



COMMONWEALTH OF THE PHILIPPINES
Department of Agriculture and Commerce
BUREAU OF SCIENCE
Manila

FISH AND GAME ADMINISTRATIVE)

ORDER NO. 2

June 21, 1933

SUBJECT: Deep-sea or offshore
fishing regulations (a)

Pursuant to the provisions of Section 4 of Act No. 4003, entitled "An Act to amend and compile the laws relating to fish and other aquatic resources of the Philippine Islands, and for other purposes", the following rules and regulations governing deep-sea or off-shore fishing in the territorial waters of the Philippine Islands are hereby promulgated for the information and guidance of all concerned:

1. The Fish and Game Administration.- The Fish and Game Administration established under Department Memorandum Order No. 4, dated January 24, 1933, is hereby charged with the duty of administering the laws and regulations governing deep-sea or off-shore fishing.

2. Deputies and their duties.- For the purpose of enforcing the provisions of this Order and of such regulations as may hereafter be promulgated, deputy game wardens; members of the Philippine Constabulary; members of municipal and municipal district police; members of the secret service force, inspectors, guards, wharfingers of the customs service; internal revenue officers and agents; officers of coast guard cutters and lighthouse keepers; and such other competent officials, employees or persons as may be designated in writing by the Secretary of Agriculture and Commerce, are hereby made deputies of said Department Head, and empowered: (a) To ascertain whether persons or vessels found engaged in commercial fishing are duly provided with licenses required in this Order; (b) to arrest any person found committing or attempting to commit an offense against the provisions of Act No. 4003 and of this Order and (c) to file the necessary complaint in court and report such violations to the Secretary of Agriculture and Commerce or to the Fish and Game Administration, for appropriate action, or the Collector of Internal Revenue in cases of non-payment. (Sec. 5, Act No. 4003).

(a) Promulgated July 13, 1933; XXI, Off. Gaz., P. 2200.

3. Definitions.- For the purpose of this Order, the terms are used herein shall be construed as follows:

(a) "Philippine Waters" or "territorial waters of the Philippine Islands" includes all waters pertaining to the Philippine Archipelago, as defined in the treaties between the United States and Spain, dated respectively the 10th of December, 1898, and the 7th of November, 1900. (Sec. 6, Act No. 4003).

(b) "Municipal Waters" includes not only streams, lakes and tidal waters included within the municipality, not being the subject of private ownership, and not comprised within national parks, public forests, timber lands, forest reserves, or fishery reserves, but also marine waters included between two lines drawn perpendicularly to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and third line parallel with the general coastline and distant from it 3 nautical miles. (Sec. 6, Act No. 4003).

(c) "Fish caught" include fish actually caught, received, or purchased, by a person engaged in deep-sea or offshore fishing, except those from private fishponds.

(d) "Persons" includes natural persons, corporations, or associations.

4. Application for licenses.- Applications for licenses shall be made on official forms approved by the Secretary of Agriculture and Commerce, which upon request, will be furnished by the city treasurer, deputy provincial treasurer, or by the Fish and Game Administration.

5. To whom to submit applications.- All applications for licenses for deep-sea fishing shall be submitted in triplicate to the Secretary of Agriculture and Commerce, through the Fish and Game Administration, Manila.

6. Licenses on operation of boats.- No person shall be permitted to operate any powered vessel of more than 3 tons gross for the purpose of catching fish in the territorial waters of the Philippines, unless he is provided with a license issued by the Secretary of Agriculture and Commerce. Although not expressly stated in said license the same shall be subject to the condition that it shall not operate within any definite portion, or areas, of the municipal waters of the municipality which has granted at public auction the exclusive privilege of erecting fish corrals or operating fishponds, nor within 200 meters of any fish corral licensed by said municipality within which portion or area of the municipal waters the said license shall not be valid. In the portions or areas of municipal water in which the exclusive privilege of erecting fish corrals or operating fishponds has not been

granted, powered vessels licensed hereunder shall observe the terms, conditions and limitations that may be prescribed in municipal ordinances passed in accordance with the Fisheries Act and other subsisting laws; Provided, That all exclusive rights of fishery allowable by law which may hereafter be granted shall be submitted to the Secretary of Agriculture and Commerce for approval. (As amended by Fish and Game Administrative Order No. 2-2 of June 22, 1935).) 6A, 2-3, 6B, 2-7.

7. Who shall be furnished copies of the licenses.- The licenses here in provided shall be prepared in quadruplicate. The original shall be forwarded or delivered to the licensee, upon the payment of the corresponding bond and annual fee due thereon; the duplicate shall be retained by the Fish and Game Administration for record purposes; the triplicate shall be forwarded to the Collector of Internal Revenue; and the quadruplicate to the Deputy provincial treasurer of the municipality wherein the licensee resides.

In case a license has to be forwarded to the deputy provincial treasurer of a municipality to be delivered to the licensee of applicant therefor, the delivery of the license shall not be made unless the corresponding annual fee and/or bond indicated therein is first paid.

8. Renewal of licenses for operation of boats.- Licenses for the operation of vessels may be renewed by the submission of a written application to that effect to the Secretary of Agriculture and Commerce not later than December 31st or the date of expiration of the license and by the payment of the corresponding annual license fee due. 8-A (2-11) 8-B (2-7) 8-C (2-7)

9. Issue of duplicate license.- In case a license is lost or destroyed, a duplicate may be issued by the Secretary of Agriculture and Commerce to the licensee upon the filing of an affidavit executed by him setting forth the circumstances under which the original license had been lost or destroyed and upon the payment of a fee of ₱1.00.

10. Person eligible for licenses.- Licenses for the operation of vessels subject to taxation under this Order may be issued to the following:

(a) Citizens of the Philippine Islands or of the United States .

(b) Associations or corporations duly registered or incorporated under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, and at least 61 per cent of whose capital stock or interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States.

(c) Citizens of countries the laws of which grant similar rights to citizens of the Philippine Islands. For this purpose, an alien applicant must submit a copy of the pertinent law of his state or country as embodied in journals published by authority of the government of his state or country, or commonly received in that state or country as such, or a copy certified under the seal of the country or sovereign, or proof of the recognition of such law in some public act of the Chief Executive of the Philippine Islands or of the United States. (Sec. 20, Act No. 4003; Sec. 313, Act No. 190).

11. Aliens who operate vessels.- Persons who do not possess the qualifications mentioned in the next preceding paragraph, but who were engaged in the operation of vessels of more than 3 tons gross from the commercial catch of fish at the time Act No. 4003 took effect (December 5, 1932), may obtain licenses for such vessels. These licenses may be renewed so long as the vessels are utilized for the commercial catching of fish and the holders of such licenses have not been guilty of any violation of said Act, or the customs laws or the regulations promulgated thereunder, or the provisions of this Order. (Sec. 20, Act No. 4003).

12. Transfer or assignment of interest.- No persons duly licensed to operate vessels for the commercial catching of fish shall be permitted to transfer or assign his interest or sell his stock directly or indirectly to persons not qualified to hold a license. Any transfer or assignment of such interest or stock made in violation of the provisions hereof shall be considered null and void and shall not be registered in the books of the association or corporation. (Sec. 20, Act No. 4003).

13. Persons presumed to have caught fish in Philippine waters.- Persons engaged in fishing who have their base of operations in the Philippine Islands or bring fish to any port, city, municipality, or municipal district of these Islands shall be presumed and deemed to have caught fish in the territorial waters of the Philippine Islands and shall be subject to the payment of the fees prescribed in this Order. In addition thereto such persons may be amenable to the penal provisions of Act No. 4003 and this Order.

14. Licenses for offshore fishing not precluding grant of municipal fishery.- The granting of licenses to operate vessels for deep-sea or offshore fishing shall not preclude the rights of municipal councils to grant the exclusive privileges of erecting fish corrals or operating fishponds in any definite zone or area within 3 nautical or geographical miles from the coastline. No vessel, however, the license of which has been granted under the provisions of this Order shall be operated within 200 meters of any fish corral licensed by a municipality, except if the licensee is the same person authorized by the municipality to operate such fish corral. (Sec. 21, Act No. 4003).

