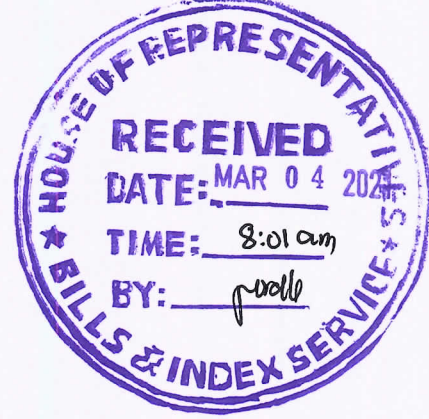


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 8884



Introduced by Representative Wes Gatchalian

AN ACT
BANNING THE CATCHING, SELLING, PURCHASING, POSSESSING,
TRANSPORTING, IMPORTING AND EXPORTING OF ALL SHARKS AND RAYS IN
THE COUNTRY

EXPLANATORY NOTE

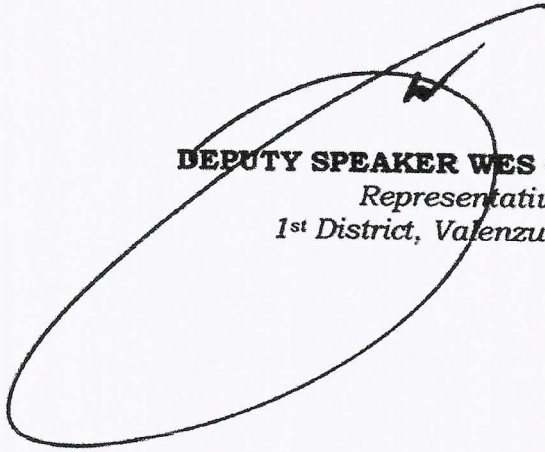
The Philippines is at the center of the world's marine biodiversity and as such it has one of the most diverse marine ecosystems in the world. It is home to more than two-thirds of the known marine species in the Pacific and has one of the richest concentration of marine life on the entire planet. It is also where almost 200 species of sharks and rays can be found, the apex predators of the seas that play an important role in maintaining the equilibrium of the marine ecosystem.

Time and again, various research have highlighted the importance of sharks and rays. They serve as an indicator of ocean health, and are vital in maintaining the ocean's corals. However, their continued loss due to overfishing has led to a decline in coral reefs, and with it, the ocean's biodiversity.

Under the 1987 Constitution, the State is mandated to "protect and advance the right of the people to a balanced healthful ecology in accord with the rhythm and harmony of nature." It is therefore our responsibility to protect sharks and rays to keep a healthful ecology. Unfortunately, only a fifth of these species are protected under local and international laws and there is currently no effective national law protecting sharks and rays, as well as their by-products.

As a result, illegal shark trade has been on the rise. It is estimated that as many as 273 million sharks are killed each year for their fins and the demand for shark fins top 800,000 metric tons a year. What is more is that these fins are usually harvested in the cruelest of ways. Sharks and rays are brought on board a vessel, their fins cut off, and the live shark or ray is thrown off board and left to bleed, drown, and suffer a slow death.

Just this January 2021, Hong Kong customs intercepted 1 ton of dried shark's fin that originated from the Philippines putting massive pressure on shark populations in the country. It therefore incumbent upon us to put an end to this trade because the population of sharks and rays have drastically declined over the years. We need to protect these species as they reproduce slowly, and if we allow them to be overfished they are in danger of becoming extinct. Thus, based on the foregoing reasons, the swift passage of this bill is earnestly sought



DEPUTY SPEAKER WES GATCHALIAN
Representative
1st District, Valenzuela City

Republic of the Philippines
HOUSE OF REPRESENTATIVES

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 8884

Introduced by Representative Wes Gatchalian

AN ACT
BANNING THE CATCHING, SELLING, PURCHASING, POSSESSING,
TRANSPORTING, IMPORTING AND EXPORTING OF ALL SHARKS AND RAYS IN
THE COUNTRY

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

1 **SECTION 1. *Short Title.*** – This act shall be known as the “*Ban on Shark’s*
2 *Fins Act*”.

3
4 **SEC. 2. *Declaration of Policy.*** – Pursuant to the objectives of the
5 Convention on International Trade in Endangered Species of Wild Fauna and Flora,
6 it is the declared policy of the State to conserve, protect and sustain the management
7 of the country’s shark and ray population. Thus, the State shall ensure the
8 maintenance of ecological balance and marine biodiversity for the benefit of present
9 and future generations of Filipinos.

10
11 **SEC. 3. *Definition of Terms.*** – As used in this Act:

12
13 (A) *Finning* refers to the practice of slicing the fins off live sharks or rays
14 and leaving them to die or throwing them back to the ocean;

15
16 **SEC. 4. *Prohibited Acts and Penalties.*** – It shall be unlawful to catch
17 sharks and rays in Philippine waters or to sell, purchase, possess, transport, import,
18 or export the same, or any of their by-products, in any state, condition or form. It
19 shall also be unlawful to harm or to kill sharks and rays in the course of catching
20 other species of fish. Sharks and rays which are accidentally included in the catch

1 in the course of catching other species of fish shall be immediately released
2 unharmed to the sea.

3
4 The following prohibited acts shall be punished with the corresponding
5 penalties:

6
7 (A) Killing, destroying, finning or inflicting injury on sharks and rays, and
8 exporting of sharks or rays or any of their by-products or derivatives
9 shall be punished with imprisonment of a minimum of six (6) years and
10 one (1) day to twelve (12) years or a fine of not less than five hundred
11 thousand pesos (P500,000.00) but not more than one million pesos
12 (P1,000,000.00), or both, at the discretion of the court;

13
14 (B) Catching, selling, purchasing, possessing, transporting, importing and
15 serving any dish containing sharks or rays, or their by-products or
16 derivatives shall be punished with imprisonment of six (6) months and
17 one (1) day to six (6) years or a fine of not less than one hundred
18 thousand pesos (P100,000.00) but not more than five hundred
19 thousand pesos (P500,000.00), or both, at the discretion of the court;

20
21 If the violation is committed by a juridical person or government entity, the
22 head of office and the person responsible for the violation shall be held liable without
23 prejudice to any further liability for violations of any provision of other applicable
24 laws.

25
26 SEC. 5. **Lead Agency.** – The Bureau of Fisheries and Aquatic Resources
27 (BFAR) of the Department of Agriculture (DA) shall be the lead agency in the
28 implementation of this Act.

29
30 In coordination with the Department of Environment and Natural Resources
31 (DENR), the BFAR shall issue the necessary order to list all sharks and rays as
32 endangered species. The Department of Tourism (DOT) and the Philippine
33 Commission on Sports Scuba Diving (PCSSD) shall provide the necessary assistance
34 to the BFAR, the DENR and the local government units (LGUs) in identifying the
35 habitats and feeding grounds of sharks and rays and declare the same as protected.

1 Following the identification of the habitats and feeding grounds of these
2 marine species, the BFAR shall recommend to the Secretary of the DENR the
3 issuance of an order declaring these areas as protected areas and pursuant thereto,
4 ensure that all LGUs and the media, among others, are properly informed.

5
6 **SEC. 6. *Information and Education.*** – The BFAR, the DENR, the DOT, the
7 DTI, LGUs and other State academic institutions shall undertake a nationwide
8 information and education campaign to adequately inform the populace of the value
9 of sharks and rays in the marine ecosystem, and of the importance of preserving
10 their respective habitats and feeding grounds.

11
12 **SEC. 7. *Implementing Rules and Regulations.*** – The BFAR shall, in
13 coordination with the DENR, the DOT, and the DTI, develop and issue the necessary
14 rules and regulations for the effective implementation of this Act.

15
16 **SEC. 8. *Separability Clause.*** – If any provision or part of this Act is
17 declared invalid or unconstitutional, such declaration shall not affect the validity of
18 the remaining provisions of this Act.

19
20 **SEC. 9. *Repealing Clause.*** – All laws, rules, and regulations, presidential
21 decrees, letters of instruction and other presidential issuances which are
22 incompatible or inconsistent with the provisions of this Act are hereby repealed
23 amended, or modified accordingly.

24
25 **SEC. 10. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
26 its publication in the *Official Gazette* or in a newspaper of general circulation. It shall
27 also be published online, through the *Official Gazette Online*
28 (www.officialgazette.gov.ph), and through the website of the Department of
29 Environment and Natural Resources (www.denr.gov.ph).

30
31 Approved,