NATIONAL ADMINISTRATIVE REGISTER · FEBRUARY 1, 1997

NIA GUIDELINES GOVERNING FISHING AND OTHER RELATED ACTIVITIES, INCLUDING THE CONSTRUCTION AND OPERATION OF FISHERIES OR FISH CAGES AT THE ALAPASCO RESERVOIR IN ALAPASCO, BATAD, ...

NIA GUIDELINES GOVERNING FISHING AND OTHER RELATED ACTIVITIES, INCLUDING THE CONSTRUCTION AND OPERATION OF FISHERIES OR FISH CAGES AT THE ALAPASCO RESERVOIR IN ALAPASCO, BATAD, PROVINCE OF ILOILO, February 01, 1997

Read online (full-text search, related cases, audio case brief): https://batas.org/library/1108f35acdfc/

Pursuant to the provision of Section 2, paragraph 3 (f) of Presidential Decree No. 552 "An Act Amending Sections of Republic Act Thirty Six Hundred and One, Entitled. An Act Creating the National Irrigation Administration" the following guidelines is hereby promulgated.

SECTION 1. Title - These guidelines shall be known as the "The Guidelines Governing Fishing and Other Related Activities, Including the Construction and Operation of Fishpens or Fish Cages at the Alapasco Reservoir in Batad, Province of lloilo.

SECTION 2. Definition of Terms - As used in these Guidelines, the following terms shall mean:

a. Aiapasco Reservoir - A man-made body of water formed by the construction of the Alapasco Dam and located in the undeveloped section of the foothills and mountains of the Alapasco, Batad, Province of lloilo particularly covering the areas within barangay Alapasco. The Reservoir extends upstream about 5 kilometers from the damsite to a point just downstream along the Sibajo River (Annex "A")*.

b. Fisherman - An individual who engages in fishing personally and/or with the aid of labor from within his immediate household.

c. Fishing -The act of catching, trapping or taking fish from the reservoir waters in the manner prescribed in this Order, exclusively for the growing and/or culturing of fish in fishpens or fish cages.

d. Sustenance Fishing - Fishing for domestic or family consumption with the use of one {1) hook, one (1) line, one (1) pole, and where the catch does not exceed five (5) kilos per day.

e. Sport Fishing -Fishing with use of one (1) hook, one(1) line, one (1) pole, extended only to visitors and tourists and where the catch does not exceed ten (10) fishes per day.

f. Small Scale Commercial Fishing - Fishing where the purpose is to catch fish for commercial sale, beyond sport or sustenance fishing.

g Fishing Gear - Any installment or equipment used to catch or take fish.

h. Fishpens or Fish Cages - Shall refer to closely woven bamboo screens, nylon nets or other materials either attached to the poles staked to the reservoir bottom by weights enclosing a given portion of the reservoir waters and constructed for the purpose of growing and/or culturing fish, in accordance with the designated area and specifications herein provided under Annex "A" which forms part of this guideline.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

i. Fishing Permit - A privelege granted by the NIA or its duly authorized representative to the holder of a permit, to fish at the reservoir of the Alapasco Dam, subject to the conditions, limitations and restrictions herein provided.

j. Administrator - The Administrator of the National Irrigation Administration,

k. Regional Irrigation Manager - NIA's chief of the Office for Region,

I. Bona-fide Resident Fisherman - Shall refer to those fishermen who have established permanent residence and actually residing in the vicinity of the reservoir, Barangay of Alapasco and the damsite proper of Barangay Bulak Sur, for a period of at least six (6) months prior to the filing of the application for permit.

m. Research Institutions - shall refer to organizations, domestic or international, authorized to operate under Philippine laws and explicitly authorized by their respective charters to engaged in studies and experimentations aimed at the improvement/advancement offish culture techniques and practices.

n. NIA - National Irrigation Administration.

0. BFAR - Bureau of Fisheries and Aquatic Resources

p. Irrigator's Associations (lA's) - Non-stock non-profit organization of farmers who are beneficiaries of the Alapasco Reservoir covered by one irrigation control structure duly registered with the Securities and Exchange Commission.

q. Displaced Families - Are those families whose family home where involuntarily resettled within the same or adjoining barangays due to the construction of (he dam as certified by NIA.

SECTION 3. Required Permits - Any person, partnership, association, corporation, research, institution or other aggrupation desiring to fish and/or construct and operate fishpens or fish cages in the Alapasco Reservoir shall first obtain a permit from NIA and pay the corresponding fees, local taxes and other charges due to the Local Government Units and the National Government.

Who are Entitled to Obtain Permits - The following shall be qualified to obtain permits:

1. Citizens of the Republic of the Philippines;

2. Research Institutions engaged in fishery development;

3. Association or corporation duly registered under the Philippine laws, at least sixty (60) percent of the capital stock of which is owned and controlled by Filipino citizens;

4. Partnership duly registered under Philippine laws, at feast, sixty percent (60%) of the interest of which is owned by Filipino Citizens;

5. Cooperatives under the laws of the Philippines duly registered with the Cooperative Development Authority;

6. Other aggrupations of local residents being promoted by the government.

In issuing said permits, the NIA shall be guided by the following order of preference:

a. Fishermen's cooperative majority of which consist of the displaced families involuntarily resettled due to the construction of the reservoir;

b. Bona-fide members of the Irrigator's Association served by the Alapasco Dam;

c. Bona-fide residents/fishermen of Batad, lloilo;

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

d. Corporations, partnerships, cooperatives or other aggrupations;

e. Research Institutions;

f. Fishermen who are non-residents of Batad, lloilo;

Application for issuance of permit for Sustenance and Sport Fishing:

For the purpose of determining bona-fide residence of Batad, a certification of the mayor of the reservoir town concerned or his successor-in-interest and the Barangay Captain concerned shall be submitted together with the application for permit and the Barangay Captain concerned shall be submitted, together with the application for permit.

For members of the Irrigator's Association, a certification issued by the President of the irrigator's Association where the applicant is a member shall be submitted together with the application for permit.

In cases of application of fishing permit for Sport Fishing, it is not necessary that the applicant be a residence of Alapasco or a member of the Irrigator's Association, a privilege may be granted by NIA or its duly authorized representative upon determination that the applicant's purpose is merely for recreation.

Application for issuance of permit to maintain and operate fishpens and fish cages and for small scale commercial fishing shall be subject to the following guidelines:

1. The specification, size and proposed area upon which the fishpen/fish cages will be placed shall be in accordance with the prescribed specifications and areas determined by the NIA and the BFAR in a manner which shall not adversely affect the maintenance and operation of the reservoir as specified under Annex "A"*', "B"*', and "C" which forms part of herein guidelines;

2. Ten percent (10%) of the total area which has been determined and assessed by the NIA and BFAR as feasible for fish production thru fish cages shall be reserved exclusively for recognized Cooperatives consisting of displaced families, NIA Employees Association and Irrigators Associations;

3. NIA shall not be liable for any damages in the operation and maintenance of fish cages whether or not the same was due to force majeure or human intervention; or, any damages resulting from the recession of water for irrigation purposes;

4. Employees and workers of fish pen or fish cage operators are not employees and workers of NIA.

SECTION 4. Fishing Gear Allowed - Fishing gears allowed for catching fish are as follows:

a. Gill Net - Gill net is a curtain-like net consisting of one or more rectangular units connected with each other which entangles fish by the gills,

b. Long Line - A long horizontal line with a series of branch lines attached with baited book at the end.

c. Cast Net - A conical net provided with lead sinkers at lower line, which is thrown by hands to fall flat upon the surface of the water to cover the fish.

d. Bobo - A fish trap made of woven fine bamboo splits sometimes provided with non-return valve at the gate opening to prevent escape of fish

e. Pole and Line - A pole with a single line attached to one end of a pole with one or more baited hooks and sinkers.

f. Spear - A fishing instrument made of a rod with bard, generally thrown by hand or fired from a gunlike or

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

bowline device.

SECTION 5. Restrictions -

a. No permit shall be issued for the construction of fishpens or fish cages outside the areas specified by NIA (See Annex "B") or any duly approved modifications thereof;

b. No fisherman or fishing boat is allowed at any time to enter or fish in the Alapasco Dam Reservoir, Fish Sanctuary three hundred meters upstream from the Dam indicated and marked by the NIA as restricted area (See Annex "C");

c No fishpen shall be constructed closer than twelve (12) meters from the low water shoreline nor shall any fishpen have a depth of less than one (1) meter at low water; Provided, that if the latter requires a further distance from the low water shoreline, the same shall prevail;

d. The allowable size of each respective cages shall be 12 meters x 16 meters x 5 meters with allowance of 40 meter on all edges to serve as bamboo catwalk as specified in Annex "C;

e. The maximum number of cages per hectare shall not exceed forty five (45) cages;

f. No fishpens or fish cages shall be constructed outside of the designated area as indicated in Annex "B" or designated navigation channels or at river outlets;

g. Subject to the provisions of Section 11 (f) hereof, permits shall be granted only over designated reservoir area of not more than two thousand (2,000) square meters or approximately 9 cages of size 12m x 16m x 5m for cooperatives, associations, corporations, research institutions or other aggrupations and not more than four hundred fifty (450) square meters or two (2) cages of size 12m x 16m x 5m for individuals. Provided, however, in determining the extent of the area to be covered by the permit, the financial capacity of the applicant to undertake the project shall be taken into consideration;

h Any person fishing during night time shall have a light in his fishing boat sufficiently bright for proper identification of his presence in the reservoir. Persons fishing during night time without light are presumed to be poaching in the area and shall be restrained from fishing by NIA security guards;

i All fishermen and fishing boats shall bring and unload their catch to fish landing points shall be indicated by the signboards. No fish catch shall be landed at any other points;

j No permit shall be issued to any individual owning more than 5% of the total interest or subscribed capital stock of more than two (2) corporations, associations, partnerships, cooperative or other aggrupations in whose favor a fishpen or fish cage permit has been duly issued. Neither shall a permit be issued to any corporation, association, partnership, cooperative or other aggrupations in whose favor a fishpen permit has been issued, or any of whose stockholders/members owns more than 5% of the total interest or subscribed capital stock or more than (2) other corporations, associations, partnerships, cooperatives or other aggrupations in whose favor a fishpen or fish cage permit has been duly issued; Provided, that the foregoing restrictions shall not apply to government owned or controlled corporations;

k All bancas or boats used for fishing shall be registered with the National Irrigation Administration, Region 6, lloilo City. All fishing gears and/or other equipment or tools (nets, traps, etc.) shall be properly marked or lagged with the owner's name and number which must be visible to the naked eye from a distance of fifty (50) meters;

I- Sport fishing, sustenance fishing and small-scale commercial fishing shall be allowed in the reservoir but only at designated areas for the convenience as well as for the protection of the fishermen;

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

m. No fishermen shall be set in the Reservoir, at any one time, gill nets or nets the total length of which shall be more than 100 meters. The minimum stretch mesh size shall not be less than six (6) centimeters (No. 5). Likewise, fish traps shall not be set larger than 0.5 m x 0.5 m (1 m3). Each shall have a uniform mesh size of not smaller than 1.5 cm x .5 mm. mm. with the longer dimension placed vertically- The minimum number of traps, which shall be movable structures and not permanent in nature;

n. No construction of any kind shall be allowed along the banks of the reservoir without permission from the Regional Irrigation Manager. No fisherman or other person shall be allowed to live on the banks of the reservoir. Mouths of caves or channels shall not be covered or closed with nets. Privately-owned motorized banca shall not be allowed in the Reservoir, without permission from the Regional Irrigation Manager.

SECTION 6. Permit for the Exclusive Use of Permittee - Unless otherwise provided in the permit, the permit issued pursuant to these rules and regulations shall be for the exclusive use and the benefit of the permittee. Any transfer of rights and/or privileges other than by hereditary succession shall be null and void unless made with the prior written approval of the NIA.

Transfer by hereditary succession shall be valid only if the successor(s) has all the qualifications and none of the disqualification provided herein for the permittee. For this purpose, the transferee/s shall within six (6) months from the date of the death of the original permittee submit to the NIA an affidavit attesting that he (they) possess all the qualifications and none of the disqualifications of a permittee and that the original permittee has complied with all general and special conditions contained in his permit. Such affidavit shall be accompanied with proof of the death of the original permittee. Failure to submit any or all the documents aforementioned shall cause the automatic revocation of the existing permit upon the termination of the period above prescribed and continued operation of the fishpen or fish cage concerned shall render the operator liable to the penalties provided in Sec. 13 hereof. Where warranted by the circumstances, the NIA may in its discretion, impose additional conditions in the said fishpen permit.
SECTION 7. Duration of Permit-

a. Fishing - The small-scale commercial permit and the sustenance fishing permit shall be for the period of (1) year from the date of issuance. The sport fishing permit shall be for the period of one (1), three (3) or seven (7) days, as the case maybe, from the date of issuance. Permits are subject to renewal upon payment of the corresponding fees.

