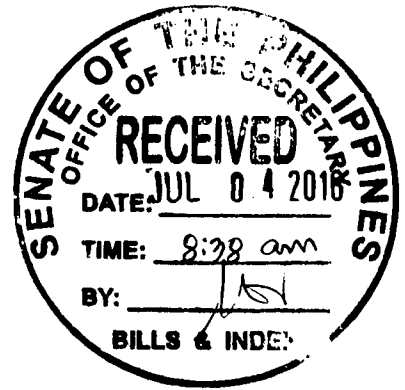


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S.B. No. 242

Introduced by SENATOR LOREN LEGARDA

AN ACT CREATING THE DEPARTMENT OF FISHERIES, PROVIDING FOR ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES

Explanatory Note

Owing to its natural endowments and strategic geographical location, the Philippines is rich in marine, costal, and freshwater resources and ecosystems which serve important biological and economic functions. Thus, Article XII, Section 2, paragraph 2 of the 1987 Constitution provides that:

“The State shall protect the nation; marine wealth in its archipelagic waters, territorial sea, and reserve its use and enjoyment exclusively to Filipino citizens.”

The Philippine archipelago is made up of more than 7,000 islands outlined by more than 18,000 kilometers of coastline, bordering roughly seventy percent (70%) of the country’s municipalities. There are about 132 principal rivers throughout the archipelago which drain through the coastal zone measuring 27 million hectares. This coastline is indented with several bays and gulfs that can serve as natural harbours.

Constituting the country’s territorial waters is a 220-million hectare fishing ground, of which 193.4 million hectares are oceanic waters and 26.6 million hectares are in the Exclusive Economic Zone. Within it are 38,000 hectares of lush mangrove cover and 810,000 square kilometers of coral reefs, home to 16 mangrove species, 488 species of coral reefs, and 1,000 fish species.

The utilization and development of these marine and fishery resources had been constrained by inadequate laws and the government’s lack of focused attention to it. In 1975, all laws and decrees affecting fisheries were revised and consolidated under Presidential Decree No. 704. However, the country’s fishery resources have been degraded, if not completely destroyed by pollution, unregulated gathering of fishery products, illegal fishing, and by the use of fishing methods and gears which irreversibly harm natural marine and fresh water habitats.

Among the major causes of degradation, overfishing deserves the most attention. This overexploitation of traditional fishing grounds inevitably resulted to a decline in their productivity.

Fish is the main source of protein for the Filipino people. An island nation, the Philippines necessarily depends, to a large extent, on its fishery resources for its food. Fish, which used to be among the cheapest sources of protein, is now more expensive than pork or chicken. The State is now called upon to perform its task to ensure sufficient food supply to millions of Filipinos through the development of the vast potentials of Philippine fisheries.

Increasing national productivity is an urgent matter if we are to industrialize by the turn of the century. But development should not be at the expense of rapidly depleting our fishery and aquatic resources. Until now, the government has failed to provide an integrated development program to address the pressing problems affecting the local fishery industries that are also of great environmental and biological implications.

The proposed bill seeks to protect and conserve the country's fishery and aquatic resources within sustainable limits for the exclusive use and enjoyment of Filipino citizens, to accelerate the integrated development of the fishery industry, and to protect the rights of small and subsistence fisherfolks and fishworkers to preferential use of such resources.

For the foregoing reasons, the undersigned sponsor urges the immediate passage of this bill.



LOREN LEGARDA

Senator

SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. B. No. 242



Introduced by **SENATOR LOREN LEGARDA**

AN ACT CREATING THE DEPARTMENT OF FISHERIES, PROVIDING FOR ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

**CHAPTER I
GENERAL PROVISIONS**

1 **SECTION 1. Title.** -This Act shall be known as the "Department of Fisheries Act."
2

3 **SEC. 2. Declaration of Policies.** - It shall be the State Policy to limit access to
4 the country's fisheries resources in order to achieve the following:
5

- 6 a. To protect and conserve the country's fishery and aquatic resources;
7 inland, coastal and marine, in the Exclusive Economic Zone, and in the
8 waters within its territorial seas. The fishery and aquatic resources of the
9 country shall be for the exclusive use and enjoyment of Filipino citizens, to
10 be explored and developed within sustainable limits determined on the
11 basis of resource and ecological conditions of the fishing areas while
12 ensuring continuous optimum yields;
13
- 14 b. To accelerate the integrated development of the fishery industry through
15 the rationalization of State policies and programs, improvement of the
16 industry's productivity and the provision of support services to small and
17 subsistence fisherfolks, including adequate financing, appropriate
18 research, production and marketing services;
19
- 20 c. To protect the rights of small and subsistence fisherfolks to preferential use
21 of the country's fishery and aquatic resources;
22
- 23 d. To protect the rights of commercial fishery workers or fishworkers to a just
24 share in the fruits of their labors;
25
- 26 e. To promote the participation of the private sector in the development of the
27 fishery industry to achieve maximum economic utilization of the country's
28 fishery resources; and,

- 1 f. That the privilege of the private sector to utilize fishery resources shall be
2 exercised under the basic concept that the grantee, licensee or permittee
3 thereof shall not only be a privilege beneficiary of the State, but also an
4 active participant and partner of the government in the development,
5 conservation and management of the fishery resources of the country.
6

7 **SEC. 3. Objectives.** – The objectives of this Law are the ff:
8

- 9 a) To achieve sustainable yield from, and use of the country's aquatic and fishery
10 resources while ensuring effective conservation and ecological balance through
11 strategic and participative management to spur and sustain national growth
12 and economic development;
13
14 b) To strengthen the capability of the government in providing appropriate
15 institutional support for fisheries development and improved productivity of
16 the fisheries industries;
17
18 c) To democratize access to, and use of the country's aquatic and fishery
19 resources through cooperativism and practice of communal use and
20 management of the resources;
21
22 d) To increase the fishery industry's productivity, and to increase the real income
23 of small and subsistence fisherfolks, fishworkers, and of those who depend on
24 the utilization of fishery resources or engaged in the fishery industry for
25 livelihood; and
26
27 e) To provide Filipinos adequate and affordable seafoods and other aquatic
28 products.
29

30 **SEC. 4. Coverage.** – The provisions of this Act shall be enforced in;
31

- 32 a.) Philippines waters including the territorial sea, waters within the country's
33 200-nautical miles Excluding Economic Zone, and insular shelves over which
34 the Philippines has sovereignty of jurisdiction;
35
36 b.) All aquatic and fishery areas whether inland, coastal or offshore, including
37 marshland, mangroves and water sheds; and,
38
39 c.) All lands devoted to aquaculture, or business and activities relating to
40 fishery, whether private or public lands.
41

42 **SEC. 5. Definition of Terms.** - As used in this Act, the following terms shall
43 mean as follows:
44

- 45 a) Fishery – refers to all activities relating to the act or business of gathering,
46 catching, taking, breeding, culturing, preserving, processing, and marketing of
47 fish and other aquatic resources from all types of fishing grounds or areas:
48
49 a. Philippine Waters – include all bodies of water within the Philippines
50 territory now existing or which may hereafter exist, the seas or
51 freshwater around, between and connecting each of the islands of the
52 Philippines archipelago regardless of its depth, breadth, length, and
53 dimension, and all other waters belonging to the Philippines
54 including the territorial seas, the country's exclusive economic zone,

