POLICY GUIDELINES ON STAGGERED PAYMENT OF FISHPEN/FISHCAGE FEE ARREARS

Read online (full-text search, related cases, audio case brief): https://batas.org/library/bc41ef0e7e22/

Adopted: 20 March 2015
Date Filed: 01 April 2015
In consideration to fishpen and fishcage operators who have suffered financial distress due to several typhoons that hit the country, the following policy guidelines on staggered payment of fishpen and fishcage fees arrears are hereby adopted:

I. BACKGROUND

In 2013, the Authority realized that the arrears from fishpen and fish cage fees have reached more than Seventy Two Million Pesos (Php72,000,000.00). During that time, there was a need to augment the revenue collection of the Authority in order to reach its target. Thus, the acceptance of deed of undertaking with stated scheme of payment (staggered) and attached post-dated checks (PDC's) as security of payment was thought of.

Several fishpen operators who have been delinquent for several years availed of such scheme. They executed their respective deeds of undertakings with attached post-dated checks. Thereafter, the collection of arrears reached more than Thirty Five (35) Million Pesos as of October of 2014. However, on July 16, 2014, Typhoon Glenda hit the country and ravaged the Laguna de Bay Region, including the aquaculture structures located thereat. Based on the Surveillance and Monitoring Division, around eighty percent (80%) of the aquaculture structures in the Lake were damaged. Hence, most of fishpen and fishcage operators lost their income, which, in turn, caused the PDC's (they previously issued to bounce due to insufficiency of funds.

Further, there are also fishpen/fishcage operators who remained delinquent and have expressed their intention to pay fishpen registration fees in staggered payment.

At present, only a small percentage of fishpen and fishcage operators have paid their fishpen registration fees for CY 2014. Several fishpen and fish cage operators, likewise, requested for restructuring of their previously accepted schemes of payment due to difficulty in funding the post-dated checks previously issued.

Finding the request of fishpen and fishcage operators justified, the Authority hereby adopts the following guidelines in staggered payment of fishpen/fishcage arrears.

II. SCOPE OF APPLICATION

These guidelines shall cover all unsettled fishpen/fishcage arrears, including those pending before the Legal and Adjudication Division for collection due to bounced checks. However, it does not include arrears of unpaid fishpen/fishcage fees for the current year.

III. DEFINITION OF TERMS

As used in and for purposes of these guidelines, the following terms and phrases shall have their corresponding meanings as herein below stated:

“Deed of Undertaking” – refers to a notarized document executed by the fishpen/fishcage operator or the president, in case of a corporation or cooperative, containing the schedule of payment of arrears and the terms and conditions specified in this Circular and duly signed by the person who executing the same.

“Fortuitous Event” – refers to an event which cannot be foreseen or, which though foreseen, is inevitable, as defined in the Civil Code of the Philippines.

IV. GUIDELINES ON STAGGERED PAYMENT

- The proposal of payment of arrears and its schedules must be clearly stated in the Deed of Undertaking. It must pertain to the total amount of arrears as reflected on the latest statement of account duly signed and issued by the Finance Division of this Authority;

- The deed of undertaking must be duly executed by the person who has the legal obligation to pay the arrears. This refers to the owner of the fishpen/fishcage in case of individuals and the president in case corporations or cooperatives. The deed of undertaking must be duly notarized;

- The proposal of schedule of payment must conform to the following scheme:

FOR FISHPENS

Individual

Php100,000 to Php300,000 Payable in six (6) months

Above Php301,000 to Php500,000 Payable in twelve (12) months

Above Php501,000 to Php1,000,000 Payable in twenty four (24) months

Above Php1,000,000 Payable in thirty six (36) months

Corporation

Php300,000 to Php500,000 Payable in six (6) months

Above Php501,000 to Php800,000 Payable in twelve (12) months

Above Php801,000 to Php1,500,000 Payable in twenty four (24) months

Above Php1,500,000 Payable in thirty six (36) months

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

FOR FISHCAGES

Below Php50,000.00 Payable in three (3) months

Above Php500,000.00 Payable in six (6) months

* The same scheme applies to cooperatives.

* Payments shall be made in equal monthly installments.

- All arrears shall be subjected to the existing penalty rate of 2.5% per month and shall cover the whole period of the undertaking;

- The availment of this scheme of payment is conditioned on payment of registration fee for the current year (2015);

- Only CASH or MANAGER'S CHECKS shall be accepted as payment;

- To qualify in this scheme, the operator must fully comply with the directives of the Authority insofar as violations are concerned. Any excess area shall be demolished by the operator and any penalties due thereon must also be paid;

- No deed of undertaking shall be accepted if it does not conform to the foregoing, especially the prescribed payment scheme;

- Restructuring of payment scheme shall no longer be entertained even in cases of fortuitous events that occur during the duration of the deeds of undertaking; and

- Finally, to qualify in availing this scheme of payment, the operator must submit a letter of intent to pay in accordance with this scheme. Otherwise, he shall not be afforded the opportunity to avail of this scheme.

V. SANCTIONS

In case of failure to pay any two (2) consecutive installment payments reflected in the deed of undertaking, the aquaculture structure subject of the deed shall be demolished in accordance with R.A. 4850, as amended, and other applicable resolutions and circulars.

VI. REPEALING CLAUSE

All existing circulars, orders, and other related issuances that are inconsistent with this Circular shall be deemed revoked and repealed.

VII. SEPARABILITY CLAUSE

If any portion or provision of this Circular is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby, shall continue in full force and effect.

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

VIII. EFFECTIVITY

This Circular shall take effect immediately upon publication in a newspaper of general circulation and registration in the Office of the National Administrative Register (ONAR).

(SGD) J.R. NEREUS O. ACOSTA, Ph.D.
Secretary/Presidential Adviser on Environmental Protection and General Manager, LLDA

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.