

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
Third Regular Session



COMMITTEE REPORT NO. 1129

Submitted by the Committee on Natural Resources on JAN 30 2019
Re: House Bill No. 8926

Recommending its approval, in substitution of House Bill No. 7912.

Sponsors: Representatives Rodrigo A. Abellanosa and Gloria Macapagal Arroyo

Madam Speaker:

The Committee on Natural Resources, to which was referred House Bill No. 7912, introduced by Representative Gloria Macapagal Arroyo, entitled:

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

has considered the same and recommends that the attached House Bill No. 8926,
entitled:

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 approved in substitution of House Bill No. 7912, with Representatives Macapagal Arroyo and Abellanosa, as authors thereof.

Respectfully submitted,



HON. RODRIGO A. ABELLANOSA

Chairperson

Committee on Natural Resources

THE HONORABLE SPEAKER

House of Representatives

Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
Third Regular Session
8926

HOUSE BILL NO. ____
(In substitution of House Bill Numbered 7912)

Introduced by **Representatives Gloria Macapagal Arroyo and
Rodrigo A. Abellanos**

**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 House of Representatives of the Philippines
in Congress assembled:*

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Shark
Conservation Act of the Philippines”.

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

- a. Protect environmental rights of the people, promote conservation and ensure sustainable and equitable utilization of its coastal areas, habitats and species, including sharks and related species in the class *Chondrichthyes*, in conformity with the Constitution; Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 1998, as amended by Republic Act 10654; and Republic Act No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act;
- b. Ensure, for the benefit and enjoyment of the Filipino people, the judicious and wise utilization, protection, conservation and management on a sustainable basis of its coastal and fishery

- 1 resources with the necessity of maintaining a sound ecological
2 balance and protecting and enhancing the quality of the
3 environment;
- 4 c. Protect the rights of the small and marginal fishers in the
5 preferential 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
8 awareness of sustainable fisheries through appropriate education
9 and training;
- 10 e. Promote and adhere to the precautionary principle of conservation,
11 management and exploitation of living coastal and fishery resources
12 in order to assure the sustainable development of the coastal
13 environment. The absence of adequate scientific and technical
14 information should not be used as a reason for postponing or failing
15 to take conservation and management measures; and
- 16 f. Promote ecosystem-based fisheries management.

17 **SEC. 3. *Scope of Application.*** – The provisions of this Act shall be
18 enforceable in all Philippine waters including other waters over which the
19 Philippines has sovereignty and jurisdiction, and the country's 200 –
20 nautical mile Exclusive Economic Zone (EEZ) and continental shelf,
21 including protected areas under Republic Act No. 7586, otherwise known
22 as the National Integrated Protected System (NIPAS) Act, as amended by
23 Republic Act No. 11038; critical habitats; and all Philippine flagged
24 fishing vessels operating in areas governed by a Regional Fisheries
25 Management Organization, in the high seas, or in waters of other coastal
26 states.

27 **SEC. 4. *Jurisdiction of the Department of Agriculture.*** – The
28 Department of Agriculture (DA) shall have jurisdiction over the catching,
29 sale, purchase, possession, transportation, importation and exportation of
30 sharks, rays, and chimaeras, and all declared aquatic habitats. In the
31 Province of Palawan, jurisdiction herein conferred is vested on the
32 Palawan Council for Sustainable Development pursuant to Republic Act

1 No. 7611 insofar as the regulation over the activities described in the
2 foregoing paragraph.

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

10 The Department of Tourism (DOT) shall provide the necessary
11 assistance to the DA-BFAR and the LGUs in identifying shark ecotourism
12 sites.

