

Implementing Rules and Regulations (IRR)
ARMM Aquatic and Fisheries Code of 1999 (MMA ACT NO. 86)
Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES

**DEPARTMENT OF AGRICULTURE AND FISHERIES
ADMINISTRATIVE ORDER NO. 01
Series of 2006**

**IMPLEMENTING RULES AND REGULATIONS PURSUANT TO MUSLIM MINDANAO
AUTONOMY ACT 86, OTHERWISE KNOWN AS THE ARMM AQUATIC AND FISHERIES
CODE OF 1999 (“AN ACT PROVIDING FOR AN AQUATIC AND FISHERIES CODE OF THE
AUTONOMOUS REGION IN MUSLIM MINDANAO APPROPRIATING FUNDS THEREFORE,
AND FOR OTHER PURPOSES”)**

ARTICLE I

TITLE AND COVERAGE

SECTION. I. TITLE - This Act Shall be known and cited as the “ARMM Aquatic and Fisheries Code of 1999.”

Rule 1.1 Title. – These Rules shall be known and cited as the Implementing Rules and Regulations (IRR) of the ARMM Aquatic and Fisheries Code of 1999.

Rule 1.2 Purpose. – These Rules are promulgated to prescribe the procedures and guidelines for the implementation of the ARMM Aquatic and Fisheries Code of 1999, to facilitate compliance therewith and achieve its objectives, and to provide funds therefore.

SECTION. 2. COVERAGE. – The provisions of this Code shall be enforced in:

ARMM waters which shall extend to offshore fishing grounds, up to and including all waters twenty-two and one-half (22 ½) kilometers from its coastline but inside the territorial waters of the Philippines, regardless of depth, the sea bed and the subsoil that are included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the ARMM touch the sea at low tide and third line parallel to the general coastline;

All fisheries and aquatic resources whether inland, coastal or offshore including, but not limited to, fishponds and fish pens/cages; and

All lands, lakes, bays, gulfs, coves, rivers and their tributaries devoted to aquaculture or business and activities relating to fishery, whether private or public lands.

Rule 2.1 Coverage. – The Regional Department, through RBFAR, in cooperation with concerned agencies, shall have the sole responsibility and jurisdiction in the management, conservation, development, protection, utilization and disposition of all fisheries and aquatic resources of the ARMM, within the

coverage of MMAA 86, except municipal waters. However, in municipal waters the Regional Department through RBFAR may coordinate with and assist the LGUs, FARMCs, and other government agencies concerned in the development, conservation, protection, utilization and management of fisheries and aquatic resources.

Rule 2.2 The Regional Department through RBFAR shall recognize the Joint Memorandum Order jointly issued by the Department of Agriculture-National and the Department of Environment and Natural Resources-National clarifying their respective jurisdictions and authorities on the management of fisheries resources.

ARTICLE II

DECLARATION OF POLICY AND OBJECTIVES

SECTION.3. DECLARATION OF POLICY. - It is hereby declared the policy of the Autonomous Region in Muslim Mindanao:

- a. To achieve food security as the overriding consideration in the management, development, and utilization of fisheries and aquatic resources in order to provide the food requirement of the people;
- b. To limit access to the fisheries and aquatic resources for the exclusive use of Filipinos, preferably the ARMM residents;
- c. Ensure the rational management, sustainable development and intensified conservation of the fishery and aquatic resources in ARMM to maintain sound ecological balance of the environment;
- d. To protect the rights of fisherfolk in the preferential use of the municipal waters, shall be based on Maximum Sustainable Yield (MSY) or Total Allowable Catch on the basis of resources and ecological conditions;
- e. To provide support to the fishery sector, primarily to the municipal fisherfolk, through appropriate technology and research, adequate financial support, production and marketing assistance, and other services;

To manage fishery and aquatic resources consistent with the concept of an integrated coastal area management in specific natural fishery management area; and

To grant the private sector the privilege to utilize fisheries and aquatic resources under the basic concept that the grantee, licensee or permittee thereof shall not only be a privileged beneficiary of the State but also an active partner in the management development protection and disposition of fisheries and aquatic resources.

SECTION 4. OBJECTIVES. – The ARMM shall ensure the attainment of the following objectives;

Poverty alleviation and the provision of supplementary livelihood among municipal fisherfolk;
Improvement of productivity of aquaculture and seaweeds industry within ecological limits;

Modernization of fishery sector by transforming it from a resource-based to a technology-based industry;

Equitable access on small fisherfolk to assets, resources, services and post-harvest facilities;
and Promotion of people empowerment by establishing mechanisms for the participation of people's organization, non-government organizations, and cooperatives in decision-making.

ARTICLE III

DEFINITION OF TERMS

SECTION 5. DEFINITION OF TERMS. – As used in this Code, the following terms are hereby defined:

1. ***Ancillary Industries*** – companies related to the supply, construction and maintenance of fishing vessels, gears, nets and other fishing paraphernalia; fishery machine shops; and other facilities such as hatcheries, nurseries, feed plants, cold storage/refrigeration, processing plants and other pre-harvest and post harvest facilities.
2. ***Appropriate Fishing Technology*** – adaptable technology, both in fishing and ancillary industries, that is ecologically sound, locally source-based and labor intensive.
3. ***Aquaculture*** – fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.
4. ***Aquatic Pollution*** – the introduction by human or machine, directly or indirectly, of substances or energy to the aquatic environment which is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other marine litters, discharge of petroleum or residual products of petroleum or carbonaceous materials/substances and other radioactive, noxious or harmful liquid, gaseous or solid substances, from any water, land or air transport or other human-made structure. Deforestation, unsound agricultural practices such as the use of banned chemicals and excessive use of chemicals, intensive use of artificial fish feed, and wetland conversion, which cause similar hazards and deleterious effects shall also constitute aquatic pollution.
5. ***Aquatic resources*** – includes fish, all other aquatic flora and fauna and other living resources of the aquatic environment, including but not limited to salt and corals.
6. ***ARMM*** - is an acronym for the Autonomous Region in Muslim Mindanao.

7. **Artificial Reefs** – any structure of natural or man-made materials placed on a body of water to serve as shelter and habitat, source of food, breeding areas for fishery species and shoreline protection.
8. **Catch Ceilings** – the annual catch limits allowed to be taken, gathered or harvested from any fishing area in consideration of the need to prevent overfishing and harmful depletion of breeding stocks of aquatic organism.
9. **Closed Season** – the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas.
10. **Coastal Area / Zone** – is a band of dry land and adjacent ocean space in which terrestrial processes and uses directly affect oceanic processes and uses, and vice versa. Its geographic extent may include areas within a landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobar.
11. **Commercial Fishing** – the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 - a. Small scale commercial fishing – fishing with passive or active gear utilizing vessels or 3.1 gross tons (GT) up to 15 gross tons, (GT);
 - b. Medium scale commercial fishing – fishing utilizing active gears and vessels of 15.1 GT up to 100 GT; and
 - c. Large scale commercial fishing - fishing utilizing active gears and vessels of more than 100 GT.
12. **Commercial scale** – a scheme of producing a minimum harvest per hectare per year of milkfish or other species in consultation with the concerned sectors shall be determined by the Regional Department
13. **Coral** – the hard calcareous substance made up of the skeleton of marine coelenterate polyps which include reefs, shelves and atolls or any of the marine coelenterate animals living in colonies where their skeletons form a stony mass.
They include:
 - skeletons of anthozoan coelenterates characterized as having rigid axis of compact calcareous or horny spicules, belonging to the genus corallium as represented by the red, pink and white corals which are considered precious;
 - skeletons of anthozoan coelenterates characterized by thorny, horny axis such as antipatharians represented by black corals which are considered semi-precious; and ordinary corals that are neither precious nor semi-precious.
14. **Coral Reef** – a natural aggregation of coral skeleton, with or without living coral polyps, occurring in intertidal and subtidal marine waters.
15. **Demarcated areas** – boundaries defined by markers and assigned exclusively to specific individuals or organizations for certain specified and limited uses such as:

Aquaculture, sea ranching and sea farming;
Fish aggregating devices;
Fixed and passive fishing gears; and
Fry and fingerling gathering.

16. **Electrofishing** – the use of electricity generated by batteries, generators and other source of electric power to kill, disable or render unconscious fishery species, whether or not the same are subsequently recovered.
17. **Endangered, Rare and/or Threatened Species** – aquatic plants, animals including some varieties of corals and sea shells in danger of extinction as provided for in existing fishery laws, rules and regulations or in the protected area of the Department of Environment and Natural Resources- ARMM and in the Convention of the International Trade of Endangered Species of Flora and Fauna (CITES).
18. **Fine Mesh Nets** – net with mesh size of less than three centimeters (3 cm.) measured between two (2) opposite knots of a full mesh when stretched or as otherwise determined by the appropriate government agency.
19. **Fish Cage** – an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in a place by wooden/bamboo posts or various types of anchors and floats.
20. **Fish Fingerlings** – a stage in the life cycle of the fish measuring to about 6-13 cm. depending on the species.
21. **Fish Fry** – a stage, which a fish has just been hatched usually with, sizes from 1cm to 2.5cm.
22. **Fishery/Aquatic Products** – include not only finfish but also mollusk, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
23. **Fish Coral or “Baklad”** – a stationary weir or trap devised to intercept and capture fish consisting of rows of bamboo stakes, plastic nets and other materials fenced with split bamboo or wire matting with one or more enclosures, usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers, purse or bags.
24. **Fish pen** – an artificial enclosure constructed within a body of water for culturing fish and fishery/aquatic resources made up of poles closely arranged with wooden materials, screen or nylon netting to prevent escape of fish.
25. **Fisherfolk** – people directly or personally and physically engaged in taking and/or culturing and processing fishery and/or aquatic resources.
26. **Fisherfolk Cooperative** – a duly registered association of fisherfolk with a common interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contribution to the capital requirement and accepting a fair share of the risks and benefits of the undertakings.

27. **Fisherfolk Organizations** – an organized group, association federation, or alliance of fisherfolk which has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.
28. **Fisheries** – all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof.
29. **Fish Pond** – a land-based facility enclosed with earthen or stone material to impound water for growing fish.
30. **Fishing Boat/Gear License** – a permit to operate specific types of fishing boat/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources.
31. **Fishery Management Areas** – a bay, gulf, lake or any other fishery area, which may be, delineated for fishery resource management purposes.
32. **Fishery Operator** – one who owns and provides the means including land, labor, capital, fishing gears and vessels, but does not personally engage in fisheries.
33. **Fishery Refuge and Sanctuaries** – a designated area where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.
34. **Fishery Reserve** – a designated area where activities are regulated and set-aside educational and research purposes.
35. **Fishery Species** – all aquatic flora and fauna including, but not restricted to fish, algae, coelenterates, mollusks, crustaceans, echinoderms and cetaceans.
36. **Fishery Gear** – any instrument or device and its accessories utilized in taking fish and other aquatic resources, classified into:
 - a) Active fishing gear – characterized by gear movements, and/or the pursuit of the target species by towing, lifting, and pushing the gears, surrounding, covering, dredging, pumping and scaring the target species to impoundments, such as, but not limited to, trawl, purse seines, Danish seines, bag nets, paaling.
 - b) Passive fishing gear –characterized by the absence of gear movement and/or the pursuit of the target fish, such as, but not limited to hook and line, fish pots, traps and gill nets across the path of the fish.
37. **Fishing Vessel** – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one or more vessels in the performance of any activity relating to fishing, including, but not limited to, supply, storage, refrigeration, and/or processing.
38. **Fishworker** – a person regularly or not regularly employed in commercial fishing and

related industries, whose income is either in wage, profit-sharing stratified sharing basis, including those working in fish pens, fish cages, fish corrals, fishponds, prawn farms, sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants. Excluded from this category are administrators, security guards and overseers.

39. **Fishing with Explosives** – the use of dynamite, other explosives or other chemical compounds that contain combustible elements which upon by ignition by friction, concussion, percussion or detonation of all or parts of the compound, will kill, disable or render unconscious any fishery species. It also refers to the use of any other substance and/or device which causes an explosion that is capable of producing the said harmful effects on any fishery species and capable of damaging and altering the natural habitat.
40. **Fishing with Noxious or Poisonous Substances** – the use of any substance, plant extracts or juice thereof, sodium cyanide and/or cyanide compounds or other chemicals either in a raw or processed form, harmful or harmless to human beings, which will kill, disable or render unconscious any fishery species and capable of damaging and altering the natural habitat.
41. **Food Security** – any plan, policy or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. It may be achieved through self-sufficiency (i.e. ensuring adequate food supplies from domestic production), through self-reliance (i.e. ensuring adequate food supplies through a combination of domestic production and importation), or through pure importation.
42. **Gross Tonnage** – includes the under deck tonnage, permanently enclosed spaces above the tonnage deck, except for certain exemptions. In broad terms, all the vessel's closed-in spaces expressed in volume terms on the basis of the one hundred cubic feet (equals one gross ton).
43. **Inland Fishery** – the freshwater and brackish water fishponds, fish cages, fish pens and fish traps.
44. **Lake** – an inland body of water, an expanded part of a river, reservoir formed by a dam, or a lake basin intermittently or formerly covered by water.
45. **Mangroves** – a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps.
46. **Maximum Sustainable Yield (MSY)** – the largest average quantity of fish that can be harvested from a fish stocks/resource within a period of time (e.g one year) on a sustainable basis under existing environmental conditions.
47. **Migratory species** – any fishery species which in course of their life could travel from freshwater to marine water or vise versa, or any marine species which travel over great distances in the ocean as part of their behavioral adaptation for survival and speciation, classified into:

Anadromous species – marine fishes that migrate to freshwater areas to spawn;
Catadromous species – freshwater fishes that migrate to marine areas to spawn.

