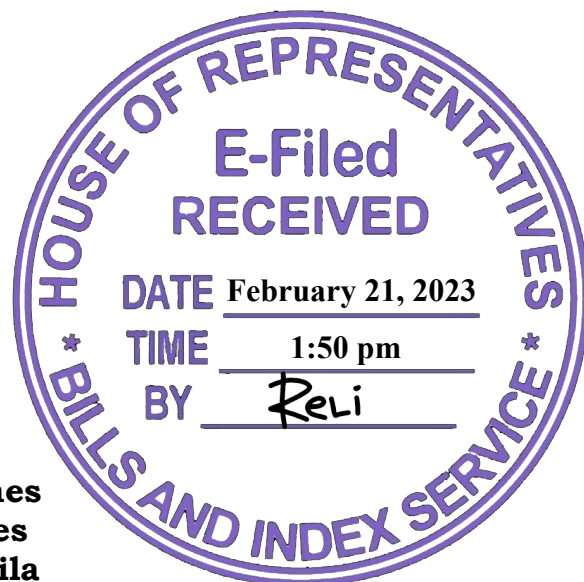




**Republic of the Philippines
House of Representatives
Quezon City, Metro Manila**

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 7267



Introduced by Representative Rudys Caesar G. Fariñas I

EXPLANATORY NOTE

This bill revises the Wildlife Resources Conservation and Protection Act to strengthen existing measures for conserving and conserving wildlife resources in a sustainable manner. The act affirms the importance of wildlife in maintaining ecological balance and preserving biodiversity and its economic, cultural, and scientific value.

This bill provides a more robust establishment of a comprehensive and integrated system for conserving and protecting wildlife resources. This measure also recognizes the importance of the participation of inter-agency cooperation together with local communities, indigenous peoples, and other stakeholders in the conservation and protection of wildlife resources. Accordingly, this bill provides for firmer mechanisms for their participation and consultation in formulating and implementing policies and programs related to wildlife conservation and protection.

Overall, this bill is a significant step towards the sustainable management of wildlife resources in the Philippines. This bill also reinforces the legal framework for the conservation and protection of wildlife while ensuring that these resources' economic, cultural, and scientific value is not compromised.

Hence, this representation seeks the passage of this measure.


RUDYS CAESAR G. FARIÑAS I



**Republic of the Philippines
House of Representatives
Quezon City, Metro Manila**

**Nineteenth Congress
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HOUSE BILL NO. 7267

Introduced by Representative Rudys Caesar G. Fariñas I

**AN ACT
PROVIDING STRONGER MEASURES FOR THE CONSERVATION AND
PROTECTION OF WILDLIFE RESOURCES AND THEIR HABITATS,
REPEALING FOR THIS PURPOSE REPUBLIC ACT NO. 9147 OR THE
“WILDLIFE RESOURCES CONSERVATION AND PROTECTION ACT,”
AND APPROPRIATING FUNDS THEREFOR**

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

1 **SECTION 1. Title** – This Act shall be known as the “*Revised Wildlife*
2 *Resources Conservation and Protection Act*”.

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

8 (a) to regulate the collection, possession, use, and trade of wildlife, wildlife
9 by-products and derivatives;

10 (b) to pursue, with due regard to the national interest, Philippine
11 commitments to international conventions, treaties, and agreements on
12 the protection of wildlife and their habitats, and on the fair and equitable
13 sharing of the benefits from the lawful utilization of wildlife genetic
14 resources.

15 (c) to initiate or support scientific studies on the conservation of biological

diversity and sustainable utilization of wildlife resources;

(d) to promote full awareness and widest dissemination of policies on wildlife conservation and protection; and

(e) to strengthen the global effort to eradicate the transnational organized crime of wildlife trade and trafficking.

SEC. 3. Scope of Application. – This Act applies to all wildlife species found in all areas of the country, including exotic species which are subject to trade, are bred or cultured, in captivity or propagated in the country.

SEC. 4. Jurisdiction of the Department of Environment and Natural Resources (DENR), the Department of Agriculture (DA), and the Palawan Council for Sustainable Development (PCSD). – The DENR shall have jurisdiction over all terrestrial plant and animal species including turtles and tortoises, wetland species, including crocodiles, waterbirds and all amphibians and the *Dugong Dugon* or *Dugong*. The DA shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources including all fishes, aquatic plants, invertebrates and all marine mammals, except the 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 jurisdictions and make the list readily available to all concerned government agencies and local government units. In the Province of Palawan, jurisdiction herein conferred is vested on the PCSD pursuant to Republic Act No. 7611, otherwise known as the “Strategic Environmental Plan (SEP) for Palawan Act”.

SEC. 5. Definition of Terms. – As used in the Act:

(a) *Biological diversity* or *biodiversity* refers to the variability among living organisms from all sources including, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part, and the diversity within species, between species, and of ecosystems;

(b) *Biological resources* refer 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 all biological specimen such as plants, seeds, tissues and other propagation materials, animals, live or preserved, whether whole or in part;

(c) *Bioprospecting* refers to the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived from research solely for commercial purposes;

(d) *Biosafety* refers to the need to protect human, plant, and animal health

1 or life and the environment from the adverse effects of the products of modern
2 biotechnology;

3 (e) *Botanical garden* refers to a controlled and staffed institution where a
4 collection of wild flora is maintained for recreational, educational, research,
5 conservation and scientific purposes;

6 (f) *By-product and derivative* refers to any part taken or substance
7 extracted from wildlife, in raw or in processed form. This includes stuffed
8 animals and herbarium specimens;

9 (g) *Captive-breeding, culture, or propagation* refers to the process of
10 producing individual plants or animals under controlled conditions or with
11 human intervention;

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

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

18 (j) *Collection or collecting* refers to the act of taking, gathering or
19 harvesting wildlife, wildlife by-products, or derivatives;

20 (k) *Conservation* refers to the preservation and sustainable utilization of
21 wildlife, or maintenance, restoration, and enhancement of the habitat;

22 (l) *Critical habitat* refers to an area outside protected areas under Republic
23 Act (RA) No. 7586 or the National Integrated Protected Areas System (NIPAS) Act,
24 as amended by Republic Act 11038 or the ENIPAS, that are known habitats of
25 threatened species and designated based on scientific data taking into
26 consideration species endemism and richness, and the presence of man-made
27 pressures and threats to the survival of wildlife living in the area, among others;

28 (m) *Critically endangered species* refers to a species or subspecies that
29 is facing extremely high risk of extinction in the wild;

30 (n) *Domesticated* refers to any plant or animal listed by the relevant
31 authorities easily propagated and altered or selected for desirable characteristics
32 and preferences for domestic use;

33 (o) *Genetic material* refers to any material of plant, animal, microbial or
34 other origin containing functional units of heredity;

35 (p) *Genetic resources* refer to genetic material of actual or potential
36 value;

37 (q) *Gratuitous permit* refers to the permit issued to any person to collect

1 wildlife for non-commercial scientific, or educational undertaking;

2 (r) *Habitat* refers to the place or environment where species or
3 subspecies naturally occur or have naturally established its population;

4 (s) *Import permit* refers to a permit authorizing a person to bring in
5 wildlife, wildlife by-products and derivatives from another country;

6 (t) *Indigenous wildlife* refers to species or subspecies of wildlife
7 naturally occurring or have a naturally established population in the country;

