

Target Demographics: Fisherfolk of Lian, Batangas

RA 10654 also known as “*An Act to Prevent, Deter, and Eliminate Illegal, unreported and unregulated fishing, amending RA 8550*. The purpose is to ensure the rational, and sustainable development of the aquatic resources in Philippine waters including the Exclusive Economic Zone; (2) to adopt a precautionary principle in the management of fishery and aquatic resources.

The law protects all Philippine waters including other waters which the Philippines has sovereignty including the EEZ and continental shelf, it also includes all aquatic and fishery resources whether land or coastal and is not limited to fish ponds and pens, lands devoted to aquaculture and businesses as well as activities relevant to fishing regardless if these are public or private lands, and all Philippine flagged fishing vessels operating in areas governed by a Regional Fisheries Management Organization.

The following are considered serious violations of the act:

- a. Fishing without a valid license, authorization or permit.
- b. Fishing without reporting the catch or misreporting the catch.
- c. Fishing in a closed area or during closed season.
- d. Fishing prohibited species.
- e. Fishing with the use of prohibited gear or methods.
- f. Falsifying, concealing or tampering with vessel markings, identity or registration to conceal vessel identity or lack of registration.
- g. Concealing, tampering or disposing of evidence relating to an investigation of a violation.
- h. Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer or duly authorized government officer.
- i. Committing multiple violations which taken together constitute a serious disregard of this Code.

Access to fishery resources shall be regulated through the issuances of licenses and permits for fishing activities issued by the Department with preference given to the resource users in local communities and municipalities. The renewal of such licenses will be every three years and the owner or operator should renew it 60 days before expiration.

As to Harvest Control Rules, the Secretary may establish reference points but as to municipal waters, and those under the jurisdiction of special agencies it should be established by the concerned LGU in consultation with the FARMC.

The following are the prohibitions under the law and the penalties attached to such:

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1. Unauthorized Fishing – when a person captures or gathers fish without the license or permit from the LGU. Persons who are in a fishing area in possession of fishing gear and are operating fishing vessels shall constitute as prima facie presumption that the person is engaged in unauthorized fishing. However, fishing for daily food sustenance or leisure is allowed.

Note: it is also unlawful for persons not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters.

Penalty: Upon summary finding of liability, the boat captain and three highest officers in the case of commercial fishing vessel, and the owner or operator shall be penalized with confiscation of catch and gear and an administrative fine of 5 times the value of the catch or the amount indicated below:

- (1) 50,000 to 100,000 for small-scale commercial fishing.
- (2) 150,000 to 500,000 for medium scale fishing.
- (3) 1,000,000 to 5,000,000 for large scale commercial fishing.

2. Engaging in Unauthorized Fisheries Activities – No one should exploit, occupy, produce, breed or culture fish of any species or fisheries, construct fishponds without license or lease permit.

Upon a summary finding, offenders shall be penalized with an administrative fine of 500,000 to 1,000,000 pesos plus the removal of the structure. Upon conviction the offender shall suffer penalty of imprisonment for 6 months and a fine twice the amount of administrative fine.

3. Failure to Secure Fishing Permits prior to engaging into Distant Water Fishing – when a person fishes in the high seas, territorial seas, archipelagic waters, and EEZ of other states using the Philippine flagged vessel without securing a permit. Discovery of the vessel in the coastal state is prima facie presumption that they are in violation of this provision.

It shall also be unlawful for an owner or operator and the three highest officers of the commercial fishing vessel to commit acts in contravention of the fishing permit.

Penalty: Upon summary finding of liability, the boat captain and three highest officers in the case of commercial fishing vessel, and the owner or operator shall be penalized with confiscation of catch and gear and an administrative fine of 5 times the value of the catch or the amount indicated below:

- (1) 2,000,000 to 9,000,000 for small-scale commercial fishing.
- (2) 10,000,000 to 15,000,000 for medium-scale commercial fishing.

- (3) 16,000,000 to 20,000,000 for large-scale commercial fishing vessels less than 750 gross tons and 25,000,000 to 45,000,000 for large-scale commercial fishing vessels beyond 750 gross tons.

Note: Conviction by a court of law, the 3 highest officers of the. Commercial fishing vessel shall suffer the penalty of imprisonment for 6 months and a fine equivalent to twice the amount of the administrative fine, and confiscation of gear.

4. Unregulated Fishing – It is when there is fishing where there are no applicable conservation laws in the area such as the high seas and within the national jurisdiction. the manner of fishing is conducted in a such a way that it goes against available state policies.¹

Penalty: Upon summary finding of liability, the owner, operator, of the municipal or commercial fishing vessel and 3 highest officers who committed unregulated fishing 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:

- (1) 5,000 for municipal fishing provided that if the offender fails to pay, he shall render community service.
- (2) 100,000 for small-scale commercial fishing.
- (3) 200,000 for medium-scale commercial fishing.
- (4) 500,000 for large-scale commercial fishing.

Note: in case of unregulated fishing beyond the national jurisdiction, the owner, operator, and 3 highest officers of the commercial fishing vessel shall be penalized with the confiscation of catch and gear and an administrative fine equivalent to 5 times the value of the catch or the amount indicated below whichever is higher:

- (1) 2,000,000 to 9,000,000 for small-scale commercial fishing.
- (2) 10,000,000 to 15,000,000 for medium-scale commercial fishing.
- (3) 16,000,000 to 20,000,000 for large-scale commercial fishing vessels less than 750 gross tons and 25,000,000 to 45,000,000 for large-scale commercial fishing vessels beyond 750 gross tons.

Note: Conviction by a court of law, the 3 highest officers of the. Commercial fishing vessel shall suffer the penalty of imprisonment for 6 months and a fine equivalent to twice the amount of the administrative fine, and confiscation of gear.

5. Poaching in Philippine Waters – it is when a foreign person, corporation or entity fishes or operate any fishing vessels in Philippine waters. The entry of a foreign fishing vessel in

¹ <https://www.fisheries.noaa.gov/insight/understanding-illegal-unreported-and-unregulated-fishing>

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Philippine waters shall constitute prima facie presumption that the vessel is engaged in fishing in Philippine waters.

Penalty: Upon summary finding of liability, any foreign corporation or entity in violation shall be punished by an administrative fine of \$ 600,000 to \$ 1,000,000 or its equivalent in Philippine currency.

Note: Conviction by a court of law, the offender shall be punished with a fine of \$1,200,000 or its equivalent in Philippine currency, provided that no foreign person shall be deported without payment of the imposed fine.

6. Fishing through Explosives, Noxious or Poisonous Substance or Electricity – when the person catches or gathers fish or any species in Philippine waters through the use of explosives, noxious or poisonous substances such as sodium cyanide, which will kill or render unconscious fish or fishery species. Provided that the department subject to the safeguards and conditions deemed necessary, LGUs may allow the use of such for scientific and educational purposes. Provided further that the use of such substances to eradicate predators and pests in accordance with scientific practices shall not be construed as illegal fishing.

Penalty: Upon summary finding of liability any person found liable for the actual use of explosives, noxious substances shall be punished with confiscation including those which are caught via non-illegal means, the gear and a fine equivalent to twice the amount of the administrative fine equivalent to 5 times the value of the catch or the amount of fine indicated:

- (1) 30,000 for municipal fishing.
- (2) 300,000 for small-scale commercial fishing.
- (3) 1,500,000 for medium-scale commercial fishing.
- (4) 3,000,000 for large-scale commercial fishing.

Note: Conviction by a court of law the offender shall be punished with imprisonment form 5-10 years, confiscation of catch and illegal substances and 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 discovery of dynamite and other explosive compounds which are combustible or devices for electrofishing shall constitute as prima facie evidence of violation.

The discovery in any fishing vessel of fish caught or killed using explosives and noxious substances or by electrocution shall be prima facie presumption that the fisherfolk in custody of such is using it.

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Penalty: Upon summary finding of administrative liability, the offender shall be punished with confiscation of catch and gear with an administrative fine equivalent to 5 times the value of the catch or the amount below or higher:

- (1) 10,000 for municipal fishing.
- (2) 100,000 for small-scale commercial fishing.
- (3) 500,000 for medium-scale commercial fishing.
- (4) 1,000,000 for large-scale commercial fishing.

Note: violation of this provision shall be punished with imprisonment from 6 months to 2 years and a fine equivalent to twice the amount of the administrative fine and confiscation of catch and gear.

7. 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 shall not apply to the gathering of fry, glass eels, elvers, tabios and alamang and other species that by their nature are a small but already mature.

Discovery of fine mesh net in a fishing vessel constitutes prima facie presumption that the person or fishing vessel is engaged in fine mesh fishing.

Penalty: upon summary finding of liability, the Department shall penalize the owner, Operator, captain or master fisherman in case of commercial fishing vessel or the municipal fisherfolk, with the confiscation of catch and gear and an administrative fine equivalent to 3 times the value of the catch or the value indicated below:

- (1) 20,000 for municipal fishing, provided that if the municipal fisherfolks fail to pay on time they shall render community service.
- (2) 50,000 for small-scale commercial fishing.
- (3) 100,000 for medium-scale commercial fishing.
- (4) 200,000 for large-scale commercial fishing.

Note: Upon conviction of a court of law, the captain or master fisherman in case of commercial fishing vessel or fisherfolk shall be punished by imprisonment of 6 months to 2 years and a fine equivalent to twice the administrative fin and confiscation of catch and gear.

8. Fishing in Overexploited Fishery Management Areas – when a person fishes in areas declared by the fishery management as overexploited.

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

- (1) 3 times the value of catch or 20,000 whichever is higher for municipal fishing provided that when the offender fails to pay, he shall render community service.
- (2) 5 times the value of catch or 100,000 whichever is higher for small-scale commercial fishing.
- (3) 5 times the value of catch or 300,000 whichever is higher for medium-scale commercial fishing.
- (4) 5 times the value of catch or 500,000 whichever is higher for large-scale commercial fishing.

Note: Upon conviction by a court of law, the offender shall be punished by imprisonment of 6 months and 1 day to 6 years and fine of 500,000 to 5,000,000 confiscation of catch, gear and cancellation of fishing permit or license.

9. Use of Active Gear in Municipal Waters, Bays and Other Fishery Management Areas – Active gears are fishing devices characterized by gear movements and or pursuit of fish by towing, lifting and pushing the gear, surrounding, covering, dredging, pumping and scaring it into impoundments such as:
 - a. Trawl (galagid)
 - b. Purse Seine (Panglong)
 - c. Danish Seine (hulbot-hulbot, likisan, liba-liba, palisot, patangko, bira-bira, buli-buli, hulahoop, zipper, lampornas)
 - d. Ring net – (kubkob, pangulong, kalansisi)
 - e. Drive-in net – (pa-aling, kayakas)
 - f. Round haul Seine – (Sapyaw, lawag)
 - g. Motorized push net – (sudsod)
 - h. Bagnet – (basing, saklit)²

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

- (1) 20,000 for municipal fishing, provided that if offender fails to pay the fine, he shall render community service.
- (2) 50,000 for small-scale commercial fishing.
- (3) 100,000 for medium-scale commercial fishing.
- (4) 500,000 for large-scale commercial fishing.

² Fisheries Administrative Order No. 201 Series 2000, Sec. 2, <https://www.bfar.da.gov.ph/LAW?fi=346>

Note: upon conviction of court of law the offender shall be punished with imprisonment of 2 to 6 years and fine equivalent to twice the administrative fine, confiscation and forfeiture of fishing gear and catch.

10. Ban on Coral Exploitation and Exportation – any person or corporation who gathers, possess, commercially transport, sell or export, semi-precious and precious corals whether raw or in processed form shall be unlawful except when such is for scientific or research purposes.

Penalty: Upon summary finding of liability, the owner or operator of the fishing vessel, captain, master fisherman and recruiter of fish workers shall be punished with an administrative fine equivalent to 8 times the value of the corals gathered, possessed, transported, and sold or exported or the amount of 500,000 to 10,000,000 whichever is higher and the forfeiture of the corals as well as pay compensation for the restoration of the damaged coral reefs.

Note: Upon conviction by a court of law, the boat captain, master fisherman, and recruiter of fisher workers shall be punished by **imprisonment** of 10-20 years and a fine equivalent to twice the administrative fine and forfeiture of the subject corals. Along with this is the payment for the restoration of the damaged reefs.

11. Ban on Merogamy³, Other methods and gear destructive to Coral Reefs and other Marine Habitats – The two acts punished are:

- (1) the use of Muro-ami and any of its variation and such mechanical gears and methods that require diving or other physical or mechanical acts that pound coral reefs and other habitat to entrap and catch fish.

Penalty: Upon Summary finding of liability, the owner, operator, boat captain, master fisherman, and recruiter shall suffer the penalty of an administrative fine equivalent to 5 times the value of the fish caught to 2,000,000 whichever is higher and the confiscation of catch and gear.

Note: Upon conviction of a court of law, the boat captain, master fisherman, and recruiter shall be punished with 2-10 years of imprisonment and a fine of twice the amount of the administrative fine.

³ **Muro-ami** means a Japanese fishing gear used in reef fishing which consist of a movable bagnet and two detachable wings effecting the capture of fish by spreading the net in arc form around reefs or shoals and with the aid of scaring devices, a cordon of fishermen driving the fish from the reefs toward the bag portion of the whole net.
<https://www.lawinsider.com/dictionary/muro-ami>

- (2) The gathering or possessing, transporting, selling and exporting coral sand, fragments, coral rocks, silica, and any other substances which make up any marine habitat.

Penalty: Upon summary finding of liability, the person or corporation who violates this provision shall be fined 5,000,000 or 5 times the value of the coral sand, fragments, coral rocks, silica, and any other substances, sold, transported or exported whichever is higher, and confiscation of the substance.

Note: Upon conviction of a court of law, the boat captain, master fisherman, and recruiter shall be punished with 2-10 years of imprisonment and a fine of twice the amount of the administrative fine.

12. Illegal Use of Superlights or Fishing Light Attractor – when a person uses superlight in fishing in municipal waters or to fish with fish light attractor using candlelight power beyond the standards set by the department and in consultation with the LGUs.

Penalty: Upon summary finding of liability, the offender shall be punished by a fine of 20,000 per superlight or fishing light attractor and confiscation of catch and gears. If the offender is a municipal fisherfolk, he shall render community service.

Note: Upon conviction of a court of law, the offender shall be punished with imprisonment from 6 months to 2 years and a fine of 40,000 per superlight and confiscation of catch and gears. If the offender is a municipal fisherfolk, he shall render community service.

13. Conversion of Mangroves – it is unlawful for any person to convert mangroves into fishponds or for other purposes.

Penalty: Upon summary finding of liability, the offender shall be penalized with a fine equivalent to the ecological value of a hectare of mangrove based on available studies or a fine of 10,000,000 per hectare whichever is higher. If the area is under restoration the offender shall be required to restore or pay for the restoration of the damaged area.

Note: Upon conviction of a court of law, the offender shall pay a base fine of 80,000, a fine equivalent to the administrative penalties, and shall suffer imprisonment of 6 months and 1 day to 12 years. Provided that if the area is under restoration the offender shall be required to restore or pay for the restoration of the damage and shall be liable for environmental damages amounting to 500,000 per hectare per year until the area is restored.

14. Fishing in Marine Protected Areas, Fishery Reserves, Refuge and Sanctuaries – any person who fishes in marine protected areas as declared by the Department or LGUs are in violation of this provision.

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Penalty: Upon summary finding of 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:

- (1) 20,000 for municipal fishing, provided that if the offender fails to pay the fine, he shall render community service.
- (2) 200,000 for small-scale commercial fishing.
- (3) 600,000 for medium-scale commercial fishing.
- (4) 1,000,000 for large-scale commercial fishing.

Note: Upon conviction by a court of law, violation of the provision shall be punished by imprisonment of 2-6 years and a fine twice the amount of the administrative fine, confiscation of catch and gear, and cancellation of license or permit.

15. Fishing or Taking of Rare, Threatened or Endangered Species – The two acts punished are:

- (1) Taking, gathering, purchasing, transporting, fishing the species listed in Appendix I of the Convention on the International trade in Endangered Species of Wild Flora and Fauna or those categorized by the International Union for Conservation of Nature and Natural Resources as threatened and determined by the Department.

Penalty: Upon a summary finding of liability, the Department shall penalize the offender with a fine equivalent to 5 times the value of the species or 500,000 – 5,000,000 whichever is higher and the forfeiture of species.

Note: Upon conviction by a court of law, the offender shall be punished by imprisonment of 12 years 1 day to 20 years and a fine equivalent to twice the administrative fine, forfeiture of species and cancellation of license or permit.

- (2) When a person fishes, gathers, sells, possesses, transports, exports, aquatic species listed in CITES Appendices I and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade unless the collection of such are for scientific and breeding purposes.

Penalty: Upon summary finding of liability, the Department shall penalize the offender with a fine equivalent to 3 times the value of the species or 300,000 to 3,000,000 whichever is higher and forfeiture of species.

Note: Upon conviction by a court of law, the offender shall be punished by imprisonment of 5-8 years and a fine equivalent to twice the administrative fine and forfeiture.

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- (3) It is unlawful to gather, take, possess, transport or export captive bred species that have been transplanted to the wild.

Penalty: Upon summary finding of liability, the offender shall be penalized with a fine equivalent to 3 times the value of the species or 300,000 to 3,000,000 whichever is higher and forfeiture of the species.

Note: Upon conviction by a court of law, the offender shall be punished by imprisonment of 5-8 years, a fine equivalent to 3 times the values of the species or 3,000,000 whichever is higher, and forfeiture of species.

Should the violation be committed by a vessel manned by more than 2 persons, the captain, master, and 2 highest ranking officers shall be presumed to have committed the act.

16. Capture of Sabalo and other Breeders/Spawners – any person who catch, gather, capture, or possess mature milkfish or sabalo and other breeders or spawners of other fishery species unless that catching of sabalo and other breeders are for local breeding and scientific or research purposes.

Penalty: Upon summary finding of liability, an offender shall be punished with a fine equivalent to 5 times the value of the sabalo or other breeders gathered or 500,000 Php whichever is higher, and forfeiture of catch and gear.

Note: Upon conviction by a court of law, the offender shall be punished by imprisonment of 6 months and 1 day to 8 years and a fine equivalent to twice the amount of the administrative fine and forfeiture of catch and gear, as well as suspension or revocation of license.

17. Exportation of Breeders, Spawners, Eggs or Fry – any person who exports breeders, spawners, eggs or fry as prohibited unless the export of such is allowed based on the regulations promulgated by the Department. The failure on the part of the shipping or forwarding company to fully cooperate in the investigation shall create a presumption that there is connivance between the shipper and the company.

Penalty: Upon summary finding of liability, the offender shall be punished with an administrative fine equivalent to 3 times the value of the breeders, spawners exported or 100,000 Php to 500,000 Php whichever is higher, confiscation of breeder's and spawners, and suspension or revocation of license for commercial fishing or registration as exporter.

Note: Upon conviction by a court of law, the offender shall be punished by imprisonment of 8-10 years, confiscation of breeders and spawners, a fine equivalent to

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twice the amount of the administrative fine, and revocation of license for commercial fishing or registration as exporter.

