

Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Office of the Secretary
Elliptical Road, Diliman, Quezon City

FISHERIES ADMINISTRATIVE)
ORDER NO. 198 :
Series of 2000)

23 February 2000

SUBJECT : Rules and Regulations on Commercial Fishing

Pursuant to the provisions of Sections 3, 6, 18, 26, 27, 29, 30, 31, 32, 33, 38, 39, 65 and 86 of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, the following rules and regulations on commercial fishing in Philippine waters are hereby promulgated:

SECTION 1. Definition of Terms and Phrases. - As used in this Order, the following words and phrases shall mean:

- a. *Person* – natural or juridical entities such as individuals, associations, partnerships, cooperatives or corporations.
- b. *Fishing Gear License* – refers to the document issued by the Bureau which permit the kind of fishing gear to be used by fisherfolk in its fishing operation in Philippine waters.
- c. *Fishing Vessel License* – refers to the document issued by the Bureau which permit a vessel to conduct fishing operations in Philippine waters.
- d. *Fishworker License* – refers to the document issued by the Department through the Bureau for qualified fisherfolk who seek employment as fishworker or pearl diver.
- e. *Fishing* – the taking of fishery species from their wild state or habitat, with or without the use of fishing vessel.
- f. *Commercial Fishing* – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 1. Small scale commercial fishing – fishing with passive or active gear utilizing fishing vessels 3.1 gross tons (GT) up to twenty (20) gross tons;
 2. Medium scale commercial fishing – fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
 3. Large scale commercial fishing – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
- g. *Fishing Gear* – any instrument or device and its accessories utilized in taking fish and other fishery species.
 1. Active fishing gear – is a fishing device characterized by gear movements and/or the pursuit of its target species by towing;

lifting and pushing the gears surrounding, covering dredging, pumping and scaring the target species to impoundments, such as, but not limited to trawl, purse seine, Danish seine, bag nets, pa-aling, drift gill net and tuna longline.

2. Passive fishing gear – is characterized by the absence of gear movements and/or the pursuit of the target species such as, but not limited to hook and line, fishpots, traps and gill nets set across the path of the fish.
- h. *Fishing vessel*– any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.
 - i. *CFVGL* – refers to the Commercial Fishing Vessel and Gear License.
 - j. *Certificate of Clearance*– a document issued to owners/operators of duly licensed commercial fishing vessels before departure from its homeport or any port to the fishing ground.
 - k. *Fishworker* – a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fish pens, fish cages, fish corrals/traps, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrator, security guards, and overseers.
 - l. *Resource rent* – the difference between the value of the products produced from harvesting a publicly owned resource less the cost of producing it, where cost includes the normal return to capital and normal return to labor.
 - m. *Department* – the Department of Agriculture.
 - n. *Secretary* – The Secretary of the Department of Agriculture.
 - o. *Director* – the Director of Fisheries and Aquatic Resources.

SEC. 2. License to Operate a Commercial Fishing Vessel/Gear. – No person shall operate a commercial fishing vessel in Philippine waters without a license duly granted by the Bureau: *Provided*, That no such license shall be required of a fishing vessel engaged in scientific, research or educational purposes within Philippine waters pursuant to an international agreement of which the Philippines is a signatory and which agreement defines the status, privileges, and obligations of said vessel and its crew and the non-Filipino official of the international agency under which said vessel operates. *Provided, further*, that before a commercial fishing vessel holding a commercial fishing vessel license may begin fishing operations, the fishing gear that it will utilize in fishing shall be registered and the corresponding license issued by this Bureau.

SEC. 3. Persons Eligible to Apply for CFVGL. –

- a) Citizen of the Philippines; and
- b) Corporations, partnerships, or associations and cooperatives duly registered in the Philippines at least sixty percent (60%) of the capital stock of which is owned by Filipino citizens.

SEC. 4. Application for CFVGL. – An application for a license shall be filed with the Office of the Director, of the Fisheries Regional Office or the Provincial Fishery Office which has jurisdiction over the homeport of the vessel.

