



Republic of the Philippines
PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT
(R.A. 7611)
Puerto Princesa City, Palawan



REVISED PCSD ADMINISTRATIVE ORDER NO.05

Series of 2014

(As approved under PCSD Resolution No. 14-508)

PCSD Resolution No. 23-898

"Suspending the Closed Season under PCSD Administrative Order No. 05, as amended"

PCSD Resolution No. 23-912

"Ratifying PPCSD Resolution No. 23-016 to approve the request for the exclusion of Puerto Princesa City from the Suspension of the Closed Season under PCSD Administrative Order No. 05, as amended"

PCSD Resolution No. 24-984

"Adopting the Guidelines on the issuance of a Notice of Violation with Demand to Pay (NOV) under all PCSD Administrative Orders"





**Excerpts from the Minutes of the 214th PCSD Regular Meeting
held at Agricultural Training Institute Building, Elliptical Circle,
Diliman, Quezon City on October 28, 2014**

Present:

- | | |
|--|---------------|
| 1. Gov. Jose Ch. Alvarez, Provincial Governor | Chairman |
| 2. Vice Gov. V. Dennis M. Socrates, Sangguniang Panlalawigan | Vice Chairman |
| 3. Dir. Nelson P. Devanadera, Executive Director, PCSDS | Secretary |
| 4. Asec. Edilberto M. De Luna, Assistant Secretary, DA | Member |
| 5. Usec. Manuel D. Gerochi, Undersecretary, DENR | Member |
| 6. Hon. Lucena D. Demaala, Pres., League of Municipalities | Member |
| 7. Mr. Alexander N. Onghocan, Business Sector/PCCI | Member |
| 8. Rev. Fr. Eugene S. Elivera, NGO Representative | Member |
| 9. Hji. Abraham M. Ibba, Liga ng mga Barangay | Member |

Represented:

- | | |
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| 1. RADM Alexander S Lopez AFP, Commander, WESCOM
Rep. by Deputy Comdr BGEN Guillermo A Molina JR AFP | Member |
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Absent:

- | | |
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| 1. Dep. Dir. Gen. Margarita R. Songco, NEDA | Member |
| 2. Hon. Lucilo R. Bayron, Mayor, Puerto Princesa City | Member |

PCSD RESOLUTION NO. 14-508

“APPROVING THE REVISED GUIDELINES FOR THE REGULATION AND MONITORING OF THE CATCHING, TRADING, CULTURING, TRANSPORTING AND EXPORTING OF REEF-FISH-FOR-FOOD IN THE PROVINCE OF PALAWAN FURTHER AMENDING PCSD ADMINISTRATIVE ORDER NO. 05”

WHEREAS, R.A. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan, took effect on 19 June 1992, section 6 of which provides that the SEP shall serve as the framework to guide the government agencies concerned in the formulation of plans, programs and projects affecting the environment and natural resources of Palawan;

WHEREAS, Section 2 thereof declares the policy of the State to protect, develop and conserve its natural resources towards which, it shall assist and support the implementation of plans, programs and projects

formulated to preserve and enhance the environment, and at the same time pursue the socioeconomic development goals of the country; that it shall support and promote the sustainable development goals for the provinces through proper conservation, utilization and development of natural resources to provide optimum yields on a continuing basis;

WHEREAS, this same law provides that the SEP shall have, as its general philosophy, the sustainable development of Palawan, which is the improvement in the quality of life of its people in the present and future generations through the use of complementary activities of development and conservation that protect life-support ecosystems and rehabilitate exploited areas to allow upcoming generations to sustain development growth;

WHEREAS, Section 7 of the same provides that the SEP shall establish, as its main strategy, a graded system of protection and development control over the whole of Palawan, including its tribal lands, forests, mines, agricultural areas, settlement areas, small islands, mangroves, coral reefs, seagrass beds and the surrounding sea, known as the Environmentally Critical Areas Network (ECAN), and which shall ensure the following: forest conservation and protection; protection of watersheds; preservation of biological diversity; protection of tribal people and the preservation of their culture; maintenance of maximum sustainable yield; protection of the rare and endangered species and their habitat; provision of areas for environmental and ecological research, education and training; and provision of areas for tourist and recreation;

WHEREAS, Section 16 thereof provides that the governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD);

WHEREAS, Section 98 of R.A. 8550, the Philippine Fisheries Code, provides that it shall be unlawful for any person to catch, gather, capture or possess mature milkfish or “sabalo” and such other breeders or spawners of other fishery species;

WHEREAS, on July 3, 2001, Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act, was passed into law to carry out the declared policy of the State to “conserve the country’s wildlife resources and their habitats for sustainability”;

WHEREAS, Section 4 of the same law provides that the Council shall be the lead implementing agency in the Province of Palawan pursuant to Republic Act No. 7611 or the Strategic Environmental Plan for Palawan;

WHEREAS, Section 18 of said law provides that, for non-threatened economically important species, collection shall only be allowed when the results of the population assessment show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers;

WHEREAS, this Council promulgated Administrative Order No. 12, which provides for the detailed guidelines in the implementation of Republic Act No. 9147;

WHEREAS, this Council and the Provincial Government of Palawan (PGP) have recognized the alarming, complex issues and concerns surrounding and threatening the sustainability of the reef-fish-for-food (RFF) industry, the province's marine environment and natural resources, and the livelihoods of people dependent on the trade and resource;

WHEREAS, to address these issues and concerns and to save the industry from imminent collapse, the Provincial Governor and Chairman of this Council has created a Technical Working Group (TWG) and Resource Persons Pool (RPP) who shall focus on formulating and recommending holistic, integrative, strategic, science-based, realistic and doable regulatory and program framework anchored on sustainable development, social justice and good governance principles;

WHEREAS, after three major meetings with industry stakeholders, three ad hoc Committee deliberations, and thorough review of existing literature and scientific studies concerning all matters related to the industry, the TWG and RPP have come up with a proposed Revised PCSD Administrative Order, Provincial Ordinance and Program of Action, supported by policy papers;

WHEREAS, this Council believes that the proposed revised regulatory and program framework are the best win-win solutions that can address the complex issues surrounding the industry, amenable to stakeholders, supported by scientific studies, and in harmony to existing laws and jurisprudence;

WHEREAS, the TWG and RPP strongly recommend the concerned authorities, including this Council, to strongly consider, approve and implement these proposed revised regulatory and program frameworks to save, protect and conserve the degrading marine resources, ensure their sound utilization and management, and consequently, save the industry and its stakeholders from collapse and displacement;

WHEREAS, the revised guidelines has been presented to the Executive Committee and exhaustively discussed in its meeting on September 25, 2014, and thereafter the same was recommended for adoption by the Council;

WHEREFORE, for and in consideration of the above premises, upon motion duly seconded, be it RESOLVED, as it is hereby resolved, TO APPROVE, as it is hereby approved, the REVISED GUIDELINES FOR THE REGULATION AND MONITORING OF CATCHING, CULTURE, TRADE, TRANSPORT AND EXPORT OF REEF-FISH-FOR-FOOD IN PALAWAN, further amending PCSD Administrative Order No. 5, copy of which is hereto attached as integral part of this resolution;

RESOLVED FINALLY, that copy of this resolution be published in a newspaper of general circulation in Palawan and likewise be deposited at the Office of National Administrative Register at the UP Law Center, Diliman, Quezon City.

RESOLVED AND ADOPTED this 28th day of October 2014, Diliman, Quezon City.

I hereby certify that the above-quoted resolution has been duly adopted by the PCSD on the 28th day of October 2014 in Quezon City.

NELSON P. DEVANADERA
Secretary

ATTESTED BY:

JOSE CH. ALVAREZ
Chairman, PCSD

**REVISED PCSD Administrative Order No. 05
Series of 2014**

**REVISED GUIDELINES FOR THE REGULATION AND MONITORING OF THE
CATCHING, TRADING, CULTURING, TRANSPORTING AND EXPORTING OF
REEF-FISH-FOR-FOOD IN THE PROVINCE OF PALAWAN, AS AMENDED**

**CHAPTER I
PRELIMINARY PROVISIONS**

Section 1. Objectives. This Administrative Order is hereby promulgated pursuant to the State policy to conserve the country's wildlife resources and their habitats for sustainability. Specifically, this Order shall have the following objectives:

1.1 To provide for a system that will ensure the sustainability of reef-fish-for-food industry in Palawan by setting up a comprehensive regulatory mechanism consistent with the provisions of Republic Act No. 9147 (Wildlife Act);

1.2 To regulate the collection/catching, trade, culture, transport and export of reef-fish-for-food in Palawan, both for local and foreign consumption, which are non-threatened but have economic importance;

1.3 To strengthen compliance of this administrative regulation by providing for penalties thereof; and,

1.4 To regulate resource extraction to a sustainable level.

Section 2. Scope of Application. Any person, natural or juridical, desiring to engage in catching, trading, culture, transport and export of reef-fish-for-food in Palawan shall secure the necessary permit from the PCSD and shall be subject to the regulatory measures provided under this Order.

