



Republic of the Philippines  
**OFFICE OF THE SECRETARY**  
Elliptical Road, Diliman  
1100 Quezon City

**Fisheries Administrative Order No. 200-1:  
Series of 2021:**

**SUBJECT: Guidelines and Procedures in Implementing Section 91 (Poaching in Philippine Waters) of the Philippines Fisheries Code of 1998, as amended by Republic Act No. 10654**

Pursuant to Section 91 of Republic Act No. 8550, as amended by Republic Act No. 10654, otherwise known as the Philippine Fisheries Code of 1998 and of Department of Agriculture Administrative Order No. 10, series of 2015, providing for its Implementing Rules and Regulations and in order to effectively implement the provisions of the said section, the following guidelines are hereby promulgated:

**Section 1. Definition of Terms** – As used in this Order, the following terms shall mean:

- a) *Bureau* - refers to the Bureau of Fisheries and Aquatic Resources (BFAR).
- b) *Exclusive Economic Zone or EEZ* - refers to the area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baselines as defined under existing laws.
- c) *Foreign Fishing Vessel (FFV)* - refers to all vessels engaged or used in fishing including assisting vessels not registered under Philippine laws, including those not registered under any other coastal states.
- d) *General Quarters* - refers to an alert condition of all hands on board and readiness of apprehending boat/vessel in preparation for fisheries law enforcement operation.
- e) *Internal waters* - except as provided in Part IV of the United Nations Convention for the Law of the Sea (UNCLOS), refers to all waters on the landward side of the baseline of the territorial sea.
- f) *Irregular Track or Route* - refers to navigating outside designated sea lanes or passage way or a track that is not in a straight line as indicated in the Automatic Identification System (AIS), Vessel Monitoring System (VMS) or other modes of vessel tracking system.
- g) *Philippine Territorial Waters* - refers to all waters contained up to 12 nautical miles measured from the baselines as stated in Republic Act No. 30146, as amended by Republic Act Nos. 5446 and 9522 (See Annex F).
- h) *Philippine waters* - includes all bodies of water within the Philippine territory such as lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities, and barangays and the waters around, between and connecting the islands of the archipelago regardless of their

  
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breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all other waters over which the Philippines has sovereignty and jurisdiction including the 200-nautical miles Exclusive Economic Zone and the extended continental shelf such as the Philippine Rise (Benham Rise) or other areas that may be designated as such by national government authority.

For operational purposes, Philippine waters shall be categorized into the following:

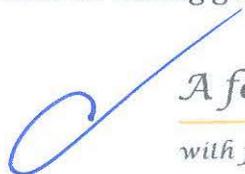
- i) **internal waters** which include all waters around and between and connecting different islands within the baseline of the Philippine archipelago and territorial seas which extends 12 nautical miles from the baseline;
  - ii) **contiguous zone** which extends 12 nautical miles from the outer limits of the territorial seas; and
  - iii) **Exclusive Economic Zone** which extends 200 nautical miles from the baseline.
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- i) *Planned Operation* - refers to operation with Case Operational Plan and specific target(s).
  - j) *Poaching* - refers to fishing or operating any fishing boat/vessel in Philippine waters, committed by any foreign person, corporation, or entity.
  - k) *Right of Innocent Passage* - refers to passage that is not prejudicial to the peace, good order, or security of the coastal State. Such passage shall take place in conformity with UNCLOS and with other rules of international law.
  - l) *Team Leader* - refers to any fisheries law officer of the Bureau who has been designated as such in the Mission Order/Sailing Order to lead, oversee, and command planned or unplanned operations conducted on its own or jointly with other agencies; or in case of operations conducted separately by other agencies pursuant to Section 7 of this Administrative Order resulting in the apprehension of poachers, such member of the team who has been designated as such by his/her superiors.
  - m) *Unplanned Operation* - refers to routine maritime patrol and surveillance.

**Section 2. Prohibition** - It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

The prohibition shall include foreign-flagged fishing vessels manned by Filipinos operating in Philippine waters.

**Section 3. Prima Facie Evidence of Poaching** - The entry of any foreign fishing boat/vessel in Philippine waters shall constitute a prima facie evidence that the boat/vessel is engaged in poaching in Philippine waters under any of the following circumstances:

- a) Entry of an FFV into Philippine waters under any of the following circumstances:
  - i. Navigating with its fishing gear deployed and/or not stowed;

  
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- ii. Navigating with an irregular track or route;
  - iii. Navigating through Philippine territorial waters without prior notice to, clearance of, or permission from the appropriate Philippine authority;
  - iv. Navigating in a manner that does not qualify as innocent passage or navigating outside traditional routes or in identified fishing grounds; or
  - v. Navigating without flying its national flag.
- b) When an FFV is found within Philippine waters:
- i. under any of the circumstances enumerated in the previous paragraph;
  - ii. Lying-to or anchoring without any valid reasons or circumstances that may indicate the existence of force majeure, distress, or for the purpose of rendering assistance to persons, ships or any sea craft that is in danger or in distress;
  - iii. Lying-to, anchoring at, or anchoring near or within known fishing grounds or marine protected areas; or
  - iv. Lying-to with distress, force majeure or calamity but subsequently found to be committing IUUF.
- c) When an FFV, after having been inspected within Philippine waters, in accordance with the procedures set forth in this FAO, is found to contain freshly caught, dried or processed fish, corals, mollusks or any other aquatic resources, endangered wildlife species, by-products or derivatives on board, or in storage.
- d) When an FFV is found within Philippine waters and is not providing access to its VMS data, AIS or any tracking system.

**Section 4. Exceptions to the Prima Facie Presumption** –The following are considered exceptions to the prima facie presumption of the existence of poaching:

- a) Exercise of right of innocent passage by an FFV, provided that the FFV has secured entry clearance before entering Philippine territorial waters, and notified the DA-BFAR of the name of the vessel, its registry number, its last port of call, the names of its skipper and all its crew and their nationalities;
- b) Passage for purposes of dry docking, servicing, or unloading of catch by foreign flagged catcher vessels, provided, the 24-hour prior entry notification shall be complied with in accordance with Port State Measures;
- c) In case of duly authorized marine scientific research using an FFV;
- d) An FFV taking shelter or having been drifted in Philippine waters as a result of force majeure or distress;
- e) An FFV entering Philippine waters for reason of rendering assistance to persons, ships or aircraft in danger or distress; or
- f) In case of duly organized and established game or leisure fishing conducted by foreign nationals.

Provided that, in cases falling under (d) and (e) of this section, the FFV is required to issue distress signal/call or notify the competent authority prior to entry in Philippine

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waters. Provided, further, that failure to comply with this requirement will constitute a prima facie presumption of poaching in Philippine waters.

**Section 5. Report by Philippine Commercial Fishing Boat/Vessel, Municipal Fishers or Local Government Units** - Any Philippine commercial fishing boats/vessels, municipal fishers, local government units or any individual are encouraged to provide reports of suspected activities of poaching in Philippine waters for appropriate action or review of concerned agencies/authorities.

**Section 6. Action on Poaching Report** - Any of the persons authorized to enforce this Order shall act on the report in order to pursue and conduct an inspection of the FFV in question to determine whether it is in fact engaged in poaching, and promptly notify the appropriate agencies.

If possible, a determination of the location of vessel shall be made (i.e. if within the territorial seas, contiguous zone or EEZ).

**Section 7. Persons Authorized to Enforce this Order** - The following are authorized to enforce the provisions of this Order:

- (a) The Law Enforcement Officers of the Bureau of Fisheries and Aquatic Resources;
- (b) The Philippine Navy;
- (c) The Philippine Coast Guard;
- (d) The Philippine National Police;
- (e) The Philippine National Police Maritime Group;
- (f) The Law Enforcement Officers of the Local Government Units;
- (g) The duly deputized Fish Wardens of the Bureau of Fisheries and Aquatic Resources; and
- (h) Other government enforcement agencies who have undergone training on fisheries law enforcement.

The Secretary of the Department of Agriculture shall deputize, through the Bureau of Fisheries and Aquatic Resources, other competent government officials and employees, the *Punong Barangays* of all coastal provinces, cities, municipalities, and *barangays*; and officers and members of the fisherfolks' associations who have undergone training on law enforcement by BFAR as Fish Wardens to enforce the provisions of this order.

A Memorandum of Agreement (MOA) with the concerned local government unit shall be established prior to the involvement or participation of said LGU in anti-poaching operations.

**Section 8. Information Gathering and Surveillance** - The procedures for information gathering and surveillance are as follows:

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*A. Information Gathering*

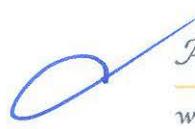
1. Any information received regarding poaching incidents shall be recorded in the logbook by the assigned team member.
2. In instances of direct detection, the observations shall be similarly recorded in the logbook by the assigned team member.

*B. Validation*

1. Any of the following information may commence the validation process:
  - a) Time, date and place of the sighting;
  - b) Bearing/location of person making the report;
  - c) Global Positioning System (GPS) coordinates of the FFV and its distance from the nearest point in the baseline;
  - d) Any information on the identity and/or nationality of the Foreign Fishing Vessel or pictures of Foreign Fishing Vessel (pictures showing the maritime call sign, International Maritime Organization (IMO) number, code letters, hull number, ship name and prefix, flag);
  - e) weather conditions at the time of sighting/detection; or
  - f) Any activity being conducted at the time of sighting.
2. The validation process will include counterchecking with established sources, counterpart agencies/partners and third parties:
  - a) Verify the information received with informant to establish credibility of information;
  - b) Counterchecking with established sources such as the Visible Infrared Imaging Radiometer Suite (VIIRS), Vessel Monitoring System (VMS), Automatic Identification System (AIS), PH-registered vessels, and other sources;
  - c) Counterchecking with counterpart agencies/partners: Philippine Air Force, Philippine Navy Littoral Monitoring System, (PN LMS), National Coast Watch Center, International Police (INTERPOL), National Law Enforcement Coordinating Committee (NALECC) operating members;
  - d) Verify if any government agency has issued clearance for innocent passage/entry or received distress signal from any FFV in the area of operation; and
  - e) Counterchecking through third party outsourcing of information (e.g. vessel traffic services, International Maritime Organization (IMO) masterlist, private sources).

The Team Leader shall cause the preparation of the Validation Report to be submitted to the Monitoring, Control and Surveillance Operation Center (MCSOC)/ Fisheries Law Enforcers of the Bureau.

**Section 9. Pre-Operation** - The pre-operation procedure is as follows:

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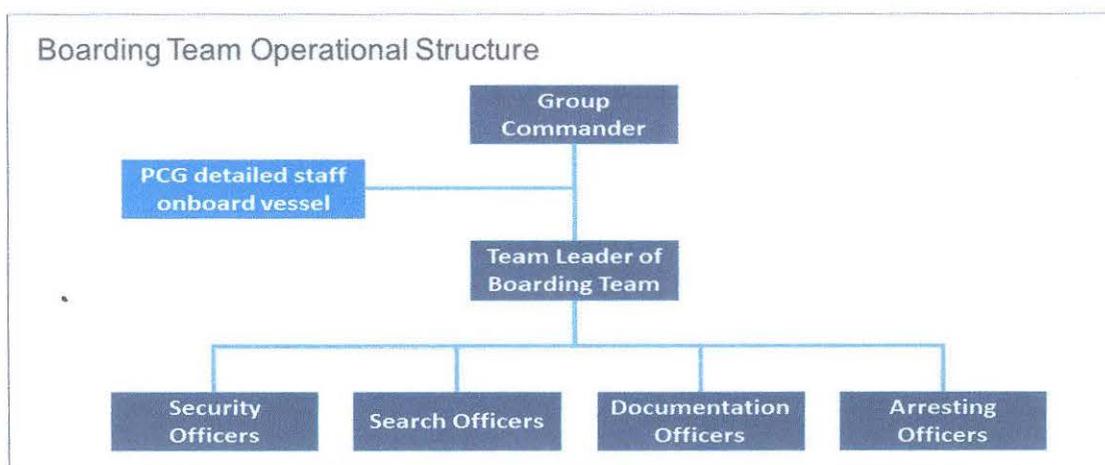
## *Case Operation Plan*

1. Except *in flagrante delicto* cases, a case operation plan (See Annex E: Legal Forms) (Form No. 01: Standard Case Operation Plan) shall be prepared and shall contain the information as provided in the FLEMOP (Part IV, B, No. 1 - Pre-Operation).

In general, the case operation plan must contain the following:

- Situation (Possible scenarios, strength of target, seriousness/gravity of issues involved/violations, legal and policy implication, validation analysis, identity check/IUU masterlist/registration status, security and hazard assessment);
  - Mission Statement/Purpose/Intent;
  - Execution Plan/Strategy (Scenario-Based);
  - Administrative and Logistical Matters (vessel, fuel, interpreter/signage, docking and impounding area, etc.); and
  - Command and Control (Clear communication structure, team coordination, approval /clearance process).
2. In addition, the plan may, as far as practicable also include the following information:
    - a. name of the team leader;
    - b. name and roles of team members;
    - c. target person/s;
    - d. Names of patrol assets to be used, preferably at least two (2);
    - e. place, date and time of operation;
    - f. ground rules;
    - g. appropriate responses to different scenarios;
    - h. logistics required;
    - i. the nearest Prosecutor's Office for the inquest proceedings, contact number or persons, and information on the availability of night inquests;
    - j. List of hospitals in the area, their location and contact numbers where apprehended persons may be brought for medical check-up prior to detention;
    - k. List, location and contact numbers/persons of charitable and penal institutions where confiscated fish may be brought;
    - l. Detention facility or nearest police precinct;
    - m. Any available accredited treaters in the area of operation, when applicable;
    - n. List and contact numbers of other institutions that may respond to the operation before docking of the apprehended FFV;
    - o. List and contact numbers of interpreters; and
    - p. Possible docking and impounding area.
  3. The Case Operation Plan must be signed by the team leader and approved by his/her immediate superior.

4. Before any law enforcement agency conducts a planned anti-poaching operation, it should coordinate with BFAR (either Central or Regional Office concerned). As far as practicable, involve BFAR personnel, preferably with technical expertise, in the anti-poaching operations. In this instance, BFAR shall identify the group members and their specific tasks. However, in cases of sporadic fisheries law enforcement operations, coordination with BFAR shall be done immediately through the National Coast Watch Center.
5. The team shall gather and prepare the legal forms, placards, signages, language cards, pre-recorded translated messages, megaphones, video recorder, camera, flashlights, batteries, sealable evidence bags, tag and seal, notebooks, ball pens, pencils, search light, whistle, flare gun, night vision goggles, towing hawser, GPS, firearms, boarding ladder, electronic signages (for night time operations), satellite phones, language dictionaries, and other logistics, supplies and provisions identified during the planning stage. Radio transceivers and cell phones must have the frequency and contact numbers of nearby police/coast guard stations. Boat/vessels, vehicles and other conveyances must be loaded with sufficient fuel. Each agency shall be responsible for the fuel of their respective boats/vessels, vehicles and conveyances.
6. The Fisheries Law Enforcement Team coordination/briefing shall be conducted by the Team Leader prior to the conduct of the operation.
7. The team leader shall ensure that only authorized officers under Section 7 of this order shall take part in the operation.
8. The Fisheries Law Enforcement Team shall have the following command structure and further coordination flow (See Annex B):



The Boarding Party may be composed of the following:

- a) Team Leader;

- b) Security Officer;
- c) Search Officer;
- d) Documenter;
- e) Arresting Officer ;
- f) First Aid Officer; and
- g) Communications Officer.

**Section 10. Operation** - The Operation procedures are as follows:

*A. Coordination*

1. With due regard to operational security, the fisheries law enforcement team may coordinate with the appropriate and relevant channels, security forces and other established coordination mechanisms and systems.
2. Security Forces: National Coast Watch Center, Northern Luzon Command (NOLCOM), Western Command (WESCOM), Western Mindanao Command (WESMINCOM), Eastern Mindanao Command (EastMinCom); Central Command; Southern Luzon Command.
3. Coordination with/through the Monitoring, Control and Surveillance (MCS) mechanism for Philippine Water established by law: National / Regional MCS Coordinating and Operations Center (NMCSCOC).

*B. Pre-boarding*

1. As soon as the suspected FFV is spotted, determine the following (See Form No. 02 Pre-Boarding Checklist):
  - Approximate location (e.g. latitude/longitude, course/distance from shore);
  - Nationality and hoisted flag of FFV;
  - Activity of the FFV (e.g. anchored, stationary, in transit, fishing as evidenced by smoke, wake, gear in the water, or other signs that can be spotted in the distance);
  - FFV type/class, approximate length, and tonnage;
  - Distinguishing features, suspicious or unusual markings on the vessel especially on the hull and stern;
  - Type, position and other characteristics of the gear used by the boat/vessel;
  - Course and speed of the FFV, if in transit;
  - Feasibility of boarding; and
  - Possible violations.

The documenter shall be in charge in filling up the forms or checklist.

2. In coordination with the commanding officer of boat/vessel captain, the team leader decides whether to board or call for reinforcement. However, it may also be an option of the team leader of the boarding party to invite the captain of the FFV to board the patrol boat and bring the necessary documents (i.e. fishing vessel registration, licenses, permits, crew list, catch log sheet, logbook, navigational charts, etc.) for proper inspection, if the situation at sea warrants him/her to do so. If the team leader decides to board, he shall instruct the documenters to turn on the video recorder and also take pictures. The boarding party shall conduct a review of the equipment, logistics and other things needed.
3. Establish contact with FFV by any means of communication.
4. The members of the boarding party shall begin to take notes of the operation from here onwards until the completion of the boarding and inspection.
5. Approach the vessel within a safe distance to the leeward side of the ship and give visible or audible signals for the FFV to stop.
6. The team should set the apprehending boat/vessel to general quarters from the time the suspect FFV is spotted to ensure preparedness in responding to any situation.
7. If the suspect FFV stops, the apprehending boat/vessel should approach slowly while still in general quarters. The team leader shall identify himself/herself and the unit or organization he/she belongs, and inform the captain of the suspect FFV of the intent to board (in English and other languages i.e. Vietnamese, Malaysian, Chinese, as the case may be) and instruct him/her to:
  - Stop the suspect FFV or maintain course and speed;
  - Instruct the master not to haul the gear, if deployed;
  - Require all crew of the suspect FFV to move to the bow or in any open area visible to the boarding team;
  - Stay at the helm or wheelhouse;
  - Allow the boarding team to board the vessel; and
  - Gather identification documents and FFV's papers.
8. In case of evasion:
  - The assigned team member shall document suspect FFV activity;
  - Whenever feasible, conduct hot pursuit operations of the suspect FFV;
  - Hot pursuit must be commenced only when the FFV or one of its boats is within the territorial waters of the Philippines and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not

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been interrupted. The right of hot pursuit ceases as soon as the FFV being pursued enters the territorial sea of its own state or of a third state;

- Coordinate with neighboring states through proper channels, if possible; and
- Report the incident to headquarters (BFAR) for notification to the flag State and the relevant Regional Fisheries Management Organizations (RFMOs) through appropriate channel for inclusion in the list of IUU fishing vessels.

9. In case of resistance:

- The documenter shall document the incident;
- The team shall issue warning (verbal, etc.);
- The use of force shall be in conformity with the guidelines set forth in the use of force continuum (See Annex A: Guidelines on the Use of Force); and
- Coordinate with neighboring states through proper channels, when possible.

10. Once the suspect FFV stops, the team leader assembles and briefs the boarding team on the circumstances and possible violations surrounding the subject FFV, properly ascertaining the Initial Safety Inspection (ISI) or Extended ISI. The team will proceed to the actual operation and the team leader issues the call to begin. The team leader reminds the boarding team members on the proper boarding procedures and reiterates the minimum rules of safety in boarding:

- Work in pairs;
- Account for all the crew;
- Watch your line of fire;
- Protect your weapon;
- Avoid tunnel vision;
- Boarding party must stay in view of the patrol vessel at all times;
- Look-outs must be posted on the patrol boat to watch the boarding party and FFV at all times; and
- If possible, avoid boarding the vessel at night. If night boarding is absolutely necessary, the patrol boat should shine a search light on the bridge and any open deck area of the FFV that is inspected by the boarding party.

11. The boarding party proceeds to approach the suspect FFV by Horse-Shoe Approach or any safe and applicable approaching techniques, bearing in mind the rules of good seamanship by not crossing the bow looking over the FFV in detail. The assigned documenter shall take video footage or photographs of the entire law enforcement operations including the suspect FFV showing its external vessel name and other vessel markings. The footage

or photographs must show the dates when they are taken (if possible, provide body camera and recorders to FROs).

### C. Boarding

1. Once boarding is ready, the security officers must board first to secure the area. It must instruct the crew to stay at the bow and the captain at the wheelhouse. At least one armed law enforcement officer shall stay with the crew at all times. The other security officer shall secure the crew list and check if those on the list are on board and accounted for. If there are any missing crew, he should ask the boat captain of the FFV to explain. He shall also secure the VMS transponder and vessel tracks of the FFV. The security group then declares the FFV clear before the boarding team could board the ship.
2. The search and documentation officers must now board the FFV to conduct a thorough search and take videos/photos of any circumstances on board.
3. The rest of the boarding party shall now board the FFV by buddy system.
4. After the safe embarkation of the boarding party onto the suspect FFV, they will always maintain communication with the apprehending boat/patrol vessel.
5. The team leader of the boarding party will clearly identify himself/herself and the unit or organization to which he/she belongs.
6. The team leader of the boarding party shall state clearly that the team will conduct an inspection of the FFV on the ground, that the team has reasons to suspect that the FFV may be engaged in poaching, and therefore committing a violation of Philippine law.
7. The use of placards, language cards, pre-recorded translated messages as may be applicable and appropriate (in various languages, i.e. Vietnamese, Malaysian, Chinese, etc.) may be resorted to during the conduct of the operations, if an interpreter is not available.
8. The team leader of the boarding party shall order the captain/master of the FFV to stop its operations and, if practicable, drop anchor;
9. As far as practicable, apply all operational security protocols in all aspects including outgoing communication that may jeopardize the safety of the operating team.
10. The team leader/assigned team member shall obtain/secure the identity of the boat captain, the crew and the FFV owner or his/her agent and other pertinent information.

11. In addition, the team leader of the boarding party shall ask the captain to produce the registration papers, crew list, catch log sheet, logbook and navigational chart of the FFV, the Seaman's Book and other documents for inspection and identification.

#### *D. Search*

1. The initial inspection of the FFV shall be conducted by the assigned search officers. The search officer/s shall be accompanied by the security officer/documenter.
2. A representative of the FFV will witness the conduct of the search.
3. The state of the fishing gear at the time of boarding, any visible catch that may be on deck, the fish hold and the storage and other conditions on board the FFV, which indicate that it is poaching shall be inspected and recorded.
4. The position of the FFV on a map indicating its location shall also be plotted. The location of the apprehending vessel shall also be plotted and indicated on the map.
5. The search officer shall also ascertain and record the status of the engine of the FFV.
6. The status of all navigational and other instruments of the FFV, i.e. whether it is working or operational at the time of apprehension should be indicated and recorded, as detailed as possible.
7. Photographs of the GPS location and other navigational indicators shall be taken by the documenters to establish the location of the FFV and patrol vessel.
8. The team leader of the boarding party (or leader of the search group) shall inform the captain of the FFV of the result of the search and inspection.
9. If there is violation, the team leader of the boarding party leader of the boarding team) must inform the captain or the offenders on board the vessel of the violation and issue a Notice of Violation (See Form No. 39: Notice of Violations) which must be received by the boat captain. If the boat captain refused to do so, such shall be indicated in the NOV and attested by two (2) witnesses.
10. The team leader of the boarding party shall effect the arrest of the offenders and the seizure of the gears, catch, fishing paraphernalia, fuel and others.

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11. The team leader of the boarding party or the assigned member of the team shall inform the offenders of the Constitutional Rights under the Miranda Doctrine, to wit: (a) the right to remain silent; (b) the right to have counsel of their own choice; (c) if they have none, the State shall provide them with one; and (d) the right to be informed of these rights in English, or in the common language or dialect of the arrested offenders. For this purpose, placards or language cards stating these rights in the appropriate foreign language may be on hand.
12. The search officer of the boarding party shall seize the seaman's book, vessel registration papers, catch log sheet, logbook, transponder and navigational chart of the FFV, and other documents to be included in the tagging, inventory and documentation. In the absence of documents, the same must be indicated in the Incident Report and Sworn Statement (See Annex C: Sample Affidavit of Apprehending Officer and Annex D: Sample Affidavit of Witness)
13. The team leader of the boarding party shall inform the boat captain that the FFV shall be impounded and shall direct him to bring the FFV, while being escorted by the apprehending boat/vessel, to the nearest port then to the impounding area. While still at sea, the team leader must already inform the FMRED Chief of the BFAR Regional Office to coordinate with the port authorities of the nearest port, and arrange with the medico-legal officer, the prosecutor, quarantine, immigration, PCIE/RCIE, and BFAR technical staff for further investigation of the offenders and seize the items that are necessary in the filing of appropriate charges.
14. The Customs, Immigration and Quarantine shall conduct relevant procedures before the docking of the FFV. Note that enforcers will also undergo the applicable quarantine procedures if the crew of the FFV are suspected to have medical conditions requiring quarantine attention.
15. The BFAR-Law Enforcers shall conduct a thorough inspection of the FFV as soon as it docks at the port.
16. The documenters/assigned member of the boarding team shall commence the tagging or labelling, inventory and photo-documentation of the evidence.
17. The documenter/assigned member of the team shall tag or label the evidence with the following information:
  - a. Estimated weight and/or quantity of the items
  - b. Full name of the suspect
  - c. Date of seizure
  - d. Place of seizure
  - e. Initials/signature of the evidence tagger

18. The documenter/assigned member of the law enforcement team must conduct an inventory of all items to be seized (See Form No. 28: Inventory Report of Seized Articles) and must tag or label the same with the information stated above. The Inventory Report of Seized Articles must be duly signed by the documenter-member of the law enforcement team. The captain of the FFV shall be furnished with a copy of the inventory report, and shall be asked to sign and receive the same. If he refuses to do so, the same shall be indicated in the inventory report attested by two (2) witnesses. The photo-documenter/assigned member shall take photographs of all the evidence seized along with the evidence tag.
19. The team leader must issue the following seizure receipts to the captain or to the highest officer, whichever is applicable:
  - a. Receipt of Seized Fish/Fishery Products (See Form No. 10: Receipt of Seized Fish/Fishery Products) for the fish or fishery products seized. In filling this up, the assigned member of the team shall write the fish species, numbers, volume or quantity, estimated weight and estimated market value;
  - b. Receipt of Seized Explosives, Noxious or Poisonous Substance (See Form No. 11: Receipt of Seized Explosives, Noxious or Poisonous Substances) for explosives, noxious or poisonous substances seized;
  - c. Receipt of Seized Fishing Boat/Vessel (See Form No. 12: Receipt of Seized Fishing Boat/Vessel) for the seized FFV;
  - d. Receipt of Other Seized Items (See Form No. 13: Receipt of Other Seized Items) for other items seized such as wildlife, silica, white sand, pebbles, nets, gears, other tools and paraphernalia not covered by the above seizure receipts;
  - e. Receipt of Seized Fish/Fishery Products Not Suitable for Human Consumption (See Form No. 14: Receipt of Seized Fish/Fishery Products Not Suitable for Human Consumption) for fish/fishery products not suitable for human consumption.
20. The issuance of receipts must be done in the presence of witnesses. Preferably, the witnesses to the inventory and issuance of corresponding receipt are: (1) the concerned port authority, or (2) official of the barangay or the municipality/city that has jurisdiction over the port.
21. In case of refusal of the captain or the highest officer of the FFV to sign the "received copy" portion of the receipts, there must be a remark stating "refused to acknowledge" signed by two witnesses.
22. Any evidence that needs to be examined in the laboratory shall be preserved accordingly, ensuring that the proper chain of custody is observed.
23. The team leader and its members shall ensure that they have full control and management of the situation and the entire law enforcement operations.

The patrol vessel shall always be on standby during the conduct of the law enforcement operations of the team.

*E. Turn Over and Custody*

1. The law enforcement team must take custody of the fish catch.
2. The team must dispose/distribute/turn over the seized fish/other fishery and aquatic resources and its derivatives/fishing gear/equipment/paraphernalia in accordance with pertinent laws, rules and regulations and policies on the matter. (See Form No. 32: Notice of Disposal of Seized Fish, Form No. 33: Turn-over Receipt of Seized Fish/Fishery Product(s) or Item(s) of Evidence, Form No. 34: Turn-over Receipt of Seized Explosives, Noxious or Poisonous Substances).
3. Terrestrial plant and animal species, all turtles and tortoises, wetland species, such as crocodiles and waterbirds, amphibians and dugong, including their derivatives and by-products, found on board the FFV shall be turned over to the nearest wildlife rescue center of the DENR. The assigned member of the law enforcement team must secure a turn over receipt from the custodian officer of the DENR rescue center that received the wildlife species. (See Form No. 33: Turn Over Receipt of Seized Fish/Fishery Products or Item(s) of Evidence).
4. Living aquatic wildlife species must be turned over to the aquatic wildlife rescue center recognized by DA-BFAR for rehabilitation before its release to the natural habitat. The assigned member of the law enforcement team must secure a turn over receipt from the custodian of the rescue center who received the wildlife species. (See Form No. 33: Turn Over Receipt of Seized Fish/Fishery Products or Item(s) of Evidence).
5. Dead aquatic wildlife must be turned over to the nearest DA-BFAR Regional or Provincial Fisheries Office. The assigned member of the law enforcement team must secure a turn over receipt from the custodial officer of the BFAR who received the wildlife species.
6. Silica, white sand, pebbles and any other substances which make up any marine habitat, if found on board the FFV, must be turned over to the nearest office of the Mines and Geosciences Bureau or the nearest Provincial Environment and Natural Resources Office (PENRO) or Community Environment and Natural Resources Office (CENRO) of the DENR. The receiving officer of the said offices must acknowledge the turn over receipt for the said materials. (See Form No. 33: Turn Over Receipt of Seized Fish/Fishery Products or Item(s) of Evidence).

7. Explosives and explosive devices found on board the FFV must be turned over to the nearest Firearms and Explosives Division of the PNP. The turn over must be covered by a turn over receipt (See Form No. 34: Turn Over Receipt of Seized Explosives, Noxious or Poisonous Substances).
8. Toxic and noxious substances, electrofishing devices and superlights must be turned over to the nearest BFAR office. Said turn over must be covered by a turn over receipt (See Form No. 34: Turn Over Receipt of Seized Explosives, Noxious or Poisonous Substances).
9. The team leader/ assigned member shall cause the medical check-up of the crew of the FFV prior to their turn over to the appropriate agency.
10. The team leader shall cause the turn-over of the arrested illegal entrants to the Bureau of Immigration or with the National, Regional or Provincial Committee on Illegal Entrants or to the to be dealt with in accordance with applicable immigration laws, for their temporary custody.
11. The initial custody of the seized FFV shall be with the BFAR, PCG or PNP Maritime Group, whichever is appropriate.
12. The owner of the apprehended FFV shall pay or cover the port charges or the team leader must coordinate with the port authorities regarding the appropriate port charges.
13. The FFV shall be impounded at the designated impounding area or at the nearest port.
14. The team leader shall cause the issuance of a Receipt of Seized Fishing Boat or Vessel.
15. Any contraband found in possession of the FFV in the time of search shall be seized and turned over to proper authority in accordance with the existing laws, rules and regulations.

## **Section 11. POST-OPERATION (Planned and Unplanned Operations)**

### *A. Post-Operation Documentation, Debriefing and Coordination*

1. The team leader shall:
  - a. conduct a debriefing with the team members to assess the conduct of the operation;
  - b. cause the taking of the photo of the team; and
  - c. cause the preparation of the post-operation reports and submit the same to the BFAR Regional Director, copy furnished the other agencies involved.

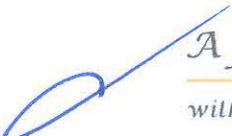
  
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2. The BFAR Regional Director shall submit the post-operation reports to the National Director.
3. The Central Office/BFAR Director shall accept the post-operation report for appropriate action and promptly notify the flag State of the action taken, through appropriate channels.

*B. Case Build-Up and Prosecution*

1. The apprehending officers shall prepare the necessary documents, such as the Inventory Report of Seized Articles, Inventory of Items/Articles on Board the Impounded Fishing Boat/Vessel, Inventory of Superlights, Inventory of Crew/Fishworkers, the appropriate Seizure Receipts, Incident Report, Apprehension Report, the appropriate Turn-Over Receipts, and other supporting documents.
2. Each region shall establish their respective fishery law enforcement support group to assist in the preparation of documents, conduct of inventory and disposition of all confiscated items.
3. The apprehending officers shall prepare the sworn statements of the witnesses and the leader of the fisheries law enforcement team. The BFAR Legal Officers and the law enforcement support group shall assist in the drafting and review of the sworn statements. Other violations found during the law enforcement operations must be included in the complaint-affidavit.
4. For purposes of filing criminal case(s), the team leader shall cause the recording of the violation and the surrounding circumstances in the PNP or PCG blotter, whichever is appropriate, and ask for a copy thereof.
5. For person/s who will be charged administratively, they may only be released upon signing of Certificate of Discharge of Crew (See Form No. 41: Certificate of Discharge of Crew). For person/s who will be charged criminally, they may only be released upon the order of the competent authority.
6. Within five (5) working days upon apprehension, the team leader shall file the verified Administrative Complaint together with the Affidavit of Witnesses and Documentary Evidence before the Adjudication Committee through the Hearing Officer of the BFAR. The criminal complaint shall be instituted in accordance with the provisions of the Rules of Procedure for Environmental Cases.
7. Violations of other laws (i.e. smuggling, human trafficking, drug trafficking, etc.) found during the conduct of the fisheries law enforcement operation

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shall be referred to the concerned government agencies for the filing of the appropriate charges. The team members may act as witnesses in instances where charges for violations of other laws are filed.

8. The BFAR Legal Division shall assist the Fisheries Law Enforcement Team during the proceedings of the case/s filed.
9. The team leader shall cause the monitoring of the case/s filed.