- 1 the sea bed, the insular shelves, and other submarine areas over
2 which the Philippines has sovereignty or jurisdiction.
3
- 4 b. Offshore Fishery – fishery within the areas bounded by the outer
5 limits of coastal waters, extending to the country's '200-mile
6 Exclusive Economic Zone'
7
- 8 c. Exclusive Economic Zone – the area beyond and adjacent to the
9 country's territorial sea which shall not extend beyond 200 nautical
10 miles from the baselines from which the breadth of the territorial
11 seas are measured.
12
- 13 d. Municipal Fishery – (small scale, inland and coastal) – is a fishery
14 which is mainly undertaken with family members of the fishing
15 household to maintain their family needs.
16
- 17 e. Fishery Reserves and Sanctuaries – Areas in the Philippine Waters
18 declared for the purpose of protecting aquatic resources, and where
19 fishing is prohibited.
20
- 21 b) Fishery/Aquatic Resources - includes fishes and other aquatic living
22 resources or products in any form, marine flora and fauna, mineral deposits,
23 and other physical resources of the aquatic environment, including but not
24 limited marshlands, mangroves and water sheds; and all lands devoted to
25 aquaculture including but not limited to salt beds and fish ponds.
26
- 27 a. Littoral Resources – includes aquatic plants and animals inhabiting
28 the inter-tidal zone of coastal or inland waters and which do not
29 migrate, such as seaweeds and mollusks.
30
- 31 b. Threatened Species – refer to aquatic plants and animals in danger of
32 stocks depletion.
33
- 34 c. Endangered Species – refers to aquatic plants and animals in danger
35 of extinction.
36
- 37 c) Fishing – involves the catching, capturing or gathering of aquatic animals and
38 plants in their wild state or habitat by means of any fishing gear and/ or any
39 fishing vessels; including all forms of aqua culture operations such as
40 mariculture, and fish pond or fishcage operations.
41
- 42 d) Commercial Fishery – Refers to fishery which is carried out with hired
43 fisherman and the operator makes profit out of the fishing operations. A
44 commercial fishery operator may have one or more fishing vessels with more
45 than three (3) gross tons each.
46
- 47 e) Fishworkers – Those employed, regular or not, in commercial fishing and
48 related industries whose income consist of either salaries or wages, or profit –
49 sharing, or stratified sharing basis, including those working in fishpen or
50 cages, fishponds, prawn farms, salt farms and fish ports; but excluding
51 overseers, administration, managers and guards.
52
- 53 f) Fishery Rights - refers to rights to operate a fishery of specific nature in
54 defined coastal or inland water areas with specific fishing gear.
55

- 1 g) Set Net Fishery Right- the right to operate set net or fixed net in coastal waters
2 of at least twenty - seven (27) meters deep.
3
- 4 h) Demarcated Fishery Right - is a right to operate mariculture or seafarming in
5 specific coastal or inland water areas.
6
- 7 i) Common Fishery Right - is the right to collect or gather littoral aquatic
8 animals and plants, to fish using small fishing gears in municipal waters of
9 less than twenty - seven (27) meters deep, and to collect fish eggs, fry and
10 fingerlings of species allowed by law, during certain periods of the year.
11
- 12 j) Fishery License - a right or permit to operate specific types of fishing boats
13 and gear for specific duration in areas beyond municipal waters for demersal
14 or pelagic fishery resources.
15
- 16 k) Maximum Sustainable Yield - that level of fishing activities within which the
17 protection of fish stocks from overexploitation is reasonably assured.
18
- 19 l) Closed Season - refers to the period during which fishing of specified species
20 of aquatic organisms or products, or the use of specified fishing gears is
21 prohibited in a specified area or areas on Philippines waters.
22
- 23 m) Open Season - refers to the period during which fishing of specific species of
24 aquatic organisms or products, or the use of specified fishing gears is
25 permitted in a specified area or areas in Philippine waters.
26
- 27 n) Fishpen - a fish enclosure made of closely - woven materials attached to poles
28 staked to the water bottom in fresh or salt water areas for the purpose of
29 growing or culturing fish.
30
- 31 o) Fish Cage - a small stationary or floating fish enclosure made of bamboo or
32 netting materials or wire screens set in shallow water areas for the purposes of
33 growing or culturing fish.
34
- 35 p) Fish Pond - a land - based facility enclosed with earthen or stone materials to
36 impound water for growing fish.
37
- 38 q) Fisherman - a person whose main occupation is fishing during most of the
39 day in a year or at least two hundred forty (240) days or part of the year with
40 at least one hundred twenty (120) days spent in fishing.
41

42 **CHAPTER II**
43 **FISHERY RESOURCES USE AND ALLOCATION SYSTEM**
44

45 The utilization, exploration and development of fishery resources shall be
46 governed by democratic and equitable resources use and allocation system by
47 fishery rights granting and licensing.
48

49 **SEC. 6. Fishery Rights and Licenses.** - The Department of Fisheries shall
50 determine the fishery resources, the fishing areas, and fishing gear for which
51 fishery rights and licenses shall be issued by the concerned local government
52 units.
53

54 **SEC. 7. Common Fishery Rights.** - The local government units concerned shall
55 grant common fishery rights with priority to fisherfolks cooperatives and

1 associates composed of municipal fishfolks in their respective localities for a
2 period of two (2) years, renewable thereafter in conditions that the provisions of
3 the rights granted are fulfilled.

4
5 **SEC. 8. Demarcated Fishery Rights.** – The local government units concerned
6 shall grant demarcated fishery rights to fishery cooperatives or cooperative
7 associations for mariculture operations in specific areas identified by the
8 Department of Fisheries. A duration of two (2) years, renewable thereafter, shall
9 be granted after a review of compliance with the provisions of the rights granted.

10
11 **SEC. 9. Set Net Fishery.** – The Department of Fisheries shall determine the
12 number of set nets which can operate in the respective municipal waters and
13 advise the local government authorities concerned of the same which shall then
14 issue the set net fishery right. The set net fishery right can be granted to a group
15 of individuals or fishery cooperatives with adequate capital and experience in the
16 operation of the set nets in coastal waters not less than twenty – seven (27)
17 meters deep. The fishery rights grant shall have a duration of two (2) years
18 renewable thereafter, on condition that the provisions of the rights have been
19 fulfilled by the grantee.

20
21 **SEC. 10. Prohibitions.** – The rights described in the foregoing sections shall not
22 be transferred by lease, sale or mortgage. Any violation of this prohibition shall
23 constitute ground for the cancellation of the rights granted and a disqualification
24 of subsequent applications by the same grantee(s).

25
26 **SEC. 11. Areas Subject to Fishery Licensing.** – Fishing areas and resources not
27 covered by Sections 7 to 9, Chapter II of this Act can be subject to fishery
28 licensing.

29
30 **SEC. 12. Licensing Agreements.** – A license to fish may be granted to fishery
31 cooperatives or associations, a specific fisherfolk, a group of fisherfolk or a
32 judicial person to catch fish by using a finishing boat of at least ten (10) gross
33 tons with a ring net or by offshore trawl by boats larger than twenty – five (25) GT
34 or by purse seine by boats larger than fifty (50) GT.

35 The Department of Fisheries shall determine the number of and types of fishing
36 vessels, their gross tonnage, the type of fishing gears in specific fishing grounds
37 qualified for licensing by the provincial governments or the Secretary as the case
38 may be. A public announcement of areas subject for fishery licensing shall be
39 made three (3) months prior to the acceptance of applications for designated
40 fishery.

41
42 **SEC. 13. License to Operate a Fishing Vessel, Who May Apply.** – Any person,
43 groups of persons, or a judicial person may apply for a fishing license for the
44 operations of a fishing vessel in any designated fishery as may be announced by
45 the Department of fisheries as specified in Section 12.

46
47 **SEC. 14. Qualifications.** – The applicant under Section 13 shall have the
48 following qualifications.

- 49
50 a) Must not have been convicted of any criminal or civil offense or
51 violation of labor laws;
52
53 b) The fishing vessel fir which license is being applied meets the
54 requirements as specified by the Department of Fisheries; and
55

1 c) Has adequate financial capability to operate the vessel and must
2 have prior experience in such fishing operation.
3

4 **SEC. 15. Authorization for Commencing Fishery Operation.** – Any person,
5 groups of person or judicial person intending to acquire a fishing vessel but
6 without the license to operate such vessel, or who intends to have any such
7 vessel constructed, transferred or leased or otherwise acquires any right to use a
8 fishing vessel, shall file an application with the department of Fisheries prior to
9 the acquisition, construction, or lease of such fishing vessel.
10

11 **SEC. 16. Terms of License.** – The license to operate the fishing vessel shall be
12 for a period of two (2) years, renewable thereafter; Provided, however, that the
13 duration of issued licenses shall be subject to change depending on the state or
14 conditions of fishery resource being exploited.
15

16 **SEC. 17. Transferability.** – Should the licensee be no longer interested to
17 continue his fishing operation, he may sell or dispose of his fishing vessel;
18 Provided, that his license is surrendered to the Department of Fisheries for re-
19 granting to interested parties or qualified applicant: Provided, further, that such
20 re – granted license, shall only be for the remaining period of the original license.
21

22 **SEC. 18. Permission for Alteration.** – Should the licensee intend to increase the
23 gross tonnage of his fishing vessel for which a license had been previously
24 granted, the licensee shall file an application for permission to alter the said
25 fishing vessel for the increase tonnage.
26

