

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 4569



Introduced by the Honorable ANN K. HOFER

EXPLANATORY NOTE

This bill seeks the amendment of Republic Act No. 9147 or the Wildlife Resources Conservation and Protection Act. Since its enactment in 2001, the Wildlife Act has provided guidelines for the conservation of wildlife, as well as becoming a deterrent to those who exploit these species and their respective habitats. However, the continued illegal trade of wildlife locally and internationally has worsened the conservation status of our endemic wildlife species which led to the dwindling population in the wild. In fact, wildlife offenders have become more brazen in their illegal trade as illustrated by recent cases involving: (i) the apprehension of a foreign fisherfolk who had at least 200 individual live and dead *pawikan* species in their vessel; (ii) the apprehension of wildlife traffickers in Batangas who were in possession of more than 200 heads of wildlife such as Mynah, Philippine Cockatiel, Palawan Bear Cat, Palawan Porcupine, etc.; (iii) the discovery of a 50-foot container van in North Harbor filled with stuffed Pawikan, dried black corals, and other marine life; and (iv) the accusation that the Philippines is a transition point in the international illegal ivory trade as documented in National Geographic. It is obvious that the deterrent aspect of the law should be increased, as well as protective measures be improved, because violators are not only targeting individual wildlife but whole populations illegally collected and hunted from the wild.

Considering the above, our status as one of only 17 countries recognized internationally as megadiversities is in peril. As a megadiversity, the Philippines is among a select group of countries which hold the greatest number of species of living organisms in the

world. Out of a total of 928 terrestrial species in the country, 529 or (57%) are endemic or unique only to the Philippines.¹ Our country can thus be considered, "pound-for-pound," the most megadiverse in the whole world per unit of land area (300, 780 sq. km). In comparison, Spain has a total of 435 species, 25 endemic (6%), in a 451, 171 sq. km land area, while Brazil boasts a total of 3131 species, 788 endemic (25%), in a land area of 8,511,965 sq. km.²

With the recent amendment of the Animal Welfare Act, it is time to do the same for the Wildlife Act. Our endemic wildlife likewise deserves the increased level of protection equivalent to that prescribed in the Animal Welfare Act since these species contribute to our unique identity as a country. Also, stiffer penalties shall likewise provide a stronger deterrent effect to violators, while also eliciting a pause from those who are planning to bend the law.

It is in this regard that amendments to the Wildlife Act are sought.

Particularly, this bill aims to: (1) strengthen the deterrent aspect of the law through the addition of prohibited acts and imposition of stiffer penalties; (2) improve the implementation of the Wildlife Act through additional provisions; and (3) modernize the law pursuant to developments in environmental jurisprudence.

For these reasons, the approval of this Bill is earnestly sought.



ANN K. HOFER

2nd District, Province of Zamboanga Sibugay

¹ Heaney, Lawrence R. *Biological Diversity in the Philippines: An Introduction to Megadiversity in a Nation of Islands in The Philippine Biodiversity Conservation Priorities*, pp. 2-8. DENR-PAWB, 2002.

² Mittermeier, et al., 1997, cited in Heaney, Lawrence R. *Ibid.*

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Introduced by the Honorable ANN K. HOFER

1 AN ACT AMENDING REPUBLIC ACT NO. 9147, PROVIDING ADDITIONAL
2 PROHIBITED ACTS THEREFOR, INCREASING THEIR PENALTIES, ADDING
3 ADMINISTRATIVE MEASURES FOR IMPROVED PROTECTION AND
4 CONSERVATION OF WILDLIFE, AND FOR OTHER PURPOSES.

5

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

8

9 **SECTION 1.** There is hereby inserted Section 2-A to read as follows:

10 "SEC. 2-A. CONSTRUCTION – THE PROVISIONS OF THIS ACT SHALL BE
11 LIBERALLY CONSTRUED IN FAVOR OF THE CONSERVATION AND
12 PROTECTION OF WILDLIFE SPECIES AND THEIR HABITATS AS DEFINED
13 IN THIS ACT, TOWARD THE PROMOTION OF ECOLOGICAL BALANCE
14 AND ENHANCEMENT OF BIOLOGICAL DIVERSITY."

15

16 **SEC. 2.** Section 20 of the law is hereby amended to read as follows:

17 "Sec. 20. Authority of the Secretary to Issue Permits. - The Secretary or
18 the duly authorized representative, in order to effectively implement this
19 Act, shall issue permits/certifications/clearances with corresponding
20 period of validity, whenever appropriate, which shall include but not
21 limited to the following:

22

23 (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; and
- (5) Export/Import/Reexport permit -1 to 6 months.

DUE DILIGENCE SHALL BE EXERCISED IN THE SCRUTINY OF THE REQUIREMENTS FOR THE ISSUANCE AND/OR RENEWAL OF THESE PERMITS/CERTIFICATIONS/CLEARANCES, VERIFYING THAT NO PROVISIONS OF THIS ACT, AS WELL AS ITS IMPLEMENTING RULES AND REGULATIONS, AND OTHER RELATED ISSUANCES, ARE VIOLATED.

PERMITS/CERTIFICATIONS/CLEARANCES SHALL ONLY BE ISSUED AND/OR RENEWED IF THE SOURCE OF WILDLIFE IS SPECIFIED IN THE APPLICATION, WITH PROOF AND VERIFICATION THAT NO WILDLIFE SPECIES HAVE BEEN AND SHALL BE COLLECTED FROM WILDLIFE HABITATS, PROTECTED AREAS, OTHER AREAS WITHIN THE PHILIPPINES, AND FROM ILLEGAL SOURCES OR MEANS. IN CASE OF WILDLIFE COLLECTOR'S PERMITS, DUE DILIGENCE SHALL BE EXERCISED IN THE SCRUTINY OF THE APPLICATION, TAKING INTO CONSIDERATION THE APPLICANT'S PURPOSE, HISTORY OF COMMERCIAL ACTIVITIES, CAPABILITY TO COLLECT WILDLIFE IN RELATION TO SECTION 7 OF THIS ACT, AND OTHER RELATED CRITERIA.

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

SEC. 3. There is hereby inserted Section 25-A to read as follows:

"SEC. 25-A. CRITICAL HABITAT MANAGEMENT OFFICE – A CRITICAL HABITAT MANAGEMENT OFFICE (CHMO), TO BE HEADED BY A CRITICAL HABITAT SUPERINTENDENT (CHSu), SHALL BE ESTABLISHED IN EACH DENR REGIONAL AND/OR FIELD OFFICE HAVING DESIGNATED

1 CRITICAL HABITAT AREAS.

2

3 THE CRITICAL HABITAT MANAGEMENT OFFICE SHALL HEAD THE
4 PROTECTION OF THE CRITICAL HABITAT, IN COORDINATION WITH THE
5 LOCAL GOVERNMENT UNITS AND OTHER CONCERNED GROUPS, AND
6 SHALL HAVE A COMPLEMENT STAFF, SUPPORTED BY WILDLIFE
7 ENFORCEMENT OFFICERS.

8

9 THE AMOUNT NECESSARY FOR THE IMPLEMENTATION OF THIS
10 PROVISION SHALL BE CHARGED AGAINST THE APPROPRIATIONS OF
11 THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN
12 THE CURRENT GENERAL APPROPRIATIONS ACT. THEREFORE, SUCH
13 SUMS AS MAY BE NECESSARY TO FULLY IMPLEMENT THE PROVISIONS
14 OF THIS ACT SHALL BE INCLUDED IN THE ANNUAL GENERAL
15 APPROPRIATIONS ACT.”

16

17 **SEC. 4.** Section 27 of the law is hereby amended to read as follows:

18 “SEC. 27. ILLEGAL ACTS. - ANY PERSON WHO SHALL INDUCE ANOTHER
19 OR CONSPIRE TO COMMIT ANY OF THE FOLLOWING ILLEGAL ACTS, OR
20 SUFFER THEIR WORKERS TO COMMIT ANY OF THE SAME, SHALL BE
21 LIABLE IN THE SAME MANNER AS THE ONE ACTUALLY PERFORMING
22 THE ACT.

23

24 UNLESS OTHERWISE ALLOWED IN ACCORDANCE WITH THIS ACT, IT
25 SHALL BE UNLAWFUL FOR ANY PERSON TO EXPLOIT WILDLIFE
26 RESOURCES AND THEIR HABITATS, OR UNDERTAKE THE FOLLOWING
27 ACTS:

28

29 (a) Killing OR destroying wildlife species, INCLUDING CAUSING
30 DEATH AS A RESULT OF ANY VIOLATION OF THIS ACT, except in the
31 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.

WHOEVER POSSESSES DEAD WILDLIFE IS PRIMA FACIE PRESUMED TO HAVE KILLED, DESTROYED, OR CAUSED THE DEATH OF THE SAME;

(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, INCLUDING SELLING, BUYING, OR LEASING, AND THE OFFER TO DO SO, OF ANY PORTION OF THE CRITICAL HABITAT, AND THE CONDUCT OF LAND SURVEYS AND ISSUANCE OF TITLES PURSUANT THERETO;

(iii) Mineral exploration and/or extraction;

1 (iv) TREASURE-HUNTING AND PROSPECTING;

2
3 (v) Burning, INCLUDING THE ENGAGEMENT IN KAINGIN, OR
4 CAUSING FOREST OR BRUSH FIRES;

5
6 (vi) Logging;

7
8 (vii) Quarrying;

9
10 (viii) HUNTING;

11
12 (ix) ESTABLISHING OR INTRODUCING ANY EXOTIC SPECIES
13 WHICH ARE DETRIMENTAL TO ENDEMIC SPECIES AND THE ECOSYSTEM
14 THEREIN; AND

15
16 (x) ANY OTHER ACT OR OMISSION RESULTING TO THE
17 DISTURBANCE, DAMAGE, OR DEGRADATION OF THE CRITICAL HABITAT,
18 AND/OR INJURY TO ANY SPECIES OR TO THE ECOSYSTEM THEREIN;

19
20 (d) Introduction, reintroduction or restocking of wildlife resources;

21
22 (e) Trading of wildlife, WILDLIFE BODY PARTS, BY-PRODUCTS, AND
23 DERIVATIVES, INCLUDING ADVERTISING OR CONTRACTING FOR THE
24 PURPOSE OF SALE OR PROCUREMENT OF WILDLIFE;

25
26 (f) Collecting, hunting, or possessing LIVE wildlife, INCLUDING
27 POSSESSION OF WILDLIFE BODY PARTS, by-products, and derivatives;

28
29 (g) Gathering or destroying of active nests, nest trees, host plants
30 and the like;

31
32 (h) Maltreating and/or inflicting other injuries not covered by the

preceding paragraph; and

(i) Transporting of wildlife, INCLUDING TRANSSHIPMENT, WHICH IS DEFINED AS THE ACT OF SHIPPING WILDLIFE, WILDLIFE BODY PARTS, BY-PRODUCTS, AND DERIVATIVES, WHETHER OR NOT IN SHIPPING CONTAINERS, TO AN INTERMEDIATE DESTINATION, AND TO YET ANOTHER DESTINATION.

PROSECUTION FOR VIOLATION OF THIS ACT SHALL BE WITHOUT PREJUDICE TO THE PROSECUTION OF THE OFFENDER FOR VIOLATION OF OTHER LAWS, RULES AND REGULATIONS."

SEC. 5. Section 28 of the law is hereby amended to read as follows:

"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 SHALL BE IMPOSED:

(a) IMPRISONMENT FROM SIX (6) YEARS AND ONE (1) DAY BUT NOT MORE THAN TWELVE (12) YEARS AND A FINE OF NOT LESS THAN ONE HUNDRED FIFTY THOUSAND PESOS (P 150,000) BUT NOT MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PESOS (P 1,500,000) IF INFLICTED OR UNDERTAKEN AGAINST SPECIES LISTED AS CRITICAL, PROVIDED THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE THAN ONE HEAD OF SUCH SPECIES, IMPRISONMENT FROM TWELVE (12) YEARS AND ONE (1) DAY BUT NOT MORE THAN TWENTY (20) YEARS AND A FINE OF NOT LESS THAN ONE MILLION PESOS (P 1,000,000) BUT NOT MORE THAN TWO MILLION PESOS (P 2,000,000) SHALL BE IMPOSED;

(b) IMPRISONMENT FROM FIVE (5) YEARS AND ONE (1) DAY BUT

1 NOT MORE THAN SIX (6) YEARS AND A FINE OF NOT LESS THAN ONE
2 HUNDRED THOUSAND PESOS (P 100,000) BUT NOT MORE THAN ONE
3 MILLION PESOS (P 1,000,000) IF INFLICTED OR UNDERTAKEN AGAINST
4 SPECIES LISTED AS ENDANGERED, PROVIDED THAT, IF THE ACT IS
5 INFLICTED OR UNDERTAKEN AGAINST MORE THAN ONE HEAD OF SUCH
6 SPECIES, THE INITIAL PENALTY IN THE IMMEDIATELY PRECEDING
7 PARAGRAPH SHALL BE IMPOSED;

8
9 (c) IMPRISONMENT FROM FOUR (4) YEARS AND ONE (1) DAY BUT
10 NOT MORE THAN SIX (6) YEARS AND A FINE OF NOT LESS THAN EIGHTY
11 THOUSAND PESOS (P 80,000) BUT NOT MORE THAN EIGHT HUNDRED
12 THOUSAND PESOS (P 800,000) IF INFLICTED OR UNDERTAKEN AGAINST
13 SPECIES LISTED AS VULNERABLE, PROVIDED THAT, IF THE ACT IS
14 INFLICTED OR UNDERTAKEN AGAINST MORE THAN ONE HEAD OF SUCH
15 SPECIES, THE INITIAL PENALTY IN THE IMMEDIATELY PRECEDING
16 PARAGRAPH SHALL BE IMPOSED;

17
18 (d) IMPRISONMENT FROM TWO (2) YEARS AND ONE (1) DAY BUT
19 NOT MORE THAN FOUR (4) YEARS AND A FINE OF NOT LESS THAN
20 FIFTY THOUSAND PESOS (P 50,000) BUT NOT MORE THAN FIVE
21 HUNDRED THOUSAND PESOS (P 500,000) IF INFLICTED OR
22 UNDERTAKEN AGAINST SPECIES LISTED AS THREATENED, PROVIDED
23 THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE
24 THAN ONE HEAD OF SUCH SPECIES, THE INITIAL PENALTY IN THE
25 IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED;

26
27 (e) IMPRISONMENT FROM ONE (1) YEAR AND ONE (1) DAY BUT
28 NOT MORE THAN TWO (2) YEARS AND A FINE OF NOT LESS THAN
29 THIRTY THOUSAND PESOS (P 30,000) BUT NOT MORE THAN THREE
30 HUNDRED THOUSAND PESOS (P 300,000) IF INFLICTED OR
31 UNDERTAKEN AGAINST OTHER WILDLIFE SPECIES, PROVIDED THAT, IF
32 THE ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE THAN ONE

1 HEAD OF SUCH SPECIES, THE INITIAL PENALTY IN THE IMMEDIATELY
2 PRECEDING PARAGRAPH SHALL BE IMPOSED.

3
4 FOR ILLEGAL ACTS UNDER PARAGRAPH (b) OF THE IMMEDIATELY
5 PRECEDING SECTION, THE FOLLOWING PENALTIES SHALL BE IMPOSED:

6
7 (a) IMPRISONMENT FROM SIX (6) YEARS AND ONE (1) DAY BUT
8 NOT MORE THAN TWELVE (12) YEARS AND/OR A FINE OF NOT LESS
9 THAN ONE HUNDRED FIFTY THOUSAND PESOS (P 150,000) BUT NOT
10 MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PESOS (P
11 1,500,000) IF INFLICTED OR UNDERTAKEN AGAINST SPECIES LISTED AS
12 CRITICAL, PROVIDED THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN
13 AGAINST MORE THAN ONE HEAD OF SUCH SPECIES, THE MAXIMUM
14 PENALTIES PROVIDED IN THIS PARAGRAPH SHALL BE IMPOSED;

