FISHERIES ADMINISTRATIVE
ORDER NO. 254-1
Series of 2018

SUBJECT: REGULATION AND IMPLEMENTING GUIDELINES ON GROUP HANDLINE FISHING OPERATIONS IN THE HIGH SEAS OF THE WCPFC CONVENTION AREA.

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

WHEREAS, the Philippines is a member of the regional fisheries management organization, the Western and Central Pacific Fisheries Commission (WCPFC);

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

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

1) Bigeye

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

2) Skipjack

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

3) Yellowfin

Pending agreement on a target reference point the spawning biomass depletion ratio (SB/\textsubscript{SBp-0}) is to be maintained at or above the average (SB/\textsubscript{SBp-0}) for 2012-2015.
WHEREAS, Section 51 of CMM 2017-01 states that "CCM shall take necessary measures to ensure that the total catch of their respective other commercial tuna fisheries for bigeye, yellowfin or skipjack tuna, but excluding those fisheries taking less than 2,000 tonnes of bigeye, yellowfin and skipjack, shall not exceed either the average level for the period 2001-2004 or the level of 2004";

WHEREAS, this policy is designed as a conservation measure primarily to reduce effort in Philippine waters which is a spawning ground;

WHEREAS, Pursuant to Republic Act (RA) 9379, "An Act Defining Handline Fishing, Providing Effective Regulations Therefore and For Other Purposes", otherwise known as "The Handline Fishing Law of 2007";

WHEREAS, Section 2 of RA 9379 stresses the need to support the development of the handline fishing industry, promote its competitiveness, sustainability and social development;

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

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

1) Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit — a two-way automatic tracking device WCPFC-approved device to be installed on fishing vessels that utilizes a satellite navigation and communication system for the purpose of transmitting information concerning the Philippine-flagged fishing vessels' positions, fishing activities, and any other activity of the vessels as may be required.

2) Bureau/BFAR — Bureau of Fisheries and Aquatic Resources.

3) Vessel Monitoring System (VMS) — Refers to a system used to track and monitor the position, time, course and speed of commercial fishing vessels in the territorial waters, EEZ and the high seas for purposes of conservation and management of fisheries resources.

4) Commercial Fishing Vessel/Gear License (CFVGL) — authorization granted by BFAR to fishing vessel operators to fish within commercial waters (>15 km from the shoreline) of the Philippines pursuant to Sec. 26 of R.A. 8550.

5) Exclusive Economic Zone (EEZ) — an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Sea and their respective existing laws.

6) Fish Aggregating Devices (FAD) — devices that shall include drifting logs, other drifting objects and anchored FADs.
7) Fisheries Monitoring Center (FMC) — serves as a land-based component for BFAR fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System.

8) Handline Fishing — refers to a traditional fishing method that uses the hook and line, a passive fishing gear with a single vertical line carrying one hook, and used by simply dropping the line into the water and waiting for the fish to bite.

9) Handline Fishing Boat — refers to a fishing boat with or without outrigger, with or without auxiliary small boats on board that exclusively utilizes the handline fishing method with or without the aid of a carrier operating as a group.

10) Pakura or Sirisan — is an auxiliary small boat, less than three (3) gross tons locally known as "pakura" or "sirisan" made of wood, fiberglass or any other material, with or without outrigger, propelled by a suitable engine and carried onboard a handline fishing boat for use in handline fishing operations beyond municipal waters.

11) High Seas (HS) — the area beyond Philippine waters which does not belong to the jurisdiction of any other State.

12) HSPI — High Seas Pocket 1 as referred to in CMM 2017-01 (see Attachment 2)

13) International Fishing Permit (IFP) — authorization granted by BFAR to licensed Philippine-flagged vessels to fish in waters of other coastal states and high seas where the Philippines has access agreements.

14) Regional Fisheries Observer — Personnel duly authorized by the Commission’s Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the Commission, other RFMOs and by the Bureau’s compatible measures.

15) Regional Fisheries Management Organizations (RFMOs) — Organizations that implement conservation and management measures on tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC in which the Philippines is a member and the CCSBT (Commission on the Conservation of Southern Bluefin Tuna) in which Philippines is cooperating non-member.

16) WCPFC — Western and Central Pacific Fisheries Commission.

Section 2. Scope and Application

1) This Administrative Order covers Philippine-registered handline fishing boats issued with International Fishing Permits and Special Permit to operate in the high seas of WCPFC Convention Area and registered in the WCPFC Records of Fishing Vessels.
2) This Administrative Order applies only to high seas in the WCPFC Convention Area (See CMM 2017-01 Attachment 2), which is the area of the high seas bounded by the EEZs of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south with exact coordinates as used by WCPFC Vessel Monitoring System.

**Section 3. Allocation of Fishing Access**

1) Criteria in Qualifying for Fishing Access. Any person, corporation or entity who signifies to engage in handline fishing operation in the high seas of WCPFC Convention Area shall be pre-qualified based on the following criteria:

a) The handline fishing boats are Philippine-registered with valid Commercial Fishing Vessel and Gear License (CFVGL), International Fishing Permit and Special Permit to operate in the high seas of WCPFC Convention Area, subject to annual renewal and payment of an annual fee at the rate of USD 300 for handline fishing boats of 40 gross tonnage and below, and USD 600 for over 40 gross tonnage;

b) The handline fishing boats must be compliant with Philippine Coast Guard and Maritime Industry Authority (MARINA) rules and regulations;

c) The handline fishing boats must be Catch Documentary Scheme compliant;

d) The handline fishing boats must not have involved in any administrative or criminal offense for engaging in fishing activities in the Convention Area in violation of any conservation and management measures adopted by the WCPFC;

e) The handline fishing boats shall be registered with WCPFC;

f) The handline fishing boats shall be equipped with two-way Vessel Monitoring System;

g) Each handline fishing boat shall commit to deploy no more than 2 FADs;

h) The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operation;

2) Procedure in the Allocation of Fishing Access.

a) Letter of Intent. All interested persons, corporations or entities shall submit a formal letter of Intent (LOI) addressed to the Director of the Bureau indicating the handline fishing boat details such as registered name, gross tonnage, and gear.

b) Evaluation. Those who have submitted LOI will be evaluated on the basis of their compliance to the criteria and their history of fishing operations.
Section 4. Vessel Monitoring System. All handline fishing boats and corresponding carrier boats shall be equipped with and shall operate a two-way Automatic Location Communicator in accordance to FAO 241 Series of 2012 on Regulations in the Implementation of the Vessel Monitoring System (VMS) in the High Seas, CMM 2011-02 and CMM 2017-01. The FMC shall provide continuous real-time VMS information to the adjacent Coastal States/Territories for monitoring purposes. Access to VMS and other data shall be in accordance with WCPFC Rules and Procedures for the Protection, Access to and Dissemination of High Seas Non-Public Domain Data and Information Compiled by WCPFC for the Purpose of Monitoring, Control and Surveillance (MCS) Activities and Access to and Dissemination of High Seas VMS for Scientific Purposes.

Section 5. Reporting.

1) Handline fishing boats, carrier vessels and fishing companies shall notify BFAR through electronic or any other means at least 24 hours prior to entry and no more than 6 hours prior to exiting the fishing ground. Likewise, this information shall be transmitted to the adjacent Coastal States/Territories and WCPFC.

2) Report should be in the following format: "VID/entry or Exit: Date/Time; Lat/Long."

3) Handline fishing boats operating in high seas should report sightings of any fishing vessel to BFAR and WCPFC Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 6. Vessel Listing. The Bureau shall maintain an updated list of all handline fishing boats operating in the high seas based on vessel’s entry and exit reports submitted to WCPFC. The list will be submitted to WCPFC and will be made available to WCPFC members and other concerned stakeholders through dedicated website, www.bfar.da.gov.ph.

Section 7. Monitoring of Port Landings. All landings of handline fishing boats operating in the high seas of WCPFC Convention Area shall be made at authorized ports operated by the Philippine Fisheries Development Authority and/or other ports as approved by BFAR. Catch logsheet to include catch and effort data shall be accomplished and submitted by each handline vessel to the Bureau every month to ensure timely processing and analysis.

Section 8. Effort Limit. In accordance with applicable WCPFC CMM.

Section 9. Use of Fish Aggregating Device (FAD). Each handline fishing boat shall deploy not more than 2 FADs. Its design, deployment, replacement, reporting of FADs coordinates shall be in accordance with existing policies.

Section 10. Research. BFAR observers shall be accommodated by handline fishing boats for purposes of scientific studies in aid of fishery management.
Section 11. Nature of Access Right. Any transfer of access right or replacement of vessel covered by this Order shall be subjected to the prior approval of the Bureau and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be considered void.

Section 12. Penalties. Any violations of the provisions of this Fisheries Administrative Order shall be penalized as follows:

1) Pursuant to Section 119 of R.A. 8550 as amended by R.A. 10654, intentional non-reporting of position manually every six (6) hours after having been notified by BFAR FMC that the VMS ALC is not transmitting as required, the administrative fine shall be equivalent to five times the value of the catch or twice the amount indicated below, whichever is higher:

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

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

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

2) Pursuant to Section 89 of R.A. 8550 as amended by R.A. 10654, violation of Section 5 and 7, cases of unreported fishing committed in waters beyond national jurisdiction or high seas, the owner, operator, and the three (3) highest officers of the commercial fishing vessel shall be penalized with an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below, whichever is higher:

   a) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing;

   b) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing;

   c) Sixteen million pesos (P16,000,000.00) to Twenty million pesos (P20,000,000.00) for large-scale commercial fishing vessels less than seven hundred fifty (750) gross tons, and Twenty-five million pesos (P25,000,000.00) to Forty-five million pesos (P45,000,000.00) for large-scale commercial fishing vessels seven hundred fifty (750) gross tons or more.

Upon conviction by a court of law, the three (3) highest officers of the commercial fishing vessel shall suffer the penalty of imprisonment of six (6) months and a fine equivalent to twice the amount of the administrative fine, and confiscation of catch and gear.
3) Deployment of FADs in excess of 2 as provided in Section 9 hereof shall be penalized with administrative fine of Php 50,000.00 per excess FAD and confiscation of the excess FAD;

4) Unauthorized transfer of access right or replacement of handline fishing boat as provided under Section 11 hereof shall be penalized with Php 100,000.00 at first offense, and Php 200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPFC Convention Area for the second offense;

5) Fishing outside High Seas of WCPO Convention Area shall be penalized with Php 100,000.00 for the first offense and Php 200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPFC Convention Area at second offense except in Philippine waters when authorized by BFAR;

6) Unloading in unauthorized ports and landings shall be penalized with Php 100,000.00 at first offense, Php 200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPFC Convention Area at second offense.

Section 13. Separability Clause. If this Order or any part hereof is declared unconstitutional or invalid, the remaining sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 14. Repealing Clause. All existing administrative order, rules and regulations which are inconsistent with the provisions this Order is hereby repealed or modified.

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

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

EMMANUEL F. PINOL
Secretary

Recommendating Approval:

EDUARDO R. GONGONA
Undersecretary of Fisheries, DA
Director, BFAR
Subject: Regulation and Implementing Guidelines on Group Hauling Fishing Operations in the High Seas of the WCPFC Convention Area

WHEREAS, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 30, 2000, which was subsequently ratified by the Senate on October 2005;

WHEREAS, the Philippines is a member of the regional fisheries management organization, the Western and Central Pacific Fisheries Commission (WCPFC);

WHEREAS, in December 2017, the Commission adopted a new Conservation and Management Measure (CMM 2017-01) for bigeye, yellowfin and skipjack tuna in the Western and Central Pacific Ocean which aims to provide for a robust transitional management regime that ensures the sustainability of bigeye, yellowfin and skipjack tuna stocks;

WHEREAS, CMM 2017-01 will create a bridge to the adoption of a harvest strategy for bigeye, skipjack, and yellowfin tuna in accordance with the work plan and indicative frames set out in the agreed work plans for adoption of harvest strategies under CMM 2016-06, which includes the development of management objectives and target reference points, and the Commission shall work towards achieving and sustaining the following:

1) Bigeye

Feeding agreement on a target reference point the spawning biomass depletion ratio (SBDR) to be maintained at or above the average (SBDRave) for 2012-2015;

2) Skipjack

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

3) Yellowfin

Feeding agreement on a target reference point the spawning biomass depletion ratio (SBDR) to be maintained at or above the average (SBDRave) for 2012-2015;

WHEREAS, Section 21 of CMM 2017-01 states that CMM shall take necessary measures to ensure that the total catch of their respective other commercial tuna fisheries for bigeye, yellowfin or skipjack tuna, but excluding these fisheries taking less than 2,000 tonnes of bigeye, yellowfin and skipjack, shall not exceed either the average level for the period 2001-2004 or the level of 2010;

WHEREAS, this policy is designed as a conservation measure primarily to reduce effort in Philippine waters which is a spawing ground;