8 (u) *Introduction* refers to the bringing of species into the wild or outside
9 its natural habitat;

10 (v) *Introduction from the sea* refers to the transportation into the
11 country of specimen of any species which were taken from the marine
12 environment which is not under the jurisdiction of any State;

13 (w) *Invasive alien species* or *IAS* refer to species whose introduction or
14 proliferation outside their natural past or present distribution threatens
15 biological diversity;

16 (x) *Local transport permit* refers to a permit authorizing a person to
17 bring wildlife from one place to another within the territorial jurisdiction of the
18 Philippines;

19 (y) *Maltreatment* refers to the commission of torture or any form of
20 cruelty to any wildlife, or omission or neglect to provide adequate care,
21 sustenance or shelter to wildlife;

22 (z) *Near threatened species* refers to a species or subspecies that is
23 neither critically endangered, endangered nor vulnerable but is under threat
24 from adverse factors, such as over collection, throughout their range and is likely
25 to move to the vulnerable category in the near future;

26 (aa) *Other wildlife species* refer to all other wildlife species not classified
27 as threatened or near-threatened;

28 (bb) *Person* refers to a natural or juridical person;

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

33 (dd) *Re-export permit* refers to a permit authorizing a person to bring out
34 of the country previously imported wildlife, wildlife by-products and derivatives
35 thereof;

36 (ee) *Shipper* refers to a person that sends or transports goods by sea,
37 land, or air;

(ff) *Special Local Transport Permit* refers to a permit conferred to holders of a Wildlife Special Use Permit (WSUP) authorizing the conveyance of wildlife, by-products and derivatives from the facility of origin to one or more places within the Philippine, and back to the facility of origin;

(gg) *Threatened species* refers to species or subspecies considered as critically endangered, endangered, vulnerable, or other accepted categories of wildlife which is at risk of extinction;

(hh) *Trade* refers to the act of engaging in the exchange, exportation or importation, purchase or sale of wildlife, wildlife by-products and derivatives, locally or internationally;

(ii) *Traditional use* refers to the utilization of wildlife by indigenous people in accordance with written or unwritten rules, usage, customs and practices traditionally observed, accepted and recognized by them;

(jj) *Vulnerable species* refers to species or subspecies that are not endangered but are under threat from adverse factors throughout their range and is likely to move to the endangered category in the near future;

(kk) *Wildlife* refers to wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated. It excludes domesticated species;

(ll) *Wildlife collector's permit* refers to a permit to take, gather or harvest from the wild certain species and quantities of wildlife as parental stocks for commercial breeding purposes;

(mm) *Wildlife farm culture permit* refers to a permit to develop, operate and maintain a wildlife breeding farm for conservation, trade or scientific purposes;

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

(oo) *Wildlife laundering* refers to 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;

(pp) *Wildlife rescue center* refers to a government established or designated repository 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 DENR, DA, or the PCSD;

(qq) *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, wildlife by-products and derivatives;

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

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

CHAPTER II

CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES

ARTICLE I

General Provisions

SEC. 6. *Wildlife Information.* – All activities described in this Chapter, shall be authorized by the DENR, DA or PCSD upon proper evaluation of best available information or scientific data showing that the activity or its intended purpose is not detrimental to the survival of the species or subspecies involved and their habitat. For this purpose, the DENR, DA or PCSD shall regularly update wildlife information through research.

The DENR, DA and PCSD shall establish their respective National Wildlife Management Committee (NWMC) to provide technical and scientific advice on wildlife conservation and protection. 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 and other experts, when necessary. The DENR, DA or PCSD shall act as Chairperson of their respective NWMC.

The DENR and DA shall establish a Regional Wildlife Management Committee (RWMC) in every administrative region to provide technical and scientific advice on wildlife conservation and protection to DENR and DA field offices.

SEC. 7. *Biosafety* – All activities dealing with genetic engineering and pathogenic organisms in the Philippines, as well as activities requiring the importation, introduction, field release and breeding of organisms shall be reviewed by the DENR, DA-BFAR or PCSD in accordance with the biosafety guidelines designed to ensure public welfare and the protection and conservation of wildlife and their habitats.

1 **SEC. 8. Economically Important Species.** – The DENR, DA, and PCSD
2 shall establish a list of economically-important species. Where appropriate, a
3 population assessment of such species shall be conducted within a reasonable
4 period and shall be regularly reviewed and updated.

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

10 Whenever an economically important species becomes threatened, any
11 form of collection thereof shall be prohibited except for scientific, educational or
12 breeding or propagation purposes, pursuant to the provisions of this Act.

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

21 The list of IAS and the NISSAP shall be periodically reviewed, updated and
22 copies of the same shall be made readily available to concerned government
23 agencies and local government units. All national government agencies and local
24 government units shall coordinate with the DENR, DA and PCSD in the
25 implementation and localization of the strategy and action plan.

26 **SEC. 10. Designation of Management and Scientific Authorities for**
27 **International Trade in Endangered Species of Wild Fauna and Flora.** – The
28 Biodiversity Management Bureau (BMB) of the DENR shall be the management
29 authority in the implementation of international agreements on international
30 trade in endangered species of wild fauna and flora and terrestrial resources,
31 while the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA shall be
32 the authority with respect to aquatic resources Finally, pursuant to Republic Act
33 No. 7611, the Palawan Council for Sustainable Development, shall manage the
34 implementation of international agreements on international trade endangered
35 species of wild fauna and flora, terrestrial resources and aquatic resources in
36 the province of Palawan.

37 Scientific authorities shall provide advice to these management

1 authorities. The scientific authorities for the terrestrial species are the
2 Ecosystems Research and Development Bureau (ERDB) of the DENR, the
3 University of the Philippines (U.P.) Institute of Biological Sciences, U.P. Institute
4 of Biology and the National Museum, and other agencies as may be designated
5 by the DENR or DA Secretary. The scientific authorities for the marine and
6 aquatic species are the National Fisheries Research and Development Institute
7 (NFRDI), U.P. Marine Science Institute, U.P. Visayas, Silliman University, the
8 National Museum and other agencies as may be designated by the DENR or DA
9 Secretary. The ERDB shall be the lead convenor of the scientific authorities for
10 terrestrial species while the NFRDI shall be the lead convenor of the scientific
11 authorities for marine and aquatic species.

12 13 **ARTICLE II**

14 **Permissible Activities**

15 **SEC. 11. *Collection of Wildlife.*** – Collection of wildlife may be allowed in
16 accordance with Section 6 of this Act subject to the following conditions:

- 17 a) in the collection of wildlife, appropriate and acceptable wildlife
18 collection techniques with least or no detrimental effects to the existing
19 wildlife populations and their habitats shall be required;
- 20 b) collection of wildlife by indigenous peoples (IPs) in their ancestral land
21 or domain may be allowed for traditional use and not primarily for
22 profit;
- 23 c) the collection of wildlife resources by IPs must be undertaken in
24 accordance with the guidelines established by the Secretary of
25 Agriculture: *Provided*, That the collection of threatened wildlife shall be
26 governed by Section 21 of this Act.

27 **SEC. 12. *Possession of Wildlife.*** – No person or entity shall be allowed
28 possession of wildlife unless such person or entity can prove financial and
29 technical capability, including scientific knowledge, and possess the appropriate
30 facility to maintain said wildlife: *Provided*, That the wildlife was not obtained in
31 violation of this Act or other laws.

32 **SEC. 13. *Collection or Possession of By-Products and Derivatives.*** –
33 The collection or possession of wildlife by-products and derivatives may be
34 allowed: *Provided*, That the same was not obtained in violation of this Act or
35 other laws.

36 **SEC. 14. *Local Transport of Wildlife, By-Products and Derivatives.*** –
37 Local transport of wildlife, wildlife by-products and derivatives legally collected

1 or possessed shall be authorized by the concerned agency unless the same is
2 prejudicial to the wildlife and public health.

3 **SEC. 15. *Exportation or Importation of Wildlife, By-Products and***
4 ***Derivatives.*** – Wildlife, wildlife by-products and derivatives may be exported to
5 or imported from another country as may be authorized by the Secretaries of the
6 DENR and DA and PCSD chairperson, or their designated representatives,
7 subject to strict compliance with the provisions of this Act and the rules and
8 regulations promulgated pursuant thereto: *Provided*, That the recipient of live
9 wildlife has the technical and financial capacity to maintain it. The importation
10 of invasive alien species shall not be allowed.

11 **SEC. 16. *Introduction, Reintroduction or Restocking of Endemic or***
12 ***Indigenous Wildlife.*** – The introduction, reintroduction, or restocking of
13 endemic and indigenous wildlife shall be allowed only for population
14 enhancement or recovery purposes, subject to prior clearance from the DENR or
15 DA Secretary or the authorized representative pursuant to Section 6 of this Act.

16 Any proposed introduction shall be subject to a scientific study which shall
17 focus on the bio-ecology and natural history as well as the conduct of public
18 consultations with concerned individuals or entities.

19 **SEC. 17. *Introduction of Exotic Wildlife.*** –No exotic species shall be
20 introduced into the country without clearance from the DENR, DA, or PCSD or
21 their authorized representatives. In no case shall exotic species be introduced
22 into protected areas covered by R.A. No. 7586 and R.A. No. 11038 and to critical
23 habitats under Section 27 hereof: *Provided*, That the introduction of such exotic
24 species shall not pose any adverse impacts on local ecology and that further
25 environmental impact study shall be undertaken which shall focus on the bio-
26 ecology, natural history, socioeconomic and related aspects of the area where
27 the species will be introduced. The proponent shall also be required to secure
28 the free and prior informed consent from concerned indigenous people (IP)
29 communities as well as to conduct public consultations with local stakeholders.

30 **SEC. 18. *Bioprospecting.*** – Bioprospecting shall be allowed upon
31 execution of an undertaking by any proponent, which shall stipulate, among
32 others that the proponent shall comply with reasonable terms and conditions
33 that may be imposed by the DENR and DA Secretaries, and the PCSD
34 chairperson to protect biological diversity and ensure fair and equitable sharing
35 of benefits derived from the utilization of Philippine genetic resources.

36 Before any permit shall be granted by the DENR and DA Secretaries, and
37 the PCSD chairperson or their authorized representatives, the proponent shall

1 secure the free, prior and informed consent of the concerned indigenous cultural
2 communities, local communities, pursuant to RA 8731 or the
3 “*Indigenous Peoples’ Rights Act of 1997*,” and of the Protected Area Management
4 Board under RAs 7586 and 11038, or from any affected person. The applicant
5 shall fully disclose the intent and scope of the bioprospecting activity in a
6 language and process understandable to the community.

7 Whenever applicable and appropriate, a local institution shall be tapped
8 to be involved in the research, collection, and technological development of the
9 product or products derived from the wildlife biological and genetic resources.
10 Upon submission of the complete requirements, the DENR and DA Secretaries,
11 and PCSD chairperson shall act on the research proposal within a reasonable
12 period of time.

13 **SEC. 19. Scientific Researches on Wildlife.** – Collection and utilization
14 of biological resources for scientific research, not for commercial purposes, shall
15 be allowed upon execution of an undertaking or agreement or the issuance of a
16 gratuitous permit by the DENR and DA Secretaries, or their authorized
17 representative: *Provided*, That clearance from concerned bodies shall be secured
18 before the issuance of the gratuitous permit: *Provided*, Further, That special
19 conditions to facilitate the conduct of scientific research by Filipino students may
20 be provided by either of the DENR or DA Secretary, or the Chairperson of the
21 PCSD.

22 Whenever applicable and appropriate, a local institution shall be tapped
23 to be involved in the research, collection, and technological development of the
24 product or products derived from the biological and genetic resources.

25 **SEC. 20. Commercial Breeding or Propagation of Wildlife Resources.**
26 – Breeding or propagation of wildlife for commercial purposes shall be allowed
27 by the DENR Secretary, DA Secretary, PCSD chairperson, or their authorized
28 representatives pursuant to Section 6 of this Act through the issuance of wildlife
29 farm or culture permit: *Provided*, That only propagated flora, progenies of wild
30 fauna raised, or specimens therefrom, as well as unproductive parent stock shall
31 be utilized for trade: *Provided, further*, That commercial propagation and
32 breeding operations for wildlife, whenever appropriate, shall be subject to an
33 environmental impact study.

34 **SEC. 21. Collection of Threatened Wildlife, By-Products and**
35 **Derivatives.** – The collection of threatened wildlife, as determined and listed
36 pursuant to this Act, including its by-products and derivatives, shall be allowed
37 only for scientific, or breeding or propagation purposes in accordance with

Section 6 of this Act. Only persons accredited by the DENR Secretary, DA Secretary, or the PCSD Chairperson shall be allowed to collect for conservation breeding or propagation purposes.

SEC. 22. Conservation Breeding or Propagation of Threatened Species. – Conservation breeding or propagation of threatened species shall be encouraged in their natural habitats. It shall be done simultaneously with the rehabilitation and protection of the habitat where the captive-bred or propagated species shall be released, reintroduced, or restocked.

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

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

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

The DENR Secretary, DA Secretary, or PCSD Chairperson shall prepare a list of threatened species for commercial breeding and shall regularly revise or update such list or as the need arises.

ARTICLE III

Permits, Fees and Charges

SEC. 24. Issuance and Validity of Permits. - The DENR Secretary, DA Secretary, and the PCSD Chairperson, or their duly authorized representative, shall issue permits, certifications, or clearances with corresponding periods of

validity according to the following:

- | | |
|--|----------------------------------|
| (1) Wildlife farm or culture permit | three (3) to five (5) years; |
| (2) Wildlife collector's permit | one (1) to three (3) years; |
| (3) Gratuitous permit | one (1) to three (3) years; |
| (4) Local transport permit | not more than three (3) months; |
| (5) Special Local Transport Permit | not more than three (3) months; |
| (6) Wildlife Local Trade Permit | one (1) year; |
| (7) Wildlife Special Use Permit | one (1) to three (3) years; |
| (8) Export/Import/Re-export Permit | one (1) to six (6) months; |
| (9) Certificate of Introduction from the Sea | one (1) to six (6) months |

1 The permits may be renewed subject to the guidelines to be issued by the
2 appropriate agency and upon consultation with concerned groups.

3 **SEC 25. Authority to Collect Fees and Charges.** – The Secretaries of the
4 DENR, and DA, and the PCSD Chairperson are hereby authorized to impose and
5 collect reasonable fees and charges for the issuances of permits enumerated in
6 the preceding section, as may be determined upon consultation with the
7 concerned groups, and in the amount fixed by the DENR, DA, or PCSD.

