

PROVIDING FOR THE EXPLORATION, EXPLOITATION, UTILIZATION AND CONSERVATION OF CORAL RESOURCES.

PRESIDENTIAL DECREE NO. 1219, October 14, 1977

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WHEREAS, coral resources are known to exist beneath territorial waters and in the marine economic zone of the Philippines;

WHEREAS, the exploitation of these resources, especially the precious coral varieties, will bring revenue to the country and generate employment in the processing and utilization of these resources;

WHEREAS, it is necessary that the exploration, exploitation, utilization and conservation of these resources be properly regulated to ensure the preservation of the country's marine environment;

WHEREAS, conservation of ordinary corals is necessary for the preservation of the natural breeding ground, habitat or abode of fishes and other marine organisms;

WHEREAS, ordinary corals are natural protection of the adjacent infrastructures against destructive effects of wave erosion;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby promulgate the following:

SECTION 1. Title—This Decree shall be called "THE CORAL RESOURCES DEVELOPMENT AND CONSERVATION DECREE".

SEC. 2. Declaration of Policy.—It is hereby declared to be the policy of the State to promote and regulate the exploration, exploitation, utilization and conservation of coral resources, whether existing beneath territorial waters or in the marine economic zone of the Philippines, and to ensure the protection of these resources as provided for under other existing laws.

SEC. 3. Definition of Terms.—As used in this Decree the following terms are defined as follows:

(a)

PERSON

—includes a natural or juridical person.

(b)

CORAL

— consists of small anemone-like organisms belonging to Phylum coelenterata which secrete their own skeletons of various forms that may be hard, soft, stony or horny, and shall include the following:

(i)

Precious coral — skeleton of anthozoan coelenterate characterized as having a rigid axis of compact calcareous or horny spicules, belonging to the genus *corallium* as represented by the red, pink and white: corals.

(ii)

Semi-precious coral skeleton of anthozoan coelenterate characterized by a thorny, horny axis, such as the *Antipatharia* as represented by the black corals.

(iii)

Ordinary coral — all kinds of coral other than precious and semi-precious coral.

(c)

EXPLORATION

— the preliminary surveys and random sampling within a concession area.

(d)

EXPLOITATION — the actual extraction, gathering and collection in accordance with acceptable coral development and conservation practices.

(e)

UTILIZATION

— all operations involved in the manufacture, processing or conversion of raw corals into finished products.

(f)

CONSERVATION — the complete preservation or limited harvesting of coral resources in such a way as not to adversely affect the sustained productivity of marine ecosystems.

(g)

CONCESSIONAIRE — the person to whom a concession has been granted or awarded under the provisions of this Decree.

(h)

FINISHED PRODUCTS — processed and manufactured coral articles of trade and commerce in a form that may be immediately utilized by the end-user or consumer such as, but not limited to, jewelries or decorative articles.

SEC. 4. Implementing Agency.—This Decree shall be implemented by the Secretary of Natural Resources, who shall have jurisdiction and responsibility in the exploration, exploitation, utilization and conservation of coral resources.

SEC. 5. Ordinary Coral.—The gathering, harvesting, collecting and or exporting of ordinary coral is prohibited: Provided, however, That from time to time certain species in selected areas may be excluded from this prohibition upon recommendation and subject thereafter, to certain conditions that may be imposed by the Secretary of Natural Resources.

SEC. 6. Special Permit.—The Secretary of Natural Resources may issue special permit to any person or institution to gather in limited quantities any coral scientific or educational purposes.

SEC. 7. Concession.—The exploration, exploitation and utilization of precious and semi-precious coral resources may be made only upon the award of a concession by the Secretary of Natural Resources.

SEC. 8. Concessionaire.—A concessionaire shall be a Filipino citizen or corporation or partnership at least seventy (70%) percent of the capital stock of which is owned or controlled by Filipinos. However, such concessionaire may enter into a service contract with a foreigner or foreign-owned entity to conduct operations under this Decree pursuant to a duly awarded concession.

Vessels to be used for such operations shall be of Philippine registry: Provided, That if foreign vessels are used, prior clearance or permit from appropriate government agencies shall be obtained.

Concession for precious coral shall be awarded by the Secretary of Natural Resources to the applicant, who on his own or in joint venture with others, possesses the technical and financial capability to put up a processing plant in the Philippines.

SEC. 9. Export of Precious and Semi-Precious Coral.— Exportation of precious and semi-precious coral gathered is hereby prohibited, unless such corals are first processed and manufactured into finished products in the Philippines.

SEC. 10. Rules and Regulations.—The Secretary of Natural Resources shall promulgate the rules and regulations to implement effectively the provisions of this Decree.

SEC. 11. Penalties.—Any person gathering precious or semi-precious corals without an awarded concession shall, upon conviction, be punished by imprisonment of not less than sixty (60) days or more than six (6) years or a fine of not less than Six Thousand (P6,000.00) Pesos, or both at the discretion of the court. Likewise, any person gathering, harvesting, collecting and or exporting ordinary corals in violation of Section 5 hereof, or exporting precious and semi-precious corals in violation of Section 9 hereof, shall, upon conviction, be punished by imprisonment of not less than thirty (30) days nor more than three (3) years or a fine of not less than Three Thousand (P3,000.00) Pesos, or both at the discretion of the court : Provided, That the penalties herein prescribed shall be without prejudice to the confiscation by the Government of the corals illegally gathered together with the vessel, the gear and paraphernalia used therein. Confiscation shall also cover attempted illegal exportation of corals.

SEC. 12. Repealing Clause.—All laws, executive orders and regulations inconsistent with the provisions of this Decree are hereby repealed or modified accordingly.

SEC. 13. Transitory Provisions.—All possessor of existing coral stocks gathered prior to the effectivity of this Decree are required to submit within one (1) month from the approval of said Decree to the Secretary of Natural Resources, a sworn statement indicating the quantity, kind, state (raw or processed) and location of such stock, subject to verification.

SEC. 14. Effectivity.—This Decree shall take effect upon its approval.

Done in the City of Manila, this 14th day of October, in the year, of Our Lord, nineteen hundred and seventy-seven.

(Sgd.) FERDINAND E. MARCOS

President
Republic of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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