

PROVIDING FOR THE ACCELERATED DEVELOPMENT OF THE FISHERY INDUSTRY OF THE PHILIPPINES

PRESIDENTIAL DECREE NO. 43, November 09, 1972

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WHEREAS, fish is one of the major and cheapest sources of protein in the diet of the Filipino people;

WHEREAS, 2.2 million Filipinos depend directly on the fishing industry for their livelihood;

WHEREAS, the Philippines continues to import fish and fishery products in substantial quantities because of the insufficiency of domestic production;

WHEREAS, in the New Society, there is a compelling need to bring fish prices down to the lowest possible level in order to benefit the lower-income groups in the society;

WHEREAS, the most effective method of bringing down fish prices is to increase production of both marine and the inland fish;

WHEREAS, the vast fishery resources of the Philippines have remained largely untapped due to unnecessary constraints brought about by law or by regulations and by the failure to provide an integrated development program and the appropriate incentives;

WHEREAS, there was pending before Congress prior to the promulgation of Proclamation No. 1081, dated September 21, 1972, a proposed bill entitled "AN ACT TO ACCELERATE THE INTEGRATED DEVELOPMENT OF THE PHILIPPINE FISHERY INDUSTRY AND FOR OTHER PURPOSES" designed to develop the industry in all its aspects and which had been duly certified by me as one of the priority measures needed for the national economic program of the Government;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines by virtue of the powers in me vested by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, in order to effect the desired changes and reforms in the social, economic and political structure of our society, do hereby order and decree that the following Fishery Industry Development Decree of 1972 be adopted and made part of the law of the land;

SECTION 1. Title. — This Decree shall be known as the Fishery Industry Development Decree of 1972.

SEC. 2. Declaration of Policy. — It is hereby declared the policy of the State to accelerate the integrated development of the fishery resources of the country. For this purpose, the Government shall promote, encourage, and hasten the organization of, provide assistance to, and help integrate the activities of all persons, associations, cooperatives and corporations engaged in the industry so that the nation may achieve self-sufficiency in the supply of fish and fishery products and to achieve said purposes, the fishing industry shall be considered as a Board of Investments pioneer project. It shall also encourage and promote the diversification of export products and markets to enable the fishery industry to contribute positively in the development and growth of the national economy. More particularly, the Government shall help provide financing, training, extension services, technical

assistance and infrastructures for production, storage, processing, transportation, marketing and the distribution of fish and fishery products.

SEC. 3. Definition of Terms. — As used in this Decree, the following terms are defined as follows:

- (a) Fully developed fishpond — A clean, leveled area enclosed with dikes at least one foot higher than the highest flood water level in the locality and strong enough to resist water pressure at the highest flood tide, and at least consisting of a nursery pond, a transition pond and a rearing pond and a water control system.
- (b) Fish and Fishery Products — Fish includes all fishes and other aquatic animals such as crustaceans (crabs, prawns, shrimps and lobsters), mollusks (clams, mussels, scallops, oysters, snails and other shellfish) and fishery products include all products of aquatic living resources in any form.
- (c) Refrigerating and cold storage plants — Consist of a set of refrigerating machineries housed in a building with cold storage compartments, for purposes of making ice and freezing and storing fish and other perishable commodities.
- (d) Fishery industry — Consists of the production, processing, preservation, marketing and distribution of fish and fishery products.
- (e) Commercial fishing — Fishing for commercial purposes in waters of more than seven fathoms deep with the use of fishing boats of more than three gross tons.
- (f) Municipal or sustenance fishing — Small scale fishing utilizing fishing boats of three gross tons or less or using gears not requiring the use of boats.
- (g) Components of the fishery industry — Fish producers, fish processors, fish traders both wholesalers and retailers, and owners of refrigerating and cold storage plants serving the industry.
- (h) Economic family size fishpond — An area of fishpond that permits the sufficient use of labor and capital resources of a family and will produce an income sufficient to provide a modest standard of living to meet a family's need for food, clothing, shelter, health and education with allowance for payment of yearly installments on the area, and reasonable reserves to absorb yearly fluctuations in income.
- (i) Commercial scale fishpond production — This refers to production of fish in fully developed fishpond of not less than 500 kilograms of production per hectare per year,

