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REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 8320



INTRODUCED BY HON. JOSEPHINE Y. RAMIREZ-SATO

AN ACT PROVIDING FOR A REVISED WILDLIFE RESOURCES
CONSERVATION AND PROTECTION ACT, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Philippine wildlife species are natural treasures that deserve protection under the law in order to promote conservation and sustainable use and to ensure their continued existence for future generations.

The Philippines is one of only seventeen (17) “mega-diverse” countries in the world or those very rich in terms of “biodiversity” or the variety and variability among all living organisms and the ecological complex in which they occur. Philippine wildlife species are thus also globally important. Aside from well-know, iconic and charismatic wildlife species such as the Philippine eagle (*Pithecophaga jefferyi*), the Tamaraw (*Bubalus mindorensis*) and the Philippine tarsier (*Carlito syrichta*), the Philippines has about 133 terrestrial mammals, 230 birds, 244 reptiles and 97 amphibian species occurring nowhere else in the world.¹ In addition, there are over 120 fishes that can be found only in Philippine inland and marine waters.²

Philippine flora and fauna, as well as the ecosystems where they live, are the country’s natural capital and provides a variety of services beneficial to the Filipino people. Aside from cultural and aesthetic values, they provide us with food, water, medicine, timber, fuel, raw material for clothing, as well as numerous economic benefits. They help regulate water purification, soil erosion, flood control, climate and

¹ See Biodiversity Management Bureau (BMB) webpage on *Status of Philippine Biodiversity* at <http://bmb.gov.ph/388-protection-and-conservation-of-wildlife/facts-and-figures/786-status-of-the-philippine-biodiversity>. Last viewed on 14 September 2018.

² [https://www.fishbase.de/country/CountryChecklist.php?resultPage=2&c c ode=608&vhabitat=endemic](https://www.fishbase.de/country/CountryChecklist.php?resultPage=2&c_c ode=608&vhabitat=endemic). Last viewed on 14 September 2018.

39 carbon storage and also pollination, decomposition. Indeed, the benefits provided by
40 wildlife are essential to human life and well-being.

41 Despite the clear importance of Philippine wildlife, their existence continues to
42 be threatened by overexploitation, habitat degradation and fragmentation, introduction
43 of invasive alien species, pollution, and climate change. Illegal wildlife trade brings
44 target species closer to extinction. The illegal collection of wildlife genetic resources
45 deprives Filipinos of the monetary benefits from the development of products and
46 technologies from these natural treasures.

47 Enacted in 2001, Republic Act No. 9147, otherwise known as the “Wildlife
48 Resources Conservation and Protection Act” (the “Wildlife Act”) is the primary piece
49 of legislation relative to wildlife. 1.6 The Wildlife Act is a law on wildlife resource
50 conservation and use and on biodiversity protection. As a natural resource conservation
51 law, the Wildlife Act aims to ensure the continuing existence of Philippine wildlife by
52 prescribing measures to regulate human activities directly involving wildlife, including
53 wildlife collection and trade, as well as human activities affecting their habitats. As a
54 biodiversity protection law, the Wildlife Act aims to promote ecological balance and
55 enhance biological diversity.

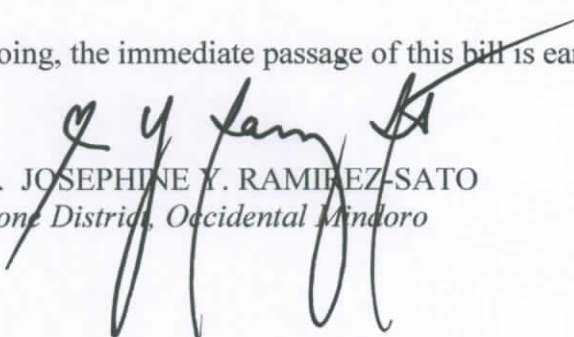
56 After more than 17 years of implementation, the Wildlife Act is ripe for further
57 strengthening and improvement base on the collective experience of government
58 regulators, law enforcement agencies and volunteers, non-government organizations,
59 scientists and researchers, conservationists, local government units, and the legitimate
60 wildlife breeders, traders and hobbyists. Among others, the imposition of stronger and
61 more specific penalties is needed to enhance the deterrent effect and to remove the legal
62 loopholes exploited by illegal wildlife collectors and traders.

63 It is therefore high time that the Wildlife Act be updated to comply or be
64 consistent with Philippine treaty obligations concerning wildlife under multilateral
65 agreements such as the Convention on International Trade in Endangered Species of
66 Wild Fauna and Flora (CITES), the Convention on Biological Diversity (CBD), and the
67 Convention on Migratory Species (CMS).

68 The Wildlife Act must also be revised and updated in order to effectively
69 implement the clear directive of President Rodrigo Roa Duterte in his 2018 State of the
70 Nation Address that “the protection of the environment must be top priority and
71 extracted resources must be used for the benefit of the Filipino people, not just a select
72 few, and that all concerned agencies and local government units must uphold the
73 concept of intergenerational responsibility in the utilization of our mineral wealth, the
74 protection and preservation of our biodiversity, anchored on the right to a balanced and
75 healthy ecology.”

76 In view of the foregoing, the immediate passage of this bill is earnestly sought.

77
78 HON. JOSEPHINE Y. RAMIREZ-SATO
79 *Lone District, Occidental Mindoro*



House Bill No. 8320

SEC. 3. *Scope of Application.* - The provisions of this Act shall be enforceable for all wildlife species found in all areas of the country, including exotic species which are subject to trade, are cultured, maintained and/or bred in captivity or propagated in the country. (3a)

SEC. 4. *Jurisdiction of the Department of Environment and Natural Resources, the Department of Agriculture and the Palawan Council for Sustainable Development.* - The Department of Environment and Natural Resources (DENR) shall have jurisdiction over all terrestrial plant and animal species, all turtles and tortoises and wetland species, including but not limited to crocodiles, waterbirds and all amphibians and dugong. The Department of Agriculture (DA) shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources including but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong. The secretaries of the DENR and the DA shall review, and by joint administrative order, revise and regularly update the list of species under their respective jurisdiction. In the Province of Palawan, jurisdiction herein conferred is vested to the Palawan Council for Sustainable Development (PCSD) pursuant to Republic Act No. 7611, otherwise known as the "Strategic Environmental Plan (SEP) for Palawan Act". (4a)

CHAPTER II DEFINITION OF TERMS

SEC. 5. *Definition of Terms.* - As used in the Act, the term:

(a) "*Biological diversity*" or "*biodiversity*" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;(n)

(b) "*Biological resources*" to genetic resources, organisms or parts thereof, populations or any other biotic component of ecosystems with actual or potential use or value for humanity, including but not limited to, all biological specimens such as plants, seeds, tissues and other propagation materials, animals, live or preserved, whether whole or in part; (n)

(c) "*Bioprospecting*" means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived there from solely for commercial purposes; (5[a])

(d) "*Biosafety*" refers to the need to protect human, plant and animal health or life and the environment from the possible adverse effects of the products of modern biotechnology; (n)

(e) "*Botanical garden*" refers to an establishment where a collection of wild flora is maintained for recreational, educational, research, conservation and scientific

87 purposes; (n)

88 (f) "*By-products and derivatives*" refers to any part taken or substance
89 extracted from wildlife, in raw or in processed form. This includes stuffed animals and
90 herbarium specimens; (5[b])

91 (g) "*Captive-breeding/culture or propagation*" means the process of producing
92 individuals under controlled conditions or with human interventions; (5[c])

93 (h) "*Certificate of Wildlife Registration*" refers to document authorizing a
94 person to possess wildlife, by-products and derivatives; (n)

95 (i) "*Certificate of Introduction from the Sea*" refers to a document issued by
96 the Bureau of Fisheries and Aquatic Resources for the introduction from the sea of
97 wildlife species taken from marine environments outside the jurisdiction of any State;
98 (n)

99 (j) "*Collection or collecting*" means the act of taking, gathering or harvesting
100 wildlife, wildlife by-products or derivatives; (5[d])

101 (k) "*Conservation*" means preservation and sustainable utilization of wildlife,
102 and/or maintenance, restoration and enhancement of the habitat; (5[e])

103 (l) "*Critical Habitat*" means an area outside protected areas under Republic Act
104 (RA) No. 7586 or the National Integrated Protected Areas System (NIPAS) Act that are
105 known habitats of threatened species and designated based on scientific data taking into
106 consideration species endemism and/or richness, presence of man-made
107 pressures/threats to the survival of wildlife living in the area, among others; (n)

108 (m) "*Critically endangered species*" refers to a species or subspecies that is
109 facing extremely high risk of extinction in the wild in the immediate future; (5[f])

110 (n) "*Economically important species*" means species which have actual or
111 potential value in trade or utilization for commercial purpose as well as species which
112 have actual or potential negative impact on the environment and economic activities
113 such as, but not limited to, agriculture and food production; (5[g]a)

114 (o) "*Endangered species*" refers to species or subspecies that is not critically
115 endangered but whose survival in the wild is unlikely if the causal factors continue
116 operating; (5[h])

117 (p) "*Endemic species*" means species or subspecies which is naturally occurring
118 and found only within specific areas in the country; (5[i])

119 (q) "*Exotic species*" means species or subspecies which do not naturally occur
120 in the country; (5[j])

121 (r) "*Export permit*" refers to a permit authorizing a person to bring out wildlife,
122 wildlife by-products and derivatives from the Philippines to any other country; (5[k])

- 123 (s) "*Genetic material*" means any material of plant, animal, microbial or other
124 origin containing functional units of heredity; (n)
- 125 (t) "*Genetic resources*" means genetic material of actual or potential value; (n)
- 126 (u) "*Gratuitous permit*" means the permit issued to any person to collect
127 wildlife for non-commercial scientific, or educational undertaking; (5[l])
- 128 (v) "*Habitat*" means the place or environment where species or subspecies
129 naturally occurs or has naturally established its population; (5[m])
- 130 (w) "*Import permit*" refers to a permit authorizing a person to bring in wildlife,
131 wildlife by-products or derivatives from another country; (5[n])
- 132 (x) "*Indigenous wildlife*" means species or subspecies of wildlife naturally
133 occurring or has naturally established population in the country; (5[o])
- 134 (y) "*Introduction*" means bringing species into the wild that is outside its natural
135 habitat; (5[p])
- 136 (z) "*Introduction from the sea*" means transportation into the country of
137 specimens of any species which were taken in the marine environment not under the
138 jurisdiction of any State; (n)
- 139 (aa) "*Invasive alien species*" or "*IAS*" refers to species whose introduction
140 and/or spread outside their natural past or present distribution threatens biological
141 diversity; (n)
- 142 (bb) "*Local transport permit*" means a permit authorizing a person to bring
143 wildlife from one place to another within the territorial jurisdiction of the Philippines"
144 (5[v]a)
- 145 (cc) "*Maltreatment*" means the commission of torture or any form of cruelty
146 to any wildlife, or omission or neglect to provide adequate care, sustenance or shelter
147 to wildlife; (n)
- 148 (dd) "*Near threatened species*" refers to a species or subspecies that is not
149 critically endangered, endangered nor vulnerable but is under threat from adverse
150 factors, such as over collection, throughout their range and is likely to move to the
151 vulnerable category in the near future; (n)
- 152 (ee) "*Other wildlife species*" refers to all other wildlife species not classified as
153 threatened or near-threatened; (n)
- 154 (ff) "*Person*" refers to a natural or juridical person; (n)
- 155 (gg) "*Possession*" refers both to actual possession or immediate physical control
156 over wildlife, or wildlife by-products or derivatives, and to constructive possession or
157 ownership or control over the place or conveyance where the wildlife, or wildlife by-
158 products or derivatives are found;

159
 160 (hh) "*Re-export permit*" refers to a permit authorizing a person to bring out of
 161 the country a previously imported wildlife, wildlife by-products or derivatives; (5[q])

162 (ii) "*Secretary*" means either or both the Secretary of the Department of
 163 Environment and Natural Resources and the Secretary of the Department of
 164 Agriculture; (5[r])

165 (jj) "*Shipper*" refers to a person that sends or transports goods by sea, land, or
 166 air. (n)

167 (kk) "*Special Local Transport Permit*" refers to a permit conferred to holders
 168 of Wildlife Special Use Permit (WSUP) authorizing the conveyance of wildlife, by-
 169 products and/or derivatives from the facility of origin to one or more places within the
 170 Philippines and back to the facility of origin; (n)

171 (ll) "*Threatened species*" a general term to denote species or subspecies
 172 considered as critically endangered, endangered, vulnerable or other accepted
 173 categories of wildlife whose population is at risk of extinction;(5[s])

174 (mm) "*Trade*" means the act of engaging in the exchange, exportation or
 175 importation, purchase or sale of wildlife, their derivatives or by-products, locally or
 176 internationally;(5[t])

177 (nn) "*Traditional use*" means utilization of wildlife by indigenous people in
 178 accordance with written or unwritten rules, usage, customs and practices traditionally
 179 observed, accepted and recognized by them; (5[u])

180 (oo) "*Vulnerable species*" refers to species or subspecies that is not critically
 181 endangered nor endangered but is under threat from adverse factors throughout their
 182 range and is likely to move to the endangered category in the near future; (5[w])

183 (pp) "*Wildlife*" means wild forms and varieties of flora and fauna, in all
 184 developmental stages, including those which are in captivity or are being bred or
 185 propagated; (5[x])

186 (qq) "*Wildlife collector's permit*" means a permit to take, gather or harvest
 187 from the wild certain species and quantities of wildlife as parental stocks for
 188 commercial breeding purposes; (5[y])

189 (rr) "*Wildlife farm/culture permit*" means a permit to develop, operate and
 190 maintain a wildlife breeding farm for conservation, trade and/or scientific purposes;
 191 (5[z])

192 (ss) "*Wildlife local trade permit*" refers to a permit authorizing a person to sell
 193 or offer for sale, wildlife, wildlife by-products and derivatives ; (n)

194 (tt) "*Wildlife laundering*" means the process by which wildlife traders disguise
 195 the origin and ownership of illegally acquired wildlife by making such appear to have
 196 been derived from a legitimate source to circumvent wildlife laws and regulations; (n)