15. Fisherman's License. - No person shall be employed on a vessel engaged in deep-sea or offshore fishing, unless he has first obtained a fishermen's license issued by the Secretary of Agriculture and Commerce.

A fishermen's license herein provided for may be issued to the following:

(a) Any citizen of the Philippine Islands or of the United States.

(b) Any citizen of countries the laws of which grant similar rights to citizens of the Philippine Islands. For this purpose, an alien applicant must submit a copy of the pertinent law of his state or country as embodied in journals published by authority of the government of his state or country, or commonly received in that state or country as such, or a copy certified under the seal of the country or sovereign, or proof of the recognition of such law in some public act of the Chief Executive of the Philippine Islands or of the United States. (Sec. 22, Act No. 4003; Sec. 313, Act No. 190).

(c) Aliens engaged as fishermen on vessels of more than 3 tons gross at the time Act No. 4003 went into effect (December 5, 1932) so long as they have not been guilty of any violation of said Act, or the customs laws, or the regulations promulgated thereunder, or the provisions of this Order. (Sec. 22, Act No. 4003). (2-7; 15-A; 2-7).

16. Record of catch and its disposition. - All persons engaged in deep-sea or offshore fishing in Philippine waters shall keep a book or books in which they shall enter in detail everyday the quantity in kilos of their catch. They shall also enter the names and addresses of purchasers of the fish caught, the date of sale, quantity sold, and the selling price thereof. If no catch is made on any date, such fact shall be noted. These entries and notations shall be made within twenty-four hours after the catch is made and shall be made in ink and in a most and legible manner.

The book prescribed herein shall be kept substantially as follows:

LicenseLic. No.
 For the month.....19.....
 For boat (Name)

RECORD OF FISH CAUGHT

Date	(a) Vernacular names					Origin		Sells, detail or remarks	
	Total	Manila	Bay	Per.	Address	Kilos	Value		
1	50	40	10	50	150	J. Santos,	70	P35.00
							10 Juan		
							Luna, M.		
							Grav. Paco		
Total	50	40	10	50	150		Market...	80	40.00

(a) Sapsap , calaso, hipon, cabasi, etc.

The figures entered shall be added at the close of every month and the totals shall be entered at the foot of the respective column.

17. Approval of book.- The book referred to in the next preceding paragraph shall have its pages serially and permanently numbered and shall be presented to the local city or deputy provincial treasurer or internal revenue agent or deputy game warden for approval before the same is used. Such approval shall be evidenced by his indorsement on the inner side of the cover opposite the first leaf as follows:

Approved for the purpose of fish and game administrative order No. 2 of the Secretary of Agriculture and Commerce.

(Date)

(Signature)

(Title of officer)

18. Inspection and preservation of book.- The record book herein prescribed shall be kept by the licensee or owner thereof at all times either on the vessels or in his business establishment where the daily entries required can be posted everyday. This book shall be subject to inspection by internal revenue agents or officers, or deputy game wardens and upon demand shall be produced and presented for such inspection. It shall be preserved by the owner or licensee for a period of not less than one year from the date of last entry.

19. Monthly reports.+ It shall be the duty of every person engaged in deep-sea or offshore fishing to submit to the Fish and Game Administration, a monthly report in duplicate, of his catch made during the month within the first ten days of the month following that for which the report is made. For this purpose, F.G.A. Form No. 7 to be furnished by the Fish and Game Administration, shall be used.

20. Collection of fees: by whom to be made.- Pursuant to the provisions of Sections 3 and 35 of Act No. 4003, all fees and other income accruing to the Insular Government by virtue of the said Act or of this Order which are collected in the provinces and in the City of Baguio, shall be received by the respective provincial or municipal and city treasurers; those collected in the City of Manila shall be received directly by the special collecting officer of the Fish and Game Administration

or by such employees as may be designated for the purpose by the Secretary of Agriculture and Commerce. (As amended by Fish and Game Administration Order No. 2-1, dated May 7, 1934).

