

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

THIRTEENTH CONGRESS
Third Regular Session

House Bill No. 5920



Introduced by **Honorable Roilo Golez**

EXPLANATORY NOTE

Shark finning is killing sharks every year at an alarming rate that on November 24, 2003, the U.N. General Assembly adopted a Resolution strongly condemning the depletion of the world's shark population and calls for a ban on the practice of shark finning – the practice that involves killing sharks solely for their fins and discarding the carcasses.

Sharks are killed for many reasons, including fear, food, and sport, but the great majority perish due to shark finning. Many shark products have commercial value, including: the flesh; the skin for high-quality leather; teeth and jaws for ornaments; liver oil for cosmetics, medicines, vitamin A, and skin-care products; and cartilage for false cancer 'cures'. However, the product that drives the market are the fins. After drying, collagen fibers are extracted from them, cleaned, and processed to make 'shark fin soup'. In spite of the fact that these fibers have little flavor or nutritional value, the soup is considered a delicacy, and may sell in for more than \$100 a bowl.

According to the United Nations Food and Agriculture Organization (FAO), over 100 million sharks, skates and rays are killed every year. That may well be just half the total, because another half is unreported. This endangers and threatens shark population because they reproduce slowly. Some species produce as few as two pups biannually, averaging only one offspring per year: This fact has prompted several nations among which are Australia, Brazil, Canada, Costa Rica, Oman, South Africa and the United States of America - to enact legislation to ban or limit shark finning. In the USA, for example, Public Law 106-557 approved Dec. 21, 2000 or the Shark Finning Prohibition Act (SFPA) was signed into law and extended in 2002 to include any persons under U.S. jurisdiction prohibiting engaging in shark finning and possessing or landing shark fins without simultaneously landing the carcasses. The SFPA provides:

SEC. 307. PROHIBITED ACTS

It is unlawful --

(1) for any person --

x x x

(P) (i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

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- (ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or
- (iii) to land any such fin without the corresponding carcass.

The European Union (EU) also established regulations to reduce finning practices in 2003. In general, international pressure to put an end to finning has been mounting, leading to the approval of several resolutions in 2004, including the ban on shark finning for Atlantic sharks unanimously endorsed by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and more recently by the Inter-American Tropical Tuna Commission (IATTC), and the recommendations adopted by the World Conservation Union (WCU) urging all states to prohibit shark finning and require shark fins to be landed attached to their bodies.

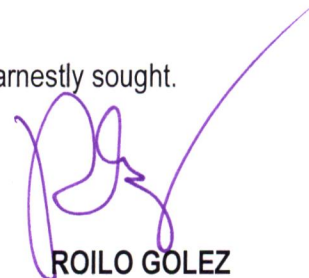
To date, only whale sharks, basking sharks, and great white sharks are protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Trade in products from these shark species is now regulated and even halted in order to avoid utilization incompatible with their survival. However, the rest of the 380 shark species, some of which are found here in the Philippines, are unprotected. Thus, there is a need to enact a measure to preserve these species, particularly, from its cruel and most wasteful predator – the practice of shark finning. This is imperative considering 20 percent of these shark species are threatened with extinction according to the 2006 Red List of Threatened Species of the International Union for Conservation of Nature and Natural Resources (IUCN).

In recognition of the pressing plight of sharks, in 1999 the United Nations Food and Agricultural Organization (FAO) called on fishing nations to develop national and regional action plans to conserve sharks. But progress is slow as many member countries have not yet submitted their National Plan of Action to conserve sharks including the Philippines.

Studies highlight the importance of conservation of these shark species as sharks are critically important members of the marine food chain and are keystone species in the health of our ocean ecosystems. As apex predators, they affect the marine ecology and food chain from the top to the bottom.

As our oceans face widespread and increasing overexploitation, it is more and more critical that finning prohibitions be adopted to reverse shark population declines and curtail excessive shark mortality.

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



ROILO GOLEZ

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AN ACT
AMENDING SECTION 4 AND CHAPTER VI 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. *Short Title.* - This Act shall be known as the "Shark Finning Prohibition Act".

SECTION 2. *Purpose.* - This Act is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

SECTION 3. *Shark-Finining Defined.* - Section 4 of Republic Act No. 8550 is hereby amended by adding the following paragraph to the enumerated definitions:

"74. Shark Finning - means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea."

SECTION 4. *Prohibition On Removing Shark Fin And Discarding Shark Carcass At Sea.*- Chapter VI of Republic Act No. 8550 is hereby amended to include the following Section:

"SEC. 97-A. *Prohibition On Removing Shark Fin And Discarding Shark Carcass At Sea.*- It shall be unlawful for any person to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea, to have custody, control, or possession of any such fin aboard a vessel without the corresponding carcass, or to land any such fin without the corresponding carcass.

For purposes of this Section, there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of this Section if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.

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 (120,000.00) and forfeiture of the catch, and the cancellation of fishing permit."

SECTION 5. *Implementing Rules and Regulations.* - No later than 180 days after the date of the enactment of this Act, the Secretary of the Department of Agriculture shall promulgate regulations implementing the provisions of Chapter VI of Republic Act No. 8550 as amended by Section 3 of this Act.

SECTION 6. *Separability Clause.* - If any provisions or part hereof, is invalid or unconstitutional, the remainder of this Act or the provisions not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule of regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,