

# COASTAL LAWS ENFORCEMENT TOOLKIT



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# Foreword

It has been said many times over that the Philippines has enough laws, rules and regulations to protect its coastal and marine resources – the problem is their enforcement.

Coastal and maritime law enforcement is complex. It has technical, procedural, and tactical components. On the technical aspect, law enforcers will have to possess at least basic knowledge on fish biology, taxonomy and nautical concepts. On the procedural side, they are required to be adept at the rules of procedures on search, arrest, and seizure contained in the Rules of Court, and be familiar with specific departmental issuances especially those that aid in establishing evidentiary facts. The tactical aspect combines both technical and the procedural components as they are applied in the field. It is in this last aspect that we at Oceana thought of developing this document called a tool kit.

In our years of interaction with law enforcement agents, we learned that despite the challenges in manpower, equipment and budget there are successes that escape our body of literature on the subject. These successes are often derived from the enforcers' years of field experience, experimentation, hard work and a bit of creativity. Some of the lessons were even learned the hard way but because of persistence they were able to arrive at a working formula. Some of these tactics have already been documented and became basis for manuals of operation which we have obligingly credited in this toolkit but some of them are novel and they are contained here.

This toolkit is a result of our effort in trying to capture those actual experiences in the field and put them in one cohesive document with the hope that other enforcement agents can learn from. We offer this toolkit as their companion in the course of their career as field enforcers. It is not comprehensive. It does not replace the existing manuals of operation but the practical tips coming from enforcers themselves may prove invaluable because they are based on experience.

We thank all the individuals and organizations who selflessly shared their knowledge and experiences in this interesting field of coastal and maritime law enforcement. We dedicate this to them and to the nameless others who continue to protect our ocean despite social, political, logistical and physical challenges.



Gloria Estenzo Ramos  
Vice President





# Introduction

Consider this scenario. While patrolling the municipal waters of a coastal municipality, a team of fish wardens spotted a 10-gross tonnage (GT) fishing vessel casting its nets near a *payao* (fish aggregating device). The team leader wanted to know the proper boarding procedure to avoid a potential liability or harassment suit as the team members awaited instructions.

This Enforcement Toolkit is intended for situations such as the one described above and for those engaged in fisheries law enforcement: a local law enforcer who needs to know about the procedure for boarding a commercial fishing boat; a police support team that wants to know the evidence that needs to be gathered on site; and many others who require a simple, user-friendly guide that provides the most critical information at each stage of the enforcement continuum. This material will answer questions they often ask when in various situations in the field. While it contains sets of prescribed steps, its practical applications will vary from one condition to another. Hence, this toolkit attempts to capture those applications based on the actual experiences of law enforcers.

The overall objective of this Toolkit is to increase the capacity of fisheries law enforcers in the Philippines. This handy material is specifically intended for local enforcers' use in their law enforcement function at every stage of the enforcement sequence. It also ensures that local law enforcers fully understand their responsibilities in putting our laws into force.

A practical reference that establishes the 10 important items in every enforcement step, this toolkit underscores the detailed approach to enforcing fisheries laws. The content of this Toolkit is organized for enforcement officers based on what they need to know and what they need to do.

This handy guide empowers our hardworking enforcers and contributes to strengthening the monitoring, control, and surveillance system for fisheries law

enforcement as envisioned by the amended Fisheries Code (RA No. 8550 as amended by RA No. 10654). It is referenced on the Coastal Law Enforcement Guidebook, Mending Nets: Handbook for Prosecuting Fishery Law Violations, the Fisheries Law Enforcement Manual of Operation, the Philippine National Police Rules of Engagement, and the Rules of Procedure for Environmental Cases. More importantly, it derives lessons from the experiences of police officers, coast guard personnel, Bantay Dagat members, and environmental prosecutors.

Saving the marine environment, maintaining the integrity of evidence, protecting the rights of the accused, safeguarding the welfare of enforcers, and contributing to the enrichment of jurisprudence may require innovative ways of implementing these prescribed procedures. As the law is dynamic, and violations continue to sophisticate as society advances in technology, so are the strategies and tactics required of field enforcers. In between prescribed steps suggested in this document awaits a vast opportunity for enforcers to be creative while being faithful to the basic tenets of the law.

This Toolkit is a living document. Although, new law or rules may amend or revise some of the subjects here, the strategies to be employed may remain the same. There is no hard and fast rule to everything. Infractions of laws vary in intensity and frequency, and enforcers react based on social, cultural, political, and tactical contexts. Though not all approaches that may work in specific situations are captured in this document, the guideposts and the steps suggested here are based on the current laws and rules and regulations.

It is hoped that this Toolkit becomes a coastal law enforcer's companion in the field, something to rely on as a quick guide that will make enforcement of otherwise technical concepts in our laws and regulations much easier to do and more meaningful.

# Part 1

## Initiating Enforcement



### I. Delineating Municipal Waters (For Local Chief Executive)

1. Request for a copy of the preliminary delineation map (PDM) and preliminary technical description (PTD) of the subject municipal water from the National Mapping and Resource Information Authority (NAMRIA).
2. Conduct a field validation of the PDM and PTD by examining the coastal terminal points (CTPs) or natural boundary locations and islands, if any, and then encoding the coordinates to the Global Positioning System (GPS) and locating them in the field. Seek NAMRIA's support if the budget allows.
3. Report in writing to the NAMRIA whether the above information on the subject municipal water is accurate or inaccurate.



*NAMRIA is responsible for informing the affected municipality about common boundary issues that may arise from the field validation.*



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NAMRIA officer facilitating the field validation between the municipality of Busuanga and Coron, Palawan during a delineation/delimitation of municipal waters exercise. Representatives of both LGUs jointly agree on a common coastal terminal point from which the lateral boundary is drawn.



4. If a common boundary issue with a neighboring local government unit (LGU) arises, then seek the support of NAMRIA, the provincial government, the Bureau of Fisheries and Aquatic Resources (BFAR) regional office, or any acceptable third-party arbiter.

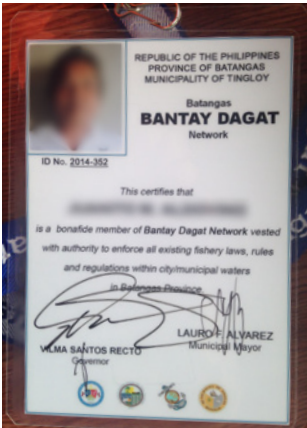


*NAMRIA is responsible for developing a new map and technical description based on the agreement of concerned LGUs.*

5. Draft a proposed ordinance declaring the subject municipal water boundary based on the final delineated map (FDM) and final technical description (FTD).
6. Calendar the proposed ordinance for public deliberation. Invite the Fisheries and Aquatic Resources Management Council (FARMC) and all stakeholders to attend and participate in the deliberation of the proposed ordinance.
7. Submit a copy of the approved ordinance to NAMRIA for computation of payment and archiving.
8. Publish the approved ordinance in a newspaper of general circulation and submit a copy of the publication to the Philippine Coast Guard, the Philippine National Police (PNP) Maritime Group, and the BFAR regional office.
9. Produce an enlarged version of the municipal water boundary and technical description and display it in visible places around the municipality.
10. Amend all ordinances, executive orders, and regulations that are inconsistent with the approved ordinance delineating the municipal water boundary.

## **II. Organizing a Municipal Fishery Enforcement Unit**

1. Issue an executive order creating a municipal fishery enforcement unit or task force citing existing fishery ordinance, Section 444 of the Local Government Code, and Section 158 of the amended Fisheries Code.
2. Define in the executive order the mandates, leadership structure, qualifications of the members and their roles, and name of the enforcement unit or task force.
3. Recruit, assemble, or convene the leaders and members of the enforcement unit or task force based on pre-established qualifications.
4. Enlist the leaders and members for training with BFAR or other training providers on fishery laws and rules and regulations and other related topics.
5. Issue necessary orders, authorization or job orders, and identification cards and uniforms to the leaders and members of the enforcement unit or task force.
6. Ensure that the local police are part of the leadership or membership of the enforcement unit or task force.



Municipal fishery enforcement units are commonly called Bantay Dagat. They are authorized by law to enforce fishery laws, rules, and regulations within their respective municipal waters. Their identification cards often serve as their proof of deputization.

7. Develop an appropriate compensation and incentive program for leaders, members, volunteers, and multipliers, (e.g., deputized fish wardens, deputized park rangers for protected areas, Bantay Dagat) of the enforcement unit or task force.
8. Develop a strategic and operational enforcement plan or a manual of operations for the enforcement unit or task force.<sup>1</sup>
9. Promote the enforcement unit or task force to the public and inform the local people of its roles and mandates.
10. Institute a transparency and accountability mechanism that includes commendation and disciplinary actions.

#### A. Developing an Operation Plan

1. Identify direct threats, indirect threats, and those that contribute to the perpetuation of the threats to municipal waters through consultations, research, and other means of gathering credible information.
2. Plot the threats on the municipal water map for purposes of visualization.
3. Rank the threats in descending order in terms of their adverse effects on the marine environment.
4. Analyze the threats by identifying the root causes.
5. Identify the stakeholders (individuals, groups, offices, and agencies) that can help develop a strategy to address the root causes.
6. Convene the stakeholders, and jointly develop a general strategy to address the threats.
7. Conduct an inventory of manpower and material assets, and identify the needs to be acquired or procured.
8. Assemble the above information into a case operation plan using the following outline: situation, mission, execution, concept of operation, tasking and roles, administration and logistics, and communication network.



**The Standard Case Operation Plan must also show the following information:**

- Name of team leader
- Names and roles of members of the group
- Target persons

<sup>1</sup> Details are available in Part IV of the **Fishery Law Enforcement Manual of Operation (FLEMO)** Standard Operating Procedures issued by BFAR.

- *Place, date, and time of operations*
- *Ground rules*
- *Appropriate responses for different scenarios*
- *Logistics required*
- *Nearest prosecutor's office for the inquest proceedings, including the name of the Prosecutor, office address, contact numbers, and information on the availability of night inquests*
- *List of nearest hospitals to where apprehended persons may be brought for medical check-up prior to detention, including the names of the hospitals, addresses, and contact numbers*
- *List of nearest charitable and penal institutions to where the confiscated fish (not auctionable) can be brought, including their names, addresses, and contact persons and numbers*
- *List of nearest detention facilities or nearest police precincts, including their names, addresses, and contact persons and numbers*
- *List of nearest accredited treaters when applicable, including the names, addresses, and contact persons and numbers*

*Refer to Form No. 1 Case Operation Plan. See Annex.*

9. Develop an appropriate title for the case operation plan that everyone can identify with and rally behind.
10. Submit the case operation plan to the chief executive or the local legislative body for funding.

## **B. Writing an Operations Plan for Specific Targets**

1. Check all available background information about the target person or vessel with the intelligence branch of any relevant agency if they are not available in the unit.
2. Classify the target person or vessel according to level of threat: high, medium, or low.
3. Prepare the Situation, Mission, Execution, Administration and Logistics, and Communication (SMEAC) template.
4. In the Situation section, write all known basic information about the target person or vessel, including reference to photographs, biodata or registry, and other information that can be annexed but mentioned in this section.
5. In the Mission section, specify the exact objective: to prevent, deter, arrest, interdict, confiscate, or a combination of courses of action. Keep the statement brief and concise.
6. Divide the Execution section into Concept of Operations and Tasking.



7. Under Concept of Operations, describe the strategy, approach, and tactic to be employed by any or all members of the enforcement unit.
8. Under Tasking, name all units and team members and describe their roles in sequential or chronological order consistent with the Concept of Operation.
9. Divide the Administration section into Logistical Requirements and Coordinating Instructions. Under Logistical Requirements, prepare a table of expenses needed to implement the Concept of Operations. Under Coordinating Instructions, describe the basic rules of engagement and agreements within the team, such as but not limited to relationship with outside forcers or units, handling and turnover of document, and the customary human rights and Miranda rights.
10. In the Communication section, mention the communication flow and the lines of decision making, a diagram of which should be provided as an annex to the Operations Plan.

### C. Forming an Inter-agency Fishery Enforcement Alliance

1. Identify all enforcement agencies present in the vicinity and invite them to a meeting.
2. Present the fishery situation, including the threats, the reasons behind the threats, the government program to address them, the gaps, the complexities, and the need for inter-agency cooperation.



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*Multiple enforcement agencies working together in tandem with local government units is an effective strategy to promote transparency and accountability in fishery law enforcement. The Philippine National Police Maritime Group, the Philippine Coast Guard, and the Philippine Navy, are natural partners and has a long history of interagency cooperation.*

3. Review the Fisheries Code and other environmental laws, and the Local Government Code in conjunction with the agencies' mandates.
4. Explain that fisheries enforcement is a continuum that starts from prevention, apprehension, prosecution, to retribution and that agencies have a role in any one or all these stages.
5. Jointly define success indicators, potential areas of collaboration to achieve these indicators, and the role of each agency, and specify them in a memorandum of understanding.
6. Undertake a public signing of the memorandum of understanding to inform the stakeholders about the initiative.
7. Establish clear leadership roles and rules of succession.
8. Develop a manual of operations or an agreed coordinating mechanism.
9. Establish a strong secretariat that will convene, document, and monitor all proceedings.
10. Celebrate successes and learn from challenges.

