

GUIDELINES TO GOVERN THE CONDUCT OF PEOPLE INTERACTION WITH CETACEANS

BFAR-NFRDI DA AND DOT JOINT ADMINISTRATIVE ORDER NO. 1, S. 2004, April 27, 2004

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f398c51964dc/>

I. TITLE

This Joint Circular is promulgated to serve as Guidelines to Govern the Conduct of People Interaction with Cetaceans.

II. MANDATE

The Department of Agriculture (DA) by virtue of Republic Act No. 8550, known as the "Philippine Fisheries Code of 1998" is mandated to conserve, protect and manage the country's fishery and aquatic resources. Among the mandated task of DA is to protect rare, threatened and endangered species through appropriate management measures.

The Department of Tourism (DOT) is the primary government agency charged with the responsibility to encourage, promote and develop tourism as a major socio-economic activity to generate foreign currency and employment and to spread the benefits of tourism to a wider segment of the population with the support, assistance and cooperation of both the private and public sectors, and to assure the safe, convenient, enjoyable stay and travel of the foreign and local tourists in the country.

III. INTRODUCTION

Whales, dolphins and porpoises, of the order of marine mammals collectively known as cetaceans, are found in many places in the Philippines. The increasing trend towards eco-tourism and the growing popularity of outdoor recreation has spurred renewed interest on whale, dolphin and porpoise watching.

This special activity demands specific attention to ensure that cetaceans are afforded protection and that least disturbance would result in the process of their interaction with people, thus, allowing them to sustain their vital function of helping keep the ecological balance and productivity of our ecosystems sustained at all times.

IV. OBJECTIVE

The objective of these guidelines is to establish a set of regulations that will govern the conduct of people interacting with cetaceans, so that tourists are ensured of positive experience while guaranteeing the safety and welfare of the cetaceans they are interacting with and at the same time generating economic gains for the host communities.

V. DEFINITION OF TERMS

For purposes of these guidelines the following terms shall mean:

"Aircraft" - any device, motorized or non-motorized, designed for flight that includes, but is not necessarily limited to, airplanes, helicopters, gliders, hang gliders and parasail.

"Blowhole" - the external openings to a cetacean's nasal passages situated near the top of the head.

"Cetacean" - any species of whale, dolphin or porpoise belonging to the order cetacea .

"Contact" - includes any interaction involving a person and the cetacean that is likely to produce an effect on the cetacean.

"Conveyance" - any aircraft or vessel hired to carry passengers for the purpose of viewing or coming into contact with cetaceans.

"Dolphin and Porpoises" - all species under the family delphinidae.

"Dorsal" - the upper side of a cetacean where the dorsal fin is situated.

"Flippers"- the two (2) fins found on either side of the pectoral area of all cetaceans.

"Fluke" - the horizontally oriented tail of any cetacean.

"Stranding" - the condition where a cetacean is found in shallow water or on shore in a helpless position .

"Under power" - refers to a situation where a vessel is propelled in a certain direction either with the aid of a motor or engine, or wind, or human power.

"Vessel" - any craft designed to navigate on water. This includes ships, boats, kayaks, surfboards, boogie boards, and all other watercraft motorized and non-motorized except jet skis and wave runners.

"Vessel operator" - any person with the responsibility of piloting or maneuvering any craft designed to navigate on water.

"Wake" - waves generated by a vessel as it moves across the water.

"Whale" - all species commonly known as whales under the suborder mysticetes and odontocetes.

VI. CONDUCT AROUND CETACEANS

A. Prescribed Minimum Distance

The following shall be the prescribed minimum distance in the conduct of whale, dolphin, or porpoise watching activity:

1. A vessel must not approach within a distance of less than 100 meters (330 feet) from any whale. For other cetaceans, the recommended distance of observation is 50 meters (165 feet).
2. No aircraft should fly directly over cetaceans at altitudes lower than 300 meters (1000 feet) to reduce the effects of noise. The aircraft's shadow should be kept from passing close to cetaceans.
3. No conveyance shall approach within 300 meters of any cetaceans if the number of other conveyances already positioned to enable passengers to watch the cetaceans is two (2) or more.
4. Jet skis and wave runners are prohibited in known cetacean interaction areas.

