

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE of REPRESENTATIVES
House Bill No. **2398**

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

EXPLANATORY NOTE

Republic Act 8550 otherwise known as the "Philippine Fisheries Code of 1998" was passed into law in pursuit of the State's policy to protect the country's marine wealth in its archipelagic waters and reserve its use and enjoyment exclusively for Filipinos.

However, amendments to certain provisions of the law must be undertaken in order to prevent the apparent threat in the survival of our rare and endangered marine species. And further, to make certain that our government adheres and adapt to the covenants made in international conventions that we are a part of.

The trade in wild animals and plants crosses borders between countries, and the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation. It is in the spirit of this cooperation that the Convention on International Trade of Endangered Species of Flora and Fauna or "CITES" was conceived. This is the covenant by which our country is bound as a party and signatory thereof. In order to ensure our adherence to and implement the principles provided under CITES at the national level, this bill is thus proposed.

This measure aims to impose stiffer penalties by increasing the fines and imprisonment to persons who violate or practice illegal trade of our marine resources, more importantly those that are listed as rare, threatened or endangered under CITES, the International Union for Conservation of Nature and Natural Resources (IUCN) and those species mentioned under Republic Act No. 9147 or the Wildlife Resources Conservation and Protection Act.

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

A handwritten signature in dark ink, appearing to be "T. Bonoan".

HON. MA. THERESA B. BONOAN
4th District, City of Manila

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HOUSE of REPRESENTATIVES
House Bill No. **2399**

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

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

*Be it enacted by the Senate and House of Representatives in
Congress of the Philippines 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 (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00)**, 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."

SECTION 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 [~~in the CITES~~] **AND DEFINED AS SUCH IN THE CONVENTION ON INTERNATIONAL TRADE OF ENDANGERED SPECIES OF FLORA AND FAUNA (CITES), THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN), AND REPUBLIC ACT NO. 9147, OTHERWISE KNOWN AS THE WILDLIFE ACT** and as [~~determined~~] **IMPLEMENTED** by the Department **PURSUANT TO ITS PUBLISHED RULES AND REGULATIONS.**

THE TAKING, CATCHING, GATHERING 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 R.4 NO. 9147 SHALL NOT BE ALLOWED.

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

CONSISTENT WITH THE CITES RULES AND BE CONDUCTED BEFORE ANY TRADE WILL BE ALLOWED TO REGULATIONS, A NON-DETRIMENTAL FINDING (NDF) SHALL THOSE SPECIES LISTED UNDER APPENDIX 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**

(P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00), [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."

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

The Bureau of Fisheries and Aquatic Resources shall, in coordination with the National Fisheries and Aquatic Resources Management Councils (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.

SECTION 4. Repealing Clause. - All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 5. Separability Clause. - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 6. Effectivity. - This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved.