



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN



MEMORANDUM

**FOR** : **The Directors**  
Legal Affairs Service  
Policy and Planning Service  
Climate Change Service

**The Bureau Directors**  
Biodiversity Management Bureau  
Ecosystems Research and Development Bureau

**The Executive Director**  
Palawan Council for Sustainable Development

**FROM** : **The Director**  
Legislative Liaison Office

**SUBJECT** : **REQUEST FOR COMMENTS/RECOMMENDATIONS ON THE SUBSTITUTE BILL TO HOUSE BILLS NUMBERED 2613, 8649, AND 9839, TITLED "AN ACT STRENGTHENING THE NATIONAL POLICY ON WEALTH GENERATION BY MAXIMIZING THE BENEFITS DERIVED FROM THE DEVELOPMENT AND UTILIZATION OF PHILIPPINE GENETIC RESOURCES AND APPROPRIATING FUNDS THEREFOR" INTRODUCED BY REPS. CARLITO "LITO" S. MARQUEZ, LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR., MIGUEL LUIS R. VILLAFUERTE, ET AL. FROM THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES**

**DATE** : 06 November 2024

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In reference to the electronic letter, the Committee on Appropriations of the House of Representatives is requesting the Department's comments/recommendations on the Substitute Bill to House Bills Numbered 2613, 8649, and 9839, titled "AN ACT STRENGTHENING THE NATIONAL POLICY ON WEALTH GENERATION BY MAXIMIZING THE BENEFITS DERIVED FROM THE DEVELOPMENT AND UTILIZATION OF PHILIPPINE GENETIC RESOURCES AND APPROPRIATING FUNDS THEREFOR" introduced by Reps. Carlito "Lito" S. Marquez, Luis Raymund "Lray" F. Villafuerte, Jr., Miguel Luis R. Villafuerte, et al.

In this regard, may we respectfully request **your comments/recommendations on the abovementioned substitute bill**, as requested by the Committee. Kindly send them on or before **11 November 2024 (Monday) at 5 PM** via email at [denrll@denr.gov.ph](mailto:denrll@denr.gov.ph)

Attached herewith is the Letter request and the Draft Substitute Bill for your reference.

  
ROMIROSE B. PADIN



Republic of the Philippines  
**House of Representatives**  
Committee on Appropriations  
Quezon City, Metro Manila

November 4, 2024

**HON. MARIA ANTONIA YULO LOYZAGA**

Secretary

Department of Environment and Natural Resources

DENR Bldg. Visayas Avenue

Diliman, Quezon City

**Dear Secretary Loyzaga:**

May we refer for comments/recommendations the Substitute Bill to House Bills Numbered 2613, 8649 and 9839, titled **"AN ACT STRENGTHENING THE NATIONAL POLICY ON WEALTH GENERATION BY MAXIMIZING THE BENEFITS DERIVED FROM THE DEVELOPMENT AND UTILIZATION OF PHILIPPINE GENETIC RESOURCES AND APPROPRIATING FUNDS THEREFOR"** introduced by Reps. Carlito "Lito" S. Marquez, Luis Raymund "Lray" F. Villafuerte, Jr., Miguel Luis R. Villafuerte, et al.

The Committee appreciates receiving your position paper on the said measure before we calendar the said bill for committee deliberations.

Thank you.

Very truly yours,

**REP. ELIZALDY S. CO**  
Chairperson

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

NINETEENTH CONGRESS  
Second Regular Session

**HOUSE BILL NO. \_\_\_\_\_**

(In substitution of House Bills Numbered 2613, 8649 and 9839)

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Introduced by Representatives Engr. Carlito "Lito" S. Marquez, Luis Raymund "Lray" F. Villafuerte, Jr., Miguel Luis R. Villafuerte, Tsuyoshi Anthony G. Horibata, Noel "Bong" N. Rivera, Midy N. Cua, Loreto B. Acharon, Eduardo Roa Rama, Jr., Marie Bernadette G. Escudero, Allen Jesse C. Mangaoang, Raul Angelo "Jil" D. Bongalon, Maria Angela S. Garcia and Steve Chiongbian Solon

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**AN ACT**  
**STRENGTHENING THE NATIONAL POLICY ON WEALTH**  
**GENERATION BY MAXIMIZING THE BENEFITS DERIVED**  
**FROM THE DEVELOPMENT AND UTILIZATION OF**  
**PHILIPPINE GENETIC RESOURCES AND APPROPRIATING**  
**FUNDS THEREFOR**

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

1           **SECTION 1. Short Title.** - This Act shall be known as *the "Philippine*  
2 *Biodiversity Benefits Maximization Act and Appropriating Funds Therefor*" or  
3 *"The PBBM Act"*.

4           **SEC. 2. Declaration of Policy.** - It is the policy of the State to ensure  
5 the fair and equitable sharing of benefits arising from the utilization of all  
6 genetic resources in the country to generate wealth and alleviate poverty. To  
7 this end, the State shall secure the necessary means to pursue the strategic  
8 programs and initiatives on the conservation and sustainable use of biological  
9 diversity through the conduct of scientific research, improvement of regulatory  
10 measures on access and utilization of genetic resources, and increasing  
11 awareness of their potential contribution to economic development and public  
12 health. Moreover, the State shall ensure that local and indigenous communities  
13 receive a fair share from the benefits arising from the utilization of genetic  
14 resources in their areas or domains and provide the necessary support and  
15 incentive for investments for the conservation and sustainable use of these  
16 genetic resources by the host communities.

17

1           **SEC. 3. Scope.** - This Act shall apply to Philippine genetic resources,  
2 whether found in or originating from Philippine territory and areas where the  
3 country enjoys sovereign rights and jurisdiction, originating from the same or  
4 exported to other countries; and genetic resources originating from other  
5 countries and imported into the Philippines for development and utilization.  
6

7           **SEC. 4. Definition of Terms.** - As used in this Act:  
8

- 9           a) *Access* refers to the collection, taking and gathering of genetic resources  
10 from the field, in order that they may be utilized for further academic or  
11 scientific research and bioprospecting. This also includes the conduct of  
12 field research, interviews and surveys involving the indigenous knowledge  
13 systems and practices including the associated traditional knowledge of  
14 indigenous and local communities in the Philippines;  
15
- 16           b) *Biopiracy* refers to the unethical or unlawful appropriation or commercial  
17 exploitation of biological materials such as medicinal plant extracts that  
18 are native to a particular country or territory without providing fair  
19 financial compensation to the people or government of that country or  
20 territory;  
21
- 22           c) *Bioprospecting* refers to the systematic search for biochemical and  
23 genetic information in nature in order to develop commercially-valuable  
24 products for pharmaceutical, agricultural, cosmetic and other applications;  
25
- 26           d) *Biotechnology* refers to any technological application that uses biological  
27 systems, living organisms, or derivatives thereof, to make or modify  
28 products or processes for specific use;  
29
- 30           e) *Clearing house* refers to the platform for exchanging information on  
31 access and benefit-sharing established by the Nagoya Protocol on  
32 Access to Genetic Resources and the Fair and Equitable Sharing of  
33 Benefits Arising from their Utilization to the Convention on Biological  
34 Diversity, hereinafter referred as the Nagoya Protocol;  
35
- 36           f) *Derivatives* refer to a naturally occurring biochemical compound resulting  
37 from the genetic expression or metabolism of biological or genetic  
38 resources, even if it does not contain functional units of heredity;  
39
- 40           g) *Fair and equitable benefit-sharing* refers to the appropriate benefits that  
41 may be derived by the Philippines as a country or its researchers, taking  
42 into account the level of effort applied to secure the resources relevant to  
43 the country's current socio-economic and cultural standing;  
44
- 45           h) *Genetic material* refers to any material of plant, animal, microbial or other  
46 origin containing functional units of heredity;  
47
- 48           i) *Genetic resources* refer to genetic material as defined in item (h) hereof,  
49 except genetic materials originating from humans;

- 1  
2 j) *Utilization of genetic resources* refers to the conduct of research and  
3 development activities on genetic and biochemical composition of genetic  
4 resources, including the application of biotechnology as defined in Article  
5 2 of the United Nations Convention on Biodiversity.

