

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



Senate
Office of the Secretary

23 JAN 25 AM 11:05

SENATE
S.B. No. 1761

RECEIVED BY:

Introduced by: **Senator Raffy T. Tulfo**

AN ACT DEFINING AND PROVIDING FOR MORE SEVERE PENALTIES FOR LARGE SCALE EXPLORATION AND EXPLOITATION OF CORALS AND CORAL REEFS, TAKING ENDANGERED SPECIES, AND OTHER SIMILAR ACTS OF DESTRUCTION OF MARINE RESOURCES, FURTHER AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998, AS AMENDED BY REPUBLIC ACT NO. 10654

Explanatory Note

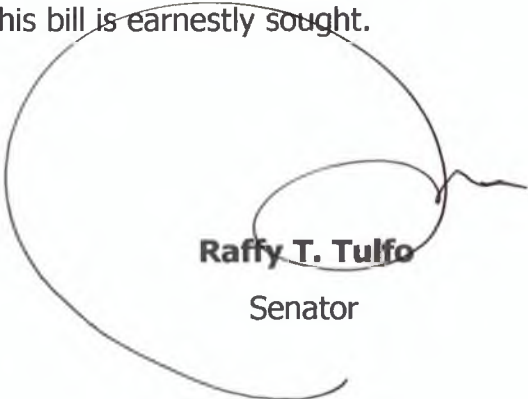
Coral Reefs are one of the most valuable ecosystems in the world. The Philippines is home to incredible marine life, with a wide range of corals, reef fishes, seagrasses, and mangroves. Many Filipinos depend on this incredible ecosystem as a source of food and income; this includes small-scale and commercial fishermen and as well as the booming tourism industry in the country. With that being said, the exploitation and devastation of the coral reefs and destructive fishing practices have led to the massive decimation of the country's marine biodiversity.

The coral reef is an essential structure that not only provides shelter for about 25% of the ocean's fishes, but also buffer shorelines against storms, waves, and floods. The continued damage to the coral reefs through global warming and irresponsible fishing practices will destroy not only the beautiful Philippine waters, but compromises the food security and socioeconomic stability of millions of people in the country.

In this regard, there is a need to amend certain provisions stipulated in Republic Act No. 10654, an Act that modified "The Philippine Fisheries Code of 1998" or RA No.

8550, which penalizes coral exploitation and exportation, and fishing or taking of rare and endangered species. There is a need however to create much more severe penalties to deter future violations and protect the country's natural resources. As such, this bill seeks to strengthen the enforcement of fishery laws and propose to have a reward system placed directed to law enforcement officers or other persons who are able to report violators of this proposed Act.

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



Raffy T. Tulfo
Senator

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

1 Section 1. Section 92 of Republic Act No. 8550, as amended by Republic Act
2 No. 10654, is hereby further amended to read as follows:

3
4 "Section 92. Fishing Through Explosives, Noxious or Poisonous Substance, or
5 Electricity. —

6 xxx xxx xxx

7 Upon conviction by court of law, the offender shall be punished with
8 imprisonment from **TWELVE (12) TO TWENTY (20) YEARS** [~~five (5) to ten~~
9 ~~(10) years~~], confiscation of catch, including those not caught illegally if co-
10 mingled with those caught illegally, explosives, and noxious or poisonous
11 substances, or electrofishing devices and paraphernalia, gear, and a fine
12 equivalent to twice the amount of the administrative fine, without prejudice to
13 the filing of separate criminal cases when the use of the same result to physical
14 injury or loss of human life.

15 xxx xxx xxx

1 Sec 2. Section 96 of the same Code, as amended, is hereby further amended
2 to read as follows:

3 Section 96. Ban on Coral Exploitation and Exportation. — It shall be unlawful
4 for any person or corporation to gather, possess, commercially transport, sell
5 or export ordinary, semi-precious and precious corals, whether raw or in
6 processed form, except for scientific or research purposes. It shall also be
7 unlawful for any person, corporation or entity to commit any activity that
8 damage coral reefs.

9 Upon a summary finding of administrative liability, the owner/operator of the
10 fishing vessel/s, boat captain, master fisherman, and recruiter or organizer of
11 fish workers shall be punished with an administrative fine equivalent to eight
12 (8) times the value of the corals gathered, possessed, commercially
13 transported, sold, or exported, or the amount of Five hundred thousand pesos
14 (P500,000.00) to Ten million pesos (P10,000,000.00), whichever is higher, and
15 forfeiture of the subject corals. The offender shall also pay compensation for
16 the restoration of the damaged coral reefs.

17 Upon conviction by a court of law, the boat captain, master fisherman, and
18 recruiter or organizer of fishworkers, shall be punished by imprisonment from
19 ten (10) years to twenty (20) years and a fine equivalent to twice the
20 administrative fine and forfeiture of the subject corals. **HOWEVER, FOR**
21 **LARGE SCALE CORAL EXPLOITATION, THE PUNISHMENT SHALL BE**
22 **IMPRONMENT AND THE FINE AS HEREINBEFORE PROVIDED. FOR**
23 **THE PURPOSE OF THIS CODE, THE TERM "LARGE SCALE" SHALL**
24 **COVER CORALS, EXTRACTED OR EXPLOITED, WEIGHING NOT LESS**
25 **THAN TEN (10) KILOGRAMS.**

26 The offender shall be required to pay the cost of restoration of the damaged
27 coral reefs based on available studies and as determined by the Department.