21. License fees on operation of boats.- The annual license fee for every vessel subject to taxation under paragraphs 6 of this Order shall be at the rate of ₱1.00 per ton gross or fraction thereof; Provided, however, That for vessels less than 5 tons gross a minimum annual fee of ₱5.00 shall be charged: Provided, further, That in no case shall such fee exceed ₱200. The fee shall be paid upon delivery of the license to the applicant. Thereafter the fee shall be due on the first working day of January but must be paid not later than March 31 of each year. Any license retiring from commercial fishing shall surrender his license within ten days from the date of his retirement. (2-9)

22. Annual fee for fisherman's license.- For a fisherman's license required in paragraph 15 of this Order, an annual fee of 20 centavos shall be paid upon delivery of the license to the applicant. Thereafter the fee shall be due on the first working day of January but must be paid not later than March 31 of each year. (2-12),

23. Fee for fish caught.- The fee for fish caught shall be at the rate of ₱1.00 per metric ton (1,000 kilograms) gross weight. It shall be the duty of every person engaged in commercial fishing to make and submit to the nearest deputy provincial treasurer a true and complete return of his catch made during the month within the first ten days of the month following that for which the return is made and pay the fee due thereon. The return shall be made in triplicate on F.O.A. Form No. 7a to be secured from the Fish and Game Administration or deputy provincial treasurer. After it is duly sworn to the deputy provincial treasurer shall collect from the licenses or his agent the amount of fees proscribed in this paragraph and shall issue a receipt therefor on General Form No. 13-A. The duplicate copy of the return shall be kept by the deputy provincial treasurer, the original shall be forwarded to the Collector of Internal Revenue and the triplicate to the Fish and Game Administration. The number and date of the receipt issued and the amount collected shall be clearly indicated on all copies of the return. (2-13).

If the fee on fish caught is not paid within the time prescribed above the amount of the fee shall be ₱2.00 per metric ton gross weight.

24. Bond to guarantee payment of fee.- To guarantee the payment of the fees proscribed in this Order, the licensee shall before the delivery of the license file a bond satisfactory to the Secretary of Agriculture and Commerce. (2-9; 24A).

25. Remittance of collections and accounting of the same.

(a) All collections made by the municipal treasurers and by the treasurer of the City of Baguio shall be entered in a separate abstract of receipts on General Form No. 12(a) which shall be made to show, among other things, the name and address of each licensee or payer, and the source of the collections classified as follows:

- (1) 2-G-7- Motor fishing boat license fees (Sec. 18, Act No. 4003).
- (2) 2-G-7-2 - Fishermen's license fees (Sec. 22, Act No. 4003).
- (3) 2-G-7-3 - Fees for fish caught on motor fishing boats (Sec. 23, Act No. 4003).
- (4) 2-G-7-4 - Pearling boat license fees (Sec. 26 & 35, Act No. 4003).
- (5) 2-G-7-5 - First class shell diver's license fees (Sec. 27 & 35, Act No. 4003).
- (6) 2-G-7-6 - Sponge annual concession fees (Sec. 43, Act No. 4003).
- (7) 2-G-7-7 - Temporary prospectors permit fees (Sec. 44, Act No. 4003).
- (8) 2-G-7-8 - Hawksbill turtle fishing license fees (Sec. 53, Act No. 4003).
- (9) 2-G-36 - Annual rental for fishpond permits (Sec. 63, Act No. 4003; Sec. 14-K, Revised Forest Regulations).
- (10) 2-G-24-1 - Fines and penalties (Sec. 76, 78, 79, 81, 82, and 83, Act No. 4003).
- (11) 2-G-24-2 - Bond forfeitures (Sec. 14(1), Revised Forest Regulations).
- (12) 2-G-50-1 - Sale of fishery farms or experimental stations (Sec. 74, Act No. 4003).
- (13) 2-G-50-2 - Miscellaneous receipts.
- (14) G-B Bond deposits (Sec. 9(f) and 14(i), Revised Forest Regulations; Sec. 24 of Fish and Game Administrative Order No. 2, dated June 21, 1933).

Immediately at the end of each month, this abstract of collections shall be totalled, and the total amount of said collections shall be entered under a special column in the record of general collections in the same manner as the land tax collections. Upon liquidation of the municipal treasurer's accounts, the total amount accruing to this special fund shall be invoiced to the provincial treasurer who shall account for it as Insular fund and remit the same, thru the Division of Accounts and Property, Department of Agriculture and Commerce, to the Insular Treasurer promptly at the end of each month. The Treasurer of the City of Baguio shall remit his collections according to this fund directly to the Insular Treasurer at the end of each month.

(b) The abstract of collections referred to in the foregoing paragraph shall be prepared in quintuplicate, the original to be attached to the liquidation voucher, one copy to be retained by the municipal or city treasurer concerned, one copy to go with the invoice of fund to the Insular Treasurer, one to be furnished the Fish and Game Administration, and one to be kept by the Division of Accounts and Property, Department of Agriculture and Commerce. (As amended by Fish and Game Administrative Order No. 2-1, dated May 7, 1934).

26. Permits for scientific purposes.- A permit may be granted by the Secretary of Agriculture and Commerce without charge, to any person, association, or corporation of good repute, authorizing the holder thereof to operate a vessel of more than 3 tons gross for the catching of fish for scientific, educational, or personal purposes or for propagation. Such permit shall run for the remainder of the calendar year following the date of its issuance, shall not be transferable, and shall be subject to such further restrictions as may be deemed necessary. Upon proof that the holder of such permit has caught fish for other than scientific, educational or personal purposes, for for propagation, the permittee shall be subject to the same penalty as if he had no permit. (Sec. 19, Act No. 4003).

27. Exhibition of licenses or permits. - All licenses and permits shall be exhibited upon demand by any of the officers enumerated in paragraph 2 of this Order.

28. Prohibited fishing grounds.- No boats licensed in accordance with the provisions of Act No. 4003 and this Order to catch, collect, gather, take, or remove fish and other sea products from Philippine waters shall be allowed to fish, loiter, or anchor within 3 kilometers of the shore line of islands and reservations over which jurisdiction is exercised by naval or military authorities of the United States, particularly Corregidor, Pulo Caballo, La Monja, El Fraile, and Carabao and all other islands and detached rocks lying between Mariveles Reservation on the north side of the entrance to Manila Bay and Calumpan Point Reservation on the south side of said entrance. Provided, That boats not subject to license under Act No. 4003 and this Order may fish within the area mentioned above only upon receiving written permission therefor, which permission may be granted by the Secretary of Agriculture and Commerce upon recommendation of the military or naval authorities concerned.

29. Penal provisions.- Any person, association or corporation, whether as owner, fishermen, or member of the crew of a registrable fishing vessel, found violating any of the provisions of Article V of Act No. 4003 relative to deep-sea or offshore fishing or of this Order shall be punished for each offense by a fine of not more than ₱5,000 or imprisonment for not more than one year, or both, in the discretion of the court: Provided, That in the case of an association or corporation, the president or manager shall be directly responsible for the acts of his employees or laborers if it is proven that the latter acted with his knowledge; otherwise, the responsibility shall extend only as far as fine is concerned: Provided, further, That in the absence of known owner of the vessel, the master, patron, or person in charge of such vessel shall be responsible for any violation of this Order: And provided, finally, That in case of a second offense, the vessel together with its tackle, apparel, furniture, and stores shall be forfeited to the Government. (Sec. 78, Act No. 4003).

30. Compromise.- No violation of any provision of Article V of Act No. 4003 or of this Order may be compromised.

31. Repealing provision.- All administrative orders and regulations or parts thereof, inconsistent with the provisions of this Order, are hereby revoked.

32. Date of effectivity.- This Administrative Order shall take effect as of April 1, 1933.

(SGD.) VICENTE SINGSON ENGARNACION
Secretary of Agriculture and Commerce and as Acting Secretary of Finance

CONCURRED IN:

(SGD.) TEOFILO SISON
Secretary of Interior and Labor