



Republic of the Philippines  
**OFFICE OF THE SECRETARY**  
Elliptical Road, Diliman  
1100 Quezon City


**Fisheries Administrative Order No. 200-1:  
Series of 2021:**

**SUBJECT: Guidelines and Procedures in Implementing Section 91 (Poaching in Philippine Waters) of the Philippines Fisheries Code of 1998, as amended by Republic Act No. 10654**

Pursuant to Section 91 of Republic Act No. 8550, as amended by Republic Act No. 10654, otherwise known as the Philippine Fisheries Code of 1998 and of Department of Agriculture Administrative Order No. 10, series of 2015, providing for its Implementing Rules and Regulations and in order to effectively implement the provisions of the said section, the following guidelines are hereby promulgated:

**Section 1. Definition of Terms** – As used in this Order, the following terms shall mean:

- a) *Bureau* - refers to the Bureau of Fisheries and Aquatic Resources (BFAR).
- b) *Exclusive Economic Zone or EEZ* - refers to the area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baselines as defined under existing laws.
- c) *Foreign Fishing Vessel (FFV)* - refers to all vessels engaged or used in fishing including assisting vessels not registered under Philippine laws, including those not registered under any other coastal states.
- d) *General Quarters* - refers to an alert condition of all hands on board and readiness of apprehending boat/vessel in preparation for fisheries law enforcement operation.
- e) *Internal waters* - except as provided in Part IV of the United Nations Convention for the Law of the Sea (UNCLOS), refers to all waters on the landward side of the baseline of the territorial sea.
- f) *Irregular Track or Route* - refers to navigating outside designated sea lanes or passage way or a track that is not in a straight line as indicated in the Automatic Identification System (AIS), Vessel Monitoring System (VMS) or other modes of vessel tracking system.
- g) *Philippine Territorial Waters* - refers to all waters contained up to 12 nautical miles measured from the baselines as stated in Republic Act No. 30146, as amended by Republic Act Nos. 5446 and 9522 (See Annex F).
- h) *Philippine waters* - includes 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

  
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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 extended continental shelf such as the Philippine Rise (Benham Rise) or other areas that may be designated as such by national government authority.

For operational purposes, Philippine waters shall be categorized into the following:

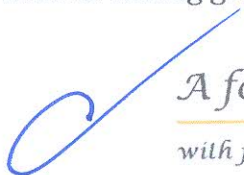
- i) **internal waters** which include all waters around and between and connecting different islands within the baseline of the Philippine archipelago and territorial seas which extends 12 nautical miles from the baseline;
  - ii) **contiguous zone** which extends 12 nautical miles from the outer limits of the territorial seas; and
  - iii) **Exclusive Economic Zone** which extends 200 nautical miles from the baseline.
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- i) *Planned Operation* - refers to operation with Case Operational Plan and specific target(s).
  - j) *Poaching* - refers to fishing or operating any fishing boat/vessel in Philippine waters, committed by any foreign person, corporation, or entity.
  - k) *Right of Innocent Passage* - refers to passage that is not prejudicial to the peace, good order, or security of the coastal State. Such passage shall take place in conformity with UNCLOS and with other rules of international law.
  - l) *Team Leader* - refers to any fisheries law officer of the Bureau who has been designated as such in the Mission Order/Sailing Order to lead, oversee, and command planned or unplanned operations conducted on its own or jointly with other agencies; or in case of operations conducted separately by other agencies pursuant to Section 7 of this Administrative Order resulting in the apprehension of poachers, such member of the team who has been designated as such by his/her superiors.
  - m) *Unplanned Operation* - refers to routine maritime patrol and surveillance.

**Section 2. Prohibition** - It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

The prohibition shall include foreign-flagged fishing vessels manned by Filipinos operating in Philippine waters.

**Section 3. Prima Facie Evidence of Poaching** – The entry of any foreign fishing boat/vessel in Philippine waters shall constitute a prima facie evidence that the boat/vessel is engaged in poaching in Philippine waters under any of the following circumstances:

- a) Entry of an FFV into Philippine waters under any of the following circumstances:
  - i. Navigating with its fishing gear deployed and/or not stowed;

  
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