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SENATE

S. No. 520



BY

Introduced by **SENATOR CYNTHIA A. VILLAR**

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

EXPLANATORY NOTE

Situated at the apex of the Coral Triangle, the Philippines is part of the global center of marine biodiversity. With over 200 species of sharks and rays in the Philippines, our country plays a crucial role in conserving these ecologically and economically important marine species.¹

Despite the lack of understanding on the sharks' various roles in ecosystems, it is clear that they are key players in structuring food webs, whether they are at the top of the food chain or at lower trophic levels. Sharks are typically depicted as apex predators; and as such, sharks play an important role in the ecosystem by maintaining the species below them in the food chain and serving as an indicator for ocean health.² They help keep prey populations healthy by feeding on weak, sick, or old fishes, and prevent overgrazing of critical marine habitats.³

Therefore, the removal of sharks from an ecosystem has the potential to create significant changes to predator-prey interactions, affecting the whole system. Aside from ecological benefits, sharks and rays have also been proven to boost local

¹ Save Sharks Network Philippines. (2017). 2020 Conservation Roadmap for Sharks and Rays in the Philippines.

² <https://eu.oceana.org/en/importance-sharks-0>

³ Ibid.

economies through sustainable tourism activities, and through fisheries in many developing countries.⁴

Due to their unique life history traits, sharks and their relatives reproduce slowly, making them particularly vulnerable to threats from targeted fisheries, overfishing, by catch, pollution, unregulated tourism, and climate change. Declined populations will find it hard to recover without special conservation attention.⁵

This bill supports the country's commitment to international obligations, such as the Convention on Biological Diversity, Convention on the International Trade in Endangered Species, and the Convention on the Conservation of Migratory Species, among others. It is also aligned with the 2020 Conservation Roadmap for Sharks and Rays in the Philippines and the National Plan of Action for the Conservation and Management of Sharks in the Philippines.

This bill aims to find the intersection between management and utilization in the hopes of finding the balance between human needs and the integrity of the Philippine marine ecosystem. The conservation of sharks, management of their threats, and creation of shark sanctuaries through this bill will serve as an example that can be replicated with other fisheries and wildlife conservation issues in the country.

Given the foregoing, I recommend the immediate approval of this bill.


CYNTHIA A. VILLAR

⁴ Save Sharks Network Philippines. (2017). 2020 Conservation Roadmap for Sharks and Rays in the Philippines.

⁵ Ibid.

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

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

**CHAPTER I
GENERAL PROVISIONS**

1 Section 1. *Short Title.* – This Act shall be known as the "*Shark Conservation*
2 *Act of the Philippines*".

3 *Sec. 2. Declaration of Policy.* – It is hereby declared the policy of the State to:

4 a) Protect environmental rights of the people, promote conservation and
5 ensure sustainable and equitable utilization of its coastal areas,
6 habitats and species, including sharks, in conformity with the
7 Constitution, the Philippine Fisheries Code of 1998, as amended by
8 Republic Act 10654, and the National Wildlife Conservation and
9 Protection Act;

10 b) Ensure, for the benefit and enjoyment of the Filipino people, the
11 judicious and wise utilization, protection, conservation and
12 management on a sustainable basis of its coastal and fishery resources

1 with the necessity of maintaining a sound ecological balance and
2 protecting and enhancing the quality of the environment;

3 c) Protect the rights of the small and marginal fishers in the preferential
4 use of communal coastal and fishery resources;

5 d) Allow people's full and active participation in the conservation and
6 management of the coastal and fishery resources and promote
7 awareness of sustainable fisheries through appropriate education and
8 training;

9 e) Promote and adhere to the precautionary principle of conservation,
10 management and exploitation of living coastal and fishery resources in
11 order to assure the sustainable development of the coastal
12 environment. The absence of adequate scientific and technical
13 information should not be used as a reason for postponing or failing to
14 take conservation and management measures; and

15 f) Promote ecosystem-based fisheries management.

16 *Sec. 3. Scope of Application.* – The provisions of this Act shall be enforceable
17 for all Philippine waters including other waters over which the Philippines has
18 sovereignty and jurisdiction, and the country's 200-nautical mile Exclusive Economic
19 Zone (EEZ) and continental shelf, including protected areas under Republic Act No.
20 7586, otherwise known as the National Integrated Protected Areas System (NIPAS)
21 Act; critical habitats; and all Philippine flagged fishing vessels operating in areas
22 governed by a Regional Fisheries Management Organization, in the high seas, or in
23 waters of other coastal states.

24 *Sec. 4. Jurisdiction of the Department of Agriculture.* – The Department of
25 Agriculture (DA) shall have jurisdiction over sharks, rays, and chimaeras, and all
26 declared aquatic habitats. In the Province of Palawan, jurisdiction herein conferred is
27 vested to the Palawan Council for Sustainable Development pursuant to Republic Act
28 No. 7611.

1 The Bureau of Fisheries and Aquatic Resources of the Department of
2 Agriculture (DA-BFAR) shall be the lead agency in the implementation of this Act.
3 The Department of Trade and Industry (DTI), Department of Environment and
4 Natural Resources (DENR), the Philippine Coast Guard, the Philippine National Police
5 (PNP), other law enforcement agencies, and Local Government Units (LGUs) shall
6 likewise assist in the implementation of this Act.

7 The Department of Tourism (DOT) shall provide the necessary assistance to
8 the DA-BFAR and the LGUs in identifying shark ecotourism sites and declare the
9 same as protected.

10 CHAPTER II
11 DEFINITION OF TERMS

12 Sec. 5. *Definition of Terms.* – For purposes of this Act, the following terms are
13 hereby defined:

- 14 (a) "By-catch" means the incidental take of undesirable size or age classes
15 of the target species or the incidental take of other non-target species
16 or protected, endangered, or threatened species.
- 17 (b) "By-product or derivatives" means any part taken or substance
18 extracted from sharks, in raw or in processed form. This includes, but
19 are not limited to, preserved sharks (curios), cartilage, gill rakers, fins,
20 oil, skin, and teeth;
- 21 (c) "Corridor" means an artificial or natural avenue where which wide-
22 ranging animals can travel, plants can propagate, genetic interchange
23 can occur, populations can move in response to environmental changes
24 and natural disasters, and threatened species can be replenished from
25 other areas. Marine corridors encompass mangroves, coral reefs, and
26 seagrass beds;
- 27 (d) "Critical Habitat" means a place or environment that contains physical
28 or biological features essential to its conservation;

- 1 (e) "Dedicated tourism interaction site" means well-defined areas for
2 marine wildlife tourism, either managed as a
3 sanctuary/reserve/protected area or not, focused on a particular
4 species or several species, with specified operating times;
- 5 (f) "Discarded by-catch" means non-target species that are discarded at
6 sea;
- 7 (g) "Disturbance" means any intentional and unintentional acts that shall
8 disrupt the natural cycle and activities of marine wildlife for the short or
9 long-term without necessarily causing any physical injury to the same
10 such as but is not limited to acts producing noise, pollution,
11 degradation of habitat, blockage of movement, displacement, and the
12 like;
- 13 (h) "Endangered Rare and/or Threatened Shark Species" means species in
14 danger of extinction as provided for in existing Philippine laws and/or
15 the International Union for the Conservation of Nature Red List of
16 Species;
- 17 (i) "Finning" means the practice of removing and retaining shark fins;
- 18 (j) "Full Utilization" means use or consumption of the entire animal;
- 19 (k) "Habitat" means place or environment where species or subspecies
20 naturally occurs or has naturally established its population;
- 21 (l) "Harassment" means an intentional or negligent act or omission which
22 creates the likelihood of injury by annoying it to such an extent as to
23 significantly disrupt normal behavioral patterns which include, but are
24 not limited to, breeding, feeding, or sheltering;
- 25 (m) "Non-dedicated Tourism Interaction Site" means opportunistic,
26 accidental or unintentional interaction with marine wildlife in tourism
27 and non-tourism sites;

- 1 (n) "Non-detriment Finding" (NDF) means a science-based risk assessment
2 where the vulnerability of a species is considered in relation to how
3 well it is managed;
- 4 (o) "Secretary" means the Secretary of the Department of Agriculture;
- 5 (p) "Shark" means cartilaginous fishes belonging to the class
6 Chondrichthyes, which includes true sharks, skates, rays, and
7 chimaeras;
- 8 (q) "Shark Sanctuary" means a designated area where sharks cannot be
9 caught;
- 10 (r) "Traceability" means the ability to trace and follow food or a substance
11 intended to be or expected to be incorporated into a food or product
12 through all stages of fishing, production, processing and distribution;
- 13 (s) "Trade" means the act of engaging in the exchange, exportation,
14 importation, re-exportation, purchase or sale of sharks, their
15 derivatives or by-products, locally or internationally;
- 16 (t) "Utilized bycatch" means non-target species that are traded or
17 consumed, in part or whole.

18 CHAPTER III
19 CONSERVATION AND PROTECTION OF SHARKS, RAYS, AND CHIMAERAS

20 ARTICLE I
21 General Provisions

22 *Sec. 6. Information Systems, Interaction, Release and Possession of By-*
23 *Products and Derivatives and By-catch. –*

- 24 (a) Wildlife Information. – All activities, as subsequently manifested under
25 this Chapter, shall be authorized by the Secretary upon proper
26 evaluation of best available information or scientific data showing that
27 the activity is, or for a purpose, not detrimental to the survival of the

1 species or subspecies involved and/or their habitat. For this purpose,
2 the Secretary shall regularly update wildlife information through
3 research.

4 (b) Sharks in Captivity. – No person or entity shall be allowed possession
5 of sharks unless such person or entity can prove financial and technical
6 capability and facility to maintain said species: Provided that the source
7 was not obtained in violation of this Act, and the source of stock is
8 verifiable to monitor mortality. The DA-BFAR will develop husbandry
9 and holding tank standards as well as a permitting system for the
10 keeping of sharks in captivity.

11 (c) Swim with Captive Shark Programs. – The DA-BFAR, within one (1)
12 year after the effectivity of this Act, shall develop human-shark
13 interaction guidelines in captivity.

14 (d) Tourism Interaction. – The DA-BFAR, within one (1) year after the
15 effectivity of this Act, shall develop human-shark interaction guidelines
16 in the wild.

17 (e) Research Interaction. – The DA-BFAR, within one (1) year after the
18 effectivity of this Act, shall develop research and researcher interaction
19 guidelines for studies focusing on sharks.

20 (f) Non-Detriment Findings (NDF). – The DA-BFAR, within three (3) years
21 after the effectivity of this Act, shall determine the NDF for targeted
22 and incidentally caught shark species.

23 (g) Collection and/or Possession of By-Products and Derivatives. – The
24 collection and possession of species shall only be allowed when the
25 results of the NDF show that, despite certain extent of collection, the
26 population of such species can still remain viable and capable of
27 recovering its numbers. For this purpose, the DA-BFAR shall establish a
28 schedule and volume of allowable harvests.

1 (h) Handling and Release Practices. – The DA-BFAR, within one (1) year
2 after the effectivity of this Act, shall develop acceptable handling and
3 release guidelines from fisheries for all types of protected and/or
4 unwanted sharks based on the best available science and safe release
5 experience.

6 (i) By-catch reduction measures and reporting mechanisms. – The DA-
7 BFAR, within three (3) years after the effectivity of this Act, shall
8 provide technical and financial assistance on research for gear
9 restriction, and identify modified fishing gears to reduce shark by-catch
10 mortality, which may include bait restrictions, use of different fishing
11 hooks, varying hook depth, use of repellents, reducing soak time, and
12 reducing number of hooks. The DA-BFAR shall also develop a standard
13 reporting system for sharks that are by-catch.

14 (j) Release and Reporting of By-catch. – Live sharks that have not been
15 assessed through the NDF shall be immediately released unharmed to
16 the sea. Dead sharks shall be handed over to the DA-BFAR for proper
17 documentation and disposal. Any incident must be reported to the
18 competent authority using the standard reporting system.

19 ARTICLE II

20 Protection of Vulnerable, Threatened, Endangered, and
21 Critically Endangered Shark Species

22 *Sec. 7. Determination of Threatened Species: Vulnerable, Endangered, or*
23 *Critically Endangered Species.* – The DA-BFAR, within two (2) years after the
24 effectivity of this Act, shall determine whether shark species or subspecies of a
25 population or subpopulation is threatened (vulnerable, endangered, or critically
26 endangered) based on available scientific data and with due regard to internationally
27 accepted criteria, such as the International Union for Conservation of Nature (IUCN).
28 Criteria include but are not limited to the following:

29 (a) Present or threatened destruction, modification, or curtailment of its
30 habitat or range;

- 1 (b) Over-utilization for commercial, recreational, scientific, or educational
2 purposes;
- 3 (c) Inadequacy of existing regulatory mechanisms; and
- 4 (d) Other natural or man-made factors affecting the existence of sharks.

5 The DA-BFAR shall review, revise and publish the list of categorized
6 threatened sharks within two (2) years after effectivity of this Act. Thereafter, the
7 list shall be updated regularly or as the need arises. Provided, that a species listed as
8 vulnerable threatened shall not be removed there from within three (3) years
9 following its initial listing.

10 Upon filing of a petition based on substantial scientific information of any
11 person seeking for the addition or deletion of a species from the list, the DA-BFAR
12 shall evaluate in accordance with the relevant factors stated in the first paragraph of
13 this section, the status of the species concerned, and act on said petition within a
14 reasonable period.

15 The DA-BFAR shall also prepare and publish a list of sharks which resembles
16 so closely in appearance with listed threatened wildlife, which species shall likewise
17 be categorized as threatened.

18 ARTICLE III
19 Commercial and Municipal Fisheries

20 Sec. 8. *Identification of Critical Habitats, Reference Points, Limits and*
21 *Seasons.* –

- 22 (a) Identification of Critical Habitats. – The DA-BFAR, within one (1) year
23 after the effectivity of this Act, shall identify critical habitats for sharks
24 and establish these as shark sanctuaries.
- 25 (b) Development of Target Reference Points (TRP) and Limit Reference
26 Points (LRP). – The DA-BFAR shall, within three (3) years from the
27 effectivity of this Act, determine TRP and LRP based on the results of
28 national stock assessments and the precautionary principle.

- 1 (c) Size Limitations. – The DA-BFAR shall, within one (1) year from the
2 effectivity of this Act, determine the size limits for sharks.
- 3 (d) Catch Ceiling Limitations. – The DA-BFAR may prescribe limitations or
4 quota on the total quantity of sharks captured, for a specified period of
5 time and specified area based on the best available evidence, harvest
6 strategies, and target limits. Catch ceilings may be established upon
7 the concurrence and approval or recommendation of such special
8 agency and the concerned LGU in consultation with the Fisheries
9 Aquatic and Resource Management Council (FARMC) for conservation
10 or ecological purposes.
- 11 (e) Establishment of Closed Season. – The Secretary may declare, through
12 public notice in at least two (2) newspapers of general circulation or in
13 public service announcements, whichever is applicable, at least five (5)
14 days before the declaration, a closed season in any or all Philippine
15 waters outside the boundary of municipal waters and in bays, for
16 conservation and ecological purposes. Provided, however, that this
17 shall be done only upon the concurrence and approval or
18 recommendation of such special agency and the concerned LGU and
19 FARMC: Provided, further, That in municipal waters, fishery
20 management areas and other areas reserved for the use of the
21 municipal fisherfolk, closed season may be established by the
22 concerned LGU in consultation with the FARMC for conservation or
23 ecological purposes. The FARMCs may also recommend the
24 establishment of closed seasons in municipal waters, fisheries
25 management and other areas reserved for the use of the municipal
26 fisherfolk.
- 27 (f) Support to Fisherfolk. – The Department and LGUs shall provide
28 support to commercial and municipal fisherfolk through appropriate
29 technology and research, credit, production and marketing assistance

1 and other services such as, but not limited to training for
2 additional/supplementary livelihood.

3 ARTICLE IV
4 Traceability

5 *Sec. 9. System, Labeling and Identification.* – All business operators identified
6 in the supply chain of shark trading and utilization shall cooperate with the DA-BFAR
7 in carrying out official controls, and shall have responsibilities including but not
8 limited to the following:

- 9 a) Implementation of traceability system. – Business operators must
10 operate traceability procedures for ingredients, raw materials at all
11 stages of production, processing, transport, storage and distribution,
12 and be able to (i) identify any person or business operator that has
13 supplied them with the species; (ii) identify any person or business to
14 which they have supplied their products; (iii) the products that were
15 supplied including quantity or volume, site of fishing grounds, specie,
16 and fishing gear used; and (iv) make this information available to DA-
17 BFAR and their consumers.
- 18 b) Labeling or identification. – Business operators must ensure that their
19 products are adequately labeled or otherwise identified through
20 relevant documentation. They must also comply with the labelling
21 requirements of the country destination.

22 ARTICLE V
23 Illegal Acts

24 *Sec. 10. Illegal Acts.* – Unless otherwise allowed in accordance with this Act,
25 it shall be unlawful for any person to willfully and knowingly exploit sharks and their
26 habitats, or undertake the following acts:

- 27 a) killing, taking, keeping captive, and trading vulnerable, threatened,
28 endangered, or critically endangered species, except in the following
29 instances;

- 1 i. When it is done as part of the rituals of established tribal groups
2 or indigenous cultural communities;
- 3 ii. When the shark is afflicted with an incurable communicable
4 disease;
- 5 iii. When it is deemed necessary to put an end to the misery
6 suffered by the shark;
- 7 iv. When the shark is killed or destroyed after it has been used in
8 authorized research or experiments.
- 9 b) Inflicting injury which cripples and/or impairs the reproductive system
10 of sharks;
- 11 c) Harassing sharks;
- 12 d) Disturbing sharks and their habitats;
- 13 e) Effecting any of the following acts in critical habitat(s):
- 14 i. Dumping of waste products detrimental to sharks;
- 15 ii. Squatting or otherwise occupying any portion of the critical
16 habitat;
- 17 iii. Mineral exploration and/or extraction;
- 18 f) Introducing, reintroducing, or restocking of shark species without
19 permits;
- 20 g) Finning;
- 21 h) Collecting, hunting, possessing, importing, exporting, or re-exporting
22 sharks, their by-products and derivatives without the result of the
23 NDF and full traceability at all stages, from collection to production,
24 processing, transport, storage, and distribution;
- 25 i) Falsely advertising or mislabeling any product, which could mislead
26 consumers;
- 27 j) Obstruction of corridors; and
- 28 k) Use of shark wires.

ARTICLE VI
Illegal Acts

Sec. 11. *The following fines and penalties shall be imposed for violations of this Act. –*

- (a) Killing, taking, keeping in captivity, inflicting injury, harassing, and trading vulnerable, threatened, endangered, or critically endangered species:
- i. Imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00) per animal if inflicted or undertaken against vulnerable species;
 - ii. Imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00) per animal if inflicted or undertaken against other threatened species;
 - iii. Imprisonment of four (4) and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00) per animal if inflicted or undertaken against endangered species; and
 - iv. Imprisonment of a minimum of six (6) years and one (1) day to twelve (12) years and/or a fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00) per animal if inflicted or undertaken against species listed as critically endangered.
- (b) Inflicting injury which cripples and/or impairs the reproductive system of sharks: imprisonment of one (1) month to six (6) months and/or a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species.
- (c) Harassing sharks: imprisonment of one (1) month to six (6) months and/or a fine of Five thousand pesos (P5,000.00) to Twenty thousand

1 pesos (P20,000.00), if inflicted or undertaken against other wildlife
2 species.

3 (d) Disturbing sharks and their habitats: imprisonment of one (1) month to
4 six (6) months and/or a fine of Five thousand pesos (P5,000.00) to
5 Twenty thousand pesos (P20,000.00), if inflicted or undertaken against
6 other wildlife species.

7 (e) Effecting acts in critical habitat(s): For illegal acts under paragraph (e)
8 of the preceding section, the following penalties and/or fines shall be
9 imposed: an imprisonment of one (1) month to eight (8) years and/or
10 a fine of Five thousand pesos (P5,000.00) to Five million pesos
11 (P5,000,000.00) shall be imposed.

12 (f) Introducing, reintroducing, or restocking of shark species without
13 permits: an imprisonment of one (1) month to eight (8) years and/or a
14 fine of Five thousand pesos (P5,000.00) to Five million pesos
15 (P5,000,000.00) shall be imposed.

16 (g) Finning;

17 Upon a summary finding of administrative liability, the owner, operator, boat
18 captain and master fisherman of the vessel, or the chief executive officer in a
19 corporation, or the managing partner in a partnership shall be punished with
20 confiscation of the catch and fishing gears, and a fine three (3) times the value of
21 the catch or the value indicated below, whichever is higher:

22 (1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided,
23 that if the offender fails to pay the fine, he shall render community
24 service;

25 (2) Fifty thousand pesos (P50,000.00) for small- scale commercial fishing;

26 (3) One hundred thousand pesos (P100,000.00) for medium- scale
27 commercial fishing, and

28 (4) Five hundred thousand pesos (P500,000.00) for large- scale
29 commercial fishing.

1 Upon conviction by a court of law, the offender shall be punished with
2 imprisonment of two (2) years to six (6) years and fine equivalent to twice the
3 administrative fine, confiscation and forfeiture of fishing gear and catch.

4 (h) Collecting, hunting, possessing, importing, exporting, or re-exporting
5 sharks, their by-products and derivatives without the result of the NDF
6 and full traceability at all stages, from collection to production,
7 processing, transport, storage, and distribution

8 Failure on the part of the shipping or forwarding company from whose
9 possession the fish or fishery species imported or exported are discovered or seized
10 to fully cooperate in the investigation conducted by concerned government
11 authorities shall create a presumption that there is connivance or conspiracy
12 between the shipping company and the shipper to perpetrate the aforementioned
13 offense.

14 Upon a summary finding of administrative liability, the offender shall be
15 punished with an administrative fine of five (5) times the value of the species or
16 Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos
17 (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.

18 Upon conviction by a court of law, the offender shall be punished with eight
19 (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or
20 destruction of the species: Provided, That offenders shall be banned from being
21 members or stockholders of companies currently engaged in fisheries or companies
22 to be created in the future, the guidelines for which shall be promulgated by the
23 Department.

24 (i) Falsely advertising or mislabeling any product, which could mislead
25 consumers;

26 Failure on the part of the shipping or forwarding company from whose
27 possession the fish or fishery species imported or exported are discovered or seized
28 to fully cooperate in the investigation conducted by concerned government
29 authorities shall create a presumption that there is connivance or conspiracy

1 between the shipping company and the shipper to perpetrate the aforementioned
2 offense.

3 Upon a summary finding of administrative liability, the offender shall be
4 punished with an administrative fine of five (5) times the value of the species or
5 Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos
6 (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.

7 Upon conviction by a court of law, the offender shall be punished with eight
8 (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or
9 destruction of the species: Provided, That offenders shall be banned from being
10 members or stockholders of companies currently engaged in fisheries or companies
11 to be created in the future, the guidelines for which shall be promulgated by the
12 Department.

13 (j) Obstruction of corridors;

14 Upon a summary finding of administrative liability, the offender shall be
15 punished with an administrative fine of One Hundred Fifty Thousand Pesos
16 (P150,000.00) to Five Hundred

17 Thousand Pesos (P500,000.00), dismantling of the obstruction at the expense
18 of the offender, and the suspension or revocation of the permit or license.

19 Upon conviction by a court of law, the offender shall be punished with
20 imprisonment of seven (7) years to twelve (12) years and fine of twice the amount
21 of the administrative fine, dismantling of the obstruction at the expense of the
22 offender, and the suspension or revocation of the permit or license.

23 (k) Use of shark wires.

24 Upon a summary finding of administrative liability, the owner, operator, boat
25 captain and master fisherman of the vessel, or the chief executive officer in a
26 corporation, or the managing partner in a partnership shall be punished with
27 confiscation of the catch and fishing gears, and a fine three (3) times the value of
28 the catch or the value indicated below, whichever is higher:

- 1 (1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided,
2 That if the offender fails to pay the fine, he shall render community
3 service;
- 4 (2) Fifty thousand pesos (P50,000.00) for small- scale commercial fishing;
- 5 (3) One hundred thousand pesos (P100,000.00) for medium- scale
6 commercial fishing; and
- 7 (4) Five hundred thousand pesos (P500,000.00) for large- scale
8 commercial fishing.

9 Upon conviction by a court of law, the offender shall be punished with
10 imprisonment of two (2) years to six (6) years and fine equivalent to twice the
11 administrative fine, confiscation and forfeiture of fishing gear and catch.

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

15 ARTICLE VII
16 Miscellaneous Provisions

17 *Sec. 13. Flagship Species.* – Local government units shall initiate conservation
18 measures for endemic and/or economically valuable species in their areas. For this
19 purpose, they may adopt flagship species such as the whale shark (*Rhincodon*
20 *typus*) or thresher shark (*Alopias pelagicus*), which shall serve as emblems of
21 conservation for the local government concerned.

22 *Sec. 14. Information and Education.* - The BFAR, DENR, DOT, DTI, LGUs, and
23 other academic institutions shall undertake a nationwide information and education
24 campaign to adequately inform the populace of the value of sharks and rays in the
25 marine ecosystem, and of the importance of preserving their respective habitats and
26 feeding grounds.

27 *Sec. 15. Transition Period.* – Due to the substantially new requirement
28 imposed by this Act, a transition period of three (3) years from its entry into force is
29 provided. During the transition period, sharks, their by-products, and derivatives

1 may be sold and traded, and stocks that have been produced before the end of the
2 transitional period may continue to be sold or exported until exhausted.

3 *Sec. 16. Implementing Rules and Regulations.* – Within twelve (12) months
4 following the effectivity of this Act, the Secretary of Agriculture, in coordination with
5 the Department of Trade and Industry, Department of Tourism, and the Committees
6 on Environment and Ecology of the Senate and the House of Representatives,
7 respectively, shall promulgate respective rules and regulations for the effective
8 implementation of this Act. Whenever appropriate, coordination in the preparation
9 and implementation of rules and regulations on joint and inseparable issues shall be
10 done by the departments. The commitments of the State to international
11 agreements and protocols shall likewise be a consideration in the implementation of
12 this Act.

13 *Sec. 17. Separability Clause.* – If any portion or provision of this Act is
14 declared unconstitutional or invalid, the remainder of this Act or any provisions
15 hereof not affected thereby shall continue to be in force and effect.

16 *Sec. 18. Repealing Clause.* – Any law, presidential decree or issuance,
17 executive order, letter of instruction, rule or regulation inconsistent or contrary to
18 the provisions of this Act is hereby repealed or modified accordingly.

19 *Sec. 19. Effectivity.* – This Act shall take effect after fifteen (15) days
20 following its complete publication in the Official Gazette or a newspaper of general
21 circulation.

Approved,