



HOUSE OF REPRESENTATIVES

H. No. 4536

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BY REPRESENTATIVES TEVES, SALIMBANGON, YAP (A.),  
MACAPAGAL-ARROYO, GOMEZ, ACHARON, GARAY, BONOAN,  
BELLO (W.), GUTIERREZ, VILLAR, FERRIOL, GONZALEZ, CAMINERO,  
GUANLAO, ROMUALDO, HERNANDEZ, ARROYO, CO, BATOCABE,  
TAN (A.) AND ESTRELLA, PER COMMITTEE REPORT NO. 272

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AN ACT STRENGTHENING THE ENFORCEMENT AND REGULATORY  
FUNCTIONS OF THE BUREAU OF FISHERIES AND AQUATIC  
RESOURCES, AMENDING FOR THE PURPOSE REPUBLIC ACT  
NO. 8550, OTHERWISE KNOWN AS "THE PHILIPPINE  
FISHERIES CODE OF 1998"

*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

1           SECTION 1. Section 2 of Republic Act No. 8550, otherwise known as  
2 "The Philippine Fisheries Code of 1998", is hereby amended to read as  
3 follows:

4                   "SEC. 2. *Declaration of Policy.* – It is hereby declared  
5 the policy of the State:

6                   “(a) x x x

7                   “x x x

1           “(c) to ensure the rational and sustainable development,  
 2           management and conservation of the fishery and aquatic  
 3           resources in Philippine waters including the Exclusive  
 4           Economic Zone (EEZ) and in the adjacent high seas, consistent  
 5           with the primordial objective of maintaining a sound  
 6           ecological balance, protecting and enhancing the quality of the  
 7           environment[;]. **WITH DUE REGARD TO NATIONAL INTEREST,**  
 8           **THE PHILIPPINES SHALL PURSUE ITS COMMITMENT TO**  
 9           **INTERNATIONAL CONVENTIONS AND COOPERATE WITH**  
 10          **OTHER STATES AND INTERNATIONAL BODIES, IN ORDER TO**  
 11          **CONSERVE AND MANAGE THREATENED AQUATIC SPECIES,**  
 12          **STRADDLING AND HIGHLY MIGRATORY FISH STOCKS AND**  
 13          **OTHER LIVING MARINE RESOURCES;**

14           “x x x

15           “(f) to manage fishery and aquatic resources,  
 16           in a manner consistent with the concept of an  
 17           **ECOSYSTEM-BASED APPROACH TO FISHERIES MANAGEMENT**  
 18           **AND** integrated coastal area management in specific natural  
 19           fishery management areas, appropriately supported by research,  
 20           technical services and guidance provided by the State; and

21           “x x x.”

22           SEC. 2. Section 3 of the same Act is hereby amended to read as  
 23           follows:

24           “SEC. 3. *Application of its Provisions.* – The provisions  
 25           of this Code shall be enforced in:

26           “(a) all Philippine waters including other waters over  
 27           which the Philippines has sovereignty and jurisdiction, and the  
 28           country’s 200-nautical mile Exclusive Economic Zone (EEZ) and  
 29           continental shelf;

1           “(b) all aquatic and fishery resources whether inland,  
2           coastal or offshore fishing areas, including, but not limited to,  
3           fishponds, fish pens/cages; [and]

4           “(c) all lands devoted to aquaculture, or businesses and  
5           activities relating to fishery, whether private or public lands[.];

6           **AND**

7           **“(D) ALL PHILIPPINE FLAG VESSELS OPERATING IN**  
8           **AREAS GOVERNED BY A REGIONAL FISHERIES MANAGEMENT**  
9           **ORGANIZATION (RFMO), IN THE HIGH SEAS, OR IN WATERS**  
10           **OF OTHER COASTAL STATES.”**

11           SEC. 3. Section 4 of the same Act is hereby amended to read as  
12 follows:

13           “SEC. 4. *Definition of Terms.* – As used in this Code,  
14 the following terms and phrases shall mean as follows:

15           “(1) x x x

16           “x x x

17           **“(12) COMMUNITY SERVICE - MEANS ANY SERVICE OR**  
18           **ACTIVITY THAT IS PERFORMED FOR THE BENEFIT OF THE**  
19           **COMMUNITY OR ITS INSTITUTIONS IN LIEU OF PAYMENT OF**  
20           **FINE IMPOSED AS ADMINISTRATIVE OR CRIMINAL PENALTY.**

21           **“(13) CONSERVATION AND MANAGEMENT MEASURES -**  
22           **MEAN MEASURES TO CONSERVE AND MANAGE LIVING MARINE**  
23           **RESOURCES THAT ARE ADOPTED AND APPLIED CONSISTENTLY**  
24           **WITH THE RELEVANT RULES OF INTERNATIONAL LAW**  
25           **INCLUDING THOSE REFLECTED IN CONVENTIONS.**

26           “[(12)](14) x x x

27           “[(13)](15) x x x

28           “[(14)](16) x x x

1 “[(15)](17) x x x

2 “(18) *DISTANT WATER FISHING* - MEANS FISHING IN AN  
3 AREA BEYOND PHILIPPINE WATERS, IN THE HIGH SEAS, OR IN  
4 WATERS OF OTHER STATES.

5 “[(16)](19) x x x

6 “[(17)](20) x x x

7 “[(18)](21) x x x

8 “[(19)](22) x x x

9 “[(20)](23) x x x

10 “[(21)](24) x x x

11 “[(22)](25) x x x

12 “[(23)](26) x x x

13 “[(24)](27) x x x

14 “[(25)](28) x x x

15 “[(26)](29) x x x

16 “[(27)](30) x x x

17 “[(28)](31) x x x

18 “[(29)](32) x x x

19 “[(30)](33) x x x

20 “[(31)](34) x x x

21 “(35) *FISHERIES OBSERVER* - PERSONNEL DULY  
22 AUTHORIZED BY THE PHILIPPINE GOVERNMENT OR UNDER A  
23 REGIONAL OBSERVER PROGRAM OF THE RFMO, DEFINED  
24 UNDER SECTION 4, ITEM 73 OF THIS CODE, TO COLLECT  
25 SCIENTIFIC, TECHNICAL OR FISHING-RELATED DATA, AND

1 OTHER INFORMATION THAT MAY BE REQUIRED BY THE  
2 GOVERNMENT OR THE RFMO FOR COMPLIANCE TO A  
3 CONSERVATION AND MANAGEMENT MEASURE.

4 “[(32)](36) x x x

5 “[(33)](37) x x x

6 “[(34)](38) x x x

7 “[(35)](39) x x x

8 “[(36)](40) x x x

9 “[(37)](41) x x x

10 “[(38)](42) x x x

11 “[(39)](43) x x x

12 “[(40)](44) x x x

13 “(45) *FISHING LIGHT ATTRACTOR* - A FISHING AID  
14 WHICH EMPLOYS LIGHTS USING, AMONG OTHERS, MERCURY  
15 VAPOR, HIGH PRESSURE SODIUM VAPOR, HALOGEN, METAL  
16 HALIDE DISCHARGE, STANDARD TUNGSTEN, TUNGSTEN  
17 HALOGEN, FLUORESCENT OR LIGHT-EMITTING DIODE, THAT  
18 ARE ATTACHED TO A STRUCTURE ABOVE WATER OR  
19 SUSPENDED UNDERWATER TO ATTRACT BOTH FISH AND  
20 MEMBERS OF THEIR FOOD CHAIN TO SPECIFIC AREAS IN ORDER  
21 TO HARVEST THEM.

22 “[(41)](46) x x x

23 “[(42)](47) x x x

24 “[(43)](48) x x x

25 “[(44)](49) x x x

26 “[(45)](50) x x x

1 “[(46)](51) x x x  
2 “[(47)](52) x x x  
3 “[(48)](53). x x x  
4 “[(49)](54) x x x  
5 “[(50)](55) x x x  
6 “[(51)](56) x x x  
7 “[(52)](57) x x x  
8 “[(53)](58) x x x  
9 “[(54)](59) x x x  
10 “[(55)](60) x x x  
11 “[(56)](61) x x x  
12 “[(57)](62) x x x  
13 “[(58)](63) x x x  
14 “[(59)](64) x x x  
15 “[(60)](65) x x x  
16 “[(61)](66) x x x  
17 “[(62)](67) x x x  
18 “[(63)](68) x x x  
19 “[(64)](69) x x x

20 “(70) *PORT STATE MEASURES* - REFER TO THE  
21 REQUIREMENTS ESTABLISHED OR INTERVENTIONS  
22 UNDERTAKEN BY PORT STATES, WHICH A PHILIPPINE FLAG OR  
23 FOREIGN FISHING VESSEL MUST COMPLY WITH OR IS  
24 SUBJECTED TO AS A CONDITION FOR THE USE OF PORTS WITHIN  
25 THE PORT STATE.

1 “[(65)](71) x x x

2 “[(66)](72) x x x

3 “(73) *REGIONAL FISHERIES MANAGEMENT*  
4 *ORGANIZATION (RFMO)* - MEANS AN INTERGOVERNMENTAL  
5 FISHERIES ORGANIZATION OR ARRANGEMENT, AS  
6 APPROPRIATE, THAT HAS THE COMPETENCE TO ESTABLISH  
7 CONSERVATION AND MANAGEMENT MEASURES.

8 “[(67)](74) x x x

9 “[(68)](75) x x x

10 “[(69)](76) x x x

11 “[(70)](77) x x x

12 “(71) *Superlight* - also called magic light, is a type of  
13 light using halogen or metal halide bulb which may be located  
14 above the sea surface or submerged in the water. It consists of a  
15 ballast, regulator, electric cable and socket. The source of energy  
16 comes from a generator, battery or dynamo coupled with the  
17 main engine.]

18 “[(72)](78) x x x

19 “(79) *TRAMMEL NET* - A NET MADE OF A MIDDLE  
20 LAYER OF FINE MESH AND TWO (2) OUTER LAYERS COARSE  
21 MESH SO ARRANGED THAT THE FISH PASSING IN EITHER  
22 DIRECTION CARRIES SOME OF THE FINE NET THROUGH THE  
23 COARSE AND ARE THUS CAPTURED.

24 “(80) *TRANSHIPMENT* - REFERS TO THE UNLOADING OF  
25 ALL OR ANY FISHERY PRODUCT FROM ONE FISHING VESSEL TO  
26 ANOTHER.

27 “[(73)](81) x x x

1           “(82) *UNREGULATED FISHING* - REFERS TO FISHING  
2           ACTIVITIES IN THE AREA OF APPLICATION OF A RELEVANT  
3           RFMO THAT ARE CONDUCTED BY VESSELS WITHOUT  
4           NATIONALITY, OR BY THOSE FLYING THE FLAG OF THE  
5           PHILIPPINES OR OTHER STATES NOT PARTY TO THAT  
6           ORGANIZATION, OR BY A FISHING ENTITY, IN A MANNER THAT  
7           IS NOT CONSISTENT WITH OR CONTRAVENES THE  
8           CONSERVATION AND MANAGEMENT MEASURES OF THAT  
9           ORGANIZATION; OR IN AREAS OR FISH STOCKS IN RELATION TO  
10          WHICH THERE ARE NO APPLICABLE CONSERVATION AND  
11          MANAGEMENT MEASURES AND WHERE SUCH FISHING  
12          ACTIVITIES ARE CONDUCTED IN A MANNER INCONSISTENT  
13          WITH THE STATE RESPONSIBILITIES OF THE PHILIPPINES FOR  
14          THE CONSERVATION OF LIVING MARINE RESOURCES UNDER  
15          INTERNATIONAL LAW.

16          “(83) *UNREPORTED FISHING* - REFERS TO FISHING  
17          ACTIVITIES WHICH HAVE NOT BEEN REPORTED, OR HAVE BEEN  
18          MISREPORTED TO THE DEPARTMENT, IN CONTRAVENTION OF  
19          NATIONAL LAWS AND REGULATIONS OF THE PHILIPPINES; OR  
20          UNDERTAKEN IN THE AREA OF COMPETENCE OF A RELEVANT  
21          RFMO WHICH HAVE NOT BEEN REPORTED OR HAVE BEEN  
22          MISREPORTED, IN CONTRAVENTION OF THE REPORTING  
23          PROCEDURES OF THAT ORGANIZATION AND FURTHER  
24          ELABORATED BY REGULATIONS TO BE PROMULGATED BY THE  
25          DEPARTMENT.”

26          SEC. 4. Section 30 of the same Act is hereby amended to read as  
27          follows:

28                 “SEC. 30. *Renewal of Commercial [Boat] FISHING*  
29                 *VESSEL License.* – The commercial fishing [boat] VESSEL  
30                 license shall be renewed [every three (3) years] YEARLY.



1                   “The owner/operator of a fishing vessel has a period of  
2                   sixty (60) days prior to the expiration of the license within which  
3                   to renew the same.”

4                   SEC. 5. Section 32 of the same Act is hereby amended to read as  
5 follows:

6                   “SEC. 32. [*Fishing by Philippine Commercial Fishing*  
7                   *Fleet in International Waters*] **DISTANT WATER FISHING.** –  
8                   Fishing vessels of Philippine registry may [operate in  
9                   international waters or waters of other countries which allow  
10                  such fishing operations] **ENGAGE IN DISTANT WATER FISHING**  
11                  **AS DEFINED IN THIS ACT:** *Provided,* That they comply with the  
12                  safety, manning and other requirements of the Philippine Coast  
13                  Guard, Maritime Industry Authority and other agencies  
14                  concerned: *Provided, however,* That they secure [an  
15                  international] A fishing permit, **GEAR LICENSE** and [certificate  
16                  of] **OTHER** clearances from the Department: *Provided, further,*  
17                  That the fish caught by such vessels shall be considered as caught  
18                  in Philippine waters and therefore not subject to all import duties  
19                  and taxes only when the same is landed in duly designated fish  
20                  landings and fish ports in the Philippines: *Provided, furthermore,*  
21                  That landing ports established by canneries, seafood processors  
22                  and all fish landing sites established prior to the effectivity of this  
23                  Code shall be considered authorized landing sites: *Provided,*  
24                  *finally,* That fishworkers on board Philippine registered fishing  
25                  vessels conducting fishing activities beyond the Philippine  
26                  Exclusive Economic Zone are not considered as overseas  
27                  Filipino workers.

1           **“THE DEPARTMENT, IN COORDINATION WITH OTHER**  
2           **GOVERNMENT AGENCIES, SHALL FIX THE CONDITIONS FOR**  
3           **THE REGISTRATION, GRANT OF NATIONALITY, AND RIGHT TO**  
4           **FLY THE FLAG OF THE PHILIPPINES TO DISTANT WATER**  
5           **FISHING VESSELS. SUCH VESSELS GRANTED THE AUTHORITY**  
6           **TO FLY THE FLAG OF THE PHILIPPINES SHALL BE UNDER THE**  
7           **PHILIPPINES’ ADMINISTRATIVE, CRIMINAL, TECHNICAL AND**  
8           **SOCIAL JURISDICTION.**

9           **“DISTANT WATER FISHING VESSELS SHALL COMPLY**  
10          **WITH THE MONITORING, CONTROL AND SURVEILLANCE**  
11          **REQUIREMENTS, CONSERVATION AND MANAGEMENT**  
12          **MEASURES, AND FISHING ACCESS CONDITIONS OF THE**  
13          **DEPARTMENT, THE RFMO, OR OTHER COASTAL STATES.”**

14          SEC. 6. Section 33 of the same Act is hereby amended to read as  
15 follows:

16           **“SEC. 33. *Importation of Fishing Vessels AND GEARS or***  
17           ***Construction of New Fishing Boats AND GEARS.* – Prior to the**  
18           **importation of fishing vessels and GEARS OR the construction of**  
19           **new fishing vessels[,] AND GEARS, [the approval/clearance of] A**  
20           **PERMIT MUST FIRST BE SECURED FROM the Department [must**  
21           **first be obtained] IN ORDER TO MANAGE FISHING CAPACITY.**  
22           **THE PHILIPPINE FLAG STATE AUTHORITY SHALL REQUIRE**  
23           **THE PERMIT BEFORE ACCEPTING APPLICATIONS FOR THE**  
24           **CONSTRUCTION AND REGISTRATION OF FISHING VESSELS.”**

25          SEC. 7. Section 42 of the same Act is hereby amended to read as  
26 follows:

27           **“SEC. 42. [*Transshipment*] *PORT STATE MEASURES.* –**  
28           **[Foreign fishing vessels wishing to avail of land, air and sea**

1 facilities available in the Philippines to transport fishery products  
2 which are caught outside Philippine territorial waters to its final  
3 destination shall call only at duly designated government-owned  
4 or -controlled regional fishport complexes after securing  
5 clearance from the Department.] **THE DEPARTMENT IS**  
6 **AUTHORIZED TO ADOPT PORT STATE MEASURES THAT MUST**  
7 **BE COMPLIED WITH BY FOREIGN FISHING VESSELS. THESE**  
8 **MEASURES SHALL INCLUDE: PRIOR NOTIFICATION OF PORT**  
9 **ENTRY; USE OF DESIGNATED PORTS; RESTRICTIONS ON PORT**  
10 **ENTRY AND LANDING OR TRANSHIPMENT OF FISH;**  
11 **RESTRICTIONS ON SUPPLIES AND SERVICES; CATCH AND OTHER**  
12 **DOCUMENTATION REQUIREMENTS; PORT INSPECTIONS; AND**  
13 **OTHER RELATED MEASURES.**

14 **“TRANSHIPMENT BY PHILIPPINE FLAG FISHING VESSELS**  
15 **SHALL BE REGULATED BY THE DEPARTMENT IN A MANNER**  
16 **CONSISTENT WITH THE PHILIPPINES’ COMMITMENT TO**  
17 **CONVENTIONS AND INTERNATIONAL AGREEMENTS.”**

18 SEC. 8. Section 44 of the same Act is hereby amended to read as  
19 follows:

20 **“SEC. 44. Use of [Superlight] FISHING LIGHT**  
21 **ATTRACTOR. – The number and [wattage] CANDLE LIGHT**  
22 **POWER OR INTENSITY of [superlights] FISHING LIGHT**  
23 **ATTRACTORS used in commercial fishing vessels shall be**  
24 **regulated by the Department: Provided, That the use of**  
25 **[superlights is banned] FISHING LIGHT ATTRACTORS within**  
26 **municipal waters and bays SHALL LIKEWISE BE REGULATED IN**  
27 **CONSULTATION WITH THE LGUs.”**

1           SEC. 9. Section 65 of the same Act is hereby amended to read as  
2 follows:

3           “SEC. 65. *Functions of the Bureau of Fisheries and*  
4 *Aquatic Resources.* – As a line bureau, the BFAR shall have the  
5 following functions:

6           “a. prepare and implement a Comprehensive National  
7 Fisheries Industry Development Plan;

8           “x x x

9           “r. formulate **AND ENFORCE** rules and regulations for the  
10 conservation and management of straddling fish stocks, [and]  
11 highly migratory fish stocks[;], **AND THREATENED LIVING**  
12 **MARINE RESOURCES IN THE PHILIPPINE EXCLUSIVE**  
13 **ECONOMIC ZONE, TERRITORIAL SEA, ARCHIPELAGIC AND**  
14 **INTERNAL WATERS; [and]**

15           “s. **TRAIN, DESIGNATE AND DEPLOY FISHERIES**  
16 **OBSERVERS IN PHILIPPINE FLAG FISHING VESSELS ENGAGED IN**  
17 **COMMERCIAL FISHING IN PHILIPPINE WATERS OR DISTANT**  
18 **WATER FISHING TO ENSURE COMPLIANCE WITH**  
19 **CONSERVATION AND MANAGEMENT MEASURES ADOPTED BY**  
20 **RFMOs AND BY THE DEPARTMENT;**

21           “t. **IMPLEMENT BOARDING AND INSPECTION**  
22 **PROTOCOLS UPON PHILIPPINE FLAG FISHING VESSELS IN**  
23 **ORDER TO PROMOTE OBSERVANCE TO INTERNATIONAL**  
24 **TREATY OBLIGATIONS ON FOOD SAFETY; TO CURB ILLEGAL,**  
25 **UNREPORTED AND UNREGULATED (IUU) FISHING; AND TO**  
26 **COMPLY WITH CONSERVATION AND MANAGEMENT MEASURES;**

27           “u. **ADOPT AN APPROPRIATE MONITORING, CONTROL,**  
28 **SURVEILLANCE AND TRACEABILITY SYSTEM FOR MUNICIPAL**

1 FISHING VESSELS SUPPLYING EXPORTERS WITH THE  
2 CONCURRENCE OF THE LGUS;

3 "V. ADOPT AND IMPLEMENT A NATIONAL PLAN OF  
4 ACTION TO MANAGE FISHING CAPACITY, IMPLEMENT THE  
5 INTERNATIONAL CODE OF CONDUCT FOR RESPONSIBLE  
6 FISHERIES, AND DECLARE FISHERY MANAGEMENT AREAS AS  
7 OVER-EXPLOITED IN COORDINATION WITH THE LGUS AND  
8 FARMCS;

9 "W. IMPOSE AND COLLECT FEES AND CHARGES FOR  
10 LABORATORY SERVICES, INSPECTION, DEPLOYMENT OF  
11 FISHERIES OBSERVERS, MONITORING AND SURVEILLANCE OF  
12 FISHING VESSELS, CATCH DOCUMENTATION AND VALIDATION,  
13 AND OTHER SERVICES TAKING INTO ACCOUNT THE BALANCE  
14 REQUIRED BETWEEN RECOVERING THE COSTS OF SERVICES  
15 RENDERED AND THE SOCIOECONOMIC IMPACT OF THEIR  
16 IMPOSITION, UPON PRIOR CONSULTATION WITH  
17 STAKEHOLDERS;

18 "X. ISSUE *SUBPOENA DUCES TECUM* AND *AD*  
19 *TESTIFICANDUM* IN ADMINISTRATIVE CASES BEFORE IT;

20 "Y. DETERMINE THE APPROPRIATE LEVELS OF  
21 ADMINISTRATIVE AND OTHER SANCTIONS TO ENSURE THAT  
22 OFFENDERS DO NOT DERIVE ECONOMIC BENEFITS FROM THEIR  
23 VIOLATIONS OF THE LAWS, RULES AND REGULATIONS,  
24 WITHOUT PREJUDICE TO A LEGITIMATE EXERCISE OF THEIR  
25 RIGHT TO LIVELIHOOD;

26 "Z. INITIATE THE CRIMINAL PROSECUTION OF  
27 OFFENSES COMMITTED IN VIOLATION OF THIS ACT  
28 REGARDLESS OF THEIR *SITUS*; AND



1           “(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO  
2           CAPTURE OR GATHER FISH, FRY OR FINGERLINGS OF ANY  
3           FISHERY SPECIES OR FISHERY PRODUCTS, OR ENGAGE IN ANY  
4           FISHERY ACTIVITY WITHOUT REGISTRATION, LICENSE, LEASE  
5           OR PERMIT.

6           “DISCOVERY OF ANY PERSON IN AN AREA WHERE HE  
7           HAS NO LICENSE, LEASE, PERMIT, OR REGISTRATION PAPERS  
8           FOR A FISHING VESSEL OR GEAR SHALL CONSTITUTE A *PRIMA*  
9           *FACIE* PRESUMPTION THAT THE PERSON AND/OR VESSEL IS  
10          ENGAGED IN UNAUTHORIZED FISHING: *PROVIDED*, THAT  
11          FISHING FOR DAILY FOOD SUSTENANCE OR FOR LEISURE  
12          WHICH IS NOT FOR COMMERCIAL, OCCUPATION OR  
13          LIVELIHOOD PURPOSES MAY BE ALLOWED.

14          “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
15          LIABILITY, THE DEPARTMENT SHALL PENALIZE THE BOAT  
16          CAPTAIN AND THE THREE (3) HIGHEST OFFICERS OF THE  
17          FISHING VESSEL AND THE OWNER OR OPERATOR WHO  
18          VIOLATE THIS PROVISION WITH CONFISCATION OF  
19          CATCH/HARVEST AND A FINE FIVE (5) TIMES THE VALUE OF  
20          THE CATCH/HARVEST OR A FINE EQUIVALENT TO THE AMOUNT  
21          INDICATED BELOW, WHICHEVER IS HIGHER:

22                 “(1) TWO HUNDRED FIFTY THOUSAND PESOS  
23                 (P250,000), FOR SMALL-SCALE COMMERCIAL FISHING;

24                 “(2) FIVE HUNDRED THOUSAND PESOS (P500,000), FOR  
25                 MEDIUM-SCALE FISHING; AND

26                 “(3) ONE MILLION PESOS (P1,000,000), FOR  
27                 LARGE-SCALE FISHING.

28                 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
29                 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER

1           **SHALL SUFFER THE PENALTY OF IMPRISONMENT OF SIX (6)**  
2           **YEARS TO EIGHT (8) YEARS AND CONFISCATION OF THE**  
3           **FISHING VESSEL AND GEAR.**

4           **“(C) IT SHALL BE UNLAWFUL FOR ANY COMMERCIAL**  
5           **FISHING VESSEL TO FISH IN MUNICIPAL WATERS.**

6           **“UPON A SUMMARY FINDING OF ADMINISTRATIVE**  
7           **LIABILITY, THE DEPARTMENT SHALL PENALIZE THE**  
8           **OFFENDER OF THIS PROVISION WITH THE CONFISCATION OF**  
9           **CATCH AND A FINE EQUIVALENT TO SEVEN (7) TIMES THE**  
10          **VALUE OF CATCH OR THE AMOUNT INDICATED BELOW,**  
11          **WHICHEVER IS HIGHER:**

12          **“(1) FIVE HUNDRED FIFTY THOUSAND PESOS**  
13          **(P550,000), FOR SMALL-SCALE COMMERCIAL FISHING;**

14          **“(2) ONE MILLION PESOS (P1,000,000), FOR**  
15          **MEDIUM-SCALE FISHING; AND**

16          **“(3) ONE MILLION FIVE HUNDRED THOUSAND PESOS**  
17          **(P1,500,000), FOR LARGE-SCALE FISHING.**

18          **“IN ADDITION TO THE ADMINISTRATIVE PENALTIES,**  
19          **UPON CONVICTION BY A COURT OF LAW, THE OFFENDER**  
20          **SHALL SUFFER THE PENALTY OF IMPRISONMENT OF SIX (6)**  
21          **YEARS TO EIGHT (8) YEARS AND CONFISCATION OF THE**  
22          **FISHING VESSEL AND GEAR.**

23          **“(D) IT SHALL BE UNLAWFUL FOR ANY PERSON NOT**  
24          **LISTED IN THE REGISTRY OF MUNICIPAL FISHERFOLK TO**  
25          **ENGAGE IN ANY COMMERCIAL FISHING ACTIVITY IN**  
26          **MUNICIPAL WATERS.**

27          **“UPON A SUMMARY FINDING OF ADMINISTRATIVE**  
28          **LIABILITY, THE DEPARTMENT SHALL PENALIZE THE**  
29          **OFFENDER OF THIS PROVISION WITH A FINE EQUIVALENT TO**



1 THE VALUE OF CATCH OR FIFTY THOUSAND PESOS (P50,000),  
2 WHICHEVER IS HIGHER, AND CONFISCATION OF THE CATCH  
3 AND FISHING GEAR: *PROVIDED*, THAT IF THE OFFENDER FAILS  
4 TO PAY THE FINE, HE SHALL RENDER COMMUNITY SERVICE.

5 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
6 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
7 SHALL SUFFER THE PENALTY OF IMPRISONMENT OF SIX (6)  
8 MONTHS, CONFISCATION OF GEAR AND VESSEL, OR BOTH, AT  
9 THE DISCRETION OF COURT."

10 "SEC. 87. *FAILURE TO SECURE FISHING PERMIT PRIOR*  
11 *TO ENGAGING IN DISTANT WATER FISHING.* - (A) IT SHALL BE  
12 UNLAWFUL FOR PHILIPPINE REGISTERED FISHING VESSELS TO  
13 OPERATE IN THE HIGH SEAS, IN THE TERRITORIAL SEAS,  
14 ARCHIPELAGIC WATERS, AND EXCLUSIVE ECONOMIC ZONES  
15 OF OTHER STATES WITHOUT FIRST SECURING A FISHING  
16 PERMIT FROM THE DEPARTMENT.

17 "DISCOVERY OF A FISHING VESSEL IN THE  
18 ABOVEMENTIONED AREAS WHERE THE SAME HAS NO FISHING  
19 PERMIT AND REGISTRATION PAPERS FOR FISHING OR  
20 ENGAGING IN OTHER FISHERY ACTIVITIES THEREIN SHALL  
21 CONSTITUTE AS A *PRIMA FACIE* PRESUMPTION THAT THE  
22 VESSEL IS IN VIOLATION OF THIS PROVISION.

23 "(B) IT SHALL BE UNLAWFUL FOR THE FISHING VESSEL  
24 TO COMMIT ACTS THAT ARE IN CONTRAVENTION WITH THE  
25 TERMS AND CONDITIONS STATED IN THE FISHING PERMIT OR  
26 AS MAY BE PROMULGATED BY THE DEPARTMENT.

27 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
28 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER,  
29 OPERATOR, AND THE THREE (3) HIGHEST OFFICERS OF THE  
30 OFFENDING COMMERCIAL FISHING VESSEL WITH

1 CONFISCATION OF THE CATCH AND GEAR AND A FINE  
2 EQUIVALENT TO THE VALUES WITHIN THE RANGES INDICATED  
3 BELOW OR THEIR EQUIVALENT IN PHILIPPINE CURRENCY:

4 “(1) FIFTY THOUSAND US DOLLARS (US\$50,000) TO  
5 TWO HUNDRED THOUSAND US DOLLARS (US\$200,000), FOR  
6 SMALL-SCALE COMMERCIAL FISHING;

7 “(2) THREE HUNDRED THOUSAND US DOLLARS  
8 (US\$300,000) TO FOUR HUNDRED THOUSAND US DOLLARS  
9 (US\$400,000), FOR MEDIUM-SCALE FISHING; AND

10 “(3) SIX HUNDRED THOUSAND US DOLLARS  
11 (US\$600,000) TO ONE MILLION US DOLLARS (US\$1,000,000),  
12 FOR LARGE-SCALE FISHING.

13 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
14 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
15 SHALL SUFFER THE PENALTY OF IMPRISONMENT OF EIGHT (8)  
16 YEARS TO TEN (10) YEARS AND A FINE EQUIVALENT TO TWICE  
17 THE AMOUNT OF THE ADMINISTRATIVE FINES.”

18 “SEC. 88. *UNREPORTED FISHING.* – IT SHALL BE  
19 UNLAWFUL FOR ANY PERSON TO ENGAGE IN UNREPORTED  
20 FISHING AS DEFINED IN SECTION 4, ITEM (83) OF THIS CODE IN  
21 WATERS WITHIN AND BEYOND NATIONAL JURISDICTION.

22 “IN CASE OF UNREPORTED FISHING COMMITTED WITHIN  
23 WATERS OF NATIONAL JURISDICTION, UPON A SUMMARY  
24 FINDING OF ADMINISTRATIVE LIABILITY, THE DEPARTMENT  
25 SHALL PENALIZE THE OWNER, OPERATOR, AND THE THREE (3)  
26 HIGHEST OFFICERS OF THE OFFENDING COMMERCIAL FISHING  
27 VESSEL WITH AN ADMINISTRATIVE FINE EQUIVALENT TO THE  
28 VALUE INDICATED BELOW:

29 “(A) ONE HUNDRED THOUSAND PESOS (P100,000), FOR  
30 SMALL-SCALE COMMERCIAL FISHING;

1                   “(B) TWO HUNDRED THOUSAND PESOS (P200,000),  
2                   FOR MEDIUM-SCALE FISHING; AND

3                   “(C) THREE HUNDRED THOUSAND PESOS (P300,000),  
4                   FOR LARGE-SCALE FISHING.

5                   “IN CASE OF UNREPORTED FISHING COMMITTED IN  
6                   WATERS BEYOND NATIONAL JURISDICTION, THE OWNER,  
7                   OPERATOR, AND THE THREE (3) HIGHEST OFFICERS OF THE  
8                   COMMERCIAL FISHING VESSEL SHALL BE PENALIZED WITH AN  
9                   ADMINISTRATIVE FINE CORRESPONDING TO THE VALUE  
10                  INDICATED BELOW OR ITS EQUIVALENT IN PHILIPPINE  
11                  CURRENCY:

12                  “(1) FOUR THOUSAND US DOLLARS (US\$4,000), FOR  
13                  SMALL-SCALE COMMERCIAL FISHING;

14                  “(2) EIGHT THOUSAND US DOLLARS (US\$8,000), FOR  
15                  MEDIUM-SCALE FISHING; AND

16                  “(3) TWELVE THOUSAND US DOLLARS (US\$12,000),  
17                  FOR LARGE-SCALE FISHING.

18                  “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
19                  UPON CONVICTION BY A COURT OF LAW, THE PERSON WHO  
20                  VIOLATES THE PROVISIONS OF THIS SECTION SHALL SUFFER  
21                  THE PENALTY OF IMPRISONMENT OF EIGHT (8) YEARS TO TEN  
22                  (10) YEARS AND A FINE EQUIVALENT TO TWICE THE AMOUNT  
23                  OF THE ADMINISTRATIVE FINES.”

24                  “SEC. 89. *UNREGULATED FISHING.* – IT SHALL BE  
25                  UNLAWFUL FOR ANY PERSON TO ENGAGE IN UNREGULATED  
26                  FISHING AS DEFINED IN SECTION 4, ITEM (82) OF THIS CODE IN  
27                  WATERS WITHIN AND BEYOND NATIONAL JURISDICTION.

28                  “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
29                  LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER,

1 OPERATOR, AND THE THREE (3) HIGHEST OFFICERS OF THE  
2 OFFENDING COMMERCIAL FISHING VESSEL WITH  
3 CONFISCATION OF CATCH AND GEAR AND AN ADMINISTRATIVE  
4 FINE EQUIVALENT TO THE VALUES WITHIN THE RANGES  
5 INDICATED BELOW OR THEIR EQUIVALENT IN PHILIPPINE  
6 CURRENCY:

7 "(A) FIFTY THOUSAND US DOLLARS (US\$50,000) TO  
8 TWO HUNDRED THOUSAND US DOLLARS (US\$200,000), FOR  
9 SMALL-SCALE COMMERCIAL FISHING;

10 "(B) THREE HUNDRED THOUSAND US DOLLARS  
11 (US\$300,000) TO FOUR HUNDRED THOUSAND US DOLLARS  
12 (US\$400,000), FOR MEDIUM-SCALE FISHING; AND

13 "(C) SIX HUNDRED THOUSAND US DOLLARS  
14 (US\$600,000) TO ONE MILLION US DOLLARS (US\$1,000,000),  
15 FOR LARGE-SCALE FISHING.

16 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
17 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
18 SHALL SUFFER THE PENALTY OF IMPRISONMENT OF EIGHT (8)  
19 YEARS TO TEN (10) YEARS AND A FINE EQUIVALENT TO TWICE  
20 THE AMOUNT OF THE ADMINISTRATIVE FINES."

21 "SEC. 90. *POACHING IN PHILIPPINE WATERS.* - IT  
22 SHALL BE UNLAWFUL FOR ANY FOREIGN PERSON,  
23 CORPORATION OR ENTITY TO FISH OR OPERATE ANY FISHING  
24 VESSEL IN PHILIPPINE WATERS.

25 "THE ENTRY OF ANY FOREIGN FISHING VESSEL IN  
26 PHILIPPINE WATERS SHALL CONSTITUTE A *PRIMA FACIE*  
27 PRESUMPTION THAT THE VESSEL IS ENGAGED IN FISHING IN  
28 PHILIPPINE WATERS.

29 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
30 LIABILITY, THE DEPARTMENT SHALL PENALIZE ANY FOREIGN

1 PERSON, CORPORATION OR ENTITY WITH AN ADMINISTRATIVE  
2 FINE OF SIX HUNDRED THOUSAND US DOLLARS (US\$600,000)  
3 TO ONE MILLION US DOLLARS (US\$1,000,000) OR ITS  
4 EQUIVALENT IN PHILIPPINE CURRENCY.

5 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
6 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
7 SHALL BE PUNISHED WITH A FINE OF ONE MILLION TWO  
8 HUNDRED THOUSAND US DOLLARS (US\$1,200,000) OR ITS  
9 EQUIVALENT IN PHILIPPINE CURRENCY AND CONFISCATION OF  
10 CATCH, FISHING EQUIPMENT AND FISHING VESSEL.

11 "IF THE OFFENDER IS CAUGHT WITHIN INTERNAL  
12 WATERS, AN ADDITIONAL PENALTY OF IMPRISONMENT OF SIX  
13 (6) MONTHS AND ONE (1) DAY TO TWO (2) YEARS AND TWO (2)  
14 MONTHS SHALL BE IMPOSED. IF APPREHENDED FOR THE  
15 SECOND TIME WITHIN INTERNAL WATERS, THE OFFENDER  
16 SHALL BE PUNISHED WITH IMPRISONMENT OF THREE (3)  
17 YEARS AND A FINE OF TWO MILLION FOUR HUNDRED  
18 THOUSAND US DOLLARS (US\$2,400,000) OR ITS EQUIVALENT  
19 IN PHILIPPINE CURRENCY: *PROVIDED*, THAT NO FOREIGN  
20 PERSON SHALL BE DEPORTED WITHOUT THE PAYMENT OF THE  
21 IMPOSED JUDICIAL AND/OR ADMINISTRATIVE FINES AND  
22 SERVICE OF SENTENCE, IF ANY."

23 "SEC. 91. *FISHING THROUGH EXPLOSIVES, NOXIOUS OR*  
24 *POISONOUS SUBSTANCE, OR ELECTRICITY.* - (A) IT SHALL BE  
25 UNLAWFUL FOR ANY PERSON TO CATCH, TAKE OR GATHER OR  
26 CAUSE TO BE CAUGHT, TAKEN OR GATHERED FISH OR ANY  
27 FISHERY SPECIES IN PHILIPPINE WATERS WITH THE USE OF  
28 EXPLOSIVES, NOXIOUS OR POISONOUS SUBSTANCE SUCH AS  
29 SODIUM CYANIDE, WHICH WILL KILL, STUPEFY, DISABLE OR

1           **RENDER UNCONSCIOUS FISH OR FISHERY SPECIES: *PROVIDED,***  
2           **THAT THE DEPARTMENT, SUBJECT TO SUCH SAFEGUARDS AND**  
3           **CONDITIONS DEEMED NECESSARY AND WITH THE**  
4           **ENDORSEMENT FROM THE CONCERNED LGUs, MAY ALLOW,**  
5           **FOR RESEARCH, EDUCATIONAL OR SCIENTIFIC PURPOSES**  
6           **ONLY, THE USE OF POISONOUS OR NOXIOUS SUBSTANCES TO**  
7           **CATCH, TAKE OR GATHER FISH OR FISHERY SPECIES:**  
8           ***PROVIDED, FURTHER,* THAT THE USE OF POISONOUS OR**  
9           **NOXIOUS SUBSTANCES TO ERADICATE PREDATORS IN**  
10           **FISHPONDS IN ACCORDANCE WITH ACCEPTED SCIENTIFIC**  
11           **PRACTICES AND WITHOUT CAUSING ADVERSE**  
12           **ENVIRONMENTAL IMPACT IN NEIGHBORING WATERS AND**  
13           **GROUNDS SHALL NOT BE CONSTRUED AS ILLEGAL FISHING.**

14           **“THE ACTUAL USE OF EXPLOSIVES, NOXIOUS OR**  
15           **POISONOUS SUBSTANCES SHALL BE PUNISHED WITH AN**  
16           **ADMINISTRATIVE FINE FIVE (5) TIMES THE VALUE OF CATCH**  
17           **OR FINE RANGING FROM FIFTY THOUSAND PESOS (P50,000) UP**  
18           **TO ONE MILLION PESOS (P1,000,000), WHICHEVER IS HIGHER,**  
19           **AND CONFISCATION OF CATCH, INCLUDING THOSE NOT**  
20           **CAUGHT ILLEGALLY IF CO-MINGLED WITH THOSE CAUGHT**  
21           **ILLEGALLY, GEAR, EXPLOSIVES, AND NOXIOUS OR POISONOUS**  
22           **SUBSTANCES.**

23           **“IN ADDITION TO THE ADMINISTRATIVE PENALTIES,**  
24           **UPON CONVICTION BY A COURT OF LAW, THE OFFENDER**  
25           **SHALL BE PUNISHED WITH IMPRISONMENT RANGING FROM**  
26           **TWENTY (20) YEARS TO TWENTY-FIVE (25) YEARS,**  
27           **FORFEITURE OF EXPLOSIVES, NOXIOUS OR POISONOUS**  
28           **SUBSTANCES, AS WELL AS THE FISHING VESSELS, FISHING**  
29           **EQUIPMENT AND CATCH.**

1           “THE ACTUAL USE OF ELECTROFISHING DEVICES SHALL  
2 BE PUNISHED WITH AN ADMINISTRATIVE FINE EQUIVALENT TO  
3 THE VALUE OF CATCH OR FINE OF ONE HUNDRED THOUSAND  
4 PESOS (P100,000), WHICHEVER IS HIGHER, AND CONFISCATION  
5 OF CATCH, INCLUDING THOSE NOT CAUGHT ILLEGALLY IF CO-  
6 MINGLED WITH THOSE CAUGHT ILLEGALLY, GEAR,  
7 ELECTROFISHING DEVICES AND PARAPHERNALIA.

8           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
9 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
10 SHALL BE PUNISHED WITH IMPRISONMENT FROM TWO (2)  
11 YEARS TO (4) YEARS, AND A FINE EQUIVALENT TO TWICE THE  
12 VALUE OF CATCH OR DOUBLE THE AMOUNT OF THE  
13 ADMINISTRATIVE FINES, WHICHEVER IS HIGHER.

14           “(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO  
15 POSSESS, DEAL IN, SELL OR IN ANY MANNER DISPOSE OF, OR  
16 TRANSPORT OR SHIP ANY FISH OR FISHERY SPECIES WHICH  
17 HAVE BEEN ILLEGALLY CAUGHT, TAKEN OR GATHERED.

18           “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
19 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
20 OFFENDER WITH A FINE EQUIVALENT TO FIVE (5) TIMES THE  
21 VALUE OF CATCH OR A FINE OF FIVE HUNDRED THOUSAND  
22 PESOS (P500,000), WHICHEVER IS HIGHER.

23           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
24 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
25 SHALL BE PUNISHED BY IMPRISONMENT RANGING FROM FOUR  
26 (4) YEARS TO EIGHT (8) YEARS, AND CONFISCATION OF CATCH,  
27 INCLUDING THOSE NOT CAUGHT ILLEGALLY IF CO-MINGLED  
28 WITH THOSE CAUGHT ILLEGALLY, AND THE CONVEYANCE OR

1 VESSEL USED IN DEALING IN, OR TRANSPORTING OR SHIPPING  
2 THE ILLEGALLY CAUGHT/GATHERED FISHERIES SPECIES.

3 "(C) IT SHALL BE UNLAWFUL FOR ANY PERSON TO  
4 POSSESS EXPLOSIVES, NOXIOUS OR POISONOUS SUBSTANCES  
5 FOR ILLEGAL FISHING.

6 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
7 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
8 OFFENDER WITH A FINE EQUIVALENT TO FIVE (5) TIMES THE  
9 VALUE OF CATCH OR A FINE OF FIVE HUNDRED THOUSAND  
10 PESOS (P500,000), WHICHEVER IS HIGHER, AND FORFEITURE  
11 OF THE EXPLOSIVES, NOXIOUS OR POISONOUS SUBSTANCES,  
12 FISHING GEAR AND CATCH.

13 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
14 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
15 SHALL BE PUNISHED BY IMPRISONMENT FROM TWO (2) YEARS  
16 TO SIX (6) YEARS, FORFEITURE OF EXPLOSIVES, NOXIOUS OR  
17 POISONOUS SUBSTANCES AND CONFISCATION OF VESSEL.

18 "(D) IT SHALL BE UNLAWFUL FOR ANY PERSON TO  
19 POSSESS ELECTROFISHING DEVICES FOR ILLEGAL FISHING.

20 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
21 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
22 OFFENDER WITH A FINE OF TWENTY THOUSAND PESOS  
23 (P20,000) OR EQUIVALENT TO THE VALUE OF CATCH,  
24 WHICHEVER IS HIGHER, AND FORFEITURE OF CATCH AND  
25 ELECTROFISHING DEVICE.

26 "THE DISCOVERY OF DYNAMITE, OTHER EXPLOSIVES  
27 AND CHEMICAL COMPOUNDS WHICH CONTAIN COMBUSTIBLE  
28 ELEMENTS, OR NOXIOUS OR POISONOUS SUBSTANCES, OR  
29 EQUIPMENT OR DEVICE FOR ELECTROFISHING IN ANY FISHING



1 VESSEL OR IN THE POSSESSION OF ANY FISHERFOLK,  
2 OPERATOR, FISHING BOAT OFFICIAL OR FISHWORKER SHALL  
3 CONSTITUTE A *PRIMA FACIE* PRESUMPTION THAT ANY OF  
4 THESE DEVICES WAS USED FOR FISHING IN VIOLATION OF THIS  
5 CODE.

6 "THE DISCOVERY IN ANY FISHING VESSEL OF FISH  
7 CAUGHT OR KILLED WITH THE USE OF EXPLOSIVES, NOXIOUS  
8 OR POISONOUS SUBSTANCES, OR BY ELECTRICITY SHALL  
9 CONSTITUTE A *PRIMA FACIE* PRESUMPTION THAT THE  
10 FISHERFOLK, OPERATOR, BOAT OFFICIAL OR FISHWORKER IS  
11 FISHING WITH THE USE THEREOF."

12 "SEC. 92. *USE OF FINE MESH NET.* - IT SHALL BE  
13 UNLAWFUL TO ENGAGE IN FISHING USING NETS WITH MESH  
14 SMALLER THAN THAT WHICH MAY BE DETERMINED BY THE  
15 DEPARTMENT: *PROVIDED*, THAT THE PROHIBITION ON THE  
16 USE OF FINE MESH NET SHALL NOT APPLY TO THE GATHERING  
17 OF FRY, GLASS EELS, ELVERS, TABIOS, AND ALAMANG AND  
18 OTHER SPECIES THAT BY THEIR NATURE ARE SMALL BUT  
19 ALREADY MATURE, TO BE IDENTIFIED IN THE IMPLEMENTING  
20 RULES AND REGULATIONS BY THE DEPARTMENT: *PROVIDED*,  
21 *FURTHER*, THAT THE PRESCRIBED FINE MESH NET SIZES WHEN  
22 USED IN TRAMMEL NET SET-UP AND SIMILAR TYPE OF  
23 FISHING OPERATIONS ARE PROHIBITED. IF THE OFFENSE IS  
24 COMMITTED BY A COMMERCIAL FISHING VESSEL, THE OWNER,  
25 OPERATOR, BOAT CAPTAIN AND THE MASTER FISHERMAN OR  
26 THE THREE HIGHEST OFFICERS SHALL BE LIABLE.

27 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
28 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER,  
29 OPERATOR, CAPTAIN OR MASTER FISHERMAN IN CASE OF  
30 COMMERCIAL FISHING VESSEL, OR THE MUNICIPAL

1 FISHERFOLK, WITH CONFISCATION OF THE CATCH AND  
2 FISHING GEARS, AND A FINE EQUIVALENT TO THREE (3) TIMES  
3 THE VALUE OF THEIR CATCH OR THE VALUE INDICATED  
4 BELOW, WHICHEVER IS HIGHER:

5 "(A) TWENTY THOUSAND PESOS (P20,000), FOR  
6 MUNICIPAL FISHING: *PROVIDED*, THAT IF THE MUNICIPAL  
7 FISHERFOLK FAILS TO PAY THE FINE, HE SHALL RENDER  
8 COMMUNITY SERVICE;

9 "(B) FIFTY THOUSAND PESOS (P50,000), FOR  
10 SMALL-SCALE COMMERCIAL FISHING;

11 "(C) ONE HUNDRED THOUSAND PESOS (P100,000), FOR  
12 MEDIUM-SCALE FISHING; AND

13 "(D) TWO HUNDRED THOUSAND PESOS (P200,000), FOR  
14 LARGE-SCALE FISHING.

15 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
16 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
17 SHALL BE PUNISHED BY IMPRISONMENT FROM FOUR (4) YEARS  
18 TO SIX (6) YEARS, AND CONFISCATION OF VESSEL AND GEAR."

19 "SEC. 93. *FISHING IN OVEREXPLOITED FISHERY*  
20 *MANAGEMENT AREAS.* - IT SHALL BE UNLAWFUL FOR ANY  
21 PERSON TO FISH IN FISHERY MANAGEMENT AREAS DECLARED  
22 AS OVEREXPLOITED.

23 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
24 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
25 OFFENDER WITH CONFISCATION OF CATCH AND FISHING  
26 GEARS, AND AN ADMINISTRATIVE FINE EQUIVALENT TO THE  
27 VALUES INDICATED BELOW, WHICHEVER IS HIGHER:

28 "(A) THREE (3) TIMES THE VALUE OF CATCH OR  
29 TWENTY THOUSAND PESOS (P20,000), FOR MUNICIPAL

1 FISHING: *PROVIDED*, THAT IF THE OFFENDER FAILS TO PAY  
2 THE FINE, HE SHALL RENDER COMMUNITY SERVICE;

3 “(B) FIVE (5) TIMES THE VALUE OF CATCH OR ONE  
4 HUNDRED THOUSAND PESOS (P100,000), FOR SMALL-SCALE  
5 COMMERCIAL FISHING;

6 “(C) FIVE (5) TIMES THE VALUE OF CATCH OR THREE  
7 HUNDRED THOUSAND PESOS (P300,000), FOR MEDIUM-SCALE  
8 FISHING; AND

9 “(D) FIVE (5) TIMES THE VALUE OF CATCH OR FIVE  
10 HUNDRED THOUSAND PESOS (P500,000), FOR LARGE-SCALE  
11 FISHING.

12 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
13 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
14 SHALL BE PUNISHED BY IMPRISONMENT OF FIVE (5) YEARS TO  
15 TEN (10) YEARS OR A FINE OF FIVE HUNDRED THOUSAND  
16 (P500,000) TO FIVE MILLION PESOS (P5,000,000), OR BOTH  
17 FINE AND IMPRISONMENT, AT THE DISCRETION OF THE COURT.  
18 THE CATCH, FISHING EQUIPMENT USED, AND FISHING VESSEL  
19 SHALL BE CONFISCATED, AND THE FISHING PERMIT OR  
20 LICENSE SHALL BE CANCELLED.”

21 “*SEC. 94. USE OF ACTIVE GEAR IN MUNICIPAL WATERS,*  
22 *BAYS AND OTHER FISHERY MANAGEMENT AREAS.* – IT SHALL  
23 BE UNLAWFUL TO ENGAGE IN FISHING IN MUNICIPAL WATERS  
24 AND IN ALL BAYS AS WELL AS OTHER FISHERY MANAGEMENT  
25 AREAS USING ACTIVE FISHING GEARS AS DEFINED IN THIS  
26 CODE.

27 “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
28 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER,  
29 OPERATOR, BOAT CAPTAIN AND MASTER FISHERMAN OF THE

1 VESSEL, OR THE CHIEF EXECUTIVE OFFICER IN A  
2 CORPORATION, OR THE MANAGING PARTNER IN A  
3 PARTNERSHIP WITH CONFISCATION OF THE CATCH AND  
4 FISHING GEARS, AND A FINE THREE (3) TIMES THE VALUE OF  
5 THEIR CATCH OR THE VALUE INDICATED BELOW, WHICHEVER  
6 IS HIGHER:

7 “(A) TWENTY THOUSAND PESOS (P20,000), FOR  
8 MUNICIPAL FISHERFOLK: *PROVIDED*, THAT IF THE OFFENDER  
9 FAILS TO PAY THE FINE, HE SHALL RENDER COMMUNITY  
10 SERVICE;

11 “(B) FIFTY THOUSAND PESOS (P50,000), FOR  
12 SMALL-SCALE COMMERCIAL FISHING;

13 “(C) ONE HUNDRED THOUSAND PESOS (P100,000), FOR  
14 MEDIUM-SCALE FISHING; AND

15 “(D) FIVE HUNDRED THOUSAND PESOS (P500,000), FOR  
16 LARGE-SCALE FISHING.

17 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
18 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
19 SHALL BE PUNISHED BY IMPRISONMENT OF SIX (6) YEARS TO  
20 TWELVE (12) YEARS, CONFISCATION AND FORFEITURE OF  
21 FISHING GEAR, CATCH AND VESSEL.”

22 “SEC. 95. *BAN ON CORAL EXPLOITATION AND*  
23 *EXPORTATION.* – (A) IT SHALL BE UNLAWFUL FOR ANY  
24 PERSON OR CORPORATION TO GATHER, POSSESS, SELL OR  
25 EXPORT ORDINARY, SEMI-PRECIOUS AND PRECIOUS CORALS,  
26 WHETHER RAW OR PROCESSED FORM, EXCEPT FOR SCIENTIFIC  
27 OR RESEARCH PURPOSES.

28 “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
29 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE

1 OFFENDER WITH A FINE EQUIVALENT TO EIGHT (8) TIMES THE  
2 VALUE OF THE CORALS GATHERED, POSSESSED, SOLD,  
3 EXPORTED OR TEN MILLION PESOS (P10,000,000),  
4 WHICHEVER IS HIGHER, AND FORFEITURE OF SUBJECT  
5 CORALS.

6 "(B) IT SHALL ALSO BE UNLAWFUL FOR ANY PERSON,  
7 CORPORATION OR ENTITY TO COMMIT ANY ACTIVITY THAT  
8 DAMAGE CORAL REEFS.

9 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
10 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
11 OFFENDER WITH A FINE EQUIVALENT TO THE ECOLOGICAL  
12 VALUE OF THE DAMAGED CORAL REEFS BASED ON AVAILABLE  
13 STUDIES AND AS DETERMINED BY THE DEPARTMENT IN  
14 CONSULTATION WITH CORAL EXPERTS, OR TWO HUNDRED  
15 THOUSAND US DOLLARS (US\$ 200,000) OR ITS EQUIVALENT IN  
16 PHILIPPINE CURRENCY, PER SQUARE METER OF CORAL REEF  
17 DAMAGED, WHICHEVER IS HIGHER. THE OFFENDER SHALL  
18 ALSO PAY COMPENSATION FOR THE RESTORATION OF THE  
19 DAMAGED CORALS REEFS.

20 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
21 UPON CONVICTION BY A COURT OF LAW, THE PERSONS WHO  
22 VIOLATE THE PROVISIONS OF THIS SECTION SHALL BE  
23 PUNISHED BY IMPRISONMENT OF TEN (10) YEARS TO TWENTY  
24 (20) YEARS, A FINE EQUIVALENT TO THE ADMINISTRATIVE  
25 FINE, OR BOTH FINE AND IMPRISONMENT, AT THE DISCRETION  
26 OF THE COURT. THE SUBJECT CORALS AND THE VESSEL USED  
27 SHALL BE CONFISCATED. THE OFFENDER SHALL ALSO PAY  
28 COMPENSATION FOR THE RESTORATION OF THE DAMAGED  
29 CORAL REEFS."

1                   **“SEC. 96. BAN ON MURO-AMI, OTHER METHODS AND**  
2                   **GEAR DESTRUCTIVE TO CORAL REEFS AND OTHER MARINE**  
3                   **HABITAT. – (A) IT SHALL BE UNLAWFUL FOR ANY PERSON,**  
4                   **NATURAL OR JURIDICAL, TO FISH WITH GEAR OR METHOD**  
5                   **THAT DESTROYS CORAL REEFS, SEAGRASS BEDS, AND OTHER**  
6                   **FISHERY MARINE LIFE HABITAT AS MAY BE DETERMINED BY**  
7                   **THE DEPARTMENT. ‘MURO-AMI’ AND ANY OF ITS VARIATION,**  
8                   **AND SUCH SIMILAR GEARS AND METHODS THAT REQUIRE**  
9                   **DIVING, OTHER PHYSICAL OR MECHANICAL ACTS TO POUND**  
10                   **THE CORAL REEFS AND OTHER HABITAT TO ENTRAP, GATHER**  
11                   **OR CATCH FISH AND OTHER FISHERY SPECIES ARE ALSO**  
12                   **PROHIBITED.**

13                   **“UPON A SUMMARY FINDING OF ADMINISTRATIVE**  
14                   **LIABILITY, THE DEPARTMENT SHALL PENALIZE THE**  
15                   **OWNER/OPERATOR OF THE FISHING VESSEL/S, BOAT CAPTAIN,**  
16                   **MASTER FISHERMAN, AND RECRUITER OR ORGANIZER OF**  
17                   **FISHWORKERS WITH A FINE EQUIVALENT TO FIVE (5) TIMES**  
18                   **THE VALUE OF THE FISH CAUGHT OR TWO MILLION PESOS**  
19                   **(P2,000,000), WHICHEVER IS HIGHER, AND CONFISCATION OF**  
20                   **CATCH AND GEAR. THE FISHWORKERS WHO ACT AS POUNDERS**  
21                   **SHALL BE PENALIZED WITH A FINE OF TWENTY THOUSAND**  
22                   **PESOS (P20,000), OR COMMUNITY SERVICE IF HE FAILS TO PAY**  
23                   **THE FINE.**

24                   **“IN ADDITION TO THE ADMINISTRATIVE PENALTIES,**  
25                   **UPON CONVICTION BY A COURT OF LAW, THE**  
26                   **OWNER/OPERATOR OF THE FISHING VESSEL/S, BOAT CAPTAIN,**  
27                   **MASTER FISHERMAN, AND RECRUITER OR ORGANIZER OF**  
28                   **FISHWORKERS AND FISHERFOLK SHALL BE PUNISHED BY**  
29                   **IMPRISONMENT OF TEN (10) YEARS TO TWENTY (20) YEARS, OR**

1 A FINE EQUIVALENT TO THE ADMINISTRATIVE FINE, OR BOTH  
2 FINE AND IMPRISONMENT, AT THE DISCRETION OF THE COURT.  
3 THE FISHWORKERS OR FISHERFOLK EMPLOYED SHALL BE  
4 PENALIZED WITH SIX (6) MONTHS TO ONE (1) YEAR  
5 IMPRISONMENT. THE VESSEL/S USED SHALL BE CONFISCATED.

6 “(B) IT SHALL BE UNLAWFUL FOR ANY PERSON,  
7 NATURAL OR JURIDICAL, TO GATHER, SELL OR EXPORT CORAL  
8 SAND, CORAL FRAGMENTS, CORAL ROCKS, SILICA, PEBBLES  
9 AND ANY OTHER SUBSTANCES WHICH MAKE UP ANY MARINE  
10 HABITAT.

11 “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
12 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
13 OFFENDER WITH A FINE EQUIVALENT TO FIVE (5) TIMES THE  
14 VALUE OF THE CORAL ROCKS, SAND, SILICA, CORAL  
15 FRAGMENTS OR PEBBLES GATHERED, SOLD, OR EXPORTED OR  
16 FIVE MILLION PESOS (P5,000,000), WHICHEVER IS HIGHER,  
17 AND CONFISCATION OF THE SUBSTANCE.

18 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
19 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
20 SHALL BE PUNISHED WITH IMPRISONMENT OF TEN (10) YEARS  
21 TO TWENTY (20) YEARS, A FINE EQUIVALENT TO THE  
22 ADMINISTRATIVE FINE, AND CONFISCATION OF THE  
23 SUBSTANCE, CONVEYANCE AND/OR VESSEL USED.”

24 “SEC. 97. *ILLEGAL USE OF FISHING LIGHT ATTRACTOR.*  
25 - IT SHALL BE UNLAWFUL TO ENGAGE IN FISHING WITH THE  
26 USE OF FISHING LIGHT ATTRACTOR USING CANDLELIGHT  
27 POWER OR INTENSITY BEYOND THE STANDARDS SET BY THE  
28 DEPARTMENT, IN CONSULTATION WITH THE LGUs FOR  
29 FISHING IN MUNICIPAL WATERS OR WHICH MAY BE

1 PROMULGATED BY THE DEPARTMENT FOR FISHING OUTSIDE  
2 MUNICIPAL WATERS.

3 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
4 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
5 OFFENDER WITH A FINE OF TWENTY THOUSAND PESOS  
6 (P20,000), PER FISHING LIGHT ATTRACTOR, AND  
7 CONFISCATION OF GEARS AND FISHING LIGHT ATTRACTOR:  
8 *PROVIDED*, THAT IF THE OFFENDER IS A MUNICIPAL  
9 FISHERFOLK, HE MAY RENDER COMMUNITY SERVICE IN LIEU  
10 OF FINE.

11 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
12 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
13 SHALL BE PUNISHED WITH IMPRISONMENT OF FOUR (4) YEARS  
14 TO SIX (6) YEARS, A FINE EQUIVALENT TO THE  
15 ADMINISTRATIVE FINE, AND CONFISCATION OF VESSEL, LIGHT  
16 ATTRACTOR AND FISHING GEARS."

17 "SEC. 98. *CONVERSION OF MANGROVES*. - IT SHALL BE  
18 UNLAWFUL FOR ANY PERSON TO CONVERT MANGROVES INTO  
19 FISHPONDS OR FOR ANY OTHER PURPOSES.

20 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
21 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE PERSON  
22 WHO VIOLATES THE PROVISION OF THIS SECTION WITH A FINE  
23 EQUIVALENT TO THE ECOLOGICAL VALUE OF A HECTARE OF  
24 MANGROVE BASED ON AVAILABLE STUDIES OR FINE OF TEN  
25 MILLION PESOS (P10,000,000) PER HECTARE, WHICHEVER IS  
26 HIGHER: *PROVIDED*, THAT IF THE AREA REQUIRES  
27 REHABILITATION OR RESTORATION AS DETERMINED BY THE  
28 DEPARTMENT, THE OFFENDER SHOULD ALSO BE REQUIRED TO  
29 RESTORE OR PAY FOR THE RESTORATION OF THE DAMAGE.



1           **"IN ADDITION TO THE ADMINISTRATIVE PENALTIES,**  
2           **UPON CONVICTION BY A COURT OF LAW, THE OFFENDER**  
3           **SHALL PAY A BASE FINE OF EIGHTY THOUSAND PESOS**  
4           **(P80,000), A FINE EQUIVALENT TO THE ADMINISTRATIVE**  
5           **PENALTIES, AND SHALL SUFFER THE PENALTY OF**  
6           **IMPRISONMENT OF TEN (10) YEARS TO TWENTY (20) YEARS:**  
7           ***PROVIDED*, THAT IF THE AREA REQUIRES REHABILITATION OR**  
8           **RESTORATION AS DETERMINED BY THE COURT, THE OFFENDER**  
9           **SHOULD ALSO BE REQUIRED TO RESTORE OR PAY FOR THE**  
10          **RESTORATION OF THE DAMAGE. THE OFFENDER SHALL BE**  
11          **LIABLE FOR ENVIRONMENTAL DAMAGES COMPUTED AT TWO**  
12          **HUNDRED FORTY THOUSAND PESOS (P240,000) PER HECTARE**  
13          **PER YEAR UNTIL THE AREA IS RESTORED."**

14           **"SEC. 99. *FISHING DURING CLOSED SEASON.* - IT**  
15          **SHALL BE UNLAWFUL TO FISH DURING CLOSED SEASON.**

16           **"UPON A SUMMARY FINDING OF ADMINISTRATIVE**  
17          **LIABILITY, THE DEPARTMENT SHALL CONFISCATE THE CATCH**  
18          **AND FISHING GEARS OF THE OFFENDER AND SHALL IMPOSE A**  
19          **FINE EQUIVALENT TO THE VALUES INDICATED BELOW,**  
20          **WHICHEVER IS HIGHER:**

21           **"(A) THREE (3) TIMES THE VALUE OF CATCH OR**  
22          **TWENTY THOUSAND PESOS (P20,000), FOR MUNICIPAL**  
23          **FISHING: *PROVIDED*, THAT IF THE OFFENDER FAILS TO PAY**  
24          **THE FINE, COMMUNITY SERVICE SHALL BE RENDERED;**

25           **"(B) FIVE (5) TIMES THE VALUE OF CATCH OR ONE**  
26          **HUNDRED THOUSAND PESOS (P100,000), FOR SMALL-SCALE**  
27          **COMMERCIAL FISHING;**

1           “(C) FIVE (5) TIMES THE VALUE OF CATCH OR THREE  
2 HUNDRED THOUSAND PESOS (P300,000), FOR MEDIUM-SCALE  
3 FISHING; AND

4           “(D) FIVE (5) TIMES THE VALUE OF CATCH OR FIVE  
5 HUNDRED THOUSAND PESOS (P500,000), FOR LARGE-SCALE  
6 FISHING.

7           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
8 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
9 SHALL BE PUNISHED WITH IMPRISONMENT OF FIVE (5) YEARS  
10 TO TEN (10) YEARS OR A FINE OF FIVE HUNDRED THOUSAND  
11 PESOS (P500,000) TO FIVE MILLION PESOS (P5,000,000), OR  
12 BOTH FINE AND IMPRISONMENT, AT THE DISCRETION OF THE  
13 COURT. THE CATCH, FISHING EQUIPMENT USED AND FISHING  
14 VESSEL SHALL BE CONFISCATED, AND THE FISHING PERMIT OR  
15 LICENSE SHALL BE CANCELLED.”

16           “SEC. 100. *FISHING IN FISHERY RESERVES, REFUGE*  
17 *AND SANCTUARIES.* – IT SHALL BE UNLAWFUL TO FISH IN  
18 FISHERY AREAS DECLARED BY THE DEPARTMENT AND LGUs  
19 AS FISHERY RESERVES, REFUGE AND/OR SANCTUARIES.