27 **SEC. 19. Death or Dissolution of Grantee.** – In case of death or dissolution of
28 the licensee, the heirs or juridical successors shall succeed or be subrogated to
29 the rights of the licensee. The successor shall give notice of such succession to
30 the Department of Fisheries within two (2) months from the day his succession
31 took effect.
32

33 **SEC. 20. Loss of Validity of the License.** – A license shall lose its validity in
34 case of;

35 a) Abandonment of the vessel;

36 b) Loss or sinking of vessel;

37 c) Transfer, lease or return of the fishing vessel to its owner by the licensee;
38 and

39 d) If for any other reason wherein the licensee loses the right to use the
40 fishing vessel.
41

42
43
44
45 **CHAPTER III**
46 **FISHERY ADJUSTMENT**
47

48 **SEC. 21. Promulgation of Administrative Orders.** – For purposes of fishery
49 regulation or other fishery adjustments, the Department of Fisheries in
50 consultation with the local government units concerned and fishery
51 cooperatives/associations, shall issue fishery administrative orders or regulations
52 covering the following:

53 a) Restrictions or prohibitions relating to the gathering or taking of aquatic
54 plants and animals particularly those species known to be endangered;
55

- 1 b) Restrictions or prohibitions relating to the sale of aquatic plants and
2 animals or product therefrom;
3
4 c) Restrictions or prohibitions relating to fishing gear or fishing boats; and
5
6 d) Restrictions or prohibitions relating to qualifications or number of fishery
7 operators.
8

9 In the promulgations of Fishery administrative orders and regulations, the
10 Department of Fisheries and the local government units concerned shall conduct
11 a public hearing. The opinions if the fishery cooperatives/associations and the
12 Fishery Adjustment Committees concerned shall be sought in the formulation of
13 all orders and regulations.
14

15 **SEC. 22. Penal Provisions.** – Violations of this Act or Fishery administrative
16 orders or regulations shall be imprisonment for a period not more than two (2)
17 years or a fine of at least Fifty Thousand Pesos (50,000.00), or both imprisonment
18 and fine without prejudice to the confiscation of fish catch and products
19 therefrom, fishing vessels and gears possessed or owned by the offender, as well
20 as penalties equal to the value thereof in cases where no confiscation of the whole
21 or part of those articles owned by the offender in case these are warranted.
22

23 **CHAPTER IV** 24 **FISHERY REFUGES, SANCTUARIES AND RESERVES** 25

26 **SEC. 23. Fish Refuges and Sanctuaries.** – All streams, ponds, and waters
27 within existing game refuges, bird sanctuaries, national parks, botanical gardens,
28 communal forests and pastures, shall continue to be fish refuges and
29 sanctuaries, including mangroves, marshlands, swamplands, water sheds,
30 spawning areas, sea grass beds and coral reefs. Except for research and study
31 purposes, these fishery areas shall not be utilized for commercial, industrial,
32 recreational or other uses.
33

34 Whenever practicable, at most ten percent (10%) of the total municipal fishery
35 areas of a particular municipality shall be designated by its council as fish
36 sanctuaries.
37

38 Other fish refuges and sanctuaries may be designated and declared by the
39 concerned national agencies as provided for in this Act, whenever national
40 economic and scientific interests, or environmental and ecological concerns
41 warrant.
42

43 **SEC. 24. Fish Reserves.** – Fish reserves in municipal fishery areas may be
44 designated and declared by the municipal councils having jurisdiction over them.
45 Likewise, fish reserves in coastal and offshore fishery areas may be designated by
46 the Department of Fisheries hereinafter established.

47 Fish reserves shall be for the exclusive use of the National Government, or of any
48 its political subdivisions, agencies or instrumentalities, for educational and
49 scientific purposes.
50

51 **CHAPTER V** 52 **CONDITIONS FOR THE EXERCISE OF FISHERY RIGHTS** 53

54 **SEC. 25. Regulation of Fishery Rights.** – Fishery rights are subject to
55 regulation by the State. Fisherfolk cooperatives and associations shall keep a

1 record of their production activities from day to day or month to month. Such
2 records shall be open to local fishery authorities in order to establish historical
3 catch records of their fishery.

4
5 No person, either natural or juridical, shall utilize, exploit, occupy, capture or
6 culture fish and other fishery and aquatic resources, or engage in any fishery
7 activity within Philippine waters without a license, permit or assignment issued
8 for the purpose and granted in its favor.

9
10 The license, permit, or assignment issued allowing utilization and exploration of
11 fishery and aquatic resources shall specify the fishing area, catch or harvest
12 fishing gear and method, and where applicable, the fishing season and vessel
13 types, and other conditions that shall be observed and complied with by the
14 licensee, permittee, or assignee.

15
16 Fishery rights granted to fishery cooperatives/associations shall be under review
17 from time to time by the National Fishery and Aquatic Resources Management
18 council.

19
20 **SEC. 26. Non-Transferability.** – No person, either juridical or natural, to whom a
21 permit license or assignment has been issued, shall sell, transfer, assign, or
22 otherwise convey, directly or indirectly, has rights and interests therein to any
23 other person.

24
25 **SEC. 27. Disposition of Public Lands.** – Public lands such as tidal swamps,
26 mangroves, marshes and ponds suitable for fishery operations shall be disposed
27 by sale. Public land for fishery development shall be leased only to qualified small
28 and subsistence fisherfolk cooperatives located near or within such public lands,
29 subject to conditions hereinafter imposed.

30
31 The lease granted to a specific fisherfolk or fisherfolk organization shall be for a
32 period of 20 years and shall renewable, unless rescinded by the proper authority
33 for just cause as hereinafter provided; but in no case shall the total number of
34 years of lease exceed forty (40) years.

35
36 Areas to be leased to individual fisherfolk for purposes of this section shall be
37 subjected to the provisions of Republic Act No. 6657 otherwise known as the
38 Comprehensive Agrarian Reform Law.

39
40 The conversion of mangroves into fish ponds, or for any other purposes, is hereby
41 totally prohibited.

42
43 **SEC. 28. Lease of Public Lands for Fishpond Operations.** – Public lands,
44 except mangroves, may be declared available for fish ponds development and may
45 be leased to qualified persons and organizations other than those prioritized in
46 the preceding section, which shall be subject to the following conditions:

- 47
48 a) The lease shall be for a period of 25 years and shall be non – renewable;
49
50 b) The fishpond shall not be subleased, in whole or in part, nor be the subject
51 of a quitclaim, waiver of rights, or placed under joint venture operation,
52 partnership, or management contract with parties who are not themselves
53 beneficiaries of the present and preceding section;
54

1 c) The lessee shall undertake reforestation of water banks fronting the dikes
2 of his fish pond; and,
3

4 d) All areas leased which are not fully developed within five (5) years from the
5 date of approval of the lease contract shall automatically revert to the
6 public domain. The lessee who failed to develop the area or any portion
7 thereof shall not be permitted to re - apply for said area after such areas
8 have reverted back to the public domain, nor for any portion of other public
9 land.
10

11 **SEC. 29. Closed Season.** - Whenever necessary, closed seasons for specific
12 fishery areas may be declared as hereinafter provided.
13

14 **SEC. 30. Protection of Over-Exploited Fishery Areas.** - No commercial fishing
15 vessel shall be allowed to fish in bays and other fishery areas which have been
16 identified, or hereinafter declared, as over - exploited.
17

18 **SEC. 31. Protection of Threatened and Endangered Species.** - The State shall
19 determine which aquatic species are deemed threatened or endangered and shall
20 undertake protective and re - populating measures for threatened species.
21

22 The taking or fishing of endangered species and their eggs/offsprings is hereby
23 prohibited.
24

25 **SEC. 32. Exploitation of Corals.** - The exploitation of coral reefs and coral of
26 any kind is totally prohibited.
27

28 **SEC. 33. Capture of Sabalo and Other Breeders/Spawners.** - The fishing,
29 gathering or capture of mature milkfish or 'sabalo' and other breeders and
30 spawners of aquatic species is hereby prohibited.
31

32 **SEC. 34. Reportorial Requirements.** - Every commercial fishing vessel shall
33 maintain a record of fish catch and by catches, landing points or ports called,
34 volume of fish transshipped, offload, sold, or disposed by it. The information
35 contained in the record shall be duly certified by the vessel's captain and
36 transmitted monthly to the Department of Fisheries Information Division.
37

38 **SEC. 35. Introduction of Foreign Aquatic Species.** - No foreign finfish,
39 mollusk, crustacean or aquatic plants shall be introduce in Philippines waters
40 without a sound ecological, biological and environmental justifications based on
41 scientific studies.
42

43 **CHAPTER VI** 44 **RESOURCE MAPPING AND MONITORING** 45

46 **SEC. 36. Mapping and Registration of Fishery Areas.** - The mapping of
47 municipal, coastal and offshore fishery areas, inland waters and other inland
48 fishery areas, and public lands suitable to fishery operations shall be undertaken
49 by the National Mapping and Resource Information Authority, hereinafter referred
50 to as NAMRIA in close collaboration with the Department of Fisheries.
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CHAPTER VII
RESOURCE MANAGEMENT

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SEC. 37. Institutional Framework for Community-Based Resource Management. – The government shall promote and give priority support to fishery cooperatives at all levels. Fishery cooperatives/organizations at barangay, municipal and provincial level shall be federated into a National Federation of Fishery Cooperative/Organization. These organizations shall serve as the “catchment” of support services from government institutions and shall be the dialogue partner of the local and national governments in development planning. Representation of fishery cooperatives/associations in the National Fisheries and Aquatic Resources Management Council shall be elected from these organizations.

CHAPTER VIII
GOVERNMENT INSTITUTIONAL FRAMEWORK FOR FISHERY RESOURCE
MANAGEMENT

SEC. 38. Control over Fisheries and Aquatic Resources. – The management and control over fishery and aquatic resources shall be effected by the State in close collaboration and extensive participation of the fishery cooperatives/association.

SEC. 39. Department of Fisheries. – The Department of Fisheries is hereby created.

SEC. 40. Functions of the Department of Fisheries. – The Department of Fisheries shall perform the following functions:

- a) To prepare and implement a comprehensive National Fisheries and Industry Development Plan, taking into account the fishery and aquatic resources development plans of the fishery cooperatives/associations as approved by the National Fisheries and Aquatic Resources Council.
- b) To issue licenses and permits to fishworkers, fisherfolks and their organizations, and fishery operators engaged in commercial fishing in coastal and offshore fishery areas, in waters within the country’s Exclusive Economic Zone, and within the territorial seas.
- c) To issue licenses and permits to persons, natural or juridical, engaged in fishery operations other than fishing or breeding/ culturing of fish in consonance with the provision of Section 5, paragraph 1); except, those engaged in the utilization of municipal fishery areas;
- d) Subject to the approval of the Secretary, to approve, monitor and review Filipino-foreign fishing agreements, subject to the provision of Section 6 of this Act;
- e) To adjudicate disputes arising from the mapping of municipal and coastal fishery areas;
- f) To formulate and implement a comprehensive fishery research and development program aimed at increasing resource productivity, improving resource use efficiency, and ensuring the long-term sustainability of the country’s fishery and aquatic resources;

- 1 g) To establish and maintain a comprehensive fishery information systems;
2
3
4 h) To provide extensive development support services in all aspects of fisheries
5 production and procession, particularly for village women;
6
7 i) To coordinate with local government units, fishery cooperatives and
8 primary fishery producers efforts relating to fishery productivity;
9
10 j) To establish a corps of specialist in collaboration with the Philippine Navy
11 and the Air Force for the efficient monitoring, control and surveillance of
12 fishing activities within Philippine territorial waters and provide the
13 necessary facilities, equipment and training therefore;
14
15 k) To formulate and enforce all laws, rules and regulations governing the
16 conservation and management of fishery resources and to settle conflicts of
17 resource uses and allocation in consultation with the fishery cooperatives
18 associations subject to the approval of the Department of Fisheries;
19
20 l) To develop new and novel fishery-products for domestic consumption and
21 export;
22
23 m) To provide the necessary infrastructure support for the fishing industry;
24
25 n) To recommend measures for the protection/enhancement of the fisheries
26 industries and for this purpose to consult the Fishery Adjustment
27 Committees with regard to fishery rights and licensing;
28
29 o) To determine the number of fishing units that can harvest fishery resources
30 without endangering their sustainability;
31
32 p) To advise the local government units on the number of fishing units which
33 can be licensed in their respective areas; and
34
35 q) To assist the local government units in developing their technical capability
36 for fisheries development and management.
37

38 **Sec. 41. Composition of the Department.** - The department shall be headed by
39 a Secretary and assisted by two (2) Undersecretaries who shall respectively
40 supervise the administrative and technical services of the department.
41

42 The Secretary shall be appointed by the President of the Philippines and to be
43 confirmed by the Commission on Appointments. However, the Undersecretary
44 shall be a career position to be selected from a roster of fishery professionals.
45

46 **Sec. 42. Qualifications.** - The Secretary and Undersecretaries must possess the
47 following minimum qualifications:
48

- 49 a) At least a degree of Master of Fisheries from reputable school of learning;
50 and
51
52 b) At least ten (10) years of commendable work and practical experience in
53 fisheries development and research.
54

1 **Sec. 43. Division of the Department.** - The department shall consist of staff
2 services under each Undersecretary.

3
4 Under the Undersecretary for Administrative Services are:

- 5 a) General Services
- 6
- 7 b) Budget and Finance Services
- 8

9
10 Under the Undersecretary for Technical Services are:

- 11 a) Plans and Programs
- 12
- 13 b) Legal Services
- 14
- 15 c) Liaison and Coordination
- 16

17
18 The department shall be made up of six (6) technical divisions, namely:

- 19 a) Marine Fisheries Research and Development Institute
- 20
- 21 b) Inland Fisheries and Aquaculture Development and Management;
- 22
- 23 c) Fishery Resource Monitoring, Control and Surveillance;
- 24
- 25 d) Marketing and Fishery Products Development;
- 26
- 27 e) Fisheries Extension and Development Support; and
- 28
- 29 f) Fisheries Information
- 30

31
32 **Sec. 44. National Fisheries and Aquatic Resources Management Council.** -
33 There is hereby created a National Fisheries and Aquatic Resources Management
34 Council under the Office of the President, hereinafter referred to as the NFARMC.

35
36 The NFARMC shall have the following functions:

- 37 a) Coordinate with the Department of Fisheries in the formulation of national
38 policies for the protection, development and management of fishery and
39 aquatic resources;
- 40
- 41 b) Coordinate with the Department of Fisheries in the preparation and
42 implementation of the National Fisheries and Industry Development Plan;
- 43
- 44 c) To monitor and evaluate the utilization and exploration of fishery and
45 aquatic resources:
 - 46 i) Review the state of fishery resources and production and recommend
47 measures for sustainability.
 - 48
 - 49 ii) Determine and declare open and closed seasons.
 - 50
 - 51
 - 52
 - 53 iii) Monitor and evaluate the effects of mesh size regulations of specific
54 fishing gear;
 - 55

- 1 iv) Review and assess the improvements of the socio-economic
2 conditions of fisherfolks;
3
4 v) Identify life support services necessary for the improvement of fishing
5 communities, and
6
7 d) To coordinate with local government units in the monitoring of municipal
8 fishery areas and the utilization of the same; and
9
10 e) Such other functions as may be provided by law.

11
12 **Sec. 45. Composition of the NFARMC.** - The NFARMC shall be composed of
13 fifteen (15) members apportioned as follows:
14

- 15 a) Nine (9) representatives elected by the federation of Fishery Cooperatives
16 Associations from the islands of Luzon, Visayas and Mindanao by three (3)
17 each, further apportioned as follows:
18
19 i) Three (3) representatives of fisherfolks cooperatives engaged in open
20 water fishing in municipal fishery area (inland and coastal)
21
22 ii) Three (3) representatives of cooperatives or associations engaged in
23 the seafarming in coastal fishery areas and fishcage/fishpan
24 operations; and
25
26 iii) Three (3) representatives of industrial or commercial fishery
27 operators engaged in offshore fishing including the Exclusive
28 Economic Zone;
29
30 b) Four (4) representatives from a peer group of professional fishery specialists
31 to be appointed by the President;
32
33 c) Two (2) representatives, one each, representing the League of Governors
34 and Mayors;
35
36 d) The Secretary of the Department Fisheries and the Secretary of the
37 Department of Environment and Natural Resources shall be an ex-officio
38 members.
39

40 **SEC. 46. Appointment to the NFARMC.** - The members of the NFARMC shall be
41 nominated by the Federation of National Fishery Cooperatives Association to the
42 President in the following manner:
43

- 44 a) The nine (9) fisherfolks- representatives shall be elected by their respective
45 organizations and approved by the National Cooperative organization in a
46 convention;
47
48 b) The four (4) representatives from the peer group of fishery professionals
49 shall be nominated by the Fisheries Alumni Association of the Philippines
50 to the President, and
51
52 c) The two (2) representatives of the League of Governors and League of
53 Mayors shall be elected by their respective organizations and nominated to
54 the President for appointment.
55

1 **SEC. 47. Term of Office.** - The members of the NFARMC, except its ex-officio
2 members, shall serve for a term of three (3) years. The Council, immediately upon
3 its constitution, shall elect a chairperson from among its non-officio members.
4

5 **SEC. 48. Framework for Management of Municipal Fishery Areas.** - There is
6 hereby created Provincial Fishery Offices to be assigned in each province. The
7 functions of these offices are:
8

- 9 a) To serve as the focal point of contact and coordinator of all fishery
10 development support services in the province to be provided to fishery
11 resourced users and their organizations;
12
- 13 b) Assist in the formal organization of fishery cooperatives associations;
14
- 15 c) To liaise with concerned government institutions both local and national
16 and arrange timely delivery of services to the fishing cooperatives
17 association;
18
- 19 d) To establish monitoring system of the fishery activities of the fisherfolks
20 and their organizations, improvements in fishery production and socio-
21 economic conditions of the fishing communities;
22
- 23 e) To provide technical assistance or arrange the provision of technical
24 support services from local and national institution: and
25
- 26 f) Assist in the organizations of annual meeting of fishery cooperatives
27 association, identify action programmed, and prepare development plans in
28 close consultation with the fisherfolks organizations/associations for the
29 consideration of the LGUs and the Department of Fisheries.
30

31 **SEC. 49. Creation of FARMCs.** - To institutionalize the major role of the local
32 fisherfolks and other resource users in the community-based planning and
33 implementation of policies and programs for the arrangement, conservation,
34 development and protection of fisheries and aquatic resources of the municipal
35 waters as defined by the Local Government Code, there is hereby created
36 FARMC's in all barangays, municipalities and cities abutting municipal waters. In
37 bays, gulfs, lakes, and rivers bounded by two or more barangays or
38 municipalities/cities, an integrated or lakewide FARMC's shall be created.
39

40 **SEC. 50. Organization of FARMCs.** - The FARMC's shall be formed by fisherfolk
41 cooperatives/organizations in the locality and to be assisted by the local
42 government units and other government entities.
43

44 **SEC. 51. Composition of the Barangay Aquatic Resources Management
45 Council (BFARMC).** - The regular members of the Barangay FARMCs shall be
46 composed of:
47

- 48 a) Chairperson of Sangguniang Barangay Agriculture/Fisheries Committee;
49
- 50 b) Representative from the accredited non-government organization:
51
- 52 c) Representative from private sector; and
53
- 54 d) At least eight (8) representatives of the fisherfolk which include youth
55 and women sector.

1 The Council shall adopt rules and regulations necessary to govern its proceedings
2 and elections.

3
4 **SEC. 52. Powers and Functions.** – The BFRMCs shall have the following powers
5 and functions;

6
7 a) Formulate and submit to the Barangay Development Council the
8 barangay fisheries and aquatic resources development plan (BFADP),
9 policies, proposed ordinances and resolution;

10
11 b) Create law enforcement task forces in coordination with the LGUs other
12 law enforcement agencies as its law enforcement arm;

13
14 c) File complaints with administrative and/or judicial bodies against those
15 who commit violations of fishery laws, rules and regulations. The LGU and
16 DOJ shall provide the necessary support such as legal counsel, and other
17 needs necessary to pursue the case;

18
19 d) Arbitrate disputes over fishery rights and sharing contracts;

20
21 e) Conduct public hearings in aid of its formulation of development plans,
22 policies and proposed ordinances and resolutions;

23
24 f) Screen qualified applicants and evaluate applications for fishing permits
25 and/or licenses and endorse applications to appropriate offices of the
26 municipality/city for approval;

27
28 g) Monitor and gather data in fish landing points as a basis for formulation
29 of management plans and policies;

30
31 h) Develop comprehensive rehabilitation and conservation of municipal
32 fishing grounds and aquatic resources;

33
34 i) Promote ancillary economic activities, including cooperative marketing
35 and socio-economic services; and

36
37 j) Maintain registry of barangay fisherfolks.

38
39 **SEC. 53. Composition of the Municipality/City Fisheries Aquatic Resources**
40 **Management Council (M/CFARMC).** - The regular member of the M/CFARMCs
41 shall be composed of;

42
43 a) Municipal/City Agriculture and Fishery Officers;

44
45 b) Chairperson, Agriculture/Fishery Committee of the Sangguniang
46 Bayan/Panglungsod;

47
48 c) Representative of the Municipal/City Development Council;

49
50 d) Representative from the accredited non-government organization;

51
52 e) Representative from private sector; and

53 f) At least ten (10) fisherfolks representative inclusive of the Chairperson of
54 every Barangay FARMC in each municipality/city which includes
55 representative from youth and women sector.

1 The Council shall adopt rules and regulations necessary to govern its proceedings
2 and election.
3

4 **SEC. 54. Power and Functions.** – The M/CFARMCs shall exercise the following
5 powers and function:
6

- 7 a) Harmonize and integrate into municipal/city Fisheries and Aquatic
8 Development Plant (M/CFADP) the barangay FADP and submit the
9 Municipal/City development Council;
10
- 11 b) Assist the law enforcement agencies and support the BFARMCs law
12 enforcement task force in the enforcement of fishery laws, rules &
13 regulations and ordinances;
14
- 15 c) Assist and support the BFARMCs in filling complaints with administrative
16 and/or judicial bodies against those who commit violation of the fishery
17 laws, rules and regulations. The LGU and DOJ shall provide the necessary
18 support such as providing legal counsel, and other needs necessary to
19 pursue the case;
20
- 21 d) Arbitrate disputes over fishery rights and sharing of contracts.
22
- 23 e) Conduct public hearing in aid of its formulation of development plans,
24 policies, resolutions and ordinances;
25
- 26 f) Endorse applications for fishing permits and/or licenses to the appropriate
27 of the municipality/city and special agencies for consideration;
28
- 29 g) Monitor and gather data in fish landing points as a basis for formulation or
30 management plants and policies;
31
- 32 h) Promote comprehensive rehabilitation and conservation of municipal
33 fishing grounds and aquatic resources;
34
- 35 i) Promote ancillary economic activities, including cooperative marketing, and
36 socio-economic services;
37
- 38 j) Assist and support BFARMCs in establishing fishing zones, demarcated
39 areas and delineating navigational lanes;
40
- 41 k) Assist and support BFARMCs in regulating fishing efforts in designated
42 fishing grounds as maybe determined by studies conducted by concerned
43 group and/or agencies; and
44
- 45 l) Maintain registry of municipal fisherfolks.
46

47 **SEC. 55. Composition of the Integrated FARMCs.** - The regular member of the
48 integrated FARMCs shall be composed of the following:
49

- 50 a) One (1) representative from the different representatives of the Committee
51 on Agriculture/Fisheries of the Sangguniang Bayan/Panglunsod;
52
- 53 b) One (1) representative from the different representative of the
54 Municipal/City Agriculture and Fisheries Officers;
55

- 1 c) One (1) representative from the different representatives of the
2 Municipal/City Development Officers;
3
4 d) One (1) representative from NGO;
5
6 e) One (1) representative from private sector; and
7
8 f) At least nine (9) representative from the fisherfolk which include
9 representative from youth and women sector;
10
11 g) The Council shall adopt rules and regulations necessary to govern its
12 proceeding and election.
13

14 **SEC. 56. Power and Functions.** – The integrated FARMC shall have the following
15 power and functions:
16

