

[PRESIDENTIAL DECREE NO. 43, November 09, 1972]

PROVIDING FOR THE ACCELERATED DEVELOPMENT OF THE FISHERY INDUSTRY OF THE PHILIPPINES

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 fishing 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, in the New Society, there is a compelling need to bring fish prices down to the lowest possible level in order to benefit the lower-income groups in the society;

WHEREAS, the most effective method of bringing down fish prices is to increase production of both marine and the inland fish;

WHEREAS, the vast fishery resources of the Philippines have remained largely untapped due to unnecessary constraints brought about by law or by regulations and by the failure to provide an integrated development program and the appropriate incentives;

WHEREAS, there was pending before Congress prior to the promulgation of Proclamation No. 1081, dated September 21, 1972, a proposed bill entitled "**AN ACT TO ACCELERATE THE INTEGRATED DEVELOPMENT OF THE PHILIPPINE FISHERY INDUSTRY AND FOR OTHER PURPOSES**" designed to develop the industry in all its aspects and which had been duly certified by me as one of the priority measures needed for the national economic program of the Government;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines by virtue of the powers in me vested by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, in order to effect the desired changes and reforms in the social, economic and political structure of our society, do hereby order and decree that the following Fishery Industry Development Decree of 1972 be adopted and made part of the law of the land;

SECTION 1. Title. — This Decree shall be known as the Fishery Industry Development Decree of 1972.

SEC. 2. Declaration of Policy. — It is hereby declared the policy of the State to accelerate the integrated development of the fishery resources of the country. For this purpose, the Government shall promote, encourage, and hasten the organization of, provide assistance to, and help integrate the activities of all persons, associations, cooperatives and corporations engaged in the industry so that the nation may achieve self-sufficiency in the supply of fish and fishery products and to achieve said purposes, the fishing industry shall be considered as a Board of

Investments pioneer project. It shall also encourage and promote the diversification of export products and markets to enable the fishery industry to contribute positively in the development and growth of the national economy. More particularly, the Government shall help provide financing, training, extension services, technical assistance and infrastructures for production, storage, processing, transportation, marketing and the distribution of fish and fishery products.

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

(a) *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 at least consisting of a nursery pond, a transition pond and a rearing pond and a water control system.

(b) *Fish and Fishery 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) and fishery products include all products of aquatic living resources in any form.

(c) *Refrigerating and cold storage plants* — Consist of a set of refrigerating machineries housed in a building with cold storage compartments, for purposes of making ice and freezing and storing fish and other perishable commodities.

(d) *Fishery industry* — Consists of the production, processing, preservation, marketing and distribution of fish and fishery products.

(e) *Commercial fishing* — Fishing for commercial purposes in waters of more than seven fathoms deep with the use of fishing boats of more than three gross tons.

(f) *Municipal or sustenance fishing* — Small scale fishing utilizing fishing boats of three gross tons or less or using gears not requiring the use of boats.

(g) *Components of the fishery industry* — Fish producers, fish processors, fish traders both wholesalers and retailers, and owners of refrigerating and cold storage plants serving the industry.

(h) *Economic family size fishpond* — An area of fishpond that permits the sufficient use of labor and capital resources of a family and will produce an income sufficient to provide a modest standard of living to meet a family's need for food, clothing, shelter, health and education with allowance for payment of yearly installments on the area, and reasonable reserves to absorb yearly fluctuations in income.

(i) *Commercial scale fishpond production* — This refers to production of fish in fully developed fishpond of not less than 500 kilograms of production per hectare per year,

SEC. 4. *Fishery Industry Development Council* — To implement the foregoing 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 Agriculture and Natural Resources	Chairman
	Vice-Chairman and Executive Officer
Director of Fisheries	
Secretary of National Defense	Member
Governor of the Central 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

And a representative each to be recommended by the largest nation-wide bona fide organizations of fishpond operators and fishing associations, to be appointed by the President upon the recommendation of the Secretary, Department of Agriculture and Natural Resources for a term of two years.

Within thirty days after the approval of this Decree, the President of the Philippines shall constitute the Council. The Council shall meet regularly on the first Monday of each month: *Provided*, That the Chairman may convene the Council in special meetings to consider urgent matters. If any of the members shall not be able to attend the regular and special meetings of the Council, he shall send a duly authorized representative to exercise his powers and perform his functions.

The Council shall adopt the rules and regulations necessary to govern its proceedings, and determine its official location and address.

SEC. 5. Powers and functions of the Council. —The Fishery Industry Development Council shall have the following functions, powers and duties:

1. To provide comprehensive policy guidance and create a healthy investment climate for the development of the industry in all its aspects, and delineate and coordinate the various activities of the participating agencies of the industry;
2. To encourage persons, associations, cooperatives and corporations engaged or who will engage in the production, storage, processing, marketing and distribution phases of the industry to adopt such systems and practices which will reduce costs and improve the quality of fish and fishery products in order to bring about fair returns to producers and reasonable prices for the benefit of the consumers;
3. To promote the establishment of infrastructure and other physical facilities geared towards the development of the fishing industry;
4. To encourage the improvement and modernization of the fishing fleet of the country and the expansion of its operation;

5. To provide guidelines aimed at protecting fish habitats, marine parks, and other fishery resources from pollution;
6. To draw up a comprehensive financial program for the industry indicating therein the sources, either domestic or foreign, allocating the funds thereof under a system of priority;
7. To devise a feasible system of insurance which will meet the needs of the industry.

The Council shall, within ninety days after it has been constituted, adopt a Fishery Industry Development Program, hereinafter referred to as the "Program," which shall be implemented by its constituent agencies.

In this regard, the President of the Philippines, in consultation with the Council and Monetary Board, may under Republic Act Numbered Sixty-one hundred and forty-two, enter into, make, perform and carry out contracts of every class and description necessary or incidental to the realization of the objectives of the Program with any person, firm or corporation, private or public, or initiate contracts and/or agreements in behalf of the industry between the Philippine Government and foreign governments or institutions.

SEC. 6. *Implementing Agencies.* — The agencies represented in the Council shall, in accordance with the Fishery Industry Development Program adopted by the Council, have the following functions, powers and duties under this Decree;

A. The Department of Agriculture and Natural Resources shall:

1. Direct and coordinate the activities of its component agencies in accelerating the development of the industry;
2. Direct and facilitate the orderly, systematic and expeditious transfer of the jurisdiction of public lands available for fishpond development to the Bureau of Fisheries upon the effectivity of this Decree. For this purpose, all public lands, such as tidal swamps, mangrove and other swamps, marshes, ponds and streams within public lands, including public lands left dry during the lowest low tide and covered by water during the highest tide; and which are not needed for forestry purposes are hereby declared available for fishpond purposes and automatically transferred to the Bureau of Fisheries for its administration and disposition: *Provided*, That the Bureau of Fisheries shall set aside portions of such public lands for fish propagation, fish sanctuary, conservation and ecological purposes: And *Provided*, That certain tidal swamps, mangrove and other swamps, marshes, ponds, streams within public lands, used or utilized by fishery schools and colleges be set aside for their use; and
3. Undertake such other measures as may be necessary to efficiently carry out the fishery industry development program.

B. The Bureau of Fisheries shall be the research, advisory and executive arm of the Council and as such shall have the primary and direct responsibility for implementing the Program as approved by the Council with the active cooperation of, and in coordination with, other participating agencies. It shall:

1. Exercise the powers, duties and function under Republic Act Numbered Thirty-five hundred and twelve, not inconsistent with the provisions

herein stated for the attainment of policy, objectives and purposes of this Decree;

2. Issue or promulgate and execute instructions, orders, rules and regulations for the development, improvement, management and/or conservation of fish and fishery resources, declare and/or establish and enforce for a specified time of the year a close season for the catching and selling of a specified species of fish or the operation of a specified fishing gear covering the entire Philippine territorial waters or any portion thereof that shall be specifically defined, subject to the approval of the Council. Such instruction, rule or regulation, declaration and/or establishment shall take effect fifteen (15) days after its publication in the *Official Gazette* and two newspapers of general circulation;
3. Prescribe fees for the gathering, taking, culturing and processing of fish and other fishery products, permit, license or concession fees, fees for the importation or exportation of aquatic products and other fees for the grant of fishery privileges, subject to the approval of the Council;
4. Grant or execute leases, subject to the approval of the Council, entitling the holders thereof to develop a definite tract of public land to be devoted exclusively for fishpond purposes for a period of fifteen (15) to twenty five (25) years, subject to renewal for an equal or longer period;
5. Grant concession for collecting or gathering of marine mollusks or their shells sponges seaweeds and other aquatic products in any of the territorial waters of the Philippines;
6. Undertake a fisheries training program and coordinate with and provide assistance to fishery educational institutions in their research and instructional activities to provide the fishery industry with technically competent manpower: *Provided* That the fishery educational institution shall devise and adopt a standard "core" curriculum aimed at the training of vocational level fishery technicians;
7. Perform all powers functions and duties over fishing vessels of more than three (3) gross tons regarding the registration, documentation, inspection and licensing of said vessels for the purpose of fishing operations: *Provided*, That the license granted shall allow the licensee to operate only in Philippine waters to of more than seven (7) fathoms deep, subject to the conditions that may be stated therein and the rules and regulations that may, from time to time, be promulgated by the Director of Fisheries with the approval of the council, notwithstanding the provisions of law to the contrary: *Provided, further*, That the Bureau of Fisheries after a thorough and careful study is hereby empowered to declare and open and close season for the operation of baby trawls in areas seven fathoms deep or less: *Provided, furthermore*, That operations of baby trawls using fishing boats of three (3) gross tons or less may operate in areas four fathoms (4) deep or more subject to the approval of the Council herein created, may declare, an open and close season for their operations;

Notwithstanding the provision of any law to the contrary, a fishing vessel may by accepted for registration, documentation and licensing purposes by the Bureau of Fisheries, upon inspection and verification by the naval architect and marine engineer if the said Bureau that the fishing vessel is seaworthy and fit foe operations;