

SIXTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

'13 JUL -8 A8:38

SENATE  
S.B. No. 536

RECEIVED BY: *ji*

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Introduced by Senator Loren Legarda

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#### EXPLANATORY NOTE

The Philippines is known as the center of marine biodiversity, having about two thirds of the known marine species of the Pacific living in its coastal waters. Sharks, as predators of the sea, play a vital role in regulating the ecological balance, particularly the health of important commercial fish species, population balance, and protection of coral reefs. As such, our country plays a crucial role in protecting marine species.

Despite their importance, these predators of the sea have themselves been hunted by humans for their meat and fins. CNN and a conservation group called Shark Savers stated that, "Up to 100 million sharks are killed annually with some shark populations declining by as much as 90 percent."

Domestic law, particularly RA 9147 or the Wildlife Resources Conservation and Protection Act also provides that, "It shall be the policy of the State to conserve the country's wildlife resources, their habitats for sustainability," and shall work towards and initiate scientific studies towards enhancement of biological diversity. Said law also recognizes our commitment to international conventions for the protection of wildlife and their habitats, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which the Philippines ratified in August 1981. Said Convention seeks to ensure that the survival of wild animals and plants are not threatened due to international trade. It also designates flora and fauna in separate appendices according to the threat of extinction, shark species being described as either threatened with extinction or whose trade must be controlled in order to avoid utilization that is incompatible with their survival.

The Fisheries Code or RA 8550 also declares it the policy of the State to achieve, Conservation, protection and sustained management of the country's fishery and aquatic resources. While E.O. No. 578 makes it a state policy to protect and conserve biodiversity of ecosystems, species and genes.

Although sharks and rays have not been officially declared endangered, their population has drastically declined over the years not only because of environmental decline but more importantly, over-fishing for human consumption. As they reproduce slowly, they are in danger of becoming extinct if we do not proactively protect them.

For these considerations, the passage of this bill is earnestly sought.

  
LOREN LEGARDA  
Senator

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AN ACT  
BANNING THE CATCHING, SALE,  
PURCHASE, POSSESSION, TRANSPORTATION, IMPORTATION  
AND EXPORTATION OF ALL SHARKS AND RAYS OR ANY PART THEREOF  
IN THE COUNTRY

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

1        **Section 1. Prohibition.-** It shall be unlawful to catch sharks and rays in  
2 Philippine waters or to sell, purchase, possess, transport, or export the same, in any  
3 state, condition or form, or any part thereof.  
4

5        It shall also be unlawful to wound or kill sharks and rays, unless there is  
6 threat to human life or limb, whether in the course of catching other species of fish.  
7 Shark and rays, which are accidentally included in the catch shall be immediately  
8 released unharmed in the sea.  
9

10        **Sec. 2. Lead Agency.-** The Bureau of Fisheries and Aquatic Resources (BFAR)  
11 and the Department of Environment and Natural Resources (DENR) shall take steps  
12 to issue the necessary orders to list all sharks and rays as endangered species. The  
13 Department of Tourism, and the Philippine Council for Sports Scuba Diving  
14 (PCSSD), shall also coordinate with the DENR, BFAR and the Local Governments to  
15 identify habitats and feeding grounds of sharks and rays and declare the same as  
16 protected tourism estates. Upon the identification of these areas, they shall be  
17 promoted for restorative eco-tourism.  
18

19        To eliminate the demand that results in the massive killing of sharks, Shark's  
20 Fin Soup and the selling of sharks fin shall be prohibited. The Department of Trade  
21 and Industry shall prepare a phase out plan for the serving of sharks' fin soups in  
22 restaurants and promulgate rules and regulations on the matter.  
23

24        The Department of Tourism (DOT) shall be the lead agency in the  
25 implementation of this law and is authorized to issue rules and regulations in  
26 pursuance to this Act.  
27

28        **Sec. 3. Information and Education.-** The Department of Education, in  
29 cooperation with university-based academic and research institutions (e.g. UP  
30 Marine Science Institute, Silliman University, Marine Laboratory) and others shall

1 undertake a nationwide information and education campaign on the value of sharks  
2 and rays in the marine ecosystem and to tourism.

3  
4 **Sec. 4. Assistance and Regular Reporting.**- The DOT and the other agencies  
5 herein named shall seek the assistance of the PNP and other law enforcement  
6 agencies and local government units for the implementation of this law. The DOT  
7 shall report to the Office of the President every month on the progress of this  
8 initiative.

9  
10 **Section 5. Penal Provisions.**- Whoever violates this Act or any rules and  
11 regulations issued by the Department pursuant to this Act shall be fined in the  
12 amount of not less than Five thousand pesos (PhP5,000) nor more than Five hundred  
13 thousand pesos (PhP500,000), or imprisonment for not less than one (1) year but not  
14 more than six (6) years, or both, as determined by the court: *Provided, That, if the*  
15 *area or specie requires rehabilitation or restoration as determined by the court, the*  
16 *offender shall also be required to restore or compensate for the restoration to the*  
17 *damage: Provided, further, That the court shall order the forfeiture in favor of the*  
18 *Government of all shark and ray products collected or removed including all*  
19 *equipment, devices and firearms used in connection therewith by the offender. If the*  
20 *offender is an association or corporation, the president or manager shall be directly*  
21 *responsible for the act of his employees and laborers.*

22  
23 **Section 6. Repealing Clause.** - All laws, executive orders, rules and  
24 regulations and other issuances or parts thereof, which are inconsistent with this  
25 law, are hereby revoked, amended, or modified accordingly.

26  
27 **Section 7. Separability Clause.** - Any portion or provision of this law that  
28 maybe declared unconstitutional shall not have the effect of nullifying its other  
29 portions or provisions, as long as such remaining portions can still be given effect.

30  
31 **Section 8. Effectivity.** - This Act shall take effect fifteen (15) days following  
32 its publication in at least two (2) newspapers of general circulation.

33  
34  
35 Approved,