**Section 12. Penalties-** Violations of Sections 2 and 3 of this Order shall subject the offender to prosecution under the Philippine Fisheries Code, as amended, as follows:

1. Upon a summary finding of administrative liability, any foreign person, corporation, or entity in violation of this section shall be punished by an administrative fine of Six hundred thousand US dollars (US\$600,000.00) to One million US dollars (US\$1,000,000.00) or its equivalent in Philippine currency.
2. Upon conviction by a court of law, the offender shall be punished with a fine of One million two hundred thousand US dollars (US\$1,200,000.00), or its equivalent in Philippine currency, and confiscation of catch, fishing equipment and fishing vessel.
3. If the offender is caught within internal waters, an additional penalty of imprisonment of six (6) months and one (1) day to two (2) years and two (2) months shall be imposed. If apprehended for the second time within internal waters, the offender shall be punished with imprisonment of three (3) years and a fine of Two million four hundred thousand US dollars (US\$2,400,000.00) or its equivalent in Philippine currency: *Provided*, That no foreign person shall be deported without the payment of the imposed judicial and/or administrative fines and service of sentence, if any.
4. In case of failure to pay the fine, the seized items including the fishing vessels may be considered as payment of the fine. All seized items shall be subject to valuation to determine its adequacy as payment for the fine. *Provided*, that the offender shall be liable for the remaining amount in case of inadequacy of the vessels and other seized items. There is failure to pay the fine when the offender fails to satisfy the imposed fines and penalties fifteen (15) days after the finality of the decision, unless the decision provides for a longer period within which the fines and penalties shall be satisfied.

The Adjudication Committee shall cause the disposition of the seized items.

The poachers apprehended in the EEZ shall have the option to post reasonable bond or other security for the release of their vessels and crew.

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All actions taken and penalties subsequently imposed upon the violators shall be promptly notified to the flag State through appropriate channels.

**Section 13. Separability Clause.** - If any portion of this Order is declared unconstitutional or invalid, the portions or provisions which are not affected shall continue to be in full force and effect.

**Section 14. Repealing Clause.** - Fisheries Administrative Order No. 200 series of 2000 and other rules and regulations or parts thereof which are inconsistent herewith are hereby repealed or modified accordingly.

**Section 15. Effectivity-** This Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two newspapers of general circulation and upon registration with the Office of the National Administrative Register (ONAR).

Issued this 14th day of July, 2021, in Quezon City, Metro Manila, Philippines.



**WILLIAM D. DAR, PH.D.**  
Secretary  
Department of Agriculture

DEPARTMENT OF AGRICULTURE  
  
in replying pls cite this code  
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Received : 09/07/2021 11:23 AM

*Recommending Approval:*



**Commodore EDUARDO B. GONGONA, PCG (Ret.)**  
National Director  
Bureau of Fisheries and Aquatic Resources



**CHERYL MARIE NATIVIDAD-CABALLERO**  
Undersecretary for Agri-Industrialization and for Fisheries, DA  
and Chairperson, National Fisheries and Aquatic Resources  
Management Council (NFARMC)

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## **Annex A: Guidelines on the Use of Force**

The Fisheries Law Enforcement Team must abide by a uniform use of force policy and adhere to internationally determined rules of engagement in the performance of their duties. Force should not be used when and where assigned duties can be accomplished without it. A reasonable use of force may, however, be allowed to achieve the desired result with minimum injury to people and property.

The use of force continuum model (United States Coast Guard 2000) defines different levels of force for a given level of resistance as:

1. *Level One* - Often the mere presence of an enforcer is enough to achieve the desired goal. Most people tend to calm down and follow directions when faced with an authority figure.
2. *Level Two* - Verbal commands allow the enforcer to identify him/herself and to order the offender to do something. If the offender does not obey, the enforcer is justified in going to the next level of force.
3. *Level Three* - Soft, empty hand control is used to restrain a suspect who has ignored a verbal order to do something. In this situation, the amount of physical force is determined by the amount of resistance being encountered.
4. *Level Four* - Hard, empty hand control is used to counter a physical attack by the suspect. This typically involves the enforcer punching or using restraining holds on the arm or the neck of suspects.
5. *Level Five* - Intermediate weapon control may be required to achieve compliance in the case where the suspect is resisting with or without weapons, but with enough force that the enforcer is in danger of being injured. Weapons such as a baton or similar implement that happens to be at hand (an oar) may be used. Weapons such as firearms or bladed weapons should only be used as a last resort.
6. *Level Six* - Deadly force may only be used in the case where the enforcer or someone else at the scene is in danger of being killed. This situation is not very common in coastal law enforcement.

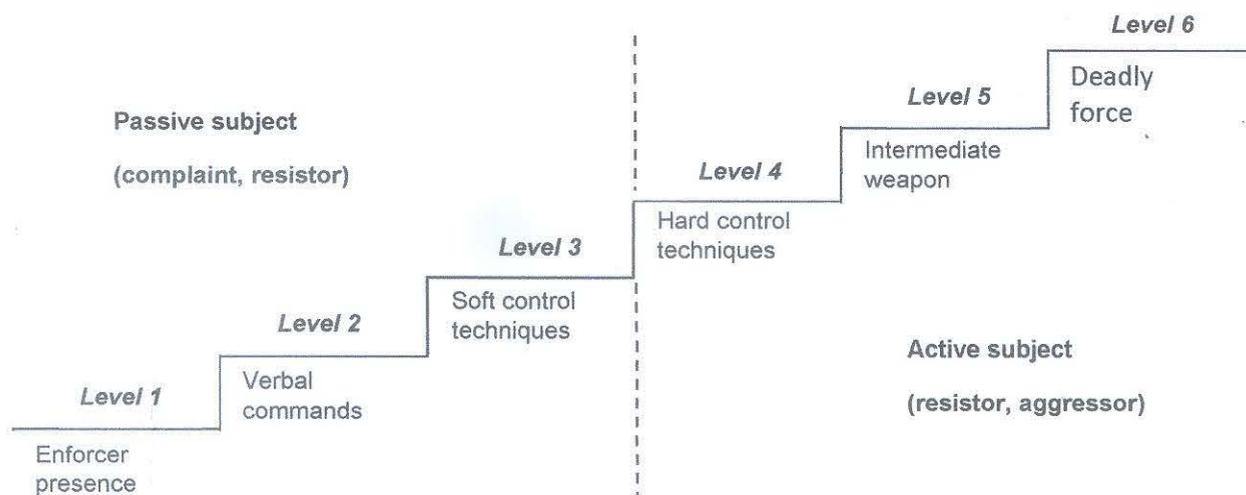
Source: *Philippine Coastal Management Guidebook Series No. 8 (Coastal Law Enforcement) Page 76.*

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Below is the model on the use of force continuum:



The following rules are the guidelines in the use of force during boarding and inspection:

1. The use of force shall be avoided except when and to some degree necessary to ensure the safety of the boarding party and where the boarding party is obstructed in the execution of their duty. The degree of force shall not exceed what is reasonably required in the circumstance.
2. The use of force must be made at the first indication of any resistance, which must be immediately reported to the Headquarters and/or MCSCOC. Planned or unplanned resistance may take the form of:
  - a. Failure to stop or respond to the command to stop;
  - b. Attempts to flee the scene;
  - c. Intentionally throwing the net so as to get caught in the propeller of the patrol boat;
  - d. Evasive maneuvers;
  - e. Attempts to ram;
  - f. Fleeing once the boarding the party is embarked;
  - g. Casting off boarding ladders;
  - h. Verbal abuse and threats of physical violence;
  - i. Assault and obstructing the conduct of boarding and inspection; and
  - j. Other similar circumstances.
3. The general rule is to use the sufficient force necessary to address the resistance. It is the responsibility of the fishery law enforcement officers involved in the operations to exert effort to prevent the use of or incite any potential for escalation in the use of force.

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4. If the FFV fails to stop despite repeated audible warnings, the patrol boat should maneuver to the position where it can employ the necessary and reasonable means to stop it until it reaches the condition of hot pursuit.
5. If hot pursuit is not possible, the fishery law enforcers shall record all identification marks including the location (latitude and longitude) for notification to the flag State and the relevant Regional Fisheries Management Organizations (RFMOs), through appropriate channels for inclusion in the list of IUU fishing vessels.
6. Further actions may be taken upon the instruction of the HQ.

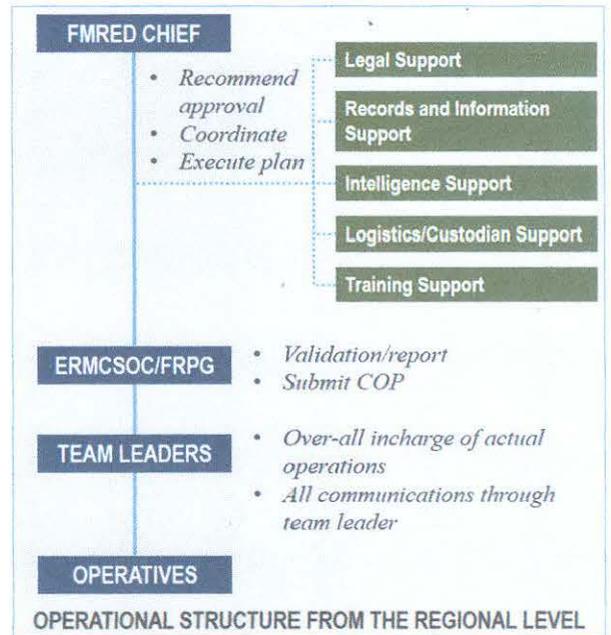
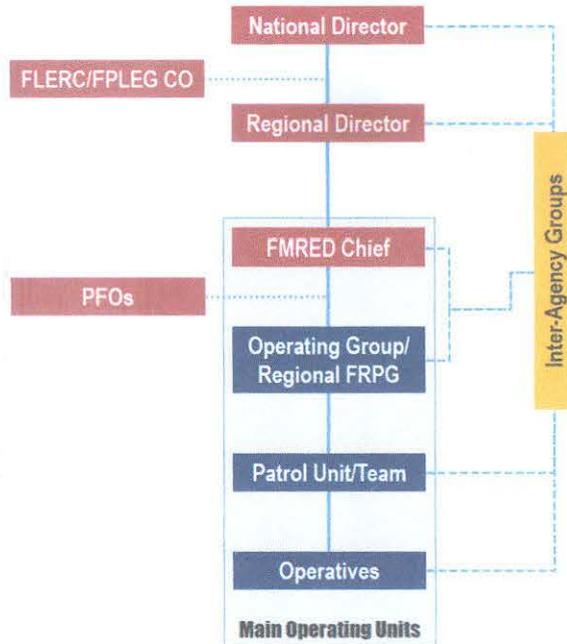
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Annex B. Operations and Coordination Structure

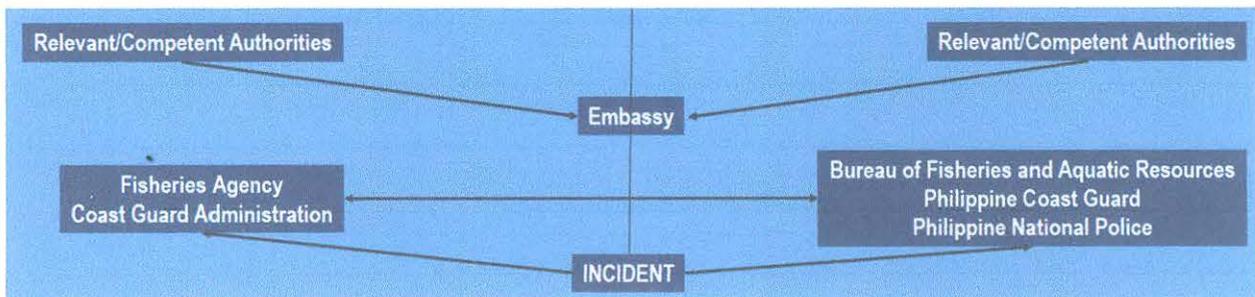
Operations and Coordination Structure



Operations and Coordination Process after the Incident



International Coordination



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## Annex C. SAMPLE AFFIDAVIT OF APPREHENDING OFFICER

### JUDICIAL AFFIDAVIT

(In Compliance with Rule 16 (g) Rules of Procedure for Environmental Cases, A.M. No. 09-6-8-SC and 12-8-8-SC on the Judicial Affidavit Rule)

I, \_\_\_\_\_, of legal age and with office address at BFAR Central Office, 3<sup>rd</sup> Floor, PCA Bldg, Elliptical Road, Diliman, Quezon City, after having duly sworn in accordance with law, depose and state:

#### PRELIMINARY STATEMENT

The person examining me is Atty. \_\_\_\_\_ with address at \_\_\_\_\_ . The examination is being held at the same address. I am answering his questions fully conscious that I do so under oath and may face criminal liability for false testimony and perjury.

