



MEMORANDUM

FOR : **The Directors,**
Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Environmental Management Bureau
Forest Management Bureau
Land Management Bureau
Mines and Geosciences Bureau

FROM : **The OIC-Director**
Policy and Planning Service

SUBJECT : **REQUEST FOR CONCURRENCE TO THE DRAFT DAO RE:
REGISTRATION OF RAW AND/OR WORKED ELEPHANT
IVORY FOR TRADE PURPOSES**

DATE : **04 MAR 2021**

This refers to the draft DENR Administrative Order (DAO) re: *“Registration of Raw and/or Worked Elephant Ivory for Trade Purposes.”*

BACKGROUND

1. The Philippines is one of the 8 countries implicated in the illegal trade of elephant ivory. The country is both a consumer and a transit point for smuggled ivory.
2. In the 63rd meeting of the Standing Committee of the Convention on International Trade in Endangered Species (CITES), countries implicated in the illegal trade of ivory were recommended to implement their National Ivory Action Plans (NIAPs). The NIAP aims to combat illegal trade in ivory and strengthen enforcement measures that would address the illegal ivory trade in the country.
3. One of the activities in the 2014-2016 Philippine National Ivory Action Plan is the issuance of this policy on the commercial trade in ivory.
4. The proposed DAO will establish a system of registration for raw and/or worked elephant ivory through the issuance of a Certificate of Ivory Registration (CIR). This mechanism will control and regulate the trade of ivory in the country. It will cover natural and juridical persons engaged in carving, storing, selling and/or trading raw or worked elephant ivory.
5. The draft DAO has undergone various consultations with stakeholders. It was also deliberated and approved by the Policy Technical Working Group (PTWG) on 7 June 2016.

In view of the foregoing, may we request for your concurrence or further comments/inputs on the draft DAO, on or before 12 March 2021. Otherwise, your lack of feedback or written concurrence shall be considered as your no objection to the proposed policy.

For your preferential and appropriate action.


MELINDA C. CAPISTRANO



DENR ADMINISTRATIVE ORDER
No. 2021-_____

**SUBJECT: REGISTRATION OF RAW AND/OR WORKED ELEPHANT
IVORY FOR TRADE PURPOSES**

Pursuant to Republic Act (RA) No. 9147, otherwise known as the "Wildlife Resources Conservation and Protection Act" (the "Wildlife Act"), and its Joint Implementing Rules and Regulations, the Joint DENR-DA-PCSD Administrative Order No. 01 of 2004 entitled "Joint Implementing Rules and Regulations (IRR) Pursuant to Republic Act No. 9147: "An Act Providing for the Conservation and Protection of Wildlife Resources and their Habitats, Appropriating Funds Therefor and for Other Purposes", and in order to ensure compliance with national commitments to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), this Administrative Order on the registration of raw and/or worked elephant ivory is hereby issued for the information and compliance by all concerned.

Section 1. Basic Policy. The State shall regulate the collection and trade of wildlife and pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and their habitats.

Section 2. Scope and Coverage. This guidelines shall cover the registration of raw and/or worked elephant ivory legally imported to the Philippines including antiques and Pre-CITES specimens, intended for trade purposes by any natural or juridical persons.

This guidelines shall not apply to possessors of raw and/or raw worked elephant ivory intended primarily for personal and non-commercial uses.

Section 3. Objective. The Wildlife Act states that Philippine commitments to international agreements and protocols such as CITES shall be considered in the implementation of the law. This Order shall implement the CITES Conference Resolution (Conf. 10.10 (Rev. CoP17) urging Parties to the Convention to put in place comprehensive national legislative, regulatory, enforcement and other measures to regulate the domestic trade in raw and worked elephant ivory, and register raw and/or worked elephant ivory in the country, in order to prevent the illegal trade in ivory.

Section 4. Definition of Terms. For the purpose of this Order, these terms shall be construed to mean, as follows:

- 4.1 *Certificate of Antiquity* – refers to the official document issued by the National Museum of the Philippines or concerned agencies certifying that the raw and/or worked elephant ivory are one hundred years or more in age or even less but their production having ceased, they have, therefore, become or are becoming rare;
- 4.3 *Certificate of Ivory Registration* or *CIR* - refers to the official document issued by the Director of the Biodiversity Management Bureau (BMB) certifying the registration of the inventoried raw and/or worked elephant ivory in the possession of the named natural or juridical person, intended for trade purposes;

- 4.4 *CITES* - refers to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, an inter-governmental agreement which aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival;
- 4.5 *CITES Import Permit* - refers to the permit authorizing an individual to bring into the Philippines wildlife species listed under the CITES Appendices, including its by-products and derivatives, from other countries;
- 4.6 *Elephant ivory* - refers to the hard, white material, derived from the tusks of elephants;
- 4.7 *Pre-CITES Specimens* – refers to a specimen acquired before the provisions of the Convention applied to it; also referred to as Pre-Convention Specimen;
- 4.8 *Raw ivory* – includes all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for worked ivory;
- 4.9 *Worked ivory* – ivory that has been carved, shaped or processed, either fully or partially, but shall not include whole elephant tusks in any form, except where the whole surface has been carved;
- 4.10 *Storing* – means actual or constructive possession of raw or worked ivory;
- 4.11 *Trade* - means the act of engaging in the exchange, exportation or importation, purchase or sale of raw or worked elephant ivory, locally or internationally.

Section 5. Trade in raw and worked ivory. Trade in ivory is allowed only for legal raw and/or worked ivory. In accordance with Section 9 of the Wildlife Act, possession of raw and/or worked elephant ivory is lawful only when it is obtained from legal sources and not in violation of the Wildlife Act. Legal raw or worked elephant ivory are limited to those lawfully imported into the Philippines.

Section 6. Requirements and procedure for registration. The following requirements and procedure shall be adopted for registration of raw and/or worked elephant ivory:

A. Requirements:

- a.1 Duly accomplished application form (*Annex "A"*);
- a.2 Payment of a non-refundable Application and Processing Fee in the amount of one thousand pesos (PhP 1000.00);
- a.3 Inventory/list of raw or worked ivory following the prescribed format (*Annex A-1*). The inventory/list shall include photographs of each piece of raw and/or worked ivory beside a ruler or yardstick for dimensional reference;
- a.4 Photocopy of proof of legal acquisition of raw or worked ivory, i.e. CITES Import Permit issued by the Biodiversity Management Bureau, the Philippine CITES Management Authority for terrestrial species or Certificate of Antiquity issued by the National Museum of the Philippines. The original of the proof of legal acquisition shall be presented for verification and comparison;
- a.5 Business Permit from the Local Government Unit concerned;

- a.6 Registration fee, to be paid upon issuance of Certificate of Ivory Registration, based on the following:

Total Weight in Kilograms	Charge
Less than 1	P 500.00
1.01 to 10	P1,000.00
10.01 to 100	P2,500.00
More than 100	P5,000.00

B. Procedure:

- b.1 Application for registration (*Annex A*), with attached inventory of raw and/or worked ivory (*Annex A-1*) and other documentary requirements mentioned under Section 6.A, shall be filed at the DENR-Biodiversity Management Bureau (BMB);
- b.2 The DENR-BMB through the Wildlife Resources Division (WRD) shall review the application to check compliance with all requirements within one (1) working day upon receipt of the application. Only applications with complete information and supporting documents shall be further processed after the payment of the non-refundable application and processing fee. For applications with incomplete information or supporting documents, the concerned applicant shall be immediately notified of the deficiencies and instructed to complete all requirements before the end of the application period (Section 8);
- b.3 Within fifteen (15) working days, BMB-WRD shall conduct evaluation of the documents; and, inspection, assessment and validation of the ivory specimens applied for registration based on the inventory/list submitted, in coordination with the concerned DENR-Regional Office. Within five (5) working days after completion of said inspection and assessment, BMB-WRD shall submit its inspection report, including recommendation/s to the BMB Director;
- b.4 The BMB Director shall, within three (3) working days, render a decision approving or rejecting the application. If approved, the BMB Director shall issue the Certificate of Ivory Registration (*Annex B*). If disapproved, the applicant shall be notified of such denial. The applicant may, within seven (7) working days, from receipt of notice, submit additional documents or justification to support his/her motion for reconsideration. A second disapproval of the application by the BMB Director is final; and,
- b.5 The BMB shall release the CIR to the applicant after payment of the Registration Fee.

The CIR Application Process Flowchart is attached as *Annex C* hereof.

Section 7. Responsibilities and Privileges of Holders of Certificate of Ivory Registration (CIR). CIR Holders shall have the responsibilities and privileges below:

- 7.1 Strictly comply with the terms and conditions of the CIR;
- 7.2 Post the CIR for public display at prominent place within the establishment and ensure that the same is clearly visible and accessible at all times;
- 7.3 Keep a record of all transactions pertaining to their registered raw and/or worked ivory and submit a copy of the same to BMB and the concerned DENR Regional Office;

- 7.4 Secure Local Transport Permit (LTP) for the domestic movement of registered raw and/or worked ivory within the Philippines;
- 7.5 Secure CITES Permit for the international non-commercial movement of registered raw and/or worked elephant ivory;
- 7.6 Engage in the domestic trade of registered raw and/or worked ivory. Sold worked ivory may be exported by the buyer;
- 7.7 Submit every end of the year to the BMB, copy furnished the concerned DENR Regional Office, an annual report and inventory of the raw and/or worked ivory, including recent photographs of each piece of raw and/or worked ivory beside a ruler or yardstick for dimensional reference;
- 7.8 Admit and allow DENR personnel to have access and inspect its business premises and storage areas during business hours;
- 7.9 Allow the posting of DENR-approved information materials on ivory in their business premises; and,
- 7.10 Issue Official Receipts, Deeds of Sale, Deeds of Donation or similar documentation on the sale or transfer of each inventoried piece of raw and/or worked ivory, indicating the weight, dimensions and marking of the subject piece/s.

Section 8. Application Period. Complete application documents for registration shall be filed within three (3) months from the effectivity of this Order. Thereafter, trade of all unregistered raw or worked ivory shall be considered illegal and confiscated in favor of the government.

Section 9. Monitoring and Compliance. The BMB and the concerned DENR Regional Office shall lead in monitoring compliance of CIR holders with the CIR's terms and conditions.

Section 10. Penalty for non-compliance. Persons covered by this Order who fail to register the raw or worked elephant ivory in their possession and intended for trade purposes shall be dealt with in accordance with the applicable provisions of the Wildlife Resources Conservation and Protection Act (RA 9147) and other relevant laws, rules and regulations.

Section 11. Disposition of Confiscated Elephant Ivory. The disposition of confiscated elephant ivory shall be in accordance with applicable rules and regulations and taking into consideration the relevant CITES resolutions and decisions.

Section 12. Awareness Raising and Capacity-Building. The DENR through the BMB and Regional Offices shall conduct massive information campaign on provisions of this Order prior to and after the registration period. The DENR Human Resources Development Service (HRDS) in coordination with the BMB shall develop and implement training modules to inform and to build the capacity of responsible DENR personnel in the identification and detection of elephant ivory.

Section 13. Separability Clause. Should any part or provision of this Order be subsequently judicially declared invalid, illegal, unconstitutional or otherwise improper, all other parts and provisions not affected shall remain valid and enforceable.

Section 14. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy thereof by the Office of the National Administrative Register (ONAR).

ROY A. CIMATU
Secretary

Republic of the Philippines
Department of Environment and Natural Resources
Biodiversity Management Bureau

APPLICATION FOR REGISTRATION OF IVORY

- Raw Ivory
- Worked Ivory

_____ Date

**The Director
Biodiversity Management Bureau**

Sir/Madam:

Pursuant to DENR Administrative Order No. _____ dated _____, I have the honor to apply for registration of raw/worked ivory in my possession listed in Annex A-1 hereto attached:

1. Name of Applicant: _____

2. Name _____ of _____ Establishment, _____ as applicable: _____

3. Address _____ of _____ Applicant _____ :

4. Location/address _____ of _____ establishment: _____

5. Contact details:

Mobile Phone: _____
Telephone No.: _____
Fax/E-mail Address: _____

6. The application fee in the amount of PHP _____ made payable to the Biodiversity Management Bureau with Official Receipt No. _____ dated _____ is herewith enclosed. Non-approval or non- issuance of the Certificate of Ivory Registration does not entitle me to a refund of the fee.

I understand that the information stated in this application are true and correct and any omission of pertinent facts as required herein shall cause the disapproval of this application and the filing of appropriate criminal charge/s against me.

(Signature over Printed Name)

(Address)

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF _____)
CITY/MUNICIPALITY OF _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____ 20____,
applicant exhibiting to me his/her Community Tax Certificate
No. _____ issued at _____ on
_____, 20____ and his/her government issued evidence of identity with the
following details:

- **Type of ID (e.g. Passport)**
- ID No.
- Date of issue
- Place of issue

(Officer Authorized to Administer Oath)
PRINTED NAME AND SIGNATURE

(Official Designation)

CERTIFICATE OF IVORY REGISTRATION (CIR)

No. _____

This is to certify that the elephant ivory specified in the attached inventory list and which is/are currently in the possession of (Mr./Ms. _____ / Name of Establishment _____) with address located at _____ is/are duly registered with the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) pursuant to DENR Administrative Order No. _____. As such, the DENR hereby recognizes _____ as an accredited /carver/trader for the afore-cited elephant ivory.

This registration is subject to the following terms and conditions, to wit:

1. The domestic movement or transport of the registered elephant ivory within the country shall be accompanied by a Local Transport Permit (LTP) secured from the concerned Provincial Environment and Natural Resources (PENRO) or DENR-National Capital Region, as the case may be, in accordance with Section 10 of RA 9147 and its implementing rules and regulations and DENR Administrative Order No. 2016-07 "Manual of Authorities on Technical Matters" or amendment thereof, if any;
2. The export/import/re-export of the registered elephant ivory in the possession of the CIR Holder shall be in accordance with CITES rules and regulations;
3. Further acquisition of raw or worked elephant ivory may be granted only in accordance with existing national laws and rules and regulations of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). Such new acquisition(s) shall be reported in writing to the Biodiversity Management Bureau (BMB) for record purposes copy furnished the concerned DENR Regional Office;
4. An annual inventory report on the elephant ivory in the possession of the CIR shall be submitted to the BMB through the concerned DENR Regional Office; and,
5. Deliberate disregard of the terms and conditions herein specified shall be a ground for the cancellation of this Certificate of Ivory Registration and shall cause confiscation of all registered elephant ivory in favour of the government without prejudice to the application of other measures as provided for under existing laws, rules and regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the DENR this _____ day of _____ in the year of our Lord, Two Thousand _____.