(uu) "Wildlife rescue center" refers to government established or designated repositories of confiscated, donated, retrieved, or turned-over wildlife or an establishment where sick, injured, confiscated wildlife are temporarily kept and rehabilitated prior to the release to their natural habitat or implementation of other modes of disposition as may be authorized by the Secretary or the PCSD;

(vv) "*Wildlife registration*" refers to the act of entering in the official records wildlife, by-products and derivatives and granting authority to any person to maintain said wildlife, by-products and derivatives; (n)

(ww) "*Wildlife Special Use Permit*" refers to a permit authorizing the holder thereof to utilize legally possessed/acquired wildlife, by-products and derivatives for local shows, exhibitions, or educational purposes or to collect economically important species for direct trade purposes; (n)

(qq) "*Zoological Park*" or "*Zoo*" refers to an establishment where a collection of wild fauna is maintained for recreational, educational, research, conservation or scientific purposes. (n)

CHAPTER III CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES

ARTICLE I General Provisions

SEC. 6. *Wildlife Information.* – All activities, as subsequently manifested under this Chapter, shall be authorized by the Secretary or PCSD upon proper evaluation of best available information or scientific data showing that the activity is, or for a purpose, not detrimental to the survival of the species or subspecies involved and/or their habitat. For this purpose, the Secretary shall regularly update wildlife information through research.

The DENR, DA and PCSD shall establish their respective National Wildlife Management Committees (NWMCs) to provide technical and scientific advice on wildlife. Each NWMC shall be composed of representatives from the DENR, DA or PCSD, other concerned government agencies, and local scientists with expertise on various fields of discipline on wildlife. The NWMC shall invite other stakeholders as resource persons, when necessary. The DENR, DA or PCSD shall act as Chairperson of their respective NWMC.

The DENR and DA shall establish Regional Wildlife Management Committees (RWMCs) to provide technical and scientific advice on wildlife to DENR and DA field offices. (6a)

SEC. 7. *Biosafety* - All activities dealing on genetic engineering and pathogenic organisms in the Philippines, as well as activities requiring the importation, introduction, field release and breeding of organisms that are potentially harmful to man

and the environment shall be reviewed by the DENR, DA-BFAR or PCSD in accordance with the biosafety guidelines ensuring public welfare and the protection and conservation of wildlife and their habitats. (16a)

SEC. 8. *Economically Important Species.* – The Secretary or PCSD shall establish a list of economically-important species. Where appropriate, a population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated by the Secretary.

The collection of certain species shall only be allowed when the results of the assessment show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers. For this purpose, the Secretary shall establish a schedule and volume of allowable harvests.

Whenever an economically important species become threatened, any form of collection shall be prohibited except for scientific, educational or breeding/propagation purposes, pursuant to the provisions of this Act. (18a)

SEC. 9. *Invasive Alien Species.* – The Secretary and PCSD shall manage invasive alien species (IAS) and formulate a National Invasive Alien Species Strategy and Action Plan (NISSAP) on the prevention, detection, eradication, control of, and rehabilitation from, invasive alien species, particularly those having the greatest impacts on the environment, biodiversity, human health and livelihoods. Within one (1) year after the effectivity of this Act, the Secretary and the PCSD, shall jointly establish a list of invasive and potentially invasive alien species.

The list of IAS and the NISSAP shall be periodically reviewed and updated.

All national government agencies and local government units shall coordinate with the DENR, DA and PCSD in the implementation and localization of the strategy and action plan. (n)

SEC. 10. *Designation of Management and Scientific Authorities for International Trade in Endangered Species of Wild Fauna and Flora.* – For the implementation of international agreement on international trade in endangered species of wild fauna and flora, the management authorities for terrestrial and aquatic resources shall be the Biodiversity Management Bureau (BMB) of the DENR and the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA, respectively and that in the Province of Palawan the implementation hereof is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

To provide advice to the management authorities, there shall be designated scientific authorities for terrestrial and aquatic/marine species. For the terrestrial species, the scientific authorities shall be the Ecosystems Research and Development Bureau (ERDB) of the DENR, the University of the Philippines (U.P.) Institute of Biological Sciences, U.P. Institute of Biology and the National Museum and other agencies as may be designated by the Secretary. For the marine and aquatic species, the scientific authorities shall be the National Fisheries Research and Development Institute (NFRDI), U.P. Marine Science Institute, U.P. Visayas, Silliman University, the National Museum and other agencies as may be designated by the Secretary:

280 *Provided*, That in the case of terrestrial species, the ERDB shall chair the scientific
281 authorities, and in the case of marine and aquatic species, the NFRDI shall chair the
282 scientific authorities. (19a)

283
284 ARTICLE II
285 Permissible Activities
286

287 SEC. 11. *Collection of Wildlife*. - Collection of wildlife may be allowed in
288 accordance with Section 6 of this Act: *Provided*, That in the collection of wildlife,
289 appropriate and acceptable wildlife collection techniques with least or no detrimental
290 effects to the existing wildlife populations and their habitats shall, likewise, be required:
291 *Provided, further*, That collection of wildlife by indigenous people in their ancestral
292 land/domain may be allowed for traditional use and not primarily for profit: *Provided*,
293 *furthermore*, That collection of aquatic wildlife resources by indigenous people are
294 subject to conditions to be provided by the Secretary of the Department of Agriculture:
295 *Provided, still furthermore*, That collection and utilization for said purpose shall not
296 cover threatened species: *Provided, finally*, That Section 21 of this Act shall govern the
297 collection of threatened species. (7a)

298 SEC. 12. *Possession of Wildlife*. - No person or entity shall be allowed
299 possession of wildlife unless such person or entity can prove financial and technical
300 capability, including scientific knowledge, and facility to maintain said wildlife:
301 *Provided*, That the wildlife was not obtained in violation of this Act or other laws. (7a)

302 SEC. 13. *Collection and/or Possession of By-Products and Derivatives*. -
303 By-products and derivatives may be collected and/or possessed: *Provided*, That the
304 same was not obtained in violation of this Act or other laws. (9a)

305 SEC. 14. *Local Transport of Wildlife, By-Products and Derivatives*. - Local
306 transport of wildlife, by-products and derivatives legally collected or possessed shall
307 be authorized unless the same is prejudicial to the wildlife and public health. (10a)

308 SEC. 15. *Exportation and/or Importation of Wildlife, By-Products and*
309 *Derivatives*. - Wildlife, by-products and derivatives may be exported to or imported
310 from another country as may be authorized by the Secretary or the PCSD or their
311 designated representatives, subject to strict compliance with the provisions of this Act
312 and rules and regulations promulgated pursuant thereto: *Provided*, That the recipient of
313 live wildlife is technically and financially capable to maintain it. *Provided, further*, That
314 the importation of invasive alien species shall not be allowed. (11a)

315 SEC. 16. *Introduction, Reintroduction or Restocking of Endemic or Indigenous*
316 *Wildlife*. - (a) The introduction, reintroduction or restocking of endemic and indigenous
317 wildlife shall be allowed only for population enhancement or recovery purposes subject
318 to prior clearance from the Secretary or the authorized representative pursuant to
319 Section 6 of this Act.

320 Any proposed introduction shall be subject to a scientific study which shall

focus on the bioecology and natural history. The proponent shall also conduct public consultations with concerned individuals or entities. (12a)

SEC. 17. *Introduction of Exotic Wildlife.* – No exotic species shall be introduced into the country, unless a clearance from the Secretary or PCSD or their authorized representatives is first obtained. In no case shall exotic species be introduced into protected areas covered by Republic Act No. 7586 and to critical habitats under Section 27 hereof. *Provided,* That the introduction of such exotic species shall not pose any adverse impacts on local ecology and that further environmental impact study shall be undertaken which shall focus on the bioecology, natural history, socioeconomic and related aspects of the area where the species will be introduced. The proponent shall also be required to secure the prior informed consent from the local stakeholders. (17a)

SEC. 18. *Bioprospecting.* – Bioprospecting shall be allowed upon execution of an undertaking by any proponent, stipulating therein its compliance with and commitment(s) to reasonable terms and conditions that may be imposed by the Secretary or the PCSD which are necessary to protect biological diversity and assure the fair and equitable sharing of benefits derived from the utilization of Philippine genetic resources.

The Secretary or the PCSD or their authorized representatives, in consultation with the concerned agencies, before granting the necessary permit, shall require that prior informed consent be obtained by the applicant from the concerned indigenous cultural communities, local communities, the Protected Area Management Board under Republic Act No. 7586, or any person. The applicant shall disclose fully the intent and scope of the bioprospecting activity in a language and process understandable to the community. The prior informed consent from the indigenous peoples shall be obtained in accordance with existing laws. The action on the bioprospecting proposal by concerned bodies shall be made within a reasonable period.

Upon submission of the complete requirements, the Secretary or PCSD shall act on the research proposal within a reasonable period.

If the applicant is a foreign entity or individual, a local institution shall be actively involved in the research, collection and, whenever applicable and appropriate, in the technological development of the products derived from the biological and genetic resources. (14a)

SEC. 19. *Scientific Researches on Wildlife.* - Collection and utilization of biological resources for scientific research and not for commercial purposes shall be allowed upon execution of an undertaking/agreement and/or issuance of a gratuitous permit by the Secretary or the authorized representative: *Provided,* That clearance from concerned bodies shall be secured before the issuance of the gratuitous permit: *Provided,* That special conditions to facilitate the conduct of scientific researches by Filipino students may be provided by the Secretary or PCSD.

If the applicant is a foreign entity or individual, a local institution shall be actively involved in the research, collection and, whenever applicable and appropriate, in the technological development of the products derived from the biological and genetic resources. (15a)

SEC. 20. *Commercial Breeding or Propagation of Wildlife Resources.* - Breeding or propagation of wildlife for commercial purposes shall be allowed by the Secretary or PCSD or their authorized representatives pursuant to Section 6 through the issuance of wildlife farm/culture permit: *Provided*, That only propagated flora, progenies of wild fauna raised, and/or specimens there from, as well as unproductive parent stock shall be utilized for trade: *Provided, further*, That commercial propagation and breeding operations for wildlife, whenever appropriate, shall be subject to an environmental impact study. (17)

SEC. 21. *Collection of Threatened Wildlife, By-products and Derivatives* - The collection of threatened wildlife, as determined and listed pursuant to this Act, including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act: *Provided*, That only persons accredited by the Secretary or PCSD shall be allowed to collect for conservation breeding or propagation purposes. (23)

SEC. 22. *Conservation Breeding or Propagation of Threatened Species* - Conservation breeding or propagation of threatened species shall be encouraged in order to enhance its population in its natural habitat. It shall be done simultaneously with the rehabilitation and/or protection of the habitat where the captive-bred or propagated species shall be released, reintroduced or restocked.(24a)

SEC. 23. *Commercial Breeding or Propagation of Threatened Species* - Commercial breeding or propagation of threatened species may be allowed provided that the following minimum requirements are met by the applicant, to wit:

(a) Proven effective breeding and captive management techniques for the species; and

(b) Commitment to undertake commercial breeding in accordance with Section 20 of this Act, simultaneous with conservation breeding.

The Secretary or PCSD shall prepare a list of threatened species for commercial breeding and shall regularly revise or update such list or as the need arises. (24a)

ARTICLE III Permits, Fees and Charges

SEC. 24. *Authority of the Secretary to Issue Permits.* - The Secretary, or the duly authorized representative, in order to effectively implement this Act, shall issue permits/certifications/clearances with corresponding period of validity, whenever appropriate, which shall include, but not necessarily be limited to, the following:

(1) Wildlife farm or culture permit 3 to 5 years;

(2) Wildlife collector's permit 1 to 3 years;

purposes; and

(c) other natural or man-made factors affecting the existence of wildlife.

The Secretary or PCSD shall review, revise and publish the list of categorized threatened wildlife within one (1) year after effectivity of this Act. Thereafter, the list shall be updated regularly or as the need arises: *Provided*, That a species listed as threatened shall not be removed there from within three (3) years following its initial listing.

Upon filing of a petition based on substantial scientific information of any person seeking for the addition or deletion of a species from the list, the Secretary or PCSD shall evaluate in accordance with the relevant factors stated in the first paragraph of this section, the status of the species concerned and act on said petition within a reasonable period.(22a)

SEC. 27. *Registration of Threatened and Exotic Wildlife in the Possession of Private Persons.* – Threatened wildlife possessed without a Certificate of Wildlife Registration shall be confiscated in favor of the government and subject to the penalties herein provided. Certificates of Wildlife Registration shall be issued only for the following:

(a) Wildlife stock acquired under a prior valid wildlife permit issued to the same applicant, including but not limited to wildlife import permits or certifications, wildlife collector's permit, subject to submission of proof of legal acquisition;

(b) Wildlife stock purchased or otherwise acquired from legal sources subject to submission of proof of legal acquisition: *Provided, That* the sale or disposition of the stock to the applicant was duly reported to the DENR, DA or PCSD by the source; *Provided, further*, That, the wildlife sold or disposed are limited to those allowable under Sections 20 and 23 of this Act; and

(c) Progenies or offspring of duly registered parental wildlife stocks.

Possession of registered wildlife species shall be subject to the conditions under Section 12. When a registered threatened species is needed for breeding, propagation or research purposes, the State may acquire the registered wildlife from any person through a mutually acceptable arrangement. (26a)

ARTICLE V Critical Habitats

SEC. 28. *Establishment of Critical Habitats.* –The Secretary or PCSD shall designate critical habitats outside protected areas under Republic Act No. 7586, where threatened species are found. Such designation shall be made on the basis of the best scientific data taking into consideration species endemicity and/or richness, presence of man-made pressures/threats to the survival of wildlife living in the area, among

477 others.

478 All designated critical habitats shall be protected, in coordination with the local
479 government units and other concerned groups, from any form of exploitation or
480 destruction which may be detrimental to the survival of the threatened species
481 dependent therein. For such purpose, the Secretary or PCSD may acquire, by purchase,
482 donation or expropriation, lands, or interests therein, including the acquisition of
483 usufruct, establishment of easements or other undertakings appropriate in protecting the
484 critical habitat. (25a)

485

486 CHAPTER IV
487 WILDLIFE CRIME

488
489 ARTICLE I
490 Illegal Acts
491

492 SEC. 29. *Illegal Acts.* - Unless otherwise allowed in accordance with this Act,
493 it shall be unlawful for any person to willfully and knowingly undertake, or to induce,
494 solicit or employ another person to undertake, the following acts: (27a)

495 (a) killing and/or destroying wildlife species, including causing death or
496 destruction as a result of any violation of this Act, except in the following instances;
497 (27[a]a)

498 (i) when it is done as part of the religious rituals of established tribal
499 groups or indigenous cultural communities; (27[a][i])

500 (ii) when the wildlife is afflicted with an incurable communicable disease;
501 (27[a][ii])

502 (iii) when it is deemed necessary to put an end to the misery suffered by
503 the wildlife; (27[a][iii])

504 (iv) when it is done to prevent an imminent danger to the life or limb of a
505 human being; (27[a][iv])

506 (v) when the wildlife is killed or destroyed after it has been used in
507 authorized research or experiments; and (27[a][v])

508 (vi) when done for the purpose of wildlife population management or
509 eradication of invasive alien species, as authorized by the DENR, DA
510 or PCSD." (n)

511 (b) inflicting injury which cripples and/or impairs the reproductive system of
512 wildlife species; (27[b])

513 (c) effecting any of the following acts in critical habitat(s):

- 514 (i) dumping of waste products detrimental to wildlife and/or the critical
515 habitat; (27[c][i]a)
- 516 (ii) squatting or otherwise illegally occupying any portion of the critical
517 habitat; (27[c][ii]a)
- 518 (iii) mineral exploration and/or extraction, treasure-hunting and/or
519 prospecting; (27[c][iii]a)
- 520 (iv) burning; (27[c][iv])
- 521 (v) logging; and (27[c][v])
- 522 (vi) quarrying. (27[c][vi])
- 523 (d) introduction, reintroduction or restocking of wildlife resources; (27[d])
- 524 (e) trading or attempting to trade wildlife, wildlife by-products and/or
525 derivatives, including advertising, contracting or offering for the purpose of sale or
526 procurement of wildlife, wildlife by-products and/or derivatives; (27[e]a)
- 527 (f) collecting, hunting or possessing wildlife, wildlife by-products and/or
528 derivatives; (27[f]a)
- 529 (g) gathering or destroying of active nests, nest trees, host plants and the like;
530 (27[g])
- 531 (h) maltreating and/or inflicting other injuries not covered by the preceding
532 paragraphs; (27[h])
- 533 (i) transporting of wildlife; and (27[i])
- 534 (j) wildlife laundering. (n)

535 ARTICLE II
536 Penalties
537

538 SEC. 30. *Penalties for Violations of this Act.* - For any person who undertakes illegal
539 acts under paragraph (a) of the immediately preceding section to any species as may be
540 categorized pursuant to this Act, the following penalties and fines shall be imposed:

- 541 (a) imprisonment of *reclusion temporal* (from 12 years and 1 day to 20 years)
542 and a fine of Two hundred thousand pesos (P200,000.00) to Two million pesos
543 (P2,000,000.00), if inflicted or undertaken against species listed as critically
544 endangered;
- 545 (b) imprisonment of *prision mayor* (from 6 years and 1 day to 12 years) and a
546 fine of One hundred thousand pesos (P100,000.00) to One Million
547 (P1,000,000.00) if inflicted or undertaken against endangered species;

548 (c) imprisonment of *prision correccional* in its medium and maximum period
549 (From 2 years, 4 months and 1 day to 6 years) and a fine of Sixty thousand pesos
550 (P60,000.00) to Six hundred thousand pesos (P600,000.00), if inflicted or
551 undertaken against vulnerable species;

552 (d) imprisonment of *prision correccional* in its minimum period (from 6 months
553 and 1 day to 2 years and 4 months) and a fine of Forty thousand pesos
554 (P40,000.00) to Four hundred thousand pesos (P400,000.00) if inflicted or
555 undertaken against near threatened species; and

556 (e) imprisonment of *prision correccional* in its minimum period (from 6 months
557 and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos
558 (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or
559 undertaken against other wildlife species.

560 For illegal acts under paragraph (b) of the immediately preceding section, the
561 following penalties and fines shall be imposed:

562 (a) imprisonment of *prision correccional* in its maximum period (from 4 years,
563 2 months and 1 day to 6 years) and a fine of One hundred thousand pesos
564 (P100,000.00) to One Million pesos (P1,000,000.00), if inflicted or undertaken
565 against species listed as critically endangered;

566 (b) imprisonment of *prision correccional* in its medium period (from 2 years, 4
567 months and 1 day to 4 years and 2 months) and a fine of Sixty thousand pesos
568 (P60,000.00) to Four hundred thousand pesos (P400,000.00), if inflicted or
569 undertaken against endangered species;

570 (c) imprisonment of *prision correccional* in its minimum period (from 6 months
571 and 1 day to 2 years and 4 months) and a fine of Forty thousand pesos
572 (P40,000.00) to Four hundred thousand pesos (P400,000.00), if inflicted or
573 undertaken against vulnerable species;

574 (d) imprisonment of *prision correccional* in its minimum period (from 6 months
575 and 1 day to 2 years and 4 months) and fine of Twenty thousand pesos
576 (P20,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or
577 undertaken against near threatened species; and

578 e) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and a
579 fine of Ten thousand pesos (P10,000.00) to Forty thousand pesos (P40,000.00),
580 if inflicted or undertaken against other wildlife species.

581 For illegal acts under paragraphs (c) and (d) of the immediately preceding
582 section, an imprisonment of *arresto mayor* to *prision mayor* in its minimum period
583 (from 1 month and 1 day to 8 years) and a fine of Ten thousand pesos (P10,000.00) to
584 Ten million pesos (P10,000,000.00) shall be imposed. If critical habitat requires
585 rehabilitation or restoration as determined by the Court, the offender shall be
586 additionally required to restore the same, whenever practicable, or pay additional
587 compensation for the damage caused.

588 For illegal acts under paragraph (e), the following penalties and fines shall be
589 imposed:

590 (a) imprisonment of *prision correccional* in its maximum period (from 4 years,
591 2 months and 1 day to 6 years) and a fine of Fifty thousand pesos (P50,000.00)
592 to Six hundred thousand pesos (P600,000.00), if involving species listed as
593 critically endangered;

594 (b) imprisonment of *prision correccional* in its medium period (from 2 years, 4
595 months and 1 day to 4 years and 2 months) and a fine of Thirty thousand pesos
596 (P30,000.00) to Four hundred thousand pesos (P400,000.00), if involving
597 endangered species;

598 (c) imprisonment of *prision correccional* in its minimum period (from 6 months
599 and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos
600 (P20,000.00) to Two hundred thousand pesos (P200,000.00), if involving
601 vulnerable species;

602 (d) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and
603 a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos
604 (P100,000.00), if involving species listed as near threatened species; and

605 (e) imprisonment of *arresto menor* in its medium period and maximum period
606 (from 11 to 30 days) and a fine of Five thousand pesos (P5,000.00) to Forty
607 thousand pesos (P40,000.00), if involving other wildlife species.

