

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 896

Introduced by Rep. **SALACNIB F. BATERINA**

EXPLANATORY NOTE

The Republic Act 8550, better known as Fisheries Code of the Philippines of 1998, though recently enacted has been found to be unrealistic, oppressive and does not take into consideration new developments in aquaculture. This observation was sternly and resoundingly aired in a seminar on Business Opportunities in Aquaculture held on the occasion of the 30th anniversary of the Aquaculture Department of the Southeast Asian Fisheries Development Center (SEAFDEC/AQD) held in Iloilo City on the 07-08 of July, 2003. While the seminar was not about RA No. 8550, the provision was lengthily discussed by the participants among who have involved large amounts of money in the culture of sea horse, a marine animal listed in the (Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES). When the subject on the oppressive tendencies of Sec. 97 of RA No. 8550 was brought out in the open forum, the delegates which included government official, aquaculture stakeholders, foreign participants in their private capacity and scientists of the Aquaculture Department of the SEAFDEC, agreed to draft an unnumbered resolution which was sent to the senators and interested members of the House of Representatives of the 12th Congress.

The following observations are abstracted from their Resolution. They state:¹

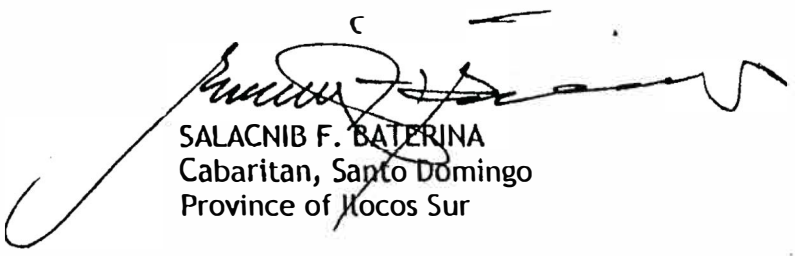
That Republic Act 8550, otherwise known as the, Fisheries Code of the Philippines of 1998 was enacted for the

¹ The participants were more than 700 and those that have stay up to the third day all signed the same.



development, management and conservation of the fisheries and aquatic resources of the country; that Section 97 of the law mandates that "it is unlawful to fish or take rare, threatened endangered species as listed in the CITES" (Convention on the International Trade in Endangered Species of Wild Fauna and Flora), imposing penalties in imprisonment and fine to violators; that the inclusion of a species in the CITES list the purpose of regulating international trade in specimens of these selected species by developing a licensing system to insure that their trade is sustainable; that many marine species of the Philippines, such as the giant clams (genus tridacna) corals, whale sharks among other local wild fauna are presently listed in CITES and soon seahorses (genus Hippocampus) in May 2004; That SEAFDEC/AQD and other government agencies have been successful in the development of technologies for the artificial propagation of a number of marine species, such as seahorses, abalone and the giant clams, that may be commercially raised by aquaculture investors; that inclusion of any of these species will threaten the livelihoods of many municipal fishers gathering wild stocks and will end the promise of artificially propagating such species because Section 97 of RA 8550 does not distinguish between artificially propagated or cultured animals from those fished from the wild; THEREFORE, large group of seminar participants, realizing the significant but negative impact of Section 97, are asking the law-making chambers of the government to amend Section 97 of RA 8550 in order not to discourage interested businessmen from adopting aquaculture technologies or leave those who have invested in such culture bankrupt which are now many.

In the light of the foregoing explanation, the approval of the bill amending Section 97 of RA 8550 be approved with dispatch.



SALACNIB F. BATERINA
Cabaritan, Santo Domingo
Province of Ilocos Sur

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 896

Introduced by Rep. **SALACNIB F. BATERINA**

AN ACT
AMENDING SECTION 97 OF REPUBLIC ACT No. 8550 OTHERWISE
KNOWN AS THE FISHERIES CODE OF THE PHILIPPINES OF 1998.

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

SECTION 1. Section 97 of Republic Act 8550 otherwise known as THE FISHERIES CODE OF THE PHILIPPINES OF 1998 is hereby amended to read as follows:

“Sec. 97. Fishing or Taking of Rare, Threatened or Endangered Species. - It shall be unlawful to fish or TO WILLFULLY take rare, threatened or endangered species as listed in the CITES and as determined by the Department.

“ THE TERM ENDANGERED SPECIES IN THE CONTEXT OF THIS SECTION AND FOR CLARIFICATION OF THE PENALTY PROVISIONS OF THIS ACT, SHALL MEAN ANY OF THE RARE MARINE LIFE WHICH IS DECLINING IN NUMBER AND IS IN DANGER OF EXTINCTION AND FOR THE PURPOSE OF THIS ACT ARE SPECIES LISTED IN THE CITES, BUT WILL NOT INCLUDE SPECIES WHICH ARE REPLENISHED OR GROWN BY MAN WITH THE AID OF RESEARCH AND TECHNOLOGY AND WHERE ACTUAL PROPAGATION IS IN PLACE ASSURING THE PRESERVATION AND INCREASE OF SUCH MARINE LIFE.

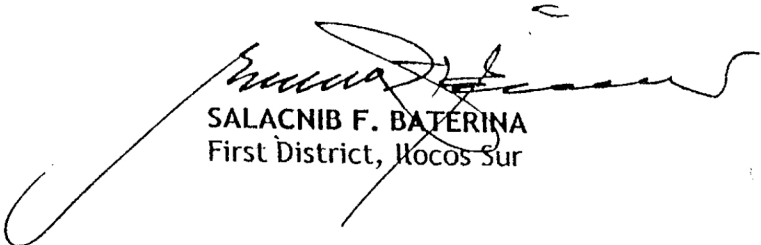
“Violation of the provision of this section shall be punished by imprisonment of twelve (12) years to twenty (20) years and/or fine of One hundred and twenty thousand (P120,000.00) pesos and by forfeiture of the catch, the confiscation and the cancellation of the fishing permit.



SHOULD THE CULPABLE VIOLATION BE THROUGH OR BY A FISHING VESSEL MANNED BY MORE THAN TWO PERSONS, THE HEAD OR CAPTAIN OF THE BOAT AND THOSE NECESSARILY INVOLVED IN THE DECISION TO FISH AND CATCH 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 2. This act shall take effect fifteen days after its publication in a newspaper of national general circulation.

APPROVED.



SALACNIB F. BATERINA
First District, Ilocos Sur