

FISHERIES ACT

[Act No. 4003 as amended by C. A. No. 471]
(Continued from April number)

ARTICLE IV.—*Classification of fisheries.*

SEC. 16. *Public fisheries classified.*—For the purpose of this Act the public fisheries of the Philippine Islands shall be classified, according to their government and disposition, as follows:

- (a) Insular
- (b) Municipal
- (c) Reserve.

The [Governor-General] President of the Philippines, upon recommendation of the Secretary of Agriculture and Natural Resources, may, for reasons of public interest, transfer fisheries from one class to another.

CHAPTER II INSULAR FISHERIES

ARTICLE V.—*Deep-sea or offshore fishing.*

SEC. 17. *License tax on operation of boat.*—Unless provided, with a license issued in accordance with the provisions of this Act, no person, association or corporation shall operate any vessels of more than three tons gross for the purpose of catching fish in the territorial waters of the Philippine Islands.

SEC. 18. *Annual fee on operation of boat.*—The Secretary of Agriculture and [Commerce] Natural Resources is hereby empowered to issue to the proper parties licenses for fishing operation of powered vessels of more than three tons gross and sailing or rowed vessels of more than three tons gross towed or operated in connection with power-propelled vessels in the territorial waters of the Philippines upon the payment of an annual fee of not less than two pesos nor more than two hundred pesos for every vessel subject to taxation under this Act: Provided, That failure of a licensee to secure a renewal or extension of his license and pay the annual fee on or before the last day of February of each year shall subject him to a surcharge of one hun-

dred per centum based on the amount of the original fee, without prejudice to criminal proceedings against the delinquent licensee under the penal provisions of this Act: Provided, further, That all vessels less than three tons gross shall be licensed under the provisions of section seventy of this Act: And provided, also, That the catching of fish under the license issued shall be subject to the limitations, restrictions, and penalties imposed by this Act. (As amended by C.A. 471-1.)

SEC. 19. *Permit to operate vessels for scientific purposes.*—A permit may be granted by the Secretary of Agriculture and Natural Resources free of charge to any person, association or corporation of good repute, permitting the holder to operate a vessel of more than three tons gross for the catching of fish for scientific, educational or personal purposes, or for propagation. Such permits shall be in force for a period of one year only and shall be subject to such conditions as the Secretary of Agriculture and Natural Resources may deem wise to impose for the proper carrying out of the purposes of this Act. Upon proof that the holder of such permit has caught fish for other than scientific, educational or personal purposes or for propagation the permittee shall be subject to the same penalty as if he had no permit.

SEC. 20. *Person and corporations eligible for licenses.*—No license for the operation of vessels for the catching of fish in the territorial waters of the Philippine Islands shall be issued, except to citizens of the Philippines 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 belongs

wholly to citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which grant similar rights to citizens of the Philippine Islands; Provided, however, That all individuals, associations or corporations now operating vessels of more than three tons gross for the commercial catching of fish may obtain licenses for the vessels which they are operating at the time this law goes into effect and may renew such licenses for the same vessels so long as they are utilized for the commercial catching of fish and the holders of such licenses have not been guilty of any violation of this Act, or the customs laws, or the regulations promulgated thereunder: Provided, further, That no individual, association or corporation licensed to operate a vessel under the terms of this Act shall be authorized to transfer or assign its or his interest or sell its or his stock directly or indirectly to individuals, associations or corporations not qualified under the terms of this Act to hold a license, under penalty of forfeiture of its or his license: Provided, also, That the 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 cause the forfeiture of the license of such association or corporation, but such transfer shall be null and void and shall not be registered in the books of such association or corporation: And provided, finally, That for the purposes of this Act, persons, associations and corporations engaged in fishing which have their base of operations in the Islands or bring fish to any port, city, municipality or municipal district of the Archipelago shall be presumed to have caught fish in the territorial waters of the Philippine Islands.

SEC. 21. *License for off-shore fishing and municipal grant of fishery.*—No license granted in accordance with section eighteen of this Act shall operate within three nautical miles from the shore line and from two hundred meters of any fish corral licensed by a municipality pursuant to the provisions

of section sixty-nine hereof, except if the licensee is the same person authorized by the municipality to operate such fish corral. (As amended by C.A. 471-1.)

SEC. 22. *Fisherman's license and license fee.*—No person shall be employed or engaged on or in connection with the operation of a vessel of more than three tons gross engaged in commercial fishing unless he is provided with a fisherman's license. Such license shall be issued by the Secretary of Agriculture and Natural Resources upon the payment of an annual fee of not less than twenty centavos nor more than one peso. Provided, however, that should certain fisherman attached to a fishing vessel become sick or otherwise incapacitated to perform work on said vessel, the owner may employ temporary personnel if they are qualified to hold a fisherman's license under this section. Failure of the licensed fisherman to pay the fee and secure a renewal of his license on or before the last day of February of each year shall subject him to a surcharge of one peso. No license, as fisherman, to work on vessels engaged in commercial fishing shall be issued, except to citizens of the Philippines or of the United States or of countries the laws of which grant similar rights to citizens of the Philippines, Provided, however, That aliens engaged in fishing on vessels of more than three tons gross at the time this Act goes into effect shall be licensed under the provisions of this Act so long as they have not been guilty of any violation of this Act or the customs laws or the regulations promulgated thereunder; Provided, further, That all persons employed in a fishing vessel, except the master and the engineer and the cook who shall be a Filipino citizen, shall be considered fishermen. (As amended by C. A. 471-1.)

SEC. 23. *Fees for fish caught.*—The Secretary of Agriculture and [Commerce] Natural Resources may by regulation fix the fees to be collected for fish caught at a rate of not less than one peso nor more than three pesos per ton, gross weight, as well as the

manner of their collection: Provided, That only one fee shall be collected; And provided, further, That said regulations shall not interfere with the free movement and disposition by any person of fish caught in accordance with the provisions of this article. Failure of the licensee to pay the fee required herein when due shall subject him a surcharging of one hundred per centum. (As amended by C.A. 471-1.)

SEC. 23-A. *Fees for other aquatic products.*—For aquatic products gathered or taken from public fisheries and not otherwise provided for, there shall be paid on the market value thereof determined in the manner indicated below a fee of not more than ten per centum.

The market value of the various marine or aquatic products for which charges or fees may thus be made shall be determined from time to time by assessment by the Secretary of Agriculture and [Commerce] Natural Resources, the same to be published for the information of the public in the Official Gazette. (As inserted by C.A. 471-3.)
ARTICLE VI.—*Marine mollusca fisheries.*

SEC. 24. *Who may apply for license to take marine mollusca.*—Any citizen of the Philippine Islands or of the United States and any association or corporation of which at least sixty-one per centum of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States and which is organized and constituted 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 or any citizen of any country the laws of which grant similar rights to citizens of the Philippine Islands may file an application for license to take marine mollusca in Philippine waters: Provided, however, That all foreign persons, associations or corporations who, at the time this law goes into effect, have legally obtained a license under the provisions of Act Numbered Twenty-six hundred and four to take marine mollusca, may

be granted renewals of such licenses so long as they have not been guilty of any violation of this Act, Act Numbered Twenty-six hundred and four, or the customs laws, or the regulations promulgated thereunder: Provided, also, That no individual, association or corporation licensed to take marine mollusca shall be authorized to transfer or assign its or his interest or sell its or his stock directly or indirectly to persons, associations or corporations not qualified under the terms of this Act to take marine mollusca, under penalty of forfeiture of its or his license: 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. 25. *Application for licenses to take marine mollusca.*—All applications for license to take marine mollusca or their shells shall be filed in triplicate with the official or chief of the bureau, office or service designed to carry out the provisions of this Act, who shall forward the original and duplicate copies thereof, together with his recommendation, to the Secretary of Agriculture and Natural Resources. Licenses for taking marine mollusca, or the shells of such, shall be issued by the Secretary of Agriculture and Natural Resources, upon proof that the license fees herein prescribed have been duly paid: Provided, That the taking of marine mollusca without the use of boat, submarine dredge, rake or submarine armor, or the taking of marine mollusca whose shells have a value of less than twenty-five pesos per ton by any device whatever, shall be exempt from the payment of fees. The licenses issued hereunder shall run for the remainder of the calendar year following the date of issuance, and shall authorize the holder thereof to take marine mollusca in Philippine waters, subject to the provisions of this article and to

such restrictions as may hereafter be established for the protection and conservation of marine mollusca.

