



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

Sixteenth Congress
First Regular Session

HOUSE BILL NO. **4126**



Introduced by Honorable Carlos M. Padilla

EXPLANATORY NOTE

This bill seeks to prohibit and penalize the exportation and importation of dolphins and whales.

Article XII, Subsection 2, Section 2 of the 1987 Philippine Constitution, states that "*The State shall protect the nation's marine wealth in its archipelagic waters, terrestrial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to all Filipino citizens.*"

Section 11 of Republic Act No. 8550, otherwise known as the "*Philippine Fisheries Code of 1998*" provides, among others, that the Department of Environment and Natural Resources (DENR) shall ban the taking and fishing of rare, threatened and endangered species, including their eggs. Section 97 penalizes the violation of the Act by imprisonment of twelve years to twenty years and a fine of one hundred and twenty thousand pesos (P120,000.00), including forfeiture of the catch and the cancellation of the fishing permit.

Further, under Republic Act (RA) No. 9147, otherwise known as the "*Wildlife Resources Conservation and Protection Act*," the DENR is tasked to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity. The DENR is also mandated to initiate or support scientific studies on the conservation of biological diversity. As provided under RA 9147, the Department of Agriculture has jurisdiction over all declared aquatic critical habitats, all aquatic resources, including but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong.

The significance of the presence of dolphins and whales in the Philippine waters cannot be over-emphasized. They demonstrate the richness of the marine diversities of the country and affirm the studies that the Philippines is one of the eighteen mega-biodiversity countries in the world. However, despite the enactment of animal and welfare laws, dolphins and whales are still in danger of being extinct due to unlawful trading, uncontrolled slaughtering, illegal fishing, population pressure and overexploitation. Hence, there is a need to prohibit the exportation and importation of dolphins and whales, to ensure their immediate conservation and protection.

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


CARLOS M. PADILLA



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AN ACT

**PROHIBITING THE EXPORTATION AND IMPORTATION OF
DOLPHINS AND WHALES AND PROVIDING PENALTIES THEREFOR**

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

SECTION 1. **Prohibition.** – Except for research purposes to be undertaken by reputable universities and scientific institutions, it shall be unlawful to take or catch dolphins and whales in Philippine waters or to sell, purchase, possess, transport, import or export and trade them whether dead or alive, in any state or form whether raw or processed. It shall also be unlawful to wound or kill dolphins and whales in the course of catching other species of fish and take any stranded or rescued live dolphins and whales for trade, display and exhibition or other commercial purposes.

SEC. 2. **Penalty.** – Any person who commits any of the prohibited acts under Section 1 of this Act shall be prosecuted and, upon conviction, shall suffer

17 a fine of not less than fifty thousand pesos (P50,000.00) or any amount not to
18 exceed five hundred thousand pesos (P500,000.00) or imprisonment of not less
19 than twelve (12) years but not more than twenty (20) years at the discretion of the
20 court.

21 SEC. 3. ***Jurisdiction.*** – The jurisdiction over the conservation and
22 protection of dolphins and whales in the Philippines is transferred from the Bureau
23 of Fisheries and Aquatic Resources (BFAR) of the Department of Agriculture
24 (DA) to the Protected Areas and Wildlife Bureau (PAWB) of the Department of
25 Environment and Natural Resources (DENR).

26 SEC. 4. ***Protection of Dolphins and Whales.*** – The PAWB shall protect
27 and promote the welfare of dolphins and whales by maintaining appropriate
28 standards of accommodation, feeding and general care, disease prevention and
29 treatment and ensuring their freedom from fear, distress, harassment, unnecessary
30 discomfort and pain.

31 SEC. 5. ***Release of Unharmed Dolphins and Mammals.*** – Dolphins and
32 whales shall immediately be released unharmed in the sea if accidentally included
33 in the catch by any gear or other fishing instrument. Dead dolphins and whales
34 drifted to the seashore shall be surrendered to the nearest DENR Regional Unit or
35 PAWB or provincial environment officer, as the case maybe, for proper
36 disposition.

37 SEC. 6. *Dolphins and Whales Rescue Center.* – The PAWB shall
38 establish a designated dolphins and whales rescue center to take temporary custody
39 and care of all rescued or wounded dolphins and whales by the rescue efforts of the
40 local government units in their respective jurisdictions. The PAWB shall ensure
41 the welfare and well-being of all confiscated, abandoned and donated dolphins and
42 whales and their eventual release to their habitats. The PAWB shall formulate
43 protocols in the proper rescue and rehabilitation of rescued dolphins and whales.
44 The local government unit shall immediately coordinate with different agencies,
45 such as the Philippine Navy, Coast Guard, Philippine National Police, Maritime
46 Command and DENR for the proper treatment, care and eventual release of
47 dolphins and whales.

48 SEC. 7. *Permit.* – The Secretary of the Environment and Natural Resources
49 may permit the importation or exportation of dolphins and whales for research
50 purposes to be undertaken by reputable universities and scientific institution. An
51 application for the issuance of the required export or import permits, on the
52 dolphin or whale, shall be evaluated by the PAWB as management authority and
53 the members of the country's scientific authorities in compliance with the
54 Convention on International Trades in Endangered Species of Wild Fauna and
55 Flora (CITES).

56 SEC. 8. *Protocol*. – The DENR, DA and the Department of Tourism
57 (DOT) shall draft the protocol in the proper conduct of non-commercial whale and
58 dolphin-watching tours.

59 SEC. 9. *Implementing Rules and Regulations*. – Within six (6) months
60 following the effectivity of this Act, the DENR, DA and DOT shall promulgate
61 their respective rules and regulations for the effective implementation of this Act.
62 The commitments of the Philippines to CITES shall likewise be a consideration in
63 the implementation of this Act.

64 SEC. 10. *Transitory Provisions*. – The Secretary of the Environment and
65 Natural Resources shall evaluate the conditions of the existing oceanariums
66 covered by licenses or permits which shall be allowed to operate and wind up their
67 business operations within two (2) years from the effectivity of this Act unless
68 terminated for any of the following causes:

- 69 a. Failure to secure the renewal of their licenses and pay corresponding
70 fees thereof;
- 71 b. Use of dummies as licensees;
- 72 c. Operation outside the limits of licenses or prescribed minimum
73 standards for such facilities;
- 74 d. Failure to submit to the DENR reports of their all-year round
75 operations; and

76 e. Failure to adhere to sustainability development principles in the
77 process of the species acquisitions and the execution of their delivery service to the
78 people.

79 Upon termination or expiration of the two-year period, operators of
80 oceanariums may elect to donate or sell any dolphin or whale to the PAWB under
81 the terms and conditions to be agreed upon by the parties for their proper
82 conservation and protection.

83 All existing researches, contracts and agreements governing dolphins and
84 whales entered by DENR, DA DOT and other government agencies with any
85 person or institution, foreign or local, shall likewise remain valid and effective,
86 provided that a new agreement conforming to this Act shall be entered into by the
87 parties.

88 SEC. 10. ***Appropriations.*** – The amount necessary to initially implement
89 the provisions of this Act shall be charged to the current appropriations of the
90 DENR. Thereafter, such sums as may be necessary to fully implement the
91 provisions of this Act shall be included in the annual General Appropriations Act.

92 SEC. 11. ***Separability Clause.*** – If any provision or part of this Act is
93 declared invalid or unconstitutional, the remaining parts or provisions not affected
94 shall remain in full force and effect.

95 SEC. 12. *Repealing Clause.* – All laws, decrees, executive orders,
96 proclamations, rules and regulations, and issuances, or parts thereof, which are
97 inconsistent with the provisions of this Act are hereby repealed or amended
98 accordingly.

99 SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after
100 publication in the Official Gazette or in two (2) national newspapers of general
101 circulation.

102 Approved