

EIGHTEENTH CONGRESS OF THE)
SENATE OF THE PHILIPPINES)
First Regular Session)

SENATE
Senate
Office of the Senator

SENATE

*19 JUL 11 A11:04

S. No. 335

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Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT

**REGULATING THE CATCHING, SALE, PURCHASE, POSSESSION,
TRANSPORTATION, IMPORTATION, AND EXPORTATION OF ALL SHARKS,
RAYS, AND CHIMAERAS AND ANY PART THEREOF IN THE COUNTRY**

EXPLANATORY NOTE

Situated at the apex of the Coral Triangle, the Philippines is part of the global center of marine biodiversity. With over 200 species of sharks and rays in the Philippines, our country plays a crucial role in conserving these ecologically and economically important marine species.¹

Despite the lack of understanding on the sharks' various roles in ecosystems, it is clear that they are key players in structuring food webs, whether they are at the top of the food chain or at lower trophic levels. Sharks are typically depicted as apex predators; and as such, sharks play an important role in the ecosystem by maintaining the species below them in the food chain and serving as an indicator for ocean health.² They help keep prey populations healthy by feeding on weak, sick, or old fishes, and prevent overgrazing of critical marine habitats.³

¹ Save Sharks Network Philippines. (2017). 2020 Conservation Roadmap for Sharks and Rays in the Philippines.

² <https://eu.oceana.org/en/importance-sharks-0>

³ Ibid.

Therefore, the removal of sharks from an ecosystem has the potential to create significant changes to predator-prey interactions, affecting the whole system. Aside from ecological benefits, sharks and rays have also been proven to boost local economies through sustainable tourism activities, and through fisheries in many developing countries.⁴

Due to their unique life history traits, sharks and their relatives reproduce slowly, making them particularly vulnerable to threats from targeted fisheries, overfishing, by catch, pollution, unregulated tourism, and climate change. Declined populations will find it hard to recover without special conservation attention.⁵

This bill supports the country's commitment to international obligations, such as the Convention on Biological Diversity, Convention on the International Trade in Endangered Species, and the Convention on the Conservation of Migratory Species, among others. It is also aligned with the 2020 Conservation Roadmap for Sharks and Rays in the Philippines and the National Plan of Action for the Conservation and Management of Sharks in the Philippines.

This bill aims to find the intersection between management and utilization in the hopes of finding the balance between human needs and the integrity of the Philippine marine ecosystem. The conservation of sharks, management of their threats, and creation of shark sanctuaries through this bill will serve as an example that can be replicated with other fisheries and wildlife conservation issues in the country.

Given the foregoing, I recommend the immediate approval of this bill.



CYNTHIA A. VILLAR

⁴ Save Sharks Network Philippines. (2017). 2020 Conservation Roadmap for Sharks and Rays in the Philippines.
⁵ Ibid.

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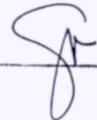
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AN ACT

**REGULATING THE CATCHING, SALE, PURCHASE, POSSESSION,
TRANSPORTATION, IMPORTATION, AND EXPORTATION OF ALL SHARKS,
RAYS, AND CHIMAERAS AND ANY PART THEREOF IN THE COUNTRY**

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

1 CHAPTER I
2 GENERAL PROVISIONS

3 Section 1. *Short Title.* – This Act shall be known as the "Shark Conservation
4 Act of the Philippines".

5 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

6 a) Protect environmental rights of the people, promote conservation and
7 ensure sustainable and equitable utilization of its coastal areas, habitats and species,
8 including sharks, in conformity with the Constitution, the Philippine Fisheries Code of
9 1998, as amended by Republic Act 10654, and the National Wildlife Conservation
10 and Protection Act;

11 b) Ensure, for the benefit and enjoyment of the Filipino people, the
12 judicious and wise utilization, protection, conservation and management on a

1 sustainable basis of its coastal and fishery resources with the necessity of
2 maintaining a sound ecological balance and protecting and enhancing the quality of
3 the environment;

4 c) Protect the rights of the small and marginal fishers in the preferential
5 use of communal coastal and fishery resources;

6 d) Allow people's full and active participation in the conservation and
7 management of the coastal and fishery resources and promote awareness of
8 sustainable fisheries through appropriate education and training;

9 e) Promote and adhere to the precautionary principle of conservation,
10 management and exploitation of living coastal and fishery resources in order to
11 assure the sustainable development of the coastal environment. The absence of
12 adequate scientific and technical information should not be used as a reason for
13 postponing or failing to take conservation and management measures; and

14 f) Promote ecosystem-based fisheries management.

