

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. _____ 319



Introduced by Representatives
GLORIA MACAPAGAL ARROYO, DIOSDADO MACAPAGAL ARROYO and
ARTHUR C. YAP

**AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550,
OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998**

EXPLANATORY NOTE

The Philippine fishery is renowned for its biodiversity. Because of its rich marine life, it has become an exploration haven for divers and scientists around the world. It has also contributed significantly to the economy and the livelihood of millions of Filipinos.

As a developing nation which is very dependent on its natural resources, there is an urgent need for the government to take stringent measures for the sustainable management and protection of these resources, particularly its aquatic resources.

Studies have shown that the country's ocean resources are generally in a very poor state due to overexploitation and the open access nature of fisheries and coastal resources. Fisheries resources are rapidly depleted as evidenced by the decline of catch around the country. Overfishing, illegal fishing and destruction of coral reefs, among others, threaten the country's fisheries production.

The government must take necessary steps to alleviate the condition of our marine resources. A tough legislative measure should be adopted to curb the bleak state that plagues our ocean resources.

Immediate approval of this bill is fervently sought.


GLORIA MACAPAGAL ARROYO


DIOSDADO MACAPAGAL ARROYO

ARTHUR C. YAP

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**AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 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:*

Section 1. Section 91 of Republic Act No. 8550, otherwise known as "The
Philippine Fisheries Code of 1998", is hereby amended to read as follows:

"SEC. 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) to Twenty thousand pesos (P20,000)] **ONE HUNDRED
THOUSAND PESOS (P100,000) TO FIVE HUNDRED THOUSAND
PESOS (P500,000)**, 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. "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.

**"IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR
A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE
IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND
GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN
NAMED SHALL BE JOINT AND SOLIDARY."**

Sec. 2. Section 97 of Republic Act No. 8550 is hereby amended to read as
follows:

"SEC. 97. *Fishing or Taking of Rare, Threatened or Endangered
Species.* – It shall be unlawful to fish or take, **CATCH, GATHER,
SELL, PURCHASE, POSSESS, TRANSPORT AND EXPORT** rare,
threatened or endangered species as listed **AND DEFINED AS SUCH**
in the CITES, **THE INTERNATIONAL UNION FOR CONSERVATION OF
NATURE AND NATURAL RESOURCES (IUCN) AND REPUBLIC ACT
NO. 9147, OTHERWISE KNOWN AS THE "WILDLIFE RESOURCES
CONSERVATION AND PROTECTION ACT"** and as [determined]
IMPLEMENTED by the Department[.] **PURSUANT TO ITS
PUBLISHED RULES AND REGULATIONS.**

"THE TAKING, CATCHING, GATHERING, TRANSPORT AND POSSESSION OF WILD SPECIES FOR SCIENTIFIC RESEARCH OR ARTIFICIAL PROPAGATION PURPOSES MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT: PROVIDED, THAT GATHERING, SELLING OR EXPORTING CULTURED OR ARTIFICIALLY PROPAGATED SPECIES THAT HAVE BEEN TRANSPLANTED TO THEIR NATURAL HABITAT AND LISTED IN THE CITES, IUCN AND REPUBLIC ACT NO. 9147 SHALL NOT BE ALLOWED."

"THE TAKING, CATCHING, GATHERING, POSSESSION, TRANSPORT OR TRADE OF ARTIFICIALLY PROPAGATED AND CULTURED SPECIES LISTED IN THE CITES, IUCN AND REPUBLIC ACT NO. 9147 MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT."

"CONSISTENT WITH THE CITES RULES AND REGULATIONS, A NON-DETRIMENTAL FINDING (NDF) SHALL BE CONDUCTED BEFORE ANY TRADE WILL BE ALLOWED TO THOSE SPECIES LISTED UNDER APPENDIXES II AND III OF THE CITES."

"Violation of the provision of this section shall be punished by imprisonment of twelve (12) years to twenty (20) years and/or a fine of [One hundred and twenty thousand pesos (P120,000)] ONE HUNDRED THOUSAND PESOS (P100,000) TO FIVE HUNDRED THOUSAND PESOS (P500,000), [and] forfeiture of the catch, and the cancellation of fishing permit."

"SHOULD THE CULPABLE VIOLATION BE COMMITTED THROUGH OR BY A FISHING VESSEL MANNED BY MORE THAN TWO (2) PERSONS, THE HEAD OR CAPTAIN OF THE BOAT AND THE SUPPORT PERSONNEL THEREOF INVOLVED IN THE FISHING AND CATCHING OF SUCH PROTECTED MARINE LIFE SHALL BE PRESUMED TO HAVE COMMITTED THE PROHIBITED ACT AND THE PENALTY PROVIDED FOR IN THE IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED ON THEM."

SEC. 3. The Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR) shall promulgate the rules and regulations to implement this amendment within sixty (60) days from the approval of this Act.

The BFAR shall, in coordination with the National Fisheries and Aquatic Resources Management Council (NFARMC), local government units, private institutions and other government agencies concerned, initiate the development of a fisheries resource management plan for each CITES-listed species, indicating therein conservation and rehabilitation measures.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved.