

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**Seventeenth Congress**  
**First Regular Session**

**HOUSE BILL NO. 2405**

HOUSE OF REPRESENTATIVES

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Introduced by Honorable Lucy Marie Torres-Gomez

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**EXPLANATORY NOTE**

Recently, environmentalists, fisheries authorities and other stakeholders in our natural resources were shocked upon learning of the apprehension of a Chinese fishing vessel poaching in Philippine waters which yielded a great number of turtles and other endangered species many of which have already died. Equally alarming is the fact that this scene is becoming increasingly common over the years, with Chinese, Vietnamese, Taiwanese and nationals of other countries making Philippine territorial waters and exclusive economic zone as their own fishing grounds. With ill-equipped coast guard and maritime patrols, it is safe to presume that for every arrest of poachers that our government makes many more predatory foreign fishing boats get away.

As if the foregoing state of affairs is not sordid enough, the Chinese poachers earlier adverted to were slapped with a paltry bail bond of P30,000.00 each for violation of Section 87 of R.A. No. 8550, or the Fisheries Code ["Poaching in Philippine Waters"], and P 40,000.00 each for violation of Section 97 ["Fishing or Taking of Rare, Threatened or Endangered Species"] of the same law.

While we are aware that the amounts of bail are separate and distinct from the pecuniary penalties provided for under Section 87 and 97 of RA 8550, the rather measly amounts of bail could hardly serve as a deterrent to these poachers. And while these foreign fishermen are out of their detention facilities on account of these miniscule bail amounts, political pressures are sometimes exerted upon the government to simply deport these undesirable aliens to preserve the warm relations we have with these other countries. This practice, in effect, guarantees a culture of impunity wherein poachers who are caught are released soon enough without languishing in prisons commensurate to the magnitude of the destruction of endangered species which they have committed. Hence, the vicious cycle of poaching, arrest, and deportation continue unabated.

This bill, therefore, seeks to put more teeth into our laws and regulations concerning bail amounts when it comes to felonies and administrative infractions pertaining to our wildlife resources. While we deliberately avoid bail amounts which might be deemed oppressive and confiscatory (thus, unconstitutional), there is a need to put in place a more realistic regulatory regime in the matter of bail bonds to serve as an effective deterrent to all present and future poachers.

Further, this bill aims to amend the statutory fine provided under Sec. 97 of RA 8550. While the fine of US \$100,000.00 for violation of Sec. 87 of the law ["Poaching in Philippine Waters"] appears adequate enough, the fine of P120,000.00 for violation of Sec. 97 ["Fishing or Taking of Rare, Threatened or Endangered Species"] would not seem to cover the widespread and sometimes repeated destruction of irreplaceable wildlife species. With modern fishing boats and implements, these foreign poachers are able to cash-in on their catch of high-value exotic species for their international clientele. Hence, only a more punitive fine could possibly deter these unconscionable but lucrative maritime expeditions.

In view of the foregoing premises, the early consideration and passage of this bill into law are earnestly requested.

  
**LUCY TORRES-COMEZ**  
Representative  
Fourth District of Leyte

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**AN ACT**

**STRENGTHENING THE PROVISIONS OF REPUBLIC ACT NUMBERED 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998, BY INCREASING THE PENALTY FOR THE FISHING OR TAKING OF RARE, THREATENED OR ENDANGERED SPECIES AND THE AMOUNT OF BAIL FOR VIOLATION OF SECTION 87 AND 97**

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

SECTION 1. Section 97 of Republic Act No. 8550, otherwise known as The Philippine Fisheries Code of 1998, is hereby amended to read as follows:

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

Violation of the provision of this section shall be punished by imprisonment of twelve (12) years to twenty (20) years and/or a fine of [One hundred and twenty thousand pesos (P120,000.00)] to TWO MILLION PESOS (P2,000,000.00) and forfeiture of the catch, and the cancellation of fishing permit.

SECTION 2. Notwithstanding the provision of any law, rules and regulations, the amount of bail for the temporary liberty of any person charged with violation of Section 87 and/or Section 97 of R.A. No. 8550 shall not be less than One Million Pesos (P1,000,000.00) but not more than Two Million Pesos (P2,000,000.00), upon the recommendation of the prosecutor.

SECTION 3. All acts, decrees, executive orders, rules and regulations and other issuance or parts thereof inconsistent with the provisions of this Act are hereby repealed, modified or amended.

SECTION 4. If for any reason, any portion or provision of this Act be declared unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 5. This Act shall take effect Fifteen (15) days after its publication either in the Official Gazette or in a newspaper of general circulation.

Approved,

A handwritten signature in black ink, appearing to be "J. L. S." or similar, written in a cursive style.