

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

Eighteenth Congress  
First Regular Session

**HOUSE BILL NO. 2979**



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**Introduced by Honorable Lucy Marie Torres-Gomez**

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**EXPLANATORY NOTE**

On 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 aggravate 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 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," as amended by Republic Act No. 10654, 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 regard, there is a need to further amend certain provisions of RA 8550 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 therefor 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



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**HOUSE BILL NO.** \_\_\_\_\_

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**AN ACT**  
**DEFINING AND PROVIDING FOR MORE SEVERE PENALTIES FOR**  
**LARGE SCALE EXPLORATION AND EXPLOITATION OF CORALS**  
**AND CORAL REEFS, AND FISHING OR TAKING OF THREATENED**  
**OR ENDANGERED SPECIES, AND OTHER SIMILAR ACTS OF**  
**DESTRUCTION OF OUR MARINE AND AQUATIC RESOURCES,**  
**FURTHER AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS**  
**OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE**  
**PHILIPPINE FISHERIES CODE OF 1998, AS AMENDED BY REPUBLIC**  
**ACT NO. 10654**

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

SECTION 1. Section 92 of Republic Act No. 8550, as amended by  
Republic Act No 10654, is hereby further amended to read as follows:

“Section 92. Fishing Through Explosives, Noxious or Poisonous  
Substance, or Electricity. –

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Upon conviction by a court of law, the offender shall be punished  
with imprisonment from TWELVE (12) TO TWENTY (20)  
YEARS [five (5) to ten (10) years], confiscation of catch, including  
those not caught illegally if co-mingled with those caught illegally,  
gear, explosives and noxious or poisonous substances, or  
electrofishing devices and paraphernalia, gear, and a fine equivalent

to twice the amount of the administrative fine, without prejudice to the filing of separate criminal cases when the use of the same result to physical injury or loss of human life.

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SEC. 2. Section 96 of the same Code, as amended, is hereby further amended to read as follows:

Section 96. Ban on Coral Exploitation and Exportation. – It shall be unlawful for any person or corporation to gather, possess, commercially transport, sell or export ordinary, semi-precious and precious corals, whether raw or in processed form, except for scientific or research purposes. It shall also be unlawful for any person, corporation or entity to commit any activity that damage coral reefs.

Upon a summary finding of administrative liability, the owner/operator of the fishing vessel/s, boat captain, master fisherman, and recruiter or organizer of fishworkers shall be punished with an administrative fine equivalent to eight (8) times the value of the corals gathered, possessed, commercially transported, sold, or exported, or the amount of Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), whichever is higher, and forfeiture of the subject corals. The offender shall also pay compensation for the restoration of the damaged corals reefs.

Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fishworkers, shall be punished by imprisonment from ten (10) years to twenty (20) years and a fine equivalent to twice the administrative fine and forfeiture of the subject corals. HOWEVER, FOR LARGE SCALE CORAL EXPLOITATION, THE PUNISHMENT SHALL BE IMPRISONMENT FROM FORTY (40) YEARS TO LIFE IMPRISONMENT AND THE FINE AS HEREINBEFORE PROVIDED. FOR THE PURPOSE OF THIS CODE, THE TERM "LARGE SCALE" SHALL COVER CORALS, EXTRACTED OR EXPLOITED WEIGHING NOT LESS THAN TEN (10) KILOGRAMS.



The offender shall also be required to pay the cost of restoration of the damaged coral reefs based on available studies and as determined by the Department.

SEC. 3. Section 97 of the same Code, as amended, is hereby further amended to read as follows:

Section 97. Ban on Muro-ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. – (a) It shall be unlawful for any person, natural or juridical, to fish with gear or method that destroys coral reefs, seagrass beds, and other fishery marine life habitat as may be determined by the Department. ‘*Muro-ami*’ and any of its variation, and such similar gears and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.

Upon a summary finding of administrative liability, the owner, operator, boat captain, master fisherman, and recruiter or organizer of fishworkers who violate this provision shall suffer the penalty of an administrative fine equivalent to five (5) times the value of the fish caught or Two million pesos (P2,000,000.00), whichever is higher, and confiscation of catch and gear. The fishworkers who serve as pounders shall be penalized with a fine of Twenty thousand pesos (P20,000.00) or community service in case of failure to pay the fine.

Upon conviction by a court of law, the boat captain, master fisherman, and recruiter or organizer of fishworkers shall be punished with imprisonment of two (2) years to ten (10) years and a fine equivalent to twice the amount of the administrative fine.

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, OR 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.

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SEC. 4. Section 102 of the same Code, as amended, is hereby further amended, as follows:

Section 102. Fishing or Taking of Rare, Threatened or Endangered Species. – (a) It shall be unlawful to fish or take, catch, gather, sell, purchase, possess, transport, export, forward or ship out aquatic species listed in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), or those categorized by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened and determined by the Department as such.

Upon a summary finding of administrative liability, the Department shall penalize the offender with a fine equivalent to five times (5) times the value of the species or Five hundred thousand pesos (P500,000.00) to Five million pesos (P5,000,000.00), whichever is higher, and forfeiture of the species.

Upon conviction by a court of law, the offender shall be punished by imprisonment of TWENTY (20) YEARS TO FORTY (40) YEARS [twelve (12) years and one (1) day to twenty (20) years] and a fine equivalent to twice the administrative fine, forfeiture of the species and the cancellation of fishing permit.

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SEC. 5. Section 159 of the same Code, as amended, is hereby further amended, as follows:

Section 125. Strengthening Prosecution and Conviction of Violators of Fishery Laws. – The Department of Justice (DOJ) 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 INFORMANTS OF 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 UNNECESSARY DELAY, TO THE PROPER RECIPIENTS, UPON THE FILING OF THE INFORMATION WITH A COMPETENT COURT, OR UPON THE ISSUANCE OF A COMMITMENT ORDER IN CASE OF LAWFUL WARRANTLESS ARREST.

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

Approved,