

# [ Act No. 4003, December 05, 1932 ]

## **AN ACT TO AMEND AND COMPILE THE LAWS RELATING TO FISH AND OTHER AQUATIC RESOURCES OF THE PHILIPPINE ISLANDS, AND FOR AND FOR OTHER PURPOSES.**

*Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:*

### CHAPTER I

#### MATTERS OF GENERAL NATURE

ARTICLE I.—*Title of Act, fisheries to which it applies, and officers charged with its execution*

SECTION 1. *Title of Act.*—This Act shall be known as the "Fisheries Act."

SEC. 2. *Application of provisions.*—The provisions of this Act shall apply to all fishing and fisheries in Philippine waters.

SEC. 3. *Executive officers charged with execution of this Act.*—The Secretary of Agriculture and Natural Resources shall be executive officer charged with carrying out the provisions of this Act, with authority to assign the direct executive control of the enforcement of its provisions and the rules and regulations that may hereafter be promulgated in according therewith to such representatives, bureau, office or service as said Secretary may designate.

SEC. 4. *Instructions, orders, rules and regulations.*—The Secretary of Agriculture and Natural Resources shall from time to time issue such instructions, orders, rules and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions.

SEC. 5. *Deputies authorized to enforce provisions of this Act.*—Members of the Philippine Constabulary; members of municipal and municipal district police; members of the secret service force, inspectors, guards, wharfingers of the customs service; and such internal-revenue agents, officers of coast guard cutters and lighthouse keepers, and other competent officials, employees or persons as may be designated in writing by the Secretary of Agriculture and Natural Resources are hereby made deputies of said Department Head, with full power and authority to enforce the provisions of this Act and the regulations promulgated thereunder and to arrest offenders against the same.

#### ARTICLE II.—*Definitions*

SEC. 6. *Words and phrases defined.*—Words and terms used in this Act shall be construed as follows:

"Philippine waters, or territorial waters of the Philippines", includes all waters pertaining to the Philippine Archipelago, as defined in the treaties between the United States and Spain, dated respectively the tenth of December, eighteen hundred and ninety-eight, and the seventh of November, nineteen hundred.

"Municipal waters", includes 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 distant from it three nautical miles.

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 equally distant from the opposite shores of the respective municipalities.

"Person", includes firm, corporation, association, agent or employee.

"Open", applies to beds, banks, shell-fields, zones, areas and regions in Philippine waters which have not been brought within the operation of an order of closure promulgated by the Secretary of Agriculture and Natural Resources.

"Open season", that period of time during which fishing is permitted in a specified area or areas in Philippine waters.

"Closed season", that period of time during which fishing is prohibited in a specified area or areas in Philippine waters, through an order of closure by the Secretary of Agriculture and Natural Resources.

"Inclusion of dates", whenever a period is designated during which an act is permitted or prohibited, the first and second dates shall be included within such period.

"Whole to include part", every provision relating to a fish or other aquatic animal shall apply to a part of such fish or other aquatic animal.

"Sell and sale", includes barter, exchange, and offering or exposing for sale.

"Possession", means actual or constructive possession and any control of things referred to.

"Transport and transportation", means all carrying or moving or causing to be carried or moved.

"Take or taking", includes pursuing, shooting, killing capturing, trapping, snaring, and netting fish and other aquatic animals, and all lesser acts, such as disturbing, wounding, stupefying, or placing, setting, drawing, or using any net or other device commonly used to take or collect fish and other aquatic animals, whether they result in taking or not, and includes every attempt to take and every act of assistance to every other person in taking or attempting to take or collect fish and other aquatic animals: *Provided*, That whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

"Sponges", unless otherwise specified, such as cleaned- or prepared sponges, shall be construed to mean sponges in their original or natural state and not prepared sponges.

### ARTICLE III.—*General protective provisions*

SEC. 7. *Authority to declare and establish closed season.*—The Secretary of Agriculture and Natural Resources shall have authority, subject to the approval of the Governor-General, to declare and establish a closed season for fish, shellfish, or any other aquatic animal specified by him.

