

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

16TH CONGRESS

1ST Regular Session

HOUSE BILL NO. 3871



Introduced by: REP. PRYDE HENRY A. TEVES

EXPLANATORY NOTE

The Philippines is an archipelagic state with over 2.2 million sq. km. of highly productive seas and 27,000 sq. km. of coral reefs. It is thus undeniable that the Philippines has a very prominent fisheries industry. In 2008, we ranked 8th in the top fish producing countries of the world, producing 3.12% of the total world production of fish, crustaceans, molluscs and aquatic plants. We were 9th in the world in terms of aquaculture production, providing 1.4% of the total global aquaculture production of fish, crustaceans and molluscs. We ranked 3rd in the production of seaweeds, producing 10.6% of the total world seaweeds production. We are the second largest producer of tuna in the world. Note, however, that we are not at all ranked as a capture fisheries producer.

While fisheries production has been steadily increasing from 1.7 million metric tons in the 80's until it reached 5.09 million metric tons in 2009, it must be noted that most of the fish produced came from aquaculture. Statistics have shown that aquaculture has contributed 48% to the fishery production of 2009, while municipal and commercial fishing contributed a less remarkable 27% and 25%, respectively. This is so despite over 2.2 million sq. km of seas, touted as "highly productive" and 27,000 sq. km of coral reefs.

It is ironic that our highly productive seas are now overfished. The irony is due to the fact that our marine and coastal ecosystem is exposed to indiscriminate methods of catching fish and fishery species in the wild such as fishing through explosives, noxious or poisonous substances, electrofishing, fine mesh nets, coral exploitation, muro-ami and use of other methods and gear destructive to coral reefs and other marine habitat, use of superlights, fishing or taking of rare, threatened or endangered species, capture of sabalo and other breeder/spawners, violation of catch ceilings, obstruction to navigation or flow and ebb of tide in any stream, river, lake or bay, and unlicensed construction and operation of fish corrals/traps, fish pens and cages, among others.

While these violations are penalized under Republic Act 8550 or the Philippine Fisheries Code of 1998 (RA 8550), fifteen years after the law's passage proved that the penalties therein are mere slaps on the wrists of violators. For example, the two large container vans of 21,000 species of black corals, and some 161 endangered turtles and marine life seized in May 2011 by Bureau of Customs officials would have fetched a whopping PhP15 million for its dealers.

It was later learned that an entire coral reef off the coast of Cotabato, still unexplored, and estimated to be about twice the size of Metro Manila, was ruined. Equated to annual services to humans, the Economics of Ecosystems and Biodiversity (TEEB) project of the United Nations Environment Program (UNEP) would have valued the ruined coral reefs at a minimum of US\$16.6 billion. However, RA 8550 would only punish the violators with a measly fine of PhP 2,000 to PhP 20,000. While damaged coral reefs would take 25 years or more to recover, a violator, however, would only get six (6) months to two (2) years' time in prison.

RA 8550 is replete with penalties such as these that are not commensurate to the damage caused, the economic value lost, and habitat destroyed. In exchange for large sums of money, violators only find these penalties convenient, a pint in their business investment pie. This defeats the deterrent function of the penalty.

Thus, there is a need to amend Chapter VI of RA 8550 to consider prohibitions not covered by the law after fifteen years of implementation, as well as impose more severe penalties to maintain its deterrent function. After all, punishment must be commensurate with the crime committed.



PRYDE HENRY A. TEVES

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

16TH CONGRESS

1ST Regular Session

HOUSE BILL NO. **3871**

Introduced by: REP. PRYDE HENRY A. TEVES

1
2
3
4 AN ACT AMENDING SOME PROVISIONS OF REPUBLIC ACT NO. 8550, OTHERWISE
5 KNOWN AS THE "PHILIPPINE FISHERIES CODE OF 1998" AND FOR OTHER PURPOSES
6
7
8

9 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
10 *Congress assembled:*
11

12 **SEC. 1.** There shall be added to Section 4 of Republic Act 8550 Items (74) and (75) as
13 follows:

14 Section 4. Definition of Terms. – As used in this Code, the following terms
15 and phrases shall mean as follows:

16 1. XXX

17 XXX

18 74. **Unreported fishing** - refers to fishing activities which have not been
19 reported, or have been misreported to the Department, in contravention of national laws
20 and regulations of the Philippines; or undertaken in the area of competence of a relevant
21 Regional Fisheries Management Organization which have not been reported or have
22 been misreported, in contravention of the reporting procedures of that organization and
23 further elaborated by regulations to be promulgated by the Department.
24

25 75. *Unregulated fishing* - refers to fishing activities in the area of application of
26 a relevant Regional Fisheries Management Organization that are conducted by vessels
27 without nationality, or by those flying the flag of the Philippines or other states not party to
28 that organization, or by a fishing entity, in a manner that is not consistent with or
29 contravenes the conservation and management measures of that organization; or in
30 areas or fish stocks in relation to which there are no applicable conservation and
31 management measures and where such fishing activities are conducted in a manner
32 inconsistent with the state responsibilities of the Philippines for the conservation of living
33 marine resources under international law.

34
35 **SEC. 2.** Section 86, Republic Act No. 8550 is hereby amended to read as follows:

36
37 "Section 86. Unauthorized Fishing or Engaging in other Unauthorized
38 Fisheries Activities. - No person shall exploit, occupy, produce, breed, culture,
39 capture or gather fish, fry or fingerlings of any fishery species or fishery
40 products, or engage in any fishery activity in Philippine waters without a
41 license, lease or permit.

42 Discovery of any person in an area where he has no permit or
43 registration papers for a fishing vessel shall constitute a prima facie
44 presumption that the person and/or vessel is engaged in unauthorized fishing:
45 Provided, That fishing for daily food sustenance or for leisure which is not for
46 commercial, occupation or livelihood purposes may be allowed.

47 It shall be unlawful for any commercial fishing vessel to fish in bays
48 and in such other fishery management areas which may herein-after be
49 declared as over-exploited.

50 Any commercial fishing boat owner and the three (3) highest officers of
51 the boat who commit any of the above prohibited acts shall, upon conviction, be
52 punished by A FINE EQUIVALENT TO THREE (3) TIMES THE VALUE OF

81 EXCLUSIVE ECONOMIC ZONES OF OTHER STATES. – IT SHALL BE
82 UNLAWFUL FOR PHILIPPINE REGISTERED FISHING VESSELS TO
83 OPERATE IN THE HIGH SEAS, OR IN THE TERRITORIAL SEAS AND
84 EXCLUSIVE ECONOMIC ZONES OF OTHER STATES WITHOUT FIRST
85 SECURING INTERNATIONAL FISHING PERMIT FROM THE DEPARTMENT.

