

[PRESIDENTIAL DECREE NO. 704, May 16, 1975]

REVISING AND CONSOLIDATING ALL LAWS AND DECREES AFFECTING FISHING AND FISHERIES.

WHEREAS, fish is one of the major and cheapest sources of protein in the diet of the Filipino people;

WHEREAS, 2.2 million Filipinos depend directly on the fishery industry for their livelihood;

WHEREAS, the Philippines continues to import fish and fishery products in substantial quantities because of the insufficiency of domestic production;

WHEREAS, there is a compelling need to increase the production of fish to bring down its price to a level which will be within the reach of our people, and at the same time insure the continuity of our fishery resources in productive condition through wise utilization and proper conservation;

WHEREAS, the vast fishery resources of the Philippines have remained largely untapped due to unnecessary constraints brought by existing laws and regulations and by the failure to provide an integrated development program for the industry; and

WHEREAS, there is an urgent need to revise and consolidate all laws and decrees affecting fishing and fisheries to make them even more responsive to the needs of the fishery industry.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree as part of the law of the land the following:

SECTION 1. Title.—This Decree shall be known as the Fisheries Decree of 1975.

CHAPTER I

DECLARATION OF POLICY DEFINITION OF TERMS

SEC. 2. Declaration of Policy.—It is hereby declared the policy of the State to accelerate and promote the integrated development of the fishery industry and to keep the fishery resources of the country in optimum productive condition through proper conservation and protection.

The government shall promote and encourage the organization of, provide assistance to, and help integrate the activities of, persons, associations, cooperatives and corporations engaged in the industry so that the nation may achieve the maximum economic utilization of its fishery resources. In this connection, the fishery industry shall be considered as a preferred area of investment.

The government shall also encourage and promote the exportation of fish and fishery/aquatic products to enable the fishery industry to contribute positively to the development and growth of the national economy.

The private sector's privilege to utilize a fishery resource shall be exercised or continued to be exercised only 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 participant and partner of the government in the conservation and development of the fishery resources of the country.

SEC. 3. *Definition of Terms.*—As used in this Decree, the following terms are defined as follows:

- a. *Bureau*—Means the Bureau of Fisheries and Aquatic Resources.
- b. *Closed season*—Refers to the period during which fishing is prohibited in a specified area or areas in Philippine waters, or to the period during which the catching or gathering of specified species of fish or fishery/aquatic products or the use of specified fishing gears to catch or gather fish or fishery/aquatic product is prohibited.
- c. *Commercial fishing*—Fishing for commercial purposes in waters more than seven fathoms deep with the use of fishing boats more than three gross tons.
- d. *Electro fishing*—Means the use of electricity generated by dry-cell batteries, electric generators or other sources of electric power to kill, stupefy, disable or render unconscious fish or fishery/aquatic products in both fresh and salt water areas.
- e. *Family-size fishpond*—An area of fishpond that permits the efficient use of labor and capital resources of a family to produce an income sufficient to meet a family's need for food, clothing, shelter, health and education with reasonable reserves to absorb yearly fluctuation in income.
- f. *Fish and fishery /aquatic products.*—Fish includes all fishes and other aquatic animals, such as crustaceans (crabs, prawns, shrimps and lobsters), mollusks (clams, mussels, scallops, oysters, snails and other shellfish). Fishery/aquatic products include all other products of aquatic living resources in any form.
- g. *Fishing boat.*—Includes all boats, such as bancas, sailboats, motor boats or any other type of watercraft, whether licensed or not, used for fishing purposes: *Provided*, That any such boat used for the purpose of transporting the fish in the course of fishing operations shall be considered as a fishing boat.
- h. *Fish corral or "baclad"*—Means a stationary weir or trap devised to intercept and capture fish, consisting of rows of stakes of bamboo, palma brava or other materials fenced with split bamboo mattings or wire nettings 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 or purse.
- i. *Fish pen*—means fish enclosure made of closely-woven bamboo screens, nylon screens or nets, or other materials attached to poles staked to the water bottom for the purpose of growing and/or culture of fish to various sizes in both fresh and salt water areas.
- j. *Fishery*—Is the business of catching, taking, handling, marketing and preserving fish or other fishery/aquatic products; the fishing grounds; and the right to fish or take such products therefrom.
- k. *Fishery industry*—Includes fish producers, fish processors, fish traders, both wholesalers and retailers, and owners of refrigerating and cold storage plants serving the industry.
- l. *Fishing with the use of explosives*—Means the use of dynamite, other explosives, or chemical compound that contains combustible elements or ingredients that, upon ignition by friction, concussion, percussion, or

