

DEFINING ILLEGAL FISHING AND PRESCRIBING STIFFER PENALTIES THEREFOR

PRESIDENTIAL DECREE NO. 534, August 08, 1974

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WHEREAS, the productive potentialities of the vast fishing grounds and other fishery resources in the country upon which the people depend as major and cheap source of food are being greatly reduced through the employment of various methods of illegal fishing;

WHEREAS, loss of human lives oftentimes occur and varied diseases and ailments are suffered by those who partake of fish and fishery products which have been illegally caught or gathered;

WHEREAS, in the interest and welfare of the people who depend mostly upon fish and sea or marine products for their daily food, positive steps must be adopted by the government through interrelated programs and projects including subsidiary laws and measures towards the implementation thereof.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order to be part of the law of the land, the following:

SECTION 1. Definition of Terms.—For purposes of this Decree, the following terms are denned:

- Philippine Waters.—include all bodies of water within Philippine Territory, such as rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing, or which may hereafter exist in the provinces, cities, municipalities, municipal districts, and barrios; and the sea or fresh water around, between and connecting each of the islands of the Philippine Archipelago, irrespective of its depth, breadth, length and dimension, and all other waters belonging to the Philippines by historic or legal title, including the territorial sea, the seabed, the insular shelves and other submarine areas over which the Philippines has sovereignty or jurisdiction.
- Fish and Fishery/Aquatic Products.—fish includes all fishes and other aquatic animals such as crustaceans (crabs, prawns, shrimps and lobsters), mollusks (clams, mussels, scallops, oysters, snails and other shellfish). Fishery/aquatic products include all products of aquatic resources in any form.
- Fishing with the use of Explosives.—means the use of dynamite, other explosives, or chemical compound that contain combustible elements or ingredients that, upon ignition by friction, concussion, percussion, or detonation of all or parts of the compound, kill, stupefy, disable or render unconscious any fish or fishery/aquatic product. It shall also refer to the use of any other substance and/ or device that causes explosion capable of producing the said harmful effects on fish or fishery/aquatic products.
- Fishing with the use of Obnoxious or Poisonous Substance.—means the use of any substance or chemical, whether in raw or processed form, harmful or harmless, which kill, stupefy, disable, or render unconscious fish or fishery/ aquatic products.
- Electro-fishing.—means the use of electricity generated by dry cell batteries, electric generators or other source of electric power to kill, stupefy, disable or render unconscious fish or fishery/aquatic products. It shall include the

use of rays or beams of whatever nature, form or source of power.

- Violations of Rules and Regulations.—means violations of Fisheries Administrative Orders, rules and regulations promulgated by the Secretary of Natural Resources.

- Persons.—include natural and juridical persons, unless the context intends otherwise.

SEC. 2. Prohibition.—It shall be unlawful for any person to catch, take or gather or caused to be caught, taken or gathered fish or fishery/aquatic products in Philippine waters with the use of explosives, obnoxious or poisonous substances or by the use of electricity: Provided, That the Secretary of Natural Resources may, subject to such safeguards and conditions he deems necessary, allow for research, educational or scientific purposes only the use of explosives, obnoxious or poisonous substances or electricity to catch, take or gather fish or fishery/aquatic products in specified areas.

SEC. 3. Penalties.—Violations of this Decree and the rules and regulations mentioned in paragraph (f) of Section 1 hereof shall be punished as follows:

- by imprisonment from 10 to 12 years, if explosives are used: Provided, That if the explosion results (1) in physical injury to any person, the penalty shall be imprisonment from 12 to 20 years, or (2) in the loss of human life, then the penalty shall be imprisonment from 20 years to life, or death;

- by imprisonment from 8 to 10 years, if obnoxious or poisonous substances are used: Provided, That if the use of such substances results (1) in physical injury to any person, the penalty shall be imprisonment from 10 to 12 years, or (2) in the loss of human life, then the penalty shall be imprisonment from 20 years to life, or death;

- by imprisonment from 6 months to 4 years, or by a fine of from P500 to P5,000 for violation of rules and regulations mentioned in paragraph (f) of Section 1 hereof.

If the violation is committed by a partnership, association or corporation; the managing partner or director or president who ordered or allowed the violation to be committed shall be liable together with the person who actually committed the prohibited acts.

SEC. 4. Dealing in illegally caught fish or fishery/aquatic products. —Any person who knowingly possesses, deals in, sells, or in any manner disposes of, for profit, any fish, fishery/aquatic products which have been illegally caught, taken or gathered shall, upon conviction by a competent court, be punished by imprisonment from 2 to 6 years.

SEC. 5. Repealing clause. —Act No. 4003, as amended, Republic Act No. 6451, laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with this Decree are hereby repealed or modified accordingly.

SEC. 6. Effectivity.—This Decree shall take effect upon its promulgation.

Done in the City of Manila, this 8th day of August, in the year of Our Lord, nineteen hundred and seventy-four.

(Sgd.)

FERDINAND E. MARCOS

President of the Philippines

By the President:

(Sgd.)

ALEJANDRO MELCHOR

Executive Secretary

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