8 For the export of wildlife species, an export permit fee of not more than five
9 percent (5%) of the export value, excluding transport costs, shall be charged:
10 *Provided*, That in the determination of aforesaid fee, the production costs shall
11 be given due consideration. Cut flowers, leaves and the like, produced from farms
12 shall be exempted from the said export fee. These fees and charges shall be
13 reviewed by the DENR and DA Secretaries every two (2) years or as the need
14 arises and revisions shall be made accordingly, subject to consultation with
15 concerned sectors.

16 The DENR, DA Secretaries, or the PCSD Chairperson may impose an
17 import permit fee based on import value and valuation of potential risks to
18 biodiversity and human health. Fees and charges under international
19 agreements shall be borne by the applicant.

20 **ARTICLE IV**

21 **Protection of Threatened Species**

22 **SEC. 26. Determination of Threatened Species.** - The DENR and DA
23 Secretaries, or the PCSD Chairperson shall accordingly determine whether any
24 wildlife species or subspecies is threatened, and classify the same as critically
25 endangered, endangered, vulnerable, or other accepted categories based on the
26 best scientific data and with due regard to internationally accepted criteria,
27 including the following:

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

30 (b) over-utilization for commercial, recreational, scientific or educational
31 purposes; and

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

33 The DENR and DA Secretaries, and the PCSD Chairperson shall
34 accordingly review, revise, and publish the list of categorized threatened wildlife
35 within one (1) year after effectivity of this Act. Thereafter, the list shall be updated
36 regularly or as the need arises: *Provided*, That a species listed as threatened shall
37 not be removed therefrom within three (3) years of its initial inclusion in the list.

1 The DENR Secretary, DA Secretary, or the PCSD shall accordingly evaluate
2 the status of the species that are the subject of a petition filed by any person
3 seeking for the addition or deletion of such species from the list and act on said
4 petition based on the criteria stated herein within a reasonable period of time.

5 **SEC. 27. Registration of Threatened and Exotic Wildlife in the**
6 **Possession of Private Persons.** – Threatened and exotic wildlife possessed
7 without a Certificate of Wildlife Registration shall be confiscated in favor of the
8 government and the person in possession shall be subject to the penalties
9 provided in this Act. Certificates of Wildlife Registration shall be issued only for
10 the following:

11 (a) Wildlife stock acquired under a prior valid wildlife permit issued to the
12 same applicant, including wildlife import permits or certifications, wildlife
13 collector's permit, subject to the submission of proof of legal acquisition;

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

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

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

24 **ARTICLE V**

25 **Critical Habitats**

26 **SEC. 28. Establishment of Critical Habitats.** – The DENR, and DA
27 Secretaries, and the PCSD Chairperson shall designate critical habitats where
28 threatened species are found outside protected areas designated as such under
29 R.A Nos. 7586 and 11038 and other existing. Such designation shall be made on
30 the basis of the best scientific data taking into consideration species endemism
31 or richness, presence of man-made pressures/threats to the survival of wildlife
32 living in the area, among others.

33 All designated critical habitats shall be protected, in coordination with the
34 local government units, indigenous peoples, and other concerned groups, from
35 any form of exploitation or destruction which may be detrimental to the survival
36 of the threatened species dependent therein. For such purpose, the DENR or DA
37 Secretary, and PCSD chairperson 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.

To complement these habitats, the DENR Secretary, DA Secretary, or the PCSD chairperson may also identify for protection a geographically defined area other than a protected area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the *in-situ* conservation of biodiversity, with associated ecosystem functions and services, and where, cultural, spiritual, socio-economic, and other locally relevant values can be applied or observed.

CHAPTER III
WILDLIFE CRIMES
ARTICLE I
Illegal Acts

SEC. 29. *Illegal Acts.* – It is unlawful for any person to willfully and knowingly undertake, or to induce, solicit, or employ another person to undertake, the following acts:

(a) Killing or destroying wildlife species, including causing death or destruction as a result of any violation of this Act, except in the following instances;

- (i) when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
 - (ii) when the wildlife is afflicted with an incurable communicable disease;
 - (iii) when it is deemed necessary to put an end to the misery suffered by the wildlife;
 - (iv) when it is done to prevent an imminent danger to the life or limb of a human being;
 - (v) when the wildlife is killed or destroyed after it has been used in authorized research or experiments; and
 - (vi) when done for the purpose of wildlife population management or eradication of invasive alien species, as authorized by the DENR, DA or PCSD.
- (b) Injuring, Crippling, or impairing the reproductive system of wildlife species;
- (c) Effecting any of the following acts in critical habitats:
 - (i) dumping of waste products detrimental to wildlife and the critical

habitat;

(ii) squatting or otherwise illegally occupying any portion of the critical habitat;

(iii) mineral exploration or extraction, treasure-hunting or prospecting;

(iv) burning;

(v) logging;

(vi) quarrying.

(vii) land reclamation;

(vii) disturbing wildlife through activities that endanger flora, fauna and their habitats; and

(ix) introduction, whether intentional or not, of substance or any man-made or anthropogenic material, agent or medium that endangers the habitat or renders habitat no longer viable for wildlife

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

(e) Trading or attempting to trade wildlife, wildlife by-products and derivatives, including advertising, contracting or offering for the purpose of sale or procurement of wildlife, wildlife by-products and derivatives through online platform or any other means;

(f) Collecting, hunting, or possessing wildlife, wildlife by-products and derivatives;

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

(h) Maltreating or inflicting other injuries not covered by the preceding paragraphs;

(i) Transporting of wildlife without the appropriate, valid permits, clearances, agreements or certificates;

(j) Wildlife laundering; and

(k) Destruction of wildlife habitat which consists of any of the acts in paragraph (c) including a combination thereof, resulting in the cessation or impairment of the ecological service or function associated with the habitat, the effects of which will take a considerable amount of time and effort to reverse.

SEC 30. Wildlife Trafficking. – When any of the violations of paragraphs (a), (e), (f), (i), and (j) in Sec. 29 are committed by a syndicate or in large scale, or the wildlife involved is to be exported or is actually exported to another country, or is imported from another country by the person in connivance with the persons from whom the wildlife was apprehended, the offense committed is

wildlife trafficking and shall be penalized accordingly.

Wildlife trafficking is also committed under any of the following circumstances, whether domestic or transnational: (a) When one or more persons agree to commit any of the aforementioned illegal acts for a purpose relating directly or indirectly to obtaining of financial or other material benefit from any crime defined in this Act, including any act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group; (b) When a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in criminal activities of the organized criminal group or other activities of the organized criminal group in the knowledge that the participation will contribute to the achievement of the above-described criminal aim; and (c) Organizing, directing, aiding, abetting, facilitating or counselling the commission of any of the illegal acts defined under this Act involving an organized criminal group.

ARTICLE II

Penalties

SEC. 31. Penalties for Violations of this Act. – Any person who commits the illegal acts described under paragraph (a) of Sec. 29 of this Act shall, upon conviction, be punished by the following penalties:

(a) *Reclusion temporal* or imprisonment of not less than twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Two million pesos (P2,000,000.00), or both, if the illegal act involved critically endangered species;

(b) *Prision mayor* or imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than to One million pesos (P1,000,000.00), or both, if the illegal act involved endangered species;

(c) *Prision correccional* in its medium and maximum period or imprisonment of not less than two (2) years, four (4) months and one (1) day but not more than six (6) years, or a fine of not less than Sixty thousand pesos (P60,000.00) but not more than Six hundred thousand pesos (P600,000.00), or both, if the illegal act involved vulnerable species;

(d) *Prision correccional* in its minimum period or imprisonment of not less

1 than six (6) months and one (1) day but not more than two (2) years and
2 four (4) months, or a fine of not less than Forty thousand pesos
3 (P40,000.00) but not more than Four hundred thousand pesos
4 (P400,000.00), or both, if the illegal act involved near threatened species;
5 and

6 (e) *Prision correccional* in its minimum period or imprisonment of not less
7 than six (6) months and one (1) day but not more than two (2) years and
8 four (4) months, or a fine of not less than Twenty thousand pesos
9 (P20,000.00) but not more than Two hundred thousand pesos
10 (P200,000.00), or both, if the illegal act involved other wildlife species.

11 For illegal acts under paragraph (b) of Sec 29 of this Act, the following
12 penalties and fines shall be imposed:

13 (a) *Prision correccional* in its maximum period or imprisonment of not less
14 than four (4) years, two (2) months and one (1) day but not more than
15 six (6) years, or a fine of One hundred thousand pesos (P100,000.00) but
16 not more than One million pesos (P1,000,000.00), or both, if the illegal act
17 involved critically endangered species;

18 (b) *Prision correccional* in its medium period or imprisonment of not less
19 than two (2) years, four (4) months and one (1) day but not more than four
20 (4) years and two (2) months, or a fine of not less than Sixty thousand
21 pesos (P60,000.00) but not more than Four hundred thousand pesos
22 (P400,000.00), or both, if the illegal act involved endangered species;

23 (c) *Prision correccional* in its minimum period or imprisonment of not less
24 than six (6) months and one (1) day but not more than two (2) years and
25 four (4) months, or a fine of not less than Forty thousand pesos
26 (P40,000.00) but not more than Four hundred thousand pesos
27 (P400,000.00), or both, if the illegal act involved vulnerable species;

28 (d) *Prision correccional* in its minimum period or imprisonment of not less
29 than six (6) months and one (1) day but not more than two (2) years and
30 four (4) months, or a fine of not less than Twenty thousand pesos
31 (P20,000.00) but not more than One hundred thousand pesos
32 (P100,000.00), or both, if the illegal act involved near threatened species;
33 and

34 e) *Arresto mayor* or imprisonment of not less than one (1) month and one
35 (1) day to six (6) months, or a fine of Ten thousand pesos (P10,000.00) to
36 Forty thousand pesos (P40,000.00), or both, if the illegal act involved other
37 wildlife species.

1 For illegal acts described under paragraphs (c) and (d) of Sec.29 of this
2 Act, the penalty involved is *arresto mayor* to *prision mayor* in its minimum period
3 or imprisonment of not less than one (1) month and one (1) day but not more
4 than eight (8) years, or a fine of not less than Ten thousand pesos (P10,000.00)
5 but not more than Ten million pesos (P10,000,000.00), or both, shall be imposed.
6 If a critical habitat requires rehabilitation or restoration as a result of the illegal
7 act as determined by the Court, the offender shall be additionally required to
8 restore the same, whenever practicable, or pay additional compensation for the
9 damage caused.

10 For illegal acts described in paragraph (e) Sec. 29 of this Act, the following
11 penalties and fines shall be imposed:

12 (a) *Prision correccional* in its maximum period or imprisonment of not less
13 than four (4) years, two (2) months and one (1) day but not more than six
14 (6) years, or a fine of not less than Fifty thousand pesos (P50,000.00) but
15 not more than Six hundred thousand pesos (P600,000.00), or both, if the
16 illegal act involved critically endangered species;

17 (b) *Prision correccional* in its medium period or imprisonment of not less
18 than two (2) years, four (4) months and one (1) day but not more than four
19 (4) years and two (2) months, or a fine of not less than Thirty thousand
20 pesos (P30,000.00) but not more than Four hundred thousand pesos
21 (P400,000.00), or both, if the illegal act involved endangered species;

22 (c) *Prision correccional* in its minimum period or imprisonment of not less
23 than six (6) months and one (1) day but not more than two (2) years and
24 four (4) months or a fine of not less than Twenty thousand pesos
25 (P20,000.00) but not more than Two hundred thousand pesos
26 (P200,000.00), or both, if the illegal act involved vulnerable species;

27 (d) *Arresto mayor* or imprisonment of not less than one (1) month and one
28 (1) day but not more than six (6) months, or a fine of not less than Ten
29 thousand pesos (P10,000.00) but not more than One hundred thousand
30 pesos (P100,000.00), or both, if the illegal act involved near threatened
31 species; and

32 (e) *Arresto menor* in its medium period and maximum period or
33 imprisonment of not less than eleven (11) to thirty (30) days, or a fine of
34 not less than Five thousand pesos (P5,000.00) but not more than Forty
35 thousand pesos (P40,000.00), or both, if the illegal act involved other
36 wildlife species.

37 For illegal acts described under paragraphs (f) and (g) of Sec. 29 of this

1 Act, the following penalties and fines shall be imposed:

2 a) *Prision correccional* in its medium period or imprisonment of not less
3 than two (2) years, four (4) months and one (1) day but not more than four
4 (4) years and two (2) months, or a fine of not less than Sixty thousand
5 pesos (P60,000.00) but not more than Six hundred thousand pesos
6 (P600,000.00), or both, if the illegal act involved critically endangered
7 species;

8 (b) *Prision correccional* in its minimum period or imprisonment of not less
9 than six (6) months and one (1) day but not more than two (2) years and
10 four (4) months, or a fine of not less than Forty thousand pesos
11 (P40,000.00) but not more than Four hundred thousand pesos
12 (P400,000.00), or both, if the illegal act involved endangered species;

13 (c) *Prision correccional* in its minimum period or imprisonment of not less
14 than six (6) months and one (1) day but not more than two (2) years and
15 four (4) months, or a fine of not less than Twenty thousand pesos
16 (P20,000.00) but not more than Two hundred thousand pesos
17 (P200,000.00), or both, if the illegal act involved vulnerable species;

18 (d) *Arresto mayor* or imprisonment of not less than one (1) month and one
19 (1) day but not more than six (6) months), or a fine of not less than Ten
20 thousand pesos (P10,000.00) but not more than One hundred thousand
21 pesos (P100,000.00), or both, if the illegal act involved near threatened
22 species; and

23 (e) *Arresto menor* in its medium period and maximum period or
24 imprisonment of not less than eleven (11) but not more than thirty (30)
25 days, or a fine of not less than Two thousand pesos (P2,000.00) but not
26 more than Ten thousand pesos (P10,000.00), or both, if the illegal act
27 involved other wildlife species: *Provided*, That if the act was perpetuated
28 through the means of inappropriate techniques and devices, the
29 maximum penalty herein provided shall be imposed.

30 For illegal acts under paragraphs (h) and (i) of Sec. 29 of this Act, the
31 following penalties and fines shall be imposed:

32 (a) *Prision correccional* in its minimum period or imprisonment of not less
33 than (6) months and one (1) day but not more than two (2) years and four
34 (4) months, or a fine of not less than One hundred thousand pesos
35 (P100,000.00) but not more than Two hundred thousand pesos
36 (P200,000.00), or both, if the illegal act involved critically endangered
37 species;

1 (b) *Arresto mayor* in its maximum period or imprisonment of not less than
2 four (4) months and one (1) day but not more than six (6) months, or a fine
3 of not less than Forty thousand pesos (P40,000.00) but not more than One
4 hundred thousand pesos (P100,000.00), or both, if the illegal act involved
5 endangered species;

6 (c) *Arresto mayor* in its minimum and medium period or imprisonment of
7 not less than one (1) month but not more than four (4) months, or a fine
8 of not less than Ten thousand pesos (P10,000.00) but not more than Forty
9 thousand pesos (P40,000.00), or both, if the illegal act involved vulnerable
10 species;

11 (d) *Arresto menor* in its medium period and maximum period or
12 imprisonment of not less than eleven (11) but not more than thirty (30)
13 days, or a fine of not less than Two thousand pesos (P2,000.00) but not
14 more than Ten thousand pesos (P10,000.00), or both, if the illegal act
15 involved near threatened species;

16 (e) *Arresto menor* in its minimum period or imprisonment of not less than
17 one (1) day but not more than ten (10) days, or a fine of not less than Five
18 hundred pesos (P500.00) but not more than Two thousand pesos
19 (P2,000.00), or both, if the illegal act involved other wildlife species.

20 For illegal acts under paragraph (j) of Sec. 29 of this Act, the following
21 penalties and fines shall be imposed:

22 (a) *Prision correccional* in its maximum period or imprisonment of not less
23 than four (4) years, two (2) months and one (1) day but not more than six
24 (6) years, or a fine of not less than Fifty thousand pesos (P50,000.00) but
25 not more than Six hundred thousand pesos (P600,000.00), or both, if the
26 illegal act involved critically endangered species;

27 (b) *Prision correccional* in its medium period or imprisonment of not less
28 than two (2) years, four (4) months and one (1) day but not more than four
29 (4) years and two (2) months, or a fine of not less than Thirty thousand
30 pesos (P30,000.00) but not more than Four hundred thousand pesos
31 (P400,000.00), or both, if the illegal act involved endangered species;

32 (c) *Prision correccional* in its minimum period or imprisonment or not less
33 than six (6) months and one (1) day but not more than two (2) years and
34 four (4) months, or a fine of not less than Twenty thousand pesos
35 (P20,000.00) but not more than Two hundred thousand pesos
36 (P200,000.00), or both, if the illegal act involved vulnerable species;

37 (d) *Arresto mayor* or imprisonment of not less than one (1) month and one

(1) day but not more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000.00) but not more than One hundred thousand pesos (P100,000.00), or both, if the illegal act involved near threatened species; and

(e) *Arresto menor* in its medium period and maximum period or imprisonment of not less than eleven (11) days but not more than thirty (30) days), or a fine of not less than Five thousand pesos (P5,000.00) but not more than Forty thousand pesos (P40,000.00), or both, if the illegal act involved other wildlife species.

For acts constituting wildlife trafficking, the following fines and penalties shall be imposed:

(a) *Reclusion temporal* or imprisonment of not less than twelve (12) years and one (1) day but not more than twenty (20) years, or a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Two million pesos (P2,000,000.00), or two times the proven market value, whichever is higher, or both, if the illegal act involved critically endangered species;

(b) *Prision mayor* or imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00), or two times the proven market value, whichever is higher, or both, if the illegal act involved endangered species;

(c) *Prision correccional* in its medium and maximum period or imprisonment of not less than two (2) years, four (4) months and one (1) day but not more than six (6) years, or a fine of Sixty thousand pesos (P60,000.00) to Six hundred thousand pesos (P600,000.00), or two times the proven market value, whichever is higher, or both, if the illegal act involved vulnerable species;

(d) *Prision correccional* in its minimum period or imprisonment of not less than six (6) months and one (1) day but not more than two (2) years and four (4) months, or a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Sixty thousand pesos (P60,000.00), or two times the proven market value, whichever is higher, or both, if the illegal act involved other protected wildlife species.

SEC. 32. Criminal Liabilities and Disqualification. – (a) If the violation is committed by a corporation, cooperative, association or any other juridical person, such as airfreight, shipping, trucking or forwarding companies, the

1 penalty shall be imposed upon the president, director or directors, managers,
2 managing partner, or other official thereof responsible for such violation:
3 *Provided, That, the fine shall be doubled: Provided, further, That the liability*
4 *imposed on the juridical person shall be without prejudice to the criminal*
5 *liability of the natural person who actually committed the offense.*

6 (b) Any government official or employee who violates this Act, shall, in
7 addition to the criminal liability that the court may find and the penalty that
8 may be imposed pursuant thereto, shall be perpetually disqualified from holding
9 any public office.

10 c) Any person convicted of a violation of this Act shall be permanently and
11 perpetually disqualified from being issued any wildlife permit, clearance,
12 agreement or certificate.

13 **SEC. 33. Civil Liabilities.** – Civil action for the recovery of civil liability
14 arising from the offense charged shall be included in the criminal action or may
15 be separately filed. Civil liabilities are separate from criminal and administrative
16 liabilities and shall include costs for maintenance of apprehended live wildlife
17 species, economic reparations, or indemnification for environment damage,
18 among others.

19 **SEC. 34. Amount of Fines.** – The fines herein prescribed shall
20 automatically increase by ten percent (10%) every three years from the effectivity
21 of this Act without need for further legislation or administrative issuance.

22 **ARTICLE III**

23 **Disputable Presumptions and Qualifying Circumstances**

24 **SEC. 35. Disputable Presumptions.** – Without the appropriate wildlife
25 permit, certification or clearance, or authority at the time of apprehension, the
26 following shall constitute *prima facie* evidence of the corresponding illegal acts
27 punishable under this Act:

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

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

37 (e) Entry into areas designated as critical habitats while in possession of

1 hunting, trapping or collecting paraphernalia shall be a disputable presumption
2 that the person intends to collect, hunt or gather wildlife resources thereat; and

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

10 **SEC. 36. Qualifying Circumstances.** – Any prohibited act committed on
11 each wildlife specimen shall be counted separately. The imposition of penalties
12 shall be qualified and the maximum penalty shall be imposed if the prohibited
13 acts committed involve:

- 14 a. More than one (1) specimen of a critically endangered species;
- 15 b. More than five (5) of specimens of an endangered species;
- 16 c. More than eight (8) specimens of a vulnerable species;
- 17 d. More than ten (10) specimens of a near threatened species;
- 18 e. More than fifteen (15) specimens of other wildlife species;
- 19 d. More than twenty (20) wildlife specimens of any classification;

20 If the prohibited act is committed in a large scale or by a syndicate, the
21 penalty of twice the maximum penalty shall be imposed. A prohibited act is
22 deemed large scale when the total number of wildlife specimen involved is more
23 than thirty (30). A prohibited act is deemed committed by a syndicate if more
24 than three (3) persons are involved.

25 If the prohibited act committed involves the inducement of indigenous
26 peoples (IPs), the maximum penalty shall be imposed.

27 **SEC 37. Penalties for Recidivists.** – The maximum applicable penalty
28 shall be imposed upon a recidivist who commits any of the illegal acts punishable
29 under this Act. A recidivist refers to a person who, at the time of the trial for
30 violation of this Act, shall have been previously convicted by final judgment of
31 the same or another violation of this Act.

32 **SEC 38. Liability Under Other Laws.** – Prosecution for violation of this
33 Act shall be without prejudice to the prosecution of the offender for violation of
34 other laws, rules and regulations.

35 **ARTICLE IV**

36 **Administrative Adjudication**

37 **SEC. 39. Authority to Adjudicate and Administer Penalties.** – The

1 Secretaries of the DENR and DA, PCSD chairperson, or their respective
2 authorized representatives shall exercise administrative adjudication,
3 confiscation, and forfeiture powers, including the power to cite in contempt, in
4 all cases of violations of this Act. They may also impose administrative sanctions
5 such as payment of fines, or order the suspension or cancellation of existing
6 wildlife permits and disqualification from issuance of future permits, the closure
7 of establishment, or the confiscation and forfeiture of all wildlife, wildlife by-
8 products and derivatives, and all paraphernalia, tools and conveyances used in
9 connection with the violation, and to dispose of the same in accordance with
10 pertinent laws, regulations or policies on the matter. The Secretaries of the DENR
11 and DA, PCSD chairperson, or their respective authorized representatives may,
12 after due notice and hearing, cancel or suspend wildlife permits, clearances,
13 agreements and/or certificates issued to persons found to have violated any
14 provision of this Act, rules and regulations issued to implement it, or the terms
15 of the permits, agreements or certificates. The Secretaries of the DENR and the
16 DA, and the PCSD chairperson shall issue appropriate procedural rules and
17 regulations for the administrative adjudication of violations of this Act.

18 **CHAPTER IV**

19 **Transnational Wildlife Crimes**

20 **SEC. 40. *Transnational Character of Wildlife Crime.*** – Consistent
21 with the provisions of the United Nations Convention on Transnational
22 Organized Crime (UNTOC) to which the Philippines is a Party, and which is
23 considered part of the law of the land through incorporation, a wildlife crime
24 acquires a transnational character if committed:

- 25 (a) In more than one State;
26 (b) In one State, but a substantial part of its preparation, planning,
27 direction or control takes place in another State;
28 (c) In one State, but involves an organized criminal group that engages in
29 criminal activities in more than one State; or
30 (d) In one State, but has substantial effects on another State.

31 **SEC. 41. *International Cooperation.*** – Once the Philippine Center on
32 Transnational Crime (PCTC) has received a request from another State Party of
33 UNTOC for confiscation of proceeds of crime, property, equipment, or other
34 instrumentalities from the commission of a transnational wildlife crime, the
35 PCTC shall submit the request to the implementing agencies of this Act for the
36 purpose of obtaining an order of confiscation, and if such an order is granted,
37 shall enforce such order.

1 In addition, upon receipt of such a request, the PCTC, in coordination with
2 the implementing agencies of this Act, shall take measures to identify, trace,
3 freeze, seize property, equipment, other instrumentalities and the proceeds of
4 the transnational wildlife crime.

5 **SEC. 42. Collection, Exchange, and Analysis of Information on the**
6 **Nature of Transnational Wildlife Crime.** – The PCTC shall consolidate and
7 analyze, in consultation with the scientific and academic communities and other
8 relevant international and regional organizations, including International
9 Criminal Police Organization (INTERPOL) and Association of Southeast Asian
10 Nation National Police (ASEANAPOL), consolidate and analyze the trends in
11 organized crime in its territory, the circumstances in which organized crime
12 operates, as well as the professional groups and technologies involved. The PCTC
13 shall also consider developing and sharing analytical expertise concerning
14 organized criminal activities with other international and regional organizations.
15 For these purposes, common definitions, standards and methodologies should
16 be developed and applied, as appropriate.

17 **SEC. 43. Policies and Other Measures to Address Transnational**
18 **Wildlife Crime.** – The PCTC shall work with the DENR, DA, PCSD and the
19 Office of the Special Envoy for Transnational Crimes, and consult with
20 international and regional organizations, including INTERPOL, ASEANAPOL,
21 and the ASEAN Centre for Biodiversity, to develop policies and measures
22 conducive to the optimal implementation of the UNTOC in relation to wildlife
23 crime, through regional and international cooperation, taking into account the
24 negative effects of organized crime on society in general, and in particular on
25 sustainable development.

26 CHAPTER V

27 WILDLIFE LAW ENFORCEMENT

28 **SEC. 44. Creation of Plantilla Positions for Wildlife Law**
29 **Enforcement.** – The DA, DENR and PCSD are hereby authorized to create,
30 subject to existing guidelines, permanent positions of Wildlife Enforcement
31 Agents, or designate their existing permanent employees as such from their
32 respective enforcement units. They shall have full authority to enforce the
33 provisions of this Act such as the conduct of surveillance activities, investigation,
34 application and service of search warrants, arrests of violators and seizures of
35 illegally possessed, collected, traded or transported wildlife, their by-products
36 and derivatives including the conveyances, tools and implements used thereto.
37 Wildlife Enforcement Agents are authorized to carry their agency's badge and

1 government firearms in the conduct of their duties, subject to the existing rules
2 on firearms and after proper training from any government facility.

3 **SEC. 45. Deputation of Wildlife Enforcement Officers.** – The DENR
4 and DA Secretaries, and the PCSD shall deputize wildlife enforcement officers
5 from nongovernment organizations, citizens’ groups, community organizations,
6 local government units and other volunteers who have undergone necessary
7 training for this purpose. The Philippine National Police (PNP), the National
8 Bureau of Investigation (NBI), the Bureau of Customs and other law enforcement
9 agencies shall designate wildlife enforcement officers. As such, the wildlife
10 enforcement officers shall have the full authority to seize illegally traded wildlife
11 and to arrest violators of this Act, subject to existing laws, rules and regulations
12 on arrest and detention. These agencies may also seek the cooperation of
13 International and Regional Organizations in the conduct of its investigation and
14 enforcement actions.

15 **SEC. 46. Creation of Wildlife Traffic Monitoring Units (WTMUs).** – The
16 DENR and DA Secretaries shall create WTMUs in strategic air and seaports all
17 over the country to ensure the strict compliance and effective implementation of
18 all existing wildlife laws, rules and regulations, including pertinent international
19 agreements. For this purpose, the DENR, DA or PCSD are authorized to add
20 in

1 their staffing pattern such number of Wildlife Inspector positions as may be
2 necessary, the appointees of which shall be assigned to WTMUs, and who shall
3 have the same powers and duties as Wildlife Enforcement Officers. National
4 government agencies with mandates on transportation and local government
5 units shall provide necessary assistance to such WTMUs.

6 Customs officers and the authorized representatives of other government
7 agencies or instrumentalities such as, those from the Office for Transportation
8 Security (OTS), the Civil Aviation Authority of the Philippines (CAAP), assigned
9 at air or seaports who may have discovered or intercepted wildlife commodities
10 in the discharge of their official functions shall bring such discovery to the
11 attention of, and turn over the intercepted wildlife, wildlife by-products and
12 derivatives to the wildlife traffic monitoring unit assigned in the area.

