

THIRTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*

'04 JUN 30 P3:12

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S E N A T E

S. No. 256

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Introduced by Senator S. R. Osmeña III

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#### EXPLANATORY NOTE

The country's fisherfolk face the enormous challenges of management and conservation of the fishery resources in the face of a critically degraded marine environment. Government and fishing communities should therefore act jointly as resource managers sharing a genuine concern and responsibility for the protection, conservation and rehabilitation of the fragile coastal zone and for ensuring the sustainability of the fishery resources.

Seaweeds and seashells are two of the important coastal resources which serve as food and shelter of fish and other marine organisms. The depletion of our seafood resources affects our fishery production. In addition, the collection and export of fresh seaweed seedlings and live seashells result in the loss of genetic materials needed to replenish depleted areas of the country. The loss of our natural stock would also prevent our local scientists from determining other important uses of the seaweeds and seashells. Many species of mollusks (shells) have already been over-harvested, and it is imperative to preserve what is left.

Seaweed and seashell farming have also become the alternative source of income of the people in the rural areas. It is noteworthy to mention that one of its key contributions to the community is the apparent reduction in the use of blast and cyanide fishing, and the relative peace and order situation in these areas. As the industries of seaweed and seashell grow and expand, so are the number of farmers and families involved in seaweed and seashell farming, and the direct employment that will be generated. Allied and support (both backward and forward linkages) industries such as shipping, hauling, trucking, and plastic manufacturers shall also correspondingly increase.

In order to ensure the availability of seaweeds and seashells resources and the development of the local industries utilizing them, it is therefore necessary to protect, conserve and rehabilitate these resources in all parts of the country.

In view of the foregoing, approval of this bill is earnestly requested.

  
**SERGIO OSMEÑA III**  
Senator

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AN ACT  
TO PROTECT, CONSERVE AND REHABILITATE THE SEaweeds AND  
SEASHELLS RESOURCES IN ANY FORM AND FOR OTHER PURPOSES

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

1        SECTION 1. **Title-** This Act shall be known as the "Seaweeds and  
2        Seashells Protection, Rehabilitation and Conservation Act of 2004."

3        SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the  
4        State to protect and promote the rehabilitation and conservation of aquatic  
5        resources particularly seaweeds and seashells and regulate the exploitation and  
6        utilization thereof.

7        SEC. 3. **Definition of Terms.** – As used in this Act, the following terms  
8        shall mean:

9        (a) Conservation- the complete preservation or limited harvesting of  
10       seaweeds and seashells in such a way as not to adversely affect the sustained  
11       productivity of marine eco-systems;

12       (b) Rehabilitation- the propagation/multiplication of new varieties (product  
13       of research) restocking depleted areas of the country

14       (c) Exploitation- the actual extraction, gathering and collection of  
15       seaweeds and seashells;

1 (d) Utilization- all operations involved in the manufacture, processing or  
2 conversion of raw seaweeds and seashells into finished products.

3 SEC. 4. **Implementing Agency.** – The Bureau of Fisheries and Aquatic  
4 Resources under the Department of Agriculture shall be the implementing  
5 agency tasked with the following functions, powers and responsibilities:

6 (a) Preparation of a National Program o Seaweeds and Seashells  
7 Protection, Conservation, Rehabilitation, Exploitation and Utilization which shall  
8 set priorities based on the severity of the degradation in various parts of the  
9 country and shall consist of, but not limited to, research and development,  
10 preservation of the remaining stock, regulation and harvesting restocking of  
11 depleted areas and proper management of the endangered species of seashells;

12 (b) Coordination with such departments, bureaus, and other government  
13 agencies, including local government units (LGUs) and non-governmental  
14 organizations (NGOs), as may be necessary in the preparation and  
15 implementation of the Program;

16 (c) Submission of recommendation to the President for the adoption of  
17 such measures requiring urgent attention and the enactment of such laws as  
18 may be necessary to more effectively carry out this Act.

19 SEC. 5. **Implementing Rules and Regulations.** – The Bureau of  
20 Fisheries and Aquatic Resources, the Department of Environment and Natural  
21 Resources and the Department of the Interior and Local Government, in  
22 coordination with all related government agencies, especially local government  
23 units and fisherfolk organizations and other NGOs, the Philippine National Police  
24 and the Philippine Coast Guard, shall promulgate the necessary rules and  
25 regulations to implement the provisions of this Act.

26 SEC. 6. **Prohibitions and Penalties.** – Any person or entity causing  
27 destruction, in any manner, of the habitat, natural or otherwise of the seaweeds  
28 and/or seashells and of any stocks therein shall, upon conviction, be punished by  
29 imprisonment of not less than sixty (60) days nor more than six (6) years of a fine

1 of not less than (P6,000.00), or both at the discretion of the court. Likewise, any  
2 person or entity gathering, harvesting or collecting young or immature seaweeds  
3 and/or seashells which will lead to the total depletion of the seaweeds and/or  
4 seashells stocks shall, upon conviction, be punished by imprisonment of not less  
5 than thirty (30) days nor more than three (3) years and a fine of not less than  
6 Three thousand pesos (P3,000.00) or both at the discretion of the court:  
7 Provided, That if the conviction is against an entity, the penalty of imprisonment  
8 shall be imposed upon the head of said entity: Provided, further, That the penalty  
9 herein prescribed shall be without prejudice to the confiscation by the  
10 Government of the seaweeds and/or seashells illegally gathered together with  
11 the vessel and the gear or paraphernalia used therein.

12 SEC. 7. **Appropriations.-** The amount necessary for the implementation  
13 of this Act shall be charged to the annual appropriations of the Department of  
14 Agriculture and the Department of Environment and Natural Resources which  
15 shall set aside such sums as may be necessary for its continued implementation.

16 SEC. 8. **Repealing Clause.** – All laws, decrees, orders, rules and  
17 regulations, or parts thereof, which are inconsistent with this Act are hereby  
18 repealed or modified accordingly.

19 SEC. 9. **Separability Clause.** – If any provision of this Act is declared  
20 unconstitutional or invalid, the remaining provisions hereof shall not be affected  
21 thereby.

22 SEC. 10. **Effectivity Clause-** This Act shall take effect fifteen (15) days  
23 after its complete publication in at least two (2) newspapers of general circulation

24 Approved,