

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

FIFTEENTH CONGRESS

Second Regular Session



COMMITTEE REPORT NO. 1491

Submitted by the Committee on Natural Resources, Committee on Appropriations,
and Committee on Ways and Means on 13 OCT 2011

Re: House Bill No. 5421

Recommending its approval in substitution of House Bill No. 769

Sponsors: Representatives Francisco T. Matugas, Joseph Emilio A. Abaya,
Hermilando I. Mandanas and Edcel C. Lagman

Mr. Speaker:

The Committee on Natural Resources, Committee on Appropriations, and
Committee on Ways and Means, to which was referred House Bill No. 769,
introduced by Representative Edcel C. Lagman, entitled:

**"AN ACT ESTABLISHING AN 'ADOPT-A-WILDLIFE SPECIES PROGRAM',
PROVIDING INCENTIVES THEREFOR, AND FOR OTHER PURPOSES"**

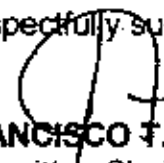
have considered the same and recommend that the herein attached House Bill
No. 5421, entitled:

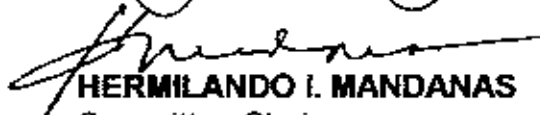
**"AN ACT ESTABLISHING AN 'ADOPT-A-WILDLIFE SPECIES PROGRAM',
PROVIDING INCENTIVES THEREFOR, AND FOR OTHER PURPOSES"**

be approved in substitution of House Bill No. 769, with Representatives Lagman,
Matugas, Abaya, and Mandanas as authors thereof.


JOSEPH EMILIO A. ABAYA
Committee Chairman
Committee on Appropriations

Respectfully submitted,


FRANCISCO T. MATUGAS
Committee Chairman
Committee on Natural Resources


HERMILANDO I. MANDANAS
Committee Chairman
Committee on Ways and Means

THE HONORABLE SPEAKER
House of Representatives
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
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HOUSE BILL NO. 5421
(in substitution of HB No. 769)

INTRODUCED BY REPRESENTATIVES EDCEL C. LAGMAN, FRANCISCO T. MATUGAS,
JOSEPH EMILIO A. ABAYA AND HERMILANDO I. MANDANAS

**AN ACT ESTABLISHING AN "ADOPT-A-WILDLIFE SPECIES
PROGRAM", PROVIDING INCENTIVES THEREFOR, AND
FOR OTHER PURPOSES**

*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 "Adopt-a-Wildlife
2 Species Act of 2011."

3 **SEC. 2. Declaration of Policy.-** The State is mandated under Sec. 16.
4 Article II of the Constitution to "protect and advance the right of the people to a
5 balanced and healthful ecology in accord with the rhythm and harmony of
6 nature." Towards this end, Republic Act No. 9147, otherwise known as the
7 "Wildlife Conservation and Protection Act", enumerates the policy to conserve
8 the country's wildlife resources and their habitats for sustainability by
9 (a) conserving and protecting wildlife species and their habitat to promote
10 ecological balance and enhance biological diversity; (b) regulating the
11 collection and trade of wildlife; (c) pursuing, with due regard to the national
12 interest, the Philippine commitment to international conventions on the
13 protection of wildlife and their habitats; and (d) initiating or supporting scientific
14 studies on the conservation of biological diversity.

15 Consistent with this policy, the State under Republic Act No. 7586 has
16 established a National Integrated Protected Areas System (NIPAS) covering
17 habitats of rare, threatened and endangered species of plants and animals
18 along with biographic zones and related ecosystems.

1 **SEC. 3. *Adopt-a-Wildlife Species Program.*** – Pursuant to the
2 aforesaid national policy, there is hereby established an "Adopt-a-Wildlife
3 Species Program" which shall be implemented in all appropriate areas of the
4 country with the active participation, involvement and assistance of Local
5 Government Units (LGUs), Non-Government Organizations (NGOs), People's
6 Organizations (Pos), civil society groups and private individuals.

7 The program shall have the following objectives:

- 8 (a) To conserve and protect biological diversity and promote ecological
9 sustainable development;
- 10 (b) To prevent species extinction and promote the protection of
11 threatened species and their habitats; and
- 12 (c) To encourage the conservation of threatened species and their
13 habitats through the active participation of the private sector and all
14 other sectors of society.

15 **SEC. 4. *Memorandum of Agreement.*** – A Memorandum of Agreement
16 (MOA) stipulating the terms and conditions of the adoption shall be executed by
17 and between the adopting entity or individual and the Secretary of the
18 Department of Environment and Natural Resources (DENR), or the Secretary
19 of the Department of Agriculture (DA), or the Chairman of the Palawan Council
20 for Sustainable Development (PCSD), or their duly authorized representatives,
21 whichever government agency has jurisdiction over the selected wildlife
22 species in accordance with Republic Act No. 9147.

