

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

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SENATE

S.B. No. 1271

RECEIVED BY: 

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Many marine species are unique to the Philippines and can be found in no other area of the world. It is for this reason that our indigenous fishes are an important part not only of our aquatic ecosystem but more so of global marine biodiversity.

This proposed measure focuses on the remaining numbers of one such fish species native to the Philippines, namely *Cestraeus Plicatilis*, commonly known as "Ludong". The ludong is endemic to the rivers of Abra, Caraballo, Cordillera, and Sierra Madre. Aptly called the "President's Fish", a kilogram of this delicious riverine delicacy costs roughly Php4,000.00.

The *Cestraeus Plicatilis* (ludong) is a catamadrous fish, meaning it grows upstream and migrates downstream to spawn. This fish typically appears seasonally for 2 to 6 days a year from October to November, particularly after heavy rains and during flashfloods. After spawning, the fish travels upstream again but the eggs and larvae stay downstream. The fry migrate upstream from December to February during moon phase.

The ludong population has diminished over the years as a result of unrestrained and unregulated fishing during spawning season. Further, the destruction of the fish's natural habitats, namely mangrove forests and watershed areas, as well as the pollution of rivers and lakes have made this rare and elusive fish a threatened species.

The proposed measure addresses the situation by promoting the conservation and preservation of the ludong fish in the Philippines. This measure establishes a national council for the conservation and preservation of ludong.

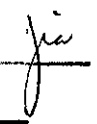
In view of the above, passage of this bill is earnestly sought.


MANUEL "LITO" M. LAPID
Senator 

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AN ACT
PROVIDING FOR THE PROTECTION AND CONSERVATION OF
CESTRAEUS PLICATILIS, COMMONLY KNOWN AS "LUDONG", IN THE
PHILIPPINES

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "**Ludong**
2 **Protection and Conservation Act of 2013**".

3
4 **SEC. 2. Declaration of Policy.** - It is the policy of the State to protect and
5 conserve the country's natural resources, particularly, precious aquatic resources. As
6 such, the State shall implement measures to conserve and protect indigenous aquatic
7 species found in the country and, further, shall provide holistic programs on Information,
8 Education and Communication (IEC) Campaign to educate the general public.

9 Towards this end, the State shall pursue the protection and conservation of the
10 Ludong fish in order to preserve and breed this threatened species.

11
12 **SEC. 3. Definition of Terms.** - For purposes of this Act, the following
13 terms shall be defined as follows:

14 (a) "Conservation" means to protect, sustain, and, where appropriate, restore
15 and enhance healthy populations of *Cestraeus Plicatilis* (Ludong), their
16 habitats, and productivity by utilizing methods and procedures associated with
17 modern scientific resource programs, including but not limited to protection,
18 research, census, law enforcement, habitat management, propagation, live
19 trapping and transplantation, and regulated taking;

20 (b) "Endemic species" means species or subspecies which are naturally
21 occurring and found only within specific areas in the country;

22 (c) "Habitat" means place or environment where species or subspecies
23 naturally occur or have naturally established its population;

- 1 (d) "Ludong" means *Cestraeus plicatilis*, a catamadrone fish endemic to the
2 rivers of Abra, Caraballo, Cordillera and Sierra Madre;
- 3 (e) "Riverine" means a system of inland wetlands and deep-water habitats
4 associated with non-tidal flowing water, characterized by the absence of
5 trees, shrubs, or emergent vegetation;
- 6 (f) "Secretary" refers to the Secretary of the Department of Environment and
7 Natural Resources (DENR); and
- 8 (g) "Threatened species" means species or subspecies considered
9 endangered, critically endangered, vulnerable or such other generally
10 accepted categorization of wildlife expressing risk of extinction.
- 11

12 **SEC. 4. Riverine Reservation Areas.** - There shall be established and set
13 aside in all Ludong habitats within the Philippines portions of rivers solely for the
14 preservation, protection, and sustainable management of the Ludong.

15

16 **SEC. 5. National Council for the Preservation of *Cestraeus Plicatilis***
17 **(Ludong).** - There shall be created a National Council for the Preservation of
18 *Cestraeus plicatilis* (Ludong), which shall be an attached agency of the Department of
19 Environment and Natural Resources (DENR). The council shall be headed by the
20 Secretary who shall be the Chairman of the Council. The other members of the
21 Council shall be the following:

- 22 1.) the Secretary of the Department of Agriculture (DA);
- 23 2.) the Secretary of the Department of the Interior and Local Government
24 (DILG);
- 25 3.) the Secretary of the Department of Science and Technology (DOST);
- 26 4.) the Director of the Bureau of Fisheries and Aquatic Resources (BFAR);
- 27 5.) a representative from academic and research institutions; and
- 28 6.) a representative from an accredited nongovernmental organization.
- 29

30 The National Council shall have the following powers and functions:

- 31 1.) Prepare a comprehensive program for the conservation and preservation
32 of Ludong by conducting the necessary studies on the system and the mode of
33 conservation and preservation of said species;
- 34 2.) Identify and delineate the boundaries of the bodies of water which shall
35 form part of the reservation areas;
- 36 3.) Have general control and supervision over local councils for the
37 conservation and preservation of Ludong;

1 4.) Promulgate the necessary rules and regulations necessary to carry out the
2 provisions of this Act.

