

FISHERIES ACT

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

(Continued from May number)

ARTICLE VII.—*Sponge fisheries*

SEC. 38 *Limitation to collect or gather sponges and other aquatic products.*—Except as provided in this article, no persons, associations, or corporations shall be allowed to collect or gather sponges, seaweeds or other minor aquatic products from the sea bottom or reefs in the territorial waters of the Philippines. Persons gathering seaweeds, trepand, corals or other minor aquatic products, except sponges and certain species of the genus *degenera* for personal use even inside concessions, may be allowed, provided, that the daily amount of such products gathered by them does not exceed five kilograms. (As amended by C.A. 471-1)

SEC. 39. *Who may be eligible for concessions.*—Concessions for the fishing for, collecting or gathering of sponges in any of the territorial waters of the Philippine Islands may be granted by the Secretary of Agriculture and Natural Resources to any citizens of the Philippine Islands or of the United States, or to associations or corporations that are duly registered or incorporated under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, and at least sixty-one per cent of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States, or to citizens of countries the law of which grant similar rights to citizens of the Philippine Islands; Provided, however, That all foreign persons, associations and corporations holding at the time this law goes into effect concessions under the provisions of Act Numbered Twenty-five hundred and eighty-four, as amended by Act numbered Thirty-seven hundred and thirty-five, to fish for, collect or gather sponges in Philip-

pine waters, may be granted renewals of such concessions so long as they have not been guilty of any violation of this Act, Act Numbered Twenty-five hundred and eighty-four as amended, or the customs laws, or the regulations promulgated thereunder: Provided, also, That no individual, association or corporation granted a concession to fish for, collect or gather sponges shall be authorized to transfer or assign its or his stock directly or indirectly to persons, associations or corporations not qualified under the terms of this Act to fish for, collect or gather sponges, under penalty of cancellation or forfeiture of its or his concession: Provided, further, That a transfer made by a stockholder or member of an association or corporation of his stock or interest in violation of the provisions hereof shall not be cause of the forfeiture of the license of such association or corporation, but said transfer shall be null and void and shall not be registered in the books of such association or corporation.

SEC. 40. *Application for concessions.*—All applications for concessions shall be filed in triplicate with the official or chief of the bureau, office or service designated to carry out the provisions of this Act, and be accompanied by a description giving latitude and longitude indicated upon a chart of the region desired, the latest published chart of the Bureau of Coast and Geodetic Survey being taken as the basis of the plot. The application must be under oath and shall contain the following information:

(a) Age, citizenship and residence of the applicant, if he is an individual; and if an association or a corporation, its officers, domicile and whether or not it is organized under the laws of the Philippines;

(b) Area of the concession applied for;

(c) Whether the area applied for conflicts in any way with any concession already granted or occupied;

(d) Capital available for investment;

(e) That upon approval of the application, the concession shall be marked at each corner with properly anchored buoys.

SEC. 41. *Original and duplicate copies.*—The original and duplicate copies of the application for concessions shall be forwarded by the official or chief of the bureau, office or service designated to carry out the provisions of this Act, to the Secretary of Agriculture and Natural Resources, who, if he should become satisfied of the qualifications and responsibility of the applicant, and upon proof that the concessionaire has paid the fee required in this Act, may grant the sponging concession, subject to the condition imposed herein.

All persons working under a concession or permit must at all times carry in their possession copy of such concession or permit ready to exhibit the same upon demand by any peace officer or other persons designated by the Secretary of Agriculture and Natural Resources in section five hereof to enforce the provisions of this Act.

SEC. 42. *Concessions for sponging and other privileges.* — Concessions granted in accordance with this article shall run for a period of not to exceed twenty years, and shall not interfere with the free passage over the area under concession of boats or vessels, nor in any way prevent the unrestricted gathering or removal of products not specifically stated in the contract or license agreement by other persons from the said area: Provided, however, That subject to confirmation by the Secretary of Agriculture and Commerce the official or chief of the bureau, office or service designated to carry out the provisions of this Act, may select from any concessions, adequate areas of offshore and waters for the cultivation of sponges or other marine forms for the purpose of any Government experiment station or school. (As amended by C. A. 471-1).

SEC. 43. *Annual concession fee.*—The annual concession fee for sponges shall be at the rate of not exceeding one hundred pesos per square kilometer. For the other products the annual fee shall not exceed fifty-pesos per square kilometer or lineal kilometer or coast line of not more than a kilometer wide. Such fee shall be paid in advance and, if tendered in quarterly installments, on or before the twentieth of January, April, July and October, or on or before the last days of said months in remote provinces, in the discretion of the Secretary of Agriculture and Commerce, shall be received without penalty. If the fee due on any concession is not paid within the period in which the payment may be received without penalty, the amount of the same shall be increased by ten per centum, the increment to be part of the fee. Should the concession fee remain delinquent fifty days after the same becomes due, the original fee shall be increased by one hundred per centum and after six months the concession shall be cancelled, and the bond deposit, if any, shall be confiscated, without prejudice to criminal proceedings against the delinquent concessionaire, under the penal provisions of this Act.

A fee which may be determined as provided in section twenty-three-A hereof, shall be collected on products gathered and removed.

