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Department of Agriculture
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FISHERIES ADMINISTRATIVE}
ORDER NO. 233 :
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SUBJECT: AQUATIC WILDLIFE CONSERVATION

In line with Rule 37.1 of the Joint DENR-DA-PCSD Administrative Order No. 1, Series of 2004, this Administrative Order is hereby promulgated pursuant to Republic Act 9147 or the Wildlife Resources Conservation and Protection Act of 2001.

Section 1. The terms used in this Order shall be construed as follows:

- a. Aquatic wildlife – wildlife living in aquatic environment including microbial species, its by-products and derivatives, and those in captivity or are being bred or farmed;
- b. Aquatic Wildlife Collector’s Permit (AWCP) – permit to take or collect from the wild species and quantities of aquatic wildlife for the ornamental/aquarium trade, zoological/aquatic parks and commercial breeding/propagation;
- c. Aquatic Wildlife Farm Permit (AWFP) – permit to develop, operate and maintain an aquatic wildlife breeding farm for conservation, trade and/or scientific purposes;
- d. Aquatic Wildlife Special Use Permit (AWSUP) – permit authorizing qualified persons to collect economically important species for direct trade or other commercial purposes;
- e. By-product or derivative – any part taken or substance extracted from aquatic wildlife, such as but not limited to bioactive compounds/molecules and genetic material whether raw or in processed form;
- f. Charges – amount collected for the exercise of a privilege under control of government;
- g. CITES Export Permit – permit authorizing an individual to bring, send or transport wildlife listed under the Appendices of the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), including its by-products or derivatives, from the Philippines to other countries, in cases where such export is allowed;
- h. CITES Import Permit – permit authorizing an individual to bring into the Philippines wildlife listed under CITES Appendices, including its by-products or derivatives, from other countries;
- i. CITES Re-export Permit – permit authorizing an individual to bring out of the country wildlife listed under the CITES Appendices, including its by-products or derivatives, which were previously imported;

- j. Commercial purposes – activities undertaken to obtain economic benefit, including profit (whether in cash or in kind) and is directed toward resale, exchange, provision of a service or other form of economic use or benefit;
- k. Conservation breeding – the process of producing aquatic wildlife under controlled condition or with human intervention for possible release to the wild or other conservation or scientific purposes;
- l. Convention on Biological Diversity (CBD) – a legally binding instrument of which the Philippines is a party, conceived as a practical tool to translate the sustainable development principles of Agenda 21 for the conservation of biological diversity, sustainable use of its components and equitable sharing of benefits arising from the use of genetic resources;
- m. Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention) – treaty which entered into force in 1983 and to which the Philippines became a party to in 1994, that aims to conserve in a global scale, marine migratory species, among other migratory species, throughout their range and their habitats;
- n. Cultivated aquatic wildlife – aquatic wildlife in which the evolutionary/biological process has been influenced by humans to meet their needs;
- o. Exportation – the act of bringing aquatic wildlife, its by-products or derivatives out of the country;
- p. Fees – amount collected covering administrative costs and services of public offices;
- q. Gratuitous Permit (GP) – privilege given to an individual, academic, research institution or organization to capture/harvest and transport aquatic wildlife species from the natural habitat for scientific and other authorized purposes;
- r. Importation – the act of bringing wildlife, by-products or derivatives into the country;
- s. Large-scale farming – commercial breeding of aquatic wildlife with capital of more than five million pesos (P5,000,000.00);
- t. Local Transport Permit (LTP) – permit for domestic movement 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;
- u. Medium-scale farming- commercial breeding of aquatic wildlife with capital of more than two million (P2,000,000.00) to five million pesos (P5,000,000.00);
- v. Palawan Council for Sustainable Development (PCSD) - a multi-sectoral and inter-disciplinary body created under Republic Act 7611 charged with the governance, implementation and

policy direction of the Strategic Environmental Plan (SEP) for the province of Palawan headed by an Executive Director;

- w. Prior clearance – endorsement or certification issued by the concerned agencies or bodies prior to collection of aquatic wildlife;
- x. RD – Regional Director, the head of a BFAR Regional Office;
- y. Registration – act of entering in the official records and granting authority to person, agencies or institutions to maintain aquatic wildlife;
- z. Return Shipment – the return of aquatic wildlife species imported without the necessary permits or in violation of RA 9147 and its rules, back to the country of origin at the expense of the importer;
- aa. Small-scale Farming – commercial breeding of aquatic wildlife with a capital of two million pesos (P2,000,000.00) or less.

CHAPTER I

Structures and Individuals for the Conservation of Aquatic Wildlife

Section 2. National Aquatic Wildlife Management Committee. A National Aquatic Wildlife Management Committee (NAWMC) is hereby created to be chaired by the National Director of the Bureau of Fisheries and Aquatic Resources (BFAR) or his authorized representative and co-chaired by the Executive Director of the National Fisheries Research and Development Institute (NFRDI) or his authorized representative. Members shall include the Chiefs of the Fisheries Regulatory and Quarantine Division (FRQD) and Fisheries Resources Management Division (FRMD) of the BFAR National/Central Office, other concerned government agencies and international and local scientists with expertise on various disciplines on aquatic wildlife. Stakeholders may be invited as resource persons, when necessary.

2.1 The Fisheries Quarantine and Wildlife Regulation Section (FQWRS) of the FRQD shall serve as the NAWMC Secretariat.

2.2 Functions of the NAWMC. The NAWMC shall:

1. Recommend to the Secretary of Agriculture the introduction, reintroduction and re-stocking of endemic and indigenous aquatic wildlife only for purposes of population enhancement and recovery;
2. Submit recommendations to BFAR regarding applications for the collection or use of aquatic wildlife for trade, bioprospecting, conservation breeding of threatened aquatic wildlife, scientific researches, special uses or other purposes as maybe allowed in subsequent regulations;
3. Submit recommendations to BFAR on applications for the introduction of exotic species;

4. Recommend a list of economically important aquatic wildlife including the schedule, volume of allowable harvest, regional/geographical distribution and areas of collection, in consultation with the PCSD whenever necessary, concerned scientific institutions, conservation groups, stakeholders and the industry and regularly review and update such list;
5. Be consulted by the BFAR regarding the imposition of conditions or qualifications as to the date of effectivity and application of restriction on the collection and trade of aquatic wildlife and their by-products and derivatives, which are in the list of categorized threatened aquatic wildlife; and,
6. Upon request by the Secretary of Agriculture or BFAR, assist in the proper implementation of RA 9147, its implementing rules and this Order.

Section 3. Regional Aquatic Wildlife Management Committee (RAWMC). Regional Aquatic Wildlife Management Committees shall likewise be created by the BFAR Regional Offices in accordance with the preceding Section. The FRMD of the BFAR Regional Office concerned shall act as the Secretariat of the RAWMC.

Section 4. Philippine Aquatic Red List Committee (PARLC). A Philippine Aquatic Red List Committee (PARLC) for aquatic wildlife is hereby created to develop the criteria for the determination of threatened aquatic wildlife and their classification as critically endangered, endangered, vulnerable or other internationally accepted categories. The classification shall be based on the best scientific and commercial data available and shall be guided by the criteria in Section 22 of RA 9147 and those developed by renowned organizations such as the International Union for the Conservation of Nature (IUCN). It shall also develop criteria for the determination of critical habitats, identify critical habitats to be declared by the Secretary of Agriculture and upon request, assist the BFAR in the performance of its mandate under RA 9147, its implementing rules and this Order.

4.1 The PARLC shall be chaired by the Director of BFAR or his authorized representative. The FQWRS shall be the PARLC Secretariat. The PARLC Secretariat shall, in coordination with the NFRDI, draw a list of international and local scientists and experts who will be invited as resource persons in the preparation of the Philippine Aquatic Wildlife Red List.

Section 5. CITES Management Authority for Aquatic Wildlife. The Director, the FRQD Chief, and the Chief of the FQWRS are hereby designated as the CITES Management Authorities for aquatic wildlife. The Regional Fisheries Inspection and Quarantine Service shall assist the CITES Management Authority in the performance of its functions.

Section 6. CITES Scientific Authorities for Aquatic Wildlife. The National Fisheries Research and Development Institute is hereby designated as a CITES Scientific Authority in addition to the scientific authorities mentioned in Section 19 of RA 9147.

Section 7. Aquatic Wildlife Enforcement Officers (AWEOs). Aquatic Wildlife Enforcement Officers (AWEOs) shall be deputized by the BFAR National Director upon the recommendation of the BFAR Regional Directors who shall enclose in their recommendation the certificate of completion of training. The BFAR National Director shall issue a deputation order for a period of one (1) year, renewable for the same period, and an identification card upon submission of a duly accomplished

performance evaluation form. The Deputation Order shall, among others, indicate the area of assignment and the duties and responsibilities of the AWEEO.

Section 8. AWEEOs from Other Agencies. AWEEOs shall also be designated by the Philippine National Police, Armed Forces of the Philippines, National Bureau of Investigation, Philippine Coast Guard and other law enforcement agencies, provided employees to be designated shall have undergone the necessary training. Said agencies shall furnish the DA-BFAR with a list of employees designated as AWEEOs. The Director and the law enforcement agency concerned may enter into a Memorandum of Agreement for the conduct of training and joint evaluation of performance of designated AWEEOs.

Section 9. Qualifications of AWEEOs. Prospective AWEEOs must possess the following qualifications:

1. Must be a resident of, or assigned to, the area specified in the deputation/designation order;
2. Must be of good moral character as attested in writing by the priest or pastor of the local church or by the Barangay Chairman or any reputable person of good moral standing in the community;
3. Must be at least 21 but not more than 60 years of age;
4. Must be physically fit and mentally sound;
5. Must be a college graduate; and,
6. Must have undergone the requisite training for AWEEOs.

Section 10. Training prior to Deputation. AWEEOs shall be deputized or designated after satisfactorily completing the training for AWEEOs, which shall consist of, but not limited to:

1. Basic knowledge of wildlife laws, rules and regulations;
2. Identification of threatened, exotic, CITES-listed and other aquatic wildlife;
3. CITES, CBD and CMS provisions;
4. Wildlife handling and transport;
5. Basic training in the preparation of reports, affidavit, sworn statement, seizure and turn-over receipt, inventory report, filing of complaint in court, inspection procedure/safety, surveillance, smuggling techniques, method of concealment, documentation of frauds, detection of falsified or invalid documents, and prosecution of aquatic wildlife cases.

Section 11. Conduct of Subsequent Trainings. Subsequent trainings shall be undertaken in order to enhance the skills of deputized AWEEOs, such as but not limited to trainings on mammal and cetacean stranding and updates on recent aquatic wildlife policies and CITES issuances, among others.

Section 12. Revocation of Deputation Order. The Deputation Order of an AWEEO may be revoked or terminated by the approving authority on any of the following grounds:

1. When the AWEEO is found to be ineffective in the implementation of aquatic wildlife laws, rules and regulations including the implementation of CITES provisions based on the performance evaluation as provided for in Sections 7 and 13 hereof;
2. When found administratively to have committed an act or acts in violation of the regulatory functions of BFAR without prejudice to the filing of criminal charges;

3. Failure to attend subsequent skills training referred to in Section 11 hereof unless with valid reasons; and,
4. Termination of employment for government employees.

The designation of an AWEO by the Philippine National Police, Armed Forces of the Philippines, National Bureau of Investigation, Philippine Coast Guard and other law enforcement agencies may be revoked based on the above mentioned grounds.

Section 13. Performance Evaluation of AWEO. The performance and compliance of the AWEO deputized by the BFAR with the provisions of this Order shall be evaluated by the Director or the Regional Director within two (2) months prior to the renewal of the deputation order using the criteria and evaluation form to be prescribed by the Undersecretary of Fisheries.

Section 14. Functions and duties of AWEO. The AWEOs shall perform the following duties and responsibilities:

1. Seize illegally collected, possessed, and/or traded aquatic wildlife or parts, by-products and/or derivatives thereof;
2. Arrest even without warrant any person who has committed, is committing, or is about to commit in his presence any of the offenses provided under the Act and other relevant laws, rules and regulations;
3. Assist in the conduct of surveillance and monitoring of aquatic wildlife-related activities;
4. Deliver the arrested offender within reasonable time to the nearest police station and assist in filing the proper complaint with the appropriate official designated by law to conduct preliminary investigation;
5. Deliver within reasonable time to the nearest Aquatic Wildlife Rescue Center or BFAR Regional/Provincial Office for custody of all confiscated wildlife, their parts, by-products and/or derivatives, as well as tools, equipment and conveyances used in the commission of the crime, including corresponding reports;
6. Act as witness in court for the speedy prosecution of criminal complaints against aquatic wildlife violators;
7. Prosecute cases before Municipal Trial Courts in areas where there are no prosecutors;
8. Submit monthly accomplishment reports to the concerned field offices with jurisdiction over their area of operations;
9. Coordinate with other law enforcement agencies for security reasons, if necessary; and,
10. Perform such other duties as may be assigned by the Secretary or Director from time to time.

Section 15. AWEO Desk. A special desk for AWEO in the FRMD of the BFAR National/Central Office and in each Regional Office shall be established to supervise the operation of all deputized AWEOs within its jurisdiction. Monthly reports on the activities and accomplishment of AWEOs and reports on deputation orders shall be submitted to the Office of the Undersecretary for Fisheries, copy furnished the Director.

Section 16. Establishment of National Aquatic Wildlife Research Centers. The Secretary shall establish National Aquatic Wildlife Research Centers (NAWRC) or designate existing research institutes, academic organizations, private and non-government research and conservation organizations as NAWRCs to lead in the conduct of scientific researches on the proper strategies for the conservation and protection of aquatic wildlife, including captive breeding or propagation.

Section 17. Establishment of Aquatic Wildlife Rescue Centers. Aquatic Wildlife Rescue Centers (AWRCs) shall be designated by the Secretary to take temporary custody and care of all confiscated, abandoned, donated and rescued aquatic wildlife to ensure their welfare and well-being. The BFAR National Director is hereby authorized to dispose aquatic wildlife being maintained in AWRCs by releasing them back to their natural habitat if feasible, otherwise, through loan agreements with other government entities, educational institutions, zoological/ocean parks and environmental non-government organizations. Rescued species being kept by private individuals or entities prior to the promulgation of this Order shall be donated to the latter provided it can be shown that the species can no longer thrive in the wild.

Section 18. Aquatic Wildlife Traffic Monitoring Units. The Fisheries Inspection and Quarantine Service in the BFAR Regional Offices including those in airports and seaports are hereby designated as Aquatic Wildlife Traffic Monitoring Units (AWTMU) to ensure strict compliance and effective implementation of aquatic wildlife laws, rules and international agreements.

Section 19. Customs officers and/or other authorized government representatives assigned at air or seaports who may have intercepted wildlife commodities in the discharge of their official functions, shall, pursuant to Section 33 of RA 9147 and prior to further disposition thereof, secure a clearance from the AWTMU assigned in the area. They may also turn-over the confiscated aquatic wildlife to the AWTMU, which shall eventually release the same to the nearest Aquatic Wildlife Rescue Center. The BFAR shall enter into a Memorandum of Agreement with the Bureau of Customs for this purpose.

Section 20. *Disposal of dead animals, parts or derivatives, shall be in accordance with the following rules:*

- a. If perishable, it shall be disposed by either burying or rendering; and,
- b. If not perishable and in good condition, it shall either be donated to educational institutions, museums, conservation groups, zoological parks and private institutions, otherwise, it shall be disposed by burying.

Section 21. The Legislative Council of local government units may request assistance from the BFAR in the enactment of ordinances for the adoption of flagship aquatic wildlife that are endemic in their areas. These species may serve as emblems for conservation for the local government concerned.

CHAPTER II
Utilization of Aquatic Wildlife

Section 22. Scientific Research on Aquatic Wildlife. Requirements and submission of research results:

22.1 For Filipino researchers with no foreign funding:

1. letter of application;
2. payment of non-refundable application fee;
3. personal resumé;
4. brief description of the research activity or project proposal;
5. endorsement letter of the head of institution where the applicant is affiliated or for an individual researcher, endorsement from a recognized expert of a research or academic institution or conservation organization;
6. Free and Prior Informed Consent of Indigenous Peoples (IP), or prior clearance of the concerned Local Government Units (LGU) in consultation with FARMC, and in the case of protected areas, from the Protected Area Management Board (PAMB), individuals or associations with valid tenurial or other private rights to municipal waters, and other relevant agencies or institutions where the collection shall be made;
7. Affidavit of Undertaking by the proponent or a Memorandum of Agreement between the Secretary and the proponent if the species to be studied has been proven by science to contain toxins, residues, or other properties with potential pharmacological application or other commercial use;
8. Gratuitous Permit to be issued by the Secretary upon completion of the preceding requirements if collection shall be made from the wild.

22.2 For a foreign entity or individual, Filipino citizen affiliated with a foreign institution, or a Filipino citizen with foreign funding:

1. letter of application;
2. institutional profile or personal resumé;
3. brief description of the research activity or project proposal;
4. disclosure on the source of funds for the research project;
5. identification of a local institution as a research collaborator or counterpart and the letter of consent of the Head of such local institution;
6. Free and Prior Informed Consent of IPs, or prior clearance of the concerned LGUs in consultation with FARMC, PAMB, individuals or associations with valid tenurial or other private rights to municipal waters, and other relevant agencies or institutions where the collection shall be made;
7. Payment of a non-refundable application fee;
8. Memorandum of Agreement between the Secretary and the proponent; and,
9. Gratuitous Permit issued by the Secretary upon completion of the preceding requirements if collection shall be made from the wild.

22.3 For scientific researches involving conservation breeding or propagation activities and other wildlife conservation projects initiated by non-government institutions, private organizations and other entities:

1. letter of intent;
2. research/project proposal;
3. habitat restoration, protection and management plan for reintroduction and restocking of captive-bred individuals (for captive-breeding projects only);
4. letter of acceptance of local collaborators (for foreign applicants only);
5. institutional or organizational profile;
6. endorsement from the head of institution or organization;
7. disclosure on the source of funds for the project;
8. prior clearance obtained pursuant to Rule 7.4 of the Joint DA-DENR-PCSD AO No. 1; and,
9. payment of non-refundable application and processing fees.

22.4 Collection of specimens/samples by government agencies necessary to address urgent concerns such as but not limited to red tide, ciguatera, global warming, climate change, as certified by the concerned government agency, shall be exempted from the rule on scientific research, provided that prior notice shall be given to BFAR, which shall also be informed in writing of the result of the research and recommended plan of action.

22.5 Other government initiated or implemented research or scientific projects shall require:

1. letter of intent/application;
2. submission of an approved work and financial plan;
3. research proposal;
4. Free and Prior Informed Consent of IPs, or prior clearance of the concerned LGUs in consultation with FARMC, PAMB, individuals or associations with valid tenurial or other private rights to municipal waters, and other relevant agencies or institutions where the collection shall be made;
5. Grant or other agreement covering the funding for the research; and,
6. Gratuitous Permit issued by the Regional Director upon completion of the preceding requirements if collection shall be made from the wild.

22.6 For purposes of thesis and dissertation of students affiliated with local academic institutions:

1. letter of application;
2. certified true copy of the approved thesis proposal;
3. endorsement letters from the concerned Dean and thesis adviser;
4. Free and Prior Informed Consent of IPs, or prior clearance of the concerned LGUs in consultation with FARMC, PAMB, individuals or associations with valid tenurial or other private rights to municipal waters, and other relevant agencies or institutions where the collection shall be made;
5. payment of a non-refundable application fee for graduate students;
6. Affidavit of Undertaking, except if species of aquatic wildlife to be studied has been shown by scientific research as containing toxins, residues, or other properties with potential pharmacological or other commercial application in which case, a Memorandum of Agreement between the Secretary and the Student is necessary; and

7. Gratuitous Permit issued by the Regional Director or the Secretary for the collection of species covered by MOA, if collection shall be made from the wild.

22.7 Applications falling under sub-sections 22.1 to 22.3 shall be filed with and processed by the FQWRS of the FRQD, BFAR National/Central Office, while those falling under sub-sections 22.4 to 22.6 shall be filed with and processed by the FRMD of the concerned BFAR Regional Office, provided the application does not fall within the exception described in paragraph 6 of sub-section 22.6.

22.8 Applications with incomplete requirements shall not be accepted.

22.9 In case the research covers two or more regions, the application shall be filed with FQWRS of the FRQD, BFAR Central Office.

22.10 At the end of the scientific research, the researcher shall submit to BFAR and NFRDI a copy of the results of scientific researches/studies conducted under this Section.

Section 23. Commercial Breeding of Aquatic Wildlife. Commercial breeding of aquatic wildlife shall be allowed by BFAR through the issuance of Aquatic Wildlife Farm Permit (AWFP). The FQWRS in consultation with the PARLC, NAWMC and international and local experts shall prepare a list of threatened aquatic wildlife with proven effective breeding and captive management techniques that may be allowed for commercial breeding by the Secretary provided interested applicants shall undertake simultaneous conservation breeding and rehabilitation and/or protection of the habitat where the captive-bred species shall be released, reintroduced or stocked. A separate list of non-threatened and economically important aquatic wildlife for commercial breeding shall also be prepared. Terms and conditions specific to each species of threatened, non-threatened and economically important aquatic wildlife shall be incorporated in each AWFP. The AWFP shall be valid for a period of three (3) years, renewable for a period of five (5) years depending on the compliance of the permittee to the terms and conditions of the AWFP.

23.1 Only progenies of aquatic wildlife raised in aquatic wildlife farms, as well as unproductive parent/founder stock shall be utilized for trade, provided that reasonable means approved by BFAR to distinguish the progenies from parental stocks shall be undertaken. Species listed in Appendices I, II and III of CITES maybe commercially bred or propagated after prior registration with the CITES Secretariat for Appendix I listed species or with the CITES Management Authority for Appendices II and III listed species and compliance with other CITES requirements, particularly on the marking of progenies.

23.2 Persons eligible to apply for commercial breeding of aquatic wildlife. Only Filipino citizens and Filipino cooperatives may apply for commercial breeding of aquatic wildlife. They may hire foreign experts upon compliance with relevant laws to provide technical guidance in the operation of aquatic wildlife farms.

23.3 Requirements for the issuance of Aquatic Wildlife Farm Permit (AWFP) for the commercial breeding of aquatic wildlife.

A. For Small Scale Farming (capital below P2,000,000.00):

1. Duly accomplished application form with two (2) recent 2" x 2" photo of applicant;

2. Certified true copies of Certificates of Registration from the Cooperative Development Authority (CDA), Department of Trade and Industry, etc., and articles of cooperation and by-laws;
 3. Certified true copy of BIR registration and Tax Identification Number;
 4. Mayor's Permit;
 5. Proof of scientific expertise (list and qualifications of human resources) and photocopy of any valid ID with photo and signature of the Sole Proprietor or the President/Manager of the Cooperative, or small and medium enterprise;
 6. Financial Plan showing financial capability to go into breeding;
 7. Proposed facility design;
 8. In case of endemic threatened species, other threatened species, species listed in Appendices II and III of CITES, and species listed in Fisheries Administrative Order (FAO) 208, proven effective breeding and captive management techniques of the species and affidavit of undertaking to simultaneously undertake conservation breeding and to adopt measures for the rehabilitation and/or protection of habitat, where appropriate, as may be determined by the PARLC;
 9. Prior clearance from the affected communities, i.e. concerned LGUs in consultation with FARMCs, recognized head of the indigenous people in accordance with RA 8371, or the Protected Area Management Board (RA 7586);
 10. Submission of an environmental study and/or bioecology study of the proposed commercial breeding operations; and,
 11. Payment of fees.
- B. For Medium to Large Scale Farming (with capital of more than P2,000,000.00):
1. Duly accomplished form with recent 2 x 2 photo of the applicant;
 2. Certified true copies of Certificate of Registration from the Cooperative Development Authority (CDA), Department of Trade and Industry, etc., and articles of cooperation and by laws;
 3. Certified true copy of BIR registration and Tax Identification Number;
 4. Mayor's Permit;
 5. Management and breeding plan;
 6. Proof of scientific expertise (list and qualification of human resources) and photocopy of any valid ID with photo and signature of the Sole Proprietor or the President/Manager of Corporation/Cooperative;
 7. Photo of the existing facility (for those converted to wildlife farm) or sketch/ development plan of proposed facility;
 8. In case of endemic threatened species, other threatened species, species listed in Appendices I, II and III of CITES, and species listed in FAO 208, proven effective breeding and captive management techniques of the species and affidavit of undertaking to simultaneously undertake conservation breeding and to adopt measures for the rehabilitation and/or protection of habitat, where appropriate, as may be determined by the PARLC
 9. Certified copy of Land Title or Lease Contract for the facility;
 10. Financial Plan showing financial capability to go into breeding;
 11. Prior clearance from the affected communities, i.e. concerned LGUs in consultation with FARMCs, recognized head of the indigenous people in accordance with RA 8371, or the Protected Area Management Board (RA 7586);

12. Submission of an environmental study and/or bioecology study of the proposed commercial breeding operations; and,
13. Payment of fees.

23.4 Procedure for Processing of the Aquatic Wildlife Farm Permit (AWFP)

1. The applicant shall submit the requirements to the Regional Office. Only applications with complete requirements shall be accepted;
2. An evaluation committee composed of members from FRMD, FETCD and PFO shall be assigned by the Regional Director to undertake initial evaluation and conduct site inspection *within three (3) working days upon receipt of the application and requirements*;
3. The evaluation committee shall submit a report of its findings to the RAWMC for final evaluation. The RAWMC shall submit its recommendations to the BFAR Regional Director for the approval or rejection of the application for AWFP within seven (7) working days upon receipt of the same. In case the species falls under sub-sections 23.3.A.8 and 23.3.B.8, referral to the NAWMC instead of the RAWMC shall be made.
4. Issuance of the AWFP/Letter of Rejection by the Regional Director within five (5) working days upon receipt from the RAWMC/NAWMC of the results of the final evaluation.
5. Transmittal of the AWFP to applicant, who shall secure an Aquatic Wildlife Collector's Permit (AWCP) for the collection of founder or breeding stock from the wild;
6. If the breeding stock is acquired from other sources, documents supporting the acquisition of said wildlife shall be submitted, such as import permit, Certificate of Accreditation and Registration (CAR) or Certificate of Aquatic Wildlife Registration (CAWR), and Sales Invoice from legitimate source/s.

Section 24. Collection of Threatened Aquatic Wildlife, By-Products and Derivatives. The collection of threatened aquatic wildlife, its by-products and derivatives as determined by the PARLC and NAWMC, shall be authorized by BFAR by means of an Aquatic Wildlife Collector's Permit (AWCP). Individuals, business, research, educational or scientific entities shall first be accredited by the FQWRS following the criteria to be developed by the PARLC and NAWMC for specific species of threatened aquatic wildlife before the issuance of AWCP for conservation and commercial breeding purposes. The AWCP for threatened species shall be valid for one (1) year from date of issuance and shall automatically expire upon the lapse of said period. The permittee shall submit to the FQWRS a quarterly report of collections made and failure to submit a single quarterly report shall be a ground for revocation of the AWCP.

24.1 The following are the requirements for the issuance of AWCP:

1. Duly accomplished application form with recent 2x 2 photo of applicant;
2. List of species to be collected indicating the quantity for each and methods of collection to be used;
3. In case of incidental catches that can no longer be returned to the wild, an affidavit of undertaking that the applicant shall submit an inventory of incidental catches within fifteen (15) days after collection;
4. Prior clearance from the affected communities i.e. concerned LGUs in consultation with FARMC, recognized Head of the Indigenous Cultural Communities (ICCs) in accordance

with RA 7381, and in the case of protected areas, the Protected Area Management Board (PAMB);

5. Names, addresses and photocopies of any valid ID with photo and signature of authorized collectors; and,
6. Payment of fees.

24.2 Procedure in the Issuance of AWCP:

1. Upon submission of the application with complete requirements to the Regional Office, or the FQWRS of the FRQD BFAR National/Central Office, an inspection of the holding facility within three (3) working days shall be conducted by technical staff of FQWRS/FRMD, whose related expenses shall be borne by the applicant;
2. After endorsement by FQWRS or FRMD/FETCD of the application and results of inspection to the RAWMC, the latter shall submit its recommendations to the Regional Director within seven (7) working days upon receipt of the endorsement.
3. The Director or concerned Regional Director shall, within five (5) working days upon receipt of RAWMC recommendation, issue AWCP or letter of rejection, as the case may be. In case the collection sites cover several regions, the FQWRS shall process the application and the AWCP shall be issued or the application shall be rejected by the BFAR National Director;
4. Transmittal of the approved AWCPs/AWSUPs or letter of rejection to the applicant.

Section 25. Collection of Non-threatened Aquatic Wildlife and Economically Important Species. A preliminary list of non-threatened aquatic wildlife and economically important species is provided in Annex A. The list, including the schedule, volume of allowable harvest, regional geographical distribution and areas of collection, shall be regularly reviewed and updated by the Secretary, upon recommendation of the NAWMC. A population assessment of such species shall be conducted within a reasonable period. The collection of certain species shall only be allowed when the results of the assessment show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers.

25.1 Economically important aquatic wildlife collected or taken for general food and commercial consumption or for direct use such as fishing shall be undertaken through licensing by BFAR if commercial fishing vessels are utilized and through licensing by municipal coastal local government units if municipal fishing vessels are utilized. Application and license fees of commercial fishing vessels and gears shall inure to the Aquatic Wildlife Management Fund to be utilized for the conduct of population assessments, rehabilitation of overfished fishing grounds and other authorized purposes. Cash Bonds shall be kept in trust for refund to licensees.

25.2 Economically important aquatic wildlife for the ornamental/aquarium industry or the trade of handicrafts and decorative items shall be collected by means of an Aquatic Wildlife Special Use Permit (AWSUP) to be issued by the nearest BFAR Provincial Fishery Office. The AWSUP shall be valid for a period of three (3) years and shall automatically expire upon the lapse of said period. The permittee shall submit a yearly report of catch or harvest to the BFAR Provincial Fishery Office, which shall transmit the same to the FQWRS.

25.3 The applicant for AWSUP shall submit the following documents to the nearest BFAR Office:

1. Duly accomplished application form with recent 2x 2 photo of applicant;
2. List of species to be collected indicating the quantity for each, and methods of collection to be used;
3. Prior clearance from the affected communities i.e. concerned LGUs through the Municipal Agricultural Office or the Municipal Fisheries Office, in consultation with FARMC, recognized Head of the Indigenous Cultural Communities (ICCs) in accordance with RA 7381 or Protected Area Management Board (PAMB);
4. Names, addresses and photocopies of any valid ID with photo and signature of authorized collectors; and,
5. Payment of fees.

25.4 Procedure in the issuance of AWSUP:

1. Upon submission and compliance with the requirements, the nearest BFAR Provincial Office or the FQWRS, FRMD or FETCD technical staff shall conduct an inspection of the applicant's holding facility within five (5) working days with related costs to be borne by the applicant;
2. After endorsement by FRMD/FETCD of the application and results of inspection to the Regional Director within five (5) working days upon receipt of the endorsement. The FRMD shall be part of the Review Committee when reviewing applications for AWSUP.
3. The concerned BFAR Regional Director shall, within five (5) working days upon receipt of RAWMC recommendation, issue AWSUPs or letter of rejection, as the case may be. In case the collection sites cover several regions, the FQWRS shall process the application and the AWSUP shall be issued or the application shall be rejected by the Director;
4. Approved AWSUPs or letter of rejection shall be transmitted to the applicant within three (3) working days.

