

SIXTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
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HOUSE OF REPRESENTATIVES

House Bill No. 391



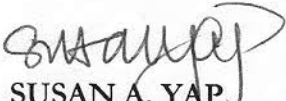
Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

Congress has already passed several laws for the protection of endangered species, including Republic Act 9147 or the "Wildlife Resources Conservation and Protection Act", and Republic Act 7586 or the "National Integrated Protected Areas System (NIPAS) Act". However, despite the effort to protect these endangered species, like the Philippine Eagle and the Philippine Tamaraw, the numbers of these animals still continue to dwindle.

The bill intends to establish additional measures for the preservation and protection of the Philippines biological diversity and promote ecological sustainable development. It aims to expand the participation of the private sector in the conservation of the environment by providing for incentives and a strong science-based framework which will guide the programs and activities for the same.

The bill provides for the creation of an "Adopt-A-Wildlife Species Program" which shall be implemented in all affected areas of the country with the active participation, involvement and aid of local government units (LGUs), nongovernment organizations (NGOs), people's organizations (POs), civil society, and private individuals.


SUSAN A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 391

Introduced by Representative Susan A. Yap

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

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

SECTION 1. *Title.* - This Act shall be known as the "Adopt-a-Wildlife Species Act of 2013".

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

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

SECTION 3. *Adopt-a-Wildlife Species Program.* - Pursuant to the aforesaid national policy, there is hereby established an "Adopt-a-Wildlife Species Program" which shall be implemented in all appropriate areas of the country with the active participation, involvement and assistance of the local government units (LGUs), nongovernment organizations (NGOs), people's organizations (POs), civil society groups, and private individuals. The program shall have the following objectives:

(a) To conserve and protect biological diversity and promote ecological sustainable development;

(b) To prevent species extinction and promote the protection of threatened species and their habitats; and

(c) To encourage the conservation of threatened species and their habitats through the active participation of the private sector and all other sectors of society.

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

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

(a) The most efficient and effective use of available resources for the conservation and protection

1 of threatened species and/or its habitat;

2 (b) The minimization of any significant adverse social and economic consequences;

3 (c) The measures by which the public may cooperate in the conservation of a threatened
4 species and/or its habitat;

5 (d) The special interest or knowledge that indigenous people may have in the species and habitat
6 concerned; and

7 (e) The acquisition of expert and professional assistance.

8 The MOA shall among others:

9 (1) Identify the threatened species and/or its habitat that will be covered by the program;

10 (2) Identify any process or processes that threaten the species and/or its habitat;

11 (3) Specify measures to be undertaken to ensure the conservation and protection of the
12 threatened species and/or its habitat;

13 (4) Enumerate performance indicators that are to be used in evaluating the conservation and
14 protection of the threatened species and/or its habitat; and

15 (5) Identify the private organizations or individuals and/or public authorities who may be
16 involved in the implementation of the measures included in the MOA.

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

24
25 SECTION 5. *National Technical Committee and Regional Monitoring Committee.* - The Secretary
26 of the DENR, the Secretary of the DA, and the Chairman of the PCSD shall establish in their respective
27 agencies the following committees:

28 (a) A National Technical Committee (NTC) composed of ranking officials and experts in the
29 field of wildlife conservation and management, including representatives from the private sector
30 who are engaged in biodiversity conservation, to formulate the design and mechanics of the
31 implementation of the program. The NTC shall likewise meet once every three (3) months or as often as
32 necessary to process project proposals submitted by parties interested in participating in the program,
33 and submit appropriate recommendations to the concerned government agency head; and

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

40
41 SECTION 6. *Obligations of the Adopting Entity or Individual.* - The following shall be the
42 obligations of the adopting entity or individual:

43 (a) Comply strictly with the terms and conditions stipulated in the MOA referred to in
44 Section 4 hereof; and

45 (b) Perform such other obligations or undertakings as may be required by the national
46 government agency having jurisdiction over the subject wildlife species consistent with the conservation
47 policies enunciated in Republic Act No. 9147.

48
49 SECTION 7. *Tax Exemption.* - Any donation, contribution, request or grant which shall be
50 made to the "Adopt-a-Wildlife Species Program" by the adopting entity or individual shall be
51 exempt from the donor's tax and the same shall be considered as allowable deduction from gross
52 income in the computation of the donor's income tax, in accordance with the provisions of the
53 National Internal Revenue Code of 1997, as amended.

54
55 SECTION 8. *Appropriations.* - The amount necessary for the initial implementation of this
56 Act shall be charged against the current year's appropriations of the DENR, the DA, and the
57 PCSD. Thereafter, such amounts as may be necessary for its continued implementation shall be
58 included in the annual General Appropriations Act.

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2 SECTION 9. *Implementing Rules and Regulations.* - The Secretary of the DENR, the Secretary of
3 the DA and the Chairman of the PCSD, or their duly authorized representatives, shall, in
4 consultation with the Department of Finance, jointly formulate the rules and regulations to
5 implement the relevant provisions of this Act.
6

7 SECTION 10. *Separability Clause.* - If any provision of this Act is declared
8 unconstitutional, the validity of the other provisions shall not be affected by such declaration.
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10 SECTION 11. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts
11 thereof inconsistent with this Act are hereby repealed or modified accordingly.
12

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

Approved,