28 Sec 3. Section 97 of the same Code, as amended, is hereby further amended
29 to read as follows:

1 Section 97. Ban on Muro-ami, Other Methods and Gear Destructive to Coral
2 Reefs and Other Marine Habitat. – (a) It shall be unlawful for any person,
3 natural or juridical, to fish with gear or method that destroys coral reefs,
4 seagrass beds, and other fishery marine life habitat as may be determined by
5 the Department. '*Muro-ami*' and any of its variation, and such similar gears and
6 methods that require diving, other physical or mechanical acts to pound the
7 coral reefs and other habitat to entrap, gather or catch fish and other fishery
8 species are also prohibited.

9 Upon a summary finding of administrative liability, the owner, operator, boat
10 captain, master fisherman, and recruiter or organizer of fish workers who
11 violate this provision shall suffer the penalty of an administrative fine equivalent
12 to five (5) times the value of the fish caught or Two million pesos
13 (P2,000,000.00), whichever is higher, and confiscation of catch and gear. The
14 fish workers who serve as pounders shall be penalized with a fine of Twenty
15 thousand pesos (P20,000.00) or community service in case of failure to pay the
16 fine.

17 Upon conviction by a court of law, the boat captain, master fisherman, and
18 recruiter or organizer of fish workers shall be punished with imprisonment of
19 two (2) years to ten (10) years and a fine equivalent to twice the amount of
20 the administrative fine.

21 **LARGE SCALE DESTRUCTION OF CORALS, CORAL REEFS, AND**
22 **SEAGRASS BEDS, THROUGH "MURO-AMI" ACTIVITIES, HOWEVER,**
23 **SHALL BE PUNISHED WITH IMPRISONMENT FROM FORTY (40) YEARS**
24 **TO LIFE IMPRISONMENT, OR A FINE FROM ONE MILLION PESOS**
25 **(PHP 1,000,000.00) TO TEN MILLION PESOS (PHP 10,000,000.00) OR**
26 **BOTH SUCH FINE AND IMPRISONMENT, AT THE DISCRETION OF**
27 **THE COURT.**

28 xxx xxx xxx

29 Sec 4. Section 102 of the same Code, as amended, is hereby further
30 amended, as follows:

1 Section 102. Fishing or Taking of Rare, Threatened or Endangered Species. –
2 (a) It shall be unlawful to fish or take, catch, gather, sell, purchase, possess,
3 transport, export, forward or ship out aquatic species listed in Appendix I of
4 the Convention on the International Trade in Endangered Species of Wild
5 Flora and Fauna (CITES), or those categorized by the International Union for
6 Conservation of Nature and Natural Resources (IUCN) as threatened and
7 determined by the Department as such.

8 Upon a summary finding of administrative liability, the Department shall
9 penalize the offender with a fine equivalent to five times (5) times the value of
10 the species or Five hundred thousand pesos (P500,000.00) to Five million pesos
11 (P5,000,000.00), whichever is higher, and forfeiture of the species.

12 Upon conviction by a court of law, the offender shall be punished by
13 imprisonment of **TWENTY (20) YEARS TO FORTY (40) YEARS** [~~twelve (12)~~
14 ~~years and one (1) day to twenty (20) years~~] and a fine equivalent to twice the
15 administrative fine, forfeiture of the species and the cancellation of fishing
16 permit.

17 Sec 5. Section 125 of RA No. 8550 will be amended as follows:

18 "Section 125. Strengthening Prosecution and Conviction of Violators of Fishery
19 Laws. – The Department of Justice (DOJ) shall embark on a program to
20 strengthen the prosecution and conviction aspects of fishery law enforcement
21 through augmentation of the current complement of state prosecutors and
22 through their continuous training and reorientation on fishery laws, rules and
23 regulations."

24 **THE DEPARTMENT SHALL LIKEWISE IMPLEMENT A SYSTEM OF**
25 **REWARD AND INCENTIVES FOR THE LAW ENFORCEMENT OFFICERS**
26 **AND/OR INFORMANTS OF VIOLATORS OF THIS CODE. THE AMOUNT**
27 **OF MONETARY REWARD, IF ANY, SHALL NOT BE MORE THAN FIFTEEN**
28 **PERCENT (15%) OF THE MINIMUM IMPOSABLE FINE, AND SHALL BE**
29 **PAID WITHOUT UNNECESSARY DELAY, TO THE PROPER RECIPIENTS,**
30 **UPON THE FILING OF THE INFORMATION WITH A COMPETENT**

1 **COURT, OR UPON THE ISSUANCE OF A COMMITMENT ORDER IN CASE**
2 **OF LAWFUL WARRANTLESS ARREST.**

3 Sec 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
4 publication in the Official Gazette or in a newspaper of general circulation.

Approved,