

**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
*First Regular Session***

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SENATE
Office of the Senator
S. No. 360

19 JUL 11 P1:18

S. No. 360

RECEIVED BY J

INTRODUCED BY SENATOR RISA HONTIVEROS

**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.

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 that have significant top-down effects on food webs. They help keep prey populations healthy by feeding on weak, sick, or old fishes, and prevent overgrazing of critical marine habitats.

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.

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

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.

In view of the foregoing, approval of this measure is earnestly sought.


RISA HONTIVEROS

Senator

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

1 **CHAPTER I**
2 **GENERAL PROVISIONS**
3

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

6 Sec. 2. *Declaration of Policy.* – It is hereby declared the policies of the State
7 to:

- 8 a) protect environmental rights of the people, promote conservation and
9 ensure sustainable and equitable utilization of its coastal areas,
10 habitats and species, including sharks, in conformity with the
11 Constitution; the Philippine Fisheries Code of 1998, as amended by
12 Republic Act 10654; and the National Wildlife Conservation and
13 Protection Act;
- 14 b) ensure, for the benefit and enjoyment of the Filipino people, the
15 judicious and wise utilization, protection, conservation and
16 management on a sustainable basis of its coastal and fishery resources
17 with the necessity of maintaining a sound ecological balance and
18 protecting and enhancing the quality of the environment;
- 19 c) protect the rights of the small and marginal fishers in the preferential
20 use of communal coastal and fishery resources;
- 21 d) allow people's full and active participation in the conservation and
22 management of the coastal and fishery resources and promote

1 awareness of sustainable fisheries through appropriate education and
2 training;

- 3 e) Promote and adhere to the precautionary principle of conservation,
4 management and exploitation of living coastal and fishery resources in
5 order to assure the sustainable development of the coastal
6 environment. The absence of adequate scientific and technical
7 information should not be used as a reason for postponing or failing to
8 take conservation and management measures; and
9 f) Promote ecosystem-based fisheries management.

10 Sec. 3. *Scope of Application.* - The provisions of this Act shall be enforceable
11 for all Philippine waters including other waters over which the Philippines has
12 sovereignty and jurisdiction, and the country's 200 - nautical mile Exclusive Economic
13 Zone (EEZ) and continental shelf, including protected areas under Republic Act No.
14 7586, otherwise known as the National Integrated Protected Areas System (NIPAS)
15 Act; critical habitats; and all Philippine flagged fishing vessels operating in areas
16 governed by a Regional Fisheries Management Organization, in the high seas, or in
17 waters of other coastal states.

18 Sec. 4. *Jurisdiction of the Department of Agriculture.* The Department of
19 Agriculture (DA) shall have jurisdiction over sharks, rays, and chimaeras, and all
20 declared aquatic habitats. In the Province of Palawan, jurisdiction herein conferred is
21 vested to the Palawan Council for Sustainable Development pursuant to Republic Act
22 No. 7611.

23 The Bureau of Fisheries and Aquatic Resources of the Department of Agriculture (DA-
24 BFAR) shall be the lead agency in the implementation of this Act. The Department of
25 Trade and Industry (DTI), Department of Environment and Natural Resources, the
26 Philippine Coast Guard, the Philippine National Police, other law enforcement
27 agencies, and Local Government Units (LGUs) shall likewise assist in the
28 implementation of this Act.

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

32

33 **CHAPTER II**
34 **DEFINITION OF TERMS**

35

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

- 3 a) "Bycatch" means the incidental take of undesirable size or age classes
4 of the target species, or the incidental take of other non-target species
5 or protected, endangered, or threatened species.
- 6 b) "By-product or derivatives" means any part taken or substance
7 extracted from sharks, in raw or in processed form. This includes, but
8 are not limited to, preserved sharks (curios), cartilage, gill rakers, fins,
9 oil, skin, and teeth;
- 10 c) "Corridor" means an artificial or natural avenue where which wide-
11 ranging animals can travel, plants can propagate, genetic interchange
12 can occur, populations can move in response to environmental changes
13 and natural disasters, and threatened species can be replenished from
14 other areas. Marine corridors encompass mangroves, coral reefs, and
15 seagrass beds;
- 16 d) "Critical Habitat" means a place or environment that contains physical
17 or biological features essential to its conservation;
- 18 e) "Dedicated tourism interaction site" means well-defined areas for
19 marine wildlife tourism, either managed as a
20 sanctuary/reserve/protected area or not, focused on a particular
21 species or several species, with specified operating times;
- 22 f) "Discarded bycatch" means non-target species that are discarded at
23 sea;
- 24 g) "Disturbance" means any intentional and unintentional acts that shall
25 disrupt the natural cycle and activities of marine wildlife for the short
26 or long-term without necessarily causing any physical injury to the
27 same such as but is not limited to acts producing noise, pollution,
28 degradation of habitat, blockage of movement, displacement, and the
29 like;
- 30 h) "Endangered Rare and/or Threatened Shark Species" means species in
31 danger of extinction as provided for in existing Philippine laws and/or
32 the International Union for the Conservation of Nature Red List of
33 Species;
- 34 i) "Finning" means the practice of removing and retaining shark fins;
- 35 j) "Full Utilization" means use or consumption of the entire animal;

- 1 k) "Habitat" means place or environment where species or subspecies
2 naturally occurs or has naturally established its population;
- 3 l) "Harassment" means an intentional or negligent act or omission which
4 creates the likelihood of injury by annoying it to such an extent as to
5 significantly disrupt normal behavioral patterns which include, but are
6 not limited to, breeding, feeding, or sheltering;
- 7 m) "Non-dedicated Tourism Interaction Site" means opportunistic,
8 accidental or unintentional interaction with marine wildlife in tourism
9 and non-tourism sites;
- 10 n) "Non-detiment Finding" (NDF) means a science-based risk assessment
11 where the vulnerability of a species is considered in relation to how
12 well it is managed;
- 13 o) "Secretary" means the Secretary of the Department of Agriculture;
- 14 p) "Shark" means cartilaginous fishes belonging to the class
15 Chondrichthyes, which includes true sharks, skates, rays, and
16 chimaeras;
- 17 q) "Shark Sanctuary" means a designated area where sharks cannot be
18 caught;
- 19 r) "Traceability" means the ability to trace and follow food or a substance
20 intended to be or expected to be incorporated into a food or product
21 through all stages of fishing, production, processing and distribution;
- 22 s) "Trade" means the act of engaging in the exchange, exportation,
23 importation, re-exportation, purchase or sale of sharks, their
24 derivatives or by-products, locally or internationally;
- 25 t) "Utilized bycatch" means non-target species that are traded or
26 consumed, in part or whole.

27

28

29 **CHAPTER III**

30 **CONSERVATION AND PROTECTION OF SHARKS, RAYS, AND CHIMAERAS**

31

32 **ARTICLE I**

33 **General Provisions**

34

35 Sec. 6. *Information Systems, Interaction, Release and Possession of By-*
36 *Products and Derivatives, and By-Catch*

- 1 a) *Wildlife Information.* All activities, as subsequently manifested under
2 this Chapter, shall be authorized by the Secretary upon proper
3 evaluation of best available information or scientific data showing that
4 the activity is, or for a purpose, not detrimental to the survival of the
5 species or subspecies involved and/or their habitat. For this purpose,
6 the Secretary shall regularly update wildlife information through
7 research.
- 8 b) *Sharks in Captivity.* No person or entity shall be allowed possession of
9 sharks unless such person or entity can prove financial and technical
10 capability and facility to maintain said species: *Provided*, That the
11 source was not obtained in violation of this Act, and the source of
12 stock is verifiable to monitor mortality. The DA-BFAR will develop
13 husbandry and holding tank standards as well as a permitting system
14 for the keeping of sharks in captivity.
- 15 c) *Swim with Captive Shark Programs.* The DA-BFAR, within one (1) year
16 after the effectivity of this Act, shall develop human-shark interaction
17 guidelines in captivity.
- 18 d) *Tourism Interaction.* The DA-BFAR, within one (1) year after the
19 effectivity of this Act, shall develop human-shark interaction guidelines
20 in the wild.
- 21 e) *Research Interaction.* The DA-BFAR, within one (1) year after the
22 effectivity of this Act, shall develop research and researcher interaction
23 guidelines for studies focusing on sharks.
- 24 f) *Non-Detriment Findings (NDF).* The DA-BFAR, within three (3) years
25 after the effectivity of this Act, shall determine the NDF for targeted
26 and incidentally caught shark species.
- 27 g) *Collection and/or Possession of By-Products and Derivatives.* The
28 collection and possession of species shall only be allowed when the
29 results of the NDF show that, despite certain extent of collection, the
30 population of such species can still remain viable and capable of
31 recovering its numbers. For this purpose, the DA-BFAR shall establish a
32 schedule and volume of allowable harvests.
- 33 h) *Handling and Release Practices.* The DA-BFAR, within one (1) year
34 after the effectivity of this Act, shall develop acceptable handling and
35 release guidelines from fisheries for all types of protected and/or

1 unwanted sharks based on the best available science and safe release
2 experience.

- 3 i) *Bycatch reduction measures and reporting mechanisms.* The DA-BFAR,
4 within three (3) years after the effectivity of this Act, shall provide
5 technical and financial assistance on research for gear restriction, and
6 identify modified fishing gears to reduce shark bycatch mortality, which
7 may include bait restrictions, use of different fishing hooks, varying
8 hook depth, use of repellents, reducing soak time, and reducing
9 number of hooks. The DA-BFAR shall also develop a standard reporting
10 system for sharks that are bycatch.
- 11 j) *Release and Reporting of Bycatch.* Live sharks that have not been
12 assessed through the NDF shall be immediately released unharmed to
13 the sea. Dead sharks shall be handed over to the DA-BFAR for proper
14 documentation and disposal. Any incident must be reported to the
15 competent authority using the standard reporting system.

16

17 **ARTICLE II**
18 **Protection of Vulnerable, Threatened, Endangered, and Critically**
19 **Endangered Shark Species**

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

- 28 a) present or threatened destruction, modification, or curtailment of its
29 habitat or range;
- 30 b) over-utilization for commercial, recreational, scientific, or educational
31 purposes;
- 32 c) inadequacy of existing regulatory mechanisms; and
- 33 d) other natural or man-made factors affecting the existence of sharks.

34 The DA-BFAR shall review, revise and publish the list of categorized threatened
35 sharks within two (2) years after effectivity of this Act. Thereafter, the list shall be
36 updated regularly or as the need arises. *Provided,* that a species listed as vulnerable

1 threatened shall not be removed there from within three (3) years following its initial
2 listing.

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

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

11

12 **ARTICLE III**

13 **Commercial and Municipal Fisheries**

14

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

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

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

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

26 d) *Catch Ceiling Limitations.* The DA-BFAR may prescribe limitations or
27 quota on the total quantity of sharks captured, for a specified period of
28 time and specified area based on the best available evidence, harvest
29 strategies, and target limits. Catch ceilings may be established upon
30 the concurrence and approval or recommendation of such special
31 agency and the concerned LGU in consultation with the Fisheries
32 Aquatic and Resource Management Council (FARMC) for conservation
33 or ecological purposes.

34 e) *Establishment of Closed Season.* The Secretary may declare, through
35 public notice in at least two (2) newspapers of general circulation or in
36 public service announcements, whichever is applicable, at least five (5)

1 days before the declaration, a closed season in any or all Philippine
2 waters outside the boundary of municipal waters and in bays, for
3 conservation and ecological purposes. Provided, however, that this
4 shall be done only upon the concurrence and approval or
5 recommendation of such special agency and the concerned LGU and
6 FARMC: Provided, further, That in municipal waters, fishery
7 management areas and other areas reserved for the use of the
8 municipal fisherfolk, closed season may be established by the
9 concerned LGU in consultation with the FARMC for conservation or
10 ecological purposes. The FARMCs may also recommend the
11 establishment of closed seasons in municipal waters, fisheries
12 management and other areas reserved for the use of the municipal
13 fisherfolk.

- 14 f) *Support to Fisherfolk.* - The Department and LGUs shall provide
15 support to commercial and municipal fisherfolk through appropriate
16 technology and research, credit, production and marketing assistance
17 and other services such as, but not limited to training for
18 additional/supplementary livelihood.

19

20 **ARTICLE IV**
21 **Traceability**

22

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

- 27 a) *Implementation of traceability system.* Business operators must
28 operate traceability procedures for ingredients, raw materials at all
29 stages of production, processing, transport, storage and distribution,
30 and be able to (i) identify any person or business operator that has
31 supplied them with the species; (ii) identify any person or business to
32 which they have supplied their products; (iii) the products that were
33 supplied including quantity or volume, site of fishing grounds, specie,
34 and fishing gear used; and (iv) make this information available to DA-
35 BFAR and their consumers.

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

CHAPTER IV

ILLEGAL ACTS

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

- a) killing, taking, keeping captive, and trading vulnerable, threatened, endangered, or critically endangered species, except in the following instances:
 - a. when it is done as part of the rituals of established tribal groups or indigenous cultural communities;
 - b. when the shark is afflicted with an incurable communicable disease;
 - c. when it is deemed necessary to put an end to the misery suffered by the shark;
 - d. when the shark is killed or destroyed after it has been used in 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):
 - a. dumping of waste products detrimental to sharks;
 - b. squatting or otherwise occupying any portion of the critical habitat;
 - c. 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

- 1 NDF and full traceability at all stages, from collection to production,
2 processing, transport, storage, and distribution;
- 3 i) falsely advertising or mislabeling any product, which could mislead
4 consumers;
- 5 j) obstruction of corridors; and
- 6 k) use of shark wires.

7

8 **CHAPTER V**

9 **FINES AND PENALTIES**

10

11 Sec. 11. The following fines and penalties shall be imposed for violations of
12 this Act:

- 13 a) killing, taking, keeping in captivity, inflicting injury, harrassing, and
14 trading vulnerable, threatened, endangered, or critically endangered
15 species:
- 16 a. imprisonment of two (2) years and one (1) day to four (4) years
17 and/or a fine of Thirty thousand pesos (P30,000.00) to Three
18 hundred thousand pesos (P300,000.00) per animal if inflicted or
19 undertaken against vulnerable species;
- 20 b. imprisonment of one (1) year and one (1) day to two (2) years
21 and/or a fine of Twenty thousand pesos (P20,000.00) to Two
22 hundred thousand pesos (P200,000.00) per animal if inflicted or
23 undertaken against other threatened species;
- 24 c. imprisonment of four (4) and one (1) day to six (6) years and/or
25 a fine of Fifty thousand pesos (P50,000.00) to Five hundred
26 thousand pesos (P500,000.00) per animal if inflicted or
27 undertaken against endangered species; and
- 28 d. imprisonment of a minimum of six (6) years and one (1) day to
29 twelve (12) years and/or a fine of One hundred thousand pesos
30 (P100,000.00) to One million pesos (P1,000,000.00) per animal
31 if inflicted or undertaken against species listed as critically
32 endangered.
- 33 b) inflicting injury which cripples and/or impairs the reproductive system
34 of sharks: imprisonment of one (1) month to six (6) months and/or a
35 fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos
36 (P20,000.00), if inflicted or undertaken against other wildlife species.

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

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

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

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

18 g) finning;

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

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

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

30 (3) One hundred thousand pesos (P100,000.00) for medium-
31 scale commercial fishing; and

32 (4) Five hundred thousand pesos (P500,000.00) for large- scale
33 commercial fishing.

34 Upon conviction by a court of law, the offender shall be punished
35 with imprisonment of two (2) years to six (6) years and fine

1 equivalent to twice the administrative fine, confiscation and
2 forfeiture of fishing gear and catch.

3 h) collecting, hunting, possessing, importing, exporting, or re-exporting
4 sharks, their by-products and derivatives without the result of the NDF
5 and full traceability at all stages, from collection to production,
6 processing, transport, storage, and distribution

7 Failure on the part of the shipping or forwarding company from
8 whose possession the fish or fishery species imported or
9 exported are discovered or seized to fully cooperate in the
10 investigation conducted by concerned government authorities
11 shall create a presumption that there is connivance or conspiracy
12 between the shipping company and the shipper to perpetrate the
13 aforementioned offense.

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

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

27 i) falsely advertising or mislabeling any product, which could mislead
28 consumers;

29 Failure on the part of the shipping or forwarding company from
30 whose possession the fish or fishery species imported or
31 exported are discovered or seized to fully cooperate in the
32 investigation conducted by concerned government authorities
33 shall create a presumption that there is connivance or conspiracy
34 between the shipping company and the shipper to perpetrate the
35 aforementioned offense.

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

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

j) obstruction of corridors;

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

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

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

k) use of shark wires.

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

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

- (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.

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

CHAPTER 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.

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

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

Sec. 16. Implementing Rules and Regulations. Within twelve (12) months following the effectivity of this Act, the Secretary of the Department of Agriculture, in coordination with the Department of Trade and Industry, Department of Tourism, and the Committees on Environment and Ecology of the Senate and the House of

1 Representatives, respectively, shall promulgate respective rules and regulations for
2 the effective implementation of this Act. Whenever appropriate, coordination in the
3 preparation and implementation of rules and regulations on joint and inseparable
4 issues shall be done by the Departments. The commitments of the State to
5 international agreements and protocols shall likewise be a consideration in the
6 implementation of this Act.

7 Sec. 17. *Appropriations*. – The amount necessary to implement the provisions
8 of this Act shall be charged against the appropriations of the Department of
9 Agriculture in the current General Appropriations Act. Therefore, such sums as may
10 be necessary to fully implement the provisions of this Act shall be included in the
11 annual General Appropriations Act. The DA-BFAR may also seek financial assistance
12 from any source and may receive any donation therefore.

13 Sec. 18. *Separability Clause*. — If any section or provision of this Act is held
14 unconstitutional or invalid, the remaining sections or provisions with the provisions
15 not affected thereby shall continue to be in full force and effect.

16 Sec. 19. *Repealing Clause*. — All laws, decrees, executive orders, rules and
17 regulations, issuances or parts thereof inconsistent with the provisions of this Act are
18 hereby repealed or modified accordingly.

19 Sec. 20. *Effectivity Clause*. - This Act shall take effect fifteen (15) days from its
20 publication in the Official Gazette or in a newspaper of general circulation.

Approved,