

Fisheries Administrative Order No. 144

Series of 1983

SUBJECT : Rules and regulations on commercial fishing.

Pursuant to the provisions of Sections 4, 17 and 20 of Presidential Decree No. 704, as amended, otherwise known as the " Fisheries Decree of 1975", and Batas Pambansa Blg. 325, the following rules and regulations on commercial fishing in Philippine Waters are hereby promulgated:

Section 1 Definition- As used in this Order the following words and phrases shall mean:

- a. Person- natural or juridical
- b. Fishing boat- all boats such as bancas, sailboats, motorboats or any other types of watercraft used for fishing purposes; Provided, That any such boat used for the purposes; Provided, That any such boat used for the purpose of transporting the fish from the fishing ground to the market in the course of fishing operations shall be considered as a fishing boat.
- c. Commercial fishing- operation of fishing boats more than three (3) gross tons for commercial purposes.
- d. License- refers to a commercial fishing boat license (CFBL) authorizing a person (natural or juridical) to engage in fishing operation.
- e. Certificate of Clearance- a document issued to owners/operators of duly licensed commercial fishing boats before departure from its homeport or any port of departure to the fishing ground upon payment of a required fee.
- f. Bureau- the Bureau of Fisheries and Aquatic Resources
- g. Director- the Director of Fisheries and Aquatic Resources
- h. Minister- the Minister of Natural Resources
- i. Ministry- the Ministry of Natural Resources

Sec. 2. License to operate a commercial fishing boat- No person shall operate in Philippine waters any fishing boat, motorized or non-motorized, of more than three (3) gross tons without a license duly issued by the Bureau; Provided, That any qualified person may be granted a special permit, free of charge, for the operation of a fishing boat exclusively for scientific, educational and research purposes subject to such terms and conditions as may be imposed by the Director.

Sec. 3 Application for license- An application for a license shall be filed either with the Office of the Director, Fisheries Regional Office, Provincial Fishery Office or Natural Resources District Office.

Sec. 4 Requirements for the issuance of a license- An application for an original CFBL shall be accompanied by the following:

- a. Duly accomplished BFAR prescribed affidavit form.
- b. Duly accomplished BFAR prescribed appendix form.

c. Xerox copies of the Certificate of Ownership and /or Certificate of Philippine Registry, Certificate of Inspection or Conditional Certificate of Inspection issued by the Philippine Coast Guard.

d. Three (3) copies of 8"x10" picture of the vessel showing its name and the fishing gear.

e. Xerox copies of the Certificate of Registration, Articles of Incorporation an-By- Law of the corporation, association, partnership or cooperative duly approved by government agencies concerned.

f. Xerox copies of the Deed of Sale/Transfer of Assignment and Contract of Lease together with all the pertinent documents, whenever applicable.

SEC.5. Application fee.- The application fee for a CFBL shall be twenty pesos (P20.00) payable to the Bureau which is non-transferable and non-refundable.

SEC.6. License fee.- The annual license fee shall be payable to the Bureau in accordance with the following rates:

a. Non-powered fishing boat of more than 3 gross tons. -- P50.00+P2.00 per gross ton or fraction thereof.

b. Powered Basnig/Bagnet of more than 3 to 25 gross tons. -- P100.00 + P2.00 per gross ton and fraction thereof.

c. Sapiao, kubkub, talakop and/ or other fishing gear, more than 3 to 25 gross tons. -- P100.00 +P2.00 per gross ton and fraction thereof regardless of fishing gear used.

d. For powered vessel used for trawl/towing boats of more than 3 to 25 gross tons. -- P125.00 +P2.00 per gross ton and fraction thereof.

e. For powered vessel more than 25 to 50 gross tons. -- P150.00+P2.00 per gross ton and fraction thereof.

f. For motorized boat of more than 50 gross tons but not more than 75 gross tons. -- P200.00+P2.00 per gross ton and fraction thereof.

g. For motorized boat of more than 75 gross tons to 100 gross tons. -- P250.00+P2.00 per gross ton and fraction thereof.

h. For Motorized boat more than 100 gross tons to 150 tons. -- P350.00 + P2.00 per gross ton and fraction thereof.

i. For motorized boat more than 150 gross tons to 250 gross tons. -- P500.00 +P2.00 per gross ton and fraction thereof.

j. For motorized boat more than 250 gross tons. -- P1,000.+P2.00 per gross ton fraction thereof.

SEC. 7. Duration of license. --- A license shall be for a period of one (1) year to commence on the date of payment of required fee as indicated in the official receipt unless suspended, revoked, terminated or cancelled sooner for cause.

SEC. 8. Renewal of license.---A license may be renewed upon submission of the following requirements:

- a) Duly accomplished renewal application form;
- b) Current Certificate of Inspection or Conditional Certificate of Inspection issued by the Philippine Coast Guard; and
- c) Photo copies of complete monthly fish caught reports for the preceding year or a certificate from the Regional Fisheries Office concerned that the same had already been submitted.

SEC.9. Cash Bond Deposit.---Before a license is issued, the applicant, as guaranty of good faith and for satisfactory compliance with the terms and conditions of the license, shall post a cash bond to the Bureau which shall be non-transferable in accordance with the following rates:

- a) For non- motorized boat more than / 3 gross tons -- P50.00
- b) For motorized boat more than 3 to 50 gross tons. -- P150.00
- c) For motorized boat more than 50 gross tons to 200 gross tons -- P300.00
- d) For motorized boat over 200 gross tons -- P500.00

SEC. 10 Forfeiture of cash bond deposit.---The Director may forfeit the cash bond deposit in favor of the government upon the cancellation of the license.

SEC. 11. Refund of cash bond deposit.--- A cash bond deposit may be refunded upon the r request of the licensee, the assignees, heirs or administrators upon the submission of the original official receipt therefor to the director. In case of loss of said official receipt, an affidavit declaring the circumstances of such loss may be submitted in lieu thereof.

SEC. 12. Restrictions on commercial fishing.--- No commercial fishing boat shall operate in Philippine waters declared as restricted areas under existing rules and regulations.

SEC. 13. Limitation of commercial fishing boats that may operate in specific areas; --- The Minister, upon recommendation of the Director, may regulate the operation of commercial fishing boats in any particular fishing ground where there are indications of overfishing brought about by a decrease in the volume and sizes of fish caught therein.

SEC. 14. Obstruction in the performance of official duty.---The Director or any fishery law enforcement officer in the performance of his official duties shall not be obstructed or not, for the purpose of inspecting fish holds or boxes containing fish or fishery/ aquatic products and investigating persons found therein.

SEC. 15. Taking of fish samples for examination.---The owner, license, master, patron or any Person-in-charge of the fishing boat or the possessor in places other than a fishing boat shall allow law enforcement officers to take fish samples in quantity of not more than one(1) kilo, or only one fish if it weighs more than a kilo, for an on-the-spot or scientific examination, to determine whether the same was caught by means o explosives, or by poisonous or obnoxious substances. The receipt of the sampled identified in its vernacular, English and / or scientific names, shall be countersigned by the owner / possessor thereof.

SEC. 16. Certificate of Clearance.---No fishing boat shall depart from its home port or any port of departure to the fishing ground without first securing the prescribed Certificate of Clearance either from the Fisheries Regional Office, Provincial fishery Office, Natural Resources District Fishery Office of Fishery station: Provided, However, That any commercial fishing vessel departing from its

homeport or port of departure to the fishing ground or point of destination and returns within twenty-four (24) hours shall secure a weekly certificate of clearance subject to inspection thereof free of charge when it departs again for the fishing operation.

A certificate of clearance shall only be issued upon actual inspection and verification.

SEC.17. Clearance fee.- For each certificate of clearance issued, a fee shall be paid to the Bureau in accordance with the following rates:

- a. For fishing boats more than 3 to 10 gross tons -- P10.00
- b. For fishing boats more than 10 to 25 gross tons -- P.20.00
- c. For fishing boats more than 25 gross tons. -- P 30.00

SEC.18. Limitation on the transfer, lease or assignment of interest.-The licensee of any fishing boat involved in any judicial or administrative case shall not transfer,lease or assign his interest.

Sec.19. Obligation of owner/ licensee in case of sale,lease, transfer assignment of right or mortgage of fishing boat.- The licensee/ owner/ operator of a fishing boat shall report to the Director the sale, lease, transfer, assignment of his rights and interest or mortgage thereof within ten (10) days in writing furnishing copy of such documents.

SEC.20. Application for a fisherman's license.- An application for a fisherman's license shall be filed either with the Provincial Fishery Office or Fisheries Regional Offices upon payment of a fee of five (5.00) pesos. The fisherman's license shall be issued by the Regional Director or his duly authorized representative only upon payment of the license fee of:

- a. Application fee -- P 5.00
- b. New Fisherman's License -- P 8.00
- c. Renewal Fisherman's License -- P 15.00

SEC.21. Keeping of record books of fish catch.- The owner, licensee, master, patron or any person-in-charge of a fishing boat shall keep a record book on board the boat reflecting the fish catch, fishing grounds, the quantity in tubs/boxes or other containers in kilograms of fish catch, place of unloading and the kind of fish in their vernacular names for a period of five (5) years from the last entry. These entries and notations shall be made within twenty-four (24) hours after the catch was made and shall be written legibly in ink or ball pen.

SEC. 22. Registration of record books.- The record books mentioned in the preceding section shall be registered with their pages numbered consecutively and kept intact with no missing pages/ numbers and shall presented to the Director or his duly authorized representative for registration upon payment of the registration fee of ten (10.00) pesos for each book. Such approval shall be so indicated in the inner side of the cover opposite the first page thereof as follows:

Approved in accordance with Fisheries Administrative Order No. _____ consisting of _____ pages

Director of Fisheries and Aquatic Resources

Registration fee _____

O.R. No. _____

Dated _____ "

SEC.23. Inspection of record books.- These record books shall be kept on board the fishing vessel at all times and to be presented upon demand by the authorized fishery law enforcers of the fishery laws, rules and regulations, except when the boat is drydocked or undergoing repairs and therefore not operating.

SEC. 24. Grounds for cancellation or revocation of CFBL.- The CFBL shall be subject to cancellation or revocation on any of the following grounds:

- a. Violation of any existing fishery law, decree, letter of instructions or its implementing rules and regulations.
- b. Non-compliance to the terms and conditions of the license.
- c. False or fraudulent statements in the application thereof by the applicant or his representative: or
- d. When public interest so requires.

SEC.25. Penalty clause.- Violation of any provision of this Order shall subject the offender to a fine of five hundred pesos(P500.00) to five thousand pesos(P5,000.00) or imprisonment from six (6) months to four (4) years, or both such fine and imprisonment in the discretion of the Court: Provided, That the Director is hereby empowered to impose upon the offender an administrative fine of not more than five thousand pesos (P 5,000.00) or to cancel his permit or license and forfeit the cash bond deposit thereof, in the discretion of the Directors: Provided, Further, That the Director of his duly authorized representative and law enforcement agents are hereby empowered to impound with the assistance of the Philippine Coast Guard, if necessary, the fishing boat including the dynamite, blasting caps and other explosives, obnoxious or poisonous substances, and apparatus used in electro-fishing, and other apparatus courts: Provided, finally, That any person who unlawfully obstructs or delays the inspection or movement is authorized under this Decree, shall be subject to a fine of not more than two thousand pesos (P 2,000.00) or imprisonment of not more than two (2) years, or both such fine and imprisonment in the discretion of the Court.

SEC. 26. Repealing Clause- FAO Nos. 2 and 32 and their respective amendments and all other existing orders, rules and regulations or parts thereof which are inconsistent with this Order are hereby repealed or modified accordingly.

SEC. 27. Effectivity- This Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation while the application and license fees for collection purposes shall take effect fifteen (15) days after its second or last publication for two (2) consecutive weeks in two (2) newspapers of general circulation.

(Sgd.) TEODORO Q. PENA
Minister
Ministry of Natural Resources

RECOMMENDED BY:

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