Of the sums collected under and by virtue of this section twenty per centum shall accrue to the Insular Treasury and forty per centum to the province and municipality, respectively, in which the concession is located. In case a concession should be included within two or more provinces or municipalities, the distribution between the different provinces and municipalities shall be made in proportion to the areas of the concessions included within the respective provinces and municipalities as aforesaid. (As amended by C. A. 471-1).

SEC. 44. *Temporary prospector's permit.*—A temporary written permit to prospect for sponges in any waters

of the Philippine Islands, not under concession, may be granted to any qualified person, association or corporation, upon payment of a fee of five pesos. This temporary prospector's permit shall not be valid for a longer period of time than three months from date it is issued, and shall not be subject to renewal.

Under no circumstances shall more than fifty kilograms of cleaned sponges be gathered under such temporary prospector's permit. Should any such temporary prospector's permit be found with defaced, erased, or illegible date of issue, they shall be taken up at once by the first peace officer who becomes aware of this fact. At the end of the period for which these temporary prospector's permits are issued, they shall be returned to the officials who issued them and who shall keep the same on file marked "cancelled".

SEC. 45. *Statement of sponges and other minor products collected.*—All concessionaires and prospectors duly authorized, shall keep complete statements of the sponges, seaweeds and other products, collected showing the kind and amount of each product, quality, and size of sponges. Such statements shall be examined and verified by any of the officers designated in section five hereof by the Secretary of Agriculture and Natural Resources to enforce the provisions of this Act, at any port where the concessionaires or prospectors may desire to dispose of the sponges. When the sponges, seaweeds and/or other minor products have been inspected the officer shall note the fact on the face of the statement, sign his name thereon and then forward such statements to the official, bureau, office or service designated by the Secretary of Agriculture and Natural Resources to enforce the provisions of this Act. (As amended by C. A. 471-1).

SEC. 46. *Privilege of erecting necessary plant.*—Holders of sponge concessions shall have the privilege of erecting the necessary plant for the development and exploitation of the

sponge industry, such as houses, drying racks, corrals, landing, etc., on the shore convenient to the concession for the proper curing of sponges: Provided, however, That the approval of the Secretary of Agriculture and Natural Resources should be had in accordance with the provisions of Chapter IX of Act Numbered Twenty-eight hundred and seventy-four, as amended, before erecting the structures herein referred to.

SEC. 47. *Size limit and classification.*—No commercial sponges of less than ten centimeters through any diameter shall be taken from the waters of the Philippine Islands, except for purposes of sponge culture within Philippine waters. All sponges shall be trimmed, after which they shall be assorted as to quality, size, and variety. The whole perfect specimens shall be known as "forms"; those that have imperfections but do not require cutting shall be classified as "seconds"; and those that have crab or coral holes and that are divided into smaller shapes shall be called "cuts". The sizes shall be graded according to the number of pieces required to make a kilogram, that is—if one sponge weighs a kilogram, it will be known as No. 1 grade; if two sponges are required to make a kilogram, they will be known as No. 2 grade; if three sponges are required to make a kilogram, they will be known as No. 3 grade; etc. The size of the sponges shall be determined by passing them through holes or rings of ten centimeters inside diameter, the minimum legal size-limit. The following varieties of sponges can easily be recognized in the Philippines and shall be so marked: Sheepswool sponge, honeycomb sponge, Zimocca sponge, Sulu sea bath sponge, grass sponge, and elephant-ear sponge.

SEC. 48. *Requirements.*—No sponge shall be shipped, removed or exported from the Philippine Islands unless the same has first been trimmed, graded, and truthfully labelled.

SEC. 49. *Prohibition.*—It shall be prohibited and declared unlawful:

(a) To transfer any concession or permit granted or issued under the provisions of this article, except to qualified persons, associations and corporations and with the consent of the Secretary of Agriculture and Natural Resources.

(b) To fish, collect, or gather any sponges growing on the sea bottom of reefs within the boundary of a concession occupied by another person, and granted under the provisions of this article, or by a concessionaire outside the boundary of his concession.

(c) To engage in the practice of "loading" or impregnating sponges with foreign substances of any sort of character whatever for the purpose of increasing the apparent weight of said sponges and thereby deceiving purchasers of said sponges as to their true weight.

(d) To ship from or attempt to ship from the Philippine Islands any sponges taken from the waters except through the customhouse at one of the ports of entry of the Philippine Islands.

(e) To possess Philippine commer-

cial sponges unless holding a concession or permit in accordance with this article or a bill of sale traceable from a concessionaire.

(f) To remove, deface, destroy, or in any way interfere with the location marks of any concession granted under the provisions of this article.

(g) To possess undersized sponges, or sponges less than ten centimeters through any diameter.

(h) To take from the waters of the Philippine Islands any commercial sponges by the use of any dredge or "gangara" except in waters of more than thirty fathoms in depth.

SEC. 50. *Payment of fees.*—Payment of fees on products collected and removed shall be made to the officer and at the time the Secretary of Agriculture and Commerce may designate. The provisions of this article shall not apply to persons gathering sponges outside of the limits of the concessions, provided the daily amount of sponges gathered by them does not exceed five kilograms. (As amended by C. A. 471-1.)

(To be continued)

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