



Republic of the Philippines
Department of Agriculture

Bureau of Fisheries and Aquatic Resources

PCA Compound, Elliptical Road, Diliman, Quezon City
Tel. Nos. 929-95-97 * 929-80-74

**FISHERIES ADMINISTRATIVE
ORDER NO. 245-4
Series of 2018**

**SUBJECT: REGULATIONS AND IMPLEMENTING GUIDELINES ON GROUP TUNA
PURSE SEINE OPERATIONS IN HIGH SEAS POCKET NUMBER 1 AS A
SPECIAL MANAGEMENT AREA.**

WHEREAS, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 5, 2000, which was subsequently ratified by the Senate on 2005;

WHEREAS, the Philippines is a member of the Regional Fisheries Management Organization, the Western and Central Pacific Fisheries Commission (WCPFC);

WHEREAS, in the 8th WCPFC Regular Session in March 2012, CMM 2011-01 for Temporary Extension of CMM 2008-01 was adopted giving the Philippines limited access to High Seas Pocket Number 1 (HSP-1) as a Special Management Area (SMA) and incorporated in CMM 2012-01 and subsequent CMMs (2013-01, 2014-01, 2015-01 and 2016-01);

WHEREAS, in December 2017, the Commission adopted a new Conservation and Management Measure (CMM 2017-01) for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean to provide a robust transitional management regime that ensures the sustainability of Bigeye, Yellowfin and Skipjack Tuna stocks;

WHEREAS, CMM 2017-01 will create a bridge to the adoption of a harvest strategy for Bigeye, Skipjack, and Yellowfin Tuna in accordance with the work plan and indicative frames set out in the agreed work plan for adoption of harvest strategies under CMM 2014-06, which includes the development of management objectives and target reference points, and the Commission shall work towards achieving and sustaining the following :

1) Bigeye

Pending agreement on a target reference point the spawning biomass depletion ratio ($SB/SB_{F=0}$) is to be maintained at or above the average ($SB/SB_{F=0}$) for 2012-2015.

2) Skipjack

The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the interim target reference point of 50% of the spawning biomass in the absence of fishing, adopted in accordance with CMM 2015-06.

3) Yellowfin

Pending agreement on a target reference point the spawning biomass depletion ratio ($SB/SB_{F=0}$) is to be maintained at or above the average ($SB/SB_{F=0}$) for 2012-2015.

WHEREAS, this policy is designed as a conservation measure primarily to reduce effort in the Philippine waters where juvenile tunas are more likely to be found than in the High Seas Pocket 1;

WHEREFORE, in view of these premises, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgates the following regulations and implementing guidelines.

Section 1. Definition of Terms. For purposes of this Order, the following terms as used herein shall mean and shall be construed as follows:

- 1) Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit – a two-way automatic tracking device approved by the Bureau to be installed on the fishing vessels that utilizes a satellite navigation and communication system for the purpose of transmitting information concerning the Philippines flagged fishing vessels' positions, fishing activities, and any other activity of the vessels as may be required.
- 2) Bureau/BFAR – Bureau of Fisheries and Aquatic Resources.
- 3) BFAR Vessel Monitoring System (VMS) – refers to the National Fisheries Monitoring Center established and operated by the Bureau which is used to track and monitor the position, time and course and speed of commercial fishing vessels in the territorial waters, EEZ and the high seas for the purpose of conservation and management of fisheries resources.
- 4) Commercial of Fishing Vessel/Gear License (CFVGL) – authorization granted by BFAR to the fishing vessel operators to fish within commercial waters (>15 km from the shoreline) of the Philippines pursuant to Sec. 26 of R.A. 8550 as amended by RA 10654.
- 5) Exclusive Economic Zone (EEZ) – an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Sea and their respective existing laws.
- 6) FAD – Fish Aggregating Devices that shall include drifting logs, other drifting objects and anchored FADs.
- 7) Fisheries Monitoring Center (FMC) – serves as a land base component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System.

- 8) Fishing Vessel — any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, transportation and/or processing.
- 9) Group Seine — purse seine/ring net boats operating as a group, consisting of a catcher boat and its support vessels, such as ice carrier boats, ranger and light boats.
- 10) High Seas (HS) — the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 11) High Seas Fishing Day — this refers to the day when a fishing vessel sets its net with an intention to fish.
- 12) HSP1 — High Seas Pocket 1 as referred to in CMM 2017-01.
- 13) International Fishing Permit (IFP) — authorization granted by BFAR to licensed Philippine Flagged Vessels to Fish in waters of other Coastal States and high seas where the Philippines has access agreements.
- 14) Purse Seine/Ring Net — a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from the boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
- 15) Regional Fisheries Observer — Personnel duly authorized by the Commission's Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the Commission, other RFMOs and by the Bureau's compatible measures.
- 16) RFMOs — refers to the Regional Fisheries Management Organizations that implements conservation and management measures on tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC in which the Philippines is a member, or the CCSBT (Commission on the Conservation of Southern Bluefin Tuna) in which Philippines is cooperating non-member.
- 17) SMA — Special Management Area as referred in CMM 2017-01.
- 18) Special Fishing Permit for HSP1 — authorization granted by BFAR to the 36 Traditional group seine fishing vessels to conduct fishing operation in High Seas Pocket 1 as Special Management Area.
- 19) WCPFC — Western and Central Pacific Fisheries Commission.
- 20) MARLIN — Electronic Logsheet terminal designed to record and transmit daily logsheet data electronically.

Section 2. Scope and Application

- 1) This Administrative Order covers the 36 Philippine registered traditional group seine fishing vessels granted access to the HSP1-SMA, having gross tonnage of not more than 250 GT issued with International Fishing Permits, and listed in the WCPFC record of fishing vessels.
- 2) This Administrative Order applies only to HSP1-SMA, which is the area of the high seas bounded by the EEZs of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south with exact coordinates as used by WCPFC Vessel Monitoring System.

Section 3. Allocation of Fishing Access

Fishing access to operate in HSP1-SMA is granted on the basis of compliance to the following criteria:

- 1) The fishing operation involves traditional group seine fishing vessel of no more than 250 gross tons;
- 2) The fishing vessel is Philippine-registered with valid Commercial Fishing Vessel and Gear License (CFVGL), licensed with International Fishing Permit and has paid a fee for a Special Permit to operate at HSP1 in the amount of USD 2,000 for 2018 subject to annual renewal and additional incremental fee of US100 annually thereafter until 2021;
- 3) The fishing vessel must be SOLAS compliant;
- 4) The fishing vessel must be Catch Documentary Scheme compliant;
- 5) The purse seine net shall have mesh size not less than 3.5 inches starting at the mid body to the entire wing while ring net shall have mesh size not less than 3.5 inches at both wings, and for purse seine or ring net with symmetrical net design, the mesh size of the lower half of the net shall not be less than 3.5 inches;
- 6) The fishing vessel has not been convicted in any administrative or criminal offenses for engaging in fishing activities in the Convention Area in violation of any conservation and management measures adopted by the WCPFC;
- 7) The fishing vessel shall be registered with WCPFC;
- 8) The catcher fishing vessel and its supporting carriers shall be equipped with two-way Vessel Monitoring System while all lightboats shall also be equipped with at least a one-way Automatic Location Communicators;
- 9) Each group tuna purse seine/ring net operation shall avail of the services of accredited Regional Observer preferably fishery graduates;
- 10) Each group tuna purse seine/ringnet operation shall commit to deploy no more than 40 FADs per catcher vessel;

- 11) The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operation; and
- 12) The catcher vessel listed to access the high seas shall not fish for tuna in Philippine waters during the validity of their license in the high seas. However, in the furtherance of national priority the Bureau may allow these vessels to fish in designated areas. The Bureau shall issue a special approval for this purpose.

All fishing vessels that have been qualified and granted special permits to operate in HSP1 shall retain their rights under FAO 245, 245-1, 245-2 and 245-3 unless revoked or their licenses and special permits have expired and not renewed.

Section 4. Observer Coverage. All catcher vessels operating HSP1-SMA shall have 100% regional observer coverage in accordance to FAO 240 Series of 2012 on *Rules and Regulations in the Implementation of Fisheries Observer Program in the High Seas*, and WCPFC Conservation and Management Measure (CMM) 2007-01 and CMM 2017-01. Priority will be given to fisheries graduate in the deployment of Observers.

Section 5. Vessel Monitoring System. All catcher vessels and their corresponding carrier vessels shall be equipped with and shall operate a two-way Automatic Location Communicator in accordance to FAO 241 Series of 2012 on *Regulations in the Implementation of the Vessel Monitoring System (VMS) in the High Seas*, CMM 2011-02 and CMM 2017-01. Their corresponding lightboats shall also be equipped with at least one-way Automatic Location Communicators. The FMC shall provide continuous real-time VMS information to the adjacent Coastal States/Territories for monitoring purposes. Access to VMS and other data related to HSP1-SMA shall be in accordance with WCPFC Rules and Procedures for the Protection, Access to and Dissemination of High Seas Non-Public Domain Data and Information Compiled by WCPFC for the Purpose of Monitoring, Control and Surveillance (MCS) Activities and Access to and Dissemination of High Seas VMS for Scientific Purposes.

Section 6. Reporting.

- 1) The vessels or the fishing company shall notify BFAR through electronic or any other means at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP1-SMA. Likewise, this information shall be transmitted to the adjacent Coastal States/Territories and WCPFC.
- 2) The report should be in the following format: "VID/entry or Exit: Date/Time; Lat/Long."
- 3) The vessels operating in HSP1-SMA should report sightings of any fishing vessel to the BFAR and WCPFC Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 7. Vessel Listing. The Bureau shall maintain an updated list of all fishing vessels operating in the HSP1-SMA based on the foregoing vessel's entry and exit reports submitted to WCPFC. The list will be submitted to WCPFC and will be made available to WCPFC members and other concerned stakeholders through dedicated website, www.bfar.da.gov.ph.

Section 8. Monitoring of Port Landings. All landings of vessels operating in HSP1-SMA shall be done at the General Santos, Zamboanga Fishports and other Authorized Ports operated by the Philippine Fisheries Development Authority. Catch Logsheet shall be accomplished and submitted to the Bureau to insure that reliable catch by species are collected for processing and analysis.

Section 9. Catch Limit. The annual total catch per vessel not exceeds an equivalent to 273 high seas fishing days in the HSP1-SMA ($4,923 \times 2 = 9,846$ days, divided by 36).

Section 10. Net Mesh Size. All fishing vessels covered by this Order shall use net mesh size of not less than 3.5 inches starting at the mid body to the entire wing for purse seine, while mesh size of not less than 3.5 inches at both wings for ring net, and for purse seine or ring net with symmetrical net design, the mesh size of the lower half of the net shall not be less than 3.5 inches.

Section 11. Use of Fish Aggregating Device (FAD). Each group tuna purse seine/ring net operation shall deploy not more than 40 FADs per catcher vessel. Location coordinates of FADs should be submitted to the Bureau. In compliance with CMM 2017-01, there shall be (3) months (July, August and September) prohibition of setting on FADs for all purse seine vessels in HSP1-SMA.

Section 12. Nature of Access Right. Any transfer of access right or replacement of vessel covered by this Order shall be subjected to the prior approval of the Bureau and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be considered void.

Section 13. Penalties. Any violations of the provisions of this Fisheries Administrative Order shall be penalized with the following fines and penalties:

- 1) Pursuant to Section 116 of R.A. 8550 as amended by R.A. 10654, violation of the Observer Coverage required by Section 4 hereof shall be penalized with an administrative fine of Five hundred thousand pesos (P500,000.00) and forfeiture of the catch and gear;

Upon conviction by a court of law, the offender shall be punished with imprisonment of one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine, confiscation of catch and suspension or cancelation of license.

- 2) Intentionally non-reporting of position manually every four hours after having been notified by BFAR FMC that the VMS ALC is not transmitting as required shall be penalized with an administrative fine on Php 500,000.00 for the first offense, and Php 1,000,000.00 with revocation of Special Permit for HSP1-SMA for the second offense;

- 3) Pursuant to Section 89 of R.A. 8550 as amended by R.A. 10654, violation of Section 6 and 8, cases of unreported fishing committed in waters beyond national jurisdiction or high seas, the owner, operator, and the three (3) highest officers of the commercial fishing vessel shall be penalized with an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below, whichever is higher;
 - a) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;
 - b) Ten million pesos (P10,000,000.00) to fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and
 - c) Sixteen million pesos (P16,000,000.00) to Twenty million pesos (P20,000,000.00) for large-scale commercial fishing vessels less than seven hundred fifty (750) gross tons, and Twenty-five million pesos (P25,000,000.00) to Forty-five million pesos (P45,000,000.00) for large-scale commercial fishing vessels seven hundred fifty (750) gross tons or more. Upon conviction by a court of law, the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and a fine of equivalent to twice the amount of the administrative fine and confiscation of catch and gear.
- 4) Vessel exceeding HS fishing days as provided in Section 9 hereof, shall be liable to pay Php 1,000,000.00 with revocation of all the Special Permit for HSP1-SMA issued to the owner of the offending vessel;
- 5) Pursuant to Section 89 of R.A. 8550 as amended by R.A. 10654, non-compliance with the prescribed mesh size under Section 10 hereof shall be penalized with an administrative fine equivalent to three (3) times the value of the catch or the value indicated below, whichever is higher;
 - a) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;
 - b) One hundred thousand pesos (P100,000.00) for medium-scale commercial fishing;
 - c) Two hundred thousand pesos (P200,000.00) for large-scale commercial fishing. Upon conviction by a court of law, the offender, shall be punished by imprisonment of six (6) months to two (2) years and a fine equivalent to twice the administrative fine, and confiscation of catch and gear.
- 6) Deployment of FADs in Excess of 40 as provided in Section 11 hereof shall be penalized with administrative fine of Php 50,000.00 per excess FAD and confiscation of the excess FAD;
- 7) Unauthorized transfer of access right or replacement of vessel as provided under Section 12 hereof shall be penalized with Php 1,000,000.00 at first offense, Php 2,000,000.00 as well as revocation of Special Permit for HSP-1 SMA at second offense.

Section 14. Separability Clause. If any section or provision of Order or part thereof is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 15. Repealing Clause. All existing administrative order, rules and regulations which are inconsistent with the provisions this Order is hereby repealed or modified.

Section 16. Effectivity. This Order shall take effect fifteen (15) days after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Register and shall be deemed coterminous with CMM 2017-01 until 2021.

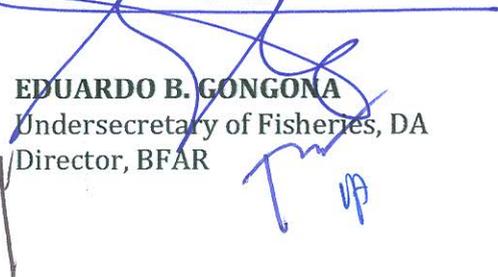
Issued this 25th day of JULY, 2018 at Quezon City, Metro Manila, Philippines.

EMMANUEL V. PINOL
Secretary

DEPARTMENT OF AGRICULTURE

In replying pls cite this code :
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Recommending Approval:


EDUARDO B. GONGONA
Undersecretary of Fisheries, DA
Director, BFAR



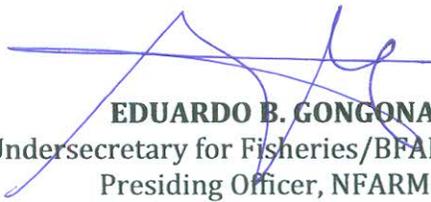
Republic of the Philippines
Department of Agriculture
**National Fisheries and Aquatic Resources
Management Council (NFARMC)**
Elliptical Road, Diliman, Quezon City

NFARMC RESOLUTION No. 13
Series of 2018

**RESOLUTION RECOMMENDING THE EXTENDED IMPLEMENTATION OF FISHERIES
ADMINISTRATIVE ORDER NOS. 236, 254 AND 245-3 AND TO INCORPORATE
NECESSARY AMENDMENTS THERETO**

- WHEREAS,** the National Fisheries and Aquatic Resources Management Council (NFARMC) is a multi-sectoral body composed of representatives from all major stakeholders in Philippine fisheries and serves as an advisory and recommendatory body to the Department of Agriculture (DA);
- WHEREAS,** Section 72 (a) of the Implementing Rules and Regulations of R. A. No. 8550 or The Philippine Fisheries Code, as amended by R. A. No. 10654, states that xxx "NFARMC shall have the following functions: (a) assist in the formulation of national policies for the protection, sustainable development and management of fishery and aquatic resources xxx";
- WHEREAS,** the effectivity of the aforementioned Fisheries Administrative Orders have already lapsed and requires the recommendation of the NFARMC for approval of the Secretary of the Department of Agriculture in accordance with the last paragraph of Section 61 of R. A. No. 8550 as amended by R. A. No. 10654 to facilitate the extension of their implementation;
- WHEREAS,** the FAO 236, 254 and 245-3 should be aligned with the implementation of Conservation Management Measure 2017-01 of the Western and Central Pacific Fisheries Commission;
- NOW, THEREFORE, BE IT RESOLVED,** the implementation of Fisheries Administrative Order Nos. 236, 254 and 245-3 be extended for another three (3) years until February 10, 2021 taking into account the amendment in FAO 245-3 which provides symmetrical net as additional option for net design and mesh size requirement wherein the lower half of the ring net or purse seine should be not less than 3.5 inches;
- RESOLVED, FURTHER,** that copies of this resolution be furnished to the Office of the Secretary of the Department of Agriculture, the Office of the Director of the Bureau of Fisheries and Aquatic Resources and other concerned offices; and
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UNANIMOUSLY RESOLVED during the second quarter meeting of the council on May 18, 2018 held at the Camp Holiday Resort and Recreation Center, Babak District, Island Garden City of Samal.



EDUARDO B. GONGONA
Undersecretary for Fisheries/BFAR Director
Presiding Officer, NFARMC



DR. YASMIN P. TIROL
Academe



ROSANNA BERNADETTE B. CONTRERAS
Aquaculture



FELIZARDO C. LIM
Fisherfolk - Luzon



ROMEO M. GUPONG
Fisherfolk - Luzon



MARTHA E. CADANO
Fisherfolk - Visayas



CABILI K. ABO
Fisherfolk - Mindanao



DINO H. BARRIENTOS
Small Scale Commercial Fisheries



ROBERTO A. BAYLOSIS
Alternate Member, Medium Scale
Commercial Fisheries



FERDINAND Y. LIM
Large Scale Commercial Fisheries



JOAQUIN T. LU
Fish Processing



JULIO G. TAN
Non-Government Organization





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Department of Agriculture
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**FISHERIES ADMINISTRATIVE
ORDER NO. 245-4
Series of 2018**

SUBJECT: REGULATIONS AND IMPLEMENTING GUIDELINES ON GROUP TUNA PURSE SEINE OPERATIONS IN HIGH SEAS POCKET NUMBER 1 AS A SPECIAL MANAGEMENT AREA.

WHEREAS, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 5, 2000, which was subsequently ratified by the Senate on 2005;

WHEREAS, the Philippines is a member of the Regional Fisheries Management Organization, the Western and Central Pacific Fisheries Commission (WCPFC);

WHEREAS, in the 8th WCPFC Regular Session in March 2012, CMM 2011-01 for Temporary Extension of CMM 2008-01 was adopted giving the Philippines limited access to High Seas Pocket Number 1 (HSP-1) as a Special Management Area (SMA) and incorporated in CMM 2012-01 and subsequent CMMs (2013-01, 2014-01, 2015-01 and 2016-01);

WHEREAS, in December 2017, the Commission adopted a new Conservation and Management Measure (CMM 2017-01) for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean to provide a robust transitional management regime that ensures the sustainability of Bigeye, Yellowfin and Skipjack Tuna stocks;

WHEREAS, CMM 2017-01 will create a bridge to the adoption of a harvest strategy for Bigeye, Skipjack, and Yellowfin Tuna in accordance with the work plan and indicative frames set out in the agreed work plan for adoption of harvest strategies under CMM 2014-06, which includes the development of management objectives and target reference points, and the Commission shall work towards achieving and sustaining the following:

1) Bigeye

Pending agreement on a target reference point the spawning biomass depletion ratio (SB/SB₀) is to be maintained at or above the average (SB/SB₀) for 2012-2015.

2) Skipjack

The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the interim target reference point of 50% of the spawning biomass in the absence of fishing, adopted in accordance with CMM 2015-06.

3) Yellowfin

Pending agreement on a target reference point the spawning biomass depletion ratio (SB/SB₀) is to be maintained at or above the average (SB/SB₀) for 2012-2015.

WHEREAS, this policy is designed as a conservation measure primarily to reduce effort in the Philippine waters where juvenile tunas are more likely to be found than in the High Seas Pocket 1;

WHEREFORE, in view of these premises, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgates the following regulations and implementing guidelines.

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- 5) Exclusive Economic Zone (EEZ) — an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Sea and their respective existing laws.
- 6) FAD — Fish Aggregating Devices that shall include drifting logs, other drifting objects and anchored FADs.

- 7) The fishing vessel shall be registered with WCPFC;
- 8) The catcher fishing vessel and its supporting carriers shall be equipped with two-way Vessel Monitoring System while all lightboats shall also be equipped with at least a one-way Automatic Location Communicators;
- 9) Each group tuna purse seine/ring net operation shall avail of the services of accredited Regional Observer preferably fishery graduates;
- 10) Each group tuna purse seine/ringnet operation shall commit to deploy no more than 40 FADs per catcher vessel;
- 11) The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operation; and
- 12) The catcher vessel listed to access the high seas shall not fish for tuna in Philippine waters during the validity of their license in the high seas. However, in the furtherance of national priority the Bureau may allow these vessels to fish in designated areas. The Bureau shall issue a special approval for this purpose.

All fishing vessels that have been qualified and granted special permits to operate in HSP1 shall retain their rights under FAO 245, 245-1, 245-2 and 245-3 unless revoked or their licenses and special permits have expired and not renewed.

Section 4. Observer Coverage. All catcher vessels operating HSP1-SMA shall have 100% regional observer coverage in accordance to FAO 240 Series of 2012 on *Rules and Regulations in the Implementation of Fisheries Observer Program in the High Seas*, and WCPFC Conservation and Management Measure (CMM) 2007-01 and CMM 2017-01. Priority will be given to fisheries graduate in the deployment of Observers.

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Section 6. Reporting.

- 1) The vessels or the fishing company shall notify BFAR through electronic or any other means at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP1-SMA. Likewise, this information shall be transmitted to the adjacent Coastal States/Territories and WCPFC.
- 2) The report should be in the following format: "VID/entry or Exit: Date/Time; Lat/Long."
- 3) The vessels operating in HSP1-SMA should report sightings of any fishing vessel to the BFAR and WCPFC Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 7. Vessel Listing. The Bureau shall maintain an updated list of all fishing vessels operating in the HSP1-SMA based on the foregoing vessel's entry and exit reports submitted to WCPFC. The list will be submitted to WCPFC and will be made available to WCPFC members and other concerned stakeholders through dedicated website, www.bfar.da.gov.ph.

Section 8. Monitoring of Port Landings. All landings of vessels operating in HSP1-SMA shall be done at the General Santos, Zamboanga Fishports and other Authorized Ports operated by the Philippine Fisheries Development Authority. Catch Logsheet shall be accomplished and submitted to the Bureau to insure that reliable catch by species are collected for processing and analysis.

Section 9. Catch Limit. The annual total catch per vessel not exceeds an equivalent to 273 high seas fishing days in the HSP1-SMA (4,923 X 2 = 9,846 days, divided by 36).

