

Republic of the Philippines
House of Representatives
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 5430



Introduced by: **REPRESENTATIVE ABIGAIL FAYE C. FERRIOL**

EXPLANATORY NOTE

Poaching in Philippine waters by foreigners has long been a perennial problem in our country. Reports of foreign vessels caught by the naval authorities periodically form part of the news. These incursions into Philippine waters are often coupled by the plunder of our natural resources. The severity of this problem was exposed during the middle of this year when a vast collection of corals and other marine species was seized by the authorities. This was followed by a subsequent discovery of another large stash of various endangered marine species in the southern part of the country. These revealed the atrocious acts against the Philippines' marine life in recent memory.

This sad state of our environment is worsened by the reality that the perpetrators are given a punishment grossly incommensurate with their crime. In fact, an official from the naval forces lamented that foreign violators are simply deported and that there is a need for tougher laws. Last September, a batch of foreign fishermen involved in illegal fishing was deported. The fines imposed on them were waived.

This kind of treatment has emboldened some of our neighbors and has resulted in their brazen pillage of our marine resources. In addition to the immense damage to our environment, the continued and habitual plunder of our environment by foreigners is a plague that adversely affects Filipinos who are dependent on aquatic resources for their livelihood. Most of these fisherfolk live in poverty thus providing another compelling reason for the government to protect the country's marine resources. It is imperative that the government take up the cudgels for this disadvantaged sector, composed of people who barely subsist on meager resources, from

unscrupulous foreigners who slowly deprive them of their means of subsistence.

This proposed measure seeks to strengthen the penalties for illegal activities of foreigners in Philippine waters. It is hoped that the amendment of the Fisheries Code of 1998 will serve as a stronger deterrent against foreign incursions and will show the country's commitment in the preservation of our natural resources as well as our countrymen's source of livelihood.

In view of the foregoing, the passage of the bill is earnestly sought.


ABIGAIL FAYE C. FERRIOL

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**AN ACT AMENDING R.A. 8850, 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 Representatives of the Philippines in Congress assembled:

SECTION 1. *Section 87 of R.A. 8850 is hereby amended to read as follows:*

***SEC. 87. Poaching in Philippine Waters.** - It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters.

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

Violation of the above shall be punished by THE PENALTY OF IMPRISONMENT RANGING FROM ONE (1) YEAR TO TEN (10) YEARS AND a fine of One hundred thousand U.S. Dollars (US\$100,000.00), in addition to the confiscation of its catch, fishing equipment and fishing vessel. IF APPREHENDED FOR THE SECOND TIME, THE VIOLATION SHALL BE PUNISHED BY THE PENALTY OF LIFE IMPRISONMENT AND A FINE OF TWO HUNDRED THOUSAND U.S. DOLLARS (US\$200,000.00), IN ADDITION TO THE CONFISCATION OF ITS CATCH, FISHING EQUIPMENT AND FISHING VESSEL: Provided, That the Department is empowered to impose an administrative fine of not less than Fifty thousand U.S. Dollars (US\$50,000.00) but not more than Two hundred thousand

U.S. Dollars (US\$200,000.00) or its equivalent in the Philippine Currency. PROVIDED, FURTHER, THAT THE CONFISCATED FISHING EQUIPMENT AND FISHING VESSEL SHALL BE PERMANENTLY TURNED OVER TO THE MUNICIPAL/CITY GOVERNMENT AND THE FARMC SO THAT IT COULD BE USED IN THE MANAGEMENT, CONSERVATION, DEVELOPMENT AND PROTECTION OF THEIR RESPECTIVE MUNICIPAL WATERS. PROVIDED, FURTHERMORE, THAT NO FOREIGN PERSON WHO IS A REPEAT OFFENDER OF THE ABOVE PROVISION SHALL BE DEPORTED WITHOUT THE PAYMENT OF THE IMPOSED FINE AND ADMINISTRATIVE FINE."

SEC. 2. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,