

**[BFAR FISHERIES ADMINISTRATIVE ORDER NO.
168, April 17, 1990]**

**RULES AND REGULATION GOVERNING THE GATHERING,
CULTURE AND EXPORTATION OF SHELLED MOLLUSCS (PHYLUM
MOLLUSCA)**

Pursuant to the provisions of Sections 4, 7, 16 and 18 of Presidential Decree No. 704, otherwise known as the "Fisheries Decree of 1975", and Section 18 of Executive Order No. 116 dated January 30, 1987, the following rules and regulations governing the gathering, culture and exportation of shelled molluscs (Phylum Mollusca) are hereby promulgated:

SECTION 1. Definition of Terms and Phrases — For purposes of this Order, the following terms and phrases as used herein shall mean:

Shelled Molluscs — Refer to all species of univalves and bivalves including molluscs of the genera including nautiloid molluscs of the genera Nautilus and Argonauta. They include, but are not limited to the following genera:

Univalves — Haliotis, Trochus, Voluta, Mitra, Strombus, Murex, Oliva, Conus, Cypraea, Lambis, and Harpa.

Bivalves — Tridacna, Hippopus, Pinctada, Pteria, Placuna, Amusium, Paphia, Katelaysia, Perna, Modiolus, Pinna, Atrina, Tapes, Anadara and Pharella.

Tridacna gigas — A species of giant clam having the following characteristics; sub-oval to fanshaped; valves equilateral; moderately thin in small specimens, extremely heavy and thick in large individuals, byssal orifice small to nearly closed; edge with 4-7 folds; concentric sculpture lacking or limited to a few tubular spines near umbos; radiating sculpture deeply folded.

Tridacna derasa — A species of giant clam having the following characteristics: shape semi-circular; valves inequilateral, usually very heavy and often thickened at umbos; byssal orifice narrow and short; edge with 6-7 folds; concentric sculpture absent or in low erect ridges; umbonal area massive; umbos near posterior end.

Hippopus porcellanus — A species of giant clam having the following characteristics: semi-circular in outline; smoother and proportionately lighter in weight than the species hippopus hippopus which is elongated to ovate-triangular or sub-rhomboidal in shape.

Shelled Molluscs Gathering — The taking or removal of any shell from natural or wild areas.

Shelled Molluscs Culture — The culture of any kind of shelled molluscs in specific areas for commercial purposes.

Permit to Gather — Authority issued by the Regional Director concerned to take or remove shelled molluscs in natural or wild areas, except those areas covered by existing license to culture.

License to Culture — Authority issued by the Regional Director concerned to culture or grow shelled molluscs in specific areas.

Gratuitous Permit — An authority issued by the Regional Director concerned, free of charge, in favor of any government agency or institution to gather or culture shelled molluscs for research, or educational purposes.

Regional Director — Refers to the Regional Director of the Department of Agriculture.

CITES — Acronym for Convention on International Trade on Endangered Species or wild flora and fauna.

SECTION 2. Gathering and/or Culturing of Shelled Molluscs — No person, partnership, association, corporation, or cooperative shall gather and/or culture shelled molluscs in Philippine waters without any permit, license or gratuitous permit issued by the Regional Director; Provided, however, that the gathering of wild *Tridacna derasa*, *Tridacna gigas* and *Hippopus porcellanus* is prohibited.

SECTION 3. Who are Entitled to Gather and/or Culture Shelled Molluscs —

- (a) Citizens of the Philippines.
- (b) Partnerships, associations or corporations duly registered in accordance with law, at least sixty per centum (60%) of the authorized capital stock of which belong to citizens of the Philippines.
- (c) Cooperatives duly registered in accordance with law.

SECTION 4. Restrictions on the Culture of Shelled Molluscs —

- (a) The size of an area for the culture of shelled molluscs shall not be more than one (1) hectare for individuals nor more than five (5) hectares for partnerships, associations, corporations or cooperatives.
- (b) No area for the culture of shelled molluscs shall be established to obstruct designated navigational lanes or where there is conflict of waters rights.