

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3893



Introduced by: **Rep. Pryde Henry A. Teves and Rep. Benhur L. Salimbangon**

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.

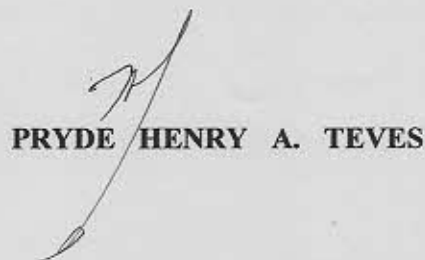
RA 8550 is replete with penalties such as these that are not commensurate to the damage caused, the economic value lost, and habitat destroyed. In exchange for large sums of money, violators only find these penalties convenient, a pint in their business investment pie. This defeats the deterrent function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

In view of the foregoing, the approval of this bill is earnestly solicited.



BENHUR L. SALIMBANGON



PRYDE HENRY A. TEVES

75. **Unregulated fishing** - refers to fishing activities in the area of application of a relevant Regional Fisheries Management Organization that are conducted by vessels without nationality, or by those flying the flag of the Philippines or other

1 states not party to that organization, or by a fishing entity, in a manner that is not
2 consistent with or contravenes the conservation and management measures of that
3 organization; or in areas or fish stocks in relation to which there are no applicable
4 conservation and management measures and where such fishing activities are
5 conducted in a manner inconsistent with the state responsibilities of the Philippines
6 for the conservation of living marine resources under international law.

7
8 **Sec. 2.** Section 86 of Republic Act No. 8550 is hereby amended to read as follows:

9
10 “Section 86. *Unauthorized Fishing or Engaging in other*
11 *Unauthorized Fisheries Activities.* - No person shall exploit, occupy,
12 produce, breed, culture, capture or gather fish, fry or fingerlings of any
13 fishery species or fishery products, or engage in any fishery activity in
14 Philippine waters without a license, lease or permit.

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

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

23 Any commercial fishing boat owner and the three (3) highest officers
24 of the boat who commit any of the above prohibited acts shall, **UPON**
25 **CONVICTION**, be punished by a fine equivalent to **THREE (3) TIMES**
26 the value of catch or [Ten thousand pesos (P10,000.00)] **FIFTY**
27 **THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE**
28 **COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS**
29 **(P100,000.00) FOR MEDIUM-SCALE COMMERCIAL FISHING,**
30 **AND FIVE HUNDRED THOUSAND PESOS (P500,000.00) FOR**
31 **LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY,**
32 whichever is higher, and imprisonment of [six (6) months] **FOUR (4) TO**
33 **SIX (6) YEARS**, confiscation of catch and fishing gears, and revocation of
34 license: **PROVIDED, THAT THE DEPARTMENT IS EMPOWERED**
35 **TO IMPOSE THE ABOVE FINES UPON DETERMINATION THAT**

1 THE PERSON/S HAS VIOLATED THE ABOVE PROVISION. IN
2 CASE OF A SECOND OFFENSE, THE FINE SHALL BE
3 EQUIVALENT TO TWO TIMES THE AMOUNT OF THE
4 PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE, THE
5 FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES
6 ABOVESTATED.

7 IN THE CASE OF FISHING WITHOUT A LICENSE,
8 DOUBLE OF THE ABOVE ADMINISTRATIVE PENALTIES
9 SHALL BE IMPOSED UPON ANY PERSON WHO HAS VIOLATED
10 THE ABOVE PROVISION.

11 It shall be unlawful for any person not listed in the registry of
12 municipal fisherfolk to engage in any commercial fishing activity in
13 municipal waters. Any municipal fisherfolk who commits such violation
14 shall be punished by confiscation of catch and a fine of [Five hundred pesos
15 (P500.00)] **TEN THOUSAND PESOS (P10,000.00).**"

16
17 **Sec. 3.** Three new provisions, dubbed as Sections 86-A, 86-B, and 86-C, are hereby
18 inserted after Section 86 of Republic Act No. 8550. The same shall read as follows:

19
20 **SECTION 86-A. FAILURE TO SECURE INTERNATIONAL**
21 **FISHING PERMIT PRIOR TO FISHING OR ENGAGING IN OTHER**
22 **FISHERIES ACTIVITIES IN THE HIGH SEAS OR IN THE**
23 **TERRITORIAL SEAS AND EXCLUSIVE ECONOMIC ZONES OF**
24 **OTHER STATES. – IT SHALL BE UNLAWFUL FOR PHILIPPINE**
25 **REGISTERED FISHING VESSELS TO OPERATE IN THE HIGH**
26 **SEAS, OR IN THE TERRITORIAL SEAS AND EXCLUSIVE**
27 **ECONOMIC ZONES OF OTHER STATES WITHOUT FIRST**
28 **SECURING INTERNATIONAL FISHING PERMIT FROM THE**
29 **DEPARTMENT.**

30 **DISCOVERY OF SUCH FISHING VESSEL IN THE ABOVE-**
31 **MENTIONED AREAS WHERE THE SAME HAS NO PERMIT**
32 **AND/OR REGISTRATION PAPERS FOR FISHING OR ENGAGING**
33 **IN OTHER FISHERY ACTIVITIES THEREIN SHALL CONSTITUTE**
34 **AS A PRIMA FACIE PRESUMPTION THAT THE VESSEL IS**
35 **ENGAGED IN THE SAID VIOLATION.**

1 IT SHALL ALSO BE UNLAWFUL FOR THE SAID VESSEL
2 TO COMMIT ACTS THAT ARE IN CONTRAVENTION WITH THE
3 TERMS AND CONDITIONS STATED IN THE INTERNATIONAL
4 FISHING PERMIT OR AS MAY BE PROMULGATED BY THE
5 DEPARTMENT.

6 ANY COMMERCIAL FISHING BOAT OWNER/OPERATOR
7 AND THE THREE (3) HIGHEST OFFICERS OF THE BOAT WHO
8 COMMIT ANY OF THE ABOVE PROHIBITED ACTS SHALL, UPON
9 CONVICTION, BE PUNISHED BY A FINE EQUIVALENT TO
10 THREE (3) TIMES THE VALUE OF CATCH OR FIVE HUNDRED
11 THOUSAND PESOS (P500,000) FOR SMALL-SCALE COMMERCIAL
12 FISHING, ONE MILLION PESOS (P1,000,000) FOR MEDIUM-SCALE
13 COMMERCIAL FISHING, AND TWO MILLION PESOS (P2,000,000)
14 FOR LARGE-SCALE COMMERCIAL FISHING, RESPECTIVELY,
15 WHICHEVER IS HIGHER, AND IMPRISONMENT OF FOUR (4) TO
16 SIX (6) YEARS, CONFISCATION OF CATCH AND FISHING GEARS,
17 AND AUTOMATIC REVOCATION OF LICENSE, *PROVIDED*, THAT
18 THE DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVE
19 FINES UPON DETERMINATION THAT THE PERSON/S HAS
20 VIOLATED THE ABOVE PROVISION. IN CASE OF A SECOND
21 OFFENSE, THE FINE SHALL BE EQUIVALENT TO TWO TIMES
22 THE AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A
23 THIRD OFFENSE, THE FINE SHALL BE FIVE TIMES THE
24 AMOUNT OF THE FINES ABOVESTATED.

