

**[BFAR ADMINISTRATIVE ORDER NO. 200, S.
2000, August 31, 2000]**

**GUIDELINES AND PROCEDURES IN IMPLEMENTING SECTION 87
OF THE PHILIPPINE FISHERIES CODE OF 1998**

Pursuant to Section 87 of RA 8550 otherwise known as the Fisheries Code of 1998 and Section 87.1 of the Department of Agriculture Administrative Order No. 3, Series of 1998, providing for its Implementing Rules and Regulations, and in order to effectively implement the provisions of the said section, the following guidelines and procedures are hereby promulgated:

SECTION 1. Definition of Terms . — As used in this Order, the following terms shall mean:

- a) Poaching — means fishing or operating any fishing vessel in Philippine waters, committed by any foreign person, corporation, or 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;
- b) Prima facie evidence — means one which establishes a fact and unless rebutted or explained by the evidence becomes conclusive and is to be considered as if fully proved;
- c) Philippine territorial waters — all waters from the baselines to the outer limits described in the Treaty of Paris of 10 December 1898, the treaty concluded at Washington, D.C., between the United States and Spain on 7 November 1900, the agreement between the United States and the United Kingdom of 2 January 1930, and the Convention of 6 July 1932 between the United States and Great Britain; and described in Republic Act No. 3046 (as amended);
- d) Exclusive Economic Zone or EEZ — an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baselines as defined under existing laws;
- e) Internal waters — all waters around, between and connecting different islands belonging to the Philippine Archipelago, irrespective of their width or dimension, are necessary appurtenances of its land territory, forming an integral part of the national or inland waters, subject to the exclusive sovereignty of the Philippines;

- f) Foreign fishing vessel (FFV) — a fishing vessel not duly licensed with the Philippine government.

SECTION 2. Prohibition . — It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

SECTION 3. Prima Facie Evidence of Poaching. — The entry of any foreign fishing vessel in the Philippine waters shall constitute a prima facie evidence that the vessel is engaged in poaching in Philippine waters under the following circumstances:

- a) Entry of a FFV into Philippine waters under the following circumstances:

- (i) Navigating with its fishing gear deployed and/or not stowed;
- (ii) Navigating with an irregular track or route;
- (iii) Navigating through Philippine territorial waters without prior notice to, clearance of, or permission from the appropriate Philippine authority;
- (iv) Navigating in a manner that does not qualify as innocent passage nor navigating outside traditional routes or in identified fishing grounds;
- (v) Navigating without flying its national flag.

- b) When a FFV is found within Philippine waters:

- (i) Under the circumstances enumerated in the previous paragraph;
- (ii) Lying-to or anchoring without any valid reasons or circumstances that may indicate the existence of force majeure, distress, or for the purpose of rendering assistance to persons, ships or any sea craft that is endangered or in distress;
- (iii) Lying-to, anchoring at, or anchoring near to or within known fishing grounds or marine protected areas.

- c) When a FFV, after having been inspected within Philippine waters, in accordance with the procedures set forth in this FAO, is found to contain freshly caught fish on deck or in storage, corals, mollusks.

SECTION 4. Reports by Philippine Commercial Fishing Vessels or Municipal Fishers . — When a FFV has been reported by any person to be suspected of poaching in Philippine waters, any of the persons authorized to enforce this Order shall immediately take action to pursue and conduct an inspection of the FFV in question, to determine whether it is in fact engaged in poaching.

SECTION 5. Persons Authorized to Enforce this Order . - The following are authorized to enforce the provisions of this Order: