

Republic of the Philippines
Ministry of Natural Resources
Diliman, Quezon City

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ORDER NO. 146 :
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SUBJECT: RULES AND REGULATIONS GOVERNING THE
GATHERING AND FARMING OF SEAWEEDS.

Pursuant to Sections 4 and 7 of Presidential Decree No. 704, otherwise known as the "Fisheries Decree of 1975", and the provisions of Batas Pambansa Blg. 325, the following rules and regulations governing the gathering and farming of seaweeds are hereby promulgated:

SECTION I. Definition of terms and phrases. - For purposes of this Order, the following terms and phrases as used herein shall mean as follows:

- a) Seaweeds - All marine algae used as food or producing derivatives such as agar, agrums, algin, carrageenin, or other extracts of economic or commercial value, such as but not limited to gulaman dagat (tagalog), lato (Visayan), gozo (Visayan), and gamet (Ilocano).
- b) Seaweed farming or culturing - The cultivation of any seaweed in authorized specified areas by any method with appropriate intensive care for production in commercial quantities.
- c) Seaweed farm lot - An authorized specified area for the farming or culture of seaweeds.
- d) Seaweed farmer - Any person, natural or juridical, engaged in the farming or culture of seaweeds.
- e) Seaweed actual gatherer - Any natural person taking or gathering seaweeds from the natural or wild growth in areas other than seaweed farm lots.
- f) Actual seaweed gathering - The taking or removing of any seaweed from the natural or wild growth in areas other than seaweed farm lots.

- g) Scientific, research, and/or educational purposes - Seaweed gathering or farming shall be deemed for scientific, research, and/or educational purposes whenever, to the exclusion of gain, its purpose is the study of or experimentation with seaweeds.
- h) Permit to gather - Permit issued to a seaweed actual gatherer for the taking or gathering of seaweeds from the natural or wild growth in areas designated by the Director as seaweed restricted area.
- i) License to culture - License issued for seaweed farming or culture with a definite area of coverage.
- j) Gratuitous permit - Permit issued to gather seaweed in areas designated by the Director as seaweed restricted areas or to culture seaweeds for scientific, research, and/or educational purposes.
- k) Seaweed restricted area - A seaweed resource area so designated by the Director where free gathering of seaweeds is prohibited.
- l) Director - The Director of Fisheries and Aquatic Resources.
- m) Minister - The Minister of Natural Resources.

SEC. 2. Gathering and/or culture of seaweeds. - No person, partnership, association, corporation, or cooperative shall gather seaweed in areas designated by the Director as seaweed restricted areas and seaweed farm lots or culture seaweed in any public water area in the Philippines without any of the following permits or license issued by the Director:

- a) Permit to Gather
- b) License to Culture
- c) Gratuitous Permit.

SEC. 3. Who are entitled to gather and/or culture seaweeds. -

- a) Citizens of the Philippines;
- b) Partnerships, associations, or corporation duly registered in accordance with law and at least sixty (60%) percentum of the authorized capital stock of which belongs to citizens of the Philippines;
- c) Cooperatives duly registered in accordance with law.

SEC. 4. Restrictions on seaweed farming or culture. -

1. Size of seaweed farm lot -

- a) For individual - Not more than an aggregate maximum area of 1 ha., provided that only one license shall be issued to a family, either to the husband or the wife, unless they are living separately and independently from each other, and provided further that any member of the family and living independently, may also apply for a license.
- b) For partnership, associations, corporations, or cooperatives - Not more than an aggregate maximum area of 30 ~~has.~~
- c) The provisions of the preceding paragraphs (a) and (b) notwithstanding, the Minister may, upon the recommendation of the Director, increase or decrease the area that may be granted for reason of public interest, taking into consideration (1) the financial capacity and/or qualification of the applicant; (2) the socio-economic importance of the project or industry for which the area is applied and (3) the existence of numerous applications for permit and/or license in the place where the area applied for is located.

2. Establishment of seaweed farm lot - No seaweed farm lot shall be established within a distance of sixty (60) meters from another nor shall they be so established as to obstruct free navigation.

