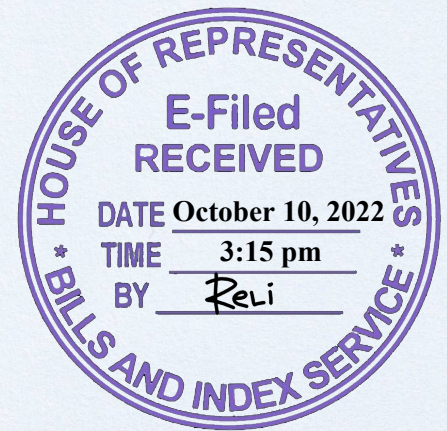


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5513



Introduced by Representative Rex Gatchalian

**AN ACT BANNING THE CATCHING, SALE, PURCHASE, POSSESSION,
TRANSPORTATION, IMPORTATION, AND EXPORTATION OF ALL SHARKS AND
RAYS OR ANY PART THEREOF IN THE COUNTRY**

EXPLANATORY NOTE

The Philippines is a global hotspot for shark and ray diversity with approximately 200 species of sharks and rays inhabiting the Philippine waters. As observed by Large Marine Vertebrates Research Institute Philippines, owing to their nature to reproduce less, sharks and rays are highly vulnerable species.¹ Worse, according to the data of Greenpeace, about "100 million sharks are killed every year by the fishing industry." The shark population has also declined by 70% over the last 50 years.²

To comply with the constitutional mandate to "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature,"³ several legislations have been enacted including Republic Act (RA) No 9147 or the "Wildlife Resources Conservation and Protection Act," RA No. 8550 or the Fisheries Code, and Executive Order No. 578 which mandates the protection and conservation of biodiversity, species, and genes. Despite the presence of these laws in the Philippines, illegal shark and ray trade continues to rise.

Although sharks and rays have not been officially declared endangered, their population has drastically declined over the years due to environmental decline and

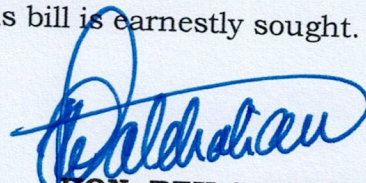
¹ Large Marine Vertebrates Research Institute Philippines, Sharks, *available at* <https://www.lamave.org/our-programs/sharks> (last visited on 04 October 2022).

² Will McCallum and Wenjing Pan, 100 Million Dead Sharks – it's not all about Shark Fin Soup, *available at* <https://www.greenpeace.org/international/story/46967/100-million-dead-sharks-its-not-all-about-shark-fin-soup/> (last visited on 04 October 2022).

³ 1987 Const., Art. II, §16.

over-fishing for human consumption. Based on the World Wildlife Fund report, the total value of shark and ray trade from 2012 to 2019 exceeds US\$4.1 billion.⁴ As they reproduce slowly, sharks and rays are in danger of becoming extinct if we do not proactively protect them. Through this proposed measure, we hope to conserve the integrity of the Philippine marine ecosystem.

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



HON. REX GATCHALIAN

Representative

1st District, Valenzuela City

⁴ World Wide Fund for Nature, The Shark and Ray Meat Network (2021), available at https://wwfeu.awsassets.panda.org/downloads/a4_shark_2021_low.pdf (last visited on 04 October 2022).

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*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 “Sharks and
2 Rays Conservation Act”.
3

4 **SEC. 2. Declaration of Policy.** – It is a declared policy of the State to
5 conserve, protect and sustain the management of the country’s fisheries and
6 aquatic resources, including sharks and rays. Towards this end, the State
7 shall adhere and promote the principle of conservation, management, and
8 exploitation of living coastal and fishery resources, especially sharks and rays
9 and their habitats, to assure the sustainable development of the coastal
10 environment and prevent their endangerment.
11

12 **SEC. 3. Prohibited Acts.** - It shall be unlawful to willfully and knowingly
13 catch, kill or keep captive sharks and rays in Philippine waters, or to sell,
14 purchase, possess, collect, transport, import, export, or re-export the same
15 in any state, condition or form, or any part thereof. It shall likewise be
16 unlawful to harass, disturb or hunt sharks and rays, and their habitats.
17

18 Unless there is a threat to human life and limb, it shall also be unlawful
19 to harm, wound or kill sharks and rays, even if done in the course of catching
20 other species of fish. Sharks and rays, which are accidentally included in the
21 catch shall be immediately released unharmed in the sea.
22

23 To eliminate the demand that results in the massive killing of sharks
24 and rays, the offering, selling, and serving of shark or ray meat, including
25 fins, by-products and derivatives, and cooked or uncooked food containing
26 or using shark or ray meat, fins, by-products and derivatives in its
27 preparation or final product, in any market, restaurant, food stall or similar
28 establishments shall be prohibited. For this purpose, the Department of
29 Trade and Industry (DTI) shall prepare a phase-out plan for the offer, sale
30 and serving of food using shark or ray meat, including fins, by-products and

1 derivatives in restaurants, food stalls and similar establishments, and advise
2 owners of these establishments on the matter.
3

4 It shall also be prohibited to falsely advertise or mislabel as to the
5 content or use of shark or ray meat, its fins, by-products and derivatives in
6 any product that could mislead consumers, shipping or forwarding
7 companies. Failure on the part of the shipping or forwarding company from
8 whose possession the shark or ray meat, fins, by-products or derivatives are
9 discovered or seized to fully cooperate in the investigation conducted by
10 concerned government authorities shall create a presumption of connivance
11 or conspiracy between the shipping company and the shipper to perpetrate
12 the aforementioned offense.
13

14 **SEC. 4. Implementation.** - The Department of Agriculture (DA), through
15 the Bureau of Fisheries and Aquatic Resources (BFAR), the Department of
16 Tourism (DOT), and the DTI, referred herein as "implementing agencies" shall
17 lead and coordinate in the implementation, enforcement, and monitoring of
18 compliance with the provisions of this Act. The Philippine Coast Guard, the
19 Philippine National Police (PNP), other law enforcement agencies, and local
20 government units (LGUs) shall likewise assist in the implementation of this
21 Act.
22

23 The DA, through the BFAR, and the Department of Environment and
24 Natural Resources (DENR) shall take steps to issue the necessary orders to
25 list all sharks and rays as endangered species.
26

27 The DOT and the Philippine Council for Sports Scuba Diving shall also
28 coordinate with the DENR, BFAR, and the LGUs to identify the habitats and
29 feeding grounds of sharks and rays and declare the same as protected tourism
30 estates. Upon the identification of these areas, they shall be promoted for
31 restorative eco-tourism.
32

33 **SEC. 3. Information and Education.** - The Department of Education,
34 in cooperation with other academic institutions, such as the UP Marine
35 Science Institute, and Silliman Marine Laboratory, shall undertake a
36 nationwide information and education campaign to make Filipinos
37 understand the value of sharks and rays in the marine eco-system and to
38 tourism.
39

40 **SEC. 4. Assistance and Regular Reporting.** - The implementing agencies
41 shall seek the assistance of the PNP, other law enforcement agencies and
42 local government units for the implementation of this Act, and jointly report
43 to the Office of the President every month on the progress of the initiative.
44

45 **SEC. 5. Penal Provisions.** - Any person who violates this Act or any
46 rules and regulations issued by the implementing agencies pursuant to this
47 Act and is found guilty by the competent court shall be fined an amount of
48 not less than Five Thousand Pesos (Php5,000.00) but not more than Five
49 Hundred Thousand Pesos (Php500,000.00), or suffer imprisonment for one
(1) year but not more than six (6) years, or both, as determined by the court.

1 The offender shall also be required to compensate for the damage. *Provided*
2 further, That the court shall order the forfeiture of all shark and ray products
3 collected, including all equipment, devices and firearms used in connection
4 therewith, in favor of the government. If the offender is an association or a
5 corporation, the president or manager shall be directly responsible for the
6 acts of his employees or laborers.
7

8 **SEC. 6. Separability Clause.** - Should any part of this Act be declared
9 invalid or unconstitutional, the rest of the provisions of this Act shall
10 continue to be in effect and subsisting.
11

12 **SEC. 7. Repealing Clause.** - Any law, executive order, letter of
13 instruction, rules and regulations, circulars, issuances or any part thereof
14 inconsistent with any of the provision of this Act is hereby repealed, modified
15 or amended accordingly.
16

17 **SEC. 8. Effectivity Clause.** - This Act shall take effect fifteen (15) days
18 after its publication in the *Official Gazette* or in at least two (2) newspapers
19 of general circulation.

Approved,