

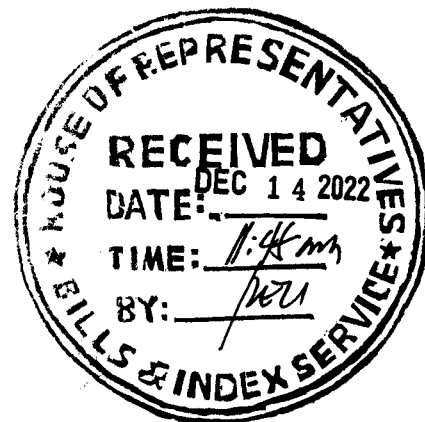
REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

NINETEENTH CONGRESS

First Regular Session

House Bill No. **6679**



Introduced by

KABATAAN Party-list Representative RAOUL DANNIEL A. MANUEL,
GABRIELA Women's Party Representative ARLENE D. BROSAS,
and ACT TEACHERS Party-list Representative FRANCE L. CASTRO

EXPLANATORY NOTE

The current onslaught of the Covid-19 pandemic is a reminder of the need to urgently protect and conserve wildlife. As the Philippines is an archipelago, protecting marine wildlife and marine mammals must be at the forefront of legislative concerns.

The health of the country's marine population is important for a country such as ours where a big percentage of the population rely on the sea for food and livelihood. A diverse and robust population of dolphins and whales is an indicator of the health of the seas. As top predators of the sea, dolphins keep the balance of nature by preying on the weak and sickly fish, thereby keeping the fish populations healthy. In a sense, these animals contribute to creating an abundant catch for fisherfolks.

According to the Red List Status of Marine Mammals in the Philippines, a report from the country's top marine mammal scientists, the status of the populations of the 27 species dolphins and whales in the country is 'Data Deficient'. This means that the different marine mammal populations in the Philippines cannot be evaluated due to insufficient information about their status in the wild. Despite the limited research being done, experts have designated four "Vulnerable" species of marine mammals in the Philippines which includes Humpback whales, Fraser's dolphins, Sperm whales, and the Gray's spinner dolphins. [1]

From the current studies, two populations in the Philippines are identified as "Critically Endangered"-- the dugong and the Irrawaddy dolphins. Irrawaddy dolphins are found only in Malampaya Sound in Palawan and in Pulupandan, Negros Occidental. The Negros Occidental Irrawaddys number less than twenty individuals [2]. Experts who have been studying the Irrawaddy dolphins for years believe that the handful of Irrawaddy dolphins in Negros Occidental may become extinct if the national government does

not take urgent action to protect their community and habitat.

Furthermore, during the recent assessments conducted by the International Union for the Conservation of Nature (IUCN) Marine Mammal Protected Areas Task Force, five (5) areas in the country have been identified as Important Marine Mammal Areas (IMMAs), namely Babuyan Marine Corridor, Tanon Strait,

Malampaya Sound, Bohol Sea and Iloilo & Guimaras Straits.[3] . IMMAs are defined as “discrete portions of habitat, important to marine mammal species, that have the potential to be delineated and managed for conservation.” These areas deserve place-based protection and monitoring because of their importance for the conservation of the species or populations within that area.

Globally, wildlife species like marine mammals also face threats from human activities including by-catch from large-scale fishing activities, entanglement in fishing gear, collision with vessels, depletion of food stocks, hunting, and illegal trade, habitat destruction, oceanic pollution, and climate change. According to the International Union for Conservation of Nature (IUCN) about 300 million tons of plastic are produced annually, and about 8 million tons end up in the ocean every year. Marine species like dolphins, whales, and turtles ingest or are entangled by the plastic debris which causes severe injuries and/or excruciating deaths. Data shows that as much as one million sea birds and about 100,000 marine mammals die annually because of plastic pollution. [4]

National development requires the protection and conservation of the oceans and marine ecosystems. This is actually part of the Global Sustainability Goals for 2030.

Resources and manpower need to be organized to effectively manage marine protected areas. Regulations are needed and should be put in place to reduce overfishing, marine pollution, and ocean acidification. Hence, saving and conserving our ocean must remain a priority in the development of the country.[5]

The budding dolphin/whale watching tours in the Philippines can be further expanded, organized and managed to create sustainable tourism that enhances local conservation programs, creates jobs and promotes local culture and products. This is also in keeping with the Global Sustainability Goals of conserving life underwater (Goal No. 12). [6] Globally, the dolphin and whale watching tours have generated billions of dollars in revenues. [7]

Aside from working towards the Global Sustainability Goals, the Philippines also has a responsibility toward its citizens and the international community to protect marine mammals within, outside, and those transiting its territory as the country is also a signatory to the Conservation of Migratory Species (CMS) and the Convention on the International Trade in Endangered Species (CITES). [8]

On the national level, there are several laws that seek to protect marine mammals/wildlife in the country. These are:

a) Fisheries Administrative Order 185, s. 1992 (FAO 185) and Fisheries Administrative Order 185-1 s. 1997 (FAO 185-1) which bans the taking or catching, selling, purchasing, and possessing, transporting, and exporting of dolphins and whale species;

b) The Amended Animal Welfare Act or RA 10631 bans animal cruelty in the country and makes it illegal for anyone to torture or provide inadequate care for any animal;

c) The Wildlife Resources Conservation and Protection Act of the Philippines or RA 9147 aims, in part, to: “(c) to pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and their habitats”;

d) The Republic Act No. 10654 which seeks to Prevent, Deter And Eliminate Illegal, Unreported

And Unregulated Fishing, Amending Republic Act No. 8550, Otherwise Known As "The Philippine Fisheries Code Of 1998, which states:

Sec 102 (b) It shall be unlawful to fish, take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in CITES Appendices II and III if scientific assessments show that population of the species in the wild cannot remain viable under pressure of collection and trade: *Provided*, That the taking or fishing of these species from the wild for scientific research, or conservation breeding simultaneous with commercial breeding may be allowed.

Despite these laws, however, there are still documented direct takes of dolphins as well as import and export of wild dolphins from inhumane and unsustainable sources that violate existing local laws and international conventions.

Since 2001 the Philippines has imported a total of six (6) false killer whales and twelve (12) bottlenose dolphins from what is known as the 'Japanese drive fisheries'. To date, all false killer whales have died even before their sexual maturity at a facility in Subic.

In the small fishing village of 'Taiji in Japan, fishermen 'drive' pods of dolphins to shallow waters. After marine parks have selected animals for the dolphin-show industry, the rest of the animals are brutally and indiscriminately slaughtered. The drive fisheries has been criticized all over the world for its inhumane nature. The 2010 Oscar-winning documentary, 'The Cove' clearly documented the conduct of the hunts.

The World Association of Zoos and Aquariums (WAZA) issued a policy statement condemning the Japanese dolphin hunts as inhumane. A similar policy statement was made by the Alliance of Marine Mammal Parks and Aquariums (AMMPA).

In the Philippines, any cruel or inhumane act against any animal is a criminal offense under the Animal Welfare Act or RA 10631, and yet the country allowed for a total of eighteen dolphins to be imported from the brutal drive fisheries in Japan since 2001.

On December 2008, January 2009, and January 2011, the Philippines imported a total of 25 bottlenose dolphins caught in the wild from the Solomon Islands. These dolphins were imported into the country despite the scientific opinion of the International Union for the Conservation of Nature (IUCN) that the export of the dolphins from the Solomon Islands is unsustainable. The CITES Scientific Authorities in the Philippines such as the Silliman University and the National Museum likewise supported the ban on the import of dolphins until such time that the harvest of dolphins from the Solomon islands has been scientifically proven to be sustainable. Unfortunately, the dolphins were still imported into the country despite the strong scientific opinion of Philippine experts (National Museum and Silliman University) and the clear violation in the Wildlife Act and our CITES Commitments.

In summary, there is an urgent need to file this bill due to the following reasons:

1. National development requires the conservation of life underwater as per the Global Sustainability

Goals.

2. There is a need to hasten the national government's response in undertaking management measures for critically endangered marine mammals such as Irrawaddy dolphins of Negros Occidental.
3. There is a need to undertake research on the current status of other marine mammals in the country, including migration routes, mating seasons and mating grounds to be able to develop conservation plans as well as sustainable ecotourism projects.
4. There is a need to clarify the law with regard to the import/export of marine mammals.
5. There is a need to fully explore the economic potential and benefit of dolphin/whale watching industry that is organized around sound conservation based on science.
6. To strengthen the role of scientists, conservationists as advisory bodies to government agencies implementing national conservation programs
7. The increased scientific research mandated by this bill will contribute to the education of Filipinos and the global community regarding marine mammals in the Philippines.

