

Fisheries Administrative Order No. 29

SUBJECT: Rules and regulations governing the gathering of aquatic turtle eggs.

Pursuant to the provision of Section 4 (i) at Republic Act No.177, and of Act No. 4003, as amended by Commonwealth Act No. 471 the following rules and regulations governing the gathering of aquatic turtle eggs are hereby promulgated:

SECTION 1. For the purposes of these regulations, "aquatic turtle eggs", applies to the eggs of aquatic turtles in general and in particular to the eggs of the following:

1. Erithmochelys imbricata (Hawksbill turtle)
2. Carretta olivaces (Leatherneck turtle)
3. Chelonia japonica (Green turtle)

SEC. 2. Deputies and their duties.--- For the purpose of enforcing the provisions of this order and of the regulations on the same subject as may hereafter be promulgated, all government officials and employees mentioned in section 5 of Act No. 4003, as amended, are hereby empowered to arrest all persons found violating any of the provisions of this order, and to file the necessary complaint in court and to report such violations to the Director of Fisheries for appropriate action; and to seize, when deemed necessary as evidence, turtle eggs or turtles taken, or any gear or apparatus used or which may be used to take turtle eggs or turtle found in the possession of any person in violation of the laws and regulations.

SEC. 3. Leases: Leases to take or gather aquatic turtle eggs, application therefore, terms and conditions.---A lease agreement authorizing the holder thereof to take or gather turtle eggs in any place in the Philippines may be executed by the Secretary of Agriculture and Natural Resources upon recommendation of the Director of Fisheries, in favor of any person, association or corporation upon proper application in triplicate filed with the Director of Fisheries, Manila, and upon payment of an application fee of P5.00 subject to the restrictions and limitations imposed by the Fisheries Act and the rules and regulations promulgated thereunder, PROVIDED, That no such lease contract shall be issued to any person, association or corporation who does not possess the qualifications provided for by law; any person, association or corporation who does not possess the qualification provided for by law; nor such a lease contract be issued to any person, association or corporation twice convicted of the offenses provided in Article IX of Act No.4003, as amended, and of Fisheries Administrative Order No. 23. The making of any false statement in the application shall subject the offender to rejection or cancellation of his lease, in addition to other penalties provided therefore.

The lease executed hereunder shall run from year to year from the date of issue: shall not be transferable and may be renewed or extended for a longer period but the total period shall not exceed twenty (20) years. All these grants shall be subject to such conditions or restrictions as may be prescribed by the Secretary of Agriculture and Natural Resources.

SEC. 4. Persons and corporations eligible for leases.--- Leases for the gathering of turtle eggs under this Order may be issued to the following:

- a. Citizens of the Philippine or of the United States.
- b. Associations or corporations duly registered or incorporated under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, and at least 60 percent of whose capital stock or interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States.

SEC. 5. Special Permit.--- Special permits may be granted upon payment of a fee of P5.00 by the Secretary of Agriculture and Natural Resources to any qualified person, association or corporation of good repute authorizing the holder thereof to gather turtle eggs for scientific, educational or personal purposes or for propagation. Such permit shall remain in force for a period of 3 months from the date of issue; shall be non-transferable; and shall be subject to such other restrictions as may imposed by the Secretary of Agriculture and Natural Resources. The taking of, using of turtle eggs and their gathering by the holder of such permit for purposes other than those mentioned above shall be sufficient cause for the cancellation of the special permit and shall subject the offender of the same penalty as if he had no special permit

At the expiration of the term of special permit, it shall be returned to the official who issued the same and it shall be kept on file and marked "CANCELLED".

SEC. 6. Holders of lease agreements for gathering turtle eggs to carry same at all times.-- All holders of lease contracts granted under this order must at all times carry the same ready to exhibit the same upon demand by any officer designated under Section 2 hereof. Failure to comply with this requirement shall cause the cancellation of the lease contract. Should any such lease agreement to be found with defaced, erased or illegible date of issue, they shall be seized at once by the first peace officer or other authorized person who becomes aware of this fact, and said lease and said lease agreement shall be declared null and void.

SEC. 7 Restrictions.---The Secretary of Agriculture and Natural Resources may impose restrictions upon the number of leases which may be issued for the gathering of turtle eggs, which restrictions may be made generally applicable in all the Philippines, or be limited to particular area or areas. The Secretary may also cause any application for lease to be refused, or order the cancellation of any lease, when, in his opinion, the public interest so requires. The action of the Secretary under Section 2 shall be final.

SEC. 8. Fees: Scale of annual concession fee.--- The annual concession fee for gathering turtle eggs shall not be less than P4,000.00 per lineal kilometer of coast line. Quarterly installments on or before the 15th of the first month of every quarter may be allowed. Failure of the lessee to pay the concession fees due shall be sufficient cause for the confiscation of the bond deposit and the termination of the lease

SEC. 9. Bond to guarantee good faith of lessee.--- A minimum cash or surety bond of P3,000.00 shall be deposited by the lessee with the Director of Fisheries a guarantee of good faith and satisfactory compliance with the terms and conditions of the lease. Failure of the proposed lessee to file such a bond as herein required within thirty (30) days from the date of notification, will be sufficient cause for rejecting the application, unless the applicant has sufficient grounds or satisfactory reasons for the delay in the bond; in which case the application may be reinstated, if it is filed within 30 days from receipt of a copy of the order or rejection.

SEC. 10. Record of turtle eggs gathered.---The lessee shall keep a daily record of the quality and quantity of turtle eggs gathered. Such record shall be subject to examined and verification by any fishery officer or by any deputy authorized under Section 2 hereof.

SEC. 11. Shipment of turtle eggs.---Any shipment of turtle eggs shall be effected only upon proper inspection and verification by any authorized employee of the Bureau of Fisheries or their deputies as authorized under section 2 hereof.

SEC. 12. Monthly statement of turtle eggs shipped from open ports.---Fishery officers or their deputies shall prepare and submit to the Director of Fisheries a monthly statement of all turtle eggs shipped from any open port to foreign countries or to other ports of the Philippines specifying the following information:

Date of Shipping	Name and Address of shipper	Quantity	Quality	Value	Destination & Consignee
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SEC. 13. Penalties.---Any person who shall transport, ship or gather aquatic turtle eggs, in the Philippines, contrary to the provisions of this order or, otherwise, violate any of the provisions hereof, shall suffer the penalty provided for in Section 83 of Act No. 4003, which imposes a fine of not more than two hundred pesos or imprisonment for not more than six months, or both, in the discretion of the court.

SEC. 14. Compromise.---With the approval of the Secretary of Agriculture and Natural Resources, the Director of Fisheries may, at any stage, compromise any case arising under the provisions of this order.

SEC. 15. Repealing provisions.---All existing orders and regulations or parts thereof inconsistent with this order are hereby revoked.

SEC. 16. Effectivity.--- This Administrative Order shall take effect upon its approval by the Secretary of Agriculture and Natural Resources.

APPROVED: April 28, 1951.

D. V. VILLADOLID
Director of Fisheries