B. Vessel Operation

Vessel operation during whale, dolphin or porpoise watching activity shall be regulated as follows:

1. A vessel should not approach any cetacean head on while under power. It should approach the cetaceans from a direction that is parallel and slightly to the rear of the cetaceans or 300 meters ahead of, but not in the path of the cetaceans.
2. Within 300 meters of any cetacean, the vessel should move at a constant slow speed no faster than the slowest cetacean or at a speed that does not create a wake.
3. A vessel must not make any sudden or repeated changes in speed or direction while near or among any cetacean, except in an emergency.
4. Where a vessel approaches to enable passengers to watch whale(s) or dolphin(s), the vessel should be switched to neutral or "dead slow" for direct drive vessels.
5. If a whale approaches a vessel, the vessel operator shall whenever practicable, maneuver the vessel so as to keep out of the path of the whale maintaining a minimum distance of 100 meters from the whale. In cases where the whale approaches the vessel within the 100-meter radius, the vessel operator should switch the engine to neutral or "dead slow" until the whale shall on its own move away.
6. Where two (2) or more vessels approach an unaccompanied cetacean, the vessel operators concerned shall coordinate their approach so as not to cut across the path or box in the cetacean.
7. A vessel operator shall ensure that an anchor is not dropped or lowered overboard from the vessel within 300 meters of a cetacean.

C. Contact with Cetaceans

The following guidelines shall at all times be observed during contact with cetaceans:

1. No vessel under power shall continuously pursue any cetacean for more than 20 minutes, even when respecting the prescribed minimum distance.
2. No vessel shall interrupt the path of a cetacean, or try to direct or alter its movement, or prevent it from leaving the vicinity of any vessel.
3. A vessel shall not intentionally penetrate into a group of cetaceans, causing any individual cetacean to be separated from the group or causing members of the group to become dispersed.
4. Contact with any cetacean shall be abandoned at any stage if it becomes or shows signs of becoming disturbed or alarmed such as:
 - a. Rapid changes in swimming direction or speed;
 - b. Erratic swimming patterns;
 - c. Escape tactics such as prolonged diving, underwater exhalation, underwater course changes, or rapid swimming away from your location at the surface;
 - d. Female attempting to shield calf with her body or by her movements;
 - e. Sudden stop in important breeding, nursing, feeding or resting activities.

Cautiously move away if you observe any of the above behaviours.

5. If a cetacean shows any sign of disturbance, a vessel shall be maneuvered to a distance of at least 100 meters from the cetacean.

6. Vessel operators shall not touch or attempt to touch, and shall ensure that no person on the vessel touches or attempts to touch any cetacean.

7. Vessel operators shall not feed or attempt to feed, and shall ensure that no person on the vessel feeds or attempts to feed any cetacean.

Feeding cetaceans may alter their natural ability to search for food, which could have a major effect on their overall well being. The frequent contact with humans associated with this type of feeding may also lead to other negative changes in cetacean behaviour.

8. A vessel operator shall not play back, and shall ensure that no person on the vessel plays back any sound or recording of any kind underwater.

The sense of hearing is an important sensory mechanism for cetaceans. Their elaborate systems for hearing are highly sensitive to acoustic disturbances. They also use sound to communicate with one another, thus excessive noise may be disruptive to their social organization, mating and other behaviours.

9. Vessels departing from the vicinity of any cetacean shall proceed slowly at a speed that does not create a wake until the vessel is at least 300 meters from the nearest cetacean.

D. Special Considerations for Cetacean Mother and Calf Groups

Special considerations shall at all times be given for mother and calf groups of cetaceans through strict observance of the following:

1. No vessel shall pursue mother and calf groups of any species of whale.
2. No person or vessel shall approach within 200 meters of any whale that is accompanied by a calf or calves.
3. If a mother and calf group approaches a vessel that is stopped or proceeding at minimal speed, the vessel shall not make any sudden or repeated changes in speed or direction while near or among the mother and calf group, except in an emergency.

E. Swimming with Cetaceans

Vessel operators shall not allow any person on board to swim with whales and dolphins.

Two (2) main factors shall be taken into account when considering swimming with whales and dolphins, namely:

1. The safety of both swimmers and cetaceans - Whales and dolphins are capable of injuring people in the water, either accidentally, or if they feel threatened in any way. Cetaceans are also at risk of being harmed by boat propellers and the reckless behaviour of swimmers. Disease transmission between humans and cetaceans is also possible.
2. The effect on cetaceans - In cetacean-rich areas where human activities are also concentrated, whales and dolphins tend to abandon their traditional habitats and head for less stressful surroundings. Frequent contact with humans may also lead to changes in their feeding, resting, nursing and other behaviours that could have significant impacts on cetacean populations.

Given the fact that there is no way of ensuring that such close interactions are not stressful to cetaceans, there is no guarantee that both the swimmers and cetaceans will not be harmed.

F. Waste Disposal

No one aboard a vessel shall dump any substance or material garbage and all other pollutants overboard. All wastes shall be properly disposed of on land.