b. Fishpens or Fish Cages - Permits shall be for a period of three (3) years from and after the date of issuance of the permit; Provided, that applications for renewal shall be filed at least ninety (90) days before the expiration of the permit subject to existing rules and regulations:

Provided, Further, That it shall be condition precedent to the approval of any renewal of permit that all annual fees and charges due shall have been paid in full.
SECTION 8. Annual Permit Fee and Landing Fee -

a. Fishing - There shall be paid to the NIA a permit fee according to the following schedules:

1. Small-Scale Commercial Fishing

- P2,500.00 per year

2. Sustenance Fishing

500.00 per year

3.Sport Fishing

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

25.00 per day

50.00 per 3 days

100.00 per 7 days

The full amount of the prescribed fee shall be paid prior to the issuance of sport fishing permit. For small-scale commercial and sustenance fishing, the full amount shall likewise be due prior to the issuance of permit.

b. Fishpens or Fish Cages - These shall be paid to NIA an annual fee of two hundred fifty pesos (P250.00) per standard case (figure 2), payable on or before the end of each year; Provided, that if a permit is issued on or after June 1, the permittee shall pay only one-half (1/2) of the annual fee for that year. Failure to pay the annual fee within the period prescribed above shall subject the permittee to a surcharge in the amount of 1 % per month fraction thereof for each month of delay.

c. Fish Landing Fee -A fish landing fee of P1.00 shall be charged for every kilogram of fish caught by every fisherman. The Municipality of Batad shall share in the collection of the fishing gear fees and fish landing fees at the ratio of 30:70; that is 30% for the municipality and 70% for the NIA.
SECTION 9. Procedural Requirements -
a. Fishing - Applications for fishing permits shall be on forms prescribed by the Administration which shall contain among other matters the condition that the applicant shall be bound by the provisions of this Order. Such application forms shall be secured from the Office of the Regional Irrigation Manager, Region 6, lloilo City.

b. Fishpens - An application for permit to construct and operate a fishpen or fish cage or renewal thereof shall be made on official forms which may be obtained from NIA, Region 6. The application shall be filed in quadruplicate and shall contain the pertinent data regarding the applicant and a description of the definite portion of the lake area so desired so as to preclude doubt as to its exact location and shall be accompanied by the following:

1. Individuals

i. Latest Income Tax Return;

ii. Project Data Sheet;

iii. Certification as required on the last paragraph of Section 3 hereof, "Required Permits" (when applicable)

2. Corporations, Associations and Other Aggrupations:

i. Original Articles of Incorporation or

Partnership and Certificate of Registration, By-Laws, duly certified by the appropriate government office;

ii. Latest Articles of Incorporation or Partnerhip and By-Laws, duly certified by the appropriate government office;

iii. Xerox copy of Income Tax Return for the preceding year;

iv. Financial Statement for the preceding year duly certified by a CPA,

v. List of stockholders or members as of at least two (2) months prior to the filing of the application;

vi. Board Resolution designating the authorized representative of the corporation, association or other aggrupation;

vii. Project Data Sheet;

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

viii. Map indicating the project site;

ix. Certification as required on the last paragraph of Section 3 hereof, "Required Permits" (when applicable).

The NIA may require such additional documents or data it may deem necessary to evaluate the qualifications of the applicant

If the NIA finds that the applicant has satisfactorily complied with all the requirements, it shall issue a permit accordingly; Provided, however, that the NIA shall act on the application papers within thirty (30) days from the submission thereof unless the NIA should require additional or supplementary data from the applicant necessary for the evaluation of the application in which case the running of the thirty (30) day period shall be suspended until after the required data are submitted.

In the event that more than one application is submitted covering the same area, all circumstances being equal, the application filed first shall take precedence provided in Section 3, paragraph 2 and the priority granted under Section 11 (f) hereof,
SECTION 10. Application Fee - For every application for permit or renewal thereof filed, an application fee in the amount of ONE HUNDRED PESOS (P100.00) shall be paid to the NIA upon filing of said application.

SECTION 11. General Condition - Permits issued pursuant to these rules and regulations shall be subject to the following conditions'

a. Nothing in the permit shall be construed as to allow the permittee the right to obstruct the free navigation of the Reservoir.

b. The permittee agrees unconditionally to comply with these rules and regulations and all existing laws, rules and regulations governing fishpen operations or those that may hereafter be promulgated.

c. The permittee assumes responsibility for any and all acts of his/its agents and employees, contractors and their employees in connection with the construction and operation of the fishpen or fish cage and other activities related to fishpen operations including the removal of obstructions such as water lilies. It is understood that such responsibility extends to damages to persons or properties.

d. Failure to pay any fee when due as prescribed shall be sufficient ground for the cancellation of said permit.

e. in the event the permittee should fail to develop at least fifty percent (50%) of the project area within six (6) months from the date of the issuance of a permit, the NIA may in its discretion, cancel the permits, reduce the project area covered by the permit or modify the terms and conditions of the same.

f. The NIA may, at any time revoke the permit or reduce, or increase the area covered by the same or change or modify the terms and conditions thereof, or the same may be made to expire at an earlier date, when the public interest so requires; Provided, however, that in case the permit is revoked, the permittee shall be allowed sufficient time to find another location; Provided, further; that, any subsection shall be given priority over the applicants in subsequent grants of the privilege to construct and operate fishpens or fish cages; Provided, finally, that in meritorious cases as determined by NIA, the annual fee paid may be refunded proportionately with the period in which the project site has been utilized.

g. In case operation is made to terminate for non-compliance with these guidelines and/or any of the terms and conditions of the permit, or in case the permittee voluntarily elects to terminate operations, the permittee shall have sixty (50) days from the date o! termination within which to remove all stakes and support facilities used in the construction and operation of the fishpen or fish cages at his own expense. For this purpose, the NIA, may, in its discretion, require the permittee to file a bond in an amount to be determined by the NIA, to guarantee said

removal at permittee's expense chargeable against the bond if one has been posted without prejudice to the imposition of the penalties prescribed in Section 13 hereof,

h The permittee shall not engage in any activities that will impose problems on reservoir pollution or water quality management and control;

i. In case of mass death offish in the fishpens or fish cages covered by a permit, the permittee shall immediately inform the NIA in writing of such death and shall comply with any and all directives that the NIA in coordination with the Bureau of Fisheries and Aquatic Resources may issue on the matter.

SECTION 12. Inspection - Periodic inspection may be made by the NIA to determine compliance with the terms and conditions of the permit and applicable guidelines.
SECTION 13 Special Conditions - The NIA in its discretion may impose such additional terms and conditions of the permit and applicable rules and regulations.
SECTION 14. Penalties-

a. Any person, partnership, association, corporation, cooperative or other aggrupation found violating any of the provisions of these rules and regulations or the terms and conditions of the permit shall be punished for each offense by a fine not exceeding TEN THOUSAND PESOS (10,000) in addition to confiscation of any bond it may have been required to post;

b. Any fishing boat and/or fisherman found to have in its/his possession contraband goods or any material belonging to NIA shall be subjected to criminal prosecution. The permit shall be likewise cancelled and the fishing boat immediately confiscated;

c. Any fisherman using explosives, poisonous substance, and electro-fishing shall be prosecuted prescribed under Presidential Decree 704;

d. Any person, partnership, association, corporation, cooperative or aggrupation found to have constructed and/ or operated fishpens or fish cages without first obtaining the required permit shall pay in addition to the penalty imposed above the required annual fees for the area which he has used without permit computer from the date of the said violation.

SECTION 15. Existing Fishpen Operators Operation Without Permit - Within three (3) months from the effectivity of these rules and regulations, all fishpen and fish cage operators within the Reservoir Area who have erected fishpens or fish cages without prior permit shall file the corresponding application with the NIA for the required permit, after which said fishpen operator shall be required to modify their fishpens and fish cages at their own expense to conform with the minimum standard of fish cages as required by the NIA as indicated in Annex "B" within 3 months upon approval of permit. Failure of these operators to comply with these provision shall be valid ground for the revocation of their permit in accordance with the provision of Section 11 paragraph hereof.

SECTION 16- Additional Rules and Regulations - The NIA may promulgate additional rules and regulations consistent with existing laws.

SECTION 17. Separability Clause - In case any provision of these rules and regulations are declared void, illegal or suspended by the courts, the other provisions of these rules and regulations shall continue in full force and effect and shall not be affected, impaired or invalidated by such suspension or declaration of nullity or illegality.
SECTION 18. Approval - This Guidelines shall be subject to the approval of Board of Directors of NIA.

SECTION 19. Effectivity-These guidelines shall take effect ten days after the same has been approved by NIA's Board of Directors.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Adopted: 1 Feb. 1997

(SGD.) ORLANDO V. SORIANO
Administrator

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.