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**FISHERIES ADMINISTRATIVE  
ORDER NO. 267-1  
Series of 2023**

**SUBJECT: AMENDING FAO 267, SERIES OF 2021, ENTITLED: "RULES AND REGULATIONS GOVERNING THE LANDING AND TRANSSHIPPING OF FISH AND FISHERY PRODUCTS THAT HAVE NOT BEEN PREVIOUSLY LANDED, AND OTHER PORT SERVICES IN THE PHILIPPINES BY FOREIGN-FLAGGED FISHING VESSELS".**

**Whereas**, the Philippines ratified and adopted the United Nations Convention on the Law of the Sea;

**Whereas**, the Philippines is committed to implement the Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

**Whereas**, the Philippines acceded to the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing on 26 April 2018 to which the Senate gave its concurrence on 05 March 2018;

**Whereas**, as a participating member in good standing of the Regional Fisheries Management Organizations (RFMOs), the Philippines is committed to adopt and implement "Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing";

**Whereas**, Section 42 of Republic Act 8550, as amended by Republic Act 10654, provides that *"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"*;

**Whereas**, to further implement port state measures under the PSMA and to prevent, deter, and eliminate illegal, unreported and unregulated fishing, the Department issued Fisheries Administrative Order No. 267, series of 2021, entitled: *"Rules and regulations governing the landing and transshipping of fish and fishery products that have not been previously landed, and other port services in the Philippine by foreign-flagged fishing vessels"* on December 05, 2021;

**Whereas**, there is a need to designate additional ports that may be used by foreign-flagged fishing vessels for purposes of crewing, dry-docking, repair, re-supplying, and loading and unloading of fishing-related equipment only;

In view of the foregoing, FAO 267 is hereby amended, for information and compliance by all concerned, to read as follows:



**Section 1.** Section 1 of Fisheries Administrative Order No. 267, series of 2021 (FAO 267) pertaining to the definition of terms is hereby amended as follows:

“Section 1. **Definition of Terms and Acronyms.** For purposes of this Order, the following terms and acronyms are hereby defined as follows:

- a. xxx
- b. xxx
- c. **BAIT** – Boarding and Inspection Team – is a team composed of authorized DA-BFAR personnel.

xxx”

The following terms and acronym shall be added in the definition of terms:

**Basic Port Services** – services that can be availed of from the designated port such as landing, transshipping, packaging and processing of fish and fishery products.

**Other Port Services** – services that can be availed of other than the basic port services from the designated port such as crewing, refueling and resupplying, maintenance and dry-docking, repair, and loading and unloading of fishing-related equipment.

**Port Authority** – a government agency empowered under existing laws, rules and regulations to manage a particular port and/or has absolute control and supervision over that port.

**SBMA** – Subic Bay Metropolitan Authority – the sub-agency under the Bases Conversion and Development Authority (BCDA) responsible for the operations and management of the Subic Special Economic and Freeport Zone including the Port of Subic Bay.

**Section 2.** All words or terms pertaining to **PFDA** in Sections 4, 6, 8, 12, 14, 19, 21, 26, 27, and in the annexes shall be replaced with “**Port Authority**”. Provided that, the PFDA shall be the port authority for Davao Fish Port Complex (DFPC), General Santos Fish Port Complex (GSFPC), Navotas Fish Port Complex (NFPC) while Subic Bay Metropolitan Authority (SBMA) shall be the port authority for the Port of Subic Bay.

**Section 3.** Section 6 of FAO 267 is hereby amended as follows:

“**Section 6. Designated Ports in the Philippines.** Foreign-flagged fishing vessels such as catcher fishing vessels, reefer carriers, support vessels and vessels carrying fish that have not previously been landed, shall only use designated government-controlled ports under the jurisdiction of the Port Authorities.

The **Davao Fish Port Complex, General Santos Fish Port Complex, Navotas Fish Port Complex and Port of Subic Bay** are hereby designated as the official designated ports in the Philippines. Provided, that foreign-flagged longline fishing



vessels shall only use the Davao Fish Port Complex for landing and transshipment of fish and fishery/aquatic products. For other port services, the use of any designated port may be allowed. Provided further, that Navotas Fish Port Complex and Port of Subic Bay shall be used for other port services only and not for landing and transshipment of fish and fishery/aquatic products.

In case the designated port does not offer services for dry-docking and/or emergency repair, a request to use shipyards or other ports near the designated port for dry-docking and/or emergency repair may be granted provided that all of the following conditions have been complied with:

- a. the foreign-flagged fishing vessel has entered in a designated port;
- b. boarding and inspection of said foreign-flagged fishing vessel has been conducted;
- c. the foreign-flagged fishing vessel is proven to be not engaged in IUU Fishing and has been cleared by the BFAR; and
- d. if the foreign-flagged fishing vessel is carrying fish or fishery/aquatic products not derived from IUU, the same shall only be unloaded either for landing or transshipment in a designated port.

**Section 4.** Section 7 of FAO 267 is hereby amended as follows:

**“Section 7. Use of Non-Designated Ports.** Foreign-flagged fishing vessels shall not be allowed to enter ports not designated under this regulation unless in cases of force majeure or distress.

All ports not designated under this regulation shall strictly not allow foreign-flagged fishing vessel to enter or use such non-designated ports.”

**Section 5.** Section 8 of FAO 267 is hereby amended as follows:

**“Section 8. Creation of One Stop Action Center (OSAC).** For purposes of effectively implementing the provisions of this Order, the DA-BFAR shall coordinate with other government agencies such as the Port Authority of the designated port, BOC, BI, BOQ, BPI, and BAI to establish a One-Stop-Action-Center. As far as practicable, the said agencies may allocate funds for the operation and maintenance of the OSAC. The procedures for the operationalization of the OSAC shall be defined by the DA-BFAR in coordination with other competent agencies.”

**Section 6.** Section 10, item g. of FAO 267 is hereby amended as follows:

“g. Copy of Official Receipt reflecting payment of **registration** fee as follows:”

**Section 7.** Section 11 of FAO 267 is hereby amended as follows:

**“Section 11. Pre-Arrival Requirements.** Foreign-flagged fishing vessels shall notify the One-Stop Action Center (OSAC) via its Advanced Request for Port Entry (AREP), through the accredited/registered Local Shipping/Transshipment Agent,



**seventy two (72) hours** before the vessel's estimated time of arrival and shall provide OSAC the minimum required information set out in Annex I of this Order.

**Section 8.** Section 12 of FAO 267 is hereby amended as follows:

**“Section 12. Authorization to Enter Port.** After receiving the relevant information pursuant to Section 11, the Port Authority, upon concurrence of the DA-BFAR with respect to PSMA implementation and/or the members of the OSAC as may be relevant to their mandates, shall authorize or deny entry of the foreign-flagged fishing vessel in the designated ports under Section 3 of this Order.

In case of authorization, the Port Authority of the designated port shall issue an authorization, in writing, to enter port which shall be presented by the master/captain of the foreign-flagged fishing vessel upon the vessel's arrival at the designated port.

In the event that the OSAC members failed to agree on a consensus to deny or allow entry into port of a foreign fishing vessel, the DA-BFAR shall assess and finalize the recommendation for submission to the Port Authority.

xxx”

**Section 9.** Section 22 of FAO 267 is hereby amended to add a prohibited act therein, as follows:

**“Sec. 22. Prohibited Acts of Foreign-flagged Fishing Vessels.** The following acts are prohibited for foreign-flagged fishing vessels:

- a. xxx
- b. xxx
- c. xxx
- d. xxx
- e. xxx
- f. xxx
- g. xxx
- h. xxx
- i. Entering into and/or using a designated port but availing port services other than the port services allowed to be availed of from the said designated port under this regulation.”

**Section 10. Repealing Clause.** All previous orders and/or part thereof that are inconsistent herewith are hereby repealed.

**Section 11. Separability Clause.** Should any portion or provision of this Order be declared unconstitutional or invalid, the other portions thereof which are not affected thereby shall continue to be in full force and effect.



**Section 12. Effectivity.** This Order shall take effect fifteen (15) days from the date of its publication in a newspaper of general circulation and upon registration with the Office of the National Administrative Register.

Issued this 14<sup>th</sup> day of DECEMBER, 2023 in Quezon City, Metro Manila Philippines.

**FRANCISCO P. TIO LAUREL JR.**  
*Secretary*  
Department of Agriculture *h*

Recommending Approval

*D. P. Bayate*  
**DRUSILA ESTHER L. BAYATE**  
*Undersecretary for Fisheries*  
*Chairperson, NFARMC*



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