NATIONAL ADMINISTRATIVE REGISTER · [BFAR FISHERIES ADMINISTRATIVE ORDER NO. 168, APRIL 17, 1990] · JANUARY 30, 1987

RULES AND REGULATION GOVERNING THE GATHERING, CULTURE AND EXPORTATION OF SHELLED MOLLUSCS (PHYLUM MOLLUSCA)

Read online (full-text search, related cases, audio case brief): https://batas.org/library/2a002973d18b/

Pursuant to the provisions of Sections 4, 7, 16 and 18 of Presidential Decree No. 704, otherwise known as the "Fisheries Decree of 1975", and Section 18 of Executive Order No. 116 dated January 30, 1987, the following rules and regulations governing the gathering, culture and exportation of shelled molluscs (Phylum Mollusca) are hereby promulgated:

SECTION 1. Definition of Terms and Phrases — For purposes of this Order, the following terms and phrases as used herein shall mean:

Shelled Molluscs — Refer to all species of univalves and bivalves including molluscs of the genera including nautiloid molluscs of the genera Nautilus and Argonauta. They include, but are not limited to the following genera:

Univalves — Haliotis, Trochus, Voluta, Mitra, Strombus, Murex, Oliva, Conus, Cypraea, Lambis, and Harpa.

Bivalves — Tridacna, Hippopus, Pinctada, Pteria, Placuna, Amusium, Paphia, Katelysia, Perna, Modiolus, Pinna, Atrina, Tapes, Anadara and Pharella.

Tridacna gigas — A species of giant clam having the following characteristics; sub-oval to fanshaped; valves equilateral; moderately thin in small specimens, extremely heavy and thick in large individuals, byssal orifice small to nearly closed; edge with 4-7 folds; concentric sculpture lacking or limited to a few tubular spines near umbos; radiating sculpture deeply folded.

Tridacna derasa — A species of giant clam having the following characteristics: shape semi-circular; valves inequilateral, usually very heavy and often thickened at umbos; byssal orifice narrow and short; edge with 6-7 folds; concentric sculpture absent or in low erect ridges; umbonal area massive; umbos near posterior end.

Hippopus porcellanus — A species of giant clam having the following characteristics: semi-circular in outline; smoother and proportionately lighter in weight than the species hippopus hippopus which is elongated to ovate-triangular or sub-rhomboidal in shape.

Shelled Molluscs Gathering — The taking or removal of any shell from natural or wild areas.

Shelled Molluscs Culture — The culture of any kind of shelled molluscs in specific areas for commercial purposes.

Permit to Gather — Authority issued by the Regional Director concerned to take or remove shelled molluscs in natural or wild areas, except those areas covered by existing license to culture.

License to Culture — Authority issued by the Regional Director concerned to culture or grow shelled molluscs in specific areas.

Gratuitous Permit — An authority issued by the Regional Director concerned, free of charge, in favor of any government agency or institution to gather or culture shelled molluscs for research, or educational purposes.

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

Regional Director — Refers to the Regional Director of the Department of Agriculture.

CITES — Acronym for Convention on International Trade on Endangered Species or wild flora and fauna.

SECTION 2. Gathering and/or Culturing of Shelled Molluscs — No person, partnership, association, corporation, or cooperative shall gather and/or culture shelled molluscs in Philippine waters without any permit, license or gratuitous permit issued by the Regional Director; Provided, however, that the gathering of wild Tridacna derasa, Tridacna gigas and Hippopus porcellanus is prohibited.

SECTION 3. Who are Entitled to Gather and/or Culture Shelled Molluscs —

(a) Citizens of the Philippines.

(b) Partnerships, associations or corporations duly registered in accordance with law, at least sixty per centum (60%) of the authorized capital stock of which belong to citizens of the Philippines.

(c) Cooperatives duly registered in accordance with law.

SECTION 4. Restrictions on the Culture of Shelled Molluscs —

(a) The size of an area for the culture of shelled molluscs shall not be more than one (1) hectare for individuals nor more than five (5) hectares for partnerships, associations, corporations or cooperatives.

(b) No area for the culture of shelled molluscs shall be established to obstruct designated navigational lanes or where there is conflict of waters rights.

SECTION 5. Filing of Application to Gather Shelled Molluscs — An application to gather shelled molluscs shall be filed with the Office of the Regional Director concerned where the area is located and accompanied by four (4) copies of 1 x 1 latest picture of the applicant.

SECTION 6. Filing of Application to Culture Shelled Molluscs — An application to culture shelled molluscs shall be filed with the Office of the Regional Director concerned where the area is located and accompanied by the following requirements:

(a) Bureau of Technical Survey Map (BTSM) chart indicating the approximate location and boundaries (longitude and latitude) of the area;

(b) Xerox copy of the Articles of Incorporation and/or Certificate of Registration duly approved by Offices concerned.

SECTION 7. Fees — The following fees shall be collected. when applicable.

(a) Application fee to gather — P 30.00

(b) Permit to gather — P 70.00

(c) Application fee for license to culture — P100.00

(d) License fee to culture per hectare/year. — P200.00

SECTION 8. Surcharge — When the annual license fee is not paid on the date it becomes due, the license shall pay a surcharge of one hundred (100%) per centum.

SECTION 9. Duration of the Permit/License — A license to culture shelled molluscs in any water areas of the Philippines shall be for a period of five (5) years, renewable for a similar period: and a permit to gather shall be for a period of one (1) year.

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

SECTION 10. Obligations of Shell Gatherers. —

(a) For monitoring purposes, the permitee shall submit to the Regional Director a monthly statement of shelled molluscs gathered in a prescribed form.

(b) A permit to gather shall be carried at all times and shall be presented upon demand by any authorized inspecting officer.

SECTION 11. Obligations of Licensee to Culture Shelled Molluscs —

(a) The licensee shall comply with all pertinent existing laws, rules and regulations, and those which may hereinafter be promulgated.

(b) The licensee shall assume responsibility for any and all acts of his agents, employees, or laborers in the establishment, management or operation of the shell farm lots.

(c) The licensee shall keep a book or books for recording of all kinds of shells cultured and harvested from the area under license, indicating therein the date of culture, the kind, quantity, date of harvest and the capital invested. The book or books shall be numbered consecutively and shall be subject to inspection and verification by the Regional Director or his duly authorized representatives.

The licensee shall also submit a monthly statement of production of all shelled molluscs cultured and harvested to the Regional Director in a prescribed form.

SECTION 12. Gratuitous Permit — A gratuitous permit may be issued by the Regional Director to gather or culture shelled molluscs for a period of one (1) year, subject to renewal for the same period, but may be terminated sooner for cause under the succeeding section.

SECTION 13. Grounds for Rejection of Application and Cancellation of Permit to Gather, License to Culture or Gratuitous Permit, When Applicable —

(a) Giving false or misleading statement

(b) Abandonment of the area.

(c) Dissolution of the juridical licensee.

(d) Voluntary request of the applicant/licensee.

(e) Non-use of the permit or license within one (1) year from the issuance thereof.

(f) Violations of the provisions of existing fishery laws, rules and regulations and the terms and conditions of the permit or license.

(g) When public interest so requires.

SECTION 14. Exportation of Shelled Molluscs — The exportation of shelled molluscs and/or any of their derivatives shall be allowed, except those species which are prohibited under Section 2 of this Order and those listed in the CITES; Provided, however, that shelled molluscs listed in the CITES or in any international agreement wherein the Philippines is a signatory thereof maybe exported upon submission of proof that the same have been cultured.

SECTION 15. Transitory Provisions — All corporations, associations, or cooperatives culturing shelled molluscs prior to the effectivity of this Order are hereby given a grace period of six (6) months from the effectivity of this Order within which to restructure and/or comply with the provisions of this Order. For purposes of uniformity, the Director of Fisheries and Aquatic Resources shall prepare the application, license and gratuitous permit forms as

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

mentioned in this Order for the official use of the Regional Directors who shall reproduce the same for their own use.

SECTION 16. Penal Provisions — Any violation of this Order shall subject the offender to a fine of not less than Five Hundred Pesos (P500.00) nor more than Five Thousand Pesos (P5,000.00), or imprisonment from six (6) months to four (4) years, or both such fine and imprisonment, in the discretion of the Court; Provided, that the Regional Director is hereby empowered to impose upon the offender an administrative fine of not less than Five Thousand Pesos (P5,000.00) and/or cancel the permit or license, when applicable, and to confiscate the shelled molluscs including the clam meat thereof, if any.

SECTION 17. Repealing Clause — All existing administrative orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Order are hereby repealed or amended accordingly.

SECTION 18. Effectivity — This Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation.

Adopted: 17 April 1990

(SGD.) SENEN C. BACANI
Secretary

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

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.