

ACT NO. 4003

AN ACT TO AMEND AND COMPILE THE LAWS RELATING TO FISH AND OTHER AQUATIC RESOURCES OF THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES.

CHAPTER I

Matters of General Nature

ARTICLE I

Title of Act, Fisheries to which it Applies, and Officers Charged with its Execution

Section 1. Title of Act. — This Act shall be known as the "*Fisheries Act*."

Sec. 2. Application of Provisions. — The provisions of this Act shall apply to all fishing and fisheries in Philippine waters.

Sec. 3. Executive Officers Charged with Execution of this Act. — The Secretary of Agriculture and Natural Resources shall be the executive officer charged with carrying out the provisions of this Act, with authority to assign the direct executive control of the enforcement of its provisions and the rules and regulations that may hereafter be promulgated in accordance therewith to such representatives, bureau, office or service as said Secretary may designate.

Sec. 4. Instructions, Orders, Rules and Regulations. — The Secretary of Agriculture and Natural Resources shall from time to time issue instructions, orders, rules, and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions; and all licenses, permits, leases, and contracts issued, granted, or made herein shall be subject to the same.

All ordinances, rules or regulations pertaining to fishing or fisheries promulgated or enacted by provincial boards, municipal boards or councils, or municipal district councils shall be submitted to the Secretary of Agriculture and Natural Resources for approval and shall have full force and effect unless notice in writing of their disapproval is communicated by the secretary to the board or council concerned within thirty days after submission of the ordinance, rule, or regulations.

Sec. 5. Deputies Authorized to Enforce Provisions of this Act. — Members of the Philippine Constabulary; members of municipal and municipal district police; members of the secret service force, inspectors, guards, wharfingers of the customs service; and such internal-revenue agents, officers of coast guard cutters and lighthouse keepers, and other competent officials, employees or persons as may be designated in writing by the Secretary of Agriculture and Commerce are hereby made deputies of said Department Head, with full power and authority to enforce the provisions of this Act and the regulations promulgated thereunder and to arrest offenders against the same. All such deputies shall have power to administer oaths and to take testimony in any official matter or investigation conducted by them touching any matter under the authority of this Act or regulation promulgated thereunder.

ARTICLE II

Definitions

Sec. 6. Words and Phrases Defined. — Words and terms used in this Act shall be construed as follows:

"Philippine waters, or territorial waters of the Philippines", includes all waters pertaining to the Philippine Archipelago, as defined in the treaties between the United States and Spain, dated respectively the tenth of December, eighteen hundred and ninety-eight, and the seventh of November, nineteen hundred.

"Municipal waters", includes not only streams, lakes, and tidal waters induced within the municipality, not being the subject of private ownership, and not comprised within national parks, public forests, timber lands, forest reserves, or fishery reserves, but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and distant from it three nautical miles.

Where two municipalities are so situated on the opposite shores that there is less than six nautical miles of marine waters between them, the third line shall be a line equally distant from the opposite shores of the respective municipalities.

"Persons", includes firm, corporation, association, agent or employee.

"Open", applies to beds, banks, shell-fields, zones, areas and regions in Philippine waters which have not been brought within the operation of an order of closure promulgated by the Secretary of Agriculture and Natural Resources.

"Open season", that period of time during which fishing is permitted in a specified area or areas in Philippine waters.

"Closed season", that period of time during which fishing is prohibited in a specified area or areas in Philippine waters, through an order of closure by the Secretary of Agriculture and Natural Resources.

"Inclusion of dates", whenever a period is designated during which an act is permitted or prohibited, the first and second dates shall be included within such period.

"Whole to include part", every provision relating to a fish or other aquatic animal shall apply to a part of such fish or other aquatic animal.

"Sell and sale", includes barter, exchange, and offering or exposing for sale.

"Possession", means actual or constructive possession and any control of things referred to.

"Transport and transportation", means all carrying or moving or causing to be carried or moved.

"Take or taking", includes pursuing, shooting, killing, capturing, trapping, snaring, and netting fish and other aquatic animals, and all lesser acts, such as disturbing, wounding, stupefying, or placing, setting, drawing, or using any net or other device commonly used to take or collect fish and other aquatic animals, whether they result in taking or not, and includes every attempt to take and every act of assistance to every other person in taking or attempting to take or collect fish and other aquatic animals: Provided, That whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

"Sponges", unless otherwise specified, such as cleaned or prepared sponges, shall be construed to mean sponges in their original or natural state and not prepared sponges.

A "fish corral" or "baclad" means a stationary weir or trap devised to intercept and capture fish, consisting of rows or stakes or bamboo, palma brava or other materials fenced with either split bamboo mattings or wire nettings with one or more enclosures usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers or purse.

"Fishery" is the business of catching or taking, handling, marketing and preserving fish or other aquatic products, the fishing grounds, and the right to fish or take such products therefrom. "Fish" includes not only the fishes proper but also many other aquatic animals like crabs, prawns, shrimps, lobsters, clams, mussels, scallops, snails, oysters and other molluscs or shellfish.

ARTICLE III General Protective Provisions

Sec. 7. Authority to Declare and Establish Closed Season. — The Secretary of Agriculture and Natural Resources shall have authority, subject to the approval of the Governor General, to declare and establish a closed season for fish, shellfish, or any other aquatic animal specified by him.

Sec. 8. Duration of Closed Season. — A closed season established by the Secretary of Agriculture and Natural Resources may be so defined as to cover a particular portion or portions of each successive year, or if deemed necessary for the public interest, it may be made to extend over any single period of time of not more than five years' duration.

Sec. 9. Application of Closed Season. — The order creating a closed season may be made applicable to the entire Philippine Islands or to any specified province or other territorial division therein, or it may be limited to a particular water or stream.

Sec. 10. Issuance of Order for Closed Season. — Such order shall be issued at least two months before the date of its taking effect, and if general, it shall be published in the Official Gazette once a week for three consecutive weeks prior to the same date.

An order applying to a province, municipality or other territorial division, shall be published once a week for three consecutive weeks, in a local newspaper, if any there be, and copies of the order shall be posted at the main entrance of the provincial and municipal buildings and in said buildings before it is to take effect.

The Secretary of Agriculture and Natural Resources shall also adopt in each case such other means of publicity as he shall deem expedient to spread and maintain knowledge of the existence of the order among the people to be affected by it.

Sec. 11. Prohibition of the Use of Obnoxious or Poisonous Substances in Fishing. — The use of any obnoxious or poisonous substance liable to stupefy, disable, or cause death of fishes or other aquatic animals for the taking of same; or the placing of any such substance in fresh water or marine water of the Philippines where it may cause the stupefaction, disablement, or death of fishes and is intended to cause such stupefaction, disablement, or death, or the gathering by any means of the fishes or other aquatic animals stupefied, disabled or killed by the action of poisonous or obnoxious substance shall be unlawful. The discovery of obnoxious or poisonous substance in any person, fishing boat, banca, raft, or any other watercraft shall constitute a prima facie presumption against the person, owner, possessor or in charge of the boat or any other watercraft that the said obnoxious or poisonous substance is being used for fishing purposes in violation of this section, and that the discovery in any fishing boat of fish caught or killed by the use of poisonous or obnoxious substance shall constitute a prima facie presumption that the person, owner, possessor or in charge of the fishing boat or any other watercraft or the fishing crew have been fishing with poisonous or obnoxious substance: Provided, however, That the Secretary of Agriculture and Natural Resources may issue permits for the use of poisonous or obnoxious substances in taking fish or other aquatic animals in limited numbers for scientific purposes only. Such authorized party must have the permit with him ready to exhibit on demand by any peace officer or deputy authorized in section five hereof to enforce the provisions of this Act.