20           “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
21 LIABILITY, THE DEPARTMENT SHALL CONFISCATE THE CATCH  
22 AND FISHING GEARS OF THE OFFENDER AND SHALL IMPOSE A  
23 FINE EQUIVALENT TO THE VALUES INDICATED BELOW,  
24 WHICHEVER IS HIGHER:

25           “(A) THREE (3) TIMES THE VALUE OF CATCH OR  
26 TWENTY THOUSAND PESOS (P20,000), FOR MUNICIPAL  
27 FISHING: *PROVIDED*, THAT IF THE OFFENDER FAILS TO PAY  
28 THE FINE, COMMUNITY SERVICE SHALL BE RENDERED;

1           “(B) FIVE (5) TIMES THE VALUE OF CATCH OR ONE  
2 HUNDRED THOUSAND PESOS (P100,000), FOR SMALL-SCALE  
3 COMMERCIAL FISHING;

4           “(C) FIVE (5) TIMES THE VALUE OF CATCH OR THREE  
5 HUNDRED THOUSAND PESOS (P300,000), FOR MEDIUM-SCALE  
6 FISHING; AND

7           “(D) FIVE (5) TIMES THE VALUE OF CATCH OR FIVE  
8 HUNDRED THOUSAND PESOS (P500,000), FOR LARGE-SCALE  
9 FISHING.

10           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
11 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
12 SHALL BE PUNISHED WITH IMPRISONMENT OF FIVE (5) YEARS  
13 TO TEN (10) YEARS OR A FINE OF FIVE HUNDRED THOUSAND  
14 (P500,000) TO FIVE MILLION PESOS (P5,000,000), OR BOTH  
15 FINE AND IMPRISONMENT, AT THE DISCRETION OF THE COURT.  
16 THE CATCH, FISHING EQUIPMENT USED AND FISHING VESSEL  
17 SHALL BE CONFISCATED, AND THE FISHING PERMIT OR  
18 LICENSE SHALL BE CANCELLED.”

19           “SEC. 101. *FISHING OR TAKING OF RARE,*  
20 *THREATENED OR ENDANGERED SPECIES.* – (A) IT SHALL BE  
21 UNLAWFUL TO FISH OR TAKE, CATCH, GATHER, SELL,  
22 PURCHASE, POSSESS, TRANSPORT, EXPORT, FORWARD OR SHIP  
23 OUT AQUATIC SPECIES LISTED IN APPENDIX I OF THE  
24 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED  
25 SPECIES OF WILD FAUNA AND FLORA (CITES), THOSE  
26 CATEGORIZED BY THE INTERNATIONAL UNION FOR  
27 CONSERVATION OF NATURE (IUCN) AS THREATENED. OR  
28 THOSE CATEGORIZED AS RARE, THREATENED OR  
29 ENDANGERED BY THE DEPARTMENT PURSUANT TO REPUBLIC

1           **ACT NO. 9147, OTHERWISE KNOWN AS THE 'WILDLIFE**  
2           **RESOURCES CONSERVATION AND PROTECTION ACT'.**

3           **"UPON A SUMMARY FINDING OF ADMINISTRATIVE**  
4           **LIABILITY, THE DEPARTMENT SHALL PENALIZE THE**  
5           **OFFENDER WITH A FINE EQUIVALENT TO FIVE (5) TIMES THE**  
6           **VALUE OF THE SPECIES OR FIVE MILLION PESOS (P5,000,000),**  
7           **WHICHEVER IS HIGHER, AND FORFEITURE OF THE SPECIES.**

8           **"IN ADDITION TO THE ADMINISTRATIVE PENALTIES,**  
9           **UPON CONVICTION BY A COURT OF LAW, THE OFFENDER**  
10           **SHALL BE PUNISHED BY IMPRISONMENT OF TWELVE (12)**  
11           **YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE OF**  
12           **FIVE (5) TIMES THE VALUE OF THE SPECIES OR FIVE MILLION**  
13           **PESOS (P5,000,000), WHICHEVER IS HIGHER, FORFEITURE OF**  
14           **THE SPECIES AND CANCELLATION OF THE FISHING PERMIT.**

15           **"(B) IT SHALL BE UNLAWFUL TO FISH, TAKE, CATCH,**  
16           **GATHER, SELL, PURCHASE, POSSESS, TRANSPORT, EXPORT,**  
17           **FORWARD OR SHIP OUT AQUATIC SPECIES LISTED IN CITES**  
18           **APPENDICES II AND III IF SCIENTIFIC ASSESSMENTS SHOW**  
19           **THAT POPULATION OF THE SPECIES IN THE WILD CANNOT**  
20           **REMAIN VIABLE UNDER PRESSURE OF COLLECTION AND**  
21           **TRADE: PROVIDED, THAT THE TAKING OR FISHING OF THESE**  
22           **SPECIES FROM THE WILD FOR SCIENTIFIC RESEARCH, OR**  
23           **CONSERVATION BREEDING SIMULTANEOUS WITH**  
24           **COMMERCIAL BREEDING MAY BE ALLOWED.**

25           **"UPON A SUMMARY FINDING OF ADMINISTRATIVE**  
26           **LIABILITY, THE DEPARTMENT SHALL PENALIZE THE**  
27           **OFFENDER WITH A FINE EQUIVALENT TO THREE (3) TIMES THE**  
28           **VALUE OF THE SPECIES OR THREE MILLION PESOS**

1 (P3,000,000), WHICHEVER IS HIGHER, AND FORFEITURE OF  
2 THE SPECIES.

3 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
4 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
5 SHALL BE PUNISHED BY IMPRISONMENT OF EIGHT (8) YEARS  
6 AND ONE (1) DAY TO TWELVE (12) YEARS AND A FINE  
7 EQUIVALENT TO THREE (3) TIMES THE VALUE OF THE SPECIES  
8 OR THREE MILLION PESOS (P3,000,000), WHICHEVER IS  
9 HIGHER, AND FORFEITURE OF THE SPECIES.

10 "(C) IT SHALL BE UNLAWFUL TO GATHER, TAKE,  
11 POSSESS, TRANSPORT, OR EXPORT, FORWARD OR SHIP OUT  
12 CAPTIVE-BRED SPECIES THAT HAVE BEEN TRANSPLANTED TO  
13 THE WILD.

14 "SHOULD THE VIOLATION BE COMMITTED THROUGH OR  
15 BY A VESSEL MANNED BY MORE THAN TWO (2) PERSONS, THE  
16 CAPTAIN, MASTER, AND TWO (2) HIGHEST RANKING OFFICERS  
17 OF THE VESSEL INVOLVED IN THE FISHING OR TAKING OF SUCH  
18 PROTECTED MARINE LIFE SHALL BE PRESUMED TO HAVE  
19 COMMITTED THE PROHIBITED ACT.

20 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
21 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
22 OFFENDER WITH A FINE EQUIVALENT TO THREE (3) TIMES THE  
23 VALUE OF THE SPECIES OR THREE MILLION PESOS  
24 (P3,000,000), WHICHEVER IS HIGHER, AND FORFEITURE OF  
25 THE SPECIES.

26 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
27 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
28 SHALL BE PUNISHED BY IMPRISONMENT OF FIVE (5) YEARS TO  
29 EIGHT (8) YEARS, A FINE EQUIVALENT TO THREE (3) TIMES

1 THE VALUE OF THE SPECIES OR THREE MILLION PESOS  
2 (P3,000,000), WHICHEVER IS HIGHER, AND FORFEITURE OF  
3 THE SPECIES.”

4 “SEC. 102. *CAPTURE OF SABALO AND OTHER*  
5 *BREEDERS/SPAWNERS.* – IT SHALL BE UNLAWFUL FOR ANY  
6 PERSON TO CATCH, GATHER, CAPTURE OR POSSESS MATURE  
7 MILKFISH OR ‘SABALO’ AND OTHER BREEDERS OR SPAWNERS  
8 OF OTHER FISHERY SPECIES AS MAY BE DETERMINED BY THE  
9 DEPARTMENT: *PROVIDED*, THAT CATCHING OF ‘SABALO’ AND  
10 OTHER BREEDERS/SPAWNERS FOR LOCAL BREEDING PURPOSES  
11 OR SCIENTIFIC OR RESEARCH PURPOSES MAY BE ALLOWED  
12 SUBJECT TO GUIDELINES THAT SHALL BE PROMULGATED BY  
13 THE DEPARTMENT.

14 “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
15 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
16 OFFENDER WITH A FINE EQUIVALENT TO THREE (3) TIMES THE  
17 VALUE OF THE ‘SABALO’, OTHER BREEDERS OR SPAWNERS  
18 GATHERED OR CAPTURED, OR FIVE HUNDRED THOUSAND  
19 PESOS (P500,000), WHICHEVER IS HIGHER, AND FORFEITURE  
20 OF THE CATCH AND GEAR.

21 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
22 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
23 SHALL BE PUNISHED BY A FINE EQUIVALENT TO THE  
24 ADMINISTRATIVE FINE, IMPRISONMENT OF FOUR (4) YEARS TO  
25 EIGHT (8) YEARS, OR BOTH FINE AND IMPRISONMENT, AT THE  
26 DISCRETION OF THE COURT, FORFEITURE OF THE CATCH AND  
27 FISHING EQUIPMENT USED, AND REVOCATION OF LICENSE.”

28 “SEC. 103. *EXPORTATION OF BREEDERS, SPAWNERS,*  
29 *EGGS OR FRY.* – EXPORTATION OF BREEDERS, SPAWNERS,

1 EGGS OR FRY AS PROHIBITED IN THIS CODE SHALL BE  
2 PUNISHED UNDER THIS ACT: *PROVIDED*, THAT THE EXPORT OF  
3 HATCHERY-BRED OR CAPTIVE-BRED BREEDER, SPAWNER, EGG  
4 OR FRY, MAY BE ALLOWED SUBJECT TO THE REGULATIONS TO  
5 BE PROMULGATED BY THE DEPARTMENT.

6 "FAILURE ON THE PART OF THE SHIPPING OR  
7 FORWARDING COMPANY FROM WHOSE POSSESSION THE  
8 BREEDERS, SPAWNERS, EGGS OR FRY ARE DISCOVERED OR  
9 SEIZED TO FULLY COOPERATE IN THE INVESTIGATION  
10 CONDUCTED BY CONCERNED GOVERNMENT AUTHORITIES ON  
11 THE MATTER SHALL CREATE A PRESUMPTION THAT THERE IS  
12 CONNIVANCE OR CONSPIRACY BETWEEN THE COMPANY AND  
13 THE SHIPPER TO VIOLATE THE PROVISIONS OF THIS SECTION.

14 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
15 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
16 OFFENDER WITH A FINE EQUIVALENT TO THREE (3) TIMES THE  
17 VALUE OF THE BREEDERS, SPAWNERS, EGGS OR FRY EXPORTED  
18 OR FIVE HUNDRED THOUSAND PESOS (P500,000), WHICHEVER  
19 IS HIGHER, CONFISCATION OF BREEDERS, SPAWNERS, EGGS OR  
20 FRY, SUSPENSION OR REVOCATION OF LICENSE FOR  
21 COMMERCIAL FISHING AND/OR REGISTRATION AS EXPORTER.

22 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
23 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
24 SHALL BE PUNISHED BY IMPRISONMENT OF EIGHT (8) YEARS  
25 TO TEN (10) YEARS, CONFISCATION OF BREEDERS, SPAWNERS,  
26 EGGS OR FRY, A FINE EQUIVALENT TO THE ADMINISTRATIVE  
27 FINE, REVOCATION OF THE FISHING LICENSE, AND/OR  
28 SUSPENSION OR REVOCATION OF REGISTRATION AS  
29 EXPORTER."

1           **“SEC. 104. IMPORTATION OR EXPORTATION OF FISH**  
2           **OR FISHERY SPECIES. – ANY IMPORTATION OR EXPORTATION**  
3           **OF FISH OR FISHERY SPECIES IN VIOLATION OF THIS CODE**  
4           **SHALL BE UNLAWFUL.**

5           **“FAILURE ON THE PART OF THE SHIPPING OR**  
6           **FORWARDING COMPANY FROM WHOSE POSSESSION THE FISH**  
7           **OR FISHERY SPECIES IMPORTED OR EXPORTED ARE**  
8           **DISCOVERED OR SEIZED TO FULLY COOPERATE IN THE**  
9           **INVESTIGATION CONDUCTED BY CONCERNED GOVERNMENT**  
10           **AUTHORITIES ON THE MATTER SHALL CREATE A**  
11           **PRESUMPTION THAT THERE IS CONNIVANCE OR CONSPIRACY**  
12           **BETWEEN THE SHIPPING COMPANY AND THE SHIPPER TO**  
13           **PERPETRATE THE AFOREMENTIONED OFFENSE.**

14           **“UPON A SUMMARY FINDING OF ADMINISTRATIVE**  
15           **LIABILITY, THE DEPARTMENT SHALL PENALIZE THE**  
16           **OFFENDER WITH A FINE EQUIVALENT TO FIVE (5) TIMES THE**  
17           **VALUE OF THE FISH OR FISHERY SPECIES IMPORTED OR**  
18           **EXPORTED OR FIVE HUNDRED THOUSAND PESOS (P500,000),**  
19           **WHICHEVER IS HIGHER; THE REVOCATION OF REGISTRATION**  
20           **AS IMPORTER OR EXPORTER; THE DESTRUCTION OF LIVE**  
21           **FISHERY SPECIES OR FORFEITURE OF NON-LIVE FISHERY**  
22           **SPECIES IN FAVOR OF THE DEPARTMENT FOR ITS PROPER**  
23           **DISPOSITION: PROVIDED, THAT OFFENDERS SHALL BE BANNED**  
24           **FROM BEING MEMBERS OR STOCKHOLDERS OF COMPANIES**  
25           **CURRENTLY ENGAGED IN FISHERIES OR COMPANIES TO BE**  
26           **CREATED IN THE FUTURE, THE GUIDELINES FOR WHICH SHALL**  
27           **BE PROMULGATED BY THE DEPARTMENT.**

28           **“IN ADDITION TO THE ADMINISTRATIVE PENALTIES,**  
29           **UPON CONVICTION BY A COURT OF LAW, THE OFFENDER**  
30           **SHALL BE PUNISHED BY EIGHT (8) YEARS TO TEN (10) YEARS**



1 OF IMPRISONMENT, A FINE EQUIVALENT TO THE  
2 ADMINISTRATIVE FINE, AND THE DESTRUCTION OF LIVE  
3 FISHERY SPECIES OR FORFEITURE OF NON-LIVE FISHERY  
4 SPECIES IN FAVOR OF THE DEPARTMENT FOR ITS PROPER  
5 DISPOSITION.”

6 “SEC. 105. *VIOLATION OF CATCH CEILINGS.* -- IT  
7 SHALL BE UNLAWFUL FOR ANY PERSON TO FISH IN VIOLATION  
8 OF CATCH CEILINGS AS DETERMINED BY THE DEPARTMENT.

9 “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
10 LIABILITY, THE DEPARTMENT SHALL CONFISCATE THE CATCH  
11 AND FISHING GEARS AND SHALL IMPOSE UPON THE OFFENDER  
12 A FINE EQUIVALENT TO THE VALUES INDICATED BELOW,  
13 WHICHEVER IS HIGHER:

14 “(A) THREE (3) TIMES THE VALUE OF CATCH OR  
15 TWENTY THOUSAND PESOS (P20,000), FOR MUNICIPAL  
16 FISHING: *PROVIDED*, THAT IF THE OFFENDER FAILS TO PAY  
17 THE FINE, COMMUNITY SERVICE SHALL BE RENDERED;

18 “(B) FIVE (5) TIMES THE VALUE OF CATCH OR ONE  
19 HUNDRED THOUSAND PESOS (P100,000), FOR SMALL-SCALE  
20 COMMERCIAL FISHING; AND

21 “(C) FIVE (5) TIMES THE VALUE OF CATCH OR THREE  
22 HUNDRED THOUSAND PESOS (P300,000), FOR MEDIUM-SCALE  
23 FISHING; AND

24 “(D) FIVE (5) TIMES THE VALUE OF CATCH OR FIVE  
25 HUNDRED THOUSAND PESOS (P500,000), FOR LARGE-SCALE  
26 FISHING.

27 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
28 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
29 SHALL BE PUNISHED WITH IMPRISONMENT OF FIVE (5) YEARS

1 TO TEN (10) YEARS OR A FINE OF FIVE HUNDRED THOUSAND  
2 PESOS (P500,000) TO FIVE MILLION PESOS (P5,000,000), OR  
3 BOTH FINE AND IMPRISONMENT, AT THE DISCRETION OF THE  
4 COURT. THE CATCH, FISHING EQUIPMENT USED, AND FISHING  
5 VESSEL SHALL BE CONFISCATED, AND THE FISHING PERMIT OR  
6 LICENSE SHALL BE CANCELLED.”

7 “SEC. 106. *AQUATIC POLLUTION.* – AQUATIC  
8 POLLUTION, AS DEFINED IN THIS CODE, SHALL BE UNLAWFUL.

9 “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
10 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
11 OFFENDER WITH A FINE OF FIFTY THOUSAND PESOS (P50,000)  
12 TO THREE HUNDRED THOUSAND PESOS (P300,000), FOR EVERY  
13 DAY OF VIOLATION UNTIL SUCH VIOLATION CEASES AND THE  
14 FINES ARE PAID; AND THE IMPOSITION OF CEASE AND DESIST  
15 ORDER, CLOSURE OR SUSPENSION OF THE DEVELOPMENT,  
16 CONSTRUCTION OR FACILITY, OR CESSATION OF OPERATIONS,  
17 OR DISCONNECTION OF WATER SUPPLY, UNTIL THE VIOLATION  
18 CEASES AND FINES ARE PAID. THE ORDER MAY BE ISSUED *EX*  
19 *PARTE* PENDING RESOLUTION OF THE ADMINISTRATIVE CASE.

20 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
21 UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
22 SHALL BE PUNISHED BY IMPRISONMENT OF TWELVE (12)  
23 YEARS TO TWENTY (20) YEARS, AND A FINE EQUIVALENT TO  
24 THE ADMINISTRATIVE FINE.”

25 “SEC. 107. *FAILURE TO COMPLY WITH MINIMUM*  
26 *SAFETY STANDARDS.* – THE OWNER AND CAPTAIN OF A  
27 COMMERCIAL FISHING VESSEL ENGAGED IN FISHING WHO,  
28 UPON DEMAND BY PROPER AUTHORITIES, FAILS TO EXHIBIT OR  
29 SHOW PROOF OF COMPLIANCE WITH THE SAFETY STANDARDS

1 PROVIDED IN THIS CODE SHALL BE SUBJECTED TO THE  
2 PENALTIES PROVIDED FOR IN THIS CODE.

3 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
4 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER  
5 AND CAPTAIN OF THE COMMERCIAL FISHING VESSEL WITH A  
6 FINE OF ONE HUNDRED THOUSAND PESOS (P100,000) OR  
7 CANCELLATION OF PERMIT OR LICENSE OR BOTH. UPON  
8 APPREHENSION, THE OWNER AND CAPTAIN SHALL BE  
9 ESCORTED TO THE NEAREST PORT OR LANDING POINT AND  
10 PREVENTED FROM CONTINUING WITH THE FISHING ACTIVITY.  
11 THE LICENSE TO OPERATE THE COMMERCIAL FISHING VESSEL  
12 SHALL BE SUSPENDED AND THE VESSEL IMPOUNDED UNTIL THE  
13 SAFETY STANDARD HAS BEEN COMPLIED WITH."

14 "SEC. 108. *FAILURE TO SUBMIT A YEARLY REPORT ON*  
15 *ALL FISHPONDS, FISH PENS AND FISH CAGES.* – IT SHALL BE  
16 UNLAWFUL FOR OWNERS AND OPERATORS OF FISHPONDS, FISH  
17 PENS AND FISH CAGES TO FAIL TO SUBMIT AN ANNUAL REPORT  
18 TO THE DEPARTMENT PURSUANT TO SECTION 57 OF THIS  
19 CODE.

20 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
21 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER  
22 OF THE FISHPOND, FISH PEN OR FISH CAGE WITH A FINE OF  
23 TWO THOUSAND PESOS (P2,000) PER UNREPORTED HECTARE.  
24 IN CASE THE FISHPOND IS COVERED BY A FLA,  
25 NONSUBMISSION OF A REPORT FOR TWO (2) CONSECUTIVE  
26 YEARS SHALL RESULT TO ITS CANCELLATION."

27 "SEC. 109. *GATHERING AND MARKETING OF SHELL*  
28 *FISHES OR OTHER AQUATIC SPECIES.* – IT SHALL BE  
29 UNLAWFUL FOR ANY PERSON TO GATHER, TAKE, SELL,

1           TRANSFER, POSSESS, TRANSPORT, EXPORT, FORWARD OR SHIP  
2           OUT ANY SEXUALLY MATURE SHELL FISH OR OTHER AQUATIC  
3           SPECIES IDENTIFIED BY THE DEPARTMENT, BELOW THE  
4           MINIMUM SIZE, OR ABOVE THE MAXIMUM QUANTITIES  
5           PRESCRIBED FOR THE SPECIES. OTHER PARAMETERS FOR THE  
6           PROTECTION OF HEAVILY TRADED AQUATIC SPECIES SHALL BE  
7           ADOPTED BY THE DEPARTMENT.

8           “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
9           LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
10          OFFENDER WITH A FINE OF FIFTY THOUSAND PESOS (P50,000),  
11          OR CANCELLATION OF PERMIT OR LICENSE, OR BOTH FINE  
12          AND CANCELLATION. THE VESSEL OR CONVEYANCE SHALL BE  
13          IMPOUNDED.

14          “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
15          UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
16          SHALL BE PUNISHED BY IMPRISONMENT OF EIGHT (8) YEARS  
17          TO TEN (10) YEARS, A FINE EQUIVALENT TO THE  
18          ADMINISTRATIVE FINE, FORFEITURE OF THE SHELL FISH OR  
19          AQUATIC SPECIES, AND FORFEITURE OF CATCH AND GEAR.  
20          THE VESSEL OR CONVEYANCE SHALL BE IMPOUNDED.”

21          “SEC. 110. *OBSTRUCTION TO NAVIGATION OR FLOW OR*  
22          *EBB OF TIDE IN ANY STREAM, RIVER, LAKE OR BAY.* – IT SHALL  
23          BE UNLAWFUL FOR ANY PERSON TO CAUSE OBSTRUCTION TO  
24          NAVIGATION OR FLOW OR EBB OF TIDE.

25          “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
26          LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
27          OFFENDER WITH A FINE OF FIFTY THOUSAND PESOS (P50,000),  
28          OR CANCELLATION OF PERMIT OR LICENSE, OR BOTH FINE  
29          AND CANCELLATION. THE OBSTRUCTION, FISH

1           CORRALS/TRAPS, FISH PENS OR FISH CAGES SHALL BE  
2           DISMANTLED AT THE EXPENSE OF THE VIOLATOR.

3           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
4           UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
5           SHALL BE PUNISHED BY IMPRISONMENT OF FIVE (5) YEARS TO  
6           EIGHT (8) YEARS AND FINE OF ONE HUNDRED THOUSAND  
7           PESOS (P100,000). THE OBSTRUCTION, FISH CORRALS/TRAPS,  
8           FISH PENS OR FISH CAGES SHALL BE DISMANTLED AT THE  
9           EXPENSE OF THE VIOLATOR.”

10           “SEC. 111. *CONSTRUCTION AND OPERATION OF FISH*  
11           *CORRALS/TRAPS, FISH PENS AND FISH CAGES.* – IT SHALL BE  
12           UNLAWFUL TO CONSTRUCT AND OPERATE FISH  
13           CORRALS/TRAPS, FISH PENS AND FISH CAGES WITHOUT A  
14           LICENSE OR PERMIT.

15           “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
16           LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
17           OFFENDER WITH A FINE OF FIFTY THOUSAND PESOS (P50,000),  
18           OR CANCELLATION OF PERMIT OR LICENSE, OR BOTH FINE  
19           AND CANCELLATION. THE FISH CORRALS/TRAPS, FISH PENS OR  
20           FISH CAGES SHALL BE DISMANTLED AT THE EXPENSE OF THE  
21           VIOLATOR.

22           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
23           UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
24           SHALL BE PUNISHED BY IMPRISONMENT OF FIVE (5) YEARS TO  
25           EIGHT (8) YEARS AND FINE OF ONE HUNDRED THOUSAND  
26           PESOS (P100,000). THE FISH CORRALS/TRAPS, FISH PENS OR  
27           FISH CAGES SHALL BE DISMANTLED AT THE EXPENSE OF THE  
28           VIOLATOR.”

1           **"SEC. 112. OBSTRUCTION OR DELAY IN INSPECTION**  
2           **AND/OR MOVEMENT OF FISH AND FISHERY/AQUATIC**  
3           **PRODUCTS. – ANY PERSON WHO UNLAWFULLY OBSTRUCTS OR**  
4           **DELAYS THE INSPECTION AND/OR MOVEMENT OF FISH AND**  
5           **FISHERY/AQUATIC PRODUCTS WHEN SUCH INSPECTION AND/OR**  
6           **MOVEMENT IS AUTHORIZED UNDER THIS CODE SHALL BE**  
7           **SUBJECT TO THE PENALTIES PROVIDED FOR IN THE NEXT**  
8           **CHAPTER OF THIS CODE.**

9           "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
10          LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
11          OFFENDER WITH A FINE OF NOT MORE THAN THIRTY  
12          THOUSAND PESOS (P30,000) AND SUSPENSION OR REVOCATION  
13          OF REGISTRATION, PERMIT OR LICENSE.

14          "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
15          UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
16          SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIFTY  
17          THOUSAND PESOS (P50,000) OR IMPRISONMENT OF TWO (2)  
18          YEARS TO FIVE (5) YEARS, OR BOTH FINE AND IMPRISONMENT,  
19          AT DISCRETION OF THE COURT."

20          **"SEC. 113. NONCOMPLIANCE WITH GOOD**  
21          **AQUACULTURE PRACTICES. – FISHERY OPERATIONS**  
22          **INVOLVING THE BREEDING AND FARMING OF FISH AND**  
23          **OTHER FISHERY SPECIES SHALL COMPLY WITH GOOD**  
24          **AQUACULTURE PRACTICES AND THE GUIDELINES FOR**  
25          **ENVIRONMENTALLY-SOUND DESIGN AND OPERATION FOR THE**  
26          **SUSTAINABLE DEVELOPMENT OF THE AQUACULTURE**  
27          **INDUSTRY WHICH SHALL BE PROMULGATED BY THE**  
28          **DEPARTMENT. COMPLIANCE WITH THE ENVIRONMENTAL**  
29          **IMPACT STATEMENT (EIS) SYSTEM SHALL BE ONE OF THE**  
30          **CRITERIA OF GOOD AQUACULTURE PRACTICES.**

1           “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
2           LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER  
3           AND OPERATOR OF THE FACILITY NOT COMPLYING WITH  
4           GOOD AQUACULTURE PRACTICES AND THE EIS SYSTEM WITH  
5           A FINE OF ONE HUNDRED THOUSAND PESOS (P100,000) PER  
6           DAY UNTIL THE VIOLATION CEASES AND THE FINE IS PAID.

7           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
8           UPON CONVICTION BY A COURT OF LAW, THE OFFENDER  
9           SHALL BE PUNISHED BY A FINE EQUIVALENT TO TWICE THE  
10          AMOUNT OF THE ADMINISTRATIVE FINE OR THREE (3) YEARS  
11          IMPRISONMENT, OR BOTH, AT THE DISCRETION OF THE  
12          COURT.”

13          “SEC. 114. *COMMERCIAL FISHING VESSEL OPERATORS*  
14          *EMPLOYING UNLICENSED FISHERFOLK, FISHWORKER OR CREW.*

15          – (A) IT SHALL BE UNLAWFUL FOR COMMERCIAL FISHING  
16          VESSEL OPERATORS TO EMPLOY UNLICENSED FISHERFOLK,  
17          FISHWORKER OR CREW.

18          “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
19          LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER  
20          AND OPERATOR OF THE FISHING VESSEL WITH A FINE OF TWO  
21          THOUSAND PESOS (P2,000) FOR EACH UNLICENSED  
22          FISHERFOLK OR FISHWORKER FOR EVERY MONTH OF  
23          EMPLOYMENT, THREE THOUSAND PESOS (P3,000) FOR EACH  
24          UNLICENSED CREW MEMBER FOR EVERY MONTH OF  
25          EMPLOYMENT, AND SUSPENSION OR REVOCATION OF LICENSE  
26          FOR COMMERCIAL FISHING.

27          “(B) IT SHALL LIKEWISE BE UNLAWFUL FOR  
28          PHILIPPINE FLAG FISHING VESSELS ENGAGED IN DISTANT  
29          WATER FISHING TO EMPLOY UNLICENSED FISHERFOLK OR  
30          FISHWORKER.

1           “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
2           LIABILITY, THE DEPARTMENT SHALL PENALIZE THE OWNER  
3           AND OPERATOR OF THE FISHING VESSEL WITH A FINE OF FIVE  
4           THOUSAND PESOS (P5,000) FOR EACH UNLICENSED  
5           FISHERFOLK, FISHWORKER OR CREW FOR EVERY MONTH OF  
6           EMPLOYMENT. THE FISHING PERMIT AND LICENSE SHALL BE  
7           SUSPENDED OR REVOKED.

8           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
9           UPON CONVICTION BY A COURT OF LAW, THE PERSON WHO  
10          VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL  
11          PAY A FINE EQUIVALENT TO TWICE THE AMOUNT OF THE  
12          ADMINISTRATIVE FINE.”

13          “SEC. 115. *OBSTRUCTION OF DEFINED MIGRATION*  
14          *PATHS.* – IT SHALL BE UNLAWFUL FOR ANY PERSON TO  
15          OBSTRUCT ANY DEFINED MIGRATION PATH OF ANADROMOUS,  
16          CATADROMOUS AND OTHER MIGRATORY SPECIES.

17          “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
18          LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
19          OFFENDER WITH A FINE OF ONE HUNDRED FIFTY THOUSAND  
20          PESOS (P150,000) TO FIVE HUNDRED THOUSAND PESOS  
21          (P500,000). THE OBSTRUCTION SHALL BE DISMANTLED AT  
22          THE EXPENSE OF THE OFFENDER, AND THE PERMIT OR  
23          LICENSE SUSPENDED OR REVOKED.

24          “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
25          UPON CONVICTION BY A COURT OF LAW, THE PERSON WHO  
26          VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL  
27          PAY A FINE EQUIVALENT TO TWICE THE ADMINISTRATIVE  
28          FINE, OR IMPRISONMENT OF EIGHT (8) YEARS TO TWELVE (12)  
29          YEARS, OR BOTH FINE AND IMPRISONMENT, AT THE



1 DISCRETION OF THE COURT. THE OBSTRUCTION SHALL BE  
2 DISMANTLED AT THE EXPENSE OF THE VIOLATOR, AND THE  
3 PERMIT OR LICENSE SUSPENDED OR REVOKED.”

4 “SEC. 116. *OBSTRUCTION TO FISHERY LAW*  
5 *ENFORCEMENT OFFICER.* – THE FISHING VESSEL OWNER,  
6 MASTER OR OPERATOR OR ANY OTHER PERSON ACTING ON  
7 BEHALF OF ANY FISHING VESSEL WHO EVADES, OBSTRUCTS  
8 OR HINDERS ANY FISHERY LAW ENFORCEMENT OFFICER,  
9 THE DEPUTIZED FISHWARDEN OF THE LGU, ANY  
10 LAWFULLY-BOARDING GOVERNMENT OFFICERS, FISHERIES  
11 OBSERVERS OR INSPECTORS, IN THE EXERCISE OF THEIR  
12 DUTIES IN INSPECTING COMPLIANCE WITH THE APPLICABLE  
13 CONSERVATION AND MANAGEMENT MEASURES, FOOD SAFETY  
14 STANDARDS, TREATY OBLIGATIONS OR OTHER PHILIPPINE  
15 LAWS, TO PERFORM HIS DUTY, SHALL BE PENALIZED UNDER  
16 THIS CODE. ANY PERSON WHO DOES NOT ALLOW ANY  
17 AUTHORIZED OFFICER OR AN OBSERVER TO EXERCISE ANY OF  
18 THE LEGAL DUTIES SHALL BE DEEMED TO BE OBSTRUCTING  
19 THAT OFFICER OR PERSON.

20 “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
21 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE BOAT  
22 OWNER, MASTER OR OPERATOR WHO VIOLATES THIS SECTION  
23 BY A FINE OF ONE HUNDRED THOUSAND PESOS (P100,000) TO  
24 TWO HUNDRED THOUSAND PESOS (P200,000), AND THE  
25 CANCELLATION OF THE PERMIT AND LICENSE OF THE VESSEL  
26 AND THE MASTER FISHERMAN.

27 “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
28 UPON CONVICTION BY A COURT OF LAW, THE PERSON WHO  
29 VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL BE  
30 PUNISHED WITH A FINE EQUIVALENT TO TWICE THE AMOUNT

1 OF ADMINISTRATIVE FINE, IMPRISONMENT OF SIX (6) MONTHS  
2 TO TWO (2) YEARS, OR BOTH FINE AND IMPRISONMENT, AT  
3 THE DISCRETION OF THE COURT. THE PERMIT AND/OR  
4 LICENSE OF THE VESSEL AND THE MASTER FISHERMAN SHALL  
5 BE CANCELLED.”

6 “SEC. 117. *NONCOMPLIANCE WITH FISHERIES*  
7 *OBSERVER COVERAGE.* – (A) IT SHALL BE UNLAWFUL FOR  
8 PHILIPPINE DISTANT WATER FISHING VESSEL TO SAIL  
9 WITHOUT A FISHERIES OBSERVER ON BOARD AS REQUIRED BY  
10 RFMO CONSERVATION AND MANAGEMENT MEASURES.