25
26 SECTION 86-B. *UNREPORTED FISHING* - IT SHALL BE
27 UNLAWFUL FOR ANY PERSON TO ENGAGE IN UNREPORTED
28 FISHING AS DEFINED IN SECTION 4 PARAGRAPH 74 OF THIS
29 CODE.

30 VIOLATION OF THIS PROVISION IN WATERS UNDER THE
31 NATIONAL JURISDICTION SHALL BE PENALIZED BY A FINE OF
32 FIFTY THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE
33 COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS
34 (P100,000.00) FOR MEDIUM-SCALE COMMERCIAL FISHING, AND
35 FIVE HUNDRED THOUSAND PESOS (P500,000.00) FOR LARGE-

1 SCALE COMMERCIAL FISHING, RESPECTIVELY, FOR THE
2 FIRST OFFENSE. SECOND OFFENSE SHALL BE PENALIZED BY
3 DOUBLE THE AMOUNT OF FINE AND SUSPENSION OF LICENSE
4 FOR ONE (1) YEAR. THIRD OFFENSE SHALL BE PENALIZED BY
5 FIVE TIMES THE AMOUNT OF FINE AND REVOCATION OF
6 LICENSE, *PROVIDED* THAT THE DEPARTMENT IS EMPOWERED
7 TO IMPOSE THE ABOVEMENTIONED FINES AND PENALTIES.

8 VIOLATION OF THIS PROVISION IN WATERS BEYOND
9 NATIONAL JURISDICTION SHALL BE PENALIZED BY A FINE
10 OF ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR SMALL-
11 SCALE COMMERCIAL FISHING, TWO HUNDRED THOUSAND
12 PESOS (P200,000.00) FOR MEDIUM-SCALE COMMERCIAL
13 FISHING, AND ONE MILLION PESOS (P1,000,000.00) FOR LARGE-
14 SCALE COMMERCIAL FISHING, RESPECTIVELY, FOR THE
15 FIRST OFFENSE. SECOND OFFENSE SHALL BE PENALIZED BY
16 DOUBLE THE AMOUNT OF FINE AND SUSPENSION OF LICENSE
17 AND INTERNATIONAL FISHING PERMIT FOR ONE (1) YEAR.
18 THIRD OFFENSE SHALL BE PENALIZED BY FIVE TIMES THE
19 AMOUNT OF FINE AND REVOCATION OF LICENSE AND
20 INTERNATIONAL FISHING PERMIT, *PROVIDED* THAT THE
21 DEPARTMENT IS EMPOWERED TO IMPOSE THE
22 ABOVEMENTIONED FINES AND PENALTIES.

23
24 SECTION 86-C *UNREGULATED FISHING* – IT SHALL BE
25 UNLAWFUL FOR ANY PERSON TO ENGAGE IN UNREGULATED
26 FISHING AS DEFINED IN SECTION 4 PARAGRAPH 75 OF THIS
27 CODE.

28 VIOLATION OF THIS PROVISION IN WATERS UNDER THE
29 NATIONAL JURISDICTION SHALL BE PENALIZED BY A FINE
30 OF FIFTY THOUSAND PESOS (P50,000.00) FOR SMALL-SCALE
31 COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS
32 (P100,000.00) FOR MEDIUM-SCALE COMMERCIAL FISHING, AND
33 FIVE HUNDRED THOUSAND PESOS (P500,000.00) FOR LARGE-
34 SCALE COMMERCIAL FISHING, RESPECTIVELY, FOR THE
35 FIRST OFFENSE. SECOND OFFENSE SHALL BE PENALIZED BY

1 DOUBLE THE AMOUNT OF FINE AND SUSPENSION OF LICENSE
2 FOR ONE (1) YEAR. THIRD OFFENSE SHALL BE PENALIZED BY
3 FIVE TIMES THE AMOUNT OF FINE AND REVOCATION OF
4 LICENSE, *PROVIDED* THAT THE DEPARTMENT IS EMPOWERED
5 TO IMPOSE THE ABOVEMENTIONED FINES AND PENALTIES.

6 VIOLATION OF THIS PROVISION IN WATERS BEYOND
7 NATIONAL JURISDICTION SHALL BE PENALIZED BY A FINE
8 OF ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR SMALL-
9 SCALE COMMERCIAL FISHING, TWO HUNDRED THOUSAND
10 PESOS (P200,000.00) FOR MEDIUM-SCALE COMMERCIAL
11 FISHING, AND ONE MILLION PESOS (P1,000,000.00) FOR LARGE-
12 SCALE COMMERCIAL FISHING, RESPECTIVELY, FOR THE
13 FIRST OFFENSE. SECOND OFFENSE SHALL BE PENALIZED BY
14 DOUBLE THE AMOUNT OF FINE AND SUSPENSION OF LICENSE
15 AND INTERNATIONAL FISHING PERMIT FOR ONE (1) YEAR.
16 THIRD OFFENSE SHALL BE PENALIZED BY FIVE TIMES THE
17 AMOUNT OF FINE AND REVOCATION OF LICENSE AND
18 INTERNATIONAL FISHING PERMIT, *PROVIDED* THAT THE
19 DEPARTMENT IS EMPOWERED TO IMPOSE THE
20 ABOVEMENTIONED FINES AND PENALTIES.

21
22 **Sec. 4.** Section 87 of Republic Act No. 8550 is hereby amended to read as follows:

23
24 “SEC. 87. *Poaching in Philippine Waters.* - It shall be unlawful for
25 any foreign person, corporation or entity to fish or operate any fishing vessel
26 in Philippine waters.

27 The entry of any foreign fishing vessel in Philippine waters shall
28 constitute a prima facie evidence that the vessel is engaged in fishing in
29 Philippine waters.

30 Violation of the above shall be punished by a fine of [One hundred
31 thousand U.S. Dollars (US\$100,000.00)] **FIVE HUNDRED THOUSAND**
32 **U.S. DOLLARS (US\$500,000.00)**, in addition to the confiscation of its
33 catch, fishing equipment and fishing vessel: *Provided*, that the Department
34 is empowered to impose an administrative fine of not less than [Fifty
35 thousand U.S. Dollars (US\$50,000.00)] **TWO HUNDRED THOUSAND**

1 **U.S. DOLLARS (US\$200,000.00)** but not more than [Two hundred
2 thousand U.S. Dollars (US\$200,000.00)] THREE HUNDRED THOUSAND
3 U.S. DOLLARS (US\$300,000.00) or its equivalent in the Philippine
4 Currency. **IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE**
5 **EQUIVALENT TO TWO TIMES THE AMOUNT OF THE**
6 **PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE, THE**
7 **FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES**
8 **ABOVESTATED.**

9
10 **Sec. 5.** Section 88 of Republic Act No. 8550 is hereby amended to read as follows:

11
12 “Section 88. *Fishing Through Explosives, Noxious or Poisonous*
13 *Substance, and/or Electricity.* -

14 (1) It shall be unlawful for any person to catch, take or gather or
15 cause to be caught, taken or gathered, fish or any fishery species in
16 Philippine waters with the use of electricity, explosives, noxious or
17 poisonous substance such as sodium cyanide in the Philippine fishery areas,
18 which will kill, stupefy, disable or render unconscious fish or fishery
19 species: *Provided*, That the Department, subject to such safeguards and
20 conditions deemed necessary and endorsement from the concerned LGUs
21 may allow, for research, educational or scientific purposes only, the use of
22 electricity, poisonous or noxious substances to catch, take or gather fish or
23 fishery species: *Provided further*, That the use of poisonous or noxious
24 substances to eradicate predators in fishponds in accordance with accepted
25 scientific practices and without causing adverse environmental impact in
26 neighboring waters and grounds shall not be construed as illegal fishing.

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

30 The discovery of dynamite, other explosives and chemical
31 compounds which contain combustible elements, or noxious or poisonous
32 substances, or equipment or device for electro-fishing in any fishing vessel
33 or in the possession of any fisherfolk, operator, fishing boat official or
34 fishworker shall constitute a *prima facie* evidence, that the same was used
35 for fishing in violation of this Code. The discovery in any fishing vessel of

1 fish caught or killed with the use of explosive, noxious or poisonous
2 substances or by electricity shall constitute *prima facie* evidence that the
3 fisherfolk, operator, boat official or fishworker is fishing with the use
4 thereof.

5 (2) Mere possession of explosive, noxious or poisonous substances
6 or electrofishing devices for illegal fishing shall be punishable by
7 imprisonment ranging from [six (6) months to two (2) years] **TWO (2) TO**
8 **SIX (6) YEARS: PROVIDED, THAT THE DEPARTMENT IS**
9 **EMPOWERED TO IMPOSE A FINE RANGING FROM FIVE**
10 **THOUSAND PESOS (P5,000) UP TO FIVE HUNDRED THOUSAND**
11 **PESOS (P500,000). WITHIN SIX MONTHS FROM THE**
12 **EFFECTIVITY OF THIS LAW, THE DEPARTMENT SHALL**
13 **PROMULGATE THE NECESSARY GRADUATION OF PENALTIES**
14 **DEPENDING ON THE NUMBER OF EXPLOSIVE DEVICES,**
15 **AMOUNT OR VOLUME OF NOXIOUS AND POISONOUS**
16 **SUBSTANCES AND NUMBER OF ELECTROFISHING DEVICES**
17 **AND THE FREQUENCY OF VIOLATIONS.**

18 (3) Actual use of explosives, noxious or poisonous substances or
19 electrofishing devices for illegal fishing shall be punishable by
20 imprisonment ranging from [five (5) years to ten (10) years] **TWENTY (20)**
21 **TO TWENTY-FIVE (25) YEARS** without prejudice to the filing of
22 separate criminal cases when the use of the same result to physical injury or
23 loss of human life. **IN CASES WHEN DEATH OR PHYSICAL**
24 **INJURIES RESULT FROM THE USE OF EXPLOSIVES, NOXIOUS**
25 **OR POISONOUS SUBSTANCES OR ELECTROFISHING DEVICES,**
26 **THE MAXIMUM PENALTY PROVIDED ABOVE SHALL BE**
27 **IMPOSED: PROVIDED, THAT THE DEPARTMENT IS**
28 **EMPOWERED TO IMPOSE A FINE RANGING FROM TEN**
29 **THOUSAND PESOS (P10,000) UP TO ONE MILLION PESOS**
30 **(P1,000,000). WITHIN SIX MONTHS FROM THE EFFECTIVITY OF**
31 **THIS LAW, THE DEPARTMENT SHALL PROMULGATE THE**
32 **NECESSARY GRADUATION OF PENALTIES DEPENDING ON**
33 **THE NUMBER OR FREQUENCY OF VIOLATIONS.**

34 (4) **POSSESSING**, dealing in, selling, or in any manner disposing
35 of, for profit, illegally caught/gathered fisheries species shall be punished by

1 imprisonment ranging from [six (6) months to two (2) years] **FOUR (4)**
2 **YEARS TO EIGHT (8) YEARS, PROVIDED THAT THE**
3 **DEPARTMENT IS EMPOWERED TO IMPOSE A FINE RANGING**
4 **FROM FIVE THOUSAND PESOS (P5,000.00) UP TO FIVE**
5 **HUNDRED THOUSAND PESOS (P500,000.00). WITHIN SIX**
6 **MONTHS FROM THE EFFECTIVITY OF THIS LAW, THE**
7 **DEPARTMENT SHALL PROMULGATE THE NECESSARY**
8 **GRADUATION OF PENALTIES DEPENDING ON THE NUMBER,**
9 **VOLUME, OR VALUE OF THE ILLEGALLY**
10 **CAUGHT/GATHERED FISHERY SPECIES AND THE**
11 **FREQUENCY OF VIOLATIONS.**

12 (5) In all cases enumerated above, the explosives, noxious or
13 poisonous substances and/or electrical devices, as well as the fishing vessels,
14 fishing equipment and catch shall be forfeited.”

15
16 **Sec. 6.** Section 89 of Republic Act No. 8550 is hereby amended to read as follows:

17
18 “Section 89. *Use of Fine Mesh Net.* - It shall be unlawful to engage in
19 fishing using nets with mesh smaller than that with which may be fixed by the
20 Department: *Provided*, that the prohibition on the use of fine mesh net shall
21 not apply to the gathering of fry, glass eels, elvers, *tabios*, and *alamang* and
22 such species, which by their nature, are small but already mature to be
23 identified in the implementing rules and regulations by the Department.

24 Violation of the above shall subject the offender to a fine [from Two
25 thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00)]
26 **EQUIVALENT TO THREE TIMES THE VALUE OF THE CATCH**
27 **OR TEN THOUSAND PESOS (P10,000.00) FOR THOSE ENGAGED**
28 **IN MUNICIPAL FISHING, TWENTY-THOUSAND PESOS**
29 **(P20,000.00) FORTHOSE ENGAGED IN SMALL-SCALE**
30 **COMMERCIAL FISHING, FIFTY THOUSAND PESOS (P50,000.00)**
31 **FOR THOSE ENGAGED IN MEDIUM-SCALE COMMERCIAL**
32 **FISHING, AND ONE HUNDRED THOUSAND PESOS (P100,000.00)**
33 **FOR THOSE ENGAGED IN LARGE-SCALE COMMERCIAL**
34 **FISHING, RESPECTIVELY, WHICHEVER IS HIGHER, [or**
35 imprisonment from six (6) months to two (2) years or both such fine and

1 imprisonment at the discretion of the court:] **AND IMPRISONMENT**
2 **FROM FOUR (4) TO SIX (6) YEARS:** *Provided*, That if the offense is
3 committed by a commercial fishing vessel, the boat captain and the master
4 fisherman shall also be subject to the penalties herein: *Provided, further*,
5 that the owner/operator of the commercial fishing vessel who violates this
6 provision shall be subjected to the same penalties provided herein: *Provided*,
7 *finally*, That the Department is hereby empowered to impose upon the
8 offender an administrative fine **EQUIVALENT TO THE ABOVE-**
9 **MENTIONED AMOUNT** and/or cancel his permit or license or both. **IN**
10 **CASE OF A SECOND OFFENSE, THE FINE SHALL BE**
11 **EQUIVALENT TO TWO TIMES THE AMOUNT OF THE**
12 **PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE, THE**
13 **FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES**
14 **ABOVESTATED.**

15
16 **Sec. 7.** Section 90 of Republic Act No. 8550 is hereby amended to read as follows:

17
18 *“Section 90. Use of Active Gear in the Municipal Waters and Bays*
19 *and Other Fishery Management Areas.-* It shall be unlawful to engage in
20 fishing in municipal waters and in all bays as well as other fishery
21 management areas using active fishing gears as defined in this Code.

22 Violators of the above prohibitions shall suffer the following
23 penalties:

24 [(1) The boat captain and master fisherman of the vessels who
25 participated in the violation shall suffer the penalty of imprisonment from
26 two (2) years to six (6) years;

27 (2) The owner/operator of the vessel shall be fined from Two
28 thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00) upon
29 the discretion of the court.]

30 **(1) THE OWNER/OPERATOR, BOAT CAPTAIN, AND**
31 **MASTER FISHERMAN OF THE VESSELS WHO PARTICIPATED**
32 **IN THE VIOLATION SHALL SUFFER THE PENALTY OF FINE**
33 **EQUIVALENT TO THREE (3) TIMES THE VALUE OF THE**
34 **CATCH OR FIFTY THOUSAND PESOS (P50,000.00) FOR THOSE**
35 **ENGAGED IN SMALL-SCALE COMMERCIAL FISHING, ONE**

1 HUNDRED THOUSAND PESOS (P100,000.00) FOR THOSE
2 ENGAGED IN MEDIUM-SCALE COMMERCIAL FISHING, AND
3 FIVE HUNDRED THOUSAND PESOS (P500,000.00) FOR THOSE
4 ENGAGED IN LARGE-SCALE COMMERCIAL FISHING,
5 RESPECTIVELY, WHICHEVER IS HIGHER, AND
6 IMPRISONMENT FROM SIX (6) YEARS TO TWELVE (12) YEARS:
7 *PROVIDED*, THAT THE DEPARTMENT IS ALSO EMPOWERED
8 TO IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND
9 OR REVOKE THE LICENSE FOR COMMERCIAL FISHING.

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

15 If the owner/operator OF THE FISHING VESSEL is a
16 corporation, the penalty shall be imposed on the chief executive officer of
17 the corporation.

18 If the owner/operator is a partnership the penalty shall be imposed on
19 the managing partner.

20 [(3)] (2) The catch shall be confiscated and forfeited.”
21

22 **Sec. 8.** Section 91 of Republic Act No. 8550 is hereby amended to read as follows:
23

24 “Section 91. *Ban on Coral Exploitation and Exportation.* - It shall be
25 unlawful for any person or corporation to gather, possess, sell or export
26 ordinary precious and semi-precious corals, whether raw or processed form,
27 except for scientific or research purposes.

28 Violations of this provision shall be punished by imprisonment from
29 [six (6) months to two (2) years)] **FOUR (4) YEARS TO SIX (6) YEARS**
30 and a fine [from Two thousand pesos (P2,000.00) to Twenty thousand pesos
31 (P20,000.00)] **EQUIVALENT TO THREE TIMES THE VALUE OF**
32 **THE CORALS GATHERED, POSSESSED, SOLD, AND/OR**
33 **EXPORTED OR FIVE HUNDRED THOUSAND PESOS**
34 **(P500,000.00), WHICHEVER IS HIGHER**, or both such fine and
35 imprisonment, at the discretion of the court, and forfeiture of the subject

1 corals, including the vessel and its proper disposition: **PROVIDED, THAT**
2 **THE DEPARTMENT IS EMPOWERED TO IMPOSE THE**
3 **ABOVEMENTIONED FINE. IN CASE OF A SECOND OFFENSE,**
4 **THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE**
5 **AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD**
6 **OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF**
7 **THE FINES ABOVESTATED.**

8 The confiscated corals shall either be returned to the sea or donated
9 to schools and museums for educational or scientific purposes or disposed
10 through other means.”

11
12 **Sec. 9.** Section 92 of Republic Act No. 8550 is hereby amended to read as follows:

13
14 “Section 92. *Ban on Muro-Ami, Other Methods and Gear*
15 *Destructive to Coral Reefs and Other Marine Habitat.* - It shall be unlawful
16 for any person, natural or juridical, to fish with gear method that destroy
17 coral reefs, seagrass beds, and other fishery marine life habitat as may be
18 determined by the Department. “Muro-Ami” and any of its variation, and
19 such similar gear and methods that require diving, other physical or
20 mechanical acts to pound the coral reefs and other habitat to entrap, gather
21 or catch fish and other fishery species are also prohibited.

22 The **OWNER/operator OF THE FISHING VESSEL/S**, boat
23 captain, master fisherman, and recruiter or organizer of fishworkers who
24 violate this provision shall suffer a penalty of [two (2) years to ten (10)
25 years] **EIGHT (8) YEARS TO TWELVE (12) YEARS**
26 **IMPRISONMENT** and a fine [of not less than One hundred thousand pesos
27 (P100,000.00) to Five hundred thousand pesos (P500,000.00)]
28 **EQUIVALENT TO THREE (3) TIMES THE VALUE OF THE FISH**
29 **CAUGHT THROUGH THE SAID FISHING OPERATION OR TWO**
30 **MILLION PESOS (P2,000,000.00), WHICHEVER IS HIGHER.** The
31 catch and gear used shall be confiscated: **PROVIDED, THAT THE**
32 **DEPARTMENT IS EMPOWERED TO IMPOSE THE**
33 **ABOVEMENTIONED FINE. IN CASE OF A SECOND OFFENSE,**
34 **THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE**
35 **AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD**

1 **OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF**
2 **THE FINES ABOVESTATED.**

3 It shall likewise be unlawful for any person or corporation to gather,
4 sell or export [white sand] **CORAL SAND, CORAL FRAGMENTS,**
5 **CORAL ROCKS,** silica, pebbles [and] **OR** any other substances which
6 make up any marine habitat.

7 The person or corporation who violates this provision shall suffer a
8 penalty of [two (2) years to ten (10) years imprisonment] **EIGHT (8)**
9 **YEARS TO TWELVE (12) YEARS IMPRISONMENT** and a fine [of
10 not less than One hundred thousand pesos (P100,000.00) to Five hundred
11 thousand pesos (P500,000.00)] **EQUIVALENT TO THREE TIMES THE**
12 **VALUE OF THE CORAL SAND, CORAL FRAGMENTS, CORAL**
13 **ROCKS, SILICA, OR PEBBLES GATHERED, SOLD, OR**
14 **EXPORTED OR TWO MILLION PESOS (P2,000,000.00),**
15 **WHICHEVER IS HIGHER,** [or both such fine and imprisonment, at the
16 discretion of the court]. The substance taken from its marine habitat shall be
17 confiscated.

18 **THE DEPARTMENT IS EMPOWERED TO IMPOSE THE**
19 **ABOVEMENTIONED FINE. IN CASE OF A SECOND OFFENSE,**
20 **THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE**
21 **AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD**
22 **OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF**
23 **THE FINES ABOVESTATED.**

24
25 **Sec. 10.** Section 93 of Republic Act No. 8550 is hereby amended to read as follows:

26
27 “Section 93. *Illegal Use of Superlights.* - It shall be unlawful to
28 engage in fishing with the use of superlights in municipal waters or in
29 violation of the rules and regulations which may be promulgated by the
30 Department on the use of superlights outside municipal waters.

31 Violations of this provision shall be punished by imprisonment from
32 [six (6) months to two (2) years or a fine of Five thousand pesos
33 (P5,000.00)] **FOUR (4) YEARS TO SIX (6) YEARS AND A FINE OF**
34 **TWENTY THOUSAND PESOS (P20,000.00)** per superlight, [or both

1 such fine and imprisonment at the discretion of the courts]. The superlight,
2 fishing gears and vessel shall be confiscated.

3 **THE DEPARTMENT IS EMPOWERED TO IMPOSE THE**
4 **ABOVEMENTIONED FINE. IN CASE OF A SECOND OFFENSE,**
5 **THE FINE SHALL BE EQUIVALENT TO TWO TIMES THE**
6 **AMOUNT OF THE PENALTIES. IN CASE OF AT LEAST A THIRD**
7 **OFFENSE, THE FINE SHALL BE FIVE TIMES THE AMOUNT OF**
8 **THE FINES ABOVESTATED."**

9
10 **Sec. 11.** Section 95 of Republic Act No. 8550 is hereby amended to read as follows:

11
12 *"Section 95. Fishing in Overfished Area and During Closed Season. -*
13 *It shall be unlawful to fish in overfished area and during closed season.*

14 Violation of the provision of this section shall be punished by
15 imprisonment of [six (6) months and one (1) day to six (6) years and/or]
16 **FOUR (4) YEARS TO SIX (6) YEARS** and a fine [of Six thousand pesos
17 (P6,000.00)] **EQUIVALENT TO THREE TIMES THE VALUE OF**
18 **THE FISH CATCH OR TEN THOUSAND PESOS (P10,000.00), FOR**
19 **THOSE ENGAGED IN MUNICIPAL FISHING, FIFTY-THOUSAND**
20 **PESOS (P50,000.00) FOR THOSE ENGAGED IN SMALL-SCALE**
21 **COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS**
22 **(P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE**
23 **COMMERCIAL FISHING, AND TWO HUNDRED THOUSAND**
24 **PESOS (P200,000.00) FOR THOSE ENGAGED IN LARGE-SCALE**
25 **COMMERCIAL FISHING, RESPECTIVELY, WHICHEVER IS**
26 **HIGHER,** and by forfeiture of the catch, and the cancellation of fishing
27 permit or license: **PROVIDED, THAT THE DEPARTMENT IS**
28 **EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES**
29 **AND TO SUSPEND OR REVOKE THE LICENSE FOR**
30 **COMMERCIAL FISHING.**

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

1
2 **SEC. 12.** Section 96 of Republic Act No. 8550 is hereby amended to read as follows:

3
4 “Section 96. *Fishing in Fishery Reserves, Refuge and Sanctuaries.* -
5 It shall be unlawful to fish in fishery areas declared by the Department as
6 fishery reserves, refuge and sanctuaries.

7 Violation of the provision of this section shall be punished by
8 imprisonment of [two (2) years to six (6) years] **FOUR (4) YEARS TO**
9 **SIX (6) YEARS** [and/or a fine of Two thousand pesos (P2,000.00)] **AND A**
10 **FINE EQUIVALENT TO THREE TIMES THE VALUE OF THE**
11 **CATCH OR TEN THOUSAND PESOS (P10,000.00) FOR THOSE**
12 **ENGAGED IN MUNICIPAL FISHING, FIFTY-THOUSAND PESOS**
13 **(P50,000.00), FOR THOSE ENGAGED IN SMALL-SCALE**
14 **COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS**
15 **(P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE**
16 **COMMERCIAL FISHING, AND TWO HUNDRED THOUSAND**
17 **PESOS (P200,000.00) FOR THOSE ENGAGED IN LARGE-SCALE**
18 **COMMERCIAL FISHING, RESPECTIVELY, WHICHEVER IS**
19 **HIGHER, [and by] THE** forfeiture of the catch, and the cancellation of
20 fishing permit or license: **PROVIDED, THAT THE DEPARTMENT IS**
21 **EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES**
22 **AND TO SUSPEND OR REVOKE THE LICENSE FOR**
23 **COMMERCIAL FISHING.**

24 **IN CASE OF A SECOND OFFENSE, THE FINE SHALL BE**
25 **EQUIVALENT TO TWO TIMES THE AMOUNT OF THE**
26 **PENALTIES. IN CASE OF AT LEAST A THIRD OFFENSE, THE**
27 **FINE SHALL BE FIVE TIMES THE AMOUNT OF THE FINES**
28 **ABOVESTATED.”**

29
30 **Sec.13.** Section 98 of Republic Act No. 8550 is hereby amended to read as follows:

31
32 “Section 98. *Capture of Sabalo and Other Breeders/Spawners.* - It
33 shall be unlawful for any person to catch, gather, capture or possess mature
34 milkfish or “sabalo” and such other breeders or spawners of other fishery
35 species as may be determined by the Department: *Provided, That* catching of

1 "sabalo" and other breeders/spawners for local breeding purposes or scientific
2 or research purposes may be allowed subject to guidelines to be promulgated
3 by the Department.

4 Violation of the provision of this section shall be punished by
5 imprisonment of [six (6) months and one (1) day to eight (8) years and/or]
6 **FOUR (4) YEARS TO EIGHT (8) YEARS AND A FINE**
7 **EQUIVALENT TO THREE TIMES THE VALUE OF THE**
8 **"SABALO", OTHER BREEDERS, OR SPAWNERS GATHERED OR**
9 **CAPTURED OR TWO HUNDRED THOUSAND PESOS**
10 **(P200,000.00), WHICHEVER IS HIGHER, and forfeiture of the catch,**
11 **and fishing equipment used and revocation of license: PROVIDED, THAT**
12 **THE DEPARTMENT IS EMPOWERED TO IMPOSE THE**
13 **ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE**
14 **THE LICENSE FOR COMMERCIAL FISHING.**

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

20
21 **Sec. 14.** Section 99 of Republic Act No. 8550 is hereby amended to read as follows:

22
23 *"Section 99. Exportation of Breeders, Spawners, Eggs or Fry. -*
24 *Exportation of breeders, spawners, eggs or fry as prohibited in this Code*
25 *shall be punished by imprisonment of eight (8) years* **TO TEN (10)**
26 **YEARS**, *confiscation of the same [or a fine equivalent to double the value*
27 *of the same]* **AND A FINE EQUIVALENT TO THREE TIMES THE**
28 **VALUE OF THE BREEDERS, SPAWNERS, EGGS, OR FRY**
29 **EXPORTED OR FIVE HUNDRED THOUSAND PESOS**
30 **(P500,000.00), WHICHEVER IS HIGHER, and the revocation of the**
31 **fishing [and/or export license/permit] LICENSE AND/OR SUSPENSION**
32 **OR REVOCATION OF REGISTRATION AS EXPORTER,**
33 **PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO**
34 **IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR**

1 REVOKE THE LICENSE FOR COMMERCIAL FISHING AND THE
2 REGISTRATION AS EXPORTER.

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

8 FAILURE ON THE PART OF THE SHIPPING COMPANY
9 FROM WHOSE POSSESSION THE BREEDERS, SPAWNERS,
10 EGGS, OR FRY ARE DISCOVERED OR SEIZED TO FULLY
11 COOPERATE IN THE INVESTIGATION CONDUCTED BY
12 CONCERNED GOVERNMENT AUTHORITIES ON THE MATTER
13 SHALL CREATE A LEGAL PRESUMPTION THAT THERE IS
14 CONNIVANCE OR CONSPIRACY BETWEEN THE SHIPPING
15 COMPANY AND THE SHIPPER TO PERPETRATE THE
16 AFOREMENTIONED OFFENSE.”

17
18 **Sec. 15.** Section 100 of Republic Act No. 8550 is hereby amended to read as follows:

19 “Section 100. *Importation or Exportation of Fish or Fishery Species.*

20 - Any importation or exportation of fish or fisheries species in violation of
21 this Code shall be punished by eight (8) **TO TEN (10)** years of
22 imprisonment, a fine [of Eighty thousand pesos (P80,000.00)]
23 **EQUIVALENT TO THREE TIMES THE VALUE OF THE FISH OR**
24 **FISHERY SPECIES IMPORTED OR EXPORTED OR FIVE**
25 **HUNDRED THOUSAND PESOS (P500,000.00), WHICHEVER IS**
26 **HIGHER**, and destruction of live fishery species or forfeiture of non-live
27 fishery species in favor of the Department for its proper disposition:
28 *Provided*, That violator of this provision shall be banned from being
29 members or stock holders of companies currently engaged in fisheries or
30 companies to be created in the future, the guidelines for which shall be
31 promulgated by the Department: **PROVIDED, FINALLY, THAT THE**
32 **DEPARTMENT IS EMPOWERED TO IMPOSE THE**
33 **ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE**
34 **THE REGISTRATION AS IMPORTER OR EXPORTER.**

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

6 FAILURE ON THE PART OF THE SHIPPING COMPANY
7 FROM WHOSE POSSESSION THE FISH OR FISHERY SPECIES
8 IMPORTED OR EXPORTED ARE DISCOVERED OR SEIZED TO
9 FULLY COOPERATE IN THE INVESTIGATION CONDUCTED BY
10 CONCERNED GOVERNMENT AUTHORITIES ON THE MATTER
11 SHALL CREATE A LEGAL PRESUMPTION THAT THERE IS
12 CONNIVANCE OR CONSPIRACY BETWEEN THE SHIPPING
13 COMPANY AND THE SHIPPER TO PERPETRATE THE
14 AFOREMENTIONED OFFENSE.”

15
16 **Sec. 16.** Section 101 of Republic Act No. 8550 is hereby amended to read as follows:

17 “Section 101. *Violation of Catch Ceilings.* - It shall be unlawful for
18 any person to fish in violation of catch ceilings as determined by the
19 Department. Violation of the provision of this section shall be punished by
20 [imprisonment of six (6) months and one (1) day to six (6) years and/or] a
21 fine [of Fifty thousand pesos (P50,000.00)] **EQUIVALENT TO THREE**
22 **TIMES THE VALUE OF THE CATCH TAKEN IN VIOLATION OF**
23 **THIS PROVISION OR TEN THOUSAND PESOS (P10,000.00) FOR**
24 **THOSE ENGAGED IN MUNICIPAL FISHING, FIFTY-THOUSAND**
25 **PESOS (P50,000.00) FOR THOSE ENGAGED IN SMALL-SCALE**
26 **COMMERCIAL FISHING, ONE HUNDRED THOUSAND PESOS**
27 **(P100,000.00) FOR THOSE ENGAGED IN MEDIUM-SCALE**
28 **COMMERCIAL FISHING, AND TWO HUNDRED THOUSAND**
29 **PESOS (P200,000.00) FOR THOSE ENGAGED IN LARGE-SCALE**
30 **COMMERCIAL FISHING, RESPECTIVELY, WHICHEVER IS**
31 **HIGHER, IMPRISONMENT FROM FOUR (4) TO SIX (6) YEARS,**
32 **and forfeiture of the catch, and fishing equipment used and revocation of**
33 **license: *PROVIDED, THAT THE DEPARTMENT IS EMPOWERED***
34 **TO IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND**
35 **OR REVOKE THE LICENSE FOR COMMERCIAL FISHING.**

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

6
7 **Sec. 17.** Section 102 of Republic Act No. 8550 is hereby amended to read as follows:

8 “Section 102. *Aquatic Pollution.* - Aquatic pollution, as defined in
9 this Code shall be unlawful.

10 Violation of the provision of this section shall be punished by
11 imprisonment of [six (6) years and one (1) day to twelve (12) years and/or a
12 fine of Eighty thousand pesos (P80,000.00)] **TWELVE (12) YEARS TO**
13 **TWENTY (20) YEARS AND A FINE OF FIVE HUNDRED**
14 **THOUSAND PESOS (P500,000.00) TO TWO MILLION PESOS**
15 **(P2,000,000),** plus an additional fine of [Eight thousand pesos (P8,000.00)]
16 **TWENTY THOUSAND PESOS (P20,000.00)** per day until such violation
17 ceases and the fines paid: **PROVIDED, THAT THE DEPARTMENT IS**
18 **EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES**
19 **AND TO ISSUE A CEASE AND DESIST ORDER TO THE**
20 **VIOLATOR.**

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

26
27 **Sec. 18.** Section 103 of Republic Act No. 8550 is hereby amended to read as follows:

28
29 “Section 103. *Other Violations.* - The following fisheries activities
30 shall also be considered as a violation of this Code:

31 a. *Failure to Comply with Minimum Safety Standards.* - The owner and
32 captain of a commercial fishing vessel engaged in fishing who, upon demand
33 by proper authorities, fails to exhibit or show proof of compliance with the
34 safety standards provided in this Code, shall be immediately prevented from
35 continuing with his fishing activity and escorted to the nearest port or landing

1 point. The license to operate the commercial fishing vessel shall be suspended
2 until the safety standard has been complied with.