PURPOSE: I am executing this Affidavit for the purpose of filing a complaint against Name of Perpetrator and Residence Address, for violation of Sec. 91 of RA 8550, as amended by RA 10654 and to prove that on or about Time and Date while our Fishery Law Enforcement Team under the Bureau of Fisheries and Aquatic Resources (BFAR) was conducting a seaborne patrol at the vicinity of latitude and longitude, near the \_\_\_\_\_, when chance upon FFV Name of Boat with Call Sign in the act of prima facie presumption, being contrary to law;

That, I am also executing this Affidavit in the form of questions and answers in a language known to me, in compliance with Rule 16 (g) Rules of Procedure for Environmental Cases, A.M. No. 09-6-8-SC, as follows:

1. **Q: Please state your name, age, address and other personal circumstances.**  
A: I am Jerry W. Brown, Team Leader of the Quick Reaction Team of the Bureau of Fisheries and Aquatic Resources (BFAR), Central Office, 3<sup>rd</sup> Floor, PCA Bldg, Elliptical Road, Diliman, Quezon City.
2. **Q: What is your position in the Bureau?**  
A: I am the Fishing Regulation Officer I, and the Team Leader of the Fisheries Law Enforcement Team;
3. **Q: As (Fishing Regulations Officer) what are your duties and responsibilities?**

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A: As (Fishing Regulations Officer) (in stating duties and responsibilities, arresting officer may enumerate first the routine day to day activities (office) and conduct seaborne patrol and surveillance, board and search, investigation, conduct arrest pursuant to complaints or reports received or pursuant to mission orders and filing of complaints and execution of affidavits).

4. **Q: How long have you been in that position?**

A: (state number of years or months, whichever is applicable)

5. **Q: Where were you and what were you doing on Date of Operation?**

A: I was on duty that day. We conducted seaborne operation and surveillance in the vicinity of \_\_\_\_\_.

6. **Q: What was your assignment on that day?**

A: I was assigned as team leader on board MCS Patrol Boat to conduct seaborne patrol together with the composite team of PCG and BFAR;

7. **Who authorized you to conduct seaborne operation in that area?**

A: The Director of the Bureau of Fisheries and Aquatic Resources assigned us and issued us Mission Order/Sailing Order to conduct fishery law enforcement operation in that area.

8. **Q: Can you show us your Mission Order/Sailing Order that you are referring to?**

A: This is the Mission Order/Sailing Order, attached in this Affidavit as Annex "A" to be marked during the trial.

9. **Q: What is the purpose of your Mission Order/Sailing Order?**

A: The Bureau received reports from \_\_\_\_ that several FFVs were spotted at \_\_\_\_\_ on \_\_\_\_\_ and our team was tasked to verify said report and conduct boarding, inspection and arrest to violators if found conducting illegal fishing activities in the Philippine waters.

10. **Q: What happened during your seaborne operation? Tell us, if any.**

A: On or about \_\_\_\_\_ when we were conducting seaborne operation in the \_\_\_\_\_, our team spotted a vessel at an estimated distance of \_\_\_\_ nautical miles west of \_\_\_\_\_ and identified it as foreign fishing boat based on the appearance, unusual markings on the vessel, hoisted flag and the position of the fishing gear.

11. **Q: What happened next?**

A: Our team approached the FFV, and established possible contact by \_\_\_\_\_ communication. I ordered the documenter to take the videos/pictures while approaching the said vessel.

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12. **Q: After taking the videos/photos, what did you do next, if any?**  
A: We took pictures of the latitude and longitude, course of navigation of the FFV at the present location based on the GPS. We introduced our team as members of the Fisheries Law Enforcement Team of \_\_\_\_\_ by the use of megaphone and ordered the Boat captain to slow down its speed for the intention to board their fishing boat.
13. **Q: What happened next?**  
A: We ordered the Boat Captain to stay at the helm, asked the number of crew on board, and ordered to bring them to the bow or any open area.
14. **Q: After such order, what did you do?**  
A: As Team Leader, I ordered my personnel to set on general quarter station and the team to prepare for boarding. Then I ordered the Security Officers to board first to secure the area and the crew for accounting purposes based on the crew list.
15. **Q: After securing the area, what happened next?**  
A: I ordered the rest of the boarding party to board the FFV by buddy system.
16. **Q: When you and your team were already on board the FFV, what did you do, if any?**  
A: Again, we clearly introduced ourselves, the boarding team and the unit we belong. I ordered my team to conduct inspection of the entire vessel and the documents being held at the pilot house.
17. **Q: What happened next?**  
A: Upon inspection of the entire vessel, I, as a team leader, informed the crew of the FFV of violating Philippine Laws specifically section 91 of the Fishery Code (*State the presumption*).
18. **Q: What happened next?**  
A: I declared an arrest and informed the Boat Captain and the crew of their Miranda Rights.
19. **Question: How did you inform the Boat captain and the crew of their violations and their rights?**  
A: We informed them using the language cards, pre-recorded messages, placards, and gestures.
20. **Q: What happened next?**  
A: I instructed the Search Team to conduct labelling or tagging, inventory, documentation of the fishing gears, equipment, fish catch, and navigational and communication equipment of the vessel.
21. **Q: After the conduct of inventory and markings, what happened next?**

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A: I also instructed the Documentation Officer to take the GPS location of the FFV and another Team Member to record the status of the engine.

**22. Q: What else happened, if any?**

I ordered the Search Officer to seize the seaman's book, vessel registration paper, catch log sheet, logbook, transponder and navigational chart of the FFV, and other documents to be included in the inventory.

**23. Q: What happened next after the seizure of those documents?**

A: I informed the Boat Captain that the FFV will be taken to the nearest Philippine Port. A crew member of the MCS took command of the FFV and instructed some of the crew to man the vessel.

**24. Q: What happened next?**

A: I then ordered the Boat Captain to navigate the FFV to the nearest Philippine Port.

**25. Q: While navigating, what happened next?**

A: During transit I radioed for assistance from our Headquarters and the MCS Coordination and Operation Center of BFAR to arrange for docking area. I also informed the members of RCIE, PCIE and NCIE, and coordinate with NCWC and nearest Maritime Security Forces

**26. Q: What happened next?**

A: Upon reaching the port, I disembarked to prepare the necessary documents for the filing of criminal and administrative case.

**27. Q: After the preparation of those documents, what did you do next?**

A: I ordered the team to secure the boat and evidences, and conduct thorough inspection, tagging and documentation and disposition of all items on board.

**28. Q: Do you have anything more to state?**

A: I am willing to testify in court to prove the allegations I stated herein for the prosecution of the case to be filed against the owner and crew of FFV

**29. Q: Are you willing to affix your signature to attest to the truth of the foregoing statements composed of two pages, including the page upon which your signature appears?**

A: Yes.

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IN WITNESS whereof, I have hereunto signed my name this \_\_\_\_\_, in

\_\_\_\_\_.

JERRY W. BROWN

Affiant

**SUBSCRIBED AND SWORN TO BEFORE ME**, a notary public in and for \_\_\_\_\_ (City/Province) \_\_\_\_\_ this \_\_\_th day of \_\_\_\_\_ 20\_\_.  
Affiant personally came and appeared with \_\_\_\_\_ (Competent Evidence of Identity) \_\_\_\_\_ issued by the \_\_\_\_\_ (Government Agency) \_\_\_\_\_ on \_\_\_ (date) \_\_\_ at \_\_\_\_\_ (place) \_\_\_\_\_, bearing his photograph and signature, known to me as the same person who personally signed the foregoing instrument before me and avowed under penalty of law to the whole truth of the contents of said instrument.

Notary Public

Doc. No. \_\_\_\_

Page No. \_\_\_\_

Book No. \_\_\_\_

Series of \_\_\_\_

I, \_\_\_\_\_, of legal age, Filipino, with postal address \_\_\_\_\_ after being duly sworn depose and say:

1. I was the one who conducted the examination of witness \_\_\_\_\_ at my aforementioned office in \_\_\_\_\_;
2. I have faithfully recorded or caused to be recorded the questions I asked and the corresponding answer that the witness gave;
3. I or any other person then present or assisting him, did not coach the witness regarding his answers.

**IN WITNESS WHEREOF**, I have hereunto set my hand this \_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_.

ATTY. \_\_\_\_\_

Affiant

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**SUBSCRIBED AND SWORN TO BEFORE ME**, a notary public in and for \_\_\_\_\_ (City/Province) \_\_\_\_\_ this \_\_\_\_ th day of \_\_\_\_\_ 20\_\_\_. Affiant personally came and appeared with \_\_\_\_\_ (Competent Evidence of Identity) \_\_\_\_\_ issued by the \_\_\_\_\_ (Government Agency) \_\_\_\_\_ on \_\_\_\_\_ (date) \_\_\_\_\_ at \_\_\_\_\_ (place) \_\_\_\_\_, bearing his photograph and signature, known to me as the same person who personally signed the foregoing instrument before me and avowed under penalty of law to the whole truth of the contents of said instrument.

Notary Public

Doc. No. \_\_\_\_  
Page No. \_\_\_\_  
Book No. \_\_\_\_  
Series of \_\_\_\_

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## Annex D: SAMPLE AFFIDAVIT OF WITNESSES

### COMPLAINT AFFIDAVIT

(In Compliance with Rule 16 (g) Rules of Procedure for Environmental Cases, A.M. No. 09-6-8-SC and A.M. 12-8-8-SC on the Judicial Affidavit Rule)

I, HAZEL NAT, of legal age and with office address at BFAR Central Office, 3<sup>rd</sup> Floor, PCA Bldg, Elliptical Road, Diliman, Quezon City, after having been duly sworn in accordance with law, depose and state:

#### PRELIMINARY STATEMENT

The person examining me is Atty. \_\_\_\_\_ with address at \_\_\_\_\_. The examination is being held at the same address. I am answering his questions fully conscious that I do so under oath and may face criminal liability for false testimony and perjury.

PURPOSE: I am executing this Affidavit for the purpose of filing a complaint against \_\_\_\_\_, resident of \_\_\_\_\_, for violation of Sec. 91 of RA 8550, as amended by RA 10654 and to prove that on or *Time and Date* while our Fishery Law Enforcement Team under the *Bureau of Fisheries and Aquatic Resources (BFAR)* was conducting a seaborne patrol at the vicinity of *latitude and longitude*, near the \_\_\_\_\_, when chance upon FFV *Name of Boat with Call Sign* in the act of *prima facie presumption*, being contrary to law;

That, I am also executing this Affidavit in the form of questions and answers in compliance with Rule 16 (g) Rules of Procedure for Environmental Cases, A.M. No. 09-6-8-SC, as follows:

1. **Q: Please state your name, age, address and other personal circumstances.**

A: I am \_\_\_\_\_, the *ASSIGNED DOCUMENTER of the Fisheries Law Enforcement Team of the Bureau of Fisheries and Aquatic Resources (BFAR), Central Office, 3<sup>rd</sup> Floor, PCA Bldg, Elliptical Road, Diliman, Quezon City*

2. **Q: How long have you been in that position?**

A: *(state number of years or months, whichever is applicable)*

3. **Q: Can you remember where you were and what you were doing on (date of operation)?**

A: Yes, sir, I was working that day. We conducted seaborne operation and surveillance in the vicinity of \_\_\_\_\_ upon the order of our Team Leader.

