

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



Senate
Office of the Secretary

22 OCT 27 P 4 :08

SENATE
S. No. 1432

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

The Philippines is located in a region called the Coral Triangle - an area of immense importance as it is recognized as the global core for marine biodiversity. With more than 200 species of sharks and rays in the Philippines, our country plays a vital role in conserving these ecologically and economically important marine species. Despite the lack of appreciation on the various roles of the sharks in ecosystems, it is clear that they are key players in structuring food webs, whether they are at the top of the food chain or at lower trophic levels. Sharks are typically depicted as apex predators, and as such, sharks play a vital role in our marine ecosystem and are considered indicators of a healthy marine ecosystem.¹

They help keep prey populations healthy by feeding on weak, sick, or old fishes, and prevent overgrazing of critical marine habitats. Therefore, the removal of sharks from an ecosystem may significantly change the predator-prey interactions, affecting the whole system. Aside from ecological benefits, sharks and rays have also been proven to boost local economies through sustainable tourism activities and fisheries

¹ Official Website of the Marine Wildlife Watch of the Philippines. Accessed from:
<http://mwwphilippines.org/learn-more-about-shark-rays/>

in many developing countries. Thus, saving sharks means that we are saving the future of our waters, and the lives of the people who depend on it.

Due to their unique life cycle, sharks and their relatives reproduce slowly, making them particularly vulnerable to threats from overfishing, pollution, unregulated tourism, and climate change. Without special conservation efforts, it will be difficult to arrest its declining population.

The bill strengthens the country's commitment to international obligations, such as the Convention on Biological Diversity, Convention on the International Trade in Endangered Species, and the Convention on the Conservation of Migratory Species, among others. It is aligned with the 2020 Conservation Roadmap for Sharks and Rays in the Philippines and the National Plan of Action for the Conservation and Management of Sharks in the Philippines.

This bill aims to find the intersection between management and utilization in the hopes of finding the balance between human needs and the integrity of the Philippine marine ecosystem. The government needs to focus its attention to ensure that these chordates are sustainably managed and protected. Through this proposed measure, the issues on the conservation, management, and utilization of sharks and rays will be addressed. It seeks to ban, among others, the sale, purchase, possession, and trade of all shark and ray species, its derivatives and by-products and provide penalties for violations thereof.

Approval of this bill is most earnestly sought.


RAMON BONG REVILLA, JR.

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

CHAPTER I

GENERAL PROVISIONS

1
2
3 Section 1. *Short Title.* - This Act shall be known as the "*Shark, Rays and*
4 *Chimaeras Conservation Act of the Philippines*".

5 Sec. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to:

6 a) Protect environmental rights of the people, promote conservation and ensure
7 sustainable and equitable utilization of its coastal areas, habitats and species, including
8 sharks, in conformity with the 1987 Constitution, the "*Philippine Fisheries Code of*
9 *1998*", as amended by Republic Act (RA) No. 10654, and the "*National Wildlife*
10 *Conservation and Protection Act*";

11 b) Ensure, for the benefit and enjoyment of the Filipino people, the judicious
12 and wise utilization, protection, conservation and management on a sustainable basis
13 of its coastal resources with the necessity of maintaining a sound ecological balance,
14 and protecting and enhancing the quality of the environment;

15 c) Protect the rights of the small and marginal fishers in the preferential use of
16 communal coastal and fishery resources;

1 d) Allow people's full and active participation in the conservation and
2 management of the coastal and fishery resources, and promote awareness of
3 sustainable fisheries through appropriate education and training;

4 e) Promote and adhere to the precautionary principle of conservation,
5 management and exploitation of living coastal and fishery resources in order to assure
6 the sustainable development of the coastal environment. The absence of adequate
7 scientific and technical information should not be used as a reason for postponing or
8 failing to take conservation and management measures; and

9 f) Promote ecosystem-based fisheries management.

10 Sec. 3. *Scope of Application.* - The provisions of this Act shall be enforceable
11 for all Philippine waters, including other waters over which the Philippines has
12 sovereignty and jurisdiction, and the country's 200—nautical mile Exclusive Economic
13 Zone (EEZ) and continental shelf, including protected areas under RA 7586, otherwise
14 known as the "*National Integrated Protected Areas System (NIPAS) Act*"; critical
15 habitats; and all Philippine flagged fishing vessels operating in areas governed by a
16 Regional Fisheries Management Organization, in the high seas, or in waters of other
17 coastal states.

18 Sec. 4. *Jurisdiction of the Department of Agriculture (DA).* — The Department
19 of Agriculture (DA) shall have jurisdiction over sharks, rays, and chimaeras, and all
20 declared aquatic habitats. In the Province of Palawan, jurisdiction herein conferred is
21 vested to the Palawan Council for Sustainable Development, pursuant to RA 7611.

22 The Bureau of Fisheries and Aquatic Resources of the Department of Agriculture
23 (DA-BFAR) shall be the lead agency in the implementation of this Act. The Department
24 of Trade and Industry (DTI), Department of Environment and Natural Resources
25 (DENR), the Philippine Coast Guard (PCG), the Philippine National Police (PNP), other
26 law enforcement agencies, and Local Government Units (LGUs) shall likewise assist in
27 the implementation of this Act. The Department of Tourism (DOT) shall provide the
28 necessary assistance to the DA-BFAR and the LGUs in identifying shark ecotourism
29 sites and declare the same as protected.

1 **CHAPTER II**

2 **DEFINITION OF TERMS**

3 Sec. 5. *Definition of Terms.* - For purposes of this Act, the following terms are
4 hereby defined:

- 5 a. *By-catch* refers to the incidental take of undesirable size or age classes
6 of the target species or the incidental take of other non-target species
7 or protected, endangered, or threatened species;
- 8 b. *By-product or derivatives* refer to any part taken or substance extracted
9 from sharks, in raw or in processed form. These include, but are not
10 limited to, preserved sharks (curios), cartilage, gill rakers, fins, oil, skin,
11 and teeth;
- 12 c. *Corridor* refers to an artificial or natural avenue where wide ranging
13 animals can travel, plants can propagate, genetic interchange can occur,
14 populations can move in response to environmental changes and natural
15 disasters, and threatened species can be replenished from other areas.
16 Marine corridors encompass mangroves, coral reefs, and seagrass beds;
- 17 d. *Critical Habitat* refers to a place or environment that contains physical
18 or biological features essential to its conservation;
- 19 e. *Dedicated tourism interaction site* refers to well-defined areas for marine
20 wildlife tourism, either managed as a sanctuary/reserve/protected area
21 or not, focused on a particular species or several species, with specified
22 operating times;
- 23 f. *Discarded by-catch* refers to non-target species that are discarded at
24 sea;
- 25 g. *Disturbance* refers to any intentional and unintentional acts that shall
26 disrupt the natural cycle and activities of marine wildlife for the short or
27 long-term, without necessarily causing any physical injury to the same,
28 such as but not limited to, acts producing noise, pollution, degradation
29 of habitat, blockage of movement, displacement, and the like;
- 30 h. *Endangered Rare and/or Threatened Shark Species* refers to species in
31 danger of extinction as provided for in existing Philippine laws and/or

1 the International Union for the Conservation of Nature Red List of
2 Species;

- 3 i. *Finning* refers to the practice of removing and retaining shark fins;
- 4 j. *Full Utilization* refers to use or consumption of the entire animal;
- 5 k. *Flabitar* refers to place or environment where species or subspecies
6 naturally occur or have naturally established their population;
- 7 l. *Harassment* refers to an intentional or negligent act or omission which
8 creates the likelihood of injury by annoying it to such an extent as to
9 significantly disrupt normal behavioral patterns, which include but are
10 not limited to, breeding, feeding, or sheltering;
- 11 m. *Non-dedicated Tourism Interaction Site* refers to opportunistic,
12 accidental or unintentional interaction with marine wildlife in tourism and
13 nontourism sites;
- 14 n. *Non-detriment Finding* (NDF) refers to a science-based risk assessment
15 where the vulnerability of a species is considered in relation to how well
16 it is managed;
- 17 o. *Secretary* refers to the Secretary of the Department of Agriculture (DA);
- 18 p. *Shark* refers to cartilaginous fishes belonging to the class
19 Chondrichthyes, which includes true sharks, skates, rays, and
20 chimaeras;
- 21 q. *Shark Sanctuary* refers to a designated area where sharks cannot be
22 caught;
- 23 r. *Traceability* refers to the ability to trace and follow food or substance
24 intended to be or expected to be incorporated into food or product,
25 through all stages of fishing, production, processing and distribution;
- 26 s. Trade" refers to the act of engaging in the exchange, exportation,
27 importation, re-exportation, purchase or sale of sharks, their derivatives
28 or by-products, locally or internationally; and
- 29 t. *Utilized bycatch* refers to non-target species that are traded or
30 consumed, in part or whole.

