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Department of Agriculture  
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**FISHERIES ADMINISTRATIVE}**  
**ORDER NO.** 232 :  
**Series of 2010** }

**SUBJECT: Limiting Commercial Fishing in Manila Bay**

In compliance to the decision of the Supreme Court (SC) in G.R. Nos. 171947-48 dated December 18, 2008, this Order limiting commercial fishing in Manila Bay is hereby promulgated for the guidance of all concerned.

**SECTION 1. Acronyms and definitions** - The following acronyms and definitions are used in this Order:

- a. BFAR – Bureau of Fisheries and Aquatic Resources
- b. DBM – Department of Budget and Management
- c. DILG – Department of the Interior and Local Government
- d. CFVGL – Commercial Fishing Vessel and Gear License
- e. Commercial fishing – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, further classified as: small-scale commercial fishing or fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons up to twenty (20) GT; medium-scale commercial fishing or fishing utilizing active gear and vessels of 20.1 up to one hundred fifty (150) GT; and large-scale commercial fishing or fishing utilizing active gear and vessels of more than one hundred fifty (150) GT.
- f. Fisheries Monitoring Center (FMC) – serves as a land-based component for fisheries monitoring, control and surveillance (MCS), which operates and maintains the Vessel Monitoring System (VMS) software that has the capability to monitor, track and communicate with different Automatic Locator Communication (ALCs) or Mobile Tracking Unit (MTUs) onboard fishing vessels operating in national, exclusive economic zone (EEZ) and international waters. It also maintains the Vessel Database and other systems application.
- g. IFARMC – Integrated Fisheries and Aquatic Resources Management Council
- h. MARINA – Maritime Industry Authority
- i. NAMRIA – National Mapping and Resource Information Authority
- j. NTC – National Telecommunications Commission
- k. Transponder – short for transmitter-responder, it is an automatic tracking device installed in fishing vessels that utilizes a satellite navigation and communication system in monitoring fishing vessels operating in both international and domestic waters.





I. Vessel Monitoring System (VMS) - software that has the capability to track and monitor the position, time and course and speed of commercial fishing vessels in the territorial waters, EEZ and the high seas.

**SECTION 2. Limiting Commercial Fishing in Manila Bay.** – In order to minimize stress on the fishery and aquatic resources, ensure sustainable utilization and enhance the natural regenerative capacity of Manila Bay herein described in NAMRIA Chart No. 4255 with a plot of the waters for commercial fishing, a limited access policy is hereby established to be implemented in two phases:

**A. Phase 1**

2.1 No applications for new CFVGL shall be accepted by BFAR except for the following:

(a) Applications for new CFVGL filed prior to the effectivity date of this Order;

(b) Those covered by construction clearance or clearance to import issued prior to the effectivity date of this Order, provided that applications for new CFVGL are filed within three (3) months from effectivity date of this Order;

(c) Applications for renewal filed prior to the effectivity date of this Order; and,

(d) Applications by owners of under-admeasured commercial fishing vessels registered and licensed by the local government units of the coastal municipalities straddling Manila Bay, who shall cause the re-admeasurement, registration, and licensing of their fishing vessels in the joint mobile registration and licensing to be conducted by a composite team of representatives from the IFARMC, municipalities straddling Manila Bay, MARINA, NTC and BFAR.

2.2 New CFVGLs will be issued to applicants covered by the exceptions in paragraphs (a) to (d) after compliance with the requirements and payment of fees.

**B. Phase 2**

2.3 Upon the expiration of licenses which are still valid upon the effectivity of this Order and the licenses issued in Phase 1, BFAR will no longer issue new CFVGLs for Manila Bay. Only applications for renewal shall be accepted subject to the following terms and conditions in addition to the requirements in Fisheries Administrative Order No. 198:

(a) the applicants shall install transponders in their fishing vessels and shall be covered by BFAR's VMS;

(b) the applicants shall exclusively fish in the waters for commercial fishing in Manila Bay;

(c) the applicants shall secure the consent of BFAR prior to selling their commercial fishing vessels and that they will execute an affidavit of undertaking that they will sell their vessels to owners or operators operating in non-overfished fishing grounds who will also install transponders and be covered by BFAR's VMS as a condition for the issuance of their license;

(d) the applicants shall install and have on board their fishing vessels the following type- approved marine environmental protection equipment and related documents prescribed by the Philippine Coast Guard:



Gross Tonnage (GT)	Required Anti Marine Pollution Equipment and Documents
3.1 GT and above (All commercial fishing vessels)	Garbage Management Plan Garbage Record Book
400 GT and above	Garbage Management Plan Garbage Record Book Oil-water separating equipment (not more than 15 ppm) Oil Record Book Shipboard Oil Pollution

2.4 Licenses will be issued for the replacement of sunken, destroyed or de-commissioned fishing vessels licensed in Phase 2 provided these are of the same or lesser gross tonnage and fishing capacity.

2.5 In these two phases, the Bureau shall deploy its MCS vessels and law enforcement agents for continuous patrolling and law enforcement activities. Alternative livelihood programs shall be provided to those displaced by this policy and to evacuees/victims of Typhoons *Ondoy* and *Pepeng*.

**SECTION 4. Mechanics of Implementation.** The BFAR shall:

1. Activate the joint mobile registration and licensing team composed of MARINA, NTC and BFAR technical personnel and in coordination with the local government units (LGUs) of the municipalities straddling Manila Bay, correctly admeasure, register and license all municipal and commercial fishing vessels and identify gears and fishing methods being utilized;
2. In coordination with the DILG, DBM, which are also respondents in the SC case, and the LGUs, identify families of affected commercial and municipal fishers and fisherfolk;
3. In a transparent and participatory manner, identify sustainable alternative livelihood that displaced commercial fishing operators, their families and employees, can be trained and engaged in;
4. Offer the same opportunities in paragraph 3 to municipal fishers and their families who will voluntarily stop fishing in Manila Bay because of their realization that Manila Bay needs to be rehabilitated by all concerned stakeholders; and,
5. Recommend funding to LGUs by DBM for the livelihood programs using the criteria whereby LGUs that have efficient and institutionalized ecological waste management and other anti-aquatic or marine pollution programs, will be given priority in the release of additional funding for programs geared toward compliance to the SC decision.

**SECTION 5. Prohibition.** – It shall be unlawful for any person to:

- (a) engage in commercial fishing in Manila Bay without a CFVGL; or
- (b) fish in violation of the terms and conditions of the CFVGL such as but not limited to non-installation of transponders, non-use of transponders, non-compliance with the protocol of the

Bureau's vessel monitoring system, non-installation of marine environmental protection equipment and devices, and fishing in areas closed to commercial fishing.

**SECTION 6. Penalties.** – Any commercial fishing vessel captain or the three (3) highest officers of the vessel who violate Section 3 of this administrative order, upon conviction, shall suffer the penalty provided in Section 86 of R.A. 8550 (Fisheries Code of 1998), which is a fine equivalent to the value of the catch or ten thousand pesos (P10,000.00), whichever is higher, and imprisonment of six (6) months, confiscation of fishing catch and fishing gears and automatic revocation of license.

**SECTION 7. Repealing clause.** – All existing administrative orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Order are hereby repealed or amended accordingly.

**SECTION 8. Effectivity.** – This order shall take effect fifteen (15) days after publication in the Official Gazette and/or in two (2) newspapers of general circulation and upon registration with the National Administrative Register.

Issued this 24th day of March, 2010 in Quezon City, Metro Manila, Philippines.



*Bernie G. Fondevilla*  
**ATTY. BERNIE G. FONDEVILLA**  
Secretary *SB*

Recommended by:

*Malcolm I. Sarmiento, Jr.*  
**MALCOLM I. SARMIENTO, JR.**  
BFAR Director

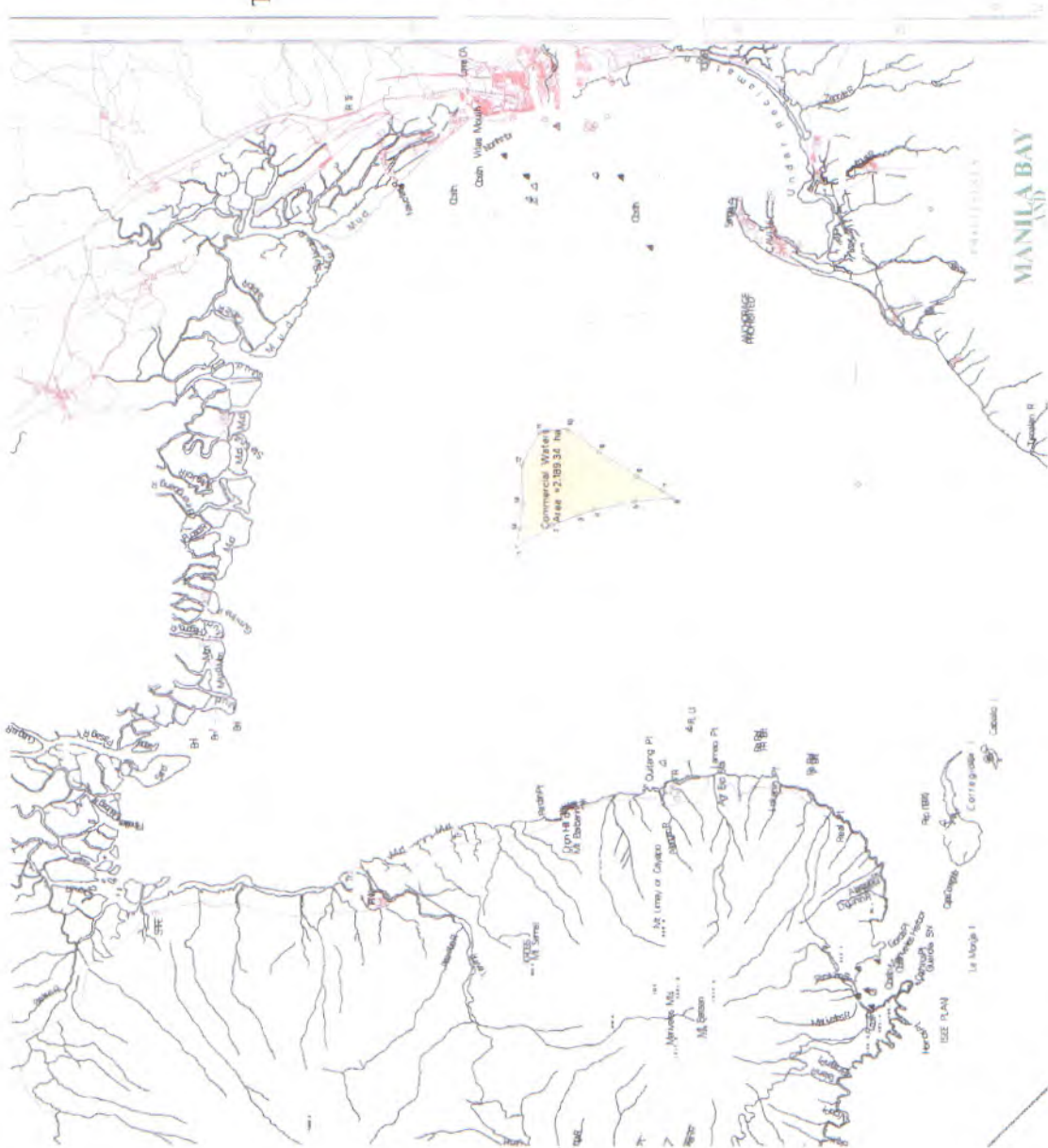
*Salvador S. Salacup*  
**SALVADOR S. SALACUP**  
Undersecretary for Fisheries  
& NFARMC Chairman

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UP Law Center-ONAR

Phil. Star  
April 5, 2010



NAMRIA CHART 4255  
 "Commercial Waters" (2,189.34 hectares)



TECHNICAL DESCRIPTION OF MANILA BAY COMMERCIAL WATERS

Point	Latitude	Longitude
Thence beginning at 1	14° 36' 48" <sup>SS</sup>	120° 43' 48" <sup>SS</sup>
thence 2	14° 35' 41" <sup>SS</sup>	120° 44' 32" <sup>SS</sup>
thence 3	14° 34' 54" <sup>SS</sup>	120° 44' 50" <sup>SS</sup>
thence 4	14° 34' 24" <sup>SS</sup>	120° 45' 01" <sup>SS</sup>
thence 5	14° 33' 09" <sup>SS</sup>	120° 45' 17" <sup>SS</sup>
thence 6	14° 31' 58" <sup>SS</sup>	120° 45' 24" <sup>SS</sup>
thence 7	14° 32' 18" <sup>SS</sup>	120° 45' 39" <sup>SS</sup>
thence 8	14° 33' 05" <sup>SS</sup>	120° 46' 06" <sup>SS</sup>
thence 9	14° 34' 14" <sup>SS</sup>	120° 46' 52" <sup>SS</sup>
thence 10	14° 35' 12" <sup>SS</sup>	120° 47' 36" <sup>SS</sup>
thence 11	14° 36' 04" <sup>SS</sup>	120° 47' 30" <sup>SS</sup>
thence 12	14° 36' 37" <sup>SS</sup>	120° 46' 28" <sup>SS</sup>
thence 13	14° 36' 36" <sup>SS</sup>	120° 45' 13" <sup>SS</sup>
thence 14	14° 36' 40" <sup>SS</sup>	120° 44' 26" <sup>SS</sup>