AMENDING FAO NO. 246 ON THE BANNING OF THE OPERATION OF DANISH SEINE AND MODIFIED DANISH SEINE IN PHILIPPINE WATERS

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Adopted: 05 July 2018

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WHEREAS, the Bureau in Fisheries Administrative Order No. 222, Series of 2003, allowed the operation of modified Danish Seines in waters beyond fifteen (15) kilometers from the shoreline of any municipality provided that it shall not use tom weights and any method/accessories that destroy coral reefs, seagrass beds and other fishery marine habitats and that the minimum mesh size of the net shall not be less than three (3) centimeters;

WHEREAS, modified Danish Seines operating in Philippine waters continue to use tom weights and heavily weighted scarelines;

WHEREAS, a tom weight is a required operating component of modified Danish Seines without which the said gear will fail to carry out its ultimate objective to capture fish;

WHEREAS, these tom weights and heavily weighted scarelines contribute to the destruction of marine habitats as well as fishery resources;

WHEREAS, Section 97 of Republic Act 8550, as amended by RA 10654, makes it unlawful for any person, natural or juridical, to fish with gear method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department;

WHEREFORE, pursuant to Section 97 of Republic Act 8550, as amended, this Order banning the operation of the Danish Seine and Modified Danish Seine in Philippine waters is hereby promulgated, and the previous FAO 222, s. 2003, is hereby repealed. For the information, guidance and compliance of all concerned.

SECTION 1. Definition of Terms - The terms used in this Order shall be construed as follows:

> a. Danish Seine - is an active fishing gear which consists of a conical net with a pair of wings, the ends of which are connected to a rope embedded with buri, plastic strips, sinkers or any similar materials to serve as scaring/herding device and hauled through a mechanical winch or by manpower.
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> b. Modified Danish Seine - is an active fishing gear locally termed as holbot- holbot, palusot, zipper, bira-bira, hulahoop, liba-liba, buli-buli and other coined names consists of a conical net with a pair of wings, the ends of which are connected to a rope embedded with buri, plastic strips, sinkers or any similar materials to serve as scaring/herding device as hauling ropes passing through a ring permanently attached to a tom weight (linggote) and any of its variations and hauled through a mechanical winch or by manpower.

SECTION 2. Prohibition - It shall be unlawful for any person to operate municipal and commercial fishing boats using Danish Seine or Modified Danish Seine in catching fish in Philippine waters. Mere possession of Danish Seine or Modified Danish Seine and/or its paraphernalia by a fisherfolk or by any person in a fishing ground or

inside a fishing vessel shall constitute a prima facie evidence that the fisherfolk or the person has committed this violation.

SECTION 3. Penalty - The owner, operator, boat captain, masterfisher and recruiter/organizer violating this Order shall, upon summary finding of administrative liability, suffer the penalty of administrative fine equivalent to five (5) times the value of fish caught or Two million pesos (P2,000,000.00), whichever is higher, and confiscation of catch and gear. The fishworkers who participated in the operation of Danish Seine or Modified Danish Seine shall be penalized by a fine of twenty Thousand Pesos (P20,000.00) or community service in case of failure to pay the fine.

Upon conviction by a court of law, the boat captain, fisherfolk, and recruiter or organizer of fishworkers shall be punished with imprisonment of two (2) years to ten (10) years and a fine equivalent to twice the amount of the administrative fine.

Aside from the abovementioned penalties, the Danish Seine or Modified Danish Seine and/or any of its paraphernalia shall immediately be confiscated and the vessel/boat used for the operation shall be impounded. If the boat captain, fisherfolk, and recruiter or organizer of fishworkers is engaged in any other fishery activities that requires a license or permit from the DA-BFAR, he/she shall be blacklisted.

SECTION 4. Repeal - All orders, rules and regulations or parts thereof which are inconsistent with this Order are hereby repealed or modified accordingly.

SECTION 5. 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 and fifteen (15) days after its publication with the Office of National Administrative Register.

ISSUED this 05 July 2018, in Quezon City, Metro Manila, Philippines.

(SGD) EMMANUEL F. PINOL
Secretary, Department of Agriculture

Recommending Approval: (SGD)

EDUARDO B. GONGONA
OIC, Undersecretary for Fisheries, DA and
Concurrent Director, BFAR NFARMC
Chairperson

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