Section 10. Net Mesh Size. All fishing vessels covered by this Order shall use net mesh size of not less than 3.5 inches starting at the mid body to the entire wing for purse seine, while mesh size of not less than 3.5 inches at both wings for ring net, and for purse seine or ring net with symmetrical net design, the mesh size of the lower half of the net shall not be less than 3.5 inches.

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- 1) Pursuant to Section 116 of R.A. 8550 as amended by R.A. 10654, violation of the Observer Coverage required by Section 4 hereof shall be penalized with

- 5) Exclusive Economic Zone (EEZ) — an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Sea and their respective existing laws.
- 6) FAD — Fish Aggregating Devices that shall include drifting logs, other drifting objects and anchored EADS.
- 7) Fisheries Monitoring Center (FMC) — serves as a land base component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System.
- 8) Fishing Vessel — any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, transportation and/or processing.
- 9) Group Seine — purse seine/ring net boats operating as a group, consisting of a catcher boat and its support vessels, such as ice carrier boats, ranger and light boats.
- 10) High Seas (HS) — the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 11) High Seas Fishing Day — this refers to the day when a fishing vessel sets its net with an intention to fish.
- 12) HSP1 — High Seas Pocket 1 as referred to in CMM 2017-01.
- 13) International Fishing Permit (IFP) — authorization granted by BFAR to licensed Philippine flagged vessels to fish in waters of other Coastal States and high seas where the Philippines has access agreements.
- 14) Purse Seine/Ring Net — a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from the boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
- 15) Regional Fisheries Observer — Personnel duly authorized by the Commission's Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the Commission, other RFMOs and by the Bureau's compatible measures.
- 16) RFMOs — refers to the Regional Fisheries Management Organizations that implements conservation and management measures on tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC in which the Philippines is a member, or the CCSBT (Commission on the Conservation of Southern Bluefin Tuna) in which Philippines is cooperating non-member.
- 17) SMA — Special Management Area as referred in CMM 2017-01.
- 18) Special Fishing Permit for HSP1 — authorization granted by BFAR to the 36 Traditional group seine fishing vessels to conduct fishing operation in High Seas Pocket 1 as Special Management Area.
- 19) WCPFC — Western and Central Pacific Fisheries Commission.
- 20) MARLIN — Electronic logsheet terminal designed to record and transmit daily logsheet data electronically.

Section 2. Scope and Application

- 1) This Administrative Order covers the 36 Philippine registered traditional group seine fishing vessels granted access to the HSP1-SMA, having gross tonnage of not more than 250 GT issued with International Fishing Permits, and listed in the WCPFC record of fishing vessels.
- 2) This Administrative Order applies only to HSP1-SMA, which is the area of the high seas bounded by the EEZs of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south with exact coordinates as used by WCPFC Vessel Monitoring System.

Section 3. Allocation of Fishing Access

Fishing access to operate in HSP1-SMA is granted on the basis of compliance to the following criteria:

- 1) The fishing operation involves traditional group seine fishing vessel of no more than 250 gross tons;
- 2) The fishing vessel is Philippine-registered with valid Commercial Fishing Vessel and Gear License (CFVGL), licensed with International Fishing Permit and has paid a fee for a Special Permit to operate at HSP1 in the amount of USD 2,000 for 2018 subject to annual renewal and additional incremental fee of US100 annually thereafter until 2021;
- 3) The fishing vessel must be SOLAS compliant;
- 4) The fishing vessel must be Catch Documentary Scheme compliant;
- 5) The purse seine net shall have mesh size not less than 3.5 inches starting at the mid body to the entire wing while ring net shall have mesh size not less than 3.5 inches at both wings, and for purse seine or ring net with symmetrical net design, the mesh size of the lower half of the net shall not be less than 3.5 inches;
- 6) The fishing vessel has not been convicted in any administrative or criminal offenses for engaging in fishing activities in the Convention Area in violation of any conservation and management measures adopted by the WCPFC;

Section 13. Penalties. Any violations of the provisions of this Fisheries Administrative Order shall be penalized with the following fines and penalties:

- 1) Pursuant to Section 116 of R.A. 8550 as amended by R.A. 10654, violation of the Observer Coverage required by Section 4 hereof shall be penalized with an administrative fine of five hundred thousand pesos (P500,000.00) and forfeiture of the catch and gear;
Upon conviction by a court of law, the offender shall be punished with imprisonment of one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine, confiscation of catch and suspension or cancellation of license.
- 2) Intentionally non-reporting of position manually every four hours after having been notified by BFAR FMC that the VMS ALC is not transmitting as required shall be penalized with an administrative fine on Php 500,000.00 for the first offense, and Php 1,000,000.00 with revocation of Special Permit for HSP1-SMA for the second offense;
- 3) Pursuant to Section 89 of R.A. 8550 as amended by R.A. 10654, violation of Section 6 and 8, cases of unreported fishing committed in waters beyond national jurisdiction or high seas, the owner, operator, and the three (3) highest officers of the commercial fishing vessel shall be penalized with an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below, whichever is higher;
 - a) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;
 - b) Ten million pesos (P10,000,000.00) to fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and
 - c) Sixteen million pesos (P16,000,000.00) to Twenty million pesos (P20,000,000.00) for large-scale commercial fishing vessels less than seven hundred fifty (750) gross tons, and Twenty-five million pesos (P25,000,000.00) to Forty-five million pesos (P45,000,000.00) for large-scale commercial fishing vessels seven hundred fifty (750) gross tons or more. Upon conviction by a court of law, the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and a fine of equivalent to twice the amount of the administrative fine and confiscation of catch and gear.
- 4) Vessel exceeding HS fishing days as provided in Section 9 hereof, shall be liable to pay Php 1,000,000.00 with revocation of all the Special Permit for HSP1-SMA issued to the owner of the offending vessel;
- 5) Pursuant to Section 89 of R.A. 8550 as amended by R.A. 10654, non-compliance with the prescribed mesh size under Section 10 hereof shall be penalized with an administrative fine equivalent to three (3) times the value of the catch or the value indicated below, whichever is higher;
 - a) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;
 - b) One hundred thousand pesos (P100,000.00) for medium-scale commercial fishing;
 - c) Two hundred thousand pesos (P200,000.00) for large-scale commercial fishing. Upon conviction by a court of law, the offender, shall be punished by imprisonment of six (6) months to two (2) years and a fine equivalent to twice the administrative fine, and confiscation of catch and gear.
- 6) Deployment of FADs in Excess of 40 as provided in Section 11 hereof shall be penalized with administrative fine of Php 50,000.00 per excess FAD and confiscation of the excess FAD;
- 7) Unauthorized transfer of access right or replacement of vessel as provided under Section 12 hereof shall be penalized with Php 1,000,000.00 at first offense, Php 2,000,000.00 as well as revocation of Special Permit for HSP-1 SMA at second offense.