11 “(B) IT SHALL BE UNLAWFUL FOR COMMERCIAL  
12 FISHING VESSELS TO SAIL WITHOUT A FISHERIES OBSERVER IN  
13 COMPLIANCE WITH THIS ACT AND THE RULES AND  
14 REGULATIONS PROMULGATED BY THE DEPARTMENT.

15 “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
16 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE FISHING  
17 VESSEL OWNER, MASTER OR OPERATOR OR ANY OTHER  
18 PERSON ACTING ON BEHALF OF ANY FISHING VESSEL WHO  
19 VIOLATES THIS SECTION WITH A FINE RANGING FROM TWO  
20 THOUSAND US DOLLARS (US\$2,000) TO TEN THOUSAND US  
21 DOLLARS (US\$10,000) OR ITS EQUIVALENT IN PHILIPPINE  
22 CURRENCY, AND FORFEITURE OF THE CATCH AND GEAR.”

23 “SEC. 118. *NONCOMPLIANCE WITH PORT STATE*  
24 *MEASURES.* – NO FOREIGN FLAG FISHING VESSEL SHALL BE  
25 ALLOWED ENTRY WITHOUT PROVIDING FOR A TWENTY-FOUR  
26 (24)-HOUR PRIOR NOTICE. WHEN A FISHING VESSEL IS  
27 GRANTED ENTRY, FAILURE TO PROVIDE A CATCH REPORT  
28 SHALL BE DEEMED UNLAWFUL. IT SHALL LIKEWISE BE  
29 UNLAWFUL FOR ANY PERSON TO FAIL TO COMPLY WITH

1 OTHER RULES ON PORT STATE MEASURES PROMULGATED BY  
2 THE DEPARTMENT IN COORDINATION WITH PORT STATE  
3 AUTHORITIES.

4 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
5 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
6 OFFENDER WITH A FINE RANGING FROM TEN THOUSAND US  
7 DOLLARS (US\$10,000) TO FIFTY THOUSAND US DOLLARS  
8 (US\$50,000).

9 "IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
10 UPON CONVICTION BY A COURT OF LAW, THE PERSON WHO  
11 VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL BE  
12 PUNISHED WITH A FINE EQUIVALENT TO THRICE THE AMOUNT  
13 OF THE ADMINISTRATIVE FINE, AND CONFISCATION OF THE  
14 VESSEL IN CASE OF FAILURE TO PAY THE FINE."

15 "SEC. 119. *FAILURE TO COMPLY WITH CONSERVATION*  
16 *AND MANAGEMENT MEASURES.* -- IT SHALL BE UNLAWFUL FOR  
17 ANY PERSON TO FAIL TO COMPLY WITH CONSERVATION AND  
18 MANAGEMENT MEASURES PROMULGATED BY THE  
19 DEPARTMENT.

20 "UPON A SUMMARY FINDING OF ADMINISTRATIVE  
21 LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
22 OFFENDER WITH A FINE EQUIVALENT TO THE VALUE  
23 INDICATED BELOW:

24 "(A) TWENTY-FIVE THOUSAND PESOS (P25,000), FOR  
25 MUNICIPAL FISHING VESSELS OR COMMUNITY SERVICE IN  
26 CASE OF FAILURE TO PAY FINE;

27 "(B) TWO HUNDRED THOUSAND PESOS (P200,000), FOR  
28 SMALL-SCALE COMMERCIAL FISHING VESSELS;

29 "(C) FOUR HUNDRED THOUSAND PESOS (P400,000), FOR  
30 MEDIUM-SCALE COMMERCIAL FISHING VESSELS; AND

1                   **“(D) SIX HUNDRED FIFTY THOUSAND PESOS (P650,000),**  
2                   **FOR LARGE-SCALE COMMERCIAL FISHING VESSELS.**

3                   **“IN ADDITION TO THE ADMINISTRATIVE PENALTIES,**  
4                   **UPON CONVICTION BY A COURT OF LAW, THE PERSON WHO**  
5                   **VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL BE**  
6                   **PUNISHED WITH A FINE EQUIVALENT TO TWICE THE AMOUNT**  
7                   **OF THE ADMINISTRATIVE FINE, OR IMPRISONMENT FROM TWO**  
8                   **(2) YEARS TO FOUR (4) YEARS, OR BOTH, AT THE DISCRETION**  
9                   **OF THE COURT.”**

10                   **“SEC. 120. FAILURE TO RECORD AND REPORT CATCH**  
11                   **OR CATCH-RELATED DATA. – (A) IT SHALL BE UNLAWFUL FOR**  
12                   **ANY MUNICIPAL OR COMMERCIAL FISHING VESSEL TO FAIL TO**  
13                   **COMPLY WITH THE CATCH DOCUMENTATION AND REPORTING**  
14                   **MEASURES PROMULGATED BY THE DEPARTMENT IN**  
15                   **CONSULTATION WITH THE LGUs.**

16                   **“UPON A SUMMARY FINDING OF ADMINISTRATIVE**  
17                   **LIABILITY, THE DEPARTMENT SHALL PENALIZE THE FISHING**  
18                   **VESSEL OWNER, MASTER, OR OPERATOR OR ANY OTHER**  
19                   **PERSON ACTING ON BEHALF OF ANY FISHING VESSEL WHO**  
20                   **VIOLATES THIS PROVISION WITH A FINE EQUIVALENT TO THE**  
21                   **VALUE INDICATED BELOW:**

22                   **“(1) TWENTY-FIVE THOUSAND PESOS (P25,000), FOR**  
23                   **MUNICIPAL FISHING VESSELS OR COMMUNITY SERVICE IN**  
24                   **CASE OF FAILURE TO PAY THE FINE;**

25                   **“(2) TWO HUNDRED THOUSAND PESOS (P200,000), FOR**  
26                   **SMALL-SCALE COMMERCIAL FISHING VESSELS;**

27                   **“(3) FOUR HUNDRED THOUSAND PESOS (P400,000), FOR**  
28                   **MEDIUM-SCALE COMMERCIAL FISHING VESSELS; AND**

29                   **“(4) SIX HUNDRED FIFTY THOUSAND PESOS (P650,000),**  
30                   **FOR LARGE-SCALE COMMERCIAL FISHING VESSELS.**

1           “(B) IT SHALL BE UNLAWFUL FOR ANY PHILIPPINE  
2           FLAG DISTANT WATER FISHING VESSEL TO FAIL TO RECORD  
3           AND REPORT CATCH OR CATCH-RELATED DATA, INCLUDING  
4           DATA TO BE TRANSMITTED BY SATELLITE VESSEL  
5           MONITORING SYSTEM.

6           “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
7           LIABILITY, THE DEPARTMENT SHALL PENALIZE THE FISHING  
8           VESSEL OWNER, CAPTAIN, MASTER OR OPERATOR OR ANY  
9           OTHER PERSON ACTING ON BEHALF OF ANY FISHING VESSEL  
10          THAT VIOLATES THIS PROVISION WITH A FINE OF TEN  
11          THOUSAND US DOLLARS (US\$10,000).”

12          “SEC. 121. *NONCOMPLIANCE WITH VESSEL*  
13          *MONITORING MEASURES.* – NO MUNICIPAL, COMMERCIAL OR  
14          DISTANT WATER FISHING VESSEL SHALL ENGAGE IN FISHING  
15          ACTIVITY WITHOUT COMPLYING WITH THE VESSEL  
16          MONITORING MEASURES PROMULGATED BY THE  
17          DEPARTMENT IN COORDINATION WITH THE LGUS.

18          “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
19          LIABILITY, THE DEPARTMENT SHALL PENALIZE THE FISHING  
20          VESSEL OWNER, CAPTAIN, MASTER OR OPERATOR OR ANY  
21          OTHER PERSON ACTING ON BEHALF OF ANY FISHING VESSEL  
22          WHO VIOLATES THIS SECTION WITH A FINE EQUIVALENT TO  
23          THE VALUE INDICATED BELOW:

24          “(A) TWENTY-FIVE THOUSAND PESOS (P25,000), FOR  
25          MUNICIPAL FISHING VESSELS OR COMMUNITY SERVICE IN  
26          CASE OF FAILURE TO PAY THE FINE;

27          “(B) TWO HUNDRED THOUSAND PESOS (P200,000), FOR  
28          SMALL-SCALE COMMERCIAL FISHING VESSELS;

29          “(C) FOUR HUNDRED THOUSAND PESOS (P400,000), FOR  
30          MEDIUM-SCALE COMMERCIAL FISHING VESSELS;

1                   “(D) SIX HUNDRED FIFTY THOUSAND PESOS (P650,000),  
2                   FOR LARGE-SCALE COMMERCIAL FISHING VESSELS; AND

3                   “(E) FIVE MILLION PESOS (P5,000,000), FOR DISTANT  
4                   WATER FISHING VESSELS.”

5                   “SEC. 122. *CONSTRUCTING OR IMPORTING FISHING*  
6                   *VESSELS OR GEARS WITHOUT PERMIT FROM THE*  
7                   *DEPARTMENT.* – IT SHALL BE UNLAWFUL FOR ANY PERSON TO  
8                   CONSTRUCT OR IMPORT FISHING VESSELS OR GEARS WITHOUT  
9                   PERMIT FROM THE DEPARTMENT.

10                  “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
11                  LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
12                  OFFENDER WITH A FINE OF FIFTY THOUSAND PESOS (P50,000)  
13                  PER GROSS TONNAGE OF BOAT, OR A FINE OF ONE HUNDRED  
14                  THOUSAND PESOS (P100,000) PER GEAR. THE DEPARTMENT  
15                  AND THE DEPARTMENT OF TRANSPORTATION AND  
16                  COMMUNICATIONS SHALL PROMULGATE JOINT RULES ON THE  
17                  CONSTRUCTION OR IMPORTATION OF FISHING VESSELS IN  
18                  ORDER TO MANAGE FISHING CAPACITY.”

19                  “SEC. 123. *USE OF UNLICENSED GEAR.* – IT SHALL BE  
20                  UNLAWFUL FOR ANY PERSON TO USE A FISHING GEAR OR  
21                  METHOD FOR COMMERCIAL FISHING WITHOUT LICENSE FROM  
22                  THE DEPARTMENT.

23                  “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
24                  LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
25                  OFFENDER WITH A FINE OF TWO HUNDRED THOUSAND PESOS  
26                  (P200,000) PER GEAR.”

27                  “SEC. 124. *FISHING WITH THE USE OF VESSELS*  
28                  *WITHOUT NATIONALITY.* – IT SHALL BE UNLAWFUL FOR ANY  
29                  FILIPINO CITIZEN OR CORPORATION TO ENGAGE IN

1           COMMERCIAL FISHING OR DISTANT WATER FISHING USING  
2           VESSELS WITHOUT NATIONALITY OR SHIP REGISTRATION BY  
3           THE PHILIPPINE FLAG STATE AUTHORITY.

4           “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
5           LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
6           OFFENDER WITH A FINE OF FIFTY THOUSAND US DOLLARS  
7           (US\$50,000) OR ITS EQUIVALENT IN PHILIPPINE CURRENCY.

8           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
9           UPON CONVICTION BY A COURT OF LAW, THE PERSON WHO  
10          VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL BE  
11          PUNISHED WITH A FINE TWICE THE AMOUNT AS THE  
12          ADMINISTRATIVE FINE AND IMPRISONMENT OF EIGHT (8)  
13          YEARS TO TEN (10) YEARS. THE PRESIDENT OR GENERAL  
14          MANAGER, IN THE CASE OF A CORPORATION, OR THE OWNER  
15          OR THE OPERATOR, BOAT CAPTAIN AND THE THREE (3)  
16          HIGHEST OFFICERS OF THE VESSEL SHALL BE HELD LIABLE  
17          AND SUBJECT TO THE PENALTIES PRESCRIBED HEREIN.”

18          “SEC. 125. *NONCOMPLIANCE WITH THE*  
19          *REQUIREMENTS FOR THE INTRODUCTION OF FOREIGN OR*  
20          *EXOTIC AQUATIC SPECIES.* – IT SHALL BE UNLAWFUL TO  
21          IMPORT, POSSESS, INTRODUCE, SELL OR TRANSPORT FOREIGN  
22          OR EXOTIC AQUATIC SPECIES WITHOUT THE CONDUCT OF RISK  
23          ANALYSIS, APPROVAL OF THE DEPARTMENT AND THE  
24          CORRESPONDING PERMIT ISSUED PURSUANT TO REPUBLIC  
25          ACT NO. 9147.

26          “UPON A SUMMARY FINDING OF ADMINISTRATIVE  
27          LIABILITY, THE DEPARTMENT SHALL PENALIZE THE  
28          OFFENDER WITH A FINE OF ONE MILLION PESOS (P1,000,000)  
29          TO FIVE MILLION PESOS (P5,000,000) AND CONFISCATION OF  
30          THE FOREIGN OR EXOTIC SPECIES. SHOULD THE SPECIES

1           BECOME INVASIVE AND RESULT TO PREDATION OF NATIVE  
2           AQUATIC BIOTA, LOSS OF INCOME OR DAMAGE TO THE  
3           HABITAT, THE OFFENDER SHALL BEAR THE COSTS OF  
4           CONTAINMENT, ERADICATION OR RESTORATION.

5           “IN ADDITION TO THE ADMINISTRATIVE PENALTIES,  
6           UPON CONVICTION BY A COURT OF LAW, THE PERSON WHO  
7           VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL BE  
8           PUNISHED WITH A FINE EQUIVALENT TO TWICE THE AMOUNT  
9           OF THE ADMINISTRATIVE FINE OR IMPRISONMENT OF SIX (6)  
10          YEARS TO (12) YEARS, OR BOTH FINE AND IMPRISONMENT, AT  
11          THE DISCRETION OF THE COURT. THE OFFENDER SHALL ALSO  
12          PAY FOR THE COSTS FOR CONTAINMENT, ERADICATION OR  
13          RESTORATION.”

14          “SEC. 126.   *PROMULGATION OF ADMINISTRATIVE*  
15          *ORDERS.* -- FOR PURPOSES OF FISHERY REGULATION OR  
16          OTHER FISHERY ADJUSTMENTS, THE DEPARTMENT, IN  
17          CONSULTATION WITH THE LGUs, LOCAL FARMCS AND  
18          NFARMC, SHALL ISSUE FISHERY ADMINISTRATIVE ORDERS  
19          OR REGULATIONS FOR THE CONSERVATION, PRESERVATION,  
20          MANAGEMENT AND SUSTAINABLE DEVELOPMENT OF FISHERY  
21          AND AQUATIC RESOURCES.”

22          “SEC. 127.   *ACCOMPANYING ADMINISTRATIVE*  
23          *SANCTIONS.* -- THE DEPARTMENT MAY IMPOSE THE  
24          FOLLOWING ADDITIONAL SANCTIONS TO THE  
25          ADMINISTRATIVE PENALTIES IMPOSED IN THIS ACT:

26                 “(A) CONFISCATION OF FISHING GEAR;

27                 “(B) IMPOUNDMENT OF FISHING VESSEL;

28                 “(C) CONFISCATION OF THE FISHING VESSEL  
29          INVOLVED IN THE INFRINGEMENT;



1           “(D) TEMPORARY SUSPENSION OR PERMANENT  
2           REVOCAION OF LICENSE OR PERMIT;

3           “(E) TEMPORARY OR PERMANENT BAN FROM THE  
4           AVAILMENT OF APPLICABLE DUTY AND TAX REBATES;

5           “(F) INCLUSION IN THE IUU FISHING VESSEL LIST;

6           “(G) DENIAL OF ENTRY AND OTHER PORT SERVICES;

7           “(H) BLACKLISTING; AND

8           “(I) INCREASE IN THE AMOUNT OF FINES.

9           “PENDING THE RESOLUTION OF THE ADMINISTRATIVE  
10          PROCEEDINGS OR THE CRIMINAL CASE, THE  
11          VESSEL/CONVEYANCE, GEAR AND OTHER PARAPHERNALIA  
12          USED IN THE COMMISSION OF THE OFFENSE SHALL BE  
13          IMPOUNDED BY THE DEPARTMENT.

14          “IN CASES WHERE THE OFFENDER IS A MUNICIPAL  
15          FISHERFOLK, THE PENALTY OF COMMUNITY SERVICE SHALL  
16          BE CONSIDERED IN LIEU OF PAYMENT OF FINE.

