



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

FISHERIES ADMINISTRATIVE
ORDER NO. 272
Series of 2023

**SUBJECT: RULES AND REGULATIONS FOR THE CONSERVATION AND MANAGEMENT
OF SHARKS FOR PHILIPPINE FISHING VESSELS**

WHEREAS, Article 64 (1) of the United Nations Convention on the Law of the Sea (UNCLOS) specifically requires that coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex I shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall cooperate to establish such an organization and participate in its work;

WHEREAS, Article 194 (5) of the United Nations Convention on the Law of the Sea (UNCLOS) specifically requires that States, in taking measures to prevent, reduce and control pollution of marine environment, shall include measures necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other form of marine life;

WHEREAS, Section 11 of the Fisheries Code of 1998, as amended by Republic Act 10654, stated that "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";

WHEREAS, the United Nations Food and Agriculture Organization (UN-FAO) International Plan of Action for the Conservation and Management of Sharks calls on UN-FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view of ensuring the sustainability of shark stocks;

WHEREAS, the UN-FAO Code of Conduct for Responsible Fisheries (CCRF) addresses biodiversity issues and conservation of endangered species and calls for the catch of non-target species, both fish and non-fish species, to be minimized. Article 7.2.2d of the CCRF also calls for the sustainable use of aquatic ecosystems and requires that fishing be conducted with due regard for the environment. The CCRF further promotes the maintenance, safeguarding and conservation of biodiversity by minimizing fisheries impacts on non-target species and the ecosystem in general;

WHEREAS, the Philippines is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which aims to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the CITES listed species;

WHEREAS, as a party to the CITES, the Philippines is bounded to adopt and implement its own domestic legislation to ensure that CITES is implemented at the national level;

WHEREAS, the Philippines is a contracting party to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPO) and a member of the Western and Central Pacific Fisheries Commission (WCPFC) which is the Regional Fisheries Management Organization of the Western and Central Pacific Ocean mandated to manage straddling and highly migratory species, including tropical tunas, billfishes, sharks, marine mammal and sea turtles;

WHEREAS, as a party to the Convention and a member of the WCPFC, the Philippines is mandated to observe and implement Conservation and Management Measures (CMM) adopted by the Commission;

WHEREAS, Articles 5(d) and (e) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, required to adopt management arrangements for non-target and associated or dependent species, as they are incidentally caught by various fisheries in the WCPO;

WHEREAS, the WCPFC adopted Conservation and Management Measure (CMM) 2022-04 on the Conservation and Management for Sharks with the objective of ensuring the long-term conservation and sustainable use of sharks through the application of the precautionary approach and an ecosystem approach to fisheries management;

WHEREAS, sharks are caught as bycatch in various fisheries in the country;

WHEREAS, the Philippines in 2009 prepared the National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks) which was harmonized and updated in 2017;

NOW THEREFORE, the following provisions of this Order are hereby adopted and implemented:

SECTION 1. Definition. The terms used herein shall be construed as follows:

- 1) **Bycatch** - in the fishing industry, is a fish or other marine species that is caught unintentionally while fishing for specific species or sizes of wildlife.
- 2) **Finning** - the act of removing and retaining all or some of a shark's fins and discarding its carcass at sea.
- 3) **Full utilization** - retention by the fishing vessel of all parts of the shark except its head, guts, vertebrae and skins, to the point of first landing or transshipment.

- 4) **Endangered, Threatened and Protected shark species** - shark species that are listed under CITES Appendices, species protected under Philippine Law (e.g. FAO) or species determined by the relevant Regional Fisheries Management Organizations (RFMOs) Conservation and Management Measure (CMM) as species with no retention rule.
- 5) **Shark** – generic term for all sharks and shark-like species under the Class Chondrichthyes, as applied by UN-FAO in International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks);

Section 2. Scope and Application. This Administrative Order covers all Philippine commercial and municipal fishing vessels and all species of sharks.

SECTION 3. Sharks bycatch handling, retention, and utilization

- 1) All live shark species that are caught incidentally shall be released;
- 2) Alive sharks shall be brought alongside the vessel to facilitate species identification, and shall do so in a manner that results in as little harm as possible, and shall be released as soon as possible following any applicable guidelines for these species (Attachment 1);
- 3) All dead sharks that are retained onboard shall be fully utilized or landed with fins naturally attached, except those provided for under Section 5.

SECTION 4. Bycatch reporting. All commercial fishing vessels shall record in their Catch Logsheets and submit to the BFAR as required by FAO 198-1 all bycatch of sharks species, whether released alive or dead, or retained. Municipal fishing vessel shall submit shark bycatch report to concerned Local Government Units (LGU).

SECTION 5. Prohibitions. All municipal fishing vessels and Philippine-flagged commercial operating in Philippine waters, in the high seas or in waters of other coastal states, are prohibited from committing the following acts:

- 1) Intentional fishing using any method or gear that is targeting any species of shark;
- 2) Finning or landing of sharks with removed or unattached fins;
- 3) Retaining on-board, utilizing, transshipping, storing on a vessel, or landing any Endangered, Threatened and Protected (ETP) shark species (as defined), live or dead, in whole or in part;

Provided further, that all Philippine-flagged commercial fishing vessels operating in the exclusive economic zone facing the Pacific Ocean, in the high seas or in waters of other

coastal states, are hereby prohibited from committing the following additional prohibited acts:

- 4) Using or carrying wire trace as branch lines or leaders and using branch lines running directly off the longline floats or drop lines, known as shark lines for longline fisheries targeting tuna and billfish.

Section 6. Penalties

- 1) Any fishing company that authorizes any individual to commit or any individual who commits violation of paragraphs 1, and 3 of Section 5 of this FAO shall be punished with the penalties provided under Section 102 of R.A. No. 8550, as amended by R.A. No. 10654.
- 2) Any fishing company that authorizes any individual to commit or any individual who commits violation of paragraphs 2 and 4 of Section 5 of this FAO shall be subject to a fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00), depending on the volume and value of the shark, and the habituality of the offender as main consideration as provided under Section 128 of R.A. No. 8550, as amended by R.A. No. 10654, provided further, that BFAR shall come up with the parameters for the purpose of evaluating the socioeconomic impact and seriousness of the violation as well as damage to environment due to the violation which shall be taken as part of the computation of the applicable penalties.
- 3) Any fishing vessel operator that fails to comply with Sections 3 or 4 of this FAO shall be subject to a fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00), depending on the volume and value of the shark, and the habituality of the offender as main consideration as provided under Section 128 of R.A. No. 8550, as amended by R.A. No. 10654, provided further, that BFAR shall come up with the parameters for the purpose of evaluating the socioeconomic impact and seriousness of the violation as well as damage to environment due to the violation which shall be taken as part of the computation of the applicable penalties.

Section 7. Review. This measure or any part thereof shall be subject to review as maybe necessary.

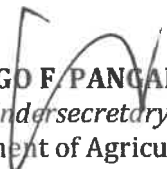
Section 8. Separability Clause. If any section or provision of this Order or part thereof, is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 9. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified.

Section 10. Effectivity. This Order shall take effect fifteen (15) days after the publication in the Official Gazette and/or in two (2) newspapers of general circulation and upon registration with the National Administrative Register (ONAR).

Within one (1) year of effectivity, the BFAR shall conduct Information, Education, and Communication (IEC) Campaign.

ISSUED this 11th day of August 2023 at Quezon City, Metro Manila, Philippines


DOMINGO F. PANGANIBAN
Senior Undersecretary
Department of Agriculture



DA-CO-OSEC-AD20230717-00007

Attachment 1

WCPFC BEST HANDLING PRACTICES FOR SAFE RELEASE OF SHARKS (other than Whale Sharks and Mantas/Mobulids)

The following are recommended non-binding guidelines of best handling practices of sharks for both purse seine and longline fisheries:

Safety First: These guidelines should be considered in light of safety and practicability for crew. Crew safety should always come first. Crew should wear suitable gloves and avoid working around the jaws of sharks.

For all gear types, keep animals in the water if possible. If necessary to land on deck, minimize time and release shark to the water as soon as possible.

Purse Seine

Do's

If in purse seine net:

- ✓ Release sharks while they are still free-swimming whenever possible (e.g. back down procedure, submerging corks, cutting net)
- ✓ For sharks that cannot be released from the purse seine net, consider removing them using a hook and line.

If in brail or on deck:

- ✓ For sharks that are too large to be lifted safely by hand out of the brailer, it is preferable they are released using a purpose-built large-mesh cargo net or canvas sling or similar device. If the vessel layout allows, these sharks could also be released by emptying the brail directly on a ramp held up at an angle that connects to an opening on the top deck railing, without need to be lifted or handled by the crew.
- ✓ Generally, small sharks are fragile and need to be handled very carefully. If this can be done safely, it is best to handle and release them with two people, or one person using both hands.
- ✓ When entangled in netting, if safe to do so carefully cut the net away from the animal and release to the sea as quickly as possible with no netting attached.

Don'ts

- Do not wait until hauling is finished to release sharks. Return them to the sea as soon as possible.
- Do not cut or punch holes through the shark's body.
- Do not gaff or kick a shark and do not insert hands into the gill slits.

Longline

Do's:

- ✓ The preference is to release all sharks while they are still in the water, if possible. Use a dehooker to remove the hook or a long-handled line cutter to cut the gear as close to the hook as possible (ideally leaving less than 0.5 meters of line attached to the animal).
- ✓ If de-hooking in the water proves to be difficult, and the shark is small enough to be accommodated in a dip net, bring it on board and remove as much gear as possible by using a dehooker. If hooks are embedded, either cut the hook with bolt cutters or cut the line at the hook and gently return the animal to the sea.
- ✓ For all sharks that are brought on deck, minimize time before releasing to the water.

Don'ts:

- Do not strike a shark against any surface to remove the animal from the line.
- Do not attempt to dislodge a hook that is deeply ingested and not visible.
- Do not try to remove a hook by pulling sharply on the branchline.
- Do not cut the tail or any other body part.
- Do not gaff or kick a shark, and do not insert hands into the gill slits.

Additional recommendation:



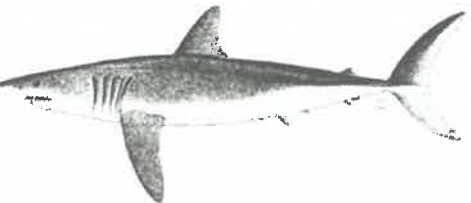



Knowing that any fishing operation may catch sharks, several tools can be prepared in advance (e.g. canvas or net slings or stretchers for carrying or lifting, large mesh net or grid to cover hatches/hoppers in purse seine fisheries, long handled cutters and dehookers in longline fisheries).



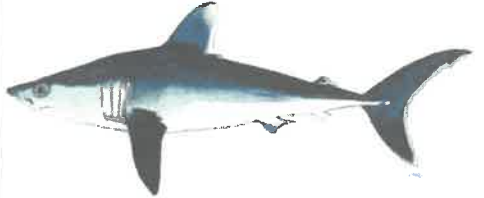

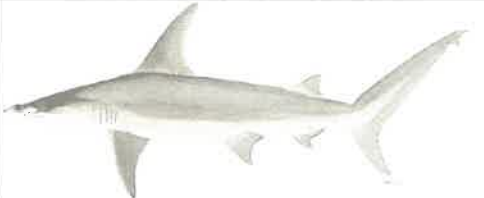

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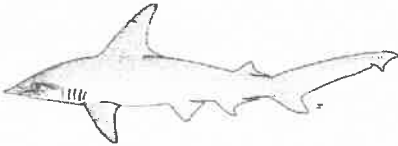
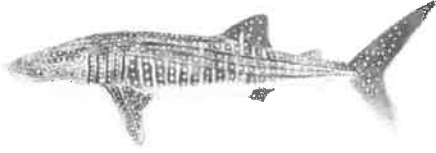
<https://www.wcpfc.int/doc/supplcmm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and>

Attachment 2

WCPFC Key Shark Species

Scientific Name	English Name	Picture
<i>Carcharhinus longimanus</i>	Oceanic whitetip shark	 <p>© FAO</p>
<i>Carcharhinus falciformis</i>	Silky shark	 <p>© FAO</p>
<i>Isurus oxyrinchus</i>	Shorkfin mako shark	 <p>© FAO</p>
<i>Isurus paucus</i>	Longfin mako shark	 <p>© FAO</p>
<i>Prionace glauca</i>	Blue shark	 <p>© FAO</p>
<i>Alopias pelagicus</i>	Pelagic thresher shark	 <p>© FAO</p>

<i>Alopias superciliosus</i>	Bigeye thresher shark	 © FAO
<i>Alopias vulpinus</i>	Common thresher shark	 © FAO
<i>Lamna nasus</i>	Porbeagle shark	 ©FAO
<i>Sphyrna lewini</i>	Scalloped hammerhead shark	 ©FAO
<i>Sphyrna mokarran</i>	Great hammerhead shark	 ©FAO
<i>Sphyrna zygaena</i>	Smooth hammerhead shark	 ©FAO

<i>Eusphyra blochii</i>	Winghead shark	 <p>©FAO</p>
<i>Rhincodon typus</i>	Whale shark	 <p>©FAO</p>

Shark Species Listed in CITES Appendices¹

Requiem Sharks (Carcharhinidae spp.)

Scientific Name	English Name
<i>Carcharhinus falciformis</i>	Silky shark
<i>Carcharhinus longimanus</i>	Oceanic whitetip shark
<i>Carcharhinus acronotus</i>	Blacknose shark
<i>Carcharhinus altimus</i>	Bignose shark
<i>Carcharhinus albimarginatus</i>	Silvertip shark
<i>Carcharhinus amblyrhynchos</i>	Grey reef shark
<i>Carcharhinus amblyrhynchoides</i>	Graceful shark
<i>Carcharhinus amboinensis</i>	Pigeye shark
<i>Carcharhinus borneensis</i>	Borneo shark
<i>Carcharhinus cautus</i>	Nervous shark
<i>Carcharhinus brachyurus</i>	Bronze whaler
<i>Carcharhinus brevipinna</i>	Spinner shark
<i>Carcharhinus cerdale</i>	Pacific smalltail shark
<i>Carcharhinus coatesi</i>	Coate's shark
<i>Carcharhinus dussumieri</i>	Whitecheek shark
<i>Carcharhinus fitzroyensis</i>	Creek whaler
<i>Carcharhinus galapagensis</i>	Galapagos shark
<i>Carcharhinus hemiodon</i>	Pondicherry shark
<i>Carcharhinus humani</i>	Human's whaler shark
<i>Carcharhinus isodon</i>	Finetooth shark
<i>Carcharhinus leiodon</i>	Smoothtooth blacktip shark
<i>Carcharhinus leucas</i>	Bull shark
<i>Carcharhinus limbatus</i>	Blacktip shark
<i>Carcharhinus macloti</i>	Hardnose shark
<i>Carcharhinus porosus</i>	Small-tail shark
<i>Carcharhinus melanopterus</i>	Blacktip reef shark
<i>Carcharhinus obsoletus</i>	Lost shark
<i>Carcharhinus obscurus</i>	Dusky shark
<i>Carcharhinus perezi</i>	Caribbean reef shark
<i>Carcharhinus plumbeus</i>	Sandbar shark
<i>Carcharhinus signatus</i>	Night shark
<i>Carcharhinus sealei</i>	Blackspot shark
<i>Carcharhinus sorrah</i>	Spot-tail shark
<i>Carcharhinus tilstoni</i>	Australian blacktip shark
<i>Carcharhinus tjtjtjot</i>	Indonesian whaler shark
<i>Glyphis gangeticus</i>	Ganges shark
<i>Glyphis garricki</i>	New guinea river shark
<i>Glyphis glyphis</i>	Speartooth shark
<i>Isogomphodon oxyrinchus</i>	Daggernose shark
<i>Lamiopsis temmincki</i>	Broadfin shark
<i>Lamiopsis thephrodes</i>	Borneo broadfin shark
<i>Loxodon macrorhinus</i>	Sliteye shark
<i>Nasolamia velox</i>	Whitenose shark

¹ As of 03 July 2023

Scientific Name	English Name
<i>Negaprion acutidens</i>	Sicklefin lemon shark
<i>Negaprion brevirostris</i>	Lemon shark
<i>Prionace glauca</i>	Blue shark
<i>Rhizoprionodon acutus</i>	Milk shark
<i>Rhizoprionodon lalandii</i>	Brazilian sharpnose shark
<i>Rhizoprionodon longurio</i>	Pacific sharpnose shark
<i>Rhizoprionodon oligolinx</i>	Grey sharpnose shark
<i>Rhizoprionodon porosus</i>	Caribbean sharpnose shark
<i>Rhizoprionodon taylori</i>	Australian sharpnose shark
<i>Rhizoprionodon terraenovae</i>	Atlantic sharpnose shark
<i>Scoliodon laticaudus</i>	Spadenose shark
<i>Scoliodon macrorhynchus</i>	Pacific spadenose shark
<i>Triaenodon obesus</i>	Whitetip reef shark

Hammerhead Sharks (Sphyrnidae spp.)

Scientific Name	English Name
<i>Sphyrna lewini</i>	Scalloped hammerhead shark
<i>Sphyrna mokarran</i>	Hammerhead shark
<i>Sphyrna zygaena</i>	Smooth hammerhead shark
<i>Sphyrna media</i>	Scoophead shark
<i>Sphyrna tudes</i>	Smalleye hammerhead shark
<i>Sphyrna corona</i>	Scalloped bonnethead shark
<i>Sphyrna gilberti</i>	Carolina hammerhead shark
<i>Eusphyrna blochii</i>	Winghead shark

Basking, Thresher, and Mackerel Sharks

Scientific Name	English Name
<i>Alopias spp.</i>	Thresher shark
<i>Cetorhinus maximus</i>	Basking sharks
<i>Carcharodon carcharias</i>	Great white shark
<i>Isurus oxyrinchus</i>	Shortfin mako shark
<i>Isurus paucus</i>	Longfin mako shark
<i>Lamna nasus</i>	Porbeagle shark

Guitarfish, Sawfishes, and Wedgefishes

Scientific Name	English Name
<i>Rhinidae spp.</i>	Wedgefishes
<i>Pristidae spp.</i>	Carpenter sharks
<i>Glaucostegus spp.</i>	Giant guitarfishes
<i>Acroteriobatus variegatus</i>	Stripenose guitarfish
<i>Pseudobatos horkelii</i>	Brazilian guitarfish
<i>Rhinobatos albomaculatus</i>	Whitespotted guitarfish
<i>Rhinobatos irvinei</i>	Spineback guitarfish
<i>Rhinobatos rhinobatos</i>	Common guitarfish
<i>Rhinobatos schlegelii</i>	Brown guitarfish