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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 203

Introduced by **HONORABLE LUIS R. VILLAFUERTE**

EXPLANATION

This bill reenacts House Bill No. 4250 which has been approved by the 14th Congress of the House of Representatives on 11 June 2008 and was transmitted to and received by the Senate on 17 June 2008.

The Republic Act 8550, better known as Fisheries Code of the Philippines of 1998, though enacted in recent years, has been found to be unrealistic, inadequate 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 7th - 8th of July, 2003. While the seminar was not about RA No. 8550, some of its provisions were lengthily discussed by those who have invested in the culture of seahorse, a marine animal listed in the Convention of the International Trade in Endangered Species of Wild Fauna and Flora (CITES). When the subject on the oppressive tendencies of Sec. 97 of R.A. No. 8550 was brought out in the open forum, the delegates which included government officials, aquaculture stakeholders, foreign participants in their private capacities and Scientists of the Aquaculture Department of the SEAFDEC, drafted a resolution which was sent to Senators and members of the House of Representatives of the 12th Congress preparing amendments to said law.

The following observations were abstracted from their Resolution. They state:

"WHEREAS, Republic Act 8550 otherwise known as the Fisheries Code of the Philippines of 1998 was enacted for the development, management, and conservation of the fisheries and aquatic resources of the Philippines;

WHEREAS, Section 97 of RA 8550 states that "it shall be unlawful to fish or take rare, threatened or endangered species as listed in the CITES" (Convention on the

International Trade in Endangered Species of Wild Fauna and Flora), thus penalizing such acts under pain of imprisonment and fine;

WHEREAS, the inclusion of species in the CITES list is for the purpose of regulating international trade in specimens of these selected species by developing a licensing system to insure that their trade is sustainable;

WHEREAS, many marines 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;

WHEREAS, SEAFDEC/AQD and other government agencies have been successful in the development of technologies for the artificial propagation of a number of marines species, such as seahorses, abalone and the giant clams, that may be commercially raised by aquaculture investors;

WHEREAS, the inclusion in CITES of any of these marine species will threaten the livelihood 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 and those fished from the wild;

WHEREAS, there is therefore an urgent need to amend the law such that the prohibited act shall consist only of the fishing or taking of wild specimens and shall exclude the same species produced by artificial propagation;"

In the light of the foregoing, which discourages interested businessmen from adopting aquaculture technologies, such as seahorse culture and similar industries, early approval of this bill amending Section 97 of RA 8550 is earnestly requested.



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HOUSE BILL NO. 203

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AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998

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

1 **SECTION 1.** Section 91 of Republic Act No. 8550, otherwise known
2 as the Philippine Fisheries Code of 1998, is hereby amended to read as
3 follows:

4 "SEC. 91. *Ban on Coral Exploitation and Exportation.* -
5 It shall be unlawful for any person or corporation to gather,
6 possess, sell or export ordinary precious and semi-precious
7 corals, whether raw or in processed form, except for scientific or
8 research purposes.

9 Violations of this provision shall be punished by
10 imprisonment from six (6) months to two (2) years and a fine
11 from [Two thousand pesos (P2,000) to Twenty thousand pesos
12 (P20,000)] **ONE HUNDRED THOUSAND PESOS**
13 **(P100,000.00) TO FIVE HUNDRED THOUSAND PESOS**
14 **(P500,000.00)**, or both such fine and imprisonment, at the
15 discretion of the court, and forfeiture of the subject corals,
16 including the vessel and its proper disposition.

1 The confiscated corals shall either be returned to the sea or
2 donated to schools and museums for educational or scientific
3 purposes or disposed through other means."

