observer in compliance with this Code and the rules and regulations promulgated by the Department.

Upon a summary finding of administrative liability, an offender shall be punished with a fine of Five hundred thousand pesos (P500,000.00) and forfeiture of the catch and gear.

Upon conviction by a court of law, the offender shall be punished with imprisonment of one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine, confiscation of catch and suspension or cancellation of license. (n)

Rule 116.1. Coverage. – *The following vessels shall be covered by the observer requirement based on the following schedule and observer rates:*

Vessel tonnage/type of vessel	Schedule from effectivity of the IRR	Observer rate in Philippine pesos
500 GT and above	Within six (6) months	1,200.00
300 to 499 GT	After one (1) year	1,000.00
200.01 to 299 GT	After two (2) years	1,000.00
Domestic purse seine and ring net catcher vessels primarily catching tuna and tuna-like species	During FAD closure period	1,200.00

Provided, that one (1) year from the effectivity of this IRR, the BFAR, in consultation with the stakeholders, shall determine the successive schedules for the vessels not yet covered by the above schedule: Provided further, that in case of development of a new technology that could perform the functions of an observer, then such new technology may be utilized in lieu of an observer.

Rule 116.2. Interpretation. – *For purposes of this Section, an observer is required only upon reaching the fishing ground and during actual fishing operations.*

Rule 116.3. Fisheries Observers Fees and Accommodations. – *The conditions, mechanics, terms of reference, qualifications, code of conduct, cost, fees, accommodation for observer coverage shall be governed by rules promulgated by the Department.*

SEC. 117. Non-Compliance with Port State Measures. – No foreign fishing vessel shall be allowed entry without providing at least twenty-four (24)-hour prior notice. When a foreign fishing vessel is granted entry, failure to provide a catch report shall be deemed unlawful. It shall likewise be unlawful for any person to fail to comply with other rules on port state measures promulgated by the Department in coordination with port state authorities.

Failure to comply with the 24-hour period may result in denial of permission to enter or use of port facilities and the vessel may be subject to onboard inspection and/or impoundment.(n)

Rule 117.1. Implementation. –*This Section shall be implemented in accordance with Section 42 of this Code and its IRR.*

SEC. 118. Failure to Comply with Rules and Regulations on Conservation and Management Measures. – It shall be unlawful for any person to fail to comply with conservation and management measures adopted in rules and regulations to be promulgated by the Department

pursuant to international conventions, RFMO resolutions and laws of coastal states where Philippine vessels fish.

Upon a summary finding of administrative liability, violation of the rules and regulations promulgated by the Department shall be punished with confiscation of catch and suspension or cancellation of license or permit and an administrative fine of twice the value of the catch or the amount indicated below whichever is higher:

- (1) Twenty thousand pesos (P20,000.00) for municipal fishing or community service in case of failure to pay the fine;
- (2) One million pesos (P1,000,000.00) for small-scale commercial fishing;
- (3) Two million five hundred thousand pesos (P2,500,000.00), for medium-scale commercial fishing; and
- (4) Five million pesos (P5,000,000.00), for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of six (6) months and fine twice the amount of the administrative fine, and confiscation of the catch and suspension or cancellation of license. (n)

Rule 118.1. Regulation. –*The DA-BFAR shall promulgate rules and regulations pursuant to conservation and management measures adopted by the RFMOs to which the Philippines is a party or a cooperating non-member.*⁴

Rule 118.2. Database of Conservation and Management Measures. – *The DA-BFAR shall keep and update a database containing international conventions, relevant RFMO resolutions and laws of coastal states where Philippine vessels fish and post the same in its website.*

SEC. 119. Non-Compliance with Vessel Monitoring Measures. – No municipal, commercial or distant water fishing vessel shall engage in fishing activity without complying with the vessel monitoring measures promulgated by the Department in coordination with the LGUs: Provided, That for vessels operating in Philippine waters, only the catcher vessel shall be covered by this requirement. It shall also be unlawful to intentionally tamper with, switch off or disable the vessel monitoring system.

Upon a summary finding of administrative liability, the fishing vessel owner, master or any other person acting on behalf of the vessel owner shall be punished with confiscation of catch, suspension or revocation of the license and an administrative fine equivalent to twice the value of the catch or the amount indicated below, whichever is higher:

- (1) Ten thousand pesos (P10,000.00) for municipal fishing or community service in case of failure to pay the fine;
- (2) Two hundred fifty thousand pesos (P250,000.00) for small-scale commercial fishing;

⁴This can include compatible measures as required by RFMOs.

- (3) Five hundred thousand pesos (P500,000.00) for medium-scale commercial fishing; and
- (4) Two million five hundred thousand pesos (P2,500,000.00) for large-scale commercial fishing.

In case of violation committed in waters beyond national jurisdiction, the administrative fine shall be equivalent to five times the value of the catch or twice the amount indicated above, whichever is higher.

Upon conviction by a court of law, the master or any other person acting on behalf of the vessel owner shall be punished with imprisonment of six (6) months to two (2) years and fine twice the amount of the administrative fine, confiscation of catch and suspension or revocation of the license. (n)

Rule 119.1. Scope of Vessel Monitoring Measures (VMM). – *The VMM shall apply to licensed Philippine flagged fishing vessels operating within and outside Philippine waters as follows:*

- a. *All licensed Philippine flagged commercial catcher and carrier vessels operating outside Philippine waters shall be installed with a two-way ALC.*
- b. *For catcher vessels operating in Philippine waters, the application of VMM shall be determined in consultation with the stakeholders, following the process stated in Rule 65.2.*

Rule 119.2. Implementation of the VMM. – *Based on the following schedule, the VMM requirement shall be implemented for catcher commercial fishing vessels of 30 GT and above operating in Philippine waters:*

Vessel tonnage	Schedule of Implementation from Effectivity of IRR
<i>Above 200 GT</i>	<i>Within Six (6) months</i>
<i>150 to 200 GT</i>	<i>Within one (1) year</i>
<i>100 to 149 GT</i>	<i>Within two (2) years</i>
<i>50 to 99 GT</i>	<i>Within three (3) years</i>
<i>30 to 49 GT</i>	<i>Within four (4) years</i>

Provided, that within one (1) year from the effectivity of this IRR, the DA-BFAR shall determine the appropriate VMM technology and the corresponding schedule to cover the vessels not included in the above schedule, upon consultation with stakeholders, following the process stated in Rule 65.2.

Rule 119.3. Promulgation of Rules. – *The DA-BFAR shall promulgate rules and regulations on the VMM conditions, terms of reference, confidentiality, mechanics, cost, installation, approved types, and restrictions, among others.*

SEC. 120. Constructing, Importing or Converting Fishing Vessels or Gears Without Permit from the Department. – *It shall be unlawful for any person to construct or import fishing vessels or gears or to convert other vessels into fishing vessels without permit from the Department.*

Upon a summary finding of administrative liability, the offender shall be imposed the penalty of an administrative fine of:

- (1) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;
- (2) Five hundred thousand pesos (P500,000.00) for medium-scale commercial fishing; and
- (3) Two million five hundred thousand pesos (P2,500,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine. (n)

Rule 120.1. Regulation. – *This section shall be implemented in accordance with the rules to be promulgated by DA-BFAR on access to fishery resources and harvest control rules.*

SEC. 121. Use of Unlicensed Gear. – Any person who uses a fishing gear or method for commercial fishing without license from the Department shall, upon a summary finding of administrative liability, be fined from Two hundred thousand pesos (P200,000.00) to Five hundred thousand pesos (P500,000.00) per gear depending on the seriousness of the violation.

Upon conviction by a court of law, the offender shall be imposed the penalty of fine from Four hundred thousand pesos (P400,000.00) to One million pesos (P1,000,000.00) depending on the seriousness of the violation.(n)

Rule 121.1. Regulation. – *This Section shall be implemented in accordance with Section 29 of this Code.*

Rule 121.2. Receipt and Certification. – *Official receipts covering an application for renewal of gear license and a certification from the DA-BFAR that the gear license is undergoing renewal shall be accepted as proof of renewal of license pending issuance of the gear license.*

SEC. 122. Falsifying, Concealing or Tampering with Vessel Markings, Identity or Registration. – It shall be unlawful for any person to falsify, conceal vessel identity or lack of registration or tamper with the vessel markings, identity or registration.

Upon a summary finding of administrative liability, the offender shall be imposed the penalty of confiscation of catch and suspension or cancellation of license and an administrative fine of:

- (1) Ten thousand pesos (P10,000.00) for municipal fishing or community service in case of failure to pay the fine;
- (2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;
- (3) One million pesos (P1,000,000.00) for medium-scale commercial fishing; and

(4) Five million pesos (P5,000,000.00) for large-scale commercial fishing.

In case of violation by distant water fishing vessels, the administrative fine shall be twice the amount indicated above.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from two (2) years to six (6) years and a fine equivalent to twice the amount of the administrative fine, confiscation of catch and suspension or cancellation of license. (n)

SEC. 123. Concealing, Tampering or Disposing of Evidence Relating to an Investigation of a Violation. – It shall be unlawful for any person to conceal, tamper or dispose evidence relating to an investigation of a violation.

Upon a summary finding of administratively liability, the offender shall be punished with suspension or cancellation of license and an administrative fine of:

(1) Ten thousand pesos (P10,000.00) for municipal fishing or community service in case of failure to pay the fine;

(2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;

(3) One million pesos (P1,000,000.00) for medium-scale commercial fishing; and

(4) Five million pesos (P5,000,000.00) for large-scale commercial fishing.

In case of violation by distant water fishing vessels, the administrative fine shall be twice the amount indicated above.

Upon conviction by a court of law, the offender shall be imposed the penalty of imprisonment from five (5) years to ten (10) years and fine equivalent to twice the administrative fine, and suspension or cancellation of the license. (n)

SEC. 124. Non-Compliance with the Requirements for the Introduction of Foreign or Exotic Aquatic Species. – It shall be unlawful to import, introduce, or breed, foreign or exotic aquatic species without the conduct of risk analysis and prior approval of the Department.

Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) to Six million pesos (P6,000,000.00) and confiscation and destruction of the foreign or exotic species. Should the species become invasive and result to predation of native aquatic biota, loss of income or damage to the habitat, the offender shall bear the costs of containment, eradication and/or restoration.

Upon conviction by a court of law the offender shall suffer the penalty of imprisonment of six (6) years to (12) years and fine from Four hundred thousand pesos (P400,000.00) to Twelve million pesos (P12,000,000.00), confiscation of foreign or exotic species and the costs for containment, eradication or restoration. (n)

Rule 124.1. Regulations. – *The importation, introduction to the wild, or breeding of foreign or exotic aquatic species or genetically modified aquatic species, their by-products and*

derivatives, shall be governed by the provisions of Republic Act No. 9147 or the Wildlife Act, FAO No. 221, Series of 2003, and Executive Order No. 514, Series of 2006.

Rule 124.2. Risk analysis. – *The DA-BFAR shall review and revise existing protocols on risk analysis on the importation, introduction and breeding of foreign or exotic aquatic species in relation to Section 10 of this Code*

SEC. 125. Failure to Comply with Standards and Trade-Related Measures. – It shall be unlawful for any person to fail to comply with standards for weights, volume, quality and other requirements for all fishery transactions and trade and trade-related measures prescribed by the Department.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two Million Pesos (P2,000,000.00), depending on the seriousness, extent and volume of trade associated with the violation, confiscation of the shipment or fishery products and suspension or revocation of registration or license.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years and a fine from One Hundred Thousand Pesos (P100,000.00) to Four Million Pesos (P4,000,000.00) depending on the seriousness, extent and volume of trade associated with the violation, confiscation of the shipment or fishery products and suspension or revocation of registration or license. (n)

Rule 125.1. Regulation. – *This provision shall be implemented in accordance with Section 62 of this Code and its IRR.*

SEC. 126. Possessing, Dealing in or Disposing Illegally Caught or Taken Fish. – It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Code.

The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor, seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Code.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty Thousand Pesos (P50,000.00) to Two Hundred Thousand Pesos (P200,000.00) or five (5) times the value of fish or species, whichever is higher, and confiscation of the same.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years, and fine of eight (8) times the value of the species or from One Hundred Thousand Pesos (P100,000.00) to Five Hundred Thousand Pesos (P500,000.00), whichever is higher and confiscation of the fish or fishery products and suspension or revocation of registration or license. (n)

Rule 126.1. Mandatory Training. – *The DA-BFAR shall train fish sellers, fish dealers, transporters, importers, or exporters on the detection of fish caught through the use of explosives.*

The training shall be mandatory. The instances when a prima facie presumption shall apply are as follows:

- a. Completion of the training by the offender;*
- b. Failure to complete the training for an unjustifiable cause; or*
- c. Failure to attend despite due notice.*

The LGUs shall ensure that no fish caught through the use of explosives shall be issued an Auxiliary Invoice. The LGU personnel authorized to issue the Auxiliary Invoice shall also undergo the mandatory training.

Rule 126.2. Cooperation in the Investigation. – *The cooperation of the seller, fish dealer, transporter, importer, or exporter of fish, in whose possession any fish or species caught with the use of explosives or noxious or poisonous substances, to pinpoint the source of the fish in an investigation conducted on the matter, shall rebut the prima facie presumption of knowledge.*

Rule 126.3. Exception. – *The prohibited acts mentioned in this Section do not apply to acts undertaken to dispose confiscated fish following seizure or confiscation in accordance with existing rules.*

SEC. 127. Unauthorized Disclosure of Sensitive Technical Information. – *Data from the vessel monitoring system or vessel monitoring measure and other related data arising therefrom shall be considered as sensitive technical information. Any unauthorized disclosure of said data including all other data referred to in Section 155 in this Code, by any person shall be penalized with imprisonment of six (6) months and one day to six (6) years, removal from office and forfeiture of all retirement benefits, where applicable. (n)*

Rule 127.1. Exceptions. – *The following instances are authorized disclosure, provided, the affected party is informed of such disclosure:*

- 1. When officially requested by a government agency to be used as evidence for the prosecution of fishery or other offenses;*
- 2. When requested by the flag, coastal or port state for its own investigation or traceability; and*
- 3. Other analogous circumstances.*

SEC. 128. Other Violations. – *In addition to the prohibitions in this Code, the Department, in consultation with the LGUs, local FARMCs and NFARMC, shall issue fishery administrative orders or regulations for the conservation, preservation, management and sustainable development of fisheries and aquatic resources.*

Violation of administrative orders or regulations promulgated by the Department or any provision thereof shall subject the offender 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. (n)

Rule 128.1. Issuance of New Regulations. – *The DA-BFAR shall observe the process stated in Rule 65.2, on the promulgation of new rules and regulations under this Section.*

SEC. 129. Escalation Clause. – The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines. (n)

Rule 129.1. Application. –*The Escalation Clause shall apply if these two (2) conditions concur:*

1. *The Bangko Sentral ng Pilipinas has determined that there has been inflation in the past three (3) years; and*
2. *The existing fines no longer serve as a deterrent as determined by DA-BFAR following the process stated in Rule 65.2.*

CHAPTER VII ADMINISTRATIVE ADJUDICATION (n)

SEC. 130. Administrative Adjudication. – The Department is hereby empowered to impose the administrative fines and penalties provided in this Code.