23 The above parties, in preparing the MOA and in deciding the terms and
24 conditions to be included in it, must consider the following:

- 25 (a) the most efficient and effective use of available resources for the
26 conservation and protection of threatened species and/or its
27 habitat;
- 28 (b) the minimization of any significant adverse social and economic
29 consequences;
- 30 (c) the measures by which the public may co-operate in the
31 conservation of a threatened species and/or its habitat;
- 32 (d) the special interest or knowledge that indigenous people may have
33 in the species and habitat concerned; and

1 (e) the acquisition of expert and professional assistance.

2 The Memorandum of Agreement shall among others:

3 1. identify the threatened species and/or its habitat that will be
4 covered by the program;

5 2. identify any process or processes that threaten the species
6 and/or its habitat;

7 3. specify measures to be undertaken to ensure the conservation
8 and protection of the threatened species and/or its habitat;

9 4. enumerate performance indicators that are to be used in
10 evaluating the conservation and protection of the species and/or
11 its habitat; and

12 5. identify the private organizations or individuals and/or public
13 authorities who may be involved in the implementation of the
14 measures included in the Memorandum of Agreement.

15 The MOA shall be effective for at least two (2) years, which may be
16 extended upon mutual agreement of the parties: *Provided*, That such period
17 may be shortened in the event the adopting entity is dissolved or the adopting
18 individual dies without any willing and qualified successor before the expiration
19 of the contract period, unless the MOA is earlier terminated in accordance with
20 Section 6 hereof: *Provided, further*, That if the adopting entity or individual
21 chooses to assign the implementation of the program to another qualified entity
22 or individual, such assignment shall be in writing to be approved by the head of
23 the government agency concerned, or the person's duly authorized
24 representative.

25 **SEC. 5. National Technical Committee and Regional Monitoring**
26 **Committee.**- The Secretary of the DENR, the Secretary of the DA, and the
27 Chairman of the PCSD shall establish in their respective agencies the following
28 committees:

29 (a) A National Technical Committee (NTC) composed of ranking
30 officials and experts in the field of wildlife conservation and
31 management, including representatives from the private sector who
32 are engaged in biodiversity conservation, to formulate the design
33 and mechanics of the implementation of the program. The NTC

1 shall likewise meet once every three (3) months or as often as
2 necessary to process project proposals submitted by parties
3 interested in participating in the program, and submit appropriate
4 recommendations to the concerned government agency head.

- 5 (b) A Regional Monitoring Committee (RMC) composed of ranking
6 regional and PCSD officials down to the provincial and municipal/
7 community levels, to conduct periodic monitoring, review and
8 evaluation of the performance of the adopting entity or individual,
9 the results of which shall be the basis in granting the tax exemption
10 to the adopting entity or individual under Section 7 hereof, or in the
11 pre-termination of the MOA when deemed appropriate like in cases
12 of abandonment or insolvency of the adopting entity or individual or
13 its serious violations of the MOA.

14 **SEC. 6. *Obligations of the Adopting Entity or Individual.***- The
15 following shall be the obligations of the adopting entity or individual:

- 16 (a) Comply strictly with the terms and conditions stipulated in the
17 Memorandum of Agreement referred to in Section 4 hereof; and
18 (b) Perform such other obligations or undertaking as may be required
19 by the national government agency having jurisdiction over the
20 subject wildlife species consistent with the conservation policies
21 enunciated in Republic Act No. 9147.

22 **SEC. 7. *Tax Exemption.***- Any donation, contribution, request or grant
23 which shall be made to the "Adopt-a-Wildlife Species Program" by the adopting
24 entity or individual shall be exempt from the donor's tax and the same shall be
25 considered as allowable deduction from gross income in the computation of the
26 donor's income tax, in accordance with the provisions of the National Internal
27 Revenue Code of 1997, as amended.

28 **SEC. 8. *Appropriations.***- The amount necessary for the initial
29 implementation of this Act shall be charged against the current year's
30 appropriations of DENR, DA and PCSD. Thereafter, such amounts as may be
31 necessary for its continued implementation shall be included in the annual
32 General Appropriations Act.

1 **SEC. 9. *Implementing Rules and Regulations.***- The Secretary of the
2 DENR, the Secretary of the DA, and the Chairman of the PCSD, or their duly
3 authorized representatives, shall, in consultation with the Department of
4 Finance, jointly formulate the rules and regulations to implement the relevant
5 provisions of this Act.

6 **SEC. 10. *Separability Clause.***- If any provision of this Act is declared
7 unconstitutional, the validity of the other provisions shall not be affected by
8 such declaration.

9 **SEC. 11. *Repealing Clause.***- All laws, decrees, orders, rules and
10 regulations or parts thereof inconsistent with this Act are hereby repealed or
11 modified accordingly.

12 **SEC. 12. *Effectivity.***- This Act shall take effect fifteen (15) days after its
13 publication in the *Official Gazette* or in two (2) newspapers of general
14 circulation.

15 Approved,