CONGRESS OF THE PHILIPPINES
THIRTEENTH CONGRESS
First Regular Session



HOUSE OF REPRESENTATIVES

House Bill No. 1464

INTRODUCED BY **HON. CYNTHIA A. VILLAR**

EXPLANATORY NOTE

The absence of a law to regulate the collection and possession of our wildlife resources and its derivatives has done a great damage to one of our critical resources. With much leeway and discretion granted to various local officials and agencies, poachers and their ilk have slowly depleted our national wildlife resource.

This bill seeks to curb the diminishing feat of our wildlife resources by proposing a comprehensive statute that can regulate the exploitation of our resources.

Immediate passage of this bill is recommended.

CYNTHIA A. VILLAR

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House Bill No. 1464

INTRODUCED BY **HON. CYNTHIA A. VILLAR**

AN ACT PROVIDING FOR THE CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES AND THEIR HABITATS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

CHAPTER I

SECTION 1. *Title.* – This Act shall be known as the "Wildlife Resources Conservation and Protection Act of 2004."

SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to conserve the country's wildlife resources and their habitats for sustainability. In the pursuit of this policy, this Act shall have the following objectives:

(a) To conserve and protect wildlife species and their habitats in order to promote ecological balance and enhance biological diversity;

(b) To regulate the collection and trade of wildlife;

(c) To pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and their habitats; and

(d) To initiate or support scientific studies on the conservation of biological diversity.

SEC. 3. *Scope of Application.* – The provisions of this Act shall be enforceable for all wildlife species found in all areas of the country, including protected areas under Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act, and critical habitats. This Act shall also apply to exotic species which are subject to trade, are cultured, maintained and/or bred in captivity or propagated in the country.

SEC. 4. *Jurisdiction of the Department of Environment and Natural Resources and the Department of Agriculture.* – The Department of Environment and Natural Resources (DENR) shall have jurisdiction over all terrestrial plant and animal species, all turtles and tortoises and wetland species, including but not limited to, crocodiles, water birds and all amphibians. The Department of Agriculture (DA) shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources, including but not limited to, all schools of fish, aquatic plants, invertebrates and all marine mammals, except dugong. The secretaries of the DENR and the DA shall review, and by joint administrative order, revise and regularly update the list of species under their respective jurisdiction. In the Province of Palawan, jurisdiction herein conferred is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

CHAPTER II
DEFINITION OF TERMS

SEC. 5. *Definition of Terms.* – As used in this Act, the term:

(a) "Bioprospecting" means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;

(b) "By-product or derivatives" means any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens;

(c) "Captive-breeding/culture or propagation" means the process of producing individuals under controlled conditions or with human interventions;

(d) "Collection or collecting" means the act of gathering or harvesting wildlife, its by-products or derivatives;

(e) "Conservation" means preservation and sustainable utilization of wildlife and/or maintenance, restoration and enhancement of the habitat;

(f) "Critically endangered species" refer to a species or subspecies that is facing extremely high risk of extinction in the wild in the immediate future;

(g) "Economically important species" mean species which have actual or potential value in trade or utilization for commercial purpose;

(h) "Endangered species" refer to species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating;

(i) "Endemic species" mean species or subspecies which is naturally occurring and found only within specific areas in the country;

(j) "Exotic species" mean species or subspecies which do not naturally occur in the country;

(k) "Export permit" refers to a permit authorizing an individual to bring out wildlife from the Philippines to any other country;

(l) "Gratuitous permit" means permit issued to any individual or entity engaged in non-commercial scientific or educational undertaking to collect wildlife;

(m) "Habitat" means a place or environment where a species or subspecies naturally occur or has naturally established its population;

(n) "Import permit" refers to a permit authorizing an individual to bring in wildlife from another country;

(o) "Indigenous wildlife" means species or subspecies of wildlife naturally occurring or has naturally established population in the country;

(p) "Introduction" means bringing species into the wild that is outside its natural habitat;

(q) "Re-export permit" refers to a permit authorizing an individual to bring out of the country a previously imported wildlife;

(r) "Secretary" means either or both the Secretary of the Department of Environment and Natural Resources and the Secretary of the Department of Agriculture;

(s) "Threatened species" shall refer to a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction;

(t) "Trade" means the act of engaging in the exchange, exportation or importation, purchase or sale of wildlife, their derivatives or by-products, locally or internationally;

(u) "Traditional use" means utilization of wildlife by indigenous people in accordance with written or unwritten rules, usage, customs and practices traditionally observed, accepted and recognized by them;

(v) "Transport permit" means a permit issued authorizing an individual to bring wildlife from one place to another within the territorial jurisdiction of the Philippines;

(w) "Vulnerable species" refer to species or subspecies that is not critically endangered nor endangered but is under threat from adverse factors throughout their range and is likely to move to the endangered category in the near future;

(x) "Wildlife" means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated;

(y) "Wildlife collector's permit" means a permit to take or collect from the wild certain species and quantities of wildlife for commercial purpose;

(z) "Wildlife farm/culture permit" means a permit to develop, operate and maintain a wildlife breeding farm for conservation, trade and/or scientific purposes.

CHAPTER III
CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES

Article One. – General Provision

SEC. 6. *Wildlife Information.* – All activities, as subsequently manifested under this chapter, shall be authorized by the Secretary upon proper evaluation of best available information or scientific data showing that the activity is, or for a purpose, not detrimental to the survival of the

species or subspecies involved and/or their habitat. For this purpose, the Secretary shall regularly update wildlife information through research.

SEC. 7. *Collection of Wildlife.* – Collection of wildlife may be allowed in accordance with Section 6 of this Act: *Provided, that* in the collection of wildlife, appropriate and acceptable wildlife collection techniques with least or no detrimental effects to the existing wildlife populations and their habitats shall likewise be required: *Provided, further*, that collection of wildlife by indigenous people may be allowed for traditional use and not primarily for trade: *Provided, furthermore*, that collection and utilization for said purpose shall not cover threatened species: *Provided, finally*, that Section 23 of this Act shall govern the collection of threatened species.

SEC. 8. *Possession of Wildlife.* – No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife: *Provided*, that the source was not obtained in violation of this Act.

SEC. 9. *Collection and/or Possession of By-Products and Derivatives.* – By-products and derivatives may be collected and/or possessed: *Provided*, That the source was not obtained in violation of this Act.

SEC. 10. *Local Transport of Wildlife, By-Products and Derivatives.* – Local transport of wildlife, by-products and derivatives collected or possessed through any other means shall be authorized unless the same is prejudicial to the wildlife and public health.

SEC. 11. *Exportation and/or Importation of Wildlife.* – Wildlife species may be exported to or imported from another country as may be

authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant thereto: *Provided*, That the recipient of the wildlife is technically and financially capable to maintain it.

SEC. 12. *Introduction, Re-introduction or Re-stocking of Endemic or Indigenous Wildlife.* – The introduction, re-introduction or re-stocking of endemic and indigenous wildlife shall be allowed only for population enhancement or recovery purposes subject to prior clearance from the Secretary or the authorized representative pursuant to Section 6 of this Act.

Any proposed introduction shall be subject to a scientific study which shall focus on the bioecology. The proponent shall also conduct public consultations with concerned individuals or entities.

SEC. 13. *Introduction of Exotic Wildlife.* – No exotic species shall be introduced into the country, unless a clearance from the Secretary or the authorized representative is first obtained. In no case shall exotic species be introduced into protected areas covered by Republic Act No. 7586 and to critical habitats under Section 25 hereof.

In cases where introduction is allowed, it shall be subject to environmental impact study which shall focus on the bioecology, socioeconomic and related aspects of the area where the species will be introduced. The proponent shall also be required to secure the prior informed consent from the local stakeholders.

SEC. 14. *Bioprospecting.* – Bioprospecting shall be allowed upon execution of an undertaking by any proponent, stipulating therein its compliance with and commitment(s) to reasonable terms and conditions

that may be imposed by the Secretary which are necessary to protect biological diversity.

The Secretary or the authorized representative, in consultation with the concerned agencies, before granting the necessary permit, shall require that prior informed consent be obtained by the applicant from the concerned indigenous cultural communities, local communities, management board under Republic Act No. 7586 or private individual or entity. The applicant shall disclose fully the intent and scope of the bioprospecting activity in a language and process understandable to the community. The prior informed consent from the indigenous peoples shall be obtained in accordance with existing laws. The action on the bioprospecting proposal by concerned bodies shall be made within a reasonable period.

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

If the applicant is a foreign entity or individual, a local institution should be actively involved in the research, collection and, whenever applicable and appropriate, in the technological development of the products derived from the biological and genetic resources.

SEC. 15. *Scientific Researches on Wildlife.* – Collection and utilization of biological resources for scientific research and not for commercial purposes shall be allowed upon execution of an undertaking/agreement with and issuance of a gratuitous permit by the Secretary or the authorized representative: *Provided,* That prior clearance from concerned bodies shall be secured before the issuance of the gratuitous permit: *Provided, further,* That the last paragraph of Section 14 shall likewise apply.

SEC. 16. *Biosafety.* – All activities dealing on genetic engineering and pathogenic organisms in the Philippines, as well as activities requiring the importation, introduction, field release and breeding of organisms that are potentially harmful to man and the environment shall be reviewed in accordance with the biosafety guidelines ensuring public welfare and the protection and conservation of wildlife and their habitats.

SEC. 17. *Commercial Breeding or Propagation of Wildlife Resources.* – Breeding or propagation of wildlife for commercial purposes shall be allowed by the Secretary or the authorized representative pursuant to Section 6 through the issuance of wildlife farm/culture permit: *Provided,* That only progenies of wildlife raised, as well as unproductive parent stock shall be utilized for trade: *Provided, further,* That commercial breeding operations for wildlife, whenever appropriate, shall be subject to an environmental impact study.

SEC. 18. *Economically Important Species.* – The Secretary, within one (1) year after the effectivity of this Act, shall establish a list of economically-important species. A population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated by the Secretary.

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

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

SEC. 19. *Designation of Management and Scientific Authorities for International Trade in Endangered Species of Wild Fauna and Flora.* – For the implementation of international agreement on international trade in endangered species of wild fauna and flora, the management authorities for terrestrial and aquatic resources shall be the Protected Areas and Wildlife Bureau (PAWB) of the DENR and the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA, respectively and for the Province of Palawan, the implementation hereof is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

To provide advice to the management authorities, there shall be designated scientific authorities for terrestrial and aquatic/marine species. For the terrestrial species, the scientific authorities shall be the Ecosystems Research and Development Bureau (ERDB) of the DENR, the U.P. Institute of Biological Sciences and the National Museum and other agencies as may be designated by the Secretary. For the marine and aquatic species, the scientific authorities shall be the BFAR, the U.P. Marine Science Institute, U.P. Visayas, Silliman University and the National Museum and other agencies as may be designated by the Secretary: *Provided*, That, in the case of terrestrial species, the ERDB shall chair the scientific authorities, and in the case of marine and aquatic species, the U.P. Marine Science Institute shall chair the scientific authorities.

SEC. 20. *Authority of the Secretary to Issue Permits.* – The Secretary or the duly authorized representative, in order to effectively implement this

Act, shall issue permits/certifications/clearances with corresponding period of validity, whenever appropriate, which shall include but not limited to the following:

(1) Wildlife farm or culture permit, 3 to 5 years

(2) Wildlife collector's permit, 1 to 3 years

(3) Gratuitous permit, 1 year

(4) Local Transport permit, 1 to 3 months

(5) Export/Import/Reexport permit, 1 to 6 months

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

SEC. 21. *Fees and Charges.* – Reasonable fees and charges as may be determined, upon consultation with the concerned groups and in the amount fixed by the Secretary, shall be imposed for the issuance of permits enumerated in the preceding section.