15
16 (b) IMPRISONMENT FROM FOUR (4) YEARS AND ONE (1) DAY BUT
17 NOT MORE THAN SIX (6) YEARS AND/OR A FINE OF NOT LESS THAN
18 ONE HUNDRED THOUSAND PESOS (P 100,000) BUT NOT MORE THAN
19 ONE MILLION PESOS (P 1,000,000) IF INFLICTED OR UNDERTAKEN
20 AGAINST SPECIES LISTED AS ENDANGERED, PROVIDED THAT, IF THE
21 ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE THAN ONE HEAD
22 OF SUCH SPECIES, THE MAXIMUM PENALTIES PROVIDED IN THIS
23 PARAGRAPH SHALL BE IMPOSED;

24
25 (c) IMPRISONMENT FROM TWO (2) YEARS AND ONE (1) DAY BUT
26 NOT MORE THAN FOUR (4) YEARS AND/OR A FINE OF NOT LESS THAN
27 EIGHTY THOUSAND PESOS (P 80,000) BUT NOT MORE THAN EIGHT
28 HUNDRED THOUSAND PESOS (P 800,000) IF INFLICTED OR
29 UNDERTAKEN AGAINST SPECIES LISTED AS VULNERABLE, PROVIDED
30 THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE
31 THAN ONE HEAD OF SUCH SPECIES, THE MAXIMUM PENALTIES IN THIS
32 PARAGRAPH SHALL BE IMPOSED;

(d) IMPRISONMENT FROM ONE (1) YEAR AND ONE (1) DAY BUT NOT MORE THAN TWO (2) YEARS AND/OR A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P 50,000) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P 500,000) IF INFLICTED OR UNDERTAKEN AGAINST SPECIES LISTED AS THREATENED, PROVIDED THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE THAN ONE HEAD OF SUCH SPECIES, THE MAXIMUM PENALTIES IN THIS PARAGRAPH SHALL BE IMPOSED;

(e) IMPRISONMENT FROM SIX (6) MONTHS AND ONE (1) DAY BUT NOT MORE THAN ONE (1) YEAR AND A FINE OF NOT LESS THAN THIRTY THOUSAND PESOS (P 30,000) BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (P 300,000) IF INFLICTED OR UNDERTAKEN AGAINST OTHER WILDLIFE SPECIES, PROVIDED THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE THAN ONE HEAD OF SUCH SPECIES, THE MAXIMUM PENALTIES IN THIS PARAGRAPH SHALL BE IMPOSED;

FOR ILLEGAL ACTS UNDER PARAGRAPHS (c) AND (d) OF THE IMMEDIATELY PRECEDING SECTION, IMPRISONMENT FROM SIX (6) YEARS AND ONE (1) DAY BUT NOT MORE THAN TWELVE (12) YEARS AND/OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P 100,000) BUT NOT MORE THAN ONE MILLION PESOS (P 1,000,000), SHALL BE IMPOSED, IN ADDITION, PAYMENT OF A FINE EQUIVALENT TO THE COST OF THE AREA OR THING DAMAGED, INJURED, OR DEGRADED, AS DETERMINED AFTER ASSESSMENT BY EXPERTS FROM THE DENR USING CURRENT VALUATION STANDARDS AND COST OF RESTORATION SHALL LIKEWISE BE PAID. THE OFFENDER SHALL ALSO BE RESPONSIBLE FOR THE RESTORATION, REHABILITATION, OR COMPENSATION FOR THE RESTORATION OR REHABILITATION OF THE AREA, AS NECESSARY;

FOR ILLEGAL ACTS UNDER PARAGRAPH (e) OF THE IMMEDIATELY

PRECEDING SECTION, THE FOLLOWING PENALTIES SHALL BE IMPOSED:

(a) IMPRISONMENT FROM SIX (6) YEARS AND ONE (1) DAY BUT NOT MORE THAN TWELVE (12) YEARS AND/OR A FINE OF NOT LESS THAN ONE HUNDRED FIFTY THOUSAND PESOS (P 150,000) BUT NOT MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PESOS (P 1,500,000) IF INVOLVING SPECIES LISTED AS CRITICAL, PROVIDED THAT, IF MORE THAN ONE HEAD OF SUCH SPECIES ARE INVOLVED, IMPRISONMENT FROM TWELVE (12) YEARS AND ONE (1) DAY BUT NOT MORE THAN TWENTY (20) YEARS AND A FINE OF NOT LESS THAN ONE MILLION PESOS (P 1,000,000) BUT NOT MORE THAN TWO MILLION PESOS (P 2,000,000) SHALL BE IMPOSED;

(b) IMPRISONMENT FROM FIVE (5) YEARS AND ONE (1) DAY BUT NOT MORE THAN SIX (6) YEARS AND/OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P 100,000) BUT NOT MORE THAN ONE MILLION PESOS (P 1,000,000) IF INVOLVING SPECIES LISTED AS ENDANGERED, PROVIDED THAT, IF MORE THAN ONE HEAD OF SUCH SPECIES ARE INVOLVED, THE INITIAL PENALTY IN THE IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED

(c) IMPRISONMENT FROM FOUR (4) YEARS AND ONE (1) DAY BUT NOT MORE THAN SIX (6) YEARS AND/OR A FINE OF NOT LESS THAN EIGHTY THOUSAND PESOS (P 80,000) BUT NOT MORE THAN EIGHT HUNDRED THOUSAND PESOS (P 800,000) IF INVOLVING SPECIES LISTED AS VULNERABLE, PROVIDED THAT, IF MORE THAN ONE HEAD OF SUCH SPECIES ARE INVOLVED, THE INITIAL PENALTY IN THE IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED;

(d) IMPRISONMENT FROM TWO (2) YEARS AND ONE (1) DAY BUT NOT MORE THAN FOUR (4) YEARS AND/OR A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P 50,000) BUT NOT MORE THAN FIVE

1 HUNDRED THOUSAND PESOS (P 500,000) IF INVOLVING SPECIES
2 LISTED AS THREATENED, PROVIDED THAT, IF MORE THAN ONE HEAD
3 OF SUCH SPECIES ARE INVOLVED, THE INITIAL PENALTY IN THE
4 IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED;

5
6 (c) IMPRISONMENT FROM ONE (1) YEAR AND ONE (1) DAY BUT
7 NOT MORE THAN TWO (2) YEARS AND/OR A FINE OF NOT LESS THAN
8 THIRTY THOUSAND PESOS (P 30,000) BUT NOT MORE THAN THREE
9 HUNDRED THOUSAND PESOS (P 300,000) IF INVOLVING OTHER
10 WILDLIFE SPECIES, PROVIDED THAT, IF MORE THAN ONE HEAD OF
11 SUCH SPECIES ARE INVOLVED, THE INITIAL PENALTY IN THE
12 IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED.

13
14 FOR ILLEGAL ACTS UNDER PARAGRAPHS (f) AND (g) OF THE
15 IMMEDIATELY PRECEDING SECTION, THE FOLLOWING PENALTIES
16 SHALL BE IMPOSED:

17
18 (a) IMPRISONMENT FROM SIX (6) YEARS AND ONE (1) DAY BUT
19 NOT MORE THAN TWELVE (12) YEARS AND/OR A FINE OF NOT LESS
20 THAN ONE HUNDRED FIFTY THOUSAND PESOS (P 150,000) BUT NOT
21 MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PESOS (P
22 1,500,000) IF INVOLVING SPECIES LISTED AS CRITICAL, PROVIDED
23 THAT, IF MORE THAN ONE HEAD OF SUCH SPECIES ARE INVOLVED, THE
24 MAXIMUM PENALTIES PROVIDED IN THIS PARAGRAPH SHALL BE
25 IMPOSED;

26
27 (b) IMPRISONMENT FROM FOUR (4) YEARS AND ONE (1) DAY BUT
28 NOT MORE THAN SIX (6) YEARS AND/OR A FINE OF NOT LESS THAN
29 ONE HUNDRED THOUSAND PESOS (P 100,000) BUT NOT MORE THAN
30 ONE MILLION PESOS (P 1,000,000) IF INVOLVING SPECIES LISTED AS
31 ENDANGERED, PROVIDED THAT, IF MORE THAN ONE HEAD OF SUCH
32 SPECIES ARE INVOLVED, THE MAXIMUM PENALTIES PROVIDED IN THIS

1 PARAGRAPH SHALL BE IMPOSED;

2
3 (c) IMPRISONMENT FROM TWO (2) YEARS AND ONE (1) DAY BUT
4 NOT MORE THAN FOUR (4) YEARS AND/OR A FINE OF NOT LESS THAN
5 EIGHTY THOUSAND PESOS (P 80,000) BUT NOT MORE THAN EIGHT
6 HUNDRED THOUSAND PESOS (P 800,000) IF INVOLVING SPECIES
7 LISTED AS VULNERABLE, PROVIDED THAT, IF MORE THAN ONE HEAD
8 OF SUCH SPECIES ARE INVOLVED, THE MAXIMUM PENALTIES IN THIS
9 PARAGRAPH SHALL BE IMPOSED;

10
11 (d) IMPRISONMENT FROM ONE (1) YEAR AND ONE (1) DAY BUT
12 NOT MORE THAN TWO (2) YEARS AND/OR A FINE OF NOT LESS THAN
13 FIFTY THOUSAND PESOS (P 50,000) BUT NOT MORE THAN FIVE
14 HUNDRED THOUSAND PESOS (P 500,000) IF INVOLVING SPECIES
15 LISTED AS THREATENED, PROVIDED THAT, IF MORE THAN ONE HEAD
16 OF SUCH SPECIES ARE INVOLVED, THE MAXIMUM PENALTIES IN THIS
17 PARAGRAPH SHALL BE IMPOSED;

18
19 (e) IMPRISONMENT FROM SIX (6) MONTHS AND ONE (1) DAY BUT
20 NOT MORE THAN ONE (1) YEAR AND A FINE OF NOT LESS THAN THIRTY
21 THOUSAND PESOS (P 30,000) BUT NOT MORE THAN THREE HUNDRED
22 THOUSAND PESOS (P 300,000) IF INVOLVING OTHER WILDLIFE
23 SPECIES, PROVIDED THAT, IF MORE THAN ONE HEAD OF SUCH SPECIES
24 ARE INVOLVED, THE MAXIMUM PENALTIES IN THIS PARAGRAPH SHALL
25 BE IMPOSED;

26
27 FOR ILLEGAL ACTS UNDER PARAGRAPHS (h) AND (i) OF THE
28 IMMEDIATELY PRECEDING SECTION, THE FOLLOWING PENALTIES
29 SHALL BE IMPOSED:

30
31 (a) IMPRISONMENT FROM SIX (6) YEARS AND ONE (1) DAY BUT
32 NOT MORE THAN TWELVE (12) YEARS AND/OR A FINE OF NOT LESS

1 THAN ONE HUNDRED FIFTY THOUSAND PESOS (P 150,000) BUT NOT
2 MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PESOS (P
3 1,500,000) IF INFLICTED OR UNDERTAKEN AGAINST SPECIES LISTED AS
4 CRITICAL, PROVIDED THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN
5 AGAINST MORE THAN ONE HEAD OF SUCH SPECIES, IMPRISONMENT
6 FROM TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS
7 AND/OR A FINE OF NOT LESS THAN ONE MILLION PESOS (P 1,000,000)
8 BUT NOT MORE THAN TWO MILLION PESOS (P 2,000,000) SHALL BE
9 IMPOSED;

10
11 (b) IMPRISONMENT FROM FOUR (4) YEARS AND ONE (1) DAY BUT
12 NOT MORE THAN SIX (6) YEARS AND/OR A FINE OF NOT LESS THAN
13 ONE HUNDRED THOUSAND PESOS (P 100,000) BUT NOT MORE THAN
14 ONE MILLION PESOS (P 1,000,000) IF INFLICTED OR UNDERTAKEN
15 AGAINST SPECIES LISTED AS ENDANGERED, PROVIDED THAT, IF THE
16 ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE THAN ONE HEAD OF
17 SUCH SPECIES, THE INITIAL PENALTY IN THE IMMEDIATELY
18 PRECEDING PARAGRAPH SHALL BE IMPOSED;

19
20 (c) IMPRISONMENT FROM TWO (2) YEARS AND ONE (1) DAY BUT
21 NOT MORE THAN FOUR (4) YEARS AND/OR A FINE OF NOT LESS THAN
22 EIGHTY THOUSAND PESOS (P 80,000) BUT NOT MORE THAN EIGHT
23 HUNDRED THOUSAND PESOS (P 800,000) IF INFLICTED OR
24 UNDERTAKEN AGAINST SPECIES LISTED AS VULNERABLE, PROVIDED
25 THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE THAN
26 ONE HEAD OF SUCH SPECIES, THE INITIAL PENALTY IN THE
27 IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED;

28
29 (d) IMPRISONMENT FROM ONE (1) YEAR AND ONE (1) DAY BUT
30 NOT MORE THAN TWO (2) YEARS AND/OR A FINE OF NOT LESS THAN
31 FIFTY THOUSAND PESOS (P 50,000) BUT NOT MORE THAN FIVE
32 HUNDRED THOUSAND PESOS (P 500,000) IF INFLICTED OR

1 UNDERTAKEN AGAINST SPECIES LISTED AS THREATENED, PROVIDED
2 THAT, IF THE ACT IS INFLICTED OR UNDERTAKEN AGAINST MORE THAN
3 ONE HEAD OF SUCH SPECIES, THE INITIAL PENALTY IN THE
4 IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED;

5
6 (e) IMPRISONMENT FROM SIX (6) MONTHS AND ONE (1) DAY BUT
7 NOT MORE THAN ONE (1) YEAR AND A FINE OF NOT LESS THAN THIRTY
8 THOUSAND PESOS (P 30,000) BUT NOT MORE THAN THREE HUNDRED
9 THOUSAND PESOS (P 300,000) IF INFLICTED OR UNDERTAKEN AGAINST
10 OTHER WILDLIFE SPECIES, PROVIDED THAT, IF THE ACT IS INFLICTED
11 OR UNDERTAKEN AGAINST MORE THAN ONE HEAD OF SUCH SPECIES,
12 THE INITIAL PENALTY IN THE IMMEDIATELY PRECEDING PARAGRAPH
13 SHALL BE IMPOSED;

14
15 SEC. 28-A. COMMON PENAL PROVISIONS. - IN ADDITION TO THE
16 PENALTIES PRESCRIBED FOR THE PROHIBITED ACTS IN THE PREVIOUS
17 SECTION, THE FOLLOWING ARE LIKEWISE IMPOSED FOR ANY
18 VIOLATION OF THIS ACT:

19
20 (a) PAYMENT OF A FINE EQUIVALENT TO THE COST OF THE
21 REMOVAL OF THE WILDLIFE SPECIES INVOLVED FROM ITS NATURAL
22 HABITAT, AS DETERMINED AFTER ASSESSMENT BY EXPERTS FROM
23 THE DENR TAKING INTO CONSIDERATION NUMBER OF SUCH SPECIES
24 IN THE WILD, BIOLOGICAL IMPACT, ECOLOGICAL BALANCE, AND OTHER
25 CRITERIA, USING CURRENT VALUATION STANDARDS;

26
27 (b) FORFEITURE IN FAVOR OF THE GOVERNMENT OF ALL
28 WILDLIFE, ITS BODY PARTS, DERIVATIVES, OR BY-PRODUCTS, AND ALL
29 PARAPHERNALIA, TOOLS, CONVEYANCES, VEHICLES, VESSELS, AND
30 OTHER EQUIPMENT USED IN CONNECTION WITH VIOLATIONS OF THIS
31 ACT, SUCH FORFEITED OBJECTS SHALL ACCRUE TO THE USE OF THE
32 DENR IN THE PROTECTION OF WILDLIFE WHERE APPLICABLE;

1 (c) CANCELLATION OF ALL WILDLIFE
2 PERMITS/CERTIFICATIONS/CLEARANCES, AND PERMANENTLY
3 DENYING THE OFFENDER THE GRANT OF ANY SUCH
4 PERMIT/CERTIFICATION/CLEARANCE;
5

6 (c) IN CASE AN OFFENDER HAS DERIVED INCOME OR PROFIT AS A
7 RESULT OF THE PROHIBITED ACT/S, A FINE EQUIVALENT TO THE
8 ACTUAL REALIZED PROFIT OR PRESUMPTIVE INCOME, WHICHEVER IS
9 HIGHER, SHALL ALSO BE IMPOSED. SUCH PROFIT OR INCOME SHALL BE
10 COMPUTED FROM THE TIME THE PROHIBITED ACT/S COMMENCED UP
11 TO THE TIME THAT IT HAS CEASED.
12

13 (d) IF THE OFFENDER IS AN ASSOCIATION OR CORPORATION,
14 PAYMENT OF FINES SHALL BE IN AN AMOUNT TWICE THAT AS
15 PRESCRIBED IN THIS ACT, AND THE DIRECTORS AND OFFICERS SHALL
16 SUFFER THE IMPRISONMENT;
17

18 (e) IF THE OFFENDER IS A FOREIGN NATIONAL, THEY SHALL BE
19 DEPORTED AFTER SERVICE OF SENTENCE AND PAYMENT OF FINES
20 WHICH SHALL BE IN AN AMOUNT THRICE THAT AS PRESCRIBED IN
21 THIS ACT. A HOLD DEPARTURE ORDER SHALL BE ISSUED AS A
22 CONDITION FOR THE GRANT OF BAIL TO ANY FOREIGN OFFENDER, AND
23 ALL PASSPORTS AND DOCUMENTS WHICH MAY BE USED BY THE
24 ACCUSED TO FLEE THE COUNTRY MUST BE SURRENDERED TO THE
25 COURT; AND
26

27 (f) IF THE OFFENDER IS A GOVERNMENT OFFICIAL OR EMPLOYEE,
28 THE PENALTY OF PERPETUAL DISQUALIFICATION FROM PUBLIC
29 OFFICE SHALL ALSO BE IMPOSED.
30

31 THE FINES HEREIN PRESCRIBED SHALL BE INCREASED BY AT LEAST
32 TEN PERCENT (10%) EVERY THREE (3) YEARS TO COMPENSATE FOR

1 INFLATION AND TO MAINTAIN THE DETERRENT FUNCTION OF SUCH
2 FINES.

3
4 THE APPREHENDING AGENCY SHALL IMMEDIATELY CAUSE THE
5 TRANSFER OF ALL WILDLIFE THAT HAVE BEEN SEIZED OR RECOVERED
6 TO THE NEAREST WILDLIFE RESCUE CENTER OF THE DENR IN THE
7 AREA.

8
9 IN CASE EXOTIC SPECIE ARE INVOLVED, THE DENR SHALL DETERMINE
10 THEIR LOCAL EQUIVALENT LISTING FOR PURPOSES OF THE
11 PROSECUTION OF THIS ACT."

12
13 **SEC. 6.** Section 30 of the law is hereby amended to read as follows:

14 "SEC. 30. Deputation of Wildlife Enforcement Officers. - The Secretary
15 shall deputize wildlife enforcement officers from non-government
16 organizations, citizens groups, community organizations and other
17 volunteers who have undergone necessary training for this purpose. The
18 Philippine National Police (PNP), the Armed Forces of the Philippines
19 (AFP), the National Bureau of Investigation (NBI) and other law
20 enforcement agencies shall designate wildlife enforcement officers. As
21 such, the wild enforcement officers shall have the full authority to seize
22 illegally traded wildlife and to arrest violators of this Act subject to
23 existing laws, rules and regulations on arrest and detention.

24
25 WILDLIFE ENFORCEMENT OFFICERS SHALL BE ENTITLED TO
26 REASONABLE DAILY LIVING AND TRANSPORTATION ALLOWANCES, PER
27 DIEMS, HAZARD PAY, HEALTH CARE AND MEDICAL ASSISTANCE, FREE
28 LEGAL ASSISTANCE IN CASE OF HARASSMENT SUITS AND IN THE
29 PROSECUTION OF NIPAS CASES, HONORARIA, AND INSURANCE
30 COVERAGE, FINANCIAL ASSISTANCE, WHERE APPROPRIATE, ALL TO BE
31 FUNDED FROM THE WILDLIFE MANAGEMENT FUND (WMF), AND/OR
32 REGULAR APPROPRIATIONS OF THE AGENCY, SUBJECT TO

1 AVAILABILITY OF FUNDS AND THE USUAL ACCOUNTING AND AUDITING
2 RULES AND REGULATIONS.

3
4 SEC. 30-A. SPECIAL PROSECUTORS AND COUNSELS. - THE DEPARTMENT
5 OF JUSTICE (DOJ), UPON RECOMMENDATION OF THE DENR, SHALL
6 DESIGNATE SPECIAL PROSECUTORS FROM AMONG THE STATE AND
7 PUBLIC PROSECUTORS TO DO PRELIMINARY INVESTIGATION AND
8 PROSECUTE VIOLATIONS OF THIS ACT.

9
10 THE DENR MAY RETAIN THE SERVICES OF A COMPETENT LAWYER TO
11 PROSECUTE AND/OR ASSIST IN THE PROSECUTION OF CASES UNDER
12 THE DIRECT CONTROL AND SUPERVISION OF THE REGULAR OR
13 SPECIAL PROSECUTOR, AND DEFEND THE WILDLIFE ENFORCEMENT
14 OFFICERS, THE CHSu AND THE CHMO STAFF, OR ANY PERSON
15 ASSISTING IN THE PROTECTION OF WILDLIFE, AGAINST ANY LEGAL
16 ACTION RELATED TO THE PERFORMANCE OF THEIR POWERS, DUTIES,
17 FUNCTIONS, AND RESPONSIBILITIES AS PROVIDED IN THIS ACT OR AS
18 DELEGATED OR TASKED BY THE DENR SECRETARY."