6 **SEC. 5. Policy Framework on Access and Benefit-sharing from the**  
7 **Utilization of Philippine Genetic Resources and Bioprospecting.** - The  
8 policy framework on access and benefit-sharing from the utilization of genetic  
9 resources institutionalized in this Act implements the Philippine commitment to  
10 the Nagoya Protocol and includes some key changes in specific policy areas  
11 relating to access to genetic resources. It also incorporates compliance  
12 mechanisms to ensure that similar legislation or policy relating to access and  
13 benefit-sharing arising from the utilization of genetic resources from another  
14 country used in the Philippines are respected and implemented. The tracking  
15 and monitoring mechanisms, capacity-building and technology transfer as well  
16 as special mandates of identified government agencies are also amended to  
17 fully implement the policy established in this Act.  
18

19 **SEC. 6. Creation and Composition of the Inter-Agency Committee on**  
20 **Genetic Resources and Associated Traditional Knowledge.** - There is  
21 hereby created an Inter-Agency Committee on Genetic Resources and  
22 Associated Traditional Knowledge hereinafter referred to as the Inter-Agency  
23 Committee, to harmonize, integrate, enhance, implement and monitor  
24 compliance with treaty, statutory and regulatory provisions on access and  
25 benefit-sharing and utilization of Philippine genetic resources.

26 The Inter-Agency Committee shall be headed by the Secretaries of the  
27 Department of Environment and Natural Resources (DENR) and the  
28 Department of Agriculture (DA) as Chairperson and Co-Chairperson,  
29 respectively. It shall be composed of the following offices:  
30

31 a) Department of Environment and Natural Resources (DENR)

- 32  
33 1. Biodiversity Management Bureau (BMB)  
34 2. Ecosystems Research and Development Bureau (ERDB)  
35 3. Palawan Council for Sustainable Development (PCSD)  
36

37 b) Department of Agriculture (DA)

- 38  
39 1. Bureau of Fisheries and Aquatic Resources (BFAR)  
40 2. Bureau of Animal Industry (BAI)  
41 3. Bureau of Plant Industry (BPI)  
42

43 c) Department of Science and Technology (DOST)

- 44 1. Philippine Council for Health Research and Development (PCHRD)  
45 2. Philippine Council for Agriculture, Aquatic and Natural Resources  
46 Research and Development (PCAARRD)  
47

1 3. Philippine Council for Industry, Energy and Emerging Technology  
2 Research and Development (PCIEERD)

3  
4 d) Department of Health (DOH)

5  
6 1. Philippine Institute of Traditional and Alternative Health Care  
7 (PITAHC)

8 2. Food and Drug Administration (FDA)

9  
10 e) Department of Foreign Affairs (DFA)

11 f) Department of Justice (DOJ)

12 g) Department of the Interior and Local Government (DILG)

13 h) Department of Trade and Industry (DTI)

14 I) National Commission on Indigenous Peoples (NCIP)

15 j) Intellectual Property Office of the Philippines (IPOPIL)

16 k) National Museum of the Philippines (NM)

17 l) University of the Philippines (UP) System

18 Each member of the Department of the Inter-Agency Committee shall  
19 designate a permanent representative with the rank of Undersecretary or  
20 Assistant Secretary. Member bureaus and offices shall be represented by their  
21 respective Directors and heads of office.

22 The Inter-Agency Committee shall be supported by a secretariat to be  
23 headed jointly by the representatives of the BMB and ERDB.

24  
25 **SEC. 7. Powers and Duties of the Inter-Agency Committee.** - The  
26 Inter-agency Committee shall have the power to issue rules and guidelines  
27 pertaining to the access, benefit-sharing and utilization of Philippine genetic  
28 resources, the grant of incentives under existing laws, the third-party use in any  
29 mutually agreed terms or agreements relating to access and benefit-sharing  
30 involving genetic resources, and the standard procedures and process flow of  
31 national checkpoint agencies, among others. It shall likewise be responsible for  
32 the following:

33  
34 a) Designation of a checkpoint or tracking mechanism to be set up by the  
35 pertinent government agency at any stage of research, development,  
36 innovation, pre-commercialization and commercialization of genetic  
37 resources and its derivatives;

38  
39 b) Establishment of a Philippine Clearing House which shall serve as a  
40 platform for sharing information related to access and benefit-sharing and  
41 shall provide access to information made available by each party to the  
42 Nagoya Protocol relevant to the implementation of the same;

43  
44 c) Creation of appropriate sub-committees to handle specific concerns such  
45 as inventory of genetic resources, access and benefit-sharing compliance,  
46 monitoring, wealth creation, communication, capacity building and  
47 technology transfer;

- 1  
2 d) Participation in the deliberations of civil society organizations, indigenous  
3 peoples' organizations, private sector and members of the academe;  
4  
5 e) Conduct of analysis and monitoring activities on the latest technological  
6 developments including digital sequencing information;  
7  
8 f) Establishment of a national inventory of genetic resources within one year  
9 from the adoption of the implementing guidelines of this Act, prioritizing  
10 those with potential commercial application;  
11  
12 g) Tracking and monitoring of the mechanism of biodiversity resources  
13 including genetic or deoxyribonucleic acid (DNA) characterization of  
14 genetic resources and other living organisms to enhance transparency of  
15 the same;  
16  
17 h) Strict application of the guidelines, processes, and protocols on the  
18 utilization of traditional knowledge associated with genetic resources as  
19 well as applicable customary laws and community protocols of indigenous  
20 peoples and local communities, particularly in securing free prior and  
21 informed consent; and  
22  
23 i) Implementation of the appropriate capacity building programs in support of  
24 existing and future policies for the development of a sound and viable  
25 technological and scientific base for the access, benefit-sharing and  
26 utilization of genetic resources.  
27

28 **SEC. 8. Designation of National Focal Point and Competent National**  
29 **Authorities.** - The Biodiversity Management Bureau of DENR shall continue to  
30 be the national focal authority on access and benefit-sharing. The DENR, DA,  
31 NCIP and PCSD are likewise designated competent national agencies for  
32 access and benefit-sharing and for ensuring Philippine compliance with the  
33 obligations under the United Nations Convention on Biological Diversity and  
34 the Nagoya Protocol.

35 **SEC. 9. Coordination and Cooperation with Other National**  
36 **Government Agencies.** - To ensure compliance with the rules or guidelines  
37 on access, benefit-sharing and utilization of genetic resources, policy and  
38 administrative measures shall be adopted by the national government agencies  
39 to notify the Philippine Clearing House. All national government agencies with  
40 research and development functions relating to genetic resources shall provide  
41 the Inter-Agency Committee with the relevant information on the status of  
42 researches with potential commercial application and prioritize studies aimed at  
43 better understanding genetic resources or in developing commercial products  
44 through biotechnology or through other means.

45 **SEC. 10. Access to Information.** - Access to information collected by  
46 virtue of this Act as well as to government research data used as basis for  
47 policy development shall be in accordance with the source agency's Freedom

1 of Information (FOI) manual prepared and adopted in accordance with  
2 Executive Order No. 2, series of 2016.

3  
4 **SEC. 11. Access to Genetic Resources.** - The existing policies on  
5 access to genetic resources as currently implemented by the respective  
6 government agencies under Republic Act 9147, otherwise known as the  
7 "Wildlife Resources Conservation and Protection Act" shall continue to exist  
8 and be implemented for all purposes: Provided, That, to facilitate  
9 harmonization of these policies with the Nagoya Protocol, any existing  
10 implementing regulations of agencies for this purpose shall be amended and  
11 updated accordingly.

- 12  
13 a) Any existing Philippine government agency requiring prior informed  
14 consent before access to genetic resources is granted shall provide for  
15 the issuance at the time of access an evidence of the decision to  
16 grant prior informed consent and the establishment of the mutually  
17 agreed terms or the agreement relating to access and benefit-sharing  
18 involving the genetic resource. These agencies shall also take  
19 administrative and policy measures to notify the Access and Benefit-  
20 Sharing Clearing-house of the United Nations Convention on Biological  
21 Diversity of such issuances; and  
22  
23 b) Any mutually agreed terms or agreement relating to access and benefit-  
24 sharing involving the genetic resource established between the agency or  
25 community concerned shall provide for clear provisions on third-party  
26 use including the change of intent relating to the utilization of this genetic  
27 resource from its non-commercial or scientific stage; any existing  
28 implementing regulations of existing agencies for this purpose shall  
29 be amended and updated accordingly.

