

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 3547



Introduced by: **Congressman Augusto H. Baculio**

EXPLANATORY NOTE

One of the objectives that the State shall ensure to attain, pursuant to the Philippine Fisheries Code of 1998, is the conservation, protection and sustained management of the country's fisheries and aquatic resources.

The Bureau of Fisheries and Aquatic Resources is mandated by the said Code to formulate and enforce all laws, rules and regulations governing the conservation and management of our fishery resources. As such, law enforcement officers of the DA/BFAR, the Philippine Navy, Philippine Coast Guard, the Philippine National Police (PNP), PNP Maritime Command and other government enforcement agencies are authorized to enforce the strictest provisions of the Fisheries Code. In addition, local government officers, members of the barangay assembly and association of fisherfolks who have undergone training on the law enforcement maybe designated in writing by the DA as deputy fish wardens.

The budget, however, for fishery enforcement of this Bureau for FY 2005 is only P20.8 million pesos which does not meet the requirement for recruitment of law enforcers and provide for per diems, maintenance and operation of locally manufactured patrol boats including the purchase of spare parts, basic equipment, fuel, oil, lubricants etc. needed during law enforcement operations. Though there are provisions in the Fisheries Code for the imposition of fines and confiscation of fish, fishing gears, fishing boats and paraphernalia for violations thereof, the same cannot be used by the Bureau for fishery law enforcement because these fees, charges assessments and other receipts collected by the Bureaus in the exercise of their functions shall be remitted to the National Treasury and shall accrued to the General Fund pursuant to EO 292 and PD No. 1445. Once remitted, said funds may no longer be re-allocated for law enforcement purposes.

To remedy this situation and augment the budgetary allocations of BFAR's law enforcement activities, all revenues that can be derived from the apprehension in violation of the Fisheries Code shall form part of the Fisheries Management Fund. Accordingly, it is anticipated that the policies and objectives of the Fisheries Code specifically in the conservation and management of the country's marine and fisheries resources can be well achieved.

Hence the approval of this bill is earnestly solicited.



HON. AUGUSTO H. BACULIO

Congressman

2nd district, Misamis Oriental

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AN ACT
AMENDING CHAPTER VI SECTION 87 ON PROVISIONS AND PENALTIES
OF RA NO. 8550 OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES
CODE OF 1998 AND PROVIDING FOR THE ESTABLISHMENT OF A
FISHERIES MANAGEMENT FUND.

SECTION 1. Section 87 on Poaching in Philippine
Waters is hereby amended to read as follows:

"It shall be unlawful for any foreign person, corporations or entity to fish or operate any fishing vessel in Philippine waters.

The entry of any foreign fishing vessel in Philippine waters shall constitute a prima facie evidence that the vessel is engaged in fishing in Philippine waters.

Violation of the above shall be punished by a fine of (\$100,000.00) in addition to confiscation of its catch, fishing equipment and fishing vessel **WHICH SHALL BE AUCTIONED and THE PROCEEDS THEREOF SHALL GO TO THE FISHERIES MANAGEMENT FUND. IN CASE OF NON-PAYMENT OF SUCH FINE THE CREW THEREOF SHALL BE IMPRISONED FOR A PERIOD OF EIGHT (8) YEARS,** Provided, that the Department of Agriculture through the Bureau of Fisheries and Aquatic Resources is empowered to impose an administrative fine of not less than fifty thousand US Dollars (US \$50,000.00) or its equivalent in Philippine currency, **PROVIDED, FINALLY, THAT FOR NON-PAYMENT OF THIS ADMINISTRATIVE FINE, THE DIRECTOR OF FISHERIES AND AQUATIC RESOURCES IS HEREBY EMPOWERED TO CONFISCATE THE FOREIGN FISHING BOAT ADMINISTRATIVELY IN FAVOR OF THE BEAR FOR ITS USE IN LAW ENFORCEMENT AND OTHER MANAGEMENT ACTIVITIES OR AUCTIONED THE SAME AS THE CASE MAYBE AND THE PROCEEDS THEREOF TO GO TO THE FISHERIES MANGEMENT FUND.**

SECTION 2. A new provision is hereby added under Chapter VI of RA No. 8550 to read as follows:

Sec. 108 - ESTABLISHMENT OF A FISHERIES MANAGEMENT FUND - THERE IS HEREBY ESTABLISHED A FISHERY MANAGEMENT FUND TO BE ADMINISTERED BY THE DEAPRTMENT OF AGRICULTURE THROUGH THE BUREAU OF FISHERIES AND AQUATIC RESOURCES AS A SPECIAL PROVISION UNDER THE DA-BFAR ANNUAL BUDGET AS MANDATED UNDER THE GENERAL APPROPRIATION ACT. IT SHALL FINANCE REHABILITATION OR RESTORATION OF FISH HABITATS AFFECTED BY ACTS COMMITTED IN VIOLATION OF RA 8550 AND OTHER FISHERIES RELATED ACTS ANS SUPPORT OTHER SCIENTIFIC RESEARCH, LAW ENFORCEMENT AND MONITORING ACTIVITIES, AS WELL AS ENHANCEMENT OF CAPABILITIES OF BFAR AND OTHER RELEVANT FISHERIES RELATED AGENCIES.

THE FUND SHALL BE DERIVED FROM FINES IMPOSED UNDER RA 8550 AND OTHER FISHERIES RELATED LAWS RULES AND REGULATIONS, PROCEEDS FROM SALE OF CONFISCATED FISH, FISHING GEARS, PARAPHERNALIAS AND FISHING VESSELS, FEES, CHARGES, ENDOWMENTS, ADMINISTRATIVE AND CRIMINAL FINES, ADMINISTRATIVE FEES. CONTRIBUTIONS IN THE FORM OF ENDOWMENT, GRANTS AND DONATIONS TO THE FUND SHALL BE EXEPMTED FROM DONOR TAXES AND OTHER TAXES, CHARGES OR FEES IMPOSED BY THE GOVERNMENT.

SECTION 3. Adjustment in the numbering of other Sections of RA 8550 - Section 108 on Fisherfolk Settlement areas shall become Section 109 and the numbering of the following sections shall be readjusted accordingly so that the last section thereof shall be numbered as Section 134.

SECTION 4. Effectivity - This Act shall take effect (15) days after publication in the Official Gazette or two (2) newspapers of general circulation.

Approved.