25.5 Charges from AWSUPs shall inure to the Aquatic Wildlife Management Fund provided that a major percentage therefrom shall be remitted to the LGUs upon submission of project proposals for research, enforcement and monitoring activities particularly against cyanide and other illegal fishing activities, and enhancement of capabilities of LGUs in the management of aquatic wildlife in municipal waters.

Section 26. Special Permit for Other Uses of Aquatic Wildlife. Aquatic wildlife may be utilized for show or exhibition, educational, or documentation for commercial purposes after compliance with the following requirements and procedures:

26.1 Show/Exhibition using aquatic wildlife:

1. Duly accomplished application form with recent 2x2 photo of the applicant to be submitted to the BFAR Regional Director for local aquatic wildlife or to the BFAR National Director for imported aquatic wildlife;
2. Copy of SEC/CDA/DTI Registration, BIR Registration, TIN and Mayor's Permit;
3. In case of animal shows using aquatic wildlife fauna, clearance from or registration with the Animal Welfare Division of the Bureau of Animal Industry pursuant to Republic Act 8485 (Animal Welfare Act);

4. In case of imported animals, deposit of a cash bond with BFAR in an amount equal to the transport cost of the animals back to the country of origin. Import/ Re-export Permit shall be secured prior to and after the show/exhibition;
5. Payment of fee; and,
6. Issuance of Special Permit for Faunal/Floral Show by the concerned Regional Director for local aquatic wildlife or by the BFAR National Director for imported aquatic wildlife.

26.2 Aquatic Wildlife for Educational Purposes. Special permit for the use of aquatic wildlife for educational purposes other than scientific research, such as for training or international conventions, shall be issued by the nearest BFAR office upon submission of the following:

1. letter of intent by the applicant with a photocopy of any valid ID, with photograph and specimen signature of the applicant;
2. copy of the invitation from local or international organizers;
3. inventory of specimens to be used;
4. Affidavit of Undertaking that the applicant shall submit the specimens for inspection by the Fisheries Quarantine Officer upon arrival from the foreign country;
5. *e-ticket of plane fare and itinerary, for international conference/workshop;*
6. preserved specimens of aquatic wildlife may be transported and/or exported upon issuance of the special permit signed by the national/regional director or his duly authorized representative and an export permit/commodity clearance by the nearest BFAR office.

26.3 Documentation for Commercial Purposes:

1. Duly accomplished application form to be submitted to the Regional Office;
2. SEC/CDA/DTI Registration, BIR Registration and Tax Identification, if applicable;
3. List of the species, quantity and areas of collection or area subject of documentation, as the case may be;
4. Clearance from the recognized head of indigenous people in accordance with RA 8371 (Indigenous Peoples Rights Act of 1997) or IPRA, concerned LGUs in consultation with FARMC, or Protected Area Management Board (PAMB), where applicable;
5. Payment of charges; and,
6. Issuance of Special Permit by the BFAR Regional Director.

Section 27. Registration of Aquatic Wildlife. The following are the rules governing the registration of aquatic wildlife:

27.1 All persons/entities in possession of non-threatened, exotic, threatened aquatic wildlife, including pet shops and hobbyists, shall register the same with the FIQS of the nearest BFAR Provincial or Regional Office within twelve (12) months upon publication of this Order. Thereafter, possessors of aquatic wildlife that will be declared as threatened, whether classified as critically endangered, endangered or vulnerable, shall register within three (3) months after publication of the list of threatened aquatic species.

27.2 All persons/entities in possession of and/or are actually raising exotic cultivated aquatic wildlife, by legal or illegal means shall register and submit an inventory thereof with the nearest BFAR office.

27.3 All facilities, entities or individuals engaged in captive-breeding of marine and freshwater ornamental fish and other aquatic wildlife shall likewise register and submit an inventory of the captive-bred aquatic wildlife in their possession. Those that are not registered within twelve (12) months from the effectivity of this Order shall not be issued export permits and local transport permits, among other sanctions imposed under RA 9147 and its rules.

27.4 Upon submission of a duly-accomplished application form, inventory of aquatic wildlife, documentary stamp tax and payment of registration fee, the possessor shall be issued a Certificate of Aquatic Wildlife Registration (CAWR) by the Regional Director.

27.5 The CAWR does not confer upon the holder the privilege to collect aquatic wildlife from the wild or to purchase, exchange or to receive any wild species including its by-products from illegal sources. Neither does it confer the holder the privilege to loan or use the species as collateral for any transaction or financial obligation.

27.6 Upon the lapse of the period set for registration, threatened, non-threatened and exotic aquatic wildlife, either in wild form or cultivated, possessed without CAWR shall be confiscated in favor of the government, subject to penalties herein provided. Deliberate disregard of the provisions of this Order shall result in the automatic cancellation of the CAWR and the confiscation of all species in the holder's possession in favor of BFAR.

27.7 Confiscated native or endemic aquatic wildlife shall, if applicable, be returned to its original habitat following the technical protocol for such return to the wild. If return to the wild is no longer possible, confiscated native and exotic species shall be turned over to private and educational institutions that have the technical expertise for their upkeep through a loan agreement executed between BFAR and the private/educational institution.

Section 28. Privileges and Responsibilities of CAWR Holders. The privileges and responsibilities of holders of Certificate of Aquatic Wildlife Registration are as follows:

28.1 Privileges of CAWR holders. CAWR holders shall be entitled to the following privileges:

1. Utilize the registered wildlife as an income-generating resource through recreation or educational activities;
2. Engage in the exchange with and/or donation of owned progenies to other CAWR holders;
3. Avail of technical assistance from the BFAR on matters pertaining to the health and/or management of aquatic wildlife in their possession;
4. Sell or transfer/exchange registered non-threatened species, provided the same is reported to the Regional Office where the species is registered;
5. Transfer registered threatened species to another CAWR holder having the technical and financial capability and proven track record to maintain the species; and,
6. Engage in the captive breeding of registered species for commercial purposes subject to compliance with the requirements stated in this Order.

28.2 Responsibilities of CAWR holders. CAWR holders shall:

1. Allow authorized BFAR personnel access to the registered aquatic wildlife and facilities for inspection and monitoring purposes;
2. Submit the following to the Regional Office which conferred the registration:
 - I. annual inventory report;
 - ii. acquisition report, within thirty (30) days from acquisition of new or additional species acquired in accordance with the provisions of this Order;
 - iii. production report of captive-bred individuals, within thirty (30) days from birth/hatching; and,
 - iv. mortality report supported by a necropsy report in case of mammals and cetaceans, issued by a licensed veterinarian within thirty (30) days from the death of the registered species; for all other species, a semi-annual mortality/disposition report.
3. Comply with other management measures prescribed for the registered aquatic wildlife.

Section 29. Zoological Parks, Aquaria and Other Similar Establishments. Zoological and aquatic parks, commercial aquaria and other similar establishments for recreation, education and conservation purposes shall be established upon payment of application fees, clearance charges and compliance with existing regulations. Zoological and aquatic parks, aquaria and other similar establishments that have been established prior to the promulgation of this Order shall secure a clearance to operate upon payment only of the charges, excluding the application fee, with BFAR, and shall submit an inventory of all aquatic wildlife being kept therein. Additional aquatic wildlife that will be exhibited in new tanks or exhibition space/s, including progenies of aquatic wildlife under custody, shall be subject of another application and payment of fees and charges. Owners through their authorized representative shall submit a yearly report of the operations including the number of new populations from captive aquatic wildlife as well as mortalities substantiated by necropsy reports.

