

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City

18th Congress
First Regular Session

HOUSE BILL NO. 265



Introduced by Hon. Josephine Y. Ramirez Sato

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

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_code=608&vhabitat=endemic. Last viewed on 14 September 2018.

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

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

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

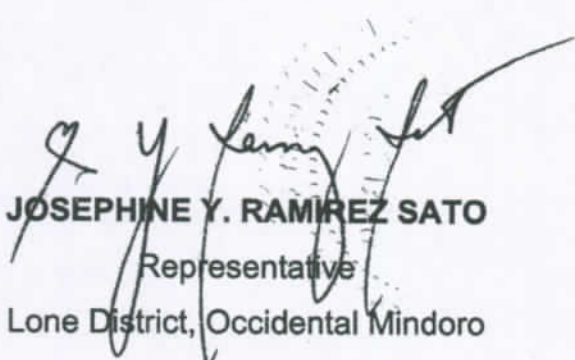
After more than 17 years of implementation, the Wildlife Act is ripe for further strengthening and improvement base on the collective experience of government regulators, law enforcement agencies and volunteers, non-government organizations, scientists and researchers, conservationists, local government units, and the legitimate wildlife breeders, traders and hobbyists. Among others, the imposition of stronger and more specific penalties is needed

needed to enhance the deterrent effect and to remove the legal loopholes exploited by illegal wildlife collectors and traders.

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

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

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



JOSEPHINE Y. RAMIREZ SATO
Representative
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Republic of the Philippines
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HOUSE BILL NO. 265

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**

*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 "*Revised Wildlife Resources Conservation and Protection Act of 2018.*" (1a)

SECTION 2. Declaration of Policy. - It shall be the policy of the State to conserve and protect the country's wildlife resources and their habitats for sustainability and to promote ecological balance, enhance biological diversity, and ensure the provision of ecosystem services. In the pursuit of this policy, this Act shall have the following objectives:

(a) to regulate the collection, possession, use and trade of wildlife,

wildlife by-products and derivatives;

- (b) to pursue, with due regard to the national interest, Philippine commitments to international conventions, treaties and agreements on the protection of wildlife and their habitats, and on the fair and equitable sharing of the benefits arising out of the utilization of genetic resources from wildlife;
- (c) to initiate or support scientific studies on the conservation of biological diversity and sustainable utilization of wildlife resources; and
- (d) to promote full awareness and widest dissemination of policies on wildlife conservation and protection. (2a)

SECTION 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)

SECTION 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, water birds 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

SECTION 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 purposes; (n)

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

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

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

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

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

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

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

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

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

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

(p) "*Endemic species*" means species or subspecies which is naturally

occurring and found only within specific areas in the country; (5[l])

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

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

(s) "*Genetic material*" means any material of plant, animal, microbial or other origin containing functional units of heredity; (n)

(t) "*Genetic resources*" means genetic material of actual or potential value; (n)

(u) "*Gratuitous permit*" means the permit issued to any person to collect wildlife for non-commercial scientific, or educational undertaking; (5[l])

(v) "*Habitat*" means the place or environment where species or subspecies naturally occurs or has naturally established its population; (5[m])

(w) "*Import permit*" refers to a permit authorizing a person to bring in wildlife, wildlife by-products or derivatives from another country; (5[n])

(x) "*Indigenous wildlife*" means species or subspecies of wildlife naturally occurring or has naturally established population in the country; (5[o])

(y) "*Introduction*" means bringing species into the wild that is outside its natural habitat; (5[p])

(z) "*Introduction from the sea*" means transportation into the country of specimens of any species which were taken in the marine environment not under the jurisdiction of any State; (n)

(aa) "*Invasive alien species*" or "*IAS*" refers to species whose introduction and/or spread outside their natural past or present distribution threatens biological diversity; (n)

(bb) "*Local transport permit*" means a permit authorizing a person to bring wildlife from one place to another within the territorial jurisdiction of the Philippines" (5[v]a)

(cc) "*Maltreatment*" means the commission of torture or any form of cruelty to any wildlife, or omission or neglect to provide adequate care, sustenance or shelter to wildlife; (n)

(dd) "*Near threatened species*" refers to a species or subspecies that is not critically endangered, endangered nor vulnerable but is under threat from adverse factors, such as over collection, throughout their range and is likely to move to the vulnerable category in the near future; (n)

(ee) "*Other wildlife species*" refers to all other wildlife species not classified as threatened or near-threatened; (n)

(ff) "*Person*" refers to a natural or juridical person; (n)

(gg) "*Possession*" refers both to actual possession or immediate physical control over wildlife, or wildlife by-products or derivatives, and to constructive possession or ownership or control over the place or conveyance where the wildlife, or wildlife by-products or derivatives are found;

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

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

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

(kk) "*Special Local Transport Permit*" refers to a permit conferred to holders of Wildlife Special Use Permit (WSUP) authorizing the conveyance of

wildlife, by-products and/or derivatives from the facility of origin to one or more places within the Philippines and back to the facility of origin; (n)

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

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

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

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

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

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

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

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

(tt) "*Wildlife laundering*" means the process by which wildlife traders disguise the origin and ownership of illegally acquired wildlife by making such appear to have 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)

(xx) "*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

SECTION 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)

SECTION 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)

SECTION 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)

SECTION 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 PSCD in the implementation and localization of the strategy and action plan. (n)

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

ARTICLE II

Permissible Activities

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

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

SECTION 13. *Collection and/or Possession of By-Products and*

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

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

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

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

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)

SECTION 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)

SECTION 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)

SECTION 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)

SECTION 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)

SECTION 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)

SECTION 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)

SECTION 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

SECTION 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; |
| (3) Gratuitous permit | 1 to 3 years; |
| (4) Local transport permit | not more than 3 months; |
| (5) Special Local Transport Permit | not more than 3 months |

(6) Wildlife Local Trade Permit	1 year
(7) Wildlife Special Use Permit	1 to 3 years
(8) Export/Import/Re-export Permit	1 to 6 months;
(9) Certificate of Introduction from the Sea	1 to 6 months

These permits may be renewed subject to the guidelines issued by the appropriate agency and upon consultation with concerned groups. (20a)

SECTION 25. *Authority to collect fees and charges.* – The Secretary or PCSD are hereby authorized to impose and collect reasonable fees and charges as may be determined upon consultation with the concerned groups, and in the amount fixed by the Secretary or PCSD for the issuances of permits enumerated in the preceding section.

For the export of wildlife species, an export permit fee of not greater than five percent (5%) of the export value, excluding transport costs, shall be charged: *Provided, however,* That in the determination of aforesaid fee, the production costs shall be given due consideration. cutflowers, leaves and the like, produced from farms shall be exempted from the said export fee: *Provided, further,* That fees and charges shall be reviewed by the Secretary every two (2) years or as the need arises and revise the same accordingly, subject to consultation with concerned sectors: *Provided, furthermore,* That the Secretary or PCSD may impose an import permit fee based on import value and/or valuation of potential risks to biodiversity and human health: *Provided, finally,* That fees and charges under international agreements shall be borne by the applicant. (21a)

ARTICLE IV

Protection of Threatened Species

SECTION 26. *Determination of Threatened Species.* - The Secretary or PCSD shall determine whether any wildlife species or subspecies is threatened, and classify the same as critically endangered, endangered, vulnerable or other accepted categories based on the best scientific data and with due regard to internationally accepted criteria, including but not limited to the following:

(a) present or threatened destruction, modification or curtailment of its habitat or range;

(b) over-utilization for commercial, recreational, scientific or educational 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)

SECTION 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

SECTION 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 others.

All designated critical habitats shall be protected, in coordination with the local government units and other concerned groups, from any form of exploitation or destruction which may be detrimental to the survival of the threatened species dependent therein. For such purpose, the Secretary or

PCSD may acquire, by purchase, donation or expropriation, lands, or interests therein, including the acquisition of usufruct, establishment of easements or other undertakings appropriate in protecting the critical habitat. (25a)

CHAPTER IV WILDLIFE CRIME

ARTICLE I Illegal Acts

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

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

- (i) when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities; (27[a][i])
- (ii) when the wildlife is afflicted with an incurable communicable disease; (27[a][ii])
- (iii) when it is deemed necessary to put an end to the misery suffered by the wildlife; (27[a][iii])
- (iv) when it is done to prevent an imminent danger to the life or limb of a human being; (27[a][iv])
- (v) when the wildlife is killed or destroyed after it has been used in authorized research or experiments; and (27[a][v])

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

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

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

(i) dumping of waste products detrimental to wildlife and/or the critical habitat; (27[c][i]a)

(ii) squatting or otherwise illegally occupying any portion of the critical habitat; (27[c][ii]a)

(iii) mineral exploration and/or extraction, treasure-hunting and/or prospecting; (27[c][iii]a)

(iv) burning; (27[c][iv])

(v) logging; and (27[c][v])

(vi) quarrying. (27[c][vi])

(d) introduction, reintroduction or restocking of wildlife resources; (27[d])

(e) trading or attempting to trade wildlife, wildlife by-products and/or derivatives, including advertising, contracting or offering for the purpose of sale or procurement of wildlife, wildlife by-products and/or derivatives; (27[e]a)

(f) collecting, hunting or possessing wildlife, wildlife by-products and/or derivatives; (27[f]a)

(g) gathering or destroying of active nests, nest trees, host plants and the like; (27[g])

(h) maltreating and/or inflicting other injuries not covered by the preceding paragraphs; (27[h])

(i) transporting of wildlife; and (27[i])

(j) wildlife laundering. (n)

ARTICLE II

Penalties

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

(a) imprisonment of *reclusion temporal* (from 12 years and 1 day to 20 years) and a fine of Two hundred thousand pesos (P200,000.00) to Two million pesos (P2,000,000.00), if inflicted or undertaken against species listed as critically endangered;

(b) imprisonment of *prision mayor* (from 6 years and 1 day to 12 years) and a fine of One hundred thousand pesos (P100,000.00) to One Million (P1,000,000.00) if inflicted or undertaken against endangered species;