#### **D. Conducting Inter-agency Joint Field Operations**

1. Develop a concept of operations with a clear mission.
2. Determine the appropriate lead agency and the required support agencies and organizations.
3. Conduct an inventory of all human and material resources, such as floating assets, firepower, and communication equipment of the lead and support agencies and organizations.
4. Develop a detailed operations plan (OPLAN) with clear tasking, organizational structure, and budget.
5. Ensure that the communications plan (COMPLAN) and intelligence plan (INTELPLAN) are coherent with the mission.
6. Establish a common command center or coordinating office.
7. Observe the rules of engagement strictly, and uphold human rights before, during, and after field operations.
8. Conduct a debriefing or assessment and disseminate a post-operations report to all heads of participating agencies with remarks on matters that worked and did not work.
9. Commend all participating agencies or individuals who participated in the inter-agency joint operations.
10. Document in text and photographs all stages of the field operations. The team takes a group photo, establishing the date of the operation in the photo, i.e., newspaper issued that day or any credible material of similar nature.<sup>2</sup>

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<sup>2</sup> FLEMO, Part IV-B Pre-Operation, #5, page 90

### III. Establishing a Fishery Law Enforcement Road Checkpoint

#### A. Planning the Checkpoint

1. Determine the transport route of fishery and marine species suspected to be illegally caught.
2. Choose the best spot or spots to set up a fishery law enforcement road checkpoint.
3. Coordinate with the police station that has jurisdiction over the road where the checkpoint will be set up.
4. Develop an operations plan that contains the detailed roles and tasks of participating individuals, agencies, or offices, as well as information on equipment and budget.
5. Prepare an appropriate signboard to mark the checkpoint.
6. Prepare an appropriate uniform and identification card to be used while in the vicinity of the checkpoint.
7. Install enough advance warnings or notices ahead of the fishery law enforcement checkpoint's location.
8. Identify and assign personnel to act as spotters, checkers, and security and mobile personnel.
9. Identify required assets, such as equipment, vehicles, flashlights.
10. Review, finalize, and disseminate the operation plan to all personnel and participating and concerned units.



*In planning for a fishery enforcement checkpoint, it is important that all the operatives are familiar with the area where the road block will be installed. All participating individuals and agencies should be able to delineate tasks clearly. Fish examiners from the Bureau of Fisheries and Aquatic Resources take frontline roles with their counterpart from the local police station.*

#### B. Conducting the Checkpoint

1. Divide the team into spotter, checker, security, and mobile personnel.
2. Deploy the spotters in all possible entry and exit points.
3. Install notices in conspicuous areas that show the name of the accountable officer and the logo of the offices conducting the checkpoint.

4. Assign uniformed officers as checkers, who must always be accompanied by security personnel.
5. Inform the driver of the subject vehicle about the nature of the search prior to the conduct of a physical search of the vehicle and of the documents that accompany the cargo.



- *Always ask the driver or the occupants of the truck or van to be the one to open the compartments.*
- *Thank the driver after the search if no violation is found, or inform the driver about the violation, if any, prior to instituting confiscation or arrest procedures.*

6. Conduct a search of the vehicle in the presence of police and a representative of the barangay where the checkpoint is being conducted.
7. Record through photographs or videos or other means the confiscated contraband in the presence of the driver or passengers.
8. Make an inventory of all confiscated items. (See Part 5, C. 7)
9. Escort the vehicle to the nearest police station.
10. Submit the necessary reports.

### **C. Planning and Conducting a Market Denial Operations**

1. Determine from intelligence reports where the market denial operations should be conducted.
2. If applicable, coordinate with the market administrator prior to the conduct of the market denial operations.
3. From all available and reliable information, develop an area of operations map where facilities are well described.
4. Determine the specific areas where random or intelligence-driven checks will likely be conducted.
5. Assign certified fish examiners in the specific areas of operations.
6. Ensure that all certified fish examiners should have one armed complement from the PNP, PCG, or any government armed and enforcement service.
7. In case government armed and enforcement service is not available, mobilize private security guards.
8. Ensure that all necessary forms, examination paraphernalia, evidence bags, identification cards, flashlights, and other equipment are properly inventoried.
9. Ensure sufficient time for briefing the team or teams prior to the conduct of the market denial operations.
10. Ensure to inform only the necessary offices and establish information disclosure policy among participating units.

## Part 2

# Identifying Violation

1. Determine if a fishery violation was committed.
2. Check if the fishery violation was committed within the LGU's municipal waters.
3. Note the estimated distance of the alleged fishery violation from the shoreline.
4. Determine if the violation is punishable under the LGU's Fisheries Ordinance where the violation was committed.
5. Identify whether the type of fishing activity involved was commercial or municipal based on the boat's size.

**!** *The major distinction between commercial and municipal fishing activities is based on the size of boats used: the use of fishing vessels weighing above 3 GT is considered commercial fishing, whereas the use of fishing vessels weighing 3 GT and below is considered municipal fishing.*



*To identify a violation, one must be able to know and understand the prohibited acts of fishery laws, rules, and regulations. Knowing the elements of the violation is an added skill to enable enforcers to gather the appropriate evidence to support prosecution.*

6. Determine if the violation is punishable under the amended Philippine Fisheries Code (RA No. 10654).
7. Check if the area where the violation was committed is a protected area as provided for in the Expanded National Integrated Protected Areas System (ENIPAS) Act (RA No. 11038).

**!** *Determine if there is an additional violation committed under Section 18 of the ENIPAS Act if the violation is within a nationally declared protected area.*

8. Check if the violation involves killing of wildlife species as provided for in the Wildlife Resources Conservation and Protection Act or Wildlife Act (RA No. 9147).
9. Identify nearby enforcement agencies or units that can immediately respond to the reported violation.
10. Report the violation.



### **10 Things Enforcers Must Know about the Philippine Fisheries Code (RA No. 10654, amending RA No. 8550)**

1. *The law covers all Philippine waters, including the Exclusive Economic Zone (EEZ) and continental shelf; all aquatic and fishery resources; all lands (i.e., private and public lands) devoted to aquaculture; or businesses and activities related to fishery.*
2. *In all cases of violations of the amended law and its Implementing Rules and Regulations (IRR), any citizen may file an appropriate civil, criminal, or administrative case.*
3. *In case of obstruction to fishery law enforcers, an enforcer may file a case under Section 115. (See Part 5, Obstruction to Law Enforcers Under PD 1829)*
4. *Common violations that may be filed concurrently include the following:*
  - *Unauthorized fishing (fishing without a license or permit) in Section 86a,*
  - *Commercial fishing in municipal waters in Section 86b,*
  - *Fishing through explosives, noxious or poisonous substance, or electricity in Section 92,*
  - *Use of fine mesh net in Section 93, and*
  - *Use of active gear in municipal waters, bays and other fishery management areas in Section 95.*
5. *New violations identified in the amended law include the following:*
  - *Violation of harvest control rules in Section 106,*
  - *Noncompliance with fisheries observer coverage for commercial fishing vessels in Section 116b,*
  - *Noncompliance with vessel monitoring measures in Section 119, and*
  - *Constructing, importing, or converting fishing vessels or gear without permit in Section 120.*
6. *A summary finding of administrative liabilities may be imposed in addition to penalties imposed by a court of law.*
7. *Administrative adjudication through an Adjudication Committee empowers the BFAR of the Department of Agriculture (DA) to impose administrative fines and penalties.*



8. *The Adjudication Committee may impose additional administrative sanctions for serious violations, such as*
  - *confiscation of fishing gear,*
  - *impoundment of fishing vessel,*
  - *temporary suspension or permanent revocation of license,*
  - *inclusion in the Illegal, Unreported, and Unregulated (IUU) fishing vessel list, and*
  - *increase of fines to five times the value of catch, among others.*
9. *Serious violations are defined in the law, and they include the following:*
  - *fishing without a valid license,*
  - *fishing without reporting or misreporting catch,*
  - *fishing in a closed area or during closed season,*
  - *fishing of prohibited species,*
  - *fishing using prohibited gear or methods,*
  - *tampering of vessel markings,*
  - *obstructing a fisheries law enforcer,*
  - *tampering or disabling the vessel monitoring system, and*
  - *committing multiple violations.*
10. *While an administrative or criminal case is pending or awaiting settlement, the DA-BFAR may impound the vessel or conveyance, gear, and other paraphernalia used in committing the offense.*



### **3 Things Enforcers Must Know About the ENIPAS Act (RA 11038)**

1. *Authority to enforce, commence, and institute legal actions under the law and its IRR is given to the Protected Area Superintendent (PASu) and the deputized local Environment and Natural Resources Offices (ENROs) relevant to the protected area.*
2. *Department of Justice (DOJ) Special Prosecutors are appointed to prosecute violations of laws and regulations in protected areas; however, the Protected Area Management Board (PAMB) may retain the services of a counsel to prosecute and assist in prosecuting cases under the direct control and supervision of the regular or special prosecutor as well as represent and defend the PASu, members of the PAMB, and staff or any individual and volunteer deputized by the Department of Environment and Natural Resources (DENR) in any Strategic Lawsuit Against Public Participation (SLAPP) case.*
3. *Prohibited acts now include the use of fishing or harvesting gear and practices or any variations that destroy coral reefs, seagrass beds, or other marine life and their associated habitats. Mere possession of such gears within the protected areas shall be prima facie evidence of their use.*





### **5 Things Enforcers Must Know about the Wildlife Act (RA 9147)**

1. The law is enforceable on all wildlife species found in all areas of the country, including protected areas and critical habitats.
2. The DENR has jurisdiction over all terrestrial plant and animal species; all turtles and tortoises and wetland species, including but not limited to crocodiles, waterbirds, and all amphibians; and dugong.
3. The DA has jurisdiction over all declared aquatic critical habitats; all aquatic resources, including but not limited to all fishes, aquatic plants, and invertebrates; and all marine mammals, except dugong.
4. In the Province of Palawan, jurisdiction is vested in the Palawan Council for Sustainable Development (PCSD).
5. The law prohibits any person to willfully and knowingly exploit wildlife resources and their habitats or to kill and destroy wildlife species subject to certain exceptions in Section 27.



### **Violations under Philippine Fishing Vessels Safety Rules and Regulations (Maritime Industry Authority Board Resolution 2018-29-01)**

1. Lack of Certificate of Ownership (CO) and Philippine Certificate of Registry (PCR): Note that the validity of the PCR for wooden-hulled fishing vessels is 5 years.
2. Lack or expired Certificate of Stability: Note that, if applicable, this certificate is subject to endorsement every 5 years.
3. Lack of Tonnage Measurement Certificate (TMC)
4. Lack or expired Fishing Vessel Safety Certificate (FVSC): Note that the FVSC is only valid up to 5 years with annual endorsement.
5. Lack or expired Minimum Safe Manning Certificate (MSMC): A minimum safe manning requirement is prescribed for fishing vessels according to **tonnage** for the Deck Department and kilowatt for the Engine Department. Note that the MSMC is only valid up to 5 years with annual endorsement.



### **5 Things Enforcers must know about Vessel Monitoring Measures (Section 119, RA 10654, Fisheries Administrative Order 260, s. 2018 & Fisheries Administrative Order 266, s. 2020)**

1. Engaging in fishing activity without complying with vessel monitoring measures rules by all commercial catcher or distant water fishing vessels is punishable by law. The VMS shall be implemented in all catcher fishing vessels according to the following schedules:  
     Vessel Tonnage Schedule of Implementation  
     Above 200 GT Immediate

- 150 GT to 200 GT Immediate*
  - 100 to below 150 GT Immediate*
  - 50 to below 100 GT Immediate*
  - 30 to below 50 GT Immediate*
  - 3.1 to below 30 GT Within 1 year from effectivity of FAO 266*
- 2. All catcher vessels 30GT and above operating either in high seas or with access rights to fish in other coastal states or Philippine EEZ shall have an installed Electronic Reporting System (ERS) which sends real time to BFAR. ERS shall be used to record and report catch data to the BFAR for all vessels subject to VMM. The installed ERS can connect to the VMS transceiver to send fishery information to the National/Regional Fisheries Monitoring Center of BFAR. For all other vessels, a combination of onboard and port ERS systems shall be implemented to electronically capture and report catch information.*
  - 3. Data generated by the VMM shall be accessible by fishing owner/operators who acquired and installed the ALC and ERS to their own fishing vessels, Protected Area Offices of each MPA within their areas of jurisdiction, LGUs involved, and as may be necessary and appropriate, the Philippine Coast Guard (PCG) and Philippine National Police (PNP). However, unauthorized disclosure of sensitive technical information by any person shall be penalized.*
  - 4. The VMM is a prerequisite for registration or license renewal of commercial fishing vessels.*
  - 5. The minimum data requirements for each accredited VMM under each vessel license are: unique vessel identifier, vessel name, allowed fishing gear and activity, and allowed fishing ground.*

## Part 3

# Reporting Violation to the Nearest Police

(For Bantay Dagat or the public)

1. Identify violation as witnessed firsthand and record it on a piece of paper or on a mobile phone.
2. Take a photograph of the violation and the violator, if possible.
3. Identify the violator by full name or the name of the vessel; if unknown, then describe the features of the person or the vessel.
4. Identify the location of the violation by citing the nearest barangay or landmark or coordinates, if possible.
5. Record the exact time and day of the violation.
6. Record all the information on a piece of paper or on a mobile phone.
7. Report the incident to the officer-on-duty or desk officer of the police station and request that it be entered to the e-Blotter or Crime Information Reporting and Analysis System (CIRAS).
8. Request for a copy of the e-Blotter or a reference number.
9. Check online ([www.pnpciras.com](http://www.pnpciras.com)) if the report has been entered to the e-Blotter.
10. Monitor progress of action on the report.



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*It is important that violations are reported on time to fishery enforcement authorities either by phone, radio, or any means possible. It is also important that such reports are recorded in the police journal.*











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*Response to a fishery enforcement report can either be through land or sea. Appropriate conveyance must be procured and they should be consistent with the threats commonly encountered.*

## Part 4

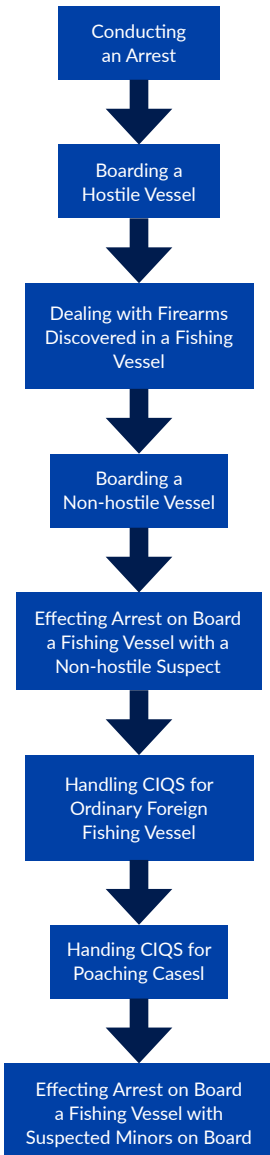
### Responding to Reported Violation

(For the Police)

1. Gather the necessary information from the witnesses and Bantay Dagat.
2. Determine the area where the violation occurred, the names of persons of interest (if possible), the date and time when the violation was committed, and the type of violation (if possible).
3. Record the reported incident in the e-Blotter or crime incidence reporting and analysis system (CIRAS).
4. Take note of the e-Blotter or reference number.
5. Gather team members to conduct hot pursuit operations or arrests and apprehensions.
6. Determine the logistics (vehicle, vessel, etc.) necessary for the operations.
7. Conduct immediate hot pursuit operations within the prescribed time.
8. Conduct arrests and search the vessel in the presence of witnesses.
9. Ensure the delivery of persons arrested and items seized to the proper authority.
10. Prepare judicial affidavits (see Part V of this Toolkit) and complaint to initiate the inquest proceedings.

# Part 5

## Conducting Arrest and Boarding



### I. Conducting an Arrest

#### A. Conducting a Warrantless Arrest

1. Determine if the conditions allowing warrantless arrests are present.
2. Conduct a warrantless arrest if the crime is committed in flagrante delicto or the person has committed, is in the act of committing, or is attempting to commit an offense in your presence.
3. Conduct a warrantless arrest if an offense has just been committed and probable cause exists that the person about to be arrested has committed such offense based on personal knowledge.



*A warrantless arrest is valid if conducted within minutes or a few hours after the crime. Note that in several cases, an arrest made a day after the offense was committed was NOT considered as “just committed,” whereas an arrest made within 1–3 hours after or on the same day the offense was committed has been held valid by the court.*

4. Make sure that the person being arrested is informed of the Miranda Warning.

*“You are arrested for the crime of \_\_\_\_ (or by virtue of warrant of arrest, showing him the warrant if practicable). You have the right to remain silent. Any statement you make may be used for or against you in any court of law in the Philippines. You have the right to have a competent and independent lawyer preferably of your own choice. If you cannot afford the services of a counsel, the government will provide you a lawyer.”*

5. Make sure that the person being arrested is informed of his or her rights under the Anti-Torture Act.



*"You have the right to demand physical examination by an independent and competent doctor of your choice. If you cannot afford the services of a doctor, the state shall provide one for you."*<sup>3</sup>

6. Ensure that the person being arrested signs a waiver of detention in the presence of his chosen counsel if he waives his right under Article 125 of the Revised Penal Code (delay in the delivery of detained persons to the proper judicial authorities) and opts for a preliminary investigation.
7. Ensure that the waiver is made in writing and signed by the person being arrested in the presence of the chosen or independent government counsel.



*The length of the waiver depends on the type of offense: 5 days for light offenses and 7-10 days for serious and less serious offenses.*

8. Check the surroundings for any prohibited article that can be seen in plain view.



*The discovery of the prohibited item must not be intentional, and is only allowed when it follows a lawful arrest.*

9. If any prohibited article is spotted, conduct a warrantless search immediately.
10. Ensure that a detailed receipt of the items being seized is given to the lawful occupant of the premises searched after the search.



*A warrantless arrest may occur when the fishery enforcer has direct knowledge that an offense has been committed. They are common during inspection at sea. This was a simulated arrest conducted during an enforcement training.*

## B. Conducting an Arrest with a Warrant

1. Secure a warrant of arrest from a judge who has jurisdiction over the case.
2. When securing a warrant of arrest, inform the judge that a probable cause exists that the person about to be arrested has committed the crime.
3. Conduct the arrest at any time of the day provided that the enforcer has a warrant of arrest.

<sup>3</sup> Section 12, RA 9745

4. Ensure that the warrant of arrest is executed within 10 days from receipt from the issuing court.
5. If the warrant of arrest is not served within the prescribed 10-day period, then report to the judge within 10 days the failure and the reasons for it.
6. When conducting the arrest, inform the person being arrested of the identity and authority of the arresting officer, the cause of the arrest, and the issuance of a warrant for the arrest.
7. Ensure that the person being arrested is informed of the Miranda Warning (see Part I-A, #4)
8. Ensure that the person being arrested is read the Anti-Torture Warning. (see Part I-A, #5)
9. If a prohibited item can be seen in plain view, then conduct a warrantless search immediately while bearing in mind that the discovery of the prohibited item must not be intentional.
10. Bring the person being arrested to the police station immediately for documentation, and return the warrant of arrest to the issuing court.

### C. Effecting a Warrantless Search on a Moving Vehicle or a Fishing Vessel


1. Determine if conditions for a warrantless search are present, that is, when the search follows a lawful arrest, is done at the same time of the arrest, and is conducted only at the place where the suspect is arrested.
2. Ensure that the person being arrested is properly restrained at the place of arrest.
3. Inform the person being arrested of the identity and authority of the officer conducting the arrest and search, the circumstances of the arrest, and the Miranda and Anti- Torture Warnings.
4. Conduct a thorough search for illegal materials on the person being arrested and in the surroundings within his or her immediate control.




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*After serving the warrant, reading the rights of the accused, the suspect is frisked by a police officer in the presence of witnesses. The suspect is immediately sent to a medical professional for examination. This was a simulated arrest conducted during an enforcement training.*

5. Conduct a search on a moving vehicle or fishing vessel without opening the compartments of the vehicle or fishing vessel and conducting body searches on the persons riding the same.
6. Document properly the confiscated evidence using the chain of custody documentation of evidence.

 *Any object evidence obtained in violation of the chain of custody documentation of evidence will be rendered invalid because it is considered Fruit of the Poisonous Tree.*

 *Searches with a warrant should be conducted only on the premises identified in the warrant and in the presence of the lawful occupant or any member of the lawful occupant's family; if neither of the two is present, the search should be carried out in the presence of two witnesses of legal age and residing in the same locality. Only personal properties indicated in the search warrant may be seized.*

7. Ensure that a detailed receipt of the items seized is given to the lawful occupant of the premises searched after the search. A duplicate of this receipt should be provided to any barangay official with jurisdiction over the place searched.
8. Deliver the seized items to the final custodian of evidence together with a duly verified inventory of evidence seized.

## II. Boarding a Hostile Vessel

1. Assess the suspected vessel. The enforcement team may refer to Form No. 2, Pre-Boarding Checklist. *See Annex.*

### **What to Assess**

1. *Approximate position, e.g., latitude and longitude, inside or outside of municipal waters*
2. *Nationality of the boat or vessel*
3. *Status or activity of the boat or vessel, e.g., anchored, stationary, in transit, fishing as evidenced by smoke, wake, gear in the water, or other signs that can be spotted from a distance.*
4. *Type of boat or vessel, i.e., fishing, cargo, or passenger, and its approximate length and tonnage, i.e., more or less than 3 GT*
5. *Course and speed of the boat or vessel if in transit. Check compliance with vessel monitoring measures (VMM) and electronic reporting system (ERS).*
6. *If radio contact can be made and navigational equipment is present*
7. *Typical activities of the crew and crew numbers*
8. *Change in activity of the crew or boat or vessel*

9. Origin of people on board (foreign or local)

10. Feasibility and safety of boarding [see FLEMO Part IV-C(1)(a)]



#### Composition of Boarding Team<sup>4</sup>

- The Team Leader (TL)
- Assistant Team Leader (ATL)
- Evidence Custodian/Recorder
- Security Team
- Search Team

2. Ensure that the members of the enforcement team are covered from view of the vessel's crew.
3. Inform the base or local police station or higher authorities by means of radio or any communication device of the hostility observed and the plan to board the vessel.
4. Upon boarding, instruct the security team to stabilize the vessel, account all the crew and gather them in the stern for individual body search, collect all lethal weapons if any, and demand licenses for firearms discovered.



*If firearms are discovered, then check if they are covered with a Permit to Carry Outside of Residence (PTCFOR) or a Mission Order.*

5. Search the vessel only when the security team gives the clearance to commence. Use FLEMO Form No. 3: Inspection Checklist for Seaborne Operation (See Annex) and FAO 260, s. 2018 to record the following:
  - The state of the fishing gear at the time of boarding, whether on deck or lowered for actual fishing
  - The state of all hatches and compartments



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*A vessel is classified as hostile when the boat captain and the crew put up a resistance. Hostility can elevate to a lethal stage triggering an armed response from fishery enforcers at anytime, hence, state of readiness is required.*

<sup>4</sup> Mending Nets, page75

- Any catch, including sabalo, wildlife, corals, and other endangered marine species
  - Presence of silica, white sand, pebbles, and any other substances which make up any marine habitat
  - Presence of explosives, explosive devices, toxic and noxious substances, and electrofishing devices
  - Presence of superlights and fishing light attractors
  - Presence of other items regulated by laws
  - Transport containers and labels [see FLEMO, Part IV-C(1)(b)]
  - Presence of an installed vessel monitoring measure (VMM) and electronic reporting system (ERS)
6. Bring the boat captain to the bridge and away from the view of all the crew if possible and take exact position of the vessel prior to document inspection. The photo documenter must take photographs of the global positioning system (GPS), the radar, VMM, ERS device, and the fish finder to show the actual coordinates, if possible. The leader of the boarding team stays at the wheelhouse to check documents, such as
- Logbook
  - Commercial fishing vessel and gear license (CFVGL)
  - Certificate of Philippine Registry (CPR) and Certificate of Ownership (CO)
  - Ship Safety Radio Certificate
  - Voyage Clearance
  - Fishermen's License [see FLEMO, Part IV-C(1)(b)]
  - GPS, radar, etc: VMM and ERS device
7. Cite all fishery and maritime law violations under authority and jurisdiction of the boarding team and take note of other violations for referral to appropriate agencies.
8. Accomplish the forms that cite the violations within the authority and jurisdiction of the boarding team and prepare a referral of other violations to appropriate agencies. Use the following forms. *See Annex.*
- No. 26 (Fish Sample Evidence)
  - No. 19 (Receipt of fish sample taken for examination)
  - No. 9 (Receipt of Seized Fish and Fishery Products)
  - No. 10 (Receipt of Seized Explosives, Noxious or Poisonous Substance)
  - No. 11 (Receipt of Seized Fishing Boat/Vessel)
  - No. 12 (Receipt of Other Seized Items)
  - No. 13 (Receipt of Seized Fish and Fishery Products not suitable for human consumption)



- No. 24 (Request for scientific examination of fish samples)
- No. 20 (Receipt of sample taken for identification of corals, silica, white sand, and pebble)
- No. 22 (Request for identification of sample of seized item)
- No. 28 (Identification/Certification Report of samples of seized items)

*The issuance of receipts must be done in the presence of witnesses.*

9. Inform the boat captain of all the violations and the course of action that the boarding team will take prior to the conduct of confiscation or towing of the vessel. If there is a violation, then a Notice of Violations is issued by the team leader (see Form No. 40, Notice of Violations in the Annex). Moreover, the boarding team member assigned seizes the registration papers, logbook, navigational chart of the boat or vessel, and other documents to be included in the inventory. In the absence of such documents, the same must be duly indicated in the INCIDENT REPORT and SWORN STATEMENT [see FLEMO, Part IV-C(1)(b)].
10. Fill up an inventory of confiscated items out (see Form No. 15, Inventory Report of Seized Articles in the Annex), if any, and have the boat captain sign a certificate of orderly inspection and boarding certificate (see Form No. 8, Boarding Certificate in the Annex) regardless of whether or not a violation was committed, prior to disembarkation. If there is a violation, then the boarding team member tags or labels the evidence with the following information:
  1. Estimated weight or quantity of the items
  2. Full name of the suspect
  3. Date of seizure
  4. Place of seizure
  5. Initials or signature of the evidence tagger [see FLEMO, Part IV-C(1)(b)]



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*Discovery of a firearm inside a fishing vessel raises the level of hostility when this is not declared by the boat captain. Professional fishery officers are trained in identifying firearms license and permits. Any irregularity is reported to the Philippine National Police. Illegal possession of firearms is a serious offense.*

### III. Dealing with Firearms Discovered in a Fishing Vessel

1. Upon discovery of the firearms, take possession of them away from the boat captain or any crew member.
2. Obtain and handle the firearms without contaminating it with fingerprints of the law enforcers.
3. Seek and obtain all ammunition that accompany the firearms.
4. Remove all their ammunition and magazine and inspect the chambers with a dry fire.
5. Take a photograph or video of the firearms showing the engraved serial numbers.
6. Obtain the licenses and check if the serial numbers correspond with those indicated in the document.
7. Confiscate the firearms if the serial numbers engraved in the firearms and indicated in the documents do not match and inform the boat captain or possessor of the firearms of the violation of illegal possession of firearms.
8. If the firearms are government-issued, require presentation of the Mission Order or Memorandum Receipt or both, and check for consistency of firearm specifications stated in said documents.
9. Confiscate the firearms and record accurately each of their make, brand, serial number, ammunition, and other accessories if any, such as extra magazines, holsters, and the like.
10. If in doubt about the make or brand, especially if there are improvements on the firearms, check with the Firearms and Explosives Office of the Philippine National Police, or ordinance section of any armed services, or a crime laboratory to have the firearms properly identified before filing a case.