3 *b. Failure to Conduct a Yearly Report on all Fishponds, Fish Pens and*
4 *Fish Cages.* - The FLA **OR OTHER TENURIAL INSTRUMENT** of the
5 holder who fails to render a yearly report shall be immediately canceled:
6 *Provided,* That if the offender be the owner of the fishpond, fish pen or fish
7 cage, he shall be subjected to the following penalties: (1) first offense, a fine
8 of [Five hundred pesos (P500.00)] **TWO THOUSAND PESOS (P2,000.00)**
9 per unreported hectare; (2) subsequent offenses, a fine of [One Thousand
10 pesos (P1,000)] **FIVE THOUSAND PESOS (P5,000.00)** per unreported
11 hectare.

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

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

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

22 Subject to the provision of the subparagraph (b) of this section,
23 violation of the above-enumerated prohibited acts shall subject the offender to
24 a fine ranging from [Two thousand pesos (P2,000.00) to Ten thousand pesos
25 (P10,000.00) or imprisonment from one (1) month and one (1) day to six (6)
26 months, or both such fine and imprisonment, upon the discretion of the court]
27 **TEN THOUSAND PESOS (P10,000.00) TO THIRTY THOUSAND**
28 **PESOS (P30,000.00) AND IMPRISONMENT FROM SIX (6) MONTHS**
29 **TO ONE (1) YEAR:** *Provided,* That the Secretary is hereby empowered to
30 impose upon the offender an administrative fine of not more than [Ten
31 thousand pesos (P10,000.00)] **FIFTY THOUSAND PESOS (P50,000.00)** or
32 to cancel his permit or license, or to impose such fine and to cancel his permit
33 or license, in the discretion of the Secretary; *Provided, further,* That the
34 Secretary, or his duly authorized representative, and law enforcement agents
35 are hereby empowered to impound with the assistance of the Philippine Coast

Guard, PNP-Maritime Command: *Provided, finally,* That any person who unlawfully obstructs or delays the inspection and/or movement of fish and fishery/aquatic products when such inspection and or movement is authorized under this Code, shall be subject to a fine of not more than [Ten thousand pesos (P10,000.00)] **THIRTY THOUSAND PESOS (P30,000.00)** or imprisonment of not more than two (2) years, or both such fine and imprisonment, upon the discretion of the Court.

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

Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those articles which are not subject of lawful commerce shall be destroyed. **PROVIDED, THAT THE DEPARTMENT IS ALSO EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE THE PERMIT OR LICENSE.**

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.

Sec. 19. Section 104 of Republic Act No. 8550 is hereby amended to read as follows:

“Section 104. Commercial Fishing Vessel Operators Employing Unlicensed Fisherfolk or Fishworker or Crew. - The owner/operator of a commercial fishing vessel employing unlicensed fisherfolk or fishworker shall be fined [Five hundred pesos (P500.00)] **TWO THOUSAND PESOS (P2,000.00)** each for every month that the same has been employed and/or [One thousand pesos (P1,000.00)] **THREE THOUSAND PESOS (P3,000.00)** for every month for each unlicensed crew member who has been employed: **PROVIDED THAT THE DEPARTMENT IS EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES**

1 AND TO SUSPEND OR REVOKE THE LICENSE FOR
2 COMMERCIAL FISHING.

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

8
9 Sec. 20. A new provision, numbered as Section 104-A, is hereby added to the
10 existing provisions of Republic Act No. 8550. The same shall read as follows:

11
12 "SECTION 104-A. COMMERCIAL FISHING VESSEL
13 OPERATORS EMPLOYING UNLICENSED
14 FISHERFOLK/FISHWORKER OR CREW TO FISH OR ENGAGE
15 IN OTHER FISHERIES ACTIVITIES IN THE INTERNATIONAL
16 WATERS, OR IN THE TERRITORIAL SEAS AND EXCLUSIVE
17 ECONOMIC ZONES OF OTHER STATES. - THE
18 OWNER/OPERATOR OF A COMMERCIAL FISHING VESSEL
19 EMPLOYING UNLICENSED FISHERFOLK/FISHWORKER OR
20 CREW TO FISH IN THE INTERNATIONAL WATERS, OR IN THE
21 TERRITORIAL SEAS AND EXCLUSIVE ECONOMIC ZONES OF
22 OTHER STATES SHALL BE FINED WITH TEN THOUSAND
23 PESOS (P10,000.00) FOR EVERY MONTH FOR EACH
24 UNLICENSED FISHERFOLK/FISHWORKER OR CREW THAT
25 THE SAME HAS BEEN EMPLOYED, *PROVIDED* THAT THE
26 DEPARTMENT IS EMPOWERED TO IMPOSE THE
27 ABOVEMENTIONED FINES AND TO SUSPEND OR REVOKE
28 THE INTERNATIONAL FISHING PERMIT.

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

1 **Sec. 21.** Section 105 of Republic Act No. 8550 is hereby amended to read as follows:

2
3 “Section 105. *Obstruction of Defined Migration Paths.* - Obstruction
4 of any defined migration paths of anadromous, catadromous and other
5 migratory species, in areas including, but not limited to river mouths and
6 estuaries within a distance determined by the concerned FARMCs shall be
7 punished by imprisonment of [seven (7)] **EIGHT (8)** years to twelve (12)
8 years [or] **AND** a fine from [Fifty thousand pesos (P50,000.00) to One
9 hundred thousand pesos] **ONE HUNDRED FIFTY THOUSAND PESOS**
10 **(P150,000.00) TO FIVE HUNDRED THOUSAND PESOS**
11 **(P500,000.00)**, [or both imprisonment and fine at the discretion of the court]
12 and cancellation of permit/license, if any, and dismantling of obstruction
13 shall be at his own expense and confiscation of same: **PROVIDED, THAT**
14 **THE DEPARTMENT IS EMPOWERED TO IMPOSE THE**
15 **ABOVEMENTIONED FINES INCLUDING THE DISMANTLING**
16 **OF THE OBSTRUCTION AND THE SUSPENSION OR**
17 **REVOCATION OF PERMIT OR LICENSE.**

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

23
24 **Sec. 22.** Section 106 of Republic Act No. 8550 is hereby amended to read as follows:

25
26 “Section 106. *Obstruction to Fishery Law Enforcement Officer.* -
27 The boat owner, master or operator or any person acting on his behalf of any
28 fishing vessel who evades, obstructs or hinder any fishery law enforcement
29 officer of the Department to perform his duty, shall be [fined Ten thousand
30 pesos (P10,000.00)] **PENALIZED WITH IMPRISONMENT OF SIX (6)**
31 **MONTHS TO TWO (2) YEARS AND A FINE OF FIFTY THOUSAND**
32 **PESOS (P50,000.00) TO TWO HUNDRED THOUSAND PESOS**
33 **(P200,000.00): PROVIDED, THAT THE DEPARTMENT IS**
34 **EMPOWERED TO IMPOSE THE ABOVEMENTIONED FINES. IN**
35 **CASE OF A SECOND OFFENSE, THE FINE SHALL BE**

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

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

7
8 **Sec. 23.** Other Violations – Violation of any other provision of the Code, or
9 of any rule or regulation already existing, or which maybe promulgated
10 pursuant to this code shall subject the offender to a fine of Thirty Thousand
11 Pesos (P30,000) to Three Hundred Thousand Pesos (P300,000) or
12 imprisonment from six (6) months to four (4) years or both such fine or
13 imprisonment in the discretion of the court: *Provided* the Department is
14 empowered to impose the abovementioned fines and to suspend or revoke
15 the license, permit or registration.

16
17 **Sec. 24.** A new chapter on legal, administrative and quasi-judicial actions, is hereby
18 inserted to read as follows:

19
20 **“CHAPTER VI-A**
21 **ADMINISTRATIVE ACTIONS**

22
23 **SECTION 106-A. ADMINISTRATIVE ACTION. - THE**
24 **DEPARTMENT SHALL, ON ITS OWN INSTANCE OR UPON**
25 **VERIFIED COMPLAINT BY ANY PERSON, INSTITUTE**
26 **ADMINISTRATIVE PROCEEDINGS AGAINST ANY PERSON**
27 **WHO COMMITS THE ABOVE-MENTIONED VIOLATIONS.**

28
29 **SECTION 106-B. ADMINISTRATIVE AUTHORITY OF THE**
30 **DIRECTOR OR HIS DULY AUTHORIZED REPRESENTATIVE TO**
31 **ORDER CONFISCATION – IN ALL CASES OF VIOLATION OF**
32 **THIS ACT OR OTHER FISHERY LAWS, RULES AND**
33 **REGULATIONS, THE DIRECTOR OR HIS DULY AUTHORIZED**
34 **REPRESENTATIVE, MAY ORDER THE CONFISCATION AND**
35 **FORFEITURE OF ANY FISH, FISHERY SPECIES OR AQUATIC**

1 RESOURCES ILLEGALLY CAUGHT, TAKEN OR GATHERED,
2 AND ALL GEARS AND VESSELS USED IN THE COMMISSION OF
3 THE OFFENSE IN FAVOR OF THE DEPARTMENT AND TO
4 DISPOSE OF THE SAME IN ACCORDANCE WITH PERTINENT
5 LAWS, RULES, REGULATIONS AND POLICIES ON THE
6 MATTER.

7
8 SECTION 106-C. REWARD TO INFORMANTS AND THOSE
9 WHO ASSISTED IN THE FISHERY LAW ENFORCEMENT - ANY
10 PERSON WHO PROVIDED INFORMATION FOR, OR ASSISTED,
11 IN THE APPREHENSION AND CONVICTION OF A PERSON FOR
12 THE VIOLATION OF THIS ACT OR OTHER FISHERY LAWS,
13 RULES AND REGULATIONS, OR THE CONFISCATION AND
14 FORFEITURE OF FISH, FISHERY SPECIES, OTHER AQUATIC
15 RESOURCES, VESSEL, GEARS AND CONVEYANCES, SHALL BE
16 GIVEN A REWARD IN THE AMOUNT OF TWENTY PERCENT
17 (20%) OF THE PROCEEDS OF THE CONFISCATION AND
18 FORFEITURE OR OF THE ADMINISTRATIVE FINES
19 COLLECTED BY THE BUREAU. FOR THIS PURPOSE, THE
20 DEPARTMENT SHALL PROMULGATE THE RULES AND
21 REGULATIONS FOR THE GRANTING OF THIS REWARD.

22
23 SECTION 106-D. INDEPENDENCE OF ADMINISTRATIVE
24 ACTION - THE FILING OF AN ADMINISTRATIVE ACTION
25 AGAINST A PERSON OR ENTITY THAT COMMITTED THE
26 ABOVE-MENTIONED VIOLATIONS DOES NOT PRECLUDE THE
27 FILING OF CRIMINAL AND CIVIL ACTION AGAINST THE
28 SAME. SUCH ACTION SHALL PROCEED INDEPENDENTLY.

29
30 SECTION 106-E. LIEN UPON PERSONAL AND
31 IMMOVABLE PROPERTIES OF VIOLATORS. - FINES AND
32 PENALTIES IMPOSED PURSUANT TO THIS ACT SHALL
33 CONSTITUTE AS LIENS UPON THE PERSONAL AND
34 IMMOVABLE PROPERTIES OF THE VIOLATOR.

1 **SECTION 106-F. POWER TO ISSUE CEASE AND DESIST**
2 **ORDERS AND TO SUMMARILY EJECT WITHOUT THE**
3 **NECESSITY OF JUDICIAL ORDER.—THE DEPARTMENT SHALL,**
4 **SUBJECT TO THE REQUIREMENTS OF ADMINISTRATIVE DUE**
5 **PROCESS, HAVE THE POWER TO ISSUE CEASE AND DESIST**
6 **ORDER/S UPON VIOLATOR/S AND TO SUMMARILY EJECT,**
7 **WITHOUT THE NECESSITY OF JUDICIAL ORDER, THE**
8 **HOLDER OF FLA, OTHER TENURIAL INSTRUMENT, PERMIT**
9 **OR LICENSE FROM AREAS OF THE PUBLIC DOMAIN**
10 **COVERED BY SUCH FLA, TENURIAL INSTRUMENT, PERMIT**
11 **OR LICENSE.”**

12
13 **Sec. 25. Escalation Clause. -** The fines herein prescribed shall be increased by at
14 least ten percent (10%) every three (3) years to compensate for inflation and to maintain the
15 deterrent function of such fines.

16
17 **Sec. 26. Repealing Clause. –** All laws, decrees, executive orders and rules and
18 regulations or part thereof, which are inconsistent with this Code, are repealed or modified
19 accordingly.

20
21 **Sec. 27. Separability Clause. –** If any portion of this Code is declared unconstitutional
22 or invalid, the portions or provisions thereof, which are not affected thereby, shall continue in
23 full force and effect.

24
25 **Sec. 28. Effectivity. –** This Act shall take effect fifteen (15) days following its
26 complete publication in at least two (2) newspapers of general circulation.

27
 APPROVED,