



HOUSE OF REPRESENTATIVES

H. No. 9833

BY REPRESENTATIVES RAMIREZ-SATO, MACAPAGAL ARROYO, RODRIGUEZ, VILLAFUERTE, VARGAS, SUANSING (E.), SUANSING (H.), BARBERS, MANGAOANG, GATO, SAULOG, BASCUG, UNABIA, BAÑAS-NOGRALES, TY (D.), VIOLAGO, EBCAS, TAMBUNTING, VILLA, QUIMBO, HARESCO, DEFENSOR (L.), NUÑEZ-MALANYAON, OLIVAREZ, ESTRELLA, GO (M.), BIAZON, DAGOOC, CO (A.N.), NIETO, SUNTAY, PADIERNOS, GARIN (S.), GUYA, ESPINO, KHO (W.), DELOSO-MONTALLA, NOLASCO, TEJADA, FORTUN, FUENTEBELLA, PUNO, GARCIA (P.J.), JIMENEZ, REVILLA, SAVELLANO, LEGARDA, ECLEO, GORRICETA, ESCUDERO, DALIPE, AGABAS, BOLILIA, CABATBAT, BAUTISTA-BANDIGAN, CUA, CUARESMA, DAZA, DUAVIT, FARIÑAS I (R.C.), GARCIA (J.E.), GASATAYA, GO (E.C.), LIMKAICHONG, SAGARBARRIA, ZAMORA (W.K.), ABUEG-ZALDIVAR, BALINDONG, BORDADO, BRAVO, CARI, DALOG, DIMAPORO (A.), DUJALI, DY (F.), GULLAS, HOFER, LABADLABAD, MACEDA, NATIVIDAD-NAGAÑO, NAVA, OUANO-DIZON, PLAZA, SANCHEZ, TAN (A.S.), TIANGCO, TUTOR, VARGAS ALFONSO, VERGARA, CASTELO, ENVERGA, LARA, LACSON, LOYOLA, LUSOTAN, SANGCOPAN, TADURAN, YAP (V.), BARZAGA, YAP (E.), SALCEDA, SY-ALVARADO AND FARIÑAS (R.C.), PER COMMITTEE REPORT No. 1087

**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 conserve
4 and protect the country's wildlife resources and their habitats for sustainability
5 and to promote ecological balance, enhance biological diversity, and ensure the
6 provision of ecosystem services. In the pursuit of this policy, this Act shall have
7 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 the
12 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
16 diversity and sustainable utilization of wildlife resources;

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

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

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

24 **SEC. 4. *Jurisdiction of the Department of Environment and Natural***
25 ***Resources (DENR), the Department of Agriculture (DA), and the Palawan Council***
26 ***for Sustainable Development (PCSD)***. – The DENR shall have jurisdiction over all
27 terrestrial plant and animal species including turtles and tortoises, wetland
28 species, including crocodiles, waterbirds and all amphibians and the *Dugong*
29 *Dugon* or *Dugong*. The DA shall have jurisdiction over all declared aquatic critical

1 habitats, all aquatic resources including all fishes, aquatic plants, invertebrates
2 and all marine mammals, except the Dugong. The Secretaries of the DENR and
3 the DA shall review and, by joint administrative order, revise and regularly
4 update the list of species under their respective jurisdictions and make the list
5 readily available to all concerned government agencies and local government
6 units. In the Province of Palawan, jurisdiction herein conferred is vested on the
7 PCSD pursuant to Republic Act No. 7611, otherwise known as the “Strategic
8 Environmental Plan (SEP) for Palawan Act”.

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

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

14 (b) *Biological resources* refer to genetic resources, organisms or parts
15 thereof, populations or any other biotic component of ecosystems with actual or
16 potential use or value for humanity, including all biological specimen such as
17 plants, seeds, tissues and other propagation materials, animals, live or preserved,
18 whether whole or in part;

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

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

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

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

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

34 (h) *Certificate of Wildlife Registration* refers to a document authorizing a

1 person to possess wildlife, wildlife by-products and derivatives;

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

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

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

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

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

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

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

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

25 (q) *Gratuitous permit* refers to the permit issued to any person to collect
26 wildlife for non-commercial scientific, or educational undertaking;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (gg) *Threatened species* refers to species or subspecies considered as
34 critically endangered, endangered, vulnerable, or other accepted categories of

1 wildlife which is at risk of extinction;

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

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

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

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

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

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

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

22 (oo) *Wildlife laundering* refers to the process by which wildlife traders
23 disguise the origin and ownership of illegally acquired wildlife by making such
24 appear to have been derived from a legitimate source to circumvent wildlife laws
25 and regulations;

26 (pp) *Wildlife rescue center* refers to a government established or
27 designated repository of confiscated, donated, retrieved, or turned-over wildlife or
28 an establishment where sick, injured, confiscated wildlife are temporarily kept
29 and rehabilitated prior to the release to their natural habitat or implementation
30 of other modes of disposition as may be authorized by the DENR, DA, or the PCSD;

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

34 (rr) *Wildlife Special Use Permit* refers to a permit authorizing the holder

1 thereof to utilize legally possessed or acquired wildlife, wildlife by-products and
2 derivatives for local shows, exhibitions, or educational purposes or to collect
3 economically important species for direct trade purposes;

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

7 CHAPTER II

8 CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES

9 ARTICLE I

10 General Provisions

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

17 The DENR, DA and PCSD shall establish their respective National Wildlife
18 Management Committee (NWMC) to provide technical and scientific advice on
19 wildlife conservation and protection. Each NWMC shall be composed of
20 representatives from the DENR, DA or PCSD, other concerned government
21 agencies, and local scientists with expertise on various fields of discipline on
22 wildlife. The NWMC shall invite other stakeholders as resource persons and other
23 experts, when necessary. The DENR, DA or PCSD shall act as Chairperson of their
24 respective NWMC.

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

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

1 **SEC. 8. *Economically Important Species.*** – The DENR, DA, and PCSD shall
2 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 this
8 purpose, the DENR, DA, and PCSD shall establish a schedule and volume of
9 allowable harvests.

10 Whenever an economically important species becomes threatened, any form
11 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 having
17 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, and
19 the PCSD, shall jointly establish the list of invasive and potentially invasive alien
20 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 PSCD 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, while
31 the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA shall be the
32 authority with respect to aquatic resources Finally, pursuant to Republic Act No.
33 7611, the Palawan Council for Sustainable Development, shall manage the
34 implementation of international agreements on international trade endangered

1 species of wild fauna and flora, terrestrial resources and aquatic resources in the
2 province of Palawan.

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

17 ARTICLE II

18 Permissible Activities

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

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

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

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

4 **SEC. 14. *Local Transport of Wildlife, By-Products and Derivatives.*** – Local
5 transport of wildlife, wildlife by-products and derivatives legally collected or
6 possessed shall be authorized by the concerned agency unless the same is
7 prejudicial to the wildlife and public health.

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

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

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

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

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

7 Before any permit shall be granted by the DENR and DA Secretaries, and
8 the PCSD chairperson or their authorized representatives, the proponent shall
9 secure the free, prior and informed consent of the concerned indigenous cultural
10 communities, local communities, pursuant to pursuant to RA 8731 or the
11 “*Indigenous Peoples’ Rights Act of 1997,*” and of the Protected Area Management
12 Board under RAs 7586 and 11038, or from any affected person. The applicant shall
13 fully disclose the intent and scope of the bioprospecting activity in a language and
14 process understandable to the community.

15 Whenever applicable and appropriate, a local institution shall be tapped to
16 be involved in the research, collection, and technological development of the
17 product or products derived from the wildlife biological and genetic resources.
18 Upon submission of the complete requirements, the DENR and DA Secretaries,
19 and PCSD chairperson shall act on the research proposal within a reasonable
20 period of time.

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

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

33 **SEC. 20. *Commercial Breeding or Propagation of Wildlife Resources.*** –
34 Breeding or propagation of wildlife for commercial purposes shall be allowed by

1 the DENR Secretary, DA Secretary, PCSD chairperson, or their authorized
2 representatives pursuant to Section 6 of this Act through the issuance of wildlife
3 farm or culture permit: *Provided*, That only propagated flora, progenies of wild
4 fauna raised, or specimens therefrom, as well as unproductive parent stock shall
5 be utilized for trade: *Provided, further*, That commercial propagation and breeding
6 operations for wildlife, whenever appropriate, shall be subject to an environmental
7 impact study.

8 **SEC. 21. *Collection of Threatened Wildlife, By-Products and Derivatives.* –**

9 The collection of threatened wildlife, as determined and listed pursuant to this
10 Act, including its by-products and derivatives, shall be allowed only for scientific,
11 or breeding or propagation purposes in accordance with Section 6 of this Act. Only
12 persons accredited by the DENR Secretary, DA Secretary, or the PCSD
13 Chairperson shall be allowed to collect for conservation breeding or propagation
14 purposes.

15 **SEC. 22. *Conservation Breeding or Propagation of Threatened Species.* –**

16 Conservation breeding or propagation of threatened species shall be encouraged
17 in their natural habitats. It shall be done simultaneously with the rehabilitation
18 and protection of the habitat where the captive-bred or propagated species shall
19 be released, reintroduced, or restocked.

20 **SEC. 23. *Commercial Breeding or Propagation of Threatened Species* –**

21 Commercial breeding or propagation of threatened species may be allowed
22 provided that the following minimum requirements are met by the applicant:

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

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

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

30 **ARTICLE III**

31 **Permits, Fees and Charges**

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

1 validity according to the following:

- | | | |
|----|--|------------------------------|
| 2 | (1) Wildlife farm or culture permit | three (3) to five (5) years; |
| 3 | (2) Wildlife collector's permit | one (1) to three (3) years; |
| 4 | (3) Gratuitous permit | one (1) to three (3) years; |
| 5 | (4) Local transport permit | not more than three (3) |
| 6 | | months; |
| 7 | (5) Special Local Transport Permit | not more than three (3) |
| 8 | | months; |
| 9 | (6) Wildlife Local Trade Permit | one (1) year; |
| 10 | (7) Wildlife Special Use Permit | one (1) to three (3) years; |
| 11 | (8) Export/Import/Re-export Permit | one (1) to six (6) months; |
| 12 | (9) Certificate of Introduction from the Sea | one (1) to six (6) months |

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

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

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

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

32 **ARTICLE IV**
33 **Protection of Threatened Species**

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

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

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

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

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

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

21 **SEC. 27. *Registration of Threatened and Exotic Wildlife in the Possession***
22 ***of Private Persons.*** – Threatened and exotic wildlife possessed without a
23 Certificate of Wildlife Registration shall be confiscated in favor of the government
24 and the person in possession shall be subject to the penalties provided in this Act.
25 Certificates of Wildlife Registration shall be issued only for the following:

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

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

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

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

5 ARTICLE V

6 Critical Habitats

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

14 All designated critical habitats shall be protected, in coordination with the
15 local government units, indigenous peoples, and other concerned groups, from any
16 form of exploitation or destruction which may be detrimental to the survival of the
17 threatened species dependent therein. For such purpose, the DENR or DA
18 Secretary, and PCSD chairperson may acquire, by purchase, donation or
19 expropriation, lands, or interests therein, including the acquisition of usufruct,
20 establishment of easements or other undertakings appropriate in protecting the
21 critical habitat.

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

29 CHAPTER III

30 WILDLIFE CRIMES

31 ARTICLE I

32 Illegal Acts

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

1 the following acts:

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

5 (i) when it is done as part of the religious rituals of established tribal
6 groups or indigenous cultural communities;

7 (ii) when the wildlife is afflicted with an incurable communicable
8 disease;

9 (iii) when it is deemed necessary to put an end to the misery suffered
10 by the wildlife;

11 (iv) when it is done to prevent an imminent danger to the life or limb of
12 a human being;

13 (v) when the wildlife is killed or destroyed after it has been used in
14 authorized research or experiments; and

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

18 (b) Injuring, Crippling, or impairing the reproductive system of wildlife
19 species;

20 (c) Effecting any of the following acts in critical habitats:

21 (i) dumping of waste products detrimental to wildlife and the critical
22 habitat;

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

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

27 (iv) burning;

28 (v) logging;

29 (vi) quarrying.