SEC. 5. Restrictions on seaweed gathering. - No person shall gather, take, or remove seaweed from any farm lot area covered by an existing license to culture except the licensee thereof, nor shall any person gather, take or remove seaweed from any seaweed restricted area without a permit to gather or a gratuitous permit issued by the Director.

SEC. 6. Fees. - The following fees shall be collected when applicable:

- a) Application fee to gather - P 2.00
- b) Application fee to culture - P20.00
- c) Permit fee to gather - P 2.00
- d) License fee to culture - P50.00 per 10,000 square meters or fraction thereof.

SEC. 7. Obligations of seaweed gatherers, when applicable. -

a) Record of seaweed gathered under the permit -

A permittee shall submit to the Director a monthly statement of seaweeds gathered on a prescribed form;

b) A permit to gather shall be carried at all times and shall be presented upon demand by any inspecting fishery officer.

SEC. 8. Obligations of seaweed farmer-licensee -

a) The seaweed farmer-licensee shall comply with all pertinent ~~existing~~ laws, rules and regulations, and those which may hereinafter be promulgated;

b) He shall assume responsibility for any and all acts of his agents, employees, or laborers in the establishment, management or operation of the seaweed farm lots;

c) A holder of license to culture seaweeds shall keep a book or books to record all kinds of seaweed cultured and harvested from the farm lot under license, indicating therein the date of planting, the kind, quantity, date of harvest and the capital invested. The book or books shall be numbered consecutively and shall be subject to inspection and verification by the Director or his duly authorized representative. The farmer-licensee shall also submit a monthly statement of all seaweeds cultured and harvested to the Director in a prescribed form.

d) When applicable in the event of foreclosure, the mortgagee-bank shall have a period of five (5) years thereafter to hold the area covered by the license for the purpose of liquidating the mortgage debt, disposing of the improvements therein, and negotiating for the transfer or assignment of the rights therein to other qualified transferees or assignees who shall comply with the requirements of this Order.

SEC. 9. Duration of the license. - A license to culture seaweeds in any public water area of the Philippines issued by the Director shall be for a period not exceeding ten (10) years subject to renewal; a permit to gather shall be for a period of one (1) year subject to renewal; and a gratuitous permit shall be for a period of six (6) months subject to renewal.

SEC. 10. Grounds for rejection of application, suspension or cancellation of gratuitous permit, permit to gather and license to culture seaweeds. -

1. An application to gather and/or culture seaweeds shall be rejected under the following grounds:
 - a). Giving false statements in the applications;
 - b). Unsuitability and non-availability of the area applied for.
2. A gratuitous permit, a permit to gather, and/or license ~~to culture seaweeds~~ shall be suspended and/or cancelled on the following grounds:
 - a) Non-use of the license to culture within one (1) year from the date of issuance;
 - b) Violation of existing fishery laws, rules and regulations and the terms and conditions of the permit;
3. The Director may at any time reduce or alter the area covered by the license to culture or change or modify the terms and conditions of the license or permit, or the same may be made to expire at an earlier date when public interest so require or for justifiable grounds or reasons, among which are the violations of the conditions of the license or permit and pertinent rules and regulations.
4. Any or all fixed improvements of the farm lot shall be removed by the licensee therefrom within sixty (60) days from the date of cancellation or termination of the license.

SEC. 11. Penal Provision. - Any violation of this Order shall subject the offender to a fine of from five hundred (P500.00) pesos to five thousand (P5,000.00) pesos, or imprisonment from six (6) months to four (4) years, or both such fine and imprisonment, in the

discretion of the Court: Provided, That the Director is hereby empowered to impose upon the offender an administrative fine of not more than five thousand (P5,000.00) pesos or to cancel his permit or license, when applicable:

SEC. 13. Repealing Clause. - All existing administrative orders, rules and regulations ~~or parts thereof~~ which are inconsistent with the provisions of this Order are hereby repealed or amended accordingly.

SEC. 14. Effectivity. - This Order shall take effect fifteen (15) days after its first publication in the Official Gazette and/or in two (2) newspapers of general circulation and the increase in the application fee shall take effect fifteen (15) days after its last publication in two (2) newspapers of general circulation for two (2) consecutive weeks.

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

RECOMMENDED BY:

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