

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
15th Congress
First Regular Session

HOUSE BILL No. 208

Introduced by Representative Lorenzo R. Tañada III

EXPLANATORY NOTE

The weak penalties provided for in certain sections of Chapter VI, Article II of R.A. 8550, otherwise known as the Fisheries Code of 1998 do not effectively restrain commercial fishing operators from encroaching in municipal fishing grounds. Nor is it enough to hinder violators from continuing with their illegal activities.

This bill principally increases fines and period of imprisonment to serve as a harsh penalty for violators and emphasize the government's commitment to protecting and sustaining the country's fishery and aquatic resources. The increase in penalties for fishery violations attests to the underlying principle of giving preference to municipal fisherfolk over the utilization of municipal waters.

Most of the proposed revisions on penalties were based on those imposed under Presidential Decree 705. Harsher penalties were considered since the acts being penalized are already causing serious depletive effects on the resources than other violations of the same nature. Resulting harm or injury to persons has also been accorded heavier penalties as we value human life above anything else.

The classification of fishing gears was also modified from 'passive' and 'active' to 'allowed' and 'not allowed' to provide more latitude in deciding which gears belong to each category. This classification would be able to capture not only the use of the gear but also how it is handled and its depletive effects to the resources as well. The modification on the classification of gears also gives reasonable discretion to local government units in the formulation of regulations to determine which gears are allowed or not. However, this discretion is tempered by strict regulation over which an LGU may allow a gear within its jurisdiction.

Adjustment with regard to the penalty imposed is also needed to cover confiscation and forfeiture of the gears and the vessels, aside from the catch. Previous violators have continued their illegal activities despite being caught before, because the harmful gears were consequently released and the cost of the fines were negligible compared to the volume of their catch and the profit that they get from their illegal activities. This time, even the carrying vessels can be subject for confiscation.

The proposed higher penalties and stiffer fines would be based on the value of the damage wrought by the violation. Such is the case with corals. Corals play a significant role in the marine ecosystem and their exploitation and exportation have depleted this foremost marine habitat, thus resulting to degradation of the fishery resources over damaged areas.

It has been proven through time that the use of superlights for fishing has been causing alarming drops in the population of fish and aquatic species in the sea. Use of this accessory have been proven to be depletive as it attracts all types of fish in various stages of growth within the span of light it emits, thereby causing a dangerous dip in the population of fish and

aquatic resources, hence the decision to ban the use superlights in Philippine waters municipal or otherwise. In the same vein, the use of compressors for fishing have also been banned in this act and the accessory itself declared as prohibited due to the damage it causes to the health of the fishers using it.

Aside from the penalty of imprisonment and fines, other damages have also been included as one of the penalties that may be incurred by a violator for illegally converting mangroves into fishponds. This includes reparation and compensation for the destruction caused upon the mangrove ecosystem, which has been scientifically valued higher considering its role in the life cycle of most fishes.

This act also seeks to give greater authority to local government units in managing the municipal waters and other inland bodies of water.

The inclusion of labor and safety standards as additional compliance for commercial fishing operators was brought about by the proliferation and persistence of labor violations and abuses with regard to working standards in these situations, aside from the increasing incidents of child labor in fishing activities. With this provision, violators can be denied renewal of license, and thus be forced to comply with labor and safety standards.

Violations of the Code of Practice on Aquaculture and Environmental Impact Statement System of 1978 committed by the big players in the fishing and aquaculture industry are too grave. They aggravate the marginalization of the fisherfolk, which conflicts with the policy of sustainable development of fishery resources. Thus, this too is being addressed by this act.

This act also institutionalizes an incentive scheme for Bantay-Dagat members and other LGU-deputized volunteer fishery law enforcement officers.

There is a need to make incontrovertible the right of any citizen or citizens' group to file suit for violations of the law on fisheries. This will make the justice system more accessible to the people, allow faster implementation of the law, and encourage community participation and empowerment in the area of marine and fisheries protection, conservation and management. The Clean Air Act and the Ecological Solid Waste Management Act have the same intent.

Strategic Legal Action against Public Participation (SLAPP) suites are harassment cases, and must be stopped. They disturb and frustrate law enforcers whether they are agents of government or not. The Clean Air Act and the Ecological Solid Waste Management Act, both newer laws, recognize this and provide protection to those who act in the interest of the public.

This bill seeks to amend certain sections on Chapter VI and provide an additional chapter on legal, administrative and quasi-judicial actions to Article II of R.A. 8550 with the objective of strengthening the prohibitions to curb if not totally eliminate the illegal activities of the commercial fishers in municipal waters and to institutionalize the right of every citizen to file suit and receive remunerations for violations to their person and to the provisions of this act.

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


HON. LORENZO R. TAÑADA III
Representative
4th District, Quezon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 208

Introduced by **Hon. Lorenzo R. Tañada III**

AN ACT AMENDING CHAPTER VI, PROHIBITIONS AND PENALTIES AND PROVIDING AN ADDITIONAL CHAPTER ON LEGAL ACTIONS TO R.A. 8550, ENTITLED: "AN ACT PROVIDING FOR THE DEVELOPMENT, MANAGEMENT AND CONSERVATION OF THE FISHERIES AND AQUATIC RESOURCES, INTEGRATING ALL LAWS PERTINENT THERETO, AND FOR OTHER PURPOSES."

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

SECTION 1. Section 86 of R.A. 8550 is hereby amended to read as follows:

"SEC. 86. Unauthorized Fishing or Engaging in Other Unauthorized Fisheries Activities. No person shall exploit, occupy, produce, breed, culture, capture or gather fish, fry or fingerlings of any fishery species or fishery products, or engage in any fishery activity in Philippine waters without a license, lease or permit.

Discovery of any person in an area where he has no permit or registration papers for a fishing vessel shall constitute a *prima facie* presumption that the person and/or vessel is engaged in unauthorized fishing: Provided, That fishing for daily food sustenance or for leisure which is not for commercial, occupation or livelihood purposes may be allowed.

IT SHALL BE UNLAWFUL TO ENGAGE IN COMMERCIAL FISHING IN MUNICIPAL WATERS, in bays and in such other fishery management areas which may hereinafter be declared as overexploited.

THE BOAT CAPTAIN, the three (3) highest officers of the boat, AND THE OPERATOR who commit any of the above prohibited acts upon conviction shall EACH be punished by a fine equivalent to the value of catch or ONE HUNDRED THOUSAND PESOS (P100,000) whichever is higher, and imprisonment of SIX (6) YEARS, confiscation of catch and fishing gears, automatic revocation of license AND OTHER DAMAGES AT THE DISCRETION OF THE COURT (INCLUDING ACTUAL DAMAGES, THE COST OF ENVIRONMENTAL DESTRUCTION AND UNREALIZED EARNINGS SUFFERED BY THE FISHERFOLK). FINES COLLECTED WILL BE ADDED TO THE

LGU BUDGET APPROPRIATED FOR FARMCS.

SECTION 2. Section 88 of R.A. 8550 is hereby amended to read as follows:

"Section 88. Fishing Through Explosives, Noxious or Poisonous Substance, and/or Electricity. — (1) It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered, fish or any fishery species in Philippine waters with the use of electricity, explosives, noxious or poisonous substance such as sodium cyanide in the Philippine fishery areas, which will kill, stupefy, disable or render unconscious fish or fishery species: Provided, That the Department, subject to such safeguards and conditions deemed necessary and endorsement from the concerned LGUs, may allow, for research, educational or scientific purposes only, the use of electricity, poisonous or noxious substances to catch, take or gather fish or fishery species: Provided, further, That the use of poisonous or noxious substances to eradicate predators in fishponds in accordance with accepted scientific practices and without causing adverse environmental impact in neighboring waters and grounds shall not be construed as illegal fishing.

It will likewise be unlawful for any person, corporation or entity to possess, deal in, sell or in any manner dispose of, any fish or fishery species which have been illegally caught, taken or gathered.

The discovery of dynamite, other explosives and chemical compounds which contain combustible elements, or noxious or poisonous substances, or equipment or device for electro-fishing in any fishing vessel or in the possession of any fisherfolk, operator, fishing boat official or fishworker shall constitute *prima facie* evidence, that the same was used for fishing in violation of this Code. The discovery in any fishing vessel of fish caught or killed with the use of explosive, noxious or poisonous substances or by electricity shall constitute *prima facie* evidence that the fisherfolk, operator, boat official or fishworker is fishing with the use thereof.

(2) MERE POSSESSION OF EXPLOSIVE, NOXIOUS OR POISONOUS SUBSTANCES FOR ILLEGAL FISHING OR OF ANY AMOUNT OF SODIUM CYANIDE SHALL BE PUNISHABLE BY IMPRISONMENT RANGING FROM TWELVE (12) MONTHS TO TWENTY-FIVE (25) YEARS.

(3) MERE POSSESSION OF ELECTRO FISHING DEVICES FOR ILLEGAL FISHING SHALL BE PUNISHABLE BY IMPRISONMENT RANGING FROM TWO (2) YEARS TO FOUR (4) YEARS.

(3) Actual use of explosives, noxious or poisonous substances or electrofishing devices for illegal fishing shall be punishable by imprisonment ranging from TWENTY (20) years to LIFE IMPRISONMENT without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life. ACTUAL USE OF THE SAME RESULTING TO PHYSICAL INJURIES OR DEATH SHALL BE PUNISHABLE BY IMPRISONMENT RANGING FROM TWENTY FIVE (25) YEARS TO LIFE IMPRISONMENT

(4) Dealing in, selling, POSSESSING, or in any manner disposing of, for profit, illegally caught/gathered fisheries species shall be punished by imprisonment ranging from FIVE (5) to TEN (10) years.

(5) In all cases enumerated above, the explosives, noxious or poisonous substances

and/or electrical devices, as well as the fishing vessels, fishing equipment and catch shall be forfeited."

Section 3. Section 89 of R.A. 8550 is hereby amended to include the following:

"SEC. 89-A. BAN ON FISHING JUVENILE SPECIES. IT SHALL BE UNLAWFUL FOR ANY PERSON TO CATCH, GATHER, CAPTURE, POSSESS OR TRANSPORT JUVENILE FISH. DETERMINATION OF THE MEASUREMENTS OF WHAT JUVENILE FISHES ARE SHALL BE GIVEN TO THE DEPARTMENT.

VIOLATION OF THE ABOVE SHALL SUBJECT THE OFFENDER TO A FINE FROM TWO THOUSAND PESOS (P2,000.00) TO TWENTY THOUSAND PESOS (P20,000.00) OR IMPRISONMENT FROM SIX (6) MONTHS TO TWO (2) YEARS OR BOTH SUCH FINE AND IMPRISONMENT AT THE DISCRETION OF THE COURT: PROVIDED, THAT IF THE OFFENSE IS COMMITTED BY A COMMERCIAL FISHING VESSEL, THE BOAT CAPTAIN AND THE MASTER FISHERMAN SHALL ALSO BE SUBJECT TO THE PENALTIES PROVIDED HEREIN: PROVIDED, FURTHER, THAT THE OWNER/OPERATOR OF THE COMMERCIAL FISHING VESSEL WHO VIOLATES THIS PROVISION SHALL BE SUBJECTED TO THE SAME PENALTIES PROVIDED HEREIN: PROVIDED, FINALLY, THAT THE DEPARTMENT IS HEREBY EMPOWERED TO IMPOSE UPON THE OFFENDER AN ADMINISTRATIVE FINE AND/OR CANCEL HIS PERMIT OR LICENSE OR BOTH."

SECTION 3. Section 90 of R.A. 8550 is hereby amended to read as follows:

"SEC. 90. Use of Fishing Gears in the Municipal Waters and Bays and Other Fishery Management Areas. IT SHALL BE UNLAWFUL TO ENGAGE IN FISHING IN MUNICIPAL WATERS AND IN ALL BAYS AS WELL AS OTHER FISHERY MANAGEMENT AREAS USING FISHING GEARS NOT ALLOWED AS DEFINED IN THIS CODE. THE MUNICIPALITY OR CITY GOVERNMENT, HOWEVER, MAY THROUGH ITS LOCAL CHIEF EXECUTIVE AND ACTING PURSUANT TO AN APPROPRIATE ORDINANCE, AUTHORIZE OR PERMIT THE USE OF ALLOWED GEARS AS DEFINED IN THIS CODE WITHIN THE FIFTEEN (15) KILOMETER AREA FROM THE SHORELINE IN MUNICIPAL WATERS AS DEFINED HEREIN, PROVIDED, THAT ALL THE FOLLOWING ARE MET:

- a) THAT SAID ORDINANCE PROVIDES FOR A LIST OF ALL GEARS, BOTH ALLOWED AND NOT ALLOWED, BASED ON THE FOLLOWING CRITERIA:

ALLOWED GEARS - REFERS TO FISHING GEARS THAT SATISFY ALL OF THE FOLLOWING CRITERIA:

- 1) WILL NOT DEPRIVE ANYONE OF THE USE OF THE MUNICIPAL WATERS;
- 2) WILL NOT HARM COASTAL AND MARINE HABITAT;
- 3) WILL NOT DEplete FISH STOCK;
- 4) WILL PROMOTE A BALANCE IN THE MARINE AND COASTAL ECOSYSTEM; AND
- 5) WILL NOT ENDANGER THE HEALTH AND SAFETY OF THE PEOPLE.

NOT ALLOWED GEARS - ALL OTHER FISHING GEARS THAT FAIL TO SATISFY ANY OF THE ABOVEMENTIONED CRITERIA.

- b) THAT SAID ORDINANCE PROVIDES FOR THE LIMITATIONS ON THE USE OF EACH ALLOWED GEAR REGARDING MESH SIZE, TEMPORAL RANGE OR RANGE OF

TIME TO WHICH GEAR MAY BE ALLOWED, ZONING OR DESIGNATED AREA WHERE GEAR MAY BE ALLOWED, SIZE RESTRICTIONS OR PHYSICAL DIMENSIONS ALLOWED, NUMBER RESTRICTIONS OR THE QUANTITY OF GEARS ALLOWED, DESIGN REGULATIONS OR SPECIFIC COMPONENTS / PARTS AND MATERIALS ALLOWED FOR VARIATIONS OF THE GEAR AND EFFORT REGULATION OR CORRESPONDING LICENSE FEES AND TAXES;

- c) A SYSTEM THAT SHALL SUBJECT A NEW GEAR AND/OR TECHNOLOGY TO AN APPLICATION AND ASSESSMENT PERIOD TO FACILITATE ITS POSSIBLE INTRODUCTION AND/OR ADDITION TO THE LIST OF PERMITTED GEARS IS DEFINED IN SAID ORDINANCE;
- d) PRIOR CONSULTATION, THROUGH PUBLIC HEARING, WITH THE VARIOUS STAKEHOLDERS AND M/C/IFARMC HAS BEEN CONDUCTED FOR THE DRAFTING AND FINALIZATION OF THE SAID ORDINANCE; AND
- e) THAT THE FOLLOWING GEARS ARE TOTALLY BANNED FROM MUNICIPAL WATERS:

☉TRAWL (ALL KINDS) ---- GALADGAD, NORWAY

☉PURSE SEINE ---- PANGULONG

☉DANISH SEINE ---- HULBOT-HULBOT, PAHULBOT-HULBOT, LIKISAN, LIBA-LIBA, PALISOT, PATANGKO, BIRA-BIRA, BULI- BULI, HULAHOOP, ZIPPER, LAMPORNAS, ETC.

☉RING NET ---- KUBKOB, PANGULONG, KALANSISI

☉DRIVE-IN NET ---- PA-ALING, KAYAKAS

☉ROUND HAUL SEINE ---- SAPYAW, LAWAG

☉MOTORIZED PUSH NET --- SUDSOD

☉BAGNET ---- BASNIG, SAKLIT

☉FISHING GEARS USING COMPRESSORS

GEARS NOT INCLUDED IN THE LIST OF PERMITTED GEARS CONTAINED IN THE SAID ORDINANCE ARE THEREBY PROHIBITED WITHIN THE 15 KM. MUNICIPAL WATERS. IN NO CASE SHALL THE AUTHORIZATION OR PERMIT MENTIONED ABOVE BE GRANTED FOR FISHING IN BAYS AS DETERMINED BY THE DEPARTMENT TO BE IN AN ENVIRONMENTALLY CRITICAL CONDITION AND DURING CLOSED SEASON AS PROVIDED FOR IN SECTION 9 OF THIS CODE.

The owner, boat captain and master fisherman of the vessels which participated in the violation shall suffer the penalty of imprisonment from six (6) years to twelve (12) years with no probation; and a fine of Two Thousand (P2,000.00) to Ten Thousand Pesos (P10,000.00). Paraphernalia, gears and the vessel shall be confiscated and

forfeited.

SECTION 4. Section 91 of R.A. 8550 is hereby amended to read as follows:

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

Violations of this provision shall be punished by imprisonment from six (6) months ONE (1) DAY to TEN (10) years and a fine from ONE HUNDRED thousand pesos (P100,000.00) to FIVE HUNDRED thousand pesos (P500,000.00), or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessel and its proper disposition.

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

SECTION 5. Section 93 of R.A. 8550 is hereby amended to read as follows:

"Section 93. BAN ON THE USE OF SUPERLIGHTS. — IT SHALL BE UNLAWFUL TO ENGAGE IN FISHING WITH THE USE OF SUPERLIGHTS. THE DISCOVERY OF SUPERLIGHTS IN A FISHING VESSEL SHALL BE CONSIDERED PRIMA FACIE EVIDENCE THAT SAID LIGHT HAS BEEN USED FOR FISHING. ALL OTHER ACCOMPANYING VESSELS THAT PARTICIPATED IN THE OPERATION OF THE SUPERLIGHT SHALL HAVE THE SAME LIABILITY AS THE VESSEL CARRYING THE SUPERLIGHT.

THE BOAT CAPTAIN, THE THREE (3) HIGHEST OFFICERS OF THE BOAT, AND THE OPERATOR WHO COMMITTED THE PROHIBITED ACT UPON CONVICTION SHALL BE PUNISHED BY ONE TO TWO (1-2) YEARS OF IMPRISONMENT AND A FINE OF ONE MILLION PESOS (1,000,000.00) PER VESSEL.

(VIOLATIONS OF THIS PROVISION SHALL BE PUNISHED BY IMPRISONMENT FROM SIX (6) MONTHS TO TWO (2) YEARS OR A FINE OF FIVE THOUSAND PESOS (P5,000.00) PER SUPERLIGHT, OR BOTH SUCH FINE AND IMPRISONMENT AT THE DISCRETION OF THE COURTS. THE SUPERLIGHT, FISHING GEARS AND VESSEL SHALL BE CONFISCATED.)"

SECTION 6. Section 94 of R.A. 8550 is hereby amended to read as follows:

"Section 94. CUTTING, DAMAGING AND Conversion of Mangroves. — It shall be unlawful for any person to CUT AND DAMAGE MANGROVES. IT SHALL ALSO BE UNLAWFUL TO convert mangroves into fishponds or for any other purposes.

Violation of the provision of this section shall be punishable by imprisonment of (six (6) years and one (1) day to twelve (12) years) TWENTY (20) YEARS AND ONE (1) DAY TO FORTY (40) YEARS and(/or) a fine of Eighty thousand pesos (P80,000.00) AND (OTHER) ENVIRONMENTAL DAMAGES COMPUTED AT TWO HUNDRED FORTY THOUSAND PESOS (P240,000.00) PER HECTARE PER YEAR UNTIL SUCH AREA IS RESTORED (AT THE DISCRETION OF THE COURT): Provided, That if the area requires rehabilitation or restoration as determined by the court, the offender should also be required to restore or compensate for the restoration of the damage.

SECTION 7. Section 96 of R.A. 8550 is hereby amended to read as follows:

"SEC. 96. Fishing in Fishery Reserves, Refuge and Sanctuaries. - It shall be unlawful to

fish in fishery areas declared by the Department AND THE LOCAL GOVERNMENT UNITS as fishery reserves, refuge and sanctuaries.

Violation of the provision of this section shall be punished by imprisonment of two (2) years to six (6) years and/or fine of Two thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00) and by forfeiture of the catch and the cancellation of fishing permit or license."

SECTION 8. Section 103 of R.A. 8550 is hereby amended to read as follows:

"Section 103. Other Violations. — The following fisheries activities shall also be considered as a violation of this Code:

- a. Failure to Comply with Minimum LABOR AND Safety Standards. — The owner and captain of a commercial fishing vessel engaged in fishing who, upon demand by proper authorities, fails to exhibit or show proof of compliance with the LABOR AND safety standards provided in this Code, shall be immediately prevented from continuing with his fishing activity and escorted to the nearest port or landing point. The license to operate the commercial fishing vessel shall be suspended until the LABOR AND safety standard has been complied with.
- b. Failure to Conduct a Yearly Report on all Fishponds, Fish Pens and Fish Cages. — The FLA of the holder who fails to render a yearly report shall be immediately cancelled; Provided, That if the offender be the owner of the fishpond, fish pen or fish cage, he shall be subjected to the following penalties: (1) first offense, a fine of Five hundred pesos (P500.00) per unreported hectare; (2) subsequent offenses, a fine of One thousand pesos (1,000.00) per unreported hectare.
- c. Gathering and Marketing of Shell Fishes. — It shall be unlawful for any person to take, sell, transfer, or have in possession for any purpose any shellfish, which is sexually mature or below the minimum size or above the maximum quantities prescribed for the particular species.
- d. Obstruction to Navigation or Flow and Ebb of Tide in any Stream, River, Lake or Bay. — It shall be unlawful for any person who causes obstruction to navigation or flow or ebb of tide.
- e. Construction and Operation of Fish Corrals/Traps, Fish Pens and Fish Cages. — It shall be unlawful to construct and operate fish corrals/traps, fish pens and fish cages without a license/permit.
- F. FAILURE TO COMPLY WITH THE CODE OF PRACTICE ON SUSTAINABLE AQUACULTURE AND THE EIS SYSTEM WHICH SHALL BE PUNISHED BY IMPRISONMENT OF SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS AND(/OR) A FINE OF ONE HUNDRED THOUSAND PESOS (P100,000.00) (EIGHTY THOUSAND PESOS (P80,000.00)) PLUS AN ADDITIONAL FINE OF EIGHT THOUSAND PESOS (P8,000.00) PER DAY UNTIL SUCH VIOLATION CEASES AND THE FINE PAID.

Subject to the provision of subparagraphs (b) AND (F) of this section, violation of the above-enumerated prohibited acts shall subject the offender to a fine ranging from Two thousand pesos (P2,000.00) to Ten thousand pesos (P10,000.00) or imprisonment from one (1) month and one (1) day to six (6) months, or both such fine and imprisonment, upon the discretion of the court: Provided, That the Secretary is hereby empowered to impose upon the offender an administrative fine of not more

than Ten thousand pesos (P10,000.00) or to cancel his permit or license, or to impose such fine and to cancel his permit or license, in the discretion of the Secretary: Provided, further, That the Secretary, or his duly authorized representative, and law enforcement agents are hereby empowered to impound with the assistance of the Philippine Coast Guard, PNP-Maritime Command: Provided, finally, That any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery/aquatic products when such inspection and/or movement is authorized under this Code, shall be subject to a fine of not more than Ten thousand pesos (P10,000.00) or imprisonment of not more than two (2) years, or both such fine and imprisonment, upon the discretion of the court.

Every penalty imposed for the commission of an offense shall carry with it the forfeiture of the proceeds of such offense and the instruments or tools with which it was committed.

Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those articles which are not subject of lawful commerce shall be destroyed."

SECTION 9. Section 106 of R.A. 8550 is hereby amended to read as follows:

"Section 106. Obstruction to Fishery Law Enforcement Officer. — The boat owner, master or operator or any person acting on his behalf of any fishing vessel who evades, obstructs or hinders any fishery law enforcement officer of the Department AND/OR THE DEPUTIZED FISH WARDEN OF THE LOCAL GOVERNMENT UNIT to perform his duty, shall be fined Ten thousand pesos (P10,000.00). In addition, the registration, permit and/or license of the vessel including the license of the master fisherman shall be canceled.

ADDITIONAL PENALTY AND FINE WILL BE IMPOSED WHEN RESISTANCE RESULTED IN PHYSICAL INJURIES OR DEATH."