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

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

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

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

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

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

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

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

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

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

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

- (a) imprisonment of *prision correccional* in its maximum period (from 4 years, 2 months and 1 day to 6 years) and a fine of Fifty thousand pesos (P50,000.00) to Six hundred thousand pesos (P600,000.00), if involving species listed as critically endangered;
- (b) imprisonment of *prision correccional* in its medium period (from 2 years, 4 months and 1 day to 4 years and 2 months) and a fine of Thirty thousand pesos (P30,000.00) to Four hundred thousand pesos (P400,000.00), if involving endangered species;
- (c) imprisonment of *prision correccional* in its minimum period (from 6 months and 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if involving vulnerable species;
- (d) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if involving species listed as near threatened species; and
- (e) imprisonment of *arresto menor* in its medium period and maximum period (from 11 to 30 days) and a fine of Five thousand pesos (P5,000.00) to Forty thousand pesos (P40,000.00), if involving other wildlife species.

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

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

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

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

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

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

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

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

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

against endangered species;

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

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

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

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

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

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

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

(d) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and a fine of Ten thousand pesos (P10,000.00) to One hundred

thousand pesos (P100,000.00), if involving species listed as near threatened species; and

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

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

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

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

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

SECTION 32. *Escalation of the amount of fines.* - The fines herein prescribed shall automatically increase, without need for further legislation or

administrative issuance, by ten percent (10%) every three (3) years from the effectivity of this Act to maintain the deterrent function of such fines. (28a)

ARTICLE III

Disputable Presumptions and Qualifying Circumstances

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

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

SECTION 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)

SECTION 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)

SECTION 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

SECTION 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

SECTION 38. *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.

SECTION 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 wildlife 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)

SECTION 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)

SECTION 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)

SECTION 42. *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 pre-requisite for the issuance or renewal of business permits and other applicable local government permits and clearances to such persons. (n)

SECTION 43. *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)

SECTION 44. *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).

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

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

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

CHAPTER V MISCELLANEOUS PROVISIONS

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

The Fund shall be derived from administrative and criminal fines imposed, civil liabilities and damages awarded, proceeds from allowable disposition of wildlife, wildlife by-products and derivatives, fees, charges,

donations, endowments, administrative fees or grants in the form of contributions. Contributions to the Fund shall be exempted from donor taxes and all other tax charges or fees imposed by the government. The administrative and criminal fines imposed, civil liabilities and damages awarded shall accrue to the Wildlife Management Fund of the DA, DENR or PCSD as the case may be. (29a)

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

SECTION 47. *Wildlife Rescue Center*. - The Secretary shall establish or designate wildlife rescue centers to take temporary custody and care of all confiscated, abandoned 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)

SECTION 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)

SECTION 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)

SECTION 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)

SECTION 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.

SECTION 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)

SECTION 53. *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 VI FINAL PROVISIONS

SECTION 54. *Appropriations.* - The amount of Fifty million pesos (PhP50,000,000.00) shall be appropriated annually for the implementation of this Act. It shall be proportionately distributed to DENR, DA and PCSD. (38a)

SECTION 55. *Implementing Rules and Regulations.* - Within twelve (12) months following the effectivity of this Act, the Secretaries shall jointly promulgate the implementing rules and regulations for the effective implementation of this Act. Whenever appropriate, coordination in the preparation and implementation of rules and regulations on joint and inseparable issues shall be done by the DENR, DA and PCSD. The commitments of the State to international agreements and protocols shall likewise be a consideration in the implementation of this Act. (37a)

SECTION 56. *Construction.* - The provisions of this Act shall be liberally construed in favor of the conservation and protection of wildlife species and their habitats as defined in this Act, toward the promotion of ecological balance and enhancement of biological diversity. (n)

SECTION 57. *Report to Congress.* - The Secretary or PCSD shall report to Congress, not later than March 30 of every year following the approval of this Act, the progress of efforts to conserve and protect Philippine wildlife resources and make the necessary recommendations in areas where there is need for legislative action. (n)

SECTION 58. *Joint Congressional Oversight Committee.* - There is hereby created a Joint Congressional Oversight Committee to monitor and oversee the implementation of the provisions of this Act. The Committee shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives with the Chairpersons of the Committees on Environment and Ecology of the Senate and the House of Representatives,

respectively, as joint Chairpersons of the Joint Committee. The five (5) other members from each Chamber are to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to *pro rata* representation but shall have at least two (2) representatives from each Chamber. (n)

SECTION 59. *Mandatory Review*. - At least once every five (5) years after the effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall undertake the mandatory review of this Act.

SECTION 60. *Separability Clause*. - 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. (39)

SECTION 61. *Repealing Clause*. - Republic Act No. 9147 is hereby repealed. All other laws, ordinances, orders, rules, regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or amended accordingly. (40a)

SECTION 62. *Transitory provisions*. - All rules and regulations issued pursuant to Republic Act No. 9147 shall remain in full force and effect until repealed, revised or otherwise modified by subsequent issuances. (n)

SECTION 63. *Effectivity*. - This Act shall take effect fifteen (15) days after publication in the *Official Gazette* or two (2) newspapers of general circulation. (41)

Approved,