SEC. 4. Fishery Industry Development Council — To implement the foregoing policy enunciated in Section Two of this Decree, there is hereby created a Fishery Industry Development Council, hereinafter referred to as the "Council," which shall be composed of the following:

Secretary of Agriculture and Natural Resources

Chairman

Director of Fisheries

Vice-Chairman and Executive Officer

Secretary of National Defense

Member

Governor of the Central of the Philippines

Member

Chairman of the Development Bank
of the Philippines

Member

President of the Philippine
National Bank

Member

Chairman of the
Board of Investments

Member

And a representative each to be recommended by the largest nation-wide bona fide organizations of fishpond operators and fishing associations, to be appointed by the President upon the recommendation of the Secretary, Department of Agriculture and Natural Resources for a term of two years.

Within thirty days after the approval of this Decree, the President of the Philippines shall constitute the Council. The Council shall meet regularly on the first Monday of each month: Provided, That the Chairman may convene the Council in special meetings to consider urgent matters. If any of the members shall not be able to attend the regular and special meetings of the Council, he shall send a duly authorized representative to exercise his powers and perform his functions.

The Council shall adopt the rules and regulations necessary to govern its proceedings, and determine its official location and address.

SEC. 5. Powers and functions of the Council. —The Fishery Industry Development Council shall have the following functions, powers and duties:

- To provide comprehensive policy guidance and create a healthy investment climate for the development of the industry in all its aspects, and delineate and coordinate the various activities of the participating agencies of the industry;
- To encourage persons, associations, cooperatives and corporations engaged or who will engage in the production, storage, processing, marketing and distribution phases of the industry to adopt such systems and practices which will reduce costs and improve the quality of fish and fishery products in order to bring about fair returns to producers and reasonable prices for the benefit of the consumers;
- To promote the establishment of infrastructure and other physical facilities geared towards the development of the fishing industry;
- To encourage the improvement and modernization of the fishing fleet of the country and the expansion of its

operation;

- To provide guidelines aimed at protecting fish habitats, marine parks, and other fishery resources from pollution;
- To draw up a comprehensive financial program for the industry indicating therein the sources, either domestic or foreign, allocating the funds thereof under a system of priority;
- To devise a feasible system of insurance which will meet the needs of the industry.

The Council shall, within ninety days after it has been constituted, adopt a Fishery Industry Development Program, hereinafter referred to as the "Program," which shall be implemented by its constituent agencies.

In this regard, the President of the Philippines, in consultation with the Council and Monetary Board, may under Republic Act Numbered Sixty-one hundred and forty-two, enter into, make, perform and carry out contracts of every class and description necessary or incidental to the realization of the objectives of the Program with any person, firm or corporation, private or public, or initiate contracts and/or agreements in behalf of the industry between the Philippine Government and foreign governments or institutions.

SEC. 6. Implementing Agencies. — The agencies represented in the Council shall, in accordance with the Fishery Industry Development Program adopted by the Council, have the following functions, powers and duties under this Decree;

- The Department of Agriculture and Natural Resources shall:
 - Direct and coordinate the activities of its component agencies in accelerating the development of the industry;
 - Direct and facilitate the orderly, systematic and expeditious transfer of the jurisdiction of public lands available for fishpond development to the Bureau of Fisheries upon the effectivity of this Decree. For this purpose, all public lands, such as tidal swamps, mangrove and other swamps, marshes, ponds and streams within public lands, including public lands left dry during the lowest low tide and covered by water during the highest tide; and which are not needed for forestry purposes are hereby declared available for fishpond purposes and automatically transferred to the Bureau of Fisheries for its administration and disposition: Provided, That the Bureau of Fisheries shall set aside portions of such public lands for fish propagation, fish sanctuary, conservation and ecological purposes: And Provided, That certain tidal swamps, mangrove and other swamps, marshes, ponds, streams within public lands, used or utilized by fishery schools and colleges be set aside for their use; and
 - Undertake such other measures as may be necessary to efficiently carry out the fishery industry development program.
- The Bureau of Fisheries shall be the research, advisory and executive arm of the Council and as such shall have the primary and direct responsibility for implementing the Program as approved by the Council with the active cooperation of, and in coordination with, other participating agencies. It shall:
 - Exercise the powers, duties and function under Republic Act Numbered Thirty-five hundred and twelve, not inconsistent with the provisions herein stated for the attainment of policy, objectives and purposes of this Decree;
 - Issue or promulgate and execute instructions, orders, rules and regulations for the development, improvement, management and/or conservation of fish and fishery resources, declare and/or establish and enforce for a specified time of the year a close season for the catching and selling of a specified species of fish or the operation of a specified fishing gear covering the entire Philippine territorial waters or any portion thereof that shall be specifically defined, subject to the approval of the Council. Such instruction, rule or regulation, declaration and/or establishment shall take effect fifteen (15) days after its publication in the Official Gazette and two newspapers of

general circulation;

- Prescribe fees for the gathering, taking, culturing and processing of fish and other fishery products, permit, license or concession fees, fees for the importation or exportation of aquatic products and other fees for the grant of fishery privileges, subject to the approval of the Council;
- Grant or execute leases, subject to the approval of the Council, entitling the holders thereof to develop a definite tract of public land to be devoted exclusively for fishpond purposes for a period of fifteen (15) to twenty five (25) years, subject to renewal for an equal or longer period;
- Grant concession for collecting or gathering of marine mollusks or their shells sponges seaweeds and other aquatic products in any of the territorial waters of the Philippines;
- Undertake a fisheries training program and coordinate with and provide assistance to fishery educational institutions in their research and instructional activities to provide the fishery industry with technically competent manpower: Provided That the fishery educational institution shall devise and adopt a standard "core" curriculum aimed at the training of vocational level fishery technicians;
- Perform all powers functions and duties over fishing vessels of more than three (3) gross tons regarding the registration, documentation, inspection and licensing of said vessels for the purpose of fishing operations: Provided, That the license granted shall allow the licensee to operate only in Philippine waters to of more than seven (7) fathoms deep, subject to the conditions that may be stated therein and the rules and regulations that may, from time to time, be promulgated by the Director of Fisheries with the approval of the council, notwithstanding the provisions of law to the contrary: Provided, further, That the Bureau of Fisheries after a thorough and careful study is hereby empowered to declare and open and close season for the operation of baby trawls in areas seven fathoms deep or less: Provided, furthermore, That operations of baby trawls using fishing boats of three (3) gross tons or less may operate in areas four fathoms (4) deep or more subject to the approval of the Council herein created, may declare, an open and close season for their operations;

Notwithstanding the provision of any law to the contrary, a fishing vessel may be accepted for registration, documentation and licensing purposes by the Bureau of Fisheries, upon inspection and verification by the naval architect and marine engineer if the said Bureau that the fishing vessel is seaworthy and fit for operations;

- Issue permits for the importation into and exportation from the Philippines of any fish or fishery products, mollusks, crustaceans, other aquatic animal, adult, young, fry or fish eggs, for propagation or for other purposes, subject to the approval of the Council: Provided, That exportation of fry or fish eggs shall be allowed only after the requirements of the industry are met;
- Issue for scientific research and educational purposes, temporary permits to any person, association or corporation to operate fishing vessels for a period not exceeding six months on the basis of rules and regulations approved by the Council;
- Issue fishermen's license in connection with the operation of a fishing vessel of more than three (3) gross tons on the basis of rules and regulations approved by the Council;
- Designate in writing, as Deputy Fish Warden, competent public officials and/or private reputable persons engaged in the fishery industry, with full power, and authority to enforce all fishery laws, rules and regulations and to arrest offenders against the same: Provided, That the Director shall prescribe the qualification of persons to be appointed, subject to the approval of the Council;
- Maintain a system of regularly obtaining and disseminating accurate data and statistics on fish production,

distribution, utilization and fishery resources of the country and other useful information relating to the industry;

