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REVISED GUIDELINES FOR THE ACCREDITATION, REGULATION AND MONITORING OF LIVE FISH CATCHING, CULTURE, TRANSPORT AND TRADING IN PALAWAN

PCSD ADMINISTRATIVE ORDER NO. 00-05, February 25, 2000

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Pursuant to PCSD Resolutions Nos. 98-118, as amended by 98-124, and further amended by 99-142 requiring all live fish catchers, fish cage operators, traders and carriers in Palawan to obtain permit or accreditation from PCSD, PCSD Administrative Order No. 99-03 was issued on August 20, 1999 and took effect on November 16, 1999. The initial implementation of the Administrative Order saw the need to revise some of the provisions as follows:

SECTION 1. Definition of Terms — As used in this Order, the following terms shall be defined and/or construed, as indicated below:

1.1 Bureau of Fisheries and Aquatic Resources-Department of Agriculture (BFAR-DA) — as defined in R.A. 8550

1.2. Catcher of Live Fish — Any entity primarily engaged in catching live fish from the wild regardless of size, for commercial purposes.

1.3 Carriers of Live Fish — Any entity, except common carriers, involved in that ransport of live aquatic (freshwater or saltwater) products from any point within Palawan. Transport facility include aircraft, seacraft, and land based transportations used for the movement/trade of live fish.

1.4 Certificate of Accreditation — A certificate issued by the CPSD to a catcher, trader or carrier of live fish or to fish cage operator upon the latter's compliance to the requirements enumerated in Section 2 of this order.

1.5 Common Carriers — are carriers that hold themselves out or undertake to carry persons or goods of all persons indifferently, or of all who choose to employ it or one who holds out to the public as engaged in business of transportation of persons or property from place to place for compensation, and who offers services to the public generally.

1.6 Fish Cage Operator — Any entity engaged in the business of culturing and breeding of live fish for commercial purposes.

1.7 Fisherfolk Organization — An organized group, association, federation, alliance or an institution of fisherfolk who has at least fifteen (15) members, a set of officers, a constitution and by-laws, an organizational structure and a program of action.

1.8 Live Fish — for purpose of this administrative order pertains to all kinds of fish species including lobster which are stupefied or breathing but not necessarily moving.

1.9 Local Government Unit — municipal level as defined in R.A. 7160.

1.10 Multi-Partite Monitoring Team — a municipal wide monitoring body composed of representatives from the local unit of Bureau of Fisheries and Aquatic Resources - Department of Agriculture (DA-BFAR),

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local-government unit, the Palawan Council for Sustainable Development Staff, the Philippine Coastguard, and the Philippine National Police-Maritime and other concerned entities, and shall be headed by the BFAR-DA representative. The monitoring team is responsible for monitoring the implementation of the provisions of this Administrative Order.

1.11 Palawan Council for Sustainable Development (PCSD) — as defined in section 16 of R.A. 7611.

1.12 Palawan Council for Sustainable Development Staff (PCSDS) — as defined in section 20 of R.A. 7611.

1.13 Port — refers to any airport and/or seaport open to both foreign and domestic movement/trade of live fish. The term includes principal ports and sub-ports for such movement/trade.

1.14 Sangguniang Bayan — as defined in R.A. 7160.

1.15 Sangguniang Pambarangay — as defined in R.A. 7160.

1.16 Traders of Live Fish — Any entity involved in the business of buying and/or selling live aquatic (fresh or saltwater) products.