The protection and conservation of the marine ecosystem and marine wildlife is necessary for national development. It is also important for the education, appreciation, and economic benefit of the Filipino people, and the generations yet to come. In view of the foregoing, the immediate passage of this bill is earnestly sought.

[1] Alava, MNR, MLL Dolar, ER Sabater, MTR Aquino, and MD Santos (eds). . Red List Status of Marine Mammals in the Philippines. Bureau of Fisheries and Aquatic Resources National Fisheries Research and Development Institute. 194 pages

[2] Dolar, M., de la Paz, M. & Sabater, E. 2018. *Orcella brevirostris* (Iloilo-Guimaras Subpopulation). The IUCN Red List of Threatened Species 2018: e.T123095978A123095988. <http://dx.doi.org/10.2305/IUCN.UK.2018.2.RLTS.T123095978A123095988.en>

[3] IUCN-MMPATF, 'IMPORTANT MARINE MAMMAL AREAS', Marine Mammal Protected Areas Task Force (MMPATF), www.marinemammalhabitat.org. Available at: [www: https://www.marinemammalhabitat.org/immas/](http://www.marinemammalhabitat.org/immas/), Accessed: 13 August 2020

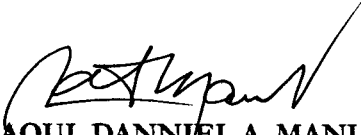
[4] IUCN Issues brief, <https://www.iucn.org/>, accessed from: <https://www.iucn.org/resources/issues-briefs/marine-plastics>, 13 August 2020

[5] Goal 14: Conserve and sustainably use the oceans, seas and marine resources, United Nation Sustainable Development Goals, Accessed from: https://www.un.org/sustainabledevelopment/oceans/?fbclid=IwAR3TguiaRvSkJ1q0zC35OvolqYCMUxc_604SFicLmmAliGSUIYmzR9NcMKU, 13 August 2020

[6] Goal 12: Ensure sustainable consumption and production patterns, Sustainable Development Goals, Accessed from: <https://www.un.org/sustainabledevelopment/sustainable-consumption-production/>, 13 August 2020

[7] AFP 2009, June 24, Whales worth more alive than dead, says new report, Sydney Morning Herald, Online. <http://news.smb.com.au/breaking-news-world/whales-worth-more-alive-than-dead-says-new-report-20090624-cvjd.html>, retrieved on April 5, 2010.

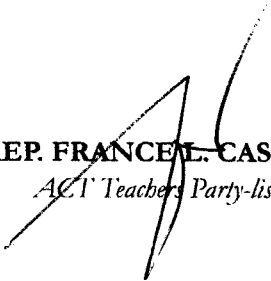
[8] Alava, MNR, MLL Dolar, ER Sabater, MTR Aquino, and MD Santos (eds). . Red List Status of Marine Mammals in the Philippines. Bureau of Fisheries and Aquatic Resources National Fisheries Research and Development Institute. 194 pages



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AN ACT
TO PROTECT MARINE MAMMALS AND ENSURE THEIR SURVIVAL FOR THE
BENEFIT OF FUTURE GENERATIONS

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

SECTION 1. *Short Title.* - This Act shall be known as the “*Marine Mammal Protection Act.*”

SECTION 2. *Declaration of Policies.* -It is hereby declared the policy of the State:

2.1. To promote conservation of all marine mammals by encouraging and supporting research of wildlife populations in the Philippines. The State shall partner with local community organizations, academic and scientific, and non-government institutions in studying and assessing the marine mammal populations of the Philippines in order to form a database that will support conservation programs of wild populations. Marine mammal species belonging to the Taxonomic Orders Carnivora, Cetartiodactyla and Sirenia are covered by this Act.

2.2. To support the creation of Marine Protected Areas and Networks and Marine Corridors, based on the latest scientific information, that shall seek to protect wild populations of marine mammals from heavy industries such as offshore drilling, seismic tests, black sand mining and other destructive activities on known migration routes, feeding and mating habitats. The State shall involve local communities in the protection and conservation of the marine ecosystem through education and training programs.