30  
31 **SEC. 12. Matters Relating to the Utilization of Associated Traditional**  
32 **Knowledge Associated with Genetic Resources.** - Whenever the indigenous  
33 knowledge systems and practices including the traditional knowledge  
34 associated with genetic resources of indigenous and local communities are  
35 utilized, the following shall be implemented by the appropriate agencies,  
36 particularly the NCIP, PCSD as well as the PITAHC.

- 37  
38 a) The customary laws as well as the community protocols of indigenous and  
39 local communities, where available, will apply at the first instance, in  
40 matters relating to access and benefit-sharing from the utilization of  
41 indigenous knowledge systems and practices including the traditional  
42 knowledge associated with genetic resources;  
43  
44 b) Mechanisms to inform users of their obligations as these relate to  
45 the  
46 utilization of indigenous knowledge systems and practices, including  
47 knowledge associated with genetic resources, shall be traditionally  
48 established with the effective participation of indigenous and local  
49 communities;



- 1  
2 c) Processes and procedures shall be adopted for the development by  
3 indigenous and local communities of their own protocols, minimum  
4 requirements for mutually agreed terms and model contractual clauses;  
5 and  
6  
7 d) The customary use of indigenous knowledge systems and practices  
8 including traditional knowledge associated with genetic resources by the  
9 indigenous and local communities themselves shall continue to be  
10 respected: Provided, That this principle shall not be recognized if asserted  
11 by non-indigenous and local communities.  
12

13 **SEC. 13. Voluntary Benefit-Sharing Mechanisms.** - There shall be  
14 established a voluntary benefit-sharing mechanism in cases where it is not  
15 possible to secure prior informed consent and the researcher and the partner  
16 or collaborating institution will commit to provide a minimum level of benefits  
17 that may be derived from the utilization of the genetic resources and  
18 indigenous knowledge systems or practices, including the associated  
19 traditional knowledge therein and as the utilization progresses from research,  
20 development, innovation, pre-commercialization and commercialization. The  
21 concerned implementing agencies mandated by this Act shall conduct the  
22 necessary consultations to determine the levels of these benefits, which will be  
23 adjusted from time to time depending on the level of advancement of  
24 researches in these activities.  
25

26 **SEC. 14. Penalties.** - Except in relation to plant genetic resources for  
27 food and agriculture covered under the provisions of the International Treaty on  
28 Plant Genetic Resources for Food and Agriculture, including the Multilateral  
29 System of Access and Benefit-sharing and its Standard Material Transfer  
30 Agreement (SMTA), specifically Articles 7 and 8 of the SMTA, the user of  
31 genetic resources who does not comply with the provisions of this Act,  
32 including any relevant administrative issuance that may be issued by the  
33 appropriate agencies as provided for in this Act, shall be penalized with the  
34 crime of biopiracy and subject to a penalty imprisonment of six (6) years and  
35 one (1) day up to eight (8) years, and a fine of not less than Five hundred  
36 thousand pesos (Php 500,000), as may be determined by the appropriate court.  
37

38 **SEC. 15. Appropriations.** - All concerned government agencies included  
39 in the Inter-Agency Committee shall allocate necessary funds for the first year  
40 of implementation of this Act, in accordance with the regular government  
41 budget procedures. For the subsequent years, agencies in the Inter-Agency  
42 Committee shall include in their respective programs funding for the  
43 implementation of this Act which shall be included in the annual General  
44 Appropriations Act.  
45

46 **SEC. 16. Implementing Rules and Regulations.** — Within One hundred  
47 eighty (180) days from the effectivity of this Act, the DENR and the DA shall  
48 issue the rules and regulations as the lead implementors of this Act.  
49

1           **SEC. 17. Separability Clause.** - In case any provision of this Act is found  
2 to be unconstitutional upon final declaration by the appropriate Court, the other  
3 provisions not so declared unconstitutional or unaffected by the declaration  
4 shall remain valid and effective and shall continue to be implemented by the  
5 DENR and other relevant agencies.  
6

7           **SEC. 18. Repealing Clause.** - All laws, decrees, executive orders, rules  
8 and regulations or parts thereof, which are inconsistent with this Act, are  
9 hereby repealed, amended or modified accordingly.  
10

11           **SEC. 19. Effectivity.** - This Act shall take effect fifteen (15) days after its  
12 publication in the Official Gazette or in a newspaper of general circulation.  
13

14           Approved,  
15