SEC. 26. *Pearling or shell-collecting boat license.*—A pearling or shell-collecting boat license may, upon payment of the proper fees and subject to the conditions, restrictions and limitations specified in sections twenty-four and twenty-five hereof, be issued to the owner or operator of any vessel the registration or ownership of which is such as is prescribed for vessels engaging in the Philippine coastwise trade: Provided, That no such license shall be issued to any vessel owned or operated in whole or in part by a person who has been twice convicted of violating this article. (As amended by C. A. 471-1.)

SEC. 27. *Shell diver's license.*—A shell diver's license authorizing the holder to use submarine armor in taking marine mollusca or shell thereof in Philippine waters, may be issued to any person upon application filed with the Secretary of Agriculture and [Commerce) Natural Resources, or his authorized representative, upon payment of the required fee: Provided, That no such license shall be issued to any person who does not possess the qualifications required in section twenty-four of persons applying for licenses to take marine mollusca, nor to any person who has been twice convicted of violating the provisions of this article: Provided, further, That a person collecting marine mollusca shells not exceeding five kilograms a day need no diver's license. This license, unless re-

voked for cause, shall be valid from the date of issue for not more than one year, shall expire on December thirty-one, and shall not be transferable.

The fees for shells taken as provided in section twenty-three-A hereof shall be collected from the owners of pearling or shell collecting boats, licensed divers if not using any vessel, buyers or possessors of such shells, unless it can be proven by such buyers or possessors by proper documents or official receipt that the fees have already been paid by the collectors of such shells.

The taking from the sea bottom of any shell of less than the legal size, as prescribed in section thirty-six hereof or regulations promulgated under this Act shall be sufficient cause for the cancellation of the license and confiscation of the bond deposit, if any. (As amended by C. A. 471-1.)

SEC. 28. *Unlicensed diver.*—It shall be unlawful for any vessel holding a pearling or shell collecting boat license to employ any unlicensed diver. (As amended by C. A. 471-1.)

SEC. 29. *Letters or symbols and figures on pearling vessels.*—Each pearling vessel, operated under a pearling boat license, shall exhibit plainly on each side in letters or symbols and figures not less than twenty centimeters high the letter or symbol assigned to each pearling district and the number of the pearling-boat license.

SEC. 30. *Pearling districts in the Philippines.*—The Philippine Islands shall be divided into twenty-eight pearling districts and to each district shall be assigned a letter or symbol, as follows:

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|----------------------|--------------------------------------|
| A. Mindanao and Sulu | K. Leyte |
| B. Surigao | L. Samar |
| C. Palawan | M. Masbate |
| D. Antique | N. Mindoro |
| E. Capiz | O. Tayabas |
| F. Iloilo | P. Camarines Norte and Camarines Sur |
| G. Occidental Negros | Q. Albay |
| H. Oriental Negros | R. Sorsogon |
| I. Cebu | S. Batangas |
| J. Bohol | T. Cavite |
| | U. Bataan |

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In the upper left corner of each license shall also appear the letter or symbol assigned to the district and the number of the license issued. For example, the second license issued in Surigao would be B-2. These licenses shall be issued in serial order, beginning with number 1 for each pearling district.

SEC. 31. *Record of shells collected.*—Every licensed vessel shall keep a daily record of the number of shells collected each day. Such record shall be examined and verified by the collector of customs or by any internal-revenue officer or by any officer authorized herein to enforce the provisions of this Act at any port where the owner or master of the vessel may desire to ship, sell or otherwise dispose of the shells; and no owner or master of any vessel shall discharge shells or otherwise dispose of the shells aboard without inspection by such officer. When the shells have been inspected, the officer shall note the fact in the vessel's log or record book. He shall make a formal copy of such record, sign his name thereon and forward same to the Secretary of Agriculture and Natural Resources.

