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SENATE

SENATE BILL NO. **2115**

Introduced by:

Sen. Cynthia A. Villar

AN ACT AMENDING SOME PROVISIONS OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE "PHILIPPINE FISHERIES CODE OF 1998" AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is an archipelagic state with over 2.2 million sq. km. of highly productive seas and 27,000 sq. km. of coral reefs. It is thus undeniable that the Philippines has a very prominent fisheries industry. In 2008, we ranked 8th in the top fish producing countries of the world, producing 3.12% of the total world production of fish, crustaceans, molluscs and aquatic plants. We were 9th in the world in terms of aquaculture production, providing 1.4% of the total global aquaculture production of fish, crustaceans and molluscs. We ranked 3rd in the production of seaweeds, producing 10.6% of the total world seaweeds production. We are the second largest producer of tuna in the world. Note, however, that we are not at all ranked as a capture fisheries producer.

While fisheries production has been steadily increasing from 1.7 million metric tons in the 80's until it reached 5.09 million metric tons in 2009, it must be noted that most of the fish produced came from aquaculture. Statistics have shown that aquaculture has contributed 48% to the fishery production of 2009, while municipal and commercial fishing contributed a less remarkable 27% and 25%, respectively. This is so despite over 2.2 million sq. km of seas, touted as "highly productive" and 27,000 sq. km of coral reefs.

It is ironic that our highly productive seas are now overfished. The irony is due to the fact that our marine and coastal ecosystem is exposed to indiscriminate methods of catching fish and fishery species in the wild such as fishing through explosives, noxious or poisonous substances, electrofishing, fine mesh nets, coral exploitation, muro-ami and use of other methods and gear destructive to coral reefs and other marine habitat, use of superlights, fishing or taking of rare, threatened or endangered species, capture of sabalo and other breeder/spawners, violation of catch ceilings, obstruction to navigation or flow and ebb of tide in any stream, river, lake or bay, and unlicensed construction and operation of fish corrals/traps, fish pens and cages, among others.

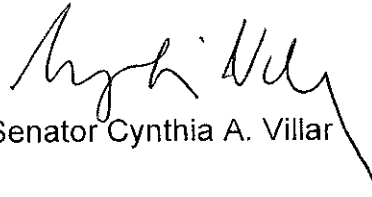
While these violations are penalized under Republic Act 8550 or the Philippine Fisheries Code of 1998 (RA 8550), fifteen years after the law's passage proved that the penalties therein are mere slaps on the wrists of violators. For example, the two large container vans of 21,000 species of black corals, and some 161 endangered turtles and marine life seized in May 2011 by Bureau of Customs officials would have fetched a whopping PhP15 million for its dealers.

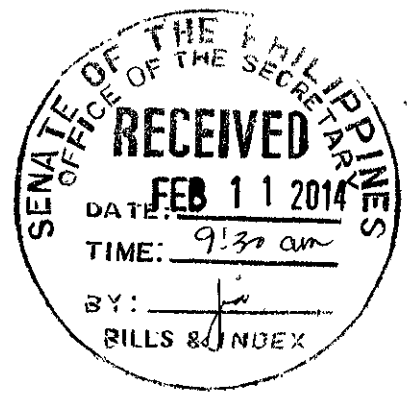
It was later learned that an entire coral reef off the coast of Cotabato, still unexplored, and estimated to be about twice the size of Metro Manila, was

and Biodiversity (TEEB) project of the United Nations Environment Program (UNEP) would have valued the ruined coral reefs at a minimum of US\$16.6 billion. However, RA 8550 would only punish the violators with a measly fine of PhP 2,000 to PhP 20,000. While damaged coral reefs would take 25 years or more to recover, a violator, however, would only get six (6) months to two (2) years' time in prison.

RA 8550 is replete with penalties such as these that are not commensurate to the damage caused, the economic value lost, and habitat destroyed. In exchange for large sums of money, violators only find these penalties convenient, a pint in their business investment pie. This defeats the deterrent function of the penalty.

Thus, there is a need to amend Chapter VI of RA 8550 to consider prohibitions not covered by the law after fifteen years of implementation, as well as impose more severe penalties to maintain its deterrent function. After all, punishment must be commensurate with the crime committed.


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1 **AN ACT AMENDING SOME PROVISIONS OF REPUBLIC ACT NO. 8550, OTHERWISE**
2 **KNOWN AS THE "PHILIPPINE FISHERIES CODE OF 1998" AND FOR OTHER PURPOSES**
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6 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
7 *Congress assembled:*

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9 **SEC. 1.** There shall be added to Section 4 of Republic Act 8550 Items (74) and (75) as
10 follows:

11 Section 4. Definition of Terms. – As used in this Code, the following terms
12 and phrases shall mean as follows:

13 1. XXX

14 XXX

15 74. **Unreported fishing** - refers to fishing activities which have not been
16 reported, or have been misreported to the Department, in contravention of national laws
17 and regulations of the Philippines; or undertaken in the area of competence of a relevant
18 Regional Fisheries Management Organization which have not been reported or have
19 been misreported, in contravention of the reporting procedures of that organization and
20 further elaborated by regulations to be promulgated by the Department.

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22 75. **Unregulated fishing** - refers to fishing activities in the area of application of
23 a relevant Regional Fisheries Management Organization that are conducted by vessels
24 without nationality, or by those flying the flag of the Philippines or other states not party to
25 that organization, or by a fishing entity, in a manner that is not consistent with or
26 contravenes the conservation and management measures of that organization; or in
27 areas or fish stocks in relation to which there are no applicable conservation and
28 management measures and where such fishing activities are conducted in a manner

29 inconsistent with the state responsibilities of the Philippines for the conservation of living
30 marine resources under international law.

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32 **SEC. 2.**Section 86, Republic Act No. 8550 is hereby amended to read as follows:

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

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

44 It shall be unlawful for any commercial fishing vessel to fish in bays
45 and in such other fishery management areas which may herein-after be
46 declared as over-exploited.

47 Any commercial fishing boat owner and the three (3) highest officers of
48 the boat who commit any of the above prohibited acts shall, upon conviction, be
49 punished by A FINE EQUIVALENT TO THREE (3) TIMES THE VALUE OF
50 CATCH OR FIFTY THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE
51 COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS
52 (P100,000.00) FOR MEDIUM-SCALE COMMERCIAL FISHING, AND FIVE
53 HUNDRED THOUSAND PESOS (P500,000.00) FOR LARGE-SCALE
54 COMMERCIAL FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, AND
55 IMPRISONMENT OF FOUR (4) TO SIX (6) YEARS, confiscation of catch and
56 fishing gears, and revocation of license, *PROVIDED, THAT THE*
57 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVE FINES UPON
58 DETERMINATION THAT THE PERSON/S HAS VIOLATED THE ABOVE
59 PROVISION. IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
60 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
61 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
62 THE AMOUNT OF THE FINES ABOVESTATED.

63 IN THE CASE OF FISHING WITHOUT A LICENSE, DOUBLE OF THE
64 ABOVE ADMINISTRATIVE PENALTIES SHALL BE IMPOSED UPON ANY
65 PERSON WHO HAS VIOLATED THE ABOVE PROVISION.

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67 It shall be unlawful for any person not listed in the registry of municipal
68 fisherfolk to engage in any commercial fishing activity in municipal waters. Any
69 municipal fisherfolk who commits such violation shall be punished by
70 confiscation of catch and a FINE OF TEN THOUSAND PESOS (P10,000.00).”

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72 **SEC. 3.** Three new provisions, dubbed as Sections 86-A, 86-B, and 86-C, are hereby
73 added to the existing provisions of this Code. The same shall read as follows:

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75 SECTION 86-A. FAILURE TO SECURE INTERNATIONAL FISHING
76 PERMIT PRIOR TO FISHING OR ENGAGING IN OTHER FISHERIES
77 ACTIVITIES IN THEHIGH SEAS OR IN THE TERRITORIAL SEASAND
78 EXCLUSIVE ECONOMIC ZONES OF OTHER STATES. - IT SHALL BE
79 UNLAWFUL FOR PHILIPPINE REGISTERED FISHING VESSELS TO
80 OPERATE IN THEHIGH SEAS, OR IN THE TERRITORIAL SEASAND
81 EXCLUSIVE ECONOMIC ZONES OF OTHER STATESWITHOUT FIRST
82 SECURING INTERNATIONAL FISHING PERMIT FROM THE DEPARTMENT.

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84 DISCOVERY OF SUCH FISHING VESSEL IN THE ABOVE-
85 MENTIONED AREAS WHERE THE SAME HAS NO PERMIT AND/OR
86 REGISTRATION PAPERS FOR FISHING OR ENGAGING IN OTHER
87 FISHERY ACTIVITIES THEREIN SHALL CONSTITUTE AS A PRIMA FACIE
88 PRESUMPTION THAT THE VESSEL IS ENGAGED IN THE SAID VIOLATION.

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90 IT SHALL ALSO BE UNLAWFUL FOR THE SAID VESSEL TO
91 COMMIT ACTS THAT ARE IN CONTRAVENTION WITH THE TERMS AND
92 CONDITIONS STATED IN THE INTERNATIONAL FISHING PERMIT OR AS
93 MAY BE PROMULGATED BY THE DEPARTMENT.

94
95 ANY COMMERCIAL FISHING BOAT OWNER/OPERATOR AND THE
96 THREE (3) HIGHEST OFFICERS OF THE BOAT WHO COMMIT ANY OF THE

97 ABOVE PROHIBITED ACTS SHALL, UPON CONVICTION, BE PUNISHED BY
98 A FINE EQUIVALENT TO THREE (3) TIMES THE VALUE OF CATCH OR FIVE
99 HUNDRED THOUSAND PESOS (P500,000) FOR SMALL-SCALE
100 COMMERCIAL FISHING, ONE MILLION PESOS (P1,000,000) FOR MEDIUM-
101 SCALE COMMERCIAL FISHING, AND TWO MILLION PESOS (P2,000,000)
102 FOR LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY,
103 WHICHEVER IS HIGHER, AND IMPRISONMENT OF FOUR (4) TO SIX (6)
104 YEARS, CONFISCATION OF CATCH AND FISHING GEARS, AND
105 AUTOMATIC REVOCATION OF LICENSE, PROVIDED, THAT THE
106 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVE FINES UPON
107 DETERMINATION THAT THE PERSON/S HAS VIOLATED THE ABOVE
108 PROVISION. IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
109 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN CASE
110 OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES THE
111 AMOUNT OF THE FINES ABOVE STATED.

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113 SECTION 86-B. UNREPORTED FISHING - IT SHALL BE UNLAWFUL
114 FOR ANY PERSON TO ENGAGE IN UNREPORTED FISHING AS DEFINED IN
115 SECTION 4 PARAGRAPH 74 OF THIS CODE.

116 VIOLATION OF THIS PROVISION IN WATERS UNDER THE
117 NATIONAL JURISDICTION SHALL BE PENALIZED BY A FINE OF FIFTY
118 THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE COMMERCIAL
119 FISHING, ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR MEDIUM-
120 SCALE COMMERCIAL FISHING, AND FIVE HUNDRED THOUSAND PESOS
121 (P500,000.00) FOR LARGE-SCALE COMMERCIAL FISHING,
122 RESPECTIVELY, FOR THE FIRST OFFENSE. SECOND OFFENSE SHALL
123 BE PENALIZED BY DOUBLE THE AMOUNT OF FINE AND SUSPENSION OF
124 LICENSE FOR ONE (1) YEAR. THIRD OFFENSE SHALL BE PENALIZED BY
125 FIVE TIMES THE AMOUNT OF FINE AND REVOCATION OF
126 LICENSE, PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO
127 IMPOSE THE ABOVE MENTIONED FINES AND PENALTIES.

128 VIOLATION OF THIS PROVISION IN WATERS BEYOND NATIONAL
129 JURISDICTION SHALL BE PENALIZED BY A FINE OF ONE HUNDRED
130 THOUSAND PESOS (P100,000.00) FOR SMALL-SCALE COMMERCIAL

131 FISHING, TWO HUNDRED THOUSAND PESOS (P200,000.00) FOR MEDIUM-
132 SCALE COMMERCIAL FISHING, AND ONE MILLION PESOS (P1,000,000.00)
133 FOR LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY, FOR THE
134 FIRST OFFENSE. SECOND OFFENSE SHALL BE PENALIZED BY DOUBLE
135 THE AMOUNT OF FINE AND SUSPENSION OF LICENSE AND
136 INTERNATIONAL FISHING PERMIT FOR ONE (1) YEAR. THIRD OFFENSE
137 SHALL BE PENALIZED BY FIVE TIMES THE AMOUNT OF FINE AND
138 REVOCAION OF LICENSE AND INTERNATIONAL FISHING PERMIT,
139 PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE
140 ABOVENTIONED FINES AND PENALTIES.

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144 SECTION 86-C UNREGULATED FISHING – IT SHALL BE UNLAWFUL
145 FOR ANY PERSON TO ENGAGE IN UNREGULATED FISHING AS DEFINED
146 IN SECTION 4 PARAGRAPH 75 OF THIS CODE.

