

SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

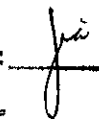


Senate
Office of the Secretary

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SENATE

Senate Bill No. 1374

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

With the increasing number of poachers, it is high time to revisit our law concerning Anti-poaching in Philippine Waters, particularly Republic Act No. 8550, otherwise known as the "Philippine Fisheries Code of 1998."

Based on studies, the Philippines ranked 11th among the top fish producing countries as early as 2003, with the production of 2.63 million tonnes of fish, crustaceans, molluscs and aqua plants. As an archipelagic state with over 2.2 million km of highly productive seas, the Philippines has vast fishery resources, and the most biodiverse marine area in the world. Unfortunately, all the country's main fish species and marine organisms are showing signs of overfishing.

Under our laws, the use and exploitation of the fishery and aquatic resources in Philippine waters is reserved exclusively to Filipinos. However, the Philippine Coast Guard revealed that illegal fishing in the country is aggravated by the fact that even foreign vessels risk arrest to plunder Philippine waters. In 2008, five Indonesians, four Vietnamese, and ten Filipinos were arrested in separate anti-poaching operations. In February 2009, PCG operating forces caught up with Fishing Vessel Karya Wijaya and found 200 pieces of tuna, each weighing 25-35 kilos, on board. The operatives thereafter arrested 11 Indonesian and 2 Taiwanese poachers. Recently on May 30, 2011, the Philippine Navy apprehended 122 Vietnamese nationals suspected of illegal fishing in the waters of Barangay Malaking Ilog in Balabac, Palawan. Said Vietnamese are under the guise of being local fishermen with the Philippine flags in their boats.

This Act aims to strengthen the anti-poaching provisions under RA 8550 by increasing the penalties for violators and reinforcing the citizen's participation in the apprehension of offenders, through the Bantay Dagat program.

Approval of this measure is earnestly sought.



JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
TO AMEND REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE FISHERIES
ACT OF 1998 TO STRENGTHEN THE ANTI-POACHING PROVISIONS AND FOR
OTHER PURPOSES

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

SECTION 1. –Section 86 of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, is hereby amended to read as follows:

“Section 86. Unauthorized Fishing or Engaging in Other Unauthorized Fisheries Activities. - No person shall exploit, occupy, produce, breed, culture, capture or gather fish, fry or fingerlings of any fishery species or fishery products, or engage in any fishery activity in Philippine waters without a license, lease or permit.

“Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a prima facie presumption that the person and/or vessel is engaged in unauthorized fishing: Provided, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

“It shall be unlawful for any commercial fishing vessel to fish in bays and in such other fishery management areas which may hereinafter be declared as over-exploited.

“Any commercial fishing boat captain or the three (3) highest officers of the boat who commit any of the above prohibited acts upon conviction shall be punished by a fine equivalent to the value of catch or [Ten thousand pesos (P10,000.00)] **FIFTY THOUSAND PESOS (P50,000) WHICHEVER IS HIGHER, AND IMPRISONMENT OF [six (6) months] ONE (1) YEAR, CONFISCATION OF CATCH, FISHING BOAT AND FISHING GEARS, AND AUTOMATIC REVOCATION OF LICENSE.**

“It shall be unlawful for any person not listed in the registry of municipal fisherfolk to engage in any commercial fishing activity in municipal waters. Any municipal fisherfolk who commits such violation shall be punished by confiscation of catch and a fine of [Five hundred pesos (500.00)] **TEN THOUSAND PESOS (P10,000).**”

SEC. 2. Article 360 of the Code is further amended to read as follows:

"Section 87. Poaching in Philippine Waters. - It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

"The entry of any foreign fishing vessel in Philippine waters shall constitute a prima facie evidence that the vessel is engaged in fishing in Philippine waters.

"Violation of the above shall be punished by a fine of [One hundred thousand U.S. Dollars (US\$100,000.00)] **TWO HUNDRED THOUSAND DOLLARS (US\$200,000)**, in addition to the confiscation of its catch, fishing equipment and **TOTAL DESTRUCTION OF ITS** fishing vessel: Provided, That the Department OF AGRICULTURE is empowered to impose an administrative fine of not less than [Fifty thousand U.S. Dollars (US\$50,000.00)] **ONE HUNDRED THOUSAND U.S. DOLLARS (US\$ 100,000)** but not more than [Two hundred thousand U.S. Dollars (US\$200,000.00)] **FOUR HUNDRED THOUSAND DOLLARS (US\$ 400,000)** or its equivalent in the Philippine Currency."

SEC. 3. Two provision shall be inserted after Sections 16 of this Code, to read as follows:

"Section 17. Reinforcement of Bantay Dagat Groups in each Local Government Unit - BY VIRTUE OF PARAGRAPH 3 OF THE PRECEEDING SECTION, LGUS ARE ENJOINED TO REINFORCE THEIR RESPECTIVE BANTAY DAGAT GROUPS COMPOSED OF VOLUNTEER FISHING COMMUNITY MEMBERS WHO ARE TRAINED AND DEPUTIZED AS FISH WARDENS, WHO WILL COORDINATE WITH GOVERNMENT AGENCIES CONCERNED IN THE LOCAL ENFORCEMENT OF FISHERY LAWS. MODERN TRAININGS/SEMINARS SHALL BE CONDUCTED, WHERE THEY CAN OBTAIN ADVANCED KNOWLEDGE ON PROPER ENFORCEMENT OF FISHERY REGULATIONS AND VIGILANT MONITORING AND APPREHENSION OF VIOLATORS.

"Section 18. Funding requirement of Bantay Dagat operation. LOCAL GOVERNMENTS ARE ENCOURAGED TO ENACT ORDINANCES TO APPROPRIATE SPECIFIC FUNDS FOR BANTAY DAGAT GROUPS WHICH INCLUDE, BUT NOT LIMITED TO: A.) THE CONDUCT OF SEABORNE OPERATIONS SUCH AS REGULAR PATROL IN THE COASTAL AREAS. B.) MAINTENANCE OF EQUIPMENT NECESSARY FOR THEIR FUNCTION. C.) VEHICLE, FUEL AND FOOD ALLOWANCE FOR THEIR OPERATION. D.) THE CONDUCT OF SEMINARS/WORKSHOPS FOR BANTAY DAGAT MEMBERS."

The former Section 17 shall now be numbered Section 19 while and the succeeding Sections shall be numbered accordingly.

SEC. 4. This Act shall take effect after the fifteen (15) days following its publication in at least two (2) newspaper of general circulation.

Approved,