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SENATE

S. B. No. 1245

RECEIVED BY: 

Introduced by Senator JUAN MIGUEL F. ZUBIRI

AN ACT
BANNING THE CATCHING, SALE, PURCHASE, POSSESSION,
TRANSPORTATION, IMPORTATION, AND EXPORTATION OF ALL
SHARKS AND RAYS OR ANY PART THEREOF IN THE COUNTRY

EXPLANATORY NOTE

Being an archipelagic country, there is no doubt that we are blessed with abundant marine species, which not only contribute to our advantage in natural resources but also serve as a tourism gem. The Philippines is known as the world's center of marine biodiversity because of its aquatic resources.

Sharks play a vital role in our marine ecosystem and are considered indicators of a healthy marine ecosystem. They are considered among the apex predators of our waters and help keep marine population healthy by feeding on the weak, sick and old fishes, and keep a balanced marine food chain. The removal of sharks from an ecosystem has the potential to create significant imbalance to the predator-prey interaction in our marine environment.

Of the many marine species found in the country, sharks and rays are among those that attract tourists, scuba diving enthusiasts, and the scientific community. However, sharks and rays are also among the most threatened groups of marine species not only in our country but likewise around the world. In some areas of the country, sharks and stingrays are consumed as delicacies. Dried shark meat from devil rays and whale sharks are popular among some locals. According to the Food and Agriculture Organization of the United Nations, world trade in shark commodities is close to USD 1 billion per year and by allowing the poaching and trade of these cartilaginous fishes in our territories, we become players in the declining population of sharks and rays. Thus, saving sharks mean that we are saving the future of our waters, and the lives of the people who depend on it.

The government needs to focus its attention to ensure that these chordates are sustainably managed and protected. Through this proposed measure, the issues on the conservation, management, and utilization of sharks and rays will be addressed. It seeks to ban, among others, the sale, purchase, possession, and trade of all shark and ray species, its derivatives and by-products and provide penalties for violations thereof.


The passage of this bill is earnestly sought.


JUAN MIGUEL F. ZUBIRI



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

1 SECTION 1. **Short Title.** – This Act shall be known as the “*Sharks and Rays*
2 *Conservation Act*”

3 SECTION 2. **Declaration of Policy.** – Pursuant to the objectives of the
4 Convention on International Trade in Endangered Species of Wild Fauna and Flora, it is
5 the declared policy of the State to conserve, protect, and sustain the management of
6 the country’s shark and ray population. Thus, the State shall ensure the maintenance of
7 ecological balance and marine biodiversity for the benefit of present and future
8 generations of Filipinos.

9 SECTION 3. **Prohibited Acts and Penalties.** – It shall be unlawful to catch
10 sharks and rays in the Philippine waters or to sell, purchase, possess, transport, import,
11 or export the same, in any state, condition or form, or any part thereof.

12 It shall also be unlawful to harm or to kill sharks and rays in the course of
13 catching other species of fish. Sharks and rays, which are accidentally included in the
14 catch in the course of catching other species of fish, shall be immediately released
15 unharmed to the sea.

16 To eliminate the demand that result in the massive killing of sharks and rays, the
17 selling and serving of sharks in soup and all food menus with sharks and rays by-
18 products shall likewise be prohibited.

19 Specifically, the following illegal acts shall be prohibited and shall be punished
20 with the corresponding penalties:

- 21 a) Killing, destroying, or inflicting injury on sharks and rays shall be punished
22 with a fine of One Hundred Thousand Pesos (P100,000.00) to One Million
23 Pesos (P1,000,000.00) or imprisonment of a minimum of six (6) years and
24 one (1) day to twelve (12) years, or both such fine and imprisonment;
25 b) Catching, selling, purchasing and possessing of sharks and rays, and their by-
26 products and derivatives shall be punished with a fine of Fifty Thousand

1 Pesos (P50,000.00) to Five Hundred Thousand Pesos or imprisonment of a
2 minimum of four (4) years and one (1) day to twelve (12) years, or both such
3 fine and imprisonment; and

- 4 c) Transporting, importing, and exporting of sharks and rays, and their by-
5 products and derivatives shall be punished with a fine of Thirty Thousand
6 Pesos (P30,000.00) or Three Hundred Thousand Pesos (P300,000.00) or
7 imprisonment of a minimum of two (2) years and one (1) day to twelve (12)
8 years, or both such fine and imprisonment.

9 If the violation is committed by a juridical person or government entity, the head
10 of office and the person responsible for the violation shall be held liable, without
11 prejudice to any further liability for violation of any provision of other applicable laws.

12 SEC. 4. **Implementation.** – The Bureau of Fisheries and Aquatic Resources
13 (BFAR) of the Department of Agriculture (DA) shall be the lead agency in the
14 implementation of this Act. The Department of Trade and Industry (DTI), the Philippine
15 Coast Guard, the Philippine National Police, other law enforcement agencies, and LGUs
16 shall likewise assist in the implementation of this Act.

17 The BFAR in coordination with the Department of Environmental and Natural
18 Resources (DENR), shall issue the necessary orders to list all sharks and rays as
19 endangered species. The Department of Tourism (DOT) and the Philippine Commission
20 on Sports Scuba Diving (PCSSD) shall provide the necessary assistance to the BFAR, the
21 DENR, and the LGUs in identifying the habitats and feeding grounds of sharks and rays
22 and declare the same as protected.

23 Following the identification of the habitats and fishing grounds of these marine
24 species, the BFAR shall recommend to the Secretary of the DENR, the issuance of an
25 order declaring these areas a protected areas and pursuant thereto, shall ensure that all
26 local governments and the media, among others, are appropriately informed.

27 SEC. 5. **Information and Education.** – The BFAR, the DENR, the DOT, the
28 DTI, the LGUs and other academic institutions shall undertake a nationwide information
29 and education campaign to adequately inform the populace of the value of sharks and
30 rays in the marine ecosystem, and of the importance of preserving their respective
31 habitats and feeding grounds.

32 SEC. 6. **Implementing Rules and Regulations.** – Within sixty (60) days after
33 the effectivity of this Act, the BFAR, in coordination with the DENR, the DOT, and the
34 DTI shall issue the necessary rules and regulations for the effective implementation of
35 this Act.

36 SEC. 7. **Separability Clause.** – If any section or provision of this Act is held
37 unconstitutional or invalid, the remaining sections or provisions with the provisions not
38 affected thereby shall continue to be in full force and effect.

39 SEC. 8. **Repealing Clause.** – All laws, decrees, executive orders, rules and
40 regulations, issuances or parts thereof inconsistent with the provisions of this Act are
41 hereby repealed or modified accordingly.

42 SEC. 9. **Effectivity Clause.** – This Act shall take effect (15) days from its
43 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,