

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 728



Introduced by **HONORABLE EDCCEL "GREX" B. LAGMAN**

EXPLANATORY NOTE

The Philippines' plethora of lush islands, the country's tropical location, and its once extensive areas of rainforest have resulted in incredibly high levels of species endemism. With more than 20,000 species of plants and animals indigenous to the country, the biological richness of the Philippines has been hailed as "Galapagos times ten" by Lawrence R. Heaney and Jacinto C. Regalado, Jr. in their book *Vanishing Treasures of the Philippine Rainforest*.

The Philippines also has one of the highest human population densities in the world. Due to population growth and demand for resources, the once vast forests of the Philippines have vanished, and now only about seven percent of the country's original and old-growth forests remain.

As a result, many of the country's unique species are in peril. Nearly 500 species of plants and animals in the Philippines are currently threatened, and conservationists fear that without immediate intervention, the Philippine hot spot is on the brink of an extinction crisis.

The Philippine government has enacted various laws to protect the country's threatened species, including RA 9147 or the "Wildlife Resources Conservation and Protection Act" and RA 7586 or the "National Integrated Protected Areas System (NIPAS) Act". There are also a number of existing laws aimed at protecting specific threatened species such as marine turtles, whale sharks, marine mammals, the Philippine crocodile, and the tamaraw, among others. These laws have unfortunately not yet achieved their intended conservation impact due to problems in implementation; poor coordination of various species protection efforts among NGOs, universities and the government; a dearth of appropriate monitoring mechanisms; and a lack of interest and participation by local communities and the private sector.

Therefore, despite these conservation efforts, population estimates for some notable species, including the national bird of the Philippines, the Philippine Eagle, and the largest mammal endemic to the country, the tamaraw, still continue to decline.

There is, fortunately, an opportunity to improve threatened species conservation in the Philippines. Executive Order No. 578 created a new national policy on biodiversity with the explicit objective of actively engaging the private sector and local communities in conservation. The policy recognizes the need to protect, conserve, and sustainably use the country's biological resources to ensure and secure the well-being of Filipinos, and calls on the government to work closely with the private sector - a previously untapped resource for environmental efforts in the Philippines - to promote biodiversity conservation consistent with economic development programs.

The "Adopt-A-Species Program", which is strongly endorsed in this bill, seeks to address major inhibiting factors to greater private sector participation in conservation by providing not only incentives but also a strong science-based framework that will guide programs and activities.

On 29 February 2008, the Palawan Council for Sustainable Development (PCSD) adopted Resolution No. 08-353 **A Resolution Endorsing the Immediate Approval of the Proposed House Bill Authored by Congressman Edcel C. Lagman Entitled, AN ACT ESTABLISHING AN 'ADOPT-A-WILDLIFE SPECIES PROGRAM' PROVIDING INCENTIVES THEREFOR AND FOR OTHER PURPOSES.** The Resolution cited among others the following merits and benefits of the bill: 1) It is "a means to regulate the collection and trade of wildlife so as to promote protection particularly of threatened species and their habitats as well as to prevent species extinction;" 2) "The program enunciated in the proposed House Bill strengthens the government's efforts to conserve and protect biological diversity and promote ecologically sustainable development;" and 3) "The House Bill further promotes conservation of threatened species and their habitats by tapping the active participation of the private sector and all other sectors of society."

This bill was substituted by HB 05421 which was approved without amendment and was subsequently passed on third and final reading by the House of Representatives on 13 December 2011 and was duly transmitted to and received by the Senate on 15 December 2011. The Senate, however, failed to approve the measure.

The 16th Congress is strongly urged to immediately pass this bill in order to overcome the country's setbacks in species conservation work.


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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:

SECTION 1. Title. This Act shall be known as the "Adopt-a-Wildlife Species Act of 2010".

SEC. 2. Declaration of Policy. The State is mandated under Sec. 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." Toward this end, it is the policy of the State as declared under Republic Act No. 9147 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.

SEC. 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 Local Government Units (LGUs), Non-Governmental 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 ecologically 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.

SEC. 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 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 of threatened species and/or its habitat;
- (b) The minimization of any significant adverse social and economic consequences;
- (c) Measures by which the public may co-operate in the conservation of a threatened species and/or its habitat;
- (d) Special knowledge or interest that indigenous people may have in the species and habitat concerned; and
- (e) Acquiring expert and professional assistance.

The Memorandum of Agreement shall among others:

1. Identify the threatened species and/or its habitat that will be covered by the program;
2. Identify any process or processes that threaten the species and/or its habitat;
3. Specify measures to be undertaken to ensure the conservation and protection of the threatened species and/or its habitat;
4. Enumerate performance indicators that are to be used in evaluating the conservation and protection of the species and/or its habitat; and
5. Identify the private organizations or individuals and/or public authorities who may be involved in the implementation of the measures included in the Memorandum of Agreement.

The MOA shall be effective for at least two (2) years, which may be extended upon mutual agreement of the parties; *Provided*, That such period may be shortened in the event the adopting entity is dissolved or the adopting individual dies without any willing and qualified successor before the expiration of the contract period, unless the MOA is earlier terminated in accordance with Section 6 hereunder; and *Provided, further*, that if the adopting entity or individual chooses to assign the implementation of the program to another qualified entity or individual, such assignment shall be in

writing to be approved by the head of the government agency concerned, or his/her duly authorized representative.

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

- (a) A National Technical Committee (NTC) composed of ranking officials and experts in the field of wildlife conservation and management, including representatives from the private sector who are engaged in biodiversity conservation, to formulate the design and mechanics of implementation of the Program. The NTC shall likewise meet once every three (3) months or as often as necessary to process project proposals submitted by parties interested in participating in the program, and submit appropriate recommendations to the concerned government agency head.
- (b) A Regional Monitoring Committee (RMC) composed of ranking regional and PCSD officials down to the provincial and municipal/community levels, to conduct periodic monitoring, review and evaluation of the performance of the adopting entity or individual, the results of which shall be the basis in the assessment of the application for tax credits and incentives by the adopting entity or individual, or in the pre-termination of the MOA when deemed appropriate like in cases of abandonment or insolvency of the adopting entity or individual or its serious violations of the MOA.

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

- (a) Comply strictly with the terms and conditions stipulated in the Memorandum of Agreement referred to in Section 4 above; and
- (b) Perform such other obligations or undertaking as may be required by the national government agency having jurisdiction over the subject wildlife species consistent with the conservation policies enunciated in RA 9147.

SEC. 7. Tax Exemption and Incentives. The adopting entity or individual shall be entitled to the following tax exemptions and incentives:

- (a) Exemption from the donor's tax for all donations and allied contributions to the Program; and
- (b) Deduction from the taxable income of the full amount of the donation, contribution, bequest, subsidy or financial aid relative to the Program.

Valuation of assistance other than money shall be based on the acquisition cost of the property. Such valuation shall take into account the depreciated value of the property in case said property has already been used.

SEC. 8. Rules and Regulations. The Secretary of the DENR, the Secretary of DA and the Chairman of PCSD, or their duly authorized representatives, shall, in consultation with the Department of Finance, jointly formulate the rules and regulations to implement the relevant provisions of this Act.

SEC. 9. Appropriations. The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of DENR, DA and PCSD. Thereafter, such amounts as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

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

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

SEC. 12. Effectivity. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved.