Fisheries Administrative Order No. 185

Series of 1992

SUBJECT: Ban on the taking or catching, selling, purchasing and possessing, transporting and exporting of Dolphins.

Pursuant to Sections 4 and 7 of P.D. No. 704, as amended, and the Convention on International Trade of Endangered Species (CITES) the following rules and regulations for the protection and conservation of dolphins in Philippine waters are hereby promulgated:

Section 1. Definition- As used in this Order, the following terms are defined, as follows:

a. Dolphins - any of certain small-toothed marine mammals of the Order Cetacea having beaklike snouts, the neck vertebrae of which is partially fused.

b. Take or catch- includes the killing, capturing, trapping, snaring and netting of dolphin.

c. Sell- includes barter, exchange or offering or exposing for sale .

d. Purchase- means to buy and includes agreeing or offering to buy.

e. Possess- means to have actual or constructive possession or control thereof

f. Transport- means to carry or move or cause to be carried or moved.

g. Export- means to send or ship out of the country.

Sec. 2 Prohibition- It shall be unlawful to take or catch dolphins in Philippine waters or to sell, purchase, possess, transport, or export the same whether dead or alive, in any state or form whether raw or processed: Provided, That the Secretary of Agriculture, upon the recommendation of the Director of Fisheries and Aquatic Resources, may issue a special permit in favor of any government or private agency or institution engaged in research work on dolphins, including those to be used for exhibition or show purposes subject to such terms and conditions as the said Secretary may deem wise to impose.

It shall, likewise, be unlawful to wound or kill dolphins in the course of catching other species of fish. Dolphins, which are accidentally included in the catch by any gear shall immediately be released unharmed in the sea; otherwise, the liability shall be deemed to still exist. Dead dolphins that are washed to the seashore shall be surrendered to the nearest Department of Agriculture Office for Proper disposition.

Sec. 3 Penalty- Violation of this Order shall subject the offender to a fine of not less than five hundred (P500.00) pesos to not more than more than five thousand (P5000.00) pesos or imprisonment in the discretion of the Court: Provided, That the Director of Fisheries and Aquatic Resources is hereby empowered to impose upon the offender an administrative fine or not more than five thousand (P5000.00) pesos or to cancel his permit or license at his discretion including the confiscation of the dolphins for proper disposition of the government .

Sec.4 Effectivity- This Order shall take effect fifteen (15) days after its publication in the Official Gazette and /or in two (2) newspapers of general circulation.

Issued on this 16th day of December, 1992

(Sgd.) ROBERTO S. SEBASTIAN
Secretary

RECOMMENDED BY:

(Sgd.) GUILLERMO L. MORALES
Director
Bureau of Fisheries and Aquatic Resources

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The Philippine Star

The Daily Inquirer

Effectivity starts:

January 4, 1993