18. Importation or Exportation of Fish or Fishery Species – a person who imports or exports fish or fishery species. Failure on the part of the shipping or forwarding company to fully cooperate in the investigation shall create a presumption of connivance between the shipping company and the shipper.

Penalty: Upon summary finding of liability, the offender shall be punished with an administrative fine of 5 times the value of the species or 300,000 Php to 500,000 Php whichever is higher and forfeiture and or destruction of species.

Note: Upon conviction by a court of law, the offender shall be punished with 8 years of imprisonment and fine twice the amount of the administrative fine, forfeiture and destruction of 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.

19. Violation of Harvest Control Rules.0. any person who fishes in violation of harvest control rules determined by the Department.

Penalty: Upon summary finding of liability, the offender shall be punished with confiscation of catch and fishing gear, revocation of license and administrative fine of:

- (1) 3 times the value of the catch or 20,000 Php for municipal fishing, whichever is higher provided if the offender fails to pay the fine, community service shall be rendered.
- (2) 5 times the value of the catch or 100,000 Php whichever is higher for small-scale commercial fishing.
- (3) 5 times the value of the catch or 1,000,000 Php whichever is higher for medium-scale commercial fishing.
- (4) 5 times the values of the catch of 5,000,000 whichever is higher for large-scale commercial fishing.

Note: Upon conviction by a court of law, the offender shall be punished by imprisonment of 6 months and 1 day to 6 years and a fine twice the administrative fine, confiscation of catch and gear, and revocation of license.

20. Aquatic Pollution

Penalty: Upon summary finding of liability, the offender shall be punished with a fine of 300,000 – 500,000 Php and additional fine of 15,000 Php per day until violation ceases and the fines are paid, the imposition of cease-and-desist order, closure or suspension of

the facility, or cessation of operations. The orders may be issued pending resolution of the case.

Note: Upon conviction by a court of law, the offender shall be punished with imprisonment of 6 years and 1 day to 12 years and a fine twice the amount of the administrative fine and an additional fine of 15,000 Php per day until violation ceases and the fines are paid, the imposition of cease-and-desist order, closure or suspension of the facility, or cessation of operations. The orders may be issued pending resolution of the case.

21. Failure to Comply with Minimum Safety Standards – when 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 shall be liable. Upon apprehension, the vessel shall be escorted to the nearest port or landing point and prevented from continuing with the fishing activity.

Penalty: Upon summary finding of liability, the offender shall be punished with an administrative fine of 100,000 and suspension or cancellation of permit or license and impoundment of vessel until they have complied with the safety standard.

Note: Upon conviction by a court of law, the offender shall suffer the penalties of imprisonment from 1 month and 1 day to 6 months and fine of twice the amount of the administrative fine, suspension or cancellation permit or license, and impoundment of vessel until they have complied with the safety standard.

22. Failure to submit a yearly report on all fishponds, fish pen, and fish cages – when the owners and operators of fishponds, pens, and cages fail to submit an annual report pursuant to Sec. 57 of the Code.

Penalty: Upon summary finding of liability, the owner shall be imposed a fine of 5,000 Php per unreported hectare. In case the fishpond is covered by FLA failure to submit reports for 2 consecutive years is tantamount to cancellation.

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

23. Gathering and Marketing of Shell Fishes or Other Aquatic Species – when a person gathers, takes, sells, transfer, possess, export, any mature shellfish or other aquatic species identified by the department or below the minimum size or above the maximum quantities prescribed for the species.

Penalty: Upon summary finding of liability, the penalty of an administrative fine equivalent to the value of the species or 50,000 Php whichever is higher and confiscation of the same and cancellation of permit or license.

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

24. Obstruction to Navigation or Flow or Ebb of Tide in any Stream, River, Lake, or Bay – when a person obstructs the navigation or flow or ebb of tide.

Penalty: Upon summary finding of liability, the offender shall be punished with a fine of 200,000 and the dismantling of the obstruction at the expense of the offender.

Note: Upon conviction by a court of law, the offender shall be punished with imprisonment from 1 month and 2 day to 6 months and fine of twice the amount of the administrative fine, confiscation of stocks and dismantling of the obstruction at the expense of the violator.

25. Noncompliance with Good Aquaculture Practices – when fishery operations involving breeding and farming of fish and other fishery species do not comply with good aquaculture practices and guidelines for environmentally-sound design and operation for the sustainable development of the industry as promulgated by the department.

Penalty: Upon summary finding of liability, if the offender commits any violations shall be punished with an administrative fine of 10,000 Php to 100,000 Php per day until the violation ceases and the fines are paid.

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

26. Commercial Fishing Vessel Operators Employing Unlicensed Fisherfolk – when the:

- (a) Operator or owner of a commercial fishing vessel employs unlicensed fisherfolk.

Penalty: upon a summary finding of liability, they shall be fined 4,000 Php for each unlicensed fisherfolk.

- (b) Operator and owner of Philippine flagged fishing vessels engaged in distant water fishing with unlicensed fisherfolk.

Penalty: upon summary finding of liability, the owner and operator shall be fined 40,000 Php for each unlicensed fisherfolk and suspension and cancellation of license.

Note: Upon conviction by a court of law, the fishing vessel shall be fined twice the amount of the administrative fine and suspension or cancellation of license.

27. Obstruction of defined Migration Paths – when any person obstructs a defined migration path of anadromous, catadromous and other migratory species.

Penalty: Upon summary finding of liability, the offender shall be punished with an administrative fine of 150,000 Php to 500,000 Php dismantling of the obstruction at the expense of the offender, and suspension or revocation of license or permit.

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

28. Non-compliance with Fisheries Observer coverage – when a:

- (a) Distant water fishing vessel sails without a fisheries observer on board as required by RFMO conservation and management measures.
- (b) Commercial fishing vessels sail without a fisheries observer in compliance with this code and the rules promulgated by the department.

Penalty: Upon summary finding of liability, an offender shall be punished with a fine of 500,000 Php and forfeiture of catch and gear.

Note: Upon conviction by a court of law, the offender shall be punished with imprisonment of 1 month and 1 day to 6 months and fine of twice the amount of the administrative fine, confiscation of catch and gear and suspension or cancellation of license.

29. Noncompliance with Port State Measures – when a *foreign* fishing vessel arrives without providing notice at least 24 hours before arriving. When a foreign fishing vessel is granted entry but failed to provide a catch report is also unlawful. Failure to comply with other rules on port state measures is also unlawful.

Penalty: 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.

30. Failure to Comply with Rules and Regulations on Conservation and Management Measures - when a person fails to comply with conservation measures adopted in rules and regulations promulgated by the Department pursuant to international conventions and RMFO resolutions.

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Penalty: Upon summary finding of liability, violation of the rules and regulations shall be punished with confiscation of catch and suspension of license and administrative fine twice the value of the catch or amount indicated below, whichever is higher:

- (1) 25,000 Php for municipal fishing or community service in case of failure to pay the fine.
- (2) 1,000,000 php for small-scale commercial fishing.
- (3) 2,500,000 php for medium-scale commercial fishing.
- (4) 5,000,000 Php for large-scale commercial fishing.

Note: Upon conviction by a court of law, the offender shall be punished with imprisonment of 6 months and fine twice the amount of the administrative fine, confiscation of catch and suspension of license.

31. Noncompliance with Vessel Monitoring Measures – When the municipal, commercial, or distant water fishing vessels did not comply with the vessel monitoring measures promulgated by the department and LGUs; violations include tampering of the vessel monitoring system

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

- (1) 10,000 Php for municipal fishing or community service in case of failure to pay the fine.
- (2) 250,000 Php for small-scale commercial fishing.
- (3) 500,000 Php for medium-scale commercial fishing.
- (4) 2,500,000 Php for large-scale commercial fishing.

When violation is committed beyond the national jurisdiction the fine will be equivalent to five times the value of the catch or twice the amount indicated above whichever is higher.

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

32. Constructing, Importing or Converting Fishing Vessels or Gears without permit from the Department – when a person constructs or imports fishing vessels or gears to convert other vessels into fishing vessels without permit.

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Penalty: Upon summary finding of liability, the offense shall be imposed with an administrative fine of:

- (1) 50,000 php for small-scale commercial fishing.
- (2) 500,000 php for medium-scale commercial fishing.
- (3) 2,500,000 php for large-scale commercial fishing.

Note: upon conviction by a court of law, the offender shall be imprisoned from 1 month and 1 day to 6 months and a fine of twice the amount of the administrative fine.

33. Use of Unlicensed Gear -when a person uses fishing gear or method for commercial fishing without license from the Department.

Penalty: They shall be fined from 200,000 Php to 500,000 php depending on the seriousness of the violation. Upon finding of the court, the penalty will be double the administrative fine.

34. Falsifying, Concealing or Tampering with Vessel Markings, Identity or Registration – when a person conceals the identity of the vessel and falsifies its registration.

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

- (1) 10,000 php for municipal fishing or community service in case of failure to pay the fine.
- (2) 100,000 Php for small-scale commercial fishing.
- (3) 1,000,000 for medium-scale commercial fishing.
- (4) 5,000,000 for large-scale commercial fishing.

In case of violation beyond the national jurisdiction the fine shall be twice the amount.

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

35. Concealing, Tampering or Disposing of Evidence relating to an investigation – when a person conceals, tampers, and dispose evidence relevant to the investigation.

Penalty: upon summary finding of liability, the offender shall be punished with suspension or cancellation of license and administrative fine of:

- (1) 10,000 php for municipal fishing or community service in case of failure to pay the fine.
- (2) 100,000 Php for small-scale commercial fishing.

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(3) 1,000,000 for medium-scale commercial fishing.

(4) 5,000,000 for large-scale commercial fishing.

In case of violation beyond the national jurisdiction the fine shall be twice the amount.

Note: Upon conviction by a court of law, the offender shall be imposed the penalty of imprisonment of 5-10 years and fine equivalent to twice the administrative fine, and suspension or cancellation of the license.

36. Noncompliance with the Requirements for the Introduction of Foreign or Exotic Species – when a person imports, introduce, or breed, foreign or exotic species without the conduct of risk analysis from the department.

Penalty: Upon summary finding of liability, the offender shall be punished with a fine of 200,000 Php – 6,000,000 Php and confiscation and destruction of the foreign and exotic species. Should the species become invasive and result to predation, the offender shall bear the cost of containment and eradication.

Note: Upon conviction by a court of law, the offender shall suffer a penalty of imprisonment of 6-12 years and fine from 400,000 Php to 12,000,000 Php confiscation of foreign or exotic species and cost of containment and eradication.

37. Failure to Comply with Standards and Trade Related Measures – when a person fails to comply with standards for weights, volume, quality and other requirements for all fisher transactions prescribed by the department.

Penalty: Upon summary finding of liability, the offender shall be punished with an administrative fine of. 50,000 Php to 2,000,000 Php depending on the seriousness, extent and volume of trade associated with the violation, confiscation of the shipment and revocation of registration or license.

Note: Upon conviction by a court of law, the offender shall suffer imprisonment from 6 months to 2 years and a fine from 100,000 php – 4,000,000 php depending on the seriousness of trade associated with the violation.

38. Possessing, dealing in, or Disposing Illegally Caught or taken fish – when a person ships, commercially transports, offer for sale import or export fish species caught with the use of explosives, noxious gas, or substances shall constitute prima facie presumption that these were caught illegally.

Penalty: Upon summary finding of liability, the offender shall be punished with an administrative fine of 50,000 php – 200,000 or 5 times the value of the fish species.

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Note: Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from 6 months to 2 years and a fine of 8 times the values of the species or from 100,000 Php to 500,000 Php whichever is higher and the confiscation of the fishery products and revocation of license.