

AN ACT FOR THE PROTECTION OF MARINE MOLLUSCA.

Act No. 2604., February 04, 1916

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Marine mollusca, or the shells of such, may be taken without restriction from any open bed, bank, shell field or other breeding place for shell-fish in Philippine waters by any person operating without the use of boat, submarine dredge, rake, or submarine armor. Likewise marine mollusca whose shells have a value of less than twenty-five pesos per ton may be taken from any open bed, bank, or place by means of any device whatever. The taking of marine mollusca in Philippine waters under other conditions may be lawfully conducted only under license or permit issued in conformity with the provisions of this Act and subject to restriction and regulation as hereinafter provided.

SEC. 2. Licenses for taking marine mollusca, or the shells of such, shall be issued and the license fees collected by the Collector of Internal Revenue or his deputies to run for the remainder of the calendar year following the date of issuance. Fees derived therefrom shall accrue to the -provincial treasury of the province where the same are collected. During the vitality of such license, the holder may take marine mollusca anywhere in the Philippine waters.

SEC. 3. A license, to be known as the pearling-boat license, may upon payment of the proper fee, be issued to any vessel whose registration or ownership is such as is prescribed for vessels engaging in the Philippine coastwise trade.

A pearling boat license shall not be issued to any vessel owned or operated in whole or in part by a person who has been twice convicted of violating provisions of this Act.

SEC. 4. The Secretary of the Interior shall from time to time prescribe the fee to be paid for the pearling-boat license, or a scale of fees graduated according to the character or capacity of the vessels to be licensed, and shall announce the same in an order which shall be published at least sixty days before becoming effective. Such fee shall in no case be in excess of four hundred pesos per annum, and may be paid quarterly in advance, in the manner prescribed for, and subject to the same penalties for delinquency as, fixed internal revenue taxes under Act Numbered Twenty-three hundred and thirty-nine.

SEC. 5. A license, to be known as the first-class shell diver's license, authorizing the holder to use submarine armor in taking marine mollusea in Philippine waters may be issued by the Collector of Internal Revenue or his deputies to any person upon the payment of the required fee.

A first-class shell diver's license shall not be issued to any person who has been twice convicted of violating provisions of this Act.

SEC. 6. The fee for this license shall be ten pesos per annum, payable in advance.

SEC. 7. It shall be unlawful for any vessel holding a pearling-boat license to employ any unlicensed diver.

SEC. 8. Every licensed vessel shall keep a daily record of the number of shells taken each day. Such record shall

be examined and verified by the collector of customs or by any internal revenue officer at any port where the owner or master of the vessel may desire to ship, sell, or otherwise dispose of the shells aboard; and no owner or master of any vessel shall discharge shells or otherwise dispose of the shells aboard without inspection by such officer. When the shells have been inspected, the officer shall note the fact in the vessel's log or record book.

SEC. 9. No person employed on a boat engaged in pearl fishing shall open any shell of the pearl oyster of the species *Margaritifera maxima* without the permission of the owner or lessee of the boat.

SEC. 10. When in his opinion the public interest shall so require, the Secretary of the Interior may, by public order, close, either absolutely or qualifiedly, any bed, bank, shell-field or other breeding place for shell-fish in Philippine waters, for any period not exceeding five years. During such closure it shall be unlawful for any person to take therefrom marine mollusca, or the shells of such, of any prohibited class or to fish for the same therein contrary to the terms of such order.

SEC. 11. The Secretary of the Interior shall fix minimum sizes for the shells which may be taken in Philippine waters of any or all of the following species, to wit: *Margaritifera maxima*, commonly known as the gold-lip pearl shell or "concha blanca;" *Trochos niloticus* Linn., commonly known as the "simong" or "trocha;" *Turbo marmoratus* Linn., commonly known as the "bolalo" or "turban shell;" *Margaritifera margaritifera* Linn., commonly known as the black-lip pearl shell or "concha negra." After such restriction shall have been imposed, it shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shell or valve of a smaller size than the minimum prescribed for the particular species; but if any such shell should be removed from the water through accident, or in ignorance of its size, no penalty shall be imposed if it be returned to the water immediately without being opened.

SEC. 12. It shall be unlawful for any person to ship or export from the Philippine Islands, or to attempt to ship or export therefrom, the shells of any species mentioned in the preceding section, unless exportation is properly effected through the customhouse at a port of entry.

SEC. 13. The Secretary of the Interior shall have the power, and it shall be his duty, to impose such restriction upon the number of licenses which may be issued for the taking of marine mollusca in Philippine waters, or upon the number of licensees who may be allowed to operate therein, as shall comport with the requirements of the public interest. A regulation or order imposing such restriction may extend to one or more species and may be made generally applicable in all Philippine waters or be limited to a particular marine area, or areas, therein. The Secretary of the Interior may also cause any application for license to be refused, or order the cancellation of any license, when in his opinion the public interest so requires. The action of the Secretary of the Interior under this section shall be final.

SEC. 14. The Secretary of the Interior may issue special permits to unlicensed persons authorizing them to take marine mollusca of any kind or size for scientific purposes or for propagation, subject to such restrictions as he shall prescribe.

SEC. 15. Nothing contained in this Act shall be construed to prohibit the taking of marine mollusca, or the shells of such, of proper size by naked divers using the customary native boats, rafts, rakes or dredges in open places.

SEC. 16. The Secretary of the Interior shall make such regulations as shall be necessary for carrying into effect the provisions of this Act, and the Collector of Internal Revenue shall cause a copy thereof to be furnish to each licensee.

SEC. 17. Any person who shall take marine mollusca, or any shell or valve thereof, in Philippine waters contrary

to the provisions of this Act or otherwise violate any provision hereof shall be punished by a fine of not more than one hundred pesos or imprisonment for not more than one month, or both; and if the offense consists in the taking, selling, or transferring of undersized shells of the species *Margaritifera maxima*, or the having of such in possession, the offender shall be fined five pesos for each valve of any shell the subject of the illegal act.

SEC. 18. With the approval of the Secretary of the Interior, the Collector of Internal Revenue may at any stage compromise any case arising under the provisions of this Act.

SEC. 19. The term "Philippine waters," as used in this Act includes all marine 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.

SEC. 20. The term "open," as used in this Act applies to beds, banks, shell-fields and areas in Philippine waters which have not been brought within the operation of an order of closure promulgated by the Secretary of the Interior pursuant to section ten hereof.

SEC. 21. This Act shall take effect upon its passage.

Enacted, February 4, 1916.

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