

SEVENTEENTH CONGRESS OF THE]

REPUBLIC OF THE PHILIPPINES]

First Regular Session]



Senate
Office of the Secretary

'16 JUL 28 AM 11:02

SENATE

RECEIVED BY:

S.B. No. 905

Introduced by SEN. WIN GATCHALIAN

AN ACT

**BANNING THE CATCHING, SALE, PURCHASE, POSSESSION,
TRANSPORTATION, IMPORTATION, AND EXPORTATION OF ALL SHARKS AND
RAYS OR ANY PART THEREOF IN THE COUNTRY**

EXPLANATORY NOTE

The Philippines is known as the center of marine biodiversity, having about two-thirds of the known marine species of the Pacific living in its coastal waters. Sharks, as predators of the sea, play a vital role in regulating the ecological balance; particularly the health of important commercial fish species, population balance, and protection of coral reefs. As such, our country plays a crucial role in protecting these marine species.

Despite their importance, these sea creatures have been hunted by humans for their meat and fins. CNN and a conservation group called Shark Savers state that, "up to 100 million sharks are killed annually, with some shark populations declining by as much as 90 percent."


Numerous laws have been put in place to protect our environment and its flora and fauna. The 1987 Constitution provides that, "[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Similarly, Republic Act 9146 or the Wildlife Resources Conservation and Protection Act states, that "it shall be the policy of the State to conserve the country's wildlife resources, their habitats and sustainability," and shall work

towards and initiate scientific studies towards enhancement of biological diversity. Said law also recognizes our commitment to the Convention on International Trade on Endangered Species of Wild Flora and Fauna, which seeks to ensure that the survival of wild animals and plants are not threatened due to international trade. It also designates flora and fauna in separate appendices according to the threat of extinction, shark species being described as either threatened with extinction or those whose trade must be controlled in order to avoid utilization that is incompatible with their survival.

Republic Act No. 8550 or The Fisheries Code also declares it the policy of the State to achieve "conservation, protection and sustained management of the country's fishery and aquatic resources" while Executive Order No. 578 makes it a policy to protect and conserve biodiversity of ecosystems, species, and genes.

Although sharks and rays have not been officially declared endangered, their population has drastically declined over the years, not only because of environmental decline but more importantly, over-fishing for human consumption. As they reproduce slowly, they are in danger of becoming extinct if we do not proactively protect them. As such, I urge that this measure be passed with dispatch.




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THEREOF IN THE COUNTRY**

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

1 SECTION 1. **Short Title.** - This Act shall be known as the "*Sharks and Rays*
2 *Conservation Act*"

3 SEC. 2. **Declaration of Policy.** - Pursuant to the objectives of the Convention
4 on International Trade in Endangered Species of Wild Fauna and Flora, it is the
5 declared policy of the State to conserve, protect, and sustain the management of the
6 country's shark and ray population. Thus, the State shall ensure the maintenance of
7 ecological balance and marine biodiversity for the benefit of present and future
8 generations of Filipinos.

9 SEC. 3. **Prohibited Acts and Penalties.** - It shall be unlawful to catch sharks
10 and rays in Philippine waters or to sell, purchase, possess, transport, import, or
11 export the same, in any state, condition or form, or any part thereof.

12 It shall also be unlawful to harm or to kill sharks and rays in the course of
13 catching other species of fish. Sharks and rays, which are accidentally included in the

1 catch in the course of catching other species of fish, shall be immediately released
2 unharmed to the sea.

3 To eliminate the demand that result in the massive killing of sharks and rays,
4 the selling and serving of sharks in soup and all food menus with sharks and rays by-
5 products shall likewise be prohibited.

6 Specifically, the following illegal acts shall be prohibited and shall be punished
7 with the corresponding penalties:

- 8 a) Killing, destroying, or inflicting injury on sharks and rays shall be punished
9 with a fine of One Hundred Thousand Pesos (P100,000.00) to One Million
10 Pesos (P1,000,000.00) or imprisonment of a minimum of six (6) years and
11 one (1) day to twelve (12) years, or both such fine and imprisonment;
- 12 b) Catching, selling, purchasing, and possessing of sharks and rays, and their
13 by-products and derivatives shall be punished with a fine of Fifty Thousand
14 Pesos (P50,000.00) to Five Hundred Thousand Pesos (P500,000.00) or
15 imprisonment of a minimum of four (4) years and one (1) day to twelve (12)
16 years, or both such fine and imprisonment; and
- 17 c) Transporting, importing, and exporting of sharks and rays, and their by-
18 products and derivatives shall be punished with a fine of Thirty Thousand
19 Pesos (P30,000.00) to Three Hundred Thousand Pesos (P300,000.00) or
20 imprisonment of a minimum of two (2) years and one (1) day to twelve (12)
21 years, or both such fine and imprisonment.

22 If the violation is committed by a juridical person or government entity, the
23 head of office and the person responsible for the violation shall be held liable, without
24 prejudice to any further liability for violation of any provision of other applicable laws.

25 SEC. 4. **Implementation.** - The Bureau of Fisheries and Aquatic Resources
26 (BFAR) of the Department of Agriculture (DA) shall be the lead agency in the
27 implementation of this Act. The Department of Trade and Industry (DTI), the
28 Philippine Coast Guard, the Philippine National Police, other law enforcement
29 agencies, and LGUs shall likewise assist in the implementation of this Act.

1 The BFAR, in coordination with the Department of Environment and Natural
2 Resources (DENR), shall issue the necessary orders to list all sharks and rays as
3 endangered species. The Department of Tourism (DOT) and the Philippine Commission
4 on Sports Scuba Diving (PCSSD) shall provide the necessary assistance to the BFAR,
5 the DENR, and the LGUs in identifying the habitats and feeding grounds of sharks
6 and rays and declare the same as protected.

7 Following the identification of the habitats and fishing grounds of these marine
8 species, the BFAR shall recommend to the Secretary of the DENR, the issuance of an
9 order declaring these areas as protected areas and pursuant thereto, shall ensure that
10 all local governments and the media, among others, are appropriately informed.

11 **SEC. 5. Information and Education.** - The BFAR, the DENR, the DOT, the
12 DTI, the LGUs and other academic institutions shall undertake a nationwide
13 information and education campaign to adequately inform the populace of the value of
14 sharks and rays in the marine ecosystem, and of the importance of preserving their
15 respective habitats and feeding grounds.

16 **SEC. 6. Implementing Rules and Regulations.** - Within sixty (60) days after
17 the effectivity of this Act, the BFAR, in coordination with the DENR, the DOT, and the
18 DTI shall issue the necessary rules and regulations for the effective implementation of
19 this Act.

20 **SEC. 7. Separability Clause.** - If any section or provision of this Act is held
21 unconstitutional or invalid, the remaining sections or provisions not affected thereby
22 shall continue to be in full force and effect.

23 **SEC. 8. Repealing Clause.** - All laws, decrees, executive orders, rules and
24 regulations, issuances or parts thereof inconsistent with the provisions of this Act are
25 hereby repealed or modified accordingly.

26 **SEC. 9. Effectivity Clause.** - This Act shall take effect fifteen (15) days from its
27 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,