FISHERIES ADMINISTRATIVE ORDER NO. 36

SUBJECT: To establish a closed season period for the gathering or killing of marine turtles, turtle eggs, or turtle shells.

Pursuant to the provisions of Sections 4 and 7 of Act 4003, entitled "An Act to amend and compile the laws relating to fish and other aquatic resources of the Philippine Islands and for other purposes", as amended, and for the protection and conservation of marine turtles, their eggs or shells, the following rules and regulations are hereby promulgated for the information and guidance of all concerned:

Section 1.- Definition - For the purpose of this Administrative Order, the following terms as used herein shall be construed as follows:

(a) Marine turtles shall include those which belong to the species Chelonia japonica or mydas, Eretmochelys imbricata, Carreta olivacea, and Dermochelys coriacea.

(b) Turtle eggs shall include eggs of turtles belonging to the species of turtles enumerated under Section 1(a) above.

(c) Turtle shells shall include shells of turtles of the species mentioned under Section 1(a).

Sec. 2.- Prohibition - It shall be unlawful for any person, association, or corporation to kill marine turtles or gather turtle eggs, or turtle shells in any place in the Philippines, covering the period of two and one-half months beginning November first of one year to January fifteenth of the succeeding year.

Sec. 3.- Exemptions - (a) For scientific, educational, personal or propagation purposes, any person, association, institution or corporation of good repute may be granted by the Secretary of Agriculture and Natural Resources, free of charge, a permit to gather or kill or cause to be gathered or killed in any manner turtles, turtle eggs, or turtle shells during any period, subject to such conditions as said Secretary may deem wise to impose for the proper conservation and protection of these species. Any person who shall gather or kill turtles, their eggs or shells under such permit, but uses same for
purposes other than those mentioned hereinabove, shall be subject to
the same penalties as if no license had been granted.

(b) Old turtles and those female ones that do not lay eggs may
be gathered or killed upon competent certification by a representative
of the Bureau of Fisheries, or its duly authorized agent.

Sec. 4.- Enforcement - For the purpose of enforcing the provi-
sions of this Administrative Order, fishery inspectors, agents or
officers; members of the Philippine Constabulary; members of the
Armed Forces of the Philippines; members of the Philippine Navy;
members of municipal and municipal district police; members of the
secret service force, inspectors, guards and wharfingers of the cus-
toms service; internal revenue officers and agents; officers of coast
guard cutters and lighthouse keepers; and such other competent offi-
cials, employees and persons, as may be designated in writing by the
Secretary of Agriculture and Natural Resources, are hereby made de-
puties of said Department Head and empowered:

(a) To ascertain whether persons gathering or killing turtles,
their eggs or shells are duly provided with licenses and permits re-
quired in the Fisheries Act and Administrative Orders, including this
Administrative Order;

(b) To arrest any person found committing or attempting to commit
an offense against the provisions of Act 4003, as amended, and of this
Administrative Order;

(c) To administer oaths and to take testimony in any official
matter or investigation conducted by them touching any matter under
the authority of the Fisheries Act, its amendments, and this Adminis-
trative Order; and

(d) To file the necessary complaint in court and report such vio-
lations to the Secretary of Agriculture and Natural Resources, for ap-
propriate action. (Sec. 5, Act 4003, as amended.)

In addition to the deputies so designated in the first paragraph
of this section, the municipal mayors of the municipalities concerned
shall act as such deputies and enforce those rules and regulations in
their respective jurisdictions.

Sec. 5.- Penalty - Any person, institution, association or cor-
poration who shall violate any of the provisions of this Administrative
Order shall be liable to prosecution and, upon conviction, shall suffer
the penalty provided in Section 83 of Act 4003, as amended, which is a
fine of not more than two hundred pesos, or imprisonment for not more
than six months, or both, in the discretion of the court.
Sec. 6.- Repealing provisions - All orders, rules and regulations or parts thereof inconsistent with the provisions of this Administrative Order are hereby repealed.

Sec. 7.- Date of effectivity - This Administrative Order shall take effect sixty days after its publication in the Official Gazette.

SALVADOR ARANETA
Secretary of Agriculture and Natural Resources

RECOMMENDED BY:

D. V. VILLADOLID
Director of Fisheries

APPROVED:

By authority of the President:

FRED RUZ CASTRO
Executive Secretary