### IV. Boarding a Non-hostile Commercial Fishing Vessel

1. Inform the boat captain of the boarding team's intention to board the vessel using a megaphone, radio, or any means of communication.
2. Maneuver the patrol vessel to starboard quarter or port quarter depending on the type of the commercial fishing vessel.
3. Instruct the security team to board the vessel and stabilize it and its crew, as well as the search team to board with necessary boarding documents on hand.
4. Inform the boat captain of the purpose of the inspection and request his permission to start the search of the vessel, gear, and registration papers.
5. Establish the location of the vessel using its installed GPS and VMM, or the handheld GPS devices of the team and record them. If possible, read aloud the coordinates for everyone to hear.
6. Inspect the vessel, gear, and documents in the presence of the boat captain and another witness with photographs or video taken if possible.



7. Identify the fishery law or maritime law violations during the inspection and mention them aloud, if possible, for everyone to hear.
8. Accomplish forms that cite the violations within the authority and jurisdiction of the boarding team and prepare referral of other violations to appropriate agencies (see Forms mentioned in Part II, #8).
9. Inform the captain of all the violations and the course of action that the boarding team will take prior to the conduct of confiscation or towing of the vessel (see Forms mentioned in Part II, #9).
10. Fill up an inventory of confiscated items, if any, and the captain sign a certificate of orderly inspection regardless whether a violation was committed or not, prior to disembarkation (see Forms mentioned in Part II, #10).

## **V. Effecting Arrest on Board a Fishing Vessel with Non-hostile Suspect**

1. Invite and escort the suspect to a safe or quiet area if the ship, such as the bridge, the mess hall, or any area where close communication between the arresting officer and the suspect is possible.
2. Acquire all personal information about the suspect by requesting presentation of a valid identification card, such as a seaman's book or a fisherfolk or fish worker identification card. Match the identification card with the manning certificate or fisherfolk or fish worker registry.
3. Inform the suspect of his or her violation and read them his or her rights as loudly as possible especially while the boat is in motion.
4. Ensure that there are witnesses when arrest is made and that they are informed of their potential role as witnesses during prosecution.
5. Take a photograph of the suspect and the evidence collected and label them properly.
6. Make an inventory of the personal belongings of the suspect with his or her expressed approval prior to the imposition of restraint.
7. Confiscate any item that can be used to harm the enforcers and other people in the immediate vicinity.
8. Communicate with headquarters, e.g., BFAR, Philippine Coast Guard, and the police station, that have jurisdiction over the port where the vessel will dock to inform them of the arrest.
9. Observe the right of the suspect at all times.
10. Keep a chronological record starting from the discovery of violations to all other stages: from the delivery of the suspect to the actual turnover or arrival at the detention facility.

## VI. Handling Customs, Immigration, Quarantine, and Security (CIQS) for Ordinary Foreign Fishing Vessels

1. Confirm registry of vessel with the Automatic Identification System as well as compliance with all other requirements of the International Maritime Organization prior to granting port services.
2. Ascertain the last port of call and voyage history in the last 30 days via Vessel Monitoring System or other means possible.
3. Report to the Department of Foreign Affairs (DFA) and the Department of Transportation if discrepancies are present in the registry credentials for potential on-board inspection and investigation.
4. Gather all said documents if possible and if in doubt, request the Flag State for confirmation of credentials of the vessel.
5. Check with the BFAR, the DFA and the International Police-National Coordinating Board if the vessel is not in the watchlist for IUU Fishing, wildlife trafficking, human trafficking, and other crimes.
6. If a derogatory record is known, inform the BFAR, the DFA, the Department of Transportation, and the National Coast Watch Center for a possible denial of port services and alerting of the country of registry for actions to be taken by the Philippines as a coastal state party to the Agreement on Port State Measures (PSMA).
7. Check with the Bureau of Customs if the ship is not listed in the customs world community watchlist or has no customs obligation related to port call.



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*The Philippine Coast Guard normally provides the platform for customs, immigration, and quarantine officers to board foreign fishing vessels but there are Monitoring Control and Surveillance vessels owned by the BFAR but manned by the Coast Guard that performs this function.*

- Alert the Bureau of Quarantine for potential human or animal hazard to include history of contacts with countries or vessels suspected to have been exposed to the Coronavirus Disease 2019 (COVID-19), Severe Acute Respiratory Syndrome (SARS), and other forms of communicable diseases and wait for advice.
- Take all precautionary measures under the guidance of the Department of Health if the ship is known or suspected to carry persons believed to be suffering from any communicable diseases.
- Account all crew and equipment and ensure all documentary exit requirements are duly completed prior to release of the fishing vessel.



© Hoi Wan, BFAR; Poaching, PNP Maritime Group

*Chinese and Vietnamese fishing vessels are commonly caught poaching in Philippine waters. Customs, Immigration, Quarantine and Security officers board these vessels and inform the Committee on Illegal Entrants of their findings immediately.*

## **VII. Handling CIQS for Poaching Cases**

- In the absence of any CIQS officers, board the vessel with caution, keeping note of registry of vessel, nationality of individual crew members, commodities inside the vessel other than fishes if any, and signs of illness of any crew member.
- If violation is ascertained, then develop a spot report of the interdiction and communicate by radio or any means practicable to the operating unit's headquarters, indicating the suspected country of registry of poacher or illegal entrant, the exact time, date, and coordinates where the interdiction occurred, and the individual names of the operating team.
- Inform the nearest office of a member-agency of the National or Regional Committee on Illegal Entrants (NCIE or RCIE) of the interdiction and all other observations.
- Inform the DFA about the apprehension of the foreign flagged vessel as to its nationality.

5. Request from the DFA an official translator or for a translation of all documents.
6. Inform the Department of Environment and Natural Resources (DENR) if the vessel is believed to be fishing in a protected area, or the BFAR if fishing in any Philippine territorial waters even within municipal waters.
7. Notify the nearest Coast Watch Station, if any, about the operation.
8. Have the vessel towed to the nearest port and inform the Coast Guard Station or Police Station of the intention to safekeep the vessel for processing of criminal or administrative case.
9. Send the Bureau of Customs, Bureau of Immigration, Bureau of Quarantine a copy of the spot report despite redundancy with the NCIE or RCIE report in case of sufficient reason to believe immediate customs and immigration issues are involved.
10. When available, use body cameras when boarding the vessel or take a photograph in sequence of boarding, inspection, arrest or confiscation if any, towing, and anchoring or docking with recorded narration, and if possible, with translation of the language of the country of registry.

## VIII. Effecting Arrest on Board a Fishing Vessel with Suspected Minors on Board

1. Conduct an inventory of the crew.
2. Ask for identification cards or other means of verifying birthdates of suspected minors.



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Minors on board fishing vessels are covered by a special law. The Department of Social Welfare and Development and the Department of Labor are informed by fishery enforcers if minors are discovered in fishing operations.

3. If the documents are in order and no minors are found, check if the crew members each have a fish workers' license.
4. If none of the crew members have a fish workers' license, record the violation under Section 113(b) of RA 10654.
5. If upon verification, minors are found to be on board, take their profiles: name, age, address, and names of guardians, if any.
6. Report the violation to the local offices of the Department of Labor and Employment (DOLE) and the Department of Social Welfare and Development (DSWD).
7. Ensure that the local DSWD officer take custody of the minors.
8. If minors are from the locality, ensure that the local DSWD officer accompanies the minors home, or if not living in the place, to the nearest DSWD shelter.
9. Note that screening of fish workers may be conducted before the fishing vessel departs any port.
10. Note that otherwise, the screening may be done immediately upon the boat's arrival from the fishing ground.



### **Obstruction to Law Enforcers Under Presidential Decree 1829**

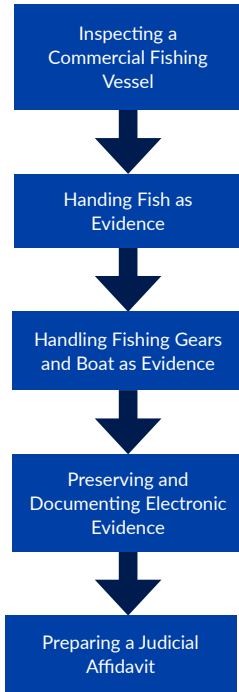
1. *Presidential Decree 1829 punishes any person who knowingly or willfully obstructs, impedes, frustrates, or delays the apprehension of suspects and the investigation and prosecution of criminal cases by committing any of the following acts:*
  - *Preventing witnesses from testifying in court or from reporting the crime or the identity of offender or offenders by means of bribery, misrepresentation, deceit, intimidation, force, or threats;*
  - *Altering, destroying, suppressing or concealing any paper, record, document, or object, with intent to impair its verity, authenticity, legibility, availability, or admissibility as evidence;*
  - *Harboring or concealing, or facilitating the escape of, any person he or she knows, or has reasonable ground to believe or suspect, has committed an offense.*
  - *Publicly using a fictitious name for the purpose of concealing a crime, evading prosecution or the execution of a judgment, or concealing his true name and other personal circumstances;*
  - *Delaying the prosecution of criminal cases by obstructing the service of process or court orders, or disturbing proceedings;*
  - *Making, presenting or using any record, document, paper, or object with knowledge of its falsity and with intent to affect the course or outcome of the investigation or proceeding;*



- *Soliciting, accepting, or agreeing to accept any benefit in consideration of abstaining from, discounting, or impeding the prosecution of a criminal offender;*
  - *Threatening directly or indirectly another with the infliction of any wrong upon his person, honor, or property or that of any immediate member or members of his family or imposing any condition to prevent such person from appearing in the investigation or proceeding; and*
  - *Giving false or fabricated information to mislead or prevent the law enforcement agencies from apprehending the offender or from protecting the life or property of the victim, or fabricating information from the data gathered in confidence by investigating authorities.*
2. *If the act is committed by a public official or employee, he or she shall in addition to the penalties provided thereunder, suffer perpetual disqualification from holding public office in addition to the penalties stated below.*
  3. *The penalty includes prison correccional in its maximum period, or a fine ranging from P1,000 to P6,000, or both.*

# Part 6

## Gathering Evidence



### I. Inspecting a Commercial Fishing Vessel

1. Talk only to the master or the boat captain. In the absence of both, talk to the highest ranking official of the vessel.
2. Establish the location of the vessel using its installed GPS and VMM or the boarding team's handheld GPS devices and plot it in a chart, indicating the date and time below the plotted coordinates, and have the boat captain sign on it.

**!** *The law defines municipal waters as “15 kilometers from the coastline,” but mariners are trained to measure distances in nautical miles using a nautical chart. All units of measurement in all investigation and legal documents must be in kilometers. One (1) nautical mile is equivalent to 1.852 kilometers.*

3. Check the CFVGL and its validity, the crew list, the catch record, and the following permits, registration and licenses: Certificate of Philippine Registers, Certificate of Number, Certificate of Ownership, the boat captain's license, the fish workers' license issued by BFAR, and the certificate of compliance to labor laws issued by the Regional Director of the Department of Labor and Employment (DOLE).
4. Inspect the fishing gear to see if it matches what the CFGGL indicates.
5. Check all the fish holds to inspect the catch and ensure that no prohibited species are caught.
6. Ask the boat captain if there are firearms or other lethal weapons are on board and secure them if there are.



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*The Philippine Coast Guard is the only agency that has visitatorial function on all fishing vessels meaning they can board a vessel and inspect it anytime and anywhere they deem necessary. In the event that a coast guard personnel is not present, fishery enforcers must be able to determine the validity of licenses, certificates and permits issued by Maritime Industry Authority and Philippine Coast Guard*

7. Call for back-up before doing a sweep of the vessel if there are reasons to believe they carry other prohibited substances.
8. When inspecting the vessel, ensure that the boat captain is with the search team or team leader.
9. When confiscating any prohibited species or substances, such as dynamite or blasting cap, take photographs of them, specify exact location, time, and date, and have the apprehending officer issue a receipt. Choose the applicable forms from the following:
  - **Form No. 9, Receipt of Seized Fish and Fishery Products**
  - **Form No. 10, Receipt of Seized Explosives, Noxious or Poisonous Substance**
  - **Form No. 12, Receipt of Other Seized Items See Annex.**

*The seizure receipt must be witnessed by at least two persons, (e.g., barangay official and port personnel) and marked received by the offender. Sketch the exact location where the prohibited items are found in the vessel.*

10. Have the boat captain sign a Certificate of Orderly Inspection (COI) (Form B) regardless of whether or not a violation was committed, and an inventory of confiscated items, if any, prior to disembarkation.

## II. Handling Fish as Evidence

### A. Handling Dynamited Fish as Evidence

1. Gather at least 100 grams of fish samples for examination.
2. Determine if the fishes are caught using dynamite or other explosives by observing external manifestations.