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32

1 **CHAPTER III**

2 **CONSERVATION AND PROTECTION OF SHARKS, RAYS, AND CHIMAERAS**

3 **ARTICLE I**

4 **General Provisions**

5 *Sec. 6. Information Systems, Interaction, Release and Possession of By-*
6 *Products and Derivatives and By-catch. -*

- 7 a. Wildlife Information. - All activities, as subsequently manifested under
8 this Chapter, shall be authorized by the Secretary, upon proper
9 evaluation of best available information or scientific data showing that
10 the activity is, or for a purpose, not detrimental to the survival of the
11 species or subspecies involved and/or their habitat. For this purpose, the
12 Secretary shall regularly update wildlife information through research.
- 13 b. Sharks in Captivity. - No person or entity shall be allowed possession of
14 sharks, unless such person or entity can prove financial and technical
15 capability and facility to maintain said species: *Provided*, That the source
16 was not obtained in violation of this Act, and the source of stock is
17 verifiable to monitor mortality. The DA-BFAR will develop husbandry and
18 holding tank standards, as well as a permitting system for the keeping
19 of sharks in captivity.
- 20 c. Swim with Captive Shark Programs. - The DA-BFAR, within one (1) year
21 after the effectivity of this Act, shall develop human-shark interaction
22 guidelines in captivity.
- 23 d. Tourism Interaction. - The DA-BFAR, within one (1) year after the
24 effectivity of this Act, shall develop human-shark interaction guidelines
25 in the wild.
- 26 e. Research Interaction. - The DA-BFAR, within one (1) year after the
27 effectivity of this Act, shall develop research and researcher interaction
28 guidelines for studies focusing on sharks.
- 29 f. Non-Detriment Findings (NDF). - The DA-BFAR, within three (3) years
30 after the effectivity of this Act, shall determine the NDF for targeted and
31 incidentally caught shark species.

- 1 g. Collection and/or Possession of By-Products and Derivatives. - The
2 collection and possession of species shall only be allowed when the
3 results of the NDF show that, despite certain extent of collection, the
4 population of such species can still remain viable and capable of
5 recovering its numbers. For this purpose, the DA-BFAR shall establish a
6 schedule and volume of allowable harvests.
- 7 h. Handling and Release Practices. - The DA-BFAR, within one (1) year after
8 the effectivity of this Act, shall develop acceptable handling and release
9 guidelines from fisheries for all types of protected and/or unwanted
10 sharks based on the best available science and safe release experience.
- 11 i. By-catch reduction measures and reporting mechanisms. - The DA-
12 BFAR, within three (3) years after the effectivity of this Act, shall provide
13 technical and financial assistance on research for gear restriction, and
14 identify modified fishing gears to reduce shark by-catch mortality, which
15 may include bait restrictions, use of different fishing hooks, varying hook
16 depth, use of repellents, reducing soak time, and reducing number of
17 hooks. The DA-BFAR shall also develop a standard reporting system for
18 sharks that are by-catch.
- 19 j. Release and Reporting of By-catch. - Live sharks that have not been
20 assessed through the NDF shall be immediately released unharmed to
21 the sea. Dead sharks shall be handed over to the DA-BFAR for proper
22 documentation and disposal. Any incident must be reported to the
23 competent authority using the standard reporting system.

