

414

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 414



Introduced by **Rep. Roseller L. Barinaga**

EXPLANATORY NOTE

A phenomenon known as lake overturn has been identified as the primary cause of numerous reports of massive fish deaths in lakes. Overturns usually occur during the cool months of December to February in deep crater lakes. As cool winds blow over the lake's surface, it results in an inversion or overturn. The cooler surface layer sinks because of its heavier mass and pushes up the warmer bottom layer of the lake. As a consequence, fish in the upper part of the lake die of oxygen deprivation brought about by the rise of the bottom waters which are poor in oxygen and contain high concentrations of toxic compound like amonia and hydrogen sulfur. These toxic compounds are produced by organic waste and feeds which settle down on the lake-bed in waters where fish culture pens abound.

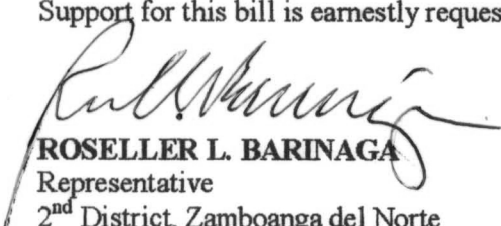
The fish kills in lakes are thus a result of the fish culture pens introduced and maintained thereon.

The existence of unregulated fish culture pens also has adversely affected small-scale fishermen to the extent that their daily catch is hardly sufficient for the family. The fish culture pens benefit those who can afford but, most often than not, it is to the detriment of the greater number of poor and needy fishermen.

Section 16, Article II of the 1987 Philippine Constitution provides that "the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

With this constitutional mandate, this proposed legislation is conceived in order to prohibit the construction of fish culture pens in lakes and tributaries thereof and to authorize the summary abatement of existing ones as nuisance *per se*.

Support for this bill is earnestly requested.


ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

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Introduced by **Rep. Roseller L. Barinaga**

AN ACT
BANNING FISH CULTURE PENS IN LAKES THROUGHOUT THE COUNTRY

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

SECTION 1. *Prohibition.* The construction and maintenance of fish pens in lakes and tributaries thereof throughout the country is prohibited.

SEC. 2. *Definition.* For purposes of this Act, fish culture pens shall mean any enclosure wherein aquatic animals are grown in a prepared medium.

SEC. 3. *Penalty.* Violation of this Act shall be punished by imprisonment of not less than one (1) year nor more than five (5) years and a fine of not less than Ten thousand pesos (P10,000.00) nor more than One hundred thousand pesos (P100,000.00) at the discretion of the Court.

SEC. 4. *Dismantling of Fish Culture Pens.* All existing fish culture pens built in a lake and its tributaries shall, within thirty (30) days from the effectivity of this Act, be dismantled by their owners/builders thereof, failure to dismantle shall mean its abatement as nuisance *per se* by the local government unit(s) that has/have jurisdiction over the fish culture pens concerned at the expense of the owners/builders thereof, without prejudice to their criminal liability under Section 3 of this Act.

SEC. 5. *Implementing Rules and Regulations.* The Bureau of Fisheries and aquatic Resources shall prepare the implementing rules and regulations for the implementation of this Act.

SEC. 6. *Separability Clause.* If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 7. *Repealing Clause.* Any law, decree, order, rules and regulations or part thereof which is inconsistent with this Act is hereby repealed or modified accordingly.

SEC. 8. *Effectivity.* This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation in the Philippines, whichever comes earlier.

Approved.