

**REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES**

**SEVENTEENTH CONGRESS
Second Regular Session**

House Bill No. 8339



INTRODUCED BY HON. JOSEPHINE Y. RAMIREZ-SATO

AN ACT PROVIDING FOR THE COLLECTION, CHARACTERIZATION, CONSERVATION, PROTECTION, SUSTAINABLE USE OF AND ACCESS TO AND BENEFIT SHARING OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Plant genetic resources for food and agriculture are any genetic material of plant origin of actual or potential value for food and agriculture (International Treaty on Plant Genetic Resources for Food and Agriculture, Food and Agriculture Organization of the United Nations).

Plant genetic resources are fundamental building blocks for agriculture development and production as they can carry important traits that can be utilized for the breeding for new or improved plant varieties.

The government recognizes the importance of the conservation and sustainable utilization of plant genetic resources for food and agriculture (PGRFA) to enable the country to attain food self-sufficiency, adapt to climate change, and address other threats to food security. In the Philippines, over 3000 plants are utilized for food, feed, shelter, fiber, fuel, medicine, ornamentals and ornaments. The plant genetic resources (PGR) are important facet of our country's cultural heritage. Furthermore, an extensive number of plants are of significant cultural value to local communities, as a symbol in religion, folklore, rituals and the arts.

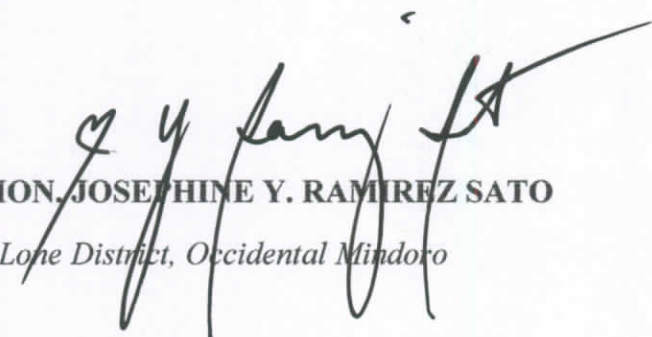
On September 18, 2006, the Philippines acceded to the International Treaty on Plant and Genetic Resources for Food and Agriculture (ITPGRFA or the Treaty), an international agreement within the framework of the United Nations Food and Agriculture Organization, with the objectives of conservation and sustainable use of plant genetic resources (PGR) for food and agriculture and the fair and equitable sharing of benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security.

The Treaty came into being as plant genetic resources is a common concern of all countries, that is, all countries depend largely on plant genetic resources for food and agriculture that originate elsewhere. This indicates that all countries are dependent on other countries for plant genetic resources. Thus, there is no country that is self - sufficient in plant genetic resources.

The Treaty formalizes a system of multilateral system of access to and benefit sharing of plant genetic resources. Such access begins with plant genetic resources identified in Annex I of the Treaty, the so-called Multilateral System (MLS) of exchange. The importance therefore of this Treaty is that the Philippines as a Party, can provide access to Annex 1 PGR it has sovereign rights over. At the same time, Philippines can access Annex 1 plant genetic resources found in Contracting Parties and not available in the country. The sharing of Annex 1 PGR is for the purpose of utilization and conservation for research, breeding and training for food and agriculture. In addition to the multilateral system, the Treaty establishes provisions on farmers' rights, conservation and sustainable use and *ex-situ* conservation. The Treaty supports conservation of agricultural biological diversity which is important to the Philippine agriculture.

As a Contracting Party, the Philippines needs to put into place a domestic framework to implement the critical provisions on access and benefit sharing of the country's plant genetic resources, conservation and protection of, preservation of PGR and agro-biodiversity including due recognition to Farmers' Rights and participation in the multilateral system.

Given the importance of this measure to the country's agriculture development, I propose the prioritization and immediate passage of this proposed legislation.