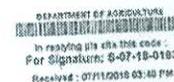
Section 14. Separability Clause. If any section or provision of Order or part thereof is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 15. Repealing Clause. All existing administrative order, rules and regulations which are inconsistent with the provisions this Order is hereby repealed or modified.

Section 16. Effectivity. This Order shall take effect fifteen (15) days after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Register and shall be deemed coterminous with CMM 2017-01 until 2021.

Issued this 25 day of July 2018 at Quezon City, Metro Manila, Philippines.

EMMANUEL V. PINOL
Secretary



Recommending Approval:

EDUARDO B. GONGONA
Undersecretary of Fisheries, DA
Director, BFAR

P.S. July 30, 2018



Republic of the Philippines
Department of Agriculture
Bureau of Fisheries and Aquatic Resources
PCA compound, Elliptical Road, Diliman, Quezon City
Tel. Nos. 929-95-97 • 929-80-74

FISHERIES ADMINISTRATIVE ORDER NO. 245-4
Series of 2018

SUBJECT: REGULATIONS AND IMPLEMENTING GUIDELINES ON GROUP TUNA PURSE SEINE OPERATIONS IN HIGH SEAS POCKET NUMBER 1 AS A SPECIAL MANAGEMENT AREA.

WHEREAS, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 5, 2000, which was subsequently ratified by the Senate on 2005;

WHEREAS, the Philippines is a member of the Regional Fisheries Management Organization, the Western and Central Pacific Fisheries Commission (WCPFC);

WHEREAS, in the 8th WCPFC Regular Session in March 2012, CMM 2011-01 for Temporary Extension of CMM 2008-01 was adopted giving the Philippines limited access to High Seas Pocket Number 1 (HSP-1) as a Special Management Area (SMA) and incorporated in CMM 2012-01 and subsequent CMMs (2013-01, 2014-01, 2015-01 and 2016-01);

WHEREAS, in December 2017, the Commission adopted a new Conservation and Management Measure (CMM 2017-01) for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean to provide a robust transitional management regime that ensures the sustainability of Bigeye, Yellowfin and Skipjack Tuna stocks;

WHEREAS, CMM 2017-01 will create a bridge to the adoption of a harvest strategy for Bigeye, Skipjack, and Yellowfin Tuna in accordance with the work plan and indicative frames set out in the agreed work plan for adoption of harvest strategies under CMM 2014-06, which includes the development of management objectives and target reference points, and the Commission shall work towards achieving and sustaining the following:

1) Bigeye

Pending agreement on a target reference point the spawning biomass depletion ratio (SB/SB_{MSY}) is to be maintained at or above the average (SB/SB_{MSY}) for 2012-2015.

2) Skipjack

The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the interim target reference point of 50% of the spawning biomass in the absence of fishing, adopted in accordance with CMM 2015-06.

3) Yellowfin

Pending agreement on a target reference point the spawning biomass depletion ratio (SB/SB_{MSY}) is to be maintained at or above the average (SB/SB_{MSY}) for 2012-2015.

WHEREAS, this policy is designed as a conservation measure primarily to reduce effort in the Philippine waters where juvenile tunas are more likely to be found than in the High Seas Pocket 1;

WHEREFORE, in view of these premises, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgates the following regulations and implementing guidelines.

Section 1. Definition of Terms. For purposes of this Order, the following terms as used herein shall mean and shall be construed as follows:

- 1) **Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit** - a two-way automatic tracking device approved by the Bureau to be installed on the fishing vessels that utilizes a satellite navigation and communication system for the purpose of transmitting information concerning the Philippines flagged fishing vessels' positions, fishing activities, and any other activity of the vessels as may be required.
- 2) **Bureau/BFAR** - Bureau of Fisheries and Aquatic Resources.
- 3) **BFAR Vessel Monitoring System (VMS)** - refers to the National Fisheries Monitoring Center established and operated by the Bureau which is used to track and monitor the position, time and course and speed of commercial fishing vessels in the territorial waters, EEZ and the high seas for the purpose of conservation and management of fisheries resources.
- 4) **Commercial of Fishing Vessel/Gear License (CFVGL)** - authorization granted by BFAR to the fishing vessel operators to fish within commercial waters >15 km from the shoreline) of the Philippines pursuant to Sec. 26 of R.A. 8550 as amended by RA 10654.
- 5) **Exclusive Economic Zone (EEZ)** - an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Sea and their respective existing laws.
- 6) **FAD** - Fish Aggregating Devices that shall include drifting logs, other drifting objects and anchored FADs.
- 7) **Fisheries Monitoring Center (FMC)** - serves as a land base component for fisheries monitoring control and surveillance which operates and maintain the Vessel Monitoring System.
- 8) **Fishing Vessel** - any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessel in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, transportation and/or processing.
- 9) **Group Seine** - purse seine/ring net boats operating as a group, consisting of a catcher boat and its support vessels, such as ice carrier boats, ranger and night boats.
- 10) **High Seas (HS)** - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 11) **High Seas Fishing Day** - this refers to the day when a fishing vessel sets its net with an intention to fish.
- 12) **HSP1** - High Seas Pocket 1 as referred to in CMM 2017-01.
- 13) **International Fishing Permit (IFP)** - authorization granted by BFAR to licensed Philippine Flagged Vessels to Fish in waters of other Coastal States and high seas where the Philippines has access agreements.
- 14) **Purse Seine/Ring Net** - a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed in general the net is set from the boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
- 15) **Regional Fisheries Observer** - Personnel duly authorized by the Commission's Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the Commission, other RFMOs and by the Bureau's compatible measures.
- 16) **RFMOs** - refers to the Regional Fisheries Management Organizations that implements conservation and management measures on tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC in which the Philippines is a member, or the CCSBT (Commission on the Conservation of Southern Bluefin Tuna) in which Philippines is cooperating non-member.
- 17) **SMA** - Special Management Area as referred in CMM 2017-01.
- 18) **Special Fishing Permit for HSP1** - authorization granted by BFAR to the 36 Traditional group seine fishing vessels to conduct fishing operation in High Seas Pocket 1 as Special Management Area.
- 19) **WCPFC** - Western and Central Pacific Fisheries Commission.
- 20) **MARLIN** - Electronic Logsheet terminal designed to record and transmit daily logsheet data electronically.

Section 2. Scope and Application

- 1) This Administrative Order covers the 36 Philippine registered traditional group seine fishing vessels granted access to the HSP1-SMA, having gross tonnage of not more than 250 GT issued with International Fishing Permits, and listed in the WCPFC record of fishing vessels.
- 2) This Administrative Order applies only to HSP1-SMA, which is the area of the high seas bounded by the EEZs of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south with exact coordinates as used by WCPFC Vessel Monitoring System.

Section 3. Allocation of Fishing Access

Fishing access to operate in HSP1-SMA is granted on the basis of compliance to the following criteria:

- 1) The fishing operation involves traditional group seine fishing vessel of no more than 250 gross tons;
- 2) The fishing vessel is Philippine-registered with valid Commercial Fishing Vessel and Gear License (CFVGL), licensed with International Fishing Permit and has paid a fee for a Special Permit to operate at HSP1 in the amount of USD 2,000 for 2018 subject to annual renewal and additional incremental fee of US\$100 annually thereafter until 2021;
- 3) The fishing vessel must be SOLAS compliant;
- 4) The fishing vessel must be Catch Documentary Scheme compliant;
- 5) The purse seine net shall have mesh size not less than 3.5 inches starting at the mid body to the entire wing while ring net shall have mesh size not less than 3.5 inches at both wings, and for purse seine or ring net with symmetrical net design, the mesh size of the lower half of the net shall not be less than 3.5 inches;

- 6) The fishing vessel has not been convicted in any administrative or criminal offenses for engaging in fishing activities in the Convention Area in violation of any conservation and management measures adopted by the WCPFC;
- 7) The fishing vessel shall be registered with WCPFC;
- 8) The catcher fishing vessel and its supporting carriers shall be equipped with two-way Vessel Monitoring System while all lightboats shall also be equipped with at least a one-way Automatic Location Communicators;
- 9) Each group tuna purse seine/ring net operation shall avail of the services of accredited Regional Observer preferably fishery graduates;
- 10) Each group tuna purse seine/ringnet operation shall commit to deploy no more than 40 FADs per catcher vessel;
- 11) The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operation; and
- 12) The catcher vessel listed to access the high seas shall not fish for tuna in Philippine waters during the validity of their license in the high seas. However, in the furtherance of national priority the Bureau may allow these vessels to fish in designated areas. The Bureau shall issue a special approval for this purpose.

All fishing vessels that have been qualified and granted special permits to operate in HSP1 shall retain their rights under FAO 245, 245-1, 245-2 and 245-3 unless revoked or their licenses and special permits have expired and not renewed.

Section 4. Observer Coverage. All catcher vessels operating HSP1-SMA shall have 100% regional observer coverage in accordance to FAO 240 Series of 2012 on Rules and Regulations in the Implementation of Fisheries Observer Program in the High Seas, and WCPFC Conservation and Management Measure (CMM) 2007-01 and CMM 2017-01. Priority will be given to fisheries graduate in the deployment of Observers.

Section 5. Vessel Monitoring System. All catcher vessels and their corresponding carrier vessels shall be equipped with and shall operate a two-way Automatic Location Communicator in accordance to FAO 241 Series of 2012 on Regulations in the Implementation of the Vessel Monitoring System (VMS) in the High Seas, CMM 2011-02 and CMM 2017-01. Their corresponding lightboats shall also be equipped with at least one way Automatic Location Communicators. The FMC shall provide continuous real-time VMS information to the adjacent Coastal States/Territories for monitoring purposes. Access to VMS and other data related to HSP1-SMA shall be in accordance with WCPFC Rules and Procedures for the Protection, Access to and Dissemination of High Seas Non Public Domain Data and Information Compiled by WCPFC for the Purpose of Monitoring, Control and Surveillance (MCS) Activities and Access to and Dissemination of High Seas VMS for Scientific Purposes.

Section 6. Reporting.

- 1) The vessels or the fishing company shall notify BFAR through electronic or any other means at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP1-SMA. Likewise, this information shall be transmitted to the adjacent Coastal States/Territories and WCPFC.
- 2) The report should be in the following format: "VID/entry or Exit: Date/Time; Lat/Long."
- 3) The vessels operating in HSP1-SMA should report sightings of any fishing vessel to the BFAR and WCPFC Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 7. Vessel Listing. The Bureau shall maintain an updated list of all fishing vessels operating in the HSP1-SMA based on the foregoing vessel's entry and exit reports submitted to WCPFC. The list will be submitted to WCPFC and will be made available to WCPFC members and other concerned stakeholders through dedicated website, www.bfar.da.gov.ph.

Section 8. Monitoring of Port Landings. All landings of vessels operating in HSP1-SMA shall be done at the General Santos, Zamboanga Fishports and other Authorized Ports operated by the Philippine Fisheries Development Authority. Catch Logsheet shall be accomplished and submitted to the Bureau to insure that reliable catch by species are collected for processing and analysis.

Section 9. Catch Limit. The annual total catch per vessel not exceeds an equivalent to 273 high seas fishing days in the HSP1-SMA (4,923 X 2 = 9,846 days, divided by 36).

Section 10. Net Mesh Size. All fishing vessels covered by this Order shall use net mesh size of not less than 3.5 inches starting at the mid body to the entire wing for purse seine, while mesh size of not less than 3.5 inches at both wings for ring net, and for purse seine or ring net with symmetrical net design, the mesh size of the lower half of the net shall not be less than 3.5 inches.

Section 11. Use of Fish Aggregating Device (FAD). Each group tuna purse seine/ring net operation shall deploy not more than 40 FADs per catcher vessel. Location coordinates of FADs shall be submitted to the Bureau. In compliance with CMM 2017-01, there shall be (3) months July, August and September) prohibition of setting on FADs for all purse seine vessels in HSP1-SMA.

Section 12. Nature of Access Right. Any transfer of access right or replacement of vessel covered by this Order shall be subjected to the prior approval of the Bureau and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be considered void.

Section 13. Penalties. Any violations of the provisions of this Fisheries Administrative Order shall be penalized with the following fines and penalties:

- 1) Pursuant to Section 116 of R.A. 8550 as amended by R.A. 10654, violation of the Observer Coverage required by Section 4 hereof shall be penalized with an administrative fine of Five hundred thousand pesos (P500,000.00) and forfeiture of the catch and gear.
Upon conviction by a court of law, the offender shall be punished with imprisonment of one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine, confiscation of catch and suspension or cancellation of license.
- 2) Intentionally non-reporting of position manually every four hours after having been notified by BFAR FMC that the VMS ALC is not transmitting as required shall be penalized with an administrative fine on Php 500,000.00 for the first offense, and Php 1,000,000.00 with revocation of Special Permit for HSP1-SMA for the second offense;
- 3) Pursuant to Section 89 of RA 8550 as amended by RA 10654, violation of Section 6 and 8, cases of unreported fishing committed in waters beyond national jurisdiction or high seas, the owner, operator, and the three (3) highest officers of the commercial fishing vessel shall be penalized with an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below, whichever is higher;
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 - b) Ten million pesos (P10,000,000.00) to fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and
 - c) Sixteen million pesos (P16,000,000.00) to Twenty million pesos (P20,000,000.00) for large-scale commercial fishing vessels less than seven hundred fifty (750) gross tons, and Twenty-five million pesos (P25,000,000.00) to Forty-five million pesos (P45,000,000.00) for large scale commercial fishing vessels seven hundred fifty (750) gross tons or more. Upon conviction by a court of law, the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and a fine of equivalent to twice the amount of the administrative fine and confiscation of catch and gear.
- 4) Vessel exceeding HS fishing days as provided in Section 9 hereof, shall be liable to pay Php 1,000,000.00 with revocation of all the Special Permit for HSP1-SMA issued to the owner of the offending vessel;
- 5) Pursuant to Section 89 of RA 8550 as amended by R.A. 10654, non-compliance with the prescribed mesh size under Section 10 hereof shall be penalized with an administrative fine, equivalent to three (3) times the value of the catch or the value indicated below, whichever is higher;
 - a) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;
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 - c) Two hundred thousand pesos (P200,000.00) for large-scale commercial fishing. Upon conviction by a court of law, the offender, shall be punished by imprisonment of six (6) months to two (2) years and a fine equivalent to twice the administrative fine, and confiscation of catch and gear.
- 6) Deployment of FADs in Excess of 40 as provided in Section 11 hereof shall be penalized with administrative fine of Php 50,000.00 per excess FAD and confiscation of the excess FAD;
- 7) Unauthorized transfer of access right or replacement of vessel as provided under Section 12 hereof shall be penalized with Php 1,000,000.00 at first offense, Php 2,000,000.00 as well as revocation of Special Permit for HSP1-SMA at second offense.

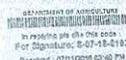
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Section 16. Effectivity. This Order shall take effect fifteen (15) days after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Register and shall be deemed cotemporaneous with CMM 2017-01 until 2021.

Issued this 25th day of July 2018 at Quezon City, Metro Manila, Philippines.

EMMANUEL F. PINOL
Secretary



Recommending Approval:

EDUARDO B. GONGONA
Undersecretary of Fisheries, DA
Director: BFAR



Republic of the Philippines
Department of Agriculture
Bureau of Fisheries and Aquatic Resources
PCA Compound, Elliptical Road, Diliman, Quezon City
Tel. No. 929 9597/ 929 5847 Telefax No. 929 8074

July 30, 2018

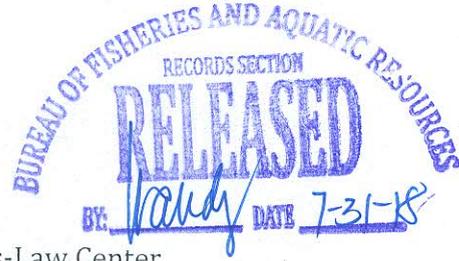
Atty. Flordeliza C. Vargas-Trinidad

Director

Office of National Administrative Registrar

Rm., 208, Bocobo Hall, University of the Philippines-Law Center

Diliman, Quezon City



Dear Atty. Vargas - Trinidad:

On behalf of the Bureau of Fisheries and Aquatic Resources (BFAR), I am hereby filing three (3) certified photocopies and an electronic copy of Fisheries Administrative Orders No. 245-4 s. 2018 re: **"Regulations and Implementing Guidelines on Group Tuna Purse Seine Operations in High Seas Pocket Number 1 as a Special Management Area"**. and Fisheries Administrative Order No. 254 - 1 s. 2018 re: **"Regulating and Implementing Guideline on group Handline Fishing Operations in the High Seas of the WCPFC Convention Area"**, which was published on July 30, 2018 in Philippine Star and July 30, 2018 on Manila Times.

Please find the attached amount of P40.00 in cash payment for the filing fee.

Very truly yours,

RAFAEL V. RAMISCAL

Chief, Capture Fisheries Division