For this purpose, the Department shall organize and designate the composition of the Adjudication Committee, which shall be composed of the bureau director as chairperson and four (4) other members to be designated by the Secretary. The Adjudication Committee shall be supported by sufficient number of staff to enable it to perform its mandate.

The Committee shall promulgate rules and regulations for the conduct of administrative adjudication and the disposition of confiscated catch, gears, equipment and other paraphernalia. It shall also issue subpoena duces tecum and ad testificandum in administrative cases before it.

Rule 130.1. Composition and Selection of Members of the Adjudication Committee. – *The Adjudication Committee shall be composed of the Director of DA-BFAR, as Chairperson, and the following four (4) other members to be designated by the Secretary:*

- a. *DA-BFAR Assistant Director for Technical Services;*
- b. *DA-BFAR Assistant Director for Administrative Services;*
- c. *Representative of the municipal fisherfolk sector in the NFARMC; and*
- d. *Representative of the commercial fishing sector in the NFARMC.*

The NFARMC members representing the municipal fisherfolk sector and commercial fishing sector shall choose their respective representative to the Adjudication Committee.

The term of membership of the representatives of the municipal fisherfolk and commercial fishing sectors in the Adjudication Committee shall end upon the expiration of their term as members of the NFARMC; provided that, the incumbent members of the Adjudication Committee shall serve in a holdover capacity until such time that their successors are appointed.

Within fifteen (15) days from designation by the Secretary as members of the Adjudication Committee, the municipal fisherfolk and commercial fishing sector representatives shall fully disclose their interests, or the absence thereof, in fisheries related activities, in an affidavit. Failure to fully disclose shall be a ground for the revocation of the designation of the representative, without prejudice to the designation of another representative to the Adjudication Committee from among the remaining members of the NFARMC representing the sector.

Rule 130.2. Support Staff. – *The Adjudication Committee shall be supported by the following staff:*

- a. Secretariat – The Director shall designate sufficient staff at the national and regional offices of DA-BFAR to provide administrative support to the Adjudication Committee. Upon designation as secretariat staff, the Bureau personnel shall not be assigned any other task related to regulation, licensing or enforcement.*
- b. Hearing Officers – The Adjudication Committee shall designate sufficient number of hearing officers at the national and regional offices to provide assistance in the handling of cases for administrative adjudication, including: reception of all pleadings, except the initiatory pleading or complaint; service of summons, subpoena and other processes; reception and evaluation of evidence; review of records for completeness prior to submission to the Adjudication Committee for decision; and such other responsibilities that the Committee may assign. During the pendency of a case, the Hearing Officers shall not be assigned any other task related to regulation, licensing or enforcement.*

Rule 130.3. Rules of Procedure.– *The Adjudication Committee shall, within three (3) months from its first regular meeting, promulgate rules of procedure for the conduct of administrative adjudication, consistent with this IRR, and after public consultation.*

SEC. 131. Commencement of Summary Administrative Action. – *The Department shall, on its own instance or upon verified complaint by any person, institute administrative proceedings against any person who violates any order, rule or regulation issued by the Department, pursuant to this Code.*

Rule 131.1. Commencement of Administrative Action. – *Administrative action is commenced upon filing of a verified complaint before the Adjudication Committee, through the Secretariat, provided, that in cases initiated by the Bureau, the law enforcement officer shall file the complaint before the Adjudication Committee immediately after completion of the investigation of the violation.*

The verified complaint must be supported by affidavits of witnesses and documentary evidence.

Rule 131.2. Offer to Settle. – Prior to the commencement of any criminal action in court, the violation may be subject to an administrative settlement based on a schedule to be promulgated by the Adjudication Committee; provided, however, that the settlement penalty shall not be lower than thirty percent (30%) of the minimum of the imposable penalty prescribed under the law; Provided, further, that the settlement penalty imposed after the filing of an Answer or responsive pleading but before a decision is rendered, shall not be lower than 50% of the imposable penalty under the law.

An offender may avail of an administrative settlement, as a matter of right, twice within the three-year period of their license. Thereafter, the acceptance of an offer to settle shall be decided upon by the Adjudication Committee.

Rule 131.3. Formula in the Computation of Penalties. – In determining the settlement penalty to be imposed, the following formula shall be used:

$$\text{Settlement Penalty} = \frac{(\text{ACTUAL GT} \div \text{MAX GT}) \times \text{Compromise Rate}}{\text{Minimum Penalty amount}}$$

In case the formula is inapplicable, the rate in Rule 131.2 shall apply.

Rule 131.4. Effect of Entering into a Settlement. – A settlement, through the written offer of the offender, approved by the Adjudication Committee, shall not be considered as an admission of any liability, provided, that an offer to settle made and accepted after the filing of an Answer or any responsive pleading, but before the promulgation of judgment, shall warrant a higher rate.

SEC. 132. Power to Issue Cease and Desist Orders and to Summarily Evict Without the Necessity of Judicial Order. – The Department shall, subject to the requirements of administrative due process, issue cease and desist order/s upon violator/s and to summarily eject, without the necessity of judicial order, the holder of FLA, other tenurial instrument, permit or license from areas of the public domain covered by such FLA, tenurial instrument, permit or license.

Rule 132.1. Cease and Desist Order. – The DA-BFAR Director and the Regional Directors are hereby deputized to issue Cease and Desist Orders upon violators of this Code or other fishery laws, rules and regulations, after compliance with the guidelines promulgated by the Adjudication Committee.

Rule 132. Summary Ejectment Order. – The DA-BFAR Director and the Regional Directors are hereby deputized to issue Summary Ejectment Orders to implement the decision of the Adjudication Committee in FLA-related cases or other cases involving violations of this Code, after compliance with the guidelines promulgated by the Adjudication Committee.

SEC. 133. Authority of the Director of the BFAR or the Duly Authorized Representative to Issue Notice of Violation and Order Confiscation. – In all cases of violations of this Code or other fishery laws, rules and regulations, the Director of the BFAR or the duly authorized representative, may issue notice of violation and order the confiscation of any fish, fishery species or aquatic resources illegally caught, taken or gathered, and all equipment, paraphernalia and gears in favor of the Department, academic institutions or LGUs and to

dispose of the same in accordance with pertinent laws, rules, regulations and policies on the matter.

Rule 133.1. Notice of Violation. – *The authorized representatives of the Bureau shall issue Notices of Violation (NOV) of this Code or other fishery laws, rules and regulations immediately upon apprehension or arrest of the offender. The NOV shall be issued to the offender, owner on record of the vessel or gear. The arresting officer shall ensure receipt of the NOV.*

Rule 133.2. Seizure Receipt. – *A Seizure Receipt shall be issued to the offender together with the NOV containing an inventory of fish, fishery species or aquatic resources that are subjects or proceeds of the offense committed and all fishing equipment, paraphernalia and gears that may be confiscated as provided for by law. Such receipt shall be signed by the authorized representative of the Bureau and a witness.*

A Proof of Receipt, attesting to the fact that the offender was issued an NOV, and a Seizure Receipt, shall likewise be prepared by the authorized representative of the DA-BFAR, for the signature of the offender; Provided that, if the offender refuses to sign the receipt, such fact shall be indicated in the document and attested to by the authorized representative of the Bureau and a witness.

Rule 133.3. Effect of the Issuance of a Notice of Violation. – *A Notice of Violation shall inform the apprehended party of the offense committed, the imposable penalties for the violation, the fact that he will be charged administratively before the Adjudication Committee, and that he may offer a settlement in accordance with these rules. Provided, that upon offer and acceptance of an offer to settle, the offender will not be administratively charged before the Adjudication Committee.*

Rule 133.4. Effect of the Issuance of a Seizure Receipt. – *The seizure receipt:*

1. *Allows the authorized representatives to seize any fish, fishery species or aquatic resources illegally caught, taken or gathered on behalf of the government, for distribution to LGUs, orphanages, homes for the aged, and similar charitable institutions, as they may deem appropriate, after the proper documentation necessary for adjudication and/or litigation purposes have been taken.*
2. *Allows the authorized representatives to seize on behalf of the government, regardless of a settlement, the following:*
 - a. *fish, fishery species or its products or by-products prohibited by law to be possessed, transported or traded;*
 - b. *fishing equipment, paraphernalia or gears prohibited by law to be used in fishing;*
 - c. *fishing equipment, paraphernalia or gears prohibited by law to be possessed, transported or traded without the necessary permit;*
 - d. *fish, fishery species, aquatic resources, its products or by-products, fishing gear, equipment or paraphernalia abandoned by the offender during the conduct of law enforcement operations; and*
 - e. *other items prohibited by law.*

Rule 133.5. Disposition of Confiscated Items. – *The confiscated items shall be disposed as follows:*

1. *Turn-over living aquatic wildlife to the aquatic wildlife rescue centers recognized by the DA-BFAR for rehabilitation before release to the wild;*
2. *Turn-over dead aquatic wildlife to the nearest DA-BFAR Regional or Provincial Fisheries Office; and*
3. *Dispose confiscated gears, paraphernalia and equipment, in accordance with the guidelines to be promulgated by the Adjudication Committee.*

SEC. 134. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions. – No injunction or restraining order from the Municipal Trial Courts and Regional Trial Courts shall lie against the Department and BFAR upon the *ex parte* motion or petition filed by any person or entity in the exercise by the Department and BFAR of its regulatory functions in support of the implementation of this Code.

Rule 134.1. Prohibition of Issuance of TRO, Preliminary Injunction, and Preliminary Mandatory Injunction. – *Except the Supreme Court, no court can issue a TRO or a writ of preliminary injunction against lawful actions of government agencies that enforce the Fisheries Code or prevent the violations thereof.*

SEC. 135. Accompanying Administrative Sanctions for Serious Violations. – The Adjudication Committee may impose the following additional sanctions to the administrative penalties imposed for serious violations:

- (1) confiscation of fishing gear;
- (2) impoundment of fishing vessel;
- (3) temporary suspension or permanent revocation of license or permit;
- (4) temporary or permanent ban from the availment of applicable duty and tax rebates;
- (5) inclusion in the IUU fishing vessel list;
- (6) denial of entry and other port services;
- (7) blacklisting; and,
- (8) increase in the amount of fines but not to exceed five (5) times the value of the catch. In case of repeated violations within a five-year period, the amount of fine may be increased up to eight (8) times the value of the catch.

During the pendency of the administrative or the criminal case, the Department may impound the vessel/conveyance, gear and other paraphernalia used in the commission of the offense.

In applying these accompanying sanctions, the Department shall take into account the seriousness of the violation as defined in Paragraph 82 of Section 4 of this Code, the habituality or repetition of violation, manner of commission of the offense, severity of the impact on the fishery resources and habitat, socioeconomic impact, cases of concealment or destruction of evidence, eluding arrest, resisting lawful orders, and other analogous circumstances.

The overall level of sanctions and accompanying sanctions shall be calculated in a manner that is proportionate, effective and dissuasive to deprive the offender of the economic benefits derived from the serious violation.

Rule 135.1. Habituality. – For purposes of determining habituality in the imposition of additional sanctions for serious violations, a habitual offender is a person who had previously been convicted or found administratively liable, of the same offense or of three (3) serious violations within a period of three (3) years.

SEC. 136. Lien Upon Personal and Immovable Properties of Violators. – Fines and penalties imposed pursuant to this Code shall constitute a lien upon the personal and immovable properties of the violator.

Rule 136.1. Lien upon Personal and Immovable Properties of Violators. – The order of preference of credit as provided for by existing laws shall be respected. The execution of liens shall be in accordance with the Rules of Court.

SEC. 137. Community Service. – In case the offender is a municipal fisherfolk or has no property over which the Department may impose the fines and penalties prescribed for the offense, community service may be rendered in lieu of the fine. The Department shall promulgate the rules and regulations for this purpose, taking into account that the service should be rendered in accordance with needs of the community where the offense is committed and computed based on the fine and the prevailing minimum wage in the community, among others.

Rule 137.1. Application. – The Adjudication Committee shall promulgate the rules regarding the imposition of the alternative penalty of community service in lieu of the fines and penalties prescribed for the offenses. The Adjudication Committee may impose the alternative penalty of community service only upon the application of the offending municipal fisherfolk or upon the application and proof by an offender who has no property.

Rule 137.2. Type of Community Service.– In imposing the alternative penalty of community service, the adjudication committee shall prioritize those types of community service that relate to fishery or fishery resource management and conservation.

Rule 137.3. Examples of Community Services. – Community services may include:

- a. planting of mangroves in mangrove areas or river embankments;
- b. rendering services for a certain period to a community-managed mangrove nursery, marine finfish hatchery or community fish landing center;
- c. capacitating the fisherfolks and their families, in the community where the offense was committed, through the conduct of alternative livelihood seminars, free health programs/ medical missions, or provision of educational materials/supplies;
- d. developing an information, education campaign material on fishery and fishery resource management and conservation and disseminating the same;
- e. participating in or undertaking a coastal clean-up operation; or
- f. organizing other activities that will redound to the benefit of the community where the violation was committed.

SEC. 138. Citizen's Suits. – For the purposes of enforcing the provisions of this Code and its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

(a) Any person who violates or fails to comply with the provisions of this Code, and its implementing rules and regulations;

(b) The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and

(c) Any public officer who willfully or grossly neglects the performance of a duty specifically enjoined by this Code and its implementing rules and regulations; or abuses authority in the performance of duty; or, in any manner improperly performs duties under this Code and its implementing rules and regulations: *Provided, however,* That no suit can be filed until after fifteen (15) days notice has been given the public officer and the alleged offender and no appropriate action has been taken thereon.

Rule 138.1. Process. – *The filing of citizen's suits in an administrative proceeding shall be in accordance with the rules to be promulgated by the Adjudication Committee.*

SEC. 139. Strategic Lawsuit Against Public Participation (SLAPP) in the Enforcement of this Act. – A legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that any person, institution, or the government has taken or may take in the enforcement of this Code shall be treated as a Strategic Lawsuit Against Public Participation (SLAPP).

The hearing on the defense of a SLAPP shall be summary in nature, the affirmative defense of a SLAPP shall be resolved within thirty (30) days after the summary hearing. If the court dismisses the action, the court may award damages, attorney's fees, and costs of suit under a counterclaim if such has been filed. The dismissal shall be with prejudice.

If the court rejects the defense of a SLAPP, the evidence adduced during the summary hearing shall be treated as evidence of the parties on the merits of the case. The action shall proceed in accordance with the Rules of Court.

The Rules of Procedure for Environmental Cases shall govern the procedure in civil, criminal, and special civil actions involving the enforcement or violations of this Code including actions treated as a SLAPP as provided in this section.

Rule 139.1. SLAPP in the Enforcement of the Code. – *The provisions of Rules 6 and 19 of the Rules of Court for Environmental Cases apply.*

SEC. 140. Fisheries National Administrative Register. – The Adjudication Committee shall enter in a Fisheries National Administrative Register, which shall be publicly available, all decisions, resolutions or orders involving violations of this Code, particularly serious violations committed by Philippine flagged vessels or by Philippine nationals and cases on poaching or involving foreigners, including the penalties imposed.

Rule 140.1. Development of a Fisheries National Administrative Register. – *The Adjudication Committee, within three (3) months from the effectivity of this IRR, shall develop and maintain a Fisheries National Administrative Register.*

CHAPTER VIII GENERAL PROVISIONS

SEC. 141. Fisherfolk Settlement Areas.— The Department shall establish and create fisherfolk settlement areas in coordination with concerned agencies of the government, where certain areas of the public domain, specifically near the fishing grounds, shall be reserved for the settlement of the municipal fisherfolk. Nothing in this section shall be construed to vest ownership of any resettlement area to a municipal fisherfolk for whom said areas may have been reserved for or had been actually granted to.

Rule 141.1. Fisherfolk Settlement Areas. – *The DA-BFAR in coordination with Department of Agrarian Reform (DAR), DILG and other agencies concerned, shall establish a fisherfolk settlement area that shall be seen in the context of an integrated, holistic and self-reliant community to include alternative source of income.*

SEC. 142. Fisheries Management Fund. – A Fisheries Management Fund is hereby established to enhance the budget for: the conservation, preservation, protection, management, development and regulation of the fishery and aquatic resources; research and development and capability building of the various stakeholders including provision for scholarships; supplementary livelihood for poverty alleviation; and improvement of productivity and processes of the various stakeholders. It shall be administered by the Bureau of Fisheries and Aquatic Resources as a special account in any government financial institution.

It shall be funded from administrative fines and penalties imposed under this Code, from the proceeds of the sale of forfeited fish, fishing gears, paraphernalia and fishing vessels, and contributions in the form of endowments, grants and donations to the fund, which shall be exempted from donor and other taxes, charges or fees imposed by the government.

The Fund shall be exclusively utilized as follows:

(a) fifteen percent (15%) for the purchase, upgrade and maintenance of vessels, communication and other equipment used for the monitoring, control and surveillance of Philippine waters and distant water fishing;

(b) five percent (5%) for the payment of litigation expenses, cost of conveyance of witnesses and other costs due to cases filed by or against the Republic of the Philippines in international courts arising from the implementation of this Code or where apprehending party or parties become respondents or defendants in any tribunal or court of law;

(c) twenty-five percent (25%) for the operating costs and capacity building of the NFARMC, IFARMCs and C/MFARMCs and payment for the cost of rehabilitation, medical expenses for injury, or indemnity for death of law enforcement officers, including deputized volunteers, distributed as follows: five percent (5%) to the NFARMC, five percent (5%) to all IFARMCs, five percent (5%) to all C/MFARMCs, and ten percent (10%) to C/MFARMCs for the apprehension and successful prosecution of a fisheries offense;

(d) five percent (5%) for the continued upgrading of laboratory facilities and equipment;

(e) five percent (5%) for the research and development activities of the NFRDI;

(f) five percent (5%) for the capability development of BFAR personnel, deputized law enforcement agencies and volunteers, and stakeholders;

(g) ten percent (10%) for scholarship grants for children of fisherfolks and fishworkers in fish catch, aquaculture, fishing and fish processing;

(h) fifteen percent (15%) for livelihood programs for production enhancement and poverty alleviation; and

(i) fifteen percent (15%) for assistance to fishermen in the form of shared facilities. (n)

Rule 142.1. Fisheries Management Fund. – *The DA-BFAR shall coordinate with the Department of Budget and Management (DBM) in the implementation of this Section within one (1) year from the effectivity of this IRR.*

Rule 142.2. Recipients. – *Fifty percent (50%) of the fines, penalties, and proceeds, shall be allocated to the area where the violation was committed.*

SEC. 143. Municipal Fisheries Grant Fund. – For the development, management and conservation of the municipal resources, there is hereby created a Fishery Grant Fund to finance fishery projects of the LGUs primarily for the upliftment of the municipal fisherfolk. The amount of One Hundred Million Pesos(P100,000,000.00) is hereby appropriated out of the Department's allocation in the General Appropriations Act (GAA) to support the Grant Fund.

For this purpose, the Department may seek financial assistance from any source and may receive any donations therefore.

SEC. 144. Fishery Loan and Guarantee Fund. – Pursuant to Section 7, Article XIII of the Constitution, there is hereby created a Fishery Loan and Guarantee Fund with an initial of One Hundred Million Pesos (P100,000,000.00), which shall be administered by the Land Bank of the Philippines. The fund shall be made available for lending to qualified borrowers to finance the development of the fishery industry under a program to be prescribed by the Department

For the same purpose, the Department may seek financial assistance from any source and may receive donation therefrom.

SEC. 145. Fishing Vessels Development Fund. – There is hereby created a Fishing Vessels Development Fund to enhance the building and/or acquisition of fishing vessels. This shall be a long-term loan facility that shall be administered by the Development Bank of the Philippines. The amount of Two hundred and fifty million pesos (P250,000,000.00) per year for five (5) years is hereby appropriated out of the Department's allocation in the GAA to support this Development Fund.

SEC. 146. Special Fisheries Science and Approfishtech Fund. – The Department shall provide subsidy for full technical and financial support to the development of appropriate technology, both in fishery and ancillary industries, that are ecologically sound, locally source-based and labor intensive, based on the requirement and needs of the FARMCs. An initial amount of One Hundred Million Pesos (P100,000,000.00) shall be authorized for the

purpose of a Special Fisheries Science and Appropfishtech Fund, and thereafter shall be included in the GAA.