detonation of all or parts of the compound, kill, stupefy, disable or render unconscious any fish or fishery/aquatic product. It shall also refer to the use of any other substance and/or device that causes explosion capable of producing the said harmful effects on fish or fishery/aquatic products.

- m. *Fishing with the use of obnoxious or poisonous substance*—Means the use of any substance, plants, extracts or juice thereof, chemicals, whether in raw or processed form, harmful or harmless to human beings, which kill, stupefy, disable, or render unconscious fish or fishery/ aquatic products.
- n. *Fully developed fishpond*—A clean, leveled area enclosed with dikes at least one foot higher than the highest flood water level in the locality and strong enough to resist water pressure at the highest flood tide, and consisting at least of a nursery pond, a transition pond, a rearing pond, or a combination of any or all of said classes of ponds and a water control system.
- o. *Municipal and/or small-scale fishing*—Fishing utilizing fishing boats of three gross tons or less, or using gear not requiring the use of boats.
- p. *Municipal waters*—Include not only streams, lakes, and tidal waters included within the municipality, not being the subject of private ownership, and not comprised within national parks, public forests, timber lands, forest reserves, or fishery reserves, but also marine waters included between two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and three nautical miles from such coastline. Where two municipalities are so situated on the opposite shores that there is less than six nautical miles of marine waters between them, the third line shall be a line equi-distant from the opposite shores of the respective municipalities.

Disputes regarding jurisdiction over freshwater lakes not included within the limits of a municipality or freshwater or tidal streams forming boundaries between municipalities, shall be referred by the councils of the municipalities concerned to the provincial board.

- q. *Persons*—Include juridical entities such as associations, partnerships, cooperatives or corporations.
- r. *Philippine waters*—Include all bodies of water within Philippine territory, such as rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing, or which may hereafter exist in the provinces, cities, municipalities, municipal districts, and barrios; and the sea or fresh water around, between and connecting each of the islands of the Philippine archipelago, irrespective of its depth, breadth, length and dimension, and all other waters belonging to the Philippines by historic or legal title, including the territorial sea, the seabed, the insular shelves and other submarine areas over which the Philippines has sovereignty or jurisdiction.
- s. *Refrigerating and cold storage plants*—Consist of a set of refrigerating machinery housed in a building with cold storage compartments, for making ice and freezing and storing fish and fishery/aquatic products exclusively for the fishery industry.
- t. *Secretary*—Means the Secretary of Natural Resources.

CHAPTER II

THE BUREAU OF FISHERIES AND AQUATIC RESOURCES

SEC. 4. *Jurisdiction of the Bureau*—The Bureau shall have jurisdiction and responsibility in the management conservation, development, protection, utilization and disposition of all fishery and aquatic resources of the country except municipal waters which shall be under the municipal or city government concerned: *Provided*, That fish pens and seaweed culture in municipal centers shall be under the jurisdiction of the Bureau: *Provided, Further*, That all municipal or city ordinances and resolutions affecting fishing and fisheries and any disposition thereunder shall be submitted to the Secretary for appropriate action and shall have full force and effect only upon his approval. The Bureau shall also have the authority to regulate and supervise the production, capture and gathering of fish and fishery/aquatic products.

The Bureau shall prepare and implement, upon approval of the Fishery Industry Development Council, a Fishery Industry Development Program.

