

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES
House Bill No. 174

Introduced by Representative GLORIA MACAPAGAL ARROYO

EXPLANATORY NOTE

The Philippines is rich in marine biodiversity, having about two-thirds of the known marine species of the Pacific in its coastal waters. As such, it has emerged as a prime attraction of the diving industry and to the scientific community. The presence of interesting marine species such as sharks and rays has also significantly contributed to the promotion of Philippine ecotourism. These predators of the sea help maintain the ecological balance of the marine environment.

Over the years, however, these marine species are in danger of disappearing from our waters. Sharks and rays population declined over the years due to over fishing, human consumption, habitat destruction, pollution due to mercury poisoning and the impact of climate change on the marine environment.

Sharks and rays are particularly vulnerable because they grow slowly and live as long as 100 years. Their relatively low reproductive rates and low natural mortality give them little chance to recover and are thus prone to eventually disappear. It is also important to note that the human appetite for shark fin soup and meat has led to the collapse of shark population.

This bill seeks to conserve and protect the sharks and rays and their habitats from the threat of disappearance from the Philippine seas. It also recommends that the different government agencies and Local Government Units undertake a nationwide information and education campaign to make Filipinos understand the value of sharks and rays and work together to prevent these species from becoming extinct.

Approval of this bill is earnestly sought.


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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AN ACT BANNING THE CATCHING, SALE, PURCHASE, POSSESSION, TRANSPORTATION AND EXPORTATION OF ALL SHARKS AND RAYS IN THE COUNTRY AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Sharks and Rays Conservation Act of 2010".

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to conserve, protect and sustain the management of the country's sharks and rays population to promote ecological balance and maintain marine biodiversity, and to ensure and secure the well-being of present and future generation of Filipinos.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms are hereby defined:

- (a) "Shark" refers to heavy predaceous fishes which do not possess lungs and swim bladders; their skeleton is made of cartilage rather than bone and keep moving in order to breathe and to stay afloat;
- (b) "Rays" means cartilaginous fishes having horizontally flattened bodies and enlarged wing like pectoral fins with gills on the other side;
- (c) "Marine Biodiversity" refers to all biological life in coastal and ocean environment;
- (d) "Conservation" means preservation and sustainable utilization of wildlife and or maintenance, restoration and enhancement of the habitat;
- (e) "Protection" refers to the act of protecting from loss; shield or shelter;
- (f) "Habitat" means place or environment where species or sub species naturally occurs or has naturally established its population;

- (g) "Trade" means act of engaging in the exchange, exportation or importation, purchase or sale of wildlife, their derivatives or by-products locally or internationally;
- (h) "Endangered species" refers to species that are at risk of extinction because of a sudden rapid decrease in its population or a loss of its critical habitat;

SEC. 4. *Prohibition.* – It shall be unlawful for any person or corporation to wilfully and knowingly exploit sharks and rays and their habitats or to sell, purchase, possess, transport, or export the same, in any state, condition or form, or any part thereof. It shall also be unlawful to wound or to kill sharks and rays in the course of catching other species of fish. Shark and rays which are accidentally included in the catch shall be immediately released unharmed in the sea. Dumping of waste products detrimental to species shall also be prohibited.

SEC. 5. *Illegal Acts* - It shall be unlawful for any person to wilfully and knowingly exploit sharks and rays, their by-products, and their habitats, or undertake the following acts:

- (a) killing, destroying or inflicting injury on sharks and rays
- (b) sale, purchase and possession of sharks and rays, and their by-products
- (c) transporting and exporting of sharks and rays, and their by-products
- (d) destroying their habitats

SEC. 6. *Penalties for Violations of Act.* – For any person who undertakes illegal acts under the immediately preceding section, the following penalties and/ or fines shall be imposed:

- (a) killing, destroying or inflicting injury on sharks and rays - imprisonment of a minimum of six (6) years and one (1) day to twelve (12) years and/or a fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00)
- (b) sale, purchase and possession of sharks and rays, and their by-products - imprisonment of a minimum of four (4) years and one (1) day to twelve (12) years and/or a fine of Fifty thousand pesos (P50,000.00) to five hundred thousand pesos (P500,000.00)
- (c) transporting and exporting of sharks and rays, and their by-products - imprisonment of a minimum of two (2) years and one (1) day to twelve (12) years and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00)
- (d) destroying their habitats- imprisonment of a minimum of one (1) year and one (1) day to twelve (12) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00)

Provided, further, That if the violation is committed by a juridical person or government entity, their officers shall be held liable without prejudice to any further liability for violation of any provision of other applicable laws.

SEC. 7. *Lead Agency.* – The Department of Environment and Natural Resources (DENR) and the Bureau of Fisheries and Aquatic Resources (BFAR) shall take steps to issue the necessary orders to list all sharks and rays as endangered species. The Department of Tourism (DOT) and the Philippine Council for Sports Scuba Diving shall also coordinate with the DENR, BFAR and the Local Government Units (LGUs) to identify habitats and feeding grounds of sharks and rays and declare the same as protected tourism estates. Upon the identification of these areas, they shall be promoted for restorative ecotourism.

To eliminate the demand that result in the massive killing of sharks and rays, selling and serving of sharks' fin soup and all menus with shark and ray by-products shall be prohibited. The Department of Trade and Industry (DTI) shall prepare a phase out plan for serving of sharks' fin soup and all menus with shark and ray by-products in restaurants. The Philippine National Police (PNP) and other law enforcement agencies and LGUs shall assist the DENR and other agencies in the implementation of this bill.

SEC. 8. *Information and Education.* – The DENR, DOT, LGUs and other academic institutions (e.g. UP Marine Science Institute, Silliman University Marine Laboratory) shall undertake a nationwide information and education campaign to make Filipinos understand the value of sharks and rays in the marine ecosystem and to tourism.

SEC. 9. *Implementing Rules and Regulations.* – The DENR and the DOT, in coordination with the DTI, shall issue, within sixty (60) days after the effectivity of this Act, the rules and regulations for its effective implementation.

SEC. 10. *Separability Clause.* – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby and shall continue to be in full force and effect.

SEC. 11. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,