The provisions of this Order shall only apply to those reef-fishes-for-food which are categorized as non-threatened under R.A. 9147 (Wildlife Act) and its implementing rules (PCSD Admin Order No. 12).

Threatened species of reef-fishes-for-food shall continue to be governed by PCSD Administrative Order No. 12, which shall, therefore, be allowed only for commercial breeding and scientific research, except when the source of trade, transport and export are from accredited hatcheries.

Section 3. Definition of Terms. As used in and for purposes of this Order, the following terms shall be defined and/or construed as indicated below:

3.1. Catcher of Reef-Fish-For-Food – any person, natural and juridical, primarily engaged in catching reef-fish-for-food from the wild, regardless of size and volume, for direct selling for domestic or export trade and/or for fattening purposes to be sold later;

3.2. Culture of Reef-Fish-For-Food – the business of culturing reef-fish-for-food by accredited breeding and hatchery facilities;

3.3. Caging – the business of taking/buying fingerlings from the wild and culturing the same in fish cage to be sold later to traders of reef-fishes-for-food;

3.4. Fish Cage – refers to an enclosure which is either stationary or floating made up of nets or screens sewn or fastened together and installed in the water with opening at the surface or covered and held in place by wooden/bamboo posts or various types of anchors and floats for the purpose of culturing fish and , temporary holding of live fishes;

3.5. Trader of Reef-Fish-for-Food – Any person, natural or juridical, involved in the business of buying and/or selling any reef-fish-for-food wild or cultured;

3.6. Reef-Fish-For-Food – any species of reef-fish to be used for human food and traded either live or dead, including but not limited to the following:

- a. *Plectropomus leopardus*, commonly known as Leopard Coral Trout or Grouper (Suno);
- b. *Epinephelus coioides*, commonly known as Estuary or green grouper (Loba);
- c. *Epinephelus fuscoguttatus*, commonly known as Tiger, brown marbled grouper (Lapung baboy); and,

d. Other species being traded as a reef fish commodity as hereinafter may be provided by the PCSD through a resolution, in which case, the regulatory provisions of this Order shall apply.

Provided that for purposes of applying the provisions of this Order, this definition of reef-fish-for-food shall apply only to those permitted under City Ordinance No. 110 in the case of the City of Puerto Princesa and Provincial Fishery Ordinance and/or Municipal Fishery Ordinance in the case of other municipalities of Palawan.

Provided further, that for purposes of applying the open and closed season and size restriction provisions of this Order, reef-fishes shall also include those which are for ornamental purposes.

Provided finally, that for purposes of applying size restriction, reef-fish-for-food as herein defined shall not include green and tiger groupers, (see (b) and (c) above), until a subsequent policy thereof is issued by the PCSD.

3.7. Local Transport Permit – a permit issued by the PCSD to a holder of wildlife collector’s permit, wildlife farm permit or wildlife special use permit authorizing him/her to bring reef-fish-for-food from Palawan to other provinces in the Philippines;

3.8. Non-CITES Export Permit – a permit issued by the PCSD to a holder of wildlife farm permit or any other appropriate person authorizing him/her to bring, send or transport reef-fish-for-food from Palawan to other countries;

3.9. Non-CITES Import Permit – a permit authorizing an individual to bring into Palawan reef-fish-for-food from other countries;

3.10. Wildlife Collector’s Permit – a permit to take or collect from the wild reef-fish-for-food;

3.11. Wildlife Special Use Permit – a permit authorizing qualified persons to directly collect reef-fish-for-food or buy the same from holders of wildlife collector’s permit for direct trade or other commercial purposes;

3.12. Wildlife Farm Permit – a permit authorizing the development, operation and maintenance of a breeding farm for reef-fish-for-food for purposes of trade;

CHAPTER II REGULATORY MECHANISMS

Section 4. Catcher/s of Reef-Fish-for-Food. A Wildlife Collector's Permit (WCP) shall be required for collection/catching of reef-fish-for-food, except in cases covered by Gratuitous Permit and Wildlife Special Use Permit (for uses other than trade) issued under PCSD Admin Order No. 12.

Section 4.1. Quota. The quantity of reef-fish-for-food, that may be collected/caught in an area/municipality/city shall not exceed the quota as may be provided for under subsequent regulations/issuances that may be promulgated/issued by the PCSD or by the concerned local government unit.

Section 4.2. Requirements. Catchers of reef-fish-for-food must first submit the following requirements for issuance of Wildlife Collector's Permit:

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

4.2.2. Certification from MFARMC/CFARMC/BFARMC that the applicant is a registered fisherman; and,

4.2.3. Payment of a fee amounting to Php100.00.

Section 4.3. Procedure.

4.3.1. All applications for Wildlife Collector's Permit, together with their corresponding requirements under this Section, shall be submitted to the PCSDS;

4.3.2. The concerned PCSDS personnel shall, immediately upon receipt, evaluate the submitted documents. If the requirements are not complete, the application shall be returned immediately informing the applicant of the deficiencies. If the requirements are complete, the application shall, within fifteen (15) working days, be technically evaluated;

4.3.3. If the PCSDS finds the same in order, it shall submit its evaluation report recommending for the approval of the same by the PCSDS Executive Director. Otherwise, the PCSDS shall

immediately communicate with the applicant as to the latter's deficiencies; and,

4.3.4. The PCSDS Executive Director shall then approve to grant the application and issue the corresponding Wildlife Collector's Permit (WCP).

Section 4.4. Validity. The Wildlife Collector's Permit shall be valid for one (1) year from date of issuance and shall automatically expire upon the lapse of said period.

Section 4.5. Limitation. Holders of Wildlife Collector's Permit may only sell reef-fish-for-food to traders with duly issued PCSD Wildlife Special Use Permit. The collection/catching shall be subject to the limits as may be provided under the terms and conditions of the WCP.

Section 4.6. Quarterly Report. Holders of Wildlife Collector's Permit shall submit to the PCSDS a quarterly report of collections/catches made. Failure to submit a single quarterly report shall be a ground for revocation of the Permit.

Section 5. Trader/s of Reef-Fish-for-Food. The trading of reef-fish-for-food shall only be allowed through the issuance of Wildlife Special Use Permit (WSUP).

Section 5.1. Qualification. Only Filipino citizens, or corporations, partnerships, cooperatives or associations 60% of the capital of which is owned by Filipinos, shall be allowed to collect and buy reef-fish-for-food for direct trade purposes.

Section 5.2. Requirements. Traders of reef-fish-for-food must first submit the following requirements for issuance of Wildlife Special Use Permit:

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

5.2.2. Brief description of the project to include:

5.2.2.1. Type and purpose of the project;

5.2.2.2. Target monthly volume to be traded;

5.2.2.3. Project Cost;

5.2.2.4. Location/areas (sitio, barangay, municipality) of operation, location map of area of operation indicating the name of adjacent water bodies and landmarks); and,

5.2.2.5. Project operation including:

- (i) Type of RFF to be traded**
- (ii) Names and addresses of accredited catchers as sources of free fish to be traded**
- (iii) Trading facilities such as aquariums and holding tanks (for traders of live fish)**
- (iv) Market destinations/outlets, including transshipment points**
- (v) Mode of transportation**

5.2.3. (deleted by PCSD Resolution No. 20-727)

5.2.4. Written commitment to submit to PCSD every quarter the following documents indicating information on every trading transaction made during the last quarter:

5.2.4.1. Quarterly Report indicating the following data: date of trading, volume (kg and number) per species of reef-fish-for-food bought from the catcher-source and sizes (centimeter and number) per species of RFF sold with place of sale and name and address of buyer(s) who purchased; and,

5.2.4.2. Photocopy of the Auxiliary Invoice issued by the Municipal/City Government for all RFF traded within the quarter; and,

5.2.5. Certification from PCSDS concerned division that the applicant-trader has no pending case (before the PCSD Adjudication Board or that the PCSDS has not filed any criminal case against the trader) related to reef-fish-for-food; and,

5.2.6. Payment of fees amounting to Php500.00.

5.2.7. Provided that for those who are engage or who intent to engage in caging of RFFspecies, certified true copy of Water

Lease Agreement or other equivalent permit issued by the concerned municipal government shall be submitted to the PCSDS.

Section 5.3. Procedure.

5.3.1. All applications for WSUP, together with their corresponding requirements under this Section, shall be submitted to the ECAN Board concerned through the PCSDS District Management Office assigned;

5.3.2. Acting as ECAN Board secretariat, the concerned PCSDS DMO personnel shall, immediately upon receipt, evaluate the submitted documents. If the requirements are not complete, the application shall be returned immediately informing the applicant of the deficiencies. If the requirements are complete, the application shall, within fifteen (15) working days, be technically evaluated;

5.3.3. If the PCSDS District Office finds the same in order, it shall submit its evaluation report to the ECAN Board recommending for the issuance of ECAN Board endorsement. Otherwise, the PCSDS District Office shall immediately communicate with the applicant as to the latter's deficiencies;

5.3.4. If the ECAN Board finds the same in order, it shall issue the corresponding ECAN Board endorsement, which shall be forwarded for consideration of the PCSDS Executive Director; and,

5.3.5. The PCSDS Executive Director shall then approve to grant the application and issue the corresponding Wildlife Special Use Permit (WSUP).

Provided, that no Wildlife Special Use Permit shall be issued without the ECAN Board endorsement.

Section 5.4. Validity. The Wildlife Special Use Permit shall be valid for one (1) year from date of issuance and shall automatically expire upon the lapse of said period.

Section 5.5. Limitation. Holders of Wildlife Special Use Permit may only buy reef-fish-for-food from catchers with duly issued PCSD

Wildlife Collector's Permit and who are included in their list of catchers. The trade of RFF shall be subject to the limits as may be provided under the terms and conditions of the WSUP.

Section 5.6. Quarterly Report. Holders of Wildlife Special Use Permit shall submit to the PCSDS a quarterly report of trade made. Failure to submit a single quarterly report shall be a ground for revocation of the Permit.

Section 6. Culture of Reef-Fish-For-Food. Culture of reef-fish-for-food shall be allowed only through the issuance of Wildlife Farm Permit (WFP). A Wildlife Collector's Permit (WCP) must first be secured in case of collection in the wild for breeding/propagation purposes, which permit shall not, therefore, be required for stocks obtained through importation or acquired from a breeding facility with duly issued Wildlife Farm Permit.

Section 6.1. Persons Qualified to Culture Reef-Fish-For-Food. Only Filipino citizen or corporation, partnership, association, cooperative, at least 60% of the capital of which is owned by Filipino citizens, are allowed to collect reef-fish-for-food, for culture purposes without prejudice to technical guidance of foreign experts subject to existing rules on the matter. For non-Filipino citizens, corporations, partnerships, or associations, a Wildlife Farm Permit shall only be issued if the parental stocks are either captive-bred or obtained through importation

Section 6.2. Requirements. Any entity who applies for culture of reef-fish-for-food must first submit the following requirements for issuance of Wildlife Farm Permit:

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

6.2.2. In case of corporation, partnership, association or cooperative, certified true copies of the Certificate of Registration from the Cooperative Development Authority (CDA), Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI), etc., as the case may be, and its articles of incorporation and by-laws, whenever appropriate, or any other similar instruments;

6.2.3. Certified true copy of BIR registration and Tax Identification Number;

6.2.4. Governor's Permit or Mayor's Permit in the City of Puerto Princesa;

6.2.5. 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;

6.2.6. Business and Financial Plan showing financial capability to go into breeding;

6.2.7. Management and Breeding Plan, which must include the means to distinguish progenies from parental stock unless the PCSD has adopted a system of marking, genetic characterization or tagging for identification of the parent stock and its offspring;

6.2.8. Proposed facility design;

6.2.9. Certified copy of Land Title or Lease Contract for the facility;

6.2.10. Clearances from the affected communities: Free and Prior Informed Consent (FPIC) of the Indigenous Peoples (IP), and/or prior clearance of the concerned Local Government Units (LGU), and in the case of protected areas, clearance from the Protected Area Management Board (PAMB), consent of individuals or associations with valid tenurial or other private rights to the area concerned, and/or clearance from other relevant agencies or institutions;

6.2.11. Submission of an environmental impact study and/or bioecology study of the proposed commercial breeding operations; and,

6.2.12. Payment of fees amounting to Php1,000.00.

Section 6.3. Procedure.

6.3.1. All applications for culture, together with their corresponding requirements under this Section, shall be submitted to the ECAN Board through the PCSDS District Management Office;

6.3.2. Acting as ECAN Board secretariat, the concerned PCSDS District Office personnel shall, immediately upon receipt, evaluate the submitted documents. If the requirements are not complete, the application shall be returned immediately informing the applicant of the deficiencies. If the requirements are complete, the application shall, within fifteen (15) working days, be technically evaluated;

6.3.3. If the PCSDS District Office finds the proposed culture project in order, it shall submit its evaluation report recommending for the issuance of ECAN Board endorsement, which shall be forwarded to the PCSDS Executive Director. Otherwise, the PCSDS shall immediately communicate with the applicant as to the latter's deficiencies;

6.3.4. The PCSDS Executive Director may conduct a separate evaluation of the proposed culture project or adopt the evaluation of the ECAN Board. Either way, the PCSDS Executive Director shall submit his recommendation to the PCSD (Council) for the latter's approval;

6.3.5. The PCSD, upon deliberation, shall then approve the proposed culture project and issue the corresponding Wildlife Farm Permit (WFP); and

6.3.6. The permittee shall subsequently secure a Wildlife Collector's Permit (WCP) prior to collection of breeding stock from the wild. For stocks obtained through importation or acquired from an accredited or registered breeding facility or any other similar sources, the permittee shall, prior to actual operation, must submit to the PCSD relevant documents showing proof to that effect (import permit, sales invoice, etc.).

Section 6.4. Limitation. Only progenies of reef-fish-for-food raised in hatcheries, as well as unproductive parent/founder stock shall be utilized for trade.

Section 6.5. Validity Period of WFP. The Wildlife Farm Permit shall be valid for a period of five (5) years, renewable for the same period subject to evaluation of the permittee's compliance with the terms and conditions of the WFP.

Section 6.6. Quarterly Report. Holders of Wildlife Farm Permit shall submit to the PCSDS a quarterly report of their operations. Failure to

submit a single quarterly report shall be a ground for revocation of the Permit.

Section 7. Local Transport of Reef-Fish-For-Food. A Local Transport Permit (LTP) shall be required in case of local transport of reef-fish-for-food from Palawan to other places within the Philippines.

Section. 7.1. Validity Period. The Local Transport Permit shall be valid for a period of three (3) months for a single batch/shipment. The same shall automatically lapse after said period whether or not said permit was utilized.

Section 7.2. Requirements. Every person who wishes to transport reef-fish-for-food for trade must comply with the following requirements:

7.2.1. Duly accomplished application form;

7.2.2. Inspection/verification of RFF to be transported by the concerned PCSDS personnel using the Inspection Report Form;

7.2.3. Documents supporting the legal possession or acquisition of the RFF to be transported (i.e. WCP, WFP, WSUP, receipt from holders of WFP);

7.2.4. FIQS – Final Certification;

7.2.5. Auxiliary invoice from the Municipal/City Government (which should reflect the payment of Marine Environment Protection Fee provided under provincial ordinance on reef-fish-for-food); and,

7.2.6. Payment of fees amounting to Php200.00. *Provided, a regulatory fee amounting to Php 30.00/head for the transportation of live RFF species, Php 15.00/head for the transportation of fresh RFF species and Php 10.00/head for ornamental fish (Php 10.0/head) shall first be paid.* Provided finally, that the fees to be collected shall accrue to the Wildlife management Fund and the utilization of a certain percentage of which shall be prioritized for areas where the RFF species were caught.

Section 7.3. Procedure.

7.3.1. All applications for LTP, together with their corresponding

requirements under this Section, shall be submitted to the PCSDS;
7.3.2. The PCSDS shall immediately inspect or verify the RFF subject of the application using the Inspection Report Form; and

7.3.3. The LTP shall be issued by the PCSDS Executive Director upon evaluation of the Inspection Report Form and other documents forwarded by the concerned PCSDS personnel.

Section 8. Exportation of Reef-Fish-For-Food. Exportation of reef-fish-for-food shall require the prior issuance of Non-CITES Export Permit from the PCSD for those coming from Palawan even if the port of exit is outside thereof.

Section 8.1. Limitation. For live-reef-fish-for-food (LRFF), only those which are legally collected pursuant to this Order and not prohibited by other relevant laws, rules and regulations may be exported. The prohibition on the export of live fish except those which are hatched or propagated in accredited hatcheries and ponds as provided under Section 61 of R.A. 8550 is hereby emphasized and adopted as an additional limitation.

Section 8.2. Requirements for Non-CITES Export Permit. Every person who wishes to export reef-fish-for-food for trade must first comply with the following requirements:

8.2.1. Duly accomplished application form;

8.2.2. Inspection by the concerned PCSDS personnel using the Inspection Report Form;

8.2.3. Documents supporting legal possession or acquisition of RFF intended to be exported (i.e. WFP, receipt issued by holders of WFP);

8.2.4. Bank export declaration, if for commercial purposes;

8.2.5. Documents supporting the legal possession or acquisition of the RFF to be transported (i.e. WCP, WFP, WSUP, receipt from holders of WFP);

8.2.6. FIQS – Final Certification;

8.2.7. Auxiliary invoice from the Municipal/City Government (which should reflect the payment of Marine Environment Protection Fee provided under provincial ordinance on reef-fish-for-food); and,

8.2.8. Payment of fees amounting to Php1,000.00.

Section 8.3. Procedure.

8.3.1. All applications under this Section, together with their corresponding requirements, shall be submitted to the PCSDS;

8.3.2. The PCSDS shall immediately inspect or verify the RFF subject of the application using the Inspection Report Form; and

8.3.3. The Non-CITES Export Permit shall be issued by the PCSDS Executive Director upon evaluation of the recommendation of the technical staff.

Section 8.4. Validity Period of Permit. Export Permit shall be valid for a single shipment only and must be utilized within three (3) months from the date of issuance. These permits shall automatically expire upon the lapse of such period.

Section 9(a). Applicability of Open and Closed Season. The effectivity and application of all permits issued hereunder shall be subject to the following seasonal control imposed for purposes of this Order:

Open Season: June 1 – February 29 (except every 2 days before the new moon, 2 days after the new moon, 1 day during the new moon of each month);

Close Season: March 1 – May 31 (including every 2 days before the new moon, 2 days after the new moon, 1 day during the new moon of each month)

Any violation of said rules shall be considered a violation of this Order and shall be subjected to the penal sanctions hereunder.

Provided, however, that in addition to the implementation of the above-specified seasonal control periods, the following additional regulatory and

enforcement measures shall be observed and shall be complied with:

- i. Imposition by the LGUs of fees for RFF sourced within their respective municipal territory, the proceeds from which shall be utilized for municipal-based enforcement activities related to the protection of RFF species and their habitat through local coastal/marine enforcement (Bantay Dagat), in close coordination or jointly with ECAN Board Enforcement Committees;*
- ii. Creation of the local coastal/marine enforcement (Bantay Dagat), which shall form part of the ECAN Board Enforcement Committee and of the Palawan Environmental Enforcement Network (PalawEEN) being organized by the PCSD as part of the whole of government approach in order to increase integration, capacity and coordinate among stakeholders against environmental crimes;*
- iii. Organization of RFF industry traders and collectors into geographical sectors for purposes of rehabilitation and protection of the coastal environment; and,*
- iv. RFF industry stakeholders' participation and cooperation, as much as possible with the ECAN Board Enforcement Committees and with the PalawEEN.*

Section 9(b). Size Restrictions. The catching and trade of reef-fish-for-food for whatever purpose shall also be subject to the size limits as set forth in the Provincial/Municipal and City Reef-Fish-for Food Ordinance/s. Any violation of said limits shall be considered a violation of this Administrative Order.

Provided, however, that for purposes of this Order, the size of the covered reef-fish-for-food that may be caught from the wild shall be 32 centimeters or more. Provided further, that in no case shall such reef-fish-for-food exceed 47.5 centimeters. Provided finally, that these size restrictions shall not apply to tiger and green groupers, which, in turn, shall be governed by subsequent policy regulation.

Section 10. Catch-Ceiling Limitations and Overfished Areas. The declaration of areas by concerned LGUs as overfished and the imposition of catch-ceiling in certain areas by the Provincial/Municipal/City government shall be made an integral part of the conditions of the permits issued under this Administrative Order. Any act in violation of these regulatory measures shall also be considered a violation of this Order.

Section 11. Establishment of additional Marine Protected Areas and Designation of Sanctuary. In order to further ensure the sustainability of reef-fish-for-food industry in Palawan, the PCSD Staff and its partner agencies/entities shall coordinate with and assist the local government units in establishing, through municipal ordinance, 30% of their municipal waters as Marine Protected Areas. Provided, that provisions pertaining to management plan, management board with enforcement and IEC teams, ecosystem rehabilitation, livelihood, and corresponding budget for implementation shall be specified in the ordinance establishing MPAs.

Provided, further, that 10% of the established MPAs under the preceding paragraph shall be designated as sanctuary and be categorized as core zones. For this purpose, the concerned PCSD Staff shall update the ECAN Map and integrate this requirement.

Provided further, that half of the 30% declared as MPAs under the preceding section shall be categorized as core zones. For this purpose, the concerned PCSD Staff shall update the ECAN Map and integrate this requirement.

CHAPTER III MONITORING MECHANISM

Section 12. Monitoring Team. A multi-partite monitoring team shall be organized by the PCSD Staff through a Memorandum of Agreement in each municipality. The Team shall be responsible in the conduct of monitoring activities pertaining to the implementation of this Administrative Order. It shall be composed, among others, of the following:

- a) MFARMC, which shall be primarily responsible for the registration of RFF catchers;
- b) Municipal/City Bantay Dagat, which shall be primarily responsible for the conduct of quality assessment of all catches prior to selling to an authorized trader;
- c) Municipal/City Agricultural Office, which shall also be primarily responsible for the conduct of quality assessment;
- d) Municipal/City Licensing Office, which shall be primarily responsible for the issuance of auxiliary invoice;
- e) PCSDS District Management Office (DMO), which shall be

primarily responsible in ensuring that all catchers and traders of RFF are holders of Wildlife Collector's Permit and Wildlife Special Use Permit, respectively. It shall also ensure that all shipments of RFF are with Local Transport Permit or Non-CITES Export Permit as the case may be;

- f) PCSDS Wildlife Traffic Monitoring Units, which shall be responsible in inspecting and verifying shipments of RFF in air and sea ports;
- g) Municipal/City Police Offices, Coast Guard (if present) and Bantay Palawan, which shall be responsible in monitoring and apprehending violators of this Administrative Order; and,
- h) Other agencies/offices as hereinafter may be deemed necessary by the Monitoring Team.

The Monitoring Team shall meet at least once every month to ensure that the provisions of this Administrative Order are properly implemented. The meeting shall be facilitated by PCSDS District Management Office concerned.

Section 13. Conduct of Inspection. All permits issued by the PCSD in accordance with and pursuant to the provisions of this Order shall include an express and written undertaking on the part of the CATCHER, TRADER, BREEDER or SHIPPER that the latter assents to the conduct of periodic inspection, by duly authorized representatives of the PCSD or of the Monitoring Team as herein created, of his conveyances, equipment, storage facilities and breeding establishment, whichever is applicable, for compliance with the mandatory provisions hereof as well as RA 7611 and other laws, rules, regulations, ordinances, and similar legislations, governing the catching, trading or other activities involving reef-fish-for-food within the Province of Palawan.

The foregoing inspection and visitorial powers of the PCSD shall be exercised by the latter upon reasonable hours of the day or night, with or without prior notice to the permittee involved.

Section 14. Submission of Monitoring Tools. In the conduct of the monthly meeting of the Monitoring Team as provided in the immediately preceding section, the PCSDS DMO concerned shall ensure that the following documents have been submitted by the concerned member of the Monitoring Team:

- a) Updated list of registered catchers in each barangay;

b) Summarized list with the necessary details of all issued auxiliary invoices for the month; and,

c) Any other documents issued or maintained by the municipality/city or barangay indicating the catch, trade or transport of RFF in their respective areas.

The concerned DMO shall then submit the above-enumerated documents to the PCSDS main office. The latter, through the Monitoring Section of the ECAN Regulation and Enforcement Division, shall, in turn, conduct an analysis of these documents in relation to the terms and conditions of the WCP, WSUP, WFP, LTP and Non-CITES Export Permit. Any violation of the terms and conditions shall be subjected to the filing of the appropriate administrative or criminal complaint.

Section 15. Reportorial Requirements. The PCSDS-DMO concerned shall be responsible in the submission of the monthly report on activities conducted by the Monitoring Team together with recommendations for better implementation of this Order, if any. Such report shall be submitted to the PCSDS Executive Director every first week of the month following the covered period.

CHAPTER IV PROHIBITIONS AND PENALTIES

Section 16. Prohibitions.

16.1. No person shall engage in catching, trading, culture, transport and export of reef-fish-for-food without the prescribed permit from the PCSDS.

16.2. Except for caging of hatchery-bred species, no person shall engage in the caging of suno below 32 centimeters.

16.3. No person shall engage in catching, "trading", transport and export of reef-fish-for-food (RFF) species, including wild-caught suno, during close season. This prohibition on catching, "trading" transport and export shall also apply to RFF species from cages. Provided that the prohibition under this subsection shall not apply to hatchery-bred species from facilities with corresponding PCSD Wildlife Farm Permit;

In addition, no person shall construct and maintain cages in municipal waters without Water Lease Agreement from the

appropriate municipal government

16.4. No person shall engage in catching, trade, transport and export of reef-fish-for-food in violation of the size limit imposed under this Order or as provided for under the provincial/municipal/city ordinance. Provided that, the prohibition under this subsection on trade, transport and export shall not apply to hatchery-bred species.

16.5. Holders of PCSD permit for reef-fish-for-food are prohibited from transacting reef-fish-for-food business involving the use of noxious substances such as cyanide and its derivatives/forms. Provided, that any such holder who is found to be in possession of the same is presumed to be in violation of this section.

16.6. Holders of PCSD permit for reef-fish-for-food are prohibited from transacting reef-fish-for-food business with unauthorized person(s), natural or juridical. If any of the parties in a transaction is unauthorized, all parties shall be considered as transacting without proper permit from the PCSD with respect to such transaction.

16.7. Holders of PCSD permit for reef-fish-for-food are prohibited to let other person(s), natural or juridical, use their permit for purposes of engaging in any of the reef-fish-for-food operations.

The permits issued hereunder are not transferable. Holders of PCSD permit shall be considered in connivance with the persons who use their permit. As such, all parties, with respect to the transaction, which constitutes the commission of this prohibition, shall be considered as transacting without the proper permit from the PCSD.

Where in the course of transacting reef-fish-for-food business, any permit issued under this Order is found in the possession of an unauthorized person involved in the transaction who does not appear to be acting in behalf or as agent of the real holder, it is presumed that the person whose name appears in the permit allowed other person/s to use the same in violation of this Order.

16.8. Holders of PCSD permit for reef-fish-for-food should not fail to comply with the terms of the Letter of Commitment submitted to the PCSD and to the terms and conditions stated in their respective permits.

16.9. Holders of PCSD permit for reef-fish-for-food, or any of their officers, employees, agents or other persons acting on its behalf, are prohibited from performing any act which will hinder/prevent the conduct of the periodic inspections by the PCSD. Provided, that it shall be a violation of this section when such Holder, or any of his

authorized representative, hinders, prevents or obstructs any PCSD Staff, law enforcement officers or other authorized person in the performance of their duty under this Order.

16.10. Holders of PCSD permit for reef-fish-for-food are prohibited from committing any act of underreporting and/or misrepresentation in relation to the required quarterly report and other documents required for the issuance of permits issued under this Order.

16.11. Holders of PCSD permit for reef-fish-for-food are prohibited from committing any act of underreporting, misrepresentation and/or tampering of entries in their applications and reports.

16.12. Pursuant, and subject to the Provincial/Municipal Ordinance banning the use of compressors for fishing activities, no person shall use compressor/s in catching RFF speceis;

16.13. No person shall purchase/buy RFF speceis caught through the use of cyanide or other illegal means.

Section 17. Penalties.

17.1. Prosecution and Cancellation of Permit. Any person who commits the prohibitions under Sections 16.1 to 16.7 shall be prosecuted under Republic Act No. 9147. Also, any holder of PCSD permit who commits the prohibitions under Sections 16.5 to 16.11 shall be subject to suspension or cancellation of his/her permit, as follows:

- a. Suspension of six months of their permit/s for the first offense; and,
- b. Cancellation of permit for the second offense;

17.2. Forfeiture and Closure. Conveyances used, reef-fishes-for-food caught and other objects used by any person found to be in violation of this Order shall be confiscated and forfeited in favor of the government, subject to the provisions of sections 18 and 19 of this Order. Whenever necessary, closure of any establishment/warehouse or demolition of structures for operating without the necessary PCSD permit shall also be ordered.

CHAPTER V SEIZURE, CONFISCATION AND FORFEITURE

Section 18. Summary Administrative Seizure.

18.1. Apprehension. Any person found to be in violation of this Order shall be apprehended by concerned enforcement agencies of the government. If no permit for RFF transaction is presented, the provisions of this Order on confiscation and criminal prosecution shall immediately apply.

In cases, however, that the apprehended persons are with a permit from the PCSD and there is only some irregularities in the transaction, the holder of the PCSD permit may undertake to post a bond equivalent to the value of the RFF involved as soon as possible, which bond shall be forfeited in favor of the government in case the holder is later found to have committed a violation of this Order. Upon such undertaking, the RFF subject of the apprehension shall immediately be released by the apprehending officers.

18.2. Designation of Seizure Officers. Any PCSD Officer designated as Seizure Officer takes the apprehended reef-fishes-for-food, conveyances and other articles from the apprehending officer/s and assumes possession and control of such items/products apprehended pursuant thereto. For this purpose, the PCSDS Executive Director, or any person performing his/her office in his absence, is hereby designated as Seizure Officer.

18.3. Determination of Prima Facie Case. Upon receipt from the Apprehending Officer, the authorized Seizure Officer shall receive the delivered items stating the date, place and time, name of Apprehending Officer and an itemized list of the delivery.

The Seizure Officer shall verify the existence of a prima facie case against the offender by examining all the documents submitted to him by the Apprehending Officer.

In verifying the existence of a prima facie case against the offender, the appropriate Seizure Officer shall personally examine the apprehending officer and any witnesses appearing before him in order to satisfy himself that an offense has been committed, that the evidence attests and indicates that the offender is probably liable hereof, and that the items/products delivered to him are the proceeds of the violation.

Should a prima facie case against the offender be thus found, the Seizure Officer shall immediately declare the fact by issuing a

Seizure Order for the apprehended item(s).

In cases where there are reef-fishes-for-food apprehended, the determination of prima facie case by the Seizure Officer and the corresponding issuance of a Seizure Order or Release Order, as the case may be, shall be conducted during the same day of apprehension and within the closest reasonable hour from the actual time such Seizure Officer assumes control of the apprehended items.

18.4. Where Seizure Order is issued. Where a Seizure Order is issued pursuant thereto against a Catcher, the subject reef-fishes-for-food shall immediately be turned over by the Seizure Officer to BFAR-Palawan for the purpose of immediate release back into the wild and the articles used shall be declared under the custody of the PCSD. Any respondent-catcher or trader, however, may prevent such release into the wild by immediately posting a temporary bond before the PCSDS through the Seizure Officer, in which case, the respondent may regain the possession and control of the fishes, conveyances and articles, as the case may be, and continue his business deal involving the same. The Seizure Officer shall create a system for temporary safe-keeping of the bond. The amount of the bond shall be equivalent to the market value of the seized reef-fishes.

18.5. Where Release Order is issued. Where a Release Order is issued, the subject reef-fishes-for-food and the conveyances and articles shall immediately be ordered returned to the respondent. Such release order shall be without prejudice to the administrative/criminal case filed or to be filed by the apprehending officers.

Section 19. Summary Administrative Confiscation. The apprehending Officers may immediately file the administrative complaint even before or after the assumption of control by the Seizure Officer, as discussed above, the determination of a prima facie case by the latter being merely for purposes of issuance of Seizure Order. Such complaint shall proceed in accordance with the Rules under PCSD Resolution No. 03-207.

When the pieces of evidence are not substantial enough to sustain an administrative decision against the respondent, a ruling shall be issued dismissing the case, with order that the seized items and/or temporary bond posted, if any, pursuant to the above section be immediately returned.

However, when the evidence so warrants, a ruling shall be issued declaring the seized items to be confiscated in favor of the Government, without prejudice

to the imposition of fines against respondents who shall be found to be liable under this Order. On top of such fines, the temporary bond posted, if any, shall be forfeited in favor of the government, at the discretion of the PAB, in case respondent, after administrative proceedings, is found to be liable under this Order. In the absence of any appeal and the decision final and executory, the confiscated items and bond shall become permanent property of the Government, which shall be disposed of in accordance with law.

FINAL PROVISIONS

Section 20. Renewal. All applications for renewal of any permit issued under this Order must be filed at least thirty (30) calendar days before the expiration of the permit sought to be renewed and must be submitted together with the following requirements:

- a. Duly accomplished Application Form;
- b. Original copy of the Permit sought to be renewed;
- c. Document showing that applicants have not been found to have committed violations of this Order more than twice;
- d. Renewal Fee.

Failure to submit reports as required in every permit issued under this Order shall be a ground for the denial of the application until and after such reports have been submitted.

Section 21. Transitory provision. All renewals and new applications, which shall already be subject to the provisions of this Order as amended, shall be processed on the month following the effectivity of this Order as amended.

For this purpose, all holders of subsisting accreditation may elect to either continue exercise the rights and privileges granted thereunder until the expiration of their accreditation or convert their accreditation to the appropriate permit hereunder within the period mentioned above and be subjected to the amendatory provisions of this Order and waive the privileges under the unexpired period of their previous accreditation.

All owners and/or operators of fish cages, except those with approved hatcheries and only for hatchery-bred fishes, shall be allowed to dispose of their remaining fishes in their cages, but in no case to be beyond two (2) year from the effectivity of this Order.

Section 22. Repealing Clause. The provisions of PCSD Administrative Order

No. 05 and other PCSD rules which are inconsistent with this Order are hereby repealed. All applicable provisions of PCSD Administrative No. 12 which are not provided under this Order, and insofar as applicable to reef-fish-for-food, shall continue to apply.

Section 23. Effectivity. These amendments shall take effect fifteen (15) days after their publication in a newspaper of general circulation. Copies of the same shall likewise be deposited at the Office of National Administrative Register at the UP Law Center, Diliman, Quezon City.

So Ordered.



JOSE CH. ALVAREZ
Chairman, PCSD

**Excerpts from the Minutes of the 300th PCSD Regular Meeting PCSDS
Conference Room, 3/F PCSD Building, Sports Complex Road Sta. Monica,
Puerto Princesa City**

March 30, 2023

Present:

- | | |
|---|------------|
| 1. Gov. Victorino Dennis M. Socrates, Provincial Governor | Chair |
| 2. Hon. Ferdinand P. Zaballa, President, Liga ng mga Barangay | Vice Chair |
| 3. Niño Rey C. Estoya, MNSA, Acting Executive Director, PCSDS | Secretary |
| 4. Mr. Jeffrey A. Armedilla, Private Sector Representative | Member |
| 5. Ms. Marvi Rebueno-Trudeau, NGO Representative | Member |
| 6. Atty. Jansen I. Jontila, NCIP Representative | Member |

Represented:

- | | |
|--|--------|
| 7. Usec. Carlos Bernardo O. Abad-Santos, NEDA
Represented by RD Agustin C. Mendoza | Member |
| 8. VADM Alberto B. Carlos, Commander, WESCOM
Represented by LTC Isagani B. Nato | Member |
| 9. Mayor Lucilo R. Bayron, Puerto Princesa City
Represented by Atty. Carlo B. Gomez | Member |

Absent:

- | | |
|---|--------|
| 10. Mayor Amy R. Alvarez, President, League of Municipalities | Member |
|---|--------|

PCSD RESOLUTION NO. 23-898

**“SUSPENDING THE CLOSED SEASON UNDER PCSD
ADMINISTRATIVE ORDER NO. 05, AS AMENDED**

WHEREAS, Republic Act (RA) No. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan, took effect on 19 June 1992 and Section 16 of said Act provides the the governance, implementation, and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD);

WHEREAS, as a policy, Section 2 of RA No. 7611 provides that the State shall protect, develop and conserve its natural resources and shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment, and at the same time pursue the socio-economic development goals of the country;

WHEREAS, as a primary feature, the SEP shall consider ecological

viability and ensure that the physical and biological cycles that maintain the productivity of natural ecosystems must always be kept intact;

WHEREAS, RA No. 9147 otherwise known as “Wildlife Resource Conservation and Protection and Act” was enacted on July 30, 2001 and declared the State policy to conserve the country’s wildlife resources and their habitats for sustainability;

WHEREAS, Section 4 of RA No. 9147 mandate the Palawan Council for Sustainable Development to exercise jurisdiction in the Province of Palawan as implementing agency over the terrestrial and aquatic wildlife species in the province, pursuant to Republic Act No. 7611;

WHEREAS, Section 18 of the same law provides for the establishment of a list of economically important species, wherein a population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated;

WHEREAS, the above provision further provides that the collection of certain species shall only be allowed when the results of the assessment show that, despite certain collection, the population of such species can still remain viable and capable of recovering its numbers through the establishment of a schedule and volume of allowable harvest. Whenever the economically important species become threatened, any form of collection shall be prohibited except for scientific, educational, or breeding/propagation purposes;

WHEREAS, on October 28, 2014, PCSD Resolution NO. 14-508, “Approving the Revised Guidelines for the Regulation and Monitoring of the Catching, Trading, Culturing, Transporting and Exporting of Reef-fish-for-Food in the Province of Palawan, further Amending PCSD Administrative Order No. 05,” was passed;

WHEREAS, pursuant to PCSD Administrative Order No. 5, as amended, a closed season is implemented on March 1 to May 31 of every year;

WHEREAS, during the 300th PCSD regular meeting on March 30, 2023, a copy of Sangguniang Panlalawigan Resolution No. 17720, “Requesting the PCSD to Revisit Its Policy on Open and Closed Season through Immediate Consultation with Concerned Fisherfolks, Catchers, Traders and Stakeholders in the Province,” was presented to the Council;

WHEREAS, prior to the said meeting, several other requests from reef

fish for food (RFF) traders' associations were also received and deliberated on by the Council;

WHEREAS, on March 10, 2023, by referral of the Council, the Environment and Natural Resources Committee (ENRC) and Legal and Inter-Governmental Affairs Committee (ENRC) and Legal and Inter-Governmental Affairs Committee (LIAC) held a joint meeting to discuss the merits of a possible suspension of the closed season on March 1 to May 31, 2023;

WHEREAS, the PCSD Staff, through Acting Executive Director Niño Rey C. Estoya, MNSA, CESE, has expressed its opinion to the Council with recommendation to deny the request to suspend the closed season to allow for its continuous implementation for a period of at least three years, which is essential to conduct a reliable impact study;

WHEREAS, during the 300th PCSD regular meeting, Board Member Ferdinand Zaballa, President of the Liga ng mga Barangay, pointed out the following:

1. During the implementation of the closed season under PCSD AO No. 05, which affects fisherfolks and traders in the Province of Palawan, the enforcement and implementation are evaded by fishers and traders from other provinces and even those from other countries;
2. There is no updated impact study since the initial implementation of the closed season; and
3. There is a lack of alternative livelihood for fisherfolks while closed season is being implemented.

WHEREAS, the PCSD Staff, admits that due to limitations in budget, manpower and logistics, law enforcement agencies throughout the country are indeed experiencing problems in maritime law enforcement operations;

WHEREAS, the PCSD Staff, however, explained that due to the suspensions in the implementation of the closed season in the previous years to accommodate the requests from the RFF traders, a reliable impact study cannot be conducted;

WHEREAS, Ms. Marvi Rebueno-Trudeau, Non-Government Organization (NGO) representative, suggested that a limited implementation

of the closed season on sample sites be explored and be utilized as basis for an impact study;

WHEREAS, LTC Isagani G. Nato PA, representative of the WESCOM Commander, emphasized that the livelihood of the affected stakeholders must be considered, despite the strict enforcement of laws and regulations, and suggested that the community be organized to ensure that even during the implementation of the closed season the affected sectors will be able to cope and have alternative sources of income;

WHEREAS, the PCSDS Acting Executive Director informed the Council that the involvement of the RFF traders and fisherfolks are being considered in organizing the Palawan Environmental Enforcement Network (PALAWEEN);

WHEREAS, in consideration of the foregoing justifications, the Council is compelled to grant the request to suspend the closed season (March 1 to May 31 of every year), but continue the implementation of the lunar closed season (every 2 days before new moon, 2 days after new moon and 1 day during new moon of each month);

WHEREAS, the PCSD Staff, despite a differing opinion, submits to the wisdom of the Council and adheres to the latter's decision on the request to suspend the implementation of the closed season;

NOW THEREFORE, upon motion duly seconded, the COUNCIL RESOLVES, as it is hereby RESOLVED, to suspend the closed season (March 1 to May 31 of every year) under PCSD Administrative Order No. 05, as amended, effective March 30, 2023, except the lunar closed season (every 2 days before new moon, 2 days after new moon and 1 day during new moon of each month).

RESOLVED FURTHER, that the PCSD Staff is directed to revisit the policies on reef fish for food with the involvement of national enforcement agencies, the Provincial Government of Palawan, and other stakeholders, especially the fisherfolks, and make an inventory of all involved stakeholders;

RESOLVED FINALLY, that copies of this resolution shall be furnished to the Local Government Units in the Province of Palawan and other concerned agencies and parties for information and guidance.

APPROVED AND ADOPTED this 30th day of March 2023 at Puerto Princesa City.

I hereby certify that the above-quoted has been duly adopted and

approved by the PCSD during its regular meeting held on the 30th day of March 2023 at Puerto Princesa City, Palawan.



Niño Rey C. Estoya, MNSA, CESE
Secretary

Attested By:



V. Dennis M. Socrates
Chair

**Excerpts from the Minutes of the 302nd PCSD Regular Meeting
PCSDS Conference Room, 3/F PCSD Building, Sports Complex Road
Sta. Monica, Puerto Princesa City
May 25, 2023**

Present:

- | | |
|---|------------|
| 1. Gov. Victorino Dennis M. Socrates, Provincial Governor | Chair |
| 2. Hon. Ferdinand P. Zaballa, President, Liga ng mga Barangay | Vice Chair |
| 3. Niño Rey C. Estoya, MNSA, Acting Executive Director, PCSDS | Secretary |
| 4. Ms. Marvi Rebueno- Trudeau, NGO Representative | Member |
| 5. Atty. Jansen I. Jontila, NCIP Representative | Member |
| 6. Usec. Carlos Bernardo O. Abad-Santos, NEDA | Member |
| 7. Mayor Amy R. Alvarez, President, League of Municipalities | Member |
| 8. VADM Alberto B Carlos, Commander, WESCOM | Member |

Absent:

- | | |
|--|--------|
| 9. Mr. Jeffrey A. Armedilla, Private Sector Representative | Member |
| 10. Mayor Lucilo R. Bayron, Puerto Princesa City | Member |

PCSD RESOLUTION NO. 23-912

“RATIFYING PPCSD RESOLUTION NO. 23-016 TO APPROVE THE REQUEST FOR THE EXCLUSION OF PUERTO PRINCESA CITY FROM THE SUSPENSION OF THE CLOSED SEASON UNDER PCSD ADMINISTRATIVE ORDER NO. 05, AS AMENDED”

WHEREAS, Republic Act (RA) No. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan, took effect on 19 June 1992 and Section 16 of said Act provides that the governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD);

WHEREAS, as a policy, Section 2 of RA No. 7611 provides that the State shall protect, develop and conserve its natural resources and shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment, and at the same time pursue the socio-economic development goals of the country;

WHEREAS, as a primary feature, the SEP shall consider ecological viability and ensure that the physical and biological cycles that maintain the productivity of natural ecosystems must always be kept intact;

WHEREAS, RA No. 9147 otherwise known as “Wildlife Resource Conservation and Protection and Act” was enacted on July 30, 2001 and declared the State policy to conserve the country’s wildlife resources and their habitats for sustainability;

WHEREAS, Section 4 of RA No. 9147 mandates the Palawan Council for Sustainable Development to exercise jurisdiction in the Province of Palawan as implementing agency over the terrestrial and aquatic wildlife species in the province, pursuant to Republic Act No. 7611;

WHEREAS, Section 18 of the same law provides for the establishment of a list of economically important species, wherein a population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated;

WHEREAS, the above provision further provides that the collection of certain species shall only be allowed when the results of the assessment show that, despite certain collection, the population of such species can still remain viable and capable of recovering its numbers through the establishment of a schedule and volume of allowable harvest. Whenever the economically important species become threatened, any form of collection shall be prohibited except for scientific, educational or breeding/propagation purposes;

WHEREAS, on October 28, 2014, PCSD Resolution No. 14-508, “Approving the Revised Guidelines for the Regulation and Monitoring of the Catching, Trading, Culturing, Transporting and Exporting of Reef-fish-for-Food in the Province of Palawan, further Amending PCSD Administrative Order No. 05,” was passed;

WHEREAS, pursuant to PCSD Administrative Order No. 5, as amended, a closed season is implemented on March 1 to May 31 of every year;

WHEREAS, during the 300th PCSD regular meeting on March 30, 2023, the PCSD deliberated on the suspension of the closed season upon presentation of a copy of Sangguniang Panlalawigan Resolution No. 17720, “Requesting the PCSD to Revisit Its Policy on Open and Closed Season through Immediate Consultation with Concerned Fisherfolks, Catchers, Traders and Stakeholders in the Province;”

WHEREAS, prior to the said meeting, several other requests from reef fish for food (RFF) traders’ associations were also received and referred by PCSD to the joint Environment and Natural Resources Committee (ENRC) and

Legal and Inter-Governmental Affairs Committee (LIAC);

WHEREAS, during the 300th PCSD regular meeting, the Council issued PCSD Resolution No. 23-898, "Suspending the Closed Season under PCSD Administrative Order No. 05, as Amended;"

WHEREAS, the PCSD Staff informed the PPCSD of the resolution of the PCSD to suspend the closed season under PCSD Administrative Order No. 05 every March 1 to May 31 of each year;

WHEREAS, PPCSD Member Atty. Carlo Gomez, representing the City Environment and Natural Resources Office, raised concerns about the suspension of the closed season and manifested that the environment and nature might have been neglected in the decision, as such suggested the exemption of Puerto Princesa City from the application of PCSD Resolution No. 23-898;

WHEREAS, Atty. Carlo Gomez also suggested that the concerns about the effects of the implementation of the closed season be referred to the Sangguniang Panlungsod, which will have one year to disseminate the information to the affected communities and to come up with alternative livelihood options through the City Agriculture Office;

WHEREAS, Atty. Carlo Gomez further manifested that the implementation of the closed season is an important factor for sustainability to ensure at least a three-month period by which the aquatic species and resources could recuperate from the effects of fishing;

WHEREAS, the PCSDS Acting Executive Director Niño Rey C. Estoya, MNSA, CESE informed the PPCSD that the next PCSD meeting will be held on May 25, 2023 and the request for exclusion of Puerto Princesa City from the suspension of the closed season may only be acted upon by that date, leaving only 5 days for implementation;

WHEREAS, PPCSD Member Rainer Manalo, M.SC., representing the non-government organizations, manifested his agreement to Atty. Carlo Gomez but suggested that the proposed exclusion of Puerto Princesa City from the suspension of the closed season be implemented starting the year 2024, considering the information offered by the PCSDS Acting Executive Director;

WHEREAS, the PPCSD resolved to submit a request to the PCSD for the exclusion of Puerto Princesa City from the suspension of the closed season

every March 1 to May 31 of each year starting the year 2024;

WHEREAS, the request of the PPCSD for the exclusion of Puerto Princesa City from the suspension of the closed season every March 1 to May 31 of each year starting the year 2024 was presented during the 302nd regular PCSD meeting;

NOW THEREFORE, upon motion duly seconded, this COUNCIL RESOLVES, as it is hereby RESOLVED, to ratify PPCSD Resolution No. 23-016 and approve the request from the Puerto Princesa Council for Sustainable Development for the exclusion of Puerto Princesa City from the application of PCSD Resolution No. 23-898 that suspended the implementation of the closed season every March 1 to May 31 of each year under PCSD Administrative Order No. 05, as amended.

RESOLVED FINALLY, that copies of this resolution shall be furnished to the Puerto Princesa Council for Sustainable Development and other concerned offices and agencies for information.


APPROVED AND ADOPTED this 25th day of May 2023 at Puerto Princesa City.

I hereby certify that the above-quoted resolution has been duly adopted and approved by the PCSD during its regular meeting held on the 25th day of May 2023 at Puerto Princesa City, Palawan.



NIÑO REY C. ESTOYA, MNSA, CESE
Secretary

ATTESTED BY:



V. DENNIS M. SOCRATES
Chair

PCSD RESOLUTION NO. 24-984

“ADOPTING THE GUIDELINES ON THE ISSUANCE OF A NOTICE OF VIOLATION WITH DEMAND TO PAY (NOV) UNDER ALL PCSD ADMINISTRATIVE ORDERS”

WHEREAS, Republic Act (R.A.) No. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan Act, created the Palawan Council for Sustainable Development (PCSD/Council), which shall exercise the governance, implementation and policy direction of the SEP;

WHEREAS, Section 19 of the same law empowers the Council to formulate plans and policies as may be necessary to carry out the provisions of the SEP for Palawan Act; adopt, amend and rescind such rules and regulations and impose penalties therefor for the effective implementation of the SEP; and enforce the provisions of the said Act and other existing similar or complementary laws, rules and regulations;

WHEREAS, pursuant to the rule-making powers granted under various special laws that mandate the PCSD to be the primary executing/implementing agency thereof, the Council has adopted the appropriate Administrative Orders for their implementation in the province of Palawan, such as but not limited to PCSD Administrative Order No. 06 for the SEP Clearance System under R.A. No. 7611, PCSD Admin. Order No. 12 and PCSD Admin. Order No. 05 for R.A. No. 9147 (Wildlife Act), PCSD Admin. Order No. 08 for R.A. No. 9072 (Caves Act), and PCSD Admin. Order No. 07 for R.A. No. 9175 (Chainsaw Act), among others;

WHEREAS, such Administrative Orders provide for prohibitive acts and the corresponding penalties and fines for their violation;

WHEREAS, to enforce the provisions of its administrative orders, determine the administrative liability of respondents, and ultimately further the ends of justice, the Council created the PCSD Adjudication Board (PAB), to which the Council delegated its quasi-judicial powers to adjudicate contested cases covered by its existing rules and regulations;

WHEREAS, during the 303 PCSD Regular Meeting held on June 29, 2023, the Council adopted the Revised PCSD Administrative Order No. 06, Series of 2023, in which under Section 29 thereof, a procedure was established allowing the issuance of a Notice of Violation with Demand to Pay to any proponent who was found to be in violation of that Order prior to the filing of an administrative case;

WHEREAS, in consideration of public interest, to encourage amicable settlement, and to avoid administrative proceedings altogether, it was proposed to adopt a system for the issuance of a Notice of Violation with Demand to Pay (NOV) under all PCSD Administrative Orders, such that any violator of any of those Orders may be issued with an NOV prior to the filing of an administrative case before the PAB;

NOW, THEREFORE, upon deliberation, the Council RESOLVES, as it is hereby RESOLVED, to adopt the following guidelines on the issuance of a Notice of Violation with Demand to Pay under all present and future PCSD Administrative Orders:

Section 1, Coverage. The procedure herein provided shall be applicable to violations of Administrative Orders duly adopted by the Palawan Council for Sustainable Development (PCSD/Council), such as but not limited to the following:

- a. Joint DENR-DA-PCSD Administrative Order No. 01 (R.A. No. 9147);
- b. PCSD Administrative Order No. 12, as amended (R.A. No. 9147);
- c. PCSD Administrative Order No. 05, as amended (Reef-fish-for-food under R.A. No. 9147);
- d. PCSD Administrative Order No. 06, as amended (SEP Clearance System under R.A. No. 7611);
- e. PCSD Administrative Order No. 07, as amended (R.A. No. 9175);
- f. PCSD Administrative Order No. 08, as amended (R.A. No. 9072);
- g. PCSD Administrative Order No. 11, as amended; and
- h. Any other Administrative Order that the Council may adopt or determine, subject to the rules on publication.

The application of these guidelines is without prejudice to the filing of criminal or civil cases under applicable laws.

Section 2. Persons who may be issued with a Notice of Violation. Only first-time offenders may be issued with a Notice of Violation with Demand to Pay (Notice/NOV) under these guidelines. For those who are not first-time offenders, the corresponding administrative case shall be filed before the PCSD Adjudication Board (PAB) by the PCSDS.

Section 3. Procedure. When any PCSD employee finds or discovers any violation or suspected violation of any PCSD Administrative Order, the following procedure shall be followed:

1. Report the violation or suspected violation as soon as possible to the concerned PCSDS division or staff.
2. The concerned staff shall investigate further on the details of the violation, and thereafter prepare a *Monitoring Report*, or any other equivalent

document, stating the findings of their investigation, the specific violations committed under the applicable Administrative Order/s, and the recommended penalties for the violations. Other relevant documents may also be attached to the Monitoring Report.

3. The concerned staff shall forward the Monitoring Report to the PCSDS Executive Director, together with a draft Notice of Violation with Demand to Pay (Notice/NOV), a draft Waiver of Participation to Adjudication Proceedings (Waiver) as provided under Section 4 hereof, and other relevant documents, if there are any. The said Notice shall state the relevant findings of the concerned staff, the specific violations committed, the recommended penalties with their breakdown, the explicit demand to pay the assessed penalties within thirty (30) days from receipt of the Notice, and the violator's option to execute a Waiver of Participation to Adjudication Proceedings and send it to PCSDS. It shall also state that the violator may offer a different period or scheme for settlement of the penalties, provided that such offer is to be made within the original 30-day period from receipt. In addition, it shall further state that the violator may submit his/her written protest and other supporting documents within fifteen (15) days from receipt of the Notice.
4. The Executive Director shall review the documents submitted by the concerned staff. If found to be in order, the Executive Director or his/her authorized representative shall issue the Notice, with the draft Waiver attached thereto.
5. If the alleged violator has a pending application for a permit or clearance from the PCSD/S related to the violation/s, the application shall be denied without prejudice to re-filing. The permit/clearance being applied by the alleged violator shall not be issued until complete payment of the assessed penalties and submission of the Waiver, unless he/she has been found to be not administratively liable for the alleged violation.
6. If the violator chooses to pay the assessed penalty, he/she must also submit the duly accomplished and notarized Waiver. In case the violator offers a different period or scheme for settlement of the penalties within the 30-day period and the offer was accepted by the PCSDS, the violator shall likewise submit the duly accomplished and notarized Waiver immediately upon being informed of PCSD's acceptance of his/her offer.
7. In case the violator has no pending application for the required permit or clearance related to the violation/s, the PCSDS may issue an Order upon complete payment of the assessed penalties and submission of the Waiver, requiring the violator to apply for and secure the necessary permit or clearance from PCSD within ninety (90) days from receipt of the Order.

8. The violator may file his/her written protest within fifteen (15) days from the receipt of the Notice, together with other supporting documents, if there are any. Upon receipt of the written protest, the PCSDS shall review and determine if there was indeed no violation. In case it has been found that the alleged violator did not commit any violation, the PCSDS shall inform him/her in writing and retract the assessment of fine/s and demand to pay. However, if the PCSDS finds his/her defenses to be insufficient to overturn the finding that he/she committed the violation, the PCSDS may immediately proceed to file the appropriate administrative case before the PCSD Adjudication Board (PAB), without waiting for the lapse of the 30-day period from receipt of the Notice. This is without prejudice to the filing of criminal or civil cases under applicable laws.
9. If the violator failed to submit a written protest within the 15-day period from receipt of Notice, and failed to pay the assessed penalty of fine within the 30-day period from receipt of Notice or the offered period of settlement that was accepted by the PCSDS, the PCSDS may immediately proceed to file the appropriate administrative case before the PAB. However, the proponent shall be allowed to avail of remedies under Alternative Dispute Resolution or Compromise Agreement, in accordance with the procedures provided by the PCSD.
10. In case the violator requested for a reduction or waiver of the penalties, even when within the 30-day period from receipt of the Notice, the appropriate administrative case shall be filed before the PAB. The requested reduction or waiver of penalties shall be decided by the PAB in accordance with the applicable rules and regulations.
11. When the appropriate administrative case has been filed before the PAB, the applicable rules of procedure of the PAB shall apply.

Section 4. Waiver of participation to the adjudication proceedings. The offender or violator shall be given the option to waive his/her right to participate in the adjudication proceedings by signing his/her absolute admission to the alleged violations and his/her conformity to the imposition of fines. The waiver shall also contain his/her absolute promise to pay the amount of penalty of fine as assessed by the PCSDS by way of liquidation.

Section 5. Preliminary Notice of Violation. Notwithstanding Section 3 hereof, the PCSDS Executive Director or his/her duly authorized representative may issue a *Preliminary Notice of Violation* prior to the issuance of a *Notice of Violation with Demand to Pay*.

Section 6. Effectivity. These guidelines shall take effect fifteen (15) days after the date of filing to the Office of the National Administrative

Register (ONAR) at the UP Law Center, Diliman, Quezon City.

RESOLVED FURTHER, that copies of this Resolution shall be furnished to the concerned offices for their information and consideration.

APPROVED AND ADOPTED on this 2nd day of May 2024 in Puerto Princesa City, Palawan.

I hereby certify that the above-quoted resolution has been duly adopted and approved by the PCSD during its regular meeting held on the 2nd day of May 2024 in Puerto Princesa City, Palawan.

(Signed)
ATTY. TEODORO JOSE S. MATTA, MNSA
Secretary

ATTESTED BY:

(Signed)
V. DENNIS M. SOCRATES
Chair



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