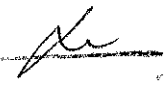


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session

8 JUN 24 21 58

SENATE
S.B. No. 2416

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Introduced by Senator Loren Legarda

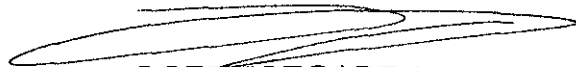
EXPLANATORY NOTE

In a country like ours where waters are abundant, marine resources thrive in abundance; that is, until people started caring less and less about the environment and started thinking more and more about profits that leave the environment to degradation and wastage. Overfishing and over-extraction of marine resources add to the compounding environmental disasters that eventually translate to economic losses.

While the Philippine Fisheries Code of 1998 sought to cure the mentioned problems, violators of the law continue to find ways to circumvent the same or even purposefully continue to violate it because the price to pay is only marginal. Hence, there is a necessity to address the loopholes and likewise, impose severe penalties to discourage such acts.

Through these amendments, the objectives of the Code shall be advanced, with the end in view of dramatically reducing the rate of degradation of our natural wealth, particularly the marine resources.

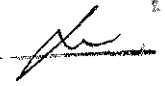
In view of the foregoing, the passage of this bill is earnestly sought.



LOREN LEGARDA
Senator

FOURTEENTH CONGRESS OF THE)
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AN ACT
AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550, OTHERWISE
KNOWN AS 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 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 or in 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 (20,000.00)] **ONE HUNDRED THOUSAND PESOS (100,000.00) TO FIVE HUNDRED THOUSAND PESOS (500,000)**, or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessel and its proper disposition.”

SECTION 2. Section 97 of Republic Act 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 FLORAL AND FAUNA, HEREINAFTER REFERRED TO AS THE CITES, THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN), AND REPUBLIC ACT 9147 OTHERWISE KNOWN AS THE WILDLIFE ACT AND as [determined] IMPLEMENTED by the Department PURSUANT TO ITS PUBLISHED 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 RA 9147 SHALL NOT BE ALLOWED.

THE TAKING, CATCHING, GATHERING, POSSESSION OR TRADE OF ARTIFICIALLY PROPAGATED AND CULTURED SPECIES LISTED IN THE CITES, IUCN AND RA 9147 MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT.

CONSISTENT WITH 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 (P120,000.00)] ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (500,000.00), [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 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. Rules and Regulations. - The Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of Agriculture shall promulgate the rules and regulations to implement this amendment within sixty (60) days from the approval of this Act.

The BFAR 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. Repealing Clause. - All laws, decrees, executive orders, letters of instructions, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 5. Effectivity. - This Act shall take effect fifteen days following the completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,