Section 30. Local Transport of Aquatic Wildlife, By-products and Derivatives. The local transport of aquatic wildlife, by-products and derivatives shall be authorized by means of a local transport permit (LTP), which shall be valid for three (3) months for a single batch or shipment. The LTP shall automatically lapse after three months even if not utilized. The following are the requirements and procedure for the transport of aquatic wildlife, its by-products and derivatives:

1. Duly accomplished application form;
2. Inspection/verification of aquatic wildlife by the PFO or FIQS nearest the place of collection using the Inspection Report Form;
3. Documents supporting the legal possession or acquisition of the aquatic wildlife;
4. Health/Veterinary certificate issued by the Fish Health Section;
5. Payment of fees; and,
6. Issuance of LTP by the PFO or the FIQS nearest the place of collection.

Section 31. Exportation and Importation of Aquatic Wildlife. The exportation and importation of aquatic wildlife, its by-products and derivatives acquired from legal sources shall be allowed upon prior issuance of export or import permit, subject to the following rules:

31.1 Only the properly marked progenies of aquatic wildlife raised in farms with AWFPs and those registered with the CITES Secretariat for commercially propagated CITES-listed species, including unproductive parent stock, economically important aquatic wildlife collected by virtue of AWSUPs for commercial or conservation breeding, and aquatic wildlife collected pursuant to an approved scientific research or bioprospecting undertaking shall be allowed for export.

31.2 *The export of any CITES-listed species gathered or taken from the wild is prohibited under Section 97 of RA 8550.*

31.3 The importation of aquatic wildlife, its by-products and derivatives for food consumption shall be governed by FAO 195 and applicable harmonized SPS policy of the Department of Agriculture (DA). However, the application fee of one hundred fifty pesos (P150.00) and the permit fee of one thousand five hundred pesos (P1,500.00) shall inure to the Aquatic Wildlife Management Fund. In addition, a reasonable fee shall be charged per web-based application of an import permit/SPS clearance, which shall accrue to the harmonized automated application and issuance of import permit/SPS clearance system of the Department of Agriculture (DA), which is designed to facilitate trade, to enhance biosafety and biosecurity, to prevent smuggling, to improve the delivery of service to the public and to strengthen coordinative linkages among relevant government agencies such as the Bureau of Customs, regulatory agencies of the DA, fisheries quarantine officers and the private sector.

31.4 The importation of live fish and fishery aquatic products and live exotic species shall be governed by Fisheries Administrative Order No. 221, existing biosafety protocol pursuant to Section 16 of RA 9147 and Executive Order No. 514, series of 2006, provided that EO 514 shall be applied in proposed importation of genetically modified aquatic wildlife, its by-products and derivatives. The application fee of one hundred fifty pesos (P150.00) shall inure to the Aquatic Wildlife Management Fund. In addition, a reasonable fee shall be charged per web-based application of an import permit/SPS clearance, which shall accrue to the harmonized automated application and issuance of import permit/SPS clearance system of the Department of Agriculture (DA). The importer shall bear related costs for the inspection of facilities, quarantine procedures and other risk management measures.

31.5 *Aquatic wildlife imported without permit shall either be confiscated if it is accosted post-border or subjected to return shipment if discovered during the conduct of border procedures at the expense of the importer.*

31.6 Export and import permits as well as commodity clearance shall be valid for a single shipment only and must be utilized within three (3) months from the date of issuance; otherwise these permits shall automatically expire upon the lapse of such period.

Section 32. CITES and Non-CITES Export Permit. The following are the requirements for the issuance of CITES and Non-CITES Export Permits/Commodity Clearance:

1. Duly accomplished application form;
2. Inspection of aquatic wildlife by the BFAR within three (3) days;

3. Documents supporting the legal possession or acquisition of the aquatic wildlife;
4. Bank export declaration, if for commercial purposes;
5. Local Transport Permit, where applicable;
6. Fishery/Veterinary Health Certificate and other requirements of the importing country;
7. Payment of Fees.

Section 33. CITES and Non-CITES Import Permit. The requirements for the issuance of CITES and non-CITES Import Permit are as follows:

1. Duly accomplished application Form;
2. CITES Export Permit from the competent authority of the country of origin / Certification of Origin from exporting country;
3. For live specimens, fishery/veterinary health certificate issued by the competent authority of the country of origin; and,
4. Payment of fees.

Section 34. CITES Re-Export Permit. The following are the requirements for the issuance of CITES Re-Export Permit:

1. Duly accomplished application form;
2. Inspection of the specimen by the BFAR within three (3) working days;
3. CITES/Non-CITES Import Permit issued by the BFAR or other document supporting legal possession or acquisition of aquatic wildlife;
4. Export permit issued by the country of origin;
5. Local Transport Permit where applicable;
6. Bank export declaration, if for commercial purposes;
7. Fishery/Veterinary Health Certificate and other requirements of the importing country; and,
8. Payment of Fees in accordance with Section 35 hereof.

CHAPTER III Fees and Charges

Section 35. The following rates of fees and charges on aquatic wildlife shall be collected:

35.1 FEES

A. Application Fees for:

1. Scientific research

For Filipino students (primary to tertiary) -----	None	
Other researchers and graduate students -----		P100.00

2. Gratuitous Permit

For Filipino students -----	P20.00	
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Other researchers -----	P100.00
3. Bioprospecting Undertaking -----	P500.00
4. Aquatic Wildlife Collector's Permit -----	P500.00
5. Aquatic Wildlife Farm Permit -----	P500.00
6. Zoological/Ocean Parks/Aquaria -----	P500.00
7. Exhibition/Shows/Documentation for Commercial Purposes -----	P300.00
8. Educational Purpose (Sec 26.2) -----	P50.00
9. Aquatic Wildlife Special Use Permit ----	P200.00
B. Inspection Fee for export and re-export	
1. Commercial -----	P300.00
2. Non- Commercial -----	P150.00
C. Permit Fee	
1. Aquatic Wildlife Farm Permit	
i. Small Scale -----	P2,500.00
ii. Medium scale -----	P3,500.00
iii. Large scale -----	P5,000.00
2. Aquatic Wildlife Collector's Permit	
i. Economically Important Species -----	P1,000.00
ii. Threatened Species -----	P5,000.00
D. Local Transport Permit	
i. 10 kilos below -----	P20.00
ii. 10.1 to 50 kilos-----	P30.00
iii. 50.1 to 100 kilos-----	P50.00
iv. 100 kilos above-----	P100.00

E. Export/ Re-export Permit

1. Commercial (CITES and Non-CITES)

a. Aquatic Fauna/Flora, by-products or derivatives ----3% of export value

b. Aquatic Fauna/Flora (propagated)

i. Economically Important Species ----- 3% of export value

ii. Local species (propagated) ----- 2% of export value

2. Non-Commercial (1-20 pieces or not more than 10 kilos, whichever comes first)

a. CITES species----- P 250.00/permit

b. Non-CITES species----- P 150.00/permit

F. Import Permit (CITES and Non-CITES species) -----P 350.00/permit

G. Re-Issuance fee for expired CITES/Non-CITES Permit

a. CITES Permit ----- P 250.00/permit

b. Non – CITES----- P 150.00/permit

35.2 CHARGES

1. Certificate of Wildlife Registration for the following endemic and exotic aquatic wildlife:

a. aquatic fauna classified as non-threatened species

i. 1-50 pieces ----- P 500.00

ii. 51 and above----- P1,000.00

b. aquatic mammals, aquatic snakes, molluscs, etc. classified as Non-CITES species

i. 1- 5 piece/s ----- P3,000.00

ii. 6-10 pcs ----- P4,000.00

iii. 11-20 pcs ----- P5,000.00

iv. 21-30 pcs ----- P6,000.00

- v. 31 & above ----- P7,000.00 base fee plus P1,000 for every five pieces in excess of 35
- c. other marine fauna and flora classified as threatened species
 - i. 1- 20 pieces ----- P1,000.00
 - ii. 21 and above ----- P2,000.00 base fee plus P1,000.00 for every five pieces in excess of 25
- 2. Certificate of Aquatic Wildlife Registration for Cultivated (Domesticated) exotic species and captive-bred marine and freshwater ornamental fish ---P200.00
- 3. Collection under AWCP/AWSUP
 - a. Aquatic mammals ----- P500.00/head
 - b. All Aquatic snakes ----- P300.00/head
 - c. All Aquatic invertebrates----- P50.00/piece
 - d. All aquatic plants----- P20.00/piece
- 4. Zoological/Ocean Parks and Aquaria
 - a. Clearance to operate ----- P5000.00
 - b. Every Expansion/Additional exhibit ----- P200.00

Inspection and other incidental expenses shall be borne by the applicant. All conservation and fishery production projects being implemented by Philippine Government Agency/Office or entity are exempted from payment of fees and charges provided for in this Order.