2.3. In relation to above, recognize and support the monitoring and conservation of Important Marine Mammal Areas (IMMAs) as designated by the International Union for

Conservation of Nature (IUCN) Marine Mammal Protected Areas Task Force (MMPATF). These are areas defined as “discrete portions of habitat, important to marine mammal species, that have the potential to be delineated and managed for conservation.”

2.4. To enable the national government to immediately undertake conservation and management measures for critically endangered and vulnerable species of marine mammals in the country, as provided for in latest scientific information

2.5 To strengthen the role of scientists and scientific institutions as important advisory and recommendatory bodies in the implementation of conservation laws and rehabilitation programs of the government.

2.6. To promote responsible community-based whale and dolphin-watching tours in the wild that shall contribute to public education, cultural appreciation and enhance the local economy. Protocols in the proper conduct of whale and dolphin-watching tours shall be drafted by the Department of Environment and Natural Resources Biodiversity Management Bureau (DENR-BMB), Department of Agriculture's Bureau of Fisheries and Aquatic Resources (DA-BFAR) and Department of Tourism (DOT), CITES Scientific Authorities, environment and conservation NGOs, to protect wild populations from being disturbed by tourism activities. Such protocols will be periodically modified based on the latest scientific information.

2.7. To promote the welfare of all marine mammals by protecting all known habitats and ensuring that wild marine mammal populations in the Philippines, as well as captive animals are not subjected to harassment, distress, injury or death arising from human activities and that these animals be allowed to live in their habitat and conform to their natural behaviours.

2.8 To enhance the education of Filipino people as well as the global community on marine mammals in the Philippines

SECTION 3. *Definition of Terms.*

a. Animal – For the purposes of this act, ‘animal(s)’ will refer to marine mammal(s). b.

Captive-bred – Refers to animals that are the offspring of animals which were themselves born in captivity and is also referred to a F2 Generation. If either of the individual's parents were wild when they were caught, the offspring is regarded as 'captive-reared', rather than 'captive-bred'.

c. Captive breeding – is the process of breeding animals in human-controlled environments with restricted settings, such as wildlife reserves, zoos and other conservation facilities. Captive breeding for marine mammals should be established in a manner not detrimental to the survival of the species in the wild and must be maintained without addition of animals from the wild. Captive breeding facilities must be managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring (F2) in a controlled environment.

d. Cetacean – whales and dolphins. Animals that belong under the Order Cetartiodactyla. e. CITES – Convention on International Trade in Endangered Species of Wild Fauna and Flora. This was ratified by the Philippines on August 18, 1981 and entered into force on

November 16, 1981. In 2001 the Philippines enacted the enabling law for its CITES commitment resulting in Republic Act No. 9147 or the Wildlife Resources Conservation and Protection Act.

- f. Commercial purposes – To use in any profit-oriented activity; to use for commerce or trade.
- g. Export – means to send or ship out of the country.
- h. F2 Generation – see Captive bred.
- i. Harassment – any act of pursuit, torment, or annoyance which has the potential to injure or disturb a marine mammal or marine mammal population in the wild, by causing disruption of behavioral patterns, including, but not limited to migration, nursing, breeding, feeding, resting, or breathing.
- j. IMMA – Important Marine Mammal Area. Defined as “discrete portions of habitat, important to marine mammal species, that have the potential to be delineated and managed for conservation.” These areas deserve place-based protection and monitoring because of their importance for the conservation of the species or populations within that area.
- k. Import - means to send or ship into the country.
- l. IUCN – The International Union for Conservation of Nature. IUCN is “a membership Union composed of both government and civil society organizations. It harnesses the experience, resources and reach of its more than 1,400 Member organizations and the input of more than 15,000 experts.” IUCN is the global authority on the status of the natural world and the measures needed to safeguard it. It is an international organization working in the field of nature conservation and sustainable use of natural resources.
- m. Live – An animal that is living and in apparent good health.
- n. Marine Corridor – are geographical features that are used by mobile species for migration between feeding and mating areas.
- o. Marine Mammals – Any mammal species that lives in marine or estuarine environment and/or derives its food from a saltwater environment. Marine Mammals represents three different mammalian groups: those belonging to the Order Carnivora (polar bears, sea otters, seals, sea lions, and walruses), Order Cetartiodactyla (cetaceans), and Order Sirenia (manatees and dugongs).
- p. Marine Mammal Protection And Conservation Committee (MMPCC) – A marine mammal protection body headed by the DENR-BMB and composed of one (1) representative each from: the Bureau of Fisheries and Aquatic Resources (BFAR), the CITES Scientific Authorities such as the Silliman University, UP Marine Science Institute, UP Visayas, and the National Museum, reputable scientists and marine mammal experts of the Philippine Aquatic Red List Committee (PARLC) – Subcommittee on Cetaceans, and representatives from concerned non-government environmental and animal welfare organizations. The Silliman University shall chair the MMPCC scientific authorities.
- q. Marine Protected Areas (MPA) and MPA Networks - A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.
- r. Possess- means to have actual or constructive possession or control thereof.
- s. Purchase- means to buy and includes agreeing or offering to buy.
- t. Purse seine fishing– A fishing technique used to catch large pelagic fish like tuna by a net that hangs vertically in the water with its bottom edge held down by weights and its top edge buoyed by floats.