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

Article Two – Protection of Threatened Species

SEC. 22. *Determination of Threatened Species.* – The Secretary shall determine whether any wildlife species or subspecies is threatened, and classify the same as critically endangered, endangered, vulnerable or other

accepted categories based on the best scientific data and with due regard to internationally accepted criteria, including but not limited to the following:

(a) Present or threatened destruction, modification, or curtailment of its habitat or range;

(b) Over-utilization for commercial, recreational, scientific or educational purposes;

(c) Inadequacy of existing regulatory mechanisms; and

(d) Other natural or man-made factors affecting the existence of wildlife.

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

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

The Secretary shall also prepare and publish a list of wildlife which resembles so closely in appearance with listed threatened wildlife, which species shall likewise be categorized as threatened.

SEC. 23. *Collection of Threatened Wildlife, By-Products and Derivatives.* – The collection of threatened wildlife, as determined and listed pursuant to this Act, including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act: *Provided,* That only the accredited

individuals, business, research, educational or scientific entities shall be allowed to collect for conservation breeding or propagation purposes.

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

Commercial breeding or propagation of threatened species may be allowed provided that the following minimum requirements are met by the applicant, to wit:

(a) Proven effective breeding and captive management techniques of the species; and,

(b) Commitment to undertake commercial breeding in accordance with Section 17 of this Act, simultaneous with conservation breeding.

The Secretary shall prepare a list of threatened species for commercial breeding and shall regularly revise or update such list or as the need arises.

SEC. 25. *Establishment of Critical Habitats.* – Within two (2) years following the effectivity of this Act, the Secretary shall designate critical habitats outside protected areas under Republic Act No. 7586, where threatened species are found. Such designation shall be made on the basis of the best scientific data taking into consideration species endemicity and/or richness, presence of man-made pressures/threats to the survival of wildlife living in the area, among others.

All designated critical habitats shall be protected from any form of exploitation or destruction which may be detrimental to the survival of the

threatened species dependent therein. This shall be undertaken in coordination with the local government units and other concerned groups. For such purpose, the Secretary may acquire, by purchase, donation or expropriation, lands or interests therein including the acquisition of usufruct, establishment of easements or other undertakings appropriate in protecting the critical habitat.

Article Three – Registration of Threatened and Exotic Species

SEC. 26. *Registration of Threatened and Exotic Wildlife in the Possession of Private Persons.* – No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife. Twelve (12) months after the effectivity of this Act, the Secretary shall set a period, within which persons/entities shall register all threatened species collected and exotic species imported prior to the effectivity of this Act. However, when the threatened species is needed for breeding/propagation or research purposes, the State may acquire the wildlife through a mutually acceptable arrangement.

After the period set has elapsed, threatened wildlife possessed without certificate of registration shall be confiscated in favor of the government, subject to the penalties herein provided.

All Philippine wildlife which are not listed as threatened prior to the effectivity of this Act but which may later become so, shall likewise be registered during the period set after the publication of the updated list of threatened species.

CHAPTER IV
ILLEGAL ACTS

SEC. 27. *Illegal Acts.*- Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts:

(a) Killing and destroying wildlife species, except in the following instances:

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

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

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

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

(v) when the wildlife is killed or destroyed after it has been used in authorized research or experiments.

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

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

(i) dumping of waste products detrimental to wildlife;

(ii) squatting or otherwise occupying any portion of the critical habitat;

(iii) mineral exploration and/or extraction;

(iv) burning;

(v) logging; and

(vi) quarrying.

(d) Introduction, reintroduction or restocking of wildlife resources;

(e) Trading of wildlife;

(f) Collecting, hunting or possessing wildlife, their by-products and derivatives;

(g) Gathering or destroying of active nests, nest trees, host plants and the like;

(h) Maltreating and/or inflicting other injuries not covered by the preceding paragraph; and

(i) Transporting of wildlife.