24
25 **ARTICLE II**

26 **Protection of Vulnerable, Threatened, Endangered, and**
27 **Critically Endangered Shark Species**

28 *Sec. 7. Determination of Threatened Species: Vulnerable, Endangered, or*
29 *Critically Endangered Species.* - The DA-BFAR, within two (2) years after the effectivity
30 of this Act, shall determine whether shark species or subspecies of a population or
31 subpopulation is threatened (vulnerable, endangered, or critically endangered) based
32 on available scientific data and with due regard to internationally accepted criteria,

1 such as the International Union for Conservation of Nature (IUCN). Criteria shall
2 include, but are not limited to, the following:

- 3 a. Present or threatened destruction, modification, or curtailment of its habitat or
4 range;
- 5 b. Over-utilization for commercial, recreational, scientific, or educational
6 purposes;
- 7 c. Inadequacy of existing regulatory mechanisms; and
- 8 d. Other natural or man-made factors affecting the existence of sharks. The DA-
9 BFAR shall review, revise and publish the list of categorized threatened sharks
10 within two (2) years after the effectivity of this Act. Thereafter, the list shall be
11 updated regularly or as the need arises, *Provided*, That a species listed as
12 vulnerable or threatened shall not be removed therein from within three (3)
13 years following its initial listing. Upon filing of a petition based on substantial
14 scientific information of any person seeking for the addition or deletion of a
15 species from the list, the DA-BFAR shall evaluate in accordance with the
16 relevant factors stated in the first paragraph of this section, the status of the
17 species concerned, and action on said petition within a reasonable period. The
18 DA-BFAR shall also prepare and publish a list of sharks, which resembles so
19 closely in appearance with listed threatened wildlife, and which species shall
20 likewise be categorized as threatened.

21 22 **ARTICLE III**

23 **Commercial and Municipal Fisheries**

24 Sec. 8. Identification of Critical Habitats, Reference Points, Limits and Seasons.

25 - a. Identification of Critical Habitats. - The DA-BFAR, within one (1) year after
26 the effectivity of this Act, shall identify critical habitats for sharks and establish these
27 as shark sanctuaries.

28 b. Development of Target Reference Points (TRP) and Limit Reference Points
29 (LRP). - The DA-BFAR shall, within three (3) years from the effectivity of this Act,
30 determine TRP and LRP based on the results of national stock assessments and the
31 precautionary principle.

1 c. Size Limitations. - The DA-BFAR shall, within one (1) year from the effectivity
2 of this Act, determine the size limits for sharks.

3 d. Catch Ceiling Limitations. - The DA-BFAR may prescribe limitations or quota
4 on the total quantity of sharks captured, for a specified period of time and specified
5 area based on the best available evidence, harvest strategies, and target limits. Catch
6 ceilings may be established upon the concurrence and approval or recommendation
7 of such special agency and the concerned LGU in consultation with the Fisheries
8 Aquatic and Resource Management Council (FARMC) for conservation or ecological
9 purposes.

10 e. Establishment of Closed Season. - The Secretary may declare, through public
11 notice in at least two (2) newspapers of general circulation or in public service
12 announcements, whichever is applicable, at least five (5) days before the
13 declaration, a closed season in any or all Philippine waters outside the boundary
14 of municipal waters and in bays, for conservation and ecological purposes.
15 *Provided, however,* That this shall be done only upon the concurrence and
16 approval or recommendation of such special agency and the concerned LGU
17 and FARMC: *Provided, further,* That in municipal waters, fishery management
18 areas and other areas reserved for the use of the municipal fisherfolk, closed
19 season may be established by the concerned LGU in consultation with the
20 FARMC for conservation or ecological purposes. The FARMCs may also
21 recommend the establishment of closed seasons in municipal waters, fisheries
22 management and other areas reserved for the use of the municipal fisherfolk.

23 f. Support to Fisherfolk. - The Department and LGUs shall provide support to
24 commercial and municipal fisherfolk, through appropriate technology and
25 research, credit, production and marketing assistance and other services such
26 as, but not limited to, training for additional/supplementary livelihood.

28 **ARTICLE IV**

29 **Traceability**

30 Sec. 9. System, Labeling and Identification. - All business operators identified
31 in the supply chain of shark trading and utilization shall cooperate with the DA-BFAR

1 in carrying out official controls, and shall have responsibilities including, but not limited
2 to, the following:

- 3 a. Implementation of traceability system. - Business operators must operate
4 traceability procedures for ingredients, raw materials at all stages of production,
5 processing, transport, storage and distribution, and be able to
- 6 i. identify any person or business operator that has supplied them with the
7 species;
 - 8 ii. identify any person or business to which they have supplied their
9 products;
 - 10 iii. the products that were supplied including quantity or volume, site of
11 fishing grounds, species, and fishing gear used; and
 - 12 iv. make this information available to DA-BFAR and their consumers.
- 13 b. Labeling or identification. - Business operators must ensure that their products
14 are adequately labeled or otherwise identified through relevant documentation.
15 They must also comply with the labelling requirements of the country
16 destination.

17
18 **ARTICLE V**

19 **Illegal Acts**

20 Sec. 10. Illegal Acts. - Unless otherwise allowed in accordance with this Act, it
21 shall be unlawful for any person to willfully and knowingly exploit sharks and their
22 habitats, or undertake the following acts:

- 23 a. Killing, taking, keeping captive, and trading vulnerable, threatened,
24 endangered, or critically endangered species, except in the following instances:
- 25 i. When it is done as part of the rituals of established tribal groups or
26 indigenous cultural communities;
 - 27 ii. When the shark is afflicted with an incurable communicable disease;
 - 28 iii. When it is deemed necessary to put an end to the misery suffered by
29 the shark;
 - 30 iv. When the shark is killed or destroyed after it has been used in authorized
31 research or experiments.

- 1 b. Inflicting injury which cripples and/or impairs the reproductive system of
- 2 sharks;
- 3 c. Harassing sharks;
- 4 d. Disturbing sharks and their habitats;
- 5 e. Effecting any of the following acts in critical habitat(s):
- 6 i. Dumping of waste products detrimental to sharks;
- 7 ii. Squatting or otherwise occupying any portion of the critical habitat;
- 8 iii. Mineral exploration and/or extraction;
- 9 f. Introducing, reintroducing, or restocking of shark species without permits;
- 10 g. Finning, collecting, hunting, possessing, importing, exporting, or re-exporting
- 11 sharks, their by-products and derivatives without the result of the NDF and full
- 12 traceability at all stages, from collection to production, processing, transport,
- 13 storage, and distribution;
- 14 h. Falsely advertising or mislabeling any product, which could mislead consumers;
- 15 i. Obstruction of corridors; and
- 16 j. Use of shark wires.

17 **ARTICLE V**

18 **Penalties**

19 *Sec. 11. Fines and Penalties.* - The following fines and penalties shall be
20 imposed for violations of this Act. -

- 21 a. Killing, taking, keeping in captivity, inflicting injury, harassing, and trading
- 22 vulnerable, threatened, endangered, or critically endangered species:
- 23 i. Imprisonment of two (2) years and one (1) day to four (4) years and/or
- 24 a fine of Thirty Thousand pesos (P30,000.00) to Three Hundred
- 25 thousand pesos (P300,000.00) per animal, if inflicted or undertaken
- 26 against vulnerable species;
- 27 ii. Imprisonment of one (1) year and one (1) day to two (2) years and/or
- 28 a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand
- 29 pesos (P200,000.00) per animal, if inflicted or undertaken against other
- 30 threatened species;
- 31

