

Republic of the Philippines
MINISTRY OF AGRICULTURE
Diliman, Quezon City

FISHERIES ADMINISTRATIVE)

ORDER No. 135 :

1981-12-23

Series of 1981.)

SUBJECT: RULES AND REGULATIONS GOVERNING IMPORTATION OF FISH AND FISHERY/AQUATIC PRODUCTS.

Pursuant to the provisions of Sections 4 and 7 of Presidential Decree No. 704, as amended, otherwise known as "The Fisheries Decree of 1975," in the implementation of Section 18 thereof, the following rules and regulations are hereby promulgated:

Section 1. Definition of terms and phrases. - For purposes of this Order, the following terms and phrases shall mean:

- (a) *Fish and fishery/aquatic products* - Fish includes all fishes and other aquatic animals, whether living or non-living, such as crustaceans (crabs, prawns, shrimps, and lobsters), mollusks (clams, mussels, scallops, oysters, snails and other shellfish). Fishery/aquatic products include all other products of aquatic living resources in any form.
- (b) *Person* - natural or juridical.
- (c) *Ministry* - Ministry of Natural Resources.
- (d) *Minister* - Minister of Natural Resources.
- (e) *Bureau* - Bureau of Fisheries and Aquatic Resources.
- (f) *Director* - Director of Fisheries and Aquatic Resources.

Section 2. Filing of Application - A duly accomplished application for importation of fish and fishery/aquatic products shall be filed with the Office of the Director for at least thirty (30) days prior to its expected arrival with an application fee of ten (P10.00) pesos accompanied by the following documents:

- (a) Proforma Invoice;
- (b) Letter of intent to import addressed to the Director; and
- (c) Articles of Incorporation and By-laws duly approved by the Securities and Exchange Commission.

Section 3. Importation of fish and fishery/aquatic products. - The importation of fish and fishery/aquatic products shall be allowed only upon issuance by the Director of the Import Permit.

Section 4. Issuance of Import Permit. - An Import Permit may be issued only after an application therefor has been filed and the applicant has paid the permit fee of one hundred (P100.00) pesos and such other charges for administrative and technical services rendered in connection with the importation.

Section 5. Permit for scientific purposes. - A Gratuitous Import Permit may be issued by the bureau only to recognized government research or educational institutions free of charge after an application therefor has been duly filed and upon proof that the importation of such fish and fishery/aquatic products shall be for scientific, research, educational or for museum purposes and after the same have been inspected by the Director or his duly authorized representative within twenty-four (24) hours upon its arrival.

Section 6. Duration of Permit. - Permits issued under this Order shall expire thirty (30) days from the date of its issuance. An unused permit shall be considered automatically canceled.

Section 7. Inspection of fish and fishery/aquatic products. - The fish and fishery/aquatic products shall be presented by the importer to the Director or his duly authorized representative upon arrival for inspection, quality control, prophylactic treatment, administrative and technical services as may be necessary. If upon inspection the fish or fishery/aquatic product imported does not meet the quality requirements prescribed by the Bureau or prohibited fish are included in the importation, the same shall be removed immediately and in case of the latter, confiscated, and the importer shall, in addition, be penalized in accordance with the provisions of applicable laws, rules and regulations.

Section 8. Volume of fish and fishery/aquatic products to be imported. - Prior to the issuance of the import permit, the volume of importation shall be subject to the terms and conditions which the Minister may prescribe/impose upon the recommendation of the Director.

Section 9. Inspection fee. - For such inspection, quality control, prophylactic treatment, administrative and technical services in connection with the importation, the following fees shall be paid immediately to the Bureau prior to the release of the importation:

- (a) Four percentum (4%) of the declared value (FOB) for fish and fishery/aquatic products for local distribution, sale or consumption in any form.
- (b) One percentum (1%) of the declared value (FOB) for fish and fishery/aquatic products to be processed locally for exportation.

Should any portion of the fish, fishery/aquatic products imported under the permit in any form be sold/utilized/distributed for local consumption, the importer shall report the matter immediately in writing to the Director, stating among other things the volume, value, consignee and date when the same were disposed of for purposes of determining the proper fees to be imposed under this Section, otherwise the importer shall be permanently disqualified from applying for subsequent importation of fish and fishery/aquatic products as contemplated in this Order, and shall be penalized accordingly, pursuant to Section 10 of this Order.

Section 10. Penal Clause. - Violation of any provision of this Order shall subject the offender to a fine of not less than five hundred (P500.00) pesos to not more than five thousand (P5,000.00) pesos, 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 (P5,000.00) pesos or to cancel his permit or to impose such fine and to cancel his permit, in the discretion of the Director, including the confiscation of

the fish and fishery/aquatic products imported for scientific, research, or educational purposes or, for disposition to government charitable and/or penal institutions.

Section 11. Repealing Clause. - All existing administrative Orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Section 12. 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.

TEODORO Q. PEÑA
Minister

RECOMMENDED BY:

FELIX R. GONZALES
Director
Bureau of Fisheries and Aquatic Resources

THE MANILA EVENING POST - DECEMBER 29, 1981
PHILIPPINES SUNDAY EXPRESS - DEC. 27, 1981