SECTION 10. A NEW CHAPTER ON LEGAL, ADMINISTRATIVE AND QUASI-JUDICIAL ACTIONS IS HEREBY INSERTED TO READ AS FOLLOWS:

CHAPTER VII ACTIONS

SECTION 108. ADMINISTRATIVE ACTION. - WITHOUT PREJUDICE TO THE RIGHT OF ANY AFFECTED PERSON TO FILE AN ADMINISTRATIVE ACTION, THE DEPARTMENT OR THE LOCAL GOVERNMENT UNIT (LGU) SHALL, ON ITS OWN INSTANCE OR UPON VERIFIED COMPLAINT BY ANY PERSON, INSTITUTE ADMINISTRATIVE PROCEEDINGS AGAINST ANY PERSON WHO VIOLATES:

- A) STANDARDS OR LIMITATION PROVIDED UNDER THIS ACT; OR
- B) ANY ORDER, RULE OR REGULATION ISSUED BY THE DEPARTMENT WITH RESPECT TO SUCH STANDARD OR LIMITATION.

SECTION 109. ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OR HIS DULY AUTHORIZED REPRESENTATIVE AND THE LOCAL GOVERNMENT UNIT TO ORDER CONFISCATION – IN ALL CASES OF VIOLATION OF THIS ACT OR OTHER FISHERY LAWS, RULES AND REGULATIONS, THE DIRECTOR OR HIS DULY AUTHORIZED REPRESENTATIVE, MAY ORDER THE CONFISCATION AND FORFEITURE OF ANY FISH, FISHERY SPECIES OR AQUATIC RESOURCES ILLEGALLY CAUGHT, TAKEN OR GATHERED, AND ALL GEARS

AND CONVEYANCES USED IN THE COMMISSION OF THE OFFENSE AND TO DISPOSE OF THE SAME IN ACCORDANCE WITH PERTINENT LAWS, RULES, REGULATIONS AND POLICIES ON THE MATTER.

SECTION 110. REWARD TO INFORMANTS AND THE APPREHENDING TEAM- ANY FARMC WHICH HAS JURISDICTION OVER MUNICIPAL WATERS WHERE ANY PERSON CAN PROVIDE INFORMATION AND IS PART OF THE TEAM THAT LEADS TO THE (LEADING TO) APPREHENSION AND CONVICTION OF ANY OFFENDER FOR ANY VIOLATION OF THIS ACT OR OTHER FISHERY LAWS, RULES AND REGULATIONS, OR CONFISCATION AND FORFEITURE OF FISH, FISHERY SPECIES, OTHER AQUATIC RESOURCES, GEARS AND CONVEYANCES, SHALL BE GIVEN A REWARD IN THE AMOUNT OF EIGHTY PERCENT (80%) (TWENTY PERCENT (20%)) OF THE PROCEEDS OF THE CONFISCATION AND FORFEITURE, AND ADMINISTRATIVE FINES COLLECTED BY THE BUREAU OR THE LGU IN RELATION THERETO. PROVIDED THAT, FORTY (40%) (FIFTY PERCENT ((50%)) OF THE REWARD COLLECTED BY THE FARMC SHALL BE GIVEN TO THE INFORMANT AND THE APPREHENDING TEAM AND THE OTHER FORTY (40%) (FIFTY PERCENT (50%)) SHALL BE UTILIZED FOR LAW ENFORCEMENT PURPOSES AND THE OTHER TWENTY (20%) PERCENT FOR OTHER FARMC ACTIVITIES.

THE REMAINING TWENTY PERCENT (20%) WILL GO TO THE LOCAL GOVERNMENT UNIT AND SHALL BE UTILIZED FOR COMMUNITY-BASED RESOURCE MANAGEMENT PROGRAM OF THE MUNICIPALITY WHERE THE VIOLATION OCCURRED.

