

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS

First Regular Session

House Bill No. 5253



INTRODUCED BY REP. PM VARGAS

AN ACT
REGULATING THE AQUARIUM AQUATIC LIFE TRADE AND INDUSTRY

EXPLANATORY NOTE

The Constitution, Article II, Section 16 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.”

The aquarium trade is one of the prevalent industries in the country that is often overlooked. The Philippines is one of the largest exporters of wild reef fish for aquarium trade. Thus, it provides livelihoods across the country. However there exists concerns of overharvesting, dangerous fishing techniques, and unregulated trading which put our marine life and biodiversity at risk.¹

According to the World Wildlife Fund (WWF), fisherfolk have turned from supplying the fish-for-food trade to the fish-for-aquarium trade because it is lucrative. The marine aquarium trade has been reported to be worth about \$200 million a year.² However, there currently exists no regulations in the Philippines covering the collection of aquarium aquatic life and no restrictions on the number of collectors who can operate³.

¹ Turley, Rebecca. 2017. “Policy, Practice and Perceptions: Understanding governance of aquarium fishing in the Philippines”. Lancaster University.
https://eprints.lancs.ac.uk/id/eprint/125069/2/2018_RebeccaTurley_MSbyresearchEnvironmentalScience.pdf (Retrieved Online 25 September 2022)

² National Geographic. 2016. “The Horrific Way Fish are Caught for your Aquarium”
<https://www.nationalgeographic.com/animals/article/160310-aquarium-saltwater-tropical-fish-cyanide-coral-reefs> (Retrieved Online 25 September 2022)

³ Duco, Rico Jr.; Vallejo, Benjamin, Jr. n.d. “Improving the Current Policies of the Marine Aquarium Trade in the Philippines” <http://copag.msu.ac.th/journal/filesjournal/3-1/2010201642954no-3-1-7.pdf> (Retrieved Online 25 September 2022)

The aquarium aquatic life collecting industry must be regulated to ensure the health of the country's coral reefs and marine biodiversity. The industry of harvesting fish and other marine creatures for home, ornamental, and commercial aquariums remain largely unregulated, raising serious environmental concerns.

This bill seeks to regulate the aquarium aquatic life collecting industry by implementing prohibitions and a system of fines for violators. It is the hope of this measure to protect and enrich the abundant marine biodiversity of the country in the long term while maintaining a sustainable harmony between economic livelihood and environmental protection.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



REP. PM VARGAS

Fifth District, Quezon City

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

SECTION 1. Short Title. – This Act shall be known as the “*Aquarium Trade Regulation Act.*”

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to give the highest priority to the protection of the environment, particularly marine life. Towards this end, this Act shall regulate the aquarium aquatic life collecting industry to ensure the health of the country’s coral reefs and aquatic life.

SECTION 3. Definition of Terms. – In this Act, the term –

- a) “Aquarium collecting gear” means any equipment used to collect aquarium fish or animals including, but not limited to, hand nets, fence or barrier nets, fiberglass or “tickle sticks”, catch buckets, keeps, or baskets;
- b) “Aquarium purpose” means to hold saltwater fish, freshwater non-game fish, or other aquatic life alive in a state of captivity as pets, for scientific study, or for public exhibition or display, or for sale for these purposes. Saltwater fish, freshwater non-game fish, or other aquatic life held alive in a state of captivity as food for human consumption shall not be considered an aquarium purpose;
- c) “Collect” means to take, catch, harvest, or confine, or to attempt to take, catch, harvest, or confine aquatic life. The use of any aquarium collecting gear to take, catch, capture, harvest, or confine, or to attempt to take, catch, capture, harvest, or confine aquatic life by any person who is on or about the shores of the Philippines or in a vessel in Philippine waters shall be construed as collecting under this section; and

- d) “Department” means the Department of Environment and Natural Resources.

SECTION 4. *Aquarium Aquatic Life Selling Permit.* – No natural person, corporation, partnership, association, or any other entity shall sell, trade, or distribute aquarium aquatic life for aquarium purposes without a permit from the Department of Environment and Natural Resources.

SECTION 5. *Approved Aquarium Collecting List of Aquatic Species.* –

- a) The Department shall develop and maintain an approved aquarium collecting list of aquatic species. No aquatic species shall be collected or sold for aquarium purposes unless the species appears on the approved aquarium collecting list.
- b) The approved aquarium collecting list shall only include species that are shown by a Department or other government agency study to meet the following criteria:
 - 1) The species can survive capture, transport, and captivity for at least one hundred eighty (180) days;
 - 2) Based on historical evidence, the species is part of a stable or increasing population trend in the area where the species is being collected;
 - 3) The removal of the species does not negatively impact the reef ecosystem by contributing to algae overgrowth for herbivores, parasite overload on other reef fishes for cleaner wrasses and cleaner shrimps, or other harmful effects;
 - 4) The species is not endemic to the Philippines;
 - 5) The species is not endangered or vulnerable, as classified by the Department in accordance with laws, international conventions, or rules and regulations; and
 - 6) Such other criteria as may be prescribed by the Department.
- c) The Department may recognize indigenous Philippine traditional and customary rights with regard to marine resources for subsistence, cultural, or religious purposes.
- d) The Department shall inform all permit holders under section 4 of the species included in the aquarium collecting list and the penalties for failure to comply with the restrictions regarding the collection of aquatic life.

SECTION 6. *Penalties.* –

- a) Any natural person, corporation, partnership, association, or any other entity that collects aquatic life not on the approved aquarium collecting list shall be fined not less than Five Thousand Pesos (P5,000.00) for each specimen collected. If the specimen is an endangered or vulnerable species as classified by the Department, the fine shall not be less than Fifty Thousand Pesos (P50,000.00) for each endangered species collected.

- b) Any natural person, corporation, partnership, association, or any other entity that sells aquatic life not on the approved aquarium collecting list shall be fined not less than Twenty Thousand Pesos (P20,000.00) for each specimen sold. If the specimen is an endangered or vulnerable species as classified by the Department, the fine shall not be less than One Hundred Thousand Pesos (P100,000.00) for each endangered species sold.
- c) Any natural person, corporation, partnership, association, or any other entity that sells aquatic life without the permit referred in section 4 shall be fined Ten Thousand Pesos (P10,000.00) for each day of violation.
- d) The imposition of penalties under this Act shall not bar the prosecution of the offender under the Revised Penal Code or special laws.

SECTION 7. *Implementing Rules and Regulations.* – The Secretary of the Department of Environment and Natural Resources shall promulgate the necessary rules and regulations to implement this Act.

SECTION 8. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,