

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

FIFTEENTH CONGRESS
First Regular Session

House Resolution No. 1233

Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay**

RESOLUTION
DIRECTING THE COMMITTEE ON AQUACULTURE AND FISHERIES
RESOURCES TO CONDUCT AN INQUIRY IN AID OF LEGISLATION INTO THE
CONTINUING ILLEGAL EXPORTATION AND EXPLOITATION OF PHILIPPINE
CORALS, AS WELL AS THE DEGRADATION OF PHILIPPINE CORAL REEFS

WHEREAS, the State is mandated by our Constitution to "protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone", such wealth being an essential aspect of our national patrimony;

WHEREAS, the nation's beautiful coral reefs, formed over the course of hundreds or even thousands of years, are an integral part of that marine wealth, a breeding ground for fishes and other marine organisms, a breakwater for islands, the source of much of the diversity of sea life, and an attraction for tourists who come from far and wide to pay homage to the vibrant life of our reefs;

WHEREAS, the country's corals cover about 25,000 square kilometers of our national territory, which in turn form part of the Coral Triangle, a zone that sustains the livelihoods of nearly 130 million people and which harbors about three-quarters of all known coral species, as well as over 3,000 species of reef fish;

WHEREAS, as early as 1977, our coral resources have been under the protection of the State, as can be seen from the provisions of Presidential Decree No. 1219, otherwise known as "The Coral Resources Development and Conservation Decree" (as amended):

Section 5. Ordinary Coral. - The gathering, harvesting, collecting, transporting, possession, sale and/or exporting of ordinary corals either in raw or processed form in any quantity, is prohibited. The use of corals as materials in buildings and other man-made structures, such as but not limited to piers, dams and dikes, is likewise prohibited.

Section 6. Gratuitous Permit. - The Minister of Natural Resources may issue a gratuitous permit to duly established and recognized research and educational institutions to gather in limited quantities any coral for scientific or educational purposes only.

Section 7. (and Section 8, as amended) Special Permit. - The Minister of Natural Resources may issue a special permit to only one person/corporation for a limited issue to conduct experimental collection of precious and semi-precious corals.

The applicant for a special permit must be a Filipino citizen, or a corporation, at least seventy (70) per cent of the capital stock of which is owned or controlled by Filipinos. Vessels to be used for such operations shall be of Philippine registry. Provided, That if foreign vessels are used, prior clearance from the government agencies concerned shall first be obtained.

Section 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.

WHEREAS, even under PD No. 1219, it was clear that exportation of raw coral for commercial purposes was prohibited, the special permits only covering limited quantities for scientific, experimental, or educational purposes;

WHEREAS, acknowledging the need to protect and conserve our coral reefs, the Philippine Fisheries Code of 1998 expanded the ban on coral exploitation and exploration:

Section 91. Ban on Coral Exploitation and Exportation. - It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary precious, and semi-precious corals, whether raw or in processed form, except for scientific or research purposes...

WHEREAS, the prohibition under the Philippine Fisheries Code has been buttressed by issuances from the Department of Agriculture, particularly Fisheries Administrative Order No. 202, Series of 2000:

SEC. 2. Prohibition. – It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary, precious and semi-precious corals whether in raw or in processed form.

SEC. 3. Exception. – The Secretary of Agriculture through the Director of Fisheries and Aquatic Resources may, however, issue a special permit to research institutions to gather any coral in limited quantities for scientific or research purposes, except those coral species listed in CITES appendix.

WHEREAS, despite this clear and blanket prohibition, more than three tons of illegally harvested corals were seized in the vicinity of Cebu during the past two months alone, according to articles from Sun Star Cebu ["Corals Seized from Barangay Captain" (March 10, 2011); "P2M Batch of Corals Seized in Cebu" (March 31, 2011); "P1M in Corals Found (April 19, 2011)];

WHEREAS, recent news articles, including an April 9, 2011 article in the Asian Correspondent, point to the existence of foreign corporations, particularly an American firm called "Shell Horizons", openly engaged in the bulk sale of illegally exported corals, in blatant disregard of their acquisition in violation of Philippine law and the provisions of the Convention on International Trade in Endangered Species of Wild Flora and Fauna;

WHEREAS, Shell Horizons identifies itself as the "Largest Wholesaler of Seashells and Seashell Products, Finest Quality Seashells and Souvenirs" in the United States, a statement which clearly shows that the firm is engaged in commercial enterprise, and not research or education;

WHEREAS, any permit that could be issued to allow the gathering of corals would not only be for non-commercial purposes, but also for limited quantities, which is at odds with any "wholesale" appropriation and export of the same, regardless of purpose;

WHEREAS, the evidence of frequent and flagrant violation on the ban on coral exploitation and exportation reveals a void in the existing legal and/or enforcement framework, which must be addressed without delay;

WHEREAS, the urgency of the task at hand is emphasized by the fact that at present, only about 5% coral reefs remain in excellent condition, and even those not in danger from human hands are threatened by coral bleaching caused by climate change, the past year having seen the biggest bleaching to occur in Philippine seas since 1998;

NOW THEREFORE BE IT RESOLVED THAT, the House of Representatives direct the Committee on Aquaculture and Fisheries Resources to conduct an inquiry in aid of legislation into the continuing illegal exportation and exploitation of Philippine corals, as well as the degradation of Philippine coral reefs.

Adopted,