17          “IN APPLYING THESE ACCOMPANYING SANCTIONS, THE  
18          DEPARTMENT SHALL TAKE INTO ACCOUNT THE HABITUALITY  
19          OF VIOLATION, MANNER OF COMMISSION OF THE OFFENSE,  
20          SEVERITY OF THE IMPACT ON THE FISHERY RESOURCES AND  
21          HABITAT, SOCIOECONOMIC IMPACT, CASES OF CONCEALMENT  
22          OR DESTRUCTION OF EVIDENCE, ELUDING ARREST, RESISTING  
23          LAWFUL ORDERS, AND OTHER ANALOGOUS CIRCUMSTANCES.

24          “THE INCREASE IN AMOUNT OF FINES IN CASE OF  
25          REPEATED VIOLATIONS WITHIN A FIVE (5)-YEAR PERIOD BY  
26          THE SAME OFFENDER SHALL BE RAISED UP TO A MAXIMUM OF  
27          TEN (10) TIMES THE VALUE OF THE CATCH, IF ANY, OR THE  
28          AMOUNT OF IMPOSABLE FINES.”

1               **"SEC. 128. ESCALATION CLAUSE. – THE FINES HEREIN**  
2 **PRESCRIBED SHALL BE INCREASED BY AT LEAST TWENTY**  
3 **PERCENT (20%) EVERY THREE (3) YEARS TO COMPENSATE**  
4 **FOR INFLATION AND TO MAINTAIN THE DETERRENT FUNCTION**  
5 **OF SUCH FINES."**

6               **"SEC. 129. SHARE OF LGUS IN FINES COLLECTED. –**  
7 **UPON THE RESOLUTION OF THE COURT CASE, THE LGU IN**  
8 **WHOSE MUNICIPAL WATERS A VIOLATION WAS COMMITTED**  
9 **SHALL BE ENTITLED TO A MAXIMUM OF TEN PERCENT (10%)**  
10 **OF THE FINES COLLECTED: PROVIDED, THAT WHERE THE**  
11 **VIOLATOR IS A MUNICIPAL FISHERFOLK, THE PENALTY OF**  
12 **COMMUNITY SERVICE SHALL BE CONSIDERED IN LIEU OF**  
13 **PAYMENT OF FINE."**

14               **SEC. 11. A new Chapter VII on legal, administrative and quasi-judicial**  
15 **actions is hereby inserted after Chapter VI of Republic Act No. 8550, to read**  
16 **as follows:**

17   **"CHAPTER VII**

18   **"LEGAL, ADMINISTRATIVE AND QUASI-JUDICIAL ACTIONS**

19               **"SEC. 130. COMMENCEMENT OF SUMMARY**  
20 **ADMINISTRATIVE ACTION. – THE DEPARTMENT SHALL, ON**  
21 **ITS OWN INSTANCE OR UPON VERIFIED COMPLAINT BY ANY**  
22 **PERSON, INSTITUTE ADMINISTRATIVE PROCEEDINGS AGAINST**  
23 **ANY PERSON WHO VIOLATES OR ANY ORDER, RULE OR**  
24 **REGULATION ISSUED BY THE DEPARTMENT, PURSUANT TO**  
25 **THIS CODE."**

26               **"SEC. 131. ADMINISTRATIVE AUTHORITY OF THE**  
27 **DIRECTOR OF THE BFAR OR THE DULY AUTHORIZED**  
28 **REPRESENTATIVE TO ORDER CONFISCATION. – IN ALL CASES**  
29 **OF VIOLATIONS OF THIS ACT OR OTHER FISHERY LAWS, RULES**  
30 **AND REGULATIONS, THE DIRECTOR OF THE BFAR OR THE**

1 DULY AUTHORIZED REPRESENTATIVE, MAY ORDER THE  
2 CONFISCATION AND FORFEITURE OF ANY FISH, FISHERY  
3 SPECIES OR AQUATIC RESOURCES ILLEGALLY CAUGHT, TAKEN  
4 OR GATHERED, AND ALL GEARS AND VESSELS USED IN THE  
5 COMMISSION OF THE OFFENSE IN FAVOR OF THE  
6 DEPARTMENT, ACADEMIC INSTITUTIONS OR LGUs AND TO  
7 DISPOSE OF THE SAME IN ACCORDANCE WITH PERTINENT  
8 LAWS, RULES, REGULATIONS AND POLICIES ON THE MATTER.”

9 “SEC. 132. *REWARD TO INFORMANTS AND THOSE WHO*  
10 *ASSISTED IN THE FISHERY LAW ENFORCEMENT.* – ANY PERSON  
11 WHO PROVIDES INFORMATION FOR, OR ASSISTED IN, THE  
12 APPREHENSION AND CONVICTION OF A PERSON FOR THE  
13 VIOLATION OF THIS ACT OR OTHER FISHERY LAWS, RULES AND  
14 REGULATIONS, OR THE CONFISCATION AND FORFEITURE OF  
15 FISH, FISHERY SPECIES, OTHER AQUATIC RESOURCES, VESSEL,  
16 GEARS AND CONVEYANCES, SHALL BE GIVEN A REWARD IN THE  
17 AMOUNT OF TWENTY PERCENT (20%) OF THE PROCEEDS OF  
18 THE CONFISCATION AND FORFEITURE OR OF THE  
19 ADMINISTRATIVE FINES COLLECTED BY THE BUREAU. FOR  
20 THIS PURPOSE, THE DEPARTMENT SHALL PROMULGATE THE  
21 RULES AND REGULATIONS FOR THE GRANTING OF THIS  
22 REWARD.”

23 “SEC. 133. *INDEPENDENCE OF ADMINISTRATIVE*  
24 *ACTION.* – THE FILING OF AN ADMINISTRATIVE ACTION  
25 AGAINST A PERSON OR ENTITY THAT COMMITTED THE  
26 ABOVEMENTIONED VIOLATIONS DOES NOT PRECLUDE THE  
27 FILING OF CRIMINAL AND CIVIL ACTION AGAINST THE SAME.  
28 SUCH ACTION SHALL PROCEED INDEPENDENTLY.”

29 “SEC. 134. *LIEN UPON PERSONAL AND IMMOVABLE*  
30 *PROPERTIES OF VIOLATORS.* – FINES AND PENALTIES IMPOSED

1           PURSUANT TO THIS ACT SHALL CONSTITUTE AS LIENS UPON  
2           THE PERSONAL AND IMMOVABLE PROPERTIES OF THE  
3           VIOLATOR.”

4           “SEC. 135. *COMMUNITY SERVICE.* – IN CASE THE  
5           OFFENDER IS A MUNICIPAL FISHERFOLK OR HAS NO PROPERTY  
6           OVER WHICH THE DEPARTMENT MAY IMPOSE THE FINES AND  
7           PENALTIES PRESCRIBED FOR THE OFFENSE, COMMUNITY  
8           SERVICE MAY BE RENDERED IN LIEU OF THE FINE. THE  
9           DEPARTMENT SHALL PROMULGATE THE RULES AND  
10          REGULATIONS FOR THIS PURPOSE.”

11          “SEC. 136. *POWER TO ISSUE CEASE AND DESIST*  
12          *ORDERS AND TO SUMMARILY EVICT WITHOUT THE NECESSITY*  
13          *OF JUDICIAL ORDER.* – THE DEPARTMENT SHALL, SUBJECT TO  
14          THE REQUIREMENTS OF ADMINISTRATIVE DUE PROCESS, ISSUE  
15          CEASE AND DESIST ORDER/S UPON VIOLATOR/S AND TO  
16          SUMMARILY EJECT, WITHOUT THE NECESSITY OF JUDICIAL  
17          ORDER, THE HOLDER OF FLA, OTHER TENURIAL INSTRUMENT,  
18          PERMIT OR LICENSE FROM AREAS OF THE PUBLIC DOMAIN  
19          COVERED BY SUCH FLA, TENURIAL INSTRUMENT, PERMIT OR  
20          LICENSE.”

21          “SEC. 137. *OTHER POWERS.* – THE DEPARTMENT  
22          MAY EXERCISE THE FOLLOWING POWERS PURSUANT TO ITS  
23          ADMINISTRATIVE AND QUASI-JUDICIAL FUNCTIONS:

24                 “(A) CONDUCT PUBLIC HEARINGS RELATED TO ITS  
25                 FUNCTIONS;

26                 “(B) CALL ON ANY GOVERNMENT EMPLOYEE, OR ANY  
27                 OFFICE OR INSTRUMENTALITY OF THE GOVERNMENT FOR  
28                 COOPERATION AND ASSISTANCE IN THE EXERCISE OF ITS  
29                 FUNCTIONS;

1                   “(C) ADOPT RULES OF PROCEDURE FOR THE CONDUCT  
2                   OF ITS FUNCTIONS;

3                   “(D) CITE AND DECLARE ANY PERSON OR ENTITY IN  
4                   CONTEMPT OF THE DEPARTMENT IN THE FOLLOWING CASES:

5                   “(1) WHENEVER ANY PERSON OR ENTITY OR  
6                   ENTERPRISE COMMITS ANY DISRESPECTFUL CONDUCT BEFORE  
7                   A HEARING OR INVESTIGATING OFFICER OF THE DEPARTMENT  
8                   DURING THE CONDUCT OF ANY HEARING OR OFFICIAL INQUIRY  
9                   BY THE DEPARTMENT, AT THE PLACE OR NEAR THE PREMISES  
10                  WHERE SUCH HEARING OR PROCEEDING IS BEING CONDUCTED  
11                  WHICH OBSTRUCT, DISTRACT, INTERFERE OR IN ANY OTHER  
12                  WAY DISTURB THE PERFORMANCE OF SUCH FUNCTIONS OR  
13                  THE CONDUCT OF SUCH HEARING OR PROCEEDING; AND

14                  “(2) WHENEVER ANY PERSON OR ENTITY FAILS OR  
15                  REFUSES TO COMPLY WITH OR OBEY WITHOUT JUSTIFIABLE  
16                  REASON, ANY LAWFUL ORDER, DECISION, WRIT OR PROCESS  
17                  OF THE DEPARTMENT.

18                  “IN CASES FALLING WITHIN THE FIRST PARAGRAPH  
19                  HEREOF, THE DEPARTMENT MAY SUMMARILY IMPOSE A FINE  
20                  OF AN AMOUNT NOT EXCEEDING FIVE THOUSAND PESOS  
21                  (P5,000) AND ORDER THE CONFINEMENT OF THE OFFENDER  
22                  FOR A PERIOD THAT SHALL NOT EXCEED THE DURATION OF  
23                  THE HEARING OR PROCEEDING OR THE PERFORMANCE OF  
24                  SUCH FUNCTIONS.

25                  “IN CASES FALLING WITHIN THE SECOND PARAGRAPH  
26                  HEREOF, IT MAY, IN ADDITION TO THE ADMINISTRATIVE FINE  
27                  ABOVEMENTIONED, IMPOSE A FINE OF ONE THOUSAND PESOS  
28                  (P1,000) FOR EACH DAY THAT THE VIOLATION OR FAILURE OR  
29                  REFUSAL TO COMPLY CONTINUES, AND ORDER THE

1           **CONFINEMENT OF THE OFFENDER UNTIL THE ORDER OR**  
2           **DECISION SHALL HAVE BEEN COMPLIED WITH; AND**

3           **“(E) NO INJUNCTION OR RESTRAINING ORDER SHALL**  
4           **LIE AGAINST THE DEPARTMENT UPON THE *EX PARTE* MOTION**  
5           **OR PETITION FILED BY ANY PERSON OR ENTITY IN THE**  
6           **EXERCISE BY THE DEPARTMENT OF ITS REGULATORY**  
7           **FUNCTIONS IN SUPPORT OF THE IMPLEMENTATION OF THIS**  
8           **CODE.”**

9           **“SEC. 138. *CITIZEN'S SUITS.* - FOR PURPOSES OF**  
10          **ENFORCING THE PROVISIONS OF THIS ACT OR ITS**  
11          **IMPLEMENTING RULES AND REGULATIONS, ANY CITIZEN MAY**  
12          **FILE AN APPROPRIATE CIVIL, CRIMINAL OR ADMINISTRATIVE**  
13          **ACTION IN THE PROPER COURTS/BODIES AGAINST:**

14          **“(A) ANY PERSON WHO VIOLATES OR FAILS TO COMPLY**  
15          **WITH THE PROVISIONS OF THIS ACT AND ITS IMPLEMENTING**  
16          **RULES AND REGULATIONS;**

17          **“(B) THE DEPARTMENT OR OTHER IMPLEMENTING**  
18          **AGENCIES WITH RESPECT TO ORDERS, RULES AND**  
19          **REGULATIONS ISSUED INCONSISTENT WITH THIS ACT; AND**

20          **“(C) ANY PUBLIC OFFICER WHO WILLFULLY OR**  
21          **GROSSLY NEGLECTS THE PERFORMANCE OF A DUTY**  
22          **SPECIFICALLY ENJOINED BY THIS ACT OR ITS IMPLEMENTING**  
23          **RULES AND REGULATIONS; OR ABUSES AUTHORITY IN THE**  
24          **PERFORMANCE OF DUTY; OR, IN ANY MANNER IMPROPERLY**  
25          **PERFORMS DUTIES UNDER THIS ACT OR ITS IMPLEMENTING**  
26          **RULES AND REGULATIONS: *PROVIDED, HOWEVER,* THAT NO**  
27          **SUIT CAN BE FILED UNTIL AFTER FIFTEEN (15) DAYS NOTICE**  
28          **HAS BEEN GIVEN THE PUBLIC OFFICER AND THE ALLEGED**  
29          **OFFENDER AND NO APPROPRIATE ACTION HAS BEEN TAKEN**  
30          **THEREON.”**

1                   **“SEC. 139. STRATEGIC LAWSUIT AGAINST PUBLIC**  
2                   **PARTICIPATION (SLAPP) IN THE ENFORCEMENT OF THIS ACT.**

3                   – A LEGAL ACTION FILED TO HARASS, VEX, EXERT UNDUE  
4                   PRESSURE OR STIFLE ANY LEGAL RECOURSE THAT ANY  
5                   PERSON, INSTITUTION, OR THE GOVERNMENT HAS TAKEN OR  
6                   MAY TAKE IN THE ENFORCEMENT OF THIS ACT SHALL BE  
7                   TREATED AS A SLAPP.

8                   **“THE HEARING ON THE DEFENSE OF A SLAPP SHALL BE**  
9                   **SUMMARY IN NATURE. THE AFFIRMATIVE DEFENSE OF A**  
10                  **SLAPP SHALL BE RESOLVED WITHIN THIRTY (30) DAYS AFTER**  
11                  **THE SUMMARY HEARING. IF THE COURT DISMISSES THE**  
12                  **ACTION, THE COURT MAY AWARD DAMAGES, ATTORNEY’S**  
13                  **FEES, AND COSTS OF SUIT UNDER A COUNTERCLAIM IF SUCH**  
14                  **HAS BEEN FILED. THE DISMISSAL SHALL BE WITH PREJUDICE.**

15                  **“IF THE COURT REJECTS THE DEFENSE OF A SLAPP,**  
16                  **THE EVIDENCE ADDUCED DURING THE SUMMARY HEARING**  
17                  **SHALL BE TREATED AS EVIDENCE OF THE PARTIES ON THE**  
18                  **MERITS OF THE CASE. THE ACTION SHALL PROCEED IN**  
19                  **ACCORDANCE WITH THE RULES OF COURT.**

20                  **“THE RULES OF PROCEDURE FOR ENVIRONMENTAL**  
21                  **CASES SHALL GOVERN THE PROCEDURE IN CIVIL, CRIMINAL,**  
22                  **AND SPECIAL CIVIL ACTIONS INVOLVING THE ENFORCEMENT**  
23                  **OR VIOLATIONS OF THIS ACT INCLUDING ACTIONS TREATED AS**  
24                  **A SLAPP AS PROVIDED IN THIS SECTION.”**

25                  **SEC. 12. *Renumbering of the Remaining Sections of Republic Act***  
26                  ***No. 8550.*** – Sections 108 to 133 of Republic Act No. 8550 shall be  
27                  renumbered as Sections 140 to 165 accordingly. Chapters VII, VIII and IX of  
28                  the same Act shall be renumbered Chapter VIII, IX and X, respectively.

1           SEC. 13. *Implementing Rules and Regulations.* – The Department of  
2 Agriculture, in consultation with concerned government agencies and  
3 stakeholders, shall promulgate the implementing rules and regulations of this  
4 Act.

5           SEC. 14. *Separability Clause.* – If any portion of this Act is declared  
6 unconstitutional or invalid, the portions or provisions which are not affected  
7 shall continue to be in full force and effect.

8           SEC. 15. *Repealing Clause.* – All laws, decrees, executive orders and  
9 rules and regulations or parts thereof which are inconsistent with this Act are  
10 hereby repealed or modified accordingly.

11           SEC. 16. *Effectivity.* – This Act shall take effect fifteen (15) days after  
12 its complete publication in at least two (2) newspapers of general circulation.

Approved,

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