SEC. 5. *Supervision and Control*.—The Bureau shall be directly under the control and supervision of the Secretary of Natural Resources.

SEC. 6. *Review*.—All actions and decisions of the Director of Fisheries and Aquatic Resources are subject to review, *motu proprio* or upon appeal of any person aggrieved thereby, by the Secretary whose decision shall be final and executory after the lapse of thirty (30) days from receipt by the aggrieved party of said decision, unless appealed to the President in accordance with Executive Order No. 19, series of 1966. The decision of the Secretary may not be reviewed by the courts except through the special civil action of certiorari and prohibition.

SEC. 7. *Rules and Regulations*.—The Secretary shall, upon recommendation of the Director, promulgate rules and regulations to implement effectively the provisions of the Code. Such rules and regulations shall, unless otherwise herein provided, take effect fifteen (15) days after its publication in the Official Gazette and/or two newspapers of general circulation.

SEC. 8. *Technical Assistance and Training Program*.— The Bureau shall undertake or arrange special technical assistance and training programs for the enhancement of the fishery industry and provide assistance to fishery educational institutions in their research and instructional activities, and in connection therewith to maintain and operate fishing.

SEC. 9. *Research and Demonstration Service*.—The Bureau shall conduct research and studies regarding fish and fishery/aquatic products; establish fish hatcheries, nurseries and demonstration fishfolds; conduct experiment and demonstration services on fish capture and gathering fishery/aquatic products, and the culture and processing thereof; conduct oceanographic and limnological surveys; and disseminate the result of such research, studies and surveys.

SEC. 10. *Fish landing points*.—The Bureau shall determine and designate fish landing points where all commercial fishing boats shall land and unload their catch: *Provided*, That all fish landing points established prior to the effectivity of this Decree shall be considered authorized fish landing points: *Provided, Further*, That any fish landing point may, if circumstances so warrant, be closed.

SEC. 11. *New Divisions in the Bureau*.—To carry out efficiently its functions under this Decree, the following new divisions are hereby created in the Bureau: Legal Division, Fisheries Conservation and Enforcement Division, Fisheries Extension

Division, Fisheries Utilization Division, Fisheries Engineering Division, and Fisheries Training Division: *Provided*, That the new divisions shall be staffed by the Director from qualified personnel of the Bureau as first priority, and proposals for additional necessary personnel shall be included in the Bureau's appropriation for the succeeding year.

CHAPTER III

THE FISHERY INDUSTRY DEVELOPMENT COUNCIL

SEC. 12. *Creation and Membership of the Council.*—To implement the policy enunciated in Section Two of this Decree, there is hereby created a Fishery Industry Development Council, hereinafter referred to as the Council, which shall be composed of the following:

Secretary of Natural Resources	Chairman
Secretary of Agriculture	Member
Secretary of National Defense	Member
Secretary of Trade	Member
Secretary of Public Works, Transportation and Communications	Member
Governor of the Central Bank of the Philippines	Member
Chairman of the Development Bank of the Philippines	Member
President of the Philippine National Bank	Member
Chairman of the Board of Investments	Member
Director of Fisheries and Aquatic Resources	Member and Executive Officer
A representative of the inland fisheries associations	Member
A representative of the marine fisheries associations	Member

The two representatives from the private sector shall be appointed for a term of two (2) years by the Secretary upon the recommendation of the Director.

Upon the effectivity of this Decree, the Council shall be constituted. The Council shall meet at least once a month: *Provided*, That the Chairman may convene the Council in special meetings to consider urgent matters. If the Chair-man cannot attend any meeting, the members present shall select from among themselves a temporary presiding officer. If any of the members shall not be able to attend any meeting of the Council, he shall send a duly authorized representative to exercise his powers and perform his functions.

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

The Executive Officer shall be charged with the duty of implementing the policies and guidelines established by the Council.

SEC. 13. *Functions of the Council.*—The Council shall formulate and establish comprehensive policy guidelines for the management, protection, conservation and