86
87 DISCOVERY OF SUCH FISHING VESSEL IN THE ABOVE-
88 MENTIONED AREAS WHERE THE SAME HAS NO PERMIT AND/OR
89 REGISTRATION PAPERS FOR FISHING OR ENGAGING IN OTHER
90 FISHERY ACTIVITIES THEREIN SHALL CONSTITUTE AS A PRIMA FACIE
91 PRESUMPTION THAT THE VESSEL IS ENGAGED IN THE SAID VIOLATION.

92
93 IT SHALL ALSO BE UNLAWFUL FOR THE SAID VESSEL TO
94 COMMIT ACTS THAT ARE IN CONTRAVENTION WITH THE TERMS AND
95 CONDITIONS STATED IN THE INTERNATIONAL FISHING PERMIT OR AS
96 MAY BE PROMULGATED BY THE DEPARTMENT.

97
98 ANY COMMERCIAL FISHING BOAT OWNER/OPERATOR AND THE
99 THREE (3) HIGHEST OFFICERS OF THE BOAT WHO COMMIT ANY OF THE
100 ABOVE PROHIBITED ACTS SHALL, UPON CONVICTION, BE PUNISHED BY
101 A FINE EQUIVALENT TO THREE (3) TIMES THE VALUE OF CATCH OR FIVE
102 HUNDRED THOUSAND PESOS (P500,000) FOR SMALL-SCALE
103 COMMERCIAL FISHING, ONE MILLION PESOS (P1,000,000) FOR MEDIUM-
104 SCALE COMMERCIAL FISHING, AND TWO MILLION PESOS (P2,000,000)
105 FOR LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY,
106 WHICHEVER IS HIGHER, AND IMPRISONMENT OF FOUR (4) TO SIX (6)
107 YEARS, CONFISCATION OF CATCH AND FISHING GEARS, AND
108 AUTOMATIC REVOCATION OF LICENSE, PROVIDED, THAT THE

53 CATCH OR FIFTY THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE
54 COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS
55 (P100,000.00) FOR MEDIUM-SCALE COMMERCIAL FISHING, AND FIVE
56 HUNDRED THOUSAND PESOS (P500,000.00) FOR LARGE-SCALE
57 COMMERCIAL FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, AND
58 IMPRISONMENT OF FOUR (4) TO SIX (6) YEARS, confiscation of catch and
59 fishing gears, and revocation of license, PROVIDED, THAT THE
60 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVE FINES UPON
61 DETERMINATION THAT THE PERSON/S HAS VIOLATED THE ABOVE
62 PROVISION. IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
63 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
64 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
65 THE AMOUNT OF THE FINES ABOVESTATED.

66 IN THE CASE OF FISHING WITHOUT A LICENSE, DOUBLE OF THE
67 ABOVE ADMINISTRATIVE PENALTIES SHALL BE IMPOSED UPON ANY
68 PERSON WHO HAS VIOLATED THE ABOVE PROVISION.

69
70 It shall be unlawful for any person not listed in the registry of municipal
71 fisherfolk to engage in any commercial fishing activity in municipal waters. Any
72 municipal fisherfolk who commits such violation shall be punished by
73 confiscation of catch and a FINE OF TEN THOUSAND PESOS (P10,000.00)."
74

75 **SEC. 3.**Three new provisions, dubbed as Sections 86-A, 86-B, and 86-C, are hereby
76 added to the existing provisions of this Code. The same shall read as follows:
77

78 SECTION 86-A. FAILURE TO SECURE INTERNATIONAL FISHING
79 PERMIT PRIOR TO FISHING OR ENGAGING IN OTHER FISHERIES
80 ACTIVITIES IN THEHIGH SEAS OR IN THE TERRITORIAL SEASAND

109 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVE FINES UPON
110 DETERMINATION THAT THE PERSON/S HAS VIOLATED THE ABOVE
111 PROVISION. IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
112 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN CASE
113 OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES THE
114 AMOUNT OF THE FINES ABOVESTATED.

115
116 SECTION 86-B. UNREPORTED FISHING - IT SHALL BE UNLAWFUL
117 FOR ANY PERSON TO ENGAGE IN UNREPORTED FISHING AS DEFINED IN
118 SECTION 4 PARAGRAPH 74 OF THIS CODE.

119 VIOLATION OF THIS PROVISION IN WATERS UNDER THE
120 NATIONAL JURISDICTION SHALL BE PENALIZED BY A FINE OF FIFTY
121 THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE COMMERCIAL
122 FISHING, ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR MEDIUM-
123 SCALE COMMERCIAL FISHING, AND FIVE HUNDRED THOUSAND PESOS
124 (P500,000.00) FOR LARGE-SCALE COMMERCIAL FISHING,
125 RESPECTIVELY, FOR THE FIRST OFFENSE. SECOND OFFENSE SHALL
126 BE PENALIZED BY DOUBLE THE AMOUNT OF FINE AND SUSPENSION OF
127 LICENSE FOR ONE (1) YEAR. THIRD OFFENSE SHALL BE PENALIZED BY
128 FIVE TIMES THE AMOUNT OF FINE AND REVOCATION OF
129 LICENSE, PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO
130 IMPOSE THE ABOVEMENTIONED FINES AND PENALTIES.

131 VIOLATION OF THIS PROVISION IN WATERS BEYOND NATIONAL
132 JURISDICTION SHALL BE PENALIZED BY A FINE OF ONE HUNDRED
133 THOUSAND PESOS (P100,000.00) FOR SMALL-SCALE COMMERCIAL
134 FISHING, TWO HUNDRED THOUSAND PESOS (P200,000.00) FOR MEDIUM-
135 SCALE COMMERCIAL FISHING, AND ONE MILLION PESOS (P1,000,000.00)
136 FOR LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY, FOR THE

137 FIRST OFFENSE. SECOND OFFENSE SHALL BE PENALIZED BY DOUBLE
138 THE AMOUNT OF FINE AND SUSPENSION OF LICENSE AND
139 INTERNATIONAL FISHING PERMIT FOR ONE (1) YEAR. THIRD OFFENSE
140 SHALL BE PENALIZED BY FIVE TIMES THE AMOUNT OF FINE AND
141 REVOCATION OF LICENSE AND INTERNATIONAL FISHING PERMIT.
142 PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE
143 ABOVEMENTIONED FINES AND PENALTIES.

144
145
146
147 SECTION 86-C UNREGULATED FISHING – IT SHALL BE UNLAWFUL
148 FOR ANY PERSON TO ENGAGE IN UNREGULATED FISHING AS DEFINED
149 IN SECTION 4 PARAGRAPH 75 OF THIS CODE.

