



## HOUSE OF REPRESENTATIVES

H. No. 4540

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BY REPRESENTATIVES MACAPAGAL-ARROYO (G.), ARROYO (D.),  
VILLAFUERTE, SYJUCO, TAÑADA AND ALCALA, PER COMMITTEE  
REPORT NO. 880

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AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO.  
8550, OTHERWISE KNOWN AS "THE PHILIPPINE FISHERIES  
CODE OF 1998"

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

1 SECTION 1. Section 91 of Republic Act No. 8550, otherwise known  
2 as "The Philippine Fisheries Code of 1998", is hereby amended to read as  
3 follows:

4 "SEC. 91. *Ban on Coral Exploitation and Exportation.* –  
5 It shall be unlawful for any person or corporation to gather,  
6 possess, sell or export ordinary precious and semi-precious  
7 corals, whether raw or in processed form, except for scientific or  
8 research purposes.

9 "Violations of this provision shall be punished by  
10 imprisonment from six (6) months to two (2) years and a fine  
11 from [Two thousand pesos (P2,000) to Twenty thousand pesos

1 (P20,000)] ONE HUNDRED THOUSAND PESOS (P100,000) TO  
2 FIVE HUNDRED THOUSAND PESOS (P500,000), or both such fine  
3 and imprisonment, at the discretion of the court, and forfeiture of  
4 the subject corals, including the vessel and its proper disposition.

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

8 "IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP  
9 OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL  
10 BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT  
11 AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS  
12 HEREIN NAMED SHALL BE JOINT AND SOLIDARY."

13 SEC. 2. Section 97 of Republic Act No. 8550 is hereby amended to  
14 read as follows:

15 "SEC. 97. *Fishing or Taking of Rare, Threatened or*  
16 *Endangered Species.* – It shall be unlawful to fish or take,  
17 CATCH, GATHER, SELL, PURCHASE, POSSESS, TRANSPORT AND  
18 EXPORT rare, threatened or endangered species as listed AND  
19 DEFINED AS SUCH in the CITES, THE INTERNATIONAL UNION  
20 FOR CONSERVATION OF NATURE AND NATURAL RESOURCES  
21 (IUCN) AND REPUBLIC ACT NO. 9147, OTHERWISE KNOWN AS  
22 THE "WILDLIFE RESOURCES CONSERVATION AND  
23 PROTECTION ACT" and as [determined] IMPLEMENTED by the  
24 Department[.] PURSUANT TO ITS PUBLISHED RULES AND  
25 REGULATIONS.

26 "THE TAKING, CATCHING, GATHERING, TRANSPORT  
27 AND POSSESSION OF WILD SPECIES FOR SCIENTIFIC RESEARCH  
28 OR ARTIFICIAL PROPAGATION PURPOSES MAY BE ALLOWED

1           SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY  
2           THE DEPARTMENT: *PROVIDED*, THAT GATHERING, SELLING  
3           OR EXPORTING CULTURED OR ARTIFICIALLY PROPAGATED  
4           SPECIES THAT HAVE BEEN TRANSPLANTED TO THEIR NATURAL  
5           HABITAT AND LISTED IN THE CITES, IUCN AND REPUBLIC  
6           ACT NO. 9147 SHALL NOT BE ALLOWED.

7           "THE TAKING, CATCHING, GATHERING, POSSESSION,  
8           TRANSPORT OR TRADE OF ARTIFICIALLY PROPAGATED AND  
9           CULTURED SPECIES LISTED IN THE CITES, IUCN AND  
10          REPUBLIC ACT NO. 9147 MAY BE ALLOWED SUBJECT TO THE  
11          RULES AND REGULATIONS PROMULGATED BY THE  
12          DEPARTMENT.

13          "CONSISTENT WITH THE CITES RULES AND  
14          REGULATIONS, A NON-DETRIMENTAL FINDING (NDF) SHALL BE  
15          CONDUCTED BEFORE ANY TRADE WILL BE ALLOWED TO THOSE  
16          SPECIES LISTED UNDER APPENDIXES II AND III OF THE CITES.

17          "Violation of the provision of this section shall be  
18          punished by imprisonment of twelve (12) years to twenty (20)  
19          years and/or a fine of [One hundred and twenty thousand pesos  
20          (P120,000)] ONE HUNDRED THOUSAND PESOS (P100,000) TO  
21          FIVE HUNDRED THOUSAND PESOS (P500,000), [and] forfeiture  
22          of the catch, and the cancellation of fishing permit.

23          "SHOULD THE CULPABLE VIOLATION BE COMMITTED  
24          THROUGH OR BY A FISHING VESSEL MANNED BY MORE THAN  
25          TWO (2) PERSONS, THE HEAD OR CAPTAIN OF THE BOAT AND  
26          THE SUPPORT PERSONNEL THEREOF INVOLVED IN THE FISHING  
27          AND CATCHING OF SUCH PROTECTED MARINE LIFE SHALL BE  
28          PRESUMED TO HAVE COMMITTED THE PROHIBITED ACT AND  
29          THE PENALTY PROVIDED FOR IN THE IMMEDIATELY  
30          PRECEDING PARAGRAPH SHALL BE IMPOSED ON THEM."

1           SEC. 3. The Department of Agriculture-Bureau of Fisheries and  
2 Aquatic Resources (DA-BFAR) shall promulgate the rules and regulations to  
3 implement this amendment within sixty (60) days from the approval of this  
4 Act.

5           The BFAR shall, in coordination with the National Fisheries and  
6 Aquatic Resources Management Council (NFARMC), local government units,  
7 private institutions and other government agencies concerned, initiate the  
8 development of a fisheries resource management plan for each CITES-listed  
9 species, indicating therein conservation and rehabilitation measures.

10          SEC. 4. This Act shall take effect fifteen (15) days after its publication  
11 in two (2) newspapers of general circulation.

Approved,

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