WHEREAS, pursuant to Republic Act No. 9797, "An Act Declarating Fish Stock Status, Providing Effective Regulations and Implementation for Such and For Other Purposes," otherwise known as the "Fish Stock Fishing Law of 2007;"

WHEREAS, Section 2 of RA 9797 streamlines the need to support the development of the stock and management of the fishery, promote its competitiveness, sustainability and social development;

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

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

1) Autonomous Location Communicator (ALC) or Mobile Tracking-Transceiver-Unit - a two-way automatic tracking device WCPFC-approved device to be installed on fishing vessels that utilizes a satellite navigation and communication system for the purpose of transmitting information concerning the Philippine-flagged fishing vessels' positions, fishing activities, and any other activity of the vessel as may be required;

2) BFAR/BFAR - Bureau of Fisheries and Aquatic Resources;

3) Vessel Monitoring System (VMS) – refers to a system used to track and monitor the position, time, course and speed of commercial fishing vessels in the territorial waters, EEZ and the high seas for purposes of conservation and management of fisheries resources;

4) The harvesting fishing boats must be Catch Documentation Scheme compliant;

5) The harvesting fishing boats must not have been involved in any administrative or criminal cases wherein they were engaged in fishing activities in the Convention Area in violation of any conservation and management measures adopted by the WCPFC;

6) The harvesting fishing boats shall be registered with WCPFC;

7) The harvesting fishing boats shall be equipped with two-way Vessel Monitoring Systems;

8) Each harvesting fishing boat shall commit to deploy no more than 2 PADS;

9) The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operations;

2) Procedure in the Allocation of Fishing Access.

a) Letter of Intent. All interested persons, companies or entities shall submit a formal letter of intent (LOI) addressed to the Director of the Bureau indicating the harvesting fishing boat details such as registered name, gross tonnage, and year.

b) Evaluation. Those who have submitted LOI will be evaluated based on the basis of their compliance to the criteria and their history of fishing operations.


Section 5. Reporting.

1) Harvesting fishing boats, carrier vessels and fishing companies shall notify BFAR through an electronic or any other means at least 24 hours prior to entry and no more than 6 hours prior to exiting the fishing ground. Likewise, this information shall be transmitted to the adjacent Coastal States/Territories and WCPFC;

2) Report should be in the following format: "VMS/entry or Exit Date/Time: Lat/Long;"

3) Harvesting fishing boats operating in high seas should report sightings of any fishing vessel to BFAR and WCPFC Secretariat. Such information shall include vessel type, date, time, position, anchorage, heading and speed.

Section 6. Vessel ID. The Bureau shall maintain an updated list of all harvesting fishing boats operating in the high seas as based on vessel's entry and exit reports submitted to WCPFC. The list will be submitted to WCPFC and will be made available to WCPFC members and other concerned stakeholders through dedicated website, www.bfar.daf.gov.ph.

Section 7. Monitoring of Port Landings. All landings of harvesting fishing boats operating in the high seas of WCPFC Convention Area shall be made at authorized ports operated by the Philippine Fisheries Development Authority and/or other ports as approved by BFAR. Catch logbooks to include catch and effort data shall be accomplished and submitted by each harvesting vessel in the Bureau every month to ensure timely processing and analysis.

Section 8. Effluent Limits. In accordance with applicable WCPFC CMM.

Section 9. Use of Fish Aggregating Device (FAD). Each harvesting fishing boat shall deploy not more than 2 PADS. It's design, deployment, replacement, reporting of PADS conditions shall be in accordance with existing policies.

Section 10. Research. BFAR observers shall be accommodated by harvesting fishing boats for purposes of scientific studies in aid of fisheries management.

Section 11. Nature of Access Right. Any transfer of access right or replacement of vessel covered by this Order shall be subject to the prior approval of the Bureau and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be considered void.

Section 12. Penalties. Any violation of the provisions of this Fisheries Administrative Order shall be penalized as follows:

1) Pursuant to Section 119 of RA 6657 as amended by RA 10654, intentional manipulation of position manually every six (6) hours after having been notified by BFAR FMC that the VMS AIC is not transmitting as required, the administrative fine shall be equivalent to five times the value of the catch or twice the amount indicated below, whichever is higher:

a) Two hundred fifty thousand pesos (P250,000.00) for small-scale commercial fishing;
6) Commercial Fishing Vessel/Gear License (CPVGL)—authorization granted by BFAR to fishing vessel operators to fish within commercial waters (+5 km from the shoreline) of the Philippines pursuant to Sec. 25 of R.A. 8550.

5) Exclusive Economic Zone (EEZ)—an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Sea as their respective existing laws.

6) Fish Aggregating Devices (FADs)—devices that shall include drifting tags, other drifting objects, and anchored FADs.

7) Fisheries Monitoring Center (FMC)—serves as a land-based component for BFAR fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System.

8) Handline Fishing—refers to a traditional fishing method that uses the hook and line, a passive fishing gear with a single vertical line carrying one hook, and used by simply dropping the line into the water and waiting for the fish to bite.

9) Handline Fishing Boat refers to a fishing boat with or without outrigger, with or without auxiliary small boats on board that exclusively utilizes the handline fishing method with or without the aid of a carrier operating as a group.

10) Pakura or Sirsan—is an auxiliary small boat, less than three (3) gross tons locally known as "pakura" or "sirsan" made of wood, fiberglass or any other material, with or without outrigger, propelled by a suitable engine and carried onboard a handline fishing boat for use in handline fishing operations beyond municipal waters.

11) High Seas (HS)—the area beyond Philippine waters which does not belong to the jurisdiction of any other State.

12) HFP—High Seas Pocket 1 as referred to in CMM 2017-01 (see Attachment 2)

13) International Fishing Permit (IFP)—authorization granted by BFAR to licensed Philippine-flagged vessels to fish in waters of other coastal states and high seas where the Philippines has access agreements.

14) Regional Fisheries Observer—Personnel duly authorized by the Commission's Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the Commission, other RFMOs, and by the Bureau's imperative measures.

15) Regional Fisheries Management Organizations (RFMOs)—Organizations that implement conservation and management measures on tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tunas). and WCPCP in which the Philippines is a member and the CSSBT (Commission on the Conservation of Southern Bluefin Tuna) in which Philippines is cooperating non-member.

16) WCPCP—Western and Central Pacific Fisheries Commission.

Section 2. Scope and Application

1) This Administrative Order covers Philippine-registered handline fishing boats issued with International Fishing Permits and Special Permit to operate in the high seas of WCPCP Convention Area and registered in the WCPCP Records of Fishing Vessels.

2) This Administrative Order applies only to high seas in the WCPCP Convention Area (see CMM 2017-01 Attachment 2), which is the area of the high seas bounded by the EEZs of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Isolated States and Papua New Guinea to the south with exact coordinates as used by WCPCP Vessel Monitoring System.

Section 3. Allocation of Fishing Access

1) Criteria in Qualifying for Fishing Access. Any person, corporation or entity who signifies to engage in handline fishing operation in the high seas of WCPCP Convention Area shall be pre-qualified based on the following criteria:

a) The handline fishing boat is a Philippine-registered vessel with valid Commercial Fishing Gear Certificate (CPVGL); International Fishing Permit and Special Permit to operate in the high seas of WCPCP Convention Area, subject to annual renewal and payment of an annual fee at the rate of USD 300 for handline fishing boats of 40 gross tonnage and below, and USD 600 for over 40 gross tonnage;

b) The handline fishing boat must be compliant with Philippine Coast Guard and Maritime Industry Authority (MARINA) rules and regulations.

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

2) Pursuant to Section 89 of R.A. 8550 as amended by R.A. 10554, violation of Section 5 and 7, cases of unreported fishing committed in waters beyond national jurisdiction or high seas, the owner, operator, and the three (3) highest officers of the commercial fishing vessel shall be penalized with an administrative fine equivalent to five (5) times the value of the catch or the amount indicated below, whichever is higher:

a) Two million pesos (P2,000,000.00) to Nine million pesos (P9,000,000.00) for small-scale commercial fishing.

b) Ten million pesos (P10,000,000.00) to Fifteen million pesos (P15,000,000.00) for medium-scale commercial fishing.

(c) Sixteen million pesos (P16,000,000.00) to Twenty million pesos (P20,000,000.00) for large-scale commercial fishing vessels less than seven hundred fifty (750) gross tons, and Twenty-five million pesos (P25,000,000.00) to Forty-five million pesos (P45,000,000.00) for large-scale commercial fishing vessels seven hundred fifty (750) gross tons or more.

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

3) Deployment of FADs in excess of 2 as provided in Section 9 hereof shall be penalized with administrative fine of P50,000.00 per excess FAD and confiscation of the excess FAD;

4) Unauthorized transfer of access rights or replacement of handline fishing boat as provided under Section 11 hereof shall be penalized with P200,000.00 at first offense, and P200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPCP Convention Area for the second offense;

5) Fishing outside High Seas of WCPO Convention Area shall be penalized with P100,000.00 for the first offense and P200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPO Convention Area at second offense except in Philippine waters when authorized by BFAR;

6) Unloading in unauthorized ports and landings shall be penalized with P100,000.00 at first offense, P200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPO Convention Area at second offense.

Section 13. Separability Clause. If this Order or any part hereof is declared unconstitutional or invalid, the remaining sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 14. Repealing Clause. All existing administrative order, rules and regulations which are inconsistent with the provisions this Order is hereby repealed or modified.

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

Issued this 23 day of July 2018 at Quezon City, Metro Manila, Philippines.

ENRIQUE I. PANTOY, Jr.
Secretary

RECOMMENDING APPROVAL:

EDUARDO R. SONGA
Deputy Secretary of BFAR, DA

Director, BFAR

P.S. July 30, 2018
**FISHERIES ADMINISTRATION: ORDER NO. 442**

**SERIES OF 2019**

**SUBJECT: REGULATIONS AND IMPLEMENTING GUIDELINES ON GROUP HANDLINE FISHING IN THE HIGH SEAS IDEA OF THE WCPFC CONVENTION AREA.**

WHEREAS, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 5, 2001, which was subsequently entered into force on the 30th day after the preparations of the Convention were concluded for the Philippines;

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

WHEREAS, in December 2017, the Commission adopted a new Conservation and Management Measure (CMM) 2017-01 for Bigeye, Yellowfin, and Thresher Sharks in the Western and Central Pacific Ocean which aims to provide a legal framework for the management of migratory and endemic species that cross the jurisdictional boundaries of the member states. This new CMM 2017-01, which includes the definition of the prohibited and restricted fishing activities, will increase the Commission’s focus in conserving and sustaining the following fish species:

1. Handline fishing agreements for a target reference point on the spawning biomass depletion rate (SBDSS), (SBDSS) is to be maintained or adjusted on average at the level or lower level of 1998 (0.5) to 2010;

2. The spawning biomass of at least 15% is to be maintained or adjusted on average at the level or lower level of 1998 (0.5) to 2010 in accordance with the WCPFC CMM 2017-01.

V. Enforcement and Penalties:

WHEREAS, in CMM 2017-01, the Philippines is required to ensure that all enforcement measures are in place to control and manage the activities of the fishing vessels within its exclusive economic zone and contiguous zone;

WHEREAS, Article 6.12.03 of the WCPFC CMM 2017-01 mandates all member states to adopt and implement a comprehensive database on all fishing activities performed in the conservation areas of the WCPFC;

WHEREAS, the Philippine laws and regulations provide a framework for the implementation of the CMM 2017-01 and the WCPFC CMM 2017-01;

WHEREAS, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby implements the following regulations and implementing guidelines:

Section 1. Definitions of Terms:

For purposes of this Order, the following terms as used herein shall mean:

