

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City



THIRTEENTH CONGRESS

First Regular Session

House Bill No. **4840**

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Introduced by: Rep. ROBERTO C. CAJES

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EXPLANATORY NOTE

This bill seeks to amend Section 97 of Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998." It states that "it is unlawful to fish or to take rare, endangered species as listed in the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)."

As an international trade management tool, CITES aims to protect wildlife from the detrimental effects of over-exploitation, ensure sustainable utilization, and encourage international cooperation. It implements the convention through special lists called Appendices according to the level of threat faced by each species. Appendix I lists species that are endangered, Appendix II lists those that may become endangered if trade is not managed, and Appendix III lists species at the request of countries requiring assistance in conservation management.

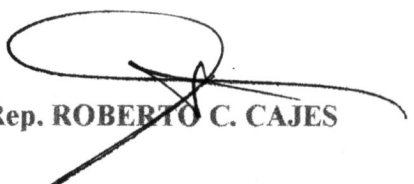
Unfortunately, Section 97 of the Philippines Fisheries Code does not distinguish between species that are listed on Appendix I as endangered and those that are included in Appendix II as needing trade regulation. Section 97 currently prohibits the collection and fishing of all species listed in the multilateral Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The resulting automatic ban on the collecting or fishing of all listed species conflicts with the intention of CITES, which is to manage sustainable trade. Furthermore, it limits the capacity of various government agencies to practice proactive resource management and prohibits any use, including mariculture and aquaculture, of the listed species.

The de facto ban on collection, fishing and trade in a species will penalize fishers unfairly. They must either become criminals or transfer their fishing effort unnecessarily to other resources, many of which are already depleted. Although superficially advantageous to the recovery of the species, a ban is also likely to promote illegal trade. The archipelagic nature of our country and a shortage of

financial resources would make it both costly and difficult to implement trade surveillance and enforcement of these unfortunate ban efforts.

Under a revised Section 97, national authorities could permit either low or high levels of trade, monitored and managed for sustainability.

Thus, the expedient approval of this bill is earnestly sought.



Rep. ROBERTO C. CAJES

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**AN ACT AMENDING SECTION 97 OF REPUBLIC ACT 8550  
OTHERWISE KNOWN AS THE FISHERIES CODE OF 1998**

*Be it enacted by the Philippine Senate and the House of Representatives in  
Congress 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:

“Section 97. Fishing or Taking of Rare, Threatened or Endangered Species.  
– It shall be unlawful to fish, CATCH, GATHER, SELL, PURCHASE, POSSESS, TRANSPORT AND EXPORT rare, threatened or endangered species as listed in CITES APPENDIX 1 and as determined 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 CONVENTION.

THE BUREAU OF FISHERIES AND AQUATIC RESOURCES SHALL, IN COORDINATION WITH NFARMC, LGUs, PRIVATE INSTITUTIONS AND OTHER GOVERNMENT AGENCIES CONCERNED, INITIATE THE DEVELOPMENT OF A FISHERIES RESOURCE MANAGEMENT PLAN FOR

EACH CITES LISTED SPECIES, INDICATING CONSERVATION AND REHABILITATION MEASURES.”

“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 the forfeiture of the catch, the confiscation and the cancellation of the fishing permit.”

SECTION 2. THE DEPARTMENT OF AGRICULTURE – BUREAU OF FISHERIES AND AQUATIC RESOURCES SHALL PROMULGATE THE RULES AND REGULATIONS TO IMPLEMENT THIS AMENDMENT WITHIN SIXTY (60) DAYS FROM THE APPROVAL OF THIS AMENDMENT.

SECTION 3. THIS ACT SHALL TAKE EFFECT FIFTEEN DAYS (15) FOLLOWING ITS PUBLICATION IN THE OFFICIAL GAZETTE OR IN AT LEAST TWO (2) NEWSPAPERS OF GENERAL CIRCULATION.

Approved,