

REPUBLIC ACT NO. 10654

AN ACT TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING, AMENDING REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS “THE PHILIPPINE FISHERIES CODE OF 1998,” AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:
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Section 1. Section 2 of Republic Act No. 8550, otherwise known as “The Philippine Fisheries Code of 1998”, is hereby amended, as follows:
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“Sec. 2. Declaration of Policy. – It is hereby declared the policy of the State:
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(a) x x x

x x x

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened , aquatic species, straddling and highly migratory fish stocks and other living marine resources;
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x x x

(f) To adopt the precautionary principle and manage fishery and aquatic resources, in a manner consistent with the concept of an ecosystem-based approach to fisheries management and integrated coastal area management in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the State; and

x x x.”

Sec. 2. Section 3 of the same Act is hereby amended, as follows:
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“Sec. 3. Application of its Provisions. – The provisions of this Code shall be enforced in:

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

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

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(c) all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public lands; and

(d) all Philippine flagged fishing vessels operating in areas governed by a Regional Fisheries Management Organization (RFMO), in the high seas, or in waters of other coastal states.”

Sec. 3. Section 4 of the same Act is hereby amended, as follows:

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

(1) x x x

x x x

(12) Community Service – means any service or activity that is performed for the benefit of the community or its institutions in lieu of payment of fine imposed as administrative or criminal penalty.

(13) Conservation and Management Measures – means measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law including those reflected in conventions, RFMO resolutions and laws of other coastal states where Philippine flagged vessels fish.

(14) x x x

(15) x x x

(16) x x x

(17) x x x

(18) Distant Water Fishing – means fishing in the high seas or in waters of other states.

(19) x x x

(20) x x x

(21) x x x

(22) x x x

(23) x x x

(24) x x x

(25) x x x

(26) x x x

(27) x x x

(28) x x x

(29) x x x

(30) x x x

(31) x x x

(32) x x x

(33) x x x

(34) x x x

(35) Fisheries Observer – refers to a person duly authorized by the Philippine government or under a Regional Observer Program of the RFMO, to collect scientific, technical or fishing-related data, and other information that may be required by the government or the RFMO and/or in compliance to a conservation and management measure.

(36) x x x

(37) Fishing Vessel/Gear License – refers to a permit to operate specific types of fishing vessel/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources.

(38) x x x

(39) x x x

(40) x x x

(41) x x x

(42) x x x

(43) x x x

(44) Fishing Gear – refers to any instrument or device and its accessories utilized in taking fish and other fishery species.

(a) Active Fishing Gear – is a fishing device characterized by the pursuit of the target species by towing, pushing the gears, surrounding, covering, dredging, and scaring the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, paaling and drift gill net.

(b) Passive Fishing Gear – is characterized by the absence of pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets set across the path of the fish.

(45) Fishing Light Attractor – refers to a fishing aid which employs lights using, among others, mercury vapor, high pressure sodium vapor, standard tungsten, tungsten halogen, fluorescent or light-emitting diode, that are attached to a structure above water or suspended underwater to attract both fish and members of their food chain to specific areas in order to harvest them.

(46) x x x

(47) x x x

(48) x x x

(49) x x x

(50) x x x

(51) x x x

(52) x x x

(53) x x x

(54) Harvest Control Rules – refers to actions or set of actions to be taken to achieve a medium or long term target reference point while avoiding reaching or breaching a limit reference point.

(55) Illegal Fishing – means fishing activities conducted by Philippine fishing vessels operating in violation of Philippine laws, Regional Fisheries Management Organization resolutions, and laws of other coastal states.

(56) x x x

(57) x x x

(58) x x x

(59) x x x

(60) Marine Protected Area – means a defined area of the sea established and set aside by law, administrative regulation, or any other effective means in order to conserve and protect a part of or the entire enclosed environment through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.

(61) x x x

(62) x x x

(63) x x x

(64) x x x

(65) x x x

(66) x x x

(67) x x x

(68) x x x

(69) x x x

(70) x x x

(71) x x x

(72) x x x

(73) Port State Measures – refers to the requirements established or interventions undertaken by port states, which a Philippine flagged or foreign fishing vessel must comply with as a condition for the use of ports within the port state.

(74) x x x

(75) x x x

(76) Reference Points – means benchmark values often based on indicators such as fishery stock size or the level of fishing that serves as standard to compare estimates of a fishery stock size and fishing mortality over time depending on the biological characteristics of the species. Reference points can mark: (a) a limit or a level that should be avoided; (b) a target, which should be achieved and maintained; or (c) a trigger that signals the need to take prescribed actions.

(77) Regional Fisheries Management Organization (RFMO) – means a multi-lateral organization with responsibility to coordinate management and establish conservation and management measures for highly migratory fish stocks, fish stocks that straddle national fisheries management boundaries and other high seas species.

(78) x x x

(79) x x x

(80) x x x

(81) x x x

(82) Serious Violation – means any of the following violations of the provisions of this Code:

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(a) Fishing without a valid license, authorization or permit;

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(b) Fishing without reporting the catch or misreporting the catch;

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(c) Fishing in a closed area or during a closed season;

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(d) Fishing of prohibited species;

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(e) Fishing with the use of prohibited gear or methods;

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(f) Falsifying, concealing or tampering with vessel markings, identity or registration to conceal vessel identity or lack of registration;

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(g) Concealing, tampering or disposing of evidence relating to an investigation of a violation;

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(h) Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer or other duly authorized government officer;

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(i) Intentionally tampering with or disabling the vessel monitoring system; and

(j) Committing multiple violations which taken together constitute a serious disregard of this Code.

(83) Superlight – also called magic light, refers to a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket. The source of energy comes from a generator, battery or dynamo coupled with the main engine.

(84) x x x

(85) Transshipment – refers to the transfer of all or any fish or fishery product from one fishing vessel to another.

(86) x x x

(87) Unregulated Fishing – refers to fishing activities conducted by:

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(a) Vessels without nationality but operated by Filipino and/or Filipino corporation;

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(b) Philippine flagged fishing vessels operating in areas managed by RFMOs to which the Philippines is not a party to; or

(c) Philippine flagged fishing vessels operating in areas or fish stocks where there are no applicable conservation and management measures.

(88) Unreported Fishing – refers to fishing activities which have not been reported, or have been misreported to the Department, in contravention of national laws and regulations of the Philippines, or undertaken in the area of competence of a relevant RFMO which have not been reported or have been misreported, in contravention of the reporting procedures of that organization and further elaborated by regulations to be promulgated by the Department.”

Sec. 4. Section 6 of the same Act is hereby amended, as follows:

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“Sec. 6. Fees and Other Fishery Charges. – The rentals for fishpond areas covered by the Fishpond Lease Agreement (FLA) or other tenurial instrument and license fees for Commercial Fishing Vessel Licenses (CFVL) shall be set at levels that reflect resource rent accruing from the utilization of resources and shall be determined by the Department: Provided, That the Department shall also prescribe fees and other fishery charges and issue the corresponding license or permit for fishing gear, fishing accessories and other fishery activities beyond the municipal waters: Provided, further, That the license fees of fishery activity in municipal waters shall be determined by the Local Government Units (LGUs) in consultation with the FARMCs. The FARMCs may also recommend the appropriate license fees that will be imposed.”

Sec. 5. Section 7 of the Act is hereby amended, as follows:

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“Sec. 7. Access to Fishery Resources. – The Department shall issue such number of licenses and permits for the conduct of fishery activities subject to harvest control rules and reference points as determined by scientific studies or best available evidence. Preference shall be given to resource users in the local communities adjacent or nearest to the municipal waters.”

