

**[JOINT DAR-DA-DENR-DILG ADMINISTRATIVE
ORDER NO. 01, s. 1996, February 02, 1996]**

**RULES AND REGULATIONS GOVERNING THE CONVERSION OF
PUBLIC AGRICULTURAL LANDS TO FISHPONDS AND PRAWN
FARMS PURSUANT TO REPUBLIC ACT (R.A.) NO. 6657, AS
AMENDED BY R.A. NO. 7881**

I. PREFATORY STATEMENT

Section 5 of R.A. No. 7881 incorporates new sections into Section 65 of R.A. No. 6657. Section 65-A provides that no conversion of public lands into fishponds or prawn farms shall be allowed except under certain conditions to be provided by the concerned government instrumentalities, and that the conversion or change of land use shall not apply to environmentally critical projects and areas pursuant to Title No. (A) sub-paragraph two, (B-5) and (C-1) and Title (B), No. 11 of Proclamation No. 2146. Section 65-B further provides that the Bureau of Fisheries and Aquatic Resources of the Department of Agriculture (BFAR-DA) shall undertake and finish the inventory of all public and private fishpond and prawn farms, and that no lease may be granted until after the inventory is completed. Section 65-C provides for the protection of mangrove areas.

To effectively operationalize the above provisions, these rules and regulations are hereby prescribed.

II. POLICY STATEMENT

A. No conversion of public agricultural lands into fishpond or prawn farms shall be allowed except when the concerned agencies of the government declare a coastal zone as suitable for fishpond development.

B. The Department of Environment and Natural Resources (DENR) shall allow the lease and development of coastal zones for fishpond development provided that the declaration shall not apply to environmentally critical projects and areas as contained in Title No. (A) sub-paragraph two, (B-5) and (C-1) and Title (B), No. 11 of Proclamation No. 2146, entitled "Proclaiming Certain Areas and Types of Projects as Environmentally Critical and Within the Scope of the Environmental Impact Statement System (EIS) established under Presidential Decree No. 1586", to ensure the protection of river systems, aquifers, and mangrove vegetation from pollution and environmental degradation.

C. Small-farmer cooperatives and organizations shall be given preference in the

award of new Fishpond Lease Agreements (FLA) covering areas declared suitable for fishpond and prawn farm development by the provincial government with the concurrence of the BFAR and DENR.

D. The Department of Agrarian Reform (DAR), through the Provincial Agrarian Reform Officer (PARO), shall screen small farmer/fisherfolk cooperatives or associations in coordination with the Cooperative Development Authority (CDA).

E. The local government units (LGUs) shall recommend the conversion of public agricultural lands into fishpond and prawn farms in coordination and confirmation with the BFAR and DENR, respectively.

F. A buffer zone as defined herein shall be established on a sufficient portion of the fishpond area fronting the sea to protect the environment and to be planted to specified mangrove species as determined in consultation with the Regional Office of the DENR, pursuant to DENR Department Administrative Order (DAO) No. 76, series of 1987.

The Secretary of DENR shall provide the penalties for any violation of this undertaking as well as the rules for its implementation pursuant to Section 65-C of R.A. No. 6657, as amended by Section 5 of R.A. No. 7881.

G. The proponent shall conduct an Environmental Impact Assessment (EIA) of the area subject of application to determine its suitability for fishpond and prawn farm development.

III. COVERAGE

These Rules and Regulations shall cover public agricultural lands, both alienable and disposable, and lands of the public domain found within the coastal zone which are declared suitable for conversion to fishpond or prawn farm development, by the provincial government, with the concurrence of the BFAR and the DENR.

IV. DEFINITIONS

For purposes of this Order, the following terms are defined as follows:

a. **Fishpond** means an artificially constructed pond for raising fish of any species from fry stage to marketable size, or a natural pond where fish is impounded.

b. **Coastal Zone Environment** is an area where, at any given time, socio-economic interaction occurs between humans and land-based and sea-based natural resources.

c. **Buffer Zones** are strips of 50 meters in mangrove or swampland areas throughout the country fronting seas, oceans and other bodies of water and 20 meters on both sides of river channels/banks maintained and developed to enhance the protective capability of the mangroves against strong currents, winds and high waves.

d. **Environmental Impact Statement (EIS)** refers to the documentation of the Environmental Impact Assessment (EIA) study on the project including a discussion

of the direct and indirect consequences upon human welfare and ecological and environmental integrity.

e. **Fishpond Lease Agreement (FLA)** is a privilege granted by the state to a person or entity to occupy and possess, in consideration of a specified rental, any public land for the raising of fish or other aquatic life with fishpond.

f. **Fishpond Development Projects** are aquaculture activities within the mangrove ecosystem which include prawn and shrimp culture, seaweed farming, oyster, mussel and clam culture, and other fishpond production activities.

g. **Public Agricultural Lands** refer to all alienable and disposable lands not titled administratively or juridically and lands of the public domain whose actual use is agricultural in nature as defined under R.A. No. 7881 which includes the cultivation of the soil, planting of crops and growing of fruit trees and the harvesting of its produce.

h. **Conversion** shall mean the change in the utilization of the land from agriculture to fishpond purposes as defined by R.A. No. 7881.

i. **Environmental Compliance Certificate** refers to the permit issued by the President of the Philippines or his duly authorized representative certifying that the new fishpond development will not bring about unacceptable environmental impact and that the proponent has complied with the requirements of the EIA System.

V. APPLICANTS

Any person, natural, juridical, may apply for the conversion of public agricultural lands into fishpond or prawn farms; however, in the award of the FLAs, priority shall be given to small farmer/fisherfolk cooperatives and organizations.

VI. QUALIFICATIONS FOR MEMBERSHIP IN A COOPERATIVE AND/OR ASSOCIATION

a. small marginal farmers and fisherfolk residing in the barangay or in the municipality where the area for fishpond development is located;

b. must be a resident in the barangay or municipality for at least six (6) months from the date of filing of the application, to be certified by the Barangay Agrarian Reform Committee (BARC)/Sangguniang Barangay/Non-Government Organizations (NGOs)/Peoples Organizations (POs) of the barangay;

c. willingness of the majority to organize into a cooperative or association and abide by the rules and regulations as provided in the by-laws of the cooperative or association; and

d. must be at least fifteen (15) years of age from the date of filing of the application.

VII. CRITERIA IN THE AWARD OF FISHPOND LEASE AGREEMENTS (FLAs) TO SMALL FARMERS/FISHERFOLK COOPERATIVES AND/OR ASSOCIATION