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REPUBLIC OF THE PHILIPPINES)
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SECRETARY

SENATE

Tracy

P.S. Resolution No. 611

Introduced by SENATOR M. A. MADRIGAL

A RESOLUTION

DIRECTING THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO INVESTIGATE, IN AID OF LEGISLATION, THE HIGH INCIDENCE OF POACHING IN THE WATERS OF THE PHILIPPINES AS WELL AS THE SO-CALLED MARICULTURE HIGHWAY PROGRAM OF THE PRESENT ADMINISTRATION WHICH WILL RESULT IN THE PLUNDER AND DESTRUCTION OF THE COUNTRY'S DIVERSE MARINE BIODIVERSITY AND RESOURCES AND PREJUDICE AS WELL ITS TERRITORIAL SOVEREIGNTY.

Whereas, the Philippines is considered "as not only part of the center, but (a)s in fact, the epicenter of marine biodiversity and endemism, with the richest concentration of marine life on the entire planet";

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

Whereas, recently, the Verde Island Passage was declared as "the center of the world's marine shore fish biodiversity in the world;"

Whereas, the Tubbataha Reef is acknowledged as one of the world's most biologically diverse marine sanctuary and was declared by the United Nations as a World Heritage Site;

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

Whereas, off the waters of the Province of Palawan alone, around 900 foreigners had been caught poaching, including in areas within the Tubbataha Reef National Marine Park;

Whereas, of the over 900 foreigners caught poaching off the waters of Palawan, around 660 of them are Chinese nationals;

Whereas, these Chinese nationals have been sued under the Philippine Fisheries Code (or Republic Act No. 8550), the National Integrated Protected Areas System (or R.A. 7586), and other related rules and regulations for, among others, (i) poaching, (ii) taking of rare, threatened and endangered species, (iii) fishing with the use of explosives and noxious substances, and (iv) using a motorized equipment within a protected area without any permit from the PAMB;

Whereas, almost all of these foreign poachers have escaped prosecution 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 above-mentioned 660 Chinese poachers arrested, only these 17 Chinese nationals have so far been convicted by the court;

Whereas, the convicted 17 Chinese fishermen were recently pardoned by President Gloria Macapagal-Arroyo and their vessels released after they paid a \$50,000 fine;

Whereas, it was reported that the pardon was recommended by the Department of Justice pursuant to a commitment by the Executive Department to then Chinese Ambassador Wu Hongbo;

Whereas, reports in tri-media indicated that the pardon was made in order not to strain the Philippine-China diplomatic relations;

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 US\$200.00 per kilo;

Whereas, South Pacific Inter-Marketing Corp., through Filipino representatives claimed that their company chartered the Chinese vessel Hoi Wan to transport the fish to Hong Kong;

Whereas, this same company was also reported to have paid the more than One Million Pesos (P1,000,000.00) bail of the 30 arrested Chinese poachers, and is purportedly renting an apartment in Puerto Princesa to house the Chinese fishermen who are out on bail;

Whereas, South Pacific Inter-Marketing Corp. was registered with the Securities and Exchange Commission only on 24 August 2006, with an authorized capital stock of only One Million Pesos (P1,000,000.00) and paid-up capital of Two Hundred Fifty Thousand pesos (P250,000.00);

Whereas, on 28 December 2006, Ambassador Li Jinjun of the Peoples Republic of China wrote a letter addressed to Foreign Affairs Secretary Alberto Romulo stressing that there should be "a proper way to resolve the issue as soon as possible" and added that it would be appreciated if Romulo would pay personal attention to the matter so that *"prompt measures would be taken to ensure the vessel and the crewmembers would be released as soon as possible so as to create a favorable atmosphere for the visit of Premier Wen Jiabao and lay solid foundations for the fishery cooperation between two countries as well as relations between the Philippines and Hong Kong;"*

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 which prompted Palawan Governor Joel Reyes to personally write the Bureau of Immigration and Deportation and the Department of Justice to place the accused Chinese nationals under the Immigration's Watch List;

Whereas, fears were raised that the arrested 30 Chinese nationals already have plane tickets and are ready to leave the country anytime;

Whereas, on the same day that the 30 arrested Chinese Nationals were ordered release, 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, complaints were likewise raised over the substitution of the provincial prosecutors by Manila-based prosecutors who almost always enter into plea bargaining agreement and admit foreigners' guilty plea for the lowest offense possible;

Whereas, these foregoing acts of officers of both the Executive and Judicial branch of government have raised alarm bells indicating an apparent pattern of conspiracy to sell-out our marine biodiversity and resources to foreigners by

allowing them to illegally fish and trade in the country and exculpate and free them once they are caught particularly if the violators are Chinese nationals;

Whereas, this seeming conspiracy appears to be well-organized and entrenched in our government;

Whereas, these fears and apprehensions are strengthened by the recent approval in principle by the President of the Mariculture Highway program and the recent signing of the Philippines-China Fisheries Cooperation agreement, which can be used by scrupulous traders and poachers as an excuse to illegally fish and trade endangered fish species;

Whereas, there is a need to conduct a Senate investigation in order to enact remedial legislation and: (i) ensure the full application of the law as well as the proper prosecution and incarceration of foreign poachers, (ii) prevent the Government in selling-out our country's marine biodiversity and resources, and (iii) stop and punish the apparent conspiracy between various agencies of government and the judiciary in covering up and freeing foreign violators of our Fisheries and environmental laws;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, THAT THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES INVESTIGATE, IN AID OF LEGISLATION, THE HIGH INCIDENCE OF POACHING IN THE WATERS OF THE PHILIPPINES AS WELL AS THE SO-CALLED MARICULTURE HIGHWAY PROGRAM OF THE PRESENT ADMINISTRATION WHICH WILL RESULT IN THE PLUNDER AND DESTRUCTION OF THE COUNTRY'S DIVERSE MARINE BIODIVERSITY AND RESOURCES AND PREJUDICE AS WELL ITS TERRITORIAL SOVEREIGNTY.

Adopted,


M. A. MADRIGAL