13 CHAPTER II

14 DEFINITION OF TERMS

15 **SEC. 5. *Definition of Terms.*** – As used in this Act:

16 a. *Bycatch* refers to the incidental take of undesirable size or
17 age classes of the target species, or the incidental take of other non-target
18 species or protected, endangered, or threatened species;

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

25 c. *Critical Habitat* refers to a place or environment that
26 contains physical or biological features essential to its conservation;

27 d. *Finning* refers to the practice of removing and retaining
28 shark fins;

29 e. *Habitat* refers to the place or environment where species or
30 subspecies naturally occur or have naturally established their population;

31 f. *Non-detriment Finding (NDF)* refers to a science-based risk
32 assessment where the vulnerability of a species is considered in relation to
33 how well it is managed;

1 g. *Shark* refers to cartilaginous fishes belonging to the class
2 *Chondrichthyes*, which includes true sharks, skates, rays, and chimaeras;

3 h. *Shark Sanctuary* refers to designated area where sharks
4 cannot be caught;

5 i. *Traceability* refers to the ability to trace and follow food or a
6 substance intended to be or expected to be incorporated into a food or
7 product through all stages of fishing, production, processing and
8 distribution;

9 j. *Trade* refers to the act of engaging in the exchange,
10 exportation, importation, re-exportation, purchase or sale of sharks, their
11 derivatives or by-products, locally or internationally;

12 k. *Utilized bycatch* refers to non-target species that are traded
13 or consumed, in part or whole.

14 **CHAPTER III**

15 **ARTICLE I**

16 **CONSERVATION AND PROTECTION OF SHARKS, RAYS, AND**
17 **CHIMAERAS**

18 **SEC. 6. *Wildlife Information.*** – All activities, as subsequently
19 manifested under this Chapter, shall be authorized by the Secretary of the
20 Department of Agriculture, hereinafter referred to as “Secretary”, upon
21 proper evaluation of best available information or scientific data showing
22 that the activity is, or for a purpose, not detrimental to the survival of the
23 species or subspecies involved and/or their habitat. For this purpose, the
24 Secretary shall regularly update wildlife information through research.

25 **SEC. 7. *Sharks in Captivity.*** – No person or entity shall be
26 allowed possession of a shark unless such person or entity can prove
27 financial and technical capability and facility to maintain said specie:
28 *Provided*, That the shark was not obtained in violation of this Act, and the
29 source of stock is verifiable in order that mortality can be monitored
30 accurately. The DA-BFAR will develop husbandry and holding tank
31 standards as well as a permitting system for the keeping of sharks in
32 captivity.

1 **SEC. 8. *Tourism Interaction.*** – The DA-BFAR, within one (1)
2 year after the effectivity of this Act, shall develop human-shark
3 interaction guidelines in captivity as well as in the wild.

4 **SEC. 9. *Research Interaction.*** – The DA-BFAR, within one (1)
5 year after the effectivity of this Act, shall develop research and researcher
6 interaction guidelines for studies focusing on sharks, rays and chimaeras.

7 **SEC. 10. *Non-Detriment Findings (NDF).*** – The DA-BFAR,
8 within three (3) years after the effectivity of this Act, shall determine the
9 NDF for targeted and incidentally caught shark species.

10 **SEC. 11. *Collection and/or Possession of By-Products and***
11 ***Derivatives.*** – The collection and possession of shark, ray and chimaera
12 species shall only be allowed when the results of the NDF show that,
13 despite the extent of specie collection, the population of such species can
14 still remain viable and capable of recovering its numbers. For this
15 purpose, the DA-BFAR shall establish a schedule and volume of allowable
16 harvests.

17 **SEC. 12. *Handling and Release Practices.*** – The DA-BFAR,
18 within one (1) year after the effectivity of this Act, shall develop acceptable
19 fisheries handling and release guidelines for all types of protected and/or
20 unwanted sharks, rays and chimaeras based on the best available science
21 and safe release experience.

22 **SEC. 13. *Bycatch reduction measures and reporting***
23 ***mechanisms.*** – The DA-BFAR, within three (3) years after the effectivity
24 of this Act, shall provide technical and financial assistance on research for
25 gear restriction, and identify modified fishing gears to reduce shark
26 bycatch mortality. The DA-BFAR shall also develop a standard reporting
27 system for sharks that are bycatch.

28 **SEC. 14. *Release and Reporting of Bycatch.*** – Live sharks that
29 have not been assessed through the NDF shall be immediately released
30 unharmed to the sea. Dead sharks shall be handed over to the DA-BFAR
31 for proper documentation and disposal. Any incident must be reported to
32 the competent authority using the standard reporting system.

33

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

4 **SEC. 17. *Development of Target Reference Points (TRP) and***
5 ***Limit Reference Points (LRP).*** – The DA-BFAR shall, within three (3)
6 years from the effectivity of this Act, determine TRP and LRP based on
7 the results of national stock assessments and the precautionary principle.

8 **SEC. 18. *Catch Ceiling Limitations.*** – The DA-BFAR may
9 prescribe limitations or quota on the total quantity of sharks captures, for
10 a specified period of time and specified area based on the best available
11 evidence, harvest strategies, and target limits. Catch ceilings may be
12 established upon the concurrence and approval or recommendation of the
13 agency and the concerned LGU in consultation with the Fisheries Aquatic
14 and Resource Management Council (FARMC) for conservation or
15 ecological purposes.

16 **SEC. 19. *Establishment of Closed Season.*** – The Secretary may
17 declare, through public notice in at least two (2) newspapers of general
18 circulation or in public service announcements, whichever is applicable, a
19 closed season in any or all Philippine waters outside the boundary of
20 municipal waters and in bays, for conservation and ecological purposes:
21 *Provided*, That the declaration shall not be made five (5) days before the
22 start of such closed season; *Provided, however*, That the declaration shall
23 be done only upon the concurrence and approval or recommendation of the
24 concerned LGU and FARMC: *Provided further*, That in municipal waters,
25 fishery management areas and other areas reserved for the use of the
26 municipal fisherfolk, closed season may be established by the concerned
27 LGU in consultation with the FARMC for conservation or ecological
28 purposes. The FARMCs may also recommend the establishment of closed
29 seasons in municipal waters, fisheries management and other areas
30 reserved for the use of the municipal fisherfolk.

31 **SEC. 20. *Support to Fisherfolk.*** –The Department of Agriculture
32 (DA) and LGUs shall provide support to commercial and municipal
33 fisherfolk through appropriate technology and research, credit, production

1 and marketing assistance such as, training for additional/supplementary
2 livelihood.

3 **ARTICLE IV**

4 **TRACEABILITY**

5 All business operators identified in the supply chain of shark
6 trading and utilization shall cooperate with the DA-BFAR in carrying out
7 official controls, and shall have responsibilities including the following:

8 **SEC. 21. *Implementation of Traceability System.*** – Business
9 operators must operate traceability procedures for ingredients, raw
10 materials at all stages of production, processing, transport, storage and
11 distribution, and be able to (i) identify any person or business operator
12 that has supplied them with the species; (ii) identify any person or
13 business to which they have supplied their products; (iii) the products that
14 were supplied including quantity or volume, site of fishing grounds, specie,
15 and fishing gear used; and (iv) make this information available to DA-
16 BFAR and their consumers.

17 **SEC. 22. *Labeling or identification.*** – Business operators must
18 ensure that their products are adequately labeled or otherwise identified
19 through relevant documentation. They must also comply with the labeling
20 requirements of the country destination.

21 **CHAPTER IV**

22 **ILLEGAL ACTS**

23 **SEC. 23. *Illegal Acts.*** – Under this Act, it shall be unlawful for
24 any person to willfully and knowingly undertake the following acts:

25 a. Killing, taking, keeping captive, and trading vulnerable,
26 threatened, endangered, or critically endangered species, except
27 in the following instances;

28 (1) When it is done as part of the rituals of established tribal
29 groups or indigenous cultural communities;

30 (2) When the shark is afflicted with an incurable and/or
31 communicable disease;

32 (3) When the shark is killed or destroyed after it has been used
33 in authorized research or experiments.

- 1 b. Inflicting injury which cripples and/or impairs the reproductive
2 system of sharks;
3 c. Disturbing sharks and their habitats;
4 d. Effecting any of the following acts in critical habitats:
5 (1) Dumping of waste products detrimental to sharks;
6 (2) Squatting or otherwise occupying any portion of the critical
7 habitat;
8 (3) Mineral exploration and/or extraction;
9 e. Introducing, reintroducing, or restocking of shark species
10 without permits;
11 f. Finning;
12 g. Collecting, hunting, possessing, importing, exporting, or re-
13 exporting sharks, their by-products and derivatives without the
14 result of the NDF and full traceability at all stages, from
15 collection to production, processing, transport, storage, and
16 distribution;
17 h. Falsely advertising or mislabeling any product, which could
18 mislead consumers;
19 i. Obstruction of corridors; and
20 j. Use of shark wires.

21 CHAPTER V

22 FINES AND PENALTIES

23 SEC. 24. *Fines and Penalties.* –

- 24 a. Killing, taking, keeping in captivity, inflicting injury, harassing,
25 and trading vulnerable, threatened, endangered, or critically
26 endangered species:
27 (1) Imprisonment of two (2) years and one (1) day to four (4)
28 years and/or a fine of Thirty thousand pesos (P30,000) to
29 Three hundred thousand pesos (P300,000.00) per animal if
30 inflicted or undertaken against vulnerable species;
31 (2) Imprisonment of one (1) year and one (1) day to two (2) years
32 and/or a fine of Twenty thousand pesos (P20,000.00) to Two

- 1 hundred thousand pesos (P200,000) per animal if inflicted or
2 undertaken against other threatened species;
- 3 (3) Imprisonment of four (4) and one (1) day to six (6) years
4 and/or a fine of Fifty thousand pesos (P50,000.00) to Five
5 hundred thousand pesos (P500,000.00) per animal if inflicted
6 or undertaken against endangered species; and
- 7 (4) Imprisonment of a minimum of six (6) years and one (1) day
8 to twelve (12) years and/or a fine of One hundred thousand
9 pesos (P100,000.00) to One million pesos (P1,000,000.00) per
10 animal if inflicted or undertaken against species listed as
11 critically endangered.
- 12 b. Inflicting injury which cripples and/or impairs the reproductive
13 system of sharks: imprisonment of one (1) month to six (6)
14 months and /or a fine of Five thousand pesos (P5,000.00) to
15 Twenty thousand pesos (P20,000.00), if inflicted or undertaken
16 against other wildlife species.
- 17 c. Disturbing sharks and their habitats: imprisonment of one (1)
18 month to six (6) months and/or a fine of Five thousand pesos
19 (P5,000.00) to Twenty thousand pesos (P20,000.00) if inflicted or
20 undertaken against other wildlife species.
- 21 d. Effecting acts in critical habitat(s): For illegal acts under
22 paragraph (e) of the preceding section, the following penalties
23 and/or fines shall be imposed: an imprisonment of one (1) month
24 to eight (8) years and/or a fine of Five thousand pesos
25 (P5,000.00) to Five million pesos (P5,000,000.00) shall be
26 imposed.
- 27 e. Introducing, reintroducing, or restocking of shark species
28 without permits: an imprisonment of one (1) month to eight (8)
29 years and/or a fine of Five thousand pesos (P5,000.00) to Five
30 million pesos (P5,000,000.00) shall be imposed.
- 31 f. Finning.
- 32 Upon a summary finding of administrative liability, the owner,
33 operator, boat captain and master fisherman of the vessel, or the chief

1 executive officer in a corporation, or the managing partner in a
2 partnership shall be punished with confiscation of the catch and fishing
3 gears, and a fine three (3) times the value of the catch or the value
4 indicated below, whichever is higher:

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

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

18 g. Collecting, hunting, possessing, importing, exporting, or re-
19 exporting sharks, their by-products and derivatives without the
20 result of the NDF and full traceability, at all stages, from
21 collection to production, processing, transport, storage, and
22 distribution.

23 Failure on the part of the shipping or forwarding company from
24 whose possession the fish or fishery species imported or exported are
25 discovered or seized to fully cooperate in the investigation conducted by
26 concerned government authorities shall create a presumption that there is
27 connivance or conspiracy between the shipping company and the shipper
28 to perpetrate the aforementioned offense.