30 (vii) land reclamation;

31 (viii) disturbing wildlife through activities that endanger flora, fauna
32 and their habitats; and

33 (ix) introduction, whether intentional or not, of substance or any man-
34 made or anthropogenic material, agent or medium that endangers

1 the habitat or renders habitat no longer viable for wildlife

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

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

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

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

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

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

15 (j) Wildlife laundering; and

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

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

26 Wildlife trafficking is also committed under any of the following
27 circumstances, whether domestic or transnational: (a) When one or more persons
28 agree to commit any of the aforementioned illegal acts for a purpose relating
29 directly or indirectly to obtaining of financial or other material benefit from any
30 crime defined in this Act, including any act undertaken by one of the participants
31 in furtherance of the agreement or involving an organized criminal group; (b)
32 When a person who, with knowledge of either the aim and general criminal
33 activity of an organized criminal group or its intention to commit the crimes in
34 question, takes an active part in criminal activities of the organized criminal group

1 or other activities of the organized criminal group in the knowledge that the
2 participation will contribute to the achievement of the above-described criminal
3 aim; and (c) Organizing, directing, aiding, abetting, facilitating or counselling the
4 commission of any of the illegal acts defined under this Act involving an organized
5 criminal group.

6 7 **ARTICLE II**

8 **Penalties**

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

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

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

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

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

31 (e) *Prision correccional* in its minimum period or imprisonment of not less
32 than six (6) months and one (1) day but not more than two (2) years and
33 four (4) months, or a fine of not less than Twenty thousand pesos
34 (P20,000.00) but not more than Two hundred thousand pesos (P200,000.00),

1 or both, if the illegal act involved other wildlife species.

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

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

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

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

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

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

28 For illegal acts described under paragraphs (c) and (d) of Sec.29 of this Act,
29 the penalty involved is *arresto mayor* to *prision mayor* in its minimum period or
30 imprisonment of not less than one (1) month and one (1) day but not more than
31 eight (8) years, or a fine of not less than Ten thousand pesos (P10,000.00) but not
32 more than Ten million pesos (P10,000,000.00), or both, shall be imposed. If a
33 critical habitat requires rehabilitation or restoration as a result of the illegal act
34 as determined by the Court, the offender shall be additionally required to restore

1 the same, whenever practicable, or pay additional compensation for the damage
2 caused.

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

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

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

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

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

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

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

32 a) *Prision correccional* in its medium period or imprisonment of not less
33 than two (2) years, four (4) months and one (1) day but not more than four
34 (4) years and two (2) months, or a fine of not less than Sixty thousand pesos

1 (P60,000.00) but not more than Six hundred thousand pesos (P600,000.00),
2 or both, if the illegal act involved critically endangered species;

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

8 (c) *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 Twenty thousand pesos
11 (P20,000.00) but not more than Two hundred thousand pesos (P200,000.00),
12 or both, if the illegal act involved vulnerable species;

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

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

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

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

33 (b) *Arresto mayor* in its maximum period or imprisonment of not less than
34 four (4) months and one (1) day but not more than six (6) months, or a fine of

1 not less than Forty thousand pesos (P40,000.00) but not more than One
2 hundred thousand pesos (P100,000.00), or both, if the illegal act involved
3 endangered species;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 act involved other protected wildlife species.

2 **SEC. 32. *Criminal Liabilities and Disqualification.*** – (a) If the violation is
3 committed by a corporation, cooperative, association or any other juridical person,
4 such as airfreight, shipping, trucking or forwarding companies, the penalty shall
5 be imposed upon the president, director or directors, managers, managing partner,
6 or other official thereof responsible for such violation: *Provided, That,* the fine
7 shall be doubled: *Provided, further,* That the liability imposed on the juridical
8 person shall be without prejudice to the criminal liability of the natural person
9 who actually committed the offense.

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

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

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

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

26 **ARTICLE III**

27 **Disputable Presumptions and Qualifying Circumstances**

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

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

1 injury, maltreatment, collection, hunting of wildlife, wildlife by-products and
2 derivatives, as appropriate;

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

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

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

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

- 20 a. More than one (1) specimen of a critically endangered species;
- 21 b. More than five (5) of specimens of an endangered species;
- 22 c. More than eight (8) specimens of a vulnerable species;
- 23 d. More than ten (10) specimens of a near threatened species;
- 24 e. More than fifteen (15) specimens of other wildlife species;
- 25 d. More than twenty (20) wildlife specimens of any classification;

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

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

33 **SEC 37. *Penalties for Recidivists.*** – The maximum applicable penalty shall
34 be imposed upon a recidivist who commits any of the illegal acts punishable under

1 this Act. A recidivist refers to a person who, at the time of the trial for violation
2 of this Act, shall have been previously convicted by final judgment of the same or
3 another violation of this Act.

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

7 **ARTICLE IV**

8 **Administrative Adjudication**

9 **SEC. 39. *Authority to Adjudicate and Administer Penalties.*** – The
10 Secretaries of the DENR and DA, PCSD chairperson, or their respective
11 authorized representatives shall exercise administrative adjudication,
12 confiscation, and forfeiture powers, including the power to cite in contempt, in all
13 cases of violations of this Act. They may also impose administrative sanctions such
14 as payment of fines, or order the suspension or cancellation of existing wildlife
15 permits and disqualification from issuance of future permits, the closure of
16 establishment, or the confiscation and forfeiture of all wildlife, wildlife by-products
17 and derivatives, and all paraphernalia, tools and conveyances used in connection
18 with the violation, and to dispose of the same in accordance with pertinent laws,
19 regulations or policies on the matter. The Secretaries of the DENR and DA, PCSD
20 chairperson, or their respective authorized representatives may, after due notice
21 and hearing, cancel or suspend wildlife permits, clearances, agreements and/or
22 certificates issued to persons found to have violated any provision of this Act, rules
23 and regulations issued to implement it, or the terms of the permits, agreements or
24 certificates. The Secretaries of the DENR and the DA, and the PCSD chairperson
25 shall issue appropriate procedural rules and regulations for the administrative
26 adjudication of violations of this Act.

27 **CHAPTER IV**

28 **Transnational Wildlife Crimes**

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

34 (a) In more than one State;

1 (b) In one State, but a substantial part of its preparation, planning,
2 direction or control takes place in another State;

3 (c) In one State, but involves an organized criminal group that engages in
4 criminal activities in more than one State; or

5 (d) In one State, but has substantial effects on another State.

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

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

17 **SEC. 42. *Collection, Exchange, and Analysis of Information on the Nature***
18 ***of Transnational Wildlife Crime.*** – The PCTC shall consolidate and analyze, in
19 consultation with the scientific and academic communities and other relevant
20 international and regional organizations, including International Criminal Police
21 Organization (INTERPOL) and Association of Southeast Asian Nation National
22 Police (ASEANAPOL), consolidate and analyze the trends in organized crime in
23 its territory, the circumstances in which organized crime operates, as well as the
24 professional groups and technologies involved. The PCTC shall also consider
25 developing and sharing analytical expertise concerning organized criminal
26 activities with other international and regional organizations. For these purposes,
27 common definitions, standards and methodologies should be developed and
28 applied, as appropriate.

29 **SEC. 43. *Policies and Other Measures to Address Transnational Wildlife***
30 ***Crime.*** – The PCTC shall work with the DENR, DA, PCSD and the Office of the
31 Special Envoy for Transnational Crimes, and consult with international and
32 regional organizations, including INTERPOL, ASEANAPOL, and the ASEAN
33 Centre for Biodiversity, to develop policies and measures conducive to the optimal
34 implementation of the UNTOC in relation to wildlife crime, through regional and

1 international cooperation, taking into account the negative effects of organized
2 crime on society in general, and in particular on sustainable development.

3 CHAPTER V

4 WILDLIFE LAW ENFORCEMENT

5 **SEC. 44. *Creation of Plantilla Positions for Wildlife Law Enforcement.*** –

6 The DA, DENR and PCSD are hereby authorized to create, subject to existing
7 guidelines, permanent positions of Wildlife Enforcement Agents, or designate
8 their existing permanent employees as such from their respective enforcement
9 units. They shall have full authority to enforce the provisions of this Act such as
10 the conduct of surveillance activities, investigation, application and service of
11 search warrants, arrests of violators and seizures of illegally possessed, collected,
12 traded or transported wildlife, their by-products and derivatives including the
13 conveyances, tools and implements used thereto. Wildlife Enforcement Agents are
14 authorized to carry their agency's badge and government firearms in the conduct
15 of their duties, subject to the existing rules on firearms and after proper training
16 from any government facility.

17 **SEC. 45. *Deputation of Wildlife Enforcement Officers.*** – The DENR and

18 DA Secretaries, and the PCSD shall deputize wildlife enforcement officers from
19 nongovernment organizations, citizens' groups, community organizations, local
20 government units and other volunteers who have undergone necessary training
21 for this purpose. The Philippine National Police (PNP), the National Bureau of
22 Investigation (NBI), the Bureau of Customs and other law enforcement agencies
23 shall designate wildlife enforcement officers. As such, the wildlife enforcement
24 officers shall have the full authority to seize illegally traded wildlife and to arrest
25 violators of this Act, subject to existing laws, rules and regulations on arrest and
26 detention. These agencies may also seek the cooperation of International and
27 Regional Organizations in the conduct of its investigation and enforcement
28 actions.

29 **SEC. 46. *Creation of Wildlife Traffic Monitoring Units (WTMUs).*** – The

30 DENR and DA Secretaries shall create WTMUs in strategic air and seaports all
31 over the country to ensure the strict compliance and effective implementation of
32 all existing wildlife laws, rules and regulations, including pertinent international
33 agreements. For this purpose, the DENR, DA or PCSD are authorized to add 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 units
5 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 in
10 the discharge of their official functions shall bring such discovery to the attention
11 of, and turn over the intercepted wildlife, wildlife by-products and derivatives to
12 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 the
16 monitoring, regulation, control and surveillance of activities involving wildlife,
17 particularly the possession, transport and trade of wildlife, wildlife by-products
18 and derivatives.

19 **SEC. 48. *Role of Local Government Units.*** – Local government units shall
20 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 permits
24 and other applicable local government permits and clearances to such persons.

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

33 **SEC. 50. *Strategic Lawsuit Against Public Participation in the***
34 ***Enforcement of this Act.*** – A legal action filed to harass, vex, exert undue pressure,

1 or stifle any legal recourse that any person, institution, or the government has
2 taken or may take in the enforcement of this Act shall be treated as a strategic
3 lawsuit against public participation.

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

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

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

17 CHAPTER VI

18 MISCELLANEOUS PROVISIONS

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

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

34 **SEC. 52. *Tax Exemption.*** – All grants, bequests, endowments, donations

1 and contributions which may be made to the DENR, DA, PCSD and to NGOs and
2 people's organizations engaged in wildlife conservation, protection and law
3 enforcement duly registered with the Securities and Exchange Commission or the
4 Cooperative Development Authority, as certified by the local government unit, the
5 DENR, DA or PCSD, for the conservation and protection of wildlife resources and
6 their habitats shall be exempt from donor's tax and the same shall constitute as
7 allowable deductions from gross income for purposes of computing the taxable
8 income of the donor in accordance with the provisions of the National Internal
9 Revenue Code of 1997, as amended.

10 **SEC. 53. *Wildlife Rescue Center.*** – The DENR and DA Secretaries shall
11 establish or designate wildlife rescue centers which shall take temporary custody
12 and care of all confiscated, abandoned or donated wildlife to ensure their welfare
13 and well-being. Such wildlife rescue centers shall be staffed by permanent
14 qualified personnel and shall also have the necessary tools, machines, equipment
15 and facilities consistent with the requirements of animal health and welfare. The
16 DENR and DA Secretaries shall formulate guidelines for the disposition of wildlife
17 from these rescue centers.

18 **SEC. 54. *Establishment of National Wildlife Research Centers.*** – The
19 DENR and DA Secretaries and PCSD shall establish national and local wildlife
20 research centers for terrestrial and aquatic species that shall lead in the conduct
21 of scientific researches on the proper strategies for the conservation and protection
22 of wildlife, including captive breeding or propagation. Such research centers shall
23 be staffed by permanent qualified personnel and shall have the necessary tools,
24 machines, equipment and facilities to conduct forensic analyses and other related
25 capabilities for wildlife law enforcement. To further enrich scientific studies and
26 explorations in the area of wildlife protection and conservation, the DENR, DA,
27 and PCSD shall establish partnerships with experts from academic and research
28 institutions and the legitimate wildlife trade industry.

29 **SEC. 55. *Flagship Species.*** – Local government units shall initiate
30 conservation measures for wildlife species in their areas. For this purpose, they
31 may adopt flagship species such as the Cebu black shama (*Copsychus cebuensis*),
32 tamaraw (*Bubalus mindorensis*), Philippine tarsier (*Tarsius syrichta*), or the
33 Philippine teak tree (*Tectona philippinensis*), which shall serve as emblems of
34 conservation for the local government concerned. The DENR or DA Secretary, the

1 PCSD or their authorized representatives may provide guidelines on the selection
2 of flagship species.

3 **SEC. 56. *Heritage Trees.*** – In coordination with and assistance from the
4 DENR or PCSD, local government units shall declare or designate as heritage
5 trees certain qualified endemic or indigenous tree species within their territorial
6 jurisdiction. The DENR or DA Secretary or PCSD or their authorized
7 representatives may provide guidelines on the selection of heritage trees.

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

12 **SEC. 58. *Registration of Museum Specimens.*** – Except for the National
13 Museum, all other museums and similar establishments displaying wildlife by-
14 products and derivatives for public viewing shall register said specimens with the
15 DENR, DA or PCSD, as the case may be.

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

24 CHAPTER VII

25 FINAL PROVISIONS

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

30 **SEC. 61. *Implementing Rules and Regulations.*** – Within twelve (12)
31 months following the effectivity of this Act, the DENR and DA Secretaries shall
32 jointly promulgate the rules and regulations to implement this Act. Whenever
33 appropriate, coordination in the preparation and implementation of rules and
34 regulations on joint and inseparable issues shall be done by the DENR, DA and

1 PCSD. The commitments of the State to international agreements and protocols
2 shall likewise be a consideration in the implementation of this Act.

3 **SEC. 62. *Report to Congress.*** – The DENR and DA Secretaries and PCSD
4 shall report to Congress, not later than March 30 of every year following the
5 approval of this Act, the progress of efforts to conserve and protect Philippine
6 wildlife resources and make the necessary recommendations in areas where there
7 is need for legislative action.

8 **SEC. 63. *Joint Congressional Oversight Committee.*** – There is hereby
9 created a Joint Congressional Oversight Committee to monitor and oversee the
10 implementation of the provisions of this Act. The Committee shall be composed of
11 six (6) members from the Senate and six (6) members from the House of
12 Representatives with the Chairpersons of the Committees on Environment of the
13 Senate and the Committee on Natural Resources of the House of Representatives,
14 respectively, as co-chairpersons of the Joint Committee. The five (5) other
15 members from each Chamber are to be designated by the Senate President and
16 the Speaker of the House of Representatives, respectively. The minority party or
17 bloc shall be entitled to *pro rata* representation but shall have at least two (2)
18 representatives from each Chamber.

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

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

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

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

Approved,