

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1986

Introduced by: REP. MEL SENEN S. SARMIENTO

EXPLANATORY NOTE

Paragraph No. 4, Sec. 88 of Republic Act 8550 provides that dealing in, selling or any manner disposing of illegally caught/gathered fishes for profit is a violation of the Code. In most cases, violators who are apprehended and charged in court declare that the illegally caught/gathered fishes in their possession are intended for other purposes, such as, home consumption, fiestas, birth/death anniversaries, etc. and not for profit. These declarations are being established as defense in court litigations that result in acquittal of the accused. Considering this fact, violators could be pinned down criminally without resorting to alibis or allegations if mere possession of illegally caught/gathered fishes were considered as prima facie evidence for a criminal offense.

The contentious aspect of the Code is the penalty being imposed to violators. If existing laws concerning heinous crimes (drug trafficking, terrorism, murder, etc.) get tougher with time, one could ask, "Have we forgotten the need to protect our marine resources?" It is a fact that when penalties appear light, people are not hesitant to commit an offense thinking that they could circumvent the law. Dynamite or explosive is commonly prepared by the use of ammonium nitrate just as terrorists utilize the same materials to make bombs. With light penalty imposed on blast fishing, selfish fisherfolks are encouraged to produce explosives intended for illegal fishing activities. Henceforth, the need for a stiffer penalty should be imposed.

Approval of this bill is therefore earnestly requested.


MEL SENEN S. SARMIENTO

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AN ACT
AMENDING SECTION 88 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 88 of RA 8550 is hereby amended and shall read as follows:

2

3 Sec. 88. Fishing Through Explosives, Noxious or Poisonous Substances, and/or
4 Electricity

5 (1) It shall be unlawful for any person to catch, take or gather

6 (2) Mere possession of explosives, noxious or poisonous substances or electrofishing
7 device for illegal fishing shall be punishable by imprisonment ranging from [six
8 (6) months to two (2) years] **FIVE (5) YEARS TO TEN (10) YEARS.**

9 (3) Actual use of explosives, noxious or poisonous substances or electro-fishing
10 devices for illegal fishing shall be punishable by imprisonment ranging from [five
11 (5) years to ten (10) years] **TWENTY (20) YEARS TO FORTY (40) YEARS**
12 without prejudice to the filing of separate criminal case when the use of the same
13 result to physical injury or loss of human life.

1 (4) [Dealing in, selling] **MERE POSSESSION, DEALING**, or any manner disposing
2 of, for profit, illegally caught/gathered fisheries species shall be punishable by
3 imprisonment ranging from six (6) months to two (2) years.

4 (5) Xxx
5

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

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

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

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14 Approved,
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