

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1984

Introduced by: REP. MEL SENEN S. SARMIENTO

EXPLANATORY NOTE

Poaching activities by foreigners may be considered as an economic sabotage because it depletes marine and aquatic resources. It is also a great injustice to Filipino fishermen who have the exclusive rights to fish within our waters.

This bill seeks to ensure that the foreign person/s charged with poaching shall not be released from prison until after all fines are fully paid. This will correct the mistakes in the past whereby the violators were freed even without paying the full amount of the imposed fines just by a declaration of insolvency.

Abuse of foreign nationals must be squarely addressed and the implementation of stricter penalties in the form of imprisonment should complement the Fisheries Code. This is one way of making the nations of other countries respect our fishing territories and thus stop their poaching activities.

Approval of this bill is therefore earnestly requested.


MEL SENEN S. SARMIENTO

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AN ACT
AMENDING SECTION 87 OF REPUBLIC ACT 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 87 of RA 8550 is hereby amended and shall read as follows:

2

3 Section 87. Poaching in the Philippine Waters

4 It shall be unlawful for any foreign person, corporation or entity to fish or operate
5 any fishing vessel in Philippine waters.

6 The entry of any foreign fishing vessel in Philippine waters shall constitute a prima
7 facie evidence that the vessel is engaged in fishing in Philippine waters.

8 Violation of the above shall be punished by a fine of One hundred thousand U.S.
9 Dollars (US\$100,000.00) in addition to the confiscation of its catch, fishing equipment
10 and fishing vessel: Provided, that the Department is empowered to impose an administrative
11 fine of not less than fifty thousand U.S. Dollars (US\$50,000.00) but not more than Two
12 hundred thousand U.S. Dollars (U.S.\$200,00.00) or its equivalent in the Philippine Currency.

13 **PROVIDED, FURTHER, THAT NO PERSON CHARGED WITH VIOLATION OF**

1 THIS SECTION SHALL BE RELEASED FROM PRISON UNTIL AFTER ALL
2 FINES IMPOSED ARE FULLY PAID. PROVIDED FURTHER, THAT IN CASE THE
3 OWNER OR OPERATOR OF THE FOREIGN VESSEL, BY REASON OF
4 INSOLVENCY OR REFUSES TO PAY THE ABOVE AMOUNTS, HE SHALL
5 SUFFER THE SUBSIDIARY PENALTY OF IMPRISONMENT AT THE RATE
6 PRESCRIBED BY EXISTING LAWS; PROVIDED FINALLY, THAT THE
7 MAXIMUM IMPRISONMENT IMPOSED THEREOF SHALL BE TWELVE (12)
8 YEARS.

9

10 **SECTION 2. Repealing Clause.** – All laws, decrees, executive orders, proclamations, rules
11 and regulations, or parts thereof inconsistent herewith are hereby repealed or modified
12 accordingly.

13

14 **SECTION 3. Separability Clause.** – If any provision of this Act is held invalid or
15 unconstitutional, the other provisions not affected hereby shall remain valid and subsisting.

16

17 **SECTION 4. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) national newspapers of general circulation.

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20 Approved,