

REGULATION FOR THE CONSERVATION OF BLUE SWIMMING CRAB (PORTUNUS PELAGICUS)

BFAR JOINT DA-DILG ADMINISTRATIVE ORDER NO. 01, S. 2014, January 26, 2014

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Pursuant to the provisions of the Philippine Fisheries Code of 1998 (Republic Act No. 8550) under Sections 2 (a), (c), (f), and (g), 3 (a) and (b), 9, 15, 16, 19, 89, 95, 98, and 107; Wildlife Resources Conservation and Protection Act (Republic Act 9147) under Sections 27 (i) and 28; Local Government Code of 1991 (Republic Act No. 7160) under Sections 17(b)(2)(i), 131(p), (r), and (x), 149(b), 447 (1) (vi); and the Blue Swimming Crab Management Plan; and adopting the pertinent provisions of FAO 233, Series of 2010 pursuant to RA 9147, the following rules and regulations are hereby promulgated for the protection and conservation of the Blue Swimming Crab resources:

Section 1. Definition. For the purpose of this Administrative Order, the following terms as used herein shall be construed as follows:

- Auxiliary Invoice is a document being issued to all fish and fishery products by the LGUs or their duly authorized representatives prior to their transport from their point of origin to their point of destination in the Philippines and/or export purposes upon payment of a fee to be determined by the LGUs to defray administrative costs therefor.
- Local Transport Permit (LTP) is a permit for domestic movement or authorizing an individual to bring, carry or ship aquatic wildlife, by-products or derivatives acquired from legal sources from the point of origin to the final destination within the country, which is different from the auxiliary invoice issued by the local governments and/or BFAR for the transport and domestic movement of fish and aquatic products derived from aquaculture or conventional fishing.
- Blue Swimming Crab (BSC) belongs to Phylum Arthropoda, Class Crustacea, Order Decapoda, Family Portunidae, Genus Portunus and Species pelagicus is locally named “kasag” (Bicol and Hiligaynon), “alimasag” (Tagalog), “dariway/bansaway” (Ilokano), “Galeway” (Pangasinan), “lambay” (Bisaya), and “masag” (Waray). The carapace is hard, rough and broadly flattened extending to nine protrusions on the sides with the last one quite pronounced. It has a single pair of chelae, with three pairs of long ridged legs and a pair of modified legs as swimming paddles. Generally, the color of female BSC is mottled green brown and male BSC is mottled blue. Immature females have a triangular-shaped abdomen or abdominal flap and mature females have a broader, semi-circular abdomen. On the other hand, males have a T-shaped abdomen.
- Berried refers to egg-bearing crustaceans.
- BFAR-RFO refers to the Bureau of Fisheries and Aquatic Resources Regional Field Office.
- Bureau refers to the Bureau of Fisheries and Aquatic Resources (BFAR).
- Closed Season refers to the period during which the taking of specified fishery species by a specified fishing gear is prohibited in a specified area or areas in Philippine waters.

- Crab entangling net or “lambat pangasag”, “pukot panglambay”, and “pukot pangasag” is a long rectangular panel of netting that is held vertically in the water column and anchored to the bottom of the ocean/water floor. Crabs swim into the net and are entangled by their legs. The floats and weights keep the nets vertical.
- Crab liftnet or “bintol” and “sapyaw” consists of a sheet of netting supported by frames, capturing crabs by entanglement as the net is placed at the sea bottom. This type of net is intended for catching crabs in shallow waters and is often baited to lure crabs.
- Crab pot/trap or “panggal”, “timing” and “bubo pangasag” is an enticing device of various sizes and shapes, generally made of bamboo splits, netting and other materials tied or woven together and provided with a non-return valve for easy entrance but difficult exit.
- DA refers to the Department of Agriculture.
- DILG refers to the Department of the Interior and Local Government.
- FARMC refers to the Fisheries and Aquatic Resources Management Council.
- LGU refers to the Local Government Units at the municipal/city levels.
- Crab Fishers are individuals directly engaged in the catching of crabs.
- Crab traders and processors are individuals or group engaged in the business of trading and processing (cooking, picking, and canning) of crabs and its by-products.
- NFRDI refers to the National Fisheries Research and Development Institute.
- NSAP refers to the National Stock Assessment Program.

Section 2. Master Listing, Updating and Validation of Municipal Crab Fishers. The local government units shall maintain and regularly update a separate list of municipal crab fishers based on the Registry of Fisherfolk in their respective areas with the assistance of BFAR to facilitate proper monitoring, management and conservation of blue swimming crab resources. The Master list shall include the following information: number of units per gear and description of the gears; length and mesh size(s) of nets.

Section 3. Regulations. The following are the rules and regulations for the proper utilization and conservation of Blue Swimming Crab:

3.1

Minimum Size of Blue Swimming Crab. The minimum carapace width of blue swimming crab allowed for catching, collecting and trading shall be 10.2 cm, as shown in Diagram 1 which forms an integral part of this Order. Provided, that coastal municipalities may adopt a minimum size limit higher than 10.2 cm for catching BSC.

3.2

Crab Fishing Gear Limitation

a.

Mesh Size/Diameter hole. The minimum mesh size for the following gears shall be implemented:

a.1

Crab Entangling Nets (single layer only) and Crab Liftnets shall have a minimum mesh size of 11 cm and 3 cm

stretch mesh, respectively.

a.2

Crab Pots/Traps shall have a 5 cm minimum hole diameter.

3.3

Closed Season/Area. To prevent overexploitation/overfishing, a closed season shall be imposed by the LGUs, in consultation with the FARMC based on scientific data gathered. The NFRDI and BFAR Regional Field Offices through its NSAP, other research institutions/agencies and academe shall provide such data.

3.4

Other Subjects for Regulations. If public interest so requires, based on sound scientific evidence and/or the precautionary approach in fisheries management based on the recommendation of the LGUs and BFAR, in consultation with FARMC and other stakeholders, the Secretaries of DA and DILG may issue regulations on any or all of the following: 1) the number of registered crab fishers to be allowed to operate for the catching of blue swimming crab in any areas in Philippine waters; 2) limit the number of crab pots/traps allowed per boat/banca: 3) limit the length/depth and number of nets a fisher could own and operate; and 4) specific closed fishing season for BSC by municipality.

Section 4. Establishment of Holding Cages for Berried Crabs. In the implementation of the Philippine National Aquasilviculture Program (PNAP) Community-Based Hatchery (CBH) projects, LGUs shall be encouraged to formulate a municipal ordinance requiring crab fishers to establish prescribed holding cages for live berried crabs caught within municipal waters/their jurisdiction. Further, trainings on the handling and transport of berried live BSC shall be conducted by BFAR. The Bureau has the option of conducting the training by itself or in partnership with other government agencies and/or non-government organizations.

Section 5. Monthly Records. For the purpose of the preceding Section, all blue swimming crabs processors, including all persons, associations or corporations engaged in buying, selling and processing blue swimming crabs, shall keep Log Sheet showing the daily transactions consisting of the following information necessary to support data collection and policy formulation, namely: 1) the name /s and address/es of fishers, buyers or sellers; 2) date of purchase; 3) size of BSC; 4) quantity (in kilograms); 5) fishing gear used; and, 6) the place of origin (fishing ground) and market destination.

Section 6. Special Permit. A special permit may be granted by the DA Secretary, upon recommendation by the BFAR through its Director and concerned LGU, to any private association, academic institution, government agency and other individuals the gathering or collection of berried and juvenile blue swimming crab of any size for scientific, educational or for propagation purposes. Such permit shall remain in force for a period of one (1) year from the date of issuance and maybe renewed depending on the period of study or purpose of the proponent. Such permit is not transferable and maybe further subjected to such other restrictions as maybe imposed. All holders of special permits under this provision must at all times carry with them for presentation and be made available upon demand by any Fishery Law Enforcement and Quarantine Officers and Aquatic Wildlife Enforcement Officers.

Section 7. Auxiliary Invoice and Local Transport Permit (LTP). For the intention of collecting, monitoring and traceability of BSC's production and movement, crab buyers, traders and processors should secure an auxiliary invoice and LTP before shipping/transporting from the buying stations and meat picking plants to processing plant.

Section 8. Research and Development (R and D). Continuous R and D shall be conducted by the Bureau, NFRDI, academic institutions and other credible research institutions for the monitoring of BSC stocks, improvement of fishing accessories' designs and materials to address issues on ecosystem impacts and safety at sea, development of aquaculture facilities and practices, crab stock enhancement as well as the socio-economic impact to support the implementation and or further refinement of this Administrative Order.

Section 9. Prohibitions. It shall be unlawful to possess or trade juvenile BSC less than the prescribed minimum size of 10.2 cm carapace width as stated in Section 3.1. Provided, however, that the DA Secretary upon the recommendation of the BFAR Director and LGU concerned, in consultation with the FARMC may impose larger minimum size for catching BSC as may be deemed necessary.

Fishing during closed season and the use of fishing gears that are less than the prescribed minimum stretch mesh size and hole diameter, as described in Section 3.2 and 3.3 above, is also prohibited.

It shall likewise be unlawful for any person, association, cooperative, partnership, or corporation to possess or trade berried blue swimming crabs.

Lastly, it shall be unlawful to transport BSC without a valid auxiliary invoice and LTP.

Section 10. Penal Clause. The following are the judicial fines and penalties for violations of the provisions of this Joint Administrative Order in accordance with the provisions of RA 8550 (Fisheries Code of 1998) and RA 9147 (Wildlife Conservation and Protection Act):

- Violation on the minimum carapace width and crab fishing gear limitation as prescribed in Sections 3.1 and 3.2 hereof shall subject the offender to a fine from Two thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00) or imprisonment from six (6) months to two (2) years or both at the discretion of the court: Provided, That if the offense is committed by a commercial fishing vessel, the boat captain and the master fisherman shall also be subject to the penalties herein: Provided, further, That the owner/operator of the commercial fishing vessel who violates this provision shall be subjected to the same penalties provided herein: Provided, finally, That the DA and DILG are hereby empowered to impose upon the offender an administrative fine and/or cancel his permit or license or both.

- Violation on Closed Season/Area of the provision of Section 3.3 shall be punished by imprisonment of six (6) months and one (1) day to six (6) years and/or fine of Six thousand pesos (P6,000.00) and by forfeiture of the catch and cancellation of fishing permit or license.

- Violation on Berried BSC shall be punished by imprisonment of six (6) months and one (1) day to eight (8) years and/or a fine of Eighty Thousand Pesos (P80,000.00) as well as forfeiture of the catch, and fishing equipment used and revocation of license.

- Violation for not securing auxiliary invoice and LTP under Section 7, shall be punished by imprisonment of five (5) days to ten (10) days and a fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00) for transporting BSC without a permit.

Provided that, the fine shall be increased by at least ten (10) percent every three (3) years to compensate for inflation and to maintain the deterrent function of such fines, which increase shall take automatically without the issuance of regulations, Provided, further that, if the offender is an alien, he shall be deported after service of sentence and payment of fines, without any further proceedings; Provided finally, that the following administrative penalties shall also be imposed by the Director:

- Forfeiture, ipso facto, without the benefit of a court order, of all wildlife, its derivatives or by-products and all paraphernalia, tools and conveyances used in connection with the above-mentioned violations. However, in

case of conveyances belonging to third persons who have no participation or knowledge of the illegal acts committed as determined by the court, the same shall not be forfeited and shall be released to said third persons only upon order of the court;

- Automatic suspension of permits pending trial;

- Cancellation of permits upon conviction; and,

- Permanent disqualification from engaging in any activity involving the use of wildlife for commercial, research or other purposes.

- Other violations under this order shall be penalized under applicable provisions of Chapter IV of FAO 233 “Aquatic Wildlife Conservation” implementing RA 9147.

Section 11. Repealing Clause. All Administrative Orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Order, are hereby repealed.

Section 12, Effectivity. This Joint Administrative Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or two newspapers of general circulation and upon registration with the Office of the National Administrative Register.

Issued this 26[th] day of January, 2014 at Quezon City.

(SGD) PROCESO J. ALCALA
Secretary, DA

(SGD) MANUEL A. ROXAS II
Secretary, DILG

Recommending Approval:

(SGD) ATTY. ASIS G. PEREZ
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Assistant Secretary for Fisheries,
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