CHAPTER IV Fines and Penalties

Section 36. Fines and Penalties. Pursuant to Sections 27 and 28 of RA 9147 and in addition to the illegal acts and penalties mentioned therein and in the implementing rules, the following are the judicial fines and penalties for violations of the provisions of this Order:

- 1. Imprisonment of two (2) years and one (1) day to four (4) years and the corresponding fine for collecting, hunting or possessing species listed as critically endangered for scientific research without a Memorandum of Agreement and/or Gratuitous Permit or for other purposes without the required Bioprospecting Undertaking (BU), AWCP, AWFP, or CAWR as the case maybe;

2. Imprisonment of one (1) year and one (1) day to two (2) years and the corresponding fine for collecting, hunting or possessing endangered aquatic wildlife for scientific research without a Memorandum of Agreement and/or Gratuitous Permit or for other purposes without the required BU, AWCP, AWFP, or CAWR, as the case maybe;

3. Imprisonment of six (6) months and one (1) day to one (1) year and the corresponding fine for collecting, hunting or possessing vulnerable species for scientific research without a Memorandum of Agreement and/or Gratuitous Permit or for other purposes without the required BU, AWCP, AWFP, or CAWR, as the case maybe;

4. Imprisonment of one (1) month and one (1) day to six (6) months and the corresponding fine for collecting, hunting or possessing threatened aquatic wildlife for scientific research without a Memorandum of Agreement and/or Gratuitous Permit or for other purposes without the required BU, AWCP, AWFP, or CAWR, as the case maybe;

5. Imprisonment of ten (10) days to one (1) month and the corresponding fine for collecting, hunting or possessing other aquatic wildlife species without a Memorandum of Agreement and/or Gratuitous Permit or for other purposes without the required BU, AWCP, AWFP, CAWR, or AWSUP, as the case maybe.

Provided that, where the collection is perpetuated through the means of inappropriate techniques and devices, the maximum penalty in terms of imprisonment and fine shall be imposed.

6. Imprisonment of two (2) years and one (1) day to four (4) years and/or the corresponding fine for trading aquatic wildlife listed as critically endangered;

7. Imprisonment of one (1) year and one (1) day to two (2) years and/or the corresponding fine for trading endangered species of aquatic wildlife;

8. Imprisonment of six (6) months and one (1) day to one (1) year and/or the corresponding fine for trading aquatic wildlife listed as vulnerable;

9. Imprisonment of one (1) month and one (1) day to six (6) months and/or the corresponding fine for trading threatened aquatic wildlife without permit;

10. Imprisonment of ten (10) days to one (1) month and/or the corresponding fine for trading other aquatic wildlife species without permit;

11. Imprisonment of six (6) months and one (1) day to one (1) year and the corresponding fine for transporting aquatic wildlife listed as critically endangered, without a permit;

12. Imprisonment of three (3) months and one (1) day to six (6) months and the corresponding fine for transporting endangered aquatic wildlife without a permit;

13. Imprisonment of one (1) month and one (1) day to three (3) months and a fine of six thousand six hundred fifty-five pesos (P6,655.00) to twenty six thousand six hundred twenty pesos (P26,620.00) for transporting aquatic wildlife listed as vulnerable without a permit;

14. Imprisonment of ten (10) days to one (1) month and the corresponding fine for transporting threatened aquatic wildlife without a permit; and,

15. Imprisonment of five (5) days to ten (10) days the corresponding fine for transporting other aquatic wildlife without a permit;

Provided that pursuant to Section 28 of RA 9147 the fines herein prescribed 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 effect 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:

1. 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;

2. Automatic suspension of permits pending trial;

3. Cancellation of permits upon conviction; and,

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

Section 37. In determining the penalty for protected species under RA 8550 pursuant to Sections 91 and 97 and their implementing rules, FAOs 202 and 208, respectively, in relation to their possible classification under this Order, the penalty with the most deterrent effect shall be imposed taking into consideration the importance, population and distribution status of the subject aquatic wildlife.

CHAPTER V Miscellaneous Provisions

Section 38. Aquatic Wildlife Management Fund. The Aquatic Wildlife Management Fund (AWMF) created under Section 29 of RA 9147, as a special account in the National Treasury, is hereby activated for DA-BFAR, which shall be derived from donations, contributions, endowments, fines imposed for violations of RA 9147, its implementing rules, and this Order, damages awarded, fees, charges, and such other revenues generated from wildlife-related activities such as but not limited to permits and charges of all kinds. It shall finance rehabilitation or restoration of habitats, support scientific research/population assessments, enforcement and monitoring activities as well as enhancement of capabilities of relevant agencies. Donations and contributions to the fund shall be exempted from donor taxes and all other taxes, fees or charges imposed by the government subject to existing regulations.

38.1. All such monies/incomes shall accrue to the AWMF, to be managed collegially by a representative of the FRQD, FQWRS, FRMD and a Certified Public Accountant from the Finance Division. Funds shall be remitted to BFAR regional offices to be managed collegially by

representatives of the FIQS, FRMD, and a Certified Public Accountant of their Finance Divisions. Concerned personnel shall hold semi-annual planning and budget conferences to discuss fund allocation and disbursement, prioritization and approval of project proposals submitted by concerned national and regional BFAR units, local government units and other entities mentioned in this Order.

38.2. All expenses necessary for the conduct of activities to implement this order and RA 9147 shall be charged against the AWMF and BFAR's budget in the General Appropriations Act, subject to availability of funds and the usual accounting and auditing rules and regulations

38.3. Other AWMF charges. Reasonable honoraria, travel allowance, operating budget and other incidental expenses of the NAWMC, PARLC, RWMC, Management Authorities, Scientific Authorities, its members, Secretariat, Aquatic Wildlife Enforcement Officers and resource persons shall be charged against the Aquatic Wildlife Management Fund (AWMF) and DA-BFAR's regular budget under the General Appropriations Act, subject to the availability of funds and the usual accounting and auditing rules and regulations.

Section 39. Funding. The DA-BFAR shall propose and allocate funds under the General Appropriations Act for the implementation of this Order.

Section 40. Amendment. This Order may be amended wholly or in part by the Secretary.

Section 41. Separability Clause. The provisions of this Order are hereby declared to be separable, and in the event one or more provision is declared unconstitutional, the validity of other provisions shall not be affected thereby.

Section 42. Repealing Clause. All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed and/or amended accordingly. FAO 195, insofar as importation fees are concerned, is hereby modified.

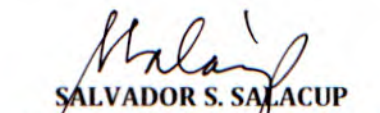
Section 43. Effectivity. This Order shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation and upon acknowledgement by the Office of the National Administrative Registry (ONAR).

Issued this 16th day of April 2010 at Quezon City, Philippines.


ATTY. BERNIE G. FONDEVILLA
Secretary

Recommended by:


MALCOLM I. SARMIENTO, JR.
BFAR Director


SALVADOR S. SALACUP
Undersecretary for Fisheries and
NFARMC Chairman

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ANNEX A. PRELIMINARY LIST OF ECONOMICALLY IMPORTANT AQUATIC ORGANISMS

TAXON	COMMON/LOCAL NAMES	USES
AQUATIC FAUNA		
INVERTEBRATES		
Echinoderms		
Asteroidea	seastars/starfish	aquarium ornament; industrial
Echinoidea	sea urchins; <i>tuyom</i>	food; export
Holothuriidae	sea cucumber; <i>balatan</i>	food; export; pharmaceutical
Poriferans		
Porifera	sponges	industrial; export; pharmaceutical
Crustaceans		
Coenobitidae	hermit crabs	aquarium ornament; pets; export
Palinuridae	spiny lobsters; <i>banagan</i>	food; export
Penaeidea	shrimps and prawns; <i>hipon, sugpo</i>	food; export
Portunidae	crabs; <i>kasag, alimasag, alimango</i>	food; export
Scyllaridae	slipper lobsters; <i>pitik-pitik</i>	food; export
Stomatopoda	mantis shrimps; <i>pitik-pitik</i>	food; export
Synaxidae	furry lobsters	food; export
<i>Varuna literata</i>	shore crab; <i>talangka</i>	food
Annelids		
Ophistobranchia	nudibranchs; sea slugs	aquarium; pharmaceutical
Polychaeta	polychaetes; tube worms	pharmaceutical
Coelenterates/Cnidarians		
Actinaria	sea anemones	food; aquarium ornament
Scyphozoa	jellyfish; <i>dikya</i>	food; medicinal; export
Cephalopods		
Nautilidae	nautilus; <i>layagan, lilig, lagang</i>	shellcraft; ornamental
<i>Octopus spp.</i>	octopus; <i>pugita</i>	food; export
<i>Photololigo (Loligo) spp.</i>	squids; <i>pusit</i>	food; export; pharmaceutical
<i>Sepia spp.</i>	cuttlefish; <i>canoos</i>	food; export
Gastropods (snails)		
Cassidae	helmet shells; <i>budyong</i>	shellcraft; specimen shell
<i>Conus spp.</i>	cone shells	shellcraft; specimen shell
<i>Cypraea spp.</i>	cowries; <i>sigay</i>	shellcraft ; specimen shell
<i>Haliotis spp.</i>	abalones	food; export
<i>Mitra spp.</i>	mitre shells	shellcraft; specimen shell
<i>Murex spp.</i>	murex	shellcraft; specimen shell
<i>Oliva spp.</i>	olive shells	shellcraft; specimen shell
Pleutomariidae	slit shells	rare specimen shell
Strombidae	conch shells	food; shellcraft; specimen shells
Trochidae	trochus shells; trocas	shellcraft; button-making
Turbinidae	turban shells	food; shellcraft; specimen shell
<i>Voluta spp.</i>	volutes	shellcraft; specimen shell
Bivalves (clams)		
<i>Amusium pleuronectes</i>	scallop; <i>abaniko</i>	food; shellcraft
<i>Anadara spp.</i>	ark shell; blood clam; <i>batotoy</i>	food
<i>Atrina spp.</i>	pen shells; <i>baloko</i>	food
<i>Bamea spp.</i>	angelwing shell; <i>diwal</i>	food
<i>Chlamys spp.</i>	scallops; <i>abaniko</i>	food; shellcraft
<i>Circe spp.</i>	venus clam; <i>halaan</i>	food
<i>Crassostrea spp.</i>	oyster shells; <i>talaba</i>	food
<i>Gafrarium spp.</i>	venus clam; <i>halaan</i>	food
<i>Gafrarium spp.</i>	venus clam	food
<i>Katelysia spp.</i>	venus clam; <i>halaan</i>	food
<i>Meretrix spp.</i>	venus clam; <i>halaan</i>	food
<i>Modiolus philippinarum</i>	brown mussel; <i>amahong</i>	food
<i>Paphia undulata</i>	venus clam; nylon shell ; <i>badoy</i>	food
<i>Pecten spp.</i>	scallops; <i>abaniko</i>	food; shellcraft
<i>Perna viridis</i>	green mussel; <i>tahong</i>	food
<i>Pholas spp.</i>	angelwing shell; <i>diwal</i>	food
<i>Pinctada spp.</i>	pearl oysters; <i>tipay</i>	shellcraft; pearl culture

<i>Pinna</i> spp.	pen shells; <i>baloko</i>	food
<i>Placuna</i> spp.	windowpane shells; <i>kapis</i>	shellcraft
<i>Polymesoda (Geloina) coaxans</i>	venus clam	food
<i>Pteria</i> spp.	wing oysters; <i>tipay</i>	pearl culture
<i>Saccostrea</i> spp.	oyster shells; <i>talaba, sihi</i>	food
<i>Solen</i> spp.	razor clam	food
<i>Spondylus</i> spp.	spiny/thorny oysters	shellcraft; ornament
<i>Tapes</i> spp.	venus clam; <i>halaan</i>	food
<i>Trachycardium</i> spp.	venus clam	food

VERTEBRATES

Tunas

<i>Auxis</i> spp.	bullet/frigate tuna; <i>tangi, tulingan</i>	food
<i>Euthynnus affinis</i>	kawa-kawa	food
<i>Katsuwonus pelamis</i>	skipjack; <i>agtun, gulyasan, tulingan</i>	food export
<i>Thunnus albacares</i>	yellowfin; <i>tambakol, barilis, oriles</i>	food export

Big Pelagics

Coryphaenidae	dolphin fishes	food
<i>Istiophorus orientalis</i>	sailfish; <i>malasugi</i>	food
<i>Makaira mazara</i>	Indo-Pacific blue marlin	food
<i>Scomberoides lysan</i>	leatherjackets; <i>lapis, dorado</i>	food
<i>Scomberomorus commerson</i>	Spanish mackerel; <i>tangigue</i>	food

Roundscads

<i>Decapterus</i> spp.	roundscads; <i>galunggong</i>	food
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Small pelagics

<i>Caesio</i> spp.	fusilier; <i>dalagang-bukid</i>	food
<i>Pterocaesio</i> spp.	fusilier; <i>dalagang bukid</i>	food
<i>Sardinella</i> spp.	sardines; <i>lapad, aber, tamban</i>	food
<i>Stolephorus</i> spp.	anchovies; <i>dilis, bolinao</i>	food

Demersal fishes

<i>Epinephelus</i> spp.	groupers; <i>lapu-lapu</i>	food
<i>Leiognathus</i> spp.	slipmouths; <i>sap-sap</i>	food
<i>Lethrinus</i> spp.	large-eye breams; <i>mataan</i>	food
<i>Lutjanus</i> spp.	snappers; <i>maya-maya</i>	food
<i>Nemipterus</i> spp.	threadfin breams; <i>bisugo</i>	food
<i>Saurida</i> spp.	lizardfish; <i>kalaso</i>	food
<i>Scolopsis</i> spp.	monocle breams; <i>bisugo</i>	food
<i>Upeneus</i> spp.	goatfish; <i>saramulyete</i>	food

Other marine fishes

<i>Carangoides</i> spp.	trevally; <i>talakitok</i>	food
Dasyatidae	stingrays; <i>pagi</i>	food
<i>Mene maculata</i>	moonfish; <i>birao-birao</i>	food
Mugilidae	mullet; <i>banak</i>	food
Scaridae	parrotfish; <i>mol-mol</i>	food
Siganidae	spinefoot; <i>barangan, malaga</i>	food
Sphyraenidae	barracuda; <i>torsilyo</i>	food

AQUATIC FLORA

Seaweeds

<i>Euclima</i> spp.	carrageenan; food; export
<i>Gracillaria</i> spp.	food; export
<i>Kappaphycus</i> spp.	carrageenan; food; export
<i>Sargassum</i> spp.	habitat

Sea Grass

<i>Enhalus</i> spp.	habitat
<i>Thalassia</i> spp.	habitat
<i>Thalassodendron</i> spp.	habitat
<i>Halodule</i>	habitat
<i>Halophila</i> spp.	habitat
<i>Syringodium</i> spp.	habitat
<i>Cymocedea</i> spp.	habitat
<i>Ruppia</i> spp.	habitat