

**SENATE**

'19 JUL 24 P 3 :32

S. No. 752

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Introduced by SEN. SHERWIN T. GATCHALIAN

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**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."

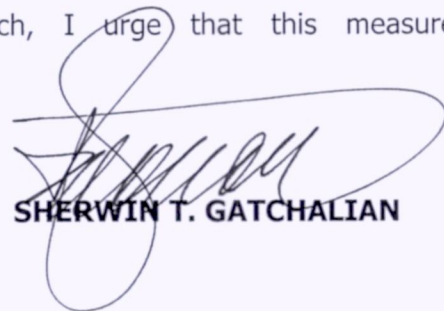
Numerous laws have been put in place to protect our environment and its flora and fauna. The 1987 Constitution provides that, "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Domestic Law, particularly RA 9147 or the Wildlife Resources Conservation and Protection Act also provides 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 international conventions for the protection of wildlife and their habitats, such as the Convention on International Trade on Endangered Species of Wild Flora and Fauna, which the Philippines ratified in August 1981. Said Convention 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.

The Fisheries Code or RA8550 also declares it the policy of the State to achieve "conservation, protection and sustained management of the country's fishery and aquatic resources," while E.O. 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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*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

1           SEC. 1. **Prohibition.** - It shall be unlawful to catch sharks and rays in  
2 Philippine waters or to sell, purchase, possess, transport, or export the same  
3 in any state, condition or form, or any part thereof.

4           It shall also be unlawful to wound or kill sharks and rays, unless there is a  
5 threat to human life and limb, whether in the course of catching other species  
6 of fish. Sharks and rays, which are accidentally included in the catch shall be  
7 immediately released unharmed in the sea.

8           To eliminate the demand that results in the massive killing of sharks, Shark's Fin  
9 Soup and the selling of sharks fin shall be prohibited. The Department of Trade and  
10 Industry (DTI) shall prepare a phase-out plan for the  
11 serving of shark's fin soup in restaurants and advise restaurant owners on the  
12 matter.

13           SEC. 2. **Lead Agency.** - The Department of Tourism (DOT) shall be the lead  
14 agency in the implementation of this law and is authorized to issue rules and regulations in  
15 pursuance of this Act.



1 The Bureau of Fisheries and Aquatic Resources (BFAR) and the Department of  
2 Environment and Natural Resources (DENR) shall take steps to issue the necessary orders to  
3 list all sharks and rays as endangered species.

4 The DOT and the Philippine Council for Sports Scuba Diving  
5 (PCSSD) shall also coordinate with the DENR, BFAR, and the Local  
6 Governments to identify the habitats and feeding grounds of sharks and rays  
7 and declare the same as protected tourism estates. Upon the identification of  
8 these areas, they shall be promoted for restorative eco-tourism.

9 SEC. 3. **Information and Education.** - The Department of Education  
10 in cooperation with other academic institutions such as the UP Marine Science  
11 Institute, and Silliman Marine Laboratory, shall undertake a nationwide information and  
12 education campaign to make Filipinos understand the value of sharks and rays in the  
13 marine eco-system and to tourism.

14 SEC. 4. **Assistance and Regular Reporting.** - The DOT and other  
15 agencies herein named shall seek the assistance of the Philippine National Police (PNP) and  
16 other law enforcement agencies and local government units for the implementation of this  
17 law. The DOT shall report to the Office of the President every month on the progress of the  
18 initiative.

19 SEC. 5. **Penal Provisions.** - Any person who violates this Act or any rules and  
20 regulations issued by the DOT pursuant to this Act and is found guilty  
21 by the competent court shall be fined an amount of not less than Five  
22 Thousand Pesos (Php5,000.00) but not more than Five Hundred Thousand  
23 Pesos (Php500,000.00), or suffer imprisonment for one (1) year but not more than six (6)  
24 years, or both, as determined by the court. The offender shall also be  
25 required to compensate for the damage. *Provided* further, That the court shall  
26 order the forfeiture of all shark and ray products collected, including all  
27 equipment, devices and firearms used in connection therewith, in favor of the  
28 government. If the offender is an association or a corporation, the president or  
29 manager shall be directly responsible for the acts of his employees or laborers.

30 SEC. 6. **Separability Clause.** - Should any part of this Act be declared  
31 invalid or unconstitutional, the rest of the provisions of this Act shall continue  
32 to be in effect and subsisting.

33 SEC. 7. **Repealing Clause.** - Any law, executive order, letter of  
34 instruction, rules and regulations, circulars, issuances or any part thereof  
35 inconsistent with any of the provision of this Act is hereby repealed, modified

1 or amended accordingly.

2 SEC. 8. **Effectivity Clause.** - This Act shall take effect fifteen (15) days  
3 after its publication in the *Official Gazette* or in at least two (2) newspapers of  
4 general circulation.

Approved,