

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2483

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

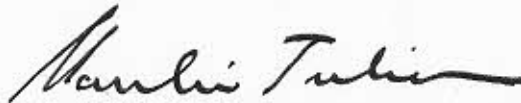
This bill seeks to prohibit the entrance of injurious animals to the Philippines without permission from the proper authorities.

The proposal is in keeping with the provision of the Constitution, Article II, Section 16 which states that:

"Section 16. The State shall protect and promote the right to health of the people and instill health consciousness among them. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

It is not uncommon for the government to implement full and/or partial prohibition against importation into the Philippines of live animals. To cite a few, on 29 March 2005, the Department of Agriculture (DA) issued Memorandum Order No. 05, Series of 2005 imposing a temporary ban on the importation of domestic and wild birds and their products from North Korea because of the Bird Flu Virus. Likewise, on 17 January 2005, the DA issue Memorandum Order No. 01, Series of 2005 imposing a temporary ban on the importation of live cattle and their products from Canada because of Mad Cow Disease. Apparently, said government actions gave due consideration to the danger certain animals cause to Philippine ecosystem, as well as, to the lives and limbs of its people.

In view of the foregoing, approval of this bill is earnestly sought.



HON. MARCELINO "MARCY" R. TEODORO

Representative, 1st District
City of Marikina

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AN ACT
TO PROHIBIT IMPORTATION OR SHIPMENT OF MAMMALS, BIRDS, FISH
(INCLUDING MOLLUSK AND CRUSTACEA), AMPHIBIA , AND REPTILES,
THAT MAY BE INJURIOUS TO THE PHILIPPINE ECOSYSTEM, PROVIDING
PENALIES AND EXCEPTIONS

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

SECTION 1. Short Title.- This Act shall be know as the "Anti-injurious Animals Act of 2010."

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and advance the right of the people to a balance and healthful ecology in accord with the rhythm and harmony of nature. To this end, the State aims to prohibit the importation of animals, which would cause injury to our environment and people.

SECTION 3. Definition of Terms. - A used in this Act, the term " relates to any creature that, whether or not raised in captivity, normally is found in a wild state; and the terms "wildlife resources" include those resources that comprise wild mammals, wild birds, fish (including mollusks and crustacea), and all other classes of wild creatures whatsoever, and all types of aquatic and land vegetation upon which such wildlife resources are dependent.

SECTION 4. Prohibition on Importation of Injurious of Animals.- For purpose of this Act, the importation into the Philippines of species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, and reptiles, or the offspring or eggs of any of the foregoing which the Secretary of Environment and Natural Resources may prescribe by regulation to be injurious to human beings, to the interest of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the philippines,is hereby prohibited.

All such prohibited mammals, birds, fish (including mollusks and crustacia), amphibians, and reptiles, and eggs or offspring therefrom, shall be promptly exported or destroyed at the expense of the importer or consignee.

SECTION 5. Exception . - Notwithstanding the forgoing , the Secretary of Environment and Natural Resources, when he finds that there has been a proper showing of responsibility and continued protection of the public interest and health, shall permit the important for zpological, educational, medical, and scientific purposes of any mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles, or the offspring or eggs thereof, where such importation would be prohibited otherwise by or pursuant to this Act, and this Act shall not

restrict importation of dead natural-history specimens for museums or for scientific collection or the importation of domesticated animals as the Secretary of Environment and Natural Resources may designate.

SECTION 6. Bond Requirement. - The Secretary of Environment and Natural Resources shall enforce the provisions of this Act, including any regulations issued hereunder, and if requested by the Secretary of Environment and Natural Resources, the person concerned may be required to furnish an appropriate bond to insure compliance with the provisions of this Act.

SECTION 7. Penalty.- Whoever violates this section, or any regulation issued pursuant thereto, shall be found by an amount not less than Ten Thousand Pesos (P10,000.00) or imprisoned not more than six months, or both, without prejudice to filing of criminal charges for other crimes intimately connected with this Act.

SECTION 8. Relevant and Prima Facie Evidence of Violation. - In any criminal prosecution for violation of this Act and in any administrative proceeding for the suspension of the issuance of the further permits.

(A) The condition of any vessel or conveyance, or the enclosures in which wild animals or birds are confined therein, upon its arrival in the Philippines thereof, shall constitute relevant evidence in determining whether the provisions of this Act have been violated; and

(B) The presence in such vessel or conveyance at such time of a substantial ratio of dead, crippled, diseased, or starving wild animals or birds shall be deemed prima facie evidence of the violation of the provisions of this Act.

SECTION 9. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. Repealing Clause.- Any law, presidential decree or issuance, executive order letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 11. Effectivity Clause.- This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,