150 VIOLATION OF THIS PROVISION IN WATERS UNDER THE
151 NATIONAL JURISDICTION SHALL BE PENALIZED BY A FINE OF FIFTY
152 THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE COMMERCIAL
153 FISHING, ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR MEDIUM-
154 SCALE COMMERCIAL FISHING, AND FIVE HUNDRED THOUSAND PESOS
155 (P500,000.00) FOR LARGE-SCALE COMMERCIAL FISHING,
156 RESPECTIVELY. FOR THE FIRST OFFENSE. SECOND OFFENSE SHALL
157 BE PENALIZED BY DOUBLE THE AMOUNT OF FINE AND SUSPENSION OF
158 LICENSE FOR ONE (1) YEAR. THIRD OFFENSE SHALL BE PENALIZED BY
159 FIVE TIMES THE AMOUNT OF FINE AND REVOCATION OF
160 LICENSE. PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO
161 IMPOSE THE ABOVEMENTIONED FINES AND PENALTIES.

162 VIOLATION OF THIS PROVISION IN WATERS BEYOND NATIONAL
163 JURISDICTION SHALL BE PENALIZED BY A FINE OF ONE HUNDRED
164 THOUSAND PESOS (P100,000.00) FOR SMALL-SCALE COMMERCIAL

165 FISHING. TWO HUNDRED THOUSAND PESOS (P200,000.00) FOR MEDIUM-
166 SCALE COMMERCIAL FISHING, AND ONE MILLION PESOS (P1,000,000.00)
167 FOR LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY, FOR THE
168 FIRST OFFENSE. SECOND OFFENSE SHALL BE PENALIZED BY DOUBLE
169 THE AMOUNT OF FINE AND SUSPENSION OF LICENSE AND
170 INTERNATIONAL FISHING PERMIT FOR ONE (1) YEAR. THIRD OFFENSE
171 SHALL BE PENALIZED BY FIVE TIMES THE AMOUNT OF FINE AND
172 REVOCATION OF LICENSE AND INTERNATIONAL FISHING PERMIT.
173 PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE
174 ABOVEMENTIONED FINES AND PENALTIES.

175
176 **SEC. 4.**Section 87, Republic Act No. 8550 is hereby amended to read as follows:

177
178 "Section 87. Poaching in Philippine Waters.- It shall be unlawful for any
179 foreign person, corporation or entity to fish or operate any fishing vessel in
180 Philippine waters.

181 The entry of any foreign fishing vessel in Philippine waters shall
182 constitute a prima facie evidence that the vessel is engaged in fishing in
183 Philippine waters.

184 Violation of the above shall be punished by a fine of FIVE HUNDRED
185 THOUSAND U.S. DOLLARS (US\$500,000.00), in addition to the confiscation
186 of its catch, fishing equipment and fishing vessel: Provided, that the
187 Department is empowered to impose an administrative fine of not less than
188 TWO HUNDRED THOUSAND U.S. DOLLARS (US\$200,000.00) BUT NOT
189 MORE THAN THREE HUNDRED THOUSAND U.S. DOLLARS
190 (US\$300,000.00) or its equivalent in the Philippine Currency."IN CASE OF A
191 SECOND OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES
192 THE AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD

193 OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
194 ABOVESTATED.

195
196
197 **SEC. 5.**Section 88, Republic Act No. 8550 is hereby amended to read as follows:

198 "Section 88. Fishing Through Explosives, Noxious or Poisonous
199 Substance, and/or Electricity.

200 (1) It shall be unlawful for any person to catch, take or gather or
201 cause to be caught, taken or gathered, fish or any fishery species in Philippine
202 waters with the use of electricity, explosives, noxious or poisonous substance
203 such as sodium cyanide in the Philippine fishery areas, which will kill, stupefy,
204 disable or render unconscious fish or fishery species: Provided, that the
205 Department, subject to such safeguards and conditions deemed necessary
206 and endorsement from the concerned LGUs may allow, for research,
207 educational or scientific purposes only, the use of electricity, poisonous or
208 noxious substances to catch, take or gather fish or fishery species: Provide,
209 further, that the use of poisonous or noxious substances to eradicate predators
210 in fishponds in accordance with accepted scientific practices and without
211 causing adverse environmental impact in neighboring waters and grounds
212 shall not be construed as illegal fishing.

213 It will likewise be unlawful for any person, corporation or entity to
214 possess, deal in, sell or in any manner dispose of, any fish or fishery species
215 which have been illegally caught, taken or gathered.

216 The discovery of dynamite, other explosives and chemical compounds
217 which contain combustible elements, or noxious or poisonous substances, or
218 equipment or device for electro-fishing in any fishing vessel or in the
219 possession of any fisherfolk, operator, fishing boat official or fishworker shall
220 constitute a prima facie evidence, that the same was used for fishing in

221 violation of this Code. The discovery in any fishing vessel of fish caught or
222 killed with the use of explosive, noxious or poisonous substances or by
223 electricity shall constitute prima facie evidence that the fisherfolk, operator,
224 boat official or fishworker is fishing with the use thereof.

225 (2) Mere possession of explosive, noxious or poisonous substances or
226 electrofishing devices for illegal fishing shall be punishable by imprisonment
227 ranging from TWO (2) TO SIX (6) YEARS, PROVIDED THAT THE
228 DEPARTMENT IS EMPOWERED TO IMPOSE A FINE RANGING FROM
229 FIVE THOUSAND PESOS (P5,000) UP TO FIVE HUNDRED THOUSAND
230 PESOS (P500,000), WITHIN SIX MONTHS FROM THE EFFECTIVITY OF
231 THIS LAW, THE DEPARTMENT SHALL PROMULGATE THE NECESSARY
232 GRADUATION OF PENALTIES DEPENDING ON THE NUMBER OF
233 EXPLOSIVE DEVICES, AMOUNT OR VOLUME OF NOXIOUS AND
234 POISONOUS SUBSTANCES AND NUMBER OF ELECTROFISHING
235 DEVICES AND THE FREQUENCY OF VIOLATIONS.

236
237 (3) Actual use of explosives, noxious or poisonous substances or
238 electrofishing devices for illegal fishing shall be punishable by imprisonment
239 ranging from TWENTY (20) TO TWENTY-FIVE (25) YEARS without prejudice
240 to the filing of separate criminal cases when the use of the same result to
241 physical injury or loss of human life. In cases when death or physical injuries
242 results from the use of explosives, noxious or poisonous substances or
243 electrofishing devices, the maximum penalty provided above shall be imposed,
244 PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE A FINE
245 RANGING FROM TEN THOUSAND PESOS (P10,000) UP TO ONE MILLION
246 PESOS (P1,000,000), WITHIN SIX MONTHS FROM THE EFFECTIVITY OF
247 THIS LAW, THE DEPARTMENT SHALL PROMULGATE THE NECESSARY

248 GRADUATION OF PENALTIES DEPENDING ON THE NUMBER OR
249 FREQUENCY OF VIOLATIONS.

250 (4) Possessing, dealing in, selling, or in any manner disposing of, for
251 profit, illegally caught/gathered fisheries species shall be punished by
252 imprisonment ranging from FOUR (4) TO EIGHT (8) YEARS, PROVIDED
253 THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE A FINE RANGING
254 FROM FIVE THOUSAND PESOS (P5,000) UP TO FIVE HUNDRED
255 THOUSAND PESOS (P500,000). WITHIN SIX MONTHS FROM THE
256 EFFECTIVITY OF THIS LAW, THE DEPARTMENT SHALL PROMULGATE
257 THE NECESSARY GRADUATION OF PENALTIES DEPENDING ON THE
258 NUMBER, VOLUME, OR VALUE OF THE ILLEGALLY CAUGHT/GATHERED
259 FISHERY SPECIES AND THE FREQUENCY OF VIOLATIONS.

260 (5) In all cases enumerated above, the explosives, noxious or
261 poisonous substances and/or electrical devices, as well as the fishing vessels,
262 fishing equipment and catch shall be forfeited."

263
264 **SEC. 6.** Section 89, Republic Act No. 8550 is hereby amended to read as follows:
265

266 "Section 89. Use of Fine Mesh Net. - It shall be unlawful to engage in
267 fishing using nets with mesh smaller than that with which may be fixed by the
268 Department: Provided, that the prohibition on the use of fine mesh net shall not
269 apply to the gathering of fry, glass eels, elvers, *tabios*, and *alamang* and such
270 species, which by their nature, are small but already mature to be identified in
271 the implementing rules and regulations by the Department.

272 Violation of the above shall subject the offender to A FINE
273 EQUIVALENT TO THREE TIMES THE VALUE OF THE CATCH OR TEN
274 THOUSAND PESOS (P10,000.00) FOR THOSE ENGAGED IN MUNICIPAL
275 FISHING, TWENTY-THOUSAND PESOS (P20,000.00) FOR THOSE

276 ENGAGED IN SMALL-SCALE COMMERCIAL FISHING, FIFTY THOUSAND
277 PESOS (P50,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE
278 COMMERCIAL FISHING, AND ONE HUNDRED THOUSAND PESOS
279 (P100,000.00) FOR THOSE ENGAGED IN LARGE-SCALE COMMERCIAL
280 FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, AND IMPRISONMENT
281 FROM FOUR (4) TO SIX (6) YEARS: Provided, that if the offense is committed
282 by a commercial fishing vessel, the boat captain and the master fisherman
283 shall also be subject to the penalties herein: Provided, further, that the
284 owner/operator of the commercial fishing vessel who violates this provision
285 shall be subjected to the same penalties provided herein: Provided, finally, that
286 the Department is hereby empowered to impose upon the offender an
287 ADMINISTRATIVE FINE EQUIVALENT TO THE ABOVE-MENTIONED
288 AMOUNT and/or cancel his permit or license or both. IN CASE OF A SECOND
289 OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE
290 AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE,
291 THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
292 ABOVESTATED.

293
294
295 **SEC. 7.**Section 90, Republic Act No. 8550 is hereby amended to read as follows:

296
297 "Section 90. Use of Active Gear in the Municipal Waters and Bays and
298 Other Fishery Management Areas. - It shall be unlawful to engage in fishing in
299 municipal waters and in all bays as well as other fishery management areas
300 using active fishing gears as defined in this Code.

301 Violators of the above prohibitions shall suffer the following penalties:

302 (1) The owner/operator, boat captain, and master fisherman of the
303 vessels who participated in the violation shall suffer the penalty of fine

equivalent to three (3) times the value of the catch or FIFTY THOUSAND PESOS (P50,000.00) FOR THOSE ENGAGED IN SMALL-SCALE COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE COMMERCIAL FISHING, AND FIVE HUNDRED THOUSAND PESOS (P500,000.00) FOR THOSE ENGAGED IN LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, AND IMPRISONMENT FROM SIX (6) YEARS TO TWELVE (12) YEARS. PROVIDED THAT THE DEPARTMENT IS ALSO EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE THE LICENSE FOR COMMERCIAL FISHING.

IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES ABOVESTATED.

If the owner/operator OF THE FISHING VESSEL is a corporation, the penalty shall be imposed on the chief executive officer of the corporation. If the owner/operator is a partnership the penalty shall be imposed on the managing partner.

(2) The catch shall be confiscated and forfeited."

SEC. 8.Section 91, Republic Act No. 8550 is hereby amended to read as follows:

"Section 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 processed form, except for scientific or research purposes.

332 Violations of this provision shall be punished by IMPRISONMENT
333 FROM FOUR (4) YEARS TO SIX (6) YEARS AND A FINE EQUIVALENT TO
334 THREE TIMES THE VALUE OF THE CORALS GATHERED, POSSESSED,
335 SOLD, AND/OR EXPORTED OR FIVE HUNDRED THOUSAND PESOS
336 (P500,000.00), whichever is higher, or both such fine and imprisonment, at the
337 discretion of the court, and forfeiture of the subject corals, including the vessel
338 and its proper disposition, PROVIDED THAT THE DEPARTMENT IS
339 EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINE. IN CASE OF A
340 SECOND OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES
341 THE AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD
342 OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
343 ABOVESTATED.

344 The confiscated corals shall either be returned to the sea or donated to
345 schools and museums for educational or scientific purposes or disposed
346 through other means."

347
348 **SEC. 9.**Section 92, Republic Act No. 8550 is hereby amended to read as follows:

349
350 "Section 92. Ban on Muro-Ami, Other Methods and Gear Destructive
351 to Coral Reefs and Other Marine Habitat. - It shall be unlawful for any person,
352 natural or juridical, to fish with gear method that destroy coral reefs, seagrass
353 beds, and other fishery marine life habitat as may be determined by the
354 Department. "Muro-Ami" and any of its variation, and such similar gear and
355 methods that require diving, other physical or mechanical acts to pound the
356 coral reefs and other habitat to entrap, gather or catch fish and other fishery
357 species are also prohibited.

358 THE OWNER/OPERATOR OF THE FISHING VESSEL/S, BOAT
359 CAPTAIN, MASTER FISHERMAN, AND RECRUITER OR ORGANIZER OF

FISHWORKERS WHO VIOLATE THIS PROVISION SHALL SUFFER A
PENALTY OF EIGHT (8) YEARS TO TWELVE (12) YEARS IMPRISONMENT
AND A FINE EQUIVALENT TO THREE (3) TIMES THE VALUE OF THE FISH
CAUGHT THROUGH THE SAID FISHING OPERATION OR TWO MILLION
PESOS (P2,000,000.00), WHICHEVER IS HIGHER. The catch and gear used
shall be confiscated, PROVIDED THAT THE DEPARTMENT IS EMPOWERED
TO IMPOSE THE ABOVEMENTIONED FINE IN CASE OF A SECOND
OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE
AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE,
THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
ABOVESTATED.