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4. **Q: What was your assignment on that day?**  
A: I was assigned as Documenter on board MCS Patrol Boat to conduct seaborne patrol together with the composite team of PCG and BFAR;
5. **Q: Who authorized you to conduct seaborne operation in that area?**  
A: The Director of the Bureau of Fisheries and Aquatic Resources assigned us and issued us Mission Order/Sailing Order to conduct fishery law enforcement operation in that area.
6. **Q: Can you show us your Mission Order/Sailing Order that you are referring to?**  
A: This is the Mission Order/Sailing Order, attached in this Affidavit as Annex "A" to be marked during the trial.
7. **Q: What is the purpose of your Mission Order/Sailing Order?**  
A: The Bureau received reports from \_\_\_ that several FFVs were spotted at \_\_\_\_\_ on \_\_\_\_\_ and our team was tasked to verify said report and conduct boarding, inspection and arrest to violators if found conducting illegal fishing activities in the Philippine waters.
8. **Q: What happened during your seaborne operation? Tell us, if any.**  
A. On or about \_\_\_\_\_ when we were conducting seaborne operation in the \_\_\_\_\_, our team spotted a vessel at an estimated distance of \_\_\_ nautical miles *west of* \_\_\_\_\_ and identified it as foreign fishing boat based on the appearance, unusual markings on the vessel, hoisted flag and the position of the fishing gear.
9. **Q: What happened next?**  
A: While approaching the FFV, I was ordered by our team leader to take the videos/pictures of the vessel.
30. **Q: After taking the videos/photos, what did you do next, if any?**  
A: We took pictures of the latitude and longitude, course of navigation of the FFV at the present location based on the GPS. The team leader introduced our team as members of the Fisheries Law Enforcement Team of \_\_\_\_\_ by the use of megaphone and ordered the Boat captain to slow down its speed for the intention to board their fishing boat.
10. **Q: What happened next?**  
A: I heard our team leader ordering the Boat Captain to stay at the helm, asked the number of crew on board, and ordered to bring them to the bow or any open area. I also remember him ordering our team to prepare for boarding. Then I saw Security Officers boarding first and securing the area.
11. **Q: When the area was already secured, what happened?**

**A:** The team leader introduced our team again and we were ordered to conduct inspection of the entire vessel and the documents being held at the pilot house.

**12. Q: As a documenter, what did you do?**

**A:** I conducted labelling or tagging, inventory, documentation of the fishing gears, equipment, fish catch, and navigational and communication equipment of the vessel.

**13. Q: After the documentation, what else happened, if any?**

**A:** I was instructed by our team leader to take the GPS location of the FFV.

**14. Q: What happened next?**

**A:** The Search Officer handed over the seaman's book, vessel registration paper, catch log sheet, logbook, transponder and navigational chart of the FFV, and other documents to me. I included them in the inventory.

**15. Q: What did you do after that?**

**A:** We were taken to the nearest port.

**16. Q: What happened after arriving at the port?**

**A:** Upon reaching the port, we disembarked to prepare the necessary documents for the filing of criminal and administrative case. Our team leader ordered the team to secure the boat and evidences. We conducted thorough inspection, tagging and documentation and disposition of all items on board.

**17. Q: Do you have anything more to state?**

**A:** I am willing to testify in court to prove the allegations I stated herein for the prosecution of the case to be filed against the owner and crew of FFV

**18. Q: Are you willing to affix your signature to attest to the truth of the foregoing statements composed of \_\_\_ pages, including the page upon which your signature appears?**

**A:** Yes.

IN WITNESS whereof, I am hereunto signed my name this \_\_\_\_\_, in

\_\_\_\_\_  
Affiant

**SUBSCRIBED AND SWORN TO BEFORE ME**, a notary public in and for \_\_\_\_\_ (City/Province) \_\_\_\_\_ this \_\_\_th day of \_\_\_\_\_ 20\_\_.  
Affiant personally came and appeared with \_\_\_\_\_ (Competent Evidence of

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Identity) \_\_\_\_\_ issued by the \_\_\_\_\_ (Government Agency) \_\_\_\_\_ on \_\_\_\_\_ (date) \_\_\_\_\_ at \_\_\_\_\_ (place) \_\_\_\_\_, bearing his photograph and signature, known to me as the same person who personally signed the foregoing instrument before me and avowed under penalty of law to the whole truth of the contents of said instrument.

Notary Public

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of \_\_\_\_\_

I, \_\_\_\_\_, of legal age, Filipino, with postal address \_\_\_\_\_ after being duly sworn depose and say:

1. I was the one who conducted the examination of witness \_\_\_\_\_ at my aforementioned office in \_\_\_\_\_;
2. I have faithfully recorded or caused to be recorded the questions I asked and the corresponding answer that the witness gave;
3. I or any other person then present or assisting him, did not coach the witness regarding his answers.

**IN WITNESS WHEREOF**, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_.

ATTY. \_\_\_\_\_  
Affiant

**SUBSCRIBED AND SWORN TO BEFORE ME**, a notary public in and for \_\_\_\_\_ (City/Province) \_\_\_\_\_ this \_\_\_\_\_ th day of \_\_\_\_\_ 20\_\_. Affiant personally came and appeared with \_\_\_\_\_ (Competent Evidence of Identity) \_\_\_\_\_ issued by the \_\_\_\_\_ (Government Agency) \_\_\_\_\_ on \_\_\_\_\_ (date) \_\_\_\_\_ at \_\_\_\_\_ (place) \_\_\_\_\_, bearing his photograph and signature, known to me as the same person who personally signed the foregoing instrument before me and avowed under penalty of law to the whole truth of the contents of said instrument.

Notary Public

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of \_\_\_\_\_

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## Annex E. Legal Forms

Form No. 1

### CASE OPERATION PLAN

\_\_\_\_\_ Date

Team Leader: \_\_\_\_\_

**Group Members/Roles:**

Name	Roles
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

**Target Person/s:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Place, Date and Time of Operations:**

Place	Date/Time	Remarks

**Ground Rules:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Appropriate responses for different scenarios**

Various Scenarios	Appropriate Responses

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**Logistics required**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Nearest Prosecutor's Office:**

Name of Prosecutor	Office Address/Contact Nos.	Remarks

**Nearest Hospitals:**

Name of Hospital	Address/Contact Nos.	Remarks

**Nearest Charitable/Penal Institutions:**

Charitable/Penal Institutions	Address	Contact Person/Nos.

**Nearest Detention Facilities/Police Precinct:**

Name	Address	Contact Person/Nos.

**Nearest Accredited Treaters:**

Name	Address	Contact Person/Nos.

\_\_\_\_\_  
Name and Signature of Team Leader

Approved by:

\_\_\_\_\_  
Supervisor

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Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

### PRE-BOARDING CHECKLIST

1. Position of the boat/vessel	Latitude: _____ Longitude: _____ Inside ___ Outside ___ municipal waters? (check one)
2. Nationality of the boat/vessel	
3. Origin of the people on board	Local/ foreign (encircle one)
4. Activity of the boat/vessel	Anchored/ stationary/ in transit/ fishing (encircle one) Other activity _____
5. Type of the boat/vessel	Fishing/ cargo/ passenger (encircle one)
6. Approximate length of the boat/vessel	
7. Approximate tonnage of the boat/vessel	
8. Distinguishing features or unusual markings on the boat/vessel	
9. Type of the gear used, if fishing vessel	
10. Position of the gear	
11. characteristics of the gear (fine mesh net, etc)	
12. course and speed of the boat/vessel	
13. Can radio contact be made?	Yes _____; No _____
14. Is navigational equipment present?	Yes _____; No _____
15. What are the crew and crew members doing?	
16. Is there a change in the activity of the crew or boat/vessel?	
17. Is boarding feasible?	Yes _____; No _____

Prepared by: \_\_\_\_\_

Noted by: \_\_\_\_\_

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Form No. 10



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF SEIZED FISH/FISHERY PRODUCT(S)**

\_\_\_\_\_  
(Place of Issuance)

\_\_\_\_\_  
(Date of Issuance)

Received from \_\_\_\_\_ the following fish/fishery product(s)  
*Owner/ Possessor/ Person-In-Charge*

at \_\_\_\_\_ on \_\_\_\_\_  
*Market Place/Fish Landing On-Board FV/Others Date & Time*

in the possession of the above-named person for violation of \_\_\_\_\_

VERNACULAR NAME	SCIENTIFIC NAME	ESTIMATED QUANTITY	ESTIMATED MARKET VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
(Signature Over Printed Name)  
Fishery Law Enforcement Officer/Team Leader

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

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Form No. 11



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF SEIZED EXPLOSIVES, NOXIOUS OR  
POISONOUS SUBSTANCES**

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

Received the following explosives, noxious or poisonous substances in the possession  
of \_\_\_\_\_ at \_\_\_\_\_  
*Owner/ Possessor/ Person-In-Charge Market Place/Fish Landing On-Board FV/Others*

QUANTITY	DESCRIPTION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
(Signature Over Printed Name)  
Fishery Law Enforcement Officer/Team Leader

WITNESSES:  
\_\_\_\_\_  
\_\_\_\_\_

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Form No. 12



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF SEIZED FISHING BOAT/VESSEL**

\_\_\_\_\_  
(Place of Issuance) \_\_\_\_\_ (Date of Issuance)  
Received from \_\_\_\_\_ for impoundment  
(Owner/Possessor/Person-In-Charge)

the fishing boat/vessel herein described:

Operator/Owner: \_\_\_\_\_

Name of boat/vessel & CFBL No.: \_\_\_\_\_

For violation of: \_\_\_\_\_

Reason(s) for Impoundment:

- \_\_\_\_\_ possession of illegally caught fish/fishery product (s)
- \_\_\_\_\_ used in actual illegal fishing operation
- \_\_\_\_\_ possession of explosives, noxious or poisonous substance.
- \_\_\_\_\_ Others (specify) \_\_\_\_\_

\_\_\_\_\_  
(Signature Over Printed Name)  
Fishery Law Enforcement Officer

WITNESS/ES:

\_\_\_\_\_  
\_\_\_\_\_

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Form No. 13



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF OTHER SEIZED ITEMS**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Received the following items in the possession of \_\_\_\_\_  
*Owner/ Possessor/ Person-In-Charge*

at \_\_\_\_\_  
*Market Place/Fish Landing On-Board FV/Others*

Description of Each Items/Articles On Board:

ITEMS/ARTICLES	QUANTITY	UNIT	REMARKS
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
(Signature Over Printed Name)  
Fishery Law Enforcement Officer/Team Leader

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

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Form No. 14



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City.  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF SEIZED FISH/FISHERY PRODUCT(S)  
NOT SUITABLE FOR HUMAN CONSUMPTION**

\_\_\_\_\_  
(Place of Issuance)

\_\_\_\_\_  
(Date of Issuance)

Received from \_\_\_\_\_ the following fish/fishery products  
*Owner/ Possessor/ Person-In-Charge*

following fish/fishery product(s) at \_\_\_\_\_  
*Market Place/Fish Landing On-Board FV/Others*

on \_\_\_\_\_ in the possession of the above-named person  
*Date & Time*

for violation of \_\_\_\_\_

VERNACULAR NAME	SCIENTIFIC NAME	ESTIMATED QUANTITY	ESTIMATED MARKET VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
(Signature Over Printed Name)  
Fishery Law Enforcement Officer/Team Leader

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

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Form No. 32



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**NOTICE OF DISPOSAL OF SEIZED FISH**

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
*Name of Charitable/Penal Institution*

\_\_\_\_\_  
*Address*

Sir/Madam:

This is to inform you that the following illegally-caught fish seized by fishery law enforcers are available for distribution and are fit for human consumption within a reasonable time from date of receipt, viz.:

VERNACULAR NAME	SCIENTIFIC NAME	ESTIMATED QUANTITY	ESTIMATED MARKET VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please have this collected not later than \_\_\_\_\_ at \_\_\_\_\_  
*Date/Time*

\_\_\_\_\_  
*Place*

\_\_\_\_\_  
(Signature Over Printed Name)  
Fishery Law Enforcement Officer/Team Leader

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**Letter of Charitable or Penal Institution**

**RECEIPT OF DISTRIBUTED SEIZED FISH**

Date: \_\_\_\_\_

RECEIVED from \_\_\_\_\_  
*Fishery Law Enforcement Officer/Team Leader*

the seized fish indicated in the notice of disposal and I/We agree to pay the appraised value of said fish in the event that the competent court before which the criminal case is filed shall subsequently render a decision of acquittal and order the return/payment of the value thereof.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name, Address and Contact Number  
of Charitable/Penal Institution

\_\_\_\_\_  
(Signature Over Printed Name)  
Representative of Charitable/Penal Institution

RECEIVED COPY:

\_\_\_\_\_  
\_\_\_\_\_

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Form No. 33



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**TURN-OVER RECEIPT OF SEIZED FISH/FISHERY PRODUCT(S)  
OR ITEM(S) OF EVIDENCE**

Date: \_\_\_\_\_

Place of Issuance: \_\_\_\_\_

Received from \_\_\_\_\_ of \_\_\_\_\_

herein stated fish/fishery product (s) or items (s) as evidence (s) for violation of:

*PURPOSE: for Proper Disposition/Custodial Safekeeping:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name and Signature of Receiving Officer/Recipient

\_\_\_\_\_  
Designation

\_\_\_\_\_  
Office

Turned-Over By:

\_\_\_\_\_  
(Signature Over Printed Name)

\_\_\_\_\_  
Designation

\_\_\_\_\_  
Office

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Form No. 34



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**TURN-OVER RECEIPT OF SEIZED EXPLOSIVES,  
NOXIOUS OR POISONOUS SUBSTANCES**

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

Received from \_\_\_\_\_ the following  
explosives, noxious or poisonous substances for custodial safekeeping:

ITEM/DESCRIPTION	QUANTITY/VOLUME
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Custodial Officer  
(Signature Over Printed Name)

WITNESS(ES):

\_\_\_\_\_  
\_\_\_\_\_

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Form No. 39



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**NOTICE OF VIOLATIONS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir/Ma'am;

Please be informed that our Fishery Law Enforcement Team was able to inspect your

\_\_\_\_\_ (Name of Boat/vehicle plate number/stall/establishment, etc.)

while on \_\_\_\_\_ operations on \_\_\_\_\_ (Type of operations) (Date and time of inspection)

in \_\_\_\_\_ (place of operation or GPS coordinates if applicable)

and found out the following violations committed, viz.:

Violations	Elements	Administrative Penalty

As a matter of right, you may submit your written offer of settlement not later than **five (5) working days** upon issuance of this **Notice** to the nearest BFAR Hearing Officers subject to the approval of BFAR Adjudication Committee as provided for under Rule 131.2 "Offer to settle" of RA 10654.

Signed and issued this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
at \_\_\_\_\_

\_\_\_\_\_  
Apprehending Team Leader

Witness (Name and signature)

\_\_\_\_\_  
\_\_\_\_\_

Received by:

\_\_\_\_\_  
Owner/In-Charge

- Cc:
1. BFAR Regional Director
  2. Apprehending Team Leader
  3. Receiver
  4. FMRED

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Form No. 41



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**CERTIFICATE OF DISCHARGE OF CREW[S]**

\_\_\_\_\_  
Name of Boat/boat/vessel

\_\_\_\_\_  
Date

NAME OF CREW	FISHWORKER'S LICENSE NO.	DATE OF EMPLOYMENT	DATE OF BIRTH	SIGNATURE

\* Note: continue at the back of this page, if necessary.

That this is to certify that the abovenamed crew[s] was not detained by this office and that no charge[s] was filed against them.

PREPARED BY:

\_\_\_\_\_  
Fishery Law Enforcement Officer  
(Print Name & Signature)

WITNESS(ES):

\_\_\_\_\_  
\_\_\_\_\_

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[ REPUBLIC ACT NO. 9522 ]

AN ACT TO AMEND CERTAIN PROVISIONS OF REPUBLIC ACT NO. 3046, AS AMENDED BY REPUBLIC ACT NO. 5446, TO DEFINE THE ARCHIPELAGIC BASELINES OF THE PHILIPPINES, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section 1 of Republic Act No. 3046, entitled "An Act to Define the Baselines of the Territorial Sea of the

Philippines", as amended by Section 1 of Republic Act No. 5446, is hereby amended to read as follows:

"SECTION 1. The baselines of the Philippine archipelago are hereby defined and described specifically as follows:

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Basepoint Number	Station Name	Location	World Geodetic System of 1984 (WGS 84) Coordinates		Distance to next basepoint (M)
			Latitude (N)	Longitude (E)	
1	PAB-01	Amianan Is.	21° 6' 57.78"	121° 57' 27.71"	70.03
2	PAB-02	Balintang Is.	19° 57' 88.19"	122° 9' 46.32"	99.17
3	PAB-04	Iligan Pt.	18° 18' 35.30"	122° 20' 19.07"	71.89
4	PAB-05A	Ditolong Pt.	17° 7' 16.30"	122° 31' 28.34"	1.05
5	PAB-05B	Ditolong Pt.	17° 6' 14.79"	122° 31' 43.84"	0.39
6	PAB-05	Ditolong Pt.	17° 5' 51.31"	122° 31' 42.66"	3.29
7	PAB-06	Spires Is.	17° 2' 36.91"	122° 31' 3.28"	9.74
8	PAB-06B	Digollorin Pt.	16° 53' 18.03"	122° 27' 56.61"	3.51
9	PAB-06C	Digollorin Rk.	16° 49' 56.11"	122° 26' 50.78"	2.40
10	PAB-07	Diviuisa Pt.	16° 47' 38.86"	122° 26' 4.40"	30.94
11	PAB-08	Dijohan Pt.	16° 18' 44.93"	122° 14' 16.69"	116.26
12	PAB-10A	Tinaga Is.	14° 29' 54.43"	122° 57' 51.15"	80.29
13	PAB-11	Horodaba Rk.	14° 6' 29.91"	124° 16' 59.21"	0.54
14	PAB-12	Matulin Rk.	14° 6' 10.40"	124° 17' 26.28"	96.04
15	PAB-13	Atalaya Pt.	12° 41' 6.37"	125° 3' 53.71"	6.79
16	PAB-13A	Bacan Is.	12° 36' 18.41"	125° 8' 50.19"	5.52
17	PAB-14	Finch Rk.	12° 32' 33.62"	125° 12' 59.70"	0.80
18	PAB-14A	Cube Rk.	12° 31' 57.45"	125° 13' 32.37"	4.90
19	PAB-14D	NW Manjud Pt.	12° 28' 36.42"	125° 17' 12.32"	1.30
20	PAB-15	SE Manjud Pt.	12° 27' 37.51"	125° 18' 5.23"	7.69
21	PAB-16A	E Sora Cay	12° 21' 41.64"	125° 23' 7.41"	5.68
22	PAB-16B	Panablijon	12° 17' 27.17"	125° 27' 0.12"	5.21
23	PAB-16C	Alugon	12° 13' 21.95"	125° 30' 19.47"	1.94
24	PAB-16D	N Bunga Pt.	12° 11' 48.16"	125° 31' 30.88"	0.54
25	PAB-17A	E Bunga Pt.	12° 11' 20.67"	125° 31' 48.29"	5.71
26	PAB-18A	SE Tubaboo Is.	12° 6' 7.00"	125° 34' 11.94"	83.84
27	PAB-19C	Suluan Is.	10° 45' 16.70"	125° 58' 8.78"	56.28
28	PAB-19D	N Tuason Pt.	9° 49' 59.58"	126° 10' 6.39"	57.44
29	PAB-20A	Arangasa Is.	8° 53' 16.62"	126° 20' 48.81"	40.69

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30	PAB-21B	Sanco Pt.	8° 13' 11.53"	126° 28' 53.25"	30.80
31	PAB-22	Bagoso Is.	7° 42' 45.02"	126° 34' 29.08"	12.95
32	PAB-22C	Languyan	7° 29' 49.47"	126° 35' 59.24"	0.54
33	PAB-23	Languyan	7° 29' 16.93"	126° 35' 59.50"	0.76
34	PAB-23B	Languyan	7° 28' 30.97"	126° 35' 57.30"	1.02
35	PAB-23C	N Baculin Pt.	7° 27' 29.42"	126° 35' 51.71"	10.12
36	PAB-24	Pusan Pt.	7° 17' 19.80"	126° 36' 18.16"	1.14
37	PAB-24A	S Pusan Pt.	7° 16' 14.43"	126° 35' 57.20"	63.28
38	PAB-25B	Cape San Agustin	6° 17' 14.73"	126° 12' 14.40"	1.28
39	PAB-25	Cape San Agustin	6° 16' 8.35"	126° 11' 35.06"	67.55
40	PAB-26	SE Srangani Is.	5° 23' 34.20"	125° 28' 42.11"	0.43
41	PAB-27	Panguil Bato Pt.	5° 23' 21.80"	125° 28' 19.59"	3.44
42	PAB-28	Tapunda Pt.	5° 21' 55.66"	125° 25' 11.21"	3.31
43	PAB-29	W Calia Pt.	5° 21' 58.48"	125° 21' 52.03"	0.87
44	PAB-30	Manamil Is.	5° 22' 2.91"	125° 20' 59.73"	1.79
45	PAB-31	Marampog Pt.	5° 23' 20.18"	125° 19' 44.29"	78.42
46	PAB-32	Pola Pt.	6° 9' 8.44"	124° 15' 42.81"	122.88
47	PAB-33A	Kauluan Is.	6° 20' 47.22"	122° 13' 34.50"	29.44
48	PAB-34A	Tongquil Is.	6° 2' 33.77"	121° 56' 36.20"	2.38
49	PAB-35	Tongquil Is.	6° 1' 8.15"	121° 54' 41.45"	1.72
50	PAB-35A	Tongquil Is.	6° 0' 17.88"	121° 53' 11.17"	85.94
51	PAB-38A	Kinapusan Is.	5° 12' 8.70"	120° 41' 38.14"	55.24
52	PAB-39	Manuk Manka Is.	4° 47' 39.24"	119° 51' 58.08"	43.44
53	PAB-40	Frances Reef	4° 24' 53.84"	119° 14' 50.71"	0.61
54	PAB-40A	Frances Reef	4° 25' 3.83"	119° 14' 16.15"	15.48
55	PAB-41A	Bajapa Reef	4° 36' 9.01"	119° 3' 22.75"	6.88
56	PAB-42A	Paguan Is.	4° 42' 52.07"	119° 1' 44.04"	3.40
57	PAB-43	Alice Reef	4° 45' 55.25"	119° 3' 15.19"	2.28
58	PAB-44	Alice Reef	4° 47' 5.36"	119° 5' 12.94"	18.60
59	PAB-45	Omapoy Rk.	4° 55' 10.45"	119° 22' 1.30"	23.37
60	PAB-46	Bukut Lapis Pt.	5° 2' 23.73"	119° 44' 18.14"	44.20
61	PAB-47	Pearl Bank	5° 46' 35.15"	119° 39' 51.77"	75.17
62	PAB-48	Baguan Is.	6° 5' 58.41"	118° 26' 57.30"	8.54
63	PAB-48A	Taganak Is.	6° 4' 14.08"	118° 18' 33.33"	13.46
64	PAB-49	Great Bakkungan Is.	6° 11' 4.65"	118° 6' 54.15"	3.97
65	PAB-50	Liliman Is.	6° 13' 39.90"	118° 3' 52.09"	5.53
66	PAB-51	Sibaung Is.	6° 17' 43.99"	118° 0' 5.44"	41.60

