

**DENR Administrative Order
No. 97-33
November 24, 1997**

SUBJECT : Guidelines on the Issuance of Permit for the Collection and Transport of Biological Specimens from Protected Areas for Use by DENR Biodiversity Conservation Programs/Projects

Pursuant to the provisions of Republic Act 7586 (NIPAS Law) and Republic Act 2590 (Wildlife Law), and in consonance with Executive Order No. 247 (Bioprospecting Law), the guidelines in the issuance of permit for the collection and transport of biological specimens from protected areas for use by DENR biodiversity conservation programs/projects are hereby promulgated for the information and guidance of all concerned.

**SECTION 1.
SCOPE AND COVERAGE**

This Order shall govern the issuance of permit for the collection and transport of biological specimens from protected areas for use by DENR biodiversity conservation programs/projects.

**SECTION 2.
DELEGATION OF AUTHORITY**

The Director of the Protected Areas and Wildlife Bureau (PAWB) and hereinafter referred to as the "Director", is hereby authorized to issue permit for the collection of biological specimens from protected areas for use by DENR biodiversity conservation programs/projects, subject to the following:

- 2.1 The permit shall only be issued to proponents with existing Memorandum of Agreement with the DENR or with existing Grant Agreement or any other project agreement which the Philippine Government is a party thereof (in case the project/program involves other agencies/organizations), or with approved project proposal with corresponding budget or approved Work and Financial Plan (in case the project/program is directly being implemented by DENR employees);
- 2.2 The issuance of permit shall be subject to prior clearance/endorsement by the concerned Protected Area Management Board (PAMB). In case a PAMB for a particular protected area is not yet organized, the clearance/endorsement shall be sought from the concerned Regional Executive Director. In both cases, prior clearance/endorsement must also be obtained from the concerned local communities/indigenous peoples in case the collection site encompasses areas of such communities.
- 2.3 All the appropriate and applicable provisions of Executive Order No. 247 shall be incorporated in the permit to be issued; and,
- 2.4 The duration of the permit to be issued shall in no case exceed one (1) calendar year, and may be renewed subject to the needs of the Project as indicated in the MOA/approved Project Proposal or WFP and evaluation of previous accomplishments.

SECTION 3. REQUIREMENTS

The project proponent shall be required to submit to the Protected Areas and Wildlife Bureau (PAWB), thru the Wildlife Resources Division, the following for review and evaluation:

- 3.1 A letter of intent addressed to the Director PAWB together with the research proposal and detailed work plan;
- 3.2 A copy of the Memorandum of Agreement (MOA) between the DENR and the project proponent or a copy of the approved project proposal/Work and Financial Plan as the case may be;
- 3.3 A resolution from the concerned PAMB (suggested format attached as Annex "A"), supported by a copy of the Minutes of the PAMB Meeting, and original copy of clearance(s)/endorsement(s) obtained from the head(s) of the local community(ies)/indigenous people in case collection activities will encompass areas of such community(ies)/IPs; In case a PAMB for a particular protected area is not yet organized, a clearance/endorsement obtained from the Regional Executive Director must be submitted in lieu of PAMB resolution.

SECTION 4.
PROCESSING AND APPROVAL OF THE PERMIT

- 4.1 After receipt of the applications and all the requirements mentioned in Section 3 hereof, the Wildlife Resources Division (WRD) in coordination with the Biodiversity Management Division both of PAWB, shall process the necessary gratuitous permit (sample format attached as Annex B) and submit the same to the Director for approval. In instances where applications lack certain requirement(s), the WRD shall notify the proponent of the lacking document(s) requirement(s).
- 4.2 The Director shall act on the applications forwarded by WRD upon receipt thereof;

- 4.3 A copy of the Permit shall be provided by PAWB to the concerned DENR Regional Office, PAMB, and local communities/indigenous people for information, record and monitoring purposes.

SECTION 5.
TERMS AND CONDITIONS ON THE TRANSPORT OF
BIOLOGICAL SPECIMENS WITHIN AND
OUTSIDE THE PHILIPPINES

- 5.1 The local transport of any specimens collected shall be subject to a Transport Permit issued by the Regional, Provincial or Community Environment and Natural Resources Office nearest the place of collection. The permittee shall present the specimens intended for local transport for the purpose of acquiring said permit;
- 5.2 The number/quantity/volume of specimens for local transport shall in no case exceed the quota allowed under the Permit. In case of excess collection, the excess specimens collected, as well as those collected by virtue of said Permit shall be considered illegal and therefore subject to confiscation by the concerned DENR Regional Office/PENRO/CENRO in favor of the Government without prejudice to the application of other measures as provided for in the Permit;
- 5.3 In case there is a need to export certain specimens, such exportation shall be governed by the following:
- 5.3.1 Only specimens needing further taxonomic studies, verification or analysis shall be exported;
- 5.3.2 The temporary depository of the specimens abroad shall be limited to foreign institutions/museums with existing

Memorandum of Agreement with the DENR as may be identified by PAWB, subject to prior written consent by said foreign institutions/museums;

- 5.3.3 All the specimens exported shall be returned to the Philippines upon completion of the study for turn-over to the Philippine National Museum or other local repositories as indicated in the Permit; Provided that, holotypes shall be retained at the Philippine National Museum;
- 5.3.4 Exportation of any specimen shall be subject to export permit/certification issued by PAWB and other requirements as provided for under existing DENR and international policies, rules and regulations, including CITES and Biosafety protocols.

SECTION 6. Monitoring

The monitoring of the compliance by the Permittee to the terms and conditions of the Permit shall be jointly undertaken by the PAWB, PAMB, DENR Regional or Provincial or Community Office concerned. For this purpose, the said Offices shall:

- 6.1 Assign a maximum of two (2) representatives, either from PAMB and/or DENR Regional/Provincial or Community Office concerned, to join the permittee or his authorized researchers in the collection of biological specimens at the cost of the Permittee. The designated PAMB/DENR representatives shall, on a preliminary basis verify and inspect the kind and quantity collected against the permittee's/authorized researcher's Collection Field Data Book, and submit verification/inspection report to PAWB within seven (7) days upon completion of specimen collection;

- 6.2 Thru PAWB, validate the identity/kind and quantity of the specimens collected. In the process, the PAWB may seek assistance of scientists from the Philippine National Museum, University of the Philippines at Los Baños and other institutions with relevant experience;
- 6.3 Seek the assistance of the Department of Foreign Affairs (DFA) in monitoring the specimens in repository institutions abroad and use of the specimens by said foreign institutions as deemed necessary;
- 6.4 Assign staff to monitor the compliance by the Permittee to the terms and conditions mentioned in Section 5 hereof;
- 6.5 Allow the concerned local communities/Non-Government Organizations or Peoples Organizations to participate in the monitoring activities as may be requested by the said communities/organizations at the cost of the Permittee; Provided that, other arrangements may be worked out by the Permittee with the concerned communities/organizations;
- 6.6 Thru PAWB, submit quarterly status reports and annual reports to the DENR Secretary relative to the compliance, monitoring and implementation of this Order.

SECTION 7. Repealing Clause

This Order repeals, modifies or amends all previous orders, memoranda, circulars or issuances inconsistent herewith.

SECTION 8.
Effectivity

This Order takes effect immediately.

(SGD.) VICTOR O. RAMOS
Secretary