

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

HOUSE of REPRESENTATIVES
House Bill No. 5905



Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

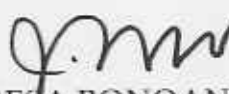
EXPLANATORY NOTE

The passage of Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998" set in place a holistic in the protection and uplifting of marine life and its environ. The law has indeed inculcated positive concern and watch among law enforcers tasked to guard the country's high seas. This is a good indication to initiate sustainable development in the countryside.

However, some of the provisions of the Fisheries Code of 1998 were written in general terms, which presents a vague coverage on the protection of different marine life which are endangered or are already in danger of extinction, particularly the whale sharks and the manta rays.

The Bureau of Fisheries and Aquatic Resources through its Director issued Fisheries Administrative Order No.193 putting a ban on the taking or catching, selling, purchasing and possessing, transporting and exporting of Whale Sharks and Manta Rays. To further strengthen and to put more "teeth" on the said protection for the whale sharks and the manta rays, it is proper to make said Administrative Order into a law and increase the corresponding penalty to any violation of the same in order that its enforcement will be more effective and operative.

With the foregoing, the passage of this bill is earnestly sought.


MA. THERESA BONOAN-DAVID
4th District, City of Manila

HOUSE of REPRESENTATIVES
House Bill No. 5905

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

**AN ACT FOR THE PROTECTION AND CONSERVATION OF
WHALE SHARKS AND MANTA RAYS IN PHILIPPINE WATERS**

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

SECTION 1. Definition of Terms. – As used in this Act, the terms herein shall be construed as follows:

- a) Whale shark – a large elasmobranch of the family Rhincodontidae, of the species *Rhincodon typus* characterized externally by a broad, flattened head, a very large and nearly terminal mouth, very large gill slits, three prominent longitudinal ridges on its upper flanks, a large first dorsal fin, a semi-lunate caudal fin and a unique "checkerboard" pattern of light spots and stripes on a dark background
- b) Manta Rays – a large elasmobranch of the family Mobulidae, synonymous with the giant Atlantic manta (*Manta birostris*).
- c) Take or catch – includes the killing, capturing, trapping, snaring and netting of whale shark and manta rays.
- d) Sell – includes barter, exchange, or offering or exposing for sale.
- e) Possess – means to have actual or constructive possession or control thereof.
- f) Transport – means to carry or move or cause to be carried or moved.
- g) Export – means to send or ship out of the country.

SECTION 2. Prohibited Acts. -

- (1) It shall be unlawful to take or catch whale shark and manta rays in Philippine waters.
- (2) It shall be unlawful to sell, purchase, possess, transport, or export the same whether dead or alive, in any state or form whether raw or processed.
- (3) It shall likewise, be unlawful to wound or to kill whale shark and manta rays in the course of catching other species of fish. Whale shark and manta rays which are accidentally included in the catch by any gear shall immediately be released unharmed in the sea; otherwise the liability shall be deemed to still exist.

Dead whale shark and manta rays which are drifted to the seashore shall be surrendered to the nearest Department of Agriculture (DA) Regional Field Unit or Bureau of Fisheries Regional or Provincial Fishery Office, as the case may be for proper disposition.

SECTION 3. Issuance of Permit to Conduct Research and/or Collect Specimens for Research/Scientific Purposes. - The Secretary or his duly appointed representative, upon the recommendation of the Director of the Bureau of Fisheries and Aquatic Resources (BFAR), may issue a Special Permit in favor of any government or private institution engaged in purely research work on whale shark and manta rays, subject to such terms and conditions as the Department of Agriculture Secretary may deem wise to impose.

SECTION 4. Penalty. - Violation of this Act shall subject the offender to a fine of not less than twenty thousand (Php20,000.00) pesos to not more than One hundred thousand (Php100,000.00) pesos or imprisonment from six (6) months to four (4) years, or both such fine and imprisonment depending on the discretion of the court: Provided, That the Director of Fisheries and Aquatic Resources is hereby empowered to impose upon the offender an administrative fine not more than fifty thousand (P50,000.00) pesos or to cancel his permit or license or to impose such fine and to cancel his permit or license at his discretion including the confiscation of the whale shark and/or manta rays for proper disposition/documentation of the government.

SECTION 5. Rules and Regulations. - The Director and the different heads of the department of the Bureau of Fisheries and Aquatic Resources (BFAR), shall formulate within one hundred (100) days the rules and regulations necessary to implement this Act.

SECTION 6. Separability Clause. - If any provision of this Act is declared invalid, the remainder or any of the provisions hereof not affected thereby shall remain in force and effect.

SECTION 7. Repealing Clause. - All laws, decrees, executive orders, presidential issuances and other administrative rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

circulation.

Approved.