- Undertake applied fisheries research aimed at increasing the efficiency and effectiveness of the methods and techniques of production and utilization of fish and fishery products and the utilization of different fertilizers for fishponds;

- Designate and set the boundaries of Fishery Districts and submit to the Council, a program within one (1) year after the passage of this Act for the Organization of District Fishery Corporations or Cooperatives to be composed of the various components of the industry in each District which shall engage in the buying, processing, storing and marketing of fish and fishery products. To serve this purpose, the Bureau shall promote in each of the Fishery Districts to be established under this Act, the establishment of adequate refrigerating plants for ice making, storage and quick-freezing to be owned preferably by the District Fishery Corporation or Cooperatives: Provided, That refrigerating and cold storage plants belonging to the Bureau shall be sold to the District Fishery Corporation or Cooperatives under such terms and conditions promulgated by the Bureau, subject to the approval of the Council: Provided, further, That ice-making, cold storage and quick freezing facilities may be established by any person, corporation or cooperatives in any part of the country without the necessity of any Congressional or municipal franchise, notwithstanding the provisions of the law to the contrary.

The Development Bank of the Philippines is hereby authorized to convert its outstanding and collectible loans to the fishery industry in the District into equity shares of stock in these District Fishery Corporations or Cooperatives as these loans are paid: Provided, however, That such shares of the Bank shall be sold to the private sector at its option in the following order of priority: municipal fisheries operator or small fishermen, fish retailers, fishery cooperatives, fishpond operators and deep-sea fishing operators;

- Promote the organization of small fishermen's associations and cooperatives in cooperation with existing government cooperative agencies, and the nationwide federation of these organizations;

- Determine and designate fish landing points in appropriate places throughout the Philippines and require the landing of all commercial fishing vessels at these designated places: Provided, That all fish landing points established prior to the approval of this Act shall be considered authorized fish landing points;

- Conduct and supervise the inspection of fish and fishery products for export, imports and those produced and consumed locally, for quality and compliance with fishery and other pertinent laws. For this purpose, the Bureau shall establish within one (1) year after the approval of this Act quality grades and standards to conform to world standards as much as possible, subject to the approval of the Council; and

- Promote the development of a viable fish meal industry in the country within two (2) years after the promulgation of this Decree in order to maximize the utilization of fish and fishery products and to complement the development of the animal industry. For this purpose, the Bureau shall, subject to the approval of the Council, recommend to the Central Bank the gradual reduction of fish meal imports to induce the development of the local fish meal industry.

In order to enable the Bureau of Fisheries, as the executive arm of the Council, to efficiently implement the Fishery Industry Development Program and carry out its other functions under this Decree, its organizational set-up is hereby strengthened. The Director shall be assisted by an Assistant Director for Administration, Information and Regulations and as Assistant Director for Research and Development. To be more responsive to the needs of, and effectively carry out the purposes and objectives of this Decree, there are hereby created the Administrative Division; Licenses and Protection Division; Fishery Economics and Information Division; Fishery Research Division; Fish Propagation Division; and Technological Division. In addition, a Planning and

Management Staff and other organizational units as provided for in the Integrated Reorganization Plan, are created: Provided, That the aforementioned organizational units shall be staffed by the Director from qualified personnel of the Bureau as first priority, and he shall include proposals for additional necessary personnel therefor in its appropriation for the immediate succeeding year.

- The Central Bank of the Philippines, through the Monetary Board shall be primarily responsible for seeking ways and means of financing the requirements of the Fishery Industry Development Program in all its aspects. For this purpose, it shall, in addition to its present powers and functions, undertake the following activities:
- Coordinate the policies, programs and activities of all banks and financial institutions, relating to the provision of credit to persons, associations, cooperatives, corporations engaged in the fishery industry;
- Grant preferential rates in the rediscounting of papers involving loans for the fishery industry; and
- Grants concessionary rate of interest on loans for the development of fishery industry upon certification by the Director of Fisheries.
- The Secretary of National Defense shall extend all assistance including personnel and equipment as may be necessary in the enforcement of fishery laws and regulations and in the attainment of the aims and objectives embodied in this Decree.
- The private sector of the fishery industry shall direct their collective efforts towards a more active cooperation and coordination with Government agencies. It shall:
 - Assume the primary responsibility of accelerating the development of the industry;
 - Conduct research and experiments in cooperation with government agencies;
 - Allow implementing agencies of the Government access to such statistical data and information as would be necessary in the formulation of sound policies; and
 - Take active participation in technical manpower training by giving on-the-job training opportunities to fishery apprentices, trainees and volunteers.

