FISHERIES ADMINISTRATIVE
ORDER NO. 258
Series of 2018

SUBJECT: ESTABLISHMENT OF TUNA CONSERVATION AND MANAGEMENT ZONES (TCMZ) IN THE MINDANAO/CELEBES SEA.

WHEREAS, the high fishing pressure on juvenile tunas causes growth overfishing, resulting in reduced potential yield from the fishery, decreased economic and other benefits that could be obtained from the stock, and negatively impacts on productivity and sustainability of resources is one of the issues in tuna fisheries;

WHEREAS, the juvenile tunas are usually caught by surface fisheries including purse seine, ringnets and shallow hook and line fishing;

WHEREAS, there is an urgent need to address issues on juvenile catch; the Western and Central Pacific Fisheries Commission (WCPFC) implements several measures including but not limited to CMM 2017-01;

WHEREAS, Fisheries Administrative Order No. 226 sets the ceiling of small tuna by-catch at 10% and regulates the trading of small tunas;

WHEREAS, the Philippines as a signatory to the WCPFC and various RFMOs commits to comply and promote effective management in order to achieve the long-term conservation and sustainable use of highly migratory fish stocks;

WHEREAS, reports of Philippine Fisheries Observer Program (PFOP) indicate high incidence of juvenile skipjack, yellowfin and bigeye tuna catch in Mindanao-Celebes Sea Area;

WHEREAS, the country also implements compatible measures within Exclusive Economic Zone (EEZ) in compliance with the relevant WCPFC CMMs;

WHEREAS, tuna handline fishing is considered as more sustainable fishing method;

WHEREAS, there is a long-time clamor among tuna handliners to have their own fishing zones;

WHEREAS, the Establishment of Tuna Conservation and Management Zones (TCMZ) in the Mindanao – Celebes Sea shall be considered as other fishery management areas;

NOW, THEREFORE, the Tuna Conservation and Management Zones (TCMZ) in the Mindanao – Celebes Sea shall be established and considered as other fishery management areas as a compatible measure in the conservation and protection of small tunas and provide fishing zones to handline fisherfolk for sustainable tuna fish production.
SECTION 1. Definition

a) TCMZ — refers to the Tuna Conservation and Management Zone initially established in the Mindanao – Celebes Sea; composed of payao clusters that are designated as exclusive fishing zones for tuna handlines and conservation area for small tunas.

b) Payao or FAD — is a fish aggregating device consisting of a floating raft or drums anchored by a weighted line with suspended materials such as palm fronds which attract pelagic and schooling species of fish.

c) Tuna handline — is a traditional fishing technique where a single fishing line is held in the hands and targets relatively larger-size and deep dwelling tunas.

SECTION 2. Area. The established TCMZ Clusters in the Mindanao-Celebes Sea are bounded by the following coordinates:

<table>
<thead>
<tr>
<th>Cluster</th>
<th>Reference Point</th>
<th>Latitude (N)</th>
<th>Longitude (E)</th>
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<td>3</td>
<td>6° 29' 30&quot;</td>
<td>123° 07' 18&quot;</td>
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</table>

SECTION 3. Management. All concerned fishermen groups/ alliances/ cooperatives/ associations, LGUs and BFAR-RFOs 9, 11,12 ARMM are enjoined to implement this policy. A Memorandum of Agreement (MOA) among BFAR, LGUs and beneficiary groups shall form the basis of managing the TCMZ.
SECTION 4. Prohibition. It shall be unlawful to catch tuna in the TCMZ area by means of purse seine, ringnet, or other fishing with the use of nets. The allowed fishing gears are handline, troll line and other hook and line fishing methods.

SECTION 5. Penalty. Pursuant to Section 95 of R.A. 8550 as amended by R.A. 10654, violation of this order upon a summary 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 value indicated below, whichever is higher:

(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;

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

(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.

SECTION 6. Effectivity. This order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation and fifteen (15) days after its registration with the Office of the National Administrative Register.

Issued this 6th day of July, 2018 at Quezon City, Metro Manila, Philippines

EMMANUEL F. PIÑOL
Secretary

Recommended by:

EDUARDO B. GONGONA
Undersecretary for Fisheries, DA
Director, BFAR
NFARMC RESOLUTION No. 14
Series of 2018

RESOLUTION RECOMMENDING FISHERIES ADMINISTRATIVE ORDER (FAO) ENTITLED “ESTABLISHMENT OF TUNA CONSERVATION AND MANAGEMENT ZONES (TCMZ) IN MINDANAO-CELEBES SEA” TO THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE FOR APPROVAL.

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

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

WHEREAS, the proposed Fisheries Administrative Order entitled “Establishment of Tuna Conservation and Management Zones (TCMZ) in Mindanao-Celebes Sea” is hereby recommended to contribute to the conservation and protection measure of the country’s fisheries and aquatic resources under Chapter I, Section 2 (f) and the last paragraph of Section 2 of R. A. No. 8550 as amended by R. A. No. 10654;

WHEREAS, the proposed Fisheries Administrative Order is hereby recommended by the NFARMC for approval by 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;

WHEREAS, the proposed Fisheries Administrative Order has been recommended for approval with the condition that said FAO will be reviewed after one (1) year from its effectivity;

NOW, THEREFORE, BE IT RESOLVED, the proposed Fisheries Administrative Order entitled “Establishment of Tuna Conservation and Management Zones (TCMZ) in Mindanao-Celebes Sea” is hereby approved and adopted;
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

UNANIOMOUSLY RESOLVED during the second quarter meeting of the council on May 18, 2018 held at the Camp Holiday Resort and Recreation Center, Babak District, Island Garden City of Samal.

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

DR. YASMIN P. TIROL
Academe

FELIZARDO C. LIM
Fisherfolk – Luzon

MARTHA E. CADANO
Fisherfolk – Visayas

DINO H. BARRIENTOS
Small Scale Commercial Fisheries

FERDINAND Y. LIM
Large Scale Commercial Fisheries

JULIO G. TAN
Non-Government Organization

ROSANNA BERNADETTE B. CONTRERAS
Aquaculture

ROMEO M. GUPONG
Fisherfolk – Luzon

CABILI K. ABO
Fisherfolk – Mindanao

ROBERTO A. BAYLOSIS
Alternate Member, Medium Scale Commercial Fisheries

JOAQUIN T. LU
Fish Processing
THE PHILIPPINE STAR

DATE: J ULY 1 2, 2013

REGULATIONS ADMINISTRATIVE ORDER No. 216-15

SUBJECT: EXTENSION OF FAD 256-6 SERIES OF S PI RS ON THE RULES AND REGULATIONS OF THE OPERATIONS OF PETS AND MISS VESSEL AND FISHERY REGULATORY AND DEVELOPMENT SERVICES (FMRDS) FORMERLY KNOWN AS PAPAROON DURING THE FAD CLOSURE PERIOD AS COMPATIBLE HOOKS TO WIPPEE CMR 23-15-2013

WHEREAS, the Western and Central Pacific Fisheries Commission (WCPFC) adopted CMR 2017-01 entitled "Commercial and Management Measures for Skipjack, Yellowfin, and Bigeye in the Western and Central Pacific Oceans"; and

1. Paragraph 16 states that "During the three-month period August and September" prohibition of meshing, carrying or setting on FADs shall be imposed between hours 0001 and 0500. In July and August each year for all parts other vessels, tender vessels, and any other vessel involving support of parts other vessels fishing in the waters within the three-month period between 0001 and 0500 hours in the western and central Pacific Ocean; and

2. Paragraph 17 states that "In addition to the three-month FAD closure in Paragraph 16, except for those vessels lying the Kiribati flag the Kiribati member is required to close the entire exclusive economic zones and all Philippine waters operating in the waters within the three-month period between 0001 and 0500 hours in the western and central Pacific Ocean; and

WHEREAS, the Department of Agriculture, Bureau of Fisheries and Aquatic Resources (DA-BFAR) hereby extends the FAD closure period (FAD 256-6) as well as the meshing and setting of nets related to FADs by three months from the closure of FAD 2017-01, effective from July 1, 2017 to September 30, 2017 in the western and central Pacific Oceans.

NOW, THEREFORE, the following provisions of this Order are hereby adopted and implemented:

Section 5. FAD Closure Period. The FAD closure period under FAR 256-6 shall have effect for the period of three (3) months starting from July 1 to September 30, 2017.

Section 6. General Prohibition. The SFAR shall conduct annual inspection of persons fishing vessels and FAD closure period shall be monitored to ensure compliance with the measures established under CMR 23-15-2013.

Section 7. Monitoring and Enforcement. The Department of Agriculture, Bureau of Fisheries and Aquatic Resources (DA-BFAR) hereby extends the FAD closure period (FAD 256-6) as well as the meshing and setting of nets related to FADs by three months from the closure of FAD 2017-01, effective from July 1, 2017 to September 30, 2017 in the western and central Pacific Oceans.

WHEREAS, the Fisheries and Aquatic Resources (BFAR) hereby extends the FAD closure period (FAD 256-6) during the Kiribati flag, Kiribati member is required to close the entire exclusive economic zones and all Philippine waters operating in the waters within the three-month period between 0001 and 0500 hours in the western and central Pacific Ocean; and

NOW, THEREFORE, the following provisions of this Order are hereby adopted and implemented:

Section 5. FAD Closure Period. The FAD closure period under FAR 256-6 shall have effect for the period of three (3) months starting from July 1 to September 30, 2017.

Section 6. General Prohibition. The SFAR shall conduct annual inspection of persons fishing vessels and FAD closure period shall be monitored to ensure compliance with the measures established under CMR 2017-01 which is FAD 256-6.

