

SENATE
P. Senate Resolution No. 162

Introduced by Senator M. A. Madrigal

RESOLUTION

DIRECTING THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO INVESTIGATE, IN AID OF LEGISLATION, THE UNABATED INCIDENCE OF FOREIGNERS POACHING IN PHILIPPINE WATERS AND THE APPARENT COLLUSION OF CERTAIN GOVERNMENT PERSONNEL AND AGENCIES THEREBY CAUSING THE DESTRUCTION OF THE COUNTRY'S DIVERSE MARINE BIODIVERSITY AND RESOURCES WITH THE END IN VIEW OF ENACTING REMEDIAL LEGISLATION

Whereas the Philippines is recognized by scientists and Conservation International as the country with the richest concentration of biodiversity and marine life in the world.;

Whereas the Visayan Sea in the Philippines has been declared by scientists as "the center of marine biodiversity of the world";

Whereas the Tubbataha Reef is acknowledged internationally as one of the world's most biologically diverse marine sanctuaries and was declared by the United Nations as a world heritage site;

Whereas the country's marine resources, as well as its biodiversity, are threatened by continuous and unabated poaching by foreigners in apparent collusion with various government personnel and agencies;

Whereas off the waters of the province of Palawan alone, including in areas within the Tubbataha Reef National Marine Park, around 900 foreigners have been caught poaching, 600 of which are Chinese nationals;

Whereas almost all of these foreign poachers have escaped prosecution, allegedly aided and abetted by government officials and even the Department of Environment and Natural Resources, by leaving the country after posting bail;

Whereas sometime in 2004, 17 Chinese nationals were arrested in the waters off Balabac, Palawan for fishing without a permit;

Whereas of the abovementioned 660 Chinese poachers arrested, only these 17 Chinese nationals have so far been convicted by the court, which 17 individuals were later pardoned by President Gloria Macapagal-Arroyo and their vessels released after they paid a \$50,000 fine, causing shock and humiliation on the part of environmentally concerned people;

Whereas on 17 June 2006, the Chinese fishing vessel King King Hai was intercepted off the waters of Mangsee Island in Balabac, Palawan with nine Chinese crew on board;

Whereas found inside King King Hai were stuffed sea turtles of different sizes belonging to several species as well as bags of cotton, bottles of formalin and other paraphernalia used in stuffing the marine animals;

Whereas on 21 December 2006, 30 Chinese poachers were again arrested by joint operatives of the Philippine Navy, Coast Guard and the Tubbataha Management Office while they were fishing inside the protected Tubbataha Reef;

Whereas found in their boat M/V Hoi Wan were 2,313 bodies of high-value fish, including 359 Napoleon Wrasse (locally called "*mameng*") which are protected under the Convention on International Trade of Endangered Species (CITES), and which specie is reportedly being sold at \$200 per kilo;

Whereas on 9 January 2007, Judge Torribio Ilaog of Branch 52 of the Puerto Princesa Regional Trial Court issued an order authorizing the release of the arrested 30 Chinese nationals without issuing a hold departure order;

Whereas on the same day that the 30 arrested Chinese nationals were ordered released, Judge Torribio Ilaog likewise issued an order authorizing the release of the King King Hai boat to its captain, a certain Chuang Huang Dhu, over the objection of the Bureau of Fisheries and Aquatic Resources (BFAR);

Whereas only last 2 September 2007, a Chinese fishing vessel with 19 Chinese fishermen from Hainan, China was caught poaching in the waters off Turtle Islands in the province of Tawi-Tawi;

Whereas upon inspection, the Chinese vessel yielded 10,000 turtle eggs, 55 fresh turtle carcasses, 58 dried turtle carcasses, 18 live turtles and 2 live Thresher sharks;

Whereas it is reported that on the way to the port of Bonggao, Tawi-Tawi, the apprehended Chinese fishermen were able to throw out almost all the evidence under questionable circumstances;

Whereas these foregoing acts of officers of both the executive and judicial branches of government may indicate an apparent and alarming pattern of collusion and sell-out of the country's marine resources to foreigners by allowing them to illegally fish and trade in the country and to exculpate and free them once they are caught, particularly if the violators are Chinese nationals;

Whereas this seeming collusion appears to be well-organized and entrenched in the government;

Whereas there is a need to conduct a Senate investigation of this apparent collusion and to enact remedial legislation that would: 1) increase the penalties for foreign poaching, 2) ensure the full application of the law as well as the proper prosecution and incarceration of foreign poachers, 3) prevent government officials and personnel in selling out our country's marine resources, and 4) stop the apparent collusion among various personnel and/or agencies of government *and the judiciary and punish anyone found to be involved in covering up and freeing foreign violators of our fisheries and environmental laws;*

WHEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the Committee on Environment and Natural Resources to investigate, in aid of legislation, the unabated incidence of foreigners poaching in Philippine waters and the apparent collusion of certain government personnel and agencies thereby causing the destruction of the country's diverse marine biodiversity and resources with the end in view of enacting remedial legislation.

Adopted,


M. A. MADRIGAL