CHAPTER V
FINES AND PENALTIES

SEC. 28. *Penalties for Violations of this Act.* – For any person who undertakes illegal acts under paragraph (a) of the immediately preceding section to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed:

(a) Imprisonment for a minimum term of of six (6) years and one (1) day to twelve (12) years and/or a Fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), if inflicted or undertaken against species listed as critical;

(b) Imprisonment for four (4) years and one (1) day to six (6) years and/or a Fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against endangered species;

(c) Imprisonment for two (2) years and one (1) day to four (4) years and/or a Fine of Thirty thousand pesos (P30,000.00) to Three

hundred thousand pesos (P300,000.00), if inflicted or undertaken against vulnerable species;

(d) Imprisonment of one (1) year and one (1) day to two (2) years and/or a Fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against other threatened species; and

(e) Imprisonment of six (6) months and one (1) day to one (1) year and/or a Fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraph (b) of the immediately preceding section, the following penalties and/or Fines shall be imposed:

(a) Imprisonment for a minimum term of four (4) years and one (1) day to six (6) years and/or a Fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against species listed as critical;

(b) Imprisonment for two (2) years and one (1) day to four (4) years and/or a Fine of Thirty thousand pesos (P30,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;

(c) Imprisonment of one (1) year and one (1) day to two (2) years and/or a Fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against vulnerable species;

(d) Imprisonment of six (6) months and one (1) day to one (1) year and/or a Fine of Ten thousand pesos (P10,000.00) to Fifty thousand

pesos (P50,000.00), if inflicted or undertaken against other threatened species;

(e) Imprisonment of one (1) month to six (6) months and/or a Fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species;

For illegal acts under paragraphs (c) and (d) of the immediately preceding section, an imprisonment of one (1) month to eight (8) years and/or a Fine of Five thousand pesos (P5,000.00) to Five million pesos (P5,000,000.00) shall be imposed.

For illegal acts under paragraph (e), the following penalties and/or Fines shall be imposed:

(a) Imprisonment for two (2) years and one (1) day to four (4) years and/or a Fine of Five thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;

(b) Imprisonment for one (1) year and one (1) day to two (2) years and/or a Fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;

(c) Imprisonment of six (6) months and (1) one day to one (1) year and/or a Fine of One thousand pesos (P1,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;

(d) Imprisonment of one (1) month and one (1) day to six (6) months and/or a Fine of Five hundred pesos (P500.00) to Fifty

thousand pesos (P50,000.00), if inflicted or undertaken against species listed as other threatened species;

(e) Imprisonment of ten (10) days to one (1) month and/or a Fine of Two hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species;

For illegal acts under paragraphs (f) and (g) of the immediately preceding section, the following penalties and/or Fines shall be imposed:

(a) Imprisonment of two (2) years and one (1) day to four (4) years and a Fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;

(b) Imprisonment of one (1) year and one (1) day to two (2) years and a Fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;

(c) Imprisonment of six (6) months and one (1) day to one (1) year and a Fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;

(d) Imprisonment of one (1) month and one (1) day to six (6) months and a Fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species listed as other threatened species;

(e) Imprisonment of ten (10) days to one (1) month and a Fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against other wildlife species.

Provided, That in case of paragraph (f), where the acts were perpetuated through the means of inappropriate techniques and devices, the maximum penalty herein provided shall be imposed.

For illegal acts under paragraphs (h) and (i) of the immediately preceding section, the following penalties and/or Fines shall be imposed:

(a) Imprisonment of six (6) months and one (1) day to one (1) year and a Fine of Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against species listed as critical species;

(b) Imprisonment of three (3) months and one (1) day to six (6) months and a Fine of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against endangered species;

(c) Imprisonment of one (1) month and one (1) day to three (3) months and a Fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against vulnerable species;

(d) Imprisonment of ten (10) days to one (1) month and a Fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00) if inflicted or undertaken against species listed as other threatened species;

(e) Imprisonment of five (5) days to ten (10) days and a Fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other wildlife species.

All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be *ipso*

facto forfeited in favor of the government: *Provided*, That where the ownership of the aforesaid conveyances belong to third persons who have no participation in or knowledge of the illegal acts, the same may be released to said owner. The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.

If the offender is an alien, he shall be deported after service of sentence and payment of fines, without any further proceedings.

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

CHAPTER VI
MISCELLANEOUS PROVISIONS

SEC. 29. *Collections from Fines, Penalties and Other Fees.* – Amounts collected from fines imposed, penalties, damages awarded and other fees by the Department shall be deposited with the National Treasury and shall accrue to the General Fund.

