


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



Senate
Office of the Secretary

'16 JAN 25 P5:07

SENATE
S. No. 3106

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
PROTECTING DOLPHINS BY INFORMING CONSUMERS OF THE ORIGIN OF
TUNA PRODUCTS

EXPLANATORY NOTE

Dolphins refer to any of several chiefly marine, cetacean mammals of the family *Delphinidae* which have fishlike body, numerous teeth, and the front of the head elongated into a beaklike projection. Some dolphin species face an uncertain future from accidental fishing, pollution or accidental contact with fishing vessels.

Various fishing methods, most particularly purse seine fishing for tuna and the use of drift and gill nets, unintentionally kill a large number of dolphins. In some parts of the world, such as Taiji in Japan, dolphins are traditionally considered as food. However, Tetsuya Endo, a professor at the Health Sciences University of Hokkaido found that dolphin meat is high in mercury. Professor Endo, one of the world's foremost authorities on mercury levels in dolphins and whales caught off Japan's coastal waters, has discovered that those who eat the meat sold in local stores have extremely high mercury concentrations in their bodies.¹

The "dolphin safe" seal has been adopted by tuna companies to assure the public that they do not contribute to the decimation of dolphins.

¹ <http://www.japantimes.co.jp/news/2009/09/23/news/mercury-danger-in-dolphin-meat/>

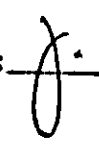
This bill seeks to protect this endangered animal by providing consumers with an informed choice as to whether the companies from which they purchase their tuna do their share in conserving the dolphin population.²

Miriam Derensor Santiago
MIRIAM DERENSOR SANTIAGO
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² This bill was originally filed during the Fourteenth Congress, Third Regular Session and refiled during the Fifteenth Congress, First Regular Session.

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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 “Dolphin Protection
2 Consumer Information Act.”

3 SECTION 2. *Definition of Terms.* – For purposes of this Act, the term:

4 (A) “Driftnet” means a gillnet composed of a panel of plastic webbing one and
5 one-half miles or more in length;

6 (B) “Driftnet fishing” means a fish-harvesting method in which a driftnet is
7 placed in water and allowed to drift with the currents and winds for the purpose of
8 entangling fish in the webbing;

9 (C) “Label” shall refer to a display of written, printed, or graphic matter on or
10 affixed to the immediate container of any article;

11 (D) “Purse seine net” shall refer to a fishing method that uses a rope that passes
12 through rings, and when pulled, draws the rings close to one another, preventing the fish
13 from swimming down to escape the net;

14 (E) “Secretary” shall refer to the Secretary of the Department of Trade and
15 Industry;

1 (F) "Tuna product" means a food item which contains tuna and which has been
2 processed for retail sale, except perishable sandwiches, salads, or other products with a
3 shelf life of less than three days.

4 SECTION 3. *Labeling Standard.* –

5 (A) It shall be unlawful for any producer, importer, exporter, distributor, or seller
6 of any tuna product that is exported from or offered for sale in the Philippines to include
7 on the label of that product the term "dolphin safe" or any other term or symbol that
8 falsely claims or suggests that the tuna contained in the product were harvested using a
9 method of fishing that is not harmful to dolphins if the product contains tuna harvested –

10 (1) on the high seas by a vessel engaged in driftnet fishing;

11 (2) in the Pacific Ocean by a vessel using purse seine nets in a fishery in which
12 the Secretary has determined that a regular and significant association
13 occurs between dolphins and tuna, unless such product is accompanied by a
14 written statement, executed by the captain of the vessel and an observer
15 participating in a national or international program acceptable to the
16 Secretary, certifying that no purse seine net was intentionally deployed on
17 or used to encircle dolphins during the particular voyage on which the tuna
18 were caught and no dolphins were killed or seriously injured in the sets in
19 which the tuna were caught; or in any other fishery unless the product is
20 accompanied by a written statement executed by the captain of the vessel
21 certifying that no purse seine net was intentionally deployed on or used to
22 encircle dolphins during the particular voyage on which the tuna was
23 harvested;

24 (3) For purposes of this Act, a tuna product that contains tuna harvested in the
25 Pacific Ocean by a vessel using purse seine nets is dolphin safe if –

1 (a) the vessel is of a type and size that the Secretary has determined,
2 consistent with the International Dolphin Conservation Program, is
3 not capable of deploying its purse seine nets on or to encircle
4 dolphins; or

5 (b) the product is accompanied by a written statement executed by the
6 captain providing the certification required under this Act;

7 (4) The Secretary of Commerce shall develop an official mark that may be
8 used to label tuna products as dolphin safe in accordance with this Act;

9 (5) A tuna product that bears the dolphin safe mark developed under
10 Subparagraph (4) shall not bear any other label or mark that refers to
11 dolphins, porpoises, or marine mammals;

12 (6) It is a violation of this Act to label a tuna product with any label or mark
13 that refers to dolphins, porpoises, or marine mammals other than the mark
14 developed under Subparagraph (4) unless—

15 (a) no dolphins were killed or seriously injured in the sets or other gear
16 deployments in which the tuna were caught;

17 (b) the label complies with all applicable labeling, marketing, and
18 advertising laws and regulations of the Department of Trade and
19 Industry, including any guidelines for environmental labeling.

20 SECTION 4. *Implementing Rules and Regulations.* – The Secretary, in
21 consultation with the Secretary of Environment and Natural Resources, shall issue
22 regulations to implement this Act, including regulations to establish a domestic tracking
23 and verification program that provides for the effective tracking of tuna labeled under this
24 Act. In the development of these regulations, the Secretary shall establish appropriate

1 procedures for ensuring the confidentiality of proprietary information the submission of
2 which is voluntary or mandatory.

3 SECTION 5. *Penalty for Non-Observance.* – The Secretary can impose a fine
4 ranging from Fifty Thousand Pesos (P50,000.00) to Five Hundred Thousand Pesos
5 (P500,000.00) for failure to comply with the requirements of this Act.

6 SECTION 6. *Separability Clause.* – If any provision of this Act is held invalid or
7 unconstitutional, the same shall not affect the validity and effectivity of the other
8 provisions hereof.

9 SECTION 7. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
10 portions thereof, which are inconsistent with the provisions of this Act, are hereby
11 repealed, amended or modified accordingly.

12 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
13 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/ml24Nov2015