

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



'22 NOV 28 P5 :25

SENATE
S. No. 1554

RECEIVED BY: _____

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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

EXPLANATORY NOTE


Sharks are still under threat from unregulated fishing or overfishing, bycatch, harmful tourism practices, pollution, unjust consumption and trade, and degradation of their habitats. Lack of scientific data and low awareness on their conservation status are further compounding these threats.

The Philippines play a crucial role in conserving and protecting sharks, rays, and chimaeras, yet, in our country, out of estimated 200 species of sharks only 25 are nationally protected through the Convention on the International Trade Endangered Species of Wild Flora and Fauna (CITES) Appendices.

Under the Republic Act (RA) 8550, as amended by RA 10654, all shark species listed in CITES Appendices are automatically afforded national protection in the Philippines. However, the harmful management of sharks has garnered a nationwide attention due to the lack of national policies and regulations. Which is why it is in the best interest of the government to be able to provide with specific legislation tailored fit for sharks and the biodiversity.

This bill supports the country's commitment to protect and preserve its marine biodiversity and 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, I recommend the immediate passage of this bill.



JOSEPH VICTOR G. EJERCITO



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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 Act*
2 *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, habitats,
- 6 and species, including sharks, in conformity with the Constitution, the
- 7 Philippine Fisheries Code of 1998, as amended by Republic Act 10654, and
- 8 the National Wildlife Conservation and Protection Act;
- 9 b. Ensure, for the benefit and enjoyment of the Filipino people, the judicious
- 10 and wise utilization, protection, conservation and management on a
- 11 sustainable basis of its coastal and fishery resources with the necessity of
- 12 maintaining a sound ecological balance and protecting and enhancing the
- 13 quality of the environment;
- 14 c. Protect the rights of the small and marginal fishers in the preferential use
- 15 of communal coastal and fishery resources;

- 1 d. Allow people’s full and active participation in the conservation and
2 management of the coastal and fishery resources and promote awareness
3 of sustainable fisheries through appropriate education and training;
- 4 e. Promote and adhere to the precautionary principle of conservation,
5 management and exploitation of living coastal and fishery resources in order
6 to assure the sustainable development of the coastal environment. The
7 absence of adequate scientific and technical information should not be used
8 as a reason for postponing or failing to take conservation and management
9 measures; and
- 10 f. Promote ecosystem-based fisheries management.

11 *Sec. 3. Scope of Application.* – The provisions of this Act shall be enforceable
12 for all Philippine waters including other waters over which the Philippines has
13 sovereignty and jurisdiction, and the country's 200—nautical mile Exclusive Economic
14 Zone (EEZ) and continental shelf, including protected areas under Republic Act No.
15 7586, otherwise known as the National Integrated Protected Areas System (NIPAS)
16 Act; critical habitats; and all Philippine flagged fishing vessels operating in areas
17 governed by a Regional Fisheries Management Organization, in the high seas, or In
18 waters of other coastal states.

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

24 The Bureau of Fisheries and Aquatic Resources of the Department of Agriculture
25 (DA-BFAR) shall be the lead agency in the implementation of this Act. The Department
26 of Trade and Industry (DTI), Department of Environment and Natural Resources
27 (DENR), the Philippine Coast Guard, the Philippine National Police (PNP), other law
28 enforcement agencies, and Local Government Units (LGUs) shall likewise assist in the
29 implementation of this Act.

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

4 **CHAPTER II**
5 **DEFINITION OF TERMS**
6

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

- 9 a. *"By-catch"* means the incidental take of undesirable size or age classes of
10 the target species or the incidental take of other non-target species or
11 protected, endangered, or threatened species.
- 12 b. *"By-product or derivatives"* means any part taken or substance extracted
13 from sharks, in raw or in processed form. This includes, but are not limited
14 to, preserved sharks (curios), cartilage, gill rakers, fins, oil, skin, and teeth;
- 15 c. *"Corridor"* means an artificial or natural avenue where which wide- ranging
16 animals can travel, plants can propagate, genetic interchange can occur,
17 populations can move in response to environmental changes and natural
18 disasters, and threatened species can be replenished from other areas.
19 Marine corridors encompass mangroves, coral reefs, and seagrass beds;
- 20 d. *"Critical Habitat"* means a place or environment that contains physical or
21 biological features essential to its conservation;
- 22 e. *"Dedicated tourism interaction site"* means well-defined areas for marine
23 wildlife tourism, either managed as a sanctuary/reserve/protected area or
24 not, focused on a particular species or several species, with specified
25 operating times;
- 26 f. *"Discarded by-catch"* means non-target species that are discarded at sea;
- 27 g. *"Disturbance"* means any intentional and unintentional acts that shall
28 disrupt the natural cycle and activities of marine wildlife for the short or
29 long-term without necessarily causing any physical injury to the same such
30 as but is not limited to acts producing noise, pollution, degradation of
31 habitat, blockage of movement, displacement, and the like;

- 1 h. *"Endangered Rare and/or Threatened Shark Species"* means species in
2 danger of extinction as provided for in existing Philippine laws and/or the
3 International Union for the Conservation of Nature Red List of Species;
- 4 i. *"Finning"* means the practice of removing and retaining shark fins;
- 5 j. *"Full Utilization"* means use or consumption of the entire animal;
- 6 k. *"Habitat"* means place or environment where species or subspecies naturally
7 occurs or has naturally established its population;
- 8 l. *"Harassment"* means an intentional or negligent act or omission which
9 creates the likelihood of injury by annoying it to such an extent as to
10 significantly disrupt normal behavioral patterns which include, but are not
11 limited to, breeding, feeding, or sheltering;
- 12 m. *"Non-dedicated Tourism Interaction Site"* means opportunistic, accidental
13 or unintentional interaction with marine wildlife in tourism and non tourism
14 sites;
- 15 n. *"Non-detriment Finding" (NDF)* means a science-based risk assessment
16 where the vulnerability of a species is considered in relation to how well it
17 is managed;
- 18 o. *"Secretary"* means the Secretary of the Department of Agriculture;
- 19 p. *"Shark"* means cartilaginous fishes belonging to the class Chondrichthyes,
20 which includes true sharks, skates, rays, and chimaeras;
- 21 q. *"Shark Sanctuary"* means a designated area where sharks cannot be 5
22 caught;
- 23 r. *"Traceability"* means the ability to trace and follow food or a substance
24 intended to be or expected to be incorporated into a food or product through
25 all stages of fishing, production, processing and distribution;
- 26 s. *"Trade"* means the act of engaging in the exchange, exportation,
27 importation, re-exportation, purchase or sale of sharks, their derivatives or
28 by products, locally or internationally;
- 29 t. *"Utilized by catch"* means non-target species that are traded or consumed,
30 in part or whole.

31

1 **CHAPTER III**

2 **CONSERVATION AND PROTECTION OF SHARKS, RAYS, AND CHIMAERAS**

3 **ARTICLE I**

4 **General Provisions**

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

- 7 a. Wildlife Information. – All activities, as subsequently manifested under this
8 Chapter, shall be authorized by the Secretary upon proper evaluation of
9 best available information or scientific data showing that the activity is, or
10 for a purpose, not detrimental to the survival of the species or subspecies
11 involved and/or their habitat. For this purpose, the Secretary shall regularly
12 update wildlife information through research.
- 13 b. Sharks in Captivity. - No person or entity shall be allowed possession of
14 sharks unless such person or entity can prove financial and technical
15 capability and facility to maintain said species: Provided that the source was
16 not obtained in violation of this Act, and the source of stock is verifiable to
17 monitor mortality. The DA-BFAR will develop husbandry and holding tank
18 standards as well as a permitting system for the keeping of sharks in
19 captivity.
- 20 c. Swim with Captive Shark Programs. - The DA-BFAR, within one (1) year
21 after the effectivity of this Act, shall develop human-shark interaction
22 guidelines in captivity.
- 23 d. Tourism Interaction. – The DA-BFAR, within one (1) year after the
24 effectivity of this Act, shall develop human-shark interaction guidelines in
25 the wild.
- 26 e. Research Interaction. – The DA-BFAR, within one (1) year after the
27 effectivity of this Act, shall develop research and researcher interaction
28 guidelines for studies focusing on sharks.
- 29 f. Non-Detriment Findings (NDF). - The DA-BFAR, within three (3) years after
30 the effectivity of this Act, shall determine the NDF for targeted and
31 incidentally caught shark species.

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

24 **ARTICLE II**

25 **Protection of Vulnerable, Threatened, Endangered, and** 26 **Critically Endangered Shark Species**

27 *Sec. 7. Determination of Threatened Species: Vulnerable, Endangered, or*
28 *Critically Endangered Species.* - The DA-BFAR, within two (2) years after the effectivity
29 of this Act, shall determine whether shark species or subspecies of a population or
30 subpopulation is threatened (vulnerable, endangered, or critically endangered) based
31 on available scientific data and with due regard to internationally accepted criteria,

1 such as the International Union for Conservation of Nature (IUCN). Criteria include but
2 are not limited to the following:

- 3 a. Present or threatened destruction, modification, or curtailment of its habitat
4 or range;
- 5 b. Over-utilization for commercial, recreational, scientific, or educational
6 purposes
- 7 c. Inadequacy of existing regulatory mechanisms; and
- 8 d. Other natural or man-made factors affecting the existence of sharks.

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

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

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

22 **ARTICLE II**

23 **COMMERICAL 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

1 this Act, determine TRP and LRP based on the results of national stock
2 assessments and the precautionary principle.

- 3 c. Size Limitations. - The DA-BFAR shall, within one (1) year from the
4 effectivity of this Act, determine the size limits for sharks.
- 5 d. Catch Ceiling Limitations. - The DA-BFAR may prescribe limitations or quota
6 on the total quantity of sharks captured, for a specified period of time and
7 specified area based on the best available evidence, harvest strategies, and
8 target limits. Catch ceilings may be established upon the concurrence and
9 approval or recommendation of such special agency and the concerned LGU
10 in consultation with the Fisheries Aquatic and Resource Management
11 Council (FARMC) for conservation or ecological purposes.
- 12 e. Establishment of Closed Season – The Secretary may declare, through
13 public notice in at least two (2) newspapers of general circulation or in
14 public service announcements, whichever is applicable, at least five (5)
15 days before the declaration, a closed season in any or all Philippine waters
16 outside the boundary of municipal waters and in bays, for conservation and
17 ecological purposes. Provided, however, that this shall be done only upon
18 the concurrence and approval or recommendation of such special agency
19 and the concerned LGU and FARMC: Provided, further, That in municipal
20 waters, fishery management areas and other areas reserved for the use of
21 the 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 establishment
24 of closed seasons in municipal waters, fisheries management and other
25 areas reserved for the use of the municipal fisherfolk.
- 26 f. Support to Fisherfolk. - The Department and LGUs shall provide support to
27 commercial and municipal fisherfolk through appropriate technology and
28 research, credit, production and marketing assistance and other services
29 such as, but not limited to training for additional/supplementary livelihood.

30 **ARTICLE IV**

31 **Traceability**

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

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

17 **ARTICLE IV**
18 **Illegal Acts**

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

- 22 a. Killing, taking, keeping captive, and trading vulnerable, threatened,
23 endangered, or critically endangered species, except in the following
24 instances;
- 25 i. When it is done as a part of the rituals of established tribal groups
26 or indigenous cultural communities;
- 27 ii. When the shark is afflicted with incurable communicable disease;
- 28 iii. When it is deemed necessary to put an end to the misery suffered
29 by the shark;

- 1 iv. When the shark is killed or destroyed after it has been used in
2 authorized research or experiments.
- 3 b. Inflicting injury which cripples and/or impairs the reproductive system of
4 sharks;
- 5 c. Harassing sharks;
- 6 d. Disturbing sharks and their habitat(s);
- 7 e. Effecting any of the following acts in critical habitat(s);
 - 8 i. Dumping of waste products detrimental to sharks;
 - 9 ii. Squatting or otherwise occupying any portion of the critical habitat;
 - 10 iii. Mineral exploration and/or extraction;
- 11 f. Introducing, reintroducing, or restocking of shark species without permits;
- 12 g. Finning;
- 13 h. Collecting, hunting, possessing, importing, exporting, or re-exporting
14 sharks, their by-products and derivatives without the result of the NDF and
15 full traceability at all stages, from collection to production, processing,
16 transport, storage, and distribution;
- 17 i. Falsely advertising or mislabeling any product, which could mislead
18 consumers;
- 19 j. Obstruction of corridors' and
20 k. Use of shark wires

21 **ARTICLE IV**

22 **Illegal Acts**

23 Sec. 11. *Penalties.* - The following fines and penalties shall be imposed for
24 violations of this Act. -

- 25 a. Killing, taking, keeping in captivity, inflicting injury, harassing, and trading
26 vulnerable, threatened, endangered, or critically endangered species:
 - 27 i. Imprisonment of two (2) years and one (1) day to four (4) years
28 and/or a fine of thirty thousand pesos (P30,000.00) to three hundred
29 thousand pesos (P300,000.00) per animal if inflicted or undertaken
30 against vulnerable species;

- 1 ii. Imprisonment of one (1) year and one (1) day to two (2) years and/or
2 a fine of twenty thousand pesos (P20,000.00) to two hundred
3 thousand pesos (P200,000.00) per animal if inflicted or undertaken
4 against other threatened species;
- 5 iii. Imprisonment of four (4) and one (1) day to six (6) years and/or a
6 fine of fifty thousand pesos (P50,000.00) to five hundred thousand
7 pesos (P500,000.00) per animal if inflicted or undertaken against
8 endangered species; and
- 9 iv. Imprisonment of a minimum of six (6) years and one (1) day to twelve
10 (12) years and/or a fine of one hundred thousand pesos
11 (P100,000.00) to one million pesos (P1,000,000.00) per animal if
12 inflicted or undertaken against species listed as critically endangered.
- 13 b. Inflicting injury which cripples and/or impairs the reproductive system of
14 sharks: imprisonment of one (1) month to six (6) months and/or a fine of
15 five thousand pesos (P5,000.00) to twenty thousand pesos (P20,000.00),
16 if inflicted or undertaken against other wildlife species.
- 17 c. Harassing sharks: Imprisonment of one (1) month to six (6) months and/or
18 a fine of five thousand pesos (P5,000.00) to twenty thousand pesos
19 (P20,000.00), if inflicted or undertaken against other wildlife species.
- 20 d. Disturbing sharks and their habitats: Imprisonment of one (1) month to six
21 (6) months and/or a fine of five thousand pesos (P5,000.00) to twenty
22 thousand pesos (P20,000.00), if inflicted or undertaken against other
23 wildlife species.
- 24 e. Effecting acts in critical habitat(s): For illegal acts under paragraph (e) of
25 the preceding section the following penalties and/or fines shall be imposed,
26 an imprisonment of one month to eight years and/or a fine of five thousand
27 pesos (5,000.00) to five million pesos (5,000,000.00) shall be imposed.
- 28 f. Introducing, reintroducing, or restocking of shark species without permits:
29 an imprisonment of one (1) month to to eight years and/or a fine of five
30 thousand pesos (5,000.00) to five million pesos (5,000,000.00) shall be
31 imposed.
- 32 g. Finning

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

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

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

- 16 h. Collecting, hunting, possessing, importing, exporting, or re-exporting
17 sharks, their by-products and derivatives without the result of the NDF and
18 full traceability at all stages, from collection to production, processing,
19 transport, storage, and distribution

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

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

29 Upon conviction by a court of law, the offender shall be punished with eight (8)
30 years of imprisonment and fine of twice the administrative fine, forfeiture and/or
31 destruction of the species: Provided, That offenders shall be banned from being
32 members or stockholders of companies currently engaged in fisheries or companies

1 to be created in the future, the guidelines for which shall be promulgated by the
2 Department.

3 i. Falsely advertising or mislabeling any product, which could mislead
4 consumers;

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

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

14 j. Obstruction of corridors;

15 Upon a summary finding of administrative liability, the offender shall be punished
16 with an administrative fine of One Hundred Fifty Thousand Pesos (P150,000.00) to
17 Five Hundred Thousand Pesos (P500,000.00), dismantling of the obstruction at the
18 expense 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 of
21 the administrative fine, dismantling of the obstruction at the expense of the offender,
22 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 the
28 catch or the value indicated below, whichever is higher:

- 29 1. Twenty thousand pesos (P20,000.00) for municipal fishing: Provided, That
30 if the offender fails to pay the fine, he shall render community service;
31 2. Fifty thousand pesos (P50,000.00) for small- scale commercial fishing;

1 3. One hundred thousand pesos (P100/000.00) for medium- scale commercial
2 fishing; and

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

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

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

11 ARTICLE 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*)
17 or thresher shark (*Alopias pelagicus*), which shall serve as emblems of conservation
18 for the local government concerned.

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

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

29 *Sec. 16. Implementing Rules and Regulations.* - Within twelve (12) months
30 following the effectivity of this Act, the Secretary of Agriculture, in coordination with
31 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,

1 respectively, shall promulgate respective rules and regulations for the effective
2 implementation of this Act. Whenever appropriate, coordination in the preparation and
3 implementation of rules and regulations on joint and inseparable issues shall be done
4 by the departments. The commitments of the State to international agreements and
5 protocols shall likewise be a consideration in the implementation of this Act.

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

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

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

14 Approved,