- 17 a) Formulate and coordinate the implementation of integrated policy for the
18 management, protection, development and conservation of fisheries and
19 aquatic resources;
20
21 b) Prepare an integrated fisheries and aquatic development plan (IFADP)
22 taking into account the municipal/city development plans;
23
24 c) Monitor and assist in enforcement of fishery laws, rules and regulations
25 and ordinance;
26
27 d) Arbitrate disputes between barangay, municipal/city over fishery rights
28 and jurisdiction;
29
30 e) Assist and support BFARMC or M/CFARMCs in filling complaints with
31 administrative and/or judicial bodies against those who commit violations
32 of fishery laws, rules and regulations. The LGUs and DOJ shall provide
33 support such as providing legal counsels and other needs necessary to
34 pursue the case;
35
36 f) Protect the ecological and reserve sanctuaries and manage the sustainable
37 use of fisheries and aquatic resources;
38
39 g) Monitor and gather data in fish landing points as basis for the formulation
40 of management plans and policies;
41
42 h) Regulate fishing efforts in designated fishing grounds as may be
43 determined by studies of concerned groups and/or agencies;
44
45 i) Sources fund for the implementation of IFADP; and
46
47 j) Monitoring and evaluate the implementation of IFADP
48

49 **CHAPTER IX**
50 **SUPPORT SERVICES**
51

52 **SEC. 57. Infrastructure Support.** – The Department of Fisheries shall:
53

- 1 a) Identify community infrastructure facilities such as fish landing piers, ice
2 plant and cold storage facilities in consultation with fishery cooperatives
3 associations and prepare plans and design for their construction;
4
- 5 b) Arrange and make representation with appropriate funding institutions to
6 finance such facilities for the use of the fishery cooperatives/association;
7
- 8 c) Develop and strengthen marketing facilities, establish fair pricing system
9 for fishery products and promote cooperative marketing system; and
10
- 11 d) Promote and strengthen local fisheries ship-building and repair industry.
12

13 **SEC. 58. Ancillary Industries.** – The Department of Fisheries shall develop and
14 promote through incentives fishery ancillary industries including handling, semi-
15 processing, processing, packaging, and preservation of fishery and aquatic
16 products.
17

18 **SEC. 59. Fishery Loan and Guaranty Fund.** – There is hereby created a Small
19 and Medium Scale Fishery Loan and Guarantee Fund to be administered by the
20 Land Bank of the Philippines for lending to qualified fisherfolks and their
21 organizations to finance the development of fisheries and ancillary industries.
22

23 The Development Bank of the Philippines, the Philippines National bank, and
24 other government-owned or controlled banking or financial institutions, as their
25 respective charters and articles of incorporation and by laws provide as well as
26 the policies of the Bangko Sentral ng Pilipinas may allow, shall:
27

- 28 a) Grant loans for the development, maintenance or rehabilitation of
29 fishponds, fishpens, and fishcages, and for the acquisition of fishing vessel,
30 fishing gear and equipment;
31
- 32 b) Extend loans for production, handling, processing, marketing, and the
33 establishment and operation of refrigeration and cold storage facilities; and,
34
- 35 c) Grant loans to leaseholders of public lands used for fishery activities.
36

37 The Fund shall guarantee eighty percent (80%) of the losses which may be
38 suffered by any of the institutions mentioned in the preceding paragraph in case
39 of default by the borrower, and the remaining fifteen percent (15%) by the lending
40 institution.
41

42 The income generated from licensing, leasing and penalties shall form part of the
43 fund.
44

45 **SEC. 60. Municipal Fisheries Grant Fund.** – There is hereby created a
46 Municipal Fisheries Grant Fund to finance fishery development projects of the
47 municipalities from the fund shall be derived. The income generated by the
48 municipalities from licensing of users of, and leasing of municipal fishery
49 resources shall form part of the Fund.
50

51 **SEC. 61. Extension Services.** – The Department of Fishery through its
52 Provincial Fishery offices shall develop and provide practical, indigenous and
53 efficient extension services to small and subsistence fisherfolks, premised on the
54 principles of self-help and self-reliance. For this purpose, it shall develop and
55 implement mechanisms that will ensure the effective transfer of implement

1 mechanisms that will ensure the effective transfer of appropriate fisheries
2 technology to legitimate users of fishery and aquatic resources.

3
4 It shall produce and disseminate, in all forms of media, relevant and
5 understandable informational materials, including periodicals, journals and
6 audio-visual materials.

7
8 It shall also implement sustained mass educational campaigns on the proper use,
9 development and conservation of the country's fishery and aquatic resources, on
10 ecological balance, and the formation of consumer consciousness promotive of
11 the development of viable Filipino fisheries and ancillary industries.

12
13 **SEC. 62. Research and Development.** - The Department of Fisheries shall
14 establish a system of fisheries cooperatives associations and publish annually the
15 statistical analysis of such data.

16
17 It shall facilitates the acquisition, solicitation and distribution of local and foreign
18 research grants and other forms of funding assistance to deserving researchers,
19 institutions and scholars on fisheries science and technology.

20
21 **SEC. 63. Research Priorities.** - Research activities and programs undertaken
22 shall focus on sciences and technologies of direct and immediate benefit to the
23 development of fisheries and fishery industry. The following shall be considered
24 as research priorities:

- 25 a) Fish culture production management system and techniques;
- 26 b) Determination of maximum sustainable yields of fishery resources;
- 27 c) Improvement of genetic quality of species;
- 28 d) Oceanographic and limnological studies;
- 29 e) Impact of mesh size regulations;
- 30 f) Fishery products quality control, product development and post-harvest
31 techniques;
- 32 g) Fishery industries profile,
- 33 h) Socio-economics of fisheries

34
35 **SEC. 64. Establishment and Upgrading of Fisheries Schools.** - The
36 Department of Education, Culture and Sports, and the Commission on Higher
37 Education, in coordination with the Department of Fisheries, shall formulate
38 formal and non-formal minimum curricular standards to upgrade all private and
39 public fisheries schools under their jurisdiction. Fisheries schools already
40 existing, which do not comply with the minimum standards required in this
41 section shall be denied accreditation, or closed down by the educational agencies.

42
43 **CHAPTER IX**
44 **FISHING SFETY STANDARDS**
45

46 **SEC. 65. Radio Communication Facilities.** - Every Commercial fishing vessel
47 shall be required to have installed on board radio communication facilities as a
48 condition for the issuance of the license for the vessel.

49
50 Any employee on board a fishing vessel shall be authorizes by the National
51 Telecommunications Commission to operate radio transreceivers during fishing
52 operations without the necessity of qualifying in the examinations prescribed by
53 existing laws and regulations; PROVIDED that, the Commission shall give
54 appropriate examinations to persons with sufficient experience and knowledge of

1 radio telephone or telegraphy for the purpose of certifying them as radio operators
2 on board fishing vessels only.

3
4 No franchise shall be required for the installation and operation of radio
5 transreceivers on board fishing vessels and in their home-based stations;
6 PROVIDED that, the National Telecommunications Commission shall, upon
7 application, issue a permit and assign a pre-set frequency to the qualified
8 applicant for the installation and operation of radio transreceivers on board his
9 fishing vessel and home-based station subject to the rules and regulations
10 prescribed by the Commission; AND PROVIDED FURTHER that, the Philippine
11 Coast Guard shall be informed by the Commission of the pre-set radio
12 frequencies assigned to fishing vessel operators.

13
14 The Department of Fisheries shall establish and maintain a radio communication
15 network tie-up with commercial fishing vessels for reporting and monitoring
16 purposes.

17
18 **SEC. 66. Complement of Fishing Vessels.** – Every fishing vessel of Philippine
19 registry of ten (10) gross tons or more but less than five hundred (500) gross tons,
20 when actually operated, shall have at least one (1) licensed deck officer and one
21 (1) licensed engine officer.

22
23 **SEC. 67. Medical Supplies and Life-Saving Devices.** – All fishing vessels shall
24 be provided with adequate medical supplies and life-saving devices to be
25 determined by the Occupational Safety and Health Center; Provided that, a
26 fishing vessel twenty (20) gross tons or more shall have as a member of its crew a
27 person qualified as a first aider duly certified by the National Red Cross.

28
29 **SEC. 68. Charting of Navigational Lanes.** – The Department of Fisheries shall
30 authorize the National Mapping and Resource Information Authority for the
31 designation and charting of navigational lanes in fishery areas. The Philippine
32 Coast Guard shall administer, control and supervise such designated
33 navigational lanes.

34
35 Commercial cruises and other passages not in the regular conduct of fishery
36 activities shall be made at designated navigational lanes.

37
38 **CHAPTER XI**
39 **PROHIBITED ACTS AND PENALTIES**

40
41 **SEC. 69. Poaching in Philippine Waters.** – No foreign person, corporation or
42 entity shall fish or operate any fishing vessel in Philippine waters.

43
44 Any foreign person, corporation or entity engaged in unlawful fishing or caused
45 the operation of a fishing vessel in Philippine waters shall be penalized by a fine
46 of One Hundred Thousand U.S. Dollars (\$ 100,000.00), in addition to the
47 confiscation of its catch, fishing equipment and fishing vessel.

48
49 The owner of the fishing vessel, or the Chief Executive Officer in the case of a
50 corporation, upon proof of their consent to the unlawful fishing or operation of
51 the fishing vessel, shall be punished by imprisonment of four (4) years and one
52 (1) day to eight (8) years.

1 The crew of the vessel confiscated, irrespective of their nationality, who have
2 knowledge of the violation shall suffer the same penalty provided in the preceding
3 paragraph.
4

5 Any foreign vessel apprehended in Philippine waters shall constitute a prima facie
6 evidence that the vessel is engaged in fishing in Philippine waters.
7

8 **SEC. 70. Illegal Fishing** - The following acts are hereby declared unlawful:

- 9 a) To engaged in commercial fishing, or other fishery activities for commercial
10 purposes, without a license, lease or permit, as the case may be;
11
12 b) To fish using fishing vessels for which no licenses or registration papers
13 have been issued;
14
15 c) To fish or to engage in fishery activities in fishery areas where one has no
16 permit to do so;
17
18 d) To fish or to engage in fishery activities in any bay or gulf declared or
19 hereinafter declared as overexploited; and,
20
21 e) To fish with the use of active fishing gears, mesh nets smaller than that
22 which may be fixed by rules and regulations promulgated conformably with
23 the provisions of this law, or other fishing equipment and gears which
24 cause depletion of fish stocks and other forms of biological degradation.
25

26 Any fishery operator who commits any of the above shall be punished by a fine
27 equivalent to the value of the catch or Ten Thousand pesos (P 10,000.00),
28 whichever is higher, and imprisonment of one (1) year and one (1) day to three (3)
29 years, in addition to the confiscation of the catch and fishing vessel and
30 equipment, and when applicable, by automatic revocation of his license.
31

32 The crew of the vessel confiscated who have knowledge of the violation shall
33 suffer the same penalty provided in the preceding paragraph.
34

35 Any small or subsistence fisherfolks who commits any of the abovementioned
36 acts shall be punished by confiscation of the catch, a fine of Ten Thousand pesos
37 (P 10,000.00) or imprisonment of six (6) months and one (1) day to one (1) year,
38 and when applicable, by automatic revocation of his license.
39

40 **SEC. 71. Commercial Fishing Vessels Employing Unregistered Fishworkers.** -
41 Any fishery operator or owner of fishing vessel employing unregistered
42 fishworkers or unlicensed crew shall be fined Five Thousand pesos (P 5, 000.00)
43 for each unregistered fishworkers or crew member, regardless of their
44 participation in actual fishing operations.
45

46 **SEC. 72. Fishing with the Use of Explosives, Obnoxious or Poisonous**
47 **Substances, or Electricity.** - It shall be unlawful for any person, natural or
48 judicial, to catch, gather or cause to be caught any fishery and aquatic product in
49 the Philippine waters with the use of explosives, obnoxious or poisonous
50 substances or electricity as define in section if this Act.
51

52 Violator of this Section shall be punished imprisonment from five (5) years and
53 one (1) day to fifteen (15) years, a fine of Twenty Thousand Pesos (P20,000.00)
54 and forfeiture of the catch, fishing vessel and equipment used in committing the

1 violation, without prejudice to other criminal liabilities the erring party may incur
2 incidental to, or as a consequence of, and revocation of license, if any.

3
4 Possession of obnoxious or poisonous substances intended for fishing, or
5 electrofishing devices shall be punished by imprisonment ranging from two (2)
6 years and one (1) day to six (6) years and confiscation of the substances and
7 devices.

8
9 The discovery of explosives, obnoxious or poisonous substances, or electrofishing
10 devices in any fishing vessel shall constitute prima facie evidence that the
11 operator or owner and crew of the fishing vessel is engaged in fishing with the use
12 of such substances or devices.

13
14 The use of explosives, obnoxious or poisonous substances, or electrofishing
15 devices to eradicate predators in closed fish ponds or quarantined fishery areas in
16 accordance with accepted impact in adjacent waters and grounds shall be
17 allowed; provided that, the user has secured permits from, and the actual use is
18 strictly supervised, by the authorized officials of the Department of Fisheries.

19
20 **SEC. 73. Illegal Fishing in Fish Refuges, Sanctuaries, and Reserves.** - Any
21 violation of section 23 and 24 of this act shall be punished by imprisonment not
22 exceeding three (3) years a fine not exceeding five thousand pesos (P5,000.00),
23 forfeiture of the catch and fishing equipment used, and revocation if license, if
24 any,

25
26 **SEC. 74. Illegal Fishing on Closed Season.** - Any violation of Section 29 of this
27 act shall punished by imprisonment not exceeding three (3) years, a fine not
28 exceeding Five Thousand Pesos (P5,000.00), forfeiture of the catch and fishing
29 equipment used, and revocation of license, if any.

30
31 **SEC. 75. Illegal Fishing or Taking of Threatened and/or Endangered Species.**
32 - Any violation of Section 31 of this Act shall be punished by imprisonment of
33 three years (3) years and one (1) day to six (6) years, a fine of Ten Thousand Pesos
34 (10,000.00), forfeiture of the catch, fishing equipment used and revocation of
35 license, if any.

36
37 **SEC. 76. Illegal Capture of Sabalo and Other Breeders and Spawners.** - Any
38 violation of section 26 of this act shall be punished by imprisonment of three (3)
39 years and one (1) day to six (6) years, or fine of Ten Thousand Pesos (P10,000.00),
40 in addition to the forfeiture of the catch and fishing equipment used and
41 revocation of license, if any.

42
43 Unauthorized exportation of breeders, pawns, fish egg, fry or fingerlings shall
44 be punished by the penalties provided in the preceding paragraph.

45
46 **SEC. 77. Illegal Importation of Fish.** - The importation of live fish, shellfish,
47 crustaceans and aquatic plants shall be punished by imprisonment not less than
48 five (5) years and a fine of fifteen thousand pesos (P15,000.00), and destruction of
49 the live organisms brought in.

50
51 **SEC. 78. Unlawful Exploitation of Corals.** - Any violation of Section 32 of this
52 act shall be punished by imprisonment of three (3) years and one (1) day to six (6)
53 years, a fine of Ten Thousand Pesos (P10,000.00), and forfeiture of gathered
54 products, whether in natural, semi-processed or processed form, and finishing
55 equipment used.

1 **SEC. 79. Transactions Involving Illegally Caught Fish and Aquatic**
2 **Resources.** – Dealing in, selling, or any disposition, including handling and
3 transportation, and processing for profit or pecuniary gains, of illegally caught,
4 gathered or produced fishery products shall be punished by imprisonment of two
5 (2) years and one (1) day to six (6) years and confiscation of the products subject
6 of the prohibited transaction.

7
8 **SEC. 80. Engaging in Practices and Use of Gears Destructive of Coral Reefs**
9 **and Other Marine Habitat.** - Fishing methods and gears that destroy coral reefs,
10 seagrass beds, and other fishery and marine life are hereby prohibited.

11
12 Violators of this provision shall be punished by imprisonment of ten (10) years
13 and a fine of not less than Ten Thousand Pesos (P10,000.00), confiscation of
14 equipment used, revocation of license, if any.

15
16 **SEC. 81. Prohibited Aquatic Pollution.** – The introduction in the grounds or
17 waters of substances, by man or machine, which results or likely to result to
18 harmful effects to fishery and aquatic resources, or pose hazards to human
19 health shall constitute aquatic pollution.

20
21 Any act of aquatic pollution shall punished by imprisonment of ten (10) years and
22 a fine of not less than Ten Thousand Pesos (P10,000.00) in addition to the
23 confiscation of substances and equipment used, and revocation of licenses, if
24 any.

25
26 **SEC. 82. Illegal Conversion of Mangroves.** – Any conversion of Mangroves shall
27 be punished by imprisonment of two (2) years.

28
29 **SEC. 83. Violation of Rights of Fishworkers.** – employer who fails to observe, or
30 grant fishworkers under his employ, the minimum rights and benefits provided
31 by law, without just cause or reasonable ground, in accordance with this act,
32 shall be punished by a fine of Ten Thousand Pesos (P10,000.) for each affected
33 fishworkers. The fact that a fishworkers is not properly registered or is not
34 licensed as such shall not be invoked to discriminate him under the provisions of
35 this section.

36
37 **SEC 84. Failure to Comply with Minimum Safety Standards.** – Any fisherfolks,
38 or captain or crew of a fishing vessel engaged in fishing who, upon demand by
39 proper authorities full to exhibit or show proof of compliance with the safety
40 standards provided in this Act, shall be immediately prevented from continuing
41 with his fishing activity and escorted to the nearest port of landing point. The
42 fisherfolks or fishing vessel shall be indefinitely grounded until sufficient
43 compliance has been undertaken.

44
45 **SEC. 85. Failure to Submit Required Reports.** – The owner or operator, or
46 master of any fishing vessel who fails to submit the reports required under this
47 act within thirty (30) days after due date shall be fined Five Thousand Pesos
48 (P5,000.00).

49
50 **SEC. 86. Obstruction of Navigation and Flow of Tide.** – Nothing in this Act
51 shall be construed as permitting the licensee, permittee or lessee to undertake any
52 construction which obstruct the free navigation and water through or adjoining
53 the fish pen or fish pond, or impede the flow and ebb of the tide to and from the
54 area.

1 Any violator of this Section shall punished by a fine ranging from Ten Thousand
2 Pesos (P10,000.00) to Twenty Thousand Pesos (P20,000.00), and the dismantling
3 and forfeiture of the construction.
4

5 **SEC. 87. Illegal Sub-Lease, Transfer of Rights, Etc.** – Any violation of the
6 provisions of Sections 6,7, & 8 of this Act shall be punished by the cancellation of
7 Fishpond Lease Agreement and confiscation of existing structures and
8 improvements, if any, and shall be disqualified from re-applying for any
9 subsequent lease or license as the case may be.
10

11 **SEC. 88. Unlawful Filipino-Foreign Fishing Agreement.** – Any Filipino owner
12 or operator , or master of a fishing vessels, or officers and directors of
13 corporations engaged in the exploitation of fishery and aquatic resources, who
14 shall be a party to an agreement prescribed under Section of this Act and who
15 shall actually engaged in fishing operations with respect to such an agreement,
16 shall be punished by imprisonment of three (3) years and a fine of One Hundred
17 Thousand Pesos (P100,000.00), by forfeiture of them catch and fishing vessel
18 used, and cancellation of permit or license, if any.
19

20 **SEC. 89. Other Prohibited Acts.** – The following acts are also prohibited:

- 21 a) Any person or organization engaged in tourism or related activities which
22 cause or contribute to the depletion of stock of fishery and aquatic
23 organism, or to the destruction of marine habitat shall be punished by
24 imprisonment of eight (8) years and a fine of Ten Thousand Pesos
25 (P10,000.00); and,
26
27 b) The owner or operator, or master of any fishing vessel who evades,
28 obstructs or hinders any fishery officer or deputized agent from boarding
29 such vessel in the performance of his duty shall be fined by Ten Thousand
30 Pesos (P10,000.00) The registration and license of the fishing vessel and/or
31 the license of the owner, operator or master of the vessel may also be
32 cancelled.
33

34 **CHAPTER XII**

35 **PROSECUTION OF VIOLATIONS**

36

37 **SEC. 90. Jurisdiction.** – The regular courts shall exercise exclusive jurisdiction
38 over the case involving violators of the provisions of this Act in Accordance with
39 Section 1 paragraphs (6) in relation to Section 2 paragraphs (1) and (2) of
40 Republic Act no. 7691 otherwise known as the Expanded Jurisdiction Act.
41

42 **SEC. 91. Enforcement Officers.** – Officers of the Department of Fisheries,
43 members of the Philippine Coast Guard, the Philippine national Police, Officers of
44 other government law enforcement agencies, and other persons duly authorized
45 or deputized for the purpose, are hereby charged to enforce the provisions of this
46 Act and the implementing rules and regulations duly promulgated thereunder.
47

48 **SEC. 92 Seizure Proceeding.** – Enforcement officers and authorized in the
49 preceding section are hereby empowered to summarily seize and impound the
50 catch, fishing vessel, equipment, gears and devices, explosives and other
51 substances used or to be used in violation of the provisions of this Act, for use as
52 evidence in the prosecution of such violation.

53 Seized and impounded objected under this Section shall be deemed in custodia
54 legis
55

1 Nothing in this section shall be constructed to dispense with the basic
2 requirements of due process.

3
4 **SEC. 93. Preliminary Investigation and Prosecution.** - The City or Municipal
5 Prosecutor, or in his absence, the Provincial Prosecutor of, or the State
6 Prosecutor assigned in the place where any violation of this Act is committed,
7 shall undertake the preliminary investigation and prosecution thereof in
8 accordance with the pertinent provisions of the Rules of Court.

9
10 **SEC. 94. Disposition of Seized and Forfeited Properties.** - Any property seized
11 and forfeited under the provisions of this Act, upon approval of the competent
12 court, shall be sold in accordance with the rules and regulations to be
13 promulgated by the Department of Fisheries for the purpose. Any proceed from
14 such sale shall form part of the Fishery Loan and Guaranty Fund provided for in
15 Section 52 of this Act.

16
17 **SEC. 95. No Compromise.** - Violations of this Act criminal in nature shall not
18 be compromised at any stage of the proceedings,

19
20 **CHAPTER XIII**
21 **MISCELLANEOUS PROVISIONS**

22
23 **SEC. 96. Regulation of Environmental Impact Projects.** - Issue of permits for
24 environmental impact projects affecting fisheries including but not limited to
25 mining, logging, construction of tourism facilities and public sewage, shall require
26 prior clearance from the National Federation of Fishing Cooperatives Association
27 and the National Resources Management Council in consultation with the other
28 government agencies concerned.

29
30 **CHAPTER XIV**
31 **TRANSITORY PROVISIONS**

32
33 **SEC. 97. Merging of Fisheries Agencies.** - The Philippine Fisheries
34 Development Authority and the Philippine Council for Aquatic and Marine
35 Resources Research and Development are hereby
36 Merge into the Department of Fisheries.

37
38 Until the Department of Fisheries is established, the Bureau of Fisheries and
39 Aquatic Resources (BFAR), the Philippine Fisheries Development Authority
40 (PFDA) and the Philippine Council for Aquatic and Marine Resources Research
41 and Development (PCAMRRD) shall continue to exercise their respective
42 functions, thereafter, such functions shall be absorbed by the Department of
43 Fisheries.

44
45 **SEC. 98. Personnel and Assets.** - All personnel, records, equipment and
46 appropriations of BFAR, PFDA, and PCMRRD are hereby transferred to the
47 Department of Fisheries.

48
49 No official or employee of the affected agencies and institutions shall be laid off as
50 consequence of the implementation of this Act, without prejudice to their
51 voluntary early retirement as provided by existing laws.

52
53 **SEC. 99. Review of Filipino-Foreign Fishing Agreements.** - The Department of
54 Fisheries, in coordination with the National Fisheries and Aquatic Resources
55 Management Council, shall, within ninety (90) days from the date of effectivity of

1 this Act, undertake a comprehensive review of Filipino-Foreign fishing
2 agreements existing prior to such date of effectivity.

3
4 **CHAPTER XV**
5 **FINAL PROVISIONS**
6

7 **SEC. 100. Appropriations.** – In addition with the existing funds of the
8 government agencies engaged in fisheries the sum of Five Hundred Thousand
9 Pesos (P500,000.00) is hereby authorized to be appropriated out of any funds in
10 the National Treasury not otherwise appropriated.

11
12 **SEC. 101. Repealing Clause.** – Presidential decree No. 704, as amended, and all
13 acts, Decree, Executive agreement, rules and regulations, or parts thereof
14 inconsistent with the provisions of this Act are hereby repealed or modified
15 accordingly.

16
17 **SEC. 102. Separability Clause.** – The provisions of this Act are hereby declared
18 separable and, if any clause, sentence, provision or section of this Act should for
19 any reason be declared invalid, such invalidity shall not affect the other
20 provisions of this Act.

21
22 **SEC. 103. Effectivity.** – This Act shall take effect within fifteen (15) days from
23 the date of its publication in full in two (2) newspapers of general circulation.

24
25 Approved,