

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



FIFTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. **5412**

Introduced by: HON. FATIMA ALIAH Q. DIMAPORO

EXPLANATORY NOTE

This bill seeks to ban, among others, the sale, purchase, possession and trade of all shark and ray species, its derivatives and by-products, in the Philippines, and providing penalties for the violation thereof.

The Philippines is known as the world's center of marine biodiversity because of its vast marine and coastal resources. This distinction has greatly contributed to the promotion of our country's ecotourism which in turn has created many jobs for Filipinos and significantly contributed to our economic growth. However, the country's marine diversity is under threat of degradation.

Of the many marine species found in the country, sharks and rays are among those which have caught the attention of tourists, the diving industry and the scientific community. Sharks and rays are also among the most threatened groups of marine species, not only in the Philippines but all over the world. High exploitation rates coupled with low resilience to finishing pressure have resulted in sharks and rays population decline worldwide. Most of these species grow slowly, mature late and do not reproduce often, which means that their populations are particularly vulnerable to overfishing and recover slowly, if at all. Approximately 70-100 million sharks are killed annually to meet the demand of the international shark trade, which increases by more than 5% a year. As the top predators of the sea, sharks and rays play an important role in regulation for all the species in the marine ecosystem.

The concern for the protection of our rich marine resources is not just national in nature. It also carries global significance. It is imperative that we take appropriate actions for the protection and conservation of our marine species, particularly sharks and rays and their habitats, lest they disappear from our country's seas, or worse, become extinct and cause an imbalance in the marine ecosystem and collapse of biodiversity.

This measure also seeks to mandate the Bureau of Fisheries and Aquatic Resources and other appropriate government agencies, local government units, academic institutions, private organizations and non-government organizations to undertake a nationwide information and education campaign to make Filipinos understand the value of sharks and rays in the marine ecosystem and tourism in the country.

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

A handwritten signature in black ink, appearing to be 'FAD', with a long horizontal line extending to the left.

FATIMA ALIAH Q. DIMAPORO

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Introduced by: HON. FATIMA ALIAH Q. DIMAPORO

**AN ACT BANNING THE CATCHING, SALE, PURCHASE, POSSESSION AND
TRADE OF ALL SHARKS AND RAYS, THEIR DERIVATIVES AND BY-
PRODUCTS IN THE PHILIPPINES**

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

SECTION 1. *Short Title.* – This Act shall be known as the “Sharks and
Rays Conservation Act of 2011”.

SECTION 2. *Declaration of Policy.* – It is the declared policy of the State
to conserve, protect and sustain the management of the country’s sharks and
rays population to promote ecological balance and maintain marine biodiversity,
and to ensure the well-being of present and future generation of Filipinos.

SECTION 3. *Definition of Terms.* – For purposes of this Act, the following
terms are hereby defined:

- (a) “Sharks” are fish with full cartilaginous skeletons and highly
streamlined bodies;
- (b) “Rays” are cartilaginous fishes with horizontally flattened bodies,
enlarged wing-like pectoral fins and gillslits on their ventral
surfaces;
- (c) “Conservation” means preservation and sustainable utilization of
wildlife and or maintenance, restoration and enhancement of the
habitat;
- (d) “Habitat” means place or environment where species or
subspecies naturally occurs or has naturally established its
population;

- (e) "Derivatives" include but not limited to carcass or meat, skin, cartilage, teeth, jaws, liver and other internal organs;
- (f) "By-products" include but not limited to fin soup, oil, fashion accessories, and other finished products made from of any part of a shark;
- (g) "Cause to be caught" means putting direct order of a company or individual to another company or individual to possess, catch, sell, buy, and transport.

SECTION 4. *Prohibition.* – It shall be unlawful for any person or corporation to catch, cause to be caught, sell, purchase, possess and trade sharks and rays, their derivatives and by-products in the Philippines. It shall also be unlawful to wound or kill sharks and rays in the course of catching other species of fish. Sharks and rays accidentally included in the catch shall be immediately released unharmed in the sea. Dumping of waste products detrimental to species shall also be prohibited.

SECTION 5. *Illegal Acts.* – It shall be unlawful for any person or corporation to undertake the following acts:

- (a) killing or inflicting injury on sharks and rays;
- (b) catching, causing to be caught, selling, purchasing and possessing of sharks and rays, their derivatives and by-products;
- (c) transporting, importing and exporting sharks and rays, their derivatives and by-products;
- (d) destroying their habitats.

