

10 JUL -8 AM 12:24

SENATE

S. No. 972

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Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Our indigenous fish resources are an important part of our aquatic ecosystem. This proposed measure seeks to provide mechanisms to preserve and protect what is left of our precious fish resource, namely *Cestraeus Plicatilis*, commonly known as "Ludong".

Ludong is a catamadrous fish; it grows upstream and migrates downstream to spawn, endemic to the rivers of Abra, Caraballo, Cordillera and Sierra Madre. Aptly called the "President's Fish", a kilogram of this delicious riverine delicacy costs about Php4,000.00.

This fish appears seasonally from 2-6 days a year from October to November after heavy rains and during flashfloods. After spawning, the fish travels upstream but the eggs and larvae stay downstream. The fry migrate upstream from December to February during moon phase.

The ludong population has diminished over the years by unrestrained and unregulated catching during its spawning season, coupled by destruction of its habitat like mangrove forests and watershed areas, and pollution of rivers and lakes making this rare and elusive fish threatened species.

This bill seeks to address the situation by providing for the conservation and preservation of the ludong fish in the Philippines. It further seeks to establish a national council for the conservation and preservation of ludong, which will promulgate rules and regulations necessary to carry out the provisions of this bill.

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


MANUEL "LITO" M. LAPID
Senator

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AN ACT
PROVIDING FOR THE PROTECTION AND CONSERVATION OF THE FISH
***CESTRAEUS PLICATILIS* IN THE PHILIPPINES, COMMONLY KNOWN AS**
"LUDONG", PROVIDING A COMPREHENSIVE MECHANISM FOR
INFORMATION, EDUCATION, COMMUNICATION (IEC) CAMPAIGN,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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 "**Ludong Protection and Conservation Act of 2010**"

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and conserve the country's natural resources and its precious aquatic resources. As such, the State shall implement measures to conserve and protect indigenous aquatic species found in the country and provide holistic programs on Information, Education and Communication (IEC) Campaign to educate the general public.

Towards this end, the State shall pursue the protection and conservation of the Ludong fish in order to preserve and breed this threatened specie.

SEC. 3. Definition of Terms. - For purposes of this Act, the following terms shall be defined as follows:

- (a) "Conservation" means to protect, sustain, and, where appropriate, restore and enhance, healthy populations of *Cestraeus Plicatilis* (Ludong), as well as the habitats that are required to sustain the fish and its productivity by utilizing methods and procedures associated with modern scientific resource programs, including protection, research, census, law enforcement, habitat management, propagation, live trapping and

transplantation, and regulated taking;

- (b) "Endemic species" means species or subspecies which are naturally occurring and found only within specific areas in the country;
- (c) "Habitat" means place or environment where species or subspecies naturally occur or has naturally established their population;
- (d) "Ludong" *Cestraeus plicatilis* is a catamadrone fish endemic to the rivers of Abra, Caraballo, Cordillera and Sierra Madre;
- (e) "Riverine" means a system of inland wetlands and deep-water habitats associated with non-tidal flowing water, characterized by the absence of trees, shrubs, or emergent vegetation;
- (f) "Secretary" refers to the Secretary of the Department of Environment and Natural Resources (DENR);
- (g) "Threatened species" a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction;

SEC. 4. Riverine Reservation Areas. - There shall be established and set aside in all Ludong habitats within the Philippines portions of rivers solely for the preservation, protection, and sustainable management of the Ludong fish.

SEC. 5. National Council for the Preservation of the Ludong Fish. – There is hereby created a National Council for the Preservation of Ludong fish which shall be an attached agency of the Department of Environment and Natural Resources (DENR). The Council shall be headed by the Secretary of the DENR as Chairman. The other members of the Council are the following:

- 1.) the Secretary of the Department of Agriculture (DA) or his representative;
- 2.) the Secretary of the Department of the Interior and Local Government (DILG) or his representative;
- 3.) the Secretary of the Department of Science and Technology (DOST) or his representative;
- 4.) the Director of the Bureau of Fisheries and Aquatic Resources (BFAR);
- 5.) a representative from academic and research institutions; and
- 6.) a representative from an accredited nongovernmental organization.

The National Council shall have the following powers and functions:

- 1.) Prepare a comprehensive program for the conservation and preservation of the Ludong fish by conducting the necessary studies on the system and the mode of

conservation and preservation of the above-cited fish species;

2.) Identify and delineate the boundaries of the bodies of water which shall form part of the reservation areas;

3.) Have general control and supervision over all the local councils for the conservation and preservation of Ludong fish;

4.) Promulgate the necessary rules and regulations necessary to carry out the provisions of this Act.

SEC. 6. *The Local Council for the Preservation of Ludong Fish.* - There is hereby established a local council for the conservation and preservation of Ludong fish, hereinafter referred to as the "local council", for each of the municipality where a reservation area has been identified. The local council shall be composed of the DENR Regional Executive Director under whose jurisdiction the reservation area is located who shall be the chairman with the following members: a representative of the municipal government concerned; a representative from each of the barangay under whose territory the reservation area is located; a representative from an accredited non-governmental organization and a representative from the private sector.

The Local Council shall have the following powers and functions:

1.) Implement and enforce all programs and policies laid down by the National Council;

2.) Carry out the general administration and day to day planning of the program;

3.) Secure the reservation area from illegal and destructive activities which would endanger the successful implementation and viability of the program; and

4.) Perform other powers and functions as may be designated by the National Council.

In order to secure the reservation area from illegal activities, the local council and the local government under whose jurisdiction the reservation area is located shall employ the services of conservation guards who shall be tasked with the responsibility of monitoring the protected areas. They shall have the authority to make arrests against those caught violating the provisions of this Act or the rules and regulations issued pursuant thereto.

SEC. 7. *Prohibited Acts* - The following acts are hereby prohibited:

- 1) Harvesting of Ludong fish within the reservation areas;
- 2) Illegal fishing activities prejudicial to the reservation areas;

- 3) Dumping of mine tailing and other industrial wastes within the reservation areas;
- 4) Construction or reclamation within the jurisdiction of the reservation areas without the necessary license, permit or authority;
- 5) Other acts or activities which will result in the destruction of the reservation areas.

SEC. 8. Penalties. - Any person, natural or juridical, found guilty of violating this Act or any rules and regulations issued by the National Council shall, after notice and hearing by the regular courts of record, be fined in the amount of not less than ten thousand pesos (Php10,000.00) but not more than fifty thousand pesos (Php50,000.00, or imprisonment of not less than one (1) year but not more than six (6) years, or both, at the discretion of the Court: *Provided*, That if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage.

If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers.

SEC. 9. Information, Education and Communication (IEC) Campaign. – The Department of Environment and Natural Resources (DENR), in coordination with the Department of Agriculture and the Philippine Information Agency (PIA), shall conduct a nationwide information, education and communication (IEC) campaign in order to inform the general public on the need to conserve and protect our indigenous aquatic fish resources.

SEC. 10. Appropriation. – The amount necessary to implement the provisions of this act shall be included and incorporated in the annual general appropriations of the DENR and the various agencies of the government involved in the implementation of the National Council for the Preservation of the Ludong Fish and in the various provisions of this Act.

SEC. 11. Implementing Rules and Regulations (IRR). - Within six (6)

months from the date of effectivity of this Act, the DENR, in consultation with the DA and DILG shall promulgate necessary implementing rules and regulations to implement the provisions of this Act.

SEC. 12. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 13. *Separability Clause.* - If, for any reason, any part or provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SEC. 14. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,