

**[ BFAR ADMINISTRATIVE ORDER NO. 198, S. 2000, February 23, 2000 ]**

**RULES AND REGULATIONS ON COMMERCIAL FISHING**

Pursuant to the provisions of Sections 3, 6, 18, 26, 27, 29, 30, 31, 32, 33, 38, 39, 65, and 86 of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, the following rules and regulations on commercial fishing in Philippine waters are hereby promulgated:

**SECTION 1. Definition of Terms and Phrases** . — As used in this Order, the following words and phrases shall mean:

- a) *Person* — natural or juridical entities such as individuals, associations, partnerships, cooperatives or corporations.
- b) *Fishing Gear License* — refers to the document issued by the Bureau which permit the kind of fishing gear to be used by fisherfolk in its fishing operation in Philippine waters.
- c) *Fishing Vessel License* — refers to the document issued by the Bureau which permit a vessel to conduct fishing operations in Philippine waters.
- d) *Fisherworker License* — refers to the document issued by the Department through the Bureau for qualified fisherfolk who seek employment as fisherworker or pearl diver.
- e) *Fishing* — the taking of fishery species from their wild state or habitat, with or without the use of fishing vessel.
- f) *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:
  - 1) *Small scale commercial fishing* — fishing with passive or active gear utilizing fishing vessel of 3.1 gross tons (GT) up to twenty (20) gross tons;
  - 2) *Medium scale commercial fishing* — fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and
  - 3) *Large scale commercial fishing* — fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.

g) *Fishing Gear* — any instrument or device and its accessories utilized in taking fish and other fishery species.

1) *Active fishing gear* — as a fishing device characterized by gear movements and/or the pursuit of its 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 seine, Danish seine, bag nets, pa-aling, drift gill net and tuna longline.

2) *Passive fishing gear* — is characterized by the absence of gear movements and/or the pursuit of the target species such as, but not limited to hook and line, fishpots, traps and gill nets set across the part of the fish.

h) *Fishing vessel* — any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.

i) *CFVGL* — refers to the Commercial Fishing Vessel and Gear License.

j) *Certificate of Clearance* — a document issued to owners/operators of duly licensed commercial fishing vessels before departure from its homeport for any port to the fishing ground.

k) *Fishworker* — a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fish pens, fish cages, fish corrals/traps, 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.

l) *Resource rent* — the difference between the value of the products produced from harvesting a publicly owned resource less the cost of producing it, where cost includes the normal return to capital and normal return to labor.

m) *Department* — the Department of Agriculture.

n) *Secretary* — the Secretary of the Department of Agriculture.

o) *Bureau* — the Bureau of Fisheries and Aquatic Resources.

- p) *Director* — the Director of the Bureau of Fisheries and Aquatic Resources.

**SECTION 2. License to Operate a Commercial Fishing Vessel/Gear.** — No person shall operate a commercial fishing vessel in Philippine waters without a license duly granted by the Bureau: Provided, That no such license shall be required of a fishing vessel engaged in scientific, research or educational purposes within Philippine waters pursuant to an international agreement in 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 official of the international agency under which said vessel operates, Provided further, that before a commercial fishing vessel holding a commercial vessel license may begin fishing operations, the fishing gears that will utilize in fishing shall be registered and the corresponding license issued by this Bureau.

**SECTION 3. Persons Eligible to Apply for CFVGL**

- a) Citizen of the Philippines; and
- b) Corporations, partnerships, or associations and cooperatives duly registered in the Philippines at least sixty percent (60%) of the capital stock of which is owned by Filipino citizens.

**SECTION 4. Application for CFVGL .** — An application for a license shall be filed with the Office of the Director, or the Fisheries Regional Office or the Provincial Fishery Office which has jurisdiction over the homeport of the vessel.

**SECTION 5. Requirements for the Issuance of a New Commercial Fishing Vessel License:**

- a) Duly accomplished BFAR application for fishing vessel license;
- b) Two (2) copies of 8" x 10" vessel picture showing the port, starboard and name of the vessel;
- c) Grid map indicating the proposed fishing ground/s;
- d) Original or authenticated photocopy of the following:
- d.1) Certificate of Vessel Registry (CVR);
  - d.2) Certificate of Ownership (CO); and
  - d.3) Current Certificate of Inspection (CI).
- e) Approved Articles of Incorporation and By-Laws for corporation, the primary or secondary purpose of which is to engage in fishing, or business name registration, certificate for single proprietorship or partnership to accompany the first vessel of the applicant to be licensed; and
- f) Fishing logbook for catcher vessel for registration and approval by BFAR upon payment of registration fee of fifty

pesos (P50.00).

**SECTION 6. Requirements for the Issuance of a Gear License**

- a) Duly accomplished BFAR registration forms for gear license (2 copies);
- b) Drawing of gear design and its specifications, showing the mouth, body and bunt/bag of the fishing gear;
- c) Official Receipt of CFVL fee; and
- d) Official Receipt of Fishing Gear Registration (FGR) fee.

**SECTION 7. Inspection of Fishing Vessel and Fishing Gear. —**

The inspection of fishing vessel (catcher) and fishing gear shall be annual and the request shall be made three (3) days before the said actual inspection.

**SECTION 8. Application and Registration Fees. —**

The application for Commercial Fishing Vessel License (CFVL) and the registration of the fishing gear (RFG) shall be Four Hundred (P400.00) and Two Hundred (P200.00) pesos, respectively, payable to the Bureau which is non-transferable and non-refundable.

**SECTION 9. Licenses and Registration Fees . —**

The annual license fee shall be payable to the Bureau in accordance with the following rates:

- a. For Commercial Fishing Vessel License:
  - 1) For vessels of 3.1 to 20.0 gross tons – P200.00 + P2.00/GT or a fraction thereof
  - 2) For vessels of 20.1 to 50.0 gross tons – P250.00 + P2.00/GT or a fraction thereof
  - 3) For vessels of 50.1 to 100.0 gross tons – P300.00 + P2.00/GT or a fraction thereof
  - 4) For vessels of 100.1 to 125.0 gross tons – P500.00 + P3.00/GT or a fraction thereof
  - 5) For vessels of 125.1 to 150.0 gross tons – P1,000.00 + P3.00/GT or a fraction thereof
  - 6) For vessels of 150.1 to 250.0 gross tons – P1,500.00 + P3.00/GT or a fraction thereof
  - 7) For vessels of 250.1 and above – P2,500.00 + P4.00/GT or a fraction thereof
  
- b) For Gear License:
  - 1) Small-scale commercial fishing – P200.00 per year
  - 2) Medium-scale commercial fishing – P400.00 per year
  - 3) Large-scale commercial fishing – P600.00 per year