

PRESIDENTIAL DECREE NO. 1058

DATE: December 1, 1976

AMENDING PRESIDENTIAL DECREE NO. 704, DATED MAY 16, 1975, BY INCREASING THE PENALTIES FOR CERTAIN FORMS OF ILLEGAL FISHING, DEALING IN ILLEGALLY CAUGHT FISH OR **FISHERY**/AQUATIC PRODUCTS, AND FOR OTHER PURPOSES

WHEREAS, fish, **fishery** and other aquatic products constitute a cheap and major food resource for the Philippine population;

WHEREAS, there is a need to increase the penalties for certain acts prohibited by existing penal laws for a more effective protection of the nation's fish resources;

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

Sec. 1. The first paragraph of Section 33 of Presidential Decree No. 704, dated May 16, 1975, is hereby modified to read as follows:

Sec. 33. Illegal fishing; illegal possession of explosives intended for illegal fishing dealing in illegally caught fish or **fishery**/aquatic products. - It shall be unlawful for any person to catch, take or gather or cause to be caught, taken or gathered fish or **fishery**/aquatic products in the Philippine waters with the use of explosives, obnoxious or poisonous substance, or by the use of electricity as defined in paragraphs (1), (m) and (d), respectively, of Sec. 3 hereof: Provided, That mere possession of such explosives with intent to use the same for illegal fishing as herein defined shall be punishable as hereinafter provided: Provided, That the Secretary may, upon recommendation of the Director and subject to such safeguards and conditions he deems necessary, allow for research, educational or scientific purposes only, the use of explosives, obnoxious or poisonous substance or electricity to catch, take or gather fish or **fishery**/aquatic products in specified area: Provided, further, That the use of chemicals to eradicate predators in fishponds in accordance with accepted scientific **fishery** practices without causing deleterious effects in neighboring waters shall not be construed as the use of obnoxious or poisonous substance within the meaning of this section: Provided, finally, That the use of mechanical bombs for killing whales, crocodiles, sharks or other large dangerous fishes, may be allowed, subject to the approval of the Secretary.

Sec. 2. Subsection a (1) of Section 38 of the same Decree is hereby modified to read as follows:

(1) By the penalty of imprisonment ranging from twelve (12) years to twenty-five (25) years in the case of mere possession of explosives intended for illegal fishing; by imprisonment ranging from twenty (20) years to life imprisonment, if the explosive is actually used: Provided, That if the use of the explosive results in 1) physical injury to any person, the penalty shall be imprisonment ranging from twenty-five (25) years to life imprisonment, or 2) in the loss of human life, then the penalty shall be life imprisonment to death.

Sec. 3. Subsection a(4) of Section 38 of the same Decree is hereby modified to read as follows:

(4) By imprisonment from five (5) to ten (10) years for dealing in illegally caught fish or **fishery**/aquatic products.

Sec. 4. Section b of Section 38 of the same Decree is hereby modified to read as follows:

(b) Trawl Fishing - Violation of Sec. 35 hereof shall be punished by imprisonment ranging from six (6) months to six (6) years.

Sec. 5. Jurisdiction. - The Military Tribunals created under Presidential Decree No. 39, as amended, shall exercise exclusive jurisdiction to try cases involving illegal fishing by the use of explosives, illegal possession of explosives intended for illegal fishing , and trawl fishing as prohibited under Section 33, 35 and 38 of Presidential Decree No. 704, as hereby amended.

Sec. 6. Effectivity. - This Decree shall take effect fifteen (15) days after its publication by the Department of Information in two (2) newspapers of general circulation.

Done in the City of Manila, this 1st day of December, in the year of Our Lord, nineteen hundred and seventy-six.