SECTION 111. CITIZENS SUITS. - FOR THE PURPOSES OF ENFORCING THE PROVISIONS OF THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS, ANY CITIZEN MAY FILE AN APPROPRIATE CIVIL, CRIMINAL OR ADMINISTRATIVE ACTION IN THE PROPER COURTS/BODIES AGAINST:

- A) ANY PERSON WHO VIOLATES OR FAILS TO COMPLY WITH THE PROVISIONS OF THIS ACT, ITS IMPLEMENTING RULES AND REGULATIONS; OR
- B) THE DEPARTMENT OR OTHER IMPLEMENTING AGENCIES WITH RESPECT TO ORDERS, RULES AND REGULATIONS ISSUED INCONSISTENT WITH THIS ACT; AND/OR
- C) ANY PUBLIC OFFICER WHO WILLFULLY OR GROSSLY NEGLECTS THE PERFORMANCE OF AN ACT SPECIFICALLY ENJOINED AS A DUTY BY THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS; OR ABUSES HIS AUTHORITY IN THE PERFORMANCE OF HIS DUTY; OR, IN ANY MANNER IMPROPERLY PERFORMS HIS DUTIES UNDER THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS; PROVIDED, HOWEVER, THAT NO SUIT CAN BE FILED UNTIL AFTER THIRTY-DAY (30) NOTICE HAS BEEN GIVEN TO THE PUBLIC OFFICER AND THE ALLEGED VIOLATOR CONCERNED AND NO APPROPRIATE ACTION HAS BEEN TAKEN THEREON.

SECTION 112. INDEPENDENCE OF ACTION - THE FILING OF AN ADMINISTRATIVE SUIT AGAINST SUCH PERSON/ENTITY DOES NOT PRECLUDE THE RIGHT OF ANY OTHER PERSON TO FILE ANY CRIMINAL OR CIVIL ACTION. SUCH CIVIL ACTION SHALL PROCEED INDEPENDENTLY.

SECTION 113. SUITS AND STRATEGIC LEGAL ACTION AGAINST PUBLIC PARTICIPATION (SLAPP) AND THE ENFORCEMENT OF THIS ACT. - WHERE A SUIT IS BROUGHT AGAINST A PERSON WHO FILED AN ACTION AS PROVIDED IN SEC. 111(52) OF THIS ACT, OR AGAINST ANY PERSON, INSTITUTION OR GOVERNMENT AGENCY THAT IMPLEMENTS THIS ACT, IT SHALL BE THE DUTY OF THE INVESTIGATING PROSECUTOR OR THE COURT, AS THE CASE MAY BE, TO IMMEDIATELY MAKE A DETERMINATION NOT EXCEEDING THIRTY (30) DAYS WHETHER SAID LEGAL ACTION HAS BEEN FILED TO HARASS, VEX, EXERT UNDUE PRESSURE OR STIFLE SUCH LEGAL RECOURSES OF THE PERSON COMPLAINING OF OR ENFORCING THE PROVISIONS OF THIS ACT. UPON DETERMINATION THEREOF, EVIDENCE WARRANTING THE SAME, THE COURT SHALL DISMISS THE COMPLAINT AND AWARD THE ATTORNEY'S FEES AND DOUBLE DAMAGES.

THIS PROVISION SHALL ALSO APPLY AND BENEFIT PUBLIC OFFICERS WHO ARE SUED FOR ACTS COMMITTED IN THEIR OFFICIAL CAPACITY, THERE BEING NO GRAVE ABUSE OF AUTHORITY, AND DONE IN THE COURSE OF ENFORCING THIS ACT.

SECTION 114. LIEN UPON PERSONAL AND IMMOVABLE PROPERTIES OF VIOLATORS. - FINES AND PENALTIES IMPOSED PURSUANT TO THIS ACT SHALL BE LIENS UPON PERSONAL AND IMMOVABLE PROPERTIES OF THE VIOLATOR. SUCH LIEN SHALL, IN CASE OF INSOLVENCY OF THE RESPONDENT VIOLATOR, ENJOY PREFERENCE TO LABORER'S WAGES UNDER ARTICLE 2241 AND 2242 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS THE NEW CIVIL CODE OF THE PHILIPPINES.

SECTION 10. *Repealing Clause.* - All laws, decrees, executive orders and rules and regulations or part thereof, which are inconsistent with this Code, are repealed or modified accordingly.

SECTION 11. *Separability Clause.* - If any portion of this Code is declared unconstitutional or invalid, the portions or provisions thereof, which are not affected thereby, shall continue in full force and effect.

SECTION 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette.

Approved,