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## **FISHERIES ADMINISTRATIVE**

### **ORDER NO. 254-2**

Series of 2024

**SUBJECT: AMENDING FISHERIES ADMINISTRATIVE ORDER (FAO) 254-1 PROVIDING FOR THE REGULATION AND IMPLEMENTING GUIDELINES ON GROUP HANDLINE FISHING OPERATIONS IN THE HIGH SEAS OF THE WCPFC CONVENTION AREA.**

**WHEREAS**, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 5, 2000, which was subsequently ratified by the Senate in 2005;

**WHEREAS**, the Philippines is a member of the regional fisheries management organization, the Western and Central Pacific Fisheries Commission (WCPFC);

**WHEREAS**, in December 2021, the Commission adopted a new Conservation and Management Measure (CMM-2021-01) for Bigeye, Yellowfin and Skipjack Tuna in the intended and designed to support fisheries for skipjack tuna, bigeye tuna and yellowfin tuna in the Convention Area that benefit CCMs and their communities, and to do so in a way that is fair to all Members and addresses the special requirements of developing States and Participating Territories. The measure's provisions are based on the interim stock-specific objectives below, as well as other relevant provisions of the Convention and decisions of the Commission. As the harvest strategies for the tropical tuna stocks and/or their associated fisheries are developed, the objectives and provisions of the Measure will be amended accordingly;

**WHEREAS**, CMM 2021-01 has adopted CMM 2014-06 establishing a harvest strategy for key fisheries and stocks in the Western and Central Pacific Ocean and a Work Plan to guide the development of key components of a harvest strategy, including the recording of management objectives, adoption of reference points and development of harvest control rules

**WHEREAS**, the Harvest Strategy and Interim Objectives for Bigeye, Skipjack, and Yellowfin tunas are the following:

#### **1) Bigeye**

Pending agreement on a target reference point the spawning biomass depletion ratio ( $SB/SB_{F=0}$ ) is to be maintained at or above the average ( $SB/SB_{F=0}$ ) for 2012-2015.

## 2) Skipjack

The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the interim target reference point of 50% of the spawning biomass in the absence of fishing, adopted in accordance with CMM 2015-06.

## 3) Yellowfin

Pending agreement on a target reference point the spawning biomass depletion ratio ( $SB/SB_{F=0}$ ) is to be maintained at or above the average ( $SB/SB_{F=0}$ ) for 2012-2015.

**WHEREAS**, CMM 2021-01 applies to all areas of high seas and all the EEZs in the Convention Area except where otherwise stated in the Measure. Coastal States are encouraged to take measures in archipelagic waters and territorial seas that are consistent with the objectives of this Measure and to inform the Commission Secretariat of the relevant measures they will apply in these waters.

**WHEREAS**, Paragraph 47 of CMM 2021-01 states that "CCM shall take necessary measures to ensure that the total catch of their respective other commercial tuna fisheries for bigeye, yellowfin or skipjack tuna, but excluding those fisheries taking less than 2,000 tonnes of bigeye, yellowfin, and skipjack, shall not exceed either the average level for the period 2001-2004 or the level of 2004";

**WHEREAS**, this policy is designed as a conservation measure primarily to reduce the effort in Philippine waters which is a spawning ground;

**WHEREAS**, Section 2 of Republic Act No. 9379 (RA 9379), otherwise known as "The Handline Fishing Law of 2007", stresses the need to support the development of the handline fishing industry, promote its competitiveness, sustainability, and social development and to strengthen existing rules and regulations governing handline fishing and ensure the safety and seaworthiness of handline fishing boats;;

**WHEREAS**, Section 5 of RA 9379 specifically states that handline fishing boats of the Philippine Registry may operate in international waters or waters of other countries that allow such operations provided they comply with applicable safety manning, radio communications, and other safety standards promoting seaworthiness, secure appropriate international fishing permit and certificate of clearance from BFAR;

**WHEREFORE**, in view of these premises, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgates the following regulations and implementing guidelines.

**Section 1. Definition of Terms.** For purposes of this Order, the following terms as used herein shall mean and shall be construed as follows:

1. Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit — a WCPFC-approved two-way tracking device 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 vessels' positions, fishing activities, and any other activities that may be required for Philippine-flagged fishing vessels.

