

1 **REPUBLIC OF THE PHILIPPINES**
2 **HOUSE OF REPRESENTATIVES**

3
4 **SEVENTENTH CONGRESS**
5 **Second Regular Session**
6

7
8 **House Bill No. _____**
9

10 **Introduced by**
11
12

13
14 **AN ACT PROVIDING FOR A REVISED WILDLIFE RESOURCES**
15 **CONSERVATION AND PROTECTION ACT, APPROPRIATING FUNDS**
16 **THEREFOR AND FOR OTHER PURPOSES**
17

18 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
19 *assembled:*

20
21 **CHAPTER I**
22 **GENERAL PROVISIONS**
23

24 **SECTION 1. Title.** - This act shall be known as the "*Revised Wildlife Resources*
25 *Conservation and Protection Act of 2018.*" (1a)
26

27 **SEC. 2. Declaration of Policy.** - It shall be the policy of the State to conserve and
28 protect the country's wildlife resources and their habitats for sustainability and to promote
29 ecological balance, enhance biological diversity, and ensure the provision of ecosystem
30 services. In the pursuit of this policy, this Act shall have the following objectives:
31

32 (a) to regulate the collection, possession, use and trade of wildlife, wildlife by-
33 products and derivatives;
34

35 (b) to pursue, with due regard to the national interest, Philippine commitments to
36 international conventions, treaties and agreements on the protection of wildlife
37 and their habitats, and on the fair and equitable sharing of the benefits arising out
38 of the utilization of genetic resources from wildlife;
39

40 (c) to initiate or support scientific studies on the conservation of biological
41 diversity and sustainable utilization of wildlife resources; and
42

43 (d) to promote full awareness and widest dissemination of policies on wildlife
44 conservation and protection. (2a)
45

46 **SEC. 3. Scope of Application.** - The provisions of this Act shall be enforceable for
47 all wildlife species found in all areas of the country, including exotic species which are
48 subject to trade, are cultured, maintained and/or bred in captivity or propagated in the
49 country. (3a)
50

51 SEC. 4. *Jurisdiction of the Department of Environment and Natural Resources,*
52 *the Department of Agriculture and the Palawan Council for Sustainable Development.* -
53 The Department of Environment and Natural Resources (DENR) shall have jurisdiction
54 over all terrestrial plant and animal species, all turtles and tortoises and wetland species,
55 including but not limited to crocodiles, waterbirds and all amphibians and dugong. The
56 Department of Agriculture (DA) shall have jurisdiction over all declared aquatic critical
57 habitats, all aquatic resources including but not limited to all fishes, aquatic plants,
58 invertebrates and all marine mammals, except dugong. The secretaries of the DENR and
59 the DA shall review, and by joint administrative order, revise and regularly update the list
60 of species under their respective jurisdiction. In the Province of Palawan, jurisdiction
61 herein conferred is vested to the Palawan Council for Sustainable Development (PCSD)
62 pursuant to Republic Act No. 7611, otherwise known as the “Strategic Environmental
63 Plan (SEP) for Palawan Act”. (4a)

64

65

CHAPTER II DEFINITION OF TERMS

66

67

68 SEC. 5. *Definition of Terms.* - As used in the Act, the term:

69 (a) "*Biological diversity*" or "*biodiversity*" means the variability among living
70 organisms from all sources including, inter alia, terrestrial, marine and other aquatic
71 ecosystems and the ecological complexes of which they are part; this includes diversity
72 within species, between species and of ecosystems;(n)

73 (b) "*Biological resources*" to genetic resources, organisms or parts thereof,
74 populations or any other biotic component of ecosystems with actual or potential use or
75 value for humanity, including but not limited to, all biological specimens such as plants,
76 seeds, tissues and other propagation materials, animals, live or preserved, whether whole
77 or in part; (n)

78 (c) "*Bioprospecting*" means the research, collection and utilization of biological
79 and genetic resources for purposes of applying the knowledge derived there from solely
80 for commercial purposes; (5[a])

81 (d) "*Biosafety*" refers to the need to protect human, plant and animal health or
82 life and the environment from the possible adverse effects of the products of modern
83 biotechnology; (n)

84 (e) "*Botanical garden*" refers to an establishment where a collection of wild flora
85 is maintained for recreational, educational, research, conservation and scientific purposes;
86 (n)

87 (f) "*By-products and derivatives*" refers to any part taken or substance extracted
88 from wildlife, in raw or in processed form. This includes stuffed animals and herbarium
89 specimens; (5[b])

90 (g) "*Captive-breeding/culture or propagation*" means the process of producing
91 individuals under controlled conditions or with human interventions; (5[c])

92 (h) "*Certificate of Wildlife Registration*" refers to document authorizing a person
93 to possess wildlife, by-products and derivatives; (n)

94 (i) "*Certificate of Introduction from the Sea*" refers to a document issued by the
95 Bureau of Fisheries and Aquatic Resources for the introduction from the sea of wildlife

96 species taken from marine environments outside the jurisdiction of any State; (n)

97 (j) "*Collection or collecting*" means the act of taking, gathering or harvesting
98 wildlife, wildlife by-products or derivatives; (5[d])

99 (k) "*Conservation*" means preservation and sustainable utilization of wildlife,
100 and/or maintenance, restoration and enhancement of the habitat; (5[e])

101 (l) "*Critical Habitat*" means an area outside protected areas under Republic Act
102 (RA) No. 7586 or the National Integrated Protected Areas System (NIPAS) Act that are
103 known habitats of threatened species and designated based on scientific data taking into
104 consideration species endemism and/or richness, presence of man-made
105 pressures/threats to the survival of wildlife living in the area, among others; (n)

106 (m) "*Critically endangered species*" refers to a species or subspecies that is facing
107 extremely high risk of extinction in the wild in the immediate future; (5[f])

108 (n) "*Economically important species*" means species which have actual or
109 potential value in trade or utilization for commercial purpose as well as species which
110 have actual or potential negative impact on the environment and economic activities such
111 as, but not limited to, agriculture and food production;(5[g]a)

112 (o) "*Endangered species*" refers to species or subspecies that is not critically
113 endangered but whose survival in the wild is unlikely if the causal factors continue
114 operating;(5[h])

115 (p) "*Endemic species*" means species or subspecies which is naturally occurring
116 and found only within specific areas in the country; (5[i])

117 (q) "*Exotic species*" means species or subspecies which do not naturally occur in
118 the country; (5[j])

119 (r) "*Export permit*" refers to a permit authorizing a person to bring out wildlife,
120 wildlife by-products and derivatives from the Philippines to any other country; (5[k])

121 (s) "*Genetic material*" means any material of plant, animal, microbial or other
122 origin containing functional units of heredity; (n)

123 (t) "*Genetic resources*" means genetic material of actual or potential value; (n)

124 (u) "*Gratuitous permit*" means the permit issued to any person to collect wildlife
125 for non-commercial scientific, or educational undertaking; (5[l])

126 (v) "*Habitat*" means the place or environment where species or subspecies
127 naturally occurs or has naturally established its population; (5[m])

128 (w) "*Import permit*" refers to a permit authorizing a person to bring in wildlife,
129 wildlife by-products or derivatives from another country; (5[n])

130 (x) "*Indigenous wildlife*" means species or subspecies of wildlife naturally
131 occurring or has naturally established population in the country; (5[o])

132 (y) "*Introduction*" means bringing species into the wild that is outside its natural
133 habitat; (5[p])

134 (z) "*Introduction from the sea*" means transportation into the country of
135 specimens of any species which were taken in the marine environment not under the

- 136 jurisdiction of any State; (n)
- 137 (aa) "*Invasive alien species*" or "*IAS*" refers to species whose introduction
138 and/or spread outside their natural past or present distribution threatens biological
139 diversity; (n)
- 140 (bb) "*Local transport permit*" means a permit authorizing a person to bring
141 wildlife from one place to another within the territorial jurisdiction of the Philippines"
142 (5[v]a)
- 143 (cc) "*Maltreatment*" means the commission of torture or any form of cruelty to
144 any wildlife, or omission or neglect to provide adequate care, sustenance or shelter to
145 wildlife; (n)
- 146 (dd) "*Near threatened species*" refers to a species or subspecies that is not
147 critically endangered, endangered nor vulnerable but is under threat from adverse factors,
148 such as over collection, throughout their range and is likely to move to the vulnerable
149 category in the near future; (n)
- 150 (ee) "*Other wildlife species*" refers to all other wildlife species not classified as
151 threatened or near-threatened; (n)
- 152 (ff) "*Person*" refers to a natural or juridical person; (n)
- 153 (gg) "*Possession*" refers both to actual possession or immediate physical control
154 over wildlife, or wildlife by-products or derivatives, and to constructive possession or
155 ownership or control over the place or conveyance where the wildlife, or wildlife by-
156 products or derivatives are found;
157
- 158 (hh) "*Re-export permit*" refers to a permit authorizing a person to bring out of the
159 country a previously imported wildlife, wildlife by-products or derivatives; (5[q])
- 160 (ii) "*Secretary*" means either or both the Secretary of the Department of
161 Environment and Natural Resources and the Secretary of the Department of Agriculture;
162 (5[r])
- 163 (jj) "*Shipper*" refers to a person that sends or transports goods by sea, land, or air.
164 (n)
- 165 (kk) "*Special Local Transport Permit*" refers to a permit conferred to holders
166 of Wildlife Special Use Permit (WSUP) authorizing the conveyance of wildlife, by-
167 products and/or derivatives from the facility of origin to one or more places within the
168 Philippines and back to the facility of origin; (n)
- 169 (ll) "*Threatened species*" a general term to denote species or subspecies
170 considered as critically endangered, endangered, vulnerable or other accepted categories
171 of wildlife whose population is at risk of extinction;(5[s])
- 172 (mm) "*Trade*" means the act of engaging in the exchange, exportation or
173 importation, purchase or sale of wildlife, their derivatives or by-products, locally or
174 internationally;(5[t])
- 175 (nn) "*Traditional use*" means utilization of wildlife by indigenous people in
176 accordance with written or unwritten rules, usage, customs and practices traditionally
177 observed, accepted and recognized by them; (5[u])
- 178 (oo) "*Vulnerable species*" refers to species or subspecies that is not critically

179 endangered nor endangered but is under threat from adverse factors throughout their
180 range and is likely to move to the endangered category in the near future; (5[w])

181 (pp) "*Wildlife*" means wild forms and varieties of flora and fauna, in all
182 developmental stages, including those which are in captivity or are being bred or
183 propagated; (5[x])

184 (qq) "*Wildlife collector's permit*" means a permit to take, gather or harvest from
185 the wild certain species and quantities of wildlife as parental stocks for commercial
186 breeding purposes; (5[y])

187 (rr) "*Wildlife farm/culture permit*" means a permit to develop, operate and
188 maintain a wildlife breeding farm for conservation, trade and/or scientific purposes;
189 (5[z])

190 (ss) "*Wildlife local trade permit*" refers to a permit authorizing a person to sell or
191 offer for sale, wildlife, wildlife by-products and derivatives ; (n)

192 (tt) "*Wildlife laundering*" means the process by which wildlife traders disguise the
193 origin and ownership of illegally acquired wildlife by making such appear to have been
194 derived from a legitimate source to circumvent wildlife laws and regulations; (n)

195 (uu) "*Wildlife rescue center*" refers to government established or designated
196 repositories of confiscated, donated, retrieved, or turned-over wildlife or an establishment
197 where sick, injured, confiscated wildlife are temporarily kept and rehabilitated prior to
198 the release to their natural habitat or implementation of other modes of disposition as may
199 be authorized by the Secretary or the PCSD;

200 (vv) "*Wildlife registration*" refers to the act of entering in the official records
201 wildlife, by-products and derivatives and granting authority to any person to maintain
202 said wildlife, by-products and derivatives; (n)

203 (ww) "*Wildlife Special Use Permit*" refers to a permit authorizing the holder
204 thereof to utilize legally possessed/acquired wildlife, by-products and derivatives for
205 local shows, exhibitions, or educational purposes or to collect economically important
206 species for direct trade purposes; (n)

207 (qq) "*Zoological Park*" or "*Zoo*" refers to an establishment where a collection of
208 wild fauna is maintained for recreational, educational, research, conservation or scientific
209 purposes. (n)

210

211 CHAPTER III
212 CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES

213

214 ARTICLE I
215 General Provisions

216

217 SEC. 6. *Wildlife Information*. – All activities, as subsequently manifested under
218 this Chapter, shall be authorized by the Secretary or PCSD upon proper evaluation of best
219 available information or scientific data showing that the activity is, or for a purpose, not
220 detrimental to the survival of the species or subspecies involved and/or their habitat. For
221 this purpose, the Secretary shall regularly update wildlife information through research.

222 The DENR, DA and PCSD shall establish their respective National Wildlife

223 Management Committees (NWMCs) to provide technical and scientific advice on
224 wildlife. Each NWMC shall be composed of representatives from the DENR, DA or
225 PCSD, other concerned government agencies, and local scientists with expertise on
226 various fields of discipline on wildlife. The NWMC shall invite other stakeholders as
227 resource persons, when necessary. The DENR, DA or PCSD shall act as Chairperson of
228 their respective NWMC.

229 The DENR and DA shall establish Regional Wildlife Management Committees
230 (RWMCs) to provide technical and scientific advice on wildlife to DENR and DA field
231 offices. (6a)

232 SEC. 7. *Biosafety* - All activities dealing on genetic engineering and pathogenic
233 organisms in the Philippines, as well as activities requiring the importation, introduction,
234 field release and breeding of organisms that are potentially harmful to man and the
235 environment shall be reviewed by the DENR, DA-BFAR or PCSD in accordance with the
236 biosafety guidelines ensuring public welfare and the protection and conservation of
237 wildlife and their habitats. (16a)

238 SEC. 8. *Economically Important Species*. – The Secretary or PCSD shall establish
239 a list of economically-important species. Where appropriate, a population assessment of
240 such species shall be conducted within a reasonable period and shall be regularly
241 reviewed and updated by the Secretary.

242 The collection of certain species shall only be allowed when the results of the
243 assessment show that, despite certain extent of collection, the population of such species
244 can still remain viable and capable of recovering its numbers. For this purpose, the
245 Secretary shall establish a schedule and volume of allowable harvests.

246 Whenever an economically important species become threatened, any form of
247 collection shall be prohibited except for scientific, educational or breeding/propagation
248 purposes, pursuant to the provisions of this Act. (18a)

249 SEC. 9. *Invasive Alien Species*. – The Secretary and PCSD shall manage invasive
250 alien species (IAS) and formulate a National Invasive Alien Species Strategy and Action
251 Plan (NISSAP) on the prevention, detection, eradication, control of, and rehabilitation
252 from, invasive alien species, particularly those having the greatest impacts on the
253 environment, biodiversity, human health and livelihoods. Within one (1) year after the
254 effectivity of this Act, the Secretary and the PCSD, shall jointly establish a list of
255 invasive and potentially invasive alien species.

256 The list of IAS and the NISSAP shall be periodically reviewed and updated.

257 All national government agencies and local government units shall coordinate
258 with the DENR, DA and PSCD in the implementation and localization of the strategy and
259 action plan. (n)

260 SEC. 10. *Designation of Management and Scientific Authorities for International*
261 *Trade in Endangered Species of Wild Fauna and Flora*. – For the implementation of
262 international agreement on international trade in endangered species of wild fauna and
263 flora, the management authorities for terrestrial and aquatic resources shall be the
264 Biodiversity Management Bureau (BMB) of the DENR and the Bureau of Fisheries and
265 Aquatic Resources (BFAR) of the DA, respectively and that in the Province of Palawan
266 the implementation hereof is vested to the Palawan Council for Sustainable Development
267 pursuant to Republic Act No. 7611.

268 To provide advice to the management authorities, there shall be designated
269 scientific authorities for terrestrial and aquatic/marine species. For the terrestrial species,

270 the scientific authorities shall be the Ecosystems Research and Development Bureau
271 (ERDB) of the DENR, the University of the Philippines (U.P.) Institute of Biological
272 Sciences, U.P. Institute of Biology and the National Museum and other agencies as may
273 be designated by the Secretary. For the marine and aquatic species, the scientific
274 authorities shall be the National Fisheries Research and Development Institute (NFRDI),
275 U.P. Marine Science Institute, U.P. Visayas, Silliman University, the National Museum
276 and other agencies as may be designated by the Secretary: *Provided*, That in the case of
277 terrestrial species, the ERDB shall chair the scientific authorities, and in the case of
278 marine and aquatic species, the NFRDI shall chair the scientific authorities. (19a)

279

280

ARTICLE II

281

Permissible Activities

282

283 SEC. 11. *Collection of Wildlife*. - Collection of wildlife may be allowed in
284 accordance with Section 6 of this Act: *Provided*, That in the collection of wildlife,
285 appropriate and acceptable wildlife collection techniques with least or no detrimental
286 effects to the existing wildlife populations and their habitats shall, likewise, be required:
287 *Provided, further*, That collection of wildlife by indigenous people in their ancestral
288 land/domain may be allowed for traditional use and not primarily for profit: *Provided*,
289 *furthermore*, That collection of aquatic wildlife resources by indigenous people are
290 subject to conditions to be provided by the Secretary of the Department of Agriculture:
291 *Provided, still furthermore*, That collection and utilization for said purpose shall not
292 cover threatened species: *Provided, finally*, That Section 21 of this Act shall govern the
293 collection of threatened species. (7a)

294 SEC. 12. *Possession of Wildlife*. - No person or entity shall be allowed possession
295 of wildlife unless such person or entity can prove financial and technical capability,
296 including scientific knowledge, and facility to maintain said wildlife: *Provided*, That the
297 wildlife was not obtained in violation of this Act or other laws. (7a)

298 SEC. 13. *Collection and/or Possession of By-Products and Derivatives*. -
299 By-products and derivatives may be collected and/or possessed: *Provided*, That the same
300 was not obtained in violation of this Act or other laws. (9a)

301 SEC. 14. *Local Transport of Wildlife, By-Products and Derivatives*. - Local
302 transport of wildlife, by-products and derivatives legally collected or possessed shall be
303 authorized unless the same is prejudicial to the wildlife and public health. (10a)

304 SEC. 15. *Exportation and/or Importation of Wildlife, By-Products and*
305 *Derivatives*. - Wildlife, by-products and derivatives may be exported to or imported from
306 another country as may be authorized by the Secretary or the PCSD or their designated
307 representatives, subject to strict compliance with the provisions of this Act and rules and
308 regulations promulgated pursuant thereto: *Provided*, That the recipient of live wildlife is
309 technically and financially capable to maintain it. *Provided, further*, That the importation
310 of invasive alien species shall not be allowed. (11a)

311 SEC. 16. *Introduction, Reintroduction or Restocking of Endemic or Indigenous*
312 *Wildlife*. - (a) The introduction, reintroduction or restocking of endemic and indigenous
313 wildlife shall be allowed only for population enhancement or recovery purposes subject
314 to prior clearance from the Secretary or the authorized representative pursuant to Section
315 6 of this Act.

316 Any proposed introduction shall be subject to a scientific study which shall focus
317 on the bioecology and natural history. The proponent shall also conduct public

318 consultations with concerned individuals or entities. (12a)

319 SEC. 17. *Introduction of Exotic Wildlife.* – No exotic species shall be introduced
320 into the country, unless a clearance from the Secretary or PCSD or their authorized
321 representatives is first obtained. In no case shall exotic species be introduced into
322 protected areas covered by Republic Act No. 7586 and to critical habitats under Section
323 27 hereof. *Provided,* That the introduction of such exotic species shall not pose any
324 adverse impacts on local ecology and that further environmental impact study shall be
325 undertaken which shall focus on the bioecology, natural history, socioeconomic and
326 related aspects of the area where the species will be introduced. The proponent shall also
327 be required to secure the prior informed consent from the local stakeholders. (17a)

328 SEC. 18. *Bioprospecting.* – Bioprospecting shall be allowed upon execution of an
329 undertaking by any proponent, stipulating therein its compliance with and commitment(s)
330 to reasonable terms and conditions that may be imposed by the Secretary or the PCSD
331 which are necessary to protect biological diversity and assure the fair and equitable
332 sharing of benefits derived from the utilization of Philippine genetic resources.

333 The Secretary or the PCSD or their authorized representatives, in consultation
334 with the concerned agencies, before granting the necessary permit, shall require that prior
335 informed consent be obtained by the applicant from the concerned indigenous cultural
336 communities, local communities, the Protected Area Management Board under Republic
337 Act No. 7586, or any person. The applicant shall disclose fully the intent and scope of the
338 bioprospecting activity in a language and process understandable to the community. The
339 prior informed consent from the indigenous peoples shall be obtained in accordance with
340 existing laws. The action on the bioprospecting proposal by concerned bodies shall be
341 made within a reasonable period.

342 Upon submission of the complete requirements, the Secretary or PCSD shall act
343 on the research proposal within a reasonable period.

344 If the applicant is a foreign entity or individual, a local institution shall be actively
345 involved in the research, collection and, whenever applicable and appropriate, in the
346 technological development of the products derived from the biological and genetic
347 resources. (14a)

348 SEC. 19. *Scientific Researches on Wildlife.* - Collection and utilization of
349 biological resources for scientific research and not for commercial purposes shall be
350 allowed upon execution of an undertaking/agreement and/or issuance of a gratuitous
351 permit by the Secretary or the authorized representative: *Provided,* That clearance from
352 concerned bodies shall be secured before the issuance of the gratuitous permit: *Provided,*
353 That special conditions to facilitate the conduct of scientific researches by Filipino
354 students may be provided by the Secretary or PCSD.

355 If the applicant is a foreign entity or individual, a local institution shall be actively
356 involved in the research, collection and, whenever applicable and appropriate, in the
357 technological development of the products derived from the biological and genetic
358 resources. (15a)

359 SEC. 20. *Commercial Breeding or Propagation of Wildlife Resources.* - Breeding
360 or propagation of wildlife for commercial purposes shall be allowed by the Secretary or
361 PCSD or their authorized representatives pursuant to Section 6 through the issuance of
362 wildlife farm/culture permit: *Provided,* That only propagated flora, progenies of wild
363 fauna raised, and/or specimens there from, as well as unproductive parent stock shall be
364 utilized for trade: *Provided, further,* That commercial propagation and breeding
365 operations for wildlife, whenever appropriate, shall be subject to an environmental
366 impact study. (17)

367 SEC. 21. *Collection of Threatened Wildlife, By-products and Derivatives* - The
368 collection of threatened wildlife, as determined and listed pursuant to this Act, including
369 its by-products and derivatives, shall be allowed only for scientific, or breeding or
370 propagation purposes in accordance with Section 6 of this Act: *Provided*, That only
371 persons accredited by the Secretary or PCSD shall be allowed to collect for conservation
372 breeding or propagation purposes. (23)

373 SEC. 22. *Conservation Breeding or Propagation of Threatened Species* -
374 Conservation breeding or propagation of threatened species shall be encouraged in order
375 to enhance its population in its natural habitat. It shall be done simultaneously with the
376 rehabilitation and/or protection of the habitat where the captive-bred or propagated
377 species shall be released, reintroduced or restocked.(24a)

378 SEC. 23. *Commercial Breeding or Propagation of Threatened Species* -
379 Commercial breeding or propagation of threatened species may be allowed provided that
380 the following minimum requirements are met by the applicant, to wit:

381 (a) Proven effective breeding and captive management techniques for the species;
382 and

383 (b) Commitment to undertake commercial breeding in accordance with Section 20
384 of this Act, simultaneous with conservation breeding.

385 The Secretary or PCSD shall prepare a list of threatened species for commercial
386 breeding and shall regularly revise or update such list or as the need arises. (24a)

387

388 ARTICLE III
389 Permits, Fees and Charges
390

391 SEC. 24. *Authority of the Secretary to Issue Permits*. - The Secretary, or the duly
392 authorized representative, in order to effectively implement this Act, shall issue
393 permits/certifications/clearances with corresponding period of validity, whenever
394 appropriate, which shall include, but not necessarily be limited to, the following:

- | | | |
|-----|--|-------------------------|
| 395 | (1) Wildlife farm or culture permit | 3 to 5 years; |
| 396 | (2) Wildlife collector's permit | 1 to 3 years; |
| 397 | (3) Gratuitous permit | 1 to 3 years; |
| 398 | (4) Local transport permit | not more than 3 months; |
| 399 | (5) Special Local Transport Permit | not more than 3 months |
| 400 | (6) Wildlife Local Trade Permit | 1 year |
| 401 | (7) Wildlife Special Use Permit | 1 to 3 years |
| 402 | (8) Export/Import/Re-export Permit | 1 to 6 months; |
| 403 | (9) Certificate of Introduction from the Sea | 1 to 6 months |

404 These permits may be renewed subject to the guidelines issued by the appropriate
405 agency and upon consultation with concerned groups.(20a)

406 SEC 25. *Authority to collect fees and charges.* – The Secretary or PCSD are
407 hereby authorized to impose and collect reasonable fees and charges as may be
408 determined upon consultation with the concerned groups, and in the amount fixed by the
409 Secretary or PCSD for the issuances of permits enumerated in the preceding section.

410 For the export of wildlife species, an export permit fee of not greater than five
411 percent (5%) of the export value, excluding transport costs, shall be charged: *Provided,*
412 *however,* That in the determination of aforesaid fee, the production costs shall be given
413 due consideration. Cutflowers, leaves and the like, produced from farms shall be
414 exempted from the said export fee: *Provided, further,* That fees and charges shall be
415 reviewed by the Secretary every two (2) years or as the need arises and revise the same
416 accordingly, subject to consultation with concerned sectors: *Provided, furthermore,* That
417 the Secretary or PCSD may impose an import permit fee based on import value and/or
418 valuation of potential risks to biodiversity and human health: *Provided, finally,* That fees
419 and charges under international agreements shall be borne by the applicant. (21a)

420

421

ARTICLE IV

422

Protection of Threatened Species

423

424 SEC. 26. *Determination of Threatened Species.* - The Secretary or PCSD shall
425 determine whether any wildlife species or subspecies is threatened, and classify the same
426 as critically endangered, endangered, vulnerable or other accepted categories based on
427 the best scientific data and with due regard to internationally accepted criteria, including
428 but not limited to the following:

429 (a) present or threatened destruction, modification or curtailment of its habitat or
430 range;

431 (b) over-utilization for commercial, recreational, scientific or educational
432 purposes; and

433 (c) other natural or man-made factors affecting the existence of wildlife.

434 The Secretary or PCSD shall review, revise and publish the list of categorized
435 threatened wildlife within one (1) year after effectivity of this Act. Thereafter, the list
436 shall be updated regularly or as the need arises: *Provided,* That a species listed as
437 threatened shall not be removed there from within three (3) years following its initial
438 listing.

439 Upon filing of a petition based on substantial scientific information of any person
440 seeking for the addition or deletion of a species from the list, the Secretary or PCSD shall
441 evaluate in accordance with the relevant factors stated in the first paragraph of this
442 section, the status of the species concerned and act on said petition within a reasonable
443 period.(22a)

444 SEC. 27. *Registration of Threatened and Exotic Wildlife in the Possession of*
445 *Private Persons.* – Threatened wildlife possessed without a Certificate of Wildlife
446 Registration shall be confiscated in favor of the government and subject to the penalties
447 herein provided. Certificates of Wildlife Registration shall be issued only for the
448 following:

449 (a) Wildlife stock acquired under a prior valid wildlife permit issued to the same
450 applicant, including but not limited to wildlife import permits or certifications, wildlife
451 collector's permit, subject to submission of proof of legal acquisition;

452 (b) Wildlife stock purchased or otherwise acquired from legal sources subject to
453 submission of proof of legal acquisition: *Provided, That* the sale or disposition of the
454 stock to the applicant was duly reported to the DENR, DA or PCSD by the source;
455 *Provided, further, That*, the wildlife sold or disposed are limited to those allowable under
456 Sections 20 and 23 of this Act; and

457 (c) Progenies or offspring of duly registered parental wildlife stocks.

458 Possession of registered wildlife species shall be subject to the conditions under
459 Section 12. When a registered threatened species is needed for breeding, propagation or
460 research purposes, the State may acquire the registered wildlife from any person through
461 a mutually acceptable arrangement. (26a)

462

463 ARTICLE V
464 Critical Habitats
465

466 SEC. 28. *Establishment of Critical Habitats.* –The Secretary or PCSD shall
467 designate critical habitats outside protected areas under Republic Act No. 7586, where
468 threatened species are found. Such designation shall be made on the basis of the best
469 scientific data taking into consideration species endemicity and/or richness, presence of
470 man-made pressures/threats to the survival of wildlife living in the area, among others.

471 All designated critical habitats shall be protected, in coordination with the local
472 government units and other concerned groups, from any form of exploitation or
473 destruction which may be detrimental to the survival of the threatened species dependent
474 therein. For such purpose, the Secretary or PCSD may acquire, by purchase, donation or
475 expropriation, lands, or interests therein, including the acquisition of usufruct,
476 establishment of easements or other undertakings appropriate in protecting the critical
477 habitat. (25a)

478

479 CHAPTER IV
480 WILDLIFE CRIME

481 ARTICLE I
482 Illegal Acts
483
484

485 SEC. 29. *Illegal Acts.* - Unless otherwise allowed in accordance with this Act, it
486 shall be unlawful for any person to willfully and knowingly undertake, or to induce,
487 solicit or employ another person to undertake, the following acts: (27a)

488 (a) killing and/or destroying wildlife species, including causing death or
489 destruction as a result of any violation of this Act, except in the following instances;
490 (27[a]a)

491 (i) when it is done as part of the religious rituals of established tribal groups
492 or indigenous cultural communities; (27[a][i])

493 (ii) when the wildlife is afflicted with an incurable communicable disease;
494 (27[a][ii])

495 (iii) when it is deemed necessary to put an end to the misery suffered by the

- 496 wildlife; (27[a][iii])
- 497 (iv) when it is done to prevent an imminent danger to the life or limb of a
498 human being; (27[a][iv])
- 499 (v) when the wildlife is killed or destroyed after it has been used in
500 authorized research or experiments; and (27[a][v])
- 501 (vi) when done for the purpose of wildlife population management or
502 eradication of invasive alien species, as authorized by the DENR, DA or
503 PCSD." (n)
- 504 (b) inflicting injury which cripples and/or impairs the reproductive system of
505 wildlife species; (27[b])
- 506 (c) effecting any of the following acts in critical habitat(s):
- 507 (i) dumping of waste products detrimental to wildlife and/or the critical
508 habitat; (27[c][i]a)
- 509 (ii) squatting or otherwise illegally occupying any portion of the critical
510 habitat; (27[c][ii]a)
- 511 (iii) mineral exploration and/or extraction, treasure-hunting and/or
512 prospecting; (27[c][iii]a)
- 513 (iv) burning; (27[c][iv])
- 514 (v) logging; and (27[c][v])
- 515 (vi) quarrying. (27[c][vi])
- 516 (d) introduction, reintroduction or restocking of wildlife resources; (27[d])
- 517 (e) trading or attempting to trade wildlife, wildlife by-products and/or derivatives,
518 including advertising, contracting or offering for the purpose of sale or procurement of
519 wildlife, wildlife by-products and/or derivatives; (27[e]a)
- 520 (f) collecting, hunting or possessing wildlife, wildlife by-products and/or
521 derivatives; (27[f]a)
- 522 (g) gathering or destroying of active nests, nest trees, host plants and the like;
523 (27[g])
- 524 (h) maltreating and/or inflicting other injuries not covered by the preceding
525 paragraphs; (27[h])
- 526 (i) transporting of wildlife; and (27[i])
- 527 (j) wildlife laundering. (n)

528 ARTICLE II
529 Penalties
530

531 SEC. 30. *Penalties for Violations of this Act.* - For any person who undertakes illegal acts
532 under paragraph (a) of the immediately preceding section to any species as may be

533 categorized pursuant to this Act, the following penalties and fines shall be imposed:

534 (a) imprisonment of *reclusion temporal* (from 12 years and 1 day to 20 years) and
535 a fine of Two hundred thousand pesos (P200,000.00) to Two million pesos
536 (P2,000,000.00), if inflicted or undertaken against species listed as critically
537 endangered;

538 (b) imprisonment of *prision mayor*(from 6 years and 1 day to 12 years) and a fine
539 of One hundred thousand pesos (P100,000.00) to One Million (P1,000,000.00) if
540 inflicted or undertaken against endangered species;

541 (c) imprisonment of *prision correccional* in its medium and maximum period
542 (From 2 years, 4 months and 1 day to 6 years) and a fine of Sixty thousand pesos
543 (P60,000.00) to Six hundred thousand pesos (P600,000.00), if inflicted or
544 undertaken against vulnerable species;

545 (d) imprisonment of *prision correccional* in its minimum period (from 6 months
546 and 1 day to 2 years and 4 months) and a fine of Forty thousand pesos
547 (P40,000.00) to Four hundred thousand pesos (P400,000.00) if inflicted or
548 undertaken against near threatened species; and

549 (e) imprisonment of *prision correccional* in its minimum period (from 6 months
550 and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos
551 (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or
552 undertaken against other wildlife species.

553 For illegal acts under paragraph (b) of the immediately preceding section, the
554 following penalties and fines shall be imposed:

555 (a) imprisonment of *prision correccional* in its maximum period (from 4 years, 2
556 months and 1 day to 6 years) and a fine of One hundred thousand pesos
557 (P100,000.00) to One Million pesos (P1,000,000.00), if inflicted or undertaken
558 against species listed as critically endangered;

559 (b) imprisonment of *prision correccional* in its medium period (from 2 years, 4
560 months and 1 day to 4 years and 2 months) and a fine of Sixty thousand pesos
561 (P60,000.00) to Four hundred thousand pesos (P400,000.00), if inflicted or
562 undertaken against endangered species;

563 (c) imprisonment of *prision correccional* in its minimum period (from 6 months
564 and 1 day to 2 years and 4 months) and a fine of Forty thousand pesos
565 (P40,000.00) to Four hundred thousand pesos (P400,000.00), if inflicted or
566 undertaken against vulnerable species;

567 (d) imprisonment of *prision correccional* in its minimum period (from 6 months
568 and 1 day to 2 years and 4 months) and fine of Twenty thousand pesos
569 (P20,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or
570 undertaken against near threatened species; and

571 e) imprisonment of *arresto mayor*(from 1 month and 1 day to 6 months) and a
572 fine of Ten thousand pesos (P10,000.00) to Forty thousand pesos (P40,000.00), if
573 inflicted or undertaken against other wildlife species.

574 For illegal acts under paragraphs (c) and (d) of the immediately preceding section,
575 an imprisonment of *arresto mayor* to *prision mayor* in its minimum period (from 1 month
576 and 1 day to 8 years) and a fine of Ten thousand pesos (P10,000.00) to Ten million pesos
577 (P10,000,000.00) shall be imposed. If critical habitat requires rehabilitation or restoration

578 as determined by the Court, the offender shall be additionally required to restore the
579 same, whenever practicable, or pay additional compensation for the damage caused.

580 For illegal acts under paragraph (e), the following penalties and fines shall be
581 imposed:

582 (a) imprisonment of *prision correccional* in its maximum period (from 4 years, 2
583 months and 1 day to 6 years) and a fine of Fifty thousand pesos (P50,000.00) to
584 Six hundred thousand pesos (P600,000.00), if involving species listed as critically
585 endangered;

586 (b) imprisonment of *prision correccional* in its medium period (from 2 years, 4
587 months and 1 day to 4 years and 2 months) and a fine of Thirty thousand pesos
588 (P30,000.00) to Four hundred thousand pesos (P400,000.00), if involving
589 endangered species;

590 (c) imprisonment of *prision correccional* in its minimum period (from 6 months
591 and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos
592 (P20,000.00) to Two hundred thousand pesos (P200,000.00), if involving
593 vulnerable species;

594 (d) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and a
595 fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos
596 (P100,000.00), if involving species listed as near threatened species; and

597 (e) imprisonment of *arresto menor* in its medium period and maximum period
598 (from 11 to 30 days) and a fine of Five thousand pesos (P5,000.00) to Forty
599 thousand pesos (P40,000.00), if involving other wildlife species.

600 For illegal acts under paragraphs (f) and (g) of the immediately preceding section,
601 the following penalties and fines shall be imposed:

602 a) imprisonment of *prision correccional* in its medium period (from 2 years, 4
603 months and 1 day to 4 years and 2 months) and a fine of Sixty thousand pesos
604 (P60,000.00) to Six hundred thousand pesos (P600,000.00), if inflicted or
605 undertaken against species listed as critically endangered;

606 (b) imprisonment of *prision correccional* in its minimum period (from 6 months
607 and 1 day to 2 years and 4 months) and a fine of Forty thousand pesos
608 (P40,000.00) to Four hundred thousand pesos (P400,000.00), if inflicted or
609 undertaken against endangered species;

610 (c) imprisonment of *prision correccional* in its minimum period (from 6 months
611 and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos
612 (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or
613 undertaken against vulnerable species;

614 (d) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and a
615 fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos
616 (P100,000.00), if inflicted or undertaken against species as near threatened
617 species; and

618 (e) imprisonment of *arresto menor* in its medium period and maximum period
619 (from 11 to 30 days) and a fine of Two thousand pesos (P2,000.00) to Ten
620 thousand pesos (P10,000.00), if inflicted or undertaken against other wildlife
621 species: *Provided*, That in case of paragraph (f), where the acts were perpetuated
622 through the means of inappropriate techniques and devices, the maximum penalty

623 herein provided shall be imposed.

624 For illegal acts under paragraphs (h) and (i) of the immediately preceding section,
625 the following penalties and fines shall be imposed:

626 (a) imprisonment of *prision correccional* in its minimum period (from 6 months
627 and 1 day to 2 years and 4 months) and a fine of One hundred thousand pesos
628 (P100,000.00) to Two hundred thousand pesos (P200,000.00) if inflicted or
629 undertaken against species listed as critically endangered;

630 (b) imprisonment of *arresto mayor* in its maximum period (from 4 months and 1
631 day to 6 months) and a fine of Forty thousand pesos (P40,000.00) to One hundred
632 thousand pesos (P100,000.00), if inflicted or undertaken against endangered
633 species;

634 (c) imprisonment of *arresto mayor* in its minimum and medium period (from 1
635 month to 4 months) and a fine of Ten thousand pesos (P10,000.00) to Forty
636 thousand pesos (P40,000.00), if inflicted or undertaken against vulnerable species;

637 (d) imprisonment of *arresto menor* in its medium period and maximum period
638 (from 11 to 30 days) and a fine of Two thousand pesos (P2,000.00) to Ten
639 thousand pesos (P10,000.00), if inflicted or undertaken against species listed as
640 near threatened species;

641 (e) imprisonment of *arresto menor* in its minimum period (from 1 to 10 days)
642 and a fine of Five hundred pesos (P500.00) to Two thousand pesos (P2,000.00), if
643 inflicted or undertaken against other wildlife species.

644 For illegal acts under paragraph (j), the following penalties and fines shall be
645 imposed:

646 (a) imprisonment of *prision correccional* in its maximum period (from 4 years, 2
647 months and 1 day to 6 years) and a fine of Fifty thousand pesos (P50,000.00) to
648 Six hundred thousand pesos (P600,000.00), if involving species listed as critically
649 endangered;

650 (b) imprisonment of *prision correccional* in its medium period (from 2 years, 4
651 months and 1 day to 4 years and 2 months) and a fine of Thirty thousand pesos
652 (P30,000.00) to Four hundred thousand pesos (P400,000.00), if involving
653 endangered species;

654 (c) imprisonment of *prision correccional* in its minimum period (from 6 months
655 and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos
656 (P20,000.00) to Two hundred thousand pesos (P200,000.00), if involving
657 vulnerable species;

658 (d) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and a
659 fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos
660 (P100,000.00), if involving species listed as near threatened species; and

661 (e) imprisonment of *arresto menor* in its medium period and maximum period
662 (from 11 to 30 days) and a fine of Five thousand pesos (P5,000.00) to Forty
663 thousand pesos (P40,000.00), if involving other wildlife species.

664 SEC. 31. *Additional Criminal liabilities.*— (a) If the violation is committed by a
665 corporation, cooperative, association or any other juridical person, such as but not
666 limited to airfreight, shipping, trucking or forwarding companies, the penalty shall be

667 imposed upon the president, director or directors, managers, managing partner, or other
668 official thereof responsible for such violation. Provided That, that the amount/s of the
669 fine shall be doubled; *Provided, further*, That the liability imposed on the juridical person
670 shall be without prejudice to the criminal liability of the natural person who actually
671 committed the offense.

672 (b) Any government official or employee who violates this Act, shall, in addition
673 to the penalty which may be imposed upon him as principal, shall be perpetually
674 disqualified from holding any public office.

675 c) Any person convicted of a violation of this Act shall be permanently and
676 perpetually disqualified from being issued with any wildlife permits, clearances,
677 agreements and/or certificates. (n)

678 SEC. 32. *Civil liabilities.* – Civil action for the recovery of civil liability arising
679 from the offense charged shall be included in the criminal action or separately filed. Civil
680 liabilities are separate from criminal and administrative liabilities and shall include costs
681 for maintenance of apprehended live wildlife species, economic reparations, or
682 indemnification or repairing environment damage, among others.

683 SEC. 32. *Escalation of the amount of fines.* - The fines herein prescribed shall
684 automatically increase, without need for further legislation or administrative issuance, by
685 ten percent (10%) every three (3) years from the effectivity of this Act to maintain the
686 deterrent function of such fines.(28a)

687 ARTICLE III
688 Disputable Presumptions and Qualifying Circumstances
689

690 SEC. 33. *Disputable presumptions.* - Without the appropriate wildlife permit,
691 certification or clearance, or authority, at the time of apprehension, the following shall
692 constitute *prima facie* evidence of the corresponding illegal acts punishable under this
693 Act:

694 (a) Possession of any hunting, trapping or collecting paraphernalia along with live
695 or dead wildlife, wildlife products and derivatives shall be a disputable presumption that
696 the possessor caused the killing and/or destruction, infliction of injury, maltreatment,
697 collection, hunting of wildlife, wildlife by-products and/or derivatives, as appropriate;

698 (b) Presence of fresh and/or dried blood, by-products or derivatives of the
699 wildlife, with or without the tools, equipment and/or paraphernalia derivatives, shall be a
700 disputable presumption of the killing and/or destruction of, or inflicting injury to, the
701 wildlife species involved;

702 (e) Entry into areas designated as critical habitats while in possession of hunting,
703 trapping or collecting paraphernalia shall be a disputable presumption that the person
704 intends to collect, hunt or gather wildlife resources thereat; and

705 (f) Failure on the part of any airfreight, shipping, trucking or forwarding
706 company, or any parcel or mail delivery service providers from whose possession the
707 wildlife, wildlife by-products and/or derivatives are discovered or seized to fully
708 cooperate in the investigation by concerned government authorities on the matter shall
709 create a presumption that there is connivance or conspiracy between the company/service
710 provider and the shipper to violate the provisions of this Act. (n)

711 SEC. 34. *Qualifying Circumstances.* – Each wildlife specimen shall constitute a
712 separate and distinct count of an illegal act. The imposition of penalties shall be qualified

713 according to the following circumstances:

714 a. If more than one (1) specimen of a critically endangered species is involved, the
715 maximum penalty shall be imposed;

716 b. If more than five (5) of specimens of an endangered species is involved, the
717 maximum penalty shall be imposed;

718 c. If more than eight (8) specimens of a vulnerable species is involved, the
719 maximum penalty shall be imposed;

720 d. If more than ten (10) specimens of a near threatened species is involved, the
721 maximum penalty shall be imposed;

722 e. If more than fifteen (15) specimens of other wildlife species is involved, the
723 maximum penalty shall be imposed;

724 d.. If more than twenty (20) wildlife specimens of any classification is involved,
725 the maximum penalty shall be imposed;

726 c. If the prohibited act is committed in a large scale and/or by a syndicate, the
727 penalty of twice the maximum penalty imposable shall be imposed. A prohibited act is
728 deemed large scale when the total number of wildlife specimens involved is more than
729 thirty (30). A prohibited act is deemed committed by a syndicate if more than three (3)
730 persons are involved;

731 d. If the prohibited act committed involves the inducement of indigenous peoples,
732 the maximum penalty shall be imposed. (n)

733 SEC 35. *Penalties for recidivists.* - The maximum applicable penalty shall be
734 imposed upon a recidivist who commits any of the illegal acts punishable under this Act.
735 A recidivist shall mean a person who, at the time of his or her trial for a violation of this
736 Act, shall have been previously convicted by final judgment of the same or another
737 violation of this Act. (n)

738 SEC 36. *Liability under Other Laws.* - Prosecution for violation of this Act shall
739 be without prejudice to the prosecution of the offender for violation of other laws, rules
740 and regulations. (n)

741 ARTICLE IV
742 Administrative Adjudication
743

744 SEC. 37. *Authority to adjudicate and administer penalties.* – The Secretary or
745 PCSD or their respective authorized representatives are authorized to exercise
746 administrative adjudication confiscation and forfeiture powers, including the power to
747 cite in contempt, in all cases of violations of this Act and may impose administrative
748 sanctions such as payment of fines, and/or order the suspension or cancellation of
749 existing wildlife permits and disqualification from issuance of future permits, the closure
750 of establishment, and/or the confiscation and forfeiture of all wildlife, wildlife by-
751 products and/or derivatives, and all paraphernalia, tools and conveyances used in
752 connection with the violation, and to dispose of the same in accordance with pertinent
753 laws, regulations or policies on the matter. The Secretary or PCSD or their respective
754 authorized representatives may, after due notice and hearing, cancel or suspend wildlife
755 permits, clearances, agreements and/or certificates due to violation of this Act, its
756 implementing rules and regulations, and/or the terms of the permits, agreements or
757 certificates. The Secretary or PCSD shall issue appropriate procedural rules and

758 regulations on administrative adjudication of violations of this Act.(n)

759

760

761

762

CHAPTER IV
WILDLIFE LAW ENFORCEMENT

763

764 SEC. 39. *Creation of Plantilla Positions for Wildlife Law Enforcement.* – The

765 DA, DENR and PCSD are hereby authorized to create, subject to existing guidelines,

766 permanent positions of Wildlife Enforcement Agents, or designate their existing

767 permanent employees as such from their respective enforcement units. Such Wildlife

768 Enforcement Agents shall have full authority to conduct enforcement activities to enforce

769 the provisions of this Act such as, but not limited to, the conduct of surveillance

770 activities, investigation, application and implementation of search warrants, arrests of

771 violators and seizures of illegally possessed, collected, traded or transported wildlife,

772 their by-products and derivatives including the conveyances, tools and implements used

773 thereto. Wildlife Enforcement Agents are authorized to carry their agency's badge and

774 government firearms in the conduct of their duties, subject to the existing rules on

774 firearms and after proper training from any government facility.

775

776 SEC. 39. *Deputation of Wildlife Enforcement Officers.* - The Secretary and PCSD

777 shall deputize wildlife enforcement officers from nongovernment organizations, citizens

778 groups, community organizations, local government units and other volunteers who have

779 undergone necessary training for this purpose. The Philippine National Police (PNP), the

780 Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI), the

781 Bureau of Customs and other law enforcement agencies shall designate wildlife

782 enforcement officers. As such, the wild enforcement officers shall have the full authority

783 to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws,

783 rules and regulations on arrest and detention. (30a)

784

785 SEC. 40. *Creation of Wildlife Traffic Monitoring Units.* – The Secretary shall

786 create wildlife traffic monitoring units in strategic air and seaports all over the country to

787 ensure the strict compliance and effective implementation of all existing wildlife laws,

788 rules and regulations, including pertinent international agreements. For this purpose, the

789 DENR, DA or PCSD are authorized to add in their staffing pattern Wildlife Inspectors, to

790 be assigned at WTMUs, who shall have the same powers and authorities as of the

791 Wildlife Enforcement Officers. National government agencies with mandates on

792 transportation and local government units shall provide necessary assistance to such

792 wildlife traffic monitoring units.

793

794 Customs officers and/or authorized representatives from other government

795 agencies or instrumentalities such as, but not limited to, those from the Office for

796 Transportation Security (OTS), the Civil Aviation Authority of the Philippines (CAAP),

797 assigned at air or seaports who may have discovered or intercepted wildlife commodities

798 in the discharge of their official functions shall bring such discovery to the attention of,

799 and/or turn over the intercepted wildlife, wildlife by-products and/or derivatives to, the

799 wildlife traffic monitoring unit assigned in the area. (33a)

800

801 SEC. 41. *Wildlife regulatory and law enforcement information system.* – The

802 Secretary and PCSD shall develop, establish and maintain a wildlife law enforcement

803 management information system to aid in the monitoring, regulation, control and

804 surveillance of activities involving wildlife, particularly the possession, transport and

804 trade of wildlife, wildlife by-products and derivatives. (n)

805

806 SEC. 43. *Role of Local Government Units.* – Local government units shall support

807 the DENR, DA and PCSD in the implementation of this Act. Local government units

807 shall require the presentation of the appropriate and duly issued wildlife permits and/or

808 clearances by persons engaged in business activities involving wildlife as a pre-requisite
809 for the issuance or renewal of business permits and other applicable local government
810 permits and clearances to such persons. (n)

811 SEC. 44. *Public Participation.* - The participation of the private citizens in
812 reporting and providing information on illegal wildlife trade shall be encouraged. Any
813 private person who shall provide any information leading to the apprehension,
814 prosecution and/or conviction of any offender for any violation of this Act and its
815 implementing rules and regulations, or confiscation of wildlife, its derivatives or by-
816 products, and all paraphernalia, tools and conveyances used in connection with the
817 violation, may be given a reward in an amount to be determined through a policy
818 guideline issued by the Secretary or the PCSD. (n)

819 SEC. 38. *Strategic Lawsuit Against Public Participation (SLAPP) in the*
820 *Enforcement of this Act.* – A legal action filed to harass, vex, exert undue pressure, or
821 stifle any legal recourse that any person, institution, or the government has taken or may
822 take in the enforcement of this Act shall be treated as a Strategic Lawsuit Against Public
823 Participation (SLAPP).

824 The hearing on the defense of a SLAPP shall be summary in nature, the
825 affirmative defense of a SLAPP shall be resolved within thirty (30) days after the
826 summary hearing. If the court dismisses the action, the court may award damages,
827 attorney’s fees, and costs of suit under a counterclaim if such has been filed. The
828 dismissal shall be with prejudice.

829 If the court rejects the defense of a SLAPP, the evidence adduced during the
830 summary hearing shall be treated as evidence of the parties on the merits of the case. The
831 action shall proceed in accordance with the Rules of Court.

832 The Rules of Procedure for Environmental Cases shall govern the procedure in
833 civil, criminal, and special civil actions involving the enforcement or violations of this
834 Act including actions treated as a SLAPP as provided in this section. (n)

835

836 CHAPTER VI
837 MISCELLANEOUS PROVISIONS
838

839 SEC. 45. *Wildlife Management Fund.* – The are hereby established Wildlife
840 Management Fundseach to be administered by the DENR, DA and PCSD as a special
841 account in the National Treasury. It shall finance rehabilitation or restoration of habitats
842 affected by acts committed in violation of this Act and support scientific research,
843 enforcement and monitoring activities, procurement of vehicles, firearms and
844 ammunitions, as well as enhancement of capabilities of relevant agencies. The Wildlife
845 Management Fund may also be used for establishment of intelligence or confidential
846 funds for confidential law enforcement operations.

847 The Fund shall be derived from administrative and criminal fines imposed, civil
848 liabilities and damages awarded, proceeds from allowable disposition of wildlife, wildlife
849 by-products and derivatives, fees, charges, donations, endowments, administrative fees or
850 grants in the form of contributions. Contributions to the Fund shall be exempted from
851 donor taxes and all other tax charges or fees imposed by the government. The
852 administrative and criminal fines imposed, civil liabilities and damages awarded shall
853 accrue to the Wildlife Management Fund of the DA, DENR or PCSD as the case may
854 be.(29a)

855 SEC. 46. *Exemption from taxes* - Any donation, contribution, bequest, subsidy or
856 financial aid which may be made to the DENR, DA, PCSD and to NGOs and peoples
857 organizations engaged in wildlife conservation, protection and law enforcement duly
858 registered with the Securities and Exchange Commission or the Cooperative
859 Development Authority, as certified by the local government unit, the DENR, DA or
860 PCSD, for the conservation and protection of wildlife resources and their habitats shall
861 constitute as an allowable deduction from the taxable income of the donor and shall be
862 exempt from donor's tax. (34a)

863 SEC. 47. *Wildlife Rescue Center*. - The Secretary shall establish or designate
864 wildlife rescue centers to take temporary custody and care of all confiscated, abandoned
865 and/or donated wildlife to ensure their welfare and well-being. Such wildlife rescue
866 centers shall be staffed by permanent qualified personnel and shall also have the
867 necessary tools, machines, equipment and facilities consistent with the requirements of
868 animal health and welfare. The Secretary shall formulate guidelines for the disposition of
869 wildlife from the rescue centers.(32a)

870 SEC. 48. *Establishment of National Wildlife Research Centers*. - The Secretary
871 and PCSD shall establish national and local wildlife research centers, as the case may be,
872 for terrestrial and aquatic species to lead in the conduct of scientific researches on the
873 proper strategies for the conservation and protection of wildlife, including captive
874 breeding or propagation. Such research centers shall be staffed by permanent qualified
875 personnel and shall also have the necessary tools, machines, equipment and facilities to
876 conduct forensic analyses and other related capabilities for wildlife law enforcement. In
877 this regard, the Secretary and PCSD shall establish partnerships with experts from
878 academic and research institutions and the legitimate wildlife trade industry. (31a)

879 SEC. 49. *Flagship Species*. - Local government units shall initiate conservation
880 measures for wildlife species in their areas. For this purpose, they may adopt flagship
881 species such as the Cebu black shama (*Copsychus cebuensis*), tamaraw (*Bubalus*
882 *mindorensis*), Philippine tarsier (*Tarsius syrichta*), Philippine teak (*Tectona*
883 *philippinensis*), which shall serve as emblems of conservation for the local government
884 concerned. The Secretary or PCSD or their authorized representatives may provide
885 guidelines on the selection of flagship species. (35a)

886 SEC. 50. *Heritage trees*. - In coordination with and with assistance from the
887 DENR or PCSD, local government units shall declare or designate as heritage trees
888 certain qualified endemic or indigenous tree species within their territorial jurisdiction.
889 The Secretary or PCSD or their authorized representatives may provide guidelines on the
890 selection of heritage trees. (n)

891 SEC. 51. *Botanical Gardens, Zoological Parks and Other Similar Establishments*.
892 - The Secretary shall regulate the establishment, operation and maintenance of botanical
893 gardens, zoological parks and other similar establishments for recreation, education and
894 conservation.

895 SEC. 52. *Registration of museum specimens*. - Except for the National Museum,
896 all other museums and similar establishments displaying wildlife by-products and
897 derivatives for public viewing shall register said specimens with the DENR, DA or
898 PCSD, as the case may be.(36a)

899 SEC. 52. *Communication, Education and Public Awareness*. - The DENR, DA
900 and PCSD shall undertake wildlife information awareness and wildlife crime prevention
901 activities in coordination with and with assistance from the other national agencies and
902 local government units. (n)

903

904 CHAPTER VII
905 FINAL PROVISIONS
906

907 SEC. 53. *Appropriations.* - The amount of Fifty million pesos (PhP50,000,000.00)
908 shall be appropriated annually for the implementation of this Act. It shall be
909 proportionately distributed to DENR, DA and PCSD. (38a)

910 SEC. 54. *Implementing Rules and Regulations.* - Within twelve (12) months
911 following the effectivity of this Act, the Secretaries shall jointly promulgate the
912 implementing rules and regulations for the effective implementation of this Act.
913 Whenever appropriate, coordination in the preparation and implementation of rules and
914 regulations on joint and inseparable issues shall be done by the DENR, DA and PCSD.
915 The commitments of the State to international agreements and protocols shall likewise be
916 a consideration in the implementation of this Act. (37a)

917 SEC. 55. *Construction.* - The provisions of this Act shall be liberally construed in
918 favor of the conservation and protection of wildlife species and their habitats as defined
919 in this Act, toward the promotion of ecological balance and enhancement of biological
920 diversity. (n)

921 SEC. 56. *Report to Congress.* - The Secretary or PCSD shall report to Congress,
922 not later than March 30 of every year following the approval of this Act, the progress of
923 efforts to conserve and protect Philippine wildlife resources and make the necessary
924 recommendations in areas where there is need for legislative action. (n)

925 SEC. 57. *Joint Congressional Oversight Committee.* - There is hereby created a
926 Joint Congressional Oversight Committee to monitor and oversee the implementation of
927 the provisions of this Act. The Committee shall be composed of six (6) members from the
928 Senate and six (6) members from the House of Representatives with the Chairpersons of
929 the Committees on Environment and Ecology of the Senate and the House of
930 Representatives, respectively, as joint Chairpersons of the Joint Committee. The five (5)
931 other members from each Chamber are to be designated by the Senate President and the
932 Speaker of the House of Representatives, respectively. The minority shall be entitled to
933 *pro rata* representation but shall have at least two (2) representatives from each Chamber.
934 (n)

935 SEC. 58. *Mandatory Review.* - At least once every five (5) years after the
936 effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall
937 undertake the mandatory review of this Act.

938 SEC. 59. *Separability Clause.* - Should any provision of this Act be subsequently
939 declared as unconstitutional, the same shall not affect the validity or the legality of the
940 other provisions. (39)

941 SEC. 60. *Repealing Clause.* - Republic Act No. 9147 is hereby repealed. All
942 other laws, ordinances, orders, rules, regulations and other issuances or parts thereof
943 which are inconsistent with this Act are hereby repealed or amended accordingly. (40a)

944 SEC. 61. *Transitory provisions.* - All rules and regulations issued pursuant to
945 Republic Act No. 9147 shall remain in full force and effect until repealed, revised or
946 otherwise modified by subsequent issuances. (n)

947 SEC. 61. *Effectivity.* - This Act shall take effect fifteen (15) days after publication
948 in the *Official Gazette* or two (2) newspapers of general circulation. (41)

949 *Approved,*