

FISHERIES ADMINISTRATIVE)
ORDER NO. 138 :
Series of 1982. . . .)

1982-01-15

SUBJECT: Rules and regulations governing
the culture of mussels (Tahong)

Pursuant to the provisions of Sections 7 and 16 of Presidential Decree No. 704, otherwise known as the Fisheries Decree of 1975, the following implementing rules and regulations on the culture of mussels are hereby promulgated:

SECTION 1. Definition. - For purposes of this Order, the following words and phrases shall mean:

Mussels (tahong) - are marine or brackish form of bivalves scientifically known as Mytilus sp. and Modiolus sp. and locally known as "tahong", usually attached to the substratum in its natural state, but when propagated could be attached to stakes, stones and other suitable objects.

Farm lot - a body of marine or brackishwater used for the culture of mussels under license.

Mussel culture - the cultivation of mussels in suitable water areas by any method with appropriate intensive care for production purposes.

License to culture - license issued by the Director to culture mussels in a designated water area.

Mussel belt - an area designated by the Director after a technical survey shall have been conducted in water area where mussel farm lots may be constructed or established.

Mussel reserved area - a water area designated by the Minister where gathering of mussels is prohibited.

Director - Director of Fisheries and Aquatic Resources.

Minister - Minister of Natural Resources.

SEC. 2. Prohibition. - No person, association, corporation, partnership, or cooperative shall culture mussels without a license duly issued by the Director.

SEC. 3. Who may be issued a license. - A license to culture mussels may be issued to the following:

a) Citizens of the Philippines; and

b) corporations, associations, partnerships, or cooperatives duly registered in accordance with law and at least sixty per cent (60%) of the authorized capital stock of which belongs wholly to citizens of the Philippines, when applicable.

SEC. 4. Application and requirements. - A duly accomplished application for the culture of mussels shall be filed with the Provincial Fishery Office where the area is located and accompanied by the following:

a) Sketch plan of the area applied for in the designated mussel belt.

b) An application fee of P20.00, either in cash or postal money order payable to the Director which is non-transferable and non-refundable; and

c) Xerox copy of the duly approved Articles of Incorporation and/or Certificate of Registration, when applicable.

SEC. 5. License fee. - The annual license fee to culture mussels shall be in the amount of fifty pesos (P50.00) per half hectare or fraction thereof, payable in advance.

SEC. 6. Surcharge. - When the annual license fee is not paid on the date it becomes due, the licensee shall pay a surcharge of one hundred (100%) per centum.

SEC. 7. Restrictions. - No farm lot shall be established outside the designated mussel belt and within a distance of one hundred (100) meters from each other or the establishment thereof be made within two hundred (200) meters from the shoreline during the lowest tide, but in no case shall it be constructed or established so as to obstruct passage.

SEC. 8. Duration of the license. - A license to culture mussels shall be for a period of three (3) years, subject to renewal.

SEC. 9. Size of mussel farm lots. - A qualified individual may be granted a license to culture mussels over a water area of not exceeding one-half (1/2) hectare; and corporation, association, partnership or cooperative, a water area of not exceeding three (3) hectares.

SEC. 10. Non-leasing of mussel farm lots. - The licensee shall not sublease the mussel farm lot under license; or any part thereof.

SEC. 11. Conditions for the transfer of right and interests over farm lots. - The licensee may transfer his rights and interests over the farm lot or any portion thereof under the following conditions:

- a) That the licensee had held the license for a period of not less than one (1) year;
- b) The licensee has not violated any of the rules and regulations related to the operation of mussel farm lots including the terms and conditions of the license.
- c) The licensee is qualified to develop and operate the mussel farm lots pursuant to the provisions of this Order;
- d) That there is no evidence that such transfer or conveyance is being made for purposes of speculation;
- e) That the transferee shall assume all the obligations of the transferor; and
- f) The area subject of the transfer is not involved in any administrative or judicial case.

SEC. 12. Designation of mussel reserve areas. - The Minister may, upon recommendation of the Director, designate mussel reserve areas for propagation and conservation purposes.

SEC. 13. Gratuitous permit. - A gratuitous permit may be issued to any government agency or institution of learning by the Director to culture mussels in any water area for scientific, research or educational purposes, subject to terms and conditions as may be imposed.

SEC. 14. Introduction of improvements in farm lots. - The licensee shall introduce improvements in the area covered by the license within sixty (60) days from the issuance thereof. Non-use of the area for mussel culture within one hundred twenty (120) days from the issuance of the license shall be a ground for the cancellation thereof.

SEC. 15. Submission of semi-annual report. - A licensee shall submit a semi-annual report of production to the Director or his duly authorized representatives for statistical purposes.

SEC. 16. Grounds for rejection of application. - Applications to culture mussels shall be rejected on any of the following grounds:

- a) Lack/loss of interest;

- b) Area applied for is not available or suitable for the culture of mussels;
- c) Voluntary request of the applicant;
- d) Applicant is not qualified in accordance with this Order;
- e) Fraudulent, false or misleading statements in the application;
- f) Failure to comply with the requirements;
- g) Death of applicant, or dissolution of juridical person; and
- h) When public interest so requires.

SEC. 17. Grounds for cancellation/termination of license. - License to culture mussels issued under this Order may be cancelled on any of the following grounds:

- a) Violation of any existing fishery rules and regulations and other applicable laws;
- b) Death of the licensee, provided that a new license shall be issued to the qualified heirs or assigns upon filing of a new application within ninety (90) days from the death of the licensee;
- c) Dissolution of juridical licensee;
- d) Failure to comply with any of the terms and conditions of the license;
- e) Fraudulent, false, or misleading statements in the application;
- f) Failure to pay the required annual license fees and/or surcharges;
- g) Subleasing by the licensee of mussel farm lot;
- h) Abandonment of the area; and
- i) When public interest so requires.

SEC. 18. Transitory provisions. - All persons, associations, corporations, partnerships, or cooperatives operating farm lots not in accordance with this Order are hereby given a grace period of three (3) months from the effectivity of this Order within which to restructure and/or comply with the provisions of this Order.

SEC. 19. Penalty. - Violation of this Order shall subject the offender/s to the penalty as provided under Section 38 (d) of Presidential Decree No. 704, as amended.

SEC. 20. Repealing clause. - All existing administrative orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Order are hereby repealed.

SEC. 21. Effectivity. - This administrative order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation.

(Signed)
TEODORO Q. PEÑA
Minister
Ministry of Natural Resources

Recommended by:

(Signed)
FELIX R. GONZALES
Director
Bureau of Fisheries and
Aquatic Resources

Published:

1. Official Gazette, Vol. 78, No. 29, p. 3758, July 19, 1982
2. Daily Express - July 8, 1982
3. Peoples' Journal - July 8, 1982