

Republic of the Philippines  
MINISTRY OF NATURAL RESOURCES  
Diliman, Quezon City

FISHERIES ADMINISTRATIVE )

ORDER No. 147 :

1983-12-08

Series of 1983 )

SUBJECT: Rules and regulations governing the issuance of permits/commodity clearance for the exportation of fish and fishery/aquatic products.

Pursuant to Sections 7 and 18 of Presidential Decree No. 704, otherwise known as the Fisheries Decree of 1975", and the provisions of Presidential Decree No. 930 and Batas Pambansa Blg. 325, the following rules and regulations governing the issuance of permits/commodity clearance for the exportation of fish and fishery/aquatic products are hereby promulgated:

**Section 1. Definition of terms.** - As used in this Order, the following terms 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) and fishery/aquatic products include all products of aquatic living resources in any form.
- b. *Declared value (FOB).* - The value of the commodity or product as indicated and declared in the Export Entry.

**Section 2. Classes of Permits/Commodity Clearances.** - There are two (2) classes of permits/commodity clearances under this Order:

- a. Commercial permit/commodity clearance - a permit or commodity clearance issued for commercial purposes attesting that the quality of the export commodity is in accordance with established or applicable standards for such products.
- b. Gratuitous permit/commodity clearance - one issued free of charge for personal, educational, scientific, souvenir, museum, aquarium or similar purposes, provided that the value of the fish or fishery/aquatic product involved does not exceed one hundred (P100.00) pesos and/or weighs not more than five (5) kilos.

**Section 3. Filing of application.** - An application for a commercial permit/commodity clearance properly accomplished must be accompanied by a duly certified check, post office money order payable to the Director of Fisheries and Aquatic Resources, or cash in the amount of ten (P10.00) pesos. Applications are non-transferable.

**Section 4. Exportation of fish and fishery/aquatic products.** - The exportation of fish and fishery/aquatic products shall only be allowed upon the issuance of a commercial permit/commodity clearance by the Director of Fisheries and Aquatic Resources after an application therefor, has been duly filed on an official form prescribed for the purpose at least five (5) days prior to the probable date of exportation of such fish or fishery/aquatic product. For such permit, a fee of fifty (P50.00) pesos shall be collected.

**Section 5. Issuance of permit/commodity clearance.** -

- a. A commercial permit/commodity clearance may be issued only after an application therefor has been duly filed in accordance with the preceding section, the fish or fishery/aquatic product inspected, and the applicant has paid the required permit/commodity clearance fee and such other charges for administrative services rendered in connection with the exportation.
- b. A gratuitous permit/commodity clearance may be issued only after an application therefor has been duly filed in accordance with the preceding section, and the fish or fishery/aquatic product inspected by the Director of Fisheries and Aquatic Resources or his duly authorized representative.

**Section 6. Duration of permit/commodity clearance.** – Permits/Commodity clearances issued under this Order shall expire thirty (30) days from the date of issuance thereof. An unused permit/commodity clearance shall be considered automatically cancelled: Provided, That a new permit/commodity clearance may be issued in lieu of the unused, partially used or expired permit/commodity clearance upon request.

**Section 7. Inspection, quality control and other administrative and technical services in the exportation of fish and fishery/aquatic products.**- The fish and fishery aquatic products including shells whether in raw, cleaned, semi-processed or finished state/form shall, before exportation, be presented by the exporter to the Director of Fisheries and Aquatic Resources or his duly authorized representative for inspection, quality control and such other administrative and technical services as may be necessary, together with a copy of the Customs Export Entry, Exporter's Declaration and other required documents. For such inspection, quality control and other administrative and technical services in connection with the exportation, a fee of one-half of one percent ( $\frac{1}{2}$  of 1%) of the declared value (FOB) of the fish or fishery/aquatic products shall be collected: *Provided*, however, that in case of shells which are component of finished products such as shellcraft, bags, earrings, necklaces, or bracelets, such shell products shall be exempt from payment of this fee.

If, upon inspection, the product sought to be exported does not meet the quality requirements prescribed by the Bureau of Fisheries and Aquatic Resources, or prohibited fish or fishery/aquatic products are found included in the exportation, the same shall be removed immediately and, in case of the latter, confiscated, and the exporter shall in addition, be penalized in accordance with the provisions of Section 8 of this Order.

**Section 8. Penal Provision.** - Any violation of this Order shall subject the offender to a fine of from five hundred (P500.00) pesos to 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 of Fisheries and Aquatic Resources 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 license, when applicable.

**Section 9. Repealing Clause.** - Fisheries Administrative Order Nos. 112 and 112-1 and all other existing administrative orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Order are hereby repealed or amended accordingly.

**Section 10. Effectivity.** - This Order shall take effect fifteen (15) days after its first publication in the Official Gazette and/or in two (2) newspapers of general circulation and the increase in the application fee shall take effect fifteen (15) days after its last publication in two (2) newspapers of general circulation for two (2) consecutive weeks.

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RECOMMENDED BY:

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