The Department may be allowed to use donations, grants and contributions received from domestic and foreign sources for purposes specified by the donor in accordance with existing rules and regulations.

SEC. 30. *Deputation of Wildlife Enforcement Officers.* – The Secretary shall deputize wildlife enforcement officers from non-government organizations, citizens groups, community organizations and other volunteers who have undergone the necessary training for this purpose. The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other law enforcement agencies shall designate wildlife enforcement officers. As such, the wildlife

enforcement officers shall have the full authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention.

SEC. 31. *Establishment of National Wildlife Research Centers.* – The Secretary shall establish national wildlife research centers for terrestrial and aquatic species to lead in the conduct of scientific researches on the proper strategies for the conservation and protection of wildlife, including captive breeding or propagation. In this regard, the Secretary shall encourage the participation of experts from academic/research institutions and wildlife industry.

SEC. 32. *Wildlife Rescue Center.* – The Secretary shall establish or designate wildlife rescue centers to take temporary custody and care of all confiscated, abandoned and/or donated wildlife to ensure their welfare and well-being. The Secretary shall formulate guidelines for the disposition of wildlife from the rescue centers.

SEC. 33. *Creation of Wildlife Traffic Monitoring Units.* – The Secretary shall create wildlife traffic monitoring units in strategic air and sea ports all over the country to ensure the strict compliance and effective implementation of all existing wildlife laws, rules and regulations, including pertinent international agreements.

Customs officers and/or other authorized government representatives assigned at air or seaports who may have intercepted wildlife commodities in the discharge of their official functions shall, prior to further disposition thereof, secure a clearance from the wildlife traffic monitoring unit assigned in the area.

SEC. 34. *Exemption from Taxes.* – Any donation, contribution, bequest, subsidy or financial aid for the conservation and protection of wildlife resources and their habitats which may be made to the Department of Environment and Natural Resources or to the Department of Agriculture and to NGOs engaged in wildlife conservation duly registered with the Securities and Exchange Commission as certified by the local government unit, the Department of Environment and Natural Resources or the Department of Agriculture shall constitute as an allowable deduction from the taxable income of the donor and shall be exempt from donor's tax.

SEC. 35. *Flagship Species.* – Local government units shall initiate conservation measures for endemic species in their areas. For this purpose, they may adopt flagship species such as the Cebu black shama (*copsychus cebuensis*), tamaraw (*bubalus mindorensis*), Philippine tarsier (*tarsius syrichta*), Philippine teak (*tectona philippinensis),* which shall serve as emblems of conservation for the local government concerned.

SEC. 36. *Botanical Gardens, Zoological Parks and Other Similar Establishments.* – The Secretary shall regulate the establishment, operation and maintenance of botanical gardens, zoological parks and other similar establishments for recreation, education and conservation.

SEC. 37. *Implementing Rules and Regulations.* – Within twelve (12) months following the effectivity of this Act, the secretaries of the Department of Environment and Natural Resources and the Department of Agriculture, in coordination with the Committees on Environment and Ecology of the Senate and the House of Representatives, respectively, shall promulgate respective rules and regulations for the effective implementation of this Act. Whenever appropriate, coordination in the preparation and implementation

of rules and regulations on joint and inseparable issues shall be done by both Departments. The commitments of the State to international agreements and protocols shall likewise be a consideration in the implementation of this Act.

SEC. 38. *Appropriations.* – The amount necessary to initially implement the provisions of this Act shall be charged against the appropriations of the Department of Environment and Natural Resources in the current General Appropriations Act. Thereafter, such sums as may be necessary to fully implement the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 39. *Separability Clause.* – Should any provision of this Act be subsequently declared as unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SEC. 40. *Repealing Clause.* – Act Nos. 2590 and 3983, Commonwealth Act No. 63, as amended, Presidential Decree No. 1219, as amended, Republic Act No. 6147, and other laws, orders and regulations inconsistent herewith are hereby repealed or amended accordingly.

SEC. 41. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,