SEC. 147. Aquaculture Investment Fund. – An Aquaculture Investment Fund in the minimum amount of Fifty Million Pesos (P50,000,000.00) shall be established for soft loans which shall be extended to municipal fisherfolk and their organization who will engage in aquaculture, and for the development of underdeveloped or underutilized inland fishponds.

SEC. 148. Other Fisheries Financing Facilities. – In addition to fisheries credit guarantee, grant and other similar facilities granted under this Code, qualified Filipino fisherfolk and fisheries enterprises shall enjoy such other facilities granted them under existing and/or new laws, especially as to rural credit, with preference being given to fisheries cooperatives.

Rule 148.1. Grant Funds and Other Fisheries Financing Facilities. – *The DA-BFAR, in coordination with the DBM, shall propose in its budget, the amount stated in Sections 143 to 148 and implement a comprehensive Grant Fund program following the Bottom-up-Budgeting (BUB) approach to implement the aforementioned sections subject to government accounting and auditing rules and regulations.*

SEC. 149. Professionalization of Fisheries Graduates. – There is hereby created a Fisheries Board of Examiners in the Professional Regulation Commission to upgrade the Fisheries Profession: Provided, however, That those who have passed the Civil Service Examination for Fisheries shall automatically be granted eligibility by the Fisheries Board of Examiners: Provided, further, That they have served the industry in either public or private capacity for not less than five (5) years: Provided, finally, That the first Board Examination for B.S. Fisheries Graduates shall be conducted within one (1) year from the approval of this Code.

Rule 149.1. Implementation. – *Existing regulations implementing this Section shall be observed. A review thereof and/or amendment may be undertaken to enhance the professionalization of fisheries graduates.*

SEC. 150. Upgrading of the State Fisheries Schools/Colleges. – The Department, in coordination with the Commission on Higher Education (CHED), Department of Education, Culture and Sports (DECS), and Technical Education and Skills Development Authority (TESDA), shall upgrade State Fisheries Schools/Colleges which provide both formal and non-formal education : Provided, however, That the CHED shall incorporate Appropfishtech in the curricula of fisheries schools/colleges.

The Department and the CHED shall jointly formulate standards to upgrade all fisheries schools/colleges. Fisheries schools/colleges that do not meet minimum standards shall be closed.

Rule 150.1. Implementation. – *The DA-BFAR shall coordinate with the appropriate agencies to implement this Section.*

SEC. 151. Inclusion of Fisheries Conservation Subjects in School Curriculum. – Fisheries conservation subjects shall be incorporated in the curricula of elementary and secondary schools both private and public.

Rule 151.1. Implementation. – *The DA-BFAR, shall coordinate with the DepEd, to implement this Section.*

SEC. 152. Educational Campaign at all levels. – The DA-BFAR, the CHED, the DECS and the Philippine Information Agency shall launch and pursue a nationwide educational campaign to:

- a. help realize the policies and implement the provisions of this Code;
- b. promote the development, management, conservation and proper use of the environment.
- c. promote the principle of sustainable development; and
- d. promote the development of truly Filipino-oriented fishing and ancillary industries.

Rule 152.1. Information Campaign. – *The DA-BFAR shall launch and sustain an information campaign on sustainable development, fisheries conservation, management and development.*

Rule 152.2. Training. – *The DA-BFAR, shall conduct directly or through accredited institutions, seminars on fishery laws, guidelines on apprehension of illegal fishing and poaching and trainings on value orientation to the PN, PCG, PNP, PNP-Maritime Group, law enforcement officers of the LGUs and other government enforcement agencies, which under Section 158 are authorized to enforce this Code and other fishery laws, rules and regulations.*

SEC. 153. Infrastructure Support. – The Department in cooperation with concerned agencies shall:

- a. prepare and implement a nationwide plan for the development of municipal fishing ports and markets;
- b. prioritize the construction of farm-to-market roads linking the fisheries production sites, coastal landing points and other post-harvest facilities to major market and arterial roads/highways;
- c. identify community infrastructure facilities such as fish landing points, ice plants and cold storage facilities in consultation with fishery cooperatives/associations and prepare plans and designs for their construction that would be consistent with international environmental standards and occupational safety in sanitation and environmental impact;
- d. establish and maintain quality laboratories in major fish ports and prescribe the highest standards for the operation and maintenance of such post-harvest facilities;
- e. arrange and make representations with appropriate funding institutions to finance such facilities for the use of the fishery cooperatives/associations.
- f. develop and strengthen marketing facilities and promote cooperative marketing systems; and
- g. promote and strengthen local fisheries ship-building and repair industry.

Rule 153.1. Municipal Fishing Ports Plan. – *The DA, through PFDA, in coordination with BFAR and other government agencies, shall prepare and implement a nationwide plan for the development of municipal fishing ports and other infrastructure facilities.*

Rule 153.2. Laboratories. – *DA-BFAR, in coordination with PFDA, shall establish and*

maintain quality control laboratories consistent with international standards on safety and sanitation.

SEC. 154. Extension Services. – The Department shall develop cost-effective, practical and efficient extension services on a sustained basis, in addition to those provided by state educational institutions, especially to municipal fisherfolk in undeveloped areas, utilizing practicable and indigenous resources and government agencies available, and based upon a system of self-reliance and self-help.

Rule 154.1. *National Fisheries Extension Program.* – *The DA-BFAR, in cooperation with concerned agencies, within one (1) year from the effectivity of this IRR, shall develop and implement a National Fisheries Extension Program to implement this Section.*

SEC. 155. Protection of Sensitive Technical Information. – The Department shall take such measures as may be necessary in order to protect trade, industrial and policy information of Filipino fisherfolk, fisheries owners/operators, entrepreneurs, manufacturers, and researchers, when disclosure of such information will injure the competitiveness or viability of domestic fisheries.

Rule 155.1. *Implementing Guidelines.* – *The DA-BFAR shall coordinate with the Department of Trade and Industry, DOST and other concerned agencies to implement this Section.*

SEC. 156. Assistance in Collecting Information. – The Department, in coordination with other government entities concerned, may require Filipino representatives abroad and foreign-based personnel to assist in the collection of fisheries data and information.

Rule 156.1. *Implementing Guidelines.* – *The DA-BFAR, shall coordinate with DFA and other concerned agencies to implement this Section.*

SEC. 157. Charting of Navigational Lanes and Delineation of Municipal Waters. - The Department shall authorize the National Mapping and Resource Information Authority (NAMRIA) for the designation and charting of navigational lanes in fishery areas and delineation of municipal waters. The Philippine Coast Guard shall exercise control and supervision over such designated navigational lanes.

Rule 157.1. *Delineation of Municipal Waters.* – *Recognizing that all municipal waters have not yet been delineated, the DA-BFAR shall issue guidelines for the delineation of all municipal waters in the Philippines following the process stated in Rule 65.2.*

Rule 157.2. *Navigational Lanes.* – *The DA-BFAR, shall facilitate the designation and charting of navigational lanes in fishery areas, by convening an Inter-Agency Committee composed of NAMRIA, PN, PCG, MARINA, other concerned agencies and the NFARMC.*

Rule 157.3. *Mapping.* – *The DA-BFAR, in coordination with the NAMRIA and with the participation of local government units concerned shall determine the outer limits of the municipal waters. Overlapping boundaries in municipal waters shall be governed by the Rules embodied in this law and the Local Government Code of 1991.*

Rule 157.4. *Navigational Charts.* – *Charts of navigational lane and outer limits of municipal*

waters shall be produced, published and regularly updated by NAMRIA.

Rule 157.5. Funding. – *The Department, through DBM, shall allocate sufficient funds for these purposes.*

SEC. 158. Persons and Deputies Authorized to Enforce this Code and Other Fishery Laws, Rules and Regulations. – The law enforcement officers of the Department, the Philippine Navy, the Philippine Coast Guard, Philippine National Police (PNP), PNP- Maritime Command, law enforcement officers of the LGUs and other government enforcement agencies, are hereby authorized to enforce this Code and other fishery laws, rules and regulations. Other competent government officials and employees, punong barangays and officers and members of fisherfolk associations who have undergone training on law enforcement may be designated in writing by the Department as deputy fish wardens in the enforcement of this Code and other fishery laws, rules and regulations.

Rule 158.1. Enforcement of Fishery Laws in Municipal Waters. – *The LGUs shall have authority over municipal waters to enforce all fishery laws, rules and regulations as well as valid fisheries ordinances enacted by the municipality/city council and may seek the assistance of the Department, through the BFAR, in the training of the Bantay-Dagat Task Force in fishery laws, apprehension techniques and gathering of evidence.*

Rule 158.2. Enforcement of Fishery Laws in Philippine Waters. – *The rules in Section 14 shall apply to fishery law enforcement in Philippine waters.*

Rule 158.3. Manuals. – *The DA-BFAR, in coordination with DFA, DILG, DND-PN, DOTC-PCG and MARINA, DOJ and the Bureau of Immigration (BI), DOF-Bureau of Customs (BoC), NTC, PNP-Maritime Group and other concerned agencies, shall formulate and issue manual of procedures for the apprehension, investigation and prosecution of violations of fishery laws.*

SEC.159. Strengthening Prosecution and Conviction of Violators of Fishery Laws. – The Department of Justice (DOJ) shall embark on a program to strengthen the prosecution and conviction aspects of fishery law enforcement through augmentation of the current complement of state prosecutors and through their continuous training and reorientation on fishery laws, rules and regulations.

Rule 159.1. Technical Assistance to the Department of Justice (DOJ). – *The Department shall assist the DOJ in strengthening the prosecution and conviction aspects of fishery law enforcement by providing technical manuals on the gathering of evidence of illegal fishing and apprehension techniques.*

SEC. 160. Foreign Grants and Aids. – All foreign grants, aids, exchange programs, loans, researches and the like shall be evaluated and regulated by the Department to ensure that such are consistent with the Filipinization, democratization and industrialization of fishing industry and the development of the entire country.

SEC. 161. Mandatory Review. – The Congress of the Philippines shall undertake the mandatory review of this Code at least once every five (5) years and as often as it may deem necessary, to ensure that fisheries policies and guidelines remain responsive to changing circumstances.

CHAPTER IX TRANSITORY PROVISIONS

SEC. 162 .Moratoria. – 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 this Code.

Rule 162.1. Implementing Guidelines. – *The DA-BFAR, shall identify area or areas in Philippine waters, which are overfished and declare a moratorium on the issuance of licenses for fishing vessels which operate in such fishing areas.*

SEC. 163.Formulation of Implementing Rules and Regulations. –[An Inter-agency Committee is hereby created to formulate rules and regulations for the full implementation of this Code within ninety (90) days of its effectivity: Provided, however, that the formulated rules and regulations shall be submitted to both Houses of Congress for information and guidance. Such rules and regulations shall take effect upon publication in a newspaper of general-circulation.

The Inter-agency Committee shall be composed of the following:

- a. Secretary of Agriculture as Chairman;
- b. Secretary of the Interior and Local Government;
- c. Secretary of Environment and Natural Resources;
- d. Secretary of Justice;
- e. Secretary of Finance;
- f. Secretary of Budget and Management;
- g. Secretary of Labor and Employment;
- h. Secretary of National Defense;
- i. Commissioner of Civil Service Commission;
- j. Director of the Bureau of Fisheries and Aquatic Resources;
- k. Executive Director of PCARMD;
- l. General Manager of PFDA;
- m. 1 Representative from each of the following:
 - a.1. the league of provinces;
 - a.2. the league of cities;
 - a.3. the league of municipalities;
 - a.4. the liga ng mga barangay;
- n. Representative of the municipal fisherfolk;
- o. Representative of the commercial fishers;
- p. Representative of the non-government organizations involved in fishing concerns; and

q. A representative from the academe coming from the specialized fisheries institutions.]

The Department of Agriculture, in consultation with concerned government agencies and stakeholders, shall promulgate the implementing rules and regulations of this Act, within six (6) months from the effectivity of this Act. (aa)

CHAPTER X FINAL PROVISIONS

SEC. 164. Appropriation. – The sum necessary to effectively carry out the provisions of this Act during the first year of implementation shall be sourced from the budget of the DA/BFAR and other agencies performing fisheries-related functions: Provided, however, That such amount as may be necessary to carry out the provisions of Sections 79, [109] 143, [110] 144, [111] 145, [112] 146, and [113] 147 are hereby appropriated out of the unappropriated funds of the National Treasury. The Congress of the Philippines shall provide for the appropriations of the Department, the NFRDI and the Fisheries Scholarship Program for the succeeding years to be included in the annual GAA.

Rule 164.1. Appropriation. – *The DA-BFAR, in coordination with the DBM, shall propose the necessary funds in its budget in the GAA to implement Sections 79, 143, 144, 145, 146, and 147.*

SEC. 165. Repealing Clause. – Presidential Decree No. 704, as amended by Presidential Decree Nos. 1051 and 1058, Presidential Decree No. 977, amended, Executive Order No. 967, Series of 1984, Executive Order No. 116, Series of 1987, Executive Order No. 292, Series of 1987, Executive Order No. 473, Series of 1991 and other existing laws except Republic Act No. 7611, decrees, executive orders, and rules and regulations or parts thereof, which are inconsistent with this Code are hereby repealed or modified accordingly.

SEC. 166. Separability Clause. – If any portion or provision of this Code is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

SEC. 167. Effectivity. – This Code shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general publication.

Signed this 22nd day of September 2015, in Quezon City, Philippines.