SEC. 7. Technical Manpower Training. — The private sector and/or fishery schools and colleges shall coordinate with the Bureau of Fisheries and other government agencies on the training of fishery technicians including volunteers by giving on-the-job training: Provided, That for fishery students in schools and colleges, one semester on-the-job training will be a requisite for graduation.

The amount of five million pesos shall be set aside yearly from the Fishery Industry Development Fund for the acquisition of fishing vessels and/or other training paraphernalia and for operational expenses for the training to be conducted by the Bureau of Fisheries.

SEC. 8. Filipino Predominance in the Fishery Industry. Upon approval of this Decree, only citizens of the Philippines and associations or corporations at least sixty per cent of the capital of which is owned or controlled by citizens of the Philippines may engage in any business activity relating to the fishery industry.

SEC. 9. Role of Other Government Agencies. — All departments, authorities, commissions, bureaus, agencies, offices, of the National Government, government-owned or controlled corporations and entities, and local governments not directly involved as participating agencies of the Fishery Industry Development Program shall cooperate with the Council and the agencies under it in the implementation of the provisions of this Decree. For this purpose, they are hereby authorized and directed to extend assistance, technical guidance and provide facilities to the Council and the implementing agencies under this Decree, subject only to limitations of their

respective charters resources.

SEC. 10. Fishery Industry Development Fund. — To carry out the provisions of this Decree, there is hereby established a Fishery Industry Development Fund, hereinafter referred to as Fund, to finance the development of the industry. It shall be held in trust by the Central Bank of the Philippines and shall be constituted in the manner and from the sources hereinafter provided.

- An annual lease rental and/or permit fee per hectare of fishpond shall be collected based on a schedule to be prescribed by the Bureau of Fisheries with the approval of the Council.

- An annual fee for commercial fishing boat license on fishing vessels of more than three (3) gross tons shall be collected based on a schedule to be prescribed by the Bureau of Fisheries with the approval of the Council and the fish caught fee as prescribed in Act Numbered Four thousand three as amended shall not be imposed.

Public officials of all agencies charged with the function of collecting the revenues proceeds, rentals, charges, duties and fees under this section are hereby directed to remit directly to the Central Bank any and all monthly collections thereof within fifteen (15) days of every succeeding month.

The Central Bank as the trustee of the Fund is hereby authorized to invest the Fund and proceeds thereof shall form part of the Fund.

The Fund shall be utilized for financing the requirements of the fishery industry: Provided, That the disposition, allocation and utilization of the Fund for the purposes envisioned in this Decree shall be the exclusive prerogative of the Council,

SEC. 11. Loans to the Fishery Industry. — Upon approval of the Fishery Industry Development Program, the Development Bank of the Philippines, the Philippine National Bank, rural banks and Veterans Bank and other government-owned or controlled lending or banking institutions concerned shall make available loans to eligible borrowers as are provided in their respective charters and all articles of incorporations and by-laws, and policies of the Central Bank of the Philippines: Provided, That:

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It shall be mandatory for the Development Bank of the Philippines, the Philippine National Bank, rural banks and Veterans Bank and other government-owned or controlled lending institutions dealing with medium and long-term lending to:

- Grant loans for the development of fishponds and the acquisition of fishing boats including fishing paraphernalia;

- To extend loans for production, handling, refrigerating plants and cold storage, processing and marketing;

- Grant, loans to leaseholders of public lands for development of fishponds: Provided, however, That the term of the lease contract shall be longer than the period of repayment of the loan: Provided, finally, That holders of ordinary fishpond permits who have additional collaterals to offer may be granted loans at the discretion of the bank management and/or lending institutions; and

- To give preferential loans at concessionary rates of interest given to any borrower during a given period to be set by the Council, except for special rates of interest granted by GSIS and SSS to its members, for the development of fish and fishery products,

For this purpose, eligible papers shall be given preference in the rediscounting policy of the Central Bank of the Philippines and that the rediscounting rate shall be the lowest preferential rate extended to private banks and the

Development Bank of the Philippines, the Philippine National Bank, rural banks and Veterans Bank and other government-owned or controlled lending or banking institutions.

All loans under this Program shall be extended under supervised credit as prescribed under Republic Act Numbered Sixty-three hundred and ninety or under project supervision.

SEC. 12. Funding for Projects of Veterans in Fishery Industry Development. — All projects of veterans and their qualified heirs within the purview of the Fishery Industry Development Program shall be funded by the Philippine Veterans Bank: Provided, That projects involving family size fishponds shall be given priority in financing by the Philippine Veterans Bank.

SEC. 13. Disposition of Public Lands for Fishpond. — Public lands already covered by lease agreements prior to the effectivity of this Decree shall not be sold.

Within two years after the effectivity of this Decree the areas leased should be fully developed and producing in commercial scale. Any remaining undeveloped portion shall automatically revert to the public domain for disposition by the Bureau of Fisheries: Provided, That the lessee failing to develop the remaining portion of his leased area shall not be permitted to re-apply for the reverted area or any public land under this Decree.

Public lands available for fishpond development and not yet leased prior to the effectivity of this Decree, including those earmarked for development as family size fishponds, shall be leased only to qualified persons, associations, cooperatives or corporations, subject to the following conditions:

- Fifty per cent of the area leased shall be developed and producing in commercial scale within three years and the remaining portion of the leased area shall be developed and producing in commercial scale within five years, both periods to begin from the execution of the lease contract;
- All areas not developed and not producing in commercial scale within five years from the date of execution of the lease contract shall automatically revert to the public domain for disposition by the Bureau of Fisheries; and
- No portion of the leased area may be subleased.

Under this Decree, the area of fishpond lease-holdings shall be limited as follows:

- For individuals — a maximum of fifty hectares based on productivity, distance to markets and other technical factors; and
- For corporations — five hundred hectares: Provided, That at least twenty-five per centum of the equity shall be owned by persons other than the members of one extended family: Provided, further, That corporations engaged in canning of fish and by-product utilization may lease one thousand hectares.

All public lands leased after the effectivity of this Decree shall be exempted from the annual lease rental provided in Paragraph A of Section eleven of this Decree for the first two years from the date of execution of the lease contract.

SEC. 14. Construction and Development of Family Size Fishpond. — For the purpose of accelerating the development of fishponds, the Bureau, subject to the approval of the Council, shall identify public lands which shall be subdivided into economic family size fishponds. The area of a family size fishpond shall be determined by the Council with due consideration to the fertility of the land: Provided, That such fishponds shall be leased only according to the priority herein provided:

- Landless and poor families living in the vicinity, town and province wherein the fishponds are located;

- Qualified graduates of fisheries schools; and
- Landless veterans.

Persons in the above categories with at least one year experience in fishpond operation shall be given preference. All beneficiaries of family size fishponds shall form a selda, cooperative or association for the efficient management of the operations of the area. Each beneficiary shall be given a loan equivalent to P5,000.00 per hectare without collateral under a Supervised Credit Scheme and under terms and conditions to be prescribed by the Council.

For the above purpose, the sum of thirty million pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, for each of the first two fiscal years after passage of this Decree and twenty million pesos every year for ten years thereafter to finance the construction and development of family size fishponds.

SEC. 15. Auditor. — The Auditor General shall be the ex officio auditor of the Fisheries Industry Development Council and the Bureau of Fisheries. The provisions of Sec. 584 of the Revised Administrative Code as amended by Republic Act 2266 shall, except as hereinafter provided, apply to the office of the representative of the Auditor General in the Council and the Bureau. The necessary appropriations to cover the expenses for the maintenance and operation of the office of said representative shall be paid out of the income of the Bureau of Fisheries under the receipts automatically appropriated fund and/or any other income accruing from funds provided in this Decree.