15 Sec. 3. *Scope of Application.* – The provisions of this Act shall be enforceable
16 for all Philippine waters including other waters over which the Philippines has
17 sovereignty and jurisdiction, and the country's 200-nautical mile Exclusive Economic
18 Zone (EEZ) and continental shelf, including protected areas under Republic Act No.
19 7586, otherwise known as the National Integrated Protected Areas System (NIPAS)
20 Act; critical habitats; and all Philippine flagged fishing vessels operating in areas
21 governed by a Regional Fisheries Management Organization, in the high seas, or in
22 waters of other coastal states.

23 Sec. 4. *Jurisdiction of the Department of Agriculture.* – The Department of
24 Agriculture (DA) shall have jurisdiction over sharks, rays, and chimaeras, and all
25 declared aquatic habitats. In the Province of Palawan, jurisdiction herein conferred is
26 vested to the Palawan Council for Sustainable Development pursuant to Republic Act
27 No. 7611.

1 The Bureau of Fisheries and Aquatic Resources of the Department of
2 Agriculture (DA-BFAR) shall be the lead agency in the implementation of this Act.
3 The Department of Trade and Industry (DTI), Department of Environment and
4 Natural Resources (DENR), the Philippine Coast Guard, the Philippine National Police
5 (PNP), other law enforcement agencies, and Local Government Units (LGUs) shall
6 likewise assist in the implementation of this Act.

The Department of Tourism (DOT) shall provide the necessary assistance to the DA-BFAR and the LGUs in identifying shark ecotourism sites and declare the same as protected.

CHAPTER II

DEFINITION OF TERMS

12 Sec. 5. *Definition of Terms.* – For purposes of this Act, the following terms are
13 hereby defined:

14 (a) "By-catch" means the incidental take of undesirable size or age classes
15 of the target species or the incidental take of other non-target species or protected,
16 endangered, or threatened species.

(b) "By-product or derivatives" means any part taken or substance extracted from sharks, in raw or in processed form. This includes, but are not limited to, preserved sharks (curios), cartilage, gill rakers, fins, oil, skin and teeth;

20 (c) "Corridor" means an artificial or natural avenue where which wide-
21 ranging animals can travel, plants can propagate, genetic interchange can occur,
22 populations can move in response to environmental changes and natural disasters,
23 and threatened species can be replenished from other areas. Marine corridors
24 encompass mangroves, coral reefs, and seagrass beds:

25 (d) "Critical Habitat" means a place or environment that contains physical
26 or biological features essential to its conservation:

1 (e) "Dedicated tourism interaction site" means well-defined areas for
2 marine wildlife tourism, either managed as a sanctuary/reserve/protected area or
3 not, focused on a particular species or several species, with specified operating
4 times;

5 (f) "Discarded by-catch" means non-target species that are discarded at
6 sea;

7 (g) "Disturbance" means any intentional and unintentional acts that shall
8 disrupt the natural cycle and activities of marine wildlife for the short or long-term
9 without necessarily causing any physical injury to the same such as but is not limited
10 to acts producing noise, pollution, degradation of habitat, blockage of movement,
11 displacement, and the like;

12 (h) "Endangered Rare and/or Threatened Shark Species" means species in
13 danger of extinction as provided for in existing Philippine laws and/or the
14 International Union for the Conservation of Nature Red List of Species;

15 (i) "Finning" means the practice of removing and retaining shark fins;

16 (j) "Full Utilization" means use or consumption of the entire animal;

17 (k) "Habitat" means place or environment where species or subspecies
18 naturally occurs or has naturally established its population;

19 (l) "Harassment" means an intentional or negligent act or omission which
20 creates the likelihood of injury by annoying it to such an extent as to significantly
21 disrupt normal behavioral patterns which include, but are not limited to, breeding,
22 feeding, or sheltering;

23 (m) "Non-dedicated Tourism Interaction Site" means opportunistic,
24 accidental or unintentional interaction with marine wildlife in tourism and non-
25 tourism sites;

26 (n) "Non-detriment Finding" (NDF) means a science-based risk assessment
27 where the vulnerability of a species is considered in relation to how well it is
28 managed;

(o) "Secretary" means the Secretary of the Department of Agriculture;

(p) "Shark" means cartilaginous fishes belonging to the class Chondrichthyes, which includes true sharks, skates, rays, and chimaeras;

(q) "Shark Sanctuary" means a designated area where sharks cannot be
t;

(r) "Traceability" means the ability to trace and follow food or a substance intended to be or expected to be incorporated into a food or product through all of fishing, production, processing and distribution;

(s) "Trade" means the act of engaging in the exchange, exportation, importation, re-exportation, purchase or sale of sharks, their derivatives or by-products, locally or internationally;

(t) "Utilized bycatch" means non-target species that are traded or
med, in part or whole.

CHAPTER III

CONSERVATION AND PROTECTION OF SHARKS, RAYS, AND CHIMAERAS

ARTICLE I

General Provisions

Sec. 6. Information Systems, Interaction, Release and Possession of By-Products and Derivatives and By-catch. –

(a) Wildlife Information. – All activities, as subsequently manifested under chapter, shall be authorized by the Secretary upon proper evaluation of best available information or scientific data showing that the activity is, or for a purpose, detrimental to the survival of the species or subspecies involved and/or their habitat. For this purpose, the Secretary shall regularly update wildlife information through research.

1 (b) Sharks in Captivity. – No person or entity shall be allowed possession
2 of sharks unless such person or entity can prove financial and technical capability
3 and facility to maintain said species: Provided that the source was not obtained in
4 violation of this Act, and the source of stock is verifiable to monitor mortality. The
5 DA-BFAR will develop husbandry and holding tank standards as well as a permitting
6 system for the keeping of sharks in captivity.

7 (c) Swim with Captive Shark Programs. – The DA-BFAR, within one (1)
8 year after the effectivity of this Act, shall develop human-shark interaction guidelines
9 in captivity.

10 (d) Tourism Interaction. – The DA-BFAR, within one (1) year after the
11 effectivity of this Act, shall develop human-shark interaction guidelines in the wild.

12 (e) Research Interaction. – The DA-BFAR, within one (1) year after the
13 effectivity of this Act, shall develop research and researcher interaction guidelines for
14 studies focusing on sharks.

15 (f) Non-Detriment Findings (NDF). – The DA-BFAR, within three (3) years
16 after the effectivity of this Act, shall determine the NDF for targeted and incidentally
17 caught shark species.

18 (g) Collection and/or Possession of By-Products and Derivatives. – The
19 collection and possession of species shall only be allowed when the results of the
20 NDF show that, despite certain extent of collection, the population of such species
21 can still remain viable and capable of recovering its numbers. For this purpose, the
22 DA-BFAR shall establish a schedule and volume of allowable harvests.

23 (h) Handling and Release Practices. – The DA-BFAR, within one (1) year
24 after the effectivity of this Act, shall develop acceptable handling and release
25 guidelines from fisheries for all types of protected and/or unwanted sharks based on
26 the best available science and safe release experience.

27 (i) By-catch reduction measures and reporting mechanisms. – The DA-
28 BFAR, within three (3) years after the effectivity of this Act, shall provide technical
29 and financial assistance on research for gear restriction, and identify modified fishing

gears to reduce shark by-catch mortality, which may include bait restrictions, use of different fishing hooks, varying hook depth, use of repellents, reducing soak time, and reducing number of hooks. The DA-BFAR shall also develop a standard reporting system for sharks that are by-catch.

5 (j) Release and Reporting of By-catch. – Live sharks that have not been
6 assessed through the NDF shall be immediately released unharmed to the sea. Dead
7 sharks shall be handed over to the DA-BFAR for proper documentation and disposal.
8 Any incident must be reported to the competent authority using the standard
9 reporting system.

ARTICLE II

Protection of Vulnerable, Threatened, Endangered, and Critically Endangered Shark Species

13 Sec. 7. *Determination of Threatened Species: Vulnerable, Endangered, or*
14 *Critically Endangered Species.* – The DA-BFAR, within two (2) years after the
15 effectivity of this Act, shall determine whether shark species or subspecies of a
16 population or subpopulation is threatened (vulnerable, endangered, or critically
17 endangered) based on available scientific data and with due regard to internationally
18 accepted criteria, such as the International Union for Conservation of Nature (IUCN).
19 Criteria include but are not limited to the following:

(a) Present or threatened destruction, modification, or curtailment of its habitat or range;

22 (b) Over-utilization for commercial, recreational, scientific, or educational
23 purposes:

24 (c) Inadequacy of existing regulatory mechanisms; and

25 (d) Other natural or man-made factors affecting the existence of sharks

26 The DA-BFAR shall review, revise and publish the list of categorized
27 threatened sharks within two (2) years after effectivity of this Act. Thereafter, the

1 list shall be updated regularly or as the need arises. Provided, that a species listed as
2 vulnerable threatened shall not be removed there from within three (3) years
3 following its initial listing.

4 Upon filing of a petition based on substantial scientific information of any
5 person seeking for the addition or deletion of a species from the list, the DA-BFAR
6 shall evaluate in accordance with the relevant factors stated in the first paragraph of
7 this section, the status of the species concerned, and act on said petition within a
8 reasonable period.

9 The DA-BFAR shall also prepare and publish a list of sharks which resembles
10 so closely in appearance with listed threatened wildlife, which species shall likewise
11 be categorized as threatened.

12 **ARTICLE II**
13 **Commercial and Municipal Fisheries**

14 Sec. 8. *Identification of Critical Habitats, Reference Points, Limits and
15 Seasons.* –

16 (a) Identification of Critical Habitats. – The DA-BFAR, within one (1) year
17 after the effectivity of this Act, shall identify critical habitats for sharks and establish
18 these as shark sanctuaries.

19 (b) Development of Target Reference Points (TRP) and Limit Reference Points
20 (LRP). – The DA-BFAR shall, within three (3) years from the effectivity of this Act,
21 determine TRP and LRP based on the results of national stock assessments and the
22 precautionary principle.

23 (c) Size Limitations. – The DA-BFAR shall, within one (1) year from the
24 effectivity of this Act, determine the size limits for sharks.

25 (d) Catch Ceiling Limitations. – The DA-BFAR may prescribe limitations or
26 quota on the total quantity of sharks captured, for a specified period of time and
27 specified area based on the best available evidence, harvest strategies, and target

1 limits. Catch ceilings may be established upon the concurrence and approval or
2 recommendation of such special agency and the concerned LGU in consultation with
3 the Fisheries Aquatic and Resource Management Council (FARMC) for conservation
4 or ecological purposes.

5 (e) Establishment of Closed Season. – The Secretary may declare, through
6 public notice in at least two (2) newspapers of general circulation or in public service
7 announcements, whichever is applicable, at least five (5) days before the
8 declaration, a closed season in any or all Philippine waters outside the boundary of
9 municipal waters and in bays, for conservation and ecological purposes. Provided,
10 however, that this shall be done only upon the concurrence and approval or
11 recommendation of such special agency and the concerned LGU and FARMC:
12 Provided, further, That in municipal waters, fishery management areas and other
13 areas reserved for the use of the municipal fisherfolk, closed season may be
14 established by the concerned LGU in consultation with the FARMC for conservation
15 or ecological purposes. The FARMCs may also recommend the establishment of
16 closed seasons in municipal waters, fisheries management and other areas reserved
17 for the use of the municipal fisherfolk.

18 (f) Support to Fisherfolk. – The Department and LGUs shall provide support
19 to commercial and municipal fisherfolk through appropriate technology and research,
20 credit, production and marketing assistance and other services such as, but not
21 limited to training for additional/supplementary livelihood.

ARTICLE IV

Traceability

24 *Sec. 9. System, Labeling and Identification.* – All business operators identified
25 in the supply chain of shark trading and utilization shall cooperate with the DA-BFAR
26 in carrying out official controls, and shall have responsibilities including but not
27 limited to the following:

1 a) Implementation of traceability system. – Business operators must
2 operate traceability procedures for ingredients, raw materials at all stages of
3 production, processing, transport, storage and distribution, and be able to (i) identify
4 any person or business operator that has supplied them with the species; (ii) identify
5 any person or business to which they have supplied their products; (iii) the products
6 that were supplied including quantity or volume, site of fishing grounds, specie, and
7 fishing gear used; and (iv) make this information available to DA-BFAR and their
8 consumers.

9 b) Labeling or identification. – Business operators must ensure that their
10 products are adequately labeled or otherwise identified through relevant
11 documentation. They must also comply with the labelling requirements of the
12 country destination.

ARTICLE V

Illegal Acts

15 Sec. 10. *Illegal Acts.* – Unless otherwise allowed in accordance with this Act,
16 it shall be unlawful for any person to willfully and knowingly exploit sharks and their
17 habitats, or undertake the following acts:

18 a) killing, taking, keeping captive, and trading vulnerable, threatened,
19 endangered, or critically endangered species, except in the following
20 instances;

21 i. When it is done as part of the rituals of established tribal groups or
22 indigenous cultural communities;

23 ii. When the shark is afflicted with an incurable communicable disease;

24 iii. When it is deemed necessary to put an end to the misery suffered by
25 the shark;

26 iv. When the shark is killed or destroyed after it has been used in
27 authorized research or experiments.

- b) Inflicting injury which cripples and/or impairs the reproductive system of sharks;
 - c) Harassing sharks;
 - d) Disturbing sharks and their habitats;
 - e) Effecting any of the following acts in critical habitat(s):
 - i. Dumping of waste products detrimental to sharks;
 - ii. Squatting or otherwise occupying any portion of the critical habitat;
 - iii. Mineral exploration and/or extraction;
 - f) Introducing, reintroducing, or restocking of shark species without permits;
 - g) Finning;
 - h) Collecting, hunting, possessing, importing, exporting, or re-exporting sharks, their by-products and derivatives without the result of the NDF and full traceability at all stages, from collection to production, processing, transport, storage, and distribution;
 - i) Falsely advertising or mislabeling any product, which could mislead consumers;
 - j) Obstruction of corridors; and
 - k) Use of shark wires.

ARTICLE V

Illegal Acts

Sec. 11. The following fines and penalties shall be imposed for violations of
ct. -

(a) Killing, taking, keeping in captivity, inflicting injury, harassing, and trading
vulnerable, threatened, endangered, or critically endangered species:

25 i. Imprisonment of two (2) years and one (1) day to four (4) years
26 and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred

25 I. Imprisonment of two (2) years and one (1) day to four (4) years
26 and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred

- 1 thousand pesos (P300,000.00) per animal if inflicted or undertaken
2 against vulnerable species;
- 3 ii. Imprisonment of one (1) year and one (1) day to two (2) years
4 and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred
5 thousand pesos (P200,000.00) per animal if inflicted or undertaken
6 against other threatened species;
- 7 iii. Imprisonment of four (4) and one (1) day to six (6) years and/or a
8 fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand
9 pesos (P500,000.00) per animal if inflicted or undertaken against
10 endangered species; and
- 11 iv. Imprisonment of a minimum of six (6) years and one (1) day to
12 twelve (12) years and/or a fine of One hundred thousand pesos
13 (P100,000.00) to One million pesos (P1,000,000.00) per animal if
14 inflicted or undertaken against species listed as critically endangered.

15 (b) Inflicting injury which cripples and/or impairs the reproductive system of
16 sharks: imprisonment of one (1) month to six (6) months and/or a fine of Five
17 thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or
18 undertaken against other wildlife species.

19 (c) Harassing sharks: imprisonment of one (1) month to six (6) months
20 and/or a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos
21 (P20,000.00), if inflicted or undertaken against other wildlife species.

22 (d) Disturbing sharks and their habitats: imprisonment of one (1) month to
23 six (6) months and/or a fine of Five thousand pesos (P5,000.00) to Twenty thousand
24 pesos (P20,000.00), if inflicted or undertaken against other wildlife species.

25 (e) Effecting acts in critical habitat(s): For illegal acts under paragraph (e) of
26 the preceding section, the following penalties and/or fines shall be imposed: an
27 imprisonment of one (1) month to eight (8) years and/or a fine of Five thousand
28 pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.

1 (f) Introducing, reintroducing, or restocking of shark species without permits:
2 an imprisonment of one (1) month to eight (8) years and/or a fine of Five thousand
3 pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.

4 (g) Finning;

5 Upon a summary finding of administrative liability, the owner, operator, boat
6 captain and master fisherman of the vessel, or the chief executive officer in a
7 corporation, or the managing partner in a partnership shall be punished with
8 confiscation of the catch and fishing gears, and a fine three (3) times the value of
9 the catch or the value indicated below, whichever is higher:

- 10 (1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided,
11 that if the offender fails to pay the fine, he shall render community
12 service;
- 13 (2) Fifty thousand pesos (P50,000.00) for small- scale commercial fishing;
- 14 (3) One hundred thousand pesos (P100,000.00) for medium- scale
15 commercial fishing; and
- 16 (4) Five hundred thousand pesos (P500,000.00) for large- scale
17 commercial fishing.

18 Upon conviction by a court of law, the offender shall be punished with
19 imprisonment of two (2) years to six (6) years and fine equivalent to twice the
20 administrative fine, confiscation and forfeiture of fishing gear and catch.

21 (h) Collecting, hunting, possessing, importing, exporting, or re-exporting
22 sharks, their by-products and derivatives without the result of the NDF and full
23 traceability at all stages, from collection to production, processing, transport,
24 storage, and distribution

25 Failure on the part of the shipping or forwarding company from whose
26 possession the fish or fishery species imported or exported are discovered or seized

1 to fully cooperate in the investigation conducted by concerned government
2 authorities shall create a presumption that there is connivance or conspiracy
3 between the shipping company and the shipper to perpetrate the aforementioned
4 offense.

5 Upon a summary finding of administrative liability, the offender shall be
6 punished with an administrative fine of five (5) times the value of the species or
7 Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos
8 (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.

9 Upon conviction by a court of law, the offender shall be punished with eight
10 (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or
11 destruction of the species: Provided, That offenders shall be banned from being
12 members or stockholders of companies currently engaged in fisheries or companies
13 to be created in the future, the guidelines for which shall be promulgated by the
14 Department.

15 (i) Falsely advertising or mislabeling any product, which could mislead
16 consumers;

17 Failure on the part of the shipping or forwarding company from whose
18 possession the fish or fishery species imported or exported are discovered or seized
19 to fully cooperate in the investigation conducted by concerned government
20 authorities shall create a presumption that there is connivance or conspiracy
21 between the shipping company and the shipper to perpetrate the aforementioned
22 offense.

23 Upon a summary finding of administrative liability, the offender shall be
24 punished with an administrative fine of five (5) times the value of the species or
25 Three hundred thousand pesos (P300,000.00) to Five hundred thousand pesos
26 (P500,000.00), whichever is higher, and forfeiture and/or destruction of the species.

1 Upon conviction by a court of law, the offender shall be punished with eight
2 (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or
3 destruction of the species: Provided, That offenders shall be banned from being
4 members or stockholders of companies currently engaged in fisheries or companies
5 to be created in the future, the guidelines for which shall be promulgated by the
6 Department.

7 (j) Obstruction of corridors;

8 Upon a summary finding of administrative liability, the offender shall be
9 punished with an administrative fine of One Hundred Fifty Thousand Pesos
10 (P150,000.00) to Five Hundred

11 Thousand Pesos (P500,000.00), dismantling of the obstruction at the expense
12 of the offender, and the suspension or revocation of the permit or license.

13 Upon conviction by a court of law, the offender shall be punished with
14 imprisonment of seven (7) years to twelve (12) years and fine of twice the amount
15 of the administrative fine, dismantling of the obstruction at the expense of the
16 offender, and the suspension or revocation of the permit or license.

17 (k) Use of shark wires.

18 Upon a summary finding of administrative liability, the owner, operator, boat
19 captain and master fisherman of the vessel, or the chief executive officer in a
20 corporation, or the managing partner in a partnership shall be punished with
21 confiscation of the catch and fishing gears, and a fine three (3) times the value of
22 the catch or the value indicated below, whichever is higher:

23 (1) Twenty thousand pesos (P20,000.00) for municipal fishing: Provided,
24 That if the offender fails to pay the fine, he shall render community
25 service;

26 (2) Fifty thousand pesos (P50,000.00) for small- scale commercial fishing;

- (3) One hundred thousand pesos (P100,000.00) for medium-scale commercial fishing; and
 - (4) Five hundred thousand pesos (P500,000.00) for large-scale commercial fishing.

Upon conviction by a court of law, the offender shall be punished with imprisonment of two (2) years to six (6) years and fine equivalent to twice the administrative fine, confiscation and forfeiture of fishing gear and catch.

8 Sec. 12. *Escalation Clause.* – The fines herein prescribed shall be increased by
9 at least ten percent (10%) every three (3) years to compensate for inflation and to
10 maintain the deterrent function of such fines.

ARTICLE VI

Miscellaneous Provisions

Sec. 13. *Flagship Species.* – Local government units shall initiate conservation measures for endemic and/or economically valuable species in their areas. For this purpose, they may adopt flagship species such as the whale shark (*Rhincodon typus*) or thresher shark (*Alopias pelagicus*), which shall serve as emblems of conservation for the local government concerned.

18 Sec. 14. *Information and Education.* - The BFAR, DENR, DOT, DTI, LGUs, and
19 other academic institutions shall undertake a nationwide information and education
20 campaign to adequately inform the populace of the value of sharks and rays in the
21 marine ecosystem, and of the importance of preserving their respective habitats and
22 feeding grounds.

23 Sec. 15. *Transition Period.* – Due to the substantially new requirement
24 imposed by this Act, a transition period of three (3) years from its entry into force is
25 provided. During the transition period, sharks, their by-products, and derivatives
26 may be sold and traded, and stocks that have been produced before the end of the
27 transitional period may continue to be sold or exported until exhausted.

1 Sec. 16. *Implementing Rules and Regulations.* – Within twelve (12) months
2 following the effectivity of this Act, the Secretary of Agriculture, in coordination with
3 the Department of Trade and Industry, Department of Tourism, and the Committees
4 on Environment and Ecology of the Senate and the House of Representatives,
5 respectively, shall promulgate respective rules and regulations for the effective
6 implementation of this Act. Whenever appropriate, coordination in the preparation
7 and implementation of rules and regulations on joint and inseparable issues shall be
8 done by the departments. The commitments of the State to international
9 agreements and protocols shall likewise be a consideration in the implementation of
10 this Act.

11 Sec. 17. *Separability Clause.* – If any portion or provision of this Act is
12 declared unconstitutional or invalid, the remainder of this Act or any provisions
13 hereof not affected thereby shall continue to be in force and effect.

14 Sec. 18. *Repealing Clause.* – Any law, presidential decree or issuance,
15 executive order, letter of instruction, rule or regulation inconsistent or contrary to
16 the provisions of this Act is hereby repealed or modified accordingly.

17 Sec. 19. *Effectivity.* – This Act shall take effect after fifteen (15) days
18 following its complete publication in the Official Gazette or a newspaper of general
19 circulation.

20 Approved,