SEC. 8. *Duration of closed season.*—A closed season established by the Secretary of Agriculture and Natural Resources may be so defined as to cover a particular portion or portion of each successive year, or if deemed necessary for the public interest, it may be made to extend over any single period of time of not more than five years' duration.

SEC. 9. *Application of closed season.*—The order creating a closed season may be made applicable to the entire Philippine Islands or to any specified province or other territorial division therein, or it may be limited to a particular water or stream.

SEC. 10. *Issuance of order for closed season.*—Such order shall be issued at least two months before the date of its taking effect, and if general, it shall be published in the *Official Gazette* once a week for three consecutive weeks prior to the same date.

An order applying to a province, municipality or other territorial division, shall be published once a week for three consecutive weeks, in a local newspaper, if any there be, and copies of the order shall be posted at the main entrance of the provincial and municipal buildings and in said buildings, before it is to take effect.

The Secretary of Agriculture and Natural Resources shall also adopt in each case such other means of publicity as he shall deem expedient to spread and maintain knowledge of the existence of the order among the people to be affected by it.

SEC. 11. *Prohibition of the use of obnoxious or poisonous substance in fishing.*—The use of any obnoxious or poisonous substance liable to stupefy, disable, or cause death of fishes or other aquatic animals for the taking of the same; or the placing of any such substance in fresh or marine waters of the Philippine Islands where it may cause the stupefaction, disablement, or death of fishes and is intended to cause such stupefaction, disablement, or death; or the gathering by any means of the fishes or other aquatic animals stupefied, disabled or killed by the action of poisonous or obnoxious substance shall be unlawful: *Provided, however,* That the Secretary of Agriculture and Natural Resources may issue permits for the use of poisonous or obnoxious substances in taking fish or other aquatic animals in limited numbers for scientific purposes only. Such authorized party must have the permit with him ready to exhibit on demand of any peace officer or deputy authorized in section five hereof to enforce the provisions of this Act.

SEC. 12. *Prohibition of the use of explosives in fishing.*—The use of dynamite or other explosives for the stupefying, disabling, killing or taking of fish or other aquatic animals, or under water for any purpose except in the execution of *bona fide* engineering work and the destruction of wrecks or obstructions to navigation; or the gathering by any means of the fishes or other aquatic animals stupefied, disabled or killed by the action of dynamite or other explosives shall be unlawful: *Provided,* That the use of mechanical bombs for killing whales, crocodiles, sharks, or other large dangerous fishes, may be allowed, subject to the approval of the Secretary of Agriculture and Natural Resources and the Secretary of the Interior: *And provided, further,* That the Secretary of Agriculture and Natural Resources, with the concurrence of the Secretary of the Interior, may issue permits for the use of

explosives in taking fish or other aquatic animals in limited numbers for scientific purposes only. permittees must be ready at all times to exhibit permits on demand by any peace officer or deputy authorized in section five hereof to enforce the provisions of this Act.

SEC. 13. *Protection of fry or fish eggs.*—Except for scientific or educational purposes or for propagation, it shall be unlawful to take or catch fry or fish eggs and the small fish, not more than three centimeters long, known as *siliniasi*, in the territorial waters of the Philippine Islands. Towards this end, the Secretary of Agriculture and Natural Resources shall be authorized to provide by regulation such restrictions as may be deemed necessary to be imposed on the use of any fish net or fishing device, for the protection of fry or fish eggs: *Provided, however,* That the Secretary of Agriculture and Natural Resources shall permit the taking of the young of certain species of fishes, known as *ipon*, under such restrictions as may be deemed necessary.

SEC. 14. *Water pollution.*—It shall be unlawful to place, cause to be placed, discharge or deposit, or cause to be discharged or deposited, or to pass or place where it can pass into the waters of the Philippine Islands any petroleum, acid, coal, or oil tar, lamp-black, aniline, asphalt, bitumen, or residuary product of petroleum or carbonaceous material or substance, or any refuse, liquid or solid from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind, or any sawdust, shavings slabs, edgings, or any factory refuse or any substance or material deleterious to fish or aquatic life.