4 **SEC. 2.** Section 97 of Republic Act No. 8550 is hereby amended to
5 read as follows:

6 "SEC. 97. *Fishing or Taking of Rare, Threatened or*
7 *Endangered Species.* – It shall be unlawful to fish or take,
8 **CATCH, GATHER, SELL, PURCHASE, POSSESS, TRANSPORT**
9 **AND EXPORT** rare, threatened or endangered species, as listed
10 [in the CITES] **AND DEFINED AS SUCH IN THE CONVENTION ON**
11 **INTERNATIONAL TRADE OF ENDANGERED SPECIES OF FLORA AND**
12 **FAUNA, HEREINAFTER REFERRED TO AS CITES, THE INTERNATIONAL**
13 **UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES**
14 **(IUCN), AND REPUBLIC ACT NO. 9147, OTHERWISE KNOWN AS**
15 **THE WILDLIFE ACT** and as [determined] **IMPLEMENTED** by the
16 Department **PURSUANT TO ITS PUBLISHED RULES AND REGULATIONS.**

17 **THE TAKING, CATCHING, GATHERING AND POSSESSION OF WILD**
18 **SPECIES FOR SCIENTIFIC RESEARCH OR ARTIFICIAL PROPAGATION**
19 **PURPOSES MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS**
20 **PROMULGATED BY THE DEPARTMENT: PROVIDED, THAT GATHERING,**
21 **SELLING OR EXPORTING CULTURED OR ARTIFICIALLY PROPAGATED**
22 **SPECIES THAT HAVE BEEN TRANSPLANTED TO THEIR NATURAL HABITAT**
23 **AND LISTED IN THE CITES, IUCN AND RA No. 9147 SHALL NOT BE**
24 **ALLOWED.**

25 **THE TAKING, CATCHING, GATHERING, POSSESSION OR TRADE OF**
26 **ARTIFICIALLY PROPAGATED AND CULTURED SPECIES LISTED IN THE**
27 **CITES, IUCN AND RA No. 9147 MAY BE ALLOWED SUBJECT TO THE**
28 **RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT.**

29 **CONSISTENT WITH THE CITES RULES AND REGULATIONS, A NON-**
30 **DETRIMENTAL FINDING (NDF) SHALL BE CONDUCTED BEFORE ANY**
31 **TRADE WILL BE ALLOWED TO THOSE SPECIES LISTED UNDER APPENDIX**
32 **II AND III OF THE CITES.**

1 Violation of the provision of this section shall be punished
2 by imprisonment of twelve (12) years to twenty (20) years
3 and/or a fine of [One hundred and twenty thousand pesos
4 (P120,000)] **ONE HUNDRED THOUSAND PESOS (P100,000.00) TO**
5 **FIVE HUNDRED THOUSAND PESOS (P500,000.00), [and] forfeiture**
6 of the catch, and the cancellation of fishing permit.

7 **SHOULD THE CULPABLE VIOLATION BE COMMITTED THROUGH OR**
8 **BY A FISHING VESSEL MANNED BY MORE THAN TWO (2) PERSONS, THE**
9 **HEAD OR CAPTAIN OF THE BOAT AND THE SUPPORT PERSONNEL**
10 **THEREOF INVOLVED IN THE FISHING AND CATCHING OF SUCH**
11 **PROTECTED MARINE LIFE SHALL BE PRESUMED TO HAVE COMMITTED**
12 **THE PROHIBITED ACT AND THE PENALTY PROVIDED FOR IN THE**
13 **IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED ON THEM."**

14 **SEC. 3.** The Department of Agriculture – Bureau of Fisheries and
15 Aquatic Resources shall promulgate the rules and regulations to
16 implement this amendment within sixty (60) days from the approval of
17 this Act.

18 The Bureau of Fisheries and Aquatic Resources shall, in coordination
19 with the National Fisheries and Aquatic Resources Management Councils
20 (NFARMC), local government units, private institutions and other
21 government agencies concerned, initiate the development of a fisheries
22 resource management plan for each CITES listed species, indicating
23 therein conservation and rehabilitation measures.

24 **SEC. 4.** This Act shall take effect fifteen (15) days after its
25 publication in a newspaper of general circulation.

Approved,