608 For illegal acts under paragraphs (f) and (g) of the immediately preceding
609 section, the following penalties and fines shall be imposed:

610 a) imprisonment of *prision correccional* in its medium period (from 2 years, 4
611 months and 1 day to 4 years and 2 months) and a fine of Sixty thousand pesos
612 (P60,000.00) to Six hundred thousand pesos (P600,000.00), if inflicted or
613 undertaken against species listed as critically endangered;

614 (b) imprisonment of *prision correccional* in its minimum period (from 6 months
615 and 1 day to 2 years and 4 months) and a fine of Forty thousand pesos
616 (P40,000.00) to Four hundred thousand pesos (P400,000.00), if inflicted or
617 undertaken against endangered species;

618 (c) imprisonment of *prision correccional* in its minimum period (from 6 months
619 and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos
620 (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or
621 undertaken against vulnerable species;

622 (d) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and
623 a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos
624 (P100,000.00), if inflicted or undertaken against species as near threatened
625 species; and

626 (e) imprisonment of *arresto menor* in its medium period and maximum period

627 (from 11 to 30 days) and a fine of Two thousand pesos (P2,000.00) to Ten
628 thousand pesos (P10,000.00), if inflicted or undertaken against other wildlife
629 species: *Provided*, That in case of paragraph (f), where the acts were perpetuated
630 through the means of inappropriate techniques and devices, the maximum
631 penalty herein provided shall be imposed.

632 For illegal acts under paragraphs (h) and (i) of the immediately preceding
633 section, the following penalties and fines shall be imposed:

634 (a) imprisonment of *prision correccional* in its minimum period (from 6 months
635 and 1 day to 2 years and 4 months) and a fine of One hundred thousand pesos
636 (P100,000.00) to Two hundred thousand pesos (P200,000.00) if inflicted or
637 undertaken against species listed as critically endangered;

638 (b) imprisonment of *arresto mayor* in its maximum period (from 4 months and
639 1 day to 6 months) and a fine of Forty thousand pesos (P40,000.00) to One
640 hundred thousand pesos (P100,000.00), if inflicted or undertaken against
641 endangered species;

642 (c) imprisonment of *arresto mayor* in its minimum and medium period (from 1
643 month to 4 months) and a fine of Ten thousand pesos (P10,000.00) to Forty
644 thousand pesos (P40,000.00), if inflicted or undertaken against vulnerable
645 species;

646 (d) imprisonment of *arresto menor* in its medium period and maximum period
647 (from 11 to 30 days) and a fine of Two thousand pesos (P2,000.00) to Ten
648 thousand pesos (P10,000.00), if inflicted or undertaken against species listed as
649 near threatened species;

650 (e) imprisonment of *arresto menor* in its minimum period (from 1 to 10 days)
651 and a fine of Five hundred pesos (P500.00) to Two thousand pesos (P2,000.00),
652 if inflicted or undertaken against other wildlife species.

653 For illegal acts under paragraph (j), the following penalties and fines shall be
654 imposed:

655 (a) imprisonment of *prision correccional* in its maximum period (from 4 years,
656 2 months and 1 day to 6 years) and a fine of Fifty thousand pesos (P50,000.00)
657 to Six hundred thousand pesos (P600,000.00), if involving species listed as
658 critically endangered;

659 (b) imprisonment of *prision correccional* in its medium period (from 2 years, 4
660 months and 1 day to 4 years and 2 months) and a fine of Thirty thousand pesos
661 (P30,000.00) to Four hundred thousand pesos (P400,000.00), if involving
662 endangered species;

663 (c) imprisonment of *prision correccional* in its minimum period (from 6 months
664 and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos
665 (P20,000.00) to Two hundred thousand pesos (P200,000.00), if involving
666 vulnerable species;

667 (d) imprisonment of *arresto mayor*(from 1 month and 1 day to 6 months) and a
668 fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos
669 (P100,000.00), if involving species listed as near threatened species; and

670 (e) imprisonment of *arresto menor* in its mendium period and maximum period
671 (from 11 to 30 days) and a fine of Five thousand pesos (P5,000.00) to Forty
672 thousand pesos (P40,000.00), if involving other wildlife species.

673 SEC. 31. *Additional Criminal liabilities.*– (a) If the violation is committed by a
674 corporation, cooperative, association or any other juridical person, such as but not
675 limited to airfreight, shipping, trucking or forwarding companies, the penalty shall be
676 imposed upon the president, director or directors, managers, managing partner, or other
677 official thereof responsible for such violation. Provided That, that the amount/s of the
678 fine shall be doubled; *Provided, further*, That the liability imposed on the juridical
679 person shall be without prejudice to the criminal liability of the natural person who
680 actually committed the offense.

681 (b) Any government official or employee who violates this Act, shall, in
682 addition to the penalty which may be imposed upon him as principal, shall be
683 perpetually disqualified from holding any public office.

684 (c) Any person convicted of a violation of this Act shall be permanently and
685 perpetually disqualified from being issued with any wildlife permits, clearances,
686 agreements and/or certificates. (n)

687 SEC. 32. *Civil liabilities.* – Civil action for the recovery of civil liability arising
688 from the offense charged shall be included in the criminal action or separately filed.
689 Civil liabilities are separate from criminal and administrative liabilities and shall
690 include costs for maintenance of apprehended live wildlife species, economic
691 reparations, or indemnification or repairing environment damage, among others.

692 SEC. 32. *Escalation of the amount of fines.* - The fines herein prescribed shall
693 automatically increase, without need for further legislation or administrative issuance,
694 by ten percent (10%) every three (3) years from the effectivity of this Act to maintain
695 the deterrent function of such fines.(28a)

696 ARTICLE III
697 Disputable Presumptions and Qualifying Circumstances
698

699 SEC. 33. *Disputable presumptions.* - Without the appropriate wildlife permit,
700 certification or clearance, or authority, at the time of apprehension, the following shall
701 constitute *prima facie* evidence of the corresponding illegal acts punishable under this
702 Act:

703 (a) Possession of any hunting, trapping or collecting paraphernalia along with
704 live or dead wildlife, wildlife products and derivatives shall be a disputable presumption
705 that the possessor caused the killing and/or destruction, infliction of injury,
706 maltreatment, collection, hunting of wildlife, wildlife by-products and/or derivatives,
707 as appropriate;

(b) Presence of fresh and/or dried blood, by-products or derivatives of the wildlife, with or without the tools, equipment and/or paraphernalia derivatives, shall be a disputable presumption of the killing and/or destruction of, or inflicting injury to, the wildlife species involved;

(e) Entry into areas designated as critical habitats while in possession of hunting, trapping or collecting paraphernalia shall be a disputable presumption that the person intends to collect, hunt or gather wildlife resources thereat; and

(f) Failure on the part of any airfreight, shipping, trucking or forwarding company, or any parcel or mail delivery service providers from whose possession the wildlife, wildlife by-products and/or derivatives are discovered or seized to fully cooperate in the investigation by concerned government authorities on the matter shall create a presumption that there is connivance or conspiracy between the company/service provider and the shipper to violate the provisions of this Act. (n)

SEC. 34. *Qualifying Circumstances.* – Each wildlife specimen shall constitute a separate and distinct count of an illegal act. The imposition of penalties shall be qualified according to the following circumstances:

a. If more than one (1) specimen of a critically endangered species is involved, the maximum penalty shall be imposed;

b. If more than five (5) of specimens of an endangered species is involved, the maximum penalty shall be imposed;

c. If more than eight (8) specimens of a vulnerable species is involved, the maximum penalty shall be imposed;

d. If more than ten (10) specimens of a near threatened species is involved, the maximum penalty shall be imposed;

e. If more than fifteen (15) specimens of other wildlife species is involved, the maximum penalty shall be imposed;

d.. If more than twenty (20) wildlife specimens of any classification is involved, the maximum penalty shall be imposed;

c. If the prohibited act is committed in a large scale and/or by a syndicate, the penalty of twice the maximum penalty imposable shall be imposed. A prohibited act is deemed large scale when the total number of wildlife specimens involved is more than thirty (30). A prohibited act is deemed committed by a syndicate if more than three (3) persons are involved;

d. If the prohibited act committed involves the inducement of indigenous peoples, the maximum penalty shall be imposed. (n)

SEC 35. *Penalties for recidivists.* - The maximum applicable penalty shall be imposed upon a recidivist who commits any of the illegal acts punishable under this Act. A recidivist shall mean a person who, at the time of his or her trial for a violation

of this Act, shall have been previously convicted by final judgment of the same or another violation of this Act. (n)

SEC 36. *Liability under Other Laws.* - Prosecution for violation of this Act shall be without prejudice to the prosecution of the offender for violation of other laws, rules and regulations. (n)

ARTICLE IV Administrative Adjudication

SEC. 37. *Authority to adjudicate and administer penalties.* - The Secretary or PCSD or their respective authorized representatives are authorized to exercise administrative adjudication confiscation and forfeiture powers, including the power to cite in contempt, in all cases of violations of this Act and may impose administrative sanctions such as payment of fines, and/or order the suspension or cancellation of existing wildlife permits and disqualification from issuance of future permits, the closure of establishment, and/or the confiscation and forfeiture of all wildlife, wildlife by-products and/or derivatives, and all paraphernalia, tools and conveyances used in connection with the violation, and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter. The Secretary or PCSD or their respective authorized representatives may, after due notice and hearing, cancel or suspend wildlife permits, clearances, agreements and/or certificates due to violation of this Act, its implementing rules and regulations, and/or the terms of the permits, agreements or certificates. The Secretary or PCSD shall issue appropriate procedural rules and regulations on administrative adjudication of violations of this Act.(n)

CHAPTER IV WILDLIFE LAW ENFORCEMENT

SEC. 39. *Creation of Plantilla Positions for Wildlife Law Enforcement.* - The DA, DENR and PCSD are hereby authorized to create, subject to existing guidelines, permanent positions of Wildlife Enforcement Agents, or designate their existing permanent employees as such from their respective enforcement units. Such Wildlife Enforcement Agents shall have full authority to conduct enforcement activities to enforce the provisions of this Act such as, but not limited to, the conduct of surveillance activities, investigation, application and implementation of search warrants, arrests of violators and seizures of illegally possessed, collected, traded or transported wildlife, their by-products and derivatives including the conveyances, tools and implements used thereto. Wildlife Enforcement Agents are authorized to carry their agency's badge and government firearms in the conduct of their duties, subject to the existing rules on firearms and after proper training from any government facility.

SEC. 39. *Deputation of Wildlife Enforcement Officers.* - The Secretary and PCSD shall deputize wildlife enforcement officers from nongovernment organizations, citizens groups, community organizations, local government units and other volunteers who have undergone necessary training for this purpose. The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation

(NBI), the Bureau of Customs and other law enforcement agencies shall designate wildlife enforcement officers. As such, the wild enforcement officers shall have the full authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention. (30a)

SEC. 40. *Creation of Wildlife Traffic Monitoring Units.* – The Secretary shall create wildlife traffic monitoring units in strategic air and seaports all over the country to ensure the strict compliance and effective implementation of all existing wildlife laws, rules and regulations, including pertinent international agreements. For this purpose, the DENR, DA or PCSD are authorized to add in their staffing pattern Wildlife Inspectors, to be assigned at WTMUs, who shall have the same powers and authorities as of the Wildlife Enforcement Officers. National government agencies with mandates on transportation and local government units shall provide necessary assistance to such wildlife traffic monitoring units.

Customs officers and/or authorized representatives from other government agencies or instrumentalities such as, but not limited to, those from the Office for Transportation Security (OTS), the Civil Aviation Authority of the Philippines (CAAP), assigned at air or seaports who may have discovered or intercepted wildlife commodities in the discharge of their official functions shall bring such discovery to the attention of, and/or turn over the intercepted wildlife, wildlife by-products and/or derivatives to, the wildlife traffic monitoring unit assigned in the area. (33a)

SEC. 41. *Wildlife regulatory and law enforcement information system.* – The Secretary and PCSD shall develop, establish and maintain a wildlife law enforcement management information system to aid in the monitoring, regulation, control and surveillance of activities involving wildlife, particularly the possession, transport and trade of wildlife, wildlife by-products and derivatives. (n)

SEC. 43. *Role of Local Government Units.* – Local government units shall support the DENR, DA and PCSD in the implementation of this Act. Local government units shall require the presentation of the appropriate and duly issued wildlife permits and/or clearances by persons engaged in business activities involving wildlife as a prerequisite for the issuance or renewal of business permits and other applicable local government permits and clearances to such persons. (n)

SEC. 44. *Public Participation.* - The participation of the private citizens in reporting and providing information on illegal wildlife trade shall be encouraged. Any private person who shall provide any information leading to the apprehension, prosecution and/or conviction of any offender for any violation of this Act and its implementing rules and regulations, or confiscation of wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with the violation, may be given a reward in an amount to be determined through a policy guideline issued by the Secretary or the PCSD. (n)

SEC. 38. *Strategic Lawsuit Against Public Participation (SLAPP) in the Enforcement of this Act.* – A legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that any person, institution, or the government has taken or may take in the enforcement of this Act shall be treated as a Strategic Lawsuit Against Public Participation (SLAPP).

834 The hearing on the defense of a SLAPP shall be summary in nature, the
835 affirmative defense of a SLAPP shall be resolved within thirty (30) days after the
836 summary hearing. If the court dismisses the action, the court may award damages,
837 attorney's fees, and costs of suit under a counterclaim if such has been filed. The
838 dismissal shall be with prejudice.

839 If the court rejects the defense of a SLAPP, the evidence adduced during the
840 summary hearing shall be treated as evidence of the parties on the merits of the case.
841 The action shall proceed in accordance with the Rules of Court.

842 The Rules of Procedure for Environmental Cases shall govern the procedure in
843 civil, criminal, and special civil actions involving the enforcement or violations of this
844 Act including actions treated as a SLAPP as provided in this section. (n)

845
846 CHAPTER VI
847 MISCELLANEOUS PROVISIONS
848

849 SEC. 45. *Wildlife Management Fund.* – The are hereby established Wildlife
850 Management Fundseach to be administered by the DENR, DA and PCSD as a special
851 account in the National Treasury. It shall finance rehabilitation or restoration of habitats
852 affected by acts committed in violation of this Act and support scientific research,
853 enforcement and monitoring activities, procurement of vehicles, firearms and
854 ammunitions, as well as enhancement of capabilities of relevant agencies. The Wildlife
855 Management Fund may also be used for establishment of intelligence or confidential
856 funds for confidential law enforcement operations.

857 The Fund shall be derived from administrative and criminal fines imposed, civil
858 liabilities and damages awarded, proceeds from allowable disposition of wildlife,
859 wildlife by-products and derivatives, fees, charges, donations, endowments,
860 administrative fees or grants in the form of contributions. Contributions to the Fund
861 shall be exempted from donor taxes and all other tax charges or fees imposed by the
862 government. The administrative and criminal fines imposed, civil liabilities and
863 damages awarded shall accrue to the Wildlife Management Fund of the DA, DENR or
864 PCSD as the case may be.(29a)

865 SEC. 46. *Exemption from taxes* - Any donation, contribution, bequest, subsidy
866 or financial aid which may be made to the DENR, DA, PCSD and to NGOs and peoples
867 organizations engaged in wildlife conservation, protection and law enforcement duly
868 registered with the Securities and Exchange Commission or the Cooperative
869 Development Authority, as certified by the local government unit, the DENR, DA or
870 PSCD, for the conservation and protection of wildlife resources and their habitats shall
871 constitute as an allowable deduction from the taxable income of the donor and shall be
872 exempt from donor's tax. (34a)

873 SEC. 47. *Wildlife Rescue Center.* - The Secretary shall establish or designate
874 wildlife rescue centers to take temporary custody and care of all confiscated, abandoned
875 and/or donated wildlife to ensure their welfare and well-being. Such wildlife rescue

centers shall be staffed by permanent qualified personnel and shall also have the necessary tools, machines, equipment and facilities consistent with the requirements of animal health and welfare. The Secretary shall formulate guidelines for the disposition of wildlife from the rescue centers.(32a)

SEC. 48. *Establishment of National Wildlife Research Centers.* - The Secretary and PCSD shall establish national and local wildlife research centers, as the case may be, for terrestrial and aquatic species to lead in the conduct of scientific researches on the proper strategies for the conservation and protection of wildlife, including captive breeding or propagation. Such research centers shall be staffed by permanent qualified personnel and shall also have the necessary tools, machines, equipment and facilities to conduct forensic analyses and other related capabilities for wildlife law enforcement. In this regard, the Secretary and PCSD shall establish partnerships with experts from academic and research institutions and the legitimate wildlife trade industry. (31a)

SEC. 49. *Flagship Species.* - Local government units shall initiate conservation measures for wildlife species in their areas. For this purpose, they may adopt flagship species such as the Cebu black shama (*Copsychus cebuensis*), tamaraw (*Bubalus mindorensis*), Philippine tarsier (*Tarsius syrichta*), Philippine teak (*Tectona philippinensis*), which shall serve as emblems of conservation for the local government concerned. The Secretary or PCSD or their authorized representatives may provide guidelines on the selection of flagship species. (35a)

SEC. 50. *Heritage trees.* - In coordination with and with assistance from the DENR or PCSD, local government units shall declare or designate as heritage trees certain qualified endemic or indigenous tree species within their territorial jurisdiction. The Secretary or PCSD or their authorized representatives may provide guidelines on the selection of heritage trees. (n)

SEC. 51. *Botanical Gardens, Zoological Parks and Other Similar Establishments.* - The Secretary shall regulate the establishment, operation and maintenance of botanical gardens, zoological parks and other similar establishments for recreation, education and conservation.

SEC. 52. *Registration of museum specimens.* - Except for the National Museum, all other museums and similar establishments displaying wildlife by-products and derivatives for public viewing shall register said specimens with the DENR, DA or PCSD, as the case may be.(36a)

SEC. 52. *Communication, Education and Public Awareness.* - The DENR, DA and PCSD shall undertake wildlife information awareness and wildlife crime prevention activities in coordination with and with assistance from the other national agencies and local government units. (n)

CHAPTER VII FINAL PROVISIONS

917 SEC. 53. *Appropriations.* - The amount of Fifty million pesos
918 (PhP50,000,000.00) shall be appropriated annually for the implementation of this Act. It
919 shall be proportionately distributed to DENR, DA and PCSD. (38a)

920 SEC. 54. *Implementing Rules and Regulations.* - Within twelve (12) months
921 following the effectivity of this Act, the Secretaries shall jointly promulgate the
922 implementing rules and regulations for the effective implementation of this Act.
923 Whenever appropriate, coordination in the preparation and implementation of rules and
924 regulations on joint and inseparable issues shall be done by the DENR, DA and PCSD.
925 The commitments of the State to international agreements and protocols shall likewise
926 be a consideration in the implementation of this Act. (37a)

927 SEC. 55. *Construction.* - The provisions of this Act shall be liberally construed
928 in favor of the conservation and protection of wildlife species and their habitats as
929 defined in this Act, toward the promotion of ecological balance and enhancement of
930 biological diversity. (n)

931 SEC. 56. *Report to Congress.* - The Secretary or PCSD shall report to Congress,
932 not later than March 30 of every year following the approval of this Act, the progress
933 of efforts to conserve and protect Philippine wildlife resources and make the necessary
934 recommendations in areas where there is need for legislative action. (n)

935 SEC. 57. *Joint Congressional Oversight Committee.* - There is hereby created a
936 Joint Congressional Oversight Committee to monitor and oversee the implementation
937 of the provisions of this Act. The Committee shall be composed of six (6) members
938 from the Senate and six (6) members from the House of Representatives with the
939 Chairpersons of the Committees on Environment and Ecology of the Senate and the
940 House of Representatives, respectively, as joint Chairpersons of the Joint Committee.
941 The five (5) other members from each Chamber are to be designated by the Senate
942 President and the Speaker of the House of Representatives, respectively. The minority
943 shall be entitled to *pro rata* representation but shall have at least two (2) representatives
944 from each Chamber. (n)

945 SEC. 58. *Mandatory Review.* - At least once every five (5) years after the
946 effectivity of this Act, or as the need arises, the Congressional Oversight Committee
947 shall undertake the mandatory review of this Act.

948 SEC. 59. *Separability Clause.* - Should any provision of this Act be
949 subsequently declared as unconstitutional, the same shall not affect the validity or the
950 legality of the other provisions. (39)

951 SEC. 60. *Repealing Clause.* - Republic Act No. 9147 is hereby repealed. All
952 other laws, ordinances, orders, rules, regulations and other issuances or parts thereof
953 which are inconsistent with this Act are hereby repealed or amended accordingly. (40a)

954 SEC. 61. *Transitory provisions.* - All rules and regulations issued pursuant to
955 Republic Act No. 9147 shall remain in full force and effect until repealed, revised or
956 otherwise modified by subsequent issuances. (n)

957 SEC. 61. *Effectivity.* - This Act shall take effect fifteen (15) days after

958 publication in the *Official Gazette* or two (2) newspapers of general circulation. (41)

959 *Approved,*