Sec. 12. Prohibition of the Use of Explosives in Fishing. — The use of dynamite or other explosives for the stupefying, disabling, killing or taking of fish or other aquatic animals, or under water for any purpose except in the execution of bona fide engineering work and the destruction of wrecks or obstructions to navigation; or the gathering by any means of the fishes or other aquatic animals stupefied, disabled or killed by the action of dynamite or other explosives shall be unlawful: Provided, That the use of mechanical bombs for killing whales, crocodiles, sharks, or other large dangerous fishes, may be allowed, subject to the approval of the Secretary of Agriculture and Commerce and the Secretary of the Interior in taking fish or other aquatic animals in limited numbers for scientific purposes only. Permittees must be ready at all times to exhibit permits on demand by any peace officer or deputy authorized in section five hereof to enforce the provisions of this Act.

The possession and/or finding, of dynamite, blasting caps, and other explosives in any fishing boat shall constitute a presumption that the said dynamite and/or blasting caps and explosives are being used for fishing purposes in violation of this section, and that the possession or discovery in any fishing boat of fish caught or killed by the use of dynamite or other explosives under expert testimony shall constitute a presumption that the owner if present in the fishing boat or the fishing crew have been fishing with dynamite or other explosives.

Sec. 13. Protection of Fry or Fish Eggs. — Except for scientific or educational purposes or for propagation, it shall be unlawful to take or catch fry or fish eggs and the small fish, not more than three centimeters long, known as siliniasi, in the territorial waters of the Philippines. Towards this end, the Secretary of Agriculture and Commerce shall be authorized to provide by regulations such restrictions as may be deemed necessary to be imposed on the use of any fish net or fishing device, for the protection of fry or fish eggs: Provided, however, That the Secretary of Agriculture and Commerce shall permit the taking of the young of certain species of fishes known as ipon, and other species under such restrictions as may be deemed necessary.

Sec. 14. It shall be unlawful to place, cause to be placed, discharge or deposit, or cause to be discharged or deposited, or to pass or place where it can pass into the waters of the Philippines any petroleum, acid, coal, or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum or carbonaceous material or substance, molasses, mining, mill tailings, or any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, sugar central, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse or any substance or material deleterious to fish or aquatic life.

Sec. 15. Importation and Exportation of Fish, Mollusks, Crustaceans, etc. — The importation into and exportation from the Philippines of any fish, mollusks, crustaceans, or amphibian or other aquatic animal, adult, young, or fry or fish eggs for propagation or other purposes shall be effected only through a special permit from the Secretary of Agriculture and Commerce. An application for a permit shall be presented at least twenty days prior to the probable date of arrival or five days before exportation of such fish, mollusk, crustacean, or amphibian or other aquatic animals, for such permit a fee of not more than four pesos shall be paid. Failure to file the application within the time prescribed shall subject the importer to the payment of twice the ordinary fee and/or administrative fines as provided in section eighty hereof, without prejudice to criminal proceedings against importer or exporter under the penal provisions of this Act. For the inspection and prophylactic treatment of this importation a fee equivalent to two per centum of the declared value of the same shall be charged but such fee shall in no case be less than fifty centavos.

ARTICLE IV **Classification of Fisheries**

Sec. 16. Public Fisheries Classified. — For the purposes of this Act the public fisheries of the Philippine Islands shall be classified, according to their government and disposition, as follows:

- (a) Insular.
- (b) Municipal.
- (c) Reserve.

The Governor-General, upon recommendation of the Secretary of Agriculture and Natural Resources, may, for reasons of public interest, transfer fisheries from one class to another.

CHAPTER II **Insular Fisheries**

ARTICLE V **Deep-Sea or Offshore Fishing**

Sec. 17. License Tax on Operation of Boat. — Unless provided with a license issued in accordance with the provisions of this Act, no person, association or corporation shall operate any vessel of more than three tons gross for the purpose of catching fish in the territorial waters of the Philippine Islands.

Sec. 18. Annual Fee on Operation of Boat. — The Secretary of Agriculture and Commerce is hereby empowered to issue to the proper parties licenses for fishing operation of powered vessels of more than three tons gross and sailing or rowed vessels of more than three tons gross towed or operated in

connection with power-propelled vessels in the territorial waters of the Philippines upon the payment of an annual fee of not less than two pesos nor more than two hundred pesos for every vessel subject to taxation under this Act: Provided, That failure of a licensee to secure a renewal or extension of his license and pay the annual fee on or before the last day of February of each year shall subject him to a surcharge of one hundred per centum based on the amount of the original fee, without prejudice to criminal proceedings against the delinquent licensee under the penal provisions of this Act: Provided, further, That all vessels less than three tons gross shall be licensed under the provisions of section seventy of this Act: And provided, also, That the catching of fish under the license issued shall be subject to the limitations, restrictions, and penalties imposed by this Act.

Sec. 19. Permit to Operate Vessels for Scientific Purposes. — A permit may be granted by the Secretary of Agriculture and Natural Resources free of charge to any person, association or corporation of good repute, permitting the holder to operate a vessel of more than three tons gross for the catching of fish for scientific, educational or personal purposes, or for propagation. Such permits shall be in force for a period of one year only and shall be subject to such conditions as the Secretary of Agriculture and Natural Resources may deem wise to impose for the proper carrying out of the purposes of this Act. Upon proof that the holder of such permit has caught fish for other than scientific, educational or personal purposes or for propagation the permittee shall be subject to the same penalty as if he had no permit.

Sec. 20. Persons and Corporations Eligible for Licenses. — No license for the operation of vessels for the catching of fish in the territorial waters of the Philippine Islands shall be issued, except to citizens of the Philippine Islands or of the United States, or to associations or corporations that are 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 sixty-one per cent of whose capital stock or interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which grant similar rights to citizens of the Philippine Islands: Provided, however, That all individuals, associations or corporations now operating vessels of more than three tons gross for the commercial catching of fish may obtain licenses for the vessels which they are operating at the time this law goes into effect and may renew such licenses for the same vessels so long as they are utilized for the commercial catching of fish and the holders of such licenses have not been guilty of any violation of this Act, or the customs laws, or the regulations promulgated thereunder: Provided, further, That no individual, association or corporation licensed to operate a vessel under the terms of this Act shall be authorized to transfer or assign its or his interest or sell its or his stock directly or indirectly to individuals, associations or corporations not qualified under the terms of this Act to hold a license, under penalty of forfeiture of its or his license: Provided, also, That the transfer made by a stockholder or member of an association or corporation of his stock or interest in violation of the provisions hereof shall not cause the forfeiture of the license of such association or corporation, but such transfer shall be null and void and shall not be registered in the books of such association or corporation: And provided, finally, That for the purposes of this Act, persons, associations and corporations engaged in fishing which have their base of operations in the Islands or bring fish to any port, city, municipality or municipal district of the Archipelago shall be presumed to have caught fish in the territorial waters of the Philippine Islands.

Sec. 21. License for Off-Shore Fishing and Municipal Grant of Fishery. — No license granted in accordance with section eighteen of this Act shall operate within three nautical miles from the shore line and from two hundred meters of any fish corral licensed by a municipality pursuant to the provisions of section sixty-nine hereof, except if the licensee is the same person authorized by the municipality to operate such fish corral.