- 1 iii. Imprisonment of four (4) years and one (1) day to six (6) years and/or
2 a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand
3 pesos (P500,000.00) per animal, if inflicted or undertaken against
4 endangered species; and
- 5 iv. Imprisonment of a minimum of six (6) years and one (1) day to twelve
6 (12) years and/or a fine of One Hundred Thousand pesos (P 100,000.00)
7 to One Million pesos (P I,000,000.00) per animal, if inflicted or
8 undertaken against species listed as critically endangered.
- 9 b. Inflicting injury which cripples and/or impairs the reproductive system of
10 sharks: imprisonment of one (1) month to six (6) months and/or a fine of Five
11 thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if
12 inflicted or undertaken against other wildlife species.
- 13 c. Harassing sharks: imprisonment of one (1) month to six (6) months and/or a
14 fine of Five thousand pesos (P5,000.00) to Twenty Thousand pesos
15 (P20,000.00), if inflicted or undertaken against other wildlife species.
- 16 d. Disturbing sharks and their habitats: imprisonment of one (1) month to six (6)
17 months and/or a fine of Five thousand pesos (P5,000.00) to Twenty Thousand
18 pesos (P20,000.00), if inflicted or undertaken against other wildlife species.
- 19 e. Effecting acts in critical habitat(s): For illegal acts under paragraph (e) of the
20 preceding section, the following penalties and/or fines shall be imposed: an
21 imprisonment of one (1) month to eight (8) years and/or a fine of Five thousand
22 pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.
- 23 f. Introducing, reintroducing, or restocking of shark species without permits: an
24 imprisonment of one (1) month to eight (8) years and/or a fine of Five thousand
25 pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.
- 26 g. Finning; Upon a summary finding of administrative liability, the owner,
27 operator, boat captain and master fisherman of the vessel, or the chief
28 executive officer in a corporation, or the managing partner in a partnership,
29 shall be punished with confiscation of the catch and fishing gears, and a fine
30 three (3) times the value of the catch or the value indicated below, whichever
31 is higher:

- 1 i. Twenty thousand pesos (P20,000.00) for municipal fishing: *Provided,*
2 That if the offender fails to pay the fine, he shall render community
3 service;
- 4 ii. Fifty thousand pesos (P50,000.00) for small- scale commercial fishing;
5 iii. One hundred thousand pesos (P100,000.00) for medium-scale
6 commercial fishing; and
7 iv. Five hundred thousand pesos (P500,000.00) for large-scale commercial
8 fishing. Upon conviction by a court of law, the offender shall be punished
9 with imprisonment of two (2) years to six (6) years and fine equivalent
10 to twice the administrative fine, confiscation and forfeiture of fishing
11 gear and catch.
- 12 h. Collecting, hunting, possessing, importing, exporting, or re-exporting sharks,
13 their by-products and derivatives without the result of the NDF and full
14 traceability at all stages, from collection to production, processing, transport,
15 storage, and distribution. Failure on the part of the shipping or forwarding
16 company from whose possession the fish or fishery species imported or
17 exported are discovered or seized to fully cooperate in the investigation
18 conducted by concerned government authorities shall create a presumption
19 that there is connivance or conspiracy between the shipping company and the
20 shipper to perpetrate the aforementioned offense. Upon a summary finding of
21 administrative liability, the offender shall be punished with an administrative
22 fine of five (5) times the value of the species or Three Hundred thousand pesos
23 (P300,000.00) to Five hundred thousand pesos (P500,000.00), whichever is
24 higher, and forfeiture and/or destruction of the species. Upon conviction by a
25 court of law, the offender shall be punished with eight (8) years of
26 imprisonment and fine of twice the administrative fine, forfeiture and/or
27 destruction of the species: *Provided,* That offenders shall be banned from being
28 members or stockholders of companies currently engaged in fisheries or
29 companies to be created in the future, the guidelines for which shall be
30 promulgated by the Department.
- 31 i. Falsely advertising or mislabeling any product, which could mislead consumers;
32 Failure on the part of the shipping or forwarding company from whose

1 possession the fish or fishery species imported or exported are discovered or
2 seized to fully cooperate in the investigation conducted by concerned
3 government authorities shall create a presumption that there is connivance or
4 conspiracy between the shipping company and the shipper to perpetrate the
5 aforementioned offense. Upon a summary finding of administrative liability, the
6 offender shall be punished with an administrative fine of five (5) times the value
7 of the species or Three hundred thousand pesos (P300,000.00) to Five hundred
8 thousand pesos (P500,000.00), whichever is higher, and forfeiture and/or
9 destruction of the species. Upon conviction by a court of law, the offender shall
10 be punished with eight (8) years of imprisonment and fine of twice the
11 administrative fine, forfeiture and/or destruction of the species: *Provided*, That
12 offenders shall be banned from being members or stockholders of companies
13 currently engaged in fisheries or companies to be created in the future, the
14 guidelines for which shall be promulgated by the Department.

15 j. Obstruction of corridors; Upon a summary finding of administrative liability, the
16 offender shall be punished with an administrative fine of One Hundred Fifty
17 Thousand Pesos (P150,000.00) to Five Hundred Thousand Pesos
18 (P500,000.00), dismantling of the obstruction at the expense of the offender,
19 and the suspension or revocation of the permit or license. Upon conviction by
20 a court of law, the offender shall be punished with imprisonment of seven (7)
21 years to twelve (12) years and fine of twice the amount of the administrative
22 fine, dismantling of the obstruction at the expense of the offender, and the
23 suspension or revocation of the permit or license.

24 k. Use of shark wires. Upon a summary finding of administrative liability, the
25 owner, operator, boat captain and master fisherman of the vessel, or the chief
26 executive officer in a corporation, or the managing partner in a partnership,
27 shall be punished with confiscation of the catch and fishing gears, and a fine
28 three (3) times the value of the catch or the value indicated below, whichever
29 is higher:

30 i. Twenty thousand pesos (P20,000.00) for municipal fishing: *Provided*,
31 That if the offender fails to pay the fine, he shall render community
32 service;

- 1 ii. Fifty thousand pesos (P50,000.00) for small- scale commercial fishing;
- 2 iii. One hundred thousand pesos (P100/000.00) for medium-scale
3 commercial fishing; and
- 4 iv. Five hundred thousand pesos (P500,000.00) for large-scale commercial
5 fishing. Upon conviction by a court of law, the offender shall be punished
6 with imprisonment of two (2) years to six (6) years and fine equivalent
7 to twice the administrative fine, confiscation and forfeiture of fishing
8 gear and catch.

9 Sec. 12. *Escalation Clause.* - The fines herein prescribed shall be increased by
10 at least ten percent (10%) every three (3) years to compensate for inflation and to
11 maintain the deterrent function of such fines.
12

13 **ARTICLE VI**

14 **Miscellaneous Provisions**

15 Sec. 13. *Flagship Species.* - Local government units shall initiate conservation
16 measures for endemic and/or economically valuable species in their areas. For this
17 purpose, they may adopt flagship species such as the whale shark (*Rhincodon typus*)
18 or thresher shark (*Alopias pelagicus*), which shall serve as emblems of conservation
19 for the local government concerned.

20 Sec. 14. *Information and Education.* - The BFAR, DENR, DOT, DTI, LGUs, and
21 other academic institutions shall undertake a nationwide information and education
22 campaign to adequately inform the populace of the value of sharks and rays in the
23 marine ecosystem, and of the importance of preserving their respective habitats and
24 feeding grounds.

25 Sec. 15. *Transition Period.* - Due to the substantially new requirement imposed
26 by this Act, a transition period of three (3) years from its entry into force is provided.
27 During the transition period, sharks, their by-products and derivatives may be sold
28 and traded, and stocks that have been produced before the end of the transitional
29 period may continue to be sold or exported until exhausted.

30 Sec. 16. *Implementing Rules and Regulations (IRR).* - Within six (6) months
31 following the effectivity of this Act, the Secretary of Agriculture, in coordination with
32 the DTI, DOT, and the Committees on Environment and Ecology of the Senate and

1 the House of Representatives, respectively, shall promulgate respective rules and
2 regulations for the effective implementation of this Act. Whenever appropriate,
3 coordination in the preparation and implementation of rules and regulations on joint
4 and inseparable issues shall be done by the departments. The commitments of the
5 State to international agreements and protocols shall likewise be a consideration in
6 the implementation of this Act.

7 The non-promulgation of the rules and regulations provided under this section
8 shall not prevent the immediate implementation of this Act upon effectivity.

9 Sec. 17. *Separability Clause.* - If any portion or provision of this Act is declared
10 unconstitutional or invalid, the remainder of this Act or any provisions hereof not
11 affected thereby shall continue to be in full force and effect.

12 Sec. 18. *Repealing Clause.* - Any law, presidential decree or issuance, executive
13 order, letter of instruction, rule or regulation inconsistent or contrary to the provisions
14 of this Act is hereby repealed or modified accordingly.

15 Sec. 19. *Effectivity.* - This Act shall take effect after fifteen (15) days following
16 its complete publication in the Official Gazette or in a newspaper of general circulation
17 in the Philippines.

Approved,