48. **Municipal Fishing** – fishing within municipal water using fishing vessel of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.
49. **Municipal Waters** – include not only streams, lakes, inland bodies of water and tidal waters within the municipality except protected areas defined under the Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and third line parallel with the general coastline including offshore islands and twelve (12) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than twenty (20) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.
50. **Non-governmental Organization (NGO)** – an agency, institution, a foundation or a group of persons whose purpose is to assist people's organizations in various ways including, but not limited to, organizing, education, training, research and resource accessing.
51. **Payao** – a fish-aggregating device consisting of a floating raft anchored by a weighted line with and suspended materials such as palm fronds to attract pelagic and schooling species common deep waters.
52. **Pearl Farm Lease** – public waters leased for the purpose of producing cultured pearls.
53. **People's Organization (PO)** – a bonafide association of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Its members belong to sector, which voluntarily bands themselves together to work for and by themselves for their own upliftment, development and greater good.
54. **Post-harvest facilities** – include, but are not limited to fish port, fish landing, ice plants/ cold storages, and fish processing plants.
55. **Purse Seine** – a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
56. **RBFAR** – refers to Regional Bureau of Fisheries and Aquatic Resources.
57. **Regional Department** – the Department of Agriculture and Fisheries in the ARMM.
58. **Sea Farming** – stocking of natural or hatchery-produced marine plants or animals, under controlled or natural conditions for purposes of rearing and harvesting.
59. **Sea Ranching** – release of the young of fishery species reared in hatcheries and nurseries into natural bodies of water for subsequent harvest at maturity or the manipulation of fishery habitat, to encourage the growth of the wild stocks.

60. **Superlight** – also called magic light, is a type of light using halogen or metal halide bulb which may be located above the sea surface or submerged in the water. It consists of a ballast, regulator, electric cable and socket, and its energy comes from a generator, battery or dynamo coupled with the main engine.
61. **Total Allowable Catch** – the maximum harvest allowed to be taken during a given period of time from any fishery area, or from any fishery species or group of fishery species, or a combination of area and species and normally would not exceed the MSY.
62. **Trawl** – an active fishing gear consisting of a bag shaped net with or without outer boards to open its opening which is dragged or towed along the bottom/mid-water or through the water column to take fishery species by straining them from the water.

Rule 5.1 Additional Terms. – Additional terms and their definitions as used in this IRR but not included in Section 5 of MMA 86 are as follows:

Coastline – refers to the outline of the mainland shore touching the sea at mean lower lowtide;

Director – refers to the Director of the Regional Bureau of Fisheries and Aquatic Resources;

Endangered species – inland and marine species considered endangered as listed under FAO and DENR circulars.

Fishing Industry – refers to an industry relating to catching, growing, harvesting, processing, marketing, developing, conserving and managing of fisheries and aquatic resources.

Foreign Aquatic Species – refers to any aquatic resources not indigenously found in Philippine waters;

Health hazard – refers to any biological, chemical contamination or physical agent that has adverse effects on human or aquatic organisms;

Rare Species – refers to species and sub-species of aquatic organism found in unusual small number in specialized areas or habitat in the country;

Threatened Species - refers to species and sub-species or aquatic organisms, which have reached critical level of depletion and are threatened with extinction;

Archipelagic Doctrine – refers to the principle where appropriate points are set along the coast of the archipelago including the outermost islands and then connect those points with straight lines;

Regional EEZ – an area beyond and/or adjacent to the municipal water which shall not extend beyond the territorial sea of ARMM as provided for by the law;

Bordering LGUs – municipalities or cities adjacent to the ARMM waters but are politically under the administrative region;

Poaching – means fishing or operating any fishing vessels in Philippine waters, committed by any other person, corporation, entity, provided that this does not include foreigners engaged in leisure or game fishing as may be defined by the Department pursuant to Section 86.1 of DAO No. 3, Series of 1998;

Transshipment - the process, in which the fish from foreign fishing vessel is unloaded, cleaned, classified and packed at the designated government-owned or controlled fish port complex, and transshipped by airfreight to other countries of destination.

Regional Waters- refers to ARMM waters which shall extend to offshore fishing grounds, up to and including all waters twenty-two and one-half (22 1/2) kilometers from its coastline but inside the territorial waters of the Philippines, regardless of depth, the sea bed and sub-soil that are included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the ARMM touch the sea at low tide and third line parallel to the general coastline;

Fisheries Management – refers to the integrated process of information gathering, analysis, planning, consultation, decision making, allocation of resources, and formulation and implementation with enforcement as necessary, of regulations or rules which govern fisheries activities in order to ensure the continued productivity of the resources.

ARTICLE IV

REGIONAL BUREAU OF FISHERIES AND AQUATIC RESOURCES

SECTION.6. Creation – The RBFAR is created by the virtue of MMAA 86 pursuant to SECTION 19, Art. XIII of R.A. No. 6734 as amended, which shall be under the Regional Department to be headed by a Director with one Assistant Director, who are both appointed by the Regional Governor in accordance with Civil Service Law.

Administrative and technical staff personnel as well as provincial and municipal offices as may be appropriate and necessary to carry out effectively and efficiently its powers and functions.

Rule 6.1 **Creation** – The RBFAR is hereby created under the Regional Department to be headed by Director II with one assistant Director I who are both appointed by the Regional Governor in accordance with Civil Service Law. The RBFAR shall establish appropriate organizational structure to carry its functions as mandated in this Code, and to provide services including but not limited to investment, financing, information, regulation, fisheries management, fish production, post harvest and marketing development, and training and extension, policy and planning.

Rule 6.2 **Organizational Structure** - The RBFAR shall be headed by a Director and assisted by an Assistant Director and shall have the following divisions, to wit;

1. **Administrative and Finance Division,**
2. **Planning, Monitoring and Evaluation Division,**
3. **Extension, Communication and Training Services Division and,**

4. Fisheries Resource Management Division.

A Legal Unit shall be created under the Office of the Director. The Regional Fisheries Research and Development Center (RFRDC) shall be created under the Office of the Director. The RBFAR shall have demonstration fish farms and nurseries, such as but not limited to; Marantao Freshwater Demonstration Fish Farm and Nursery and DOS Freshwater Demonstration Fish Farm and Nursery, Lanao Limnological Station and shall have technology demonstration center such as; Fish Pen Technology Demonstration Project and Marine Cage Project.

Rule 6.3 Provincial and Municipal Fisheries Office. – RBFAR shall establish Provincial Fisheries Office in each province which shall be headed by Provincial Fishery Officer. Municipal Fisheries Office shall be established which shall be headed by a Municipal Fishery Officer , as may be appropriate and necessary;

Rule 6.4 Director – The position item of the Director for Operation in the Regional Department holding the position of Director II shall be automatically be appointed as the Director for RBFAR.

Rule 6.5 Transfer of Assets – The Regional Department Secretary shall issue an Administrative Order specifying those assets, resources and personnel, which shall form the interim RBFAR.

SECTION.7. Powers and Functions – The RBFAR shall have the following powers and functions: Prepare and implement a Comprehensive Regional Fisheries Development Plan;

Formulate and implement a Fishery Research and Development Program, such as, but not limited to, sea farming ranching, tropical/ornamental fish and seaweed culture, aimed at increasing resources productivity and ensuring sustainability of the region's fisheries and aquatic resources;

Establish and maintain a Comprehensive Fishery Information System;

Provide extensive development support services in all aspects of fisheries including the maintenance of proper sanitation and hygienic in fish markets and fish landing areas;

Implement an inspection system for import and export of fishery/aquatic products and fish processing establishments consistent with international standards to ensure product quality and safety;

Coordination with LGUs and other concerned agencies for the establishment of productivity enhancing and market development programs in fishing communities;

Enforce all fishery laws, rules and regulations and settle conflicts or resource use and allocation in coordination with the LGU, RFARMC, IFARMC and M/CFARMC;

Develop value-added fishery/aquatic products for domestic consumption and export;

Recommend measures for the protection/enhancement of the fishery industry;

Assist the LGUs in developing their technical capability in the development, management, conservation, and protection of the fishery/aquatic resources;

Issue license for the operation of commercial fishing vessels and authorize the movement of trade of fishery/aquatic products and collect fees prescribed by the law and regulations;

Perform such other related functions which shall promote the development, management, protection and conservation of fisheries and aquatic resources.

Rule 7.1 **The Regional Department through RBFAR shall create a Technical Working Group (TWG) six (6) months after the effectivity of this IRR for the preparation of the Comprehensive Regional Fisheries Development Plan**

Rule 7.2 **The Regional Department through RBFAR shall establish a Comprehensive Fisheries Information System one (1) year from the effectivity of the IRR.**

Rule 7.3 **Comprehensive Fisheries Information System. – Establish a comprehensive information network system two (2) years from the effectivity of this IRR at the provincial levels, in cooperation with other concerned agencies, for collection, storage and retrieval of fisheries data;**

ARTICLE V

FISHERIES AND AQUATIC RESOURCES MANAGEMENT COUNCIL

SECTION. 8. Creation of Fisheries and Aquatic Resources Management Councils (FARMCs). – The FARMCs shall be created in the regional level and in all municipalities/cities abutting municipal waters as defined by this Code. The FARMCs shall be formed by fisherfolk organizations/cooperatives and NGOs in the locality and be assisted by the LGUs and other government entities. Before organizing FARMCs, the LGUs, NGOs, fisherfolk, and other concerned POs shall undergo consultation and orientation on the formation of FARMCs.

Rule 8.1 **Creation of FARMCs - The FARMCs shall be created in the regional level and in all municipalities/cities and barangays abutting municipal waters as defined by this Code, pursuant to Fisheries Administrative Order No. 196.**

SECTION.9. Regional Fisheries and Aquatic Resources Management Council. – The Regional Fisheries and Aquatic Resources Management Council (RFARMC) shall be composed of the following:

Regional Secretary of the Department of Agriculture and Fisheries (DAF-ARMM) – Chairman;

Chairperson of the Committee on Agriculture, & Fisheries Regional Legislative Assembly (RLA)
– Member;

Regional Secretary of the Department of Environment & Natural Resources (DENR-ARMM)
– Member;

Regional Secretary of the Department of Interior & Local Government (DILG-ARMM)
– Member;

Regional Director of the RBFAR – Member;

Three (3) representatives of the fisherfolk and fishworkers – Members;

Three (3) representatives of commercial fishing and aquaculture operators and the processing sectors – Members;

One representative from the Academe – Member; and

One representative for the NGOs involved in fisheries – Member.

The members of RFARMC, except the representatives of DAF-ARMM, DENR-ARMM, DILG-ARMM, RLA and RBFAR, shall be appointed by the Regional Governor upon the recommendation of their respective organization for a term of three (3) years without reappointment.

The RFARMC shall adopt its own rules in the conduct of its proceedings, and shall be assisted by a secretariat with staff members from among the qualified employees of DAF-ARMM and RBFAR.

Rule 9.1 **Selection of RFARMC Representatives – Appointment of members of RFARMC shall occur immediately after the oath-taking of the Regional Governor.**

Rule 9.2 **Representatives of fisherfolk, commercial fishing, aquaculture operators, processing sectors, academe and NGOs shall be appointed upon endorsement by the Regional Secretary through RBFAR Director.**

Rule 9.3 **Representatives shall be nominated by their respective Associations or Organizations, which are duly registered with or accredited by SEC, CDA or other accrediting agencies. Representatives shall be certified members and a resident of ARMM for at least two (2) years.**

SECTION. 10. Functions – the RFARMC shall have the following functions:

Assist in the formulation of regional policies on fisheries and aquatic resources for approval of the Regional Governor;

Assist in the preparation of the Comprehensive Regional Fisheries Development Plan;

Recommend to the RLA the enactment of fishery laws; and

Perform such other functions as may be provided by law.

SECTION 11. Municipal/City Fisheries and Aquatic Resources Management Council (M/CFARMC). – The M/CFARMC shall be composed of the following:

Municipal/City Planning and Development Officer;

Chairperson, Committee on Agriculture and Fisheries, Sangguniang Bayan/Panglungsod;

Municipal/City Agriculturist/Fishery Officer;

One representative from the accredited Non-Government Organization;

One representative from the Regional Department; and

Eight (8) fisherfolk representatives of fisherfolk: five (5) municipal fisherfolk, one fishworker and two commercial fishers,

The Council shall adopt rules and regulations necessary to govern its proceedings and election.

Rule 11.1 In the absence of the Committee on Agriculture and Fisheries in the Sanggunian Bayan/Panglungsod concerned, the chairperson of the Committee on Environment and Natural Resources or any other committee therein shall be named the member of M/C FARMC upon the recommendation of the Sanggunian Bayan/Panglungsod. However, in the event that the Committee on Agriculture and Fisheries is created, the chairperson shall automatically assume regular membership of the M/C FAMRC.

Rule 11.2 Representatives of fisherfolk, commercial fishers, fishworkers, shall be appointed by the local chief executive as member of the M/CFARMC. These representatives shall be nominated by their respective Associations or Organizations, which are duly registered with or without accredited by concerned municipality/city and a resident therein for at least six (6) months.

SECTION 12. Functions. – The M/CFARMC shall have the following functions:

Assist in the preparation of the Municipal/City Fisheries Development Plan and submit such plan to the Municipal/City Planning and Development Council;

Assist in the enforcement of fishery laws, rules and regulations in municipal waters;

Advise the sangguniang bayan/sangguniang panglungsod on fishery matters and recommend the enactment of fishery ordinances; and

Perform such other functions, which may be assigned by the sangguniang bayan/panglungsod.

SECTION 13. Integrated Fishery and Aquatic Resources Management Council (IFARMC). – The IFARMC shall be created in bays, gulfs, lakes, rivers and dams bounded by two (2) or more municipalities/cities, with the following composition:

Chairpersons of the Committees on Agriculture/Fisheries of the concerned sangguniang bayan/panglungsod;

Municipal/City Agriculturists/Fishery Officers of the concerned municipalities/cities;

Municipal/City Planning and Development Officers of the concerned municipalities/cities;

Two (2) representatives from NGO.

Two (2) representatives from the academe; and

At least seven (7) representatives from the fisherfolk, fishworker and commercial fishers. The Council shall adopt its own rules and regulations to govern its proceedings and election.

SECTION 14. Functions. – The IFARMC shall have the following functions:

Assist in the preparation of the Integrated Fisheries Development Plan and submit such plan to the concerned Municipal/City Planning and Development Councils;

Assist in the enforcement of fishery laws, rules and regulations in concerned municipal waters;

Advise the concerned sangguniang bayan/panlungsod on fishery matters and recommend the enactment of integrated fishery ordinances; and

Perform such other functions, which may be assigned by the concerned sangguniang bayan/panlungsod.

SECTION 15. Source of Funds. – A separate fund for the RFARMC, M/CFARMC and IFARMC shall be established and administered by the Regional Department from its regular annual budgetary appropriations.

ARTICLE VI

MANAGEMENT, DEVELOPMENT, PROTECTION AND DISPOSITION OF FISHERIES AND AQUATIC RESOURCES

SECTION 16. Use of ARMM Waters. – The use and exploitation of fisheries and aquatic resources in ARMM waters shall be reserved exclusively to Filipinos with preference to ARMM residents: Provided, however, That research and survey activities may be allowed under strict regulations for purely scientific, technological and educational purposes that would also benefit Filipinos.

Rule 16.1 **Research, Scientific, Technological and Educational Activities.** – The Regional Governor upon the recommendation of the Regional Secretary through the Director of RBFAR may issue the Regional Fisheries Administrative Order (RFAO) on regulations of research, scientific, technological, Educational, and survey activities that maybe undertaken by non-Filipinos.

SECTION 17. Fees and Other Fishery Charges. – The rentals for fishpond areas covered by the Fishpond Lease Agreement (FLA) and fees for Commercial Fishing Boat Licenses, except Commercial Fishing Boat of 3 gross tons or less, shall be set by the Regional Department at levels that reflect resource rent accruing from the utilization of resources: Provided, That the Regional Department shall also prescribe fees and other fishery charges and issue the corresponding license or permit fishing gear, fishing accessories and other fishery activities

beyond the municipal waters: Provided, further, That the license fees of fishery activity in municipal waters shall be determined by the Local Government Units (LGUs) in consultation with or upon recommendation of the M/CFARMCs.

The Regional Department, through RBFAR shall:

- Rule 17.1 Fees and Other Fishery Charges. – Determine rentals for fishpond areas covered by the Fishpond Lease Agreement and license fees for Commercial Fishing Vessel License (CFVL) at levels that reflect resource rent accruing to the utilization of resource based on estimates from economic studies or best available evidence of economic rent; fees and other charges for gear, accessories and other fishery charges shall be based on rates sufficient to cover administrative costs;**
- Rule 17.2 Rentals for Fishpond Areas. – Issue within one (1) year from the effectivity of this IRR, the appropriate Regional Fisheries Administrative Order (RFAO), prescribing the rental rates for fishpond areas leased from government;**
- Rule 17.3 License Fees for Commercial Fishing Vessels. - Issue within one (1) year from the effectivity of this IRR, the RFAO prescribing the license fees for CFVLs;**
- Rule 17.4 Fees and other Fishery Charges. - Issue within one (1) year from the effectivity of this IRR, the RFAO prescribing the fees and other fishery charges for gears, accessories and other fishery activities;**
- Rule 17.5 Non-Resident CFVL Operators undertaking fishing operations within ARMM waters are required to secure Certificate of Clearance to the nearest RBFAR-ARMM office before proceeding to the fishing ground.**
- Rule 17.6 Interim Period. – Continue to charge the present license fees until the RFAO described in the preceding rules shall have been issued;**
- Rule 17.7 Technical Assistance. – Provide technical assistance to Local Government Units (LGUs) regarding regulations on fees and other fishery charges.**

SECTION 18. Access to Fishery Resources. – The Regional Department shall issue such number of licenses and permits for the conduct of fishery activities subject to the limits of the MSY of the resource as determined by scientific studies of best available evidence.

The Regional Department, through RBFAR shall:

- Rule 18.1 Determination of MSY and TAC. – Determine, within three (3) years from effectivity of this IRR and every three (3) years thereafter, through continuous stock assessment studies an estimate of the MSY and TAC of major fishes, including but not limited to large pelagic, small pelagic, reef and demersal fisheries, for the entire ARMM and for each major fishing area;**

- Rule 18.2** **Coordination with Concerned Agencies.** – Coordinate with the Bureau of Agricultural Statistic (BAS), Philippine Fisheries Development Authority (PFDA), LGUs and other agencies to ensure that the catch and effort statistics collected by the said agencies shall be in accordance with the data requirement of BFAR;
- Rule 18.3** **Inventory of Commercial Fishing Boats.** – Conduct and complete within one (1) year from the effectivity of this IRR, an inventory of all Commercial Fishing Boats and Gears and their areas or operation;
- Rule 18.4** **Determination of the Number of Licenses.** – Based on the MSY and TAC estimate or best available evidence, determine the number of licenses to be used for commercial fishing boats for each major fisheries, major fishing area, by vessel size categories, and by type fishing gear and corresponding catch quota for each fishing boat: Provided, however, fishing boats used to support fish production such as carriers, skiff boats, lightboats and sonar boats are included under this limitations;
- Rule 18.5** **Priority Rights of Present Licenses.** – Grant priority rights in the allocation of licenses to present Commercial Fishing Vessel License (CFVL) holders for renewal of license, provided that there is no record violation of the terms and conditions of the license;
- Rule 18.6** **Preferential Allocation for Large Vessels.** – Accord preference in the allocation of Commercial Fishing Vessel License (CFVL) to large fishing vessels to encourage fishing in the ARMM waters
- Rule 18.7** **Criteria for Licensing of Small and Medium Commercial Fishing Vessels.** – Undertake and complete within two (2) years from the effectivity of this IRR, an extensive evaluation study of the technical capability of small and medium commercial fishing vessels to fish beyond the municipal waters; and based on the findings of such study, define the criteria for granting licenses to these small and medium-size commercial vessels.

SECTION 19. Catch Ceiling Limitations. – For conservation or ecological purposes, the Regional Governor upon the recommendation of the RFARMC may prescribe limitations or quota on the total quantity of fish captured, for a specified period of time and specified area based on the best available evidence. Such a catch ceiling may be imposed per species of fish, whenever necessary and practicable: Provided, however, That in municipal waters and fishery management areas, catch ceilings may be prescribed upon the concurrence or recommendation of the concerned LGU in consultation with the M/FARMC; and in waters under the jurisdiction of special agencies, catch ceilings may be established with the concurrence or recommendation of such special agencies.

- Rule 19.1** **Catch Ceiling.** – The Regional Governor upon recommendation of the RFARMC may issue appropriate RFAO, based on the results of stock assessment studies, biological studies or best available evidence and estimate of MSY, the necessary total catch ceiling limitation for each major fishery and/or specific fishing area, duly certified by the RBFAR Director;

Rule 19.2 Catch Ceiling in Municipal Waters. – The Regional Governor may prescribe catch ceiling in specified municipal waters or fisheries management areas and waters under jurisdiction of special agencies, based on the results of stock assessment studies, biological studies or best available evidence and estimate of MSY, the necessary total catch ceiling limitation for each major fishery and/or specific fishing area, duly certified by the RBFAR Director;

SECTION 20. Establishment of Closed Season. – The Regional Governor upon the recommendation of the RFARMC may declare, through public notice in two (2) newspapers of regional circulation or in public service announcements, whichever is applicable, at least five (5) days before the declaration, a closed season in any or all ARMM waters outside the boundary of municipal waters for conservation and ecological purposes. The Regional Governor may include waters under the jurisdiction of special agencies, municipal waters, fishery management areas, and other areas reserved for the use of the municipal fisherfolk in the coverage of the closed season upon the concurrence or recommendation of such special agency and the concerned LGU in consultation with the M/CFARMC, as the case may be: Provided, That the LGU in consultation with or upon the recommendation of the M/CFARMC may establish closed season in municipal waters, fishery management areas and other areas reserved for the use of the municipal fisherfolk, for conservation or ecological purposes.

The Regional Governor upon the recommendation of the Regional Department Secretary and RBFAR Director, may:

Rule 20.1 Establishment of Closed Season. - Issue the appropriate RFAO declaring a closed season regulation in a specific area, based on the results of stock assessment studies, biological studies or best available evidence;

Rule 20.2 Impact Assessment. – Issue order to conduct an impact assessment study in specific area upon the expiration of the closed season period to determine appropriate regulation.

Rule 20.3 Closed Season in Municipal Waters. – Include closed season regulations in waters under the jurisdiction of special agencies if any, municipal waters and bays, and/or other areas reserved for the use of the municipal fisherfolk upon the concurrence and approval or recommendation of such special agency and the concerned LGU and FARMC, in which case the concerned LGUs or special agencies shall, through appropriate municipal fisheries ordinance or resolution, cease to issue license/permits for fisheries activities in municipal waters and bays in closed season area, except in cases where public interest so requires the establishment of closed season, the Regional Governor may issue such declaration without the aforequoted requirements.

SECTION 21. Introduction of Foreign Aquatic Species. – No foreign finfish, mollusk, crustacean or aquatic plants shall be introduced in ARMM waters without a sound ecological, biological and environmental justification based on scientific studies and the bio-safety standard provided for by existing laws: Provided, however, That the Regional Department may approve the introduction of foreign aquatic species for scientific/research purposes.

Rule 21.1 Introduction of Foreign Aquatic Species. – No foreign aquatic species shall be introduced in inland and marine waters within the jurisdiction of the ARMM without clearance from the Regional Department through the RBFAR which shall be responsible for the determination that such introduction is of sound ecological, biological and environmental justification based on scientific studies and the bio-safety standard or is intended for scientific or research purposes.

SECTION 22. Protection of Rare, Threatened and Endangered Species. – The Regional Governor shall declare closed seasons and take conservation and rehabilitation measures for rare, threatened and endangered species, including their eggs/offspring as may be determined and identified by existing laws in concurrence with concerned government agencies.

The Regional Governor through the Regional Department Secretary and RBFAR Director shall:

Rule 22.1 Inventory. – Conduct, in coordination with concerned regional agencies, an inventory of rare, endangered and threatened aquatic species starting from the effectivity of this IRR, and thereafter, monitor and keep an updated list of such species;

Rule 22.2 Regulations. – Issue the appropriate RFAO declaring closed seasons and management measures to protect rare, threatened and endangered species.

SECTION 23. Environment Compliance Certificate (ECC). – All government agencies and private corporations that intend to undertake projects, which will affect the environment, shall be required to prepare a detailed Environmental Impact Statements (EIS) prior to undertaking such projects. The EIS shall be submitted to the DENR-ARMM for review and evaluation. No person, natural or juridical, shall undertake any development project without first securing an Environment Compliance Certificate (ECC) from the Regional Secretary of DENR-ARMM.

Rule 23.1 Regulations. – The Regional Department through RBFAR shall require all applicants in securing ECCs as required by DENR.

SECTION 24. Monitoring, Surveillance and Control of ARMM Waters. – A monitoring, surveillance and control system shall be established by the Regional Department in coordination with the LGUs, FARMCs, the private sector and other agencies concerned to ensure that the fisheries and aquatic resources in the ARMM are judiciously utilized and wisely managed on a sustainable basis and conserved for the benefit exclusively of Filipino citizens.

The Regional Department through RBFAR, shall:

Rule 24.1 Establish a Monitoring, Control and Surveillance (MCS) System at the regional and provincial levels which shall comprise the following:

The Monitoring Component consists of the collection, storage and retrieval of catch and effort data and other relevant information;

The Control Component consists of fishery legislation and ordinances, such as but not limited to licensing, catch ceiling, closed season, fish sanctuaries and other regulations provided in this IRR;

The Surveillance Component consists of fishery law enforcement activities;

Rule 24.2 **Creation of the Regional Monitoring, Control and Surveillance (MCS) Team**
– Establish an Inter-Agency MCS Team including its organizational structure and functions to be composed of RBFAR, DENR, PCG, PRO-ARMM, PNP-MariG, BID, BOC, DOJ, LGU and other concerned agencies that shall be responsible for the enforcement of the provisions relating to ARMM waters and for maintaining the overall integrity of ARMM territorial jurisdiction and its resources.

