



Republic of the Philippines
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MEMORANDUM

TO : **The Directors**
Biodiversity Management Bureau
Legal Affairs Service
Policy and Planning Service

FROM : The Assistant Secretary
Field Operations- Mindanao and Legislative Affairs

SUBJECT : **INVITATION FROM THE COMMITTEE ON APPROPRIATIONS**

DATE : 24 May 2021

This pertains to the letter dated 21 May 2021, received by this Office on 24 May 2021, from Representative **ERIC GO YAP**, Chairperson, Committee on Appropriations, inviting DENR to a Committee Meeting on **26 May 2021 (Wednesday) 9:30am**, with **Meeting ID: 874 7545 3876 Passcode: MAY**, to deliberate on House Resolution No. 248, entitled "An Act Providing for the Conservation and Protection of Wildlife Resources and their Habitats, and Appropriating Funds Therefore, Repealing for this Purpose Republic Act N. 9147 or the "Wildlife Resources Conservation and Protection Act".

Kindly inform this Office of your attendance before the scheduled date of the meeting and submit presentation, comments and/or position paper in hard and soft at the Legislative Liaison Office at telephone number 8920-1761 and e-mail address denrlegislative@yahoo.com, for consolidation.


JOANA A. LAGUNDA, D.M., D.P.A.

MEMO NO. 2021 - 378

Encls: As stated.

/juo060



Republic of the Philippines
House of Representatives

COMMITTEE ON APPROPRIATIONS

Quezon City, Metro Manila

May 21, 2021

HON. ROY A. CIMATU

Secretary
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

Dear **Secretary Cimatu**:

The Committee on Appropriations will hold a meeting via the Zoom Video Conference on Wednesday, May 26, 2021 at 9:30 A.M to deliberate on several measures including Substitute Bill to House Bills Numbered 265, 1684, 3351, 3614, 4860 and House Resolution No. 248 titled: **“AN ACT PROVIDING FOR THE CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES AND THEIR HABITATS, AND APPROPRIATING FUNDS THEREFOR, REPEALING FOR THIS PURPOSE REPUBLIC ACT NO. 9147 OR THE “WILDLIFE RESOURCES CONSERVATION AND PROTECTION ACT”**, introduced by: Representatives Josephine Ramirez Sato, Juan Miguel Macapagal Arroyo, Rufus Rodriguez, et al.

In this regard, we respectfully request your participation as Resource Person in the said meeting. Should you have any clarification and for confirmation of your attendance, please contact the Committee Secretariat at 09664806716.

The Zoom Meeting details are as follows:

Meeting ID: 874 7545 3876
Passcode: MAY

Attached is the electronic copy of Substitute Bill for your reference.

Thank you.

Very truly yours,


REP. ERIC GO YAP
Chairperson

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

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. _____

(In substitution of House Bill No. 265, 1684, 3351, 3614, 4860 and House
Resolution No. 248)

Introduced by Representatives Josephine Ramirez Sato, Juan Miguel Macapagal Arroyo, Rufus Rodriguez, Luis Raymund "LRay" Villafuerte, Jr., Rep. Alfred Vargas, Allen Jesse Mangaoang, Ciriaco Gato, Irene Gay Saulog, Alfel Bascug, Christian Unabia, Shirlyn Banas-Nogralas, Sarah Jane Elago, Diego Ty, Elpidio F. Barzaga, Jr., Eric Go Yap and Joey Sarte Salceda

"AN ACT
PROVIDING FOR THE CONSERVATION AND PROTECTION OF WILDLIFE
RESOURCES AND THEIR HABITATS, AND APPROPRIATING FUNDS
THEREFOR, REPEALING FOR THIS PURPOSE REPUBLIC ACT NO. 9147
OR THE "WILDLIFE RESOURCES CONSERVATION AND PROTECTION
ACT"

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

1 **SECTION 1. Title** – This Act shall be known as the "*Revised Wildlife*
2 *Resources Conservation and Protection Act*".

3 **SEC. 2. Declaration of Policy.** – It shall be the policy of the State to
4 conserve and protect the country's wildlife resources and their habitats for
5 sustainability and to promote ecological balance, enhance biological diversity,
6 and ensure the provision of ecosystem services. In the pursuit of this policy, this
7 Act shall have the following objectives:

8 (a) to regulate the collection, possession, use and trade of wildlife, wildlife
9 by-products and derivatives;

10 (b) to pursue, with due regard to the national interest, Philippine
11 commitments to international conventions, treaties and agreements on the
12 protection of wildlife and their habitats, and on the fair and equitable
13 sharing of the benefits arising out of the utilization of genetic resources
14 from wildlife;

1 (c) to initiate or support scientific studies on the conservation of biological
2 diversity and sustainable utilization of wildlife resources;
3 (d) to promote full awareness and widest dissemination of policies on
4 wildlife conservation and protection; and

5 (d) to address and eradicate the transnational organized crime of wildlife
6 trade and trafficking.

7 **SEC. 3. *Scope of Application.*** – The provisions of this Act shall be
8 enforceable for all wildlife species found in all areas of the country, including
9 exotic species which are subject to trade, are cultured, maintained and/or bred in
10 captivity or propagated in the country.

11 **SEC. 4. *Jurisdiction of the Department of Environment and Natural***
12 ***Resources (DENR), the Department of Agriculture (DA) and the Palawan***
13 ***Council for Sustainable Development (PCSD).*** – The DENR shall have
14 jurisdiction over all terrestrial plant and animal species, all turtles and tortoises
15 and wetland species, including but not limited to crocodiles, waterbirds and all
16 amphibians and dugong. The DA shall have jurisdiction over all declared aquatic
17 critical habitats, all aquatic resources including but not limited to all fishes,
18 aquatic plants, invertebrates and all marine mammals, except dugong. The
19 Secretaries of the DENR and the DA shall review, and by joint administrative
20 order, revise and regularly update the list of species under their respective
21 jurisdiction and make the list readily available to all concerned government
22 agencies and local government units. In the Province of Palawan, jurisdiction
23 herein conferred is vested to the PCSD pursuant to Republic Act No. 7611,
24 otherwise known as the “Strategic Environmental Plan (SEP) for Palawan Act”.

25 **SEC. 5. *Definition of Terms.*** – As used in the Act:

26 (a) *Biological diversity* or *biodiversity* refers to the variability among
27 living organisms from all sources including, inter alia, terrestrial, marine and
28 other aquatic ecosystems and the ecological complexes of which they are part.
29 This includes diversity within species, between species and of ecosystems;

30 (b) *Biological resources* refer to genetic resources, organisms or parts
31 thereof, populations or any other biotic component of ecosystems with actual or
32 potential use or value for humanity, including but not limited to, all biological
33 specimen such as plants, seeds, tissues and other propagation materials,

1 animals, live or preserved, whether whole or in part;

2 (c) *Bioprospecting* refers to the research, collection and utilization of
3 biological and genetic resources for purposes of applying the knowledge derived
4 solely for commercial purposes;

5 (d) *Biosafety* refers to the need to protect human, plant and animal health
6 or life and the environment from the possible adverse effects of the products of
7 modern biotechnology;

8 (e) *Botanical garden* refers to an establishment where a collection of wild
9 flora is maintained for recreational, educational, research, conservation and
10 scientific purposes;

11 (f) *By-products and derivatives* refer to any part taken or substance
12 extracted from wildlife, in raw or in processed form. This includes stuffed
13 animals and herbarium specimens;

14 (g) *Captive-breeding, culture or propagation* refers to the process of
15 producing individuals under controlled conditions or with human interventions;

