


HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session
2403
HOUSE BILL NO. _____

Introduced by Honorable Lucy Marie Torres-Gomez

EXPLANATORY NOTE

Last 16 May 2011, the nation was shocked to learn about the devastation of our marine resources when two large container of some 21,000 species of black coral and some 161 endangered turtles and other marine life were apprehended by Customs officials.

The Abominable act has been referred to as the "rape of the ocean" especially when it was learned that an entire coral reef off the coast of Cotabato, still unexplored, and estimated to be about twice the size of Manila, was decimated and a male turtle, aged 80 to 100 years old, was killed.

Coral reefs are the lifeblood of our fish and aquatic resources. They are homes to majority of these marine species. Their exploitation and destruction by humans aggravates the fact that corals have been suffering a slow and painful death, through coral bleaching, from the warming of waters of the ocean brought about by the global warming.

Soon, we will have no more fish and other aquatic resources to harvest. No more diving spots as the source of tourism pride. The livelihood of our fisher folks and our economy in general hang in the balance such as that the abhorrent act referred to above might as well be dubbed as "The Crime of the Century."

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

Republic Act No. 8550, otherwise known as “The Philippine Fisheries Code of 1998,” penalizes, among others, coral exploitation and exportation, and fishing or taking of rare, threatened or endangered species. Our lawmakers, in providing for the penalties, however, may have only envisioned singular or minors acts of these kinds.

In this regards, there is a need to amend certain provisions of RA 9559 in order to fortify our drive to protect our natural resources, especially the large scale exploitation of our marine resources, by making the impossible penalties therefore more severe and, hence more deterrent against future violation. Verily, some of these offenses must be converted into non-bailable offenses. After all, punishment must be commensurate with the crime committed.

To further strengthen the enforcement of fishery laws, 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 as such.


LUCY MARIE TORRES-GOMEZ

Republic of the Philippines
HOUSE OF REPRESENTATIVE
Quezon City, Metro Manila

Seventeenth Congress
First regular Session

HOUSE BILL NO. 2403

Introduced by Honorable Lucy Marie Torres-Gomez

AN ACT
DEFINING AND PROVIDING FOR MORE SEVERE PENALTIES FOR LARGE
SCALE EXPLORATION AND EXPLOITATION OF CORAL, CORAL REEFS, AND
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 PROVISION OF
REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES
CODE OF 1998

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

Section 88. Fishing Through Explosives, Noxious or Poisonous Substances.

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(30 Actual use of explosives, noxious or poisonous substances or electro-fishing devices for illegal fishing shall be punishable by imprisonment ranging from twelve (12) to twenty years without prejudice to the filing of criminal cases when the same result to physical injury or loss of human life.

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

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

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

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

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

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

Section 92. Ban on Muro Ami Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. – It shall be unlawful for any person, natural or juridical, to fish with great method that destroy coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department. "Muro-Ami", other physical or mechanical acts to pound coral reefs and other habitat to entrap, farther or catch the other fishery species are also prohibited.

The operator, boat captain, master fisherman, and recruiter or organizer of fisherworkers who violate this provision shall suffer a penalty of two (2) years to ten (10) years imprisonment, at the discretion of the court. The catch and gear used shall be confiscated.

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

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

The person or corporation who violates this provision shall also suffer the same penalties imposed herein. The substaken taken from this marine shall be confiscated.

Section 4. Section 97 of the same Code is hereby amended, as follows:

Section 97. Fishing or Taking of Rare, Threatened or Endangered Species. - It shall be unlawful to fish or take rare, or threatened or endangered species as listed in the CITES determined by the Department.

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

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

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

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

Section 6. This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspaper of general circulation.

Approved.

A handwritten signature in black ink, appearing to be 'J. R. P.', is written below the 'Approved.' text.