147 VIOLATION OF THIS PROVISION IN WATERS UNDER THE
148 NATIONAL JURISDICTION SHALL BE PENALIZED BY A FINE OF FIFTY
149 THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE COMMERCIAL
150 FISHING, ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR MEDIUM-
151 SCALE COMMERCIAL FISHING, AND FIVE HUNDRED THOUSAND PESOS
152 (P500,000.00) FOR LARGE-SCALE COMMERCIAL FISHING,
153 RESPECTIVELY, FOR THE FIRST OFFENSE. SECOND OFFENSE SHALL
154 BE PENALIZED BY DOUBLE THE AMOUNT OF FINE AND SUSPENSION OF
155 LICENSE FOR ONE (1) YEAR. THIRD OFFENSE SHALL BE PENALIZED BY
156 FIVE TIMES THE AMOUNT OF FINE AND REVOCATION OF
157 LICENSE,PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO
158 IMPOSE THE ABOVENTIONED FINES AND PENALTIES.

159 VIOLATION OF THIS PROVISION IN WATERS BEYOND NATIONAL
160 JURISDICTION SHALL BE PENALIZED BY A FINE OF ONE HUNDRED
161 THOUSAND PESOS (P100,000.00) FOR SMALL-SCALE COMMERCIAL
162 FISHING, TWO HUNDRED THOUSAND PESOS (P200,000.00) FOR MEDIUM-
163 SCALE COMMERCIAL FISHING, AND ONE MILLION PESOS (P1,000,000.00)
164 FOR LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY, FOR THE

165 FIRST OFFENSE. SECOND OFFENSE SHALL BE PENALIZED BY DOUBLE
166 THE AMOUNT OF FINE AND SUSPENSION OF LICENSE AND
167 INTERNATIONAL FISHING PERMIT FOR ONE (1) YEAR. THIRD OFFENSE
168 SHALL BE PENALIZED BY FIVE TIMES THE AMOUNT OF FINE AND
169 REVOCAION OF LICENSE AND INTERNATIONAL FISHING PERMIT,
170 PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE
171 ABOVEMENTIONED FINES AND PENALTIES.

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173 **SEC. 4.**Section 87, Republic Act No. 8550 is hereby amended to read as follows:

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

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

181 Violation of the above shall be punished by a fine of FIVE HUNDRED
182 THOUSAND U.S. DOLLARS (US\$500,000.00), in addition to the confiscation
183 of its catch, fishing equipment and fishing vessel: Provided, that the
184 Department is empowered to impose an administrative fine of not less than
185 TWO HUNDRED THOUSAND U.S. DOLLARS (US\$200,000.00) BUT NOT
186 MORE THAN THREE HUNDRED THOUSAND U.S. DOLLARS
187 (US\$300,000.00) or its equivalent in the Philippine Currency."IN CASE OF A
188 SECOND OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES
189 THE AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD
190 OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
191 ABOVESTATED.

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194 **SEC. 5.**Section 88, Republic Act No. 8550 is hereby amended to read as follows:

195 "Section 88. Fishing Through Explosives, Noxious or Poisonous
196 Substance, and/or Electricity.

197 (1) It shall be unlawful for any person to catch, take or gather or
198 cause to be caught, taken or gathered, fish or any fishery species in Philippine

199 waters with the use of electricity, explosives, noxious or poisonous substance
200 such as sodium cyanide in the Philippine fishery areas, which will kill, stupefy,
201 disable or render unconscious fish or fishery species: Provided, that the
202 Department, subject to such safeguards and conditions deemed necessary
203 and endorsement from the concerned LGUs may allow, for research,
204 educational or scientific purposes only, the use of electricity, poisonous or
205 noxious substances to catch, take or gather fish or fishery species: Provide,
206 further, that the use of poisonous or noxious substances to eradicate predators
207 in fishponds in accordance with accepted scientific practices and without
208 causing adverse environmental impact in neighboring waters and grounds
209 shall not be construed as illegal fishing.

210 It will likewise be unlawful for any person, corporation or entity to
211 possess, deal in, sell or in any manner dispose of, any fish or fishery species
212 which have been illegally caught, taken or gathered.

213 The discovery of dynamite, other explosives and chemical compounds
214 which contain combustible elements, or noxious or poisonous substances, or
215 equipment or device for electro-fishing in any fishing vessel or in the
216 possession of any fisherfolk, operator, fishing boat official or fishworker shall
217 constitute a prima facie evidence, that the same was used for fishing in
218 violation of this Code. The discovery in any fishing vessel of fish caught or
219 killed with the use of explosive, noxious or poisonous substances or by
220 electricity shall constitute prima facie evidence that the fisherfolk, operator,
221 boat official or fishworker is fishing with the use thereof.

222 (2) Mere possession of explosive, noxious or poisonous substances or
223 electrofishing devices for illegal fishing shall be punishable by imprisonment
224 ranging from TWO (2) TO SIX (6) YEARS, PROVIDED THAT THE
225 DEPARTMENT IS EMPOWERED TO IMPOSE A FINE RANGING FROM
226 FIVE THOUSAND PESOS (P5,000) UP TO FIVE HUNDRED THOUSAND
227 PESOS (P500,000). WITHIN SIX MONTHS FROM THE EFFECTIVITY OF
228 THIS LAW, THE DEPARTMENT SHALL PROMULGATE THE NECESSARY
229 GRADUATION OF PENALTIES DEPENDING ON THE NUMBER OF
230 EXPLOSIVE DEVICES, AMOUNT OR VOLUME OF NOXIOUS AND
231 POISONOUS SUBSTANCES AND NUMBER OF ELECTROFISHING
232 DEVICES AND THE FREQUENCY OF VIOLATIONS.

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(3)Actual use of explosives, noxious or poisonous substances or electrofishing devices for illegal fishing shall be punishable by imprisonment ranging from TWENTY (20) TO TWENTY-FIVE (25) YEARS without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life. In cases when death or physical injuries results from the use of explosives, noxious or poisonous substances or electrofishing devices, the maximum penalty provided above shall be imposed, PROVIDED THAT THE DEPARTMENT ISEMPOWERED TO IMPOSE A FINE RANGING FROM TEN THOUSAND PESOS (P10,000) UP TO ONE MILLION PESOS (P1,000,000). WITHIN SIX MONTHS FROM THE EFFECTIVITY OF THIS LAW, THE DEPARTMENT SHALL PROMULGATE THE NECESSARY GRADUATION OF PENALTIES DEPENDING ON THE NUMBER OR FREQUENCY OF VIOLATIONS.

(4)Possessing, dealing in, selling, or in any manner disposing of, for profit, illegally caught/gathered fisheries species shall be punished by imprisonment ranging from FOUR (4) TO EIGHT (8) YEARS, PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE A FINE RANGING FROM FIVE THOUSAND PESOS (P5,000) UP TO FIVE HUNDRED THOUSAND PESOS (P500,000). WITHIN SIX MONTHS FROM THE EFFECTIVITY OF THIS LAW, THE DEPARTMENT SHALL PROMULGATE THE NECESSARY GRADUATION OF PENALTIES DEPENDING ON THE NUMBER, VOLUME, OR VALUE OF THE ILLEGALLY CAUGHT/GATHERED FISHERY SPECIES AND THE FREQUENCY OF VIOLATIONS.

(5)In all cases enumerated above, the explosives, noxious or poisonous substances and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited.”

SEC. 6.Section 89, Republic Act No. 8550 is hereby amended to read as follows:

“Section 89. Use of Fine Mesh Net. - It shall be unlawful to engage in fishing using nets with mesh smaller than that with which may be fixed by the Department: Provided, that the prohibition on the use of fine mesh net shall not apply to the gathering of fry, glass eels, elvers, *tabios*, and *alamang* and such

267 species, which by their nature, are small but already mature to be identified in
268 the implementing rules and regulations by the Department.

269 Violation of the above shall subject the offender to A FINE
270 EQUIVALENT TO THREE TIMES THE VALUE OF THE CATCH OR TEN
271 THOUSAND PESOS (P10,000.00) FOR THOSE ENGAGED IN MUNICIPAL
272 FISHING, TWENTY-THOUSAND PESOS (P20,000.00) FOR THOSE
273 ENGAGED IN SMALL-SCALE COMMERCIAL FISHING, FIFTY THOUSAND
274 PESOS (P50,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE
275 COMMERCIAL FISHING, AND ONE HUNDRED THOUSAND PESOS
276 (P100,000.00) FOR THOSE ENGAGED IN LARGE-SCALE COMMERCIAL
277 FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, AND IMPRISONMENT
278 FROM FOUR (4) TO SIX (6) YEARS: Provided, that if the offense is committed
279 by a commercial fishing vessel, the boat captain and the master fisherman
280 shall also be subject to the penalties herein: Provided, further, that the
281 owner/operator of the commercial fishing vessel who violates this provision
282 shall be subjected to the same penalties provided herein: Provided, finally, that
283 the Department is hereby empowered to impose upon the offender an
284 ADMINISTRATIVE FINE EQUIVALENT TO THE ABOVE-MENTIONED
285 AMOUNT and/or cancel his permit or license or both. IN CASE OF A SECOND
286 OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE
287 AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE,
288 THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
289 ABOVESTATED.

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292 **SEC. 7.**Section 90, Republic Act No. 8550 is hereby amended to read as follows:

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294 "Section 90. Use of Active Gear in the Municipal Waters and Bays and
295 Other Fishery Management Areas. - It shall be unlawful to engage in fishing in
296 municipal waters and in all bays as well as other fishery management areas
297 using active fishing gears as defined in this Code.

298 Violators of the above prohibitions shall suffer the following penalties:

299 (1) The owner/operator, boat captain, and master fisherman of the
300 vessels who participated in the violation shall suffer the penalty of fine

301 equivalent to three (3) times the value of the catch or FIFTY THOUSAND
302 PESOS (P50,000.00)FOR THOSE ENGAGED IN SMALL-SCALE
303 COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS
304 (P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE COMMERCIAL
305 FISHING, AND FIVE HUNDRED THOUSAND PESOS (P500,000.00) FOR
306 THOSE ENGAGED IN LARGE-SCALE COMMERCIAL FISHING,
307 RESPECTIVELY, WHICHEVER IS HIGHER, AND IMPRISONMENT FROM
308 SIX (6) YEARS TO TWELVE (12) YEARS, PROVIDED THAT THE
309 DEPARTMENT IS ALSO EMPOWERED TO IMPOSE THE
310 ABOVENTIONED FINES AND TO SUSPEND OR REVOKE THE
311 LICENSE FOR COMMERCIAL FISHING.

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313 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
314 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
315 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
316 THE AMOUNT OF THE FINES ABOVESTATED.

317 If the owner/operator OF THE FISHING VESSEL is a corporation, the
318 penalty shall be imposed on the chief executive officer of the corporation. If the
319 owner/operator is a partnership the penalty shall be imposed on the managing
320 partner.

321 (2) The catch shall be confiscated and forfeited.”

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323 **SEC. 8.**Section 91, Republic Act No. 8550 is hereby amended to read as follows:

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325 “Section 91. Ban on Coral Exploitation and Exportation. - It shall be
326 unlawful for any person or corporation to gather, possess, sell or export
327 ordinary precious and semi-precious corals, whether raw or processed form,
328 except for scientific or research purposes.

329 Violations of this provision shall be punished by IMPRISONMENT
330 FROM FOUR (4) YEARS TO SIX (6) YEARS AND A FINE EQUIVALENT TO
331 THREE TIMES THE VALUE OF THE CORALS GATHERED, POSSESSED,
332 SOLD, AND/OR EXPORTED OR FIVE HUNDRED THOUSAND PESOS
333 (P500,000.00), whichever is higher, or both such fine and imprisonment, at the
334 discretion of the court, and forfeiture of the subject corals, including the vessel

335 and its proper disposition, PROVIDED THAT THE DEPARTMENT IS
336 EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINE.IN CASE OF A
337 SECOND OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES
338 THE AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD
339 OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
340 ABOVESTATED.

341 The confiscated corals shall either be returned to the sea or donated to
342 schools and museums for educational or scientific purposes or disposed
343 through other means.”

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345 **SEC. 9.**Section 92, Republic Act No. 8550 is hereby amended to read as follows:

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347 "Section 92. Ban on Muro-Ami, Other Methods and Gear Destructive
348 to Coral Reefs and Other Marine Habitat. - It shall be unlawful for any person,
349 natural or juridical, to fish with gear method that destroy coral reefs, seagrass
350 beds, and other fishery marine life habitat as may be determined by the
351 Department. "Muro-Ami" and any of its variation, and such similar gear and
352 methods that require diving, other physical or mechanical acts to pound the
353 coral reefs and other habitat to entrap, gather or catch fish and other fishery
354 species are also prohibited.

355 THE OWNER/OPERATOR OF THE FISHING VESSEL/S, BOAT
356 CAPTAIN, MASTER FISHERMAN, AND RECRUITER OR ORGANIZER OF
357 FISHWORKERS WHO VIOLATE THIS PROVISION SHALL SUFFER A
358 PENALTY OF EIGHT (8) YEARS TO TWELVE (12) YEARS IMPRISONMENT
359 AND A FINE EQUIVALENT TO THREE (3) TIMES THE VALUE OF THE FISH
360 CAUGHT THROUGH THE SAID FISHING OPERATION OR TWO MILLION
361 PESOS (P2,000,000.00), WHICHEVER IS HIGHER. The catch and gear used
362 shall be confiscated, PROVIDED THAT THE DEPARTMENT IS EMPOWERED
363 TO IMPOSE THE ABOVEMENTIONED FINE.IN CASE OF A SECOND
364 OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE
365 AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE,
366 THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
367 ABOVESTATED.

368 It shall likewise be unlawful for any person or corporation to gather,
369 sell or export ~~white sand~~CORALSAND, CORAL FRAGMENTS, CORAL
370 ROCKS, silica, pebbles OR any other substances which make up any marine
371 habitat.

372 The person or corporation who violates this provision shall suffer A
373 PENALTY OF EIGHT (8) YEARS TO TWELVE (12) YEARS IMPRISONMENT
374 AND A FINE EQUIVALENT TO THREE TIMES THE VALUE OF THE CORAL
375 SAND, CORAL FRAGMENTS, CORAL ROCKS, SILICA, OR PEBBLES
376 GATHERED, SOLD, OR EXPORTED OR TWO MILLION PESOS
377 (P2,000,000.00), WHICHEVER IS HIGHER. The substance taken from its
378 marine habitat shall be confiscated. THE DEPARTMENT IS EMPOWERED TO
379 IMPOSE THE ABOVEMENTIONED FINE.IN CASE OF A SECOND
380 OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE
381 AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE,
382 THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
383 ABOVESTATED.

384
385 **SEC. 10.**Section 93, Republic Act No. 8550 is hereby amended to read as follows:
386

387 "Section 93 . Illegal Use of Superlights. - It shall be unlawful to engage
388 in fishing with the use of superlights in municipal waters or in violation of the
389 rules and regulations which may be promulgated by the Department on the
390 use of superlights outside municipal waters.

391 Violations of this provision shall be punished by IMPRISONMENT
392 FROM FOUR (4) YEARS TO SIX (6) YEARS AND A FINE OF TWENTY
393 THOUSAND PESOS (P20,000.00) PER SUPERLIGHT. The superlight, fishing
394 gears and vessel shall be confiscated. THE DEPARTMENT IS EMPOWERED
395 TOIMPOSE THE ABOVEMENTIONED FINE.IN CASE OF A SECOND
396 OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE
397 AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE,
398 THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
399 ABOVESTATED.

400

401

402 **SEC. 11.**Section 95, Republic Act No. 8550 is hereby amended to read as follows:

403

404 "Section 95. Fishing in Overfished Area and During Closed Season. - It
405 shall be unlawful to fish in overfished area and during closed season.

406 Violation of the provision of this section shall be punished by
407 IMPRISONMENT OF FOUR (4) YEARS TO SIX (6) YEARS AND A FINE
408 EQUIVALENT TO THREE TIMES THE VALUE OF THE FISH CATCH OR
409 TEN THOUSAND PESOS (P10,000.00), FOR THOSE ENGAGED IN
410 MUNICIPAL FISHING, FIFTY-THOUSAND PESOS (P50,000.00) FOR THOSE
411 ENGAGED IN SMALL-SCALE COMMERCIAL FISHING, ONE HUNDRED
412 THOUSAND PESOS (P100,000.00) FOR THOSE ENGAGED IN MEDIUM-
413 SCALE COMMERCIAL FISHING, AND TWO HUNDRED THOUSAND PESOS
414 (P200,000.00) FOR THOSE ENGAGED IN LARGE-SCALE COMMERCIAL
415 FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, the forfeiture of the
416 catch, and the cancellation of fishing permit or license, PROVIDED THAT THE
417 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED
418 FINES AND TO SUSPEND OR REVOKE THE LICENSE FOR COMMERCIAL
419 FISHING.

420

421 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
422 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
423 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
424 THE AMOUNT OF THE FINES ABOVESTATED.

425

426 **SEC. 12.**Section 96, Republic Act No. 8550 is hereby amended to read as follows:

427

428 "Section 96. Fishing in Fishery Reserves, Refuge and Sanctuaries. - It
429 shall be unlawful to fish in fishery areas declared by the Department as fishery
430 reserves, refuge and sanctuaries.

431 Violation of the provision of this section shall be punished by
432 imprisonment of FOUR (4) YEARS TO SIX (6) YEARS AND A FINE
433 EQUIVALENT TO THREE TIMES THE VALUE OF THE CATCH OR TEN
434 THOUSAND PESOS (P10,000.00) FOR THOSE ENGAGED IN MUNICIPAL
435 FISHING, FIFTY-THOUSAND PESOS (P50,000.00), FOR THOSE ENGAGED

436 IN SMALL-SCALE COMMERCIAL FISHING, ONE HUNDRED THOUSAND
437 PESOS (P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE
438 COMMERCIAL FISHING, AND TWO HUNDRED THOUSAND PESOS
439 (P200,000.00) FOR THOSE ENGAGED IN LARGE-SCALE COMMERCIAL
440 FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, the forfeiture of the
441 catch, and the cancellation of fishing permit or license, *PROVIDED THAT THE*
442 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED
443 FINES AND TO SUSPEND OR REVOKE THE LICENSE FOR COMMERCIAL
444 FISHING.

445 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
446 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
447 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
448 THE AMOUNT OF THE FINES ABOVESTATED.

449

450

451 **SEC.13.**Section 98, Republic Act No. 8550 is hereby amended to read as follows:

452

453 "Section 98. Capture of Sabalo and Other Breeders/Spawners. - It shall
454 be unlawful for any person to catch, gather, capture or possess mature milkfish
455 or "sabalo" and such other breeders or spawners of other fishery species as
456 may be determined by the Department: Provided, that catching of sabalo and
457 other breeders/spawners for local breeding purposes or scientific or research
458 purposes may be allowed subject to guidelines to be promulgated by the
459 Department.

460 Violation of the provision of this section shall be punished by
461 IMPRISONMENT OF FOUR (4) YEARS TO EIGHT (8) YEARS AND A FINE
462 EQUIVALENT TO THREE TIMES THE VALUE OF THE "SABALO", OTHER
463 BREEDERS, OR SPAWNERS GATHERED OR CAPTURED OR TWO
464 HUNDRED THOUSAND PESOS (P200,000.00), WHICHEVER IS HIGHER,
465 and the forfeiture of the catch, and fishing equipment used and revocation of
466 license, *PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO*
467 IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE
468 THE LICENSE FOR COMMERCIAL FISHING.

469 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
470 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
471 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
472 THE AMOUNT OF THE FINES ABOVESTATED.

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474

475 **SEC. 14.**Section 99, Republic Act No. 8550 is hereby amended to read as follows:

476

477 "Section 99. Exportation of Breeders, Spawners, Eggs or Fry. -
478 Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall
479 be punished by IMPRISONMENT OF EIGHT (8) YEARS TO TEN (10) YEARS,
480 CONFISCATION OF THE SAME AND A FINE EQUIVALENT TO THREE
481 TIMES THE VALUE OF THE BREEDERS, SPAWNERS, EGGS, OR FRY
482 EXPORTED OR FIVE HUNDRED THOUSAND PESOS (P500,000.00),
483 WHICHEVER IS HIGHER, and the revocation of the fishing LICENSE AND/OR
484 SUSPENSION OR REVOCATION OF REGISTRATION AS EXPORTER,
485 PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE
486 ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE THE
487 LICENSE FOR COMMERCIAL FISHING AND THE REGISTRATION AS
488 EXPORTER.

489 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
490 EQUIVALENT OF UP TO TWO TIMES THE AMOUNT OF THE PENALTIES.
491 IN CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE
492 TIMES THE AMOUNT OF THE FINES ABOVESTATED.

493

494 FAILURE ON THE PART OF THE SHIPPING COMPANY FROM
495 WHOSE POSSESSION THE BREEDERS, SPAWNERS, EGGS, OR FRY
496 ARE DISCOVERED OR SEIZED TO FULLY COOPERATE IN THE
497 INVESTIGATION CONDUCTED BY CONCERNED GOVERNMENT
498 AUTHORITIES ON THE MATTER SHALL CREATE A LEGAL
499 PRESUMPTION THAT THERE IS CONNIVANCE OR CONSPIRACY
500 BETWEEN THE SHIPPING COMPANY AND THE SHIPPER TO
501 PERPETRATE THE AFOREMENTIONED OFFENSE."

502

503 **SEC. 15.**Section 100, Republic Act No. 8550 is hereby amended to read as follows:

504

505 "Section 100 Importation or Exportation of Fish or Fishery Species. -

506 Any importation or exportation of fish or fisheries species in violation of this

507 Code shall be punished by EIGHT (8) TO TEN (10) YEARS OF

508 IMPRISONMENT, A FINE EQUIVALENT TO THREE TIMES THE VALUE OF

509 THE FISH OR FISHERY SPECIES IMPORTED OR EXPORTED OR FIVE

510 HUNDRED THOUSAND PESOS (P500,000.00), WHICHEVER IS HIGHER,

511 AND THE DESTRUCTION OF LIVE FISHERY SPECIES OR FORFEITURE

512 OF NON-LIVE FISHERY SPECIES IN FAVOR OF THE DEPARTMENT FOR

513 ITS PROPER DISPOSITION: Provided, that violator of this provision shall be

514 banned from being members or stock holders of companies currently engaged

515 in fisheries or companies to be created in the future, the guidelines for which

516 shall be promulgated by the Department, PROVIDED FINALLY THAT THE

517 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED

518 FINES AND TO SUSPEND OR REVOKE THE REGISTRATION AS

519 IMPORTER OR EXPORTER.

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521 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE

522 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN

523 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES

524 THE AMOUNT OF THE FINES ABOVESTATED.

525

526 FAILURE ON THE PART OF THE SHIPPING COMPANY FROM

527 WHOSE POSSESSION THE FISH OR FISHERY SPECIES IMPORTED OR

528 EXPORTED ARE DISCOVERED OR SEIZED TO FULLY COOPERATE IN THE

529 INVESTIGATION CONDUCTED BY CONCERNED GOVERNMENT

530 AUTHORITIES ON THE MATTER SHALL CREATE A LEGAL PRESUMPTION

531 THAT THERE IS CONNIVANCE OR CONSPIRACY BETWEEN THE

532 SHIPPING COMPANY AND THE SHIPPER TO PERPETRATE THE

533 AFOREMENTIONED OFFENSE."

534

535 **SEC. 16.**Section 101, Republic Act No. 8550 is hereby amended to read as follows:

536

537 "Section 101. Violation of Catch Ceilings. - It shall be unlawful for any
538 person to fish in violation of catch ceilings as determined by the Department.
539 Violation of the provision of this section shall be punished by A FINE
540 EQUIVALENT TO THREE TIMES THE VALUE OF THE CATCH TAKEN IN
541 VIOLATION OF THIS PROVISION OR TEN THOUSAND PESOS
542 (P10,000.00) FOR THOSE ENGAGED IN MUNICIPAL FISHING, FIFTY-
543 THOUSAND PESOS (P50,000.00) FOR THOSE ENGAGED IN SMALL-
544 SCALE COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS
545 (P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE COMMERCIAL
546 FISHING, AND TWO HUNDRED THOUSAND PESOS (P200,000.00) FOR
547 THOSE ENGAGED IN LARGE-SCALE COMMERCIAL FISHING,
548 RESPECTIVELY, WHICHEVER IS HIGHER, AND IMPRISONMENT FROM
549 FOUR (4) TO SIX (6) YEARS, and forfeiture of the catch, and fishing
550 equipment used and revocation of license, PROVIDED THAT THE
551 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED
552 FINES AND TO SUSPEND OR REVOKE THE LICENSE FOR COMMERCIAL
553 FISHING.

554
555 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
556 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
557 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
558 THE AMOUNT OF THE FINES ABOVESTATED.

559
560 **SEC. 17.**Section 102, Republic Act No. 8550 is hereby amended to read as follows:

561
562 "Section 102. Aquatic Pollution. - Aquatic pollution, as defined in this
563 Code shall be unlawful.

564 Violation of the provision of this section shall be punished by
565 imprisonment of TWELVE (12) YEARS TO TWENTY (20) YEARS AND A
566 FINE OF FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO TWO
567 MILLION PESOS (P2,000,000), plus an additional fine of TWENTY
568 THOUSAND PESOS (P20,000.00) per day until such violation ceases and the
569 fines paid, PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO

570 IMPOSE THE ABOVEMENTIONED FINES AND TO ISSUE A CEASE AND
571 DESIST ORDER TO THE VIOLATOR.

572
573 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
574 EQUIVALENT OF UP TO TWO TIMES THE AMOUNT OF THE PENALTIES.
575 IN CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE
576 TIMES THE AMOUNT OF THE FINES ABOVESTATED.

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578
579 **SEC. 18.**Section 103, Republic Act No. 8550 is hereby amended to read as follows:

580
581 "Section 103. Other Violations. - The following fisheries activities shall
582 also be considered as a violation of this Code:

583 a. Failure to Comply with Minimum Safety Standards. - The owner
584 and captain of a commercial fishing vessel engaged in fishing who, upon
585 demand by proper authorities, fails to exhibit or show proof of compliance with
586 the safety standards provided in this Code, shall be immediately prevented from
587 continuing with his fishing activity and escorted to the nearest port or landing
588 point. The license to operate the commercial fishing vessel shall be suspended
589 until the safety standard has been complied with.

590 b. Failure to Conduct a Yearly Report on all Fishponds, Fish Pens
591 and Fish Cages. - The FLA OR OTHER TENURIAL INSTRUMENT of the holder
592 who fails to render a yearly report shall be immediately canceled: Provided, That
593 if the offender be the owner of the fishpond, fish pen or fish cage, he shall be
594 subjected to the following penalties: (1) first offense, a fine of TWO THOUSAND
595 PESOS (P2,000.00) per unreported hectare; (2) subsequent offenses, a fine of
596 FIVE THOUSAND PESOS (P5,000.00) per unreported hectare.

597 c. Gathering and Marketing of Shell Fishes. - It shall be unlawful for
598 any person to take, sell, transfer, or have in possession for any purpose any
599 shell fish which is sexually mature or below the minimum size or above the
600 maximum quantities prescribed for the particular species.

601 d. Obstruction to Navigation or Flow and Ebb of Tide in any
602 Stream, River, Lake or Bay. - It shall be unlawful for any person who causes
603 obstruction to navigation or flow of ebb of tide.

604 e. Construction and Operation of Fish Corrals/Traps, Fish Pens
605 and Fish Cages. - It shall be unlawful to construct and operate fish corrals/traps,
606 fish pens and fish cages without a license/permit.

607 Subject to the provision of the subparagraph (b) of this section, violation
608 of the above-enumerated prohibited acts shall subject the offender to a FINE
609 RANGING FROM TEN THOUSAND PESOS (P10,000.00) TO THIRTY
610 THOUSAND PESOS (P30,000.00) AND IMPRISONMENT FROM SIX (6)
611 MONTHS TO ONE (1) YEAR: Provided, that the Secretary is hereby
612 empowered to impose upon the offender an administrative fine of not more than
613 FIFTY THOUSAND PESOS (P50,000.00) or to cancel his permit or license, or to
614 impose such fine and to cancel his permit or license, in the discretion of the
615 Secretary; Provided, further, that the Secretary, or his duly authorized
616 representative, and law enforcement agents are hereby empowered to impound
617 with the assistance of the Philippine Coast Guard, PNP-Maritime
618 Command: Provided, finally, that any person who unlawfully obstructs or delays
619 the inspection and/or movement of fish and fishery/aquatic products when such
620 inspection and or movement is authorized under this Code, shall be subject to a
621 fine of not more than THIRTY THOUSAND PESOS (P30,000.00) or
622 imprisonment of not more than two (2) years, or both such fine and
623 imprisonment, upon the discretion of the Court.

624 Every penalty imposed for the commission of an offense shall carry with
625 it the forfeiture of the proceeds of such offense and the instruments or tools with
626 which it was committed.

627 Such proceeds and instruments or tools shall be confiscated and
628 forfeited in favor of the Government, unless they be the property of a third
629 person not liable for the offense, but those articles which are not subject of
630 lawful commerce shall be destroyed.

631 PROVIDED THAT THE DEPARTMENT IS ALSO EMPOWERED TO
632 IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE
633 THE PERMIT OR LICENSE.

634

635 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
636 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN

637 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
638 THE AMOUNT OF THE FINES ABOVESTATED.

639

640

641 **SEC. 19.**Section 104, Republic Act No. 8550 is hereby amended to read as follows:

642

643 "Section 104. Commercial Fishing Vessel Operators Employing
644 Unlicensed Fisherfolk or Fishworker or Crew. - The owner/operator of a
645 commercial fishing vessel employing unlicensed fisherfolk or fishworker shall
646 be fined with TWO THOUSAND PESOS (P2,000.00) EACH FOR EVERY
647 MONTH THAT THE SAME HAS BEEN EMPLOYED AND/OR THREE
648 THOUSAND PESOS (P3,000.00) FOR EVERY MONTH FOR EACH
649 UNLICENSED CREW MEMBER WHO HAS BEEN EMPLOYED, PROVIDED
650 THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE
651 ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE THE
652 LICENSE FOR COMMERCIAL FISHING.

653

654 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
655 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
656 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
657 THE AMOUNT OF THE FINES ABOVESTATED.

658

659

660 **SEC. 20.**A new provision, dubbed as Section 104-A, is hereby added to the existing
661 provisions of this Code. The same shall read as follows:

662 "SECTION 104-A. COMMERCIAL FISHING VESSEL OPERATORS
663 EMPLOYING UNLICENSED FISHERFOLK/FISHWORKER OR CREW TO
664 FISH OR ENGAGE IN OTHER FISHERIES ACTIVITIES IN THE
665 INTERNATIONAL WATERS, OR IN THE TERRITORIAL SEAS AND
666 EXCLUSIVE ECONOMIC ZONES OF OTHER STATES.-THE
667 OWNER/OPERATOR OF A COMMERCIAL FISHING VESSEL EMPLOYING
668 UNLICENSED FISHERFOLK/FISHWORKER OR CREW TO FISH IN THE
669 INTERNATIONAL WATERS, OR IN THE TERRITORIAL SEAS AND
670 EXCLUSIVE ECONOMIC ZONES OF OTHER STATES SHALL BE FINED

671 WITH TEN THOUSAND PESOS (P10,000.00) FOR EVERY MONTH FOR
672 EACH UNLICENSED FISHERFOLK/FISHWORKER OR CREW THAT THE
673 SAME HAS BEEN EMPLOYED, PROVIDED THAT THE DEPARTMENT IS
674 EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES AND TO
675 SUSPEND OR REVOKE THE INTERNATIONAL FISHING PERMIT.

676
677 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
678 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
679 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
680 THE AMOUNT OF THE FINES ABOVESTATED.

681
682

683 **SEC. 21.**Section 105, Republic Act No. 8550 is hereby amended to read as follows:

684

685 "Section 105. Obstruction of Defined Migration Paths. - Obstruction of
686 any defined migration paths of anadromous, catadromous and other migratory
687 species, in areas including, but not limited to river mouths and estuaries within
688 a distance determined by the concerned FARMCs shall be punished by
689 IMPRISONMENT OF EIGHT (8) YEARS TO TWELVE (12) YEARS AND A
690 FINE FROM ONE HUNDRED FIFTY THOUSAND PESOS (P150,000.00) TO
691 FIVE HUNDRED THOUSAND PESOS (P500,000.00), and cancellation of
692 permit/license, if any, and dismantling of obstruction shall be at his own
693 expense and confiscation of same, PROVIDED THAT THE DEPARTMENT
694 IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES
695 INCLUDING THE DISMANTLING OF THE OBSTRUCTION AND THE
696 SUSPENSION OR REVOCATION OF PERMIT OR LICENSE.

697

698 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
699 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
700 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
701 THE AMOUNT OF THE FINES ABOVESTATED.

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703

704 **SEC. 22.**Section 106, Republic Act No. 8550 is hereby amended to read as follows:

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"Section 106. Obstruction to Fishery Law Enforcement Officer. - The boat owner, master or operator or any person acting on his behalf of any fishing vessel who evades, obstructs or hinder any fishery law enforcement officer of the Department to perform his duty, shall be PENALIZED WITH IMPRISONMENT OF SIX (6) MONTHS TO TWO (2) YEARS AND A FINE OF FIFTY THOUSAND PESOS (P50,000.00) TO TWO HUNDRED THOUSAND PESOS (P200,000.00) PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES. IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES ABOVESTATED.

In addition, the registration, permit and/or license of the vessel including the license of the master fisherman shall be canceled."

SEC. 23. OTHER VIOLATIONS – VIOLATION OF ANY OTHER PROVISION OF THIS CODE, OR OF ANY RULE OR REGULATION ALREADY EXISTING, OR WHICH MAYBE PROMULGATED PURSUANT TO THIS CODE SHALL SUBJECT THE OFFENDER TO A FINE OF THIRTY THOUSAND PESOS (P30,000) TO THREE HUNDRED THOUSAND PESOS (P300,000) OR IMPRISONMENT FROM SIX MONTHS TO FOUR YEARS OR BOTH SUCH FINE OR IMPRISONMENT IN THE DISCRETION OF THE COURT, PROVIDED THE DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE THE LICENSE, PERMIT OR REGISTRATION.

SEC. 24. A new chapter on legal, administrative and quasi-judicial actions, dubbed as Chapter VI-A, covering provisions from Sections 106-A to 106-F, is hereby added to the existing provisions of this Code. The same shall read as follows:

"CHAPTER VI-A
ADMINISTRATIVE ACTIONS

738 SECTION 106-A. ADMINISTRATIVE ACTION. - THE DEPARTMENT
739 SHALL, ON ITS OWN INSTANCE OR UPON VERIFIED COMPLAINT BY
740 ANY PERSON, INSTITUTE ADMINISTRATIVE PROCEEDINGS AGAINST
741 ANY PERSON WHO COMMITS THE ABOVE-MENTIONED VIOLATIONS.

742
743 SECTION 106-B. ADMINISTRATIVE AUTHORITY OF THE
744 DIRECTOR OR HIS DULY AUTHORIZED REPRESENTATIVE TO ORDER
745 CONFISCATION – IN ALL CASES OF VIOLATION OF THIS ACT OR OTHER
746 FISHERY LAWS, RULES AND REGULATIONS, THE DIRECTOR OR HIS
747 DULY AUTHORIZED REPRESENTATIVE, MAY ORDER THE
748 CONFISCATION AND FORFEITURE OF ANY FISH, FISHERY SPECIES OR
749 AQUATIC RESOURCES ILLEGALLY CAUGHT, TAKEN OR GATHERED,
750 AND ALL GEARS AND VESSELS USED IN THE COMMISSION OF THE
751 OFFENSE INFAVOR OF THE DEPARTMENT AND TO DISPOSE OF THE
752 SAME IN ACCORDANCE WITH PERTINENT LAWS, RULES,
753 REGULATIONS AND POLICIES ON THE MATTER.

754
755 SECTION 106-C. REWARD TO INFORMANTS AND THOSE WHO
756 ASSISTED IN THE FISHERY LAW ENFORCEMENT – ANY PERSON WHO
757 PROVIDED INFORMATION FOR, OR ASSISTED, IN THE APPREHENSION
758 AND CONVICTION OF A PERSON FOR THE VIOLATION OF THIS ACT OR
759 OTHER FISHERY LAWS, RULES AND REGULATIONS, OR THE
760 CONFISCATION AND FORFEITURE OF FISH, FISHERY SPECIES, OTHER
761 AQUATIC RESOURCES, VESSEL, GEARS AND CONVEYANCES, SHALL
762 BE GIVEN A REWARD IN THE AMOUNT OF TWENTY PERCENT (20%) OF
763 THE PROCEEDS OF THE CONFISCATION AND FORFEITURE OR OF THE
764 ADMINISTRATIVE FINES COLLECTED BY THE BUREAU. FOR THIS
765 PURPOSE, THE DEPARTMENT SHALL PROMULGATE THE RULES AND
766 REGULATIONS FOR THE GRANTING OF THIS REWARD.

767
768 SECTION 106-D. INDEPENDENCE OF ADMINISTRATIVE ACTION -
769 THE FILING OF AN ADMINISTRATIVE ACTION AGAINST A PERSON OR
770 ENTITY THAT COMMITTED THE ABOVE-MENTIONED VIOLATIONS DOES

771 NOT PRECLUDE THE FILING OF CRIMINAL AND CIVIL ACTION AGAINST
772 THE SAME. SUCH ACTION SHALL PROCEED INDEPENDENTLY.

773

774 SECTION 106-E. LIEN UPON PERSONAL AND IMMOVABLE
775 PROPERTIES OF VIOLATORS. - FINES AND PENALTIES IMPOSED
776 PURSUANT TO THIS ACT SHALL CONSTITUTE AS LIENS UPON THE
777 PERSONAL AND IMMOVABLE PROPERTIES OF THE VIOLATOR.

778

779 SECTION 106-F. POWER TO ISSUE CEASE AND DESIST ORDERS
780 AND TO SUMMARILY EJECT WITHOUT THE NECESSITY OF JUDICIAL
781 ORDER.-THE DEPARTMENT SHALL, SUBJECT TO THE REQUIREMENTS
782 OF ADMINISTRATIVE DUE PROCESS, HAVE THE POWER TO ISSUE
783 CEASE AND DESIST ORDER/S UPON VIOLATOR/S AND TO SUMMARILY
784 EJECT, WITHOUT THE NECESSITY OF JUDICIAL ORDER, THE HOLDER
785 OF FLA, OTHER TENURIAL INSTRUMENT, PERMIT OR LICENSE FROM
786 AREASOF THE PUBLIC DOMAIN COVERED BY SUCH FLA, TENURIAL
787 INSTRUMENT, PERMIT OR LICENSE.”

788

789 SEC. 25.ESCALATION CLAUSE. - THE FINE HEREIN PRESCRIBED SHALL BE
790 INCREASED BY AT LEAST TEN PERCENT (10%) EVERY THREE (3) YEARS TO
791 COMPENSATE FOR INFLATION AND TO MAINTAIN THE DETERRENT FUNCTION OF SUCH
792 FINES.

793

794 **SEC. 26.**Repealing Clause. – All laws, decrees, executive orders and rules and
795 regulations or part thereof, which are inconsistent with this Code, are repealed or modified
796 accordingly.

797

798 **SEC. 27.**Separability Clause. – If any portion of this Code is declared unconstitutional or
799 invalid, the portions or provisions thereof, which are not affected thereby, shall continue in full
800 force and effect.

801

802 **SEC. 28.**Effectivity.– This Act shall take effect fifteen (15) days following its complete
803 publication in at least two (2) newspapers of general circulation.

804

805

APPROVED on _____ at _____.

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