16 (h) *Certificate of Wildlife Registration* refers to a document authorizing a
17 person to possess wildlife, by-products and derivatives;

18 (i) *Certificate of Introduction from the Sea* refers to a document issued by
19 the Bureau of Fisheries and Aquatic Resources for the introduction from the sea
20 of wildlife species taken from marine environments outside the jurisdiction of
21 any State;

22 (j) *Collection or collecting* refers to the act of taking, gathering or
23 harvesting wildlife, wildlife by-products or derivatives;

24 (k) *Conservation* refers to the preservation and sustainable utilization of
25 wildlife, and/or maintenance, restoration and enhancement of the habitat;

26 (l) *Critical Habitat* refers to an area outside protected areas under
27 Republic Act (RA) No. 7586 or the National Integrated Protected Areas System
28 (NIPAS) Act, as amended by Republic Act 11038 or the ENIPAS, that are known
29 habitats of threatened species and designated based on scientific data taking into
30 consideration species endemicity and/or richness, presence of man-made
31 pressures/threats to the survival of wildlife living in the area, among others;

32 (m) *Critically endangered species* refers to a species or subspecies that
33 is facing extremely high risk of extinction in the wild in the immediate future;

34 (n) *Domesticated* refers to any plant or animal listed by the relevant

1 authorities as such, easily propagated and were altered or selected for desirable
2 characteristics and preferences for valuable commercial and domestic use;

3 (o) *Genetic material* refers to any material of plant, animal, microbial
4 or other origin containing functional units of heredity;

5 (p) *Genetic resources* refer to genetic material of actual or potential
6 value;

7 (q) *Gratuitous permit* refers to the permit issued to any person to
8 collect wildlife for non-commercial scientific, or educational undertaking;

9 (r) *Habitat* refers to the place or environment where species or
10 subspecies naturally occurs or has naturally established its population;

11 (s) *Import permit* refers to a permit authorizing a person to bring in
12 wildlife, wildlife by-products or derivatives from another country;

13 (t) *Indigenous wildlife* refers to species or subspecies of wildlife
14 naturally occurring or has naturally established population in the country;

15 (u) *Introduction* refers to bringing of species into the wild that is
16 outside its natural habitat;

17 (v) *Introduction from the sea* refers to the transportation into the
18 country of specimens of any species which were taken in the marine environment
19 not under the jurisdiction of any State;

20 (w) *Invasive alien species* or *IAS* refers to species whose introduction
21 and/or spread outside their natural past or present distribution threatens
22 biological diversity;

23 (x) *Local transport permit* refers to a permit authorizing a person to
24 bring wildlife from one place to another within the territorial jurisdiction of the
25 Philippines;

26 (y) *Maltreatment* refers to the commission of torture or any form of
27 cruelty to any wildlife, or omission or neglect to provide adequate care,
28 sustenance or shelter to wildlife;

29 (z) *Near threatened species* refers to a species or subspecies that is
30 neither critically endangered, endangered nor vulnerable but is under threat
31 from adverse factors, such as over collection, throughout their range and is likely
32 to move to the vulnerable category in the near future;

33 (aa) *Other wildlife species* refer to all other wildlife species not classified
34 as threatened or near-threatened;

- 1 (bb) *Person* refers to a natural or juridical person;
- 2 (cc) *Possession* refers to both actual possession or immediate physical
3 control over wildlife, or wildlife by-products or derivatives, and to constructive
4 possession or ownership or control over the place or conveyance where the
5 wildlife, or wildlife by-products or derivatives are found;
- 6 (dd) *Re-export permit* refers to a permit authorizing a person to bring
7 out of the country a previously imported wildlife, wildlife by-products or
8 derivatives;
- 9 (ee) *Shipper* refers to a person that sends or transports goods by sea,
10 land, or air.
- 11 (ff) *Special Local Transport Permit* refers to a permit conferred to
12 holders of Wildlife Special Use Permit (WSUP) authorizing the conveyance of
13 wildlife, by-products and/or derivatives from the facility of origin to one or more
14 places within the Philippines and back to the facility of origin;
- 15 (gg) *Threatened species* refers to species or subspecies considered as
16 critically endangered, endangered, vulnerable or other accepted categories of
17 wildlife whose population is at risk of extinction;
- 18 (hh) *Trade* refers to the act of engaging in the exchange, exportation or
19 importation, purchase or sale of wildlife, their derivatives or by-products, locally
20 or internationally;
- 21 (ii) *Traditional use* refers to the utilization of wildlife by indigenous
22 people in accordance with written or unwritten rules, usage, customs and
23 practices traditionally observed, accepted and recognized by them;
- 24 (jj) *Vulnerable species* refers to species or subspecies that is not
25 critically endangered nor endangered but is under threat from adverse factors
26 throughout their range and is likely to move to the endangered category in the
27 near future;
- 28 (kk) *Wildlife* refers to wild forms and varieties of flora and fauna, in all
29 developmental stages, including those which are in captivity or are being bred or
30 propagated. It excludes domesticated species;
- 31 (ll) *Wildlife collector's permit* refers to a permit to take, gather or
32 harvest from the wild certain species and quantities of wildlife as parental stocks
33 for commercial breeding purposes;
- 34 (mm) *Wildlife farm culture permit* refers to a permit to develop, operate

1 and maintain a wildlife breeding farm for conservation, trade and/or scientific
2 purposes;

3 (nn) *Wildlife local trade permit* refers to a permit authorizing a person to
4 sell or offer for sale, wildlife, wildlife by-products and derivatives;

5 (oo) *Wildlife laundering* refers to the process by which wildlife traders
6 disguise the origin and ownership of illegally acquired wildlife by making such
7 appear to have been derived from a legitimate source to circumvent wildlife laws
8 and regulations;

9 (pp) *Wildlife rescue center* refers to government established or
10 designated repositories of confiscated, donated, retrieved, or turned-over wildlife
11 or an establishment where sick, injured, confiscated wildlife are temporarily kept
12 and rehabilitated prior to the release to their natural habitat or implementation
13 of other modes of disposition as may be authorized by the Secretary or the PCSD;

14 (qq) *Wildlife registration* refers to the act of entering in the official
15 records wildlife, by-products and derivatives and granting authority to any
16 person to maintain said wildlife, by-products and derivatives;

17 (rr) *Wildlife Special Use Permit* refers to a permit authorizing the
18 holder thereof to utilize legally possessed/acquired wildlife, by-products and
19 derivatives for local shows, exhibitions, or educational purposes or to collect
20 economically important species for direct trade purposes;

21 (ss) *Zoological Park* or *Zoo* refers to an establishment where a collection
22 of wild fauna is maintained for recreational, educational, research, conservation
23 or scientific purposes.

24 CHAPTER II

25 CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES

26 ARTICLE I

27 General Provisions

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

34 The DENR, DA and PCSD shall establish their respective National

1 Wildlife Management Committees (NWMCs) to provide technical and scientific
2 advice on wildlife. Each NWMC shall be composed of representatives from the
3 DENR, DA or PCSD, other concerned government agencies, and local scientists
4 with expertise on various fields of discipline on wildlife. The NWMC shall invite
5 other stakeholders as resource persons and other experts, when necessary. The
6 DENR, DA or PCSD shall act as Chairperson of their respective NWMC.

7 The DENR and DA shall establish Regional Wildlife Management
8 Committees (RWMCs) to provide technical and scientific advice on wildlife to
9 DENR and DA field offices.

10 **SEC. 7. Biosafety** – All activities dealing with genetic engineering and
11 pathogenic organisms in the Philippines, as well as activities requiring the
12 importation, introduction, field release and breeding of organisms that are
13 potentially harmful to man and the environment shall be reviewed by the DENR,
14 DA-BFAR or PCSD in accordance with the biosafety guidelines ensuring public
15 welfare and the protection and conservation of wildlife and their habitats.

16 **SEC. 8. Economically Important Species.** – The DENR, DA, and PCSD
17 shall establish a list of economically-important species. Where appropriate, a
18 population assessment of such species shall be conducted within a reasonable
19 period and shall be regularly reviewed and updated by the DENR, DA and
20 PCSD.

21 The collection of certain species shall only be allowed when the results of
22 the assessment show that, despite certain extent of collection, the population of
23 such species can still remain viable and capable of recovering its numbers. For
24 this purpose, the DENR, DA, and PCSD shall establish a schedule and volume of
25 allowable harvests.

26 Whenever an economically important species become threatened, any form
27 of collection thereof shall be prohibited except for scientific, educational or
28 breeding/propagation purposes, pursuant to the provisions of this Act.

29 **SEC. 9. Invasive Alien Species.** – The DENR, DA and PCSD shall manage
30 invasive alien species (IAS) and formulate a National Invasive Alien Species
31 Strategy and Action Plan (NISSAP) on the prevention, detection, eradication,
32 control of, and rehabilitation from, invasive alien species, particularly those
33 having the greatest impacts on the environment, biodiversity, human health and
34 livelihoods. Within one (1) year after the effectivity of this Act, the DENR, DA,

1 and the PCSD, shall jointly establish a list of invasive and potentially invasive
2 alien species.

3 The list of IAS and the NISSAP shall be periodically reviewed, updated
4 and copy made readily available to concerned government agencies and local
5 government units. All national government agencies and local government units
6 shall coordinate with the DENR, DA and PSCD in the implementation and
7 localization of the strategy and action plan.

8 **SEC. 10. *Designation of Management and Scientific Authorities for***
9 ***International Trade in Endangered Species of Wild Fauna and Flora.*** – The
10 Biodiversity Management Bureau (BMB) of the DENR shall be the management
11 authority in the implementation of international agreements on international
12 trade in endangered species of wild fauna and flora and terrestrial resources, the
13 Bureau of Fisheries and Aquatic Resources (BFAR) of the DA for aquatic
14 resources and the Palawan Council for Sustainable Development in the Province
15 of Palawan pursuant to Republic Act No. 7611.

16 Scientific authorities shall provide advice to these management
17 authorities. The scientific authorities for the terrestrial species are the
18 Ecosystems Research and Development Bureau (ERDB) of the DENR, the
19 University of the Philippines (U.P.) Institute of Biological Sciences, U.P.
20 Institute of Biology and the National Museum and other agencies as may be
21 designated by the DENR or DA Secretary. The scientific authorities for the
22 marine and aquatic species are the National Fisheries Research and
23 Development Institute (NFRDI), U.P. Marine Science Institute, U.P. Vizayas,
24 Silliman University, the National Museum and other agencies as may be
25 designated by the DENR or DA Secretary. The ERDB shall chair the scientific
26 authorities in the case of terrestrial species and the NFRDI in the case of marine
27 and aquatic species.

28 **ARTICLE II**

29 **Permissible Activities**

30 **SEC. 11. *Collection of Wildlife.*** – Collection of wildlife may be allowed in
31 accordance with Section 6 of this Act subject to the following conditions:

32 a) In the collection of wildlife, appropriate and acceptable wildlife
33 collection techniques with least or no detrimental effects to the existing
34 wildlife populations and their habitats shall be required;

- 1 b) The collection of wildlife by indigenous peoples in their ancestral
2 land/domain may be allowed for traditional use and not primarily for
3 profit;
- 4 c) The collection of aquatic wildlife resources by indigenous peoples is
5 subject to conditions to be provided by the Secretary of the Department
6 of Agriculture;
- 7 d) The collection and utilization shall not cover threatened species
8 Collection of threatened species; and
- 9 e) Collection of threatened wildlife shall be governed by Section 21 of this
10 Act.

11 **SEC. 12. *Possession of Wildlife.*** – No person or entity shall be allowed
12 possession of wildlife unless such person or entity can prove financial and
13 technical capability, including scientific knowledge, and facility to maintain said
14 wildlife: *Provided*, That the wildlife was not obtained in violation of this Act or
15 other laws.

16 **SEC. 13. *Collection and/or Possession of By-Products and Derivatives.*** –
17 The collection and/or possession of by-products and derivatives may be allowed:
18 *Provided*, That the same was not obtained in violation of this Act or other laws.

19 **SEC. 14. *Local Transport of Wildlife, By-Products and Derivatives.*** –
20 Local transport of wildlife, by-products and derivatives legally collected or
21 possessed shall be authorized by the concerned agency unless the same is
22 prejudicial to the wildlife and public health.

23 **SEC. 15. *Exportation and/or Importation of Wildlife, By-Products and***
24 ***Derivatives.*** – Wildlife, by-products and derivatives may be exported to or
25 imported from another country as may be authorized by the Secretaries of the
26 DENR or DA or PCSD, or their designated representatives, subject to strict
27 compliance with the provisions of this Act and the rules and regulations
28 promulgated pursuant thereto: *Provided*, That the recipient of live wildlife has
29 technical and financial capacity to maintain it: *Provided, further*, That the
30 importation of invasive alien species shall not be allowed.

31 **SEC. 16. *Introduction, Reintroduction or Restocking of Endemic or***
32 ***Indigenous Wildlife.*** – The introduction, reintroduction or restocking of endemic
33 and indigenous wildlife shall be allowed only for population enhancement or
34 recovery purposes subject to prior clearance from the DENR or DA Secretary or

1 the authorized representative pursuant to Section 6 of this Act.

2 Any proposed introduction shall be subject to a scientific study which shall
3 focus on the bio-ecology and natural history as well as the conduct of public
4 consultations with concerned individuals or entities.

5 **SEC. 17. *Introduction of Exotic Wildlife.*** –No exotic species shall be
6 introduced into the country without clearance from the DENR or DA Secretary
7 or PCSD or their authorized representatives. In no case shall exotic species be
8 introduced into protected areas covered by R.A. No. 7586 and R.A. No. 11038 and
9 to critical habitats under Section 27 hereof: *Provided*, That the introduction of
10 such exotic species shall not pose any adverse impacts on local ecology and that
11 further environmental impact study shall be undertaken which shall focus on the
12 bioecology, natural history, socioeconomic and related aspects of the area where
13 the species will be introduced. The proponent shall also be required to secure the
14 free and prior informed consent from concerned indigenous people (IP)
15 communities as well as to conduct public consultation with local stakeholders.

16 **SEC. 18. *Bioprospecting.*** – Bioprospecting shall be allowed upon execution
17 of an undertaking by any proponent, stipulating therein its compliance with and
18 commitment to reasonable terms and conditions that may be imposed by the
19 DENR or DA Secretary or the PCSD which are necessary to protect biological
20 diversity and ensure fair and equitable sharing of benefits derived from the
21 utilization of Philippine genetic resources.

22 Before any permit shall be granted by the DENR or DA Secretary or the
23 PCSD or their authorized representatives, the proponent shall secure the free,
24 prior and informed consent of the concerned indigenous cultural communities,
25 local communities, pursuant to Republic Act No. 8731, the Protected Area
26 Management Board under Republic Act Nos. 7586 and 11038, or from any
27 affected person. The applicant shall fully disclose the intent and scope of the
28 bioprospecting activity in a language and process understandable to the
29 community.

30 Whenever applicable and appropriate, a local institution shall be tapped to
31 be involved in the research, collection and technological development of the
32 product/s derived from the biological and genetic resources. Upon submission of
33 the complete requirements, the DENR or DA Secretary or PCSD shall act on the
34 research proposal within a reasonable period of time.

1 **SEC. 19. *Scientific Researches on Wildlife.*** – Collection and utilization of
2 biological resources for scientific research, not for commercial purposes, shall be
3 allowed upon execution of an undertaking/agreement and/or issuance of a
4 gratuitous permit by the DENR or DA Secretary or their authorized
5 representative: *Provided*, That clearance from concerned bodies shall be secured
6 before the issuance of the gratuitous permit: *Provided Further*, That special
7 conditions to facilitate the conduct of scientific research by Filipino students may
8 be provided by the DENR or DA Secretary or PCSD.

9 Whenever applicable and appropriate, a local institution shall be tapped to
10 be involved in the research, collection and technological development of the
11 product/s derived from the biological and genetic resources.

12 **SEC. 20. *Commercial Breeding or Propagation of Wildlife Resources.*** –
13 Breeding or propagation of wildlife for commercial purposes shall be allowed by
14 the DENR or DA Secretary or PCSD or their authorized representatives
15 pursuant to Section 6 of this Act through the issuance of wildlife farm/culture
16 permit: *Provided*, That only propagated flora, progenies of wild fauna raised,
17 and/or specimens there from, as well as unproductive parent stock shall be
18 utilized for trade: *Provided, further*, That commercial propagation and breeding
19 operations for wildlife, whenever appropriate, shall be subject to an
20 environmental impact study.

21 **SEC. 21. *Collection of Threatened Wildlife, By-products and Derivatives.*** –
22 The collection of threatened wildlife, as determined and listed pursuant to this
23 Act, including its by-products and derivatives, shall be allowed only for scientific,
24 or breeding or propagation purposes in accordance with Section 6 of this Act:
25 *Provided*, That only persons accredited by the DENR or DA Secretary or PCSD
26 shall be allowed to collect for conservation breeding or propagation purposes.

27 **SEC. 22. *Conservation Breeding or Propagation of Threatened Species.*** –
28 Conservation breeding or propagation of threatened species shall be encouraged
29 in order to enhance its population in its natural habitat. It shall be done
30 simultaneously with the rehabilitation and/or protection of the habitat where the
31 captive-bred or propagated species shall be released, reintroduced or restocked.

32 **SEC. 23. *Commercial Breeding or Propagation of Threatened Species*** –
33 Commercial breeding or propagation of threatened species may be allowed
34 provided that the following minimum requirements are met by the applicant, to

1 wit:

2 (a) Proven effective breeding and captive management techniques for the
3 species; and

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

6 The DENR or DA Secretary or PCSD shall prepare a list of threatened
7 species for commercial breeding and shall regularly revise or update such list or
8 as the need arises.

9 **ARTICLE III**

10 **Permits, Fees and Charges**

11 **SEC. 24. *Issuance and Validity of Permits.*** - The DENR or DA Secretary,
12 or their duly authorized representative, and the PCSD, shall issue permit,
13 certifications, or clearances with corresponding periods of validity according to
14 the following:

- | | | |
|----|--|-------------------------|
| 15 | (1) Wildlife farm or culture permit | 3 to 5 years; |
| 16 | (2) Wildlife collector's permit | 1 to 3 years; |
| 17 | (3) Gratuitous permit | 1 to 3 years; |
| 18 | (4) Local transport permit | not more than 3 months; |
| 19 | (5) Special Local Transport Permit | not more than 3 months |
| 20 | (6) Wildlife Local Trade Permit | 1 year |
| 21 | (7) Wildlife Special Use Permit | 1 to 3 years |
| 22 | (8) Export/Import/Re-export Permit | 1 to 6 months; |
| 23 | (9) Certificate of Introduction from the Sea | 1 to 6 months |

24 Such permits may be renewed subject to the guidelines to be issued by the
25 appropriate agency and upon consultation with concerned groups.

26 **SEC 25. *Authority to Collect Fees and Charges.*** - The Secretaries of the
27 DENR, DA or PCSD are hereby authorized to impose and collect reasonable fees
28 and charges as may be determined upon consultation with the concerned groups,
29 and in the amount fixed by the DENR, DA or PCSD for the issuances of permits
30 enumerated in the preceding section.

1 For the export of wildlife species, an export permit fee of not greater than
2 five percent (5%) of the export value, excluding transport costs, shall be charged:
3 *Provided, however,* That in the determination of aforesaid fee, the production
4 costs shall be given due consideration. Cutflowers, leaves and the like, produced
5 from farms shall be exempted from the said export fee. These fees and charges
6 shall be reviewed by the Secretary every two (2) years or as the need arises and
7 revise the same accordingly, subject to consultation with concerned sectors.

8 The DENR or DA Secretary or PCSD may impose an import permit fee
9 based on import value and/or valuation of potential risks to biodiversity and
10 human health. Fees and charges under international agreements shall be borne
11 by the applicant.

12 ARTICLE IV

13 Protection of Threatened Species

14 **SEC. 26. *Determination of Threatened Species.*** - The DENR, DA
15 Secretaries or PCSD shall determine whether any wildlife species or subspecies
16 is threatened, and classify the same as critically endangered, endangered,
17 vulnerable or other accepted categories based on the best scientific data and with
18 due regard to internationally accepted criteria, including but not limited to the
19 following:

20 (a) present or threatened destruction, modification or curtailment of its
21 habitat or range;

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

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

25 The DENR, DA Secretaries or PCSD shall review, revise and publish the
26 list of categorized threatened wildlife within one (1) year after effectivity of this
27 Act. Thereafter, the list shall be updated regularly or as the need arises:
28 *Provided,* That a species listed as threatened shall not be removed therefrom
29 within three (3) years following its initial listing.

30 The DENR, DA Secretaries or PCSD shall evaluate in accordance with the
31 relevant factors stated in the first paragraph of this section the status of the
32 species concerned subject of petition/s filed by any person seeking for the
33 addition or deletion of a species from the list and act on said petition/s within a
34 reasonable period of time.

1 easements or other undertakings appropriate in protecting the critical habitat.

2 To complement these habitats, the DENR or DA Secretary or the PCSD
3 may also identify for protection, a geographically defined area other than a
4 protected area, which is governed and managed in ways that achieve positive
5 and sustained long-term outcomes for the *in-situ* conservation of biodiversity,
6 with associated ecosystem functions and services, and where applicable, cultural,
7 spiritual, socio-economic, and other locally relevant values.

8 CHAPTER III

9 WILDLIFE CRIMES

10 ARTICLE I

11 Illegal Acts

12 **SEC. 29. *Illegal Acts.*** – It shall be unlawful for any person to willfully and
13 knowingly undertake, or to induce, solicit or employ another person to
14 undertake, the following acts:

15 (a) killing and/or destroying wildlife species, including causing death or
16 destruction as a result of any violation of this Act, except in the following
17 instances;

18 (i) when it is done as part of the religious rituals of established tribal
19 groups or indigenous cultural communities;

20 (ii) when the wildlife is afflicted with an incurable communicable
21 disease;

22 (iii) when it is deemed necessary to put an end to the misery suffered
23 by the wildlife;

24 (iv) when it is done to prevent an imminent danger to the life or limb
25 of a human being;

26 (v) when the wildlife is killed or destroyed after it has been used in
27 authorized research or experiments; and

28 (vi) when done for the purpose of wildlife population management or
29 eradication of invasive alien species, as authorized by the DENR,
30 DA or PCSD.