HON. JOSEPHINE Y. RAMIREZ SATO

Lone District, Occidental Mindoro

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

**CHAPTER I
GENERAL PROVISIONS**

Section 1. Title. This Act shall be known as the "Plant Genetic Resources Sustainable Use and Protection Act"

Section 2. Declaration of Policy. - It shall be the policy of State to (i) protect and promote the right to health of the people which includes the right to food; (ii) control and supervise the exploration, development and utilization of wildlife, flora and fauna and other natural resources owned by the State and their habitats in order to conserve, protect and encourage the sustainable its sustainable use to enable the country to attain self-sufficiency, adapt to climate change, and address threats to food security., and (iii) recognize that science and technology are essential for national development and progress. In pursuit of this Policy, this Act shall have the following objectives:

- (a) Promote the survey, inventory, and database of plant genetic resources for food and agriculture, taking into account the status and degrees of variation in existing populations, including those that are of potential use and, as feasible, assess any threats to them;
- (b) promote the collection of plant genetic resources for food and agriculture and relevant associated information on plant genetic resources that are under threat or are of potential use;

- (c) promote and support farmers' and local and indigenous communities' efforts to manage and conserve on-farm their plant genetic resources for food and agri of agro-biodiversity;
- (d) promote *in situ* conservation of all crops, including wild crop relatives and wild plants for food production, and those in protected areas, by supporting, among others, the efforts of local and indigenous communities;
- (e) promote the development of an efficient and sustainable system of *ex situ* conservation and the development and transfer of appropriate technologies for such with a view to improving the sustainable use of plant genetic resources for food and agriculture;
- (f) pursue fair agricultural policies that promote the development and maintenance of diverse farming systems through national policies and local ordinances that enhance the sustainable use of agricultural biodiversity and other natural resources;
- (g) implement a national research and development agenda, including promoting farmer-led participatory research, which enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers, especially those who generate and use their own varieties and enhances knowledge on ecological principles in maintaining soil fertility and combating diseases, weeds, and pests;
- (h) promote plant breeding efforts, including participatory plant breeding, which strengthen the capacity to develop varieties particularly adapted to social, economic, and ecological conditions in the country, including in marginal areas;
- (i) broaden the genetic base of crops and increasing the range of genetic diversity available to farmers for breeding and production purposes; through among others, the promotion of a traditional system of seed production available to farmers both for breeding and production purposes
- (j) promote the expanded use of locally adapted crops, varieties and underutilized species;
- (k) support the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops and creating strong links to plant breeding and agricultural development in order to reduce crop vulnerability and genetic erosion, and promote increased food production compatible with sustainable development; and
- (l) review and adjust breeding strategies and regulations concerning variety release and distribution for the conservation and sustainable use of plant genetic resources and towards enhancing efforts to mainstream participatory plant breeding. Public research institutions shall release genetic materials to small farmers for purposes of participatory research.

- (m) Facilitate access to plant genetic resources for food and agriculture and promote benefit sharing arising from their utilization

CHAPTER 2 DEFINITION OF TERMS

SEC. 3. *Definition of Terms.* As used in this Act, the term:

- (a) “Convention” means the Convention on Biological Diversity.
- (b) “Disclosure of country of origin” means the requirement that the resource user declares, in all relevant applications for intellectual property rights or for product development or marketing, the country from which the plant genetic resources for food and agriculture came from.
- (c) “*Ex situ* conservation” means the conservation of plant genetic resources for food and agriculture outside their natural habitat.
- (d) “*Ex situ* collection” means a collection of plant genetic resources for food and agriculture maintained outside their natural habitat.
- (e) “Genetic material” means any material of plant origin, including reproductive and vegetative propagating material, containing functional units of heredity.
- (f) “*In situ* conservation” means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated plant species, in the surroundings where they have developed their distinctive properties.

(ff) in-situ

In situ conservation (definition should consider the FAO and CBD definition)—*In situ* conservation comprises two main methods of conservation (i) *in situ* conservation in the strict sense, which involves conservation of wild genetic resources for food and agriculture (PGRFA) in natural surroundings, and (ii) on-farm conservation which can be understood as the conservation of mostly cultivated PGRFA in the agro-ecosystems where they have evolved¹.

(g) “Indigenous communities/indigenous cultural communities” means groups of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived on, and occupied as, organized communities communally bounded and defined territory under claims of ownership since time immemorial; and possess customs, tradition and other distinctive cultural traits or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, have become historically differentiated from the majority of Filipinos. The term includes peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of

¹FAO/ITPGRFA 2012

non-indigenous religions and cultures, or the establishment of present State boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

(h) "ITPGRFA Governing Body" means all the contracting parties to the International Treaty on Plant Genetic Resources for Food and Agriculture which, among others, provide policy direction and guidance to monitor and adopt such recommendations as may be necessary for the operation of the Multilateral System.