Sec. 22. Fisherman's License and License Fee. — No person shall be employed or engaged on or in connection with the operation of a vessel of more than three tons gross engaged in commercial fishing unless he is provided with a fisherman's license. Such license shall be issued by the Secretary of Agriculture and Commerce upon the payment of an annual fee of not less than twenty centavos nor more than one peso. Provided, however, That should certain fisherman attached to a fishing vessel become sick or incapacitated to perform work on said vessel, the owner may employ temporary personnel if they are qualified to hold a fisherman's license under this section. Failure of the licensed fisherman to pay the fee and secure a renewal of his license on or before the last day of February of each year shall subject him to a surcharge of one peso. No license, as fisherman, to work on vessels engaged in commercial fishing shall be issued, except to citizens of the Philippines or of the United States or of countries the laws of which grant similar rights to citizens of the Philippines, Provided, however, That aliens engaged in fishing on vessels of

more than three tons gross at the time this Act goes into effect shall be licensed under the provisions of this Act so long as they have not been guilty of any violation of this Act or the customs laws or the regulations promulgated thereunder: Provided, further, That all persons employed in a fishing vessel, except the master and the engineer and the cook who shall be a Filipino citizen, shall be considered fishermen.

Sec. 23. Fees for Fish Caught. — The Secretary of Agriculture and Commerce may by regulation fix the fees to be collected for fish caught at a rate of not less than one peso nor more than three pesos per ton, gross weight, as well as the manner of their collection: Provided, That only one fee shall be collected; And provided, further, That said regulations shall not interfere with the free movement and disposition by any person of fish caught in accordance with the provisions of this article. Failure of the licensee to pay the fee required herein when due shall subject him a surcharging of one hundred per centum

Sec. 23-A. Fees for Other Aquatic Products. — For aquatic products gathered or taken from public fisheries and not otherwise provided for, there shall be paid on the market value thereof determined in the manner indicated below a fee of not more than ten per centum.

ARTICLE VI Marine Mollusca Fisheries

Sec. 24. Who may Apply for Licenses to Take Marine Mollusca. — Any citizen of the Philippine Islands or of the United States and any association or corporation of which at least sixty-one per centum of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States and which is organized and constituted 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, or any citizen of any country the laws of which grant similar rights to citizens of the Philippine Islands, may file an application for license to take marine mollusca in Philippine waters: Provided, however, That all foreign persons, associations or corporations who, at the time this law goes into effect, have legally obtained a license under the provisions of Act Numbered Twenty-six hundred and four to take marine mollusca, may be granted renewals of such licenses so long as they have not been guilty of any violation of this Act, Act Numbered Twenty-six hundred and four, or the customs laws, or the regulations promulgated thereunder: Provided, also, That no individual, association or corporation licensed to take marine mollusca shall be authorized to transfer or assign its or his interest or sell its or his stock directly or indirectly to persons, associations or corporations not qualified under the terms of this Act to take marine mollusca, under penalty of forfeiture of it, or his license: Provided, further, That a transfer made by a stockholder or member of an association or corporation of his stock or interest in violation of the provisions hereof shall not be cause of the forfeiture of the license of such association or corporation, but said transfer shall be null and void and shall not be registered in the books of such association or corporation.

Sec. 25. Application for Licenses to Take Marine Mollusca. — All applications for licenses to take marine mollusca or their shells shall be filed in triplicate with the official or chief of the bureau, office or service designated to carry out the provisions of this Act, who shall forward the original and duplicate copies thereof, together with his recommendation, to the Secretary of Agriculture and Natural Resources. Licenses for taking marine mollusca, or the shells of such, shall be issued by the Secretary of Agriculture and Natural Resources, upon proof that the license fees herein prescribed have been duly paid: Provided, That the taking of marine mollusca without the use of boat, submarine dredge, rake or submarine armor, or the taking of marine mollusca whose shells have a value of less than twenty-five pesos per ton by any device whatever, shall be exempt from the payment of fees. The licenses issued hereunder shall run for the remainder of the calendar year following the date of issuance, and shall authorize the holder thereof to take marine mollusca in Philippine waters, subject to the provisions of this article and to such restrictions as may hereafter be established for the protection and conservation of marine mollusca.

Sec. 26. Pearling or Shell Collecting Boat License. — A pearling or shell-collecting boat license may, upon payment of the proper fee and subject to the conditions, restrictions and limitations specified in sections twenty-four and twenty-five hereof, be issued to the owner or operator of any vessel the registration or ownership of which is such as is prescribed for vessels engaging in the Philippine coastwise

trade: Provided, That no such license shall be issued to any vessel owned or operated in whole or in part by a person who has been twice convicted of violating this article.

Sec. 27. Shell Diver's License. — A shell diver's license authorizing the holder to use submarine armor in taking marine mollusca or shell thereof in Philippine waters, may be issued to any person, upon application filed with the Secretary of Agriculture and Commerce, or his authorized representative, upon the payment of the required fee: Provided, That no such license shall be issued to any person who does not possess the qualifications required in section twenty-four of persons applying for licenses to take marine mollusca, nor to any person who has been twice convicted of violating the provisions of this article: Provided, further, That a person collecting marine mollusca shells not exceeding five kilograms a day need no diver's license. This license unless revoked for cause, shall be valid from the date of issue for not more than one year shall expire on December thirty-one, and shall not be transferable.

The fees for shells taken as provided in section twenty-three-A hereof shall be collected from the owners of pearling or shell collecting boats, licensed divers if not using any vessel, buyers or possessors of such shells, unless it can be proven by such buyers or possessors by proper documents or official receipts that the fees have already been paid by the collectors of such shells.

The taking from the sea bottom of any shell of less than the legal size, as prescribed in section thirty-six hereof or regulations promulgated under this Act shall be sufficient cause for the cancellation of the license and confiscation of the bond deposit, if any.

Sec. 28. Unlicensed Diver. — It shall be unlawful for any vessel holding a pearling or shell collecting boat license to employ any unlicensed diver.

Sec. 29. Letters or Symbols and Figures on Pearling Vessels. — Each pearling vessel, operated under a pearling-boat license, shall exhibit plainly on each side in letters or symbols and figures not less than twenty centimeters high the letter or symbol assigned to each pearling district and the number of the pearling-boat license.

Sec. 30. Pearling Districts in the Philippines. — The Philippine Islands shall be divided into twenty-eight pearling districts and to each district shall be assigned a letter or symbol, as follows:

A. Mindanao and Sulu P. Camarines Norte and

B. Surigao Camarines Sur

C. Palawan Q. Albay

D. Antique R. Sorsogon

E. Capiz S. Batangas

F. Iloilo T. Cavite

G. Occidental Negros U. Bataan

H. Oriental Negros V. Zambales

I. Cebu W. Pangasinan

J. Bohol X. La Union

K. Leyte Y. Ilocos Sur

L. Samar Z. Ilocos Norte

M. Masbate AA. Cagayan

N. Mindoro BB. Isabela

O. Tayabas

In the upper left corner of each license shall also appear the letter or symbol assigned to the district and the number of the license issued. For example, the second license issued in Surigao would be B-2. These licenses shall be issued in serial order, beginning with number 1 for each pearling district.

Sec. 31. Record of Shells Collected. — Every licensed vessel shall keep a daily record of the number of shells collected each day. Such record shall be examined and verified by the collector of customs or by any internal-revenue officer authorized herein to enforce the provisions of this Act at any port where the owner or master of the vessel may desire to ship, sell or otherwise dispose of the shells; and no owner or master of any vessel shall discharge shells or otherwise dispose of the shells aboard without inspection by such officer. When the shells have been inspected, the officer shall note the fact in the vessel's log or record book. He shall make a formal copy of such record, sign his name thereon and forward same to the Secretary of Agriculture and Natural Resources.

Sec. 32. Special Permit. — A special permit may be granted by the Secretary of Agriculture and Natural Resources to any person of good repute, authorizing the holder thereof to take marine mollusca of any kind or size for scientific, educational or personal purposes or for propagation. Such permit shall remain in force for a period of only one year from the date of issue, shall not be transferable and shall be subject to such other restrictions as may be imposed by the Secretary of Agriculture and Natural Resources.

The taking of marine mollusca by the holder of such permit for other than scientific, educational or personal purposes or for propagation shall be sufficient cause for the cancellation of the permit.

Sec. 33. Holders of Licenses or Permits to Carry Same at All Times. — All holders of licenses or permits granted under this article must at all times carry in their possession such licenses or permits ready to exhibit the same upon demand by any peace officer or other person designated by the Secretary of Agriculture and Natural Resources to enforce the provisions of this Act. Failure to comply with this requirement shall cause the cancellation of the licenses or permits. Should any such licenses or permits 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 licenses or permits shall be declared null and void.

Sec. 34. Restrictions. — The Secretary of Agriculture and Natural Resources may impose restrictions upon the number of licenses which may be issued for the taking of marine mollusca in Philippine waters, or upon the number of licensees who may be allowed to operate therein, and may order that such restrictions extend to one or more species, and be made generally applicable in all Philippine waters or be limited to a particular marine area, or areas therein. The Secretary of Agriculture and Natural Resources may also cause any application for licenses to be refused, or order the cancellation of any license, when, in his opinion, the public interest so requires. The action of the Secretary of Agriculture and Natural Resources under this section shall be final.

Sec. 35. Power to Prescribe a Scale of Fees. — The Secretary of Agriculture and Natural Resources shall from time to time prescribe the fee to be paid for the pearling-boat license, or a scale of fees graduated according to the character or capacity of the vessels to be licensed, and shall announce the same in an order which shall be published at least sixty days before becoming effective. Such fee shall in no case be in excess of four hundred pesos per annum.

The fee for shell divers' license shall be two pesos per annum, payable in advance.

Sec. 36. Power to Fix Minimum Sizes of Shells. — The Secretary of Agriculture and Commerce shall fix minimum sizes for the shells which may be taken in Philippine waters of any species including the following:

Pinctada maxima (Jameson), commonly known as the gold-lip pearl shell or "concha blanca";

Pinctada margaritifera (Linnaeus), commonly known as the black-lip pearl shell, or "concha negra";

Trochus niloticus Linnaeus, commonly known as the smooth top shell, trochus shell, "simong" or "trocha";

Trochus maximus Koch, commonly known as the rough top shell, trochus shell, "simong" or "trocha";

Trochus moduliferus Lamarck, commonly known as "Hirose shell" or "Susong Babae";

Torbo mormoratus Linnaeus, commonly known as the green snail shell, turban shell, "lalong" or "bolalo."

After such restriction shall have been imposed, it shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shell or valve of a smaller size than the minimum prescribed for the particular species..chan robes virtual law library

Any undersize shell removed from the water through accident or in ignorance of its size shall be returned to the water immediately without being opened; otherwise, the offender shall be penalized, in accordance with the penal provisions of this Act.

Sec. 37. Shipment of Shells. — The shipment or exportation from the Philippine Islands of shells of any species mentioned in the preceding section shall be unlawful unless such shipment or exportation is properly effected through the customhouse at a port of entry.

ARTICLE VII Sponge Fisheries

Sec. 38. Limitation to Collect or gather Sponges and Other Aquatic Products. — Except as provided in this Article, no persons, associations, or corporations shall be allowed to collect or gather sponges, seaweeds or other minor aquatic products from the sea bottom or reefs in the territorial waters on the Philippines. Persons gathering seaweeds, trepang, corals or other minor aquatic products, except sponges and certain species of the genus *degenea* for personal use even inside concessions, may be allowed, provided, that the daily amount of such products gathered by them does not exceed five kilograms.

Sec. 39. Who may be Eligible for Concessions. — Concessions for the fishing for, collecting or gathering of sponges in any of the territorial waters of the Philippine Islands may be granted by the Secretary of Agriculture and Natural Resources to any citizen of the Philippine Islands or of the United States, or to associations or corporations that are 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 sixty-one per cent of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which grant similar rights to citizens of the Philippine Islands: Provided, however, That all foreign persons, associations and corporations holding at the time this law goes into effect concessions under the provisions of Act Numbered Twenty-five hundred and eighty-four, as amended by Act Numbered Thirty-seven hundred and thirty-five, to fish for, collect or gather sponges in Philippine waters, may be granted renewals of such concessions so long as they have not been guilty of any violation of this Act, Act Numbered Twenty-five hundred and eighty-four, as amended, or the customs laws, or the regulations promulgated thereunder: Provided, also, That no individual, association or corporation granted a concession to fish for, collect or gather sponges shall be authorized to transfer or assign its or his interest or sell its or his stock directly or indirectly to persons, associations or corporations not qualified under the terms of this Act to fish for, collect or gather sponges, under penalty of cancellation or forfeiture of its or his concession: Provided, further, That a transfer made by a stockholder or member of an association or corporation of his stock or interest in violation of the provisions hereof shall not be cause of the forfeiture of the license of such association or corporation, but said transfer shall be null and void and shall not be registered in the books of such association or corporation.

Sec. 40. Application for Concessions. — All applications for concessions shall be filed in triplicate with the official or chief of the bureau, office or service designated to carry out the provisions of this Act, and be accompanied by a description giving latitude and longitude indicated upon a chart of the region desired, the latest published charts of the Bureau of Coast and Geodetic Survey being taken as the basis of the plot. The application must be under oath and shall contain the following information:

(a) Age, citizenship and residence of the applicant, if he is an individual; and if an association or a corporation, its officers, domicile and whether or not it is organized under the laws of the Philippine Islands;

(b) Area of the concession applied for; (c) Whether the area applied for conflicts in any way with any concession already granted or occupied;

(d) Capital available for investment;

(e) That upon approval of the application, the concession shall be marked at each corner with properly anchored buoys.

Sec. 41. Original and Duplicate Copies. — The original and duplicate copies of the application for concessions shall be forwarded by the official or chief of the bureau, office or service designated to carry out the provisions of this Act, to the Secretary of Agriculture and Natural Resources, who, if he should become satisfied of the qualifications and responsibility of the applicant, and upon proof that the concessionaire has paid the fee required in this Act, may grant the sponging concession, subject to the conditions imposed herein.

All persons working under a concession or permit must at an times carry in their possession copy of such concession or permit ready to exhibit the same upon demand by any peace officer or other persons designated by the Secretary of Agriculture and Natural Resources in section five hereof to enforce the provisions of this Act.

Sec. 42. Concessions for Sponging and Other Privileges. — Concessions granted in accordance with this article shall run for a period of not to exceed twenty years, and shall not interfere with the free passage over the area under concession of boats or vessels, nor in any way prevent the unrestricted gathering or removal of products not specifically stated in the contract or license agreement by other persons from the said area: Provided, however, That subject to confirmation by the Secretary of Agriculture and Commerce the official or chief of the bureau, office or service designated to carry out the provisions of this Act, may select from any concessions, adequate areas of offshore and waters for the cultivation of sponges or other marine forms for the purpose of any Government experiment station or school.

Sec. 43. Annual Concession Fee. — The annual concession fee for sponges shall be at the rate of not exceeding one hundred pesos per square kilometer. For the other products the annual fee shall not exceed fifty-pesos per square kilometer or lineal kilometer of coast line of not more than a kilometer wide. Such fee shall be paid in advance and, if tendered in quarterly installments, on or before the twentieth of January, April, July and October, or on or before the last days of said months in remote provinces, in the discretion of the Secretary of Agriculture and Commerce, shall be received without penalty. If the fee due on any concession is not paid within the period in which the payment may be received without penalty, the amount of the same shall be increased by ten per centum, the increment to be part of the fee. Should the concession fee remain delinquent fifty days after the same becomes due, the original fee shall be increased by one hundred per centum and after six months the concession shall be cancelled, and the bond deposit, if any, shall be confiscated, without prejudice to criminal proceedings against the delinquent concessionaire, under the penal provisions of this Act.

A fee which may be determined as provided in section twenty-three-a hereof, shall be collected on products gathered and removed.

Of the sums collected under and by virtue of this section twenty per centum shall accrue to the Insular Treasury and forty per centum to the province and municipality, respectively, in which the concession is located. In case a concession should be included within two or more provinces or municipalities, the

distribution between the different provinces and municipalities shall be made in proportion to the areas of the concessions included within the respective provinces and municipalities as aforesaid.

Sec. 44. Temporary Prospector's Permit. — A temporary written permit to prospect for sponges in any waters of the Philippine Islands, not under concession, may be granted to any qualified person, association or corporation, upon payment of a fee of five pesos. This temporary prospector's permit shall not be valid for a longer period of time than three months from date it is issued, and not be subject to renewal.

Under no circumstances shall more than fifty kilograms of cleaned sponges be gathered under such temporary prospector's permit. Should any such temporary prospector's permit be found with defaced, erased, or illegible date of issue, they shall be taken up at once by the first peace officer who becomes aware of this fact. At the end of the period for which these temporary prospector's permits are issued, they shall be returned to the officials who issued them and who shall keep the same on file marked "cancelled".

Sec. 45. Statement of Sponges and Other Minor Products Collected. — All concessionaires and prospectors duly authorized shall keep complete statements of the sponges, seaweeds and other minor products, collected showing the kind and amount of each product, quality, and size of sponges. Such statements shall be examined and verified by any of the officers designated in section five hereof by the Secretary of Agriculture and Commerce, to enforce the provisions of this Act, at any port where the concessionaires or prospectors may desire to dispose of the sponges. When the sponges, seaweeds and/or other minor products have been inspected the officer shall note the fact on the face of the statement, sign his name thereon and then forward such statements to the official, bureau, office or service designated by the Secretary of Agriculture and Commerce to enforce the provisions of this Act.

Sec. 46. Privilege of Erecting Necessary Plant. — Holders of sponge concessions shall have the privilege of erecting the necessary plant for the development and exploitation of the sponge industry, such as houses, drying racks, corrals, landing, etc., on the shore convenient to the concession for the proper curing of sponges: Provided, however, That the approval of the Secretary of Agriculture and Natural Resources should be had in accordance with the provisions of Chapter IX of Act Numbered Twenty-eight hundred and seventy-four, as amended, before erecting the structures herein referred to.

Sec. 47. Size Limit and Classification. — No commercial sponges of less than ten centimeters through any diameter shall be taken from the waters of the Philippine Islands, except for purposes of sponge culture within Philippine waters. All sponges shall be trimmed, after which they shall be assorted as to quality, size, and variety. The whole perfect specimens shall be known as "forms"; those that have imperfections but do not require cutting shall be classified as "seconds"; and those that have crab or coral holes and that are divided into smaller shapes shall be called "cuts". The sizes shall be graded according to the number of pieces required to make a kilogram, that is — if one sponge weighs a kilogram, it will be known as No. 1 grade; if two sponges are required to make a kilogram, they will be known as No. 2 grade; if three sponges are required to make a kilogram, they will be known as No. 3 grade; etc. The size of the sponges shall be determined by passing them through holes or rings of ten centimeters inside diameter, the minimum legal size-limit. The following varieties of sponges can easily be recognized in the Philippines and shall be so marked: Sheepswool sponge, honeycomb sponge, zimocca sponge, Sulu sea bath sponge, grass sponge, and elephant-ear sponge.

Sec. 48. Requirements. — No sponge shall be shipped, removed or exported from the Philippine Islands unless the same has first been trimmed, graded, and truthfully labeled.

Sec. 49. Prohibition. — It shall be prohibited and declared unlawful:

(a) To transfer any concession or permit granted or issued under the provisions of this article, except to qualified persons, associations and corporations and with the consent of the Secretary of Agriculture and Natural Resources.

(b) To fish, collect, or gather any sponges growing on the sea bottom or reefs within the boundary of a concession occupied by another person, and granted under the provisions of this article, or by a concessionaire outside the boundary of his concession.

(c) To engage in the practice of "loading" or impregnating sponges with foreign substances of any sort or character whatever for the purpose of increasing the apparent weight of said sponges and thereby deceiving purchasers of said sponges as to their true weight.

(d) To ship from or attempt to ship from the Philippine Islands any sponges taken from the waters except through the customhouse at one of the ports of entry of the Philippine Islands.

(e) To possess Philippine commercial sponges unless holding a concession or permit in accordance with this article or a bill of sale traceable from a concessionaire.

(f) To remove, deface, destroy, or in any way interfere with the location marks of any concession granted under the provisions of this article.

(g) To possess undersized sponges, or sponges less than ten centimeters through any diameter.

(h) To take from the waters of the Philippine Islands any commercial sponges by the use of any dredge or "gangara" except in waters of more than thirty fathoms in depth.

Sec. 50. Payment of Fees. — Payment of fees on products collected and removed shall be made to the officer and at the time the Secretary of Agriculture and Commerce may designate. The provisions of this article shall not apply to persons gathering sponges outside of the limits of the concessions, provided the daily amount of sponges gathered by them does not exceed five kilograms.

ARTICLE VIII

Hawksbill Turtle Fisheries

Sec. 51. License to Take Hawksbill Turtles. — Unless provided with a license, issued in accordance with the provisions of this article, no person, association or corporation shall take hawksbill turtles (*Eretmochelys imbricata* [Pennant]) in Philippine waters.

Sec. 52. Who may Apply for Licenses to Take Hawksbill Turtles. — Licenses to take hawksbill turtles in Philippine waters shall be granted to any citizen of the Philippine Islands or of the United States, or to associations or corporations that are 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 sixty-one per centum of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which grant similar rights to citizens of the Philippines Islands: Provided, however, That all foreign persons, associations and corporations now engaged in the catching of hawksbill turtles may obtain licenses for the taking of hawksbill turtles under the provisions of this article and may renew such licenses so long as they have not been guilty of any violation of this Act, or the customs laws, or the regulations promulgated thereunder: Provided, also, That no individual, association or corporation granted a license to take hawksbill turtles shall be authorized to transfer or assign its or his interest or sell its or his stock directly or indirectly to persons, associations or corporations not qualified under the terms of this Act to take hawksbill turtles, under penalty of cancellation or forfeiture of its or his license: Provided, further, That a transfer made by a stockholder or member of an association or corporation of his stock or interest in violation of the provisions hereof shall not be cause of the forfeiture of the license of such association or corporation but said transfer shall be null and void and shall not be registered in the books of such association or corporation.

Sec. 53. Application for License to Take Hawksbill Turtles. — All applications for licenses to take hawksbill turtles shall be filed in triplicate with the official or chief of the bureau, office or service designated to carry out the provisions of this Act, who shall forward the original and duplicate copies thereof, together with his recommendation, to the Secretary of Agriculture and Natural Resources. Licenses for taking hawksbill turtles shall be issued by the Secretary of Agriculture and Natural Resources, upon proof that the license fees required have been duly paid. The licenses issued hereunder shall remain in force only until the end of the calendar year for which they are issued, shall authorize the holder thereof to take hawksbill turtles in Philippine waters, subject to the provisions of this article and to

such rules, regulations and restrictions as may hereafter be established for the protection and conservation of the hawksbill turtle fisheries, and shall be non-transferable.

Sec. 54. Record of Turtles Taken. — The holder of any license issued hereunder shall keep a true record of the number of turtles taken by him under such license and of the persons or boats employed by him in such pursuit. Such record shall be examined and verified by the collector of customs or by any internal-revenue officer or by any officer authorized herein to enforce the provisions of this Act at any port where the licensee may desire to dispose of his catch and no licensee shall dispose of his catch without inspection by such officer. When the catch has been inspected, the officer shall note the fact in the record book, make a formal copy of such record, sign his name thereon and forward same to the Secretary of Agriculture and Natural Resources.

