

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6182**



Introduced by Representatives **John Marvin "Yul Servo" Nieto**, **Edward Vera Perez Maceda**, **Dale "Along" Malapitan**, and **Eric Martinez**

EXPLANATORY NOTE

The 1987 Constitution Article II, Section 16 provides that:

"The State shall protect and promote the right to health of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

It is the policy of the State to conserve the country's wildlife resources and their habitats for sustainability. Towards this end, it is our objective to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity.

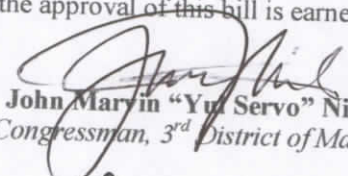
The protection of the environment is also a concern of international law. Under the Stockholm Declaration of 1972, Principle 2, the natural resources of the earth, including the air, water, land, flora and fauna, and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning and management, as appropriate. Principle 14 of the same declaration provides that rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

It is our inter-generational responsibility to take care of the environment and wildlife. Every generation has a responsibility to the next to preserve the rhythm and harmony of nature for the full enjoyment of a balanced and healthful ecology. It is our correlative duty to refrain from impairing the environment for the enjoyment of the generations yet unborn.

This bill seeks to prohibit the trade and export of wildlife whether fish or plant of whatever species dead or alive, belonging to either endangered or threatened species. The definition of terms under section 2 of the proposed bill was borrowed from the United States Endangered Species Act of 1973

This bill will close the doors to those individuals or groups who are engaged in trade or export of wildlife or whatever species, whether dead or alive.

Hence, the approval of this bill is earnestly needed.


John Marvin "Yul Servo" Nieto
Congressman, 3rd District of Manila


Dale "Along" Malapitan
Congressman, 1st District of Calabocan


Edward Vera Perez Maceda
Congressman, 4th District of Manila


Eric Martinez
Congressman, 2nd District of Valenzuela City

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AN ACT
TO ABSOLUTELY PROHIBIT THE TRADE OR EXPORT OF WILDLIFE, BOTH FLORA AND FAUNA OF WHATEVER SPECIES, WHETHER DEAD OR ALIVE, PROVIDING PENALTY THEREFORE AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy. It is hereby declared the policy of the State to conserve, improve and protect its natural resources and environment and take steps to conserve endangered and threatened wildlife species, both flora and fauna.

SEC. 2. Definition of Terms. For purposes of this Act, the terms:

- (a) Endangered species – means any specie which is in danger of extinction in the Philippines;
- (b) Threatened species – means any specie which is likely to become an endangered species within the foreseeable future in the Philippines;
- (c) Fish or wildlife – means any member of the animal kingdom, including but not limited to, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate and includes any pork, product, egg or offspring thereof, or the dead body or any parts thereof;
- (d) Plant – means any member of the plant kingdom, including seeds, roots and other parts thereof;
- (e) Species – means any species, subspecies of fish or wildlife or plant or geographically separate population thereof;
- (f) Convention - means the Convention on International Trade in Endangered Species in wild Fauna and Flora and the appendices thereto, of which the Philippines is a signatory;
- (g) Trade – means the export or reexport of any species of fish or wildlife or plant;
- (h) Reexport – means the export of any specimen that has previously been imported and
- (i) Specimen – any wildlife, animal or plant, whether dead or alive.

SEC. 3. Prohibition. The trade or export or reexport of fish or wildlife plant or whatever specie, dead or alive, belonging either to the endangered or threatened species as contained in the appendices of the Convention, as defined in this Act, is absolutely prohibited. Unless they carry with them a validly acquired reexport permit as provided in Republic Act 9147.

SEC. 4. Presumption of Violations. The presence of any specimen mentioned in Section 3 hereof inside piers or airports for international travel or in the possession of one who is going out of the Philippines is considered a prima facie violation of this Act.

SEC. 5. Penalty. Any person who violates the provisions of this Act shall be punished with a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Fifty Thousand Pesos (P50,000.00) or imprisonment of not less than six (6) years but not more than ten (10) years, or both at the discretion of the Court. If a juridical person, the president, the manager commit the offense, and the official in charge with the business operation shall likewise suffer the penalty herein provided,

SEC. 6. Repealing Clause. Any law, presidential decree, or issuance, executive order, letter of instruction, rules or regulation inconsistent with this Act is hereby repealed or modified accordingly.

SEC. 7. Effectivity. This Act shall take effect in fifteen (15) days after its complete publication in a newspaper of general circulation.

Approved,