Section 7. Monitoring and Enforcement. The SFARshall conduct annual inspection of persons fishing vessels and FAD closure period shall be monitored to ensure compliance with the measures established under CMR 2017-01 which is FAD 256-6.
FISHERIES ADMINISTRATIVE ORDER NO. 225

Series of 2018

SUBJECT: ESTABLISHMENT OF TUNA CONSERVATION AND MANAGEMENT ZONES (TCMZ) IN THE MINDANAO-CELESTIS SEA

WHEREAS, the high fishing pressure on juvenile tuna causes growth stunting, resulting in reduced potential yield from the fishery, decreased economic and other benefits that could be obtained from the stock, and negatively impacts on the productivity and sustainability of resources is one of the issues in tuna fisheries;

WHEREAS, the juvenile tuna are usually caught by surface fisheries including purse seine, dragnet and shallow hook and line fishing;

WHEREAS, there is an urgent need to address issues on juvenile catch, the Western and Central Pacific Fisheries Commission (WCPFC) implements several resolutions including but not limited to CMS (2017-21);

WHEREAS, Fisheries Administrative Order No. 225 sets the creel of small tuna by-catch at 10% and regulates the landings of small tuna;

WHEREAS, the Philippines as a signatory to the WCPFC and various RFMOs commits to comply and promote effective management in order to achieve the long-term conservation and sustainable use of highly migratory fish stocks;

WHEREAS, reports of Philippine Fisheries Observer Program (PFOOP) indicates high incidence of juvenile skipjack, yellowfin, and longtail tuna catch in Mindanao-Celestis Sea Area;

WHEREAS, the country also implements compatible measures within Exclusive Economic Zone (EEZ) in compliance with the relevant WCPFC CMS;

WHEREAS, total landings fishing is considered as more sustainable fishing method;

WHEREAS, runtime is a long-time common amongst tuna fishermen to have their own fishing area;

WHEREAS, the Establishment of Tuna Conservation and Management Zones (TCMZ) in the Mindanao - Celestis Sea shall be considered as other Fishery Management areas;

NOW, THEREFORE, the Tuna Conservation and Management Zones (TCMZ) in the Mindanao - Celestis Sea shall be established and considered as other Fishery Management areas as a comprehensive means in the conservation and protection of small tuna and provide fishing areas to handle fisheries for sustainable tuna fish production.

SECTION 2. Definition:

a. TCMZ - refers to the Tuna Conservation and Management Zone initially established in the Mindanao - Celestis Sea consisting of areas designed as exclusive fishing zones for tuna by-catch and conservation area for small tuna for;

b. Purse of small tuna - is a lift suppository device consisting of a floating net or drum deployed by a weighted line with suspended materials such as palm fronds which attract palagi and seagulls species of fish;

c. Tuna by-catch - is a traditional fishing technique where a single fishing line is held in the hands and targets highly aggressive and deep swimming tuna.

SECTION 3. Area. The established TCMZ clusters in the Mindanao - Celestis Sea are bounded by the following coordinates:

<table>
<thead>
<tr>
<th>Cluster</th>
<th>Reference Point</th>
<th>Latitude (º)</th>
<th>Longitude (º)</th>
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<tbody>
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SECTION 5. Management. All concerned fishermen (private and public) are enjoined by law to observe the TCMZ, LGUs and BRAR. RP-00-03-91-17 ARM is hereby issued to implement this policy. A Memorandum of Agreement (MOA) among BRAR, LGUs and beneficiary groups shall from the basis of managing the TCMZ.

SECTION 6. Penalty. Pursuant to Section 5 of R.A. 8550, as amended by R.A. 10454, violation of this order upon a summary of administration of the law, the court, the operator, boat captain and master fishermen of the vessel, or the chief executive officer, in a conviction, or the managing partners in partnership shall be punishable with imprisonment of the offender for a term of one year and one day, and a fine three (3) times the value of the vessel involved taken, which is twice the amount of the value. A fine of (3) times is the value of the vessel involved taken, which is twice the amount of the value.
DELIVERY FORM

Document Tracking Number:

TO: ATTY. FLORDELIZA C. VARGAS-TRINIDAD

CC:

POSITION: Director

COMPANY: Office of the National Administrative Registrar

ADDRESS: Bocobo Hall, UP Law Cente, Diliman, Quezon City

SUBJECT: Filing of Fisheries Administrative Order No. 258 s. 2018 re: "Establishment of Tuna Conservation and Management Zones (TCMZ) in the Mindanao/Celebes Sea" which was published on July 12, 2018 in the Philippine Star and July 13, 2018 on Manila Times.

(To be filled up by Records Section)

DELIVERED BY: A. Villanueva

Printed Name and Signature

DATE: ________________

RECEIVED BY: ________________

DATE: SEP 17 2018