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SENATE
S.B. No. **2616**

FILED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

The Philippines is known as the center of marine biodiversity, having about 2/3s of the known marine species of the Pacific living in its coastal waters. Sharks, as predators of the sea, play a vital role in regulating the ecological balance, particularly the health of important commercial fish species, population balance, and protection of coral reefs. As such, our country plays a crucial role in protecting marine species.

Despite their importance, these predators of the sea have themselves been hunted by humans for their meat and fins. CNN and a conservation group called Shark Savers stated that, "Up to 100 million sharks are killed annually with some shark populations declining by as much as 90 percent."

Numerous laws have been put in place to protect our environment and its flora and fauna. The 1987 Constitution provides that, "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Domestic law, particularly RA 9147 or the Wildlife Resources Conservation and Protection Act also provides that, "It shall be the policy of the State to conserve the country's wildlife resources, their habitats for sustainability," and shall work towards and initiate scientific studies towards enhancement of biological diversity. Said law also recognizes our commitment to international conventions for the protection of wildlife and their habitats, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which the Philippines ratified in August 1981. Said Convention seeks to ensure that the survival of wild animals and plants are not threatened due to international trade. It also designates flora and fauna in separate appendices according to the threat of extinction, shark species being described as either threatened with extinction or whose trade must be controlled in order to avoid utilization that is incompatible with their survival.


The Fisheries Code or RA 8550 also declares it the policy of the State to achieve, "Conservation, protection and sustained management of the country's fishery and aquatic resources." While E.O. No. 578 makes it a state policy to protect and conserve biodiversity of ecosystems, species and genes.

Although sharks and rays have not been officially declared endangered, its population has drastically declined over the years not only because of environmental decline but more importantly, over-fishing for human consumption. As they reproduce slowly, they are in danger of becoming extinct if we do not proactively protect them. As such, I urge for this measure to be passed with dispatch.


LOREN LEGARDA
Senator

NOV 26 1965

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**AN ACT BANNING THE CATCHING, SALE,
PURCHASE, POSSESSION, TRANSPORTATION, IMPORTATION
AND EXPORTATION OF ALL SHARKS AND RAYS OR ANY PART THEREOF IN
THE COUNTRY**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **Section 1. Prohibition.**- It shall be unlawful to catch sharks and rays in Philippine
2 waters or to sell, purchase, possess, transport, or export the same, in any state, condition
3 or form, or any part thereof.
4

5 It shall also be unlawful to wound or kill sharks and rays, unless there is threat to
6 human life or limb, whether in the course of catching other species of fish. Shark and
7 rays, which are accidentally included in the catch shall be immediately released
8 unharmed in the sea.
9

10 **Sec. 2. Lead Agency.**- The BFAR and the DENR shall take steps to issue the
11 necessary orders to list all sharks and rays as endangered species. The Department of
12 Tourism, and the Philippine Council for Sports Scuba Diving (PCSSD), shall also
13 coordinate with the DENR, BFAR and the Local Governments to identify habitats and
14 feeding grounds of sharks and rays and declare the same as protected tourism estates.
15 Upon the identification of these areas, they shall be promoted for restorative eco-
16 tourism.
17

18 To eliminate the demand that results in the massive killing of sharks, Shark's Fin
19 Soup and the selling of sharks fin shall be prohibited. The Department of Trade and
20 Industry shall prepare a phase out plan for the serving of sharks' fin soups in

1 restaurants and advise the restaurant owners on the matter.

2
3 The Department of Tourism (DOT) shall be the lead agency in the
4 implementation of this law and is authorized to issue rules and regulations in
5 pursuance to this Act.

6
7 **Sec. 3. Information and Education.**- The Department of Education, in cooperation
8 with other academic institutions (e.g. UP Marine Science Institute, Siliman University
9 Marine Laboratory) and others shall undertake a nationwide information and education
10 campaign to make the Filipinos understand the value of sharks and rays in the marine
11 ecosystem and to tourism.

12
13 **Sec. 4. Assistance and Regular Reporting.**- The DOT and the other agencies
14 herein named shall seek the assistance of the PNP and other law enforcement agencies
15 and local government units for the implementation of this law. The DOT shall report to
16 the Office of the President every month on the progress of this initiative.

17
18 **Sec. 5. Penal Provisions.**- Whoever violates this Act or any rules and regulations
19 issued by the Department pursuant to this Act and is found guilty by a competent court
20 shall be fined in the amount of not less than Five thousand pesos (5,000) nor more than
21 Five hundred thousand pesos (500,000), or imprisonment for not less than one (1) year
22 but not more than six (6) years, or both, as determined by the court: *Provided, That, if the*
23 *area or specie requires rehabilitation or restoration as determined by the court, the*
24 *offender shall also be required to restore or compensate for the restoration to the*
25 *damage: Provided, further, That the court shall order the forfeiture in favor of the*
26 *Government of all shark and ray products collected or removed including all*
27 *equipment, devices and firearms used in connection therewith by the offender. If the*
28 *offender is an association or corporation, the president or manager shall be directly*
29 *responsible for the act of his employees and laborers.*

30
31 **Sec. 6. Separability.** - Any portion or provision of this law that maybe declared
32 unconstitutional shall not have the effect of nullifying its other portions or provisions,
33 as long as such remaining portions can still be given effect.

1 *Sec. 7. Repeal* - All laws, executive orders, rules and regulations and other
2 issuances or parts thereof, which are inconsistent with this law, are hereby revoked,
3 amended, or modified accordingly.

4

5 Approved,