SEC. 32. *Special permit.*—A special permit may be granted by the Secretary of Agriculture and Natural Resources to any person of good repute, authorizing the holder thereof to take marine mollusca of any kind or size for scientific, educational or personal purposes or for propagation. Such permit shall remain in force for a period of only one year from the date of issue, shall not be transferable and shall be subject to such other restrictions as may be imposed by the Secretary of Agriculture and Natural Resources.

The taking of marine mollusca by the holder of such permit for other than scientific, educational or personal purposes or for propagation shall be sufficient cause of the cancellation of the permit.

SEC. 33. *Holders of licenses or permits to carry same at all times.*—All holders of licenses or permits granted under this article must at all times carry in their possession such licenses or permits ready to exhibit the same upon demand by any peace officer or other person designated by the Secretary of Agriculture and Natural Resources to enforce the provisions of this Act. Failure to comply with this requirement shall cause the cancellation of the licenses or permits. Should any such licenses or permits be found with defaced, erased, or illegible date of issue, they shall be seized at once by the first peace officer or other authorized person who becomes aware of this fact, and said licenses or permits shall be declared null and void.

SEC. 34. *Restrictions.*—The Secretary of Agriculture and Natural Resources may impose restrictions upon the number of licenses which may be issued for the taking of marine mollusca in Philippine waters, or upon the number of licenses who may be allowed to operate therein, and may order that such restrictions extend to one or more species, and be made generally applicable in all Philippine waters or be limited to a particular marine area, or areas therein. The Secretary of Agriculture and Natural Resources may also cause any application for licenses to be refused, or order the cancellation of any license, when, in his opinion, the public interest so requires. The action of the Secretary of Agriculture and Natural Resources under this section shall be final.

SEC. 35. *Power to prescribe a scale of fees.*—The Secretary of Agriculture and Natural Resources shall from time to time prescribe the fee to be paid for the pearling-boat license, or a scale of fees graduated according to the character or capacity of the vessels to be licensed, and shall announce the same in an order which shall be published at least sixty days before becoming effective. Such fee shall in no case be in excess of four hundred pesos per annum.

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The fee for shell divers license shall be two pesos per annum, payable in advance.

SEC. 36. *Power to fix minimum sizes of shells.*—The Secretary of Agriculture and [Commerce] Natural Resources shall fix minimum sizes for the shells which may be taken in Philippine waters of any species including the following:

Pinetada maxima (Jameson), commonly known as the gold-lip pearl shell or "concha blanca";

Pinetada margaritifera (Linnæus), commonly known as the black-lip pearl shell, or "concha negra";

Trochus niliticus Linnæus, commonly known as the smooth top shell, trochus shell, "simong" or "trocha";

Trochus maximus Kock, commonly known as the rough top shell, trochus shell, "simong" or "trocha";

Trochus moduliferus Lamarck, commonly known as "Hirose shell" or "Susong Babae";

Torbo marmoratus Linnæus, commonly known as the green snail shell, turban shell, "Lalong" or "Bolalo."

After such restriction shall have been imposed, it shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shell or valve of a smaller size than the minimum prescribed for the particular species.

Any undersized shell removed from the water through accident or in ignorance of its size shall be returned to the water immediately without being opened; otherwise, the offender shall be penalized, in accordance with the penal provisions of this Act. (As amended by C. A. 471-1.)

SEC. 37. *Shipment of shells.*—The shipment or exportation from the Philippine Islands of shells of any species mentioned in the preceding section shall be unlawful unless such shipment or exportation is properly effected through the customhouse at a port of entry.

(To be continued)

PRONUNCIAMENTOS

MANUEL A. ROXAS.—A nation is something more than the people who inhabit a geographic area. It is a spirit, a tradition and a way of life.

* * *

JOSE ABAD SANTOS.—There are no ready-made formulas for solving public problems. Time and experience are necessary to evolve patterns that will serve the ends of good government.

* * *

ISAGANI.—Ah, I should like to die, be reduced to nothingness, leave my native land a glorious name, perish in its cause, defending it from foreign invasion, and then let the sun afterwards illumine my corpse, like a motionless sentinel on the rocks of the sea.

* * *

MARIA ARAGON QUEZON.—Service for the President is service for the country.

B. R. VALENCIA

&

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