

'14 JUN -2 P4:30

SENATE  
S. B. **2267**

RECEIVED BY: *Jr*

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Introduced by Senator Poe

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AN ACT  
TO FURTHER PROTECT PHILIPPINE CORALS AND OTHER MARINE  
TREASURES, AMENDING FOR THE PURPOSE SECTIONS 91 AND 97 OF  
REPUBLIC ACT NO. 8550 OR THE PHILIPPINE FISHERIES CODE OF 1998

Explanatory Note

It is declared the policy of the State to conserve and protect the country's wildlife resources and promote biodiversity. Biodiversity is essential in addressing food security, sustainable development and the threats of climate change.

Laws to protect the nature, such as Republic Act No. 8550 or the Philippine Fisheries Code of 1998 and RA 9147 or the Wildlife Resources Conservation and Protection Act of 2001, had been passed to prevent—or at least lessen—abuses in the trade of wild flora and fauna and protect endangered plants and animals. Although existing Philippine laws and international conventions had been in place to control trade of species in extinction, however, these do not deter abuses against nature, further escalated by threats of poaching in Philippine waters.

It is in this view that penalties for violations against the nature are proposed to be increased, in particular to RA 8550, in order to ward off potential abusers and further protect our environment in the light of escalating degradation of the natural environment.

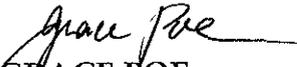
The Philippines became a party to the Convention on International Trade of Endangered Species of Flora and Fauna or CITES, also known as the Washington Convention, in 1981<sup>1</sup>. The Philippines is blessed with vast territorial waters and marine animals, but several of them had been listed as critically endangered, endangered or vulnerable.

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<sup>1</sup> <http://www.cites.org/eng/node/129>

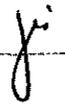
Laws providing stiffer penalties should be complemented with a collective action of citizens from the local, national and international level and adopt measures to develop areas without compromising the integrity of the environment.

In consideration of the foregoing, approval of this measure is earnestly sought.

  
GRACE POE

'14 JUN -2 P4:31

SENATE  
S. B. **2267**

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Introduced by Senator Poe

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**AN ACT**  
**TO FURTHER PROTECT PHILIPPINE CORALS AND OTHER MARINE TREASURES, AMENDING FOR THE PURPOSE SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550 OR THE PHILIPPINE FISHERIES CODE OF 1998**

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

**SECTION 1.** Section 91 of Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, is hereby amended to read as follows:

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

Violations of this provision shall be punished by imprisonment from six (6) months to two (2) years and a fine from [Two thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00)] **ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00)**, or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessels and its proper disposition.

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

**SECTION 2.** Section 97 of R.A. 8550 is hereby amended to read as follows:

“SECTION 97. Fishing or Taking of Rare, Threatened or Endangered Species. It shall be unlawful to fish or take, **CATCH, GATHER, SELL, PURCHASE, POSSESS, TRANSPORT AND EXPORT** rare, threatened or endangered species, as listed [in the CITES] **AND DEFINED AS SUCH IN THE CONVENTION ON INTERNATIONAL TRADE OF ENDANGERED SPECIES OF FLORA AND FAUNA HEREINAFTER**

REFERRED TO AS CITES, THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN), AND REPUBLIC ACT NO. 9147, OTHERWISE KNOWN AS THE WILDLIFE RESOURCES CONSERVATION AND PROTECTION ACT and as [determined] IMPLEMENTED by the Department PURSUANT TO ITS RULES AND REGULATIONS.

THE TAKING, CATCHING, GATHERING AND POSSESSION OF WILD SPECIES FOR SCIENTIFIC RESEARCH OR ARTIFICIAL PROPAGATION PURPOSES MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT; PROVIDED, THAT GATHERING, SELLING OR EXPORTING CULTURED OR ARTIFICIALLY PROPAGATED SPECIES THAT HAVE BEEN TRANSPLANTED TO THEIR NATURAL HABITAT AND LISTED IN THE CITES, IUCN AND R.A. NO. 9147 SHALL NOT BE ALLOWED.

THE TAKING, CATCHING, GATHERING, POSSESSION OR TRADE OF ARTIFICIALLY PROPAGATED AND CULTURED SPECIES LISTED IN THE CITES, IUCN AND R.A. NO. 9147 MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT.

CONSISTENT WITH THE CITES RULES AND REGULATIONS, A NON-DETRIMENTAL FINDING (NDF) SHALL BE CONDUCTED BEFORE ANY TRADE WILL BE ALLOWED TO THOSE SPECIES LISTED UNDER APPENDIX II AND III OF THE CITES.

Violation of the provision of this section shall be punished by imprisonment of twelve (12) years to twenty (20) years and/or a fine of [One Hundred and Twenty Thousand Pesos (Php120,000.00)] ONE HUNDRED THOUSAND PESOS (Php100,000.00) to FIVE HUNDRED THOUSAND PESOS (Php500,000.00), [and] forfeiture of the catch, and the cancellation of fishing permit.

SHOULD THE CULPABLE VIOLATION BE COMMITTED THROUGH OR BY A FISHING VESSEL MANNED BY MORE THAN TWO (2) PERSONS, THE HEAD OR CAPTAIN OF THE BOAT AND THE SUPPORT PERSONNEL THEREOF INVOLVED IN THE FISHING AND CATCHING OF SUCH PROTECTED MARINE LIFE SHALL BE PRESUMED TO HAVE COMMITTED THE PROHIBITED ACT AND THE PENALTY PROVIDED FOR IN THE IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED ON THEM."

SECTION 3. The Department of Agriculture – The Bureau of Fisheries and Aquatic resources shall promulgate the rules and regulations to implement this amendment within sixty (60) days from the approval of this Act.

The Bureau of Fisheries and Aquatic resources shall, in coordination with the National Fisheries and Aquatic Resources Management Councils (NFARMC), Local Government Units, private institutions and other government agencies concerned, initiate the development of a fisheries resource management plan for each CITES listed species, indicating therein conservation and rehabilitation measures.

**SECTION 4.** This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,