It shall likewise be unlawful for any person or corporation to gather,
sell or export ~~white sand~~ CORAL SAND, CORAL FRAGMENTS, CORAL
ROCKS, silica, pebbles OR any other substances which make up any marine
habitat.

The person or corporation who violates this provision shall suffer A
PENALTY OF EIGHT (8) YEARS TO TWELVE (12) YEARS IMPRISONMENT
AND A FINE EQUIVALENT TO THREE TIMES THE VALUE OF THE CORAL
SAND, CORAL FRAGMENTS, CORAL ROCKS, SILICA, OR PEBBLES
GATHERED, SOLD, OR EXPORTED OR TWO MILLION PESOS
(P2,000,000.00), WHICHEVER IS HIGHER. The substance taken from its
marine habitat shall be confiscated. THE DEPARTMENT IS EMPOWERED TO
IMPOSE THE ABOVEMENTIONED FINE IN CASE OF A SECOND
OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE
AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE,
THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
ABOVESTATED.

388 **SEC. 10.**Section 93, Republic Act No. 8550 is hereby amended to read as follows:

389
390 "Section 93.. Illegal Use of Superlights. - It shall be unlawful to engage
391 in fishing with the use of superlights in municipal waters or in violation of the
392 rules and regulations which may be promulgated by the Department on the
393 use of superlights outside municipal waters.

394 Violations of this provision shall be punished by IMPRISONMENT
395 FROM FOUR (4) YEARS TO SIX (6) YEARS AND A FINE OF TWENTY
396 THOUSAND PESOS (P20,000.00) PER SUPERLIGHT. The superlight, fishing
397 gears and vessel shall be confiscated. THE DEPARTMENT IS EMPOWERED
398 TO IMPOSE THE ABOVEMENTIONED FINE. IN CASE OF A SECOND
399 OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE
400 AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE,
401 THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
402 ABOVE STATED.

403
404
405 **SEC. 11.**Section 95, Republic Act No. 8550 is hereby amended to read as follows:

406
407 "Section 95. Fishing in Overfished Area and During Closed Season. - It
408 shall be unlawful to fish in overfished area and during closed season.

409 Violation of the provision of this section shall be punished by
410 IMPRISONMENT OF FOUR (4) YEARS TO SIX (6) YEARS AND A FINE
411 EQUIVALENT TO THREE TIMES THE VALUE OF THE FISH CATCH OR
412 TEN THOUSAND PESOS (P10,000.00), FOR THOSE ENGAGED IN
413 MUNICIPAL FISHING, FIFTY-THOUSAND PESOS (P50,000.00) FOR THOSE
414 ENGAGED IN SMALL-SCALE COMMERCIAL FISHING, ONE HUNDRED
415 THOUSAND PESOS (P100,000.00) FOR THOSE ENGAGED IN MEDIUM-

416 SCALE COMMERCIAL FISHING, AND TWO HUNDRED THOUSAND PESOS
417 (P200,000.00) FOR THOSE ENGAGED IN LARGE-SCALE COMMERCIAL
418 FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, the forfeiture of the
419 catch, and the cancellation of fishing permit or license, PROVIDED THAT THE
420 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED
421 FINES AND TO SUSPEND OR REVOKE THE LICENSE FOR COMMERCIAL
422 FISHING.

423
424 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
425 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
426 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
427 THE AMOUNT OF THE FINES ABOVESTATED.

428
429 **SEC. 12.**Section 96, Republic Act No. 8550 is hereby amended to read as follows:

430
431 "Section 96. Fishing in Fishery Reserves, Refuge and Sanctuaries. - It
432 shall be unlawful to fish in fishery areas declared by the Department as fishery
433 reserves, refuge and sanctuaries.

434 Violation of the provision of this section shall be punished by
435 imprisonment of FOUR (4) YEARS TO SIX (6) YEARS AND A FINE
436 EQUIVALENT TO THREE TIMES THE VALUE OF THE CATCH OR TEN
437 THOUSAND PESOS (P10,000.00) FOR THOSE ENGAGED IN MUNICIPAL
438 FISHING, FIFTY-THOUSAND PESOS (P50,000.00), FOR THOSE ENGAGED
439 IN SMALL-SCALE COMMERCIAL FISHING, ONE HUNDRED THOUSAND
440 PESOS (P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE
441 COMMERCIAL FISHING, AND TWO HUNDRED THOUSAND PESOS
442 (P200,000.00) FOR THOSE ENGAGED IN LARGE-SCALE COMMERCIAL
443 FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, the forfeiture of the

444 catch, and the cancellation of fishing permit or license, PROVIDED THAT THE
445 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED
446 FINES AND TO SUSPEND OR REVOKE THE LICENSE FOR COMMERCIAL
447 FISHING.

448 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
449 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
450 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
451 THE AMOUNT OF THE FINES ABOVESTATED.

452
453
454 **SEC.13.**Section 98, Republic Act No. 8550 is hereby amended to read as follows:

455
456 "Section 98. Capture of Sabalo and Other Breeders/Spawners. - It shall
457 be unlawful for any person to catch, gather, capture or possess mature milkfish
458 or "sabalo" and such other breeders or spawners of other fishery species as
459 may be determined by the Department: Provided, that catching of sabalo and
460 other breeders/spawners for local breeding purposes or scientific or research
461 purposes may be allowed subject to guidelines to be promulgated by the
462 Department.

463 Violation of the provision of this section shall be punished by
464 IMPRISONMENT OF FOUR (4) YEARS TO EIGHT (8) YEARS AND A FINE
465 EQUIVALENT TO THREE TIMES THE VALUE OF THE "SABALO", OTHER
466 BREEDERS, OR SPAWNERS GATHERED OR CAPTURED OR TWO
467 HUNDRED THOUSAND PESOS (P200,000.00), WHICHEVER IS HIGHER,
468 and the forfeiture of the catch, and fishing equipment used and revocation of
469 license, PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO
470 IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE
471 THE LICENSE FOR COMMERCIAL FISHING.

472 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
473 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
474 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
475 THE AMOUNT OF THE FINES ABOVESTATED.

476
477
478 **SEC. 14.**Section 99, Republic Act No. 8550 is hereby amended to read as follows:

479
480 "Section 99. Exportation of Breeders, Spawners, Eggs or Fry. -
481 Exportation of breeders, spawners, eggs or fry as prohibited in this Code shall
482 be punished by IMPRISONMENT OF EIGHT (8) YEARS TO TEN (10) YEARS,
483 CONFISCATION OF THE SAME AND A FINE EQUIVALENT TO THREE
484 TIMES THE VALUE OF THE BREEDERS, SPAWNERS, EGGS, OR FRY
485 EXPORTED OR FIVE HUNDRED THOUSAND PESOS (P500,000.00),
486 WHICHEVER IS HIGHER, and the revocation of the fishing LICENSEAND/OR
487 SUSPENSION OR REVOCATION OF REGISTRATION AS EXPORTER,
488 PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE
489 ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE THE
490 LICENSE FOR COMMERCIAL FISHING AND THE REGISTRATION AS
491 EXPORTER.

492 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
493 EQUIVALENT OF UP TO TWO TIMES THE AMOUNT OF THE PENALTIES.
494 IN CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALLBE FIVE
495 TIMES THE AMOUNT OF THE FINES ABOVESTATED.

496
497 FAILURE ON THE PART OF THE SHIPPING COMPANY FROM
498 WHOSE POSSESSION THE BREEDERS, SPAWNERS, EGGS, OR FRY
499 ARE DISCOVERED OR SEIZED TO FULLY COOPERATE IN THE

500 INVESTIGATION CONDUCTED BY CONCERNED GOVERNMENT
501 AUTHORITIES ON THE MATTER SHALL CREATE A LEGAL
502 PRESUMPTION THAT THERE IS CONNIVANCE OR CONSPIRACY
503 BETWEEN THE SHIPPING COMPANY AND THE SHIPPER TO
504 PERPETRATE THE AFOREMENTIONED OFFENSE."

505
506 **SEC. 15.**Section 100, Republic Act No. 8550 is hereby amended to read as follows:

507
508 "Section 100. Importation or Exportation of Fish or Fishery Species. -
509 Any importation or exportation of fish or fisheries species in violation of this
510 Code shall be punished by EIGHT (8) TO TEN (10) YEARS OF
511 IMPRISONMENT, A FINE EQUIVALENT TO THREE TIMES THE VALUE OF
512 THE FISH OR FISHERY SPECIES IMPORTED OR EXPORTED OR FIVE
513 HUNDRED THOUSAND PESOS (P500,000.00), WHICHEVER IS HIGHER,
514 AND THE DESTRUCTION OF LIVE FISHERY SPECIES OR FORFEITURE
515 OF NON-LIVE FISHERY SPECIES IN FAVOR OF THE DEPARTMENT FOR
516 ITS PROPER DISPOSITION: Provided, that violator of this provision shall be
517 banned from being members or stock holders of companies currently engaged
518 in fisheries or companies to be created in the future, the guidelines for which
519 shall be promulgated by the Department, PROVIDED FINALLY THAT THE
520 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED
521 FINES AND TO SUSPEND OR REVOKE THE REGISTRATION AS
522 IMPORTER OR EXPORTER.

523
524 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
525 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
526 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
527 THE AMOUNT OF THE FINES ABOVESTATED.

528
529 FAILURE ON THE PART OF THE SHIPPING COMPANY FROM
530 WHOSE POSSESSION THE FISH OR FISHERY SPECIES IMPORTED OR
531 EXPORTED ARE DISCOVERED OR SEIZED TO FULLY COOPERATE IN THE
532 INVESTIGATION CONDUCTED BY CONCERNED GOVERNMENT
533 AUTHORITIES ON THE MATTER SHALL CREATE A LEGAL PRESUMPTION
534 THAT THERE IS CONNIVANCE OR CONSPIRACY BETWEEN THE
535 SHIPPING COMPANY AND THE SHIPPER TO PERPETRATE THE
536 AFOREMENTIONED OFFENSE."

537
538 **SEC. 16.**Section 101, Republic Act No. 8550 is hereby amended to read as follows:

539
540 "Section 101. Violation of Catch Ceilings. - It shall be unlawful for any
541 person to fish in violation of catch ceilings as determined by the Department.
542 Violation of the provision of this section shall be punished by A FINE
543 EQUIVALENT TO THREE TIMES THE VALUE OF THE CATCH TAKEN IN
544 VIOLATION OF THIS PROVISION OR TEN THOUSAND PESOS
545 (P10,000.00) FOR THOSE ENGAGED IN MUNICIPAL FISHING, FIFTY-
546 THOUSAND PESOS (P50,000.00) FOR THOSE ENGAGED IN SMALL-
547 SCALE COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS
548 (P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE COMMERCIAL
549 FISHING, AND TWO HUNDRED THOUSAND PESOS (P200,000.00) FOR
550 THOSE ENGAGED IN LARGE-SCALE COMMERCIAL FISHING,
551 RESPECTIVELY, WHICHEVER IS HIGHER, AND IMPRISONMENT FROM
552 FOUR (4) TO SIX (6) YEARS, and forfeiture of the catch, and fishing
553 equipment used and revocation of license, PROVIDED THAT THE
554 DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED

555 FINES AND TO SUSPEND OR REVOKE THE LICENSE FOR COMMERCIAL
556 FISHING.

557
558 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
559 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
560 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
561 THE AMOUNT OF THE FINES ABOVE STATED.

562
563 **SEC. 17.**Section 102, Republic Act No. 8550 is hereby amended to read as follows:

564
565 "Section 102. Aquatic Pollution. - Aquatic pollution, as defined in this
566 Code shall be unlawful.

567 Violation of the provision of this section shall be punished by
568 imprisonment of TWELVE (12) YEARS TO TWENTY (20) YEARS AND A
569 FINE OF FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO TWO
570 MILLION PESOS (P2,000,000), plus an additional fine of TWENTY
571 THOUSAND PESOS (P20,000.00) per day until such violation ceases and the
572 fines paid, PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO
573 IMPOSE THE ABOVE MENTIONED FINES AND TO ISSUE A CEASE AND
574 DESIST ORDER TO THE VIOLATOR.

575
576 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
577 EQUIVALENT OF UP TO TWO TIMES THE AMOUNT OF THE PENALTIES.
578 IN CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE
579 TIMES THE AMOUNT OF THE FINES ABOVE STATED.

580
581
582 **SEC. 18.**Section 103, Republic Act No. 8550 is hereby amended to read as follows:

583
584 "Section103. Other Violations. - The following fisheries activities shall
585 also be considered as a violation of this Code:

586 a. Failure to Comply with Minimum Safety Standards. - The owner
587 and captain of a commercial fishing vessel engaged in fishing who, upon
588 demand by proper authorities, fails to exhibit or show proof of compliance with
589 the safety standards provided in this Code, shall be immediately prevented from
590 continuing with his fishing activity and escorted to the nearest port or landing
591 point. The license to operate the commercial fishing vessel shall be suspended
592 until the safety standard has been complied with.

593 b. Failure to Conduct a Yearly Report on all Fishponds, Fish Pens
594 and Fish Cages. - The FLA OR OTHER TENURIAL INSTRUMENTof the holder
595 who fails to render a yearly report shall be immediately canceled: Provided, That
596 if the offender be the owner of the fishpond, fish pen or fish cage, he shall be
597 subjected to the following penalties: (1) first offense, a fine of TWO THOUSAND
598 PESOS(P2,000.00) per unreported hectare; (2) subsequent offenses, a fine of
599 FIVE THOUSAND PESOS (P5,000.00) per unreported hectare.

