

# FISHERIES ACT

[Act No. 4003, as amended by C.A. No. 471]

AN ACT TO AMEND AND COMPILE THE LAWS RELATING TO FISH AND OTHER AQUATIC RESOURCES OF THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES.

## CHAPTER I

### MATTERS OF GENERAL NATURE

ARTICLE I.—*Title of Act, fisheries to which it applies, and officers charged with its execution.*

SECTION 1. *Title of Act.*—This Act shall be known as the "Fisheries Act."

SEC. 2. *Application of provisions.*—The provisions of this Act shall apply to all fishing and fisheries in Philippine waters.

SEC. 3. *Executive officers charged with execution of this Act.*—The Secretary of Agriculture and Natural Resources shall be the executive officer charged with carrying out the provisions of this Act, with authority to assign the direct executive control of the enforcement of its provisions and the rules and regulations that may hereafter be promulgated in accordance therewith to such representatives, bureau, office or service as said Secretary may designate.

SEC. 4. *Instructions, orders, rules and regulations.*—The Secretary of Agriculture and [Commerce] Natural Resources shall from time to time issue instructions, orders, rules and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions; and all licenses, permits, leases, and contracts issued, granted or made herein shall be subject to the same.

All ordinances, rules or regulations pertaining to fishing or fisheries promulgated or enacted by provincial boards, municipal boards or councils, or municipal district councils shall be submitted to the Secretary of Agriculture and [Commerce] Natural Resources for approval." (As amended by Commonwealth Act No. 471, sec. 1.)

SEC. 5. *Deputies authorized to enforce provisions of this Act.*—Members of the Philippine Constabulary; members of municipal and municipal district police; members of the secret service force, inspectors, guards, wharfingers of the customs service; and such infernal-revenue agents, officers of coast guard cutters and lighthouse keepers, and other competent officials, employees or persons as may be designated in writing by the Secretary of Agriculture and [Commerce] Natural Resources are hereby made deputies of said Department Head, with full power and authority to enforce the provisions of this Act and the regulations promulgated thereunder and to arrest offenders against the same. All such deputies shall have power to administer oaths and to take testimony in any official matter or investigation conducted by them touching any matter under the authority of this Act or regulation promulgated thereunder. (As amended by C. A. 471, sec. 1.)

## ARTICLE II.—*Definitions*

SEC. 6. *Words and phrases defined.*—Words and terms used in this Act shall be construed as follows:

"Philippine waters, or territorial waters of the Philippines," includes all waters pertaining to the Philippine Archipelago, as defined in the treaties between the United States and Spain, dated respectively the tenth of December, eighteen hundred and ninety-eight, and the seventh of November, nineteen hundred.

"Municipal waters," includes not only streams, lakes, and tidal waters included within the municipality, not being the subject of private ownership, and not comprised within national parks, public forests, timber lands, forest reserves, or fishery reserves, but also marine waters included bet-

ween two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and distant from it three nautical miles.

Where two municipalities are so situated on the opposite shores that there is less than six nautical miles of marine waters between them, the third line shall be a line equally distant from the opposite shores of the respective municipalities.

"Person," includes firm, corporation, association, agent or employee.

"Open," applies to beds, banks, shellfields, zones, areas and regions in Philippine waters which have not been brought within the operation of an order of closure promulgated by the Secretary of Agriculture and Natural Resources.

"Open season," that period of time during which fishing is permitted in a specified area or areas in Philippine waters.

"Closed season," that period of time during which fishing is prohibited in a specified area or areas in Philippine waters, through an order of closure by the Secretary of Agriculture and Natural Resources.

"Inclusion of dates," whenever a period is designated during which an act is permitted or prohibited, the first and second dates shall be included within such period.

"Whole to include part," every provision relating to a fish or other aquatic animal shall apply to a part of such fish or other aquatic animal.

"Sell and sale," includes barter, exchange, and offering or exposing for sale.

"Possession," means actual or constructive possession and any control of things referred to.

"Transport and transportation," means all carrying or moving or causing to be carried or moved.

"Take or taking," includes pursuing, shooting, killing, capturing, trapping, snaring, and netting fish and other aquatic animals, and all lesser

acts, such as disturbing, wounding, stupefying, or placing, setting, drawing, or using any net or other service commonly used to take or collect fish and other aquatic animals, whether they result in taking or not, and includes every attempt to take and every act of assistance to every other person in taking or attempting to take or collect fish and other aquatic animals: Provided, That whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

"Sponges," unless otherwise specified, such as cleaned or prepared sponges, shall be construed to mean sponges in their original or natural state and not prepared sponges.

A "fish corral" or "baclad" means a stationary weir or trap devised to intercept and capture fish, consisting of rows or stakes or bamboo, palma brava or other materials fenced with either split bamboo mattings or wire nettings with one or more enclosure usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers or purse.

"Fishery" is the business of catching or taking, handling, marketing and preserving fish or other aquatic products, the fishing grounds, and the right to fish or take such products therefrom. "Fish" includes not only the fishes proper but also many other aquatic animals like crabs, prawns, shrimps, lobsters, clams, mussels, scallops, snails, oysters, and other mollusks or shellfish. (As amended by C. A. 471-2.)

#### ARTICLE III. — *General protective provisions.*

SEC. 7. *Authority to declare and establish closed season.*—The Secretary of Agriculture and Natural Resources shall have authority, subject to the approval of the [Governor-General], President of the Philippines, to declare and establish a closed season for fish, shellfish, or any other aquatic animal specified by him.

SEC. 8. *Duration of closed season.*—A closed season established by the

Secretary of Agriculture and Natural Resources may be so defined as to cover a particular portion or portions of each successive year, or if deemed necessary for the public interest, it may be made to extend over any single period of time of not more than five years' duration.

SEC. 9. *Application of closed season.*—The order creating a closed season may be made applicable to the entire Philippine Islands or to any specified province or other territorial division therein, or it may be limited to a particular water or stream.

SEC. 10. *Issuance of order for closed season.*—Such order shall be issued at least two months before the date of its taking effect, and if general, it shall be published in the Official Gazette once a week for three consecutive weeks prior to the same date.

An order applying to a province, municipality or other territorial division, shall be published once a week for three consecutive weeks, in a local newspaper, if any there be, and copies of the order shall be posted at the main entrance of the provincial and municipal buildings and in said buildings, before it is to take effect.

The Secretary of Agriculture and Natural Resources shall also adopt in each case such other means of publicity as he shall deem expedient to spread and maintain knowledge of the existence of the order among the people to be affected by it.

SEC. 11. *Prohibition of the use of obnoxious or poisonous substance in fishing.*—The use of any obnoxious or poisonous substance liable to stupefy, disable, or cause death of fishes or other aquatic animals for the taking of the same; or the placing of any such substance in fresh or marine waters of the Philippine Islands where it may cause the stupefaction, disablement, or death; or the gathering by any means of the fishes or other aquatic animals stupefied, disabled or killed by the action of poisonous substance shall be unlawful: Provided, however, That the Secretary of Agriculture and Nat-

ural Resources may issue permits for the use of poisonous substance in taking fish or other aquatic animals in limited numbers for scientific purposes only. Such authorized party must have the permit with him ready to exhibit on demand by any peace officer or deputy authorized in section five hereof to enforce the provisions of this Act.

SEC. 12. *Prohibition of the use of explosives in fishing.*—The use of dynamite or other explosives for the stupefying, disabling, killing, or taking of fish or other aquatic animals, or under water for any purpose except in the execution of bona fide engineering work and the destruction of wrecks or obstructions to navigation; or the gathering by any means of the fishes or other aquatic animals stupefied, disabled or killed by the action of dynamite or other explosives shall be unlawful: Provided, That the use of mechanical bombs for killing whales, crocodiles, sharks, or other large dangerous fishes, may be allowed, subject to the approval of the Secretary of

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Agriculture and [Commerce] Natural Resources and the Secretary of the Interior in taking fish or other aquatic animals in limited numbers for scientific purposes only. Permittees must be ready at all times to exhibit permits on demand by any peace officer or deputy authorized in section five hereof to enforce the provisions of this Act.

The possession and/or finding of dynamite, blasting caps, and other explosives in any fishing boat shall constitute a presumption that the said dynamite and/or blasting caps and explosives are being used for fishing purposes in violation of this section, and that the possession or discovery in any fishing boat of fish caught or killed by the use of dynamite or other explosives under expert testimony shall constitute a presumption that the owner if present in the fishing boat or the fishing crew have been fishing with dynamite or other explosives. (As amended by C. A. 471-1.)

SEC. 13. *Protection of fry or fish eggs.*—Except for scientific or educational purposes or for propagation, it shall be unlawful to take or catch fry or fish eggs and the small fish not more than three centimeters long, known as *siliniasí*, in the territorial waters of the Philippines. Towards this end, the Secretary of Agriculture and [Commerce] Natural Resources shall be authorized to provide by regulations such restrictions as may be deemed necessary to be imposed on the use of any fish net or fishing device, for the protection of fry or fish eggs; Provided, however, That the Secretary of Agriculture and [Commerce] Natural Resources shall permit the taking of the young of certain species known as ipon, and other species under such restrictions as may be deemed necessary. (As amended by C. A. 471-1.)

SEC. 14. *Water pollution.*—It shall be unlawful to place, cause to be placed, discharge or deposit, or cause to be discharged or deposited, or to pass or place where it can pass into the waters of the Philippines any pe-

troleum, acid, coal, or oil tar, lamp-black, aniline, asphalt, bitumen, or residuary product of petroleum or carbonaceous materials or substance, molasses, mining, mill tailings, or any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, sugar central, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse or any substance or material deleterious to fish or aquatic life. (As amended by C. A. 471-1.)

SEC. 15. *Importation and exportation of fish, mollusks, crustaceans, etc.*—The importation into and exportation from the Philippines of any fish, mollusks, crustaceans, or amphibian or other aquatic animal, adult, young, or fry or fish eggs for propagation or other purposes shall be effected only through a special permit from the Secretary of Agriculture and [Commerce] Natural Resources. An application for a permit shall be presented at least twenty days prior to the probable date of arrival or five days before exportation of such fish, mollusk, crustacean, or amphibian or other aquatic animals; for such permit a fee of not more than four pesos shall be paid. Failure to file the application within the time prescribed shall subject the importer to the payment of twice the ordinary fee and/or administrative fines as provided in section eighty hereof, without prejudice to criminal proceedings against importer or exporter under the penal provisions of this Act. For the inspection and prophylactic treatment of this importation a fee equivalent to two per centum of the declared value of the same shall be charged but such fee shall in no case be less than fifty centavos. (As amended by C.A. 471-1.)  
(To be continued)

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*The best government is not that which renders men the happiest, but that which renders the greatest number happy.*

—Duclos