31 (b) inflicting injury which cripples and/or impairs the reproductive system
32 of wildlife species;

33 (c) effecting any of the following acts in critical habitat(s):

34 (i) dumping of waste products detrimental to wildlife and/or the

- 1 critical habitat;
- 2 (ii) squatting or otherwise illegally occupying any portion of the
3 critical habitat;
- 4 (iii) mineral exploration and/or extraction, treasure-hunting and/or
5 prospecting;
- 6 (iv) burning;
- 7 (v) logging;
- 8 (vi) quarrying.
- 9 (vii) land reclamation;
- 10 (vii) disturbing wildlife through activities that endanger flora,
11 fauna and their habitats; and
- 12 (ix) introduction, whether intentional or not, of substance or any
13 man-made or anthropogenic material, agent or medium that
14 endangers the habitat or renders habitat no longer viable for
15 wildlife
- 16 (d) introduction, reintroduction or restocking of wildlife resources;
- 17 (e) trading or attempting to trade wildlife, wildlife by-products and/or
18 derivatives, including advertising, contracting or offering for the purpose of sale
19 or procurement of wildlife, wildlife by-products and/or derivatives through online
20 platform or any other means;
- 21 (f) collecting, hunting or possessing wildlife, wildlife by-products and/or
22 derivatives;
- 23 (g) gathering or destroying of active nests, nest trees, host plants and the
24 like;
- 25 (h) maltreating and/or inflicting other injuries not covered by the
26 preceding paragraphs;
- 27 (i) transporting of wildlife without the appropriate, valid permits,
28 clearances, agreements and/or certificates;
- 29 (j) wildlife laundering; and
- 30 (k) destruction of wildlife habitat which consists in any of the acts in (c),
31 including a combination thereof, resulting in the cessation or impairment of the
32 ecological service or function associated with the habitat which will take a
33 considerable amount of time and effort to restore or rehabilitate.

34 **SEC 30. *Wildlife Trafficking.*** – When any of the violations of letters (a),

1 (e), (f), (i), and (j) in Sec. 29 is committed by a syndicate or in large scale or the
2 wildlife involved is bound for export or is actually exported to another country or
3 is imported from another country by the person or in connivance with the
4 persons from whom the wildlife was apprehended, the offense committed is
5 Wildlife Trafficking and shall be penalized accordingly.

6 Furthermore, wildlife trafficking is also committed under any of the
7 following circumstances, whether domestic or transnational: (i) When one or
8 more

9 other persons agree to commit any of the aforementioned illegal acts for a
10 purpose

11 relating directly or indirectly to obtaining of financial or other material benefit
12 from any wildlife crime defined in this Act, including any act undertaken by one
13 of the participants in furtherance of the agreement or involving an organized

14 criminal group; (ii) Conduct by a person who, with knowledge of either the aim
15 and general criminal activity of an organized criminal group or its intention to
16 commit the crimes in question, takes an active part in criminal activities of the
17 organized criminal group or other activities of the organized criminal group in
18 the knowledge that his or her participation will contribute to the achievement of
19 the above-described criminal aim; and (iii) Organizing, directing, aiding,
20 abetting,

21 facilitating or counselling the commission of serious crime involving an organized
22 criminal group engaged in any wildlife crime defined in this Act.

23 ARTICLE II

24 Penalties

25 **SEC. 31. *Penalties for Violations of this Act.*** – For any person who
26 undertakes illegal acts under paragraph (a) of Sec. 29 to any species as may be
27 categorized pursuant to this Act, the following penalties and fines shall be
28 imposed:

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

33 (b) imprisonment of *prision mayor* (from 6 years and 1 day to 12 years)
34 and a fine of One hundred thousand pesos (P100,000.00) to One Million

1 (P1,000,000.00) if inflicted or undertaken against endangered species;
2 (c) imprisonment of *prision correccional* in its medium and maximum
3 period (From 2 years, 4 months and 1 day to 6 years) and a fine of Sixty
4 thousand pesos (P60,000.00) to Six hundred thousand pesos (P600,000.00),
5 if inflicted or undertaken against vulnerable species;
6 (d) imprisonment of *prision correccional* in its minimum period (from 6
7 months and 1 day to 2 years and 4 months) and a fine of Forty thousand
8 pesos (P40,000.00) to Four hundred thousand pesos (P400,000.00) if
9 inflicted or undertaken against near threatened species; and
10 (e) imprisonment of *prision correccional* in its minimum period (from 6
11 months and 1 day to 2 years and 4 months) and a fine of Twenty thousand
12 pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if
13 inflicted or undertaken against other wildlife species.

14 For illegal acts under paragraph (b) of Sec. 29, the following penalties and
15 fines shall be imposed:

16 (a) imprisonment of *prision correccional* in its maximum period (from 4
17 years, 2 months and 1 day to 6 years) and a fine of One hundred thousand
18 pesos (P100,000.00) to One Million pesos (P1,000,000.00), if inflicted or
19 undertaken against species listed as critically endangered;
20 (b) imprisonment of *prision correccional* in its medium period (from 2
21 years, 4 months and 1 day to 4 years and 2 months) and a fine of Sixty
22 thousand pesos (P60,000.00) to Four hundred thousand pesos
23 (P400,000.00), if inflicted or undertaken against endangered species;
24 (c) imprisonment of *prision correccional* in its minimum period (from 6
25 months and 1 day to 2 years and 4 months) and a fine of Forty thousand
26 pesos (P40,000.00) to Four hundred thousand pesos (P400,000.00), if
27 inflicted or undertaken against vulnerable species;
28 (d) imprisonment of *prision correccional* in its minimum period (from 6
29 months and 1 day to 2 years and 4 months) and fine of Twenty thousand
30 pesos (P20,000.00) to One hundred thousand pesos (P100,000.00), if
31 inflicted or undertaken against near threatened species; and
32 e) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months)
33 and a fine of Ten thousand pesos (P10,000.00) to Forty thousand pesos
34 (P40,000.00), if inflicted or undertaken against other wildlife species.

1 For illegal acts under paragraphs (c) and (d) of Sec. 29, an imprisonment
2 of *arresto mayor* to *prision mayor* in its minimum period (from 1 month and 1
3 day to 8 years) and a fine of Ten thousand pesos (P10,000.00) to Ten million
4 pesos (P10,000,000.00) shall be imposed. If critical habitat requires
5 rehabilitation or restoration as determined by the Court, the offender shall be
6 additionally required to restore the same, whenever practicable, or pay
7 additional compensation for the damage caused.

8 For illegal acts under paragraph (e), Sec. 29 the following penalties and
9 fines shall be imposed:

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

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

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

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

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

29 For illegal acts under paragraphs (f) and (g) of Sec. 29, the following
30 penalties and fines shall be imposed:

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

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

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

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

13 (e) imprisonment of *arresto menor* in its medium period and maximum
14 period (from 11 to 30 days) and a fine of Two thousand pesos (P2,000.00)
15 to Ten thousand pesos (P10,000.00), if inflicted or undertaken against
16 other wildlife species: *Provided*, That in case of paragraph (f), where the
17 acts were perpetuated through the means of inappropriate techniques and
18 devices, the maximum penalty herein provided shall be imposed.