SECTION 6. *Penalties for Violations of Act.* – For any person or corporation that undertakes illegal acts under the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) killing or inflicting injury on sharks and rays – imprisonment of a minimum of one (1) year to twelve (12) years and a fine of five thousand pesos (P5,000.00) per cubic centimeter of shark and/or ray carcass or meat, or body mass if alive, and shoulder all costs related to live shark and/or ray release as determined by the nearest Bureau of Fisheries and Aquatic Resources (BFAR) office.
- (b) catching, causing to be caught, selling, purchasing and possessing of sharks and rays, their derivatives and by-products – imprisonment of a minimum of (1) year to twelve (12) years and a fine of five thousand pesos (P5,000.00) per individual item, and/or if in liquid such as soup or oil, per 16 oz. as assessed by the nearest BFAR office.

- (c) transporting, importing and exporting sharks and rays, their derivatives and by-products – imprisonment of a minimum of one(1) year to twelve (12) years and a fine of five thousand pesos (P5,000.00) per individual item, and/or if liquid such as soup or oil, per 16 oz. as assessed by the nearest BFAR office.
- (d) destroying their habitats – imprisonment of six (6) years to twelve (12) years and obligation to compensate for the restoration of the damage. The amount will be equivalent to the potential value of the area if species are alive and healthy.

Provided, further, That if the violation is committed by a juridical person or government entity, their officers shall be liable without prejudice to any further liability for violation of any provision of other applicable laws.

SECTION 7. Lead Agency. – The BFAR shall be the lead agency to implement this Act. The BFAR shall spearhead the development of a national shark and ray rescue, recovery and release plan for stranding, by-catch reports and confiscation of carcass or by-products sharks and rays. The BFAR shall also spearhead the development of an updated Philippines sharks and rays database for the purpose of management and protection under the BFAR National Stock Assessment Program, and in coordination with BFAR Regional Field Offices (BFAR-RFO), the Bureau of Agricultural Statistics (BAS), Provincial Veterinary Offices (PVO) and Provincial Environment and Natural Resources Offices (PENRO).

The Provincial Attorney's Office of each Local Government Unit (LGU) shall ensure the swift and timely prosecution of violators and spearhead in the development of protocols for evidence collection and preservation as guide to the police.

The Department of Tourism (DOT) and the Philippine Council for Sports and Scuba Diving under the DOT shall also coordinate with the BFAR and LGUs to identify habitats and feeding grounds of sharks and rays and declare the same as protected tourism estates. Upon the identification of these areas, they shall be promoted for restorative ecotourism.

To eliminate the demand that results in the killing of sharks and rays, selling and serving of shark and ray derivatives and by-products and menus with reference to shark and ray derivatives and by-products shall be prohibited. The Department of Trade and Industry (DTI) shall prepare a phase out plan for serving shark's fin soup and menus with shark and ray derivatives and by-products in restaurants.

The Philippine National Police (PNP), the Philippine Coast Guard, and LGUs shall assist the DA-BFAR and other agencies in the implementation of this bill.

SECTION 8. *Information and Education.*– The BFAR, DOT, Department of Environment and Natural Resources (DENR), LGUs, environmental non-government organizations (e.g., The Law of Nature Foundation, Marine Wildlife Watch of the Philippines), private organizations (e.g., Manila Ocean Park) and academic institutions (e.g., UP Marine Science Institute, Silliman University Marine Laboratory) shall undertake a nationwide information and education campaign to make Filipinos understand the value of sharks and rays in the marine ecosystem and tourism.

Each BFAR-RFO, PVO and PENRO must be familiar with the species of sharks and rays found and traded in their respective LGUs. The Provincial Police Office must ensure that all police stations in the Province have a copy of this Act posted in their bulletin boards and that this Act is disseminated and discussed within the police stations as well as meetings conducted in Barangays.

The League of Municipalities and League of Cities of the Philippines shall ensure that all members implement this Act in their respective territories and ensure that all Barangay leaders, veterinarians, agriculturists and Bantay Dagat members are fully aware of this Act.

SECTION 9. *Implementing Rules and Regulations* – The BFAR, in coordination with the DOT and DTI, shall issue, within ninety (90) days after the effectivity of this Act, the rules and regulations for its effective implementation.

SECTION 10. *Separability Clause.* – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby and shall continue to be in full force and effect.

SECTION 11. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspaper of general circulation.

Approved,