SEC. 16. General Provisions Relating to Commercial Fisheries. — To encourage and promote fishing in international waters, the Bureau is directed to make a study and a proposal to the Council, within the first year after the effectivity of this Decree, on the measures to be undertaken to encourage Filipinos to operate fishing boats in international waters.

Every vessel of Philippine registry of not less than ten gross tons nor more than five hundred gross tons, which is operated exclusively as a fishing vessel for catching and transporting fish in the territorial waters of the Philippines, shall be required to carry only one licensed navigator and one licensed engineer regardless of grade or rank to man such fishing vessel.

Any provision of law to the contrary notwithstanding, any fishing vessel shall be provided with adequate medical supplies and lifeboats to be determined by the Bureau of Fisheries; and any fishing vessel of not less than twenty (20) gross tons shall have in its employ a registered nurse or a person qualified as a first aider as certified by a government physician.

The provisions of any law to the contrary notwithstanding, fishermen on board fishing vessels engaged in fishing operations are hereby exempted from the provision of the Blue Sunday Law.

Membership under the Social Security Act shall be optional for fishermen but shall be compulsory for other employees of the industry who are permanently employed.

The total number of working hours of a fisherman and employee on board a fishing vessel, whether continuous or broken, shall not exceed eight hours a day: Provided, That work rendered in excess thereof shall be treated as overtime. The responsibility of keeping a record of overtime services rendered shall devolve upon the navigator of the vessel.

The skipper or any employee on board a fishing vessel capable of operating radio transceivers of not more than three hundred watts shall be authorized by the Radio Control Board to operate such transceivers during fishing

operations without the necessity of taking the prescribed examinations pursuant to the radio laws and regulations of the Philippines: Provided, That no franchise shall be required and in lieu thereof the Radio Control Board shall issue a permit to all applicants of radio transceivers of not more than three hundred watts.

SEC. 17. Municipal or Sustenance Fishing. — Municipal or sustenance fishermen who are members of a cooperative may avail of financing from the Agricultural Guarantee Loan Fund administered by the Central Bank /Rural Banks or from other sources under a supervised credit scheme. Such loan may cover the acquisition and/or repair of bancas, engines and fishing paraphernalia.

SEC. 18. Penalties. — Any violation of any rule or regulations promulgated by virtue of this Decree or any fishery law, rules and regulations shall subject the offender to a fine of not more than five thousand pesos or imprisonment of not more than five years or both in the discretion of the Court: Provided, That the Director of Fisheries is hereby empowered to impose an administrative fine of not more than one thousand pesos or the cancellation of the permit or license as the case may be or both such fine and cancellation at the discretion of the Director of Fisheries, upon any person, partnership or corporation who shall violate any rule or regulation promulgated by virtue of this Decree: Provided, further. That the Director, or his duly authorized representative and law enforcement agents are hereby empowered to impound the fishing vessel or boat including the dynamite and blasting caps and other explosives, tackle, apparel, furniture, and other apparatus used in illegal fishing pending the termination of the criminal case by competent courts: Provided, finally, That any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery products when such inspection and/or movement is authorized under this Decree shall be subject to a fine of not more than two thousand pesos (P2,000.00) or imprisonment of not more than two years or both at the discretion of the Court.

SEC. 19. Repealing Clause. — All Acts, parts of Acts, executive orders and regulations inconsistent with the provisions of this Decree are hereby repealed or modified accordingly.

SEC. 20. Separability Clause. — The provisions of this Decree are hereby declared to be separable and, if any clause, sentence, provision or section of this Decree or application thereof to any person or circumstances should for any reason be held invalid or unconstitutional, such invalidity or unconstitutionally shall not affect the other provisions or application of this Decree which can be given force and effect.

SEC. 21. Effectivity. — This Decree shall take effect upon its approval.

Done in the City of Manila, this 9th day of November, in the year of Our Lord, nineteen hundred and seventy-two.

(Sgd.) FERDINAND E. MARCOS
President
Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR
Executive Secretary

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