Sec. 6. Section 8 of the Act is hereby amended, as follows:

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“SEC.8. Harvest Control Rules and Reference Points. – The Secretary may establish reference points and harvest control rules in a fishery management area or for a fishery: Provided, however, That in municipal waters and fishery management areas, and waters under the jurisdiction of special agencies, Harvest Control Rules and Reference Points may be established upon the concurrence and approval or recommendation of such special agency and the concerned LGU in consultation with the FARMC for conservation or ecological purposes.”

Sec. 7. Section 14 of the Act is hereby amended, as follows:

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“Sec. 14. Monitoring, Control and Surveillance (MCS) of Fishing in all Philippine Waters and Philippine Flagged Distant Water Fishing Vessels. – A monitoring, control and surveillance system shall be established by the Department in coordination with LGUs, FARMCs, the private sector and other agencies concerned to ensure that the fisheries and aquatic resources in Philippine waters are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefit and enjoyment exclusively of Filipino citizens. The MCS system shall encompass all Philippine flagged fishing vessels regardless of fishing area and final destination of catch.”

Sec. 8. Section 30 of the same Act is hereby amended, as follows:

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“Sec. 30. Renewal of Commercial Fishing Vessel License. – The commercial fishing vessel license shall be renewed every three (3) years.

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

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Sec. 9. Section 31 of the same Act is hereby amended, as follows:

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“Sec. 31. Transfer of Ownership. – The owner/operator of a registered fishing vessel shall notify the Department in writing of any intention to transfer the ownership of the vessel within ten (10) days before its intended transfer to another person. Failure of the owner to do so shall not extinguish any existing or pending sanction or liability with respect to said fishing vessel.

Sec. 10. Section 32 of the same Act is hereby amended, as follows:

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“Sec. 32. Distant Water Fishing. – Fishing vessels of Philippine registry may engage in distant water fishing as defined in this Code: Provided, That they comply with the safety, manning and other requirements of the Philippine Coast Guard, Maritime Industry Authority and other

agencies concerned: Provided, however, That they secure a fishing permit, gear license and other clearances from the Department: Provided, further, That the fish caught by such vessels shall be considered as caught in Philippine waters and therefore not subject to all import duties and taxes only when the same is landed in duly designated fish landings and fish ports in the Philippines: Provided, furthermore, That landing ports established by canneries, seafood processors and all fish landing sites established prior to the effectivity of this Code shall be considered authorized landing sites: Provided, finally, That fishworkers on board Philippine registered fishing vessels conducting fishing activities beyond the Philippine Exclusive Economic Zone are not considered as overseas Filipino workers.

Distant water fishing vessels shall comply with the monitoring, control and surveillance requirements, conservation and management measures, and fishing access conditions of the Department, the RFMO, or other coastal states.”
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Sec. 11. Section 33 of the same Act is hereby amended, as follows:
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“Sec. 33. Importation, Construction of New Fishing Vessels and Gears and Conversion of Other Vessels. – Prior to the importation or the construction of new fishing vessels or gears, or the conversion into a fishing vessel, the approval/clearance of the Department must first be obtained in order to manage fishing capacity.”

Sec. 12. Section 38 of the same Act is hereby amended, as follows:
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“Sec. 38. Reportorial Requirements. – Each commercial fishing vessel shall keep a daily record of fish catch and spoilage, landing points, and quantity and value of fish caught, and off-loaded for transshipment, sale and/ or other disposal. Detailed information shall be duly certified by the vessel’s captain and transmitted to BFAR within the period prescribed in the implementing rules and regulations promulgated by the Department. Failure to comply shall result to administrative and penal sanctions.”

Sec. 13. Section 42 of the Act is hereby deleted and replaced with a new Section 42, to read as follows:
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“Sec. 42. Port State Measures. – The Department is authorized to adopt port state measures that must be complied with by foreign fishing vessels. These measures shall include: prior notification of port entry; use of designated ports; restrictions on port entry and landing or transshipment of fish; restrictions on supplies and services; catch and other documentation requirements; port inspections; and other related measures.

Transshipment by Philippine Flagged Fishing Vessels shall be regulated by the Department in a manner consistent with the Philippines' commitment to conventions and international agreements."

Sec. 14. Section 44 of the same Act is hereby amended, as follows:

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"Sec. 44. Use of Superlight or Fishing Light Attractor. – The number and candle light power or intensity of superlight and fishing light attractor used in commercial fishing vessels shall be regulated by the Department: Provided, That the use of superlight is banned within municipal waters and bays. The use of fishing light attractor in municipal waters shall be regulated by the local government units."

Sec. 15. Section 62 of the same Act is hereby amended, as follows:

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"Sec. 62. Trade-Related Measures. – Standards for weights, volume, quality and other measurements for all fishery transactions and trade shall be set by the Department.

All fish and fishery products for export, import and domestic consumption shall meet the quality grades/ standards and labeling and information requirements as determined by the Department.

The LGU concerned shall, by appropriate ordinance, penalize fraudulent practices and unlawful possession or use of instrument of weights and measures.

The Department may prescribe trade-related measures to reduce or eliminate trade in fish and fishery products derived from illegal, unregulated and unreported (IUU) fishing."

Sec. 16. Section 65 of the same Act is hereby amended, as follows:

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"Sec. 65. Functions of the Bureau of Fisheries and Aquatic Resources. – As a line bureau, the BFAR shall have the following functions:

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(a) prepare and implement a Comprehensive National Fisheries Industry Development Plan;

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x x x

(r) formulate and implement rules and regulations for the conservation and management of straddling fish stocks, highly migratory fish stocks and threatened living marine resources

such as sharks, rays and ludong, inter alia, in the Philippine Exclusive Economic Zone, territorial sea, archipelagic and internal waters, in coordination with LGUs and integrated/municipal/city Fisheries and Aquatic Resources Management Councils;

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(s) train, designate and deploy fisheries observers in Philippine flagged fishing vessels engaged in commercial fishing in Philippine waters or distant water fishing to ensure compliance with conservation and management measures adopted by RFMOS and by the Department;

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(t) implement boarding and inspection protocols upon Philippine flagged fishing vessels in order to promote observance to international treaty obligations on food safety, to curb illegal, unreported and unregulated fishing, and to comply with conservation and management measures;

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(u) adopt an appropriate monitoring, control, surveillance and traceability system for municipal fishing vessels supplying exporters with concurrence of the local government units;

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(v) adopt and implement a national plan of action to manage fishing capacity, implement the international code of conduct for responsible fisheries, and declare fishery management areas as over-exploited in coordination with the LGUs and FARMCs;

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(w) require performance bonds and impose and collect reasonable fees and charges for laboratory services, inspection, deployment of fisheries observers, and catch documentation and validation, taking into account the balance required between recovering the costs of services rendered and the socioeconomic impact of their imposition, upon prior consultation with stakeholders;

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(x) hear and decide administrative cases before it;

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(y) determine the appropriate levels of administrative and other sanctions, particularly for serious violations, that deprive offenders of economic benefits from their violations of the laws, rules and regulations;

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(z) initiate the criminal prosecution of offenses committed in violation of this Code regardless of their situs; and

(aa) perform such other related functions which shall promote the development, conservation, management, protection and utilization of fisheries and aquatic resources.”

Sec. 17. Chapter VI of Republic Act No. 8550 is hereby repealed and replaced with a new Chapter VI to read as follows:

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“CHAPTER VI

PROHIBITIONS AND PENALTIES

Sec. 86. Unauthorized Fishing. – (a) It shall be unlawful for any person to capture or gather or to cause the capture or gathering of fish, fry or fingerlings of any fishery species or fishery products without license or permit from the Department or LGU.

Except in cases specified under this Code, it shall also be unlawful for any commercial fishing vessel to fish in municipal waters.

The discovery of any person in possession of a fishing gear or operating a fishing vessel in a fishing area where he has no license or permit shall constitute & prima facie presumption that the person is engaged in unauthorized fishing: Provided, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

Upon a summary finding of administrative liability, the boat captain and the three (3) highest officers of the commercial fishing vessel and the owner or operator who violate this provision shall be penalized with confiscation of catch and gear, and an administrative fine of five (5) times the value of the catch or the amount indicated below, whichever is higher:

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(1) Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;

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(2) One hundred fifty thousand pesos (P150,000.00) to Five hundred thousand pesos (P500,000.00) for medium-scale commercial fishing; and

(3) One million pesos (P1,000,000.00) to Five million pesos (P5,000,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the boat captain and the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and confiscation of catch and gear and twice the amount of the administrative fine.

(b) It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters.

Upon a summary finding of administrative liability, the offender of this provision shall be punished with an administrative fine equivalent to twice the value of catch or Five thousand pesos (P5,000.00), whichever is higher, and confiscation of the catch and fishing gear: Provided, That if the offender fails to pay the fine, he shall render community service.

Sec. 87. Engaging in Unauthorized Fisheries Activities. – It shall be unlawful for any person to exploit, occupy, produce, breed or culture fish, fry or fingerlings of any fishery species or fishery products or construct and operate fish corrals, fish traps, fish pens and fish cages or fishponds without a license, lease or permit.

The discovery of any person engaging in any of the above activities without a lease, license or permit shall constitute & prima facie presumption that the person is engaged in unauthorized fisheries activity.

Upon a summary finding of administrative liability, the offender shall be penalized with an administrative fine of Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00), the dismantling or removal of the structure at the expense of the offender, the rehabilitation of the area affected by the activity and confiscation of stocks.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment of six (6) months, a fine equivalent to twice the amount of the administrative fine, the dismantling or removal of the structure at the expense of the offender, the rehabilitation of the area affected by the activity and confiscation of stocks.

Sec. 88. Failure to Secure Fishing Permit Prior to Engaging in Distant Water Fishing. – (a) It shall be unlawful for any person to fish in the high seas, in the territorial seas, archipelagic waters, and Exclusive Economic Zones of other states using a Philippine flagged fishing vessel without first securing a fishing permit from the Department and authorization from the coastal state.

The discovery of any person in possession of a fishing gear or operating a fishing vessel in the abovementioned areas without a fishing permit from the Department or authorization from the coastal state shall constitute a prima facie presumption that the person is in violation of this provision.

(b) It shall be unlawful for an owner or operator, and the three (3) highest officers, of a commercial fishing vessel to commit acts that are in contravention of the terms and conditions stated in the fishing permit or as may be promulgated by the Department.

Upon a summary finding of administrative liability, the owner, operator, and the three (3) highest officers of the commercial fishing vessel who violate this section, shall be punished with

confiscation of the catch and gear and 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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(1) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;
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(2) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and

(3) 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 equivalent to twice the amount of the administrative fine, and confiscation of catch and gear.

Sec. 89. Unreported Fishing. – It shall be unlawful for any person to engage in unreported fishing or to fail to comply with the reportorial requirements in Section 38 of this Code.

Upon a summary finding of administrative liability, the owner or operator of the municipal or commercial fishing vessel and the three (3) highest officers of the commercial fishing vessel who commit unreported fishing within waters of national jurisdiction shall be punished by an administrative fine equivalent to the value of the catch or the amount indicated below, whichever is higher:

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(1) Five thousand pesos (P5,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;
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(2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;
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(3) Two hundred thousand pesos (P200,000.00) for medium-scale commercial fishing; and

(4) Five hundred thousand pesos (P500,000.00) for large-scale commercial fishing.

In case of unreported fishing committed in waters beyond national jurisdiction, 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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(1) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;
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(2) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and

(3) 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 equivalent to twice the amount of the administrative fine, and confiscation of catch and gear.

Sec. 90. Unregulated Fishing. – It shall be unlawful for any person to engage in unregulated fishing in waters within and beyond national jurisdiction.

Upon a summary finding of administrative liability, the owner, operator, of the municipal or commercial fishing vessel and the three (3) highest officers of the commercial fishing vessel who commit unregulated fishing within waters of national jurisdiction shall be punished by confiscation of catch and gear and an administrative fine equivalent to the value of the catch or amount indicated below, whichever is higher:

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(1) Five thousand pesos (P5,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;
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(2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;
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(3) Two hundred thousand pesos (P200,000.00) for medium-scale commercial fishing; and

(4) Five hundred thousand pesos (P500,000.00) for large-scale commercial fishing.

In case of unregulated fishing committed in waters beyond national jurisdiction, the owner, operator, and the three (3) highest officers of the commercial fishing vessel shall be penalized

with confiscation of catch and gear, and 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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(1) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;
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(2) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing; and

(3) 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 equivalent to twice the amount of the administrative fines, confiscation of catch and gear.

Sec. 91. Poaching in Philippine Waters. – It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

The entry of any foreign fishing vessel in Philippine waters shall constitute a prima facie presumption that the vessel is engaged in fishing in Philippine waters.

Upon a summary finding of administrative liability, any foreign person, corporation or entity in violation of this section shall be punished by an administrative fine of Six hundred thousand US dollars (US\$600,000.00) to One million US dollars (US\$1,000,000.00) or its equivalent in Philippine currency.

Upon conviction by a court of law, the offender shall be punished with a fine of One million two hundred thousand US dollars (US\$1,200,000.00), or its equivalent in Philippine currency, and confiscation of catch, fishing equipment and fishing vessel.

If the offender is caught within internal waters, an additional penalty of imprisonment of six (6) months and one (1) day to two (2) years and two (2) months shall be imposed. If apprehended for the second time within internal waters, the offender shall be punished with imprisonment of three (3) years and a fine of Two million four hundred thousand US dollars (US\$2,400,000.00) or its equivalent in Philippine currency: Provided, That no foreign person shall be deported without the payment of the imposed judicial and/or administrative fines and service of sentence, if any.

Sec. 92. Fishing Through Explosives, Noxious or Poisonous Substance, or Electricity. – (a) It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered fish or any fishery species in Philippine waters with the use of explosives, noxious or poisonous substance such as sodium cyanide, which will kill, stupefy, disable or render unconscious fish or fishery species: Provided, That the Department, subject to such safeguards and conditions deemed necessary and with the endorsement from the concerned LGUs, may allow, for research, educational or scientific purposes only, the use of poisonous or noxious substances to catch, take or gather fish or fishery species: Provided, further, That the use of poisonous or noxious substances to eradicate predators and pests in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed as illegal fishing.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electrofishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fishworker shall constitute a prima facie presumption that any of these devices was used for fishing in violation of this Code.

The discovery in any fishing vessel of fish caught or killed with the use of explosives, noxious or poisonous substances, or by electricity shall constitute a prima facie presumption that the fisherfolk, operator, boat official or fishworker is fishing with the use thereof.

Upon a summary finding of administrative liability, any person found liable for the actual use of explosives, noxious or poisonous substances shall be punished with confiscation of catch including those not caught illegally if co-mingled with those caught illegally, gear, explosives and noxious or poisonous substances, or electrofishing devices and paraphernalia and gear, and an administrative fine equivalent to five (5) times the value of the catch or the amount of fine indicated below whichever is higher:

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(1) Thirty thousand pesos (P30,000.00) for municipal fishing;
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(2) Three hundred thousand pesos (P300,000.00) for small-scale commercial fishing;
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(3) One million five hundred thousand pesos (P1,500,000.00) for medium scale commercial fishing; and

(4) Three million pesos (P3,000,000.00) for large scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment from five (5) to ten (10) years, confiscation of catch, including those not caught illegally if co-mingled with those caught illegally, gear, explosives and noxious or poisonous substances, or

electrofishing devices and paraphernalia, gear, and a fine equivalent to twice the amount of the administrative fine, without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.

The actual use of electrofishing devices for illegal fishing shall be punished with imprisonment of six (6) months and a fine of Five thousand pesos (P5,000.00).

