

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **2803**



Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
REGULATING THE AQUARIUM AQUATIC LIFE COLLECTING INDUSTRY

EXPLANATORY NOTE

Article II, Section 16, of the Constitution states that "*The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.*"

Corollary to this provision of the Constitution, there is therefore an urgent need to regulate the country's aquarium aquatic life collecting industry to ensure the health of our country's coral reefs and aquatic life. The industry of harvesting fish and other marine creatures for home and commercial aquariums remains largely unregulated thus raising various environmental concerns.

The proposed bill, therefore, wishes to regulate the aquarium aquatic life collecting industry by implementing prohibitions and a system of fines for violators.

In view of the urgent need of regulating and monitoring this vital industry, immediate passage of this bill is earnestly recommended.


DIOSDADO MACAPAGAL ARROYO
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Second District, Pampanga

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

SECTION 1. *Short Title.* – This Act shall be known as the “Aquarium Aquatic Life Act of 2013.”

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to give highest priority to the protection of the environment, particularly marine life. Towards this end, this Act shall regulate the aquarium aquatic life collecting industry to ensure the health of the country's coral reefs and aquatic life.

SECTION 3. *Definitions.* – In this Act, the term -

(a) “aquarium collecting gear” means any equipment used to collect aquarium fish or animals including, but not limited to, hand nets, fence or barrier nets, fiberglass or “tickle sticks”, catch buckets, keeps, or baskets;

(b) “aquarium purpose” means to hold saltwater fish, freshwater non-game fish, or other aquatic life alive in a state of captivity as pets, for scientific study, or for public exhibition or display, or for sale for these purposes. Saltwater fish, freshwater non-game fish, or other aquatic life held alive in

a state of captivity as food for human consumption shall not be considered an aquarium purpose;

(c) "collect" means to take, catch, harvest, or confine, or to attempt to take, catch, harvest, or confine aquatic life. The use of any aquarium collecting gear to take, catch, capture, harvest, or confine, or to attempt to take, catch, capture, harvest, or confine aquatic life by any person who is on or about the shores of the Philippines or in a vessel in Philippine waters shall be construed as collecting under this section; and

(d) "Department" means the Department of Environment and Natural Resources.

SECTION 4. *Aquarium Aquatic Life Selling Permit.* – No natural person, corporation, partnership, or association shall sell, trade, or distribute aquarium aquatic life for aquarium purposes without a permit from the Department of Environment and Natural Resources.

SECTION 5. *Approved Aquarium Collecting List of Aquatic Species.* – (a) The Department shall develop and maintain an approved aquarium collecting list of aquatic species. No aquatic species shall be collected or sold for aquarium purposes unless the species appears on the approved aquarium collecting list.

(b) The approved aquarium collecting list shall only include species that are shown by a Department or other government agency study to meet the following criteria:

- 1) The species can survive capture, transport, and captivity for at least one hundred eighty (180) days;
- 2) Based on historical evidence, the species is part of a stable or increasing population trend in the area where the species is being collected;
- 3) The removal of the specie does not negatively impact the reef ecosystem by contributing to algae overgrowth for herbivores, parasite overload on other reef fishes for cleaner wrasses and cleaner shrimps, or other harmful effects;
- 4) The species is not endemic to the Philippines;
- 5) The species is not endangered or vulnerable, as classified by the Department in accordance with laws, international conventions, or rules and regulations; and
- 6) Such other criteria as may be prescribed by the Department.

(c) The Department may recognize indigenous Philippine traditional and customary rights with regard to marine resources for subsistence, cultural, or religious purposes.

(d) The Department shall inform all permit holders under Section 4 of the species included in the aquarium collecting list and the penalties for failure to comply with the restrictions regarding the collection of aquatic life.

SECTION 6. *Penalties.* – (a) Any natural person, corporation, partnership, or association who collects aquatic life not on the approved aquarium collecting list shall be fined Five Thousand Pesos (P5,000.00) for each specimen collected. If the specimen is an endangered or vulnerable species as classified by the Department, the fine shall be Twenty Thousand Pesos (P20,000.00) for each endangered species collected.

(b) Any natural person, corporation, partnership, or association that sells aquatic life not on the approved aquarium collecting list shall be fined Ten Thousand Pesos (P10,000.00) for each specimen sold. If the specimen is an endangered or vulnerable species as classified by the Department, the fine shall be Thirty Thousand Pesos (P30,000.00) for each endangered species sold.

(c) Any natural person, corporation, partnership, or association that sells aquatic life without the permit referred in Section 4 shall be fined Ten Thousand Pesos (P10,000.00) for each day of violation.

SECTION 7. *Rules and Regulations.* – The Department shall promulgate the necessary rules and regulations to carry out the objectives of this Act.

SECTION 8. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,