


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

11 JUN -7 P6 :29

SENATE

RECEIVED BY: 

S.B. No. 2870

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Introduced by SENATOR MANNY VILLAR

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#### EXPLANATORY NOTE

This policy measure is submitted in honour of the fundamental postulate 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.” (Article II, Section 16, 1987 Philippine Constitution). The recognition of this constitutional tenet is most needed considering the recent issue of Philippine coral reef decimation and the destruction of Philippine marine biodiversity.

In May of this year, the nation was shocked to learn about the devastation of our marine resources when two large container vans of some 21,000 species of black corals, some 161 endangered turtles and other marine life were apprehended by government officials. The act was astounding as was abominable that a number of NGOs and media quarters described it as a “plunder of the Philippine seas.”

Coral reefs are the haven, the lifeblood of fishes and other marine and aquatic resources. Their exploitation and destruction by humans aggravate the fact that corals have been suffering a slow and painful death, through coral bleaching, from the warming of the waters of the ocean brought about by global warming.

Soon, we will have no more fish and other aquatic resources to harvest. No more diving spots as the source of our country’s eco-tourism pride.

Our laws must, therefore, be more dynamic in addressing the pressing need to further protect this aspect of our heritage.

For the purpose, there is a need to amend certain provisions of RA 8550, the existing statute governing fisheries and aquatic resources, in order to fortify our drive to protect our marine wealth, by making the penalties more severe and, hence, more deterrent against future violations. Verily, some of these offenses must be converted into non-bailable offenses. After all, punishment must be commensurate with the crime committed.

This bill likewise proposes the inclusion of a system of rewards and incentives to our law enforcement officers and other persons who may aid them in their duties to protect the Philippine environment.


Early enactment of this legislation is earnestly recommended.

  
MANNY VILLAR

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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11 JUN -7 P 6 :29

SENATE  
S.B. No. 2870

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Introduced by SENATOR MANNY VILLAR

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

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

1 Section 1. Section 88 of Republic Act No. 8550 is hereby amended to read, as follows:  
2

3 **"Section 88. *Fishing Through Explosives, Noxious or Poisonous Substances.***  
4

5 xxx xxx xxx  
6

7 (3) Actual use of explosives, noxious or poisonous substances or electro  
8 fishing devices for illegal fishing shall be punishable by imprisonment ranging  
9 from **twelve (12) years to twenty (20) years** without prejudice to the filing of  
10 separate criminal cases when the use of the same result to physical injury or  
11 loss of human life.  
12

13 xxx xxx xxx  
14

15 Section 2. Section 91 of the same Code is hereby amended to read, as follows:  
16

17 **"Section 91. *Ban on Coral Exploitation and Exportation.*** – It shall be  
18 unlawful for any person or corporation to gather, possess, sell or export  
19 ordinary precious and semi-precious corals, whether raw or in processed  
20 form, except for scientific or research purposes.  
21

22 Violations of this provision shall be punished by imprisonment from six  
23 (6) months to two (2) years and a fine from Two Thousand Pesos (P2,000.00)  
24 to Twenty Thousand Pesos (P20,000.00), or both such fine and  
25 imprisonment, at the discretion of the court, and forfeiture of the subject  
26 corals, including the vessel and its proper disposition.  
27  
28

1 However, for large scale coral exploitation, the punishment shall be  
2 imprisonment from forty (40) years to life imprisonment, and a fine from  
3 One Million Pesos (P1,000,000.00) to Ten Million Pesos (P10,000,000.00),  
4 or both such fine and imprisonment at the discretion of the court. For  
5 purposes of this Code, the term "large scale" shall cover corals  
6 extracted or exploited weighing not less than ten (10) kilograms.  
7

8 The confiscated corals shall either be returned to the sea or donated  
9 to schools and museums for educational or scientific purposes or disposed  
10 through other means.  
11

12 Section 3. Section 92 of the same Code is hereby amended to read, as follows:  
13

14 **Section 92. Ban on Muro Ami Other Methods and Gear Destructive to**  
15 **Coral Reefs and Other Marine Habitat.** – it shall be unlawful for any person,  
16 natural or juridical, to fish with gear method that destroys coral reefs, sea  
17 grass beds, and other fishery marine life habitat as may be determined by the  
18 Department. "Muro-Ami" and any of its variation, and such similar gear and  
19 methods that require diving, other physical or mechanical acts to pound coral  
20 reefs and other habitat to entrap, father or catch fish and other fishery species  
21 are also prohibited.  
22

23 The operator, boat captain, master fisherman, and recruiter or  
24 organizer of fisher workers who violate this provision shall suffer a penalty of  
25 two (2) years to ten (10) years imprisonment and a fine of not less than One  
26 Hundred Thousand Pesos (P100, 000.00) to Five Hundred Thousand Pesos  
27 (P500, 000.00) or both such fine and imprisonment, at the discretion of the  
28 court. The catch and gear used shall be confiscated.  
29

30 Large scale destruction of corals, coral reefs, and sea grass  
31 beds, through "Muro-Ami" activities, however, shall be punished with  
32 imprisonment from forty (40) years to life imprisonment, and a fine from  
33 One Million Pesos (P1,000,000.00) to Ten Million Pesos (P10,000,000.00),  
34 or both such fine and imprisonment at the discretion of the court.  
35

36 It shall likewise be unlawful for any person or corporation to gather,  
37 sell or export white sand, silica, pebbles and any other substances which  
38 make up any marine habitat.  
39

40 The person or corporation who violates this provision shall also  
41 suffer the same penalties imposed herein. The substance taken from its  
42 marine habitat shall be confiscated.  
43

44 Section 4. Section 97 of the same Code is hereby amended to read, as follows:  
45

46 **Section 97. Fishing or Taking of Rare, Threatened or Endangered**  
47 **Species.** – It shall be unlawful to fish or take rare, threatened or endangered  
48 species as listed in the CITES and as determined by the Department.  
49

50 Violation of the provision of this section shall be punished by  
51 imprisonment of twenty (20) years to forty (40) years and a fine of Five  
52 Hundred Thousand Pesos (P500,000.00) to Five Million Pesos  
53 (P5,000,000.00), or both such fine and imprisonment, at the discretion of  
54 the court, and forfeiture of the catch, and the cancellation of fishing permit.  
55  
56  
57  
58  
59

1 Section 5. Section 125 of the same Code is hereby amended to read, as follows:  
2

3 **Section 125. Strengthening Prosecution and Conviction of Violators of**  
4 ***Fishery Laws.*** – The Department of Justice shall embark on a program to  
5 strengthen the prosecution and conviction aspects of fishery law enforcement  
6 through augmentation of the current complement of state prosecutors and  
7 through their continuous training and reorientation of fishery laws, rules and  
8 regulations.  
9

10 **The Department shall likewise implement a system of reward and**  
11 **incentives for the law enforcement officers and/or the informants of**  
12 **violators of this Code. The amount of monetary reward, if any, shall not**  
13 **be more than fifteen percent (15%) of the minimum imposable fine, and**  
14 **shall be paid, without necessary delay, to the proper recipients, upon**  
15 **the filing of the information with a competent court, or upon the**  
16 **issuance of a commitment order in case of lawful warrantless arrest.**  
17

18 Section 6. The Department of Environment and Natural Resources and the Bureau of  
19 Fisheries and Aquatic Resources, in consultation with concerned stakeholders in both  
20 public and private sectors including non-governmental organizations, shall promulgate the  
21 necessary implementing rules and regulations within sixty (60) days after the effectivity of  
22 this Act.  
23

24 Section 7. Separability Clause – If any provision of this Act is declared invalid or  
25 unconstitutional, the remaining provisions not affected thereby shall continue in full force  
26 and effect.  
27

28 Section 8. Repealing Clause. – All laws, decrees, orders, rules and regulations, and other  
29 issuances, or parts thereof, inconsistent with this Act are hereby repealed or modified  
30 accordingly.  
31

32 Section 9. Effectivity Clause. – This Act shall take effect fifteen (15) days after publication in  
33 the Official Gazette or in two (2) national newspapers of general circulation.  
34

35 Approved,  
36  
37