

Republic of the Philippines  
DEPARTMENT OF AGRICULTURE  
Office of the Secretary  
Elliptical Road, Diliman, Quezon City

FISHERIES ADMINISTRATIVE

ORDER NO. 226:

Series of 2008

**Subject: Regulation on the Mesh Size of Tuna Purse Seine Nets and Trading of Small Tuna**

Pursuant to the provisions of Section 2 paragraph c, Section 65, paragraph n and Section 89 of the Philippine Fisheries Code of 1998 (Republic Act 8550), the following management and conservation measures to minimize/reduce the catching of small tuna by tuna purse seine nets are hereby promulgated:

**WHEREAS**, tuna is one of the top marine export product of the Philippines and the fishery resources have been exploited by purse seine net which are observed to catch significant number of small tunas;

**WHEREAS**, the harvest of small tuna has caused alarm and grave concern since it affects the recruitment of tuna stock as significant numbers are caught before reaching maturity;

**WHEREAS**, the commercial fisheries sector is manifesting the strains of reduced catch since purse seine net contribute to the harvest of small tuna;

**WHEREAS**, the Philippine waters, particularly Davao Gulf, Moro Gulf, Sulu Sea and Celebes Sea is known as the breeding grounds of tuna species.

**WHEREAS**, the Fisheries Code of 1998 and other international agreements call for the management and conservation of highly migratory fish stocks.

**NOW, THEREFORE**, the following management and conservation measures to prescribe the mesh size of tuna purse seine nets in catching tuna and regulation on the trading of small tuna are hereby promulgated;

**Section 1. Definition of Terms** - The terms as used herein shall be construed as follows:.

- a. Bycatch Ceiling - refers to the ceiling of ten percent (10%) of small tunas caught during fishing operation.
- b. Small tuna - are young of tuna fish less than 500 grams, which includes yellowfin tuna, big eye tuna, and skipjack tuna.
- c. Mesh size for tuna purse seine nets - refers to the minimum mesh size not less than 3.5 inches (8.89 cm) at the bunt or bag portion for catching tuna.
- d. Tuna - are migratory pelagic fishes characterized by their streamline, spindle-shaped bodies which taper to a slender caudal fin and series of detached finlets behind the dorsal and anal fins. Under this order, the tuna referred to belongs to the two commercially exploited genera, namely, *Thunnus* and *Katsuwonus*.
- e. Tuna Purse Seine - a classification of fishing gear which surrounds a school of tuna fish attracted by payao, lights and /or from free school or drifting logs using a rectangular net with floats at the

upper portion and purse rings at the lower section where the purse rope or cable passes through to close the net bottom during fishing operations. The net is either hauled manually or through a mechanical or hydraulic net hauler/power block.

f. Trading - the selling and buying of small tuna in the landing/market places such as fish ports with estimated volume of more than 10% of the bycatch ceiling.

**Section 2. Prohibition-** It shall be unlawful for any person, association, cooperative, partnership or corporation to operate tuna purse seine nets with mesh size smaller than 3.5 inches (8.89 cm) at the bag or bunt portion in catching tuna. It shall be unlawful also to trade small tuna caught beyond the bycatch ceiling.

**SECTION 3. Penal Clause** - Violation of Section 2 of this order shall subject the offender to a fine of from Two Thousand Pesos (P2,000.00) to Twenty Thousand Pesos (P20,000.00) or imprisonment from six (6) months to two (2) years or both such fine and imprisonment at the discretion of the court; Provided that if the offense is also committed by a commercial fishing vessel, the boat captain and the masterfisherman shall also be subject to the penalties provided herein; Provided further that the owner/operator of the commercial fishing vessel who violates this provision shall be subjected to the same penalties provided herein: Provided, finally, that the Department is hereby empowered to impose upon the offender an administrative fine and/or cancel his permit or license or both.

**SECTION 4. Transitory Provision** - Persons, associations, cooperatives, partnerships or corporations now engaged in tuna fishing operation using purse seine nets with mesh size less than 3.5 inches (8.89 cm) at the bag or bunt portion shall be given a grace period of three (3) years from the effectivity of this order within which to change or replace gradually their nets to comply to this order. However, the compliance of nets to the legal mesh size should start in the first year of the grace period where 10% of the total number of purse seine catchers should phased out the illegal mesh size; on the 2nd year, it will be 20% and on the 3rd year will be 70%. After the grace period, all nets should have changed to the 3.5 inches legal mesh size. No registration of tuna purse seine catchers for new entrants will be made without complying with this Fisheries Administrative Order.

**SECTION 5. Repealing Clause** - Fisheries Administrative Order Nos. 155 and 155-1 regulating the use of fine meshed nets in fishing is hereby modified insofar as commercial fishing boats using tuna purse seine nets are concerned while Fisheries Administrative Order No. 188, Series of 1993 is hereby repealed.

**SECTION 6. 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 1st day of August 2008 at Quezon City, Metro Manila, Philippines.

**ARTHUR C. YAP**

Secretary

Department of Agriculture

Recommended by:

**MALCOLM I. SARMEINTO, JR.**

Director

Bureau of Fisheries and Aquatic Resources

**JESUS EMMANUEL M. PARAS**

Undersecretary for Operations, Fisheries and Livestock  
Concurrently Chairman, NFARMC

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