- u. Rehabilitation - Wildlife Rehabilitation is the process of removing the animal from the wild to provide professional care to sick, injured, and orphaned animals using methods to prepare them to ultimately return to their natural habitat.
- v. Release – To return the marine mammal to its natural habitat.
- w. Rescue – To take any marine mammal immediately out of danger.
- x. Scientific Authorities – for the purpose of this bill, it shall refer to scientific authorities for marine and aquatic species as designated by the Wildlife Resources Conservation and Protection Act (RA 9147) such as the Bureau of Fisheries and Aquatic Resources (BFAR), the U.P. Marine Science Institute, U.P. Visayas, Silliman University and the National Museum of the Philippines, as well as the Philippine Aquatic Red List Committee (PARLC) – Subcommittee on Cetaceans.
- y. Selling - includes barter, exchange or offering or exposing for sale.
- z. Take or catch- includes the killing, capturing, trapping, snaring and netting of marine mammals.
- aa. Trade – To barter, exchange or sale in any commercial, profit-oriented activity.
- bb. Wild – Any animal that was born and is living or growing in the natural environment. Any animal that is not domesticated or cultivated or captive-bred.

SECTION 4. *Creation of the Marine Mammal Protection And Conservation Committee (MMPCC).* – A marine mammal protection body called the Marine Mammal Protection and Conservation Committee (MMPCC) shall be established headed by the DENR-BMB and composed of one (1) representative each from: the Bureau of Fisheries and Aquatic Resources (BFAR), the Scientific Authorities such as the Silliman University, UP Marine Science Institute, UP Visayas, and the National Museum, reputable scientists and marine mammal experts from the Philippine Aquatic Red List Committee (PARLC) – Subcommittee on Cetaceans, and representatives from concerned non-government environmental and animal welfare organizations. The Silliman University shall chair the MMPCC scientific authorities.

Recommendations, manuals and guidelines from the MMPCC shall be adapted by agencies undertaking conservation work on marine mammals.

SECTION 4.1. *Functions of the Marine Mammal Protection and Conservation Committee.* – The MMPCC shall have the following functions:

- 4.1.1. Develop and coordinate research programs for marine mammals in the Philippines for the purpose of conservation;
- 4.1.2. Develop manuals and protocols for the rescue of stranded animals;
- 4.1.3. Develop manuals and guidelines for sustainable dolphin and whale-watching tours;
- 4.1.4. Undertake technical assessments of rescued, stranded or rehabilitated marine mammals;
- 4.1.5. Help develop the capacity of the national government to immediately undertake conservation and management measures in areas where populations of marine mammals are critically endangered or vulnerable as shown in the latest scientific studies and

/or scientific information

4.1.6. Recommend urgent action on critically endangered marine mammal species.

4.1.7. Create Marine Protected Areas and Networks and Marine Corridors that shall seek to protect wild populations of marine mammals

4.1.8. Support the monitoring and conservation of Important Marine Mammal Areas (IMMAs) as designated by the International Union for Conservation of Nature (IUCN) and the Marine Mammal Protected Areas Task Force (MMPATF)

4.1.9. Help develop educational and training programs for schools, local communities, concerned organizations and other stakeholders.

