

[REPUBLIC ACT NO. 10654, February 27, 2015]

AN ACT TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING, AMENDING REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS "THE PHILIPPINE FISHERIES CODE OF 1998," AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 2 of Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998", is hereby amended, as follows:

"SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State:

(a) x x x

x x x

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened , aquatic species, straddling and highly migratory fish stocks and other living marine resources;

x x x

(f) To adopt the precautionary principle and manage fishery and aquatic resources, in a manner consistent with the concept of an ecosystem-based approach to fisheries management and integrated coastal area management in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the State; and

x x x."

SEC. 2. Section 3 of the same Act is hereby amended, as follows:

"SEC. 3. *Application of its Provisions.* – The provisions of this Code shall be enforced in:

(a) all Philippine waters including other waters over which the Philippines has sovereignty and jurisdiction, and the country's 200-nautical mile Exclusive Economic Zone (EEZ) and continental shelf;

(b) all aquatic and fishery resources whether inland, coastal or offshore fishing areas, including, but not limited to, fishponds, fish pens/cages;

(c) all lands devoted to aquaculture, or businesses and activities relating to fishery, whether private or public lands; and

(d) all Philippine flagged fishing vessels operating in areas governed by a Regional Fisheries Management Organization (RFMO), in the high seas, or in waters of other coastal states.”

SEC. 3. Section 4 of the same Act is hereby amended, as follows:

“SEC. 4. *Definition of Terms.* – As used in this Code, the following terms and phrases shall mean as follows:

(1) x x x

x x x

(12) *Community Service* – means any service or activity that is performed for the benefit of the community or its institutions in lieu of payment of fine imposed as administrative or criminal penalty.

(13) *Conservation and Management Measures* – means measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law including those reflected in conventions, RFMO resolutions and laws of other coastal states where Philippine flagged vessels fish.

(14) x x x

(15) x x x

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(17) x x x

(18) *Distant Water Fishing* – means fishing in the high seas or in waters of other states.

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(35) *Fisheries Observer* – refers to a person duly authorized by the Philippine government or under a Regional Observer Program of the RFMO, to collect scientific, technical or fishing-related data, and other information that may be required by the government or the RFMO and/ or in compliance to a conservation and management measure.

(36) x x x

(37) *Fishing Vessel/Gear License* – refers to a permit to operate specific types of fishing vessel/gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources.

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(43) x x x

(44) *Fishing Gear* – refers to any instrument or device and its accessories utilized in taking fish and other fishery species.

(a) Active Fishing Gear – is a fishing device characterized by the pursuit of the target species by towing, pushing the gears, surrounding, covering, dredging, and scaring the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, *paaling* and drift gill net.

(b) Passive Fishing Gear – is characterized by the absence of pursuit of the target species; such as, but not limited to, hook and line, fishpots, traps and gill nets set across the path of the fish.

(45) *Fishing Light Attractor* – refers to a fishing aid which employs lights using, among others, mercury vapor, high pressure sodium vapor, standard tungsten, tungsten halogen, fluorescent or light-emitting diode, that are attached to a structure above water or suspended underwater to attract both fish and members of their food chain to specific areas in order to harvest them.

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(54) *Harvest Control Rules* – refers to actions or set of actions to be taken to achieve a medium or long term target reference point while avoiding reaching or breaching a limit reference point.

(55) *Illegal Fishing* – means fishing activities conducted by Philippine fishing vessels operating in violation of Philippine laws, Regional Fisheries Management Organization resolutions, and laws of other coastal states.

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(58) x x x

(59) x x x

(60) *Marine Protected Area* – means a defined area of the sea established and set aside by law, administrative regulation, or any other effective means in order to conserve and protect a part of or the entire enclosed environment through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.

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(73) *Port State Measures* – refers to the requirements established or interventions undertaken by port states, which a Philippine flagged or foreign fishing vessel must comply with as a condition for the use of ports within the port state.

(74) x x x

(75) x x x

(76) *Reference Points* – means benchmark values often based on indicators such as fishery stock size or the level of fishing that serves as standard to compare estimates of a fishery stock size and fishing mortality over time depending on the biological characteristics of the species. Reference points can mark: (a) a *limit* or a level that should be avoided; (b) a *target*, which should be achieved and maintained; or (c) a *trigger* that signals the need to take prescribed actions.

(77) *Regional Fisheries Management Organization (RFMO)* – means a multi-lateral organization with responsibility to coordinate management and establish conservation and management measures for highly migratory fish stocks, fish stocks that straddle national fisheries management boundaries and other high seas species.

(78) x x x

(79) x x x

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(81) x x x

(82) *Serious Violation* – means any of the following violations of the provisions of this Code:

(a) Fishing without a valid license, authorization or permit;

(b) Fishing without reporting the catch or misreporting the catch;

(c) Fishing in a closed area or during a closed season;

(d) Fishing of prohibited species;

(e) Fishing with the use of prohibited gear or methods;

(f) Falsifying, concealing or tampering with vessel markings, identity or registration to conceal vessel identity or lack of registration;

(g) Concealing, tampering or disposing of evidence relating to an investigation of a violation;

(h) Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer or other duly authorized government officer;

(i) Intentionally tampering with or disabling the vessel monitoring system; and

(j) Committing multiple violations which taken together constitute a serious disregard of this Code.