(b) It shall be unlawful for any person to possess explosives, and noxious or poisonous substances for illegal fishing.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch, gear, and 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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(1) Ten thousand, pesos (P10,000.00) for municipal fishing;
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(2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;
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(3) Five hundred thousand pesos (P500,000.00) for medium scale commercial fishing; and

(4) One million pesos (P1,000,000.00) for large scale commercial fishing.

Violation of this provision shall be punished with imprisonment from six (6) months to two (2) years, and a fine equivalent to twice the amount of the administrative fine and confiscation of catch and gear.

Sec. 93. Use of Fine Mesh Net. – It shall be unlawful to engage in fishing using nets with mesh smaller than that which may be determined by the Department: Provided, That the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, tabios, and alamang and other species that by their nature are small but already mature, as identified in the implementing rules and regulations by the Department.

The discovery of a fine mesh net in a fishing vessel shall constitute a prima facie presumption that the person or fishing vessel is engaged in fishing with the use of fine mesh net.

Upon a summary finding of administrative liability, the Department shall penalize the owner, operator, captain or master fisherman in case of commercial fishing vessel, or the municipal fisherfolk, with confiscation of the catch and fishing gear, and an administrative fine equivalent to three (3) times the value of the catch or the value indicated below, whichever is higher:

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(1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the municipal fisherfolk fails to pay the fine, he shall render community service;
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(2) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;
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(3) One hundred thousand pesos (P100,000.00) for medium-scale commercial fishing;
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(4) Two hundred thousand pesos (P200,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the captain or master fisherman in case of commercial fishing vessel, or the municipal fisherfolk, 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.

Sec. 94. Fishing in Overexploited Fishery Management Areas. – It shall be unlawful for any person to fish in fishery management areas declared as overexploited.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and fishing gears, and an administrative fine equivalent to the value indicated below:

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(1) Three (3) times the value of catch or Twenty thousand pesos (P20,000.00), whichever is higher, for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;
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(2) Five (5) times the value of catch or One hundred thousand pesos (P100,000.00), whichever is higher, for small-scale commercial fishing;
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(3) Five (5) times the value of catch or Three hundred thousand pesos (P300,000.00), whichever is higher, for medium-scale commercial fishing;
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(4) Five (5) times the value of catch or Five hundred thousand pesos (P500,000.00), whichever is higher, for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and fine of Five hundred thousand pesos (P500,000.00)

to Five million pesos (P5,000,000.00), confiscation of the catch and fishing equipment used, and cancellation of fishing permit or license.

Sec. 95. Use of Active Gear in Municipal Waters, Bays and Other Fishery Management Areas. – It shall be unlawful to engage in fishing in municipal waters and in all bays as well as other fishery management areas using active fishing gears as defined in this Code.

Upon a summary finding of administrative liability, the owner, operator, boat captain and master fisherman of the vessel, or the chief executive officer in a corporation, or the managing partner in a partnership shall be punished with confiscation of the catch and fishing gears, and a fine three (3) times the value of the catch or the value indicated below, whichever is higher:

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(1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, he shall render community service;

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(2) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;

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(3) One hundred thousand pesos (P100,000.00) for medium-scale commercial fishing; and

(4) Five hundred thousand pesos (P500,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of two (2) years to six (6) years and fine equivalent to twice the administrative fine, confiscation and forfeiture of fishing gear and catch.

Sec. 96. Ban on Coral Exploitation and Exportation. – It shall be unlawful for any person or corporation to gather, possess, commercially transport, sell or export ordinary, semi-precious and precious corals, whether raw or in processed form, except for scientific or research purposes. It shall also be unlawful for any person, corporation or entity to commit any activity that damage coral reefs.

Upon a summary finding of administrative liability, the owner/operator of the fishing vessel/s, boat captain, master fisherman, and recruiter or organizer of fishworkers shall be punished with an administrative fine equivalent to eight (8) times the value of the corals gathered, possessed, commercially transported, sold, or exported, or the amount of Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), whichever is higher, and forfeiture of the subject corals. The offender shall also pay compensation for the restoration of the damaged corals reefs.

Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fishworkers, shall be punished by imprisonment from ten (10) years to twenty (20) years and a fine equivalent to twice the administrative fine and forfeiture of the subject corals.

The offender shall also be required to pay the cost of restoration of the damaged coral reefs based on available studies and as determined by the Department.

Sec. 97. Ban on Muro-ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. – (a) It shall be unlawful for any person, natural or juridical, to fish with gear or method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department. ‘Muro-ami’ and any of its variation, and such similar gears and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

Upon a summary finding of administrative liability, the owner, operator, boat captain, master fisherman, and recruiter or organizer of fishworkers who violate this provision shall suffer the penalty of an administrative fine equivalent to five (5) times the value of the fish caught or Two million pesos (P2,000,000.00), whichever is higher, and confiscation of catch and gear. The fishworkers who serve as pounders shall be penalized with a fine of Twenty thousand pesos (P20,000.00) or community service in case of failure to pay the fine.

Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fishworkers shall be punished with imprisonment of two (2) years to ten (10) years and a fine equivalent to twice the amount of the administrative fine.

(b) Except in cases allowed by law, it shall be unlawful for any person, natural or juridical, to gather, possess, commercially transport, sell or export coral sand, coral fragments, coral rocks, silica, and any other substances which make up any marine habitat.

Upon a summary finding of administrative liability, the person or corporation who violates this provision shall be punished with an administrative fine of Five million pesos (P5,000,000.00) or five (5) times the value of the coral rocks, sand, or silica gathered, possessed, commercially transported, sold, or exported, whichever is higher, and confiscation of the substance.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from two (2) years to ten (10) years and a fine equivalent to twice the administrative fine, confiscation of catch or substances and equipment or gear used.

Sec. 98. Illegal Use of Superlights or Fishing Light Attractor. – It shall be unlawful to engage in fishing with the use of superlight in municipal waters, or to fish with fishing light attractor using candlelight power or intensity beyond the standards set by the Department in consultation with the LGUs for fishing in municipal waters, or in violation of the rules promulgated by the

Department for fishing with the use of superlight or fishing light attractor outside municipal waters.

Upon a summary finding of administrative liability, the offender shall be punished by a fine of Twenty thousand pesos (P20,000.00) per superlight or fishing light attractor, and confiscation of catch, superlight or fishing light attractor and gears: Provided, That if the offender is a municipal fisherfolk, he may render community service in lieu of fine.

Upon conviction by a court of law, the offender shall be punished with imprisonment from six (6) months to two (2) years and a fine of Forty thousand pesos (P40,000.00) per superlight or fishing light attractor, and confiscation of catch, superlight or fishing light attractor and gears: Provided, That if the offender is a municipal fisherfolk, he may render community service in lieu of fine or imprisonment.

Sec. 99. Conversion of Mangroves. – It shall be unlawful for any person to convert mangroves into fishponds or for any other purpose.

Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to the ecological value of a hectare of mangrove based on available studies or administrative fine of Ten million pesos (P10,000,000.00) per hectare, whichever is higher: Provided, That if the area requires rehabilitation or restoration as determined by the Department, the offender shall also be required to restore or pay for the restoration of the damaged area.

Upon conviction by a court of law, the offender shall pay a base fine of Eighty thousand pesos (P80,000.00), a fine equivalent to the administrative penalties, and shall suffer the penalty of imprisonment of six (6) months and one (1) day to twelve (12) years: Provided, That if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or pay for the restoration of the damage. The offender shall be liable for environmental damages computed at Five hundred thousand pesos (P500,000.00) per hectare per year until the area is restored.

Sec. 100. Fishing During Closed Season. – It shall be unlawful to fish during closed season.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear and an administrative fine of:

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(1) Three times the value of the catch or Twenty thousand pesos (P20,000.00) for municipal fishing, whichever is higher: Provided, That if the offender fails to pay the fine, community service shall be rendered;

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(2) Five times the value of the catch or One hundred thousand pesos (P100,000.00), whichever is higher for small-scale commercial fishing;
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(3) Five times the value of catch or Three hundred thousand pesos (P300,000.00), whichever is higher for medium-scale commercial fishing; and

(4) Five times the value of catch or Five hundred thousand pesos (P500,000.00), whichever is higher for large-scale commercial fishing.

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

Sec. 101. Fishing in Marine Protected Areas, Fishery Reserves, Refuge and Sanctuaries. – It shall be unlawful to fish in marine protected areas, fishery reserves, refuge, or fish sanctuaries as declared by the Department or the LGUs.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear, and administrative fine of twice the value of the catch or the amount indicated below, whichever is higher:

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(1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That if the offender fails to pay the fine, community service shall be rendered;
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(2) Two hundred thousand pesos (P200,000.00) for small-scale commercial fishing;
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(3) Six hundred thousand pesos (P600,000.00) for medium-scale commercial fishing; and

(4) One million pesos (P1,000,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, violation of this provision shall be punished by imprisonment of two (2) years to six (6) years and a fine twice the amount of the administrative fine, confiscation of catch and gear, and cancellation of license or permit.

Sec. 102. Fishing or Taking of Rare, Threatened or Endangered Species. – (a) It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.

Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.

(b) It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: Provided, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.

Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years and a fine equivalent to twice the administrative fine and forfeiture of the species.

(c) It shall be unlawful to gather, take, possess, transport, or export, forward or ship out captive-bred species that have been transplanted to the wild.

Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to three (3) times the value of the species or Three hundred thousand pesos (P300,000.00) to Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of five (5) to eight (8) years, a fine equivalent to three (3) times the value of the species or Three million pesos (P3,000,000.00), whichever is higher, and forfeiture of the species.

Should the violation be committed by a vessel manned by more than two (2) persons, the captain, master, and two highest ranking officers of the vessel involved in the fishing or taking of such protected marine life shall be presumed to have committed the prohibited act.

Sec. 103. Capture of Sabalo and Other Breeders/Spawners. – It shall be unlawful for any person to catch, gather, capture or possess mature milkfish or sabalo and other breeders or

spawners of other fishery species as may be determined by the Department: Provided, That catching of sabalo and other breeders/spawners for local breeding purposes or scientific or research purposes may be allowed subject to guidelines that shall be promulgated by the Department.

Upon a summary finding of administrative liability, an offender shall be punished with a fine equivalent to five (5) times the value of the sabalo, other breeders, or spawners gathered or captured, or Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture of catch and gear.

Upon conviction by a court of law, the offender shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and a fine equivalent to twice the amount of the administrative fine, forfeiture of catch and fishing equipment used, and suspension or revocation of license.

Sec. 104. Exportation of Breeders, Spawners, Eggs or Fry. – Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall be punished under this Act: Provided, That the export of hatchery-bred or captive-bred breeder, spawner, egg or fry, may be allowed subject to the regulations to be promulgated by the Department.

Failure on the part of the shipping or forwarding company from whose possession the breeders, spawners, eggs, or fry are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities on the matter shall create a presumption that there is connivance or conspiracy between the company and the shipper to violate the provisions of this section.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine equivalent to three (3) times the value of the breeders, spawners, eggs, or fry exported or One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, confiscation of breeders, spawners, eggs or fry, suspension or revocation of license for commercial fishing and/or registration as exporter.

Upon conviction by a court of law, the offender shall be punished by imprisonment of eight (8) years to ten (10) years, confiscation of breeders, spawners, eggs or fry, a fine equivalent to twice the amount of the administrative fine, revocation of the fishing license, and/or suspension or revocation of registration as exporter.

Sec. 105. Importation or Exportation of Fish or Fishery Species. – Any importation or exportation of fish or fishery species in violation of this Code shall be unlawful.

Failure on the part of the shipping or forwarding company from whose possession the fish or fishery species imported or exported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that

there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of five (5) times the value of the species or Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.

Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, That offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future, the guidelines for which shall be promulgated by the Department.

Sec. 106. Violation of Harvest Control Rules. – It shall be unlawful for any person to fish in violation of harvest control rules as determined by the Department.

Upon a summary finding of administrative liability, the offender shall be punished with confiscation of catch and fishing gear, revocation of license and an administrative fine of:
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(1) Three times the value of the catch or Twenty thousand pesos (P20,000.00) for municipal fishing, whichever is higher: Provided, That if the offender fails to pay the fine, community service shall be rendered;
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(2) Five times the value of the catch or One hundred thousand pesos (P100,000.00) whichever is higher for small-scale commercial fishing;
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(3) Five times the value of the catch or One million pesos (P1,000,000.00), whichever is higher for medium-scale commercial fishing; and

(4) Five times the value of the catch or Five million pesos (P5,000,000.00), whichever is higher, for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of six (6) months and one (1) day to six (6) years and a fine twice the administrative fine, confiscation of catch and fishing gear, and revocation of license.

Sec. 107. Aquatic Pollution. – Aquatic pollution, as defined in this Code, shall be unlawful.

Upon a summary finding of administrative liability, the offender shall be punished with fine of Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos (P500,000.00)

and an additional fine of Fifteen thousand pesos (P15,000.00) per day until the violation ceases and the fines are paid, the imposition of cease and desist order, closure or suspension of the development, construction or facility, or cessation of operations, or disconnection of water supply. The order may be issued ex parte pending resolution of the case.

Upon conviction by a court of law, the offender shall be punished with imprisonment of six (6) years and one (1) day to twelve (12) years and a fine twice the amount of the administrative fine and an additional fine of Fifteen thousand pesos (P15,000.00) per day until the violation ceases and the fines are paid, the imposition of cease and desist order, closure or suspension of the development, construction or facility, or cessation of operations, or disconnection of water supply. The order may be issued ex parte pending resolution of the case.

Sec. 108. Failure to Comply with Minimum Safety Standards. – The owner and captain of a commercial fishing vessel engaged in fishing who, upon demand by proper authorities, fails to exhibit or show proof of compliance with the safety standards provided in this Code shall be liable administratively and criminally.

Upon apprehension, the fishing vessel shall be escorted to the nearest port or landing point and prevented from continuing with the fishing activity.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of One hundred thousand pesos (P100,000.00) and suspension or cancellation of permit or license and impoundment of the vessel until the safety standard has been complied with.

Upon conviction by a court of law, the offender shall suffer the penalties of imprisonment from one (1) month and one (1) day to six (6) months and a fine of twice the amount of the administrative fine, suspension or cancellation of permit or license and impoundment of the vessel until the safety standard has been complied with.

Sec. 109. Failure to Submit a Yearly Report on All Fishponds, Fish Pens and Fish Cages. – It shall be unlawful for owners and operators of fishponds, fishpens and fish cages to fail to submit an annual report to the Department pursuant to Section 57 of this Code.

Upon summary finding of administrative liability, the owner of the fishpond, fishpen or fish cage shall be imposed a fine of Five thousand pesos (P5,000.00) per unreported hectare. In case the fishpond is covered by FLA, nonsubmission of a report for two (2) consecutive years shall result to its cancellation.

Upon conviction by a court of law, the offender shall be punished with twice the amount of the administrative fine.

Sec. 110. Gathering and Marketing of Shell Fishes or Other Aquatic Species. – It shall be unlawful for any person to gather, take, sell, transfer, possess, commercially transport, export,

forward or ship out any sexually mature shell fish or other aquatic species identified by the Department, or below the minimum size, or above the maximum quantities prescribed for the species. Other parameters for the protection of heavily traded aquatic species may be promulgated by the Department.

Upon a summary finding of administrative liability, the penalty of an administrative fine equivalent to the value of the species or Fifty thousand pesos (P50,000.00), whichever is higher, and confiscation of the same, cancellation of permit or license shall be imposed upon the offender.

Upon conviction by a court of law, the offender shall be punished by imprisonment from one (1) month and one (1) day to six (6) months and fine equivalent to twice the amount of the administrative fine, and cancellation of the permit or license.

Sec. 111. Obstruction to Navigation or Flow or Ebb of Tide in any Stream, River, Lake or Bay. – It shall be unlawful for any person to cause obstruction to navigation or flow or ebb of tide.

Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) and the dismantling of the obstruction, fish corrals/traps, fish pens or fish cages at the expense of the offender.

Upon conviction by a court of law, the offender shall be punished with imprisonment from one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine, confiscation of stocks and dismantling of the obstruction, fish corrals/traps, fish pens or fish cages at the expense of the violator.

Sec. 112. Noncompliance with Good Aquaculture Practices. – Fishery operations involving the breeding and farming of fish and other fishery species shall comply with good aquaculture practices and the guidelines for environmentally-sound design and operation for the sustainable development of the aquaculture industry which shall be promulgated by the Department.

Upon a summary finding of administrative liability, the offender who commits any violation of the rules and regulations, or provisions thereof, shall be punished with an administrative fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00) per day until the violation ceases and the fines are paid.

Upon conviction by a court of law, the offender shall be punished with imprisonment of three (3) years and fine of twice the amount of the administrative fine.

Sec. 113. Commercial Fishing Vessel Operators Employing Unlicensed Fisherfolk, Fishworker or Crew. – (a) The owner or operator of a commercial fishing vessel employing unlicensed fisherfolk or fishworker or crew shall, upon a summary finding of administrative liability, be

fined Four thousand pesos (P4,000.00) for each unlicensed fisherfolk or fishworker or crew and suspension or revocation of license for commercial fishing.

(b) It shall likewise be unlawful for Philippine flagged fishing vessels engaged in distant water fishing to employ unlicensed fisherfolk or fishworker or crew.

The owner and operator of the distant water fishing vessel, upon a summary finding of administrative liability, shall be fined Forty thousand pesos (P40,000.00) for each unlicensed fisherfolk, fishworker or crew and suspension or cancellation of license.

The owner and operator of the commercial fishing vessel or distant water fishing vessel shall upon conviction by a court of law, be fined with twice the amount of the administrative fine and suspension or cancellation of license.

Sec. 114. Obstruction of Defined Migration Paths. – It shall be unlawful for any person to obstruct any defined migration path of anadromous, catadromous and other migratory species.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of One hundred fifty thousand pesos (P150,000.00) to Five hundred thousand pesos (P500,000.00), dismantling of the obstruction at the expense of the offender, and the suspension or revocation of the permit or license.

Upon conviction by a court of law, the offender shall be punished with imprisonment of seven (7) years to twelve (12) years and fine of twice the amount of the administrative fine, dismantling of the obstruction at the expense of the offender, and the suspension or revocation of the permit or license.

Sec. 115. Obstruction to Fishery Law Enforcement Officer. – The fishing vessel owner, master or operator or any other person acting on behalf of any fishing vessel who assaults, resists, intimidates, harasses, seriously interferes with, or unduly obstructs or delays a fishery law enforcement officer, authorized inspector or observer, the deputized fishwarden of the LGU, or any lawfully-boarding government officers, in the exercise of their duties shall be penalized under this Code. Any person who does not allow any authorized officer or an observer to exercise any of the legal duties shall be deemed to be obstructing that officer or person.

Upon a summary finding of administrative liability, the offender shall be punished with cancellation of license or permit and an administrative fine of One million pesos (P1,000,000.00) for fishing vessels operating in Philippine waters or Two million pesos (P2,000,000.00) for fishing vessels operating beyond Philippine waters.

Upon conviction by a court of law, the offender shall be punished with imprisonment from six (6) months to two (2) years and a fine twice the amount of the administrative fine and cancellation of license or permit.

Sec. 116. Noncompliance with Fisheries Observer Coverage. – (a) It shall be unlawful for Philippine distant water fishing vessel to sail without a fisheries observer on board as required by RFMO conservation and management measures.

(b) It shall be unlawful for commercial fishing vessels to sail without a fisheries observer in compliance with this Code and the rules and regulations promulgated by the Department.

Upon a summary finding of administrative liability, an offender shall be punished with a 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.

Sec. 117. Noncompliance with Port State Measures. – No foreign fishing vessel shall be allowed entry without providing at least twenty-four (24)-hour prior notice. When a foreign fishing vessel is granted entry, failure to provide a catch report shall be deemed unlawful. It shall likewise be unlawful for any person to fail to comply with other rules on port state measures promulgated by the Department in coordination with port state authorities.

Failure to comply with the 24-hour period may result in denial of permission to enter or use of port facilities and the vessel may be subject to onboard inspection and/or impoundment.

Sec. 118. Failure to Comply with Rules and Regulations on Conservation and Management Measures. – It shall be unlawful for any person to fail to comply with conservation and management measures adopted in rules and regulations to be promulgated by the Department pursuant to international conventions, RFMO resolutions and laws of coastal states where Philippine vessels fish.

Upon a summary finding of administrative liability, violation of the rules and regulations promulgated by the Department shall be punished with confiscation of catch and suspension or cancellation of license or permit and an administrative fine of twice the value of the catch or the amount indicated below whichever is higher:

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(1) Twenty thousand pesos (P20,000.00) for municipal fishing or community service in case of failure to pay the fine;

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(2) One million pesos (P1,000,000.00) for small-scale commercial fishing;

chanrobleslaw

(3) Two million five hundred thousand pesos (P2,500,000.00), for medium-scale commercial fishing; and

(4) Five million pesos (P5,000,000.00), for large-scale commercial fishing.

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

Sec. 119. Noncompliance with Vessel Monitoring Measures. – No municipal, commercial or distant water fishing vessel shall engage in fishing activity without complying with the vessel monitoring measures promulgated by the Department in coordination with the LGUs: Provided, That for vessels operating in Philippine waters, only the catcher vessel shall be covered by this requirement. It shall also be unlawful to intentionally tamper with, switch off or disable the vessel monitoring system.

Upon a summary finding of administrative liability, the fishing vessel owner, master or any other person acting on behalf of the vessel owner shall be punished with confiscation of catch, suspension or revocation of the license and an administrative fine equivalent to twice the value of the catch or the amount indicated below, whichever is higher:

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(1) Ten thousand pesos (P10,000.00) for municipal fishing or community service in case of failure to pay the fine;

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(2) Two hundred fifty thousand pesos (P250,000.00) for small-scale commercial fishing;

chanrobleslaw

(3) Five hundred thousand pesos (P500,000.00) for medium-scale commercial fishing; and

(4) Two million five hundred thousand pesos (P2,500,000.00) for large-scale commercial fishing.

In case of violation committed in waters beyond national jurisdiction, the administrative fine shall be equivalent to five times the value of the catch or twice the amount indicated above, whichever is higher.

Upon conviction by a court of law, the master or any other person acting on behalf of the vessel owner shall be punished with imprisonment of six (6) months to two (2) years and fine twice the amount of the administrative fine, confiscation of catch and suspension or revocation of the license.

Sec. 120. Constructing, Importing or Converting Fishing Vessels or Gears Without Permit from the Department. – It shall be unlawful for any person to construct or import fishing vessels or gears or to convert other vessels into fishing vessels without permit from the Department.

Upon a summary finding of administrative liability, the offender shall be imposed the penalty of an administrative fine of:

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(1) Fifty thousand pesos (P50,000.00) for small-scale commercial fishing;
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(2) Five hundred thousand pesos (P500,000.00) for medium-scale commercial fishing; and

(3) Two million five hundred thousand pesos (P2,500,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine.

Sec. 121. Use of Unlicensed Gear. – Any person who uses a fishing gear or method for commercial fishing without license from the Department shall, upon a summary finding of administrative liability, be fined from Two hundred thousand pesos (P200,000.00) to Five hundred thousand pesos (P500,000.00) per gear depending on the seriousness of the violation.

Upon conviction by a court of law, the offender shall be imposed the penalty of fine from Four hundred thousand pesos (P400,000.00) to One million pesos (P1,000,000.00) depending on the seriousness of the violation.

Sec. 122. Falsifying, Concealing or Tampering with Vessel Markings, Identity or Registration. – It shall be unlawful for any person to falsify, conceal vessel identity or lack of registration or tamper with the vessel markings, identity or registration.

Upon a summary finding of administrative liability, the offender shall be imposed the penalty of confiscation of catch and suspension or cancellation of license and an administrative fine of:

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(1) Ten thousand pesos (P10,000.00) for municipal fishing or community service in case of failure to pay the fine;
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(2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;
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(3) One million pesos (P1,000,000.00) for medium-scale commercial fishing; and

(4) Five million pesos (P5,000,000.00) for large-scale commercial fishing.

In case of violation by distant water fishing vessels, the administrative fine shall be twice the amount indicated above.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from two (2) years to six (6) years and a fine equivalent to twice the amount of the administrative fine, confiscation of catch and suspension or cancellation of license.

Sec. 123. Concealing, Tampering or Disposing of Evidence Relating to an Investigation of a Violation. – It shall be unlawful for any person to conceal, tamper or dispose evidence relating to an investigation of a violation.

Upon a summary finding of administratively liability, the offender shall be punished with suspension or cancellation of license and an administrative fine of:

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(1) Ten thousand pesos (P10,000.00) for municipal fishing or community service in case of failure to pay the fine;

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(2) One hundred thousand pesos (P100,000.00) for small-scale commercial fishing;

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(3) One million pesos (P1,000,000.00) for medium-scale commercial fishing; and

(4) Five million pesos (P5,000,000.00) for large-scale commercial fishing.

In case of violation by distant water fishing vessels, the administrative fine shall be twice the amount indicated above.

Upon conviction by a court of law, the offender shall be imposed the penalty of imprisonment from five (5) years to ten (10) years and fine equivalent to twice the administrative fine, and suspension or cancellation of the license.

Sec. 124. Noncompliance with the Requirements for the Introduction of Foreign or Exotic Aquatic Species. – It shall be unlawful to import, introduce, or breed, foreign or exotic aquatic species without the conduct of risk analysis and prior approval of the Department.

Upon a summary finding of administrative liability, the offender shall be punished with a fine of Two hundred thousand pesos (P200,000.00) to Six million pesos (P6,000,000.00) and confiscation and destruction of the foreign or exotic species. Should the species become invasive and result to predation of native aquatic biota, loss of income or damage to the habitat, the offender shall bear the costs of containment, eradication and/or restoration.

Upon conviction by a court of law the offender shall suffer the penalty of imprisonment of six (6) years to (12) years and fine from Four hundred thousand pesos (P400,000.00) to Twelve million pesos (P12,000,000.00), confiscation of foreign or exotic species and the costs for containment, eradication or restoration.

Sec. 125. Failure to Comply with Standards and Trade-Related Measures. – It shall be unlawful for any person to fail to comply with standards for weights, volume, quality and other requirements for all fishery transactions and trade and trade-related measures prescribed by the Department.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two million pesos (P2,000,000.00), depending on the seriousness, extent and volume of trade associated with the violation, confiscation of the shipment or fishery products and suspension or revocation of registration or license.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years and a fine from One hundred thousand pesos (P100,000.00) to Four million pesos (P4,000,000.00) depending on the seriousness, extent and volume of trade associated with the violation, confiscation of the shipment or fishery products and suspension or revocation of registration or license.

Sec. 126. Possessing, Dealing in or Disposing Illegally Caught or Taken Fish. – It shall be unlawful to ship, commercially transport, offer for sale, sell, import, export, or have custody, control, or possession of, or to deal in or in any manner dispose of any fish or species caught, taken or retained in violation of this Code.

The discovery of any fish or species caught with the use of explosives or noxious or poisonous substances shall constitute a prima facie presumption that the possessor, seller, fish dealer, transporter, importer, or exporter thereof has knowledge that the fish or species was caught or taken in violation of this Code.

Upon a summary finding of administrative liability, the offender shall be punished with an administrative fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) or five (5) times the value of fish or species, whichever is higher, and confiscation of the same.

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years, and fine of eight (8) times the value of the species or from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), whichever is higher and confiscation of the fish or fishery products and suspension or revocation of registration or license.

Sec. 127. Unauthorized Disclosure of Sensitive Technical Information. – Data from the vessel monitoring system or vessel monitoring measure and other related data arising therefrom shall be considered as sensitive technical information. Any unauthorized disclosure of said data including all other data referred to in Section 155 in this Code, by any person shall be penalized with imprisonment of six (6) months and one day to six (6) years, removal from office and forfeiture of all retirement benefits, where applicable.

Sec. 128. Other Violations. – In addition to the prohibitions in this Code, the Department, in consultation with the LGUs, local FARMCs and NFARMC, shall issue fishery administrative orders or regulations for the conservation, preservation, management and sustainable development of fisheries and aquatic resources.

Violation of administrative orders or regulations promulgated by the Department or any provision thereof shall subject the offender to a fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00), depending on the socioeconomic impact and seriousness of the violation, volume and value of the fisheries product, damage to the environment due to the violation, and the habituality of the offender.

Sec. 129. Escalation Clause. – The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.”

Sec. 18. A new Chapter VII on administrative adjudication is hereby inserted after Chapter VI of Republic Act No. 8550, to read as follows:
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“CHAPTER VII

ADMINISTRATIVE ADJUDICATION

Sec. 130. Administrative Adjudication. – The Department is hereby empowered to impose the administrative fines and penalties provided in this Code.

For this purpose, the Department shall organize and designate the composition of the Adjudication Committee, which shall be composed of the bureau director as chairperson and four (4) other members to be designated by the Secretary. The Adjudication Committee shall be supported by sufficient number of staff to enable it to perform its mandate.

The Committee shall promulgate rules and regulations for the conduct of administrative adjudication and the disposition of confiscated catch, gears, equipment and other paraphernalia. It shall also issue subpoena duces tecum and ad testificandum in administrative cases before it.

Sec. 131. Commencement of Summary Administrative Action. – The Department shall, on its own instance or upon verified complaint by any person, institute administrative proceedings against any person who violates any order, rule or regulation issued by the Department, pursuant to this Code.

Sec. 132. Power to Issue Cease and Desist Orders and to Summarily Evict Without the Necessity of Judicial Order. – The Department shall, subject to the requirements of administrative due process, issue cease and desist order/s upon violator/s and to summarily eject, without the necessity of judicial order, the holder of FLA, other tenurial instrument, permit or license from areas of the public domain covered by such FLA, tenurial instrument, permit or license.

Sec. 133. Authority of the Director of the BFAR or the Duly Authorized Representative to Issue Notice of Violation and Order Confiscation. – In all cases of violations of this Code or other fishery laws, rules and regulations, the Director of the BFAR or the duly authorized representative, may issue notice of violation and order the confiscation of any fish, fishery species or aquatic resources illegally caught, taken or gathered, and all equipment, paraphernalia and gears in favor of the Department, academic institutions or LGUs and to dispose of the same in accordance with pertinent laws, rules, regulations and policies on the matter.

Sec. 134. Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions, and Preliminary Mandatory Injunctions. – No injunction or restraining order from the Municipal Trial Courts and Regional Trial Courts shall lie against the Department and BFAR upon the ex parte motion or petition filed by any person or entity in the exercise by the Department and BFAR of its regulatory functions in support of the implementation of this Code.