SEC. 15. *Importation of foreign fish, mollusk, crustacean, etc.*—The importation into the Philippine Islands of any foreign fish, mollusk, crustacean, or amphibian or other aquatic animal for the purpose of propagation shall be effected only through a special permit from the Secretary of Agriculture and Natural Resources. An application for permit shall be presented at least twenty days prior to the probable date of arrival of such fish, mollusk, crustacean, or amphibian, or other aquatic animal. If imported without such special permit, such foreign fish, mollusk, crustacean, or amphibian, or other aquatic animal shall, upon arrival at any port of the Philippine Islands, be confiscated or returned at the expense of the owner, person, firm or corporation having charge or possession thereof. Nothing in this section, however, shall restrict the importation of natural history specimens for museums or scientific collections, and all importations hereunder shall be subject to inspection and such quarantine measures as may be considered necessary for the protection of plant and animal life in the Philippine Islands.

#### ARTICLE IV.—*Classification of fisheries*

SEC. 16. *Public fisheries classified.*—For the purposes of this Act the public fisheries of the Philippine Islands shall be classified, according to their government and disposition, as follows:

- (a) Insular.
- (b) Municipal.
- (c) Reserve.

The Governor-General, upon recommendation of the Secretary of Agriculture and Natural Resources, may, for reasons of public interest, transfer fisheries from one

class to another.

## CHAPTER II

### INSULAR FISHERIES

#### ARTICLE V.—*Deep-sea or offshore fishing*

SEC. 17. *License tax on operation of boat.*—Unless provided with a license issued in accordance with the provisions of this Act, no person, association or corporation shall operate any vessel of more than three tons gross for the purpose of catching fish in the territorial waters of the Philippine Islands.

SEC. 18. *Annual fee on operation of boat.*—The Secretary of Agricultural and Natural Resources is hereby empowered to issue the proper parties licenses for the operation of powered vessels of more than three tons gross for the catching of fish in the territorial waters of the Philippine Islands, upon the payment of an annual fee of not less than five pesos nor more than two hundred pesos before the first day of April of each year for every vessel subject to taxation under this Act: *Provided*, That the catching of fish under the licenses issued herein shall be subject to the limitations, restrictions, and penalties imposed by this Act: *And provided, further*, That sailing or rowed vessels not rowed nor operated in connection with power-propelled vessels or any other craft of not more than three tons gross towed by power-propelled launches or vessels shall be exempt from the payment of the fees provided herein.

SEC. 19. *Permit to operate vessels for scientific purposes.*—A permit may be granted by the Secretary of Agriculture and Natural Resources free of charge to any person, association or corporation of good repute, permitting the holder to operate a vessel of more than three tons gross for we catching of fish for scientific, educational or personal purposes, or for propagation. Such permits shall be in force for a period of one year only and shall be subject to such conditions as the Secretary of Agriculture and Natural Resources may deem wise to impose for the proper carrying out of the purposes of this Act. Upon proof that the holder of such permit has caught fish for other than scientific, educational or personal purposes or for propagation the permittee shall be subject to the same penalty as if he had no permit.

SEC. 20. *Persons and corporations eligible for licenses.*—No license for the operation of vessels for the catching of fish in the territorial waters of the Philippine Islands shall be issued, except to citizens of the Philippine Islands or of the United States, or to associations or corporations that are duly registered or incorporated under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, and at least sixty-one per cent of whose capital stock or interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which grant similar rights to citizens of the Philippine Islands: *Provided, however*, That all individuals, associations or corporations now operating vessels of more than three tons gross for the commercial catching of fish may obtain licenses for the vessels which they are operating at the time this law goes into effect and may renew such licenses for the same vessels so long as they are utilized for the commercial catching of fish and the holders of such licenses have not been guilty of any violation of this Act, or the customs laws, or the regulations promulgated thereunder: *Provided, further*, That no individual, association or corporation licensed to operate a vessel under the terms of this Act shall be authorized to transfer or