

Fisheries Administrative Order No. 36

SUBJECT : To establish a closed season period for the gathering or killing of marine turtles, turtle eggs, or turtle shell.

Pursuant to the provisions of Sections 4 and 7 of Act 4003, entitled "An Act to amend and compile the laws relating to fish and other aquatic resources of the Philippine Islands and for other purposes", as amended, and for the protection and conservation of marine turtles, their eggs or shells, the following rules and regulations are hereby promulgated for the information and guidance of all concerned:

SECTION 1. Definition.---For the purpose of this Administrative Order, the following terms as used herein shall be construed as follows:

(a) Marine turtle shall include those which belong to the species *Cholonia japonica* or *mydas*, *Erectmochelys imbricata*, *Carrota olivacea* and *Dermochelys coriacea*.

(b) Turtle eggs shall include eggs of turtles belonging to the species of turtles enumerated under Section 1 (a) above.

(c) Turtle shells shall include shells of turtles of the species mentioned under Section 1 (a).

SEC. 2. Prohibition.---It shall be unlawful for any person, association, or corporation to kill marine turtle or gather turtle eggs, or turtle shells in any place in the Philippines, covering the period of two and one-half months beginning November first of one year to January fifteenth of the succeeding year.

SEC.3 Exemption.--(a) For scientific, educational, personal or propagation purposes, any person, association, institution or corporation of good repute may be granted by the Secretary of Agriculture and Natural Resources, free of charge, a permit to gather or kill or cause to be gathered or killed in any manner turtle, turtle eggs, or turtle shells during any period, subject to such conditions as said Secretary may deem wise to impose for the proper conservation and protection of these species. Any person who shall gather or kill turtles, their eggs or shells under such permit, but uses same for purposes other than those mentioned herein above, shall be subject to the same penalties as if no license had been granted.

(b) Old turtles and those female ones that do not lay eggs may be gathered or killed upon competent certification by a representative of the Bureau of Fisheries, or its duly authorized agent.

SEC. 4. Enforcement.--- For the purpose of enforcing the provisions of this Administrative Order, fishery inspectors, agents or officers; members of the Philippine Constabulary; member of the Armed Forces of the Philippines; members of the Philippine Navy; members of municipal; and municipal district police; members of the secret service force, inspectors, guards and wharfingers of the customs service; internal revenue officers and agents; officers of coast guards cutters and lighthouse keepers; and such other competent officials, employees and persons, and may be designated in writing by the Secretary of Agriculture and Natural Resources, are hereby made deputies of said Department Head and empowered:

(a) To ascertain whether persons gathering or killing turtles, their eggs or shells are duly provided with licenses and permits required in the Fisheries Act and Administrative Order, including this Administrative Order;

b) To arrest any person found committing or attempting to commit an offense against the provisions of Act 4003, as amended, and of this Administrative Order;

(c) To administer oaths and to take testimony in any official matter or investigation conducted by them touching any matter under the authority of the Fisheries Act, its amendments, and this Administrative Order; and

(d) To file the necessary complaint in court and report such violations to the Secretary of Agriculture and Natural Resources, for appropriate action. (sec. 5, Act 4003, as amended).

In addition to the deputies so designated in the first paragraph of this section, the municipal mayors of the municipalities concerned shall act as such deputies and enforce these rules and regulations in their respective jurisdictions.

SEC. 5. Penalty.---Any person, institution, association or corporation who shall violate any of the provisions of this Administrative Order shall be liable to prosecution and, upon conviction, shall suffer the penalty provided in Section 83 of Act No. 4003, as amended, which is a fine of not more than two hundred pesos, or imprisonment for not more than six months, or both, in the discretion of the court.

SEC. 6. Repealing provisions.---All order, rules and regulations or parts thereof inconsistent with the provisions of this Administrative Order are hereby repealed.

SEC. 7. Date of effectivity.--- This Administrative Order shall take effect sixty days after its publication in the Official Gazette.

SALVADOR ARANETA
Secretary of Agriculture and Natural Resources