SECTION 25. Auxiliary Invoices. – All fishery/aquatic products must have an auxiliary invoice to be issued by the LGUs prior to their transport from their point of origin to their point of destination and/or export purposes upon payment of a fee to be determined by the LGUs to defray administrative costs therefore.

The Municipal/City government shall:

Rule 25.1 **Restriction.** – Issue auxiliary invoices for the transport of seaweeds, fish and fishery products except those caught in violations of this Code or are declared as health hazards as defined in this IRR: Provided, however, that the fish, fishery aquatic products and cultured pearls transported and/or unloaded by Philippine Registered fishing vessels which have not touched any point of origin within the jurisdiction of the municipal waters, issuance of auxiliary invoice shall be under the authority of RBFAR;

Rule 25.2 **Report.** – Make available to the Provincial Fishery Office (PFO) the monthly summary of auxiliary invoices issued by LGUs.

ARTICLE VII

MUNICIPAL FISHERIES

SECTION 26. Jurisdiction of Municipal/City. – The municipal/city shall have jurisdiction over municipal waters as defined in this Code and, in consultation with the M/CFARMC, shall be responsible for the management, development, protection, and disposition of all fisheries and aquatic resources therein.

The municipal/city government may, in consultation with the M/CFARMC, enact appropriate ordinances in accordance with regional fishery policy, subject to review by the sanggunian of the concerned province pursuant to MMAA Act 25.

The LGUs shall also enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipality/city council.

The management of contiguous fishery resources such as bays, which straddle several municipalities, cities or provinces, shall be done in an integrated manner and shall not be based

on political subdivisions in order to facilitate their management as single resource system. The LGUs, which share or border such resources may group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management. The IFARMC shall serve as venue for close collaboration among LGUs in the management of contiguous resources.

The Municipal/City government shall:

- Rule 26.1 Basic Municipal Fisheries Ordinance. – Shall enact a basic Municipal Fisheries Ordinance (MFO) delineating the boundaries of the municipal waters as defined in this Code and providing the rules and regulations on licensing and permits and other fisheries activities: Provided, however, that for municipalities whose waters are adjacent or contiguous international border, the delineation of boundaries of municipal waters shall be done after due consultation with the DFA and other concerned agencies;**
- Rule 26.2 License Fees. – Determine, in consultation with the FARMCs, the license fees of fisheries activities in municipal waters: Provided that the FARMC may also recommend the appropriate license fees that will be imposed;**
- Rule 26.3 Special Municipal Fisheries Ordinances. – Enact Special Fisheries Ordinances, such as but not limited to declaring special demarcated fisheries areas, closed season and environmentally critical areas and sanctuaries with technical assistance from RBFAR as maybe appropriate and necessary;**
- Rule 26.4 Consultation with the FARMCs. – Consult the FARMCs in the enactment of municipal ordinances;**
- Rule 26.5 Modified Ordinance. – Modify or amend existing municipal fisheries ordinances to conform with the MMA Act 86;**
- Rule 26.6 Overlapping Boundaries. – In coordination with Regional Department and RBFAR may seek technical assistance from NAMRIA in resolving overlapping boundaries of municipal waters;**
- Rule 26.7 Unified Fisheries Ordinance. – May formulate with other LGUs having jurisdiction over municipalities bordering bays, lakes and gulfs, a unified municipal Fisheries ordinance for an integrated resource management of the same;**
- Rule 26.8 Color Coding. – Shall design a color coding system for municipal waters, such as color code system to include identifiable markings to be carried by the municipal fishing boats;**
- Rule 26.9 Enforcement. – Enforce fishery laws, rules and regulations and fisheries ordinances in municipal waters.**

SECTION 27. Fishing Privileges in Municipal Waters. - The duly registered fisherfolk organizations/cooperatives shall have preference in the grant of fishery rights by the municipality/city pursuant to SECTION 154 of MMA Act 25.

SECTION 28. Users of Municipal Waters. – All fisheries related activities in municipal waters shall be utilized by municipal fisherfolk and their cooperatives/organizations who are listed as such in the registry of municipal fisherfolk.

The municipal or city government may pursuant to an appropriate ordinance, authorize or permit small (3.1 GT to 15 GT) and medium (15.1 GT to 100 GT) commercial fishing vessels to operate within the seven point one (7.1) to twelve (12) kilometer area from the shoreline in municipal waters, as defined herein the following are met:

No commercial fishing in municipal waters with depth less than seven (7) fathoms certified by the appropriate agency;

The use of fishing methods and gears are consistent with policies set by the Regional Department;

Prior consultation, through public hearing with the M/CFARMC has been conducted; and

The applicant vessel as well as the ship owner, employer, captain and crew have been certified by appropriate agency as not having violated this Code and environmental laws.

Rule 28.1 Guidelines. – The municipal/city government which intends to allow the entry of commercial fishing boats in 7.1 to 12 kilometers from the coastline;

Establish the boundaries of the allowable areas for commercial fishing. The concerned municipality and city government may seek the assistance of the Regional Department through RBFAR and/or National Mapping and Resource Information Authority (NAMRIA) in establishing the boundaries and isobaths depth of waters.

Conduct a public hearing in consultation with FARMCs to present the following (1) a map showing the area of the municipal waters where small and medium commercial fishing vessels may be allowed to operate (2) the type of fishing vessel and gear that may be allowed in such waters (3) the proposed municipal fisheries ordinance permitting /allowing such commercial fishing operations.

Enact and disseminate the municipal fisheries ordinance for this purpose.

SECTION 29. Registry of Municipal Fisherfolk. – The LGU shall maintain a registry of municipal fisherfolk who are fishing or may desire to fish in municipal waters for the purpose of determining priorities among them, of limiting entry into the municipal waters, and of monitoring fishing activities and other related purposes: Provided, That the M/CFARMC shall submit to the LGU the list of the priorities for its consideration.

Such list or registry shall be updated annually or as may be necessary, and shall be posted in Barangay halls or other strategic locations where it shall be open to public inspection, for the purpose of validating the correctness and completeness of the list. The LGU, in consultation with or upon recommendation of the M/CFARMC, shall formulate the necessary mechanisms for inclusion or exclusion procedures that shall be most beneficial to the resident municipal fisherfolk.

The LGU shall also maintain a registry of municipal fishing vessels by type of gear and other boat particulars with the assistance of the M/CFARMC.

Rule 29.1 Standard Registration Form. – The Regional Department, through RBFAR, in coordination with RFARMC shall assist the LGUs in developing a standard registration form for municipal fishing vessels, gears, and fisherfolk within six (6) months from the effectivity of this IRR;

Rule 29.2 Criteria for Registration. – Residency in the municipality/city for at least six (6) months and other criteria as maybe required by existing laws, rules and regulations;

Rule 29.3 Use of Registry. – The Registry of Municipal Fisherfolk shall serve as basis for the identification of priority municipal fisherfolk who shall be allowed to fish within the municipal waters but registration is not equivalent to a permit to fish.

Rule 29.4 Period of Registration – The Registration of Municipal Fisherfolk shall take effect immediately upon the issuance of the Standard Registration Form. Subsequent registration period shall be done every first quarter of every calendar year upon public announcement.

SECTION 30. Fisherfolk Organizations/Cooperatives. – Fisherfolk organizations/cooperatives whose members are listed in the registry of municipal fisherfolk may be granted use of demarcated fishery areas to engage in fish capture, seaweeds farming, mariculture and/or fish farming: Provided, however, That an organization/cooperative member whose household is already in possession of a fishery right other than for fish capture cannot enjoy the fishing rights granted to the organization or cooperative.

SECTION 31. Priority of Resident Municipal Fisherfolk. – Resident municipal fisherfolk and their organizations/cooperatives shall have priority to exploit municipal and demarcated fishery areas of the concerned municipality.

Rule 31.1 In consultation with the Regional Department through RBFAR, the LGU shall develop criteria to determine prioritization of resident Municipal Fisherfolk to exploit municipal and demarcated municipal fishery areas of the concerned municipality or city.

SECTION 32. Demarcated Fishery Right. – The LGU concerned shall grant demarcated fishery rights to fishery organizations/cooperatives for Mariculture operations such as, but not limited to, seaweeds farming and fish farming in specific areas identified by the Regional Department.

Rule 32.1 Identification of Mariculture Areas. – The Regional Department, through RBFAR, in coordination with the LGUs concerned, shall identify municipal waters suitable for mariculture operations and establish the linear boundaries of the area to be declared as demarcated fishery area.

SECTION 33. Limited Entry Into Overfished Areas. – Whenever it is determined by the LGUs and the Regional Department that a municipal water is overfished or in danger of being

overfished, based on available data, and that there is a need to regenerate the fishery in that water, the LGU shall prohibit or limit fishery activities in said waters.

The Regional Department, through RBFAR, shall:

- Rule 33.1 Guidelines on Overfishing. – Promulgate and issue within one (1) year from the effectivity of this IRR, the criteria for determining overfished areas and issue the appropriate R FAO;**
- Rule 33.2 Declaration of Overfished Areas in Municipal Waters. – Determine jointly with the LGUs and FARMCs concerned, the boundaries of municipal waters or parts thereof, which are overfished or in danger of being overfished or in need of regeneration: Provided however, that the LGUs shall declare a municipal water or parts thereof as overfished and shall issue the appropriate municipal fisheries ordinance prohibiting or limiting fisheries activities.**
- Rule 33.3 Impact Assessment. – Undertake an impact assessment of the state of fisheries in the declared overfished area and accordingly submit its recommendations to the concerned municipalities;**

SECTION 34. Support to Municipal Fisherfolk. – The Regional Department and the LGUs shall provide support to municipal fisherfolk through appropriate technology and research, credit, production and marketing assistance and other services such as training for supplementary livelihood.

The Regional Department, through RBFAR in collaboration with other concerned agencies, shall:

- Rule 34.1 Technology Transfer. – Transfer technology in aquaculture, post-harvest, fishing and other technologies through training and extension in BFAR’s Fisheries Demonstration Farms, Fisheries Technology Centers, Fishermen Training Centers and Fisheries Outreach Stations;**
- Rule 34.2 Verification Studies. – Conduct technology verification studies and establish pilot demonstration projects in various aspects of fisheries conservation, management and development;**
- Rule 34.3 Marketing Assistance. – Provide production, market and credit information for fish and fishery products;**
- Rule 34.4 Technical Assistance on Feasibility Studies. – Provide technical assistance in the preparation of feasibility studies to facilitate fisherfolk organizations’ access to credit;**
- Rule 34.5 Technical Assistance on Fisheries Management. - Provide technical assistance to LGUs, FARMCs and fisherfolk organizations in establishing fisheries management system in municipal waters;**
- Rule 34.6 Organizing/Strengthening Local Organizations. - Provide assistance in organizing/strengthening fisherfolk organizations and cooperatives in**

coordination with the Cooperative Development Authority (CDA), Non-Government Organizations (NGOs), People Organizations (POs) and other concerned agencies.

SECTION 35. Privileges of Fishworkers. – The Fishworkers shall be entitled to privileges and benefits accorded to other workers under the Labor Code, Social Security System and other social legislations for workers.

Rule 35.1 Working Hours of Fishworkers. – Fishworkers on board any fishing vessel engaged in fishing operations shall be classified as field personnel as defined under Section 82 of the Philippine Labor Code, as amended,

ARTICLE VIII

COMMERCIAL FISHERIES

SECTION 36. Commercial Fishing Vessel License. – No person shall operate a commercial fishing vessel for scientific, research or educational purposes, or engage in any fishery activity, or seek employment as a fishworker or pearl diver without first securing a license from the Regional Department: Provided, That no such license shall be required of a fishing vessel engaged in scientific, research or educational purposes pursuant to an international agreement of which the Philippines is a signatory and which agreement defines the status, privileges and obligations of said vessel and its crew and the non-Filipino officials of the international agency under which said vessel operates: Provided, further, That members of the crew of a commercial fishing vessel except the duly licensed and/or authorized patrons, marine engineers, radio operators and cooks shall be considered as fisherfolk: Provided, furthermore, that all skippers/master fisher shall be required to undertake an orientation training on detection of fish caught by illegal means before they can be issued their fishworker licenses: Provided, finally, That the medium and large commercial fishing vessel license herein authorized to be granted shall allow the license to operate only in ARMM waters seven (7) or more fathoms deep, the depth to be certified by the NAMRIA, and subject to the conditions that may be stated therein and the rules and the regulations that may be promulgated by the Regional Department.

The Regional Department, through RBFAR shall:

Rule 36.1 Vessel and Gear Licenses. – Issue licenses to qualified applicants for fishing vessel applicant licenses for fishing vessels and gear for specific or several fishing areas to be used for commercial fishing operation; The license shall be for specific fishing areas provided, however, that the license may be granted for one or several fishing grounds;

Rule 36.2 Updated Philippine Marine Waters Map. –shall coordinate with the existing Inter-Agency Committee in charge in the updating the Philippine Marine Waters Map

Rule 36.3 Number of Commercial Fishing Vessel Licenses (CFVL). – Issue the corresponding number of CFVL based on MSY as provided in Section 18 of this Code

Rule 36.4 Skipper's Surveillance Training. – Require skippers to undergo an intensive orientation/training on fishery laws including but not limited to the detection of fish caught by explosives, obnoxious and/or poisonous substances and to report sightings of foreign fishing vessels poaching in Philippine waters and other fishery violations.

SECTION 37. Persons Eligible for Commercial Fishing Vessel License. – No commercial fishing vessel license shall be issued except to Filipino citizens and partnerships, associations, cooperatives or corporations duly registered in the Philippines at least sixty percent (60%) of the capital stock of which owned by Filipino citizens. No person to whom a license has been issued shall sell, transfer or assign, directly or indirectly, his stock or interest herein to any person not qualified to hold a license. Any such transfer, sale or assignment shall be null and void.

For purposes of commercial fishing, fishing vessels owned by a person qualified under this Section shall secure Certificate of Philippine Registry and such other documents necessary for fishing operations from the concerned agencies: Provided, That the commercial fishing vessel license shall be valid for a period to be determined by the Regional Department,

SECTION 38. Commercial Fishing Vessel Registration. – The registration, documentation, inspection and manning of the operation of all types of fishing vessels plying ARMM and municipal waters shall be in accordance with existing laws, rules and regulations.

Rule 38.1 The Regional Department through RBFAR shall formulate an RFAO for the institutionalization of the registration and licensing of new CFVLs within one (1) year from the effectivity of the IRR.

SECTION 39. Registration and Licensing of Fishing Gears. – Before a licensed commercial fishing vessel may begin fishing operations, the fishing gear it will utilize in fishing shall be registered and a license granted therefore. The Regional Department shall promulgate guidelines to implement this provision within ninety (90) days from approval of this Code.

Rule 39.1 Requirements for Licensing. – The Regional Department, through RBFAR, shall issue within three (3) months from the effectivity of this IRR, the appropriate REO/R FAO to implement this Section.

SECTION 40. Renewal of Commercial Boat License. – The commercial fishing boat license shall be renewed every two (2) years.

Rule 40.1 Licensed granted to commercial fishing vessels operating within the ARMM waters shall be renewed every two (2) years at RBFAR.

SECTION 41. Report of Transfer of Ownership. – The owner/operator of a registered fishing vessel shall notify the Regional Department in writing of the transfer of ownership of the vessel with a copy of such document attached within ten (10) days of its transfer.

SECTION 42. Importation and Construction of Fishing Vessels. – Prior to the importation of fishing vessel and the construction of new ones, the approval/clearance of the Regional Department must be obtained.

Rule 42.1 Importation and Construction of Fishing Vessels. – Issue within one (1) year from the effectivity of this IRR the appropriate RFAO providing for a

strict regulation on the maximum age and minimum gross tonnage of Fishing Vessels that may be imported taking into consideration seaworthiness requirements as provided by law.

SECTION 43. Incentives for Municipal Fisherfolk and Fisherfolk Organizations/Cooperatives. – Municipal fisherfolk and fisherfolk organizations/ cooperatives shall be granted incentives which shall include, but are not limited to, the following:

At least ten percent (10%) of the credit and the guarantee funds of government financing institutions shall be made available for post-harvesting and marketing projects to enhance fisherfolk competitiveness. Qualified projects shall include ice plants, cold storage, canning, warehouse, transport and other related infrastructure facilities; and

A capability-building program for targeted parties shall be developed by the Regional Department to promote greater bankability and credit worthiness of municipal fisherfolk and fisherfolk organizations/cooperatives. Groups and cooperatives organized under the program shall have priority access over credit and guarantee funds established under this Code.

Rule 43.1 **Inter-Agency Credit Committee.** – The Regional Department, through RBFAR shall form an Inter-Agency Committee two (2) years from the effectivity of this IRR composed of representatives from different credit and financing institutions who shall formulate through a participatory process with the beneficiaries the credit guidelines to implement this section;

Rule 43.2 **The Regional Department, through RBFAR, shall develop and implement capability building program for municipal and small scale commercial fishers, which shall include those covered by the rules under Section 34.**

SECTION 44. Complement of Fishing Vessels. – Every commercial fishing vessels of Philippine registry when actually operated shall be manned in accordance with the requirements of the Philippine Merchant Marine rules and regulations.

SECTION 45. Medical Supplies and Life-Saving Devices. – All fishing vessels shall be provided with adequate medical supplies and life-saving devices to be determined by the Regional Department and other concerned agencies: Provided, That a fishing vessel of fifteen point one (15.1) GT or more shall have as a member of its crew a person qualified as first aider duly certified by the Philippine National Red Cross.

SECTION 46. Reportorial Requirement. – Each commercial fishing vessel shall keep a daily record of quantity and value of fish catch and spoilage, landing and transshipment points, and sale and/or other disposals. Detailed information shall be duly certified by the vessel's captain and transmitted monthly to the local offices of the Regional Department.

Rule 46.1 **Reports.** – Each commercial fishing vessel and/or Fish Carrier shall provide the Regional Department, through RBFAR the following reports duly certified by the vessel's Captain and transmitted monthly using prescribed log sheet form: (i) a record of actual daily fish catch by fishing trip and fishing area, such fishing area as defined by specific measurement of latitude and longitude; (ii) daily record of actual quantity and value of fish

catch, spoilage, landing and transshipment points and/or other means of disposal.

SECTION 47. Color Code and Radio Frequency. – For administrative efficiency and enforcement of regulations, registered fishing vessels shall bear a color code as may be determined by the Regional Department.

In coordination with the National Telecommunication Commission, the Regional Department shall promulgate guidelines in the operation of radio communication facilities on board fishing vessels and their operations.

The Regional Department, through RBFAR shall:

- Rule 47.1** Implementation of Color Code Licensing System. – Require Implementation of Color Code Licensing System of commercial fishing vessels for specific areas;
- Rule 47.2** Demarcation of Fishing Areas. – Demarcate the ARMM waters into district fishing areas. In coordination with NAMRIA, a map shall be produced, to make proper identification on these fishing areas by designating code numbers/color as indicators therein;
- Rule 47.3** Color Coding System. – Design color-coding system for fishing areas for commercial fishing vessels;
- Rule 47.4** Regulation. – Issue the appropriate RFAO for such Color Code Licensing System;
- Rule 47.5** Assignment of Radio Frequency. – Coordinate with the National Telecommunication Commission (NTC) on the assignment of radio frequencies for area of operation of the fishing vessels.

SECTION 48. Transshipment. – Foreign fishing vessels wishing to avail of ARMM facilities to transport fishery/aquatic products, which are caught outside ARMM jurisdiction to final destination, shall call only at duly designated government-owned or controlled regional fish port complexes after securing clearance from the Regional Department.

The Regional Department, through RBFAR shall:

- Rule 48.1** Guidelines. – Formulate guidelines on transshipment, in cooperation with concerned LGUs, PFDA, and other concerned agencies as soon as facilities shall have been established.

SECTION 49. Use of Super light. – The number and wattage of super lights used in commercial fishing vessels shall be regulated by the Regional Department: Provided, That the use of super lights is banned within municipal waters and bays.

The Regional Department, through RBFAR shall:

- Rule 49.1** Regulation. – Conduct studies to determine superlights to be regulated and issue corresponding FAO, within one (1) year from the effectivity of this

IRR on the total wattage and lumens which shall be allowed according to tonnage size of a commercial fishing vessel.

ARTICLE IX

AQUACULTURE

SECTION 50. – Disposition of Public Lands for Fishery Purposes. – All public lands such as tidal swamps, mangroves, marshes, foreshore lands and ponds suitable to fishery operations shall not be disposed or alienated. Upon effectivity of this Code, Fishpond Lease Agreement (FLA) may be issued for public lands declared available for fishpond development to qualified fisherfolk cooperatives/associations: Provided, however, That upon the expiration of existing FLAs, the current lessees shall be given: priority and be entitled to extension of fifteen (15) years in the utilization of their respective leased areas. Thereafter, such FLAs, the current lessees shall be granted to any Filipino citizen with preference to qualified fisherfolk cooperatives/associations: Provided, further, That the Regional Governor shall declare as reservation, portions of available public lands certified as suitable for fishpond, fish sanctuary, conservation, and ecological purposes: Provided, finally, That one (1) year after the approval of this Act, no fish pens or fish cages or traps shall be allowed in lakes.

The Regional Department, through RBFAR shall:

- Rule 50.1** **Declaration of Reserved Areas. – Determine in coordination with DENR-ARMM, within six (6) months from the effectivity of this IRR, areas or portions of available public lands certified as suitable for fishpond purposes to be declared as reservation, fish sanctuary/or for conservation, and ecological purposes;**
- Rule 50.2** **Preferential right of the current FLA holders – Determine existing FLA holders from the effectivity of this IRR in order to identify their eligibility for extension of another fifteen (15) years taking into consideration the number of years lapsed after the effectivity of this code;**
- Rule 50.3** **Preference in the Issuance of FLA - Give preference to qualified fisherfolk cooperatives/associations in the issuance of FLAs covering public lands already declared available for fishpond development;**
- Rule 50.4** **Preference in the Issuance of Expired FLA – Give preference primarily to qualified fisherfolk cooperatives/associations as well as small and medium enterprise in the awarding of expired FLAs;**
- Rule 50.5** **Regulation – Issue the RFAO, within one (1) year from the effectivity of this IRR on the criteria for the selection of qualified applicants for new and expired FLAs.**

SECTION 51. Lease of Fishpond. – The FLA, which shall be approved by the Regional Governor, shall be subject to the following conditions:

Areas leased for fishpond purposes shall be no more than Thirty (30) hectares for individuals and Two Hundred (200) hectares for corporations or fisherfolk organizations/cooperatives;

The lease shall be for a period of twenty (20) years renewable for another twenty (20) years: Provided, That in case of the death of the lessee, his spouse and/or children shall have pre-emptive rights to the un-expired term of his FLA subject to the same terms and conditions provided therein;

Lease rates for fishponds shall be determined by the Regional Department: Provided, That one-half (1/2) of the fees collected shall be used for research and development purposes;

The area leased shall be producing on a commercial scale within three (3) years from the approval of the lease contract: Provided, however, that all areas not fully producing within five (5) years from the approval of the lease shall automatically revert to the public domain for reforestation;

The lessee shall not sublease, in whole or in part, or assign his rights FLA without prior written approval of the Regional Governor. Violation hereof shall mean cancellation of FLA.

The lessee shall undertake reforestation for river banks, bays, streams and seashore fronting the dike of his fishpond subject to the rules and regulations of the Regional Department; and

The lessee shall provide facilities that will minimize environmental pollution, i.e., setting ponds, reservoirs, etc. Failure to comply hereof shall mean cancellation of FLA.

The Regional Department, through RBFAR shall:

- Rule 51.1 Lease Rate. – Issue the R FAO, prescribing fishpond lease rates, guidelines and other regulations to implement this Section;**
- Rule 51.2 Reforestation. – In coordination with the DENR-ARMM, LGUs and other concerned entities, issue guidelines on the reforestation of river banks, bays, streams and seashore fronting the dike of the fishpond area covered by the FLA;**
- Rule 51.3. Reversion of Unproductive Fishponds – Issue in coordination with DENR-ARMM guidelines to identify unproductive fishponds for reversion into public domain for reforestation;**
- Rule 51.4 Transfer of Rights – Issue guidelines governing the transfer of rights of the lessee to his spouse and/or children in case of the former’s death subject to the provisions of existing laws;**
- Rule 51.5 Sub-lease – Issue guidelines governing sublease of FLAs;**
- Rule 51.6 Environmental Standards – Issue in coordination with DENR environmental standards minimize pollution and impact as basis for granting/cancellation of FLAs.**

SECTION 52. Code of Practice for Aquaculture. – The regional Department shall establish a code of practice for aquaculture that will outline general principles and guidelines for environmentally sound design and operation to promote the sustainable development of the industry. Such Code shall be developed through a consultative process with the DILG-ARMM, DENR-ARMM, the fish workers, FLA holders, fishpond owners, fisherfolk cooperatives, research institutions and the academe, and other potential stakeholders.

Rule 52.1 **Drafting of the Code of Practice for Aquaculture.** – The Regional Department, through RBFAR shall work closely with the DILG-ARMM, DENR-ARMM, DOLE-ARMM, fish workers, FLA holders, fishpond owner/operators, FARMCs, fisherfolk cooperatives/associations, research institutions, academe, and other fisheries stakeholders in drafting the code of practice for aquaculture, in consonance with the code of conduct for responsible fisheries.

SECTION 53. Reversion of All Abandoned, Undeveloped or Underutilized Fishponds. – The DENR-ARMM, in coordination with the Regional Department, LGUs, other concerned agencies and RFARMC shall determine which abandoned, undeveloped or underutilized fishponds covered by FLAs can be reverted to their original mangrove state and after having made such determination shall take all steps necessary to restore such areas in their original mangrove state.