SECTION 2. Filing of Application for Accreditation — Applicants seeking accreditation shall submit the following documents to the PCSDS as basis for evaluation of the application:

2.1 Catchers of Live Fish

a. Brief description of the project to include the following information:

i. Type and purpose of the project
ii. The areas of operation (sitio, barangay, municipality)
iii. Project Cost
iv. Location and present condition (sandy substrate, coral reef area, etc.) of the sites where live fish are to be caught, including location map of area of operation indicating the names of adjacent water bodies and landmarks
v. Project Operation

- Type of fish or marine products to be caught
- Method to be used or to be employed in capturing the fish alive
- Stocking time prior to transport
- Marketing

b. Resolution of endorsement from the Sangguniang Bayan of each municipality where catching shall be undertaken and Sangguniang Pambarangay of each Barangay where fish cages used for temporary stocking purposes were established.

c. Written commitment using the attached Letter of Commitment format (Attachment A) to submit to PCSD a monthly report (Attachment B) indicating the following data:

i. Date fish was caught
ii. Species caught
iii. Site where live fish were caught or sourced (indicate name of bay, barangay and municipality)
iv. Volume caught and/or harvested, and sold per species and places of sale;
v. Method of catching
vi. Name and address of buyer.

d. Certification from BFARMC Chairman indicating the source/origin of fish and stating that the method used in catching is non-destructive.

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2.2 Traders of Live Fish

a. Brief description of the project to include:

i. Type and purpose of the project
ii. Target monthly volume to be traded
iii. Project Cost
iv. Location/areas (sitio, barangay, municipality) of operation, location map of area of operation indicating the name of adjacent water bodies and landmarks)
v. Project operation

- Type of fish or marine products to be traded
- Methods of fishing employed by the catcher/seller in capturing the live fish
- Areas where live fish are to be brought
- Marketing

b. Resolution of endorsement from the Sangguniang Bayan of each municipality and Barangay where trading (both buying and selling) shall be undertaken;

c. Written commitment (Attachment C) to submit to PCSD every first week of each month the following documents indicating information on every trading transaction made during the preceding month.

i. Monthly report (Attachment D) indicating the following data:

- Date of Trading
- Site where fish was caught by the catcher-source
- Method of catching used by the catcher-source
- Volume (kg and number) per species of live fish bought from the catcher-source
- Volume (kg and number) per species sold by the trader/proponent and place of sale and name and address of buyer(s) who purchased from the proponent/trader

ii. Photocopy of the Auxilliary Invoice issued by the Municipal Government for all live fish traded within the month; and
iii. Verified photocopy of the Certification from any government recognized Cyanide Detection Test laboratory stating that the live fish being traded is cyanide-free.

d. Certification from BFARMC Chairman indicating the source/origin of fish and stating that the method used in catching is non-destructive.

e. Zoning Clearance from the Municipal Planning and Development Office of the Municipality permitting said activity in the area

2.3 Carriers of Live Fish

a. Brief description of the project to include the following information:

i. Type of project
ii. Purpose of the project/target monthly volume to be transported
iii. Area of operation

- Port of origin(s)
- Port of destination(s)

iv. Project Cost
v. Project operation

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- Type of live fish to be transported
- Monthly volume of live fish to be transported
- Mode of packaging

b. Resolution of endorsement from the Sangguniang Bayan of each municipality where the carrier shall operate;

c. Written commitment (Attachment E) to submit to PCSD every first weel of each month the following documents indicating information on every trading transaction made during the preceding month;

i. Monthly report (Attachment F) indicating the date when live fish was transported; kinds/types of fish species and the corresponding volume transported; name and address of consignor; name and address of consignee; place of origin and destination of shipment
ii. Verified photocopy of Certification from the Multi-partite monitoring team or any government recognized Cyanide Detection Test Laboratory stating that the live fish being transported is cyanide-free.
iii. Verified photocopy of the Auxilliary Invoice issued by Municipal Government to the consignor or shipper of live fish

d. Copy of Air Transportation Office (ATO)/Maritime Industry Authority (MARINA)/Coast Guard Registration of the carrier.