#### **External Manifestations of Dynamited Fish<sup>5</sup>**

1. *The body bends sideways and when pulled lengthwise has a distinct feeling of being loosened*
2. *Blood oozing from gill cover*
3. *Bruise and mutations of the various parts of the body*
4. *Reddening of eyes*
5. *Signs of blood effusion are found at the base of the fins*
6. *Portion of the viscera protruding from the vent*
7. *Loosening of the scales at the midpoint of the body length*

3. Label the samples with the species' scientific, English, or local names.

<sup>5</sup> Coastal Law Enforcement, Philippine Coastal Law Management Guidebook Series No. 8, pp 102-103

4. Ensure that the fish samples are immediately frozen and submitted to the nearest fish examiner.
5. Have the examination of internal manifestation conducted only by authorized fish examiners, or any municipal health office, or crime or hospital laboratory.
6. Immediately seize, impound, and take possession of the fishing vessel and gears, as well as the explosives, other tools, and the proceeds of the offense in any of fishery law violations.
7. Conduct an inventory of the seized fish and fishery products and issue a seizure receipt (Use Form No. 14, Inventory of Seized Fish/Fishery Product(s). See Annex.), witnessed by at least two persons, (e.g., barangay official and port personnel) and marked received by the offender.
8. Prepare an affidavit attested to by two witnesses if the boat captain, vendor, or possessor refuses to sign as received the seizure receipt.
9. Take photos of the labeled samples as these can also be used as evidence. Such photos must properly show the fishery products seized and the proper identification markers.
10. Dispose of dynamited fish fit for human consumption by giving away to a charitable or penal institution. The disposal should be done with proper documentation and in the presence of a third-ranking BFAR official and representatives of the Office of the Prosecutor or the PNP.



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*Fish suspected to be caught using dynamite is preserved in formaldehyde solution inside sealed bottles with the fish examiner's written findings.*



*Determining poison inside the fish remains to be a challenge in fishery forensics. In most instances, other instruments of the crime, such as the improvised breathing apparatus prohibited in coastal towns, are the ones confiscated and violators charged with an offense based on the local ordinance.*

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## B. Handling Poisoned Fish as Evidence

1. Gather 100 grams of fish samples for examination.
2. Determine if the fishes are caught using poison, cyanide, or other similar substances by observing external manifestations.
3. Ensure that the fish samples are packed in plastic, frozen, or placed in a closed container or bottle with ice or in ethyl alcohol (not formalin) if ice is not available.
4. Label the samples with the species' scientific, English, or local names.
5. Ensure that the fish samples, with internal organs intact, are submitted to the fish examiner.
6. Collect water sample from the scene of the offense, store the sample in ice without freezing it, and send it to BFAR or the Environment Management Bureau (EMB) laboratory for testing within 4 hours from collection.
7. Examine internal manifestations only through authorized fish examiners, any municipal health office, or crime or hospital laboratory.
8. Immediately conduct a physical inventory of the fishing vessel and gear, as well as the poison, cyanide or similar substances, paraphernalia, tools, and the proceeds of the offense, and issue a receipt (Use Form No. 14, Inventory of Seized Fish/ Fishery Product(s), and No. 15, Inventory Report of Seized Articles, respectively. See Annex.) witnessed by at least two persons, (e.g., barangay official and port personnel) and marked received by the offender.
9. Take photos of the labeled samples. The photos should show the fishery products seized and the proper identification markers.
10. Ensure proper disposal of seized fishery products no longer needed as evidence.



1. *The disposal should be done with proper documentation and in the presence of a third-ranking BFAR official and representatives of the Office of the Prosecutor or the PNP.*
2. *If found not fit for human consumption, then do not distribute to a charitable or penal institution seized fishery products.*






*Fishing vessels are normally impounded in areas that the court identifies. Impounding areas remain a major challenge.*

### **III. Handling Fishing Gears and Boats as Evidence**


1. Upon boarding, verify commercial fishing vessel and gear license (CFVGL) of the owner or operator: name of vessel, classification and type of gear, gross tonnage, and date of validity of said license.
2. Check appropriate gear registration papers to verify legitimacy of the vessel's fishing operation.
3. Verify the validity and completeness of certificates and documents of the ship or boat and its crew.
4. Take photos, videos, representative samples of fishing gear (e.g., a portion of fishing net) as evidence to show the types of fishing gear and fishing boat or vessel. Make copies of the photos and videos for future use.
5. Determine the location of the fishing boat or vessel using GPS coordinates, vessel monitoring system data, and similar evidence.
6. Conduct inventory. If possible, take photos of the seized items in the presence of the person from whom such items are seized.
7. Issue a seizure receipt, which should note all fishing equipment, paraphernalia, and gear that will be confiscated, signed by the authorized law enforcers and two witnesses, and marked received by the offender.
8. Ensure that the items subject to seizure are any the following:
  - a. **illegally caught fish**
  - b. **illegally caught or gathered marine and aquatic resources**
  - c. **fishing nets, fishing gear, equipment, tools, paraphernalia, and implements**
  - d. **conveyance used in illegal fishing and gathering of marine and aquatic resources (FLEMO Part VI, Section 3 (d) on page 198)**

9. Take custody of and impound seized fishing boat and items.
10. Coordinate with appropriate agencies (e.g., the local government units where the fishing boat or vessel and arrested persons will be brought) once the arrest and seizure procedures are finished.


 *The apprehending officer has initial custody and control of the fishing boat or vessel and gear.*


#### A. Disposing of Seized Fishing Gears and Boats

1. Ensure that the seized items, documents, and fish samples are kept in your initial custody before turning them over to the investigating prosecutor.

 *Under the Expanded NIPAS Act (RA 11038), the PASu assumes custody of seized items and wildlife and their by-products or derivatives. The disposition of these items are subject to a clearance from the PAMB, except those that: (1) are subject to custodia legis, (2) are subject of donation, (3) must be deposited with appropriate agencies, and (4) will be utilized for DENR's needs.*

2. Maintain the chain of custody of all evidence seized and collected by duly recording authorized movements and custody of seized items at each stage.
3. Ensure that the chain of custody starts from the time of seizure, which is followed by receipt in the forensic laboratory, safekeeping, and presentation in court.
4. Record the chain of custody by noting the
  - a. identity and signature of the person who holds temporary custody of the seized item,
  - b. the date and time when such transfer of custody is made in the course of safekeeping and used in court as evidence (until the final custodian of evidence), and
  - c. final disposition.
5. Ensure the proper turnover of the seized items by issuing the Turn-Over Receipt of Items/Articles on Board the Impounded Fishing Boat/Vessel. (Form No. 32, Turnover Receipt of Items/Articles on Board the Impounded Fishing Boat/Vessel in the Annex).
6. Impound the fishing boat or vessel in the nearest available berthing facilities.

 *In case of violation of the Fisheries Code, the BFAR apprehending officer impounds the fishing boats in designated berthing facilities.*

 **Who will have initial custody of the vessel?**  
*The PNP Maritime Group, BFAR, or PCG, whichever is appropriate, must have initial custody of the fishing boat. (FLEMO, p. 105)*

**Who will take custody? (FLEMO, p. 199)**

The following officers will take custody of fishing boats through administrative seizure:

- The Provincial Fisheries Officers (PFO) of the BFAR assigned to the area at the time of apprehension;
- The Regional Directors (RD) of the BFAR who have jurisdiction over the area of apprehension; or
- Officers designated in writing by the BFAR Director.

These officers will issue a confirmation of seizure of the fishing boat.

**What is an administrative seizure?**

It is a process where, upon the delivery of the seized fishing boats, the PFO, RD or designated officer will verify the existence of prima facie case against the offender by examining the witnesses and the documents submitted to him or her by the apprehending team. (FLEMO, p. 199)

7. Issue the offender the proper seizure receipt (use Form 11 Receipt of Seized Fishing Boat/Vessel) of the impounded fishing vessel.
8. Request the prosecutor to dispose of seized items, which can be confiscated in favor of the government under the Fisheries Code and other relevant laws through an auction sale, subject to confirmation of seizure by authorized seizure officers, namely, BFAR.
9. Note that the prosecutor requests through a motion to the court to direct an auction sale of seized items, equipment, paraphernalia, tools, or instruments of the crime, other than fish.
10. Note that after the auction sale, the court should deposit the proceeds in a government depository bank, which will hold the proceeds in trust for disposition according to the judgment.

**IV. Preserving and Documenting Electronic Evidence**

1. Note that, as a general rule, electronic data messages, such as audios, photos, videos, text messages, recordings of a telephone conversation or other ephemeral electronic communication, are admissible as evidence in court.



*Ephemeral electronic communication refers to telephone conversations, text messages, chatroom sessions, streaming audio, streaming video, and other electronic forms of communication the evidence of which is not recorded or retained. (Rules on Electronic Evidence, Rule 2, Sec. 1[k])*

2. When taking audio, photo, and video evidence on a cellphone, record and store messages and images properly, ensure that the recorded events, acts or transactions are admitted as evidence in court by showing, presenting or displaying these in court. (Rules on Electronic Evidence, Rule 11, Section 1)
3. When taking photos, ensure that a unique written data file, such as date and time the image is taken, is included each time an image is captured.
4. Control custody of all image records at all times, such as ensuring password-protected files in computers and keeping computers or cellphones in secure locations.
5. Be trained in digital image processing of photos, including understanding of which images might require a special notation to show that the changes are not prejudicial.
6. Ensure there is a complete audit trail of how the electronic files, e.g., images, have been managed.



*The files must clearly be shown to be reliable or having come from the originator. These should be retained in the form of an e-data message or e-document that remains accessible so as to be usable for subsequent reference and in the format in which it is generated, sent or received, and enables the identification of its originator and addressee as well as the time and date it is sent or received. (Section 13, RA 8792)*

7. Note that photos, videos, and other digital information, such as VMM and ERS data, will be accepted by the court as evidence depending on the reliability of the manner these are generated, stored, or communicated.
8. Note that such photos, etc., must be identified in court by the one taking them, the custodian, or other qualified witnesses.



*Ephemeral electronic communications are proven by the testimony of a person who is a party to the same or has personal knowledge of such communication. Even the recipient of such messages is considered to have personal knowledge and can testify on the contents. In the absence or unavailability of witnesses, other competent evidence may be admitted.*

9. Note that such photos, etc., may be established by an affidavit stating facts of direct personal knowledge of the affiant or based on authentic records. (See Rules on Electronic Evidence for Prosecutors)
10. Ensure that the stored images and files must also be identified and authenticated by the person who stores these in computers, etc.



## **Rules on Electronic Evidence**

### **(For Prosecutors)**

1. *Electronic evidence, or e-evidence, may be supported by an affidavit stating facts of direct personal knowledge of the affiant or based on authentic records (Rule 9, Section1)*
2. *The competence of the affiant to testify on the matters contained in such affidavit is affirmatively shown. (Rule 9, Section1)*
3. *The e-evidence, such as audios, photos and videos, text messages, emails, or other ephemeral electronic evidence (except fax messages), is shown, presented, or displayed to the court (Rule 11, Section1)*
4. *Such e-evidence must be identified, explained, or authenticated by the person who made the recording or by some other competent witnesses to testify on their accuracy (Rule 9, Section1).*
5. *Such competent witnesses include the recipient of said messages who has personal knowledge of the contents and import of these messages.*
6. *E-evidence is presented in original form, such as text messages, streaming video, etc., similar to an ordinary document. For evidentiary purposes, an electronic document is considered as a functional equivalent of a written document.*

*Functional equivalent approach means to legally recognize and consider as admissible evidence all electronic data messages and electronic documents equivalent to that given to ordinary paper-based documents. This approach also recognizes electronic signatures. The functional equivalent approach is a recognition that an electronic data message or an electronic document shall be the functional equivalent of a written document. (Rules of Electronic Evidence, Rule 4, Section 1 and Section 7, Republic Act 8792)*

7. *The integrity and reliability of the e-evidence must be maintained and can be authenticated so as to be usable for subsequent reference. (Section 7(a), RA 8792)*
8. *E-evidence is authenticated by:*
  - a. *presenting evidence that it has been digitally signed;*
  - b. *presenting evidence that other security procedures or devices as may be authorized by the Supreme Court or by law for authentication of electronic documents has been applied to the document; or*
  - c. *by other evidence showing its integrity and reliability to the satisfaction of the judge. (Section 11, RA 8792)*
9. *The person seeking to introduce an electronic document in any legal proceeding has the burden of proving its authenticity (See section 11, RA 8792)*



10. *If there is any dispute involving the integrity of the information and communication system in which an electronic document or electronic data message is recorded or stored, then the court may consider some of the following factors:*
- a. *Whether the device used is operated in a manner that affects or does not affect the integrity of the electronic document, and there are no other reasonable grounds to doubt its integrity;*
  - b. *Whether the electronic document is recorded or stored by a party to the proceedings with interest adverse to that of the party using it; or*
  - c. *Whether the electronic document is recorded or stored in the usual and ordinary course of business by a person who is not a party to the proceedings and who does not act under the control of the party using it.*  
(Section 11, RA 8792)

#### **IV. Preparing a Judicial Affidavit**

1. Prepare the judicial affidavit in a language known to the witness. You may wish to ask assistance from legal officers of government agencies or volunteer lawyers from non-government organizations.
2. If the language known to the witness is Filipino or other dialects, then provide a translation in English for each question and for each answer.
3. Write the name, age, residence or business address, and occupation of the witness.
4. Explain to the witness that in answering the questions asked in preparing the affidavit, they must be fully aware that they are doing so under oath and that they may face criminal liability for false testimony or perjury.
5. Write the testimony of the witness in a consecutively numbered question and answer form.
6. Show in the judicial affidavit the circumstances under which the witness acquired the facts upon which he testifies.
7. Ensure that the witness provides facts relevant to the issues that the case presents.
8. Ensure that any documentary and object evidence are attached to the judicial affidavit after the witness identifies and establishes the authenticity of such evidence.
9. Ensure that the witness affixes his or her signature over his or her printed name.
10. Ensure that the judicial affidavit has a jurat with the signature of the notary public who administers the oath, or any officer authorized to administer such oath.

# Part 7

## Investigating and Prosecuting



### I. Attending to the Inquest Proceeding

1. Determine reckoning period (within 12 hours for light offenses, 18 hours for less grave offenses, or 36 hours for grave offenses) after warrantless arrest for inquest where the arrested person must immediately be brought to the court for filing of information or complaint.
2. Bring the person arrested and detained through warrantless arrest to the Office of the Prosecutor for purposes of inquest within this time period.
3. Gather accompanying witnesses who can provide testimonial evidence.
4. Inform the prosecutor of the circumstances proving the legality of the arrest made.



*As a rule, inquest proceedings are intended for the prosecutor to determine the legality of an arrest.*

5. Respond to any questions put forward by the prosecutor during the inquest.
6. Present either object, real, documentary, or testimonial evidence during the inquest.



*Object evidence are tangible things such as fish samples, fishing gears, etc., which can be either exhibited or demonstrated in an ocular inspection. Documentary evidence includes permits and licenses, seizure receipts, or government certifications.*

7. Show photos as evidence to serve as a faithful representation of the object evidence along with the testimony of the person who took the photo.
8. Provide all information and evidence to ensure the prosecutor determines probable cause for the filing of information.



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Preparation of judicial affidavits require the undivided attention of enforcers so that all the elements involved in the fishery enforcement action are captured in one coherent document where all relevant legal questions are answered.

**!** *Probable Cause is the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person being charged is guilty of the crime for which he is being prosecuted.*

9. Ensure that the prosecutor, upon the finding of a probable cause, files the necessary information in a proper court.

**!** *Note: The inquest prosecutor may order the release of the accused or the conduct of further investigation if he finds no sufficient ground to believe that the accused is lawfully arrested without a warrant.*

10. Ensure the release of the arrested person and the conduct of a preliminary investigation if the investigating prosecutor cannot file the case in court within the prescribed period.

**!** *What can justify delay in the delivery of an arrested person?*

- *In cases of arrests made on a Saturday, Sunday, or a holiday, most Prosecutor's Offices have an assigned prosecutor to conduct the inquest investigation.*
- *If there is no prosecutor assigned in the municipality, the complaint and accompanying affidavits must be filed directly by the law enforcer in the proper court.*


- *Whether the courts are close or far from the place of arrest, the hours during which the courts are closed are not counted.*
- *The 12-18-36 hour periods stated are counted only when the Prosecutor's Office is ready to receive the complaint or information. Nighttime is not included in the period.*

## II. Attending to the Preliminary Investigation


### **Things to do by a police officer to ensure a successful preliminary investigation:**


- *Explain case,*
- *Know the law,*
- *List all evidence,*
- *Bring 8 folders (for 8 copies of documents, see #3 below),*
- *Bring references, scientific reports, witnesses, and*
- *Bring certification (of blasting caps or any part of the explosives) from explosives expert, etc.*

1. Determine when preliminary investigation is appropriate.

 *Preliminary investigation is an inquiry to determine whether the respondent should or should not be held for criminal trial. It is required for offenses that have an impossible penalty of at least 4 years, 2 months, and 1 day, without regard to the fine.*

2. Ensure the filing of the affidavit of complaint with the proper officers authorized to conduct the preliminary investigation.

 *Proper authorities include (a) Provincial or City Prosecutors and their assistants, (b) Judges of Municipal Trial Courts and Municipal Circuit Trial Courts for offenses with penalty not exceeding 6 years, (c) National and Regional State Prosecutors, and (d) other officers as may be authorized by law.*

 *The complaint must state the address of the respondent and be accompanied by the affidavits of the complainant and the witnesses, as well as other supporting documents to establish probable cause.*

3. Bring 8 copies of the complaint, affidavits of witnesses, certifications, log activity in the blotter, rough sketch of vessel, and documentary or other evidence when filing the affidavit of complaint with the prosecutor or other authorized officers.
4. Ensure that the respondent submits his counter-affidavit within 10 days from receipt of the subpoena.



*The investigating prosecutor is in charge of sending the communication urging the respondent to submit the counter-affidavit.*

5. Note that the accused is informed by the investigating prosecutor of the nature and character of the offense with which he is being charged.
6. Note that the accused is informed by the investigating prosecutor of their rights if they make a written admission during the investigation. The written admission must be signed by the accused in the presence of his or her counsel.
7. Note if the investigating prosecutor resolves the case within 10 days after the investigation.
8. Provide all evidence, bring all experts' certifications required by the investigating prosecutor to file the information in court.
9. Ensure that all evidence is properly preserved and that witnesses are properly managed for availability when called to appear in court.
10. Follow up in case the prosecutor fails to resolve the case within 10 days after the investigation.



- *The filing of (1) a motion for reconsideration with the Office of the Prosecutor that rendered the decision must be within 10 days from receipt of adverse decision, (2) an appeal must be within 15 days from receipt of the resolution before the Regional State Prosecutor or with the Department of Justice, or (3) a mandamus with the RTC must be when there is grave abuse of discretion on the part of the prosecutor.*
- *The filing of another complaint within the prescribed period is also possible because the conduct of the preliminary investigation is not part of the trial; thus, it does not constitute double jeopardy.*

### **III. Filing a Case**


1. Assist in preparing the required judicial affidavits (JAs) for additional witnesses if any. Provide the necessary information and prepare the required JAs with the assistance of legal officers or volunteer lawyers.




*The JA is required for criminal cases where the maximum imposable penalty does not exceed 6 years or regardless of the penalty involved, with respect to the civil aspect of the actions or where the accused agrees to the use of the JA Rule.*

2. Ensure that the information is sufficient in form and in substance is filed by the prosecutor with the proper court.



 *The proper court is that which has the proper jurisdiction over a particular offense based on the imposable penalty and its nature as well as the place where the offense is committed within the territorial jurisdiction of the court.*

3. Follow up warrant of arrest if there is undue delay in its issuance.
4. Find out from the prosecutor the proper jurisdiction of the criminal case.
5. Facilitate deposition-taking in writing when necessary, including necessary information, and assist legal officers or volunteer lawyers during the deposition-taking.

 *In the taking of deposition in criminal cases, more particularly of prosecution witnesses like law enforcers who may be unavailable for trial, testimonial examination is made before the court, or at least before the judge, where the case is pending.*

*Depositions in writing may be taken by law enforcers who serve as key witnesses usually in the presence of the accused, or in his absence, after reasonable notice to attend the examination has been served on him, is conducted in the same manner as an examination at the trial.*


*Failure or refusal of the accused to attend the examination after notice is considered a waiver. The statement taken may be admitted in behalf of or against the accused.*

6. Note that a pre-trial is conducted within 30 days after arraignment.

 *The prosecutor ensures that the pre-trial is scheduled in the court calendar. A pre-trial is required to*

1. identify issues;
2. mark evidence to be presented as exhibits;
3. compare copies of records with original documents;
4. stipulate facts and admissions;
5. settle the civil aspect of the case, if any;
6. deal with other matters that aid in the prompt disposition of the case

7. Note that the Rules of Court provides for a continuous trial. Request the prosecutor to ask the court for a continuous trial.

 *The present Rules of Procedure for Environmental Cases (RPEC) require a continuous trial which should not exceed 3 months from the date of issuance of the pre-trial order.*

8. Note that the Rules of Court provides for a continuous trial. Request the prosecutor to present the witnesses within one day as much as possible.



*The One-day Examination Rule is adopted for the direct and cross-examination of witnesses. The testimony of witnesses is presented in the form of judicial affidavits. The opposing party may cross-examine the witnesses on the basis of the contents of the affidavit.*

9. Note that the court conducts a trial and decides the case in one year unless an extension is granted by the Supreme Court.
10. Note that an appeal may be filed within 15 days from the date of promulgation (or reading of the decision) except in case of an acquittal.



**What to know about the Rules of Procedure for Environmental Cases (RPEC):**

1. Any case (civil, criminal, and special civil action) filed to enforce environmental laws follows the RPEC.
2. Any person can send a notice to sue against a violator, public officer, or government agency to demand compliance with an environmental law.
3. Any Filipino citizen can file a citizen suit to enforce an environmental law.
4. Any person can file a writ of kalikasan when an environmental right has been violated or threatened with violation through an illegal act that resulted in environmental damage in two or more cities or provinces.
5. The aggrieved person may file a writ of continuing mandamus if a government agency or public officer neglects the performance of duty, violates environmental law, or restricts environmental rights.
6. Any person can ask the court to issue an Environmental Protection Order (EPO) to command a person or government agency to perform or not to perform an act to protect the environment.
7. Any person may also ask for a Temporary Environmental Protection Order (TEPO), which is effective for 72 hours only, if the matter is of extreme urgency and the applicant will suffer grave injustice and irreparable injury.
8. Any person can intervene in a pending environmental case through a complaint-in-intervention and answer-in-intervention.
9. For any evidence introduced in an environmental case, the precautionary principle can be used. The Precautionary Principle requires actions to prevent or diminish threats of serious and irreversible damage to the environment.
10. Enforcers can use the anti-SLAPP suit defense against any harassment suit filed against them.



**Rules During Enhanced Community Quarantine (ECQ), Modified Enhanced Community Quarantine (MECQ), and General Community Quarantine (GCQ)**

	ECQ	MECQ	GCQ
<b>Physical closure of courts</b>	All courts are physically closed and may be reached only thru their respective hotlines, email addresses and Facebook accounts, if available (AC 32, 2020, dated 20 March 2020; AC 43, 2020, dated 2 Aug 2020); Physical movement of court users, judges, and court personnel during this period is limited. Pilot courts authorized to hear Persons Deprived of Liberty (PDL) cases via videoconferencing can hear all criminal cases, whether pending or newly filed. Judges in ECQ areas may be in their courtrooms/ chambers or places of residence (AC 33, 2020; AC 37, 2020; OCA 93, 2020)	Courts remain physically closed and may only be initially reached through their respective hotline numbers, email addresses or Facebook accounts	All courts in GCQ areas shall be physically opened from 18-29 May 2020, but shall function only with a skeleton staff, by rotation, to be determined by the presiding judge. All courts will receive all petitions filed by any party (AC 40, 2020, dated 15 May 2020); All courts in FULL operation beginning 1 June 2020 (AC 41, 2020, dated 29 May 2020).
<b>Filing of pleadings</b>	Online filing of complaint or information and posting of bail (AC 33, 2020); All electronically transmitted court orders, pleadings, and other submissions to the courts must be in PDF (OCA 89, 2020); Lawyers/ litigants may file pleadings or court submissions on urgent matters from 29 March to 3 Apr 2021, provided they will communicate first thru hotline or email addresses (AC 14, 2021, dated 28 Mar 2021)	Filing of petitions, appeals, complaints, motions, initiatory pleadings (civil and criminal), criminal complaints, informations, bail applications, and other submissions may be filed thru electronic means, if preferred or able; Supreme Court, Court of Appeals, Sandiganbayan or Court of Tax Appeals receives petitions and pleadings electronically (AC 39, 2020 dated 14 May 2020)	All pleadings (civil and criminal) may still be filed electronically and received by the courts (RTCs, Family Courts and First level Courts) thru their respective official email addresses, as posted in the SC website (AC 45, 2020 from 19 Aug 2020 onwards); Beginning 1 June 2020, initiatory pleadings may either be filed manually or electronically (AC 41, 2020, dated 29 May 2020); Direct filing of pleadings and other court submissions on pending cases is allowed through email or through the Office of the Clerk of Court, which then forwards the pleadings to the concerned branch (AC 39, 2020; AC 40, 2020)

	ECQ	MECQ	GCCQ
<b>Communications</b>	Electronic communications may be transmitted to courts.		All inquiries on cases and transactions, including requests for documents and services, shall be initially coursed and acted upon only through hotline numbers, email addresses and/or Facebook accounts as posted in the SC website. No walk-in requests shall be entertained (AC 40, 2020, dated 15 May 2020).
<b>Raffle of cases</b>	Suspension of raffle of cases remains in ECQ areas; Resume raffling of cases thru videoconferencing in ECQ areas (OCA 94, 2020, dated 8 May 2020)	Raffle of cases either electronically (eCourts) or videoconferencing	Suspension of raffle of cases lifted in GCCQ areas; Regular raffling off of cases is done either electronically or in accordance with existing rules.
<b>Effectivity and Extensions</b>	ECQ effective 23 March 2020 (AC 32, 2020 dated 20 March 2020); Implementation of AC 33, 2020 temporary and only during duration of public health emergency, hence it may be revised at any time should prevailing circumstances change and until further notice (OCA 89, 2020); Extensions of ECQ until 30 April 2020 (AC 34, 2020); Extension of ECQ until 15 May 2020 (AC 35, 2020); ECQ from 3 - 14 August 2020 (AC 43, 2020, dated 2 August 2020); Extension of AC 43 until 18 Aug 2020 (AC 43A, dated 3 Aug 2020); Beginning 20 Mar - 4 Apr 2021 (AC 14, 2021, dated 28 Mar 2021); Extension from 5 - 11 April 2020 in National Capital Region and nearby provinces of Bulacan, Cavite, Laguna and Rizal (AC 15, 2021, dated 3 April 2021)	Raffle of cases either electronically (eCourts) or videoconferencing	Beginning 1 June 2020 (AC 41, 2020, dated 29 May 2020); Beginning 19 Aug 2020 onwards (AC 45, 2020, dated 18 Aug 2020)

	ECQ	MECQ	GCQ
<b>Filing of complaints and taking of evidence</b>	Complaints are electronically transmitted to the official email address of the Prosecutor's office or the proper municipal trials courts for preliminary investigation (AC 33, 2020; OCA 89, 2020); Non-documentary evidence may be photographed and converted into Portable Document Format or PDF, and must be authenticated by the person submitting such electronic evidence. (Please refer to rules on authentication for electronic evidence, Part IV [Know-Rules on Electronic Evidence (For Prosecutors), Item #8, on Page 40.]	The taking of the testimony of a witness in a place other than where the court is, through videoconferencing is akin to the taking of a deposition upon oral examination as stated in Sec. 1, Rule 23, Rules of Court.	The taking of the testimony of a witness in a place other than where the court is through videoconferencing is akin to the taking of a deposition upon oral examination as stated in Sec. 1, Rule 23, Rules of Court as amended.
<b>Hearings</b>	The justice or judge, together with their skeleton staff shall only go to their courts once it has been determined that an urgent matter has to be acted upon.	Hearings via videoconferencing may only be conducted by pilot courts in all matters pending before them, in both criminal and civil cases upon joint motion of the parties or orders of the court (AC 39, 2020; AC 40, 2020); All other courts not authorized to conduct hearings via videoconferencing may only conduct in-person hearings only for urgent matters and other concerns to expedite proceedings (AC 39, 2020; AC 40, 2020); In-court hearings may be conducted by courts authorized to conduct videoconferencing hearings under exceptional circumstances (AC 39, 2020; AC 40, 2020).	Courts are authorized to conduct hearings, either in-court or videoconferencing (by pilot courts), of all matters pending before the courts, whether newly filed or pending, and regardless of the stage of the trial; Courts allowed to hear PDL cases via videoconferencing can hear all criminal cases, whether pending or newly filed. Judges in GCQ areas must be in court at all times when conducting the videoconferencing hearings for PDL cases unless in exceptional circumstances.