Sec. 55. Special Permit. — A special permit may be granted by the Secretary of Agriculture and Natural Resources to any person of good repute authorizing the holder thereof to take hawksbill turtles for scientific, educational or personal purposes, or for propagation. Such permit shall remain in force for a period of one year from date of issue, shall not be transferable, and shall be subject to such other restrictions as may be imposed by the Secretary of Agriculture and Natural Resources.

The taking of hawksbill turtles by the holder of such permit for other than scientific, educational or personal purposes or for propagation shall be sufficient cause for the nullification of the permit.

Sec. 56. Holders of Licenses or Permits to Carry Same at All Times. — All holders of licenses or permits granted under this article must at all times carry in their possession such licenses or permits ready to exhibit the same upon demand by any peace officer or other person designated by the Secretary of Agriculture and Natural Resources to enforce the provisions of this Act. Failure to comply with this requirement shall cause the cancellation of the licenses or permits. Should any such licenses or permits 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 licenses or permits shall be declared null and void.

Sec. 57. Restrictions. — The Secretary of Agriculture and Natural Resources may impose restrictions upon the number of licenses which may be issued for the taking of hawksbill turtles in Philippine Waters, or upon the number of licensees who may be allowed to operate therein, and may order that such restrictions be made generally applicable in all Philippine waters or be limited to a particular marine area, or areas, therein. The Secretary of Agriculture and Natural Resources may also cause any application for licenses to be refused or order the cancellation of any license, when, in his opinion, the public interest so requires. The action of the Secretary of Agriculture and Natural Resources under this section shall be final.

Sec. 58. Power to Prescribe License Fee. — The Secretary of Agriculture and Natural Resources shall from time to time prescribe the fee to be paid for the license to take hawksbill turtles in Philippine waters, and shall announce the same in an order which shall be published at least sixty days before becoming effective. Such fee shall in no case be less than five pesos nor more than fifty pesos per annum.

Sec. 59. Power to Fix Minimum Size of Hawksbill Turtles. — The Secretary of Agriculture and Natural Resources shall fix the minimum size for hawksbill turtles which may be taken in Philippine waters.

After such restriction shall have been imposed, it shall be unlawful for any person, association or corporation to take, sell, transfer, or have in possession for any purpose any hawksbill turtle of a smaller size than the minimum prescribed by the Secretary of Agriculture and Natural Resources. Offenders shall be penalized, in accordance with the penal provisions of this Act.

Sec. 60. Shipment of Hawksbill Turtles or their Shells. — The shipment or exportation from the Philippine Islands of hawksbill turtles or their shells shall be unlawful unless such shipment or exportation is properly effected through the customhouse at a port of entry.

Sec. 61. Prohibition. — It shall be prohibited and declared unlawful:

(a) To fish, take, wound or kill in all waters of the Philippine Islands, or hold in possession, living or dead, or to purchase, offer, or expose for sale, transport, ship, or export, alive or dead, any under-sized hawksbill turtle.

(b) To capture any hawksbill turtle by means of line and sinker.

Sec. 62. Provision for Protection of Other Species of Turtles. — When in his opinion the public interest shall so require, the Secretary of Agriculture and Natural Resources may inaugurate similar measures for the protection and conservation of all or any of the other species of turtles specified by him.

ARTICLE IX Inland Fisheries

Sec. 63. Fishpond and Fishery Permits or Lease Agreements within Forest Lands. — Permits or leases entitling the holders thereof, for a certain stated period of time not to exceed twenty years, to enter upon definite tracts of a public forest land to be devoted exclusively for fishpond purposes, or to take certain fishery products or to construct fishponds within tidal, mangrove and other swamps, ponds and streams within public forest lands or proclaimed timber lands or established forest reserves may be issued or executed by the Secretary of Agriculture and Commerce, subject to the restrictions and limitations imposed by the forest laws and regulations, to such persons, associations or corporations as are qualified to utilize or take forest products under Act Number Thirty-six hundred and seventy-four. Renewal may be granted, but the combined period of the original lease and its renewals shall not exceed fifty years.

Sec. 64. Obstruction to Navigation and Removal thereof. — Nothing in this article shall be construed as permitting the lessee or permittee to obstruct the free navigation of any stream adjoining or flowing through the area, nor prohibit or interfere with the passage of people along such streams or the banks thereof, nor impede the flow and ebb of the tide to and from the interior of the swamps. When it is found that any construction is made contrary to the provisions of this Act and/or constitutes an encroachment upon waters in violation of public right, the removal thereof shall be effected by or under the order and direction of the Secretary of Agriculture and Commerce or his duly authorized representative.

ARTICLE X Collection of Fees and Application for Research

Sec. 65. Collection of Fees. — The fees authorized to be collected under this chapter and accruing to the Insular Government shall be paid to the official or chief of bureau, office or service designated by the Secretary of Agriculture and Natural Resources in the manner prescribed for, and subject to the same penalties for delinquency except as herein otherwise provided, as the fixed internal-revenue taxes under the Internal Revenue Law.

Sec. 66. Appropriation. — The sum not to exceed one hundred fifty thousand pesos is set aside yearly out of the funds accruing to the National Government from the fees authorized to be collected under this Chapter, including bonds that may be forfeited in accordance with the provisions of this Act or rules or regulations promulgated thereunder, penalties and fines, and all revenue collected from sales of fish and other aquatic products raised in fish farms, experimental, and demonstration stations established or which may be established in accordance with the provisions of this Act are set aside and appropriated, to be disbursed by the proper officials, with the approval of the Secretary of Agriculture and Natural Resources, for the following purposes:

(a) For scientific and economic research work relative to the fishes, sponges, and other aquatic resources of the Philippines;

(b) For the diffusion of knowledge among the fishermen of the Philippines;

(c) For the study, improvement, propagation of the fishes and aquatic resources most suitable for Philippine waters;

(d) For the establishment, maintenance, and operation of experimental stations, farms, aquariums, and fish culture laboratories;

(e) For giving practical instruction in the culture of fishes and other aquatic resources in the most economic and efficient manner of fishing, in the preservation of fish and other aquatic products, in the management of fisheries and canneries;

(f) For all other purposes the object of which shall be to foster, propagate, and protect fishes, shells sponges, and other aquatic resources of the Philippines and carry out the provisions of this Act.

Said sum shall be automatically appropriated annually in the Appropriation Act, commencing with the fiscal period nineteen hundred and forty-nine, and shall be available for the construction, maintenance, and repair of buildings, vessels, dams and other necessary land and buildings, the purchase of apparatus, instruments, chemicals, supplies, and other necessary materials, the salaries, wages and traveling expenses of the necessary personnel; and such other expenses as may be deemed necessary to carry out the purposes of this Act in an effective and adequate manner: Provided, That any unexpended balance of the fund collected and herein appropriated at the end of each year shall not revert to the National Treasury but shall be used for the purposes for which it was appropriated: And provided, further, That during the fiscal year nineteen hundred and forty-nine, the difference between the maximum amount of one hundred fifty thousand pesos herein fixed and the amount appropriated in the Appropriation Act for the said fiscal year shall be spent subject to special budget in accordance with the provisions of section seven-1-(4) of Commonwealth Act Number Two hundred forty-six.

CHAPTER III Municipal Fisheries

ARTICLE XI Grant of Fishery

Sec. 67. Grant of Fishery. — A municipal council shall have authority, to grant the exclusive privilege of erecting fish corrals, or operating fishponds, or taking or catching "bañgus" fry, known as "kawag-kawag," or fry of other species for propagation, within any definite portion, or area, of the municipal waters, as defined in article two of this Act, to any citizen of the Philippines or any association or corporation of which at least sixty-one per centum of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippines; Provided, That no individual, association or corporation granted a municipal grant, license or permit shall be authorized to transfer or assign its or his interest or sell its or his stock directly or indirectly to persons, association or corporations not qualified to hold a municipal grant, license or permit under the terms of this chapter, under penalty of forfeiture of its or his grant, license or permit: Provided, further, That a transfer made by a stockholder or member of an association or corporation of his stock or interest in violation of the provisions hereof shall not be cause of the forfeiture of the grant, license or permit of such association or corporation, but said transfer shall be null and void and shall not be registered in the books of such association or corporation.

No fish corral or "baclad" shall be constructed within two hundred meters of another in marine fisheries or one hundred meters in fresh water fisheries, unless they belong to the same license; but in no case shall be less than sixty meters apart except in waters less than two meters deep at low tide or unless previously approved by the Secretary of Agriculture and Commerce or his duly authorized representative.

Sec. 68. Adjustment of Matter of Disputed Jurisdiction over Fishery. — Where fresh-water lakes are not included within the limits of any one municipality, or where fresh-water or tidal streams form boundaries between municipalities, disputes which may arise as to the waters within which any municipality may exercise the authority hereinabove conferred shall be referred by the respective councils of the municipalities concerned to the proper provincial boards, which body shall lay the facts, with its recommendation, before the Governor-General, to the end that he may either adjust the boundary so as to settle the jurisdiction or recommend the passage of adequate legislation.

Sec. 69. Restriction upon Letting of Fishery to Private Party. — When the privilege to erect fish corrals, construct or operate fishponds, or oyster culture beds, or take or catch "bañgus" fry, known as "kawag-kawag," or of other species is granted to a private party as hereinabove authorized, the same shall be let

to the highest bidder for a period not exceeding five years, or, upon the previous approval of the provincial board, for a period not exceeding ten years; or upon the previous approval of the Secretary of Agriculture and Commerce for a longer period but not exceeding twenty years; all these grants shall be under such conditions as shall be prescribed by the Secretary of Agriculture and Commerce.

Sec. 70. License Tax upon Taking of Fish in Municipal Waters and Fishing Vessels. — A municipal council is empowered to promulgate, subject to the approval of the Secretary of Agriculture and Commerce, rules and regulations regarding the issuance to qualified applicant under this Law, of licenses for the operation of fishing vessels of three tons or less; and shall grant the privilege of taking fish in its municipal waters with nets, traps, or other fishing gear. If an exclusive privilege for taking same has been granted, upon payment of a municipal tax, to persons, qualified according to section sixty-seven hereof, except those already licensed under article five of this Act: Provided, That no such license shall confer an exclusive right of fishery; that the imposition of this license tax upon this privilege shall be levied only once in any given year any upon any fisherman; that the levy is to be made by the municipality wherein the fisherman is a resident; and that the possession and exhibition of the receipt evidencing payment of the license tax shall entitle the fisherman to fish in any municipal waters in the Philippines: Provided, however, That in case the fee in the municipality where the fisherman desired to fish is greater than the fee in the municipality where he obtained his license, the former municipality may collect from him the difference between the two fees: Provided, further, That it shall be beyond the power of the municipal council to impose taxes or fees for the privilege of taking marine mollusca, or the shells of such, and fees for pearling boat and pearl diver's licenses, or for prospecting, collecting, or gathering sponges or other marine products: And provided, also, That no license granted hereunder shall operate within two hundred meters of any constructed fish corral licensed by a municipality, except if the licensee is the owner or operator of the fish corrals, and unless otherwise specifically provided in the license, but in no case within sixty meters unless previously approved by the Secretary of Agriculture and Commerce.

Sec. 71. Application of General Protective Provisions. — Nothing in this chapter shall be construed as in any way preventing or interfering with the application of the general protective provisions specified in Article III of this Act to all municipal grants, licenses, or permits issued hereunder.

Sec. 72. Report of Fisheries and Kind and Quality of Fish Caught and Prices for same. — For the purpose of gathering statistical data of fisheries and fish caught every holder of commercial fishing license issued pursuant to sections eighteen, sixty-nine or seventy of this Act, shall render a report in duplicate to the municipal treasurer or to the Secretary of Agriculture and Commerce or his duly authorized representative once a month of the kind and quantity of fish caught by him, and, if such fish are marketed the price received by him for same. Such report shall be made on form and in the manner prescribed by the Secretary of Agriculture and Commerce. Those licensed by the municipality shall submit reports on fish caught to the municipal treasurer who shall forward one copy to the Secretary of Agriculture and Commerce or his duly authorized representative. At the end of each year the municipal mayor shall submit to the said Secretary a report showing all the owners of fishing boats, fish nets, tackle, fish traps, and holders of fishery privileges and the corresponding licenses issued, fee paid, quantity and value of fish caught and such other information as he may be required.

CHAPTER IV Reserve Fisheries

ARTICLE XII Uses of Reserve Fisheries

Sec. 73. Fishing Rights Reserved for Exclusive Use of the Government. — Upon the recommendation of the Secretary of Agriculture and Natural Resources, the Governor-General may designate by proclamation any area or areas in the Philippine waters as fishery reservations for the exclusive use of the Government of the Philippine Islands or of any of its branches, or of the inhabitants thereof, or for the culture of fish and other aquatic animals for educational and scientific purposes.

Sec. 73-A. Establishment of communal fisheries. — The Secretary of Agriculture and Commerce may set aside, as communal fishery for the particular use of the inhabitants of any municipality or municipal district, one or more portions of municipal waters. Such assignment shall be preferably made from waters in the province of the community to be served; but if there be no such water conveniently situated for the

use of such community, a communal fishery may be assigned for its use in a neighboring province. If the public interests so require, the Secretary of Agriculture and Commerce may change the location or boundaries of a communal fishery or disestablish it altogether. A communal fishery once established for such communal use shall not be leased.

Sec. 73-B. Administration of Communal Fisheries. — Communal fisheries shall be administered by the Secretary of Agriculture and Commerce in such a way as to insure to the people having rights therein a continued supply of fishery products necessary for their home use and to this end the said Secretary may prescribe regulations the conditions under which taking of fish and other fishery products therefrom without license and free of charge may be allowed.

Sec. 73-C. Taking of Fish for Personal Use. — Residents of a place for which a communal fishery shall not have been set aside may, without license and free of charge take fish or other fishery products which they need for personal purposes from any municipal waters.

Sec. 74. Government Fishery Farms and Experimental Stations. — The Secretary of Agriculture and Natural Resources is hereby authorized to establish, equip, operate and maintain fishery farms, experimental stations and other fishery projects in such places in the Philippine Islands as may be deemed appropriate therefor and beneficial to the fishing industry, for the purposes of studying, surveying, conserving, preserving and developing the fish, shell, sponge, and other aquatic resources of the Philippine Islands.

Subject to the approval of the Governor-General, the Secretary of Agriculture and Natural Resources shall be authorized to sell to the highest bidder any fishery farm, experimental station, or fishery project operated under this Act, or to exchange any land or portion thereof, owned or reserved for or occupied by any fishery farm, experimental station or fishery project, for other more adequate or more desirable sites of private ownership or otherwise, under such terms and conditions as may be deemed advantageous to the Government. No transaction of sale or exchange herein authorized shall be made except with citizens of the United States or of the Philippine Islands, or with associations or corporations duly registered or incorporated under the laws of the Philippine Islands or of the United States or any State thereof and authorized to transact business in the Philippine Islands and at least sixty-one per centum of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States.

ARTICLE XIII Fish Sanctuaries

Sec. 75. Fish Refuges and Sanctuaries — Upon the recommendation of the official or chief of the bureau, office, or service concerned, the Secretary of Agriculture and Commerce may set aside and establish fishery reserves or fish refuges and sanctuaries to be administered in the manner to be prescribed by him. All streams, ponds, and waters within the game refuges, birds sanctuaries, national parks, botanical gardens, communal forests and communal pastures are hereby declared fish refuges and sanctuaries. It shall be unlawful for any person to take, destroy, or kill in any of the places aforementioned, or in any manner disturb or drive away or take therefrom, any fish fry or fish eggs.

CHAPTER V Penal Provisions

ARTICLE XIV Penalties for Violations of the Provisions of this Act

Sec. 76. Use of Obnoxious or Poisonous Substances, or Explosives in Fishing. — Any person who shall use obnoxious or poisonous substances in fishing in violation of the provisions of section eleven of this Act shall be punished by a fine of not less than five hundred pesos nor more than five thousand, and by imprisonment for not less than six months nor more than five years, or both, in the discretion of the court, aside from the confiscation and forfeiture of all explosives, boats, tackle, apparel, furniture and other apparatus used in fishing in violation of said section eleven of this act.

Any person who shall use explosives in fishing in violation of the provisions of section twelve of this Act shall be punished by a fine of not less than one thousand five hundred pesos nor more than five thousand, and by imprisonment for not less than one year and six months nor more than five years, aside from the confiscation and forfeiture of all explosives, boats, tackle, apparel, furniture, and other apparatus used in fishing in violation of said section twelve of this Act.

Sec. 77. Reward to Informer. — The person giving information that has led to the conviction of any person under the provisions of the next preceding section shall receive one-half of the fine imposed, and it shall be the duty of the court rendering judgment of conviction to ascertain and declare the name of the informer entitled to receive one-half of the fine imposed.

Sec. 78. Unlawful Fishing in Deep-Sea Fisheries. — Any person, association or corporation violating any of the provisions of Article V of this Act or any order or regulation deriving force from its provisions shall be punished for each offense by a fine of not more than five thousand pesos, or imprisonment, for not more than one year, or both, in the discretion of the court: Provided, That in the case of an association or corporation, the president or manager shall be directly responsible for the acts of his employees or laborers if it is proven that the latter acted with his knowledge; otherwise the responsibility shall extend only as far as fine is concerned: Provided, further, That in the absence of a known owner of the vessel, the master, patron or person in charge of such vessel shall be responsible for any violation of this Act: And provided, finally, That in case of a second offense, the vessel together with its tackle, apparel, furniture and stores shall be forfeited to the Government.

Sec. 79. Penalty for Unlawful Taking of Marine Mollusca. — Any person who shall take marine mollusca, or any shell or valve thereof, in Philippine waters contrary to any of the provisions of Art. VI of this Act shall be punished by a fine of not more than one hundred pesos, or imprisonment for not more than one month, or both, in the discretion of the court; and if the offense consists in the taking, selling, or transferring of undersized shells, or the having of such in possession, the offenders shall be fined five pesos for each valve of any shell the subject of the illegal act, and such shell shall be confiscated.

Sec. 80. Compromise. — With the approval of the Secretary of Agriculture and Commerce the official or chief of the bureau, office or service designated to carry out the provisions of this Act may at any stage compromise any case arising under the provisions thereof, subject to the following schedule of administrative fines:

(a) **Vessel entering fishery reserve or closed areas.** — Any vessel, licensed or unlicensed, entering fishery reserve or closed area by proclamation of the Governor-General or the President of the Philippines or administrative order, for the purpose of fishing shall be fined in a sum not exceeding one hundred pesos.

(b) **Vessel fishing or continuing to fish after the expiration of the license.** — A vessel continuing to fish within sixty days from the date of expiration of the license shall pay the ordinary annual license fee in full. A vessel fishing or continuing to fish without having procured the renewal of the license therefor shall be fined in a sum not exceeding fifty pesos for every month the license remains not renewed from the last day renewal should have been secured.

(c) **Vessel on which unlicensed fisherman are employed.** — A vessel found using or employing unlicensed fishermen shall be fined in a sum not less than five nor exceeding ten pesos for each fisherman and for each month such fisherman is employed.

(d) **Obstruction of boarding officer.** — If the master, owner, or operator of any vessel unlicensed or licensed in accordance with the provisions of section eighteen of this Act, obstructs or hinders any fish and game officer in lawful going on board such vessel for the purpose of carrying into effect any of the provisions of this Act or the regulations promulgated thereunder or shall intentionally cause any such officer to be obstructed shall be fined in the amount not exceeding one hundred pesos and the license may be cancelled.

(e) **Failure to submit required reports.** — If the owner or operator, or the authorized agent of any vessel licensed under section eighteen of this Act fails to submit a required report within thirty days from the time it is last due, he shall be fined in a sum not exceeding five pesos.

(f) Failure to renew fisherman's license. — If a fisherman fails to renew within sixty days from the expiration thereof the license granted in accordance with section twenty-two of this Act or return same within that period, he shall be fined in the amount not less than one nor exceeding two pesos.

(g) Transfer of ownership or lease shall be reported. — The owner and operator of a commercial fishing boat licensed in accordance with section eighteen of this Act, transferring or leasing such boat shall report the transfer or lease within ten days to the Director of the Bureau or office concerned, otherwise he shall be fined in the amount not exceeding ten pesos.

(h) Vessel engaging in fishing without license. — Any vessel engaging in fishing, without having procured the requisite license therefor, shall be fined in a sum not exceeding two hundred pesos for each month of operation without license.

(i) Other violations. — Violations not herein above provided may be compromised as each case may warrant upon the recommendation of the official or chief of the Bureau, office or service concerned, but in no case shall the fine be less than ten per centum of the amount of fine prescribed therefor, either in the law or regulation.

(j) Court action. — Action in accordance with section seventy-eight or other penal provision of this Act shall be taken if the official or chief of the Bureau, Office or service concerned or the Secretary of Agriculture and Commerce decides.

Sec. 81. Penalties for Illegal Taking of Sponges. — (a) Any person who shall fish, collect, gather, sell, exchange, ship or export sponges in violation of the provisions of Article VII of this Act shall be liable to prosecution and upon conviction shall suffer the penalty of a fine of not less than twenty pesos and not more than five hundred pesos for each offense, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

(b) In case any association or corporation shall violate or cause to be violated any provision of Article VII of this Act, such association or corporation, upon conviction thereof shall be punished by a fine of not less than one hundred pesos and not more than one thousand pesos for each offense, and any person, member, or employee of any association or corporation who shall violate or cause to be violated any provisions of said article, or shall aid, abet, or assist in such violation, or shall voluntarily permit the same, upon conviction thereof, shall be punished by a fine not exceeding five hundred pesos for each offense, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

(c) Any person found taking commercial sponges of less than ten centimeters through any diameter from the waters of the Philippine Islands, except for purposes of sponge culture within Philippine waters, shall, in addition to the penalties provided in this section, suffer the penalty of the forfeiture of the concession and confiscation by the Government of the entire shipment in which found.

Sec. 82. Failure to Report Kind and Quantity of Fish Caught. — Willful failure by any licensed fisherman to render a report of the kind and quantity of fish caught, as provided in section seventy-two of this Act, shall subject the offender to the payment of a fine of not less than ten nor more than one hundred pesos for each offense, and to the revocation or cancellation of his license.

Sec. 83. Other Violations. — Any other violation of the provisions of this Act or of any rules and regulations promulgated thereunder shall subject the offender to 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.

CHAPTER VI Final Provisions

ARTICLE XV Effectiveness of this Act

Sec. 84. Repealing Clause. — All acts, administrative orders and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed.

Sec. 85. Date of Taking Effect. — This Act shall take effect on its approval.

Approved: December 5, 1932.