

# FISHERIES ACT

(Act No. 4003 as amended by C. A. No. 471)  
(Continued from July Number)

## ARTICLE XI.—*Grant of fishery*

SEC. 67. *Grant of fishery.* — A municipal council shall have authority, to grant the exclusive privilege of erecting fish corrals, or operating fishponds, or taking or catching 'bangus' fry, known as 'kawag-kawag', or fry of other species for propagation, within any definite portion, or area, of the municipal waters, as defined in article two of this Act, to any citizens of the Philippines or 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 Philippines; Provided, That no individual, association or corporation granted a municipal grant, license or permit shall be authorized to transfer or assign its or his interest or sell its or his stock directly or indirectly to persons, association or corporations not qualified to hold a municipal grant, license or permit under the terms of this chapter, under penalty of forfeiture of its or his grant, license or permit: 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 grant, license or permit 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.

No fish corral or 'baclad' shall be constructed within two hundred meters of another in marine fisheries or one hundred meters in fresh water fisheries, unless they belong to the same licensee; but in no case shall be less than sixty meters apart except in waters less than two meters deep at low tide or unless previously approved by the Secretary of Agriculture and

Commerce or his duly authorized representative.—(As amended by C. A. 471-1)

SEC. 68. *Adjustment of matter of disputed jurisdiction over fishery.* — Where fresh-water lakes are not included within the limits of any one municipality, or where freshwater or tidal streams form boundaries between municipalities, disputes which may arise as to the waters within which any municipality may exercise the authority hereinabove conferred shall be referred by the respective councils of the municipalities concerned to the proper provincial boards, which body shall lay the facts, with its recommendation, before the Governor-General, to the end that he may either adjust the boundary so as to settle the jurisdiction or recommend the passage of adequate legislation.

SEC. 69. *Restriction upon letting of fishery to private party.* .... When the privilege to erect fish corrals, construct or operate fishponds, or oyster culture beds, or take or catch 'bangus' fry, known as 'kawag-kawag', or of other species is granted to a private party as hereinabove authorized, the same shall be let to the highest bidder for a period not exceeding five years, or, upon the previous approval of the provincial board, for a period not exceeding ten years; or upon the previous approval of the Secretary of Agriculture and Commerce for a longer period but not exceeding twenty years: all these grants be under such conditions as shall be prescribed by the Secretary of Agriculture and Commerce, (As amended by C. A. (471-1))

SEC. 70. *License tax upon taking of fish in municipal waters and fishing vessels.* — A municipal council is empowered to promulgate, subject to the approval of the Secretary of Agriculture and Commerce, rules and re-

gulations regarding the issuance to qualified applicant under this Law, of licenses for the operation of fishing vessels of three tons or less; and shall grant the privilege of taking fish in its municipal waters with nets, traps, or other fishing gear. An exclusive privilege for taking same may be granted, upon payment of a municipal tax, to persons, qualified according to section sixty-seven hereof, except those already licensed under article five of this Act: Provided, That no such license shall confer an exclusive right of fishery; that the imposition of this license tax upon this privilege shall be levied only once in any given year upon any fisherman; that the levy is to be made by the municipality wherein the fisherman is a resident; and that the possession and exhibition of the receipt evidencing payment of the license tax shall entitle the fishermen to fish in any municipal waters in the Philippines; Provided, however, That in case the fee in the municipality where the fisherman desired to fish is greater than the fee in the municipality where he obtained his license, the former municipality may collect from him the difference between the two fees: Provided, further, That it shall be beyond the power of the municipal council to impose taxes or fees for the privilege of taking marine mollusca, or the shells of such, and fees for pearling boat and pearl diver's licenses, or for prospecting, collecting, or gathering sponges or other marine products: And provided, also, That no license granted hereunder shall operate within two hundred meters of any constructed fish corral licensed by a municipality, except if the licensee is the owner or operator of the fish corrals, and unless otherwise specifically provided in the license, but in no case within sixty meters unless previously approved by the Secretary of Agriculture and Commerce. (As amended by C. A. 471-1.)

Sec. 71. *Application of general protective provisions.*—Nothing in this chapter shall be construed as in any way preventing or interfering with the ap-

plication of general protective provisions specified in Article III of this Act to all municipal grants licenses, or permits issued hereunder.

Sec. 72. *Report of fisheries and quality of fish caught and prices for same.*—For the purpose of gathering statistical data of fisheries and fish caught every holder of commercial fishing license issued pursuant to sections eighteen, sixty-nine or seventy of this Act, shall render a report in duplicate to the municipal treasurer or to the Secretary of Agriculture and Commerce or his duly authorized representative once a month of the kind and quantity of fish caught by him, and, if such fish are marketed the price received by him for same. Such report shall be made on form and in the manner prescribed by the Secretary of Agriculture and Commerce. Those licensed by the municipality shall submit reports on fish caught to the municipal treasurer who shall forward one copy to the Secretary of Agriculture and Commerce or his duly authorized representative. At the end of each year the municipal mayor shall submit to the said Secretary a report showing all the owners of fishing boats, fish nets, tackle, fish traps, and holders of fishery privileges and the corresponding licenses issued, fee paid, quantity and value of fish caught and such other information as he may be required. (As amended by C. A. 471-1.)

#### CHAPTER IV

#### ARTICLE XII—*Uses of reserve fisheries*

Sec. 73. *Fishing rights reserved for exclusive use of the Government.*—Upon the recommendation of the Secretary of Agriculture and Natural Resources, the Governor-General may designate by proclamation any area or areas in the Philippine waters as fishery reservations for the exclusive use of the Government of the Philippine Islands or of any of its branches, or of the inhabitants thereof, or for the culture of fish and other aquatic animals for educational and scientific purposes.

Sec. 73.A. *Establishment of communal fisheries.*—The Secretary of

Agriculture and Commerce may set aside, as communal fishery for the particular use of the inhabitants of any municipality or municipal district, one or more portions of municipal waters. Such assignment shall be preferably made from waters in the province of the community to be served; but if there be no such water conveniently situated for the use of such community a communal fishery may be assigned for its use in a neighboring province. If the public interests so require, the Secretary of Agriculture and Commerce may change the location or boundaries of a communal fishery or disestablish it altogether. A communal fishery once established for such communal use shall not be leased. (As inserted by C. A. 471-3.)

Sec. 73-B. *Administration of communal fisheries.*—Communal fisheries shall be administered by the Secretary of Agriculture and Commerce in such a way as to insure to the people having rights therein a continued supply of fishery products necessary for their home use and to this end the said Secretary may prescribe regulations, the conditions under which taking of fish and other fishery products therefrom without license and free of charge be allowed. (As inserted by C. A. 471-3.)

Sec. 73-C. *Taking of fish for personal use.*—Residents of a place for which a communal fishery shall not have been set aside may, without license and free of charge, take fish or other fishery products which they need for personal purposes from any municipal waters. (As inserted by C. A. 471-3.)

Sec. 74. *Government fishery farms and experimental stations.*—The Secretary of Agriculture and Natural Resources is hereby authorized to establish, equip, operate and maintain fishery farms, experimental station and other fishery projects in such places in the Philippine Islands as may be deemed appropriate therefor and beneficial to the fishing industry, for the purposes of studying, surveying, conserving, preserving and developing the fish,

shell, sponge, and other aquatic resources of the Philippine Islands.

Subject to the approval of the Governor-General, the Secretary of Agriculture and Natural Resources shall be authorized to sell to the highest bidder any fishery farm, experimental station, or fishery project operated under this Act or to exchange any land or portion thereof, owned or reserved for or occupied by any fishery farm, experimental station or fishery project, for other more adequate or more desirable sites of private ownership or otherwise, under such terms and conditions as may be deemed advantageous to the government. No transaction of sale or exchange herein authorized shall be made except with citizens of the United States or of the Philippine Islands, or with associations or corporations duly registered or incorporated under the laws of the Philippine Islands or of the United States or any State thereof and authorized to transact business in the Philippine Islands and at least sixty-one per centum of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States.

#### ARTICLE XIII.—Fish Sanctuaries

Sec. 75. *Fish refuges and sanctuaries.*—Upon the recommendation of the officials or chief of the bureau, office or service concerned, the Secretary of Agriculture and Commerce may set aside and establish fishery reserves or fish refuges and sanctuaries to be administered in the manner to be prescribed by him. All streams, ponds, and waters within the game refuges, birds sanctuaries national parks, botanical gardens, communal forests and communal pastures are hereby declared fish refuges and sanctuaries. It shall be unlawful for any person to take, destroy, or kill in any of the places aforementioned, or in any manner disturb or drive away or take therefrom, any fish fry or fish eggs. (As amended by C. A. 471-1)

Sec. 76. *Use of obnoxious or poison-*

*ous substances, or explosives in fishing.*

—Any persons who shall use obnoxious or poisonous substances or explosives in fishing in violation of the provisions of sections eleven and twelve of this Act shall for each offense, be punished by a fine of not more than five thousand pesos, and by imprisonment of not more than five years, or both, in the discretion of the court. All poisons, explosives, boats, tackle, apparel, furniture, or other apparatus used to aid in the violation of these provisions shall be forfeited to the Government. (As amended by C.A. 471-1.)

Sec. 77. *Reward to informer.*—The person giving information that has led to the conviction of any person under the provisions of the next preceding section shall receive one-half of the fine imposed, and it shall be the duty of the court rendering judgment of conviction to ascertain and declare the name of the informer entitled to receive one-half of the fine imposed.

Sec. 78. *Unlawful fishing in deep-sea fisheries.*—Any person, association or corporation violating any of the provisions of Article V of this Act or any other regulation deriving force from its provisions shall be punished for each offense by a fine of not more than five thousand pesos, or imprisonment, for not more than one year, or both, in the discretion of the court: Provided, That in the case of an association or corporation, the president or manager shall be directly responsible for the acts of his employees or laborers if it is proven that the latter acted with his knowledge; otherwise the responsibility shall extend only as far as fine is concerned; Provided, further, That in the absence of a known owner of the vessel, the master, patron or person in charge of such vessel shall be responsible for any violation of this Act: And provided, finally, That in case of a second offense, the vessel together with its tackle, apparel, furniture and stores shall be forfeited to the Government.

Sec. 79. *Penalty for unlawful taking of marine mollusca.*—Any person who shall take marine mollusca, or any

shell or valve thereof, in Philippine waters contrary to any of the provisions of Article VI of this Act shall be punished by a fine of not more than one hundred pesos, or imprisonment for not more than one month, or both, in the discretion of the court; and if the offense consists in the taking, selling, or transferring of undersized shells, or the having of such in possession, the offenders shall be fined five pesos for each valve of any shell the subject of the illegal act, and such shell shall be confiscated.

Sec. 80. *Compromise.*—With the approval of the Secretary of Agriculture and [Commerce] Natural Resources the official or chief of the bureau, office or service designated to carry out the provisions of this Act may at any stage compromise any case arising under the provisions thereof, subject to the following schedule of administrative fines:

(a) *Vessel entering fishery reserve or closed areas.*—Any vessel, licensed or unlicensed, entering fishery reserve or closed area by proclamation of the Governor-General or the President of the Philippines or administrative order, for the purpose of fishing shall be fined in a sum not exceeding one hundred pesos.

(b) *A vessel fishing or continuing to fish after the expiration of the license.*—A vessel continuing to fish within sixty days from the date of expiration of the license shall pay the ordinary annual license fee in full. A vessel fishing or continuing to fish without having procured the renewal of the license therefor shall be fined in a sum not exceeding fifty pesos for every month the license remains not renewed from the last renewal should have been secured.

(c) *Vessel on which unlicensed fishermen are employed.*—A vessel found using or employing unlicensed fishermen shall be fined in a sum not less than five nor exceeding ten pesos for each fisherman and for each month such fisherman is employed.

(d) *Obstruction of boarding officer.*—If the master, owner, or operator of any vessel unlicensed or licensed in accordance with the provisions of section eighteen of this Act, obstructs or hinders any fish and game officer in lawful going on board such vessel for the purpose of carrying into effect any of the provisions of this Act or the regulations promulgated thereunder or shall intentionally cause any such officers to be obstructed shall be fined in the amount not exceeding one hundred pesos and the license may be cancelled.

(e) *Failure to submit required reports.*—If the owner or operator, or the authorized agent of any vessel licensed under section eighteen of this Act fails to submit a required report within thirty days from the time it is last due, he shall be fined in a sum not exceeding five pesos.

(f) *Failure to renew fisherman's license.*—If a fisherman fails to renew within sixty days from the expiration thereof the license granted in accordance with section twenty-two of this Act or return same within that period, he shall be fined in the amount not less than one nor exceeding two pesos.

(g) *Transfer of ownership or lease shall be reported.*—The owner and operator of a commercial fishing boat licensed in accordance with section eighteen of this Act, transferring or leasing such boat shall report the transfer or lease within ten days to the Director of the Bureau or office concerned, otherwise he shall be fined in the amount not exceeding ten pesos.

(h) *Vessel engaging in fishing without license.*—Any vessel engaging in fishing, without having procured the requisite license therefor, shall be fined in a sum not exceeding two hundred pesos for each month of operation without license.

(i) *Other violations.*—Violations not herein above provided may be compromised as each case may warrant upon the recommendation of the official or chief of the Bureau, office, or service concerned, but in no case shall the

fine be less than ten per centum of the amount of the fine prescribed therefor, either in the law or regulation.

(j) *Court action.*—Action in accordance with section seventy-eight or other penal provisions of this Act shall be taken if the official or chief of the Bureau, Office or service concerned or the Secretary of Agriculture and Commerce decides. (As amended by C. A. 471-1.)

Sec. 81. *Penalties for illegal taking of sponges.*—(a) Any person who shall fish, collect, gather, sell, exchange, ship or export sponges in violation of the provisions of Article VII of this Act shall be liable to prosecution and upon conviction shall suffer the penalty of a fine of not less than twenty pesos and not more than five hundred pesos for each offense, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

(b) In case any association or corporation shall violate or cause to be violated any provision of Article VII of this Act, such association or corporation, upon conviction thereof, shall be punished by a fine of not less than one hundred pesos and not more than one thousand pesos for each offense, and any person, member, or employee of any association or corporation who shall violate or cause to be violated any provision of said article, or shall aid, abet, or assist in such violation, or shall voluntarily permit the same, upon conviction thereof, shall be punished by a fine not exceeding five hundred pesos for each offense, or by imprisonment not exceeding six months, or by both, such fine and imprisonment, in the discretion of the court.

(c) Any person found taking commercial sponges of less than ten centimeters through any diameter from the waters of the Philippine Islands, except for purposes of sponge culture within Philippine waters, shall, in addition to the penalties provided in this section, suffer the penalty of forfeiture of the concession and confiscation by the Gov-

ernment of the entire shipment in which found.

Sec. 82. *Failure to report kind and quantity of fish caught.*—Willful failure by any licensed fisherman to render a report of the kind and quantity of fish caught, as provided in section seven-tv-two of this Act, shall subject the offender to the payment of a fine of not less than ten nor more than one hundred pesos for each offense, and to the revocation or cancellation of his license. (As amended by C. A. 471-1.)

Sec. 83. *Other violation.*—Any other violation of the provisions of this Act or of any rules and regulations promulgated thereunder shall subject the offender to 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.

#### CHAPTER VI

#### FINAL PROVISIONS

ARTICLE XV.—*Effectiveness of this Act*

Sec. 84. *Repealing clause.*—All acts, administrative orders and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed.

Sec. 85. *Date of taking effect.*—This Act shall take effect on its approval. Approved, December 5, 1932.

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#### EXECUTIVE . . .

(Continued from page 510)

PROVINCIAL OR MUNICIPAL NURSERIES, POLICY ON ESTABLISHMENT THEREOF.—As a matter of policy, this Office is not in favor of establishing provincial or municipal nurseries on borrowed money, especially if there is no assurance of a continuing financial support from year to year for their proper maintenance and operation. It is essential that such nurseries be financed locally as the national government is not in a position to provide funds for them.—7th Ind., March 10, 1947, of Undersecretary of Agriculture and Commerce to the Sec. of the Int. (Case of Alimodian, Iloilo.)

## THE FIVE FREEDOMS

FRANKLIN D. ROOSEVELT listed five objectives which must be realized before permanent world peace would be assured.

1. Freedom from fear, so that people will not be afraid of being bombed from the air or attacked by another nation. That, he said, means removal of the weapons which cause fear, or disarmament.

2. Freedom of information. That is important, Mr. Roosevelt asserted, because the whole country must be able to get news of what is going on in every part of the country and in every part of the world, without censorship. He said that it meant not freedom of the press alone but freedom of every means of distributing information and that without it there could not be a stable world.

3. Freedom of religion. Under democracies, the President said, this freedom has been maintained fairly well but not in countries living under other systems of government.

4. Freedom of expression. A person should be free to voice his opinions, the President said, so long as he does not advocate overthrow of his government.

5. Freedom from want. That must be accomplished, Mr. Roosevelt declared, by removal of cultural and commercial barriers between nations.

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#### RIZAL ON . . .

(Continued from page 503)

others. Which of the two is older? Are both branches of one trunk no longer existing? This is what I shall investigate because I greatly distrust the Malay.

Loleng (Blumentritt's daughter) would find Spanish more beautiful. It is more natural and more useful than the Tagalog. The continuous reduplications of word-forms in certain tenses uglify our language. But when well spoken, the Tagalog can be just as good as any other language. It has a wealth of words for the feelings and actions of ordinary life.—Rizal in his letter to Prof. Blumentritt from Dapitan, February 15, 1893.