	ECQ	MECQ	GCQ
<b>Procedure after filing</b>	<p>A judge on duty evaluates the Prosecutor's resolution and its supporting evidence within three calendar days to determine whether pleadings are urgent and require immediate court action; If the criminal action is considered urgent and require immediate court action, then the Judge on duty may issue the resolution, which could be any of the following:</p> <ol style="list-style-type: none"> <li>1. dismiss the case for failure to establish probable cause,</li> <li>2. issue a warrant of arrest if the court finds probable cause, or</li> <li>3. issue a commitment order if the complaint or information is filed pursuant to a warrantless arrest or the accused has been arrested pursuant to an earlier warrant of arrest; An accused is entitled to post bail within 10 days from the filing of the complaint or information (OCA 89, 2020)</li> </ol>		
<b>Submissions after end of public health emergency period</b>	<p>The original hard copies of the electronically transmitted criminal complaint or information, together with supporting documents and other pleadings, must be submitted within three calendar days after the end of the public health emergency period or upon orders of the court.</p>		

## IV. Managing Plea Bargaining

1. Ensure that you are present during the pre-trial of the case where the potential for plea bargaining is present.
2. Determine the total expenses incurred for the entire law enforcement operation before the pre-trial by compiling all receipts.
3. Ensure that all the necessary cases against the offender have been filed before entering a plea bargain.
4. Weigh all the costs of arresting the offender against the benefits of bargaining to a lesser offense when the prosecutor asks if you (usually the apprehending officer and concerned government agency) are willing to enter a plea bargain with the offender.
5. Assert the non-applicability of plea bargaining in cases where the offense committed is a grave offense, e.g., poaching, killing of endangered species, and the like.
6. Ensure that the court is informed by the prosecutor of the gravity of the offense committed in fisheries cases.
7. Present during plea bargaining the scientific evidence or studies required by the prosecutor to show the gravity of committing IUU fishing.
8. Ensure that the prosecutor gathers inputs from all enforcement team members (if composite team) are heard before entering into a plea bargain.
9. In cases when plea bargaining is still allowed, request the prosecutor to ensure that strict conditions are followed by the offender to safeguard against repeat offenses.
10. Record the name of the offender and other key information of the case for tracking repeat offenders and submit to the concerned government agency, such as BFAR.



### **Things Enforcers Must Know About Plea Bargaining**

1. *Plea bargaining is also known as pleading guilty to a lesser offense.*
2. *Plea bargaining occurs when the defendant is allowed by the court and the Prosecutor, including private complainants and law enforcers, to plead guilty to a lesser offense or to one or some of the counts, and in return, is imposed a lighter penalty based on the lesser offense charged.*
3. *In the absence of specific rules for fishery cases, plea bargaining is understood to apply only Section 92(a) of RA 10654 or actual use of explosives, noxious or poisonous substances, and electricity in fishing can be deemed to be bargained to a lesser offense under Section 92(b) or mere possession of explosives, noxious or poisonous substances for illegal fishing.*

4. *The Supreme Court may regulate the procedure for plea bargaining for fishery cases pursuant to its power “to promulgate rules for pleading, practice, and procedure.”*

## **VI. Using anti-Strategic Lawsuit Against Public Participation (SLAPP) as Defense**

1. Determine if the case filed against you is a SLAPP, which seeks to intimidate persons enforcing environmental laws.
2. Determine if the case is filed with intent to harass, vex, exert undue pressure, or stifle any legal action for violating fisheries law or regulation.
3. Show that all stages of any enforcement activity are properly documented.
4. Cite the police blotter of the enforcement activity, which can be used later in your counter- affidavit.
5. Include observations during the enforcement activity, including a rough sketch of the fishing vessel in your counter-affidavit if needed.
6. When asked to submit a counter-affidavit in a criminal case, do not forget to allege that it is an environmental case and raise the defense of SLAPP.
7. When asked to file an answer in a civil case, do not forget to allege:
  - a. *that it is an environmental case,*
  - b. *the defense of SLAPP,*
  - c. *a prayer for dismissal, and*
  - d. *payment by the complainant of costs of the suit and damages.*
8. Find out if the Prosecutor or judge hearing the case is familiar with the RPEC, particularly the SLAPP provision. Provide them a copy if necessary.
9. Request your lawyer to immediately set the hearing for the defense of the SLAPP case.
10. Ask your lawyer to move for the dismissal of the SLAPP case before arraignment if a criminal case is filed.

An underwater scene with a deep blue color palette. In the foreground, a diver is seen from behind, swimming towards the right. In the middle ground, another diver is visible, swimming away from the viewer. The water is filled with a large school of small fish, creating a dense, shimmering effect. The overall atmosphere is serene and mysterious.

| ANNEX

Form No. 1.1 : Case Operation Plan

Form No. 1

**CASE OPERATION PLAN**

\_\_\_\_\_ Date

**Team Leader:** \_\_\_\_\_

**Group Members/Roles:**

Name	Roles
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

**Target Person/s:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Place, Date and Time of Operations:**

Place	Date/Time	Remarks

**Ground Rules:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Appropriate responses for different scenarios**

Various Scenarios	Appropriate Responses



Form No. 1.2 : Case Operation Plan

**Logistics required**

\_\_\_\_\_

\_\_\_\_\_

**Nearest Prosecutor's Office:**

Name of Prosecutor	Office Address/Contact Nos.	Remarks

**Nearest Hospitals:**

Name of Hospital	Address/Contact Nos.	Remarks

**Nearest Charitable/Penal Institutions:**

Charitable/Penal Institutions	Address	Contact Person/Nos.

**Nearest Detention Facilities/Police Precinct:**

Name	Address	Contact Person/Nos.

**Nearest Accredited Treaters:**

Name	Address	Contact Person/Nos.

\_\_\_\_\_  
Name and Signature of Team Leader

**Approved by:**

\_\_\_\_\_  
Supervisor

## Form No. 2 : Pre-Boarding Checklist

Form No. 2



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**PRE-BOARDING CHECKLIST**

1. Position of the boat/vessel	Latitude: _____ Longitude: _____ Inside ___ Outside ___ municipal waters? (check one)
2. Nationality of the boat/vessel	
3. Origin of the people on board	Local/ foreign (encircle one)
4. Activity of the boat/vessel	Anchored/ stationary/ in transit/ fishing (encircle one) Other activity _____
5. Type of the boat/vessel	Fishing/ cargo/ passenger (encircle one)
6. Approximate length of the boat/vessel	
7. Approximate tonnage of the boat/vessel	
8. Distinguishing features or unusual markings on the boat/vessel	
9. Type of the gear used, if fishing vessel	
10. Position of the gear	
11. characteristics of the gear (fine mesh net, etc)	
12. course and speed of the boat/vessel	
13. Can radio contact be made?	Yes _____ ; No _____
14. Is navigational equipment present?	Yes _____ ; No _____
15. What are the crew and crew members doing?	
16. Is there a change in the activity of the crew or boat/vessel?	
17. Is boarding feasible?	Yes _____ ; No _____

Prepared by: \_\_\_\_\_

Noted by: \_\_\_\_\_

Form No. 3.1 : Inspection Checklist for Seaborne Operation

Form No. 3



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**INSPECTION CHECKLIST FOR SEABORNE OPERATION**

Name of Fishing Boat/boat/vessel: \_\_\_\_\_ G.T. \_\_\_\_\_  
 Name of Owner/Operator/Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Name of Captain/Master Fisherman: \_\_\_\_\_  
 Date and Time Inspected: \_\_\_\_\_  
 Coordinates: \_\_\_\_\_

Documents	Status	Remarks
1. CFVGL - Boat/vessel License - Gear Registration		
2. Certificate of Clearance		
3. Log/Record Book		
4. Fishworker's License (See details at the back)		
5. Location/Fishing Ground		
Violations		
- Unauthorized Fishing (Sec. 86)		
- Engaging in Unauthorized Fisheries Activities (Sec. 87)		
- Failure to Secure Fishing Permits Prior to Engaging in Distant Water Fishing (Sec. 88)		
- Unreported Fishing (Sec. 89)		
- Unregulated Fishing (Sec. 90)		
- Poaching in Philippine Waters (Sec. 91)		
- Fishing Through Explosives, Noxious or Poisonous Substance or Electricity (Sec. 92)		
- Use of Fine Mesh Net (Sec. 93)		
- Fishing in Overexploited Fishery Management Areas (Sec. 94)		
- Use of Active Gear in Municipal Waters, Bays, and Other Fishery Management Areas (Sec. 95)		
- Ban on Coral Exploitation and Exportation (Sec. 96)		
- Ban on Muro-ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat (Sec. 97)		
- Illegal Use of Superlights or Fishing Light Attractor (Sec. 98)		
- Fishing During Closed Season (Sec. 100)		
- Fishing in Marine Protected Areas, Fishery Reserves, Refuges and Sanctuaries (Sec. 101)		
- Fishing or Taking of Rare, Threatened or Endangered Species (Sec. 102)		

Form No. 3.2 : Inspection Checklist for Seaborne Operation

- Capture of Sabalo and Other Breeders/Spawners (Sec. 103)		
- Violation of Harvest Control Rules (Sec. 106)		
- Aquatic Pollution (Sec. 107)		
- Failure to Comply with Minimum Safety Standards (Sec. 108)		
- Gathering and Marketing of Shell Fishes or Other Aquatic Species (Sec. 110)		
- Obstruction to Navigation or Flow or Ebb of Tide in any Stream, River, Lakes or Bay (Sec. 111)		
- Commercial Fishing Vessel Operators Employing Unlicensed Fisherfolk, Fishworker or Crew (Sec. 113)		
- Obstruction of Defined Migration Path (Sec. 114)		
- Obstruction to Fishery Law Enforcement Officer (Sec. 115)		
- Noncompliance with Fisheries Observer Coverage (Sec. 116)		
- Non-Compliance with Vessel Monitoring Measures (Sec. 119)		
- Constructing, Importing or Converting Fishing Vessels or Gears Without Permit from the Department (Sec. 120)		
- Used of Unlicensed Gear (Sec. 121)		
- Falsifying, Concealing, or Tampering with Vessel Markings, Identity or Registration (Sec. 122)		
- Concealing, Tampering or Disposing of Evidences Relating to a Investigation of a Violation (Sec. 123)		
- Other Violations (Sec. 128)		

Summary of Observations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Checked by:

\_\_\_\_\_

Fishery Law Enforcement Officer

Form No. 3.3 : Inspection Checklist for Seaborne Operation

Name Of Fishworker On Board	F.L. Control No.	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		

Note: Please take note of the following as your observation:

1. *CFGVL* - with or without, expired or not expired, and also note the control no., date of expiration and the issuing office, if there is;
2. *COC* - with or without, expired or not expired, and also note the control no., date of expiration and the issuing office, if there is;
3. *Fishing Gear* - active or passive;
4. *Mesh Size* - measurement of the mesh at bunt section;
5. *Log book* - proper recording of volume and species of daily fish catch;
6. *Fishworker's License* - record all fishworkers on board, with or without license, expired or not, control no., date of expiration and issuing office, if there is;
7. *Superlights* - record how many 500, 1,000, 3000-watt halogen bulb, then total no. Of wattage.



Form No. 8 : Boarding Certificate

Form No. 8



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**BOARDING CERTIFICATE**

Date/Time: \_\_\_\_\_

**TO WHOM IT MAY CONCERN:**

**THIS IS TO CERTIFY** that on the above-mentioned date, the Boarding Party of BFAR and \_\_\_\_\_ has boarded my boat/vessel at the vicinity of \_\_\_\_\_ in order to conduct inspections.

That the inspection was conducted in an orderly manner without the use of force upon our person(s) and property.

That after their inspection, they left my boat/boat/vessel without taking any of our personal property which is not subjected to seizure, neither was there anything taken without proper receipt.

That this statement was freely and voluntarily made without the use of force, threat of intimidation.

That before I signed this statement, the contents hereof were translated to me and I have understood the same.

\_\_\_\_\_  
 (Master/Patron)

Name of Boat/vessel: \_\_\_\_\_  
 Name of Owner: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Gross Tonnage: \_\_\_\_\_ Net Tonnage: \_\_\_\_\_  
 CFVL No. \_\_\_\_\_ To Expire on: \_\_\_\_\_  
 CFGL No. \_\_\_\_\_ To Expire on: \_\_\_\_\_  
 FVSC No. \_\_\_\_\_ To Expire on: \_\_\_\_\_

WITNESSES:

INSPECTING OFFICER:

\_\_\_\_\_  
 \_\_\_\_\_

Remarks:

\_\_\_\_\_  
 \_\_\_\_\_

*Note: Inspection is a matter of routine and for the protection of Life and Property at Sea and the Enforcement of Fishery Laws, Rules and Regulations promulgated hereunder.*

Form No. 9 : Receipts of Seized Fish/Fishery Product(s)

Form No. 9



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF SEIZED FISH/FISHERY PRODUCT(S)**

\_\_\_\_\_  
 (Place of Issuance) \_\_\_\_\_ (Date of Issuance)  
 Received from \_\_\_\_\_ the following fish/fishery products  
*Owner/ Possessor/ Person-In-Charge*

following fish/fishery product(s) at \_\_\_\_\_ on  
*Market Place/Fish Landing On-Board FV/Others*

\_\_\_\_\_ in the possession of the above-named person  
*Date & Time*

for violation of \_\_\_\_\_.

VERNACULAR NAME	SCIENTIFIC NAME	ESTIMATED QUANTITY	ESTIMATED MARKET VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
 (Signature Over Printed Name)  
 Fishery Law Enforcement Officer/Team Leader

WITNESSES:  
 \_\_\_\_\_  
 \_\_\_\_\_

Form No. 10 : Receipt of Seized Explosives, Noxious or Poisonous Substances

Form No. 10



Republic of the Philippines
Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES
3rd Floor, PCA Building, Elliptical Road, Diliman, Quezon City
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

RECEIPT OF SEIZED EXPLOSIVES, NOXIOUS OR POISONOUS SUBSTANCES

Date: \_\_\_\_\_
Time: \_\_\_\_\_

Received the following explosives, noxious or poisonous substances in the possession of \_\_\_\_\_ at \_\_\_\_\_
Owner/ Possessor/ Person-In-Charge Market Place/Fish Landing On-Board FV/Others

Table with 2 columns: QUANTITY and DESCRIPTION. Multiple rows for recording seized items.

(Signature Over Printed Name)
Fishery Law Enforcement Officer/Team Leader

WITNESSES:
\_\_\_\_\_
\_\_\_\_\_

Form No. 11 : Receipts of Siezed Fishing Boat/Vessel

Form No. 11



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF SEIZED FISHING BOAT/VESSEL**

\_\_\_\_\_  
 (Place of Issuance) \_\_\_\_\_ (Date of Issuance)  
 Received from \_\_\_\_\_ for impoundment  
 (Owner/Possessor/Person-In-Charge)

the fishing boat/vessel herein described:

Operator/Owner:

\_\_\_\_\_  
 Name of boat/vessel & CFBL No.:

\_\_\_\_\_  
 For violation of:

Reason(s) for Impoundment:

- \_\_\_\_\_ possession of illegally caught fish/fishery product (s)
- \_\_\_\_\_ used in actual illegal fishing operation
- \_\_\_\_\_ possession of explosives, noxious or poisonous substance.
- \_\_\_\_\_ Others (specify) \_\_\_\_\_

\_\_\_\_\_  
 (Signature Over Printed Name)  
 Fishery Law Enforcement Officer

WITNESS/ES:

\_\_\_\_\_  
 \_\_\_\_\_

Form No. 12 : Receipt of Other Seized Items

Form No. 12



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF OTHER SEIZED ITEMS**

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Time: \_\_\_\_\_

Received the following items in the possession of \_\_\_\_\_  
*Owner/ Possessor/ Person-In-Charge*

at \_\_\_\_\_  
*Market Place/Fish Landing On-Board FV/Others*

Description of Each Items/Articles On Board:

ITEMS/ARTICLES	QUANTITY	UNIT	REMARKS
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
(Signature Over Printed Name)  
Fishery Law Enforcement Officer/Team Leader

WITNESSES:  
\_\_\_\_\_  
\_\_\_\_\_



Form No. 13 : Receipts of Seized Fish/Fishery Product(s)  
Not Suitable for Human Consumption

Form No. 13



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF SEIZED FISH/FISHERY PRODUCT(S)  
NOT SUITABLE FOR HUMAN CONSUMPTION**

\_\_\_\_\_  
(Place of Issuance) (Date of Issuance)

Received from \_\_\_\_\_ the following fish/fishery products  
*Owner/ Possessor/ Person-In-Charge*

following fish/fishery product(s) at \_\_\_\_\_  
*Market Place/Fish Landing On-Board FV/Others*

on \_\_\_\_\_ in the possession of the above-named person  
*Date & Time*

for violation of \_\_\_\_\_.

VERNACULAR NAME	SCIENTIFIC NAME	ESTIMATED QUANTITY	ESTIMATED MARKET VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
(Signature Over Printed Name)  
Fishery Law Enforcement Officer/Team Leader

WITNESSES:  
\_\_\_\_\_  
\_\_\_\_\_





Form No. 19 : Receipts of Fish Samples Taken for Examination

Form No. 19



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF FISH SAMPLES TAKEN FOR EXAMINATION**

\_\_\_\_\_ Date

\_\_\_\_\_ Place of Issuance

Received from \_\_\_\_\_ the fish samples taken  
*Operator/ Possessor/ Master/ Person-In-Charge*

from \_\_\_\_\_  
*Fishing Boat/vessel, Market Place, Fish Landing, Cargo Vehicle etc*

on \_\_\_\_\_ at \_\_\_\_\_ with the following descriptions:  
*Date Time*

VERNACULAR NAME	SCIENTIFIC NAME	QUANTITY	ESTIMATED VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**REMARKS:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ Fishery Law Enforcement Officer/Team Leader  
 (Signature Over Printed Name)

Form No. 20 : Receipt of Sample Taken for Identification

Form No. 20



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**RECEIPT OF SAMPLE TAKEN FOR IDENTIFICATION**

\_\_\_\_\_ Date

\_\_\_\_\_ Place of Issuance

Received from \_\_\_\_\_ the  
*Operator/ Possessor/ Master/ Person-In-Charge*

samples taken from \_\_\_\_\_  
*Fishing Boat/Vessel, Market Place, Fish Landing, Cargo Vehicle etc*

on \_\_\_\_\_ at \_\_\_\_\_ with the following descriptions:  
*Date Time*

Vernacular/English Name	Quantity	Remarks
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
 Fishery Law Enforcement Officer/Team Leader  
 (Signature Over Printed Name)



Form No. 22 : Request for Identification/Certification of Sample of Seized Items

Form No. 22



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**REQUEST FOR IDENTIFICATION/CERTIFICATION OF SAMPLES OF SEIZED ITEMS**

\_\_\_\_\_ Date

\_\_\_\_\_ Name of Head of Office

\_\_\_\_\_ Designation

\_\_\_\_\_ Complete Address

Dear Sir/Madam:

This is to request for the conduct of identification of the following samples of seized items, to wit:

Source of samples: \_\_\_\_\_

Name of owner/person-in-charge: \_\_\_\_\_

Date and time of samples taken: \_\_\_\_\_

Vernacular/English Name	Quantity	Remarks/Sexual Maturity/Size
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Thank you.

Very truly yours,

\_\_\_\_\_  
 Signature Over Printed Name  
 Position/Designation

Form No. 24 : Request for Scientific Examination of Fish Samples

Form No. 24



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**REQUEST FOR SCIENTIFIC EXAMINATION OF FISH SAMPLES**

\_\_\_\_\_ Date

\_\_\_\_\_ Name of Head of Office

\_\_\_\_\_ Designation

\_\_\_\_\_ Complete Address

Dear Sir/Madam:

This is to request for the conduct of scientific examination of fish samples taken with the following information:

Source of fish samples: \_\_\_\_\_

Name of owner/person-in-charge: \_\_\_\_\_

Date and time of fish samples taken: \_\_\_\_\_

Vernacular/English Name of Fish	Quantity	Remarks
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Thank you.

Very truly yours,

\_\_\_\_\_  
 (Signature Over Printed Name)  
 Position/Designation

# Form No. 26 : Fish Sample Evidence

Form No. 26



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

### FISH SAMPLE EVIDENCE

Place: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Time: \_\_\_\_\_

Name of Fishing Boat/vessel/ Cargo Vehicle: \_\_\_\_\_

Name of Owner/Operator/In-Charge of Fish: \_\_\_\_\_

Address of Owner/Operator/In-Charge of Fish: \_\_\_\_\_

Kind & Quantity of Species Taken as Samples: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Fishery Law Enforcement Officer/Team Leader

(Signature Over Printed Name)

*(Once completed, this form should be used as label of the sealed bottle containing the fish samples in 7 parts water and 3 parts formalin)*



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

### FISH SAMPLE EVIDENCE

Place: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Time: \_\_\_\_\_

Name of Fishing Boat/vessel/ Cargo Vehicle: \_\_\_\_\_

Name of Owner/Operator/In-Charge of Fish: \_\_\_\_\_

Address of Owner/Operator/In-Charge of Fish: \_\_\_\_\_

Kind & Quantity of Species Taken as Samples: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Fishery Law Enforcement Officer/Team Leader

(Signature Over Printed Name)

*(Once completed, this form should be used as label of the sealed bottle containing the fish samples in 7 parts water and 3 parts formalin)*

Form No. 28 : Identification/Dertification Report of Samples of Seized Itemsd

Form No. 28



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**IDENTIFICATION/CERTIFICATION REPORT OF SAMPLES OF SEIZED ITEMS**

\_\_\_\_\_ Date

Dear Sir/Madam:

Hereunder is the result of the identification of samples of seized item/s conducted by the undersigned:

Source of samples: \_\_\_\_\_

Name of owner/person-in-charge: \_\_\_\_\_

Date and time of samples taken: \_\_\_\_\_

Date and time of samples submitted: \_\_\_\_\_

Date and time of samples examined: \_\_\_\_\_

Name and Position/Designation of the person who submitted the samples: \_\_\_\_\_

English/Vernacular Name	Scientific Name	Quantity	Remarks/Sexual Maturity/Size
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CONCLUSION: \_\_\_\_\_

Very truly yours,

\_\_\_\_\_  
 (Signature Over Printed Name)  
 Position/Designation

Form No. 32 : Turn-over Receipt of Items/Articles on Board the Impounded Fishing Boat/Vessel

Form No. 32



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**TURN-OVER RECEIPT OF ITEMS/ARTICLES ON BOARD THE  
 IMPOUNDED FISHING BOAT/VESSEL**

\_\_\_\_\_ Date

Name of Fishing Boat/Vessel \_\_\_\_\_

Name of Owner/Operator: \_\_\_\_\_

Address of the Owner/Operator: \_\_\_\_\_

Place of Apprehension: \_\_\_\_\_

Date/Time: \_\_\_\_\_

A. Fishing Gear and Equipment, etc.

ITEMS/ARTICLES	QUANTITY	UNIT	REMARKS

B. Engine, Equipment, Fuel, etc.

ITEMS/ARTICLES	QUANTITY	UNIT	REMARKS

C. Navigational Equipment, etc.

ITEMS/ARTICLES	QUANTITY	UNIT	REMARKS

Turned-over by:

\_\_\_\_\_ Fishery Law Enforcement Officer

Received by:

\_\_\_\_\_

Note: All the above-listed items were received in good and working conditions.

WITNESS/ES

\_\_\_\_\_  
 \_\_\_\_\_



Form No. 40 : Notice of Violations

Form No. 40



Republic of the Philippines  
 Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
 3<sup>rd</sup> Floor, PCA Building, Elliptical Road, Diliman, Quezon City  
 Tel. Nos. 929-9597, 929-8074, Fax No. 929-8074,

**NOTICE OF VIOLATIONS**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sir/Ma'am;

Please be informed that our Fishery Law Enforcement Team was able to inspect your

\_\_\_\_\_  
 (Name of Boat/vehicle plate number/stall/establishment, etc.)

while on \_\_\_\_\_ operations on \_\_\_\_\_  
 (Type of operations) (Date and time of inspection)

in \_\_\_\_\_  
 (place of operation or GPS coordinates if applicable)

and found out the following violations committed, viz.:

Violations	Administrative Penalty

As a matter of right, you may submit your written offer of settlement not later than **five (5) working days** upon issuance of this **Notice** to the nearest BFAR Hearing Officers subject to the approval of BFAR Adjudication Committee as provided for under Rule 131.2 "Offer to settle" of RA 10654.

Signed and issued this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
 at \_\_\_\_\_

\_\_\_\_\_  
 Apprehending Team Leader

Witness (Name and signature)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Received by:

\_\_\_\_\_  
 Owner/In-Charge

- Cc:  
 1. BFAR Regional Director  
 2. Apprehending Team Leader  
 3. Receiver  
 4. FMRED









To know more about how we save the oceans and feed the world, visit our website  
Email [philippines@oceana.org](mailto:philippines@oceana.org) on how you can help restore ocean abundance.  
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