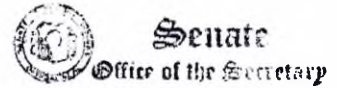


**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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SENATE

RECEIVED BY:

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S.B. No. 1052

Introduced by SEN. WIN GATCHALIAN

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

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 these marine species.

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

Numerous laws have been put in place to protect our environment and its flora and fauna. The 1987 Constitution provides that, "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Republic Act No. 9147 or the "Wildlife Resources Conservation and Protection

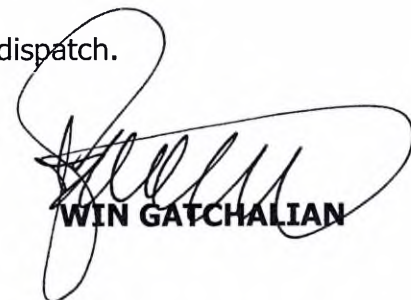
Act", recognize the need "to conserve the country's wildlife resources, their habitats and sustainability," and to work towards and initiate scientific studies towards enhancement of biological diversity. Republic Act No. 8550, also known as "The Fisheries Code," declares as a policy the "conservation, protection and sustained management of the country's fishery and aquatic resources," while E.O. no. 578 makes it a policy to protect and conserve biodiversity of ecosystems, species and genes.

Our domestic laws also acknowledge our commitment to international conventions for the protection of wildlife and their habitats, such as the Convention on International Trade on Endangered Species of Wild Flora and Fauna¹, which seeks to ensure that the survival of wild animals and plants are not threatened due to international trade. The same Convention also describes shark species as either threatened with extinction or those whose trade must be controlled to avoid utilization that is incompatible with their survival.

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, due to over-fishing for human consumption. According to the World Wildlife Fund report², the total value of shark and ray trade in the period of 2012 to 2019 exceeds US\$4.1 billion.

As they reproduce slowly, sharks and rays are in danger of becoming extinct if we do not proactively protect them. Through this proposed measure, we hope to conserve the integrity of the Philippine marine ecosystem.

As such, I urge that this measure be passed with dispatch.



WIN GATCHALIAN

¹ Ratified in August 1981

² Simone Nieedermuller, et al., The Shark and Ray Meat Network: A Deep Dive into a Global Affair (2021); https://sharks.panda.org/images/downloads/392/WWF_MMI_Global_shark__ray_meat_trade_report_2021_lowres.pdf



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S.B. No. 1052

Introduced by SEN. WIN GATCHALIAN

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

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Sharks and Rays
2 Conservation Act”.

3

4 SEC. 2. *Declaration of Policy.* – It is a declared policy of the State to conserve,
5 protect and sustain the management of the country’s fisheries and aquatic resources,
6 including sharks and rays. Towards this end, the State shall adhere and promote the
7 principle of conservation, management, and exploitation of living coastal and fishery
8 resources, especially sharks and rays and their habitats, to assure the sustainable
9 development of the coastal environment and prevent their endangerment.

10

11 SEC. 3. *Prohibited Acts.* - It shall be unlawful to willfully and knowingly catch,
12 kill or keep captive sharks and rays in Philippine waters, or to sell, purchase, possess,
13 collect, transport, import, export, or re-export the same in any state, condition or
14 form, or any part thereof. It shall likewise be unlawful to harass, disturb or hunt
15 sharks and rays, and their habitats.

1 Unless there is a threat to human life and limb, it shall also be unlawful to
2 harm, wound or kill sharks and rays, even if done in the course of catching other
3 species of fish. Sharks and rays, which are accidentally included in the catch shall be
4 immediately released unharmed in the sea.

5 To eliminate the demand that results in the massive killing of sharks and rays,
6 the offering, selling, and serving of shark or ray meat, including fins, by-products and
7 derivatives, and cooked or uncooked food containing or using shark or ray meat, fins,
8 by-products and derivatives in its preparation or final product, in any market,
9 restaurant, food stall or similar establishments shall be prohibited. For this purpose,
10 the Department of Trade and Industry (DTI) shall prepare a phase-out plan for the
11 offer, sale and serving of food using shark or ray meat, including fins, by-products
12 and derivatives in restaurants, food stalls and similar establishments, and advise
13 owners of these establishments on the matter.

14 It shall also be prohibited to falsely advertise or mislabel as to the content or
15 use of shark or ray meat, its fins, by-products and derivatives in any product that
16 could mislead consumers, shipping or forwarding companies. Failure on the part of
17 the shipping or forwarding company from whose possession the shark or ray meat,
18 fins, by-products or derivatives are discovered or seized to fully cooperate in the
19 investigation conducted by concerned government authorities shall create a
20 presumption of connivance or conspiracy between the shipping company and the
21 shipper to perpetrate the aforementioned offense.

22
23 *SEC. 4. Implementation.* - The Department of Agriculture (DA), through the
24 Bureau of Fisheries and Aquatic Resources (BFAR), the Department of Tourism
25 (DOT), and the DTI, referred herein as "implementing agencies" shall lead and
26 coordinate in the implementation, enforcement, and monitoring of compliance with
27 the provisions of this Act. The Philippine Coast Guard, the Philippine National Police
28 (PNP), other law enforcement agencies, and local government units (LGUs) shall
29 likewise assist in the implementation of this Act.

30 The DA, through the BFAR, and the Department of Environment and Natural
31 Resources (DENR) shall take steps to issue the necessary orders to list all sharks and
32 rays as endangered species.

1 The DOT and the Philippine Council for Sports Scuba Diving shall also
2 coordinate with the DENR, BFAR, and the LGUs to identify the habitats and feeding
3 grounds of sharks and rays and declare the same as protected tourism estates. Upon
4 the identification of these areas, they shall be promoted for restorative eco-tourism.
5

6 SEC. 3. *Information and Education.* - The Department of Education,
7 in cooperation with other academic institutions, such as the UP Marine Science
8 Institute, and Silliman Marine Laboratory, shall undertake a nationwide information
9 and education campaign to make Filipinos understand the value of sharks and rays
10 in the marine eco-system and to tourism.
11

12 SEC. 4. *Assistance and Regular Reporting.* - The implementing agencies shall
13 seek the assistance of the PNP, other law enforcement agencies and local government
14 units for the implementation of this Act, and jointly report to the Office of the
15 President every month on the progress of the initiative.
16

17 SEC. 5. *Penal Provisions.* - Any person who violates this Act or any rules and
18 regulations issued by the implementing agencies pursuant to this Act and is found
19 guilty by the competent court shall be fined an amount of not less than Five
20 Thousand Pesos (Php5,000.00) but not more than Five Hundred Thousand
21 Pesos (Php500,000.00), or suffer imprisonment for one (1) year but not more than
22 six (6) years, or both, as determined by the court. The offender shall also be
23 required to compensate for the damage. *Provided* further, That the court shall
24 order the forfeiture of all shark and ray products collected, including all
25 equipment, devices and firearms used in connection therewith, in favor of the
26 government. If the offender is an association or a corporation, the president or
27 manager shall be directly responsible for the acts of his employees or laborers.
28

29 SEC. 6. *Separability Clause.* - Should any part of this Act be declared
30 invalid or unconstitutional, the rest of the provisions of this Act shall continue
31 to be in effect and subsisting.
32

1 SEC. 7. *Repealing Clause.* - Any law, executive order, letter of
2 instruction, rules and regulations, circulars, issuances or any part thereof
3 inconsistent with any of the provision of this Act is hereby repealed, modified
4 or amended accordingly.

5
6 SEC. 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days
7 after its publication in the *Official Gazette* or in at least two (2) newspapers of
8 general circulation.

Approved,