2. Bureau – Bureau of Fisheries and Aquatic Resources (BFAR).
3. Vessel Monitoring System (VMS) – Refers to a system used to track and monitor the position, time, course, and speed of commercial fishing vessels in the territorial waters, EEZ, and the high seas for purposes of conservation and management of fisheries resources.
4. Electronic Reporting System (ERS) -Electronic Logsheet terminal designed to record and transmit daily Logsheet data electronically.
5. Commercial Fishing Vessel/Gear License (CFVGL) – authorization granted by BFAR to fishing vessel operators to fish within commercial waters (>15 km from the shoreline) of the Philippines pursuant to Sec. 26 of R.A. 8550.
6. Exclusive Economic Zone (EEZ) – an area beyond and adjacent to the territorial sea that shall not extend beyond 200 nautical miles from the baselines as defined under existing laws.
7. Fish Aggregating Devices (FAD) – devices that shall include drifting logs, other drifting objects, and anchored FADs.
8. Fisheries Monitoring Center (FMC) – serves as a land-based component for BFAR fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System
9. Handline Fishing – refers to a traditional fishing method that uses the hook and line, a passive fishing gear with a single vertical line carrying one hook and used by simply dropping the line into the water and waiting for the fish to bite.
10. Handline Fishing Boat – refers to a fishing boat with or without an outrigger, with or without auxiliary small boats on board that exclusively utilizes the handline fishing method with or without the aid of a carrier operating as a group.
11. Pakura or Sirisan – is an auxiliary small boat, less than three (3) gross tons locally known as "pakura" or "sirisan" made of wood, fiberglass, or any other material, with or without outrigger, propelled by a suitable engine and carried onboard a handline fishing boat for use in handline fishing operations beyond municipal waters.
12. High Seas (HS) – the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
13. High Seas Pocket 1 (HSP-1) – the area of high seas bounded by the EEZ of the Federated States of Micronesia to the north and east, Republic of Palau to the west,



Indonesia, and Papua New Guinea to the south, as referred to in CMM 2017-01. (See Attachment 2 Measure for the Philippines as reference.)

14. Distant Water Fishing Permit (DWFP) — authorization granted by BFAR to licensed Philippine-flagged vessels to fish in waters of other coastal states and high seas where the Philippines has access agreements.
15. Regional Fisheries Observer — Personnel duly authorized by the Commission's Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the Commission, other RFMOs, and by the Bureau's compatible measures.
16. Regional Fisheries Management Organizations (RFMOs) — Organizations that implement conservation and management measures on tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC in which the Philippines is a member, and the CCSBT (Commission on the Conservation of Southern Bluefin Tuna) in which the Philippines is cooperating non-member.
17. Western and Central Pacific Fisheries Commission (WCPFC)/the Commission — the governing body to which the Philippines is a member, that was created under the Western and Central Pacific Fisheries Convention to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks (i.e., tunas, billfish, marlin) in the western and central pacific ocean.

## **Section 2. Scope and Application**

1. This Administrative Order covers Philippine-registered handline fishing boats issued with Distant Water Fishing Permit (DWFP) and Special Permit to operate in the high seas of the WCPFC Convention Area and registered in the WCPFC Records of Fishing Vessels.

## **Section 3. Allocation of Fishing Access**

1. **Criteria in Qualifying for Fishing Access.** Any person, corporation, or entity who signifies to engage in handline fishing operation in the high seas of the WCPFC Convention Area shall be pre-qualified based on the following criteria:
  - a) The Handline fishing boats are Philippine-registered with valid Commercial Fishing Vessel and Gear License (CFVGL), Distant Water Fishing Permit (DWFP) and Special Permit to operate in the high seas of the WCPFC Convention Area, subject to annual renewal and payment of an annual fee at the rate of USD 300 for handline fishing boats of 40 gross tonnage and below, and USD 600 for over 40 gross tonnage;
  - b) The Handline fishing boats must be compliant with Philippine Coast Guard and Maritime Industry Authority (MARINA) rules and regulations;

- c) The Handline fishing boats must be compliant with the Catch Documentary Scheme;
- d) The Handline fishing boats must not have been involved in any administrative or criminal offense for engaging in fishing activities in the Convention Area in violation of any conservation and management measures adopted by the WCPFC;
- e) The Handline fishing boats shall be registered with WCPFC;
- f) The Handline fishing boats shall be equipped with a two-way Vessel Monitoring System;
- g) Each handline fishing boat shall commit to deploy no more than 2 FADs;
- h) The boat owner and three highest-ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operation;

2. Procedure in the Allocation of Fishing Access.

- a) **Letter of Intent.** All interested persons, corporations, or entities shall submit a formal letter of Intent (LOI) addressed to the Director of the Bureau indicating the handline fishing boat details such as registered name, gross tonnage, and gear.
- b) **Evaluation.** Those who have submitted LOI will be evaluated on the basis of their compliance with the criteria and their history of fishing operations.

**Section 4. Vessel Monitoring System.** All handline fishing boats and corresponding carrier boats shall be equipped with and shall operate a two-way Automatic Location Communicator in accordance with FAO 241, series of 2012, providing for the Regulations in the Implementation of the Vessel Monitoring System (VMS) in the High Seas and in consonance with CMM 2011-02 CMM 2017-01, CMM2018-01, CMM 2020-01, and CMM 2021-01 respectively. The FMC shall provide continuous real-time VMS information to the adjacent Coastal States/Territories for monitoring purposes. Access to VMS and other data shall be in accordance with WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by WCPFC for the Purpose of Monitoring, Control, and Surveillance (MCS) Activities and Access to and Dissemination of High Seas VMS for Scientific Purposes.

