

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



Senate
Office of the Secretary

'14 JUL 28 P1:39

SENATE
S. No. **2328**

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REGULATING THE AQUARIUM AQUATIC LIFE COLLECTING INDUSTRY

EXPLANATORY NOTE

The Constitution, Article II, Section 16 provides:

Section 16. 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.

The aquarium aquatic life collecting industry must be regulated to ensure the health of the country's coral reefs and aquatic life. The industry of harvesting fish and other marine creatures for home and commercial aquariums remains largely unregulated, raising environmental concerns.

The purpose of this Act is to regulate the aquarium aquatic life collecting industry by implementing prohibitions and a system of fines for violators.*


[Signature]
MIRIAM DEFENSOR SANTIAGO

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* This bill was originally filed during Fourteenth Congress, Third Regular Session.

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

1 AN ACT
2 REGULATING THE AQUARIUM AQUATIC LIFE COLLECTING INDUSTRY

3 SECTION 1. *Short Title.* – This Act shall be known as the “Aquarium Aquatic Life Act.”

4 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to give
5 the highest priority to the protection of the environment, particularly marine life. Towards this
6 end, this Act shall regulate the aquarium aquatic life collecting industry to ensure the health of
7 the country’s coral reefs and aquatic life.

8 SECTION 3. *Definitions.* – In this Act, the term –

9 (a) “Aquarium collecting gear” means any equipment used to collect aquarium fish or
10 animals including, but not limited to, hand nets, fence or barrier nets, fiberglass or “tickle sticks”,
11 catch buckets, keeps, or baskets;

12 (b) “Aquarium purpose” means to hold saltwater fish, freshwater non-game fish, or
13 other aquatic life alive in a state of captivity as pets, for scientific study, or for public exhibition
14 or display, or for sale for these purposes. Saltwater fish, freshwater non-game fish, or other
15 aquatic life held alive in a state of captivity as food for human consumption shall not be
16 considered an aquarium purpose;

17 (c) “Collect” means to take, catch, harvest, or confine, or to attempt to take, catch,
18 harvest, or confine aquatic life. The use of any aquarium collecting gear to take, catch, capture,
19 harvest, or confine, or to attempt to take, catch, capture, harvest, or confine aquatic life by any

1 person who is on or about the shores of the Philippines or in a vessel in Philippine waters shall
2 be construed as collecting under this section; and

3 (d) "Department" means the Department of Environment and Natural Resources.

4 SECTION 4. *Aquarium Aquatic Life Selling Permit.* – No natural person, corporation,
5 partnership, association, or any other entity shall sell, trade, or distribute aquarium aquatic life
6 for aquarium purposes without a permit from the Department of Environment and Natural
7 Resources.

8 SECTION 5. *Approved Aquarium Collecting List of Aquatic Species.* – (a) The
9 Department shall develop and maintain an approved aquarium collecting list of aquatic species.
10 No aquatic species shall be collected or sold for aquarium purposes unless the species appears on
11 the approved aquarium collecting list.

12 (b) The approved aquarium collecting list shall only include species that are shown
13 by a Department or other government agency study to meet the following criteria:

14 (1) The species can survive capture, transport, and captivity for at least one hundred
15 eighty (180) days;

16 (2) Based on historical evidence, the species is part of a stable or increasing
17 population trend in the area where the species is being collected;

18 (3) The removal of the specie does not negatively impact the reef ecosystem by
19 contributing to algae overgrowth for herbivores, parasite overload on other reef
20 fishes for cleaner wrasses and cleaner shrimps, or other harmful effects;

21 (4) The species is not endemic to the Philippines;

22 (5) The species is not endangered or vulnerable, as classified by the Department in
23 accordance with laws, international conventions, or rules and regulations; and

24 (6) Such other criteria as may be prescribed by the Department.

25 (c) The Department may recognize indigenous Philippine traditional and customary
26 rights with regard to marine resources for subsistence, cultural, or religious purposes.

1 (d) The Department shall inform all permit holders under section 4 of the species
2 included in the aquarium collecting list and the penalties for failure to comply with the
3 restrictions regarding the collection of aquatic life.

4 SECTION 6. *Penalties.* – (a) Any natural person, corporation, partnership, association,
5 or any other entity that collects aquatic life not on the approved aquarium collecting list shall be
6 fined not less than Five Thousand Pesos (P5,000.00) for each specimen collected. If the
7 specimen is an endangered or vulnerable species as classified by the Department, the fine shall
8 not be less than Fifty Thousand Pesos (P50,000.00) for each endangered species collected.

9 (b) Any natural person, corporation, partnership, association, or any other entity that
10 sells aquatic life not on the approved aquarium collecting list shall be fined not less than Twenty
11 Thousand Pesos (P20,000.00) for each specimen sold. If the specimen is an endangered or
12 vulnerable species as classified by the Department, the fine shall not be less than One Hundred
13 Thousand Pesos (P100,000.00) for each endangered species sold.

14 (c) Any natural person, corporation, partnership, association, or any other entity that
15 sells aquatic life without the permit referred in section 4 shall be fined Ten Thousand Pesos
16 (P10,000.00) for each day of violation.

17 (d) The imposition of penalties under this Act shall not bar the prosecution of the
18 offender under the Revised Penal Code or special laws.

19 SECTION 7. *Rules and Regulations.* – The Secretary of Environment and Natural
20 Resources shall promulgate the necessary rules and regulations to implement this Act.

21 SECTION 8. *Separability Clause.* – If any provision or part hereof is held invalid or
22 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
23 valid and subsisting.

1 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
3 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

4 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

Approved,

/jab07-22-2014