13 **SEC. 47. Wildlife Regulatory and Law Enforcement Management**
14 **Information System.** – The DENR, DA and PCSD shall develop, establish and
15 maintain a wildlife law enforcement management information system to aid in
16 the monitoring, regulation, control and surveillance of activities involving
17 wildlife, particularly the possession, transport and trade of wildlife, wildlife by-
18 products and derivatives.

19 **SEC. 48. Role of Local Government Units.** – Local government units
20 shall support the DENR, DA and PCSD in the implementation of this Act. Local
21 government units shall require the presentation of the appropriate and duly
22 issued wildlife permits or clearances by persons engaged in business activities
23 involving wildlife as a pre-requisite for the issuance or renewal of business
24 permits and other applicable local government permits and clearances to such
25 persons.

26 **SEC. 49. Public Participation.** - The participation of private citizens in
27 reporting and providing information on illegal wildlife trade shall be encouraged.
28 Any private person who shall provide any information leading to the
29 apprehension, prosecution and conviction of any offender for any violation of this
30 Act and its implementing rules and regulations, or confiscation of wildlife, its
31 derivatives or by-products, and all paraphernalia, tools and conveyances used
32 in connection with the violation, may be given a reward in an amount to be
33 determined through a policy guideline issued by the DENR. DA or the PCSD.

34 **SEC. 50. Strategic Lawsuit Against Public Participation in the**
35 **Enforcement of this Act.** – A legal action filed to harass, vex, exert undue
36 pressure, or stifle any legal recourse that any person, institution, or the
37 government has taken or may take in the enforcement of this Act shall be treated

1 as a strategic lawsuit against public participation.

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

7 If the court rejects the defense of a strategic lawsuit against public
8 participation, the evidence adduced during the summary hearing shall be treated
9 as evidence of the parties on the merits of the case. The action shall proceed in
10 accordance with the Rules of Court.

11 The Rules of Procedure for Environmental Cases shall govern the
12 procedure in civil, criminal, and special civil actions involving the enforcement
13 or violations of this Act, including actions treated as a strategic lawsuit against
14 public participation as provided in this section.

15 **CHAPTER VI**

16 **MISCELLANEOUS PROVISIONS**

17 **SEC. 51. *Wildlife Management Fund.*** – There is hereby established a
18 Wildlife Management Fund to be administered separately by the DENR, DA and
19 PCSD as a special account in the National Treasury. It shall finance
20 rehabilitation or restoration of habitats affected by acts committed in violation
21 of this Act and support scientific research, enforcement and monitoring
22 activities, procurement of vehicles, firearms and ammunitions, as well as
23 enhancement of capabilities of relevant agencies.

24 The Fund shall be derived from administrative and criminal fines imposed,
25 civil liabilities and damages awarded, proceeds from allowable disposition of
26 wildlife, wildlife by-products and derivatives, fees, charges, donations,
27 endowments, administrative fees or grants in the form of contributions.
28 Contributions to the Fund shall be exempt from donor's tax and all other tax
29 charges or fees imposed by the government. The administrative and criminal
30 fines imposed, civil liabilities and damages awarded shall accrue to the Wildlife
31 Management Fund of the DA, DENR or the PCSD, as the case may be.

32 **SEC. 52. *Tax Exemption.*** – All grants, bequests, endowments, donations
33 and contributions which may be made to the DENR, DA, PCSD and to NGOs and
34 people's organizations engaged in wildlife conservation, protection and law
35 enforcement duly registered with the Securities and Exchange Commission or
36 the Cooperative Development Authority, as certified by the local government
37 unit, the DENR, DA or PCSD, for the conservation and protection of wildlife

resources and their habitats shall be exempt from donor's tax and the same shall constitute as allowable deductions from gross income for purposes of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 53. *Wildlife Rescue Center.* – The DENR and DA Secretaries shall establish or designate wildlife rescue centers which shall take temporary custody and care of all confiscated, abandoned 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 DENR and DA Secretaries shall formulate guidelines for the disposition of wildlife from these rescue centers.

SEC. 54. *Establishment of National Wildlife Research Centers.* – The DENR and DA Secretaries and PCSD shall establish national and local wildlife research centers for terrestrial and aquatic species that shall 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 have the necessary tools, machines, equipment and facilities to conduct forensic analyses and other related capabilities for wildlife law enforcement. To further enrich scientific studies and explorations in the area of wildlife protection and conservation, the DENR, DA, and PCSD shall establish partnerships with experts from academic and research institutions and the legitimate wildlife trade industry.

SEC. 55. *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*), or the Philippine teak tree (*Tectona philippinensis*), which shall serve as emblems of conservation for the local government concerned. The DENR or DA Secretary, the PCSD or their authorized representatives may provide guidelines on the selection of flagship species.

SEC. 56. *Heritage Trees.* – In coordination with and 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 DENR or DA Secretary or PCSD or their authorized representatives may provide guidelines on the selection of heritage trees.

SEC. 57. Botanical Gardens, Zoological Parks and Other Similar Establishments. – The DENR or DA Secretary shall regulate the establishment, operation and maintenance of botanical gardens, zoological parks and other similar establishments for recreation, education, and conservation.

SEC. 58. *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.

SEC. 59. Communication, Education, Public Awareness, and Information Sharing. – The DENR, DA, PCSO and the Office of Special Envoy for Transnational Crimes shall undertake wildlife information awareness and wildlife crime prevention activities with the assistance of other national agencies and local government units. These agencies shall facilitate information sharing with other national agencies and pertinent agencies of the ASEAN and ASEAN member countries to further aid enforcement of the wildlife protection laws and address and deter wildlife trafficking and illegal wildlife trade.

CHAPTER VII

FINAL PROVISIONS

SEC. 60. Appropriations. – The Secretaries of the DENR, DA, and PCSD shall immediately include in their Department’s programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 61. *Implementing Rules and Regulations.* – Within twelve (12) months following the effectivity of this Act, the DENR and DA Secretaries shall jointly promulgate the rules and regulations to implement 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.

SEC. 62. *Report to Congress.* – The DENR and DA Secretaries and 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.

SEC. 63. *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

1 of six (6) members from the Senate and six (6) members from the House of
2 Representatives with the Chairpersons of the Committees on Environment of the
3 Senate and the Committee on Natural Resources of the House of
4 Representatives, respectively, as co-chairpersons of the Joint Committee. The
5 five (5) other members from each Chamber are to be designated by the Senate
6 President and the Speaker of the House of Representatives, respectively. The
7 minority party or bloc shall be entitled to *pro rata* representation but shall have
8 at least two (2) representatives from each Chamber.

9 **SEC. 64. Mandatory Review.** – The Congressional Oversight Committee
10 shall undertake the mandatory review of this Act at least once every five (5) years
11 after the effectivity of this Act, or as the need arises,

12 **SEC. 65. Separability Clause.** – If any provision of this Act is declared
13 unconstitutional or invalid, other parts or provisions hereof not affected shall
14 continue to be in full force and effect.

15 **SEC. 66. Repealing Clause.** – Republic Act No. 9147 is hereby repealed.
16 All other laws, ordinances, orders, rules, regulations and other issuances or
17 parts thereof which are inconsistent with this Act are hereby repealed, amended
18 or modified accordingly.

19 **SEC. 67. Effectivity.** - This Act shall take effect fifteen (15) days after
20 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,