3
4 **SEC. 6. *The Local Council for the Preservation of Ludong.*** - There shall
5 be established a local council for the conservation and preservation of Ludong,
6 hereafter referred to as the "local council", for each of the municipalities where a
7 reservation area has been identified. The local council shall be composed of the DENR
8 Regional Executive Director under whose jurisdiction the reservation area is located
9 who shall be the chairman and the following members: a representative of the municipal
10 government concerned; a representative from each of the barangays under whose
11 territory the reservation area is located; a representative from an accredited
12 nongovernmental organization; and a representative from the private sector.

13
14 The Local Council shall have the following powers and functions:

15 1.) To implement and enforce all the programs and policies laid down by the
16 National Council;

17 2.) To carry out the general administration and day to day planning of the
18 program;

19 3.) To secure the reservation area from illegal and destructive activities which
20 would endanger the successful implementation and viability of the program; and

21 4.) To perform other powers and functions as may be designated by the
22 National Council.

23
24 In order to secure the reservation area from illegal activities, the local council and
25 the local government under whose jurisdiction the reservation area is located shall
26 employ the services of conservation guards who shall be tasked with the responsibility
27 to monitor the protected areas. They shall have the authority to arrest persons caught
28 violating the provisions of this Act or the rules and regulations to be issued pursuant
29 thereto.

30
31 In the event that any member or officer of the National and Local Council or any
32 of the conservation guards are found to be guilty of nonfeasance, misfeasance, or
33 malfeasance, the conservation guards concerned, together with the officials of the local
34 council and the local government, by virtue of the principle of command responsibility,
35 shall be held liable for such violations and shall be prosecuted in accordance with the
36 provisions of Section 8 of this Act, without prejudice to any criminal liability which they
37 may be found guilty of.

1 **SEC. 7. *Prohibited Acts.*** - The following acts are hereby prohibited:

- 2 1) Harvesting of Ludong within reservation areas;
- 3 2) Dumping of mine tailing and other industrial wastes within reservation areas;
- 4 3) Construction or reclamation conducted within reservation areas without the
- 5 necessary license, permit, or authority therefor;
- 6 4) Other acts or activities that will result in the destruction of reservation areas.

7

8 **SEC. 8. *Penalties.*** - Any person, natural or juridical, found guilty of violating

9 this Act or any rules and regulations issued by the National Council shall, after notice

10 and hearing by the regular courts of record, be fined not less than One Hundred

11 Thousand Pesos (Php100,000.00) but not more than Five Hundred Thousand Pesos

12 (Php500,000.00), or imprisonment for not less than one (1) year but not more than six

13 (6) years, or both, at the discretion of the Court: *Provided*, That if the area requires

14 rehabilitation or restoration, as determined by the court, the offender shall answer for e

15 cost of the rehabilitation or restoration.

16 If the offender is an association or corporation, the president or manager shall be

17 directly responsible for the act of his employees and laborers.

18

19 **SEC. 9. *Information, Education and Communication (IEC) Campaign.*** –

20 The DENR, in coordination with the DA and the Philippine Information Agency (PIA),

21 shall conduct a nationwide information, education, and communication (IEC) campaign

22 in order to inform the general public of the need to conserve and protect our indigenous

23 aquatic fish resources.

24

25 **SEC. 10. *Appropriation.*** – The amount necessary to implement the

26 provisions of this Act shall be included and incorporated in the annual general

27 appropriations of the DENR and the various agencies of the government involved in the

28 creation of the National Council for the Preservation of *Cestraeus Plicatilis* (Ludong)

29 and in the implementation of this Act.

30

31 **SEC. 11. *Implementing Rules and Regulations (IRR).*** - Within six (6)

32 months from the date of effectivity of this Act, the DENR, in consultation with the DA

33 and DILG, shall promulgate the necessary implementing rules and regulations to

34 implement the provisions of this Act.

1 **SEC. 12. *Repealing Clause.*** - All laws, presidential decrees, executive
2 orders, rules and regulations, or parts thereof which are inconsistent with the provisions
3 of this Act are hereby repealed or modified accordingly.

4
5 **SEC. 13. *Separability Clause.*** - If, for any reason, any part or provision of
6 this Act is declared unconstitutional or invalid, such parts not affected thereby shall
7 remain in full force and effect.

8
9 **SEC. 14. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
10 complete publication in at least two (2) newspapers of general circulation.

Approved,