**Section 5. Reporting.**

- 1. Handline fishing boats, carrier vessels, and fishing companies shall notify BFAR, electronically or by any other means, at least 24 hours prior to entry and no more than 6 hours prior to exiting the fishing ground. Likewise, this information shall be transmitted to the adjacent Coastal States/Territories and WCPFC.



2. Report should be in the following format: "VID/entry or Exit: Date/Time; Lat/Long."
3. Handline fishing boats operating on high seas shall report sightings of any fishing vessel to BFAR and WCPFC Secretariat. Such information shall include vessel type, date, time, position, markings, heading, and speed.

**Section 6. Vessel Listing.** The Bureau shall maintain an updated list of all handline fishing boats operating on the high seas based on the vessel's entry and exit reports submitted to WCPFC. The list shall be submitted to WCPFC and shall be made available to WCPFC members and other concerned stakeholders through a dedicated website, [www.bfar.da.gov.ph](http://www.bfar.da.gov.ph).

**Section 7. Monitoring of Port Landings.** All landings of handline fishing boats operating in the high seas of the WCPFC Convention Area shall be made at authorized ports operated by the Philippine Fisheries Development Authority and/or other ports as approved by BFAR. Catch logsheet to include catch and effort data shall be accomplished and submitted by each handline vessel to the Bureau every month to ensure timely processing and analysis.

**Section 8. Effort Limit.** The annual total effort for handline shall not exceed the equivalent total catch level indicated in paragraph 47 of WCPFC CMM 2021-01 or its subsequent measures.

**Section 9. Use of Fish Aggregating Device (FAD).** Each handline fishing boat shall deploy not more than 2 FADs. Its design, deployment, replacement, and reporting of FAD coordinates shall be in accordance with existing policies.

**Section 10. Research.** BFAR observers shall be accommodated by handline fishing boats for purposes of scientific studies in aid of fishery management.

**Section 11. Nature of Access Right.** Any transfer of access rights or replacement of vessel covered by this Order shall be subjected to the prior approval of the Bureau and shall be based on the same conditions and criteria as provided herein, otherwise, the transfer shall be considered void.

**Section 12. Penalties.** Any violations of the provisions of this Fisheries Administrative Order shall be penalized as follows:

1. Pursuant to Section 119 of R.A. 8550 as amended by R.A. 10654, intentional non-reporting of position manually every six (6) hours after having been notified by BFAR FMC that the VMS ALC is not transmitting as required, the administrative fine shall be equivalent to five times the value of the catch or twice the amount indicated below, whichever is higher:
  - a) Two hundred fifty thousand pesos (P250,000.00) for small-scale commercial fishing;



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

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 a fine twice the amount of the administrative fine, confiscation of catch and suspension or revocation of the license.

2. Pursuant to Section 89 of R.A. 8550 as amended by R.A. 10654, for violation of Sections 5 and 7, cases of unreported fishing committed in waters beyond national jurisdiction or high seas, 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:
  - a) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;
  - b) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and
  - c) 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.

3. Deployment of FADs in excess of 2 as provided in Section 9 hereof shall be penalized with an administrative fine of Php 50,000.00 per excess FAD and confiscation of the excess FAD;
4. Unauthorized transfer of access rights or replacement of handline fishing boat as provided under Section 11 hereof shall be penalized with Php 100,000.00 at first offense, and Php 200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPFC Convention Area for the second offense;
5. Fishing outside the High Seas of the WCPO Convention Area shall be penalized with Php 100,000.00 for the first offense and Php 200,000.00 as well as revocation



of Special Permit to operate in the high seas of the WCPFC Convention Area for the second offense except in Philippine waters when authorized by BFAR;

6. Unloading in unauthorized ports and landings shall be penalized with Php 100,000.00 on the first offense; and Php 200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPFC Convention Area on the second offense.

**Section 13. Separability Clause.** If this Order or any part hereof is declared unconstitutional or invalid, the remaining sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

**Section 14. Repealing Clause.** All existing administrative orders, rules, and regulations that are inconsistent with the provisions of this Order are hereby repealed or modified.

**Section 15. Effectivity.** This Order shall take effect fifteen (15) days after completion of its publication in the Official Gazette or a newspaper of general circulation and its filing with the National Administrative Register, U.P Law Center. It will remain valid for the same duration as CMM 2021-01 unless modified or revised.

Issued this 3<sup>rd</sup> day of April, 2024 at Quezon City, Metro Manila, Philippines.

  
**FRANCISCO P. TIU LAUREL, Jr.**  
Secretary