

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4783

Introduced by Honorable Lucy Marie Torres-Gomez

EXPLANATORY NOTE

Last 16 May 2011, the nation was shocked to learn about the devastation of our marine resources when two large container vans of some 21,000 species of black coral and some 161 endangered turtles and other marine life were apprehended by Customs officials.

The abominable act has been referred to by many as "the rape of the ocean" especially when it was learned that an entire coral reef off the coast of Cotabato, still unexplored, and estimated to be about twice the size of Manila, was decimated and a male turtle, aged 80 to 100 years old, was killed.

Coral reefs are the lifeblood of our fish and aquatic resources. They are homes to majority of these marine species. Their exploitation and destruction by humans aggravates the fact that corals have been suffering a slow and painful death, through coral bleaching, from the warming of the waters of the ocean brought about by global warming.

Soon, we will have no more fish and other aquatic resources to harvest. No more diving spots as the source of our tourism pride. The livelihoods of our fisher folks and our economy in general hang in the balance such that the abhorrent act referred to above might as well be dubbed as "The Crime of the Century."

Our laws must, therefore, be more dynamic in addressing the pressing need to further protect this aspect of our heritage.

Republic Act No. 8550, otherwise known as "*The Philippine Fisheries Code of 1998*," penalizes, among others, coral exploitation and exportation, and fishing or taking of rare, threatened or endangered species. Our lawmakers, in providing for these penalties, however, may have only envisioned singular or minors acts of these kinds.

In this regard, there is a need to amend certain provisions of RA 8550 in order to fortify our drive to protect our natural resources, especially the large scale exploitation of our marine resources, by making the imposable penalties therefor more severe and, hence, more deterrent against future violations. Verily, some of these offenses must be converted into **non-bailable offenses**. After all, punishment must be commensurate with the crime committed.

To further strengthen the enforcement of fishery laws, this bill likewise proposes the inclusion of a system of rewards and incentives to our law enforcement officers and other persons who may aid them in their duties as such.



LUCY MARIE TORRES-GOMEZ

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AN ACT
DEFINING AND PROVIDING FOR MORE SEVERE PENALTIES FOR LARGE SCALE
EXPLORATION AND EXPLOITATION OF CORALS, CORALS REEFS, AND THE FISHING OR
TAKING OF THREATENED OR ENDANGERED SPECIES, AND OTHER SIMILAR ACTS OF
DESTRUCTION OF OUR MARINE AND AQUATIC RESOURCES, AMENDING FOR THIS
PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE
PHILIPPINE FISHERIES CODE OF 1998

Section 1. Section 88 of Republic Act No. 8550 is hereby amended to read, as follows:

"Section 88. Fishing Through Explosives, Noxious or Poisonous Substances.

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(3) Actual use of explosives, noxious or poisonous substances or electrofishing devices for illegal fishing shall be punishable by imprisonment ranging from twelve (12) years to twenty (20) years without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.

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Section 2. Section 91 of the same Code 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 to two (2) years and a fine from Two Thousand Pesos (P2,000.00) to Twenty Thousand Pesos (P20,000.00), 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.

However, for large scale coral exploitation, the punishment shall be imprisonment from forty (40) years to life imprisonment, and a fine from One Million Pesos (P1,000,000.00) to Ten Million Pesos (P10,000,000.00), or both such fine and imprisonment at the discretion of the court. For purposes of this Code, the term "large scale" shall cover corals extracted or exploited weighing not less than ten (10) kilograms.

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 3. Section 92 of the same Code is hereby amended to read, as follows:

Section 92. *Ban on Muro Ami Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat.* – it shall be unlawful for any person, natural or juridical, to fish with gear method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department. "Muro-Ami" and any of its variation, and such similar gear and methods that require diving, other physical or mechanical acts to pound coral reefs and other habitat to entrap, fatter or catch fish and other fishery species are also prohibited.

The operator, boat captain, master fisherman, and recruiter or organizer of fisherworkers who violate this provision shall suffer a penalty of two (2) years to ten (10) years imprisonment and a fine of not less than 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. The catch and gear used shall be confiscated.

Large scale destruction of corals, coral reefs, and seagrass beds, through "Muro-Ami" activities, however, shall be punished with imprisonment from forty (40) years to life imprisonment, and a fine from One Million Pesos (P1,000,000.00) to Ten Million Pesos (P10,000,000.00), or both such fine and imprisonment at the discretion of the court.

It shall likewise be unlawful for any person or corporation to gather, sell or export white sand, silica, pebbles and any other substances which make up any marine habitat.

The person or corporation who violates this provision shall also suffer the same penalties imposed herein. The substance taken from its marine habitat shall be confiscated.

Section 4. Section 97 of the same Code is hereby amended to read, as follows:

Section 97. Fishing or Taking of Rare, Threatened or Endangered Species. – It shall be unlawful to fish or take rare, threatened or endangered species as listed in the CITES and as determined by the Department.

Violation of the provision of this section shall be punished by imprisonment of **twenty (20) years to forty (40) years and a fine of Five Hundred Thousand Pesos (P500,000.00) to Five Million Pesos (P5,000,000.00), or both such fine and imprisonment, at the discretion of the court,** and forfeiture of the catch, and the cancellation of fishing permit.

Section 5. Section 125 of the same Code is hereby amended to read, as follows:

Section 125. Strengthening Prosecution and Conviction of Violators of Fishery Laws. – The Department of Justice shall embark on a program to strengthen the prosecution and conviction aspects of fishery law enforcement through augmentation of the current complement of state prosecutors and through their continuous training and reorientation of fishery laws, rules and regulations.

The Department shall likewise implement a system of reward and incentives for the law enforcement officers and/or the informants of violators of this Code. The amount of monetary reward, if any, shall not be more than fifteen percent (15%) of the minimum imposable fine, and shall be paid, without necessary delay, to the proper recipients, upon the filing of the information with a competent court, or upon the issuance of a commitment order in case of lawful warrantless arrest.

Section 6. This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.