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

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

7 h. Falsely advertising or mislabeling any product, which could
8 mislead consumers;

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

15 Upon a summary finding of administrative liability, the offender
16 shall be punished with an administrative fine of five (5) times the value of
17 the species or Three hundred thousand pesos (P300,000.00) to Five
18 hundred thousand pesos (P500,000.00), whichever is higher, and forfeiture
19 and/or destruction of the 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 administrative
22 fine, forfeiture and/or destruction of the species: *Provided*, That offenders
23 shall be banned from being members or stockholders of companies
24 currently engaged in fisheries or companies to be created in the future, the
25 guidelines for which shall be promulgated by the Department.

26 i. Obstruction of corridors;

27 Upon a summary finding of administrative liability, the offender
28 shall be punished with an administrative fine of One hundred fifty
29 thousand pesos (P150,000.00) to Five hundred thousand pesos
30 (P500,000.00), dismantling of the obstruction at the expense of the
31 offender, and the suspension or revocation of the permit or license.

32 j. Use of shark wires.

1 Department of Agriculture, in coordination with the Department of Trade
2 and Industry, Department of Tourism, and the Committees on
3 Environment and Ecology of the Senate and the House of Representatives,
4 respectively, shall promulgate respective rules and regulations for the
5 effective implementation of this Act. Whenever appropriate, coordination
6 in the preparation and implementation of rules and regulations on joint
7 and inseparable issues shall be done by the Departments. The
8 commitments of the State to international agreements and protocols shall
9 likewise be a consideration in the implementation of this Act.

10 **SEC. 28. Appropriations.** – The DA shall immediately include in
11 the Department’s program the implementation of this Act, the funding of
12 which shall be included in the annual General Appropriations Act.

13 **SEC. 29. Information and Education.** – The BFAR, DENR,
14 DOT, DTI, LGUs, and other academic institutions shall undertake a
15 nationwide information and education campaign to adequately inform the
16 populace of the value of sharks and rays in the marine ecosystem, and of
17 the importance of preserving their respective habitats and feeding
18 grounds.

19 **SEC. 30. Separability Clause.** – If any section or provision of this
20 Act is held unconstitutional or invalid, the remaining sections or
21 provisions with the provisions not affected thereby shall continue to be in
22 full force and effect.

23 **SEC. 31. Repealing Clause.** – All laws, decrees, executive orders,
24 rules and regulations, issuances or parts thereof inconsistent with the
25 provisions of this Act are hereby repealed or modified accordingly.

26 **SEC. 32. Transition Period.** – Due to the substantially new
27 requirement imposed by this Act, a transition period of three (3) years
28 from its entry into force is provided.

29 During the transition period, sharks, their by-products, and
30 derivatives may be sold and traded, and stocks that have been produced
31 before the end of the transitional period may continue to be sold or
32 exported until exhausted.

1 **SEC. 33. *Effectivity.*** – This Act shall take effect fifteen (15) days
2 after its publication in the Official Gazette or in a newspaper of general
3 circulation.

4 Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FACT SHEET

House Bill No. 8926

**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**

Introduced by: Rep. Gloria Macapagal Arroyo
Committee Referral: Committee on Natural Resources,
Committee Chairperson: Rep. Rodrigo A. Abellanos

OBJECTIVES:

- To address the problem of marine wildlife extinction and achieving a balance between human needs and the integrity of the Philippine marine ecosystem
- To provide for the conservation of sharks, and related classes, and the threats to their existence

KEY PROVISIONS:

- Confers on the Department of Agriculture the jurisdiction over the regulation of the consumption and preservation of sharks, rays and chimaeras in all Philippine waters
- Mandates for the protection of vulnerable, endangered and critically endangered species through several means, including the identification of species that are threatened
- Mandates the Department of Agriculture-Bureau of Fisheries and Aquatic Resources to provide for regulations and guidelines for human-shark interaction in captivity and in the wild
- Provides administrative and criminal penalties for certain acts related to sharks, rays and chimaeras

RELATED LAWS:

- Republic Act No. 9147, or the Wildlife Resources Conservation and Protection Act
- Convention on Biological Diversity
- Convention on the International Trade in Endangered Species
- Convention on the Conservation of Migratory Species