

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Sixteenth Congress

First Regular Session

House Bill No. 1261

Introduced by Representative Pedro B. Acharon, Jr.

EXPLANATORY NOTE

In accordance with the Fisheries Code of 1998, the State shall ensure to attain the conservation, protection and sustained management of the country's fisheries and aquatic resources.

As an archipelagic country, the Philippines is blessed with enormous amounts of water containing vast amounts of marine resources. It has thus become a target for poachers from other countries who contribute to the depletion of these resources. There is therefore a need to create stricter laws and penalties for those who engage in illegal fishing activities in the country.

The foregoing noble objectives however are hampered by financial constraints as income from the execution of the penal provisions of the Fisheries Code do not accrue to the Bureau of Fisheries and Aquatic Resources (BFAR). Instead these fees, charges, assessments and other receipts collected by the Bureau in the exercise of their functions are remitted to the National Treasury and accrue to the General Fund pursuant to EO 292 and PD No. 1445. Once remitted, said funds may no longer be reallocated for law enforcement purposes.

This bill therefore seeks to create a Fisheries Law Enforcement Support Fund in order to increase the budgetary allocations of BFAR's law enforcement activities as all revenues that can be derived from the apprehensions in violation of the Fisheries Code shall be part of the fund.

In addition, this bill aims to establish Special Courts that shall ensure the speedy resolutions of cases pertaining to poaching in Philippine waters and the violation of Fisheries laws and regulations.

Hence, the approval of this bill is urgently requested.


PEDRO B. ACHARON, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1261

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AN ACT

AMENDING CHAPTER VI SECTION 87 ON PROVISIONS AND PENALTIES OF R.A. NO. 8550 OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998, PROVIDING FOR THE ESTABLISHMENT OF A FISHERIES LAW ENFORCEMENT SUPPORT FUND, PROVIDING FOR THE CREATION OF SPECIAL COURTS FOR FISHERIES, AND PROVIDING FUNDS THEREFOR.

SECTION 1. Section 87 on Poaching in Philippine Waters is hereby amended to read as follows:

“SEC. 87. *Poaching in Philippine Waters.* - It shall be unlawful for any foreign person, corporations or entity to fish, ENGAGE OR TRADE IN FISHING, 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. PROVIDED, THAT FOREIGN FISHING VESSELS ENGAGED IN SCIENTIFIC, RESEARCH, OR EDUCATIONAL PURPOSES MAY ENTER PHILIPPINE WATERS SUBJECT TO SECTION 26 OF THIS ACT.

Violation of the above shall be punished BY THE FOLLOWING PENALTIES:

A) *VIOLATION WITHIN 12 NAUTICAL MILES FROM THE PHILIPPINE BASELINE.* - FOR VIOLATIONS COMMITTED WITHIN THE 12 NAUTICAL MILE LIMIT, THE PERPETRATOR(S) SHALL BE PENALIZED BY THE IMPOSITION OF A FINE OF ONE HUNDRED THOUSAND US DOLLARS (US\$100,000.00) IN ADDITION TO MANDATORY FORFEITURE OF THE FISH CATCH, CARGO, FISHING EQUIPMENT AND FISHING VESSEL, WHICH SHALL BE AUCTIONED AND THE PROCEEDS THEREOF SHALL ACCRUE TO THE FISHERIES LAW ENFORCEMENT SUPPORT FUND. THE PERPETRATOR(S) MAY ALSO BE CHARGED WITH VIOLATION OF SECTION 86 HEREOF AND IF FOUND GUILTY, SHALL ALSO BE PENALIZED WITH THE CORRESPONDING FINE AND IMPRISONMENT AS PROVIDED IN SAID SECTION.

IN CASE THE CREW OR ANY OF THEM HAVE BEEN

1 D) *PAYMENT OF ADMINISTRATIVE FINES.* - THE DEPARTMENT OF
2 AGRICULTURE, THROUGH THE BUREAU OF FISHERIES AND AQUATIC
3 RESOURCES (BFAR), AFTER DUE NOTICE AND HEARING, SHALL BE
4 AUTHORIZED TO IMPOSE AN ADMINISTRATIVE FINE OF NOT LESS THAN
5 FIFTY THOUSAND US DOLLARS (US \$50,000) OR ITS EQUIVALENT IN
6 PHILIPPINE CURRENCY. *PROVIDED*, THAT FOR NON-PAYMENT OF THIS
7 ADMINISTRATIVE FINE, THE FOREIGN FISHING VESSEL SHALL BE FORFEITED
8 IN FAVOR OF THE BFAR FOR ITS USE IN LAW ENFORCEMENT ACTIVITIES, OR
9 AUCTIONED, AS THE CASE MAY BE, AND THE PROCEEDS THEREOF SHALL
10 GO TO THE FISHERIES LAW ENFORCEMENT SUPPORT FUND.
11

12 THE DEPARTMENT OF AGRICULTURE IS HEREBY AUTHORIZED
13 TO DEPUTIZE ANY GOVERNMENT LAWYER TO BECOME ITS HEARING
14 OFFICER FOR THIS PURPOSE. THE HONORARIA FOR THE LAWYER AND
15 OTHER COSTS PURSUANT TO THIS PROVISION SHALL BE
16 CHARGEABLE TO THE FISHERIES LAW ENFORCEMENT SUPPORT FUND.
17

18 E) *PENALTIES FOR SECOND OFFENSES.* - VIOLATORS FOUND TO BE
19 SECOND OFFENDERS IN PHILIPPINE WATERS SHALL BE SUBJECTED TO AN
20 ADDITIONAL FINE OF ONE HUNDRED THOUSAND U.S DOLLARS (US
21 \$100,000.00)."
22

23 SECTION 2. A new provision is hereby added under Chapter VI of R.A. No. 8550 to read as
24 follows:
25

26 "Sec. 109. *ESTABLISHMENT OF A FISHERIES LAW ENFORCEMENT*
27 *SUPPORT FUND.* - THERE IS HEREBY ESTABLISHED A TRUST FUND TO BE
28 KNOWN AS THE FISHERIES LAW ENFORCEMENT SUPPORT FUND, WHICH
29 SHALL BE ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE
30 THROUGH THE BUREAU OF FISHERIES AND AQUATIC RESOURCES, IN
31 COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES, AS A SPECIAL
32 PROVISION UNDER THE DA-BFAR ANNUAL BUDGET AS MANDATED UNDER
33 THE GENERAL APPROPRIATION ACT. IT SHALL HAVE AN ANNUAL
34 APPROPRIATION OF SIX MILLION PESOS (P6,000,000.00).
35

36 THE FUND SHALL ALSO BE DERIVED FROM FINES IMPOSED UNDER
37 THIS ACT AND OTHER FISHERIES RELATED LAWS, RULES AND
38 REGULATIONS, PROCEEDS FROM SALE OF FORFEITED FISH, FISHING GEARS,
39 PARAPHERNALIAS AND FISHING VESSELS, FEES, CHARGES,
40 ADMINISTRATIVE AND CRIMINAL FINES, AND ADMINISTRATIVE FEES.
41 CONTRIBUTIONS IN THE FORM OF ENDOWMENTS, GRANTS AND DONATIONS
42 TO THE FUND SHALL BE EXEMPTED FROM DONOR TAXES AND OTHER
43 TAXES, CHARGES OR FEES IMPOSED BY THE GOVERNMENT.
44

45 THE FUND SHALL ENHANCE THE BUDGET FOR THE LAW
46 ENFORCEMENT AND MONITORING ACTIVITIES OF BFAR AND OTHER
47 AGENCIES, PERSONS, AND DEPUTIES AUTHORIZED IN SECTION 124 OF THIS
48 ACT, TO ENFORCE THE FISHERIES CODE AND OTHER FISHERY LAWS, RULES
49 AND REGULATIONS. THE FUND SHALL BE USED SPECIFICALLY FOR THE
50 FOLLOWING:
51

52 i. PURCHASE AND/OR UPGRADING OF VESSELS, COMMUNICATION
53 AND OTHER EQUIPMENT USED FOR THE MONITORING OF PHILIPPINE
54 WATERS;

i. ONE-THIRD TO THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT OR ANY OF ITS ACCREDITED CHARITABLE INSTITUTIONS OR THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY;

ii. ONE-THIRD TO THE FISHERIES LAW ENFORCEMENT SUPPORT FUND;

iii. ONE-THIRD AS BOUNTY TO THE CREW RESPONSIBLE FOR CATCHING THE OFFENDERS.

D) PAYMENT OF ADMINISTRATIVE FINES. - THE DEPARTMENT OF AGRICULTURE, THROUGH THE BUREAU OF FISHERIES AND AQUATIC RESOURCES (BFAR), AFTER DUE NOTICE AND HEARING, SHALL BE AUTHORIZED TO IMPOSE AN ADMINISTRATIVE FINE OF NOT LESS THAN FIFTY THOUSAND US DOLLARS (US \$50,000) OR ITS EQUIVALENT IN PHILIPPINE CURRENCY. *PROVIDED*, THAT FOR NON-PAYMENT OF THIS ADMINISTRATIVE FINE, THE FOREIGN FISHING VESSEL SHALL BE FORFEITED IN FAVOR OF THE BFAR FOR ITS USE IN LAW ENFORCEMENT ACTIVITIES, OR AUCTIONED, AS THE CASE MAY BE, AND THE PROCEEDS THEREOF SHALL ACCRUE TO THE FISHERIES LAW ENFORCEMENT SUPPORT FUND.

THE DEPARTMENT OF AGRICULTURE IS HEREBY AUTHORIZED TO DEPUTIZE ANY GOVERNMENT LAWYER TO BECOME ITS HEARING OFFICER FOR THIS PURPOSE. THE HONORARIA FOR THE LAWYER AND OTHER COSTS PURSUANT TO THIS PROVISION SHALL BE CHARGEABLE TO THE FISHERIES LAW ENFORCEMENT SUPPORT FUND.

E) PENALTIES FOR SECOND OFFENSES. - VIOLATORS FOUND TO BE SECOND OFFENDERS IN PHILIPPINE WATERS SHALL BE SUBJECTED TO AN ADDITIONAL FINE OF ONE HUNDRED THOUSAND U.S. DOLLARS (US \$100,000.00)."

SEC. 2. A new Section 109 is hereby added under Chapter VI of R.A. No. 8550 to read as follows:

"Sec. 109. *ESTABLISHMENT OF A FISHERIES LAW ENFORCEMENT SUPPORT FUND.* - THERE IS HEREBY ESTABLISHED A TRUST FUND TO BE KNOWN AS THE FISHERIES LAW ENFORCEMENT SUPPORT FUND, WHICH SHALL BE ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE THROUGH THE BUREAU OF FISHERIES AND AQUATIC RESOURCES, IN COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES, AS A SPECIAL PROVISION UNDER THE DA-BFAR ANNUAL BUDGET AS MANDATED UNDER THE GENERAL APPROPRIATIONS ACT. IT SHALL HAVE AN ANNUAL APPROPRIATION OF SIX MILLION PESOS (P6,000,000.00).

THE FUND SHALL ALSO BE DERIVED FROM FINES IMPOSED UNDER THIS ACT AND OTHER FISHERIES RELATED LAWS, RULES AND REGULATIONS, PROCEEDS FROM SALE OF FORFEITED FISH, FISHING GEARS, PARAPHERNALIAS AND FISHING VESSELS, FEES, CHARGES, ADMINISTRATIVE AND CRIMINAL FINES, AND ADMINISTRATIVE FEES. CONTRIBUTIONS IN THE FORM OF ENDOWMENTS, GRANTS AND DONATIONS TO THE FUND SHALL BE

EXEMPTED FROM DONOR TAXES AND OTHER TAXES, CHARGES OR FEES IMPOSED BY THE GOVERNMENT.

THE FUND SHALL ENHANCE THE BUDGET FOR THE LAW ENFORCEMENT AND MONITORING ACTIVITIES OF BFAR AND OTHER AGENCIES, PERSONS, AND DEPUTIES AUTHORIZED IN SECTION 124 OF THIS ACT, TO ENFORCE THE FISHERIES CODE AND OTHER FISHERY LAWS, RULES AND REGULATIONS. THE FUND SHALL BE USED SPECIFICALLY FOR THE FOLLOWING:

i. PURCHASE AND/OR UPGRADING OF VESSELS, COMMUNICATION AND OTHER EQUIPMENT USED FOR THE MONITORING OF PHILIPPINE WATERS;

ii. TRAINING OF PROSECUTORS AND JUDGES IN FISHERIES LAWS, RULES AND REGULATIONS;

iii. ESTABLISHMENT OF A DATA BASE FOR LAW ENFORCEMENT PURPOSES;

iv. PAYMENT OF HONORARIA OR ALLOWANCES TO PUBLIC PROSECUTORS OR DEPUTIZED MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES WHO SHALL REPRESENT THE GOVERNMENT IN ANY CASES ARISING FROM THE IMPLEMENTATION OF THIS ACT

v. PAYMENT OF LITIGATION EXPENSES SUCH AS LAWYERS' FEES, COST OF CONVEYANCE OF WITNESSES AND OTHER COST OF SUIT PURSUANT TO CASES FILED BY OR AGAINST THE REPUBLIC OF THE PHILIPPINES IN INTERNATIONAL COURTS ARISING FROM THE IMPLEMENTATION OF THIS ACT.

vi. PAYMENT FOR THE COST OF LITIGATION WHERE THE APPREHENDING PARTY OR PARTIES BECOME RESPONDENTS OR DEFENDANTS IN ANY TRIBUNAL OR COURT OF LAW.

vii. PAYMENT FOR THE COST OF REHABILITATION, MEDICAL EXPENSES FOR INJURY, OR INDEMNITY FOR DEATH ARISING FROM THE CONDUCT OF THE APPREHENSION FOR VIOLATIONS OF THIS ACT TO ANY DEPUTIZED FISHERY LAW ENFORCEMENT OFFICER AND PERSONNEL, INCLUDING VOLUNTEERS DEPUTIZED BY LAW ENFORCEMENT AGENCIES AUTHORIZED IN SECTION 124

viii. PAYMENT FOR THE RECOVERY OF THE COST OF APPREHENSION SUCH AS FUEL, REPAIR TO PATROL VESSELS DAMAGED DURING PURSUIT, AMMUNITION AND OTHER ARMAMENTS, RENTAL OF SUPPORT CRAFTS, COST OF MESS, COMMUNICATION AND THE LIKE."

SECTION 3. A new provision shall be inserted in Chapter VII of RA 8550 to read as follows:

"SEC. 127. *CREATION OF SPECIAL COURTS.* SPECIAL COURTS TO BE CREATED BY THE SUPREME COURT OF THE PHILIPPINES SHALL HANDLE CASES ARISING FROM VIOLATIONS OF THIS ACT. THE DEPARTMENT OF

JUSTICE SHALL ORGANIZE AND TRAIN SPECIAL PROSECUTORS, IN COORDINATION WITH THE DA-BFAR, OR MAY DEPUTIZE MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES, TO APPEAR AS PROSECUTORS FOR THE GOVERNMENT, IN CASES ARISING FROM VIOLATIONS OF THIS ACT.

IN ALL CASES, THE PROVISIONS OF REPUBLIC ACT 8493, OTHERWISE KNOWN AS THE SPEEDY TRIAL ACT OF 1998, SHALL BE APPLIED.”

SEC. 4. *Adjustment in the Numbering of other Sections of RA 8550* – Section 109 on Municipal Fisheries Grant Fund shall become Section 110, Section 126 on Foreign Grants and Aids shall become Section 128, and the numbering of the sections following Section 110 shall be readjusted accordingly so that the last section of RA 8550 shall be numbered as Section 135.

SEC. 4. *Effectivity* – This Act shall take effect (15) days after publication in the Official Gazette or two (2) national newspapers of general circulation.

Approved,