19 For illegal acts under paragraphs (h) and (i) of the Sec. 29, the following
20 penalties and fines shall be imposed:

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

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

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

34 (d) imprisonment of *arresto menor* in its medium period and maximum

1 period (from 11 to 30 days) and a fine of Two thousand pesos (P2,000.00)
2 to Ten thousand pesos (P10,000.00), if inflicted or undertaken against
3 species listed as near threatened species;

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

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

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

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

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

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

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

28 For violations of letters (a), (e), (f), (i), and (j) of Sec. 29, committed by a
29 syndicate or, in large scale or the wildlife involved is bound for export or is
30 actually exported to another country; or is imported from another country by the
31 person or in connivance with the persons from whom the wildlife was
32 apprehended, otherwise known as Wildlife Trafficking the following fines and
33 penalties shall be imposed:

34 (a) imprisonment of reclusion temporal (from 12 years and 1 day to 20

1 years) and a fine of Two Hundred Thousand Pesos (P200,000.00) to
2 Two Million Pesos (P2,000,000.00), or two times the proven market value,
3 whichever is higher, if inflicted or undertaken against species listed as
4 critically endangered;

5 (b) imprisonment of *prision mayor* (from 6 years and 1 day to 12 years)
6 and a fine of One Hundred Thousand Pesos (P100,000.00) to One
7 Million Pesos (P1,000,000.00), or two times the proven market value,
8 whichever is higher, if inflicted or undertaken against endangered
9 species;

10 (c) imprisonment of *prision correccional* in its medium and maximum
11 period (From 2 years, 4 months and 1 day to 6 years) and a fine of
12 Sixty Thousand Pesos (P60,000.00) to Six Hundred Thousand Pesos
13 (P600,000.00), or two times the proven market value, whichever is higher,
14 if inflicted or undertaken against vulnerable species;

15 (d) imprisonment of *prision correccional* in its minimum period (from 6
16 months and 1 day to 2 years and 4 months) and a fine of
17 Twenty Thousand Pesos (P20,000.00) to Sixty Thousand Pesos
18 (P60,000.00), or two times the proven market value, whichever is higher, if
19 inflicted or undertaken against other protected wildlife species.

20 **SEC. 32. Additional Criminal liabilities.** – (a) If the violation is committed
21 by a corporation, cooperative, association or any other juridical person, such as
22 but not limited to airfreight, shipping, trucking or forwarding companies, the
23 penalty shall be imposed upon the president, director or directors, managers,
24 managing partner, or other official thereof responsible for such violation.
25 *Provided, That, the amount/s of the fine shall be doubled; Provided, further, That*
26 *the liability imposed on the juridical person shall be without prejudice to the*
27 *criminal liability of the natural person who actually committed the offense.*

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

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

34 **SEC. 33. Civil liabilities.** – Civil action for the recovery of civil liability

1 arising from the offense charged shall be included in the criminal action or
2 separately filed. Civil liabilities are separate from criminal and administrative
3 liabilities and shall include costs for maintenance of apprehended live wildlife
4 species, economic reparations, or indemnification or repairing environment
5 damage, among others.

6 **SEC. 34. *Escalation of the amount of fines.*** – The fines herein prescribed
7 shall automatically increase, without need for further legislation or
8 administrative issuance, by ten percent (10%) every three (3) years from the
9 effectivity of this Act to maintain the deterrent function of such fines.

10 **ARTICLE III**

11 **Disputable Presumptions and Qualifying Circumstances**

12 **SEC. 35. *Disputable presumptions.*** – Without the appropriate wildlife
13 permit, certification or clearance, or authority, at the time of apprehension, the
14 following shall constitute *prima facie* evidence of the corresponding illegal acts
15 punishable under this Act:

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

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

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

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

1 **SEC. 36. *Qualifying Circumstances.*** – Each wildlife specimen shall
2 constitute a separate and distinct count of an illegal act. The imposition of
3 penalties shall be qualified according to the following circumstances:

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

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

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

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

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

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

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

21 d. If the prohibited act committed involves the inducement of indigenous
22 peoples, the maximum penalty shall be imposed.

23 **SEC 37. *Penalties for recidivists.*** – The maximum applicable penalty
24 shall be imposed upon a recidivist who commits any of the illegal acts punishable
25 under this Act. A recidivist shall mean a person who, at the time of his or her
26 trial for a violation of this Act, shall have been previously convicted by final
27 judgment of the same or another violation of this Act.

28 **SEC 38. *Liability under other laws.*** – Prosecution for violation of this Act
29 shall be without prejudice to the prosecution of the offender for violation of other
30 laws, rules and regulations.

31 **ARTICLE IV**

32 **Administrative Adjudication**

33 **SEC. 39. *Authority to adjudicate and administer penalties.*** – The
34 Secretaries of the DENR and DA or PCSD or their respective authorized

1 representatives are authorized to exercise administrative adjudication,
2 confiscation, and forfeiture powers, including the power to cite in contempt, in all
3 cases of violations of this Act and may impose administrative sanctions such as
4 payment of fines, and/or order the suspension or cancellation of existing wildlife
5 permits and disqualification from issuance of future permits, the closure of
6 establishment, and/or the confiscation and forfeiture of all wildlife, wildlife by-
7 products and/or derivatives, and all paraphernalia, tools and conveyances used
8 in connection with the violation, and to dispose of the same in accordance with
9 pertinent laws, regulations or policies on the matter. The Secretaries of the
10 DENR and DA or PCSD or their respective authorized representatives may, after
11 due notice and hearing, cancel or suspend wildlife permits, clearances,
12 agreements and/or certificates due to violation of this Act, its implementing rules
13 and regulations, and/or the terms of the permits, agreements or certificates. The
14 Secretaries of the DENR, DA and PCSD shall issue appropriate procedural rules
15 and regulations on administrative adjudication of violations of this Act.

16 CHAPTER IV

17 Transnational Wildlife Crimes

18 **SEC. 40. *Recognition of the Transnational Character of Wildlife Crime***
19 ***Under This Act.*** – Consistent with the provisions of the United Nations
20 Convention on Transnational Organized Crime (UNTOC) to which the
21 Philippines is a Party, and which are considered part of the law of the land
22 through incorporation, a wildlife crime acquires a transnational character if:

- 23 (a) It is committed in more than one State;
- 24 (b) It is committed in one State but a substantial part of its preparation,
25 planning, direction or control takes place in another State;
- 26 (c) It is committed in one State but involves an organized criminal group
27 that engages in criminal activities in more than one State; or
- 28 (d) It is committed in one State but has substantial effects in another
29 State.

30 Towards this end, this Chapter strengthens existing administrative
31 structures in place to deal with transnational crime, including the Philippine
32 Center on Transnational Crime (PCTC), and further specifies the application of
33 the UNTOC on transnational wildlife crime penalized under this Act.

1 **SEC. 41. *International Cooperation for Purposes of Cooperation.*** – Once
 2 the PCTC has received a request from another State Party of UNTOC for
 3 confiscation of proceeds of crime, property, equipment, or other instrumentalities
 4 from the commission of a transnational wildlife crime, the PCTC shall submit
 5 the request to the implementing agencies of this Act for the purpose of obtaining
 6 an order of confiscation, and if such an order is granted, shall give effect to it.

7 In addition, upon receipt of such a request, the PCTC, in coordination with
 8 the implementing agencies of this Act, shall take measures to identify, trace,
 9 freeze, or seize proceeds of crime, property, equipment or other instrumentalities
 10 of the transnational wildlife crime.

11 **SEC. 42. *Collection, exchange and analysis of information on the nature of***
 12 ***transnational wildlife crime.*** – The PCTC shall consolidate and analyze, in
 13 consultation with the scientific and academic communities and other relevant
 14 international and regional organizations, including INTERPOL and
 15 ASEANAPOL, trends in organized crime in its territory, the circumstances in
 16 which organized crime operates, as well as the professional groups and
 17 technologies involved. The PCTC shall also consider developing and sharing
 18 analytical expertise concerning organized criminal activities with each other and
 19 through international and regional organizations. For these purposes, common
 20 definitions, standards and methodologies should be developed and applied, as
 21 appropriate.

22 **SEC. 43. *Policies and Other Measures to Address Transnational Wildlife***
 23 ***Crime.*** – The PCTC shall work with the DENR, DA, PCSD including the Office
 24 of the Special Envoy for Transnational Crimes, and consult with international
 25 and regional organizations, including INTERPOL, ASEANAPOL, and the
 26 ASEAN Centre for Biodiversity, to develop policies and measures conducive to
 27 the optimal implementation of the UNTOC in relation to wildlife crime, through
 28 regional and international cooperation, taking into account the negative effects
 29 of organized crime on society in general, in particular on sustainable
 30 development.

31 CHAPTER V

32 WILDLIFE LAW ENFORCEMENT

33 **SEC. 44. *Creation of Plantilla Positions for Wildlife Law Enforcement.*** –
 34 The DA, DENR and PCSD are hereby authorized to create, subject to existing

1 guidelines, permanent positions of Wildlife Enforcement Agents, or designate
2 their existing permanent employees as such from their respective enforcement
3 units. Such Wildlife Enforcement Agents shall have full authority to conduct
4 enforcement activities to enforce the provisions of this Act such as, but not
5 limited to, the conduct of surveillance activities, investigation, application and
6 implementation of search warrants, arrests of violators and seizures of illegally
7 possessed, collected, traded or transported wildlife, their by-products and
8 derivatives including the conveyances, tools and implements used thereto.
9 Wildlife Enforcement Agents are authorized to carry their agency's badge and
10 government firearms in the conduct of their duties, subject to the existing rules
11 on firearms and after proper training from any government facility.

12 **SEC. 45. *Deputation of Wildlife Enforcement Officers.*** – The DENR and
13 Secretaries and PCSD shall deputize wildlife enforcement officers from
14 nongovernment organizations, citizens' groups, community organizations, local
15 government units and other volunteers who have undergone necessary training
16 for this purpose. The Philippine National Police (PNP), the National Bureau of
17 Investigation (NBI), the Bureau of Customs and other law enforcement agencies
18 shall designate wildlife enforcement officers. As such, the wildlife enforcement
19 officers shall have the full authority to seize illegally traded wildlife and to arrest
20 violators of this Act subject to existing laws, rules and regulations on arrest and
21 detention. These agencies may also seek the cooperation of International and
22 Regional Organizations in the conduct of its investigation and enforcement
23 actions.

24 **SEC. 46. *Creation of Wildlife Traffic Monitoring Units (WTMUs).*** – The
25 DENR and DA Secretaries shall create wildlife traffic monitoring units in
26 strategic air and seaports all over the country to ensure the strict compliance
27 and effective implementation of all existing wildlife laws, rules and regulations,
28 including pertinent international agreements. For this purpose, the DENR, DA
29 or PCSD are authorized to add in their staffing pattern Wildlife Inspectors, to be
30 assigned at WTMUs, who shall have the same powers and authorities as of the
31 Wildlife Enforcement Officers. National government agencies with mandates on
32 transportation and local government units shall provide necessary assistance to
33 such WTMUs.

1 Customs officers and/or authorized representatives from other government
2 agencies or instrumentalities such as, but not limited to, those from the Office
3 for Transportation Security (OTS), the Civil Aviation Authority of the
4 Philippines (CAAP), assigned at air or seaports who may have discovered or
5 intercepted wildlife commodities in the discharge of their official functions shall
6 bring such discovery to the attention of, and/or turn over the intercepted wildlife,
7 wildlife by-products and/or derivatives to, the wildlife traffic monitoring unit
8 assigned in the area.

9 **SEC. 47. *Wildlife regulatory and Law Enforcement Management***
10 ***Information System.*** – The DENR, DA and PCSD shall develop, establish and
11 maintain a wildlife law enforcement management information system to aid in
12 the monitoring, regulation, control and surveillance of activities involving
13 wildlife, particularly the possession, transport and trade of wildlife, wildlife by-
14 products and derivatives.

15 **SEC. 48. *Role of Local Government Units.*** – Local government units shall
16 support the DENR, DA and PCSD in the implementation of this Act. Local
17 government units shall require the presentation of the appropriate and duly
18 issued wildlife permits and/or clearances by persons engaged in business
19 activities involving wildlife as a pre-requisite for the issuance or renewal of
20 business permits and other applicable local government permits and clearances
21 to such persons.

22 **SEC. 49. *Public Participation.*** - The participation of private citizens in
23 reporting and providing information on illegal wildlife trade shall be encouraged.
24 Any private person who shall provide any information leading to the
25 apprehension, prosecution and/or conviction of any offender for any violation of
26 this Act and its implementing rules and regulations, or confiscation of wildlife,
27 its derivatives or by-products, and all paraphernalia, tools and conveyances used
28 in connection with the violation, may be given a reward in an amount to be
29 determined through a policy guideline issued by the DENR and DA Secretaries
30 or the PCSD.

31 **SEC. 50. *Strategic Lawsuit Against Public Participation in the***
32 ***Enforcement of this Act.*** – A legal action filed to harass, vex, exert undue
33 pressure, or stifle any legal recourse that any person, institution, or the
34 government has taken or may take in the enforcement of this Act shall be

1 Customs officers and/or authorized representatives from other government
2 agencies or instrumentalities such as, but not limited to, those from the Office
3 for Transportation Security (OTS), the Civil Aviation Authority of the
4 Philippines (CAAP), assigned at air or seaports who may have discovered or
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17 government units shall require the presentation of the appropriate and duly
18 issued wildlife permits and/or clearances by persons engaged in business
19 activities involving wildlife as a pre-requisite for the issuance or renewal of
20 business permits and other applicable local government permits and clearances
21 to such persons.

22 **SEC. 49. *Public Participation.*** - The participation of private citizens in
23 reporting and providing information on illegal wildlife trade shall be encouraged.
24 Any private person who shall provide any information leading to the
25 apprehension, prosecution and/or conviction of any offender for any violation of
26 this Act and its implementing rules and regulations, or confiscation of wildlife,
27 its derivatives or by-products, and all paraphernalia, tools and conveyances used
28 in connection with the violation, may be given a reward in an amount to be
29 determined through a policy guideline issued by the DENR and DA Secretaries
30 or the PCSD.

31 **SEC. 50. *Strategic Lawsuit Against Public Participation in the***
32 ***Enforcement of this Act.*** – A legal action filed to harass, vex, exert undue
33 pressure, or stifle any legal recourse that any person, institution, or the
34 government has taken or may take in the enforcement of this Act shall be

1 treated as a strategic lawsuit against public participation.

2 The hearing on the defense of a strategic lawsuit against public
3 participation shall be summary in nature. The affirmative defense shall be
4 resolved within thirty (30) days after the summary hearing. If the court
5 dismisses the action, the court may award damages, attorney's fees, and costs of
6 suit under a counterclaim if such has been filed. The dismissal shall be with
7 prejudice.

8 If the court rejects the defense of a strategic lawsuit against public
9 participation, the evidence adduced during the summary hearing shall be treated
10 as evidence of the parties on the merits of the case. The action shall proceed in
11 accordance with the Rules of Court.

12 The Rules of Procedure for Environmental Cases shall govern the
13 procedure in civil, criminal, and special civil actions involving the enforcement or
14 violations of this Act including actions treated as a strategic lawsuit against
15 public participation as provided in this section.