Sec. 135. Accompanying Administrative Sanctions for Serious Violations. – The Adjudication Committee may impose the following additional sanctions to the administrative penalties imposed for serious violations:

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(1) confiscation of fishing gear;
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(2) impoundment of fishing vessel;
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(3) temporary suspension or permanent revocation of license or permit;
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(4) temporary or permanent ban from the availment of applicable duty and tax rebates;
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(5) inclusion in the IUU fishing vessel list;
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(6) denial of entry and other port services;
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(7) blacklisting; and

(8) increase in the amount of fines but not to exceed five (5) times the value of the catch. In case of repeated violations within a five-year period, the amount of fine may be increased up to eight (8) times the value of the catch.

During the pendency of the administrative or the criminal case, the Department may impound the vessel/conveyance, gear and other paraphernalia used in the commission of the offense.

In applying these accompanying sanctions, the Department shall take into account the seriousness of the violation as defined in Paragraph 82 of Section 4 of this Code, the habituality or repetition of violation, manner of commission of the offense, severity of the impact on the fishery resources and habitat, socioeconomic impact, cases of concealment or destruction of evidence, eluding arrest, resisting lawful orders, and other analogous circumstances.

The overall level of sanctions and accompanying sanctions shall be calculated in a manner that is proportionate, effective and dissuasive to deprive the offender of the economic benefits derived from the serious violation.

Sec. 136. Lien Upon Personal and Immovable Properties of Violators. – Fines and penalties imposed pursuant to this Code shall constitute a lien upon the personal and immovable properties of the violator.

Sec. 137. Community Service. – In case the offender is a municipal fisherfolk or has no property over which the Department may impose the fines and penalties prescribed for the offense, community service may be rendered in lieu of the fine. The Department shall promulgate the rules and regulations for this purpose, taking into account that the service should be rendered in accordance with needs of the community where the offense is committed and computed based on the fine and the prevailing minimum wage in the community, among others.

Sec. 138. Citizen's Suits. – For the purposes of enforcing the provisions of this Code and its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

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(a) Any person who violates or fails to comply with the provisions of this Code, and its implementing rules and regulations;
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(b) The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and

(c) Any public officer who willfully or grossly neglects the performance of a duty specifically enjoined by this Code and its implementing rules and regulations; or abuses authority in the performance of duty; or, in any manner improperly performs duties under this Code and its implementing rules and regulations: Provided, however, That no suit can be filed until after fifteen (15) days notice has been given the public officer and the alleged offender and no appropriate action has been taken thereon.

Sec. 139. Strategic Lawsuit Against Public Participation (SLAPP) in the Enforcement of this Act. – A legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that any person, institution, or the government has taken or may take in the enforcement of this Code shall be treated as a Strategic Lawsuit Against Public Participation (SLAPP).

The hearing on the defense of a SLAPP shall be summary in nature, the affirmative defense of a SLAPP shall be resolved within thirty (30) days after the summary hearing. If the court dismisses the action, the court may award damages, attorney's fees, and costs of suit under a counterclaim if such has been filed. The dismissal shall be with prejudice.

If the court rejects the defense of a SLAPP, the evidence adduced during the summary hearing shall be treated as evidence of the parties on the merits of the case. The action shall proceed in accordance with the Rules of Court.

The Rules of Procedure for Environmental Cases shall govern the procedure in civil, criminal, and special civil actions involving the enforcement or violations of this Code including actions treated as a SLAPP as provided in this section.

Sec. 140. Fisheries National Administrative Register. – The Adjudication Committee shall enter in a Fisheries National Administrative Register, which shall be publicly available, all decisions, resolutions or orders involving violations of this Code, particularly serious violations committed by Philippine flagged vessels or by Philippine nationals and cases on poaching or involving foreigners, including the penalties imposed.”

Sec. 19. Section 108 of the Code is hereby renumbered as Section 141 and a new Section 142 is hereby inserted after to read, as follows:
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“Sec. 142. Fisheries Management Fund. – A Fisheries Management Fund is hereby established to enhance the budget for: the conservation, preservation, protection,

management, development and regulation of the fishery and aquatic resources; research and development and capability building of the various stakeholders including provision for scholarships; supplementary livelihood for poverty alleviation; and improvement of productivity and processes of the various stakeholders. It shall be administered by the Bureau of Fisheries and Aquaric Resources as a special account in any government financial institution.

It shall be funded from administrative fines and penalties imposed under this Code, from the proceeds of the sale of forfeited fish, fishing gears, paraphernalia and fishing vessels, and contributions in the form of endowments, grants and donations to the fund, which shall be exempted from donor and other taxes, charges or fees imposed by the government.

The Fund shall be exclusively utilized as follows:

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(a) fifteen percent (15%) for the purchase, upgrade and maintenance of vessels, communication and other equipment used for the monitoring, control and surveillance of Philippine waters and distant water fishing;

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(b) five percent (5%) for the payment of litigation expenses, cost of conveyance of witnesses and other costs due to cases filed by or against the Republic of the Philippines in international courts arising from the implementation of this Code or where apprehending party or parties become respondents or defendants in any tribunal or court of law;

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(c) twenty-five percent (25%) for the operating costs and capacity building of the NFARMC, IFARMCs and C/MFARMCs and payment for the cost of rehabilitation, medical expenses for injury, or indemnity for death of law enforcement officers, including deputized volunteers, distributed as follows: five percent (5%) to the NFARMC, five percent (5%) to all IFARMCs, five percent (5%) to all C/MFARMCs, and ten percent (10%) to C/MFARMCs for the apprehension and successful prosecution of a fisheries offense;

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(d) five percent (5%) for the continued upgrading of laboratory facilities and equipment;

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(e) five percent (5%) for the research and development activities of the NFRDI;

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(f) five percent (5%) for the capability development of BFAR personnel, deputized law enforcement agencies and volunteers, and stakeholders;

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(g) ten percent (10%) for scholarship grants for children of fisherfolks and fishworkers in fish catch, aquaculture, fishing and fish processing;
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(h) fifteen percent (15%) for livelihood programs for production enhancement and poverty alleviation; and

(i) fifteen percent (15%) for assistance to fishermen in the form of shared facilities.”

Sec. 20. Renumbering of the Remaining Chapters and Sections of Republic Act No. 8550. – Sections 109 to 133 of Republic Act No. 8550 are hereby renumbered as Sections 143 to 167 accordingly. Chapters VII, VIII and IX of the same Act are hereby renumbered as Chapter VIII, IX and X, respectively.

Sec. 21. Implementing Rules and Regulations. – The Department of Agriculture, in consultation with concerned government agencies and stakeholders, shall promulgate the implementing rules and regulations of this Act, within six (6) months from the effectivity of this Act.

Sec. 22. Separability Clause. – If any portion of this Act is declared unconstitutional or invalid, the portions or provisions which are not affected shall continue to be in full force and effect.

Sec. 23. Repealing Clause. – All laws, decrees, executive orders and rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 24. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.chanroblesvirtuallawlibrary

Approved:

(Sgd.) FELICIANO BELMONTE JR.
Speaker of the House
of Representatives

(Sgd.) FRANKLIN M. DRILON
President of the Senate

This Act which is a consolidation of Senate Bill No. 2414 and House Bill No. 4536 was finally passed by the Senate and the House of Representatives on December 1, 2014.

(Sgd.) MARILYN B. BARUA-YAP
Secretary General
House of Representatives

(Sgd.) OSCAR G. YABES

Secretary of the Senate

Approved:

BENIGNO S. AQUINO III
President of the Philippines

Lapsed into law on February 27 2015, Without the signature of the President, In accordance with Article VI, Section 27 (1) of the Constitution.