19
20 **SEC. 7.** A new Section 38 is hereby inserted to read as follows:

21 "SEC. 38. CITIZEN'S SUITS. - FOR THE PURPOSES OF ENFORCING THE
22 PROVISIONS OF THIS ACT OR ITS IMPLEMENTING RULES AND
23 REGULATIONS, ANY CITIZEN MAY FILE AN APPROPRIATE CIVIL,
24 CRIMINAL, OR ADMINISTRATIVE ACTION IN THE PROPER
25 COURT/BODIES AGAINST:

26
27 (a) ANY PERSON WHO VIOLATES OR FAILS TO COMPLY WITH THE
28 PROVISIONS OF THIS ACT, ITS IMPLEMENTING RULES AND
29 REGULATIONS; OR

30
31 (b) THOSE MANDATED TO IMPLEMENT AND ENFORCE THE
32 PROVISIONS OF THIS ACT WITH RESPECT TO ORDERS, RULES AND

1 REGULATIONS INCONSISTENT WITH THIS ACT; AND/OR

2
3 (c) ANY PUBLIC OFFICER WHO WILFULLY OR GROSSLY NEGLECTS
4 THE PERFORMANCE OF AN ACT SPECIFICALLY ENJOINED AS A DUTY BY
5 THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS, OR
6 ABUSES HIS AUTHORITY IN THE PERFORMANCE OF HIS DUTY, OR, IN
7 ANY MANNER IMPROPERLY PERFORMS HIS DUTIES UNDER THIS ACT
8 OR ITS IMPLEMENTING RULES AND REGULATIONS: PROVIDED,
9 HOWEVER, THAT, NO SUIT CAN BE FILED UNTIL AFTER A THIRTY (30)-
10 DAY NOTICE HAS BEEN GIVEN TO THE PUBLIC OFFICER AND THE
11 ALLEGED VIOLATOR CONCERNED AND NO APPROPRIATE ACTION HAS
12 BEEN TAKEN THEREON. THE COURT SHALL EXEMPT SUCH ACTION
13 FROM THE PAYMENT OF FILING FEES, UPON PRIMA FACIE SHOWING OF
14 THE NON-ENFORCEMENT OR VIOLATIONS COMPLAINED OF AND
15 EXEMPT THE PLAINTIFF FROM THE FILING OF AN INJUNCTION BOND
16 FOR THE ISSUANCE OF PRELIMINARY INJUNCTION.

17
18 IN THE EVENT THAT THE CITIZEN SHOULD PREVAIL, THE COURT SHALL
19 AWARD REASONABLE ATTORNEY'S FEES, MORAL DAMAGES, AND
20 LITIGATION COSTS AS APPROPRIATE."

21
22 **SEC. 8.** A new section 39 is hereby inserted to read as follows:

23 "SEC. 23. SUITS AND STRATEGIC LEGAL ACTION AGAINST PUBLIC
24 PARTICIPATION (SLAPP) AND THE ENFORCEMENT OF THIS ACT. -
25 WHERE A SUIT IS BROUGHT AGAINST A PERSON WHO FILED AN ACTION
26 AS PROVIDED IN SECTION 22 OF THIS ACT, OR AGAINST ANY PERSON,
27 INSTITUTION, OR GOVERNMENT AGENCY THAT IMPLEMENTS THIS ACT,
28 IT SHALL BE THE DUTY OF THE INVESTIGATING PROSECUTOR OR THE
29 COURT, AS THE CASE MAY BE, TO IMMEDIATELY MAKE A
30 DETERMINATION NOT EXCEEDING THIRTY (30) DAYS WHETHER SAID
31 LEGAL ACTION HAS BEEN FILED TO HARASS, VEX, EXERT UNDUE
32 PRESSURE OR STIFLE SUCH LEGAL RECOURSES OF THE PERSON

1 COMPLAINING OF OR ENFORCING THE PROVISIONS OF THIS ACT. UPON
2 DETERMINATION THEREOF, EVIDENCE WARRANTING THE SAME, THE
3 INVESTIGATING PROSECUTOR OR THE COURT, AS THE CASE MAY BE,
4 SHALL DISMISS THE COMPLAINT. IN ADDITION, THE COURT SHALL
5 AWARD THE ATTORNEY'S FEES AND DOUBLE THE AMOUNT OF
6 DAMAGES.

7
8 THE PROVISION SHALL ALSO APPLY AND BENEFIT PUBLIC OFFICERS
9 WHO ARE SUED FOR ACTS COMMITTED IN THEIR OFFICIAL CAPACITY,
10 THERE BEING NO GRAVE ABUSE OF AUTHORITY, AND DONE IN THE
11 COURSE OF ENFORCING THIS ACT."

12
13 **SEC. 9.** Sections 38 TO 41 of the previous Wildlife Act are hereby
14 renumbered as Sections 40, 41, 42, and 43 respectively.

15
16 **SEC. 10. *Separability Clause.*** - If any portion or provision of this Act is
17 declared void and unconstitutional, the remaining portions or provisions hereof
18 shall not be affected by such declaration.

19
20 **SEC. 11. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations,
21 other issuances, or parts thereof inconsistent with the provisions of this Act are
22 hereby repealed or modified accordingly.

23
24 **SEC. 12. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after
25 its complete publication in at least two (2) national newspapers of general
26 circulation.

27
28 Approved,

29
30 ###