Rule 53.1 **Joint Guidelines.** - The Regional Department and the DENR-ARMM, shall be guided in the implementation of this Section by the Joint DA-DENR General Memorandum Order No. 3 series of 1991, which may be reviewed and revised accordingly;

Rule 53.2 **Identification of Abandoned, Undeveloped, Underutilized Fishponds.** – The DENR-ARMM in coordination with the Regional Department through RBFAR and in consultation with LGUs, RFARMC and other concerned agencies shall formulate guidelines to review and update fishpond surveys and identifies abandoned, undeveloped or underutilized fishponds;

Rule 53.3 **Certification Fishpond Suitability** – The Regional Department through RBFAR shall formulate guidelines for the issuance of Certificate of Fishpond Suitability in view of the preceding rule.

SECTION 54. Absentee FLA Holders. – Holders of FLA who have acquired citizenship in another country during the existence of the FLA shall have their lease automatically cancelled and the improvements thereon forfeited and disposed of in accordance with the rules and regulations promulgated thereon.

Rule 54.1 **Proof of Citizenship.** – The Regional Department, through RBFAR shall through the appropriate RFAO, requiring all fishpond leaseholders to submit proof of citizenship.

SECTION 55. License to Operate Fish Pens, Fish Cages, Fish Traps and Other Structures. – Fish pens, fish cages, fish traps and other structures for the culture of fish and other fishery/aquatic products shall be constructed and shall operate only within established zones duly designated by LGUs in consultation with the M/CFARMCs concerned, after the corresponding licenses thereof have been secured. The area to be utilized for this purpose

shall be determined by the LGUs in consultation with the concerned M/CFARMC: Provided, however, That not over ten percent (10%) of the suitable water surface area of all rivers shall be allotted for aquaculture purposes like fish pens, fish cages, and fish traps, and the stocking density and feeding requirement shall be controlled and determined by its carrying capacity: Provided, further, That fish pens, fish cages and fish traps located outside municipal waters shall be constructed and operated only within fish pens/fish cage/fish traps belts designated by the Regional Department and after corresponding licenses therefore have been secured and the fees therefore paid.

Rule 55.1 Carrying Capacity of Lakes. - The Regional Department, through RBFAR, in coordination with relevant research centers, shall determine the carrying capacity of Lakes and inland waters and provide the LGUs such with information to maintain a safe level of their carrying capacity;

Rule 55.2 Other Structures : include seaweeds farming and other fisheries related activities.

SECTION 56. Pearl Farm Leases. – Existing pearl farm leases shall be respected and allowed to operate under the terms thereof: Provided, That upon expiration of such lease contracts, the current lessees shall be entitled to extension of fifteen (15) years and be given priority in the renewal of the contracts. The LGUs may grant new leases to qualified persons who possess the necessary capital and technology.

The Regional Department, through RBFAR shall:

Rule 56.1 Inventory. – Conduct an inventory of all existing pearl farms;

Rule 56.2 Regulation. – Prepare model fisheries ordinance which the LGUs may adopt as basis for their issuance of permits for the operation of pearl farms.

SECTION 57. Privileges for Operations of Fish Pens, Fish Cages, Fish Corrals/Traps, and Similar Structures. – No new concessions. Licenses, permits, leases and similar privileges for the establishment or operation of fish pens, fish cages, fish corrals/traps, and other similar structures in municipal waters shall be granted except to municipal fisherfolk, and their organizations/cooperatives.

Rule 57.1 Regulation – Prepare model fisheries ordinance, which the LGUs may adopt as basis for the issuance of privilege to operate fish pens, fish cages, fish corrals/traps and other similar structures.

SECTION 58. Insurance for Fishponds, Fish Cages, Fish Pens and Fish Traps. – Inland fishery such as fishponds, fish cages, fish pens and fish traps shall be covered under the insurance program of the Philippine Crop Insurance Corporation for losses caused by force majeure and fortuitous events.

Rule 58.1 Guidelines. - The Regional Department, through RBFAR shall coordinate with the Philippine Crop Insurance Corporation (PCIC) on the formulation of the guidelines to implement this Section;

SECTION 59. Non-Obstruction to Navigation. – Nothing in the foregoing sections shall be construed as permitting the lessee, licensee, or permitted to undertake any construction which will obstruct the free navigation in any stream, river, lake, or bay flowing through or adjoining the fish pens, fish traps, and fish ponds, or impede the flow of the tide to and from the area. Any construction made in violation hereof shall be removed upon order of the Regional Department in coordination with other government agencies concerned at the expense of the lessee, licensee, or occupants thereof.

Rule 59.1 Regulation. - The Regional Department through RBFAR in consultation with the LGUs, PCG and/or other agencies and FARMCs concerned, shall issue appropriate REO/ RFAO to implement this Section.

SECTION 60. Non-obstruction to Migration Paths. – Nothing in the foregoing sections shall be construed as permitting the lessee, permittee, or licensee to undertake any construction which will obstruct any defined migration path of migratory fish species such as river mouths and estuaries within a distance determined by the concerned LGUs in consultation with and upon the recommendation of the M/CFARMCs.

Rule 60.1 Regulation. - The Regional Department, through RBFAR in consultation with FARMCs shall issue the appropriate RFAO to implement this Section;

Rule 60.2 The Regional Department through RBFAR in coordination with DENR-ARMM and other concerned agencies shall prepare a map on the path of migratory fish species within ARMM waters and be updated regularly within three (3) years from the effectivity of this IRR.

SECTION 61. Registration of Fish Hatcheries and Private Fishponds, etc. – All fish hatcheries, fish breeding facilities and private fishponds must be registered with the LGUs which shall prescribe minimum standards for such facilities in consultation with the Regional Department. All operators of fishponds, fish pens, fish cages and fish traps shall annually report to the Regional Department the type of species and volume of production in areas devoted to aquaculture: Provided, That the Regional Department shall conduct a yearly inventory of all fish pond, fish pens, fish cages and fish traps, whether in public or private lands.

Rule 61.1 Regulation. - The Regional Department through RBFAR shall assist LGUs in prescribing minimum standards for registration of hatcheries and private fishponds through the issuance of appropriate RFAO;

Rule 61.2 Submission of Report – All operators of fishponds, fish pens, fish cages and fish traps shall submit annual report on the kind of species and volume of production to RBFAR through the LGU.

ARTICLE X

POST-HARVEST FACILITIES AND TRADES

SECTION 62. Comprehensive Post-Harvest and Ancillary Industries plan. – The Regional Department shall formulate a comprehensive plan for post-harvest and ancillary industries, taking into account, among others, the following:

Detailed guidelines on the distribution, construction, maintenance and use of post-harvest infrastructure facilities;

Extension of credit and incentives for post-harvest operations;

Development of domestic fish meal industry as well as shipbuilding and repair of fish vessels;

Strengthening of semi-processing, processing and marketing facilities, including the pricing system, with emphasis on collective marketing and elimination of middlemen;

Increased participation of cooperatives and non-government organizations in post-harvest operations and ancillary industries; and

Integration of post-harvest operations into the Comprehensive Regional Fisheries Development Plan.

Rule 62.1 Plan. - The Regional Department through RBFAR and PFDA and in consultation with other concerned agencies and private sector, shall prepare the comprehensive Post Harvest and Ancillary Industries Plan within one (1) year from the effectivity of the IRR.

SECTION 63. Establishment of Post-Harvest Facilities for Fishing Communities. – The LGUs shall coordinate with M/CFARMCs and other concerned agencies in the establishment of post-harvest facilities for fishing communities such as, but not limited to, municipal fish landing sites, fish ports, ice plants and cold storages and other fish processing facilities to serve primarily the needs of municipal fisherfolk.

SECTION 64. Registration and Licensing of All Post-harvest Facilities. – All post-harvest facilities such as fish processing plants, ice plants/cold storages, fish ports/landing and other fishery business establishments must register with and be licensed by the LGUs which shall prescribe minimum standards for such facilities in consultation with the Regional Department.

Rule 64.1 Standards. - The Regional Department through RBFAR shall prepare a RFAO to establish the minimum operating standards for post harvest facilities in accordance with Hazard Analysis Critical Control Points (HACCP) and in compliance with *Halal* requirements;

Rule 64.2 Guidelines. - The Regional Department through RBFAR shall coordinate with PFDA and LGUs in the implementation of these standards in licensing and registration of fish processing plants, ice plants and cold storages, fish ports/landings and other fishery business establishments.

SECTION 65. Importation and Exportation of Fishery Products. –

Export of fishery/aquatic products shall be regulated whenever such exportation affects food security and production: Provide, That exportation of live fish shall be prohibited except those which are hatched or propagated in accredited hatcheries and ponds;

To protect and maintain local biodiversity or ensure sufficiency of domestic supply, the spawners, breeders, eggs and fry of bangus, prawn and other endemic species, as may be determined by the Regional Department, shall not be exported by any person;

Fishery/aquatic products may be imported only when the importation has been certified necessary by the Regional Department in consultation with the RFARMC, and all the requirements of this Code as well as existing rules and regulations have been complied with: Provided, That fish imports for canning/processing only may be allowed without the necessary certification, but within the provisions of Section 65 (d) of this Code; and

No person shall import and/or export fishery/aquatic products of whatever size, stage or form for any purpose without securing permit from the Regional Governor.

The Regional Department in consultation with the National Department of Agriculture and other concerned agencies shall promulgate rules and regulations on importation and exportation of fishery/aquatic products.

The Regional Department through RBFAR in consultation with the National Department of Agriculture and other concerned agencies shall:

Rule 65.1 Regulations on Importation and Exportation. – Issue the appropriate RFAO on the guidelines to regulate exportation and importation of fish and other aquatic products;

Rule 65.2 Regulations on Exportation of Spawners, Breeders, Eggs, Fry and Seaweeds. – Issue the appropriate RFAO to regulate the exportation of certain spawners, breeders eggs and fry of bangus, prawn and other endemic species including seaweeds.

SECTION 66. Instruments of Weights and Measures and Quality Grades/Standards. – Standards for weights, volume and other measurements for all fishery transactions shall be set by the Regional Department.

All fishery/aquatic products for export, import and domestic consumption shall meet the quality grades/standards as determined by the Regional Department.

The LGU concerned shall, by appropriate ordinance, penalize fraudulent practices and unlawful possession or use of instruments of weights and measures.

Rule 66.1 Standards. - The Regional Department, through RBFAR in coordination with other concerned agencies, shall establish quality grades and standards for fishery products in consonance with international standards.

ARTICLE XI

FISHERY RESERVES, REFUGE AND SANCTUARIES

SECTION 67. Areas Reserved for Exclusive Use of Autonomous Regional Government. – The Regional Governor may designate area or areas in ARMM waters beyond twelve (12) kilometers from shoreline as fishery reservation for the exclusive use of the autonomous regional government or any of its political subdivisions, agencies or instrumentalities, for propagation, educational, research and scientific purposes: Provided, That the concerned LGUs in consultation with or upon recommendation of the M/CFARMCs may recommend to the

Regional Governor that portion of the municipal waters be declared as fishery reserves for special or limited use for educational, research, and/or special management purposes.

Rule 67.1 Regulations. - The Regional Department, through RBFAR shall issue appropriate RFAO, through a participatory process with other agencies concerned RFARMCs, designating fishery reservations for the exclusive use of the regional government or any of its political subdivisions, agencies or instrumentalities, for propagation, educational, research and scientific purposes and recommend such identified fishery reservation area to the Regional Governor for approval.

Rule 67.2 Regulation. – In consultation with M/CFARMC, the LGU shall recommend to the Regional Governor for the declaration of fishery reservation area in its municipal waters for educational, research and/or special management purposes.

SECTION 68. Fish Refuge and Sanctuaries. – The Regional Governor may establish fish refuge and sanctuaries to be administered in the manner to be prescribed by the Regional Department with at least twenty-five percent (25%) but not more than forty percent (40%) of bays, foreshore lands, continental shelf or any fishing ground which shall be set aside for the cultivation of mangroves to strengthen the habitat and the spawning ground of fish. Within these areas, no commercial fishing shall be allowed: Provided, however, That in municipal waters, the concerned LGU in consultation with or upon recommendation of the M/CFARMC may establish fishery refuge and sanctuaries in a t least fifteen percent (15%), where applicable, of the total coastal areas in each municipality/city based on the best available scientific data and in consultation with the Regional Department.

The administration and supervision of all marine fishery reserves, fish sanctuaries and mangrove swamp reservations already declared by the President or legislated by the Congress of the Philippines shall be transferred to, or exercised by, the autonomous regional government within two (2) years from effectivity of this Code.

Rule 68.1 Regulations. - The Regional Department through RBFAR shall formulate policy on prohibition of fisheries activities including industrial and economic activities in areas declared as fish refuge and sanctuaries and shall issue the appropriate RFAO;

Rule 68.2 Transfer of administration, supervision and management of marine fishery reserves – The Regional Department through RBFAR in coordination with the DENR-ARMM shall create a committee to recommend mechanism to facilitate the transfer of administration, supervision and management including its corresponding fund allocation of NIPAS declared areas to the regional government effective immediately.

ARTICLE XII

PROHIBITIONS AND PENALTIES

SECTION 69. Unauthorized Fishing or Other Unauthorized Fishery Activities. – No person shall exploit, occupy, produce, breed, culture, capture, or gather fish, fry or fingerlings of any fishery

species or fishery products, or engage in any fishery activity in the ARMM without license, lease or permit.

Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a prima facie presumption that the person and/or vessel is engaged in unauthorized fishing: Provided, That fishing for daily food sustenance or for leisure which is not commercial, occupation or livelihood purposes may be allowed.

It shall be unlawful for any commercial fishing vessel to fish in bays and in such other fishery management areas, which are declared as over-exploited.

Any commercial fishing boat captain or the three (3) highest officers of the boat who commit any of the above prohibited acts shall be punished by a fine equivalent to the value catch or Ten Thousand (P 10,000.00) whichever is higher and imprisonment of six (6) months, confiscation of catch and fishing gear, and automatic revocation of license.

It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters. Violation hereof shall be punished by confiscation of catch and a fine of Five Hundred Pesos (P 500.00).

Rule 69.1 Leisure or Game Fishing. – The Regional Department through RBFAR in coordination with Department of Tourism (DOT) and other concerned agencies, shall issue the appropriate RFAO for leisure or game fishing.

SECTION 70. Poaching in ARMM Waters. – It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in ARMM waters.

The entry of any foreign fishing vessel in ARMM waters shall constitute a prima facie evidence that the vessel is engaged in fishing in ARMM waters.

Violation of the above shall be punishable by a fine of One Hundred Thousand U.S. Dollars (US\$ 100,000.00) in addition to the confiscation of the catch, fishing equipment and fishing vessel: Provided, That the Regional Governor is empowered to impose an administrative fine of not less than Fifty Thousand U.S. Dollars (US\$ 50,000.00) but not more than Two Hundred Thousand U.S Dollars (US\$ 200,000.00) or its equivalent in Philippine Currency.

The Regional Department through RBFAR shall:

Rule 70.1 Regulation. – Coordinate/consult with Regional Law Enforcement Coordinating Committee, Provincial Law Enforcement Coordinating Committee, and other concerned agencies in the preparation and issuance of appropriate RFAO to implement this Section.

Rule 70.2 Reports. – Coordinate with PCG to require officers of inter- island vessels, skippers and officers of commercial fishing vessels to report sighting of foreign vessels within ARMM waters.

SECTION 71. Fishing Through Explosives, Noxious or Poisonous Substance, and/or Electricity.

It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered, fish or any fishery species in ARMM waters with the use of electricity, explosives,

noxious or poisonous substances such as sodium cyanide which will kill, disable or render unconscious fish or fishery species: Provided, That the Regional Department, subject to such safeguards and conditions deemed necessary and endorsement from the concerned LGUs, may allow the use of electricity, poisonous or noxious substances to catch, take or gather fish or fishery species for research, educational or scientific practices and without causing adverse environmental impact in neighboring waters and ground shall not be construed as illegal-fishing.

It will likewise be unlawful for any person to possess, deal in, sell or in any manner dispose of, any fish or fishery species, which have been illegally caught, taken, or gathered.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electro-fishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fish worker shall constitute prima facie evidence that the same was used for fishing in violation of this Code. The discovery in any fishing vessel of fish caught or killed with the use of explosive, noxious or poisonous substances or electricity shall constitute a prima facie evidence that the fisherfolk, operator, boat official or fish worker is fishing with the use thereof.

Mere possession of explosive, noxious or poisonous substances or Electrofishing devices for illegal fishing shall be punishable by imprisonment ranging from six (6) months to two (2) years.

Actual use of explosives, noxious or poisonous substances or electro fishing devices for illegal fishing shall be punishable by imprisonment ranging from five (5) years to ten (10) years without prejudice to the filing of separate criminal case when the use of same results to physical injury or loss of human life.

Dealing in, selling or in any manner disposing of, for profit, illegally caught/gathered fishery species shall be punishable by imprisonment ranging from six (6) months to two (2) years.

In all cases enumerated above, the explosives, noxious or poisonous substances and/or electro fishing devices, as well as the fishing vessels, fishing equipment and catch shall be confiscated.

Rule 71.1 Regulation on Confiscated Catch, Fishing Vessels, Gears and Paraphernalia. – The Regional Department, through RBFAR, shall issue immediately the appropriate RFAO on the disposition of confiscated vessels, equipment and other fishing paraphernalia.

SECTION 72. Use of Fine Mesh Net. – It shall be unlawful to engage in fishing using nets with mesh smaller than that which may be fixed by the Regional Department: Provided, That the prohibition on the use of fine mesh nets shall not apply to the gathering fry, glass eels, levers, *tabios*, and *alamang* and such species which by their nature are small but already mature, to be identified in the rules and regulations of the Regional Department.

Violation of the above shall subject the offender to a fine from Two Thousand Pesos (P2,000.00) to Twenty Thousand Pesos (P20,000.00) or imprisonment from six (6) months to two (2) years, or both fine and imprisonment, at the discretion of the court: Provided, That if the offense is committed by a commercial fishing vessel, the owner/operator, the boat captain and the master fisherman shall also be subjected to the penalties herein: Provided, further, That the Regional Governor is hereby empowered to impose upon the offender an administrative fine or cancel his permit/license, or both.

The Regional Department through RBFAR shall:

Rule 72.1 Regulation of Mesh Sizes. – Issue the appropriate RFAO on the allowable mesh size for different gears in the implementation of the prohibition of this section, which may serve as guideline for LGUs to be applied in municipal waters effective immediately;

Rule 72.2 Determination of Juvenile Fishes. – Issue the appropriate on fishes considered in juvenile stage and penalizing collection, sale and/or possession and providing exemption thereof effective immediately;

SECTION 73. Use of Active Gear in Municipal Waters, Bays and Other Fishery Management Areas. – It shall be unlawful to engage in fishing in municipal waters, bays and other fishery management areas using active gears as defined in this Code. Violators hereof shall suffer the following penalties:

The captain and master fisherman of the vessel shall suffer the penalty of imprisonment from two (2) years to six (6) years.

The owner/operator of the vessel shall be fined from Two Thousand Pesos (P2,000.00) to Twenty Thousand Pesos (P20,000.00). If the owner/operator is a corporation, the penalty shall be imposed on the chief executive officer of the Corporation. If it is a partnership, the penalty shall be imposed on the managing partner; and

The catch and fishing gear shall be forfeited.

Rule 73.1 Regulation. - **The Regional Department through RBFAR shall issue the appropriate RFAO to implement this Section effective immediately.**

SECTION 74. Ban on Coral Exploitation and Exportation. - It shall be unlawful for any person to gather, possess, sell or export ordinary, precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.

Violation of this provision shall be punishable by imprisonment from six (6) months to two (2) years or a fine from Two Thousand Pesos (P2,000.00) to Twenty Thousand Pesos (P20,000.00), or both fine and imprisonment, at the discretion of the court, and forfeiture of such corals including the vessel.

The confiscated corals shall either be returned to the sea or donated to schools and museums for educational or scientific purposes or disposed through other means, in accordance with the guidelines to be promulgated by the Regional Department.

Rule 74.1 Regulation. - **The Regional Department through RBFAR shall issue the appropriate RFAO to implement this Section effective immediately.**

SECTION 75. Ban on Muro-Ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. – It shall be unlawful for any person to fish with gear method that destroys coral reefs, sea grass beds, and other marine life habitat as may be determined by the Regional Department. “Muro-Ami” and any of its variation, and such similar gear and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

The operator, boat captain, master fisherman, and recruiter or organizer of fish workers who violate this provision shall suffer a penalty of two (2) years to ten (10) years imprisonment or a fine of not less than One Hundred Thousand Pesos (P100,000.00) to Five Hundred Thousand Pesos (P 500,000.00) or both fine and imprisonment, at the discretion of the court. The catch and gear used shall be forfeited.

It shall likewise be unlawful for any person to gather, sell or export white sand, silica, pebbles and any other substances, which make up any marine habitat. Violator hereof shall suffer a penalty of two (2) years to ten (10) years imprisonment or a fine of not less than One Hundred Thousand Pesos (P 100,000.00) to Five Hundred Thousand Pesos (P 500,000.00), or both fine and imprisonment at the discretion of the court. The substance taken from its marine habitat shall be forfeited.

Rule 75.1 Regulations. - The Regional Department through RBFAR, shall issue the appropriate RFAO to implement this Section effective immediately;

Rule 75.2 Regulation by LGUs. – the LGUs may enact the appropriate Municipal Ordinance prohibiting destructive fishing gears and its variations in accordance with regional policies;

Rule 75.3 Regulation. – The LGUs in consultation with the Bureau of Mines and Geo Sciences, academic institutions and/or other competent government agencies or private institutions and/or individuals may enact the appropriate Municipal Ordinance prohibiting the gathering, selling, mining, exporting of white sand which include coralline and coral sand, silica, and pebbles provided that the RBFAR shall assist the LGU by implementing the RFAO within its respective municipal waters while the municipal ordinance is not yet enacted.

SECTION 76. Illegal Use of Superlights. – It shall be unlawful to engage in fishing with the use of Superlights in municipal waters or in violation of the rules and regulations, which may be promulgated by the Regional Department on the use of super lights outside municipal waters.

Violators hereof shall be punished by imprisonment from six (6) months to two (2) years or a fine of Five Hundred Thousand Pesos (P 500,000.00) per super light, or both such fine and imprisonment, at the discretion of the court. The super light, fishing gears and vessel shall be confiscated.

SECTION 77. Conversion of Mangroves. – It shall be unlawful for any person to convert mangroves into fishponds or for any other purposes.

Violation of this provision shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years and/or a fine of Eighty Thousand Pesos (P80,000.00) at the discretion of the court: Provided, That if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage.

Rule 77.1 Regulations - The Regional Department through RBFAR and in coordination with DENR-ARMM shall issue, within one (1) year from the effectivity of this IRR, the appropriate RFAO to implement this Section.

SECTION 78. Fishing in Overfished Area and During Closed Season. – It shall be unlawful to fish in overfished areas and during closed season. Violator hereof shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and/or a fine of Six Thousand Pesos (P 6,000.00) at the discretion of the court. He catch shall be forfeited and the fishing permit or license shall be cancelled.

Rule 78.1 Regulations. - The Regional Department through RBFAR shall issue, within one (1) year from the effectivity of this IRR, the appropriate RFAO to implement this Section.

SECTION 79. Fishing in Fishery Reserves, Refuge and Sanctuaries. – It shall be unlawful to fish in fishery reserves, refuge and sanctuaries. Violator hereof shall be punished by imprisonment of two (2) years to six (6) years and/or a fine of Two Thousand Pesos (P 2,000.00) to Twenty Thousand Pesos (P 20,000.00) at the discretion of the court. The catch shall be forfeited and the fishing permit or license shall be confiscated.

Rule 79.1 Regulations. - The Regional Department through RBFAR shall issue the appropriate RFAO to implement this Section effective immediately.

SECTION 80. Fishing or Taking Rare, Threatened, or Endangered Species. – It shall be unlawful to fish or take rare, threatened or endangered species as listed in the CITES and as determined by the Regional Department.

Violation of this provision shall be punishable by imprisonment of twelve (12) years to twenty (20) years and/or a fine of One Hundred Twenty Thousand Pesos (P120,000.00), at the discretion of the court. The catch shall be forfeited and the fishing permit shall be cancelled.

Rule 80.1 Regulations. - The Regional Department through RBFAR and in coordination of DENR-ARMM shall issue the appropriate RFAO to implement this Section effective immediately.

SECTION 81. Capture of Sabalo and Other Breeders/Spawners. – It shall be unlawful for any person to catch, gather, capture or process mature milkfish or “Sabalo” and such other breeders or spawners of other fishery species as may be determined by the Regional Department: Provided, That catching of “Sabalo” and other breeders/spawners for local breeding, scientific or research purposes may be allowed subject to guidelines to be promulgated by the Regional Department.

Violation of this provision shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and/or a fine of Eighty Thousand Pesos (P 80,000.00) at the discretion of the court. The catch and fishing equipment shall be forfeited and the fishing permit or license shall be revoked.

Rule 81.1 Regulation. – The Regional Department through RBFAR shall issue the appropriate RFAO on the list of breeders or spawners of important fishery species to be included in this ban and when necessary, declare a closed season on important fisheries areas where these spawners are found during known spawning time.

SECTION 82. Exportation of Breeders, Spawners, Eggs or Fry. – Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall be punished by imprisonment of eight (8) years and/or a fine equivalent to double the value of the same, at the discretion of the court. The fishing and export license/permit shall be revoked.

SECTION 83. Importation or Exportation of Fish or Fishery Species. – Any importation or exportation of fish or fishery species in violation of this Code shall be punished by Eight (8) years of imprisonment and/or a fine of Eighty Thousand Pesos (P 80,000.00) at the discretion of the court. The live or non-live fish or fishery species shall be forfeited for proper disposition.

SECTION 84. Violation of Catch Ceilings. – It shall be unlawful for any person to fish in violation of catch ceilings as determined in this Code. Violation of this provision shall be punished by imprisonment of six (6) years and/or a fine of Fifty Thousand Pesos (P 50,000.00), at the discretion of the court. The catch and fishing equipment used shall be forfeited and the fishing license/permit shall be revoked.

SECTION 85. Aquatic Pollution. – Any person violating the provision on aquatic pollution as defined in this Code shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years and/or a fine of Eighty Thousand Pesos (P 80,000.00) plus and additional fine of Eight Thousand Pesos (P 8,000.00) per day until such violation ceases and the fines paid, at the discretion of the court.

Rule 85.1 Regulations. - **The Regional Department through RBFAR and in coordination with DENR-ARMM shall issue, within one (1) year from the effectivity of this IRR, the appropriate RFAO to implement this Section.**

SECTION 86. Other Violations. – The following fishery activities shall also be considered as violation of this Code:

Failure to comply with Minimum Safety Standards. – 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 in this Code, shall be immediately prevented from continuing with his fishing activity and escorted to the nearest port or landing point. The license to operate the commercial fishing vessel shall be suspended until the safety standard has been complied with.

Failure to Conduct a Yearly Report on all Fishponds, Fish Pens and Fish Cages. – The FLA of the holder who fails to render a yearly report shall be immediately cancelled: Provided, That if the offender is the owner of the fishpond, fish pen or fish cage, he shall be subjected to the following penalties:

First offense =, a fine of Five Hundred Pesos (P 500.00) per unreported hectare; and

Subsequent offenses, a fine of One Thousand Pesos (P 1000.00) per unreported hectare.

Gathering and Marketing of Shell Fishes. – It shall be unlawful for any person to take, sell, transfer, or have possession for any purpose any shellfish, which is sexually mature, or below the minimum size or above the maximum quantities prescribed for the particular species.

Obstruction to Navigation or Flow of Tide. – It shall be unlawful for any person who causes obstruction to navigation or flow of tide in any stream, river, lake or bay.

Construction and Operation of Fish Corrals/Traps fish Pens and Fish Cages. – It shall be unlawful to construct and operate fish corrals/traps, fish pens and fish cages without a license/permit.

Subject to the provision of subparagraph (b) of this Section, violation of the above-enumerated prohibited acts shall subject the offender to a fine ranging from Two Thousand Pesos (P 2,000.00) to Ten Thousand Pesos (P 10,000.00) or imprisonment from one (1) month and one (1) day to six (6) months, or both such fine and imprisonment, upon the discretion of the court: Provided, That the Regional Governor is hereby empowered to impose upon the offender and administrative fine of not more than Ten Thousand Pesos (P 10,000.00) and/or to cancel his permit or license, in the discretion of the Regional Governor: Provided, further, That the Regional Governor, or his duly authorized representative, and law enforcement agents are hereby empowered to impound with the assistance of the PNP-ARMM and the Philippine Coast Guard: Provided, finally, That any person who unlawfully obstructs or delays the inspection and/or movement of fish and fisher/aquatic products shall be subject to a fine of not more than Ten Thousand Pesos (P10,000.00) or imprisonment of not more than two (2) years, or both such fine and imprisonment, upon the discretion of the court.

Every penalty imposed for the commission of an offense shall carry with it the forfeiture of the proceeds of such offense and instruments or tools with which it was committed. Such proceeds and instruments or tools shall be forfeited in favor of the Regional Department, unless they belong to third person not liable for the offense. Those articles, which are not subject of lawful commerce, shall be destroyed.

Rule 86.1 Regulations. - The Regional Department through RBFAR shall issue, within one (1) year from the effectivity of this IRR, the appropriate RFAO to implement this Section.

SECTION 87. Commercial Fishing Vessel Employing Unlicensed Fisherfolk or Crew. – The owner/operator of a commercial fishing vessel employing unlicensed fisherfolk or fish worker shall be fined Five Hundred Pesos (P 500.00) every month for each unlicensed fisherfolk or fish worker employed and/or One Thousand Pesos (P 1,000.00) every month for each licensed crew member who has been employed.

Rule 87.1 Regulations. - The Regional Department through RBFAR shall issue, within one (1) year from the effectivity of this IRR, the appropriate RFAO to implement this Section.

SECTION 88. Obstruction of Defined Migration Paths. – Any person who obstruct any defined migration paths of Anadromous, Catadromous and other migratory species, in areas including, but not limited to, river mouths and estuaries within a distance determined by the concerned LGUs in consultation with and upon recommendation of M/CFARMCs shall be punished by imprisonment of seven (7) years to twelve (12) years or a fine from Fifty Thousand Pesos (P 50,000.00) to One Hundred Thousand Pesos (P 100,000.00), or both imprisonment and fine, at the discretion of the court. The permit/license, if any, shall be cancelled and the obstruction shall be dismantled and confiscated at his own expense.

Rule 88.1 Regulations. - The Regional Department through RBFAR and in coordination with DENR-ARMM shall issue, within one (1) year from the effectivity of this IRR, the appropriate RFAO to implement this Section.

SECTION 89. Obstruction to Fishery Law Enforcement Officer. – The boat owner, master or operator or any person acting on his behalf of any fishing vessels who evades, obstructs or hinders any fishery law enforcement officer of the Regional Department to perform his duty, shall be fined Ten Thousand Pesos (P 10,000.00). In addition, the registration, permit and/or license of the vessel including the license of the vessel including the license of the master fisherman shall be cancelled.

Rule 89.1 Regulations. - The Regional Department through RBFAR shall issue, within one (1) year from the effectivity of this IRR, the appropriate RFAO to implement this Section.

ARTICLE XIII

GENERAL PROVISIONS

SECTION 90. Fisherfolk Resettlement Areas. – The Regional Department shall establish fisherfolk resettlement areas in coordination with concerned agencies of the government, where certain areas of the public domain, specifically near the fishing grounds, shall be reserved for the resettlement of the municipal fisherfolk. Nothing in this SECTION shall be construed to vest ownership of any resettlement area to a municipal fisherfolk for whom said areas may have been reserved for or had been actually granted to.

Rule 90.1 Regulations. - The Regional Department through RBFAR in coordination with LGUs shall issue, within one (1) year from the effectivity of this IRR, the appropriate RFAO to implement this Section.

SECTION 91. Upgrading of State Fishery Schools. – The Regional Department, in coordination with the Commission on Higher Education-ARMM (CHED-ARMM), Department of Education, Culture and Sports-ARMM (DECS-ARMM) and the Technical Education Skills Development Authority-ARMM (TESDA-ARMM), shall upgrade State Fishery Schools: Provided, however, That appropriate fish technology subject shall be incorporated in the curricula of fishery schools.

The Regional Department and the CHED-ARMM shall jointly formulate standards to upgrade all fishery schools. Fisheries schools that do not meet the minimum standards shall be closed.

Rule 91.1 Creation of an Inter-agency Committee – The Regional Department through RBFAR in coordination with the concerned agencies shall formulate policy guidelines on the Upgrading of State Fisheries Schools

SECTION 92. Inclusion of Fishery Conservation Subject in School Curricula. - Fishery conservation subject shall be incorporated in the curricula of elementary and secondary schools, both private and public.

Rule 92.1 The Regional Department through RBFAR shall coordinate with the Department of Education - ARMM to implement this Section.

SECTION 93. Educational Campaign at all Levels. – The Regional Department, CHED-ARMM, DECS-ARMM, TESDA-ARMM and DILG-ARMM shall launch and pursue educational campaign to help realize regional policies and implement the provisions of this Code.

Rule 93.1 **Information Campaign.** - The Regional Department through RBFAR in coordination with CHED-ARMM, DepEd-ARMM, TESDA-ARMM, DILG-ARMM, Bureau of Public Information (BPI) - ARMM and other information agencies shall launch and sustain an information campaign on sustainable development, fisheries conservation, management and development.

Rule 93.2 **The Regional Department through RBFAR shall conduct directly or through accredited institutions, seminars on fishery laws, guidelines on apprehension of illegal fishing and poaching and trainings on value orientation to the PN, PCG, PNP, PNP-MariG, law enforcement officers of the LGUs and other government enforcement agencies which under Section 96 are authorized to enforce this Code and other fishery laws, rules and regulations.**

SECTION 94. Infrastructure Support. – The Regional Department in cooperation with concerned agencies shall:

Prepare and implement a regional plan for the development of municipal fishing ports and markets;

Prioritize the construction of farm-to-market roads linking production sites, coastal landing points and other post-harvest facilities to major market and arterial roads/highways;

Construct community infrastructure facilities such as fish landing ports, ice plant and cold storage in consultation with fishery cooperatives/associations, consistent with the international environmental standards;

Establish quality laboratories in major fish ports and prescribe the highest standards for the operation of such post-harvest facilities; and

Promote and strengthen local shipbuilding and repair industry for fishing vessels.

Rule 94.1 **Municipal Fishing Ports Plan.** - The Regional Department through RBFAR in coordination with PFDA, and Regional Economic Zone Authority (REZA), and other government agencies, shall prepare and implement a region-wide plan for the development of municipal fishing ports and other fishery infrastructure facilities within one (1) year from the effectivity of this IRR;

Rule 94.2 **Laboratories.** – The Regional Department through RBFAR in coordination with PFDA and other concerned agencies, shall establish and maintain quality control laboratories consistent with international standards on safety and sanitation.

SECTION 95. Protection of Sensitive Technical Information. – The Regional Department shall take such measures, as may be necessary in order to protect trade, industrial and policy information of Filipino fisherfolk, fisheries owners/operators, entrepreneurs, manufacturers and

researchers, when disclosure of such information will injure the competitiveness or viability of domestic fisheries.

Rule 95.1 **Implementing Guidelines.** - The Regional Department through RBFAR shall coordinate with the Department of Trade and Industry (DTI)-ARMM, Department of Science and Technology (DOST)-ARMM, Regional Board of Investment (RBOI)-ARMM and other concerned agencies to implement this Section.

SECTION 96. Persons and Deputies Authorized to Enforce this Code and Other Fishery Laws. – The law enforcement officers of the Regional Department, the PNP-ARMM, the Philippine Navy, Philippine Coast Guard, Law Enforcement Officers of the LGUs and other government enforcement agencies, are hereby authorized to enforce this Code and other fishery laws, rules and regulations. Other competent government officials and employees, punong barangays and officers and members of fisherfolk associations/cooperatives who have undergone training on law enforcement may be designated in writing by the Regional Governor as deputy fish wardens in the enforcement of this Code and other fishery laws, rules and regulations.

Rule 96.1 **The Regional Department through RBFAR shall coordinate with PNP, MariG, Philippine Coast Guard, Prosecutor’s Office and other law enforcement agencies, in the conduct of law enforcement training, as a requirement for deputation as fish warden;**

Rule 96.2 **The Regional Governor, upon the recommendation of Regional Secretary and RBFAR Director shall deputize fish warden to enforce fishery laws in ARMM waters. However, the LCEs and RBFAR shall jointly deputize fish wardens to enforce fisheries laws, rules and regulations and ordinances in municipal waters.**

Rule 96.3 **Manual.** - The Regional Department through RBFAR in coordination with DOTC-PCG, DND-PN, DFA, DOJ, Bureau of Immigration and Deportation (BID), Bureau of Custom (BC) and other concerned agencies shall formulate and issue manual of procedures for the apprehension, investigation and prosecution of violations of fishery laws.

SECTION 97. Financial Assistance. – For the management, development and conservation of the fisheries and aquatic resources, the Regional Governor shall make representation with appropriate funding institutions, domestic or international, to seek grants or donations or other forms of financial assistance.

Rule 97.1 **The Regional Governor through the Regional Department and RBFAR shall develop a policy/program to seek external funding sources to fully implement MMAA 86 and other projects of RBFAR that may arise in the future.**

SECTION 98. Mandatory Review. – The Regional Legislative Assembly shall undertake a mandatory review of this Code at least once every five (5) years and as often as it may deem necessary, to ensure that fishery policies and guidelines remain responsive to changing circumstances.

Rule 98.1 The Regional Department through RBFAR shall submit proposed bill to amend certain conflicting and confiscatory provisions of this Code.

SECTION 99. Research and Development. – In recognition of the important role of research in the management, development, protection and disposition of the ARMM's fisheries and aquatic resources, the Regional Department shall be required to avail of the services and assistance of the National Fisheries Research and Development Institute, which is attached to the National Department of Agriculture, for research and educational purposes.

Rule 99.1 The Regional Department through RBFAR shall institutionalize Fishery Research and Development by creating the Regional Fishery Research and Development Center in ARMM within three (3) years after the effectivity of the IRR;

Rule 99.2 The Regional Department through RBFAR shall prepare a Comprehensive Research and Development Plan within one (1) year from the effectivity of the IRR for funding support from Local and Foreign Funds.

ARTICLE XIV

FINAL PROVISIONS

SECTION 100. Appropriation. – The sum necessary for the initial implementation of the provisions of this Act shall be sourced from the budget of the Regional Department and other agencies performing fishery-related functions. Appropriations for succeeding years shall be included in the regular annual budget of the Regional Department.

Rule 100.1 Initial Budget. – The Office of the Regional Governor, Regional Department and National BFAR, shall allocate budgetary requirement necessary for the initial operation of the RBFAR immediately upon the effectivity of this IRR;

Rule 100.2 Subsequent Budget. – Shall be included in the regular annual budget of the Regional Department.

SECTION 101. Separability Clause. – If any portion or provision of this Code is declared unconstitutional or invalid, the portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

SECTION 102. Effectivity. – This Code shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of regional circulation.

APPROVED BY:

(Sgd) HON. DATU ZALDY U. AMPATUAN
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