- **Anchovies:** Any fish species belonging to the family Clupeidae.
- **Atmospheric Location Code Determination System (ALCODS):** A biological targeting capability for WCPFC approved device to be installed on fishing vessels that utilizes a satellite navigation system and sensors to track and record the end destination of the vessel’s catch.
- **Commercial Fishing Vessel License (CFVL):** Authorization granted by BFAR to fishing vessels to operate within Philippine waters (includes CFVLs for the exclusive economic zone of the Philippines to fish for certain species). The BFAR has issued a CFVL to fishing vessels. The BFAR also issues a CFVL to fishing vessels.
- **Environmental Zone (E-Zone):** An area limited and adjacent to the territorial sea of a country as designated by the United Nations Convention on the Law of the Sea.
- **Fish Aggregation Device (FAD):** A device that attracts dwellers, other objects, and associated species.
- **Fishing Monitoring Center (FMC):** A vessel-based fishing fundraising operation run by a vessel-based fishing fundraising operation.
- **Fishing Monitoring Network (FMN):** A vessel-based fishing fundraising operation run by a vessel-based fishing fundraising operation.
- **Handline Fishing:** Fishing for certain species that involves the use of a fishing line and is characterized by the use of bait or hook and line with a single line or a series of lines.
- **Handline Fishing Boat:** A vessel that participates in certain species that involves the use of a fishing line and is characterized by the use of bait or hook and line with a single line or a series of lines.
- **High Seas (HS):** The area beyond Philippine waters which does not belong to the jurisdiction of any other country.
- **IPOC:** High Seas Pocket Book, as defined in CMM 2017-01 (Annex 4).
- **International Fishing Pesp (IFP):** Authorization granted by BFAR to licensed Philippines registered vessels for fishing in waters of other coastal States and high seas where the Philippines has exclusive jurisdiction.
- **Marine Protected Areas (MPAs):** Areas reserved within national boundaries for the conservation and sustainable use of marine biodiversity.
- **Monetary Inspection Officer (MIO):** A BFAR officer responsible for the inspection and enforcement of the laws and regulations governing the fisheries resources.
- **Regional Fisheries Management Organizations (RFMOs):** Organizations that implement conservation and management methods and are well documented in the Commission on the Conservation of Marine Life and Fish (CCM) in the Philippines.
- **Sanitary and Phytosanitary Regulations:** The standards and practices that are required to be followed by all vessels operating in the conservation areas of the WCPFC.
- **Safe Port of Call (SPC):** A port of call that meets or exceeds the requirements of the WCPFC.
- **Trawlers:** Vessels that are engaged in trawling activities.
- **Tuna Fishery:** Fishing for certain species that involves the use of a fishing line and is characterized by the use of bait or hook and line with a single line or a series of lines.
- **WCPFC:** Western Central Pacific Fisheries Commission.
July 30, 2018

Atty. Flordeliza C. Vargas-Trinidad  
Director  
Office of National Administrative Registrar  
Rm., 208, Bocobo Hall, University of the Philippines-Law Center  
Diliman, Quezon City

Dear Atty. Vargas – Trinidad:

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

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

Very truly yours,

RAFAEL V. RAMISCAL  
Chief, Capture Fisheries Division
WHEREAS, the National Fisheries and Aquatic Resources Management Council (NFARMC) is a multi-sectoral body composed of representatives from all major stakeholders in Philippine fisheries and serves as an advisory and recommendatory body to the Department of Agriculture (DA);

WHEREAS, Section 72 (a) of the Implementing Rules and Regulations of R. A. No. 8550 or The Philippine Fisheries Code, as amended by R. A. No. 10654, states that "NFARMC shall have the following functions: (a) assist in the formulation of national policies for the protection, sustainable development and management of fishery and aquatic resources";

WHEREAS, the effectivity of the aforementioned Fisheries Administrative Orders have already lapsed and requires the recommendation of the NFARMC for approval of the Secretary of the Department of Agriculture in accordance with the last paragraph of Section 61 of R. A. No. 8550 as amended by R. A. No. 10654 to facilitate the extension of their implementation;

WHEREAS, the FAO 236, 254 and 245-3 should be aligned with the implementation of Conservation Management Measure 2017-01 of the Western and Central Pacific Fisheries Commission;

NOW, THEREFORE, BE IT RESOLVED, the implementation of Fisheries Administrative Order Nos. 236, 254 and 245-3 be extended for another three (3) years until February 10, 2021 taking into account the amendment in FAO 245-3 which provides symmetrical net as additional option for net design and mesh size requirement wherein the lower half of the ring net or purse seine should be not less than 3.5 inches;

RESOLVED, FURTHER, that copies of this resolution be furnished to the Office of the Secretary of the Department of Agriculture, the Office of the Director of the Bureau of Fisheries and Aquatic Resources and other concerned offices; and
UNANIMOUSLY RESOLVED during the second quarter meeting of the council on May 18, 2018 held at the Camp Holiday Resort and Recreation Center, Babak District, Island Garden City of Samal.

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

DR. YASMIN P. TIROL
Academe

FELIZARDO C. LIM
Fisherfolk – Luzon

MARTHA E. CADANO
Fisherfolk – Visayas

DIÑO H. BARRIENTOS
Small Scale Commercial Fisheries

FERDINAND Y. LIM
Large Scale Commercial Fisheries

ROSANNA BERNADETTE B. CONTRERAS
Aquaculture

ROMEO M. GUPONG
Fisherfolk – Luzon

CABILIT K. ABO
Fisherfolk – Mindanao

ROBERTO A. BAYLOSIS
Alternate Member, Medium Scale Commercial Fisheries

JOSUAN Q. LU
Fish Processing

JULIO G. TAN
Non-Government Organization