



FISHERIES ADMINISTRATIVE
ORDER NO. 262
Series of 2018.

**SUBJECT: REGULATION ON THE USE OF SUPERLIGHTS AND FISHING LIGHT ATTRACTORS
IN COMMERCIAL FISHING.**

WHEREAS, Rule 44.1 of Section 44 of the Implementing Rules and Regulations of Republic Act 8550 as Amended by Republic Act 10654 requires that DA-BFAR shall, within eighteen (18) months from the effectivity of IRR, determine the appropriate limits for superlights and fishing light attractors in all fishing grounds;

WHEREAS, Rule 44.2 of Section 44 of the Implementing Rules and Regulations of Republic Act 8550 as Amended by Republic Act 10654 provides that all fishing light attractors using existing technology shall also be regulated after the completion of study, including those using technologies that may hereinafter be developed or become available;

WHEREAS, Section 98 of the amended Fisheries Code also provides that it shall be unlawful to engage in fishing with the use of superlight in municipal waters, or to fish with fishing light attractor using candlelight power or intensity beyond the standards set by the Department in consultation with the LGUs for fishing in municipal waters, or in violation of the rules promulgated by the Department for fishing with the use of superlight or fishing light attractor outside municipal waters;

WHEREAS, BFAR conducted the study on superlights and other light attractors from August 2016 to July 2017 in waters off Zamboanga and Palawan;

WHEREAS, the results of the BFAR study on superlights and light attractors in the above major fishing grounds indicated that variations on light intensity do not significantly affect fishing efficiency, and that the determinant of efficiency is mainly due to fish stock availability, abundance and seasonality;

WHEREAS, the study also indicated that majority of catch by fishing using superlights and light attractors of current industry practice/level were of small pelagic species and are at mature sizes. The catch of juvenile/immature fishes was minimal;

WHEREAS, as Precautionary Measure it is important to maintain current intensity levels which does not significantly affect to the catching of juvenile fishes;

WHEREAS, light attenuation measurements showed immediate/abrupt light absorption with the depth, with sea water absorbing most of the light, such that the light intensity of 150Kw only penetrated at maximum depth of 40 meters and maximum horizontal radius of 100 meters;

WHEREAS, Section 2 of Revised Fisheries Code adopts the Precautionary Principle in Fisheries Management which may apply in managing fishing pressure;

WHEREFORE, this Order regulating the use of superlights and fishing light attractors in commercial fishing pursuant to the above mentioned provisions of RA 8550 as amended by RA 10654 is hereby promulgated.

SEC. 1 Definition of Terms

- a. Lightboat – is a fishing boat mounted with superlights or other light attractors which is mainly used as fishing aid by attracting fish and is a part of a fishing fleet where superlight and other light attractors are attached and is used in luring target species.
- b. SONAR Boat - Is a part of fishing fleet equipped with Sound Navigation and Ranging (SONAR) and other related sounding equipment/ apparatus that uses sound waves to detect fish and other objects underwater. This boat continuously surveys the fishing area in search for school of fish or target species.
- c. SONAR Lightboat - Is part of the fishing fleet which serves both as SONAR boat and a light boat. It can perform searching for school of fish and lure target species using mounted fishing light attractors.
- d. Fish Carrier - Is the support vessel of a fishing fleet primarily used to transport provisions and catch to and from the fishing ground. In some cases, this vessel also serve as lure/light boat mounted with fishing light attractors
- e. Fishing Light Attractors – refers to a fishing aid which employs lights using, among others, mercury vapor, high pressure sodium vapor, standard tungsten, tungsten halogen, fluorescent or light-emitting diode, that are attached to a structure above water or suspended underwater to attract both fish and members of their food chain to specific areas in order to harvest them.
- f. Lumen – is a unit of luminous flux used as measure of the total amount of visible light emitted by a source.
- g. Luminous efficacy - is a measure of how well a light source produces visible light. It is the ratio of luminous flux to power, measured in lumens per watt.
- h. Superlight - also called magic light refers to a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.
- i. Municipal Waters – include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.
- j. Municipal Fisherfolk- persons who are directly or indirectly engaged in municipal fishing and other related fishing activities.

- k. Community Service - means any service or activity that is performed for the benefit of the community or its institutions in lieu of payment of fine imposed as administrative or criminal penalty.

SEC. 2. Declaration of Superlights and Fishing Light Attractors. – Upon issuance or renewal of Commercial Fishing Vessel License (CFVL), the fishing boat owner/operator shall declare the number of bulbs and wattage ratings per bulb and the types of the lights they use that will form part of their CFVGL.

SEC. 3. Prohibitions. - It shall be unlawful to operate commercial fishing boats using superlights and fishing light attractors, or their combination, with a total or cumulative visible light of more than 20,000,000 lumens for each lightboat, SONAR lightboat or fish carrier. The total or cumulative visible light will be determined using luminous efficacy (lumen/watt) by type of bulb/light attractor as provided by the table below:

	Metal Halide	LED	Fluorescent	Halogen	Incandescent
* Luminous Efficacy (lm/watt)	80	100	55	21	20
Equivalent Wattage limit	250kW	200kW	363.6 kW	952.4 kW	1,000kW

*Source: (www.seafdec.org, 2013)

Provided, that the actual use of superlights regardless of the amount of visible light or intensity within municipal waters is illegal. Further, the use of other light attractors in municipal waters shall be regulated by the Local Government Units.

Provided further, that a gratuitous permit on the use of superlights or other fishing light attractors within municipal waters may be issued by the Local Chief Executive in consultation with its FARMC, to any government or private research and educational institution for research, experimental, educational and scientific purposes, and by the Director of the Bureau of Fisheries and Aquatic Resources (BFAR) in consultation with the NFARMC in areas beyond municipal waters both of which shall be subjected to such terms and conditions as the said Local Chief Executive or the Director respectively may deem wise to impose.

Sec. 4. Penalties. – Violation of this order shall hold the offender liable to the following penalties:

Upon a summary finding of administrative liability, the offender shall be punished by a fine of Twenty thousand pesos (P20, 000.00) per superlight or fishing light attractor, and confiscation of catch, superlight or fishing light attractor and gears: *Provided*, that if the offender is a municipal fisherfolk, he may render community service in lieu of fine.

Upon conviction by a court of law, the offender shall be punished with imprisonment from six (6) months to two (2) years and a fine of Forty thousand pesos (P40, 000.00) per superlight or fishing light attractor, and confiscation of catch, superlight or fishing light attractor and gears: *Provided*, That if the offender is a municipal fisherfolk, he may render community service in lieu of fine or imprisonment.

The imposition of the administrative penalties shall be subject to existing laws and rules promulgated by the Department.

Sec. 5. Repeal. – Fisheries Administrative Order No. 204 series of 2000 and all orders, rules and regulations or parts thereof which are inconsistent with this order are hereby deemed repealed or modified accordingly.

Sec. 6. Separability Clause. – If any portion or provision of this Order is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

Sec. 7. 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 this 6th day of Nov, 2018 at Quezon City, Metro Manila, Philippines.

EMMANUEL F. PINOL
Secretary
Department of Agriculture

DEPARTMENT OF AGRICULTURE

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