2.4 Culture of Live Fish

a. Brief description of the project to include

i. Type and purpose of the project
ii. Area of operation (sitio, barangay, municipality)
iii. Project Cost
iv. Present condition of the project site (substrate, presence of seagrass and corals, marine water, etc.) where fish cages are to be established, including a sketch map of the area noting adjacent bodies of water and landmarks.
v. Project operation

- Species of fish species to be cultured
- Construction/size of cages
- Stocking density
- Feeding Pattern
- Maintenance
- Harvesting
- Marketing

vi. Impact of the project
vii. Mitigating/Enhancement Measures
viii. Abandonement Plan

b. Sketch design of proposed fish cages

c. Resolution of endorsement from the Sangguniang Bayan of each municipality and each barangay where fish cages were established.

d. Written commitment (Attachment G) to submit to PCSD every first week of each month a monthly report (Attachment H) indicating the following data:

i. Date and type of fingerlings cultured and the corresponding volume (number)
ii. Name and address of catcher/source of fingerlings, method used in catching

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iii. Volume (piece/kg) of fish sold in the preceding month
iv. Number of remaining fish per compartment
v. Name and address of buyer

e. Zoning Clearance from the Municipal Planning and Development Office of the Municipal allowing the establishment of fish cages in the area.

f. Certification from BFARMC indicating the source/origin of live fish and stating that the method used in catching the fingerlings is non-destructive.

SECTION 3. Processing Fee — The proponent shall pay the PCSD, through the PCSDS, the applicable processing fee as provided for in PCSD Administrative Order No. 02 Series of 1999, as amended by PCSD Administrative Order No. 00-04, series of 2000.

SECTION 4. Evaluation and Approval — The PCSDS shall conduct an evaluation of the documents submitted by the proponent and field evaluation. Upon confirmation of the adequacy and veracity of the submitted documents that PCSDS shall submit its recommendation to the PCSD. Thereafter, the PCSD shall either approve or deny the application.

SECTION 5. Monitoring — The Multi-partite Monitoring Team, as defined in section 1.10, shall be organized by PCSD to conduct monitoring activities pertaining to the implementation of this Administrative Order. A cyanide detection equipment to be provided by the DA-BFAR shall be the main monitoring tool of the monitoring team. An appropriate monitoring system shall be formulated by the monitoring team for concurrence by the concerned parties.

SECTION 6. Airline and Shipping Companies and Other Common Carriers — Airline, shippine companies and other common carriers other than carriers of live fish as defined in this Administrative Order shall require the shipper copies of the following documents prior to the acceptance of shipment:

i. Mayor’s permit
ii. Auxilliary Invoice
iii. PCSD Accreditation

SECTION 7. General Provision — In the case of the City of Puerto Princesa, live fish as defined in Section 1 of this Order shall apply only to those permitted under Section 4 of Ordinance 110 of the City of Puerto Princesa.

In the case of other municipalities in Palawan, live fish as defined in Section 1 of this Order shall apply only to those permitted under Section 3 and 4 of Provincial Ordinance No. 332, series of 1998 of 1998 of the Provincial Government of Palawan.

SECTION 8. Prohibition, Commitment and Penalties —

8.1 Prohibition — No culture, catching, trading or transport of live fish species defined in this Order shall be undertaken without the prescribed PCSD accreditation.

8.2 Commitment — All accredited live fish catcher, fish cage operator, trader or carrier shall comply with the terms and conditions of the Letter of Commitment submitted to the PCSD.

8.3 Fine — Violations of Section 8.1 and 8.2 of this Order shall be subject to a fine of FITY THOUSAND PESOS (P50,000) for each violation, without prejudice to the filing of appropriate administrative, civil or criminal cases, if there is evidence showing violation of other laws, rules or regulations.

8.4 Forfeiture — Conveyances used and live fish caught and other objects used by any catcher, fish cage operator, trader or carrier operating in violation of Sections 8.1 and 8.2 of this Order shall be confiscated and

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forfeited in favor of the government. The disposition of confiscated items shall be subject to existing rules and regulations on forfeiture.

SECTION 9. Effectivity — This order shall take effect 30 days following its complete publication in a newspaper of general circulation in Palawan.

So Ordered.

Adopted: 25 Feb. 2000

(SGD.) ALFREDO E. ABUEG, JR.
Deputy Speaker, House of Representatives
Chairman, Palawan Council for Sustainable Development

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