SEC. 5. Requirements for the Issuance of a New Commercial Fishing Vessel License -

- a) Duly accomplished BFAR application for fishing vessel license;
- b) Two (2) copies of 8"x10" vessel picture showing the port, starboard and name of the vessel;
- c) Grid map indicating the proposed fishing ground/s;
- d) Original or authenticated photocopy of the following:
 - d.1 Certificate of Vessel Registry (CVR);
 - d.2 Certificate of Ownership (CO); and
 - d.3 Current Certificate of Inspection (CI).
- e) Approved Articles of Incorporation and By-Laws for corporation, the primary or secondary purpose of which is to engage in fishing, or business name registration, certificate for single proprietorship or partnership to accompany the first vessel of the applicant to be licensed; and
- f) Fishing logbook for catcher vessel for registration and approval by BFAR upon payment of registration fee of fifty pesos (P50.00).

SEC. 6. Requirements for the Issuance of a Gear License. –

- a) Duly accomplished BFAR registration forms for gear license (2 copies);
- b) Drawing of gear design and its specifications, showing the mouth, body and bunt/bag of the fishing gear;
- c) Official Receipt of CFVL fee; and
- d) Official Receipt of Fishing Gear Registration (FGR) fee.

SEC. 7. Inspection of Fishing Vessel and Fishing Gear. – The inspection of fishing vessel (catcher) and fishing gear shall be annual and the request shall be made three (3) days before the said actual inspection.

SEC. 8. Application and Registration Fees. – The application for Commercial Fishing Vessel (CFVL) and the registration of the fishing gear (RFG) shall be Four Hundred (P400.00) and Two Hundred (P200.00) Pesos, respectively, payable to the Bureau which is non-transferable and non-refundable.

SEC. 9. Licenses and Registration Fees. - The annual license fee shall be payable to the Bureau in accordance with the following rates:

a. For Commercial Fishing Vessel License.

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| 1) For vessels of 3.1 to 20.0 gross tons ----- | P200.00 + P2.00/ GT or
- a fraction thereof |
| 2) For vessels of 20.1 to 50.0 gross tons----- | P250.00 + P2.00 /GT or
- a fraction thereof |
| 3) For vessels of 50.1 to 100.0 gross tons--- | P300.00 + P2.00/GT or
- a fraction thereof |
| 4) For vessels of 100.1 to 125.0 gross tons-- | P500.00 + P3.00 /GT or
-- a fraction thereof |
| 5) For vessels of 125.0 to 150.0 gross tons- | P1,000.00 + P3.00/GT
-- or a fraction thereof |
| 6) For vessels of 150.1 to 250.0 gross tons- | P1,500.00 + P3.00 /GT
or a fraction thereof |
| 7) For vessels of 250.01 and above----- | P2,500.00 + P4.00/GT
or a fraction thereof |

b) For Gear License.

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|---|------------------|
| 1) Small-scale commercial fishing ----- | P200.00 per year |
| 2) Medium-scale commercial fishing----- | P400.00 per year |
| 3) Large-scale commercial fishing----- | P600.00 per year |

SEC. 10. Cash Bond Deposit for Fishing Vessel. - Before a license is issued, the applicant, as guaranty of good faith and for satisfactory compliance with the terms and conditions of the license, shall post a cash bond deposit to the Bureau which shall be non-transferable in accordance with the following rates:

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| a. For vessels of 3.0 to 20 GT ----- | P250.00 |
| b. For vessels of 20.1 to 50 GT ----- | P350.00 |
| c. For vessels of 50.1 to 75 GT ----- | P450.00 |
| d. For vessels of 75.1 to 100 GT ----- | P550.00 |
| e. For vessels of 100.1 to 150 GT ----- | P650.00 |
| f. For vessels of 150.1 to 250 GT ----- | P750.00 |
| g. For vessels of 250.1 to 500 GT ----- | P850.00 |
| h. For vessels of 500.1 and above ----- | P950.00 |

SEC. 11. Forfeiture of Cash Bond Deposit - The Director may forfeit the cash bond deposit in favor of the government upon the cancellation of the license for cause.

SEC. 12. Refund of Cash Bond Deposit - A cash bond deposit may be refunded upon the request of the licensee, the assignees, heir/s or

administrators upon the submission of the original Official Receipt therefor, to the Director together with the letter citing the reason for such refund. In case of loss of said Official Receipt, an affidavit declaring the circumstances of such loss may be submitted in lieu thereof together with the said letter.

SEC. 13. Surrender of CFVGL. - The CFVGL should be surrendered at any point when the fishing vessel is being used for purposes other than fishing or converted to other activity.

SEC. 14. Validity of Licenses. - The CFVGL shall be valid for a period of three (3) years to commence from the date of issuance of the license unless suspended, revoked, terminated or cancelled sooner for cause.

SEC. 15. Renewal of CFVGL. - The license may be renewed within sixty (60) days before its expiration, subject to the submission of the following requirements:

- a) Duly accomplished BFAR application forms for CFVGL;
- b) Original or authenticated copy of current/valid Certification of Inspection (CI) issued by MARINA/Philippine Coast Guard;
- c) Fishing logbook report/catch effort report;
- d) Duly notarized Certification/Affidavit from the company that the vessel is not involved in any administrative and/or judicial case;
- e) Annual Inspection Report; and
- f) Official Receipt of payment for CFVGL.
- g) An affidavit stating the operator has complied with Section 25 of RA 8550.

The renewal of CFVGL of fishing vessel whose homeport is within the jurisdiction of a particular Regional Office shall be filed at the said Fisheries Regional Office. However, prior to the renewal of the CFVGL, the fishing vessel shall be made available for inspection by BFAR in case the vessel is in Metro Manila and in the BFAR Regional Office if the vessel is in the Region.

SEC. 16. Display of the CFVGL. - The original/certified true copies of the CFVGL shall be framed and exhibited in conspicuous places aboard the fishing boat, ready for easy inspection by fishery law enforcers. An additional duplicate copy of the original CFVGL shall henceforth, be issued as the owner's copy.

SEC. 17. Report of Transfer of Ownership. - The owner/operator of a duly licensed commercial fishing vessel shall notify the Department thru BFAR in writing of the transfer of the ownership of the vessel and/or the gear with a copy of such document within ten (10) days after its transfer to another person who is qualified to own the same.

SEC. 18. Limitation on the Transfer, Lease, or Assignment of Interest. - The licensee of any fishing vessel and gear involved in any judicial or

administrative case shall not transfer, lease or assign his interest thereon during the existence of the case.

SEC. 19. Fishing by Philippine Commercial Fishing Fleet in International Waters. - Fishing vessels of Philippine registry which have been licensed to operate within the Philippine waters, may operate in international waters or waters of other countries which allow such fishing operations: Provided, That they comply with the safety, manning and other requirements of the Maritime Industry Authority and other agencies concerned. Provided, However, That they secure an international fishing permit and Certificate of Clearance from the Bureau, and that the fish caught by such vessels shall be considered as caught in Philippine waters and therefore, not subject to all import duties and taxes only when the same are landed in duly designated fish landings and fish ports in the Philippines.

The permit to fish in international waters shall be valid for a period of three (3) years to commence from the date of its issuance unless suspended, revoked, terminated or cancelled sooner for cause.

SEC. 20. Requirements for International Fishing Permit and Certificate of Clearance. -

- (a) Must be an owner/operator of a Commercial Fishing Vessel, duly issued with a CFVGL;
- (b) Letter of Intent to fish in international waters;
- (c) Duly accomplished BFAR application form;
- (d) Original copy of the CFVGL;
- (e) Application Fee of P1,000.00; and
- (f) Permit Fee of P1,500.00

SEC. 21. Importation of Fishing Vessels or Construction of New Fishing Boats. - Prior to the importation of fishing vessels and the construction of new fishing vessels, the approval/ clearance of the Bureau must be first obtained.

SEC. 22. Keeping of Record Books of Fish Catch. - The owner, licensee, master, or any person-in-charge of a fishing vessel shall have a record book on board the boat reflecting the fish catch, fishing area, the quantity in tubs/boxes or other containers in kilograms of fish catch, spoilage, landing point, transshipment and/or other means of disposal for a period of five (5) years (remove parenthesis after years) from the last entry. These entries and notations shall be made within twenty-four (24) hours after the catch was made and shall be written legibly in ink or ball pen.

SEC. 23. Registration of Record Book. - The record book mentioned in the preceding section shall be registered with their pages numbered consecutively and kept intact with no missing pages/numbers and shall be

presented to the Director or his duly authorized representatives for registration upon payment of the registration fee of Fifty (P50.00) Pesos for each book. Such approval shall be indicated in the inner side of the cover opposite the first page thereof as follows:

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

Director of Fisheries and Aquatic Resources

Registration Fee: _____

O.R. No. _____

Date: _____

SEC. 24. Inspection of Record Books. - These record books shall be kept on board the fishing vessel at all times and to be presented upon demand by duly authorized fishery law enforcers except when the boat is drydocked or undergoing repairs and therefore not operating.

SEC. 25. Restrictions on Commercial Fishing. - No commercial fishing vessel shall operate in Philippine waters declared as reserved or restricted areas under existing fishery laws, rules and regulations.

SEC. 26. Obstruction in the Performance of Official Duty. - The Director or any duly authorized fishery law enforcement officer in the performance of his official duties, shall not be obstructed or hindered from lawfully boarding fishing vessels, whether licensed or not, for the purpose of inspecting the fish holds or boxes containing fish or fishery/aquatic products and investigating persons found therein.

SEC. 27. Taking of fish Samples for Examination. - The owner, licensee, master, patron, or any person-in-charge of the fishing boat or the possessor in places other than a fishing vessel shall allow duly deputized fishery law enforcement officers to take fish samples in quantity of not more than one (1) kilo, or only (1) fish if it weighs more than a kilo, for an on-the-spot or scientific examination to determine whether the same was caught by means of explosives, or by poisonous or obnoxious substances. The receipt of the samples identified in its vernacular, English and/or scientific names, shall be countersigned by the owner/possessor thereof.

SEC. 28. Certificate of Clearance. - No fishing boat shall depart from its homeport or any port of departure to the fishing ground without first securing the prescribed Certificate of Clearance either from the Regional Office or Provincial Office. A Certificate of Clearance shall only be issued upon actual inspection and verification of the fishing vessel.

SEC. 29. Clearance Fee. - A Certificate of Clearance shall be valid for a period of one (1) month from the date of issuance, with a fee of One Hundred Pesos (P100.00) regardless of tonnage and number of voyage.

SEC. 30. Fishworker Identification Card. - The fishworker identification card shall be issued by the Regional Director free of charge upon submission of the following requirements:

- (a) Community Tax Certificate;
- (b) 2 copies of 1" by 1" ID picture; and
- (c) Barangay clearance.

SEC. 31. Grounds for Cancellation or Revocation of the CFVGL. - The CFVGL shall be subject to cancellation or revocation on any of the following grounds:

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

SEC. 32. Penalty Clause. - Any commercial fishing vessel captain or the three (3) highest officers of the vessel who commit any of the above prohibited acts upon conviction shall be punished by a fine equivalent to the value of catch or Ten Thousand Pesos (P10,000.00), whichever is higher and imprisonment of six (6) months, confiscation of catch and fishing gears and automatic revocation of the CFVGL.

SEC. 33. Repealing Clause. - All existing administrative orders, rules and regulations which are inconsistent with the provisions of this order are hereby repealed.

SEC. 34. Effectivity. - This Administrative Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation.

(SGD)EDGARDO J. ANGARA
Secretary

RECOMMENDED BY:

(SIGNED)

MALCOLM I. SARMIENTO, JR.

Director

Bureau of Fisheries and
Aquatic Resources

PUBLISHED: APRIL 4, 2000

PHILIPPINE STAR

MANILA STANDARD

(SIGNED)

CESAR M. DRILON, JR.

Undersecretary for Fisheries and
Legislative Relations

EFFECTIVITY STARTS: APRIL 20, 2000