G. Cetacean Stranding

In case of a stranding, the following procedures shall be followed:

1. Check if the animal is alive or dead. While maintaining a safe distance, look and listen for signs of breathing coming from the animal's blowhole. Also watch out for any signs of movement. If nothing is observed for 15 minutes, the animal is most likely dead.

2. If the animal is alive, expert help shall be summoned at once. Live stranding are best responded to by people with experience in rescuing marine mammals. If there is a marine mammal stranding response team in the area, they should be informed immediately. If no local marine mammal stranding team is available, the following agencies may also be called upon:

- § Department of Agriculture (BFAR)
- § Department of Environment and Natural Resources (MENRO, CENRO, PAWB)
- § Provincial Fisheries Office
- § Provincial Veterinarian's Office
- § Local Government Units
- § WWF- Philippines
- § Marine Mammal Stranding Response Team
- § Palawan Marine Mammal Rescue Society (PMMRS)
- § Malampaya Sound Ecological Studies Project (MSESP)
- § Bohol Rescue Unit for Marine Mammals (BRUMM)
- § Batangas Bantay-Dagat
- § Mindanao Marine Wildlife Watch (MMWW)
- § Negros Oriental Marine Mammal Rescue Task Force (NOMMRTF)
- § Cagayan Marine Mammal Stranding Rescue Team
- § Roxas Marine Mammal Rescue & Conservation Group

3. While waiting for help to arrive, keep onlookers at a distance and make as little noise as possible. Do not stand close to the tail or head of the cetacean and refrain from pushing or pulling any parts of its body. The cetacean must be kept dorsal side up. If the cetacean is on its side, a hollow area can be dug in the sand around it so that it can be righted. It is also important to keep the cetacean, especially its flippers and flukes, cool and its skin moist. If the cetacean is small enough, a sling can be fashioned from tarpaulin or heavy canvas to be used to move the cetacean to shallow water. A shelter may also be created over the cetacean to provide shade. Pieces of cloth should also be soaked at regular intervals and draped over the cetacean. Make sure that the blowhole is never covered and that no sand or water enters to it.

4. If the cetacean is dead, information about the stranding could still be useful to marine mammal researchers. The following data should be collected:

- Date and location of the stranding
- Number of cetaceans stranded
- Species involved - measurements of length and girth, colour of skin, teeth or baleen, unusual features
- Any obvious reasons for the stranding (wounds, entrapments in a net, etc.)

5. Obtaining photographs of the stranding would also be helpful. Photographs should include a full lateral view of the cetacean, together with dorsal and underside views if these can be managed. A photograph of the head with the mouth open exposing the teeth or baleen could also be included. The data and photographs may be forwarded to the marine mammal stranding response team in the area or to WWF-Philippines. No part of the cetacean should be taken as souvenir. Philippine laws expressly forbid this. Once enough information has been collected, local authorities should be contacted and informed of the stranding to facilitate the disposal of the cetacean's remains.

H. Scientific Research

For purposes of scientific research, clearance shall be secured from DA-BFAR pursuant to RA 9147.

VII. PASSENGER SAFETY

To ensure passenger (tourists) safety, DOT shall encourage tourists to patronize only vessels, aircraft or similar conveyance that are duly registered/licensed by government regulatory agencies concerned such as the ATO, MARINA or the Philippine Coast Guard and particularly conveyances that are accredited by DOT.

VIII. MONITORING

The local government unit concerned in coordination with DA-BFAR, whale watching associations and other concerned enforcement agencies shall be primarily responsible in monitoring the enforcement of these guidelines to ensure the strict observance thereof.

IX. IMPLEMENTATION

Concerned LGUs with cetacean interaction industry should utilize this Joint Department Administrative Order to adopt local policies integrating sanctions for violations to institutionalize and standardize the local cetacean interaction industry.

X. SUPPLEMENTARY TO RELEVANT ISSUANCES

These guidelines shall be supplementary to all existing laws and Presidential issuances relating to the protection of cetaceans.

XI. EFFECTIVITY

These guidelines shall take effect fifteen (15) days upon submission of three (3) certified copies thereof to the UP Law Center pursuant to Section 4, Chapter 2, Book VII of Executive Order No. 292, s. 1987.

Adopted: 27 April 2004

(SGD.) ROBERTO M. PAGDANGANAN (SGD.) LUIS P. LORENZO

Secretary Secretary

Department of Tourism Department of Agriculture

Attested by:

(SGD.) USEC. EVELYN B. PANTIG, CESO 1

(SGD.) USEC. CESAR M. DRILON, JR.

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.