600 c. Gathering and Marketing of Shell Fishes. - It shall be unlawful for
601 any person to take, sell, transfer, or have in possession for any purpose any
602 shell fish which is sexually mature or below the minimum size or above the
603 maximum quantities prescribed for the particular species.

604 d. Obstruction to Navigation or Flow and Ebb of Tide in any
605 Stream, River, Lake or Bay. - It shall be unlawful for any person who causes
606 obstruction to navigation or flow of ebb of tide.

607 e. Construction and Operation of Fish Corrals/Traps, Fish Pens
608 and Fish Cages. - It shall be unlawful to construct and operate fish corrals/traps,
609 fish pens and fish cages without a license/permit.

610 Subject to the provision of the subparagraph (b) of this section, violation
611 of the above-enumerated prohibited acts shall subject the offender to a FINE
612 RANGING FROM TEN THOUSAND PESOS (P10,000.00) TO THIRTY
613 THOUSAND PESOS (P30,000.00) AND IMPRISONMENT FROM SIX (6)
614 MONTHS TO ONE (1) YEAR: Provided, that the Secretary is hereby
615 empowered to impose upon the offender an administrative fine of not more than
616 FIFTY THOUSAND PESOS (P50,000.00) or to cancel his permit or license, or to
617 impose such fine and to cancel his permit or license, in the discretion of the
618 Secretary; Provided, further, that the Secretary, or his duly authorized
619 representative, and law enforcement agents are hereby empowered to impound
620 with the assistance of the Philippine Coast Guard, PNP-Maritime
621 Command: Provided, finally, that any person who unlawfully obstructs or delays
622 the inspection and/or movement of fish and fishery/aquatic products when such
623 inspection and or movement is authorized under this Code, shall be subject to a
624 fine of not more than THIRTY THOUSAND PESOS (P30,000.00) or
625 imprisonment of not more than two (2) years, or both such fine and
626 imprisonment, upon the discretion of the Court.

627 Every penalty imposed for the commission of an offense shall carry with
628 it the forfeiture of the proceeds of such offense and the instruments or tools with
629 which it was committed.

630 Such proceeds and instruments or tools shall be confiscated and
631 forfeited in favor of the Government, unless they be the property of a third
632 person not liable for the offense, but those articles which are not subject of
633 lawful commerce shall be destroyed.

634 PROVIDED THAT THE DEPARTMENT IS ALSO EMPOWERED TO
635 IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE
636 THE PERMIT OR LICENSE.

638 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
639 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
640 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
641 THE AMOUNT OF THE FINES ABOVESTATED.

642
643
644 **SEC. 19.**Section 104, Republic Act No. 8550 is hereby amended to read as follows:
645

646 "Section 104. Commercial Fishing Vessel Operators Employing
647 Unlicensed Fisherfolk or Fishworker or Crew. - The owner/operator of a
648 commercial fishing vessel employing unlicensed fisherfolk or fishworker shall
649 be fined with TWO THOUSAND PESOS (P2,000.00) EACH FOR EVERY
650 MONTH THAT THE SAME HAS BEEN EMPLOYED AND/OR THREE
651 THOUSAND PESOS (P3,000.00) FOR EVERY MONTH FOR EACH
652 UNLICENSED CREW MEMBER WHO HAS BEEN EMPLOYED, PROVIDED
653 THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE
654 ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE THE
655 LICENSE FOR COMMERCIAL FISHING.

656
657 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
658 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
659 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
660 THE AMOUNT OF THE FINES ABOVESTATED.

661
662
663 **SEC. 20.**A new provision, dubbed as Section 104-A, is hereby added to the existing
664 provisions of this Code. The same shall read as follows:

665 "SECTION 104-A. COMMERCIAL FISHING VESSEL OPERATORS
666 EMPLOYING UNLICENSED FISHERFOLK/FISHWORKER OR CREW TO
667 FISH OR ENGAGE IN OTHER FISHERIES ACTIVITIES IN THE
668 INTERNATIONAL WATERS, OR IN THE TERRITORIAL SEAS AND
669 EXCLUSIVE ECONOMIC ZONES OF OTHER STATES.-THE
670 OWNER/OPERATOR OF A COMMERCIAL FISHING VESSEL EMPLOYING
671 UNLICENSED FISHERFOLK/FISHWORKER OR CREW TO FISH IN THE
672 INTERNATIONAL WATERS, OR IN THE TERRITORIAL SEAS AND
673 EXCLUSIVE ECONOMIC ZONES OF OTHER STATES SHALL BE FINED
674 WITH TEN THOUSAND PESOS (P10,000.00) FOR EVERY MONTH FOR
675 EACH UNLICENSED FISHERFOLK/FISHWORKER OR CREW THAT THE
676 SAME HAS BEEN EMPLOYED. PROVIDED THAT THE DEPARTMENT IS
677 EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES AND TO
678 SUSPEND OR REVOKE THE INTERNATIONAL FISHING PERMIT.

679
680 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
681 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
682 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
683 THE AMOUNT OF THE FINES ABOVE STATED.

684
685
686 **SEC. 21.**Section 105, Republic Act No. 8550 is hereby amended to read as follows:

687
688 "Section 105. Obstruction of Defined Migration Paths. - Obstruction of
689 any defined migration paths of anadromous, catadromous and other migratory
690 species, in areas including, but not limited to river mouths and estuaries within
691 a distance determined by the concerned FARMCs shall be punished by
692 IMPRISONMENT OF EIGHT (8) YEARS TO TWELVE (12) YEARS AND A

693 FINE FROM ONE HUNDRED FIFTY THOUSAND PESOS (P150,000.00) TO
694 FIVE HUNDRED THOUSAND PESOS (P500,000.00), and cancellation of
695 permit/license, if any, and dismantling of obstruction shall be at his own
696 expense and confiscation of same, *PROVIDED THAT THE DEPARTMENT*
697 *IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES*
698 *INCLUDING THE DISMANTLING OF THE OBSTRUCTION AND THE*
699 *SUSPENSION OR REVOCATION OF PERMIT OR LICENSE.*

700
701 IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE
702 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE PENALTIES. IN
703 CASE OF AT LEAST A THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES
704 THE AMOUNT OF THE FINES ABOVE STATED.

705
706
707 **SEC. 22.**Section 106, Republic Act No. 8550 is hereby amended to read as follows:

708
709 "Section 106. Obstruction to Fishery Law Enforcement Officer. - The
710 boat owner, master or operator or any person acting on his behalf of any
711 fishing vessel who evades, obstructs or hinder any fishery law enforcement
712 officer of the Department to perform his duty, shall be PENALIZED WITH
713 IMPRISONMENT OF SIX (6) MONTHS TO TWO (2) YEARS AND A FINE OF
714 FIFTY THOUSAND PESOS (P50,000.00) TO TWO HUNDRED THOUSAND
715 PESOS (P200,000.00) *PROVIDED THAT THE DEPARTMENT IS*
716 *EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES. IN CASE OF*
717 *A SECOND OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES*
718 *THE AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD*
719 *OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES*
720 *ABOVE STATED.*

In addition, the registration, permit and/or license of the vessel including the license of the master fisherman shall be canceled."

SEC. 23. OTHER VIOLATIONS – VIOLATION OF ANY OTHER PROVISION OF THIS CODE, OR OF ANY RULE OR REGULATION ALREADY EXISTING, OR WHICH MAYBE PROMULGATED PURSUANT TO THIS CODE SHALL SUBJECT THE OFFENDER TO A FINE OF THIRTY THOUSAND PESOS (P30,000) TO THREE HUNDRED THOUSAND PESOS (P300,000) OR IMPRISONMENT FROM SIX MONTHS TO FOUR YEARS OR BOTH SUCH FINE OR IMPRISONMENT IN THE DISCRETION OF THE COURT, PROVIDED THE DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE THE LICENSE, PERMIT OR REGISTRATION.

SEC. 24. A new chapter on legal, administrative and quasi-judicial actions, dubbed as Chapter VI-A, covering provisions from Sections 106-A to 106-F, is hereby added to the existing provisions of this Code. The same shall read as follows:

"CHAPTER VI-A
ADMINISTRATIVE ACTIONS

SECTION 106-A. ADMINISTRATIVE ACTION. - THE DEPARTMENT SHALL, ON ITS OWN INSTANCE OR UPON VERIFIED COMPLAINT BY ANY PERSON, INSTITUTE ADMINISTRATIVE PROCEEDINGS AGAINST ANY PERSON WHO COMMITS THE ABOVE-MENTIONED VIOLATIONS.

SECTION 106-B. ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OR HIS DULY AUTHORIZED REPRESENTATIVE TO ORDER CONFISCATION – IN ALL CASES OF VIOLATION OF THIS ACT OR OTHER

749 FISHERY LAWS, RULES AND REGULATIONS, THE DIRECTOR OR HIS
750 DULY AUTHORIZED REPRESENTATIVE, MAY ORDER THE
751 CONFISCATION AND FORFEITURE OF ANY FISH, FISHERY SPECIES OR
752 AQUATIC RESOURCES ILLEGALLY CAUGHT, TAKEN OR GATHERED,
753 AND ALL GEARS AND VESSELS USED IN THE COMMISSION OF THE
754 OFFENSE INFAVOR OF THE DEPARTMENT AND TO DISPOSE OF THE
755 SAME IN ACCORDANCE WITH PERTINENT LAWS, RULES,
756 REGULATIONS AND POLICIES ON THE MATTER.

757
758 SECTION 106-C. REWARD TO INFORMANTS AND THOSE WHO
759 ASSISTED IN THE FISHERY LAW ENFORCEMENT – ANY PERSON WHO
760 PROVIDED INFORMATION FOR, OR ASSISTED, IN THE APPREHENSION
761 AND CONVICTION OF A PERSON FOR THE VIOLATION OF THIS ACT OR
762 OTHER FISHERY LAWS, RULES AND REGULATIONS, OR THE
763 CONFISCATION AND FORFEITURE OF FISH, FISHERY SPECIES, OTHER
764 AQUATIC RESOURCES, VESSEL, GEARS AND CONVEYANCES, SHALL
765 BE GIVEN A REWARD IN THE AMOUNT OF TWENTY PERCENT (20%) OF
766 THE PROCEEDS OF THE CONFISCATION AND FORFEITURE OR OF THE
767 ADMINISTRATIVE FINES COLLECTED BY THE BUREAU. FOR THIS
768 PURPOSE, THE DEPARTMENT SHALL PROMULGATE THE RULES AND
769 REGULATIONS FOR THE GRANTING OF THIS REWARD.

770
771 SECTION 106-D. INDEPENDENCE OF ADMINISTRATIVE ACTION -
772 THE FILING OF AN ADMINISTRATIVE ACTION AGAINST A PERSON OR
773 ENTITY THAT COMMITTED THE ABOVE-MENTIONED VIOLATIONS DOES
774 NOT PRECLUDE THE FILING OF CRIMINAL AND CIVIL ACTION AGAINST
775 THE SAME. SUCH ACTION SHALL PROCEED INDEPENDENTLY.
776

777 SECTION 106-E. LIEN UPON PERSONAL AND IMMOVABLE
778 PROPERTIES OF VIOLATORS. - FINES AND PENALTIES IMPOSED
779 PURSUANT TO THIS ACT SHALL CONSTITUTE AS LIENS UPON THE
780 PERSONAL AND IMMOVABLE PROPERTIES OF THE VIOLATOR.

781
782 SECTION 106-F. POWER TO ISSUE CEASE AND DESIST ORDERS
783 AND TO SUMMARILY EJECT WITHOUT THE NECESSITY OF JUDICIAL
784 ORDER.-THE DEPARTMENT SHALL, SUBJECT TO THE REQUIREMENTS
785 OF ADMINISTRATIVE DUE PROCESS, HAVE THE POWER TO ISSUE
786 CEASE AND DESIST ORDER/S UPON VIOLATOR/S AND TO SUMMARILY
787 EJECT, WITHOUT THE NECESSITY OF JUDICIAL ORDER, THE HOLDER
788 OF FLA. OTHER TENURIAL INSTRUMENT, PERMIT OR LICENSE FROM
789 AREASOF THE PUBLIC DOMAIN COVERED BY SUCH FLA, TENURIAL
790 INSTRUMENT, PERMIT OR LICENSE."

791
792 SEC. 25.ESCALATION CLAUSE. - THE FINE HEREIN PRESCRIBED SHALL BE
793 INCREASED BY AT LEAST TEN PERCENT (10%) EVERY THREE (3) YEARS TO
794 COMPENSATE FOR INFLATION AND TO MAINTAIN THE DETERRENT FUNCTION OF SUCH
795 FINES.

796
797 **SEC. 26.**Repealing Clause. – All laws, decrees, executive orders and rules and
798 regulations or part thereof, which are inconsistent with this Code, are repealed or modified
799 accordingly.

800
801 **SEC. 27.**Separability Clause. – If any portion of this Code is declared unconstitutional or
802 invalid, the portions or provisions thereof, which are not affected thereby, shall continue in full
803 force and effect.

804

805 **SEC. 28.**Effectivity.— This Act shall take effect fifteen (15) days following its complete
806 publication in at least two (2) newspapers of general circulation.

807

808 **APPROVED,**

809