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SENATE

S. No. 2733

RECEIVED BY: 

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Section 16, Article II of the 1987 Constitution provides that "the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature".

One of the world's most biologically diverse areas, the Philippines has been described by some conservationists as being on the brink of a major wildlife crisis.

On land, over 50% of the 1,114 vertebrate species are endemic in the Philippines and found nowhere else on earth. While in the air, there are nearly 600 bird species, of which 195 are endemic in our country alone. However, this biodiversity is under threat. Islands once covered in undisturbed forest habitat are now under cultivation to feed the demands of the expanding population. Deforestation, hunting and a lack of wildlife management has led to the Philippines being described as not just as a conservation 'hotspot' - an area of concern - but the 'hottest of the hotspots'. Many conservationists are warning that without immediate intervention, the Philippines are on the brink of a major wildlife crisis. Species such as the Cebu flower pecker, the Golden-crowned flying fox, the Philippine cockatoo, the Negros forest frog, the Philippine crocodile, and the Philippine eagle are now threatened with extinction.

The forests that once covered 94% of the land now constitute only around 7%, which is the result of legal logging in the twentieth century and illegal logging in more recent years. For a struggling nation like the Philippines, the toughest job of all is striking a balance between the needs of its human population and the needs of its other inhabitants.

This proposed measure seeks to establish an "Adopt-a-Wildlife Species Program" which shall be implemented in all appropriate areas of the country with the active participation, involvement and assistance of the local government units (LGUs), non-governmental organizations (NGOs), people's organizations (POs), civil society groups and private individuals. The program shall seek to conserve and protect biological diversity and promote ecologically sustainable development, prevent species extinction and promote the protection of threatened species and their habitats, and encourage the conservation of threatened species and their habitats through the active participation of the private sector and all other sectors of society.

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

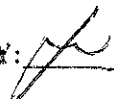

MANUEL "LITO" M. LAPID
Senator



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AN ACT
ESTABLISHING AN "ADOPT-A-WILDLIFE SPECIES PROGRAM",
PROVIDING INCENTIVES THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the "**Adopt-a-Wildlife Species Act of 2011**".

SEC. 2. Declaration of Policy. – The State is mandated under Section 16, Article II of the Constitution to "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature". Towards this end, it is the policy of the State, as declared under Republic Act No. 9147, to conserve the country's wildlife resources and their habitats for sustainability by: (a) conserving and protecting wildlife species and their habitat to promote ecological balance and enhance biological diversity; (b) regulating the collection and trade of wildlife; (c) pursuing with due regard to the national interest the Philippine commitment to international conventions on the protection of wildlife and their habitats; and (d) initiating or supporting scientific studies on the conservation of biological diversity.

Consistent with this policy, the State, under Republic Act No. 7586, has established a National Integrated Protected Areas System (NIPAS) covering habitats of rare, threatened and endangered species of plants and animals along with biographic zones and related ecosystems.

SEC. 3. Adopt-a-Wildlife Species Program. – Pursuant to the aforesaid national policy, there is hereby established an "**Adopt-a-Wildlife Species Program**" which shall be implemented in all appropriate areas of the country with the active participation, involvement and assistance of the local government units (LGUs), non-governmental organizations (NGOs), people's organizations (POs), civil society groups and private individuals.

The program shall have the following objectives:

(a) To conserve and protect biological diversity and promote ecologically sustainable development;

(b) To prevent species extinction and promote the protection of threatened species and their habitats; and

(c) To encourage the conservation of threatened species and their habitats through the active participation of the private sector and all other sectors of society.

SEC. 4. Memorandum of Agreement (MOA). – A Memorandum of Agreement (MOA) stipulating the terms and conditions for the adoption of a wildlife shall be executed by and between the adopting entity or individual and the Secretary of the Department of Environment and Natural Resources (DENR), or the Secretary of the Department of Agriculture (DA), or the Chairman of the Palawan Council for Sustainable Development (PCSD) or their duly authorized representatives, whichever government agency has jurisdiction over the selected wildlife species in accordance with Republic Act No. 9147.

The above parties, in preparing the MOA and in deciding the terms and conditions to be included in it, must consider the following:

- (a) The most efficient and effective use of available resources for the conservation and protection of a threatened species and/or its habitat;
- (b) The minimization of any significant adverse social and economic consequences;
- (c) Measures by which the public may cooperate in the conservation of a threatened species and/or its habitat;
- (d) Special knowledge or interest that indigenous people may have in the species and habitat concerned; and
- (e) Acquiring expert and professional assistance.

The MOA shall among others:

- (1) Identify the threatened species and/or its habitat that will be covered by the program;
- (2) Identify any process or processes that threaten the species and/or its habitat;
- (3) Specify measures to be undertaken to ensure the conservation and protection of the threatened species and/or its habitat;
- (4) Enumerate performance indicators that are to be used in evaluating the conservation and protection of the species and/or its habitat; and
- (5) Identify private organizations or individuals and/or public authorities who may be involved in the implementation of the measures included in the MOA.

The MOA shall be effective for at least two (2) years, which may be extended upon mutual agreement of the parties: *Provided*, That such period may be shortened in the event the adopting entity is dissolved or the adopting individual dies without any willing and qualified successor before the expiration of the contract period, unless the MOA is earlier terminated in accordance with Section 6 hereunder; *Provided, further*, That if the adopting entity or individual chooses to assign the implementation of the program to another qualified entity or individual, such assignment shall be in writing to be approved by the head of the government agency concerned or his/her duly authorized representative.

SEC. 5. National Technical Committee and Regional Monitoring Committee. – The Secretary of the DENR, the Secretary of the DA and the Chairman of the PCSD shall establish in their respective agencies the following committees:

(a) A National Technical Committee (NTC), composed of ranking officials and experts in the field of wildlife conservation and management, including representatives from the private sector who are engaged in biodiversity conservation, to formulate the design and mechanics of the implementation of the program. The NTC shall likewise

meet once every three (3) months or as often as necessary to process project proposals submitted by parties interested in participating in the program, and submit appropriate recommendations to the concerned government agency head; and

(b) A Regional Monitoring Committee (RMC), composed of ranking PCSD officials from the regional down to the provincial and municipal/community levels, to conduct periodic monitoring, review and evaluation of the performance of the adopting entity or individual, the results of which shall be the basis in the assessment of the application for tax credits and incentives by the adopting entity or individual, or in the pre-termination of the MOA when deemed appropriate like in cases of abandonment or insolvency of the adopting entity or individual or its serious violations of the MOA.

SEC. 6. *Obligations of the Adopting Entity or Individual.* – The following shall be the obligations of the adopting entity or individual:

(a) Comply strictly with the terms and conditions stipulated in the MOA referred to in Section 4; and

(b) Perform such other obligations or undertakings as may be required by the national government agency having jurisdiction over the subject wildlife species, consistent with the conservation policies enunciated in Republic Act No. 9147.

SEC. 7. *Tax Exemption and Incentives.* – Any donation, contribution, bequest or grant which shall be made to the “Adopt-a-Wildlife Species Program” under the DENR, the DA and the PCSD shall be exempt from the donor’s tax and the same shall be considered as allowable deduction from gross income in the computation of the donor’s income tax, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 8. *Implementing Rules and Regulations (IRR).* – The Secretary of the DENR, the Secretary of the DA and the Chairman of the PCSD, or their duly authorized representatives, shall, in consultation with the Department of Finance (DOF), jointly formulate the rules and regulations to implement the relevant provisions of this Act.

SEC. 9. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year’s appropriations of the DENR, the DA and the PCSD. Thereafter, such amounts as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 10. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the validity of the other provisions shall not be affected by such declaration.

SEC. 11. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,