PROCESO J. ALCALA
Secretary
Department of Agriculture

Recommended by:



ATTY. ASIS G. PEREZ
DA Undersecretary for Fisheries and
Chairperson, NFARMC

ANNEX I
LIST OF RARE, THREATENED AND ENDANGERED SPECIES
(Pursuant to Fisheries Administrative Order No. 208 series of 2001)

A. RARE SPECIES

1. *Gastropods:*

<u>Scientific Name</u>	<u>English Name</u>
<i>Bolma girgyllus</i>	Girgyllus star shell
<i>Clypeomorus aduncus</i>	Bent cerith
<i>Recluzealutea</i>	recluzia snail
<i>Separatistablainvilliana</i>	true separatista
<i>Malluviumlissus</i>	deep sea cap
<i>Strombusthersites</i>	thersitestromb
<i>Varicospira crispate</i>	network beak shell
<i>Tibia martini</i>	Martini's tibia
<i>Cypraeachildreni</i>	children's cowrie
<i>Cypraea beckii</i>	Beck's cowrie
<i>Cypraea guttata</i>	great spotted cowrie
<i>Cypraeaporteri</i>	porter's cowrie
<i>Cypraeateramachii</i>	Teramachi's cowrie
<i>Cypraea martini</i>	Martini's cowrie
<i>Cypraeasaulae</i>	Saul's cowrie
<i>Cypraeakatsuae</i>	Katsue's cowrie
<i>Cypraealeucodon</i>	white toothed cowrie
<i>Cypraea aurantium</i>	golden cowrie
<i>Cypraeavalentia</i>	Prince cowrie
<i>Phenacovolvadancei</i>	dance volva
<i>Cypraeacassirufa</i>	bullmouth helmet
<i>Phaliumcoronadoiwyvillei</i>	Wyville's bonnet
<i>Phaliumglabratumglabratum</i>	smooth bonnet
<i>Morumkurzi</i>	Kurzi'smorum
<i>Morumgrande</i>	giant morum
<i>Morumwatsoni</i>	Watson's morum

2. *Bivalves:*

<i>Amusiumobliteratum</i>	smudged moon scallop
<i>Eufistulanamumia</i>	club-shaped boring clam

B. THREATENED SPECIES - A general term which may be used to describe a fishery or aquatic species the population of which is endangered, vulnerable or rare

1. *Gastropods*

<u>Scientific Name</u>	<u>English Name</u>	<u>Local Name</u>
<i>Turbo marmoratus</i>	green snail	laong, bulatok
<i>Trochusniloticus</i>	smooth top shell	samong; simong; tuwad
<i>Barneamanilensis</i>	angel wing shell	diwal

2. *Crabs*

<i>Birguslatro</i>	coconut crab	tatus, umang; alimangonglupa
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C. ENDANGERED SPECIES

1. *Whales and dolphins*

<u>Scientific Name</u>	<u>English Name</u>	<u>Local Name</u>
<i>Stenellalongirostris</i>	spinner dolphin	lumba-lumba
<i>Stenella attenuata</i>	Pantropical spotted dolphin	lumba-lumba; balakiki
<i>Stenellacoeruleoalba</i>	striped dolphin	lumba-lumba
<i>Lagenodelphishosei</i>	Fraser's dolphin	mayahon
<i>Tursiops truncatus</i>	long-snouted bottle-nose dolphin	lumba-lumba, lumod
<i>Grampus griseus</i>	Risso's dolphin	lumba-lumba; kabang
<i>Peponocephalaelectra</i>	melon-headed whale	lumod
<i>Feresaattenuata</i>	pygmy killer whale	lumod
<i>Globicephalamacrorhynchus</i>	short-finned pilot whale	pakatang-ambuhatan
<i>Pseudorca crassidens</i>	false killer whale	balyena
<i>Orcinus orca</i>	killer whale	balyena
<i>Steno bredanensis</i>	rough toothed dolphin	lumba-lumba
<i>Kogiabreviceps</i>	pygmy sperm whale	balyena
<i>Kogiasimus</i>	dwarf sperm whale	balyena
<i>Mesoplodondensirostris</i>	Blainville's beaked whale	balyena
<i>Ziphiuscavirostris</i>	Cuvier's beaked whale	balyena
<i>Physeter macrocephalus</i>	sperm whale	balyena
<i>Megapteranovaeangliae</i>	humpback whale	balyena
<i>Balaenopteraedeni</i>	Bryde's whale	balyena, bongkaras
<i>Balaenoptera physalus</i>	fin whale	balyena
2. Clams:		
<i>Tridacnagigas</i>	true giant clam	taklobo
<i>T. derasa</i>	smooth giant clam	taklobo
<i>T. squamosa</i>	fluted/scaly giant clam	hagdan-hagdan
<i>T. maxima</i>	elongated giant clam	manlet; manlot
<i>T. crocea</i>	boring/crocus clam	let-let
<i>Hippopus hippopus</i>	strawberry/horse hoof clam	kukongkabayo
<i>H. porcellanus</i>	china/porcelain clam	kukongkabayo
3. Sea snakes		
<i>Cerberus rhynchops</i>	dogfaced water snake	kalabukab

ANNUAL REPORT ON FISHPOND DEVELOPMENT, OPERATION & PRODUCTION
 FROM _____ TO _____

The Director
 Bureau of Fisheries and Aquatic Resources
 PCA Bldg., Elliptical Road corner Commonwealth Avenue
 Diliman, Quezon City

Sir :

I have the honor to submit herewith the annual report on the extent of development, operation and production of the fishpond area leased under FLA No. _____ located at _____.

Date Issued: _____	Expiry Date: _____
Area Granted: _____	Area Developed: _____ (has.)
	a. Nursery: _____ (has.)
	b. Transition: _____ (has.)
	c. Rearing: _____ (has.)
	Area Undeveloped: _____ (has.)

A. KIND AND EXTENT OF IMPROVEMENTS

<u>ITEM</u>	<u>DATE INTRODUCED</u>	<u>VALUE/COST</u>
1. Clearings: Area Cleared: _____ (has.) _____		
2. Dikes: Main: _____ lineal meters _____ Secondary: _____ lineal maters _____ Excavation: _____ cubic meters _____		
3. Gates: Concrete: _____ _____ Wooden: _____ _____ House/Building, etc. _____ _____ Equipment/Tools/Banca, etc. _____ _____		
	TOTAL	
4. Assessed Value: Actual Appraisal _____	Php	
Under Tax Declaration: _____	Php	
5. Number of Workers Employed: a. Caretaker/s: _____ b. Laborer/s _____		

B. PRODUCTION AND MARKETING OPERATION

1. STOCKING:

Species	Date Stocked	Source/Place	Area Stocked (Has.)	Quantity (No.)	Cost (Php)
Bangus	_____	_____	_____	_____	_____
Fry	_____	_____	_____	_____	_____
Fingerlings	_____	_____	_____	_____	_____
Sugpo	_____	_____	_____	_____	_____
Shrimp	_____	_____	_____	_____	_____
Others (Specify)	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____

2. HARVESTING:

<u>Species</u>	<u>Date Harvested</u>	<u>Area Harvested</u>	<u>Quantity (Kilos)</u>	<u>No. of Pcs./kg.</u>	<u>Price/Kilo</u>	<u>Total Value</u>
Bangus	_____	_____	_____	_____	_____	_____
Sugpo	_____	_____	_____	_____	_____	_____
Shrimp	_____	_____	_____	_____	_____	_____
Others (Specify)	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____

3. MARKETING:

<u>Species</u>	<u>Local Consumption</u>		<u>Export</u>	
	<u>Quantity (Kilos)</u>	<u>Value (Php)</u>	<u>Quantity (Kilos)</u>	<u>Value(Php)</u>
Bangus	_____	_____	_____	_____
Sugpo	_____	_____	_____	_____
Shrimp	_____	_____	_____	_____
Others	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____

REMARKS:

Sketch of the Area:

Very truly yours,

(Signature of Lessee over Printed Name)

SUBSCRIBED AND SWORN to before me this _____ day of _____ at _____.
Affiant exhibited to me his/her Community Tax Certificate No. _____ issued on _____ at _____.

(Any Person Authorized to Administer Oath)

Doc No. _____
Book No. _____
Page No. _____
Series of _____.