16 CHAPTER VI

17 MISCELLANEOUS PROVISIONS

18 **SEC. 51. *Wildlife Management Fund.*** – There is hereby established a
19 Wildlife Management Fund to be administered by the DENR, DA and PCSD as a
20 special account in the National Treasury. It shall finance rehabilitation or
21 restoration of habitats affected by acts committed in violation of this Act and
22 support scientific research, enforcement and monitoring activities, procurement
23 of vehicles, firearms and ammunitions, as well as enhancement of capabilities of
24 relevant agencies. The Wildlife Management Fund may also be used for
25 establishment of intelligence or confidential funds for confidential law
26 enforcement operations.

27 The Fund shall be derived from administrative and criminal fines
28 imposed, civil liabilities and damages awarded, proceeds from allowable
29 disposition of wildlife, wildlife by-products and derivatives, fees, charges,
30 donations, endowments, administrative fees or grants in the form of
31 contributions. Contributions to the Fund shall be exempted from donor taxes and
32 all other tax charges or fees imposed by the government. The administrative and
33 criminal fines imposed, civil liabilities and damages awarded shall accrue to the
34 Wildlife Management Fund of the DA, DENR or PCSD as the case may be.

1 **SEC. 52. *Exemption from taxes.*** – Any donation, contribution, bequest,
2 subsidy or financial aid which may be made to the DENR, DA, PCSD and to
3 NGOs and peoples organizations engaged in wildlife conservation, protection and
4 law enforcement duly registered with the Securities and Exchange Commission
5 or the Cooperative Development Authority, as certified by the local government
6 unit, the DENR, DA or PCSD, for the conservation and protection of wildlife
7 resources and their habitats shall constitute as an allowable deduction from the
8 taxable income of the donor and shall be exempt from donor's tax.

9 **SEC. 53. *Wildlife Rescue Center.*** – The DENR and DA Secretaries shall
10 establish or designate wildlife rescue centers to take temporary custody and care
11 of all confiscated, abandoned and/or donated wildlife to ensure their welfare and
12 well-being. Such wildlife rescue centers shall be staffed by permanent qualified
13 personnel and shall also have the necessary tools, machines, equipment and
14 facilities consistent with the requirements of animal health and welfare. The
15 DENR and DA Secretaries shall formulate guidelines for the disposition of
16 wildlife from the rescue centers.

17 **SEC. 54. *Establishment of National Wildlife Research Centers.*** – The
18 DENR and DA Secretaries and PCSD shall establish national and local wildlife
19 research centers, as the case may be, for terrestrial and aquatic species to lead in
20 the conduct of scientific researches on the proper strategies for the conservation
21 and protection of wildlife, including captive breeding or propagation. Such
22 research centers shall be staffed by permanent qualified personnel and shall also
23 have the necessary tools, machines, equipment and facilities to conduct forensic
24 analyses and other related capabilities for wildlife law enforcement. In this
25 regard, the Secretary and PCSD shall establish partnerships with experts from
26 academic and research institutions and the legitimate wildlife trade industry.

27 **SEC. 55. *Flagship Species.*** – Local government units shall initiate
28 conservation measures for wildlife species in their areas. For this purpose, they
29 may adopt flagship species such as the Cebu black shama (*Copsychus cebuensis*),
30 tamaraw (*Bubalus mindorensis*), Philippine tarsier (*Tarsius syrichta*), Philippine
31 teak (*Tectona philippinensis*), which shall serve as emblems of conservation for
32 the local government concerned. The DENR or DA Secretary or PCSD or their
33 authorized representatives may provide guidelines on the selection of flagship
34 species.

1 **SEC. 56. *Heritage trees.*** – In coordination with and with assistance from
2 the DENR or PCSD, local government units shall declare or designate as
3 heritage trees certain qualified endemic or indigenous tree species within their
4 territorial jurisdiction. The DENR or DA Secretary or PCSD or their authorized
5 representatives may provide guidelines on the selection of heritage trees.

6 **SEC. 57. *Botanical Gardens, Zoological Parks and Other Similar***
7 ***Establishments.*** – The DENR or DA Secretary shall regulate the establishment,
8 operation and maintenance of botanical gardens, zoological parks and other
9 similar establishments for recreation, education and conservation.

10 **SEC. 58. *Registration of museum specimens.*** – Except for the National
11 Museum, all other museums and similar establishments displaying wildlife by-
12 products and derivatives for public viewing shall register said specimens with
13 the DENR, DA or PCSD, as the case may be.

14 **SEC. 59. *Communication, Education, Public Awareness and Information***
15 ***Sharing.*** – The DENR, DA, PCSD and the Office of Special Envoy for
16 Transnational Crimes (OSETC) shall undertake wildlife information awareness
17 and wildlife crime prevention activities in coordination with and with assistance
18 from the other national agencies and local government units. These agencies
19 shall facilitate information sharing with other national agencies and pertinent
20 agencies of the ASEAN and ASEAN member countries to further aid
21 enforcement of the wildlife protection laws and address and deter wildlife
22 trafficking and illegal wildlife trade.

23 **CHAPTER VII**

24 **FINAL PROVISIONS**

25 **SEC. 60. *Appropriations.*** – The DENR, DA, and PCSD shall immediately
26 include in their Department's programs the implementation of this Act, the
27 funding of which shall be included in the annual General Appropriations Act.

28 **SEC. 61. *Implementing Rules and Regulations.*** – Within twelve (12)
29 months following the effectivity of this Act, the DENR and DA Secretaries shall
30 jointly promulgate the implementing rules and regulations for the effective
31 implementation of this Act. Whenever appropriate, coordination in the
32 preparation and implementation of rules and regulations on joint and
33 inseparable issues shall be done by the DENR, DA and PCSD. The commitments
34 of the State to international agreements and protocols shall likewise be a

1 consideration in the implementation of this Act.

2 **SEC. 62. *Report to Congress.*** – The DENR and DA Secretaries and PCSD
3 shall report to Congress, not later than March 30 of every year following the
4 approval of this Act, the progress of efforts to conserve and protect Philippine
5 wildlife resources and make the necessary recommendations in areas where
6 there is need for legislative action.

7 **SEC. 63. *Joint Congressional Oversight Committee.*** – There is hereby
8 created a Joint Congressional Oversight Committee to monitor and oversee the
9 implementation of the provisions of this Act. The Committee shall be composed
10 of six (6) members from the Senate and six (6) members from the House of
11 Representatives with the Chairpersons of the Committees on Environment of the
12 Senate and the Committee on Natural Resources of the House of
13 Representatives, respectively, as joint Chairpersons of the Joint Committee. The
14 five (5) other members from each Chamber are to be designated by the Senate
15 President and the Speaker of the House of Representatives, respectively. The
16 minority shall be entitled to *pro rata* representation but shall have at least two
17 (2) representatives from each Chamber.

18 **SEC. 64. *Mandatory Review.*** – The Congressional Oversight Committee
19 shall undertake the mandatory review of this Act at least once every five (5)
20 years after the effectivity of this Act, or as the need arises,

21 **SEC. 65. *Separability Clause.*** – If any provision of this Act is declared
22 unconstitutional or invalid, other parts or provisions hereof not affected shall
23 continue to be in full force and effect.

24 **SEC. 66. *Repealing Clause.*** – Republic Act No. 9147 is hereby repealed. Al
25 other laws, ordinances, orders, rules, regulations and other issuances or parts
26 thereof which are inconsistent with this Act are hereby repealed, amended or
27 modified accordingly.

28 **SEC. 67. *Effectivity.*** – This Act shall take effect fifteen (15) days after
29 publication in the *Official Gazette* or in a newspaper of general circulation.

30 *Approved,*

31