

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**

'22 AUG 16 P3:59

SENATE

S.B. No. 1193

RECEIVED BY



INTRODUCED BY SENATOR RISA HONTIVEROS

**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.

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 that have significant top-down effects on food webs. They help keep prey populations healthy by feeding on weak, sick, or old fishes, and prevent overgrazing of critical marine habitats.

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

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

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.

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


RISA HONTIVEROS

Senator

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

**CHAPTER I
GENERAL PROVISIONS**

1
2
3
4 Section 1. *Short Title.* - This Act shall be known as the "Shark Conservation Act of
5 the Philippines."

6 Sec. 2. *Declaration of Policy.* - It is hereby declared the policies of the State to:

- 7 a) protect environmental rights of the people, promote conservation and
8 ensure sustainable and equitable utilization of its coastal areas, habitats
9 and species, including sharks, in conformity with the Constitution; the
10 Philippine Fisheries Code of 1998, as amended by Republic Act 10654; and
11 the National Wildlife Conservation and Protection Act;
- 12 b) ensure, for the benefit and enjoyment of the Filipino people, the judicious
13 and wise utilization, protection, conservation and management on a
14 sustainable basis of its coastal and fishery resources with the necessity of
15 maintaining a sound ecological balance and protecting and enhancing the
16 quality of the environment;
- 17 c) protect the rights of the small and marginal fishers in the preferential use
18 of communal coastal and fishery resources;
- 19 d) allow people's full and active participation in the conservation and
20 management of the coastal and fishery resources and promote awareness
21 of sustainable fisheries through appropriate education and training;
- 22 e) Promote and adhere to the precautionary principle of conservation,
23 management and exploitation of living coastal and fishery resources in

1 order to assure the sustainable development of the coastal environment.
2 The absence of adequate scientific and technical information should not be
3 used as a reason for postponing or failing to take conservation and
4 management measures; and

5 f) Promote ecosystem-based fisheries management.

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

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

17 The Bureau of Fisheries and Aquatic Resources of the Department of Agriculture (DA-
18 BFAR) shall be the lead agency in the implementation of this Act. The Department of
19 Trade and Industry (DTI), Department of Environment and Natural Resources, the
20 Philippine Coast Guard, the Philippine National Police, other law enforcement agencies,
21 and Local Government Units (LGUs) shall likewise assist in the implementation of this Act.
22 The Department of Tourism (DOT) shall provide the necessary assistance to the DA-BFAR
23 and the LGUs in identifying shark ecotourism sites and declare the same as protected.

24
25 **CHAPTER II**
26 **DEFINITION OF TERMS**
27

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

30 a) "Bycatch" means the incidental take of undesirable size or age classes of
31 the target species, or the incidental take of other non-target species or
32 protected, endangered, or threatened species.

33 b) "By-product or derivatives" means any part taken or substance extracted
34 from sharks, in raw or in processed form. This includes, but are not limited
35 to, preserved sharks (curios), cartilage, gill rakers, fins, oil, skin, and teeth;

36 c) "Corridor" means an artificial or natural avenue where which wide-ranging
37 animals can travel, plants can propagate, genetic interchange can occur,

- 1 populations can move in response to environmental changes and natural
2 disasters, and threatened species can be replenished from other areas.
3 Marine corridors encompass mangroves, coral reefs, and seagrass beds;
- 4 d) "Critical Habitat" means a place or environment that contains physical or
5 biological features essential to its conservation;
- 6 e) "Dedicated tourism interaction site" means well-defined areas for marine
7 wildlife tourism, either managed as a sanctuary/reserve/protected area or
8 not, focused on a particular species or several species, with specified
9 operating times;
- 10 f) "Discarded bycatch" means non-target species that are discarded at sea;
- 11 g) "Disturbance" means any intentional and unintentional acts that shall
12 disrupt the natural cycle and activities of marine wildlife for the short or
13 long-term without necessarily causing any physical injury to the same such
14 as but is not limited to acts producing noise, pollution, degradation of
15 habitat, blockage of movement, displacement, and the like;
- 16 h) "Endangered Rare and/or Threatened Shark Species" means species in
17 danger of extinction as provided for in existing Philippine laws and/or the
18 International Union for the Conservation of Nature Red List of Species;
- 19 i) "Finning" means the practice of removing and retaining shark fins;
- 20 j) "Full Utilization" means use or consumption of the entire animal;
- 21 k) "Habitat" means place or environment where species or subspecies
22 naturally occurs or has naturally established its population;
- 23 l) "Harassment" means an intentional or negligent act or omission which
24 creates the likelihood of injury by annoying it to such an extent as to
25 significantly disrupt normal behavioral patterns which include, but are not
26 limited to, breeding, feeding, or sheltering;
- 27 m) "Non-dedicated Tourism Interaction Site" means opportunistic, accidental
28 or unintentional interaction with marine wildlife in tourism and non-tourism
29 sites;
- 30 n) "Non-detriment Finding" (NDF) means a science-based risk assessment
31 where the vulnerability of a species is considered in relation to how well it
32 is managed;
- 33 o) "Secretary" means the Secretary of the Department of Agriculture;
- 34 p) "Shark" means cartilaginous fishes belonging to the class Chondrichthyes,
35 which includes true sharks, skates, rays, and chimaeras;

- 1 q) "Shark Sanctuary" means a designated area where sharks cannot be
2 caught;
- 3 r) "Traceability" means the ability to trace and follow food or a substance
4 intended to be or expected to be incorporated into a food or product
5 through all stages of fishing, production, processing and distribution;
- 6 s) "Trade" means the act of engaging in the exchange, exportation,
7 importation, re-exportation, purchase or sale of sharks, their derivatives or
8 by-products, locally or internationally;
- 9 t) "Utilized bycatch" means non-target species that are traded or consumed,
10 in part or whole.

11
12
13 **CHAPTER III**
14 **CONSERVATION AND PROTECTION OF SHARKS, RAYS, AND CHIMAERAS**

15
16 **ARTICLE I**
17 **General Provisions**
18

19 *Sec. 6. Information Systems, Interaction, Release and Possession of By-Products*
20 *and Derivatives, and By-Catch*

- 21 a) *Wildlife Information.* All activities, as subsequently manifested under this
22 Chapter, shall be authorized by the Secretary upon proper evaluation of
23 best available information or scientific data showing that the activity is, or
24 for a purpose, not detrimental to the survival of the species or subspecies
25 involved and/or their habitat. For this purpose, the Secretary shall regularly
26 update wildlife information through research.
- 27 b) *Sharks in Captivity.* No person or entity shall be allowed possession of
28 sharks unless such person or entity can prove financial and technical
29 capability and facility to maintain said species: *Provided,* That the source
30 was not obtained in violation of this Act, and the source of stock is verifiable
31 to monitor mortality. The DA-BFAR will develop husbandry and holding tank
32 standards as well as a permitting system for the keeping of sharks in
33 captivity.
- 34 c) *Swim with Captive Shark Programs.* The DA-BFAR, within one (1) year after
35 the effectivity of this Act, shall develop human-shark interaction guidelines
36 in captivity.
- 37 d) *Tourism Interaction.* The DA-BFAR, within one (1) year after the effectivity
38 of this Act, shall develop human-shark interaction guidelines in the wild.

- 1 e) *Research Interaction*. The DA-BFAR, within one (1) year after the effectivity
2 of this Act, shall develop research and researcher interaction guidelines for
3 studies focusing on sharks.
- 4 f) *Non-Detriment Findings (NDF)*. The DA-BFAR, within three (3) years after
5 the effectivity of this Act, shall determine the NDF for targeted and
6 incidentally caught shark species.
- 7 g) *Collection and/or Possession of By-Products and Derivatives*. The collection
8 and possession of species shall only be allowed when the results of the
9 NDF show that, despite certain extent of collection, the population of such
10 species can still remain viable and capable of recovering its numbers. For
11 this purpose, the DA-BFAR shall establish a schedule and volume of
12 allowable harvests.
- 13 h) *Handling and Release Practices*. The DA-BFAR, within one (1) year after the
14 effectivity of this Act, shall develop acceptable handling and release
15 guidelines from fisheries for all types of protected and/or unwanted sharks
16 based on the best available science and safe release experience.
- 17 i) *Bycatch reduction measures and reporting mechanisms*. The DA-BFAR,
18 within three (3) years after the effectivity of this Act, shall provide technical
19 and financial assistance on research for gear restriction, and identify
20 modified fishing gears to reduce shark bycatch mortality, which may include
21 bait restrictions, use of different fishing hooks, varying hook depth, use of
22 repellents, reducing soak time, and reducing number of hooks. The DA-
23 BFAR shall also develop a standard reporting system for sharks that are
24 bycatch.
- 25 j) *Release and Reporting of Bycatch*. Live sharks that have not been assessed
26 through the NDF shall be immediately released unharmed to the sea. Dead
27 sharks shall be handed over to the DA-BFAR for proper documentation and
28 disposal. Any incident must be reported to the competent authority using
29 the standard reporting system.

30
31 **ARTICLE II**
32 **Protection of Vulnerable, Threatened, Endangered, and Critically Endangered**
33 **Shark Species**
34

35 *Sec. 7. Determination of Threatened Species, Vulnerable, Endangered, or Critically*
36 *Endangered Species.* – The DA-BFAR, within two (2) years after the effectivity of this Act,
37 shall determine whether shark species or subspecies of a population or subpopulation is

1 threatened (vulnerable, endangered, or critically endangered) based on available
2 scientific data and with due regard to internationally accepted criteria, such as the
3 International Union for Conservation of Nature (IUCN). Criteria include but are not limited
4 to the following:

- 5 a) present or threatened destruction, modification, or curtailment of its
6 habitat or range;
- 7 b) over-utilization for commercial, recreational, scientific, or educational
8 purposes;
- 9 c) inadequacy of existing regulatory mechanisms; and
- 10 d) other natural or man-made factors affecting the existence of sharks.

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

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

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

22 **ARTICLE III**

23 **Commercial and Municipal Fisheries**

24 *Sec. 8. Identification of Critical Habitats, Reference Points, Limits, and Seasons.*

- 25 a) *Identification of Critical Habitats.* The DA-BFAR, within one (1) year after
26 the effectivity of this Act, shall identify critical habitats for sharks and
27 establish these as shark sanctuaries.
- 28 b) *Development of Target Reference Points (TRP) and Limit Reference Points*
29 *(LRP).* The DA-BFAR shall, within three (3) years from the effectivity of this
30 Act, determine TRP and LRP based on the results of national stock
31 assessments and the precautionary principle.
- 32 c) *Size Limitations.* The DA-BFAR shall, within one (1) year from the effectivity
33 of this Act, determine the size limits for sharks.
- 34
- 35

1 d) *Catch Ceiling Limitations.* The DA-BFAR may prescribe limitations or quota
2 on the total quantity of sharks captured, for a specified period of time and
3 specified area based on the best available evidence, harvest strategies, and
4 target limits. Catch ceilings may be established upon the concurrence and
5 approval or recommendation of such special agency and the concerned
6 LGU in consultation with the Fisheries Aquatic and Resource Management
7 Council (FARMC) for conservation or ecological purposes.

8 e) *Establishment of Closed Season.* The Secretary may declare, through public
9 notice in at least two (2) newspapers of general circulation or in public
10 service announcements, whichever is applicable, at least five (5) days
11 before the declaration, a closed season in any or all Philippine waters
12 outside the boundary of municipal waters and in bays, for conservation and
13 ecological purposes. Provided, however, that this shall be done only upon
14 the concurrence and approval or recommendation of such special agency
15 and the concerned LGU and FARMC: Provided, further, That in municipal
16 waters, fishery management areas and other areas reserved for the use of
17 the municipal fisherfolk, closed season may be established by the
18 concerned LGU in consultation with the FARMC for conservation or
19 ecological purposes. The FARMCs may also recommend the establishment
20 of closed seasons in municipal waters, fisheries management and other
21 areas reserved for the use of the municipal fisherfolk.

22 f) *Support to Fisherfolk.* - The Department and LGUs shall provide support to
23 commercial and municipal fisherfolk through appropriate technology and
24 research, credit, production and marketing assistance and other services
25 such as, but not limited to training for additional/supplementary livelihood.
26

27 **ARTICLE IV**

28 **Traceability**

29
30 *Sec. 9. System, Labeling, and Identification.* All business operators identified in the
31 supply chain of shark trading and utilization shall cooperate with the DA-BFAR in carrying
32 out official controls, and shall have responsibilities including but not limited to the
33 following:

34 a) *Implementation of traceability system.* Business operators must operate
35 traceability procedures for ingredients, raw materials at all stages of
36 production, processing, transport, storage and distribution, and be able to

1 (i) identify any person or business operator that has supplied them with
2 the species; (ii) identify any person or business to which they have supplied
3 their products; (iii) the products that were supplied including quantity or
4 volume, site of fishing grounds, specie, and fishing gear used; and (iv)
5 make this information available to DA-BFAR and their consumers.

6 b) *Labeling or identification.* Business operators must ensure that their
7 products are adequately labeled or otherwise identified through relevant
8 documentation. They must also comply with the labelling requirements of
9 the country destination.

11 **CHAPTER IV**

12 **ILLEGAL ACTS**

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

16 a) killing, taking, keeping captive, and trading vulnerable, threatened,
17 endangered, or critically endangered species, except in the following
18 instances;

19 a. when it is done as part of the rituals of established tribal groups or
20 indigenous cultural communities;

21 b. when the shark is afflicted with an incurable communicable
22 disease;

23 c. when it is deemed necessary to put an end to the misery suffered
24 by the shark;

25 d. when the shark is killed or destroyed after it has been used in
26 authorized research or experiments.

27 b) inflicting injury which cripples and/or impairs the reproductive system of
28 sharks;

29 c) harassing sharks;

30 d) disturbing sharks and their habitats;

31 e) effecting any of the following acts in critical habitat(s):

32 a. dumping of waste products detrimental to sharks;

33 b. squatting or otherwise occupying any portion of the critical habitat;

34 c. mineral exploration and/or extraction;

35 f) introducing, reintroducing, or restocking of shark species without permits;

36 g) finning;

- 1 h) collecting, hunting, possessing, importing, exporting, or re-exporting
2 sharks, their by-products and derivatives without the result of the NDF
3 and full traceability at all stages, from collection to production, processing,
4 transport, storage, and distribution;
5 i) falsely advertising or mislabeling any product, which could mislead
6 consumers;
7 j) obstruction of corridors; and
8 k) use of shark wires.

9
10 **CHAPTER V**

11 **FINES AND PENALTIES**

12
13 Sec. 11. The following fines and penalties shall be imposed for violations of this

14 Act:

- 15 a) killing, taking, keeping in captivity, inflicting injury, harrassing, and trading
16 vulnerable, threatened, endangered, or critically endangered species:
17 a. imprisonment of two (2) years and one (1) day to four (4) years
18 and/or a fine of Thirty thousand pesos (P30,000.00) to Three
19 hundred thousand pesos (P300,000.00) per animal if inflicted or
20 undertaken against vulnerable species;
21 b. imprisonment of one (1) year and one (1) day to two (2) years
22 and/or a fine of Twenty thousand pesos (P20,000.00) to Two
23 hundred thousand pesos (P200,000.00) per animal if inflicted or
24 undertaken against other threatened species;
25 c. imprisonment of four (4) and one (1) day to six (6) years and/or a
26 fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand
27 pesos (P500,000.00) per animal if inflicted or undertaken against
28 endangered species; and
29 d. imprisonment of a minimum of six (6) years and one (1) day to
30 twelve (12) years and/or a fine of One hundred thousand pesos
31 (P100,000.00) to One million pesos (P1,000,000.00) per animal if
32 inflicted or undertaken against species listed as critically
33 endangered.
34 b) inflicting injury which cripples and/or impairs the reproductive system of
35 sharks: imprisonment of one (1) month to six (6) months and/or a fine of

1 Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00),
2 if inflicted or undertaken against other wildlife species.

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

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

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

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

19 g) finning;

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

26 (1) Twenty thousand pesos (P20,000.00) for municipal fishing:
27 Provided, That if the offender fails to pay the fine, he shall render
28 community service;

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

31 (3) One hundred thousand pesos (P100,000.00) for medium- scale
32 commercial fishing; and

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

35 Upon conviction by a court of law, the offender shall be punished
36 with imprisonment of two (2) years to six (6) years and fine

1 equivalent to twice the administrative fine, confiscation and forfeiture
2 of fishing gear and catch.

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

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

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

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

- 26 i) falsely advertising or mislabeling any product, which could mislead
27 consumers;

28 Failure on the part of the shipping or forwarding company from
29 whose possession the fish or fishery species imported or exported
30 are discovered or seized to fully cooperate in the investigation
31 conducted by concerned government authorities shall create a
32 presumption that there is connivance or conspiracy between the
33 shipping company and the shipper to perpetrate the aforementioned
34 offense.

35 Upon a summary finding of administrative liability, the offender shall
36 be punished with an administrative fine of five (5) times the value of

1 the species or Three hundred thousand pesos (P300,000.00) to Five
2 hundred thousand pesos (P500,000.00), whichever is higher, and
3 forfeiture and/or destruction of the species.

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

11 j) obstruction of corridors;

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

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

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

23 k) use of shark wires.

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

30 (1) Twenty thousand pesos (P20,000.00) for municipal fishing:
31 Provided, That if the offender fails to pay the fine, he shall render
32 community service;

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

35 (3) One hundred thousand pesos (P100,000.00) for medium- scale
36 commercial fishing; and

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

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

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

10
11 **CHAPTER VI**
12 **MISCELLANEOUS PROVISIONS**
13

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

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

24 *Sec. 15. Transition Period.* – Due to the substantially new requirement imposed by
25 this Act, a transition period of three (3) years from its entry into force is provided. During
26 the transition period, sharks, their by-products, and derivatives may be sold and traded,
27 and stocks that have been produced before the end of the transitional period may
28 continue to be sold or exported until exhausted.

29 *Sec. 16. Implementing Rules and Regulations.* Within twelve (12) months following
30 the effectivity of this Act, the Secretary of the Department of Agriculture, in coordination
31 with the Department of Trade and Industry, Department of Tourism, and the Committees
32 on Environment and Ecology of the Senate and the House of Representatives,
33 respectively, shall promulgate respective rules and regulations for the effective
34 implementation of this Act. Whenever appropriate, coordination in the preparation and
35 implementation of rules and regulations on joint and inseparable issues shall be done by

1 the Departments. The commitments of the State to international agreements and
2 protocols shall likewise be a consideration in the implementation of this Act.

3 Sec. 17. *Appropriations.* – The amount necessary to implement the provisions of
4 this Act shall be charged against the appropriations of the Department of Agriculture in
5 the current General Appropriations Act. Therefore, such sums as may be necessary to
6 fully implement the provisions of this Act shall be included in the annual General
7 Appropriations Act. The DA-BFAR may also seek financial assistance from any source and
8 may receive any donation therefore.

9 Sec. 18. *Separability Clause.* — If any section or provision of this Act is held
10 unconstitutional or invalid, the remaining sections or provisions with the provisions not
11 affected thereby shall continue to be in full force and effect.

12 Sec. 19. *Repealing Clause.* — All laws, decrees, executive orders, rules and
13 regulations, issuances or parts thereof inconsistent with the provisions of this Act are
14 hereby repealed or modified accordingly.

15 Sec. 20. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from its
16 publication in the Official Gazette or in a newspaper of general circulation.

Approved,