Director, Biodiversity Management Bureau

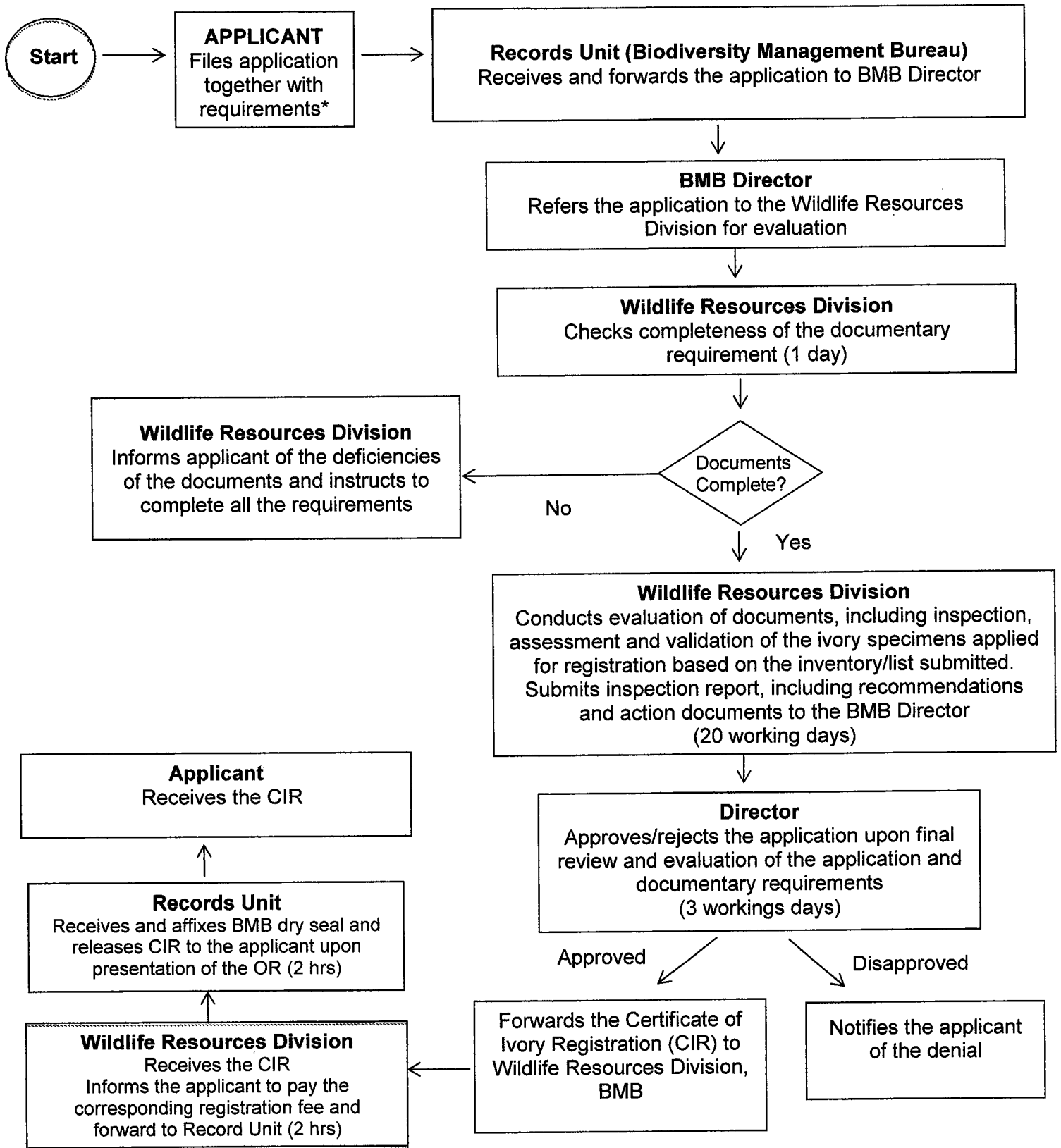
Date of Issue: _____

Valid until: _____

*This Certificate of Ivory Registration shall be publicly displayed at prominent place within the establishment, where applicable. Photocopy/ies of this CIR should be subject to authentication by the issuing Office.

This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy thereof by the Office of the National Administrative Registrar (ONAR), UP Law Center.

**PROCESS FLOW
ISSUANCE OF CERTIFICATE OF IVORY REGISTRATION**

***Requirements:**

- Duly accomplished application form (Annex A);
- Payment of non-refundable Application and Processing Fee In the amount of PhP1,000.00 to the BMB Cashier Unit;
- Inventory/list of raw or worked ivory following the prescribed format (Annex A-1);
- Photocopy of proof of legal acquisition of raw or worked ivory, i.e. official receipt (OR), CITES Import Permit, Deed of Donation, Certificate of Antiquity issued by the National Museum of the Philippines; and,
- Photocopy of Business Permit or Permit to Operate from the Local Government unit concerned.