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67	PAB-52	Muligi Is.	6° 52' 14.53"	118° 23' 40.49"	75.06
68	PAB-53	South Mangsee Is.	7° 30' 26.05"	117° 18' 33.75"	26.00
69	PAB-54	Balabac Is.	7° 48' 30.69"	116° 59' 39.18"	6.08
70	PAB-54A	Balabac Great Reef	7° 51' 27.17"	116° 54' 17.19"	1.18
71	PAB-54B	Balabac Great Reef	7° 52' 19.86"	116° 53' 28.73"	2.27
72	PAB-55	Balabac Great Reef	7° 54' 36.35"	116° 53' 16.64"	7.42
73	PAB-60	Ada Reef	8° 2' 0.26"	116° 54' 10.04"	10.85
74	PAB-61	Secam Is.	8° 11' 18.36"	116° 59' 51.87"	30.88
75	PAB-62	Latud Pt.	8° 37' 56.37"	117° 15' 51.23"	7.91
76	PAB-63	SW Tatub Pt.	8° 44' 17.40"	117° 20' 39.37"	11.89
77	PAB-63A	W Sicud Pt.	8° 53' 32.20"	117° 28' 15.78"	13.20
78	PAB-64	Tarumpitao Pt.	9° 2' 57.47"	117° 37' 38.88"	81.12
79	PAB-64B	Dry Is.	9° 59' 22.54"	118° 36' 53.61"	82.75
80	PAB-65C	Binangcolan Pt.	11° 13' 19.82"	119° 15' 17.74"	74.65
81	PAB-67	Pinnacle Rk.	12° 19' 35.22"	119° 50' 56.00"	93.88
82	PAB-68	Cabra Is.	13° 53' 21.45"	120° 1' 5.86"	115.69
83	PAB-71	Hermana Mayor Is.	15° 48' 43.61"	119° 46' 56.09"	9.30
84	PAB-72	Tambobo Pt.	15° 57' 51.67"	119° 44' 55.32"	12.06
85	PAB-73B	Rena Pt.	16° 9' 57.90"	119° 45' 15.76"	0.25
86	PAB-73	Rena Pt.	16° 10' 12.42"	119° 45' 11.96"	6.43
87	PAB-74	Rocky Ledge	16° 16' 34.46"	119° 46' 19.50"	0.65
88	PAB-74A	Piedra Pt.	16° 17' 12.70"	119° 46' 28.52"	1.30
89	PAB-75	Piedra Pt.	16° 18' 29.49"	119° 46' 44.94"	1.04
90	PAB-75C	Piedra Pt.	16° 19' 28.20"	119° 47' 7.69"	0.63
91	PAB-75D	Piedra Pt.	16° 20' 4.38"	119° 47' 20.48"	80.60
92	PAB-76	Dile Pt.	17° 34' 24.94"	120° 20' 33.36"	6.86
93	PAB-77	Pinget Is.	17° 41' 17.56"	120° 21' 2.02"	14.15
94	PAB-78	Badoc Is.	17° 55' 4.13"	120° 24' 40.56"	35.40
95	PAB-79	Cape Bojeador	18° 29' 32.42"	120° 33' 42.41"	1.77
96	PAB-79B	Bobon	18° 30' 52.88"	120° 34' 55.35"	53.23
97	PAB-80	Calagangan Pt.	19° 10' 14.78"	121° 12' 52.64"	98.07
98	PAB-82	Itbayat Is.	20° 43' 15.74"	121° 46' 57.80"	25.63
99	PAB-83	Amianan Is.	21° 7' 17.47"	121° 56' 43.85"	0.08
100	PAB-84	Amianan Is.	21° 7' 18.41"	121° 56' 48.79"	0.25
101	PAB-85	Amianan Is.	21° 7' 12.04"	121° 57' 3.65"	0.44"

SEC. 2. The baselines in the following areas over which the Philippines likewise exercises sovereignty and jurisdiction

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shall be determined as "Regime of Islands" under the Republic of the Philippines consistent with Article 121 of the United Nations Convention on the Law of the Sea (UNCLOS):

a) The Kalayaan Island Group as constituted under Presidential Decree No. 1596; and

b) Bajo de Masinloc, also known as Scarborough Shoal.

SEC. 3. This Act affirms that the Republic of the Philippines has dominion, sovereignty and jurisdiction over all portions of the national territory as defined in the Constitution and by provisions of applicable laws including, without limitation, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended.

SEC. 4. This Act, together with the geographic coordinates and the charts and maps indicating the aforesaid baselines, shall be deposited and registered with the Secretary General of the United Nations.

SEC. 5. The National Mapping and Resource Information Authority (NAMRIA) shall forthwith produce and publish charts and maps of the appropriate scale clearly representing the delineation of basepoints and baselines as set forth in this Act.

SEC. 6. The amount necessary to carry out the provisions of this Act shall be provided in a supplemental budget or included in the General Appropriations Act of the year of its enactment into law.

SEC. 7. If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 8. The provisions of Republic Act No. 3046, as amended by Republic Act No. 5446, and all other laws, decrees, executive orders, rules and issuances inconsistent with this Act are hereby amended or modified accordingly.

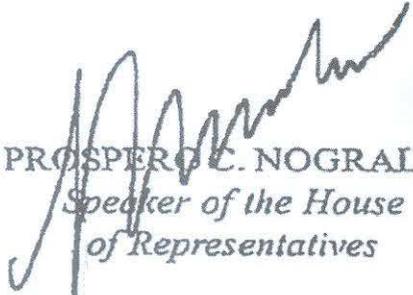
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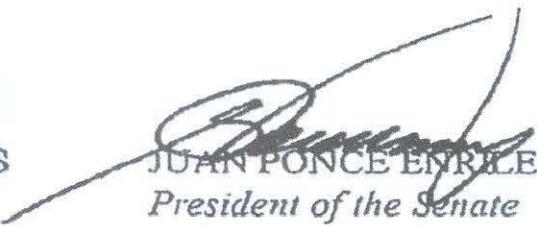
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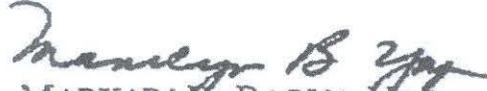
SEC. 9. This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in any two (2) newspapers of general circulation.

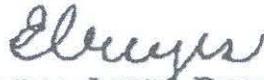
Approved,

  
PROSPERO C. NOGRALES  
*Speaker of the House  
of Representatives*

  
JUAN PONCE ENRILE  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 2399 and House Bill No. 3216 was finally passed by the Senate and the House of Representatives on February 17, 2009.

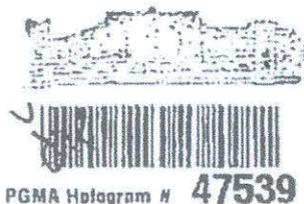
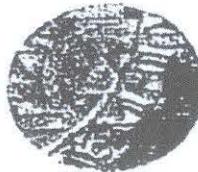
  
MARILYN B. BARUA-ARAP  
*Secretary General  
House of Representatives*

  
EMMA LIRIO-REYES  
*Secretary of the Senate*

Approved: **MAR 10 2009**

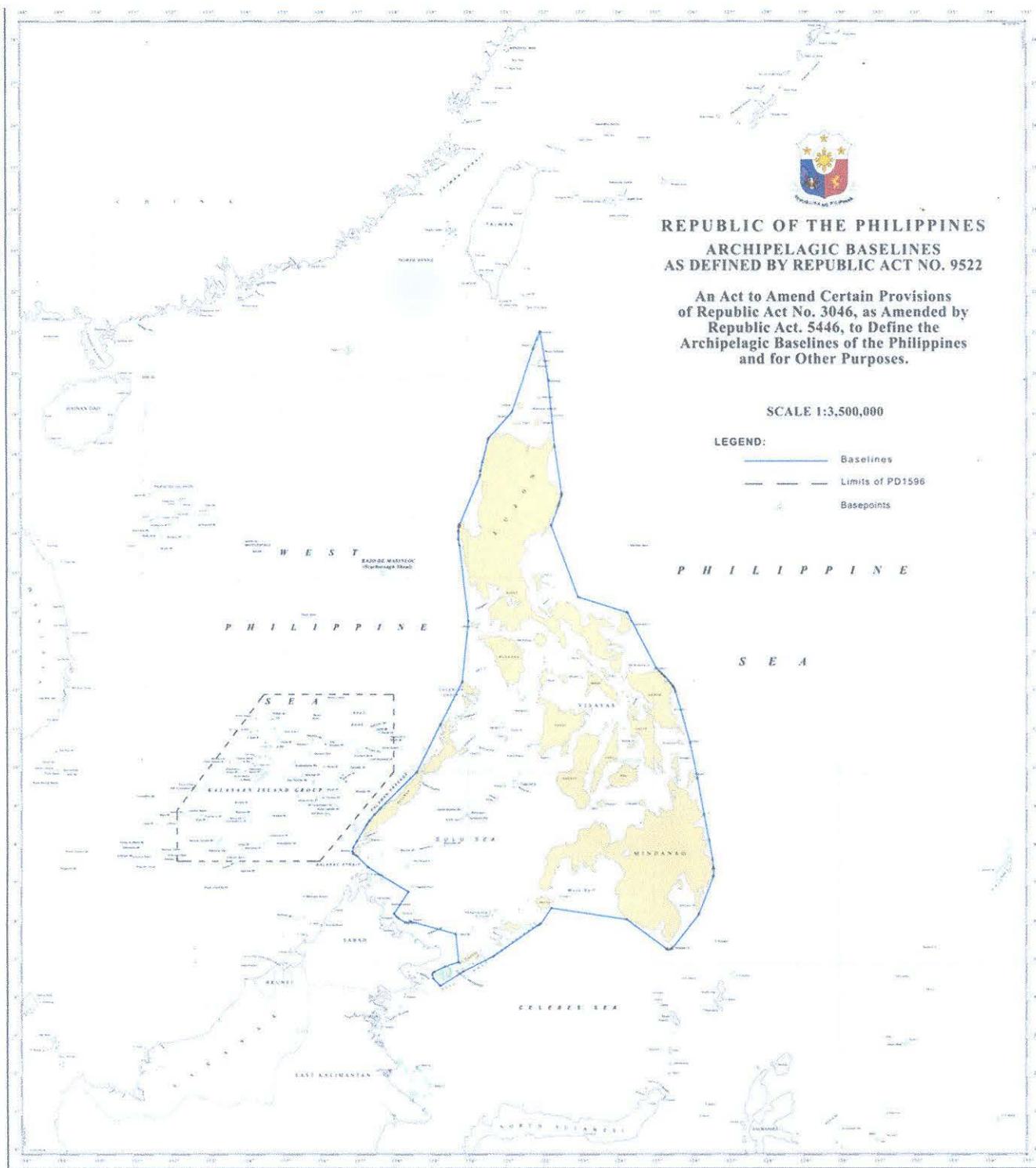
  
GLORIA MACAPAGAL-ARROYO  
*President of the Philippines*

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