

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

SENATE
OFFICE OF THE SECRETARY

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SENATE
S. No. **1798**

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Introduced by Senator Miriam Defensor Santiago

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. 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 DEFENSOR SANTIAGO

¹ <http://search.japantimes.co.jp/cgi-bin/nn20090923f2.html>

² This bill was originally filed in the third regular session of the 14th Congress.

1 SECTION 3. *Labeling standard.* —

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

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

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

23 (b) For purposes of this Act, a tuna product that contains tuna harvested in the
24 Eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if—

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

1 (2) the product is accompanied by a written statement executed by the captain
2 providing the certification, required under this Act;

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

5 (d) A tuna product that bears the dolphin safe mark developed under
6 subparagraph (c) shall not bear any other label or mark that refers to dolphins, porpoises,
7 or marine mammals;

8 (e) It is a violation of this Act to label a tuna product with any label or mark
9 that refers to dolphins, porpoises, or marine mammals other than the mark developed
10 under subparagraph (c) unless—

11 (1) no dolphins were killed or seriously injured in the sets or other gear
12 deployments in which the tuna were caught;

13 (2) the label complies with all applicable labeling, marketing, and advertising
14 laws and regulations of the Department of Trade and Industry, including any
15 guidelines for environmental labeling.

16 SECTION 4. *Implementing rules and regulations.* – The Secretary, in
17 consultation with the Secretary of Environment and Natural Resources, shall issue
18 regulations to implement this Act, including regulations to establish a domestic tracking
19 and verification program that provides for the effective tracking of tuna labeled under this
20 Act. In the development of these regulations, the Secretary shall establish appropriate
21 procedures for ensuring the confidentiality of proprietary information the submission of
22 which is voluntary or mandatory.

23 SECTION 5. *Penalty for non-observance.* – The Secretary can impose a fine
24 ranging from FIFTY THOUSAND PESOS (P50,000.00) to FIVE HUNDRED
25 THOUSAND PESOS (P500,000.00) for failure to comply with the requirements of this
26 Act.

1 SECTION 6. *Separability Clause.* – If any part or provision of this Act is held
2 invalid or unconstitutional, the other parts or provisions thereof shall remain valid and
3 effective.

4 SECTION 7. *Repealing Clause.* – All laws, decrees, orders, proclamations, rules
5 and regulations or parts thereof, inconsistent with the provisions of this Act are hereby
6 repealed, amended or modified accordingly.

7 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
8 from its publication in at least two (2) newspapers of general circulation.

Approved,