(i) "Local communities" means the residents living within or immediately adjacent to the areas where the plant genetic resources for food and agriculture have been collected and, in the case of domesticated or cultivated plant species, the surroundings where they have developed their distinctive properties

(j) "MLS crops", for purposes of this Order, means the crops notified by the Philippines to the ITPGRFA for inclusion in the Multilateral System. The initial list of these crops is shown in Annex 1.

(k) "Multilateral System" means the Multilateral System of Access and Benefits Sharing established under the International Treaty on Plant Genetic Resources for Food and Agriculture for the complementary and mutually-reinforcing purposes of facilitating access to plant genetic resources for food and agriculture and sharing, in a fair and equitable manner, the benefits arising from the utilization of these resources.

(l) "Plant genetic resources for food and agriculture" means any genetic material of plant origin of actual or potential value for food and agriculture.

(m) "Public domain" means the absence of any intellectual property rights, ancestral domain rights, or other rights that limit access to the plant genetic resources for food and agriculture.

(n) "Secretary" means the Secretary of the Department of Agriculture.

(o) "Small farmers" means natural persons dependent on small-scale subsistence farming as their primary source of income and whose sale, barter or exchange of agricultural products do not exceed a gross value of one hundred eighty thousand pesos (P180,000) per annum based on 1992 constant prices or such amount adjusted to inflation, devaluation and consumer price index, as provided in Republic Act No. 7607, otherwise known as the "Magna Carta of Small Farmers".

(p) "Standard Material Transfer Agreement" means the written agreement that grants a national of the Philippines or any Contracting Party to the Treaty access to genetic materials of MLS crops under the terms and conditions adopted by the ITPGRFA Governing Body at its first session in July 2006.

(q) "Sustainable use" means the use of plant genetic resources for food and agriculture in a way and at a rate that does not lead to their long-term decline, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

(r) "Traditional knowledge" means knowledge, innovations and practices of indigenous cultural communities and local communities embodying traditional lifestyles

relevant to the conservation and sustainable use of plant genetic resources for food and agriculture.

(s) "Treaty" means the International Treaty on Plant Genetic Resources for Food and Agriculture, which was adopted by the Thirty-First session of the United Nations Food and Agriculture Organization Conference on November 3, 2001 and entered into force on June 29, 2004.

(t) "Treaty Trust Fund" means the Trust Account established by the ITPGRFA Governing Body for receiving and utilizing financial resources for purposes of implementing the Treaty.

(u) "Variety" means a plant grouping, within a single botanical taxon of the lowest known rank, defined by the reproducible expression of its distinguishing and other genetic characteristics.

CHAPTER 3 SCOPE

SEC. 4. Scope - The provisions of this Act covers all plant genetic resources for food and agriculture (PGRFA) found in the country without prejudice to the respective mandates and jurisdiction of various government agencies involved in the regulation, management and use, among others, as defined by existing laws, such as those in protected areas under Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act, in critical habitats, { and Republic Act 9147 otherwise known as the Wildlife Resources Conservation and Protection Act.} This Act shall also apply to traditional knowledge associated with plant genetic resources for food and agriculture within the scope of the Convention on Biological Diversity and to the benefits arising from the utilization of such knowledge.

This Act also incorporates the domestic framework for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) to which the Philippines acceded to in September 2006.

Chapter 4 INSTITUTIONAL FRAMEWORK FOR THE CONSERVATION AND PROTECTION OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

SEC. 5. Creation of a Plant Genetic Resources for Food and Agriculture Policy Coordination Board - There is hereby created a Plant Genetic Resources Policy Coordination Board, hereinafter referred to as the Board, with the following powers and functions:

- (a) Establish the policies and procedures for coordination among agencies with a mandate on the protection, conservation and sustainable use of and decision-making for plant genetic resources for food and agriculture ;
- (b) Coordinate the performance and implementation of the mandates of the Department of Agriculture and its various units and bureaus, Institute of Plant Breeding of the University of the Philippines at Los Banos, Department of

Environment and Natural Resources, Department of Science and Technology, Philippine Coconut Authority, National Commission on Indigenous Peoples, State Colleges and Universities, on plant genetic resources conservation, protection and sustainable use.

- (c) For the International Treaty on Plant Genetic Resources for Food and Agriculture, encourage and monitor compliance by government agencies, whether national or local, public research institutions, and government-owned and controlled corporations with the obligations under the Multilateral systems of exchange
- (d) Regularly submit reports to the Congress Committees on Agriculture and food, and environment
- (e) Accept grants and donations from local and international sources

SEC. 6. Organization - Within thirty days from the effectivity of this Act, the Secretaries of the DA, the DENR, DOST shall organize the Board in accordance with the following rules:

- (a) The Board shall be chaired by the DA Secretary and co-chaired by the Director of the Institute of Plant Breeding of the University of the Philippines. The members of the Board shall be the Heads of the DOST-PCARRD, NCIP, DENR, and three regional representatives from State Colleges and Universities.
- (b) The Board shall be assisted by administrative and technical secretariat at the DA.
- (c) Within twelve months from the effectivity of this Act, the Board shall submit a manual of operations containing the rules for the conduct of meetings and decision-making.

SEC. 7. National Competent Authority and Focal Point. – The Department of Agriculture is hereby designated as the national competent authority and national focal point for purposes of the ITPGRFA.

As the national competent authority, the Department of Agriculture shall establish a registry of material transfer agreements and act as repository of information relating to plant genetic resources for food and agriculture. It shall survey, and within one year from the effectivity of this Act, establish a databank of, plant genetic resources for food and agriculture found in the country, taking into account the status and degree of variation in existing populations, including those that are of potential use and, as feasible, assess any threats to them.

As national focal point of the Treaty, it shall act as Clearing House for purposes of communicating and coordinating with the United Nations Food and Agriculture Organization on matters relating to the Treaty, including but not limited to the notification of collections for their inclusion in the Multilateral System following the conditions set forth in this Order. All communications to the ITPGRFA Governing Body shall be coursed through the Department of Agriculture.

Chapter 5

ACCESS TO PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

SEC. 8 *Access to Plant Genetic Resources for Food and Agriculture*. – Access to plant genetic resources for food and agriculture found anywhere in the Philippines, including plants acquired by purchase, barter or donation if they are used for their genetic materials, shall be allowed only upon compliance with relevant bioprospecting laws and regulations², which require, *inter alia*, that free prior informed consent be obtained by the resource user from the concerned indigenous cultural communities under Republic Act No. 8371 and its Implementing Rules and Regulations, local communities, management board under Republic Act No. 7586, or private individual or entity; and, if the applicant is a foreign entity or individual, the active involvement by a local institution in the research, collection and, whenever applicable and appropriate, in the technological development of the products derived from the biological and genetic resources.

Sec. 9. *Local Access to Genetic Materials*. – The Department of Agriculture shall support and encourage the access and exchange of genetic materials through community seed networks, community seed banks, and government research and extension institutions. In consultation with relevant government agencies, farmers' organizations, civil society organizations, and other stakeholders it shall establish policies and implement programs for this purpose within one year from the effectivity of this Order.

Chapter 6

ACCESS TO CROPS UNDER THE MULTILATERAL SYSTEM OF EXCHANGE UNDER THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

SEC. 10. *Crops in the Multilateral System of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)*. – All plant genetic resources for food and agriculture except those under regulation, management and use among others as defined by existing laws, such as those plant genetic resources in protected areas under Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act in critical habitats and Republic Act 9147, otherwise known as the Wildlife Resources Conservation and Protection Act and which are:

- (i) included in Annex 1 of the ITPGRFA;
 - (ii) found in the country;
 - (iii) under the management and control of any government agency, whether national or local, or any government-owned or controlled corporation;
 - (iv) in the public domain; and
 - (v) have been notified by the Department of Agriculture to the ITPGRFA for inclusion in Annex 1 of the Treaty,
- shall be considered as MLS crops.

² Joint DENR-DA-PCSD-NCIP Administrative Order no.1, "Guidelines for Bioprospecting Activities in the Philippines," pursuant to E.O. 247, RA 9147 (Wildlife Act), RA. 8371 (IPRA), RA 7586 (NIPAS), RA7160 Local Gov't Code), RA 7611 (SEP for Palawan), RA 8550 (Fisheries Code), RA 7308 (Seed Act), RA 8423 (Traditional Medicine Act), and other relevant laws.

Plant genetic resources for food and agriculture included in Annex 1 of the ITPGRFA which are held by natural or juridical persons, other than the government, and which have been voluntarily included by such persons in the Multilateral System shall also be considered as MLS crops.

The Department of Agriculture, prior to notifying the ITPGRFA regarding the inclusion of any crop in the Multilateral System, shall consult with the relevant stakeholders, including small farmers, local communities, indigenous communities, and local scientists and researchers. In order to ensure meaningful participation by these stakeholders, the Department of Agriculture shall take steps to ensure transparency of the process and provide them with relevant and timely information.

The Secretary shall invite all other holders of plant genetic resources for food and agriculture listed in Annex 1 of the Treaty to include them in the Multilateral System.

The foregoing classification of crops included under MLS shall be without prejudice to the existing jurisdiction provided under existing laws and the DA as the lead agency in the implementation of this EO shall ensure the coordination with such agencies in implementing this provision.

SEC. 11. *Facilitated Access.* - Any person who is: (i) a national of the Philippines; or (ii) a national of another country which is a Contracting Party of the Treaty and which grants the same privileges to Filipino citizens shall be entitled to access MLS crops found in *ex situ* collections in the Philippines upon signing of a Standard Material Transfer Agreement with the natural or juridical person which administers the *ex situ* collection or with the Department of Agriculture for plant genetic resources for food and agriculture in *in situ* conditions and are in the public domain. The Standard Material Transfer Agreement shall contain the following conditions:

- (a) access shall be provided solely for the purpose of utilization and conservation for research, breeding and training for food and agriculture, provided that such purpose does not include chemical, pharmaceutical or other non-food/non-feed industrial uses.
- (b) payment of a minimal fee, in the amount to be determined by the Secretary, to recover the cost of providing access, provided that small farmers and indigenous communities shall be exempt from payment of such fees;
- (c) recipient shall not claim any intellectual property or other rights that limit the facilitated access to the plant genetic resources for food and agriculture or their genetic parts or components in the form received from the Multilateral System, including isolated and purified deoxyribonucleic acid and ribonucleic acid molecules for which a function has been defined;
- (d) plant genetic resources for food and agriculture for which facilitated access has been granted and which have been conserved shall continue to be made available to the Multilateral System by the recipient under the terms of the Treaty;

- (e) recipient of the plant genetic resources for food and agriculture shall require that the conditions of the Standard Material Transfer Agreement shall apply to the transfer of plant genetic resources for food and agriculture to another person or entity, as well as to any of their subsequent transfers; and
- (f) in the event that the recipient commercializes a product that is, or is derived from, a plant genetic resource for food and agriculture and that incorporates material accessed from the Multilateral System, the recipient shall pay to the Treaty Trust Fund an equitable share of benefits arising from the commercialization of such product, except when such a product is made available without restriction to others for further research and breeding.

The Standard Material Transfer Agreement shall be as shown in Annex 2. The Secretary, in consultation with holders of MLS crops, small farmers and indigenous peoples, shall establish a simplified system of access for small farmers and indigenous peoples, including providing access through local government units and farmers' organizations or nongovernmental organizations acting on behalf of small farmers or indigenous peoples duly registered with the Bureau of Plant Industry.

The party transferring the genetic material shall furnish the Department of Agriculture a copy of the duly executed Standard Material Transfer Agreement.

SEC. 12. *Non-Facilitated Access.*— The transfer of: (i) genetic materials of MLS crops to nationals of non-Parties to the Treaty; (ii) genetic materials of MLS crops to nationals of Parties to the Treaty which do not grant the same privileges to citizens of the Philippines; (iii) genetic materials of MLS crops for the purpose other than utilization and conservation for research, breeding and training for food and agriculture (e.g., chemical, pharmaceutical and/or other non-food/feed industrial uses) or (iv) genetic materials of any crop that is not part of the Multilateral System shall be allowed only upon compliance with all requirements of Republic Act No. 9147.

Chapter 7 FARMERS' RIGHTS

SEC. 13. *Farmers' Rights.* — The Farmers' Rights include *inter alia*:

- (a) respect, promotion and protection of traditional knowledge and indigenous knowledge systems in relation to plant genetic resources for food and agriculture against misappropriation or extinction. The government shall support and promote local seed systems, including farmer-bred or discovered and developed varieties and traditional varieties;
- (b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture;
- (c) the right to be informed and participate in making decisions, at the national level, on matters related to the conservation and sustainable use, development and protection of plant genetic resources for food and agriculture; and
- (d) the right to save, use, exchange, improve and sell farm-saved seeds or propagating material.

The Department of Agriculture, with the participation of relevant government agencies, farmers' organizations and other stakeholders encourage a further review of laws, policies, rules and, regulations relating to plant genetic resources, including seed regulations, to determine if they are consistent with Farmers' Rights and recommend such actions as may be needed to amend or modify them. The review shall include recommendations on how to address violations of Farmers' Rights, including the imposition of penalties.

The Secretary, in consultation with relevant government agencies, farmers' organizations, civil society organizations and others stakeholders, shall establish programs to protect and promote Farmers' Rights and community intellectual rights over plant genetic resources for food and agriculture, particularly those of small farmers.

CHAPTER 8

TECHNOLOGY TRANSFER, DISCLOSURES AND BENEFIT-SHARING FUND

Sec. 14. *Technology Transfer and Development.* - The Department of Agriculture, in cooperation with other relevant agencies, shall take appropriate measures to encourage technology development with, and transfer of appropriate technology to, small farmers and their organizations for the collection, characterization, conservation, protection and sustainable use of plant genetic resources for food and agriculture.

SEC. 15. *Disclosure of Country of Origin.* - Any applicant for plant variety protection or for product development or marketing shall disclose in his application the country of origin of any plant genetic resource for food and agriculture or its genetic parts or components, including isolated and purified deoxyribonucleic acid molecules for which a function has been defined, which is subject of his application.

SEC. 16. *Prohibition Against Patenting.* - No patent shall be granted to any plant genetic resource for food and agriculture, including its genetic parts or components regardless of their form.

SEC. 17. *Benefits-Sharing Fund.* - A Benefit-Sharing Fund is hereby established for the purpose, among others, of receiving grants and other contributions from the ITPGRFA Governing Body and other donors in order to support initiatives of local communities, indigenous communities, and small farmers, in the conservation and sustainable use of plant genetic resources for food and agriculture.

SEC. 18. *Information and Education Campaign.* - The Department of Agriculture, through the Bureau of Plant Industry, shall collaborate with the Provincial Agriculture Officers and Municipal Agriculture Officers in educating and disseminating up-to-date information to the various stakeholders in the country, particularly the holders of plants genetic resources for food and agriculture, local scientists, small farmers, and indigenous communities, on the collection, characterization, conservation, protection, and sustainable use of plant genetic resources for food and agriculture.

Chapter 9

VIOLATIONS AND PENALTIES

SEC. 19. *Unreasonable Refusal to Allow Facilitated Access.* – Any government officer or employee who unreasonably refuses to allow facilitated access to any qualified applicant to any MLS crop or information thereof despite the willingness of the applicant to abide by the terms and conditions of the Standard Material Transfer Agreement stated in Annex 2 shall be subject to administrative sanctions, including dismissal from civil service, and/or a fine of One Hundred Thousand Pesos (P100,000.00).

SEC. 20. *Unauthorized Collection and Transport of MLS Crops.* – Any person who collects and transports outside the country any MLS crop without the requisite Standard Material Transfer Agreement or Material Transfer Agreement, or abuses the rights granted to him under any such agreements, shall be penalized in accordance with Section 28 of Republic Act No. 9147, otherwise known as Wildlife Resources Conservation and Protection Act.

SEC. 21. *Unauthorized Collection and Transport of Non-MLSCrops.* - Any person who collects and transports outside the country any plant genetic resources for food agriculture that is not part of the Multilateral System in violation of Republic Act No. 9147 shall be proceeded against in accordance with such law.

CHAPTER X MISCELLANEOUS PROVISIONS

SEC. 22. *Implementing Rules and Regulations.* – Within six months from the effectivity of this Act, the Secretary of Agriculture, in consultation with the Department of Science and Technology, Department of Environment and Natural Resources, National Commission on Indigenous Peoples and other relevant government agencies, non-governmental organizations, farmers organizations, public and private entities with *ex situ* collections, public research institutions, and other stakeholders, shall promulgate the rules and regulations for the effective implementation of this Act

SEC. 23. *International Commitments.* - The commitments of the Philippine government to the UN Convention on Biological Diversity, inclusive of all relevant agreements derived therefrom, and the International Treaty on Plant Genetic Resources for Food and Agriculture under the United Nations Food and Agriculture Organization shall likewise be a consideration in the implementation of this Order.

SEC. 24. *Appropriations.* – The amount necessary to implement the provisions of this Act shall be charged against the appropriations of the Department of Agriculture in the current General Appropriations Act. Thereafter, such sums as may be necessary to fully implement the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 25. *Separability.* – Should any provision of this Act be subsequently declared as unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SEC. 26. *Repealing Clause.* – All Acts, executive issuances, and rules and regulations inconsistent with the provisions of this Act are hereby repealed, amended or modified, accordingly.

SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or two newspapers of general circulation.

Approved,