SECTION 5. *Rescue.* - All rescue efforts in response to strandings must provide quick and effective action that will best serve the well-being of the animal in distress and not to add further stress. All rescue efforts must have the objective of releasing marine mammals back in the wild to again be a viable part of the wild population. All live stranded marine mammals shall be released immediately to the wild, if deemed healthy. The disposition of sick or injured marine mammals will be the responsibility of the DENR-BMB or DA-BFAR-DA, in accordance to the Protocols in the proper rescue, rehabilitation and release of marine mammals as promulgated by the MMPCC. Dead marine mammals that are washed to the seashore shall be surrendered to the nearest DENR-BMB or, DA-BFAR office for proper disposition. The remains or carcass of a dead marine mammal may also be surrendered to the National Museum of the Philippines for preservation and/or display.

SECTION 6. *Rehabilitation.* - Rehabilitation of marine mammals is an option only if there is a high probability that the animal can be restored to health and released back into the wild. Rehabilitation is subject to:

6.1 Availability of facilities and/or equipment for the species and number of animals involved;

6.2 Safe and expeditious transport of the animal that is manageable and poses no major risk to others or to facility staff;

6.3 If there are sufficient funds and staff to provide care for a short and reasonable period;

6.4 The disposition of any rehabilitated animal that is not suitable for release will be determined by the scientific authorities and the MMPCC for recommendation to the DENR-BMB and DA-BFAR.

6.5 Stranded and severely injured animals that are beyond rehabilitation may be euthanized on site only by authorized and licensed veterinarians if facilities and equipment are available.

SECTION 7. *Prohibited Acts.* It shall be unlawful to:

7.1. Intentionally take or catch marine mammals in Philippine waters or to sell, purchase, possess, transport, import or export and trade the same whether dead or alive, in any state or form whether raw or processed.

7.2. Intentionally deploy purse-seine nets or any fishing gear on or to encircle marine mammals in fishing operations or to intentionally wound and kill any marine mammals in the course of catching fish.

7.3 It shall be unlawful to take any stranded or rescued live marine mammal for trade or other commercial purposes, including for display or exhibition, while being rehabilitated. All rehabilitated marine mammals shall be immediately released to the wild. Monitoring will be done by DENR-BMB with the ***Marine Mammal Protection And Conservation Committee***.

7.4 Import and export live, wild, marine mammals including rescued or rehabilitated animals.

7.4.1. The import/export of parts or tissues of deceased animals may be allowed for research purposes of reputable universities and scientific institutions. All applications to import/export such marine mammal parts for research purposes will be reviewed and evaluated by the DENR-BMB, DA-BFAR and the Scientific Authorities.

7.4.2. Only live, captive-bred marine mammals of the second generation (F2 generation) from reputable aquariums will be allowed for import and/or export in the country, subject to compliance with existing laws such as the Wildlife Resources Conservation and Protection Act (RA9147), the Animal Welfare Act (RA 8485), the Amended Fisheries Code (RA 10654) and the assessment and evaluation of the DENR-BMB, DA-BFAR and the MMPCC.

SECTION 8. *Penalty.* - Any violation described in the prohibited acts under this Act shall be penalized with imprisonment from six (6) months to six (6) years or a fine of at least One Hundred and Twenty Thousand Pesos (P120,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00) or both at the discretion of the court, including forfeiture of the catch subject of the offense and cancellation of his fishing and/or business permit, if applicable.

If any of the offenses is committed by or has been caused by a corporation or association, the president and each one of its agents or representatives in the Philippines in case of a foreign corporation or association, who shall have knowingly permitted or failed to prevent the commission of such offense, shall be held liable as principals thereof.

SECTION 9. *Implementing Rules And Regulations.* — Within Six (6) months following the effectivity of this Act, the Secretaries of the DENR and the DA in consultation with CITES

Scientific and Management Authorities, shall promulgate the implementing rules and regulations for the effective implementation of this Act. The commitments of the State to international agreements and protocols shall guide the drafting of the implementing rules and regulations.

SECTION 10. *Appropriation.* — Any amount necessary for the implementation of this Act shall be charged from the appropriation of the DENR and, DA under the General Appropriations Act.

SECTION 11. *Separability Clause.* — Should any provision of this Act be subsequently declared as unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SECTION 12. *Repealing Clause.* — The provisions of Fisheries Administrative Order FAO 185, 185-1, FAO 223, FAO 223-1, and other laws, orders and